

**Reforming the Energy Vision  
Demonstration Project Implementation Contractor  
Request for Proposal RFP 3083**

**Proposals Must Be Received by 5 PM on: March 5, 2015**

In keeping with the “Notice Encouraging the Development of Demonstration Project Proposals” issued by the New York State Public Service Commission (PSC) on December 12, 2014 (December 12 Notice)<sup>1</sup>, NYSERDA seeks proposals from qualified organizations interested in providing assistance and working with utilities and other interested parties to identify business opportunities that may develop into Reforming the Energy Vision (REV) demonstration projects.

The primary deliverables associated with this engagement are 4-8 summaries describing partnerships facilitated between utilities and third-parties which will submit REV demonstration project proposals to the PSC, consistent with the principles articulated in the December 12 Notice. Preference will be given to responses that provide for delivery of summaries within six (6) months of contract execution.

As described in the Notice, demonstration projects are intended to test new business models and services and to provide investor owned utilities with experience managing the grid with distributed resources. They will also inform the REV regulatory proceeding itself. The selected contractor will assist a team of staff from NYSERDA, DPS, and other interested state entities (State Team) in working with third parties and investor owned utilities to develop new business models for REV demonstration projects.

**Proposal Submission:** Electronic submission is preferable. NYSERDA 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 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 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 3083, New York State Energy Research and Development

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<sup>1</sup> CASE 14-M-0101 - Proceeding on Motion of the Commission in Regard to Reforming the Energy Vision, Memorandum and Resolution on Demonstration Projects (Issued December 12, 2014).

Authority, 17 Columbia Circle, Albany, NY 12203-6399. Questions regarding this RFP should be directed to John Saintcross, 518-862-1090 ext: 3384 ([john.saintcross@nyserda.ny.gov](mailto:john.saintcross@nyserda.ny.gov)), or Micah Kotch, 212-971-5342 ext:3080 ([micah.kotch@nyserda.ny.gov](mailto:micah.kotch@nyserda.ny.gov)). Contractual questions should be directed to Nancy Marucci, 518-862-1090 ext: 3335 ([nancy.marucci@nyserda.ny.gov](mailto:nancy.marucci@nyserda.ny.gov)).

No communication intended to influence this procurement is permitted except by contacting Micah Kotch (designated contact), 212-971-5342 ext: 3080 ([micah.kotch@nyserda.ny.gov](mailto:micah.kotch@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](http://www.nyserda.ny.gov).

## I. INTRODUCTION

### Reforming the Energy Vision

New York State's Reforming the Energy Vision (REV) initiative is designed to create a more dynamic, resilient, clean, valuable, and affordable energy system. To achieve these ends, the State is evolving from a mandate and monopoly driven approach to a more competitive market based system. By introducing more competitive market incentives, New York seeks to unlock innovative solutions and business models and attract more private capital to modernize its energy system.

REV's initial focus is on the electric utility sector, an industry that has remained largely unchanged since the age of Thomas Edison. For the past century, utilities have sold and delivered electricity to customers in one-way relationships and through centralized, command and control infrastructure. The strong central grid and power plant backbone is vital, but it needs to be modernized. REV seeks to create the conditions for the grid to become a modern, dynamic platform that hosts a wide range of solutions and better supports the technologies, trends, and needs of the 21st century.

The State is seeking, consistent with the December 12 PSC Notice, demonstration projects that test new services and business models and provide the investor owned utility with experience managing the grid with distributed resources such as distributed generation, energy storage, demand response and energy efficiency. As provided in the December 12 Notice, utilities and third party companies will have regulatory leeway to identify and test these new business models. In so doing, these projects will illustrate what the REV future could look like and inform the regulatory proceeding itself.

One of the fundamental recognitions in the REV proceeding is that our electricity grid contains a diverse set of value streams related to data, comfort, convenience, energy, capacity (generation and T&D), and ancillary services, among others. Demonstration projects will show how new technologies and business models can capitalize on these various value streams and how the benefits can be distributed between the utility, third parties, and customers.

As an example of the kinds of new business models that could develop out of this process, a utility could create revenues from demonstration projects not through a rate-based investment, but by charging a fee for providing data, system access, or financing. And a third party could make money by responding to a new price signal for load shaping that includes various value streams.

The demonstration projects will also help identify the kinds of price signal, tariff, data, and consumer protection regulations necessary to scale these opportunities and ensure they are not one of a kind, but rather first of their kind.

The Commission set forth eight (8) guiding principles for conducting REV demonstrations:<sup>2</sup>

1. REV demonstrations should include partnership between utility and third party service providers. These partnerships may be unique to each demonstration depending on the situation. Utilities should endeavor to support demonstrations where third parties use their own capital.
2. The utility should identify questions it hopes to answer or problems or situations on the grid and the market should respond with solutions. Hence, third party participation through a traditional RFP/RFI method where the utility has pre-diagnosed the solution(s) does not meet this requirement. Data sharing will be essential to enable market participants to propose solutions.
3. Demonstrations should delineate how the generated economic value is divided between the customer, utility, and third party service provider(s). The demonstrations should propose how much of the projected capital expense needs to go into the rate-base versus competitive markets.
4. The market for grid services should be competitive. The regulated utility should only own distributed energy resources if market participants are unwilling to address the need and the utility is acting as the service provider of last resort (in this instance, “provider of last resort” and “needed” means that no one in the market is providing the solution and the distributed solution is less costly than alternatives for the problem).
5. While some demonstrations may be bilateral, and therefore may not be “competitive” per se, utilities and service provider should propose rules (data, terms, standards, etc.) that will help create subsequently competitive markets. In addition, utility and third party providers need to establish regulatory proposals to ensure safety, reliability and consumer protection. Service providers can retain intellectual property that results from base data that would be available to others.
6. Demonstrations should inform pricing and rate design modifications. For example, a component of a trial can test demand response, real time, or time of use pricing to better understand how to motivate different consumers. Demonstrations should include opportunities for third parties to demonstrate how various rate designs, information sharing, adjusted standby

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<sup>2</sup> <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={A846946F-6C99-40A2-8CFC-B2EB0CC5AC9A}>

tariffs, and other technologies can be used to benefit consumers, encourage customer participation, and achieve REV's efficiency and bill management objectives.

7. Utility and third party service provider(s) should consider deploying in their demonstrations advanced distribution systems, including two way communications, real time operation of dynamic load, and other system technologies that support awareness, flexibility, efficiency and cost-effectiveness.

8. Utilities should explore opportunities in their demonstrations to work with and include various residential, commercial, institutional and industrial customer participants.

NYSERDA seeks a consultant to work with the State, investor owned utilities, third party companies and other possible stakeholders, including municipalities and communities, to help develop these demonstration projects, with a particular focus on the demonstration of new utility business models.

## **II. CONSULTANT ROLE**

In pursuit of the overall objective, the Contractor will be expected to:

1. Assist State Team of staff from NYSERDA, DPS, and other interested state entities (State Team) in working with third parties and investor owned utilities to develop new business models for REV demonstration projects.
2. Facilitate 4-8 partnerships between investor owned utilities and third parties to advance REV demonstration project proposals.
3. Submit a summary to the State Team for each partnership, outlining the details of the contemplated business arrangements as well as suggested regulatory changes necessary to scale the new business model in a competitive market longer-term.
4. Collaborate extensively with a team drawn from New York State government. In support of this initiative, the State Team expects to:
  - (i) request that utilities identify demonstration project opportunities (i.e., areas on their distribution systems that may benefit from localized DER or questions they hope to answer);
  - (ii) provide feedback and assistance as needed with utilities, outreach, preliminary proposals, and draft project term sheets; as well as context on the broader regulatory landscape; and,
  - (iii) assist in establishing project performance metrics and measurement/monitoring processes.

## **III. Deliverables and Expectations**

1. The objective of this RFP is to generate 1) partnerships between investor owned utilities and third parties for demonstration projects and 2) summaries describing the details of these partnerships and projects, and suggesting regulatory changes to the New York State team that are necessary to bring the projects to fruition and enable similar products and services to scale in a future competitive marketplace.

Success will be primarily measured by the number and quality of projects generated that are consistent with the guiding principles stated in the Notice.<sup>3</sup>

The State Team seeks the development of viable projects in the near term (within 6 months). For each partnership the Contractor facilitates, it will develop a summary, which must include, at a minimum, the following:

**1) New Business Model Identified**

- i) Description of the new model, revenue streams and scalability.

**2) Project Description**

- i) What is the pilot design and how does it test new business, technical, and regulatory models?
- ii) Scope of the demonstration, i.e. number of installations; geographic and market segments tested/potentially impacted

**3) Operational parameters**

- i) Milestones – approvals, financing, construction/deployment

**4) Partnership Structure**

- i) Roles and responsibilities of each party involved in proposal (i.e.; utility, third party);

**5) Key Commercial Terms** including compensation structure for project participants, financing, and cost recovery structures

**6) Strategy for Evaluation and Replication**, including:

- i) Metrics for measuring project progress and success;
- ii) Long-term phasing strategy;
- iii) Potential to scale.

**7) Identification of current regulatory and/or market barriers impeding scale and a competitive market place for similar products and/or services and inventories of suggested regulatory changes** to address these barriers; suggested changes could be in the areas of consumer protection, data, tariffs fees, prices, etc.

#### **IV. DESIRED PROPOSER QUALIFICATIONS**

A successful proposer is likely to have the following qualifications:

- Strong business model innovation skills with a demonstrated ability to identify and communicate specific, compelling, and appropriate business model propositions;
- Experience forming and leading interdisciplinary, collaborative teams comprised of design innovation consultants alongside those with knowledge of energy markets;
- Experience engaging across multi-sector stakeholder groups;

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<sup>3</sup> The Commission's Order Approving EEPs Program Changes (issued December 26, 2013) includes additional explanation of the Commission's vision for the future. See Case 07-M-0548, Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.

- Experience with business and financial modeling and risk analysis;
- Experience with new product development on new technology platforms;
- Experience with creating and implementing innovative solutions;
- Experience working in regulated industries (e.g., Healthcare or financial services).

Proposers are welcomed to assemble teams that bring together firms with different specialties and core competencies.

## V. AVAILABLE FUNDING AND TIMING

There is no predetermined award amount. However, cost will be a factor and preference will be given to proposals that tie payment to performance, i.e., in the delivery of high quality project opportunities identified. The initial timing is for six (6) months, with provision for extensions based upon mutual agreement and NYSERDA's determination of continuing value.

## VI. PROPOSAL REQUIREMENTS

Proposals that include teaming arrangements **must** designate one party as the Coordinating Contractor. The Coordinating Contractor will have overall responsibility for the administration of the Agreement and completion of the Statement of Work.

All proposals submitted as part of this RFP become the property of NYSERDA. Proposers will not be reimbursed for any costs associated with preparation of their proposals.

### **ALL PROPOSALS MUST INCORPORATE THE FOLLOWING SECTIONS:**

**1. Proposal Checklist - Complete the specific Proposal Checklist (Attachment A), and include it as the front cover of the original and each copy of the proposal.** Please note the following:

1. Indicate whether you accept the standard terms and conditions as contained in the Attachment F - Sample Agreement. If you do not accept the standard terms and conditions, provide alternate terms with justification based on the risk and benefit to NYSERDA and New York State. 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.
2. Be sure the individual who is signing the Proposal Checklist is authorized to commit the proposer's organization to the proposal as submitted.

In compliance with Sections 139-j and -k of the State Finance, the following additional forms must be completed and filed with proposals: (1) a signed copy of the Proposal Checklist (Attachment A) including required certifications under the State Finance Law; and (2) a completed Disclosure of Prior Findings of Non-Responsibility form (Attachment B). Failure to include a signed copy of the Proposal Checklist referenced in this solicitation may disqualify your proposal.

### **2. Proposer Information:**

Please provide the *legal name(s)*, title(s), mailing address(es), phone number(s), and e-mail address(es) of the proposer. Phone number(s) must be a number where the proposer can be reached during

business hours. Please fill in the name(s), title(s), mailing address(es), phone number(s), and e-mail address(es) of the project contact only if different from the proposer. Phone number(s) must be a number where the contact can be reached during business hours.

Please state the name and title of the representative who, if the contract is awarded, would be legally authorized to sign the contract. Have this individual sign and date the application form in the space provided. **Applications which are not signed by a legally authorized individual shall not be accepted, and will be returned.** For proposers other than an individual, the proposer will need to supply a signature resolution indicating that the signer is legally authorized to do so. The legally authorized representative of the Proposer also certifies by the submission of its proposal that the proposal is submitted in compliance with all applicable federal, state, and local laws and regulations, including antitrust and anti-corruption laws and that the information provided in the proposal is true and accurate.

Also identify key information about the proposing organization. The proposal shall include a brief narrative and should include:

1. Organizational purpose and day-to-day functions.
2. Organizational structure, including location of Headquarters and any other offices in New York State.
3. How the proposer plans to provide statewide coverage.

### **3. Statement of Work:**

The Statement of Work should set forth in sufficient detail all actions expected to be undertaken in support of Program Goals identified in Sections II and III of this RFP.

The Statement of Work is the proposer's opportunity to describe, through a series of tasks, the Proposer's intended strategy and method for achieving a successful result – the actualization of multiple demonstration projects, including several in the near term. A template is provided as Attachment C.

### **4. Qualifications:**

Proposals should clearly demonstrate the experience, skills, and abilities necessary to effectively achieve success. Proposers are welcomed to assemble teams that bring together firms with different specialties and core competencies.

Describe the accomplishments, experiences, and expertise of the individuals comprising the proposing team relevant to this RFP. Proposals should include project descriptions of relevant projects and programs that have been completed by the proposer that would demonstrate qualifications. The project descriptions should specify the level of involvement of the proposing firm and subcontractors and the results/deliverables of the project, including roles in those projects of the individuals named in this proposal. For at least one of the projects mentioned, proposers must include customer contact names and phone numbers.

Proposers must identify the project manager who will serve as the single point of contact as well as all personnel that may be involved with providing services under this RFP. In this section include one-page résumés that highlight recent experiences of all individuals who will be directly involved in providing



services.

#### **5. Conflicts:**

The firm, its principals, subcontractors, and any personnel of the firm must be free from any financial or similar interest in any product or service which may conflict with or appear to conflict with the objectivity of the services provided to NYSERDA. Please describe all of your product, manufacturer or service-related affiliations. If any affiliations exist, you must provide a statement verifying these affiliations do not conflict with or appear to conflict with the objectivity of providing services to NYSERDA and its customers. Non-disclosure of any affiliation can result in the termination of a contract, if awarded.

#### **6. Schedule and Staff Plan:**

Present a work schedule with a starting point and duration for each task and subtask. Presentation of the schedule in a bar chart is preferred starting with “Month 1”, “Month 2”, etc. The schedule should include timing of major milestones, showing progress toward project objectives and goals.

#### **7. Cost Proposal and Budget:**

NYSERDA anticipates a combination of time and materials and milestone payments. Strong preference will be given to performance-based proposals, where payment is tied meaningfully to the generation of partnerships and summaries of viable REV demonstration projects. Moreover, additional preference will be given to proposals that show an ability to generate such partnerships and summaries within six months of contract execution.

For time and materials activities, the proposal must include a completed Project Personnel and Rates Form (see attachment D) for the balance of the total funding requested. Labor costs must be consistent with the staffing plan.

Attach supporting documentation to support multiplier (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); and,
- If rate(s) is (are) approved by an independent organization, such as the federal government, provide a copy of such approval; and,
- If rate(s) is (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) is (are) consistent with generally accepted accounting principles.

NYSERDA reserves the right to audit any billing rate presented in the proposal and to make adjustment for such difference. Requests for financial statements or other needed financial information may be made if deemed necessary.



## PROPOSAL SUBMISSION:

Electronic submission is preferable. NYSERDA 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 NYSERDA's website (<http://www.nyserdera.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>). Instructions for submitting electronically are located in that section as Attachment F to this RFP.

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Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Double-sided prints with a staple in the upper left corner is the preferred format. Unnecessary appendices 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 and sequence listed below**

## VII. PROPOSAL EVALUATION

All proposals received by the due date, and meeting the submission requirements established in this RFP, will be reviewed and ranked by a Technical Evaluation Panel (TEP). Final rankings and contract award will be based on the following criteria, listed in approximate order of importance:

**Responsiveness to the RFP/Statement of Work:** Does the proposer present a realistic, effective and economical plan or approach to support program objectives? Does the proposer demonstrate familiarity with the technical, financial and regulatory issues that will have a bearing on the success of REV demonstration projects? Has the proposer demonstrated a deep, going-in understanding of the challenges involved in advancing high-quality, REV-aligned proposals in the complex institutional and regulatory environment of the current energy system in New York? Does the Statement of Work adequately address all the program tasks? Are results and deliverables clearly stated and consistent with the proposer's activities?

**Relevant Experience and Qualifications:** Is the project staff's overall capability appropriate? Do individuals named in the proposal bring to the project the necessary skills, experience, and judgment? Does the project team taken together provide the required breadth of knowledge and capability?

**Comprehensiveness of Approach and Management Plan:** Are sufficient resources being devoted to the project? Is the project organization, including the staffing plan and schedule, clear and well-defined? Does it include a strategy for coordination and interaction with NYSERDA, the Department of Public

Service, Utilities, third-party market actors (including but not limited to project developers, municipalities, the financial sector and trade organizations)?

**Cost:** How cost-effective is the proposal (i.e., what type of program and what level of results will be achieved with the available funds)? To what degree does the proposer tie compensation to delivery of partnerships and summaries within the timeframes requested? Are hourly rates and total hours reasonable and appropriate for the personnel or subcontractors? Is the proposer's allocation of costs appropriate when compared to the allocation of costs of other comparable proposals and their projected results? Are travel costs reasonable?

Further, as part of the evaluation process, proposers may be required to have appropriate representatives attend an interview prior to final selection.

NYSERDA anticipates notifying the selected proposer approximately four (4) weeks after proposal submission or sooner if possible and appropriate, and for work to commence immediately upon execution of a contract.

## VIII. GENERAL CONDITIONS

### PROPRIETARY INFORMATION

Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://nyserda.ny.gov/~media/Files/About/Contact/NYSERDARegulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

### OMNIBUS PROCUREMENT ACT OF 1992

It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development  
Division for Small Business  
30 South Pearl Street  
Albany, NY 12245

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

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

**State Finance Law sections 139-j and 139-k** - 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.state.ny.us/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 proposals 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, at its sole discretion, will decide whether to contract successful projects using time and material or milestone payment terms. 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. NYSERDA expects to notify proposers soon after the proposal due date with respect to whether your proposal has been selected to receive an award. **NYSERDA may decline to contract with awardees who 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.

### **DISCLOSURE REQUIREMENT**

The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

### **IX. ATTACHMENTS**

**Attachment A - Proposal Checklist**

**Attachment B - Disclosure of Prior Findings of Non-responsibility (mandatory)**

**Attachment C - Statement of Work Format**

**Attachment D - Project Personnel and Rates Form**

**Attachment E - Sample Agreement with Exhibits**

**Attachment F – Instructions for Electronic Filing**