

“Communications Services for Reforming the Energy”
Request for Proposal (RFP) 3086
up to \$250,000 Available for 6-Months

Proposals Due: March 26, 2015 by 5:00 PM Eastern Time*

New York launched *Reforming the Energy Vision* (REV) to transform the State’s clean energy landscape. Under Governor Cuomo’s “REV” initiative, New York is pioneering a new statewide approach, giving customers new opportunities for energy savings, local power generation, and enhanced reliability to provide safe, clean, and affordable electric service for all customers. The approach includes actively spurring clean energy innovation, bringing in new private investments, improving consumer choice, protecting the environment and energizing New York’s economy at the state and local levels. By unleashing innovation, New York is pioneering a new statewide approach, giving customers new opportunities for energy savings, local power generation, and enhanced reliability to provide safe, clean, and affordable electric service for all customers. To support the principles of REV, NYSERDA has proposed a Clean Energy Fund, a 10-year \$5 billion funding commitment to mobilize capital, technology and innovation to address barriers to the scale-up of energy efficiency and clean energy in New York State.

In order to maximize its impact and become truly effective, REV, including its regulatory proceeding and the Clean Energy Fund, needs to be visible and understandable to New York citizens, industry stakeholders, private sector partners, NGOs, policy-makers and thought-leaders in New York State and beyond.

Proposal Submission: Electronic submission via the NYSERDA web site 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 Attachment C to this RFP.

All proposals must be received by NYSERDA by 5:00 PM on March 26, 2015. 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 3086
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Dayle Zatlin at (518) 862-1090, ext.3359 or dayle.zatlin@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Elsyda Ahmed at (518) 862-1090, ext. 3232 or elsyda.ahmed@nyserda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting Dayle Zatlin (518) 862-1090 ext. 3359 or dayle.zatlin@nyserda.ny.gov. Contacting anyone other than the 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 NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at www.nyserda.ny.gov.

I. Introduction

NYSERDA seeks to retain a full-service communications firm with a broad range of strategic, narrative, social media and tactical expertise to assist NYSERDA with the development and/or implementation of extensive public education and strategic communications outreach and narrative story-telling pertaining to REV and its principles. The firm will raise the visibility and understanding of the initiative through various communications channels reaching New York citizens, industry stakeholders, private sector partners, NGOs, policy-makers and thought-leaders in New York and beyond.

NYSERDA will consider responses from firms that can meet the full requirements of this solicitation. The firm will provide to NYSERDA the services of high-level professionals with relevant experience, preferably with knowledge of the clean energy and renewable energy industries, to help achieve NYSERDA's communications objectives. It would be helpful if the firm has policy experience in, and knowledge of, the electric utility industry, renewable energy industry, state-wide environmental organizations and the energy policies and marketplace in New York State and the U.S., as well as the impact of national energy policy on New York State.

II. Program Requirements

Scope of Work

The firm, working with NYSERDA, and other project partners, will help refine messaging so it is effective for various audiences – from energy experts to non-experts – as it formulates an understandable and clear narrative. It will assist NYSERDA with the development and/or implementation of extensive public education and strategic communications outreach, brand refinement and story-telling pertaining to REV to encourage public and stakeholder involvement and input for current and other potential REV initiatives.

Over the term of the contract, the firm will assist NYSERDA in communications elements related to the REV initiative and mission-critical programs and initiatives, including but not limited to:

Brand refinement

- Work with a NYS team and NYSERDA to refine the REV brand, including messaging to support positioning of all REV pillars for a wide range of audiences.
- Develop a "look and feel" for REV that can be used by NYSERDA and other energy-related State entities in a range of communication materials.

Content development

- Create at least three 2- to 3-minute videos of REV success stories with multiple, tailored cut-downs for diverse audiences and distribution.
- Provide editorial expertise to include REV messaging in publications and reports from NYSERDA and other energy-related State entities.

Partnership Building

- Identify REV stakeholders and develop a stakeholder engagement process, including private-sector and NGO stakeholders, and -- coordinating closely with NYSERDA -- conduct targeted outreach.
- Assist in facilitating group meetings with private industry (for-profit companies) and NYSERDA to increase understanding, support and participation in REV.
- Assist in facilitating group meetings with NGOs and NYSERDA to increase understanding, support and participation in REV.
- Identify conferences and industry panels to engage and inform the general public and key stakeholders, and assist in facilitating these meetings/presentations.

Media Relations/Social Media Strategies and Recommendations

- Develop recommendations, and make introductions when needed, for a strategic public relations plan, identifying appropriate traditional and social media delivery channels and op-ed opportunities, including identification of clean-energy-focused on-line communities for content-sharing and comments on public initiatives.

Event Integration

- Develop recommendations for wholly owned REV events (expert panels, community engagements) to market messaging to targeted audiences.

Establish benchmark metrics to track progress

Establish benchmark metrics for visibility and awareness of REV across social media, traditional media, business community, environmental community and other relevant stakeholders. Track growth of established metrics.

III. Proposal Requirements

All bids must include at a minimum the following information:

Approach: A general statement of the firm's proposed approach with particular focus on distinguishing characteristics of services. Examples of video and graphic presentations or other relevant materials should be included with your response.

Work Proposed to be Performed: A discussion of the firm's general understanding of the scope of services to be provided, the major work tasks to be performed, and how the firm proposes to address the objectives described above in section II **Program Requirements**.

Key Personnel: The proposal must include information about the firm's personnel, stating their proposed role in the project, education, title, related qualifications, past relevant experience and the date in which that person joined the firm. Resumes are recommended. The response must specifically identify the personnel to be assigned to potential projects, including a statement of qualifications and demonstrated experience on previous projects that were successfully completed. Response must also include a breakdown of anticipated participation of each staff member involved in a project and level of staff performing the project's "hands-on" work. Personnel should be able to travel to New York City and Albany to meet with NYSERDA staff and be available by video conferencing.

Timely Response to Assignments: The proposal must address the ability of the firm to assemble, in a timely manner, key personnel to meet the aggressive schedules that are expected to accompany the assignments. The firm must address its approach to making key personnel available for initial assignments and follow-up work consistent with responsibilities. The communications firm must demonstrate ability to meet deadlines and 24/7 availability, year-round, for communications services as required.

Relevant Experience: A review of the firm's past relevant experience working with or in the electric, energy (renewable energy preferred), environmental non-governmental organization, or utility industries, including at least one example of a tight deadline project and reference with client's name address and telephone number. For tight

deadline projects, please provide a description of the firm's exact responsibilities on the project, and clarify whether this project is an example of the overall firm's experience or an individual employee's experience. In addition, provide an example of the firm's most successful project (for any client). Provide a summary of the work by New York State region and familiarity with markets of diverse sizes and locations. Include awards specific to work performed for an electric utility, energy company and/or government entity, or awards for similar types of clients. Respondents should also discuss their capabilities relative to research and metrics used to assess a project or campaign. The firm must demonstrate excellence in written communication and media placement; responses should include examples of editorial pieces/blogs/speeches. Examples of professional graphic presentations and videos should be included in the response to the RFP, including collateral materials and/or electronic files. No flash drives will be accepted.

Synergy with NYSERDA Graphics and Information Technology Systems: Most staff at NYSERDA are PC-based. NYSERDA will retain ownership of all print and electronic designs, including the whole "packaged file" including any native files, fonts and art.

SCHEDULE

NYSERDA anticipates award of the contract(s) no earlier than April 13, 2015. Assignments for the specific tasks will be made as the projects arise with the schedule for tasks determined at the time of assignment. NYSERDA expects to begin work by May 1, 2015 and continue on an as-needed basis through November 1, 2015, with an option to mutually extend if NYSERDA's project needs continue.

Cost Proposal and Budget:

NYSERDA anticipates that of the \$250,000 available, approximately \$150,000 will be available for the 6 month Agreement and approximately \$100,000 will be available for video and other similar development services. For time and materials activities, the proposal must include a completed Project Personnel and Rates Form (see attachment D) for the total funding requested.

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.

A completed and signed Proposal Checklist (Attachment A) must be attached as the front cover of the proposal. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation may disqualify your proposal. **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.**

In compliance with §139-j and §139-k of the State Finance Law (see Section V, General Conditions below for additional information), 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 (Attachment B).

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective

response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the RFP number, and the page number. The proposal must be in either PDF or MS Word format.

IV. 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:

- Expertise in the energy industry, with particular emphasis on renewable and clean energy technologies
- Expertise in communications
- Ability to meet the scope of work
- General familiarity with New York State
- Creativity of ideas
- Team member credentials
- References
- Account and budget management
- Ability to meet schedule
- Overall price
- Fit with the culture of the organization

V. GENERAL CONDITIONS

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSEDA 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 NYSEDA 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 NYSEDA 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/NYSEDA-Regulations.ashx>. However, NYSEDA 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

Article 15-A (MWBE) Provisions for Solicitation Documents (non-construction)

New York State Law

Pursuant to New York State Executive Law Article 15-A, NYSERDA recognizes its obligation 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.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that NYSERDA establishes goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

Article 15-A EEO Policy

- (1) Contractors and subcontractors shall undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed (religion), color, national origin, sex, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status, or domestic violence victim status. For these purposes, affirmative action shall apply in the areas of recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.
- (2) Following the award of a State contract and as a precondition to entering into that contract, a winning proposer shall submit an equal employment opportunity ("EEO") policy statement to NYSERDA within seventy-two (72) hours following such proposer's receipt of NYSERDA's award letter. A proposer's failure to timely submit the EEO policy statement could result in NYSERDA's rejection of that proposer's proposal.
- (3) The proposer's EEO policy statement shall contain, but not necessarily be limited to, and the proposer, as a precondition to entering into a valid and binding State contract, shall, during the performance of the State contract, agree to the following:
 - (i) The proposer will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination, and shall make and

document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts.

- (ii) The proposer shall state in all solicitations or advertisements for employees that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.
 - (iii) At the request of NYSERDA, the proposer shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the proposer's obligations.
 - (iv) Pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.
- (4) Within ten (10) business days following a winning proposer's receipt of NYSERDA's award letter, such proposer shall submit to NYSERDA a staffing plan of the anticipated work force to be utilized on the State contract. The form of the staffing plan shall be supplied by NYSERDA. In the case where the workforce to be utilized in the performance of this Agreement cannot be separated out from the Contractor's and/or its subcontractor workforce, the Contractor shall submit, in lieu of a staffing plan, information on the Contractor's and/or subcontractor's total workforce. The staffing plan or workforce information shall be broken down by ethnic background, gender and Federal occupational categories, or other appropriate categories specified by NYSERDA. A proposer's failure to submit the staffing plan or workforce data could result in NYSERDA's rejection of that proposer's proposal. If a proposer changes its utilization plan after submission, it shall notify NYSERDA in writing of such change and obtain approval from NYSERDA in accordance with the Regulations §§ 142.6 & 142.8.
- (5) A proposer's failure to submit an EEO policy statement and staffing plan or total work force data shall result in NYSERDA's rejection of proposer's proposal, unless the proposer provides NYSERDA with a reasonable justification in writing for such failure (e.g., the failure to submit a staffing plan where proposer has a work force of 10 employees or less), or makes a commitment to submit an EEO policy statement and a staffing plan or total work force data by a date to be specified by NYSERDA.
- (6) To demonstrate compliance with the stated participation goals as set forth herein, a contractor shall be required to periodically submit compliance reports to NYSERDA, on the forms attached to the contract, during the entire term of the contract.

Contract Participation Goals by MWBE on NYSERDA procurements

In accordance with Article 15-A of the N.Y. Executive Law ("Article 15-A") and pursuant to the regulations adopted thereto, NYSERDA has established certain contract participation goals for minority and women-owned business enterprises (MWBE). NYSERDA's participation goals for contracts awarded pursuant to this solicitation are 15% for minority-owned business enterprises and 15% for women-owned business enterprises. These participation goals are subject to the requirements of Article 15-A, and its implementing regulations as set forth in Title 5, Chapter XIV, Parts 140-144 of the New York Codes, Rules and Regulations (the "Regulations").

NYSERDA requires every winning proposer to undertake "good faith" efforts to actively solicit MWBE participation in connection with its potential award of the NYSERDA contract. Within ten (10) business days following the receipt of NYSERDA's award letter, a winning proposer must submit to NYSERDA an MWBE Utilization Plan Form, in a form provided by NYSERDA. Within twenty (20) days following its receipt of the Utilization Plan, NYSERDA will issue a written notice of acceptance or deficiency. If NYSERDA issues a notice of deficiency then proposer must provide NYSERDA with a written remedy in response to said notice of deficiency within seven (7) business days of its receipt. If the proposer's remedy to the notice of deficiency is not timely provided or if it is found by NYSERDA to be inadequate, NYSERDA shall so notify proposer and request proposer to submit a waiver form within five (5) business days. Failure to file the written remedy or a waiver form in a timely manner as set forth above may be grounds for disqualification of proposer's award for non-responsibility, after NYSERDA gives proposer notice and opportunity to be heard in accordance with Article 15-A § 313(5)(c) and the Regulations § 142.9.

A winning proposer may request a total or partial waiver of the requirements of the participation goals set forth above. In such event, NYSERDA shall provide proposer with a waiver form to be provided by proposer prior to the award of the NYSERDA contract. Prior to granting or denying a waiver, NYSERDA shall evaluate proposer's "good faith efforts" and may consider the factors set forth in the Regulations §143.7. In the event NYSERDA refuses to grant proposer a waiver, proposer may file a complaint with the NYS Empire State Development's Division of Minority and Women Business Development (the "Division") in accordance with Sections 313(8) & (9) of Article 15-A and Section 142.12 of the Regulations.

Relevant sections of the Regulations may be found at the following link, which Regulations and each party's rights and obligations set forth therein, are incorporated herein by this reference (in the event of a conflict between this solicitation and the Regulations, the Regulations shall govern):

http://www.empire.state.ny.us/MWBE/Data/122210_MWBE15-ARegs.pdf.

A Directory of certified MWBEs may be found at the Division's website, here:

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>

Article 15-A Disqualification and Dispute Resolution Procedures

NYSERDA, and applicable proposers and contractors shall be subject to and bound by the disqualification and dispute resolution procedures contained in Article 15-A (including, without limitation, Sections 312(5), 313(5)(c), 313(8), 313(9) and 316), and in relevant sections of the Regulations (including, without limitation, Sections 142.9, 142.12 and 143.6), as and where applicable.

NYSERDA may disqualify a proposer as being non-responsive under the following circumstances:

- a) If a proposer fails to submit a MWBE Utilization Plan;
- b) If a proposer fails to submit a written remedy to a notice of deficiency;
- c) If a proposer fails to submit a request for waiver; or
- d) If NYSERDA determines that the proposer has failed to document good faith efforts.

Penalties

In accordance with the Regulations §142.13, NYSERDA's contract shall require contractor to agree that its willful and intentional failure to comply with the MWBE requirements of Article 15-A shall create liability to NYSERDA for damages in an amount equal to NYSERDA's actual cost related to its expenses for personnel, supplies and overhead related to establishing, monitoring and reviewing certified minority- and women-owned business enterprise programmatic goals and Affirmative Action and Equal Opportunity compliance.

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 - NYSEDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSEDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf).

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

Contract Award - NYSEDA anticipates making one 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. NYSEDA may request additional data or material to support applications. NYSEDA will use the Sample Agreement to contract successful proposals. NYSEDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal (see Proposal Checklist). Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSEDA expects to notify proposers soon after the proposal date whether your proposal has been selected to receive an award. NYSEDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSEDA agreement.

Limitation - This solicitation does not commit NYSEDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSEDA 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 NYSEDA's best interest. NYSEDA 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 NYSEDA after the award of a contract, NYSEDA 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.

VI. Attachments:

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non-Responsibility, etc.

Attachment C - Instructions for Electronic Proposal Submission

Attachment D - Project Personnel and Rates Form

Attachment E- Sample Agreement
