



Developing Competitive Electricity Markets and Pricing Structures
Request for Proposals (RFP) 3104

Proposals Due: April 22, 2015 by 5:00 PM Eastern Time*

New York unveiled plans for an energy modernization initiative called Reforming the Energy Vision (REV) to fundamentally transform the way electricity is distributed and used in New York State. This groundbreaking work will influence how billions of dollars will be invested to create the power grid of the future and change the way consumers buy and use energy.

Under this RFP, the New York State Energy Research and Development Authority (NYSERDA) seeks proposals from organizations or individuals interested in conducting research and analysis on market design and network and platform pricing structures that will facilitate the development of a more transactive, competitive retail market for electricity and value-added services (such as dynamic load management) in New York State (NYS). Proposers will need to identify any regulatory oversight that may be necessary to ensure continued consumer protections or to advance environmental policy objectives.

Work products resulting from this solicitation will build upon a benefit/cost analysis framework developed by NYS Department of Public Service (NYS DPS) Staff and new successor tariffs being developed under parallel processes to support the NYS Public Service Commission's (NYS PSC) REV proceeding, Case 14-M-0101.

While no budget has been provided in this document, proposers should ensure that the scope and approach for completing this work is proportionate with the importance and scale of the REV initiative while simultaneously exhibiting that the proposed work plan provides value that is commensurate with their proposed budget.

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 E 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 3104
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Christopher Hall at (518) 862-1090, ext. 3383 or Christopher.Hall@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Elyda Ahmed at (518) 862-1090, ext. 3232 or Elyda.Ahmed@nyserda.ny.gov.

A pre-bidder's call will be held on April 14, 2015 at 3:00pm (EDST). The toll-free dial-in number for this call is (866) 394-2346; Conference Code: 5846744188. For technical assistance or questions concerning this conference call, contact Kalan Hogan at (518) 862-1090 ext. 3588 or Kalan.Hogan@nyserda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting Christopher Hall (Designated Contact) at (518) 862-1090, ext. 3383 or Christopher.Hall@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 emailed 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

In its April 25, 2014 Order Instituting Proceeding in Case 14-M-0101, the PSC stated, “[t]he proceeding, as described in this order, shall examine how existing practices should be modified to establish Distributed System Platform [DSP] Providers actively managing and coordinating Distributed Energy Resources [DER] and providing a market enabling customers to optimize their energy priorities, provide system benefits, and be compensated for providing such system benefits.”

In its August 22, 2014 Straw Proposal on REV Track One Issues, DPS Staff discussed the necessity of developing a comprehensive BCA framework that would be used to guide overall policy decisions and to compare substitutes, accounting for system-wide, aggregated benefits and costs; assist utilities in planning their distribution systems, including DSP investments and DER, to meet overall system cost efficiency, reliability, resiliency, security, and societal goals; and (at its most granular level) inform pricing of DER products.

The BCA framework will be used to support the identification and evaluation of design options for successor utility tariff rates pertaining to DER and the design of future delivery service rates. This work will be completed by a contractor selected under a separate competitive solicitation.

This effort focuses on developing and evaluating market and regulatory structures, as well as pricing methods, to facilitate the development of a more transactive, competitive retail market for electricity and value-added services (such as dynamic load management). Analysis will also be done to identify any regulatory oversight that may be necessary to ensure continued consumer protections or to advance environmental policy objectives. ***This work is the focus of this RFP.***

II. Program Requirements

A. Services Requested

The selected Contractor for this solicitation will work with DPS Staff, in consultation with NYSERDA (the “Project Management Team”), to create the initial DPS Staff proposal (“the Document”) presenting the competitive electricity markets and pricing structures discussed above. Some or all of the work products may be provided to participating parties in the REV Proceeding. The selected Contractor may be required to explain and defend its work products in certain forums such as in stakeholder technical conferences associated with the REV proceeding, for example. The selected Contractor will also be required to work with the Project Management Team to modify the proposal based on these collaborations; and to assist in preparing materials, as directed by the Project Management Team, to be filed for consideration by the NY PSC.

Project Management services required by the selected Contractor will include:

- Coordinate the work of the Contractor's employees and those that are undertaking tasks described herein;
- Conscientious management of the project budget and strict adherence to the project schedule; and
- The provision of all project reporting to DPS Staff and NYSERDA, as specified herein.

The Contractor will conduct a bi-weekly call with the Project Management Team to provide verbal status reports. Each Contractor shall submit an informal bi-weekly budget report showing a breakdown of the hourly work undertaken or completed in the prior two weeks. This shall include an estimate of the hours worked, and the hourly rate, by employee and task for the two week period. Each Contractor shall also submit a formal monthly budget and progress report to the Project Management Team or provide progress reports in another manner as prescribed by the Project Management Team. The Progress Reports shall

include information on the following subjects, in the order indicated, with appropriate explanation and discussion:

- a. Name of Contractor;
- b. Title of the project;
- c. Agreement number;
- d. Reporting period;
- e. Project progress including a summary of progress, findings, data, analyses from all tasks carried out in the covered period;
- f. Planned work for the next reporting period;
- g. Identification of problems;
- h. Planned or proposed solutions to problems described in (0.1.7) above;
- i. Ability to meet schedule, reasons for slippage in schedule (if any);
- j. Analysis of actual costs incurred in relation to the budget. For each employee, and each task worked on by each employee, show the hours worked, the hourly rate, and the total costs for the month.

For example:

Month: January
Employee: Sarah Smith

<u>Task</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total Cost</u>
Document Reviews	10	\$ 150	\$ 1,500
Meetings/Calls with Staff	6	\$ 150	\$ 900
Drafting Chapter 3	8	\$ 150	\$ 1,200
			<u>\$ 3,600</u>

Employee: Jason Jones (etc.)

Project Kick-off meeting: The Contractor shall hold a project kick-off meeting within seven days from the contract execution date. The Contractor shall coordinate with the Project Management Team to arrange the meeting at a mutually convenient time. The Contractor shall include representatives of sub-Contractors, if applicable. The purpose of this meeting shall be to finalize the strategies for accomplishing the objectives of this work. In a timely manner, the Contractor shall submit to the Project Management Team a brief report summarizing the issues discussed and decisions made, if any, during this meeting.

Project Completion Meeting: The Contractor shall conduct a project completion meeting, in-person, which shall occur within seven days following the submission of the draft final Document. The Contractor shall coordinate with the Project Management Team to arrange the meeting at a mutually convenient time and place. The Contractor shall submit a brief report summarizing and addressing issues discussed at the project completion meeting.

Identify and Develop Market and Regulatory Structures to Enable Transactive, Competitive Market Opportunities and Appropriate Utility/Platform Provider Revenue Opportunities

1. The Contractor, in consultation with the Project Management Team, shall create a Document, which will describe the methods for establishing the appropriate fees to be set by the Distribution System Platform (DSP) for the use of the system by demand side resources. In the document, the

Contractor will present, discuss, and evaluate pricing methods and market designs to facilitate the development of a more transactive, competitive retail market for electricity and value-added services (such as dynamic load management). The economic basis for setting a fee structure to grow such a platform based market should be clearly articulated. This should include whether a dynamic approach is economically justified; that is, what pricing approaches and levels should be used in early stages of market development versus those that should be used in later stages.

2. The Contractor shall identify, compare and evaluate options for market structures and network/platform pricing approaches that will foster competitive market opportunities and allow for appropriate utility/platform provider revenue opportunities.
 - 2.1. The Contractor shall identify market and network/platform pricing issues pertaining to the development of multi-sided competitive market opportunities and appropriate utility revenue opportunities as the platform provider (e.g. data access/analysis charges, grid access fees, engineering fees, etc.). This should include answering questions such as:
 - 2.1. A. What fees should the DSP Provider charge to DER and how should these fees be set?
 - 2.1. B. Should the DSP charge an access or subscription fee to DER providers, to customers that use or install DER, or are transaction fees (or some combination of the two) more appropriate? To what extent should access to the DSP be priced differently to customers without interconnected DER than to customers with DER?
 - 2.1. C. What other fees should the DSP charge and how should these be set? For example, fees for dispatch service, for balancing service, for access to potential customers through an information platform service, for data and engineering analysis? Should these fees be strictly cost (revenue requirement) based, or set differently to encourage the development of the market for customers requesting DSP services?
 - 2.2. With a focus on the levels of fees to be charged by the DSP, the Contractor shall identify any DSP products or services that could display “network externalities” or two-sided market interdependencies that may affect proper pricing of said products/services to develop the market to an efficient size. The Contractor will recommend appropriate pricing for such products or services, consistent with the most prominent economic thinking in this area. This should include answering the following questions:
 - 2.1. A. Is it possible to separate retail level access to DSP services into alternative market sides with separate pricing? Are there products or services (including platform access, dispatch service, or balancing service) that should be priced differently on the generator side of the market than on the consumer side of the market? How does this apply to so-called “pro-sumers” who both generate and consume electricity?
 - 2.1. B. Could load management on the demand side be used to address intermittency on the generator side, and how should DSP fees be priced to economically enable such solutions? Is there an appropriate pricing scheme to grow both sides of the market?
 - 2.1. C. Could the DSP offer payments to owners of Electric Vehicles for the ability to control the charging and discharging of their vehicle batteries (within constraints) and use these to provide intermittent suppliers balancing or load “leveling” services? If so, what pricing principles should be used?
 - 2.1. D. What other examples of multi-sided market services might the DSP provide and how should these be priced?

- 2.3. The Contractor shall identify any regulatory oversight that may be necessary to ensure continued consumer protections including rate regulation, where necessary, or to advance environmental policy objectives under the new transactive market paradigm:

The Contractor should be specific in its proposal about the approach for developing these options and should provide a detailed approach for how they will be evaluated. The proposal should articulate how specific knowledge and expertise from both the electricity and other sectors will be leveraged for this work.

3. The Contractor shall generate and discuss a range of scenarios to illustrate the kinds of competitive market opportunities and utility/platform provider revenue opportunities these market and pricing approaches might enable, and to assist in identifying the limits and trade-offs among options.
 - 3.1. The range of scenarios will include examples relevant to all stakeholders, including, but not limited to: entrepreneurs; ESCOs; utilities; industrial, commercial, and residential customers. In building these scenarios, special attention should be paid to stakeholders who have not traditionally been directly engaged in electricity system innovation, including, but not limited to: residential customers, low- and middle- income citizens, renters, small businesses, municipalities, and community groups.
 - 3.2. In generating scenarios, the contractor shall take into account market conditions, potential regulatory changes being considered as part of REV and related proceedings, and Party comments. To the extent possible, the contractor should present reasonable quantitative projections of the potential utility revenue opportunities from the new revenue sources identified above.

The Contractor should be specific in its proposal about the approach for developing these scenarios and how potential utility revenue projections will be created. The proposal should articulate how specific knowledge and expertise from both the electricity and other sectors will be leveraged for this work.

4. The contractor shall conduct an analysis to evaluate what options provide the best opportunity for joint optimization among various stakeholders (e.g., regulated utilities, competitive DER providers, end-use customers). The contractor should articulate what outcome(s) should be jointly optimized and why. The Contractor shall evaluate options including articulation of trade-offs among the most promising options. The Contractor shall also propose specific metrics and methods for measuring the effectiveness of the effectiveness of the recommended pricing options.

The Contractor should be specific in its proposal about the approach for developing these options and should provide a detailed approach for how they will be evaluated. The write-up should articulate how specific knowledge and expertise from both the electricity and other sectors will be leveraged for this work.

5. As directed by the Project Management Team, it is anticipated that the Contractor shall present a summary of the Document to stakeholder parties (e.g. by PowerPoint overview) in an initial Technical Conference, answer questions, and provide rationale for choices made. The Contractor shall help represent Staff in soliciting feedback from parties in this and subsequent technical conferences, if necessary, and by reviewing and summarizing any written comments provided.
6. As necessary, the Contractor, in consultation with the Project Management Team, shall modify the Document in response to stakeholder comments and help to prepare materials supporting a final DPS Staff proposal for the economic framework to be considered by the NYS PSC in its decision-making.

7. The Contractor shall also provide a time and materials proposal to provide additional consultancy services during the eight month project period to assist in the completion of other activities and deliverables related to this scope of work.

Contractors shall submit a proposal covering these elements. If the Contractor believes there are enhancements to this approach that could better serve the objectives of this project, the Contractor should additionally suggest those enhancements.

Deliverables:

- Conduct Kick-off Meeting;
- Submit written summary of issues discussed at Kick-off Meeting;
- Submit initial draft of the Document;
- Create and present PowerPoint presentation at Technical Conferences in Case 14-M-0101;
- Participate in stakeholder process in Case 14-M-0101;
- Work with the Project Management Team to modify the Document based on stakeholder collaborations; and assist in preparing materials, as directed by the Project Management Team, to be filed for consideration by the NYS PSC;
- Provide all data and documentation of calculations methodologies used, including all workbooks and other technical documents;
- Conduct Completion Meeting;
- Submit written summary of issues discussed at Completion Meeting.

B. Available Funds and Anticipated Schedule

The contract period is anticipated to begin in early May of 2015. The primary work product described in this solicitation (the Document) will play a key role in the initiation of a new collaborative phase of the REV Proceeding. The desired schedule for this project would involve completion of the initial draft of the Document no later than September 1, 2015 with related follow-on work through December 31, 2015.

Proposals must demonstrate the Contractor's ability to meet or exceed this scheduling milestone. Proposals should include a proposed schedule highlighting the date by which the Contractor anticipates being prepared to present an initial summary of the Document to stakeholders. The Contractor should also articulate whether it is possible for the draft Document to be completed significantly before September 1, 2015 in a manner that does not compromise the quality of the work.

While no budget limit has been stated in this document, proposers should ensure that the scope and approach for completing this work is proportionate with the importance and scale of the REV initiative while simultaneously exhibiting that the proposed work plan provides significant value that is commensurate with the budget.

To maximize flexibility in response to the dynamics of ongoing PSC proceedings, The Contractor shall notify, in writing, the Project Management Team when 60% of the project budget for any specific task has been exhausted. Upon such written notification, the Project Management Team and the Contractor shall meet to evaluate progress and potentially re-evaluate the scope of work, possibly redirecting resources from certain tasks to other tasks, as the REV Proceeding dynamic dictates.

III. Proposal Requirements

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

The proposal must be in the following format:

Proposal Checklist
Section 1: Introduction and General Information
Section 2: Statement of Work/Approach
Section 3: Management Structure
Section 4: Qualifications
Section 5: Project Schedule and Staffing Plan
Section 6: Potential Conflict of Interest
Section 7: Cost proposal

Appendices: Letters of Commitment from all subcontractors
Resumes of key personnel who will work on the project
Summaries of Prior Work, by organization and key personnel
Other Supporting Material (optional)

A. Technical Proposal Explanation

Proposal Checklist. Complete and sign the Proposal Checklist attached to this RFP, and include it as the front cover of each copy of the proposal. Note the following:

- Indicate whether you accept the Standard Terms and Conditions as contained in the attached Sample Agreement. If you do not accept the Standard Terms and Conditions, be prepared to provide alternative terms with justification based on the risk and benefit to NYSERDA and New York State.
- Be sure the individual signing the Checklist is authorized to commit the proposer's organization to the proposal as submitted.

Section 1: Introduction and General Information. Proposers should summarize their understanding of the objectives and requirements of this RFP. Proposers should *briefly* identify key information about their organization and any other organizations that are part of the proposer's team.

Section 2: Statement of Work/Approach. The Statement of Work is the primary document that outlines work activities and required performance for payment by NYSERDA. The Statement of Work must be in compliance with the scope of services requested, deliverables, and schedule outlined in this RFP. It is an action document that specifically delineates each step or procedure required to accomplish the tasks as listed in the Section II Program Requirements of this RFP. Therefore, each task shall be identified, indicating who will perform it, how why it will be performed and its intended result. Include quantifiable milestones as deliverables where possible. The Statement of Work must be structured as an ordered set of tasks. Please refer to program requirements (tasks) in drafting the statement of work.

Section 3: Management Structure. Proposers should identify all team members, including the Project Manager and any subcontractors, who will be responsible for ensuring that the project is timely and of good quality. Provide a clear description of the roles and responsibilities of each person in completing the work plan. Provide the names and addresses of subcontractors and describe how they were chosen. Provide an organization chart. Describe how you plan to coordinate this study with NYSERDA Energy Analysis and DPS staff. Resumes of all team members should be provided in an appendix.

Section 4: Qualifications. Describe specific experiences relevant to the performance of this type of project. Discuss proposed teaming arrangements, if applicable. A letter of commitment must be included for each entity or independent consultant in the proposal and should be included as part of the appendices. State the team's individual and combined expertise that would enable successful completion of the project. List and briefly describe relevant projects that have been completed by the proposer/proposing team, including projects completed in New York State. Indicate which team members were responsible for each project described. Indicate the name and telephone number of at least three references for whom your organization has completed similar projects. Summaries of prior work and other supporting materials that demonstrate your ability to complete the work requested in this RFP should be submitted as attachments to your proposal. The Technical Advisory Panel (TEP) reviewing proposals reserves the right to interview staff identified in the proposer's budget prior to making a final selection.

Section 5: Schedule and Staff Plan. The proposer should include a timeline for completing each task and major sub-task identified in the Statement of Work. Prepare a master schedule in bar chart form showing anticipated starting and completion times for each task, in terms of weeks or months after the contract is signed. The staffing plan should identify key personnel, including any subcontractors or other resources, responsible for completing each task. **PROVIDE A TABLE SHOWING THE NUMBER OF HOURS EACH KEY PERSON OR SUBCONTRACTOR WILL SPEND ON EACH TASK AND THE TOTAL HOURS PER TASK.**

Section 6: Potential Conflict of Interest. Identify the nature of any potential conflict of interest your firm might have in providing the requested services to NYSERDA or DPS under this RFP. Discuss fully any conflicts of interest, actual or perceived, which might arise in connection with your firm's performance of the proposed agreement. If conflicts do or might exist, describe how your firm would resolve them.

Section 7: Cost Proposal. Using the Attachment C Contract Pricing Proposal Form (CPPF) as a template, submit the name, title, and hourly rate or salary range for the duration of the agreement for each individual proposed to perform the work outlined in Section II Program Requirements, Subsection A, Services Requested (including all subcontractor personnel). Use the CPPF to provide overhead multipliers for the duration of the agreement.

Attach documentation to support indirect cost (overhead) rate(s) included in your proposal as follows:

1. Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projections; based on federal government or other independently approved rates).
2. If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
3. If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculation should provide enough information for NYSERDA to evaluate and confirm that the rate(s) are consistent with generally accepted accounting principles for indirect costs.

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

Travel expenses should be limited to activities that are necessary for the completion of project work, and cost share on travel expenses is strongly suggested. Necessary activities include tasks such as the kick-off and wrap up meetings, and direct stakeholder engagement. Any travel expense will need to be justified.

Per-Task Cost Table (required)

It is anticipated that projects will be paid on a performance basis as per-task deliverables and overall performance targets are met. Therefore, proposers **must** submit one (1) table indicating both:

1. The total expenditures for each task in the Statement of Work, and
2. The percent of total effort for each task.

Please note: Meetings based in Albany, NY are required. The Project Management Team will review the initial draft of the Document and may request additional analysis or clarification on certain tasks.

Proposers should allow funds for further analysis of identified issues in between submission of the initial and final drafts.

Appendices

Materials to be submitted include:

- Letters of Commitment from all subcontractors
- Resumes of key personnel who will work on the project
- Summaries of Prior Work, by organization and key personnel
- Other Supporting Material (optional)

B. Proposal Submission

A completed and signed Proposal Checklist must be attached as the front cover of 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.**

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://ogs.ny.gov/aboutOgs/regulations/defaultSFL_139j-k.asp). In compliance with §139-j and §139-k of the State Finance Law (see Section VI, 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. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation may disqualify your proposal.

IV. Proposal Evaluation

All proposals received by the due date and meeting the requirements established in this RFP will be reviewed and ranked by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff, NYS DPS staff, and selected outside reviewers. The TEP reviewing proposals reserves the right to interview staff identified in the proposer's budget prior to making a final selection. Final rankings and the contract award will be based on the following Evaluation Criteria:

Relevant Experience and Qualifications

1. Is there clear evidence that the proposer possesses the capability to conduct the tasks as requested in the solicitation?
2. Is the economics education and experience of key personnel sufficient and relevant to project needs?
3. Is the overall capability of the project staff appropriate?
4. Does the proposing team have experience in conducting similar work in the electricity sector or other relevant industry sectors?
5. Does the proposal describe how the technical breadth of the project team addresses the balance of interdisciplinary experience?
6. Were examples of relevant past work provided?
7. Has the proposer provided evidence of a demonstrated track record of successfully completing subject-relevant tasks, technical reports or publications in a timely fashion?

Distinguishing Characteristics of Contractor's Proposed Approach

1. Does the proposer present a sound approach for accomplishing the objectives of this proposal and articulate a strong rationale or justification for the proposed approach(es)?
2. Does the methodology provide the proper breadth and depth of analysis needed?
3. Has the proposal identified and emphasized specific, innovative and effective approaches, strategies and tools supporting the goals and objectives of the RFP?
4. Is the approach likely to result in practical and credible results?
5. Is the Contractor proposing to provide useful metrics and other strategies for measuring the effectiveness of the pricing and market structures that are recommended in conducting this work?

Comprehensiveness of Management and Project Plan

1. Does the response to the RFP demonstrate a complete and thorough understanding of the project requirements?
2. Is the Statement of Work thorough, specific, and consistent with the stated objectives?
3. Has the proposer addressed, at a minimum all of the tasks listed in this solicitation?
4. Has the proposer defined specific deliverables to be provided at the completion of each objective?
5. Was a project manager who will be responsible for the management of the team identified?
6. Is there one team member designated as the day-to-day NYSERDA contact?
7. Are appropriate management and coordination strategies articulated, including mechanisms for meeting coordination of staff that are off site and/or meetings with NYSERDA staff if not a local office?
8. Is the project organization, including the staffing plan, clear and well-defined?
9. Does the proposer address the required timeline of proposed work? Is the staffing plan sufficient to provide timely deliverables?

Cost

1. Is the scope, approach and budget for completing this work proportionate with the importance and scale of the REV initiative while simultaneously exhibiting that the proposed work plan provides value that is commensurate with the budget?
2. How cost-effective is the proposal?
3. Are hourly rates, overhead rates, indirect cost, other cost multipliers, and total hours reasonable and appropriate for the proposer's and subcontractor's personnel completing the tasks?
4. Are the proposer's and subcontractor's rates cost effective when compared to the cost allocation of comparable proposals?
5. Are the cost allocations sufficient to cover all of the study goals?
6. Is the cost structure comprehensive enough for reviewers to understand how each study requirement will be fulfilled?
7. Has a per-task cost table been included?

Proposals shall be complete in all respects as outlined in Section III (Proposal Requirements).

V. 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).

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, two, or three awards under this solicitation. NYSERDA may also elect not to make awards for one or more components of this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal (see Proposal Checklist). Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately 4 weeks from the proposal due date whether your proposal has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

Limitation - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement.

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

VI. Attachments:

Attachment A – Proposal Checklist

Attachment B – Disclosure of Prior Findings of Non-Responsibility

Attachment C – Contractor Pricing Proposal Form (CPPF)

Attachment D – Sample Agreement

Attachment E – Instructions for Electronic Proposal Submission