



## **NY Prize Community Grid Competition – Stage 2**

Request for Proposals (RFP) 3044

**Stage 2: Detailed Engineering Design, Financial and Business Plan Assessment**

**Proposals Accepted Until: October 12th 2016 5:00 PM Eastern Time\***

**Note: Stage 3 (Build) to be released at a future date.**

### **Summary of Revisions**

The following changes have been made to RFP 3044 “NY Prize Community Grid Competition – Stage 2”:

The RFP has been amended to clarify that deviations to the scope of work must be accompanied by justification, which will be evaluated by NYSERDA.

This revision appears on Page 5 of the Solicitation under “Participation in Stage 1 is not a pre-requisite to participation in Stage 2,” and on Page 9 under “7. Work Plan and Schedule”.

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**Stage 2: Detailed Engineering Design, Financial and Business Plan Assessment**  
**Proposals Accepted Until: October 12th 2016 5:00 PM Eastern Time\***  
**Note: Stage 3 (Build) to be released at a future date.**

**NY Prize Stage 2: Detailed Engineering Design and Financial and Business Plan.** NYSERDA is accepting proposals for funding to conduct detailed engineering and commercial assessments that evaluate the feasibility of installing/operating a community microgrid at a site within New York State. Proposals **must be received by NYSERDA** by 5:00 PM Eastern Time on October 12th, 2016.

On February 11, 2015, the New York State Energy Research and Development Authority (NYSERDA) announced the availability of up to \$40,000,000 under the three-stage NY Prize Community Grid Competition (NY Prize), to support the development of community microgrids. The objective of NY Prize is to promote the design and build of community grids that improve local electrical distribution system performance and resiliency in both a normal operating configuration as well as during times of electrical grid outages. NY Prize objectives include empowering community leaders; encouraging broad private and public sector participation including local distribution utilities, local governments and third parties; protecting vulnerable populations; and providing tools to build a cleaner more reliable energy system. Just over \$8,000,000 was awarded in Stage 1 of the competition to 83 communities across the state to conduct microgrid feasibility studies. It is anticipated that approximately \$8 million will be available in Stage 2 to support development of detailed engineering design and financial and business plans, though, depending upon responses received and funding availability, NYSERDA may elect to commit more or less funding.

Category	Funding Limits	Total Project Cost Share
Detailed Engineering Design, Financial and Business Plan	Up to \$1,000,000	15%

**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 G to this RFP.

If mailing or hand-delivering, proposers must submit (2) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing either 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 3044**  
**NYS Energy Research and Development Authority**  
**17 Columbia Circle, Albany, NY 12203-6399.**

Programmatic questions should be directed to John Saintcross, 518-862-1090 ext: 3384 ([john.saintcross@nyserdera.ny.gov](mailto:john.saintcross@nyserdera.ny.gov)), or Michael Razanousky, 518-862-1090 ext: 3245 ([michael.razanousky@nyserdera.ny.gov](mailto:michael.razanousky@nyserdera.ny.gov)). Questions regarding municipal procurement or contractual issues and related competitiveness issues should be directed to Janice Dean 518-862-1090 ext: 3117 ([janice.dean@nyserdera.ny.gov](mailto:janice.dean@nyserdera.ny.gov)). Contractual questions should be directed to Nancy Marucci, (518) 862-1090 ext: 3335 ([nancy.marucci@nyserdera.ny.gov](mailto:nancy.marucci@nyserdera.ny.gov)).

No communication intended to influence this procurement is permitted except by contacting Michael Razanousky, (518) 862-1090 ext: 3245. 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.

\* All proposals must be **received by NYSERDA by 5:00 Eastern Time on October 12, 2016**. Late proposals or proposals lacking the appropriate completed and signed Proposal Checklist will be returned. Faxed proposals will not be accepted. Mailed proposals will not be accepted at any other NYSERDA location other than the address above. Prior to preparing proposal for future rounds, proposer should contact NYSERDA regarding changes to solicitation. If changes are made to this solicitation, email notification will be sent to original distribution group as well as posted on NYSERDA's web site: [www.nyserdera.ny.gov](http://www.nyserdera.ny.gov) and in the Contract Reporter.

## I. INTRODUCTION - NY Prize Community Grid Competition

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Under NY Prize, up to \$40,000,000 was made available to support the development of community microgrids. NY Prize is a multi-stage competition aimed at supporting the design and building of community grids that improve the local electrical distribution system performance and resiliency in both a normal operating configuration as well as during times of electrical grid outages. The competition was developed in response to the Governor's New York RISE initiative regarding the use of microgrids as a means of minimizing the impacts due to power outages associated with emergencies, natural disasters, and other events. Communities considered vulnerable to weather-induced impacts historically had not benefitted from energy grid optimization, and co-located within a utility service territory with areas experiencing significant load growth or in potential need of utility grid reinforcements were encouraged to consider competing for a NY Prize award. Key NY Prize objectives include empowering community leaders, encouraging broad private and public sector participation, protecting vulnerable populations, expanding the use of locally distributed energy resources, engaging with private sector or third-party interests and providing tools for building a cleaner more reliable energy system.

Under this Stage 2 Detailed Engineering Design and Financial and Business Plan request for proposals, NYSERDA is accepting proposals for funding to conduct detailed engineering and commercial assessments that evaluate the feasibility of installing/operating a community microgrid at a site within New York State.

NY Prize is not intended to support the development of additional behind-the-meter, campus style, single entity microgrids for which an extensive operating history exists. NY Prize seeks to support the development of community grids encompassing no less than one facility providing a critical service to the public that is connected to multiple, uniquely owned/controlled buildings that act as a group of interconnected loads and distributed energy resources, lie within a clearly defined electrical boundary and act as a single controllable entity, which can connect and disconnect from the surrounding utility grid and operate in both grid-connected or island mode.

Originally, electric power in the United States, including generation and distribution systems, operated on a small, local scale. Over time, regional utilities and infrastructure were developed to deliver cost-effective, safe, and reliable water, heat, power, fuel, and communications over significantly broader distances. These large, networked systems of electric power generation, transmission, distribution, and delivery offer the benefits of fuel diversity, proximity of generating assets to large fuel and water resources, efficiencies of scale, reliability through diversity of assets, quality of life benefits from locating large emissions sources away from population centers, and least-cost-dispatch. These systems are, however, vulnerable to outages that can impact large regions and thousands of businesses and citizens, particularly as a consequence of extreme, destructive weather events. Microgrids could help minimize the impact of these outages by localizing power generation, distribution, and consumption so that a fallen tree or downed wire will not interrupt critical services for miles around.

Microgrids rely on a combination of Demand-side Resources (DR) (i.e., resources such as energy efficiency or curtailable load that impact how energy is consumed) and distributed generation resources (DG) (i.e., resources that produce energy). For the purposes of the NY Prize competition, these collectively are considered Distributed Energy Resources or DER as defined below:

### **DISTRIBUTED ENERGY RESOURCES (DER):**

**Demand-side resources** are those that affect how and when energy is consumed within the microgrid. Most commonly, these will include intelligent energy management systems and energy efficiency

investments. Intelligent energy management technologies are systems that monitor and control electricity consumption in real time. These technologies allow the operator of the microgrid to reduce demand for either practical reasons (such as the microgrid islanding and needing to curtail consumption to match local generation) or in response to economic incentives (such as the microgrid's participation in a demand response program).

**Supply-side resources** affect energy production within a microgrid. The most common are distributed generators (DG). DG encompasses a wide range of generation technologies, including gas turbines, solar electric (photovoltaic or PV), wind turbines, fuel cells, biomass, and small hydroelectric generators. Some DG units that use conventional fuel-burning engines are designed to operate as combined heat and power (CHP) systems that are capable of providing heat for buildings or industrial processes using the "waste" energy from electricity generation. Some of the key attributes for microgrid developers to consider when choosing between types of DG to install in a microgrid include the intermittency of the generator's output (e.g., solar panels produce power only "intermittently," when the sun is shining), whether it is renewable or non-renewable, its location, its size, its relationship with the conventional electric grid, and its operating regime.

## **REGULATORY CONTEXT - Reforming the Energy Vision**

In its order of December 26, 2013 <sup>1</sup>, the Public Service Commission (PSC) announced that it would comprehensively consider how the regulatory paradigm and retail and wholesale market designs either effectuate or impede progress toward achieving the policy objectives underlying the system benefit programs and regulation of electric distribution utilities<sup>2</sup>. With respect to regulation of distribution utilities, the PSC identified the following key questions it needed to address:

1. What should be the role of the distribution utilities in enabling system wide efficiency and market-based deployment of distributed energy resources and load management?
2. What changes can and should be made in the current regulatory, tariff, and market design and incentive structures in New York to better align utility interests with achieving our energy policy objectives?

The PSC also identified several policy objectives it would want satisfied by any utility system reforms:

1. Enhanced customer knowledge and tools to support effective management of their total energy bill
2. Market animation and leverage of ratepayer contributions
3. System wide efficiency
4. Fuel and resource diversity
5. System reliability and resiliency; and
6. Reduction of carbon emissions

This was followed by an order instituting a proceeding to improve system efficiency, empower customer choice, and encourage greater penetration of clean generation and energy efficiency technologies and practices, commonly called Reforming the Energy Vision (or REV)<sup>3</sup>. In a subsequent memorandum and

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<sup>1</sup> Case 07-M-0548, Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard, Order Approving EEPS Program Changes (issued December 26, 2013) (EEPS Changes Order).

<sup>2</sup> See Case 13-M-0412, Petition of New York State Energy Research and Development Authority to Provide Initial Capitalization for Governor Cuomo's New York Green Bank, Order Establishing New York Green Bank and Providing Initial Capitalization (issued December 19, 2013) and Case 03-E-0188, Retail Renewable Portfolio Standard, Order Authorizing the Redesign of the Solar Photovoltaic Programs and the Reallocation of Main-Tier Unencumbered Funds (issued December 19, 2013).

<sup>3</sup> CASE 14-M-0101 - Proceeding on Motion of the Commission in Regard to Reforming the Energy Vision, (issued April 25, 2014).

resolution<sup>4</sup>, the PSC stated that demonstration projects would be an important step in implementing the REV changes and informing decisions on utility functionalities, customer responses to program offerings and associated prices and determining the most effective implementation of Distributed Energy Resources (DER). The intent of early REV demonstrations is to advance the development of new utility and third party service or business models and gain experience with integration of DER. Lead applicants in NY Prize are encouraged to consider these principles as they develop plans for a community microgrid.

## **RESILIENCY TO CLIMATE CHANGE INDUCED IMPACTS**

NYSERDA has been studying, documenting, and modeling the impacts of climate change in New York State for several years. As public awareness of the impacts of climate change has grown, so have NYSERDA's efforts to better understand and forecast both gradual changes and extreme events. In 2011, NYSERDA released Responding to Climate Change in New York State (ClimAID), which provides climate projections for the state, as well as detailed information on New York's adaptation strategies and vulnerability to climate change <http://www.nyserdera.ny.gov/-/media/Files/Publications/Research/Environmental/EMEP/climaid/ClimAID-Report.pdf>.

Working with the original ClimAID researchers and using the most up-to-date datasets, improved baseline scenarios, and the latest generation of climate models and emissions projections, NYSERDA has released Climate Change in New York State: Updating the 2011 ClimAID Climate Risk Information (the 2014 Update) <http://www.nyserdera.ny.gov/-/media/Files/Publications/Research/Environmental/ClimAID/2014-ClimAid-Report.pdf>.

Across the Empire State, temperatures are increasing; along the coastline, the sea level is rising. These changes are projected to accelerate because of increased concentrations of carbon dioxide and other greenhouse gases (GHGs) in the atmosphere. Throughout the Northeast, heavy rain events have become more frequent, and cold events more rare. These and other climate changes are projected to lead to increasing impacts across New York State's economy and natural systems. Not all of these changes will necessarily be gradual; when certain tipping points are crossed, impacts can increase dramatically. Impacts from climate change are already affecting every part of New York State—water, energy, agriculture, ecosystems, and other social and economic systems—and all its 20 million inhabitants. The design basis for community microgrids supported during Stage 2 of this NY Prize competition must include consideration of the resiliency of the community grid to projected impacts from climate change relevant to the grid location as predicted by the 2011 ClimAid report and 2014 ClimAid update.

## **II. Competition Structure**

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Community microgrid development projects, including those being funded through current or pending NYSERDA awards, funded through other means or otherwise in progress, have the option of submitting a proposal under Stage 2 and/or Stage 3 when issued. All applications are eligible for NY Prize Stage 2 monetary awards only to the extent that the proposer demonstrates that existing or pending funding awards are insufficient to complete a Detailed Engineering Design and Financial and Business Plan that complies with the NY Prize competition requirements stated herein.

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<sup>4</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).

## COMPETITION STAGES

The NY Prize competition offered support for feasibility studies (Stage 1), audit-grade engineering design and business planning (Stage 2) for which this RFP applies, and will offer project build-out and post-operational monitoring support (Stage 3) that will be open for applications at a later date. Applications will be judged against program requirements at each stage of the competition for which funding is being requested. Cost sharing is required for Stages 2 and Stage 3 of the competition.

### **Stage 1: Feasibility Assessment (Closed)**

Stage 1 of the competition under RFP 3044 has been completed with the NY Prize Selection Committee approving approximately \$8.1 million in funding for 83 feasibility studies across New York State.

### **Stage 2: Detailed Engineering Design and Financial and Business Plan Assessment (Open)**

Communities or Proposers are encouraged to offer proposals for conducting a Detailed Engineering Design, Financial and Business Plan Assessment for a community microgrid, subject to the requirements of Section IV. Proposals satisfying the specified evaluation criteria will be awarded up to \$1,000,000 in NY Prize funding, with a 15% total project cost sharing. It is anticipated that many Stage 2 projects may need substantially less than the maximum award amount in order to complete Stage 2 deliverables.

**Participation in Stage 1 is not a pre-requisite to participation in Stage 2.** - Proposals from the entire field of competitors will be evaluated against prescribed Stage 2 evaluation criteria. Projects subject to current or pending NYSERDA awards for community grid design and engineering are eligible for additional monetary awards at this stage, but only to the extent that the proposer can demonstrate that any existing or pending awards are insufficient to complete an audit-grade design assessment in accordance with NY Prize competition requirements specified herein. A minimum cost share of 15% of total project costs is required of Stage 2 awardees. NYSERDA anticipates making up to 10 Stage 2 awards. **The awarded contract will take the form of Attachment C and include the tasks and requirements contained in Attachment C. Change to the scope and degree of analysis contained in Attachment C to add other tasks considered essential to the analysis and eliminate tasks considered inapplicable must be accompanied by justification.**

**NOTE: NYSERDA reserves the right to negotiate scope of work, budget and funding levels on all awarded projects.**

### **Stage 3: Microgrid Build-out and Operation (Pending/Not Open)**

At this stage of the competition, all remaining competitors will be encouraged to submit their Detailed Engineering Design, Financial and Business Plan Assessment for consideration and all or some of these proposed plans will be awarded NY Prize funding for construction and post-commissioning monitoring and evaluation activities. NYSERDA anticipates supporting the construction of community grid projects at Stage 3. At this final stage of the competition, eligible microgrid project participants will be expected to secure private capital for the majority of project capital requirements and higher cost sharing will be considered favorably in determining projects to be supported at Stage 3.

## SCHEDULE

The schedule for this competition reflects intentions to provide windows of opportunity for communities to enter the stage for which funding is being requested and be evaluated expeditiously. **Please note:** The dates below are subject to change. Notification of such change(s) will be posted on the NY Prize website at <http://www.nyserda.ny.gov/All-Programs/Programs/NY-Prize>

<b>Milestone</b>	<b>Target Date(s)</b>
<b>Stage 1 Feasibility Assessment Studies</b>	Completed
<b>Stage 2 Detailed Engineering Design, Financial and Business Plan Assessment Entries</b>	
- Outreach/Informational Session	May 2016
- Stage 2 proposals accepted	October 2016
- Review panel convenes/proposals evaluated	November 2016
- Contracts issued to Stage 2 awardees	December 2016
<b>Competition Open to Stage 3 Microgrid Build-out and Operation Entries</b>	January 2018
- Outreach/Informational Session	January 2018
- Stage 3 proposals accepted	April 2018
- Review panel convenes/proposals evaluated	May 2018
- Awardees selected	June 2018

## COMMUNITY OUTREACH

NYSERDA will conduct a teleconference (outreach session) to review the competition objectives, process for participation, and contractual requirements. Questions will be taken and to the extent possible, responses will be provided during the Outreach Session. Communities who intend to participate in the Outreach Session must send an email indicating such to <http://www.nyserda.ny.gov/All-Programs/Programs/NY-Prize/Email-List>, by 12:00 noon on May 11th, 2016, with the subject line “NY Prize Outreach Session.” Respondents will be provided with information on how to participate. NYSERDA may conduct a second outreach session should the need arise. In such event, NYSERDA will forward information relevant to participating in such session when such decision is made to the authorized contact for project proposers.

## III. PROGRAM REQUIREMENTS

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To be eligible to participate in Stage 2 of the NY Prize Competition, the following pre-requisites must be included in any project proposal:

- **Stage 1 Completed Feasibility Assessment (includes Benefit Cost Analysis)(or equivalent).**
- **Provide evidence that project participants remain committed to conducting Stage 2 assessments.**
- **Provide evidence that project participants have complied with applicable State and local municipal procurement and contracting laws and guidelines for both Stage 2 and Stage 3. See Section IV(10) below for more detail.**

## IV. STAGE 2 PROPOSAL REQUIREMENTS

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**Detailed Engineering Design, Financial and Business Plan Assessment (up to \$1,000,000 in funding with a minimum 15 % proposer total project cost share required)**

**NOTE: NYSDERDA reserves the right to negotiate scope of work, budget and funding levels on all awarded projects.**

Please read this RFP in its entirety and be sure to include all required information. When preparing the various required sections of your proposal, review the Evaluation Criteria included under Section V.

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

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

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 NYSDERDA and New York State. NYSDERDA 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. Be sure the individual who is signing the Proposal Checklist is authorized to commit the proposer's organization to the proposal as submitted.

Failure to include a signed copy of the Proposal Checklist referenced in this solicitation may disqualify your proposal.

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

**3. Executive Summary** (two page maximum) – State the title of the proposed project and briefly summarize the project, the team members, the community microgrid systems-related problem or opportunity, the proposed solution and its innovative characteristics, and potential energy, environmental, and economic benefits to New York State.

**4. Proposer Information** (two page maximum):

- 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 would be legally authorized to sign a contract, if awarded. Have this individual sign and date the Proposal checklist in the space



provided. The legally authorized representative of the Proposer also certifies by the submission of its proposal that:

1. the Proposer has reviewed this Notice and has investigated and informed itself with respect to all matters pertinent to this Notice and its proposal;
  2. the Proposer's proposal is submitted in compliance with all applicable federal, state, and local laws and regulations, including antitrust and anti-corruption laws; and
  3. the information provided in the proposer's proposal is true and accurate.
- Identify the proposing entity's legal authority for accepting funds from NYSERDA for project work and legal authority to conduct the project.
  - If applicable, provide evidence that the Proposer has financial resources to share the costs of conducting a Stage 2 Feasibility Assessment.

**5. Proposer Qualifications** (two to four pages); include resumes and other material in an appendix.

- Proposing Organization(s) - Include a brief description of organization(s) involved in the proposing team, including major subcontractors. Include date founded, history, size, product portfolio, and location. Also include an explanation of why the proposed organization or team is qualified to perform/implement the project from a technical and business perspective. Identify any other organizational qualifications relevant to the proposed work. If applicable, include examples of previous successful commercialization projects and the current status of those successes. (Note: Subcontracts of \$50,000 or more, unless named in the proposal, are subject to competitive bid procedures; see Attachment F - Sample Agreement).
- Organizational Chart - Prepare an organizational chart listing all team members, including the project manager and any subcontractors and other sponsors involved in the project, showing their roles and responsibilities.
- Qualifications of Key Individuals – Identify key individuals that will be involved in the project and its success. Provide one- to two-paragraph summaries of relevant technical and business expertise of these individuals. Submit resumes (in an appendix) of all key project team members. Include in the resumes, education and experience that are relevant to the proposed work.
- Previous Experience - Describe the proposing team's experience that is relevant to the proposed effort. List related projects that have been undertaken and successfully completed by the Proposer and/or subcontractors. List NYSERDA contracts awarded to the proposer, if any, in the past five years.
- Identify public interests/organizations/customers involved in the Project Team and describe their respective roles in and relationship to the project:
  - Local government(required);
  - Regional Economic Development Council;
  - Low- to- moderate income tenants associations;
  - Local/regional emergency management;
  - Retail /Institutional customers;
  - Non-profit organizations;

- Third party implementers/project developers;
- Vendors;
- Others.

## 6. Proposer Feasibility Assessment Information:

Provide a copy of a completed Stage 1 Feasibility Assessment (or equivalent) with benefit cost analysis as part of the Stage 2 proposal. You can add this as an appendix in back of proposal.

Also, to support the evaluation of project proposals, Proposers must complete and include with their proposal, the form-fillable **Stage 1 Feasibility Assessment Report Checklist contained in Attachment I**. Attachment I will be used by the IEP to quickly determine if and where in the proposal, the evaluation criteria listed in Section V below have been addressed by the Proposer.

**7. Work Plan and Schedule** (six to eight pages) The Work Plan describes work activities and deliverables associated with accomplishing the work described in Attachment C. **Refer to Attachment C for a Statement of Work and format associated with conducting a Stage 2 Detailed Engineering Design, Financial and Business Plan Assessment. Change to the Statement of Work contained in Attachment C to add other tasks considered essential to the analysis and/or eliminate tasks considered inapplicable must be accompanied by justification.** Such Work Plan and Schedule must include consideration of completing all activities associated with the interconnection of distributed generation within the microgrid and work activities associated with parallel and islanded operation of the microgrid pursuant to the New York State Standardized Interconnection Requirements or other Commission authorized interconnection rules/processes pertinent to microgrids in effect at the time.

The Work Plan shall describe each step or procedure required to accomplish the project objectives. Therefore, each action shall be identified, indicating who will perform it, how it will be performed and its intended result. Use active voice sentence structure to make clear who is responsible for specific actions; for example, use the following phrase to start the description of every task and subtask: “The Contractor shall . . . “

Schedule. Present a work schedule with a starting point and duration for each task and subtask contained in the Work Plan. 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 such as steps, showing progress toward project objectives and goals. Schedule for projects preferred to be completed within 12 months.

**8. Milestone Budget** (one page) – Include a project budget, associated with accomplishing the Work Plan described under the **Work Plan and Schedule**, showing total of project costs and proposer cost-share. Describe any other sources of funding available. The budget must include consideration of costs associated with the study of interconnecting microgrid components as set forth in the guidance in **Attachment H, Community Microgrid Joint Utilities Fee Schedule for NY Prize Stage 2 Analyses.**

Milestone Payments. NYSERDA will make payments to awarded proposals based on the achievement of project-related milestones. Provide a list of deliverables associated with each task with proposed milestone payments assigned to major deliverables. The magnitude of the milestone payments should be based on the amount of effort required to reach the deliverable.

Cost Sharing – The proposal should show non-NYSERDA funding of the total cost of the project. Cost sharing can be from the proposer, other team members, and other government or private sources. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials

may be considered "cash" contributions. Unpaid labor, indirect labor, or other general overhead may be considered "in-kind" contributions. NYSERDA will not pay for efforts that have already been undertaken or for equipment that may have already been purchased that is associated with the design and installation of the microgrid. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. Complete the following table for **ALL PROPOSALS** (expand table as needed):

FUNDING SOURCE TABLE			
Funding Source	Project Total \$		
	Cash	In-Kind	Total (cash + in-kind)
NYSERDA	\$		\$
Proposer	\$	\$	\$
Co-Funder (identify)	\$	\$	\$
Co-Funder (identify)	\$	\$	\$
Total (\$)	\$	\$	\$

**9. Appendices** – Include any resumes, company qualifications, or ancillary information that is deemed necessary to support your proposal. If appropriate, also include:

- **Letters of Support or Commitment** – If you are relying on any other organization to do some of the work, provide services or equipment, otherwise support the work, act as a host demonstration site, or share in the non-NYSERDA cost, include a letter from that organization describing their planned participation. Also include letters of support or commitment from businesses or other organizations critical to the future commercialization, demonstration, or implementation of the project. Absence of letters of interest or commitment will be interpreted as the proposer not having support from the identified parties.
- Provide evidence (signed letters of commitments) from the Proposer and Project team members signifying their participation in all aspects of project implementation team activities and their commitment to providing resources necessary to successfully carry out the responsibilities for conducting a Stage 2 Detailed Engineering Design, Financial and Business Plan Assessment in accordance with the requirements set forth in Attachment C.
- Provide documentation of ownership, site control and/or permission of the property owner for proposed sites.
- Provide a copy of a completed Stage 1 Feasibility Assessment with benefit cost analysis as part of the Stage 2 proposal.

**10. Legal Viability.** NYSERDA wants to ensure that each applicant at Stage 2 has considered all applicable procurement laws that may apply through Stage 3 and beyond (e.g., contracting for services from or in connection with an operating microgrid). Therefore, as part of the Stage 2 application, NYSERDA is requiring that each participating municipality consider every step in the microgrid design, development and operation process that may require compliance with State or municipal procurement

and contracting rules. For any Stage 2 project that will include a contract between a municipality and a private party at any point in the process that will require the expenditure of municipal funds (whether for design or development, or for services to be provided after completion of the project (e.g., a power purchase agreement)), the application must include a Statement of Compliance affirming that the relationship between the municipality and the contracting party or parties was created lawfully under relevant State and municipal procurement and contracting laws and guidelines.<sup>5</sup>

In order to satisfy this requirement and be eligible for Stage 2 funding, applicant must submit a Statement of Compliance<sup>6</sup>:

- (1) indicating that the services (e.g., design, construction, supply of power) of the private party have been procured lawfully under State laws, and applicable municipal procurement and contracting laws and guidelines, indicating whether competitive selection was required;
- (2) setting forth the provision(s) of law under which the procurement was effected (i.e., General Municipal Law § 103 or § 104(b), Energy Law Article 9, or other) or under what legal authority no competitive procurement process is required; and
- (3) describing the path that the municipality has established for procuring the ultimate microgrid services, should the project advance through Stage 3.<sup>7</sup>

In performing this procurement analysis, parties may wish to take the following non-exclusive list of considerations into account:

- If municipalities intend to procure the services of a design firm at Stage 2 via a competitive process and intend to undertake another competitive process for a build partner at Stage 3, municipalities must consider and should consult with the Stage 2 design firm to identify what agreements and consents they will need, including licenses to use design documents and to disclose potentially ‘confidential’ or otherwise proprietary information, in order to provide prospective bidders with sufficient information for the Stage 3 bidding process.
- If there is an agreement for the same or related entities to perform both design services (requiring a professional license) and construction services (other than ordinary contract administration services incidental to design services), the municipality must consider whether such services can be performed lawfully by the same or related entities.
- For any services procured by a municipality at any stage where the procurement is based upon “best value,” the municipality should ensure that it has sufficient information to enable the municipality to make a “best value” determination.

## **PROPOSAL SUBMISSION:**

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<sup>5</sup> This Statement of Compliance requirement does not apply to applicants seeking Stage 2 funding for projects that will not serve any municipal loads – i.e., those projects providing microgrid services to only private entities.

<sup>6</sup> NYSERDA expects the Statement of Compliance to be made by officials or counsel of the municipality.

<sup>7</sup> NYSERDA’s goal in this section is to foster communication between municipalities and private partners at this point in the competition such that impediments to procurement of ultimate microgrid services, if any, can be identified and addressed before they arise. NYSERDA does not provide legal advice on municipal procurement matters to local governments or private parties, but offers these considerations for discussion to ensure that parties have identified a clear path forward should their project advance through Stage 3.

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 G to this RFP

If mailing or hand-delivering, proposers must submit (2) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing either 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 3044, NYS Energy Research and Development Authority, 17 Columbia Circle, Albany, NY**

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** (suggested page limits for each section are shown in parentheses following the section title).

## **V. STAGE 2 PROPOSAL EVALUATION**

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Proposals that meet Program and Proposal Requirements will be reviewed by an Investment Evaluation Panel (IEP) using the Evaluation Criteria identified below. In addition to considering how project proposals satisfy the Evaluation Criteria listed below, NYSERDA reserves the right to make funding decisions on the basis of other programmatic reasons such as, but not limited to, NYSERDA's history/experience with particular contractors, geographic equity/distribution, customer diversity, scale of anticipated impacts, and prospects for learning opportunities.

After the proposals are reviewed, NYSERDA will issue a letter to each proposer indicating the proposal evaluation results. Proposers receiving favorable evaluations will be invited to enter into contract negotiations with NYSERDA to perform a Stage 2 Detailed Engineering Design, Financial and Business Plan Assessment consistent with the requirements specified in Attachment C. The proposer may also be asked to address specific questions or recommendations of the IEP before contract award.

### **Evaluation Criteria**

#### **Microgrid Capabilities and Technical Design**

##### **Microgrid Capabilities**

- Does the microgrid serve at least one but preferably more, physically separated critical facilities located on one or more properties?
- Does the microgrid serve both critical and non-critical loads at those facilities?
- Does the microgrid design provide on-site power in both grid-connected and islanded mode?

- Does the microgrid distributed energy resources provide 24 hrs per day and 7 days per week utilization of the power?
- What percentage of the total power consumption in the microgrid will be supplied by resources in the microgrid? Local utility?
- Are microgrid resources designed to follow the electrical load while maintaining the voltage and frequency when running parallel connected to grid?
- Does the microgrid design provide a means for two-way communication and control between the distributed energy resources owner/operator and the local distribution utility through automated, seamless integration? Or, is the transition initiated by the microgrid operator?
- Does the microgrid design include secure control/communication systems from cyber-intrusions/disruptions and protect the privacy of sensitive data?
- Does the microgrid design include an uninterruptible fuel supply for DER for no less than one week?
- If generation in the microgrid is dependent to the supply of natural gas or other fuels, what are the arrangements for continuous access to these supplies? What agreements will be made for fuel supply under catastrophic events and for what duration would these supplies support microgrid operation?
- Does the microgrid design describe how many days of continuous operation can be achieved with current fuel storage capability? If additional fuel storage is required, provide a description of needs required for this or otherwise describe how fuel security is to be managed?
- How does the microgrid design provide resiliency to likely adverse weather and environment conditions that are the most likely to impact facilities (generation, delivery, and customer connections) at the specific location (community)?
- Does the microgrid design provide black-start capability?
- Does the microgrid design consider energy efficiency options that minimize the need for additional generation assets?
- Does the microgrid design address installation, operations, maintenance and communications for the electric system that serves all the generation and loads within the electrical boundary of the microgrid from commissioning of equipment and systems through system and operational testing of the microgrid controller and the distribution utility?
- To what extent does the microgrid design involve clean power supply sources that minimize environmental impacts, including local renewable resources, as measured by total percentage of community load covered by carbon-free energy generation?
- To what extent does the microgrid design demonstrate tangible community benefits, including but not limited to, (e.g. jobs created, number of customers served, number of buildings affected, scale of energy efficiency retrofits, support for emergency management personnel during catastrophic events most likely to occur in the area)?
- Does the microgrid design incorporate capabilities that improve the resiliency and reliability of the distribution system to which it is connected? Provide confirmation from the utility improvement in resiliency and reliability are expected.
- Does the microgrid provide capabilities to expedite power system restoration in adjacent areas (for customers other than those in the microgrid)?
- Are their proposed operational plans between the microgrid operator/owner and the distribution utility?

### **Technical Design**

- Does the microgrid design provide an equipment layout diagram and a one-line diagram depicting new, updated or proposed equipment, including location of the distributed energy resources and utility interconnection point (Point of Common Coupling (PCC))?

- Does the microgrid design take into account interconnection issues at the PCC? Upgrades to the substation? Feeder?
- Has the local utility evaluated the interconnection impact on the feeder?
- Does the microgrid design meet with the local utilities requirements for communications?
- Does the microgrid design identify the locations of new and existing microgrid and building controls on the simplified equipment layout diagram?
- Does the microgrid design identify the electrical and thermal infrastructure on the simplified equipment layout and one-line diagrams and differentiate between new, updated and existing infrastructure?
- Does the microgrid design identify the new and existing information technologies and telecommunications infrastructure on the equipment layout diagram?
- Does the microgrid design provide approximate location and space available for microgrid equipment/resources?
- Does the microgrid design fully describe the electrical infrastructure (feeders, lines, relays, breakers, switches, current and potential transformers (CTs and PTs) and thermal infrastructure (steam, hot water, cold water pipes) that are a part of the microgrid?
- Does the microgrid design describe how the proposed microgrid will operate under normal and emergency conditions?
- Does the design include operating agreements, decisions rules and communication procedures between the microgrid operator and the utility necessary to operate the microgrid?
- Does the microgrid design describe the electrical and thermal loads served by the microgrid when operating in islanded and grid parallel modes?
- Does the microgrid design provide hourly load profile of the loads included in the microgrid and identify the source of the data? If hourly loads are not available, best alternative information shall be provided?
- Does the microgrid design provide a description of the sizing of the loads to be served by the microgrid including a description of any redundancy opportunities (ex: n-1) to account for equipment downtime?
- Does the microgrid design provide the distributed energy resources and thermal generation resources to continuously meet electrical and thermal demand in the microgrid?
- Does the microgrid design take into account providing the resiliency of the electrical and thermal infrastructure to the forces of nature that are typical to and pose the highest risk to the location/facilities? Describe how the microgrid design provides resiliency to disruption caused by such phenomenon and for what duration of time? Discuss the impact of severe weather on the electrical and thermal infrastructure?
- Does the microgrid design provide what additional investments in utility infrastructure may be required to allow the proposed microgrid to separate and isolate from the utility grid?
- Does the microgrid design provide the basic electrical system protection mechanism within the microgrid boundaries?
- Does the microgrid design provide the microgrid control architecture and how it interacts with distributed energy resources controls and building energy management systems, if applicable?
- Does the microgrid design provide for a controller to manage the microgrid functions?
- Does the microgrid design provide a brief written description of the services that could be provided by the microgrid controls including, but not limited to the following:
  - Automatically connecting to and disconnecting from the grid
  - Load shedding schemes
  - Black start and load addition
  - Performing economic dispatch and load following
  - Demand response
  - Storage optimization

- Maintaining frequency and voltage
  - Photovoltaic information and controllability; forecasting
  - Coordination of protection settings
  - Selling energy and ancillary services
  - Data logging features
- Does the microgrid design provide the information technologies and telecommunications infrastructure and protocols required for the microgrid?
  - Does the microgrid design provide the communications infrastructure required to support microgrid operations with the utility? Can the utility monitor the microgrid activity at the PCC? Does the communications allow for disconnection by the utility during emergencies or risk to the stability of the interconnected distribution system?
  - How vulnerable are the information technologies and telecommunications infrastructure to catastrophic events that are most likely to impact the microgrid?

## **Commercial, Financial and Legal Viability**

### **Commercial Viability**

- To what extent does the microgrid business plan leverage private capital to the maximum extent possible as measured by total private investment in the project and the ratio of public to private dollars invested in the project?
- Does the microgrid business plan identify the number of individuals affected by/associated with critical loads should these loads go unserved?
- Does the microgrid business plan identify any direct/paid services generated by microgrid operation?
- Does the microgrid business plan identify each of the microgrid customers expected to purchase services from the microgrid?
- Does the microgrid business plan identify other microgrid stakeholders; what customers will be directly or indirectly affected (positively or negatively) by the microgrid?
- Do the microgrid design and business plan take into account the relationship between the microgrid owner and the purchaser of the power?
- Does the microgrid business plan indicate which party/customers will purchase electricity during normal operation? During islanded operation?
- Does the microgrid business plan identify necessary contractual agreements with critical and non-critical load purchasers?
- How does the microgrid business plan plan to solicit and register customers (i.e. purchasers of electricity) to be part of their project?
- Does the microgrid business plan provide any other energy commodities (such as steam, hot water, chilled water) that the microgrid will provide to customers?
- How does the microgrid business plan provide value to its participants, to the community at large, the local electric distribution utility and the state of New York?
- What benefits and costs will the community realize by the construction and operation of this microgrid?
- How would installing this microgrid benefit the utility? Its customers? What costs would the utility incur as a result of this microgrid? Are these covered in the interconnection agreement with the utility?
- What is the proposed business model for this microgrid?



- Does the business plan include an analysis of strengths, weaknesses, opportunities and threats (SWOT)?
- What makes this project replicable? Scalable?
- What is the purpose and need for this project?
- Why is reliability/resiliency particularly important for this location? Will it meet a disaster recovery or unmet infrastructure need?
- Does the microgrid system provide an overall value proposition to each of its identified customers and stakeholders?
- Does the microgrid system provide added revenue streams, savings, and/or costs for the purchaser of its energy?
- Does this microgrid system promote new technologies?
- Does the microgrid system promote any public/private partnerships?
- Are any project financiers or investors identified in the microgrid team?
- Are any legal and/or regulatory advisors part of the microgrid team?
- Are the benefits and challenges of employing any new microgrid technologies listed?
- Has the microgrid design addressed the permitting and/or special permissions required to construct this project? Are they unique or would they be required of any microgrid?
- What is the proposed approach for developing, constructing and operating the microgrid system?
- How are benefits of the microgrid passed to the community?
- Is a project operational scheme (including, but not limited to, technical, financial, transactional and decision making responsibilities) developed that will be used to ensure this system operates as expected?
- How does the project owner plan to charge the purchasers of electricity services? How will the purchasers' use be metered?
- Are there business/commercialization and replication plans appropriate for the type of project?
- How significant are the barriers to market entry for microgrid participants?
- Does the proposer demonstrate a clear understanding of the steps required to overcome these barriers?

#### **Financial Viability**

- Does the microgrid design address the categories and relative magnitudes of the revenue streams and/or savings that will flow to the microgrid owner? Will they be fixed or variable?
- Does the microgrid system provide other incentives? How does the timing of those incentives affect the development and deployment of this project?
- Does the microgrid design identify categories and relative magnitudes of the capital and operating costs that will be incurred by the microgrid owner? Will they be fixed or variable?
- Does the business model for this project ensure that it will be profitable?
- Does the microgrid design include a description of a potential financing structure during development, construction and operation of the microgrid?
- Is the financial viability of the microgrid dependent on investment credits and subsidies?
- Is the operational viability of the microgrid dependent on special tariff arrangements?
- Does the financial viability of the microgrid depend on subsidies from the local utility or government or operating arrangements with customers served by the microgrid?

#### **Legal Viability**

- Does the microgrid design address and comply with the legal terms/conditions/requirements necessary to develop and operate the microgrid?

- If the project will include a contract between a municipality and a private party, has the project team considered all applicable State and municipal procurement and contracting laws and guidelines, and taken appropriate steps to ensure that such laws and guidelines have been or will be complied with?
- Does the microgrid design describe the potential project ownership structure and project team members that will have a stake in the ownership?
- Has the project owner been identified?
- Does the project owner (or owners) own the site(s) where microgrid equipment/systems are to be installed? If not, what is the plan to secure access to that/those site(s)?
- What is the approach to protecting the privacy rights of the microgrid customers, e.g. with respect to meter data?
- Does the microgrid design describe any known, anticipated, or potential regulatory hurdles, as well as their implications that will need to be evaluated and resolved for this project to proceed?

### **Benefit and Cost Analysis**

- Does the cost/benefit analysis provide information from the community, utility and developer's perspective;
- Does the cost/benefit analysis indicate the facility's average annual electricity demand and peak electricity demand?
- Does the cost/benefit analysis indicate the percentage of the facility's average demand the microgrid would be designed to support during a major power outage?
- Does the cost/benefit analysis indicate the number of hours per day on average; the facility would require electricity from the microgrid?
- Does the cost/benefit analysis indicate the impact of the expected provision of peak load support on generating capacity requirements?
- Does the cost/benefit analysis indicate capacity of demand response that would be available by each facility the microgrid would serve?
- Does the cost/benefit analysis indicate impact (deferral or avoidance) on transmission or distribution capacity requirements?
- Does the cost/benefit analysis indicate ancillary services to the local utility (e.g., frequency or real power support, voltage or reactive power support, black start or system restoration support)?
- Does the cost/benefit analysis estimate annual energy savings from development of a new distributed energy resource system relative to the current heating system and current type of fuel being used by such system?
- Does the cost/benefit analysis provide environmental regulations mandating the purchase of emissions allowances for the microgrid (e.g., due to system size thresholds)?
- Does the cost/benefit analysis provide emission rates of the microgrid for CO<sub>2</sub>, SO<sub>2</sub>, NO<sub>x</sub>, and PM?
- Does the cost/benefit analysis provide the fully installed costs and engineering lifespan of all capital equipment?
- Does the cost/benefit analysis provide for
  - initial planning and design costs?
  - fixed operations and maintenance costs?
  - variable operations and maintenance costs?
  - fuel/energy source of each existing backup generator?
  - the average daily electricity production for each generator in the event of a major power outage, and the associated amount of fuel required to generate that electricity?

- Does the cost/benefit analysis include any one-time costs (e.g., labor or contract service costs) associated with connecting and starting each backup generator?
- Does the cost/benefit analysis include any daily costs (e.g., maintenance costs) associated with operating each backup generator?
- Does the cost/benefit analysis provide an estimate of the costs of any emergency measures that would be necessary for each facility to maintain operations, preserve property, and/or protect the health and safety of workers, residents, or the general public?
- Does the cost/benefit analysis estimate the population served by each microgrid?
- Does the cost/benefit analysis provide how a power outage would impact each facility's ability to provide services?

### Other

- To what extent does the proposer offer more than the minimum cost share?
- Are the qualifications and roles of the proposing team and subcontractors clearly defined and demonstrate the capability to successfully complete a Stage 2 Detailed Engineering Design, Financial and Business Plan Assessment?
- What are the potential utility distribution system benefits attributable to the projects planned operation relative to other competing projects in the utilities' service territory?
- Does the proposer provide evidence that a broad coalition of public interests have teamed up in support of project development (e.g., Regional Economic Development Council(s), low- to-moderate income tenants associations, local/regional emergency management, etc.)?
- Have letters of commitment for project support that is necessary to carrying out the work plan been secured from project participants?
- Does the microgrid project demonstrate advances in practices for project planning and development? Are there any unique or creative technology vendor commitments/ participation, ownership options, operating agreements with the local utility, plans to implement energy efficiency, leverage existing incentive programs, or propose new and innovative ones?
- Does the microgrid design increase the amount of actionable information available to customers—providing a platform for customers to be able to interact with the grid in ways that maximize its value?
- Does it serve a low to moderate income area or does it serve an urgent need for the community?
- Is the area being served in a presidentially declared county from a 2011-2013 disaster?
- Is it clear how the microgrid will assist in long term recovery of the area?
- To what extent does the microgrid design satisfy or support the Reforming the Energy Vision (REV) objectives?

Proposals that are judged to have best satisfied these evaluation criteria may be eligible for funding up to \$1,000,000, with 15% total project cost share, subject to entering a milestone-based contract to conduct a Stage 2 **Detailed Engineering Design, Financial and Business Plan Assessment** substantially in the form of Attachment C.

## **VI. GENERAL CONDITIONS**

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### **CONTRACTING**

NYSERDA expects to issue multiple awards, and will determine and negotiate awards based on the information included in the proposals. Awardees will have 60 days to enter an agreement to conduct a Stage 2 **Detailed Engineering Design, Financial and Business Plan Assessment**, substantially in the form of Attachment C.

**NOTE: NYSERDA reserves the right to negotiate scope of work, budget and funding levels on all awarded projects.**

### **PROPRIETARY INFORMATION**

Proposers will likely be required to abide by cybersecurity and non-disclosure terms established by the utility.

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://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  
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** - NYSEDA 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](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](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 multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSEDA may request additional data or material to support applications. NYSEDA will use the Sample Agreement to contract successful proposals. NYSEDA, at its sole discretion, will decide whether to contract successful projects using time and material or milestone payment terms. 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. NYSEDA expects to notify proposers as soon as practical whether their proposal has been selected to receive an award. **NYSEDA may decline to contract with awardees who are delinquent with respect to any obligation under any previous or active NYSEDA agreement.**

**Metrics Reporting** - The Contractor will be expected to submit, to NYSEDA's Project Manager, a prepared analysis and summary of metrics addressing no less than the anticipated energy, environmental and economic benefits that the completed **Detailed Engineering Design, Financial and Business Plan Assessment** anticipates will be realized by the project. All estimates shall reference credible sources and estimating procedures, and all assumptions shall be documented. The content of such report will be as specified by NYSEDA and incorporated into any agreement between NYSEDA and the Contractor that results from an award under the RFP. NYSEDA reserves the right to retain another contractor to assist in collecting project metrics.

**NYSEDA may decline to contract with awardees who are delinquent with respect to metrics reporting for 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 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.

## **VII. Attachments**

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**Attachment A - Proposal Checklist**

**Attachment B - Disclosure of Prior Findings of Non-responsibility**

**Attachment C - Statement of Work**

**Attachment D – Proforma Spreadsheet**

**Attachment E - Sample Metrics Forms**

**Attachment F - Sample Agreement with Exhibits**

**Attachment G – Instructions for Electronic Proposal Submission**

**Attachment H – Community Microgrid Joint Utilities Fee Schedule for NY Prize Stage 2 Analyses**

**Attachment I – Stage 1 Feasibility Assessment Report Checklist**