

Advanced Transportation Innovations
Program Opportunity Notice (PON) No. 3198
Approximately \$2,700,000 Available

PROPOSALS DUE: April 26, 2016 by 5:00 pm Eastern Daylight Time*

This New York State Energy Research and Development Authority (NYSERDA) Program Opportunity Notice (PON) 3198 seeks proposals to support the development, demonstration, and commercialization of innovative transportation products, systems, and services. Project focus areas will be limited to: electric vehicles, public transportation, smart mobility, transportation demand management, and freight. Proposals will be evaluated on the basis of their energy, environmental, and economic development benefits. Up to \$2,700,000 of NYSERDA funding is available. All, some, or none, of the available funds may be awarded.

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 PON's webpage, which is located in the "Current Opportunities" section of NYSERDA's website (<http://www.nyserderda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>).

Instructions for submitting electronically are located in Attachment G to this PON. If mailing or hand-delivering, proposers must submit two (2) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing both a PDF and a 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, PON 3198
New York State Energy Research and Development Authority
17 Columbia Circle, Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Robyn Marquis, (518) 862-1090 ext. 3112 (robyn.marquis@nyserderda.ny.gov). If you have contractual questions concerning this solicitation, contact Nancy Marucci, (518) 862-1090 ext. 3335 (nancy.marucci@nyserderda.ny.gov). Questions regarding Attachments C2, C3, and C4 should be directed to Nick Querques, (518) 862-1090 ext. 3086 (nicholas.querques@nyserderda.ny.gov).

No communication intended to influence this procurement is permitted except by contacting Robyn Marquis (Designated Contact) at (518) 862-1090, ext. 3112 or robyn.marquis@nyserderda.ny.gov. Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

*Late proposals will be returned. Incomplete proposals may be subject to disqualification. It is the bidder's responsibility to ensure that all pages have been included in the proposal. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at <http://www.nyserderda.ny.gov/>.

I. INTRODUCTION

Transportation consumes more non-renewable fuel and produces more greenhouse gases (GHG) – roughly 40% of the New York State (NYS) total – than any other market sector in NYS, and is a leading contributor to air pollution. Actions at the federal and state level are spurring the demand for new transportation innovations. At the federal level, increasingly strict fuel economy and emissions standards are being imposed, and within NYS, the State Energy Plan has targeted a 40% reduction in GHG emissions from 1990 levels by 2030. In addition to technologies, there are shared services models coming to maturity that can lower vehicle miles traveled and subsequently reduce emissions.

These regulations and target goals have refined the focus of the NYSEDA Clean Transportation Program, categorized into five main areas: (1) electric vehicles; (2) public transportation; (3) smart mobility; (4) transportation demand management; and (5) freight.

The five Focus Areas are further described in the following section, but project objectives common to all five include:

- Contributing to GHG emissions reduction goals in NYS.
- Promoting integrated strategies across organizations and transportation modes.
- Providing more intelligent communications between transportation networks and their users.
- Focusing on travel enhancements that support transportation sustainability, energy efficiency, economic productivity, and livability.
- Supporting research, planning, and development of solutions that solve pressing transportation needs; meet traveler expectations and desires; and enhance the reliability, efficiency, and safety of New York's transportation system.
- Enabling agencies, communities, organizations, and others to replicate project concepts.

II. PROGRAM REQUIREMENTS

All proposals MUST address one of the following five focus areas.

Focus Area 1: Electric Vehicles (EVs)

NYS has been a leader in the increased adoption of electric vehicles (EVs), as evidenced by the launch of the ChargeNY initiative in 2013 and implementation of the multi-state Zero Emissions Vehicle (ZEV) Action Plan in 2014. The fundamental tenets of ChargeNY are to help the EV market become self-sustaining and enable growth in the number of EVs in NYS to 40,000 and the network of public and workplace EV charging stations to 3,000 by 2018. The objective of this focus area is to facilitate the expansion of EV adoption by reducing upfront costs and removing other market barriers.

Proposals in this area **must** focus on one of the following concepts:

- Advanced electrification technologies for medium- and heavy-duty vehicles;
- Cost reductions and usability improvements to EV charging stations and station installation procedures;
- Business models and partnerships that improve the value proposition of EV battery packs through innovative second-life uses.

Focus Area 2: Public Transportation

The transit system in the New York City metropolitan area consumes more than 2 billion kWh annually, and the potential for greater efficiencies through new technologies is large. Collaboration between public authorities and private sector partners will be necessary to expedite the development and implementation of energy-saving products. NYS transit bus operations could benefit from improvements

in transit bus efficiency and new electric drive-train capabilities. The objective of this focus area is to increase the efficiency of public transportation systems to reduce energy use and GHG emissions, and increase convenience and ridership.

Proposals in this area **must** focus on one of the following concepts:

- Innovative light-weighting of rail cars;
- Advances in wayside energy storage for capturing and dispensing energy generated from regenerative braking of rail cars;
- Advanced bus efficiency and electrification technologies;
- Approaches to standardize and aggregate energy-saving technology purchases across multiple transit agencies.

Focus Area 3: Smart Mobility

The implementation of technologies that connect vehicles to their surroundings is increasing rapidly, with tools that range from smart parking applications up through self-driving vehicles. The data generated and analyzed by these mobility connections enables municipalities to improve traffic operations, leading to better travel conditions and lower emissions. The objective of this focus area is to develop and increase the adoption of advanced transportation information and communication technologies that will improve travel conditions leading to a decrease in GHG emissions and fuel use.

Proposals in this area **must** focus on one of the following concepts:

- Smart infrastructure sensing and communication technologies that enable the economically viable implementation of advanced parking or improved traffic flow;
- Connected vehicle technologies that improve traffic efficiency through communication with other vehicles, roadside infrastructure, and/or mobile devices used by pedestrians and bicyclists;
- Hardware/software combinations for connected infrastructure that enable functionality across different open source platforms and operating systems.

Focus Area 4: Transportation Demand Management (TDM)

Transportation Demand Management (TDM) techniques are a means to use existing systems more efficiently, with a focus on the movement of both people and goods. To alleviate the strain on the roadway network, TDM strategies encourage and enable people to walk, ride a bicycle, share rides, or use public transportation. The success and growth of these programs relies, in part, on innovative business models and the availability of real-time information. The objective of this focus area is to increase the viability of alternative modes of transportation to reduce single-occupant vehicle trips, and subsequently reduce congestion and GHG emissions.

Proposals in this area **must** focus on one of the following concepts:

- Technologies enabling the improved operability of shared mobility services and the provision of real-time public transportation information;
- Small-scale TDM services, such as car- and bike-sharing provided by a single employer, a multi-family housing complex, or a business improvement district.

Focus Area 5: Freight Transportation

In NYS, nearly 90% of freight tonnage is moved by trucks, and forecasts indicate that, as the density of cities continues to increase, urban freight transport will continue to grow to unprecedented levels. With these networks already burdened by current demand, there are opportunities to implement new congestion management techniques, such as off-hour deliveries, which may benefit from technologies that facilitate operational shifts. The objective of this focus area is to improve the efficiency of last-leg freight operations to reduce GHG emissions and the costs incurred by businesses and consumers.

Proposals in this area **must** focus on one of the following concepts:

- Methods for reducing the impacts of last-mile deliveries that consider consolidation and distribution collaborations, or vehicle alternatives to trucks;
- Technologies that mitigate the noise pollution of deliveries to enable off-hour operations.

Funding Categories. Four categories will be considered for funding:

1. Feasibility studies, including, but not limited to preliminary evaluations such as conceptual design, technology and market assessments, and similar early-stage studies that are necessary precursors to ultimate product development and commercialization. NYSERDA's share of funding for any project of this type will be limited to a maximum of **\$75,000**.
2. Bench scale research and development efforts that are crucial to the development of a marketable product, system, or service, but **will not result in a working prototype within 36 months**. NYSERDA's share of funding for any project of this type will be limited to a maximum of **\$150,000**.
3. Research and development projects that will **produce a working prototype of a transportation product, system, or service in 36 months or less**. NYSERDA's share of funding for any project of this type will be limited to a maximum of **\$500,000**.
4. Demonstration, testing, or validation of a **new product that is not already commercially available** in an application with high impact. NYSERDA's share of funding for any project of this type will be limited to a maximum of **\$500,000**.

Proposers must select one, **and only one**, funding category, which must be indicated in the proposal. **Proposers should allocate 10-25% of the project budget for commercialization-related tasks, such as customer discovery, IP protection, business plan development, and design for manufacturing.**

Regardless of technical topic area, any proposer may choose to define a proposed project as one phase of a multi-phase effort (see the discussion of multiphase projects below). Also, NYSERDA reserves the right to modify a project's Statement of Work and may offer to fund any of the proposals or phases therein at a level lower than that requested, such as by offering to fund a feasibility study rather than a proposed prototype development effort. **In addition, any proposal requesting more than \$250,000 of NYSERDA funds must be structured in at least two phases, with each phase not exceeding \$250,000 of NYSERDA funding.**

Project Scope. To be selected for funding, proposals must:

- Show a potential to reduce GHG emissions from the transportation sector in New York State.
- Address transportation and energy-related challenges in New York State.
- Emphasize development of marketable products rather than basic research.
- Provide quantifiable benefits to New York State with respect to GHG emissions reductions, energy savings, and job creation and retention.
- For projects dealing with transportation systems and infrastructure, be consistent with regional transportation plans in New York State, and with transportation-related laws and regulations.
- Provide a summary discussion of the commercialization path appropriate to the stage of development of the proposed technology. Note that even in early-stage projects, initial activities focusing on commercialization (or technology deployment) paths and challenges are essential to assessing benefits, risks, and future resource requirements.
- Provide cost-sharing by the proposer or third parties:

- In the form of cash or in-kind labor, materials, equipment, facilities, and other resources, subject to reasonable a verifiable valuation. Co-funding may be from the proposer or other private or government sources. NYSERDA's funds cannot be used to reimburse or replace normal expenses or other government organizations.
- Preferably in the amount of 50% or more of total project cost. The quality and quantity of the proposer's co-funding is examined during proposal evaluation. Cash, labor, and materials are considered superior to other types of co-funding. The level of co-funding is considered an indicator of the proposer's commitment to the success of the project and ability to secure support. The type and amount of co-funding offered should be appropriate for the proposer's financial condition and the product's stage of development. **See Section V, Proposal Evaluation.**

Project Schedule, Phasing, and Teaming. The following guidelines should be considered when developing proposals:

- Projects are expected to begin within nine months of the proposal due date. The project schedule should not exceed 36 months, except to indicate the approximate duration of future phases (beyond the proposed phase) of a multi-phase project.
- **A proposal requesting more than \$250,000 of NYSERDA funding must be separated into at least two phases, with each phase not exceeding \$250,000 of NYSERDA funding.** For a proposal requesting \$250,000 or less of NYSERDA funding, the proposer may opt to separate it into multiple phases, e.g., to display flexibility in funding options. For a multiphase project the proposer must:
 - Briefly describe all phases along with significant milestones, and provide an estimate of the total cost and schedule for all phases.
 - Only request funding under PON 3198 in an amount that adheres to the per-project funding limits as described under "Project Funding" above, regardless of how many phases are included in the proposal. Any contract awarded to fund one or more phases of a multiphase project does not in any way obligate NYSERDA to fund later phases. Funding requests from NYSERDA for additional phases will need to be submitted under future PONs and undergo competitive evaluation.
- Teaming arrangements are encouraged, where appropriate, to enhance the likelihood of project success. Teams may include commercial firms, industry associations, research organizations, universities, government agencies, end-users, and other stakeholders. **Include letters of commitment or interest from each identified team member in an appendix to the proposal.**

Letters of Commitment or Interest. If you are relying on any other organization to do some of the work, provide services or equipment, or share in the non-NYSERDA cost, include a letter from that organization describing its planned participation. Also include letters of interest or commitment from businesses or other organizations critical to the future commercialization, demonstration, or implementation of the project. Absence of letters of commitment or interest may be interpreted as meaning that the proposer does not have support from the subject parties. Letters should not be solicited from NYSERDA personnel.

Other considerations. In addition, note that:

- A proposal may be considered **non-responsive** if it fails to comply with the requirements above, the Proposal Requirements of Section III, or the General Conditions of Section VI.
- Prior to an award being made, potential awardees may be required to demonstrate: access to financial resources sufficient to perform the proposed work, technical experience and adequate

facilities (or the ability to access them), a good performance record, and the ability to qualify for an award under applicable laws and regulations.

III. PROPOSAL REQUIREMENTS

The proposer's goal should be to concisely present the information needed to fully address the evaluation criteria (see Section V). Proposals that grossly exceed the word limits or fail to follow the format guidelines may be rejected as non-responsive. If you believe proprietary information must be submitted to provide an adequate proposal, you must comply with the Section VI instructions for submitting proprietary material.

Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective proposal may reduce, rather than increase, a proposal's standing per the evaluation criteria. Each page of the proposal should state the name of the proposer, the PON number, and the page number. The proposal must be in the following format, with items in the sequence shown.

1. Proposal Checklist. Complete the specific Proposal Checklist attached as part of this PON (Attachment A), and include it as the front cover of the original and each copy of the proposal. Note the following:

- Indicate whether you accept the standard terms and conditions as contained in the Sample Agreement (Attachment E). If you **do not accept** the standard terms and conditions, **provide alternate terms** with justification based on the risk and benefit to New York State. NYSERDA reserves the right to consider only exceptions to terms that are specifically included with the proposal. Any negotiation of terms will be at NYSERDA's sole discretion.
- Do not leave any blanks. If a specific question is not applicable, indicate N/A.
- Be sure the individual signing the Proposal Checklist is authorized to commit the proposer's organization to the proposal as submitted.

2. Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k.

In compliance with §139-j and §139-k of the State Finance Law (see Section V, General Conditions below for additional information), additional forms must be completed and filed with proposals: (1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation may disqualify your proposal.

3. Proposal Narrative. Complete the Proposal Narrative form-fillable document as part of the PON (Attachment C). The Focus Area and Funding Category (FC) must be clearly indicated. The Proposal Narrative contains the following sections:

- Executive Summary
- Problem Statement and Proposed Solution
 - Attachment C2: Business Model Canvas (FC 2, 3, and 4)
- State of Research and Technology Targets
 - Attachment C3: TRL/CRL Calculator
- Commercialization Potential of Proposed Product
 - Attachment C4: Three-Year Financial Projects Worksheet (FC 2 and 3)
- Demonstration Project Information (FC 4 Only)
- Feasibility Study Information (FC 1 Only)
- Statement of Work (Attachment C1) and Schedule
- Project Benefits

- Budget
- Proposer Qualifications
- Letters of Support
- Attachments

Proposers must carefully review the Proposal Narrative to ensure that all required sections are completed. Failure to do so may result in the proposal being rejected as non-responsive.

IV. RECOUPMENT AND METRICS

Recoupment. For any new projects **exceeding \$75,000** that involve product development, including business development (see definition below), **NYSERDA will require a royalty based on sales and/or licensing of the new product developed** (Please see Attachment E, Sample Agreement for specific recoupment obligations).

Product Development: the method of bringing a new or improved product, system, or service to market, including technical feasibility, business case feasibility, market analysis, proof of concept, product design, engineering, scaleup, and field testing. Field testing is the stage in which a technology, not yet commercially available with a warranty, is operated in real world conditions with results used for product iteration, market validation, or customer engagement.

Projects where NYSERDA’s share of funding is \$75,000 or less will generally not require recoupment. However, should subsequent funds be awarded for further product development of the same or a substantially similar product, any funds previously received under the \$75,000 threshold will be added to the future recoupment obligation.

Please note: NYSERDA may decline to contract with awardees that are delinquent with respect to recoupment payments or sales reporting for any previous NYSERDA agreement.

Annual Metrics Reports. If awarded, the proposer will be required to submit to NYSERDA's Project Manager on an annual basis, a prepared analysis and summary of metrics addressing the anticipated energy, environmental and economic benefits that are realized by the project. All estimates shall reference credible sources and estimating procedures, and all assumptions shall be documented. Reporting shall commence the first calendar year after the contract is executed. Reports shall be submitted by January 31st for the previous calendar years’ activities (i.e. reporting period).

Please see Attachment F: Product Development Sample Metrics Reporting Guide for the metrics that you will be expected to provide and the reporting duration. NYSERDA may decline to contract with awardees that are delinquent with respect to metrics reporting for any previous or active NYSERDA agreement.

V. PROPOSAL EVALUATION

Proposals will be reviewed by an Investment Evaluation Panel (IEP) and will be scored and ranked according to the following criteria, **listed in order of importance**. 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. The proposer will be required to submit a detailed Statement of Work, budget, and schedule, and may also be asked to address specific questions or recommendations of the IEP before contract award.

Requirements. A negative response to any one of the questions below may eliminate the proposal from further consideration. Does the proposal:

- ✓ Show a potential to reduce GHG emissions from the transportation sector in New York State?

- ✓ Address transportation and energy-related challenges in New York State?
- ✓ Emphasize development of marketable products rather than basic research?
- ✓ Provide direct, quantifiable energy, environmental, and economic benefits in New York State?
- ✓ If applicable, align with regional transportation plans or State/federal regulations?
- ✓ Provide summary of the commercialization pathway?
- ✓ Provide cost-sharing?

Evaluation Criteria in Order of Importance.

- **Proposed Solution/Scope.** Does the proposed project specifically address a problem or opportunity identified in a Focus Area and sub-category in the PON and does it show potential to make significant progress in support of the Focus Area? How significant is the identified problem or opportunity and how pertinent is it to New York State? Is the proposed project likely to solve the problem or exploit the opportunity? Is the proposed work technically feasible, innovative, and superior to alternatives? Is the work strategy sound? Can the strategy be tested, measured, and adjusted with ease?
- **Project Benefits.** How significant are the potential reductions in GHG emissions or energy use resulting from the project? Will there be economic benefits in New York State in the form of subsequent manufacturing or technical service activity, or job creation? Are there additional significant benefits, such as improvement in the transportation sector's resiliency to disasters? Will a significant part of the work on the project take place in New York State?
- **Market Potential.** Does the proposed project address a current challenge or opportunity that is not being addressed by others? Is the implementation or commercialization strategy well-conceived and appropriate for the stage of development? Has the proposer adequately and correctly described the target customer, defined their value proposition, and identified a real demand for the proposed solution? Does the proposed solution have the potential for wide-scale replication? Is there a process or strategy in place to measure progress and success?
- **Project Team and Support.** To what degree does the team have relevant and necessary technical and business background and experience? Has the proposer previously commercialized any products? How firm are the commitments and support from essential participants, co-funders, and other organizations? Has the proposer demonstrated support from necessary market actors and potential customers?
- **Project Value.** Is the overall project cost justified based on the expected benefits? Relative to the project cost, how significant is the potential market or deployment opportunity? How appropriate are the proposer's co-funding contributions (sources and amounts) in view of the proposer's overall financial resources, degree of risk exposure, and potential to benefit from the work? Does the proposer have a reasonable plan for pursuing any additional funding necessary for full commercialization?

Other Considerations. Proposals will be reviewed to determine if they fit well within the selected Focus Area and that they have been submitted to the proper Funding Category. The proposal's fit with NYSERDA's overall objectives will also be considered, including: risk/reward relationships, similar ongoing or completed projects, and the general distribution of transportation research projects among industries, organizations, and locations in New York State.

VI. 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 NYSEDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSEDA that the proposer wishes to have treated as proprietary and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501. <http://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx> However, NYSEDA cannot guarantee the confidentiality of any information submitted.

Omnibus Procurement Act of 1992. It is the policy of New York State to maximize opportunities for the participation of NY 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. 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).

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

Contract Award. NYSEDA anticipates making 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 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 Attachment A: 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 ten 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.

Recoupment. For any new product research and/or development, NYSERDA will generally require a royalty based on sales of the new product developed. NYSERDA's standard royalty terms are 1.5% of sales or ten percent (10%) of all license revenue accruing to the Contractor for products produced in New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to the amount of funds paid by NYSERDA to the Contractor, whichever comes first) and 5% of sales or thirty percent (30%) of all licensing revenues accruing for products produced outside of New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to three times the amount of funds paid by NYSERDA to the Contractor, whichever comes first).

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 NY State Department of Labor.

Annual Metrics Reports. If awarded, the proposer will be required to submit to NYSERDA's Project Manager on an annual basis, a prepared analysis and summary of metrics addressing the anticipated energy, environmental and economic benefits that are realized by the project. All estimates shall reference credible sources and estimating procedures, and all assumptions shall be documented. Reporting shall commence the first calendar year after the contract is executed. Reports shall be submitted by January 31st for the previous calendar year's activities (i.e. reporting period). Please see Attachment F (Metrics Reporting Guide) for the metrics that you will be expected to provide and the reporting duration. NYSERDA may decline to contract with awardees that are delinquent with respect to metrics reporting for any previous or active NYSERDA agreement.

VII. ATTACHMENTS

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non-Responsibility Form

Attachment C - Proposal Narrative

Attachment C1 - Statement of Work

Attachment C2 - Business Model Canvas

Attachment C3 - TRL/CRL Calculator

Attachment C4 - Three-Year Financial Projections Worksheet

Attachment D - Contract Pricing Proposal Form and Instructions

Attachment E - Sample Agreement

Attachment F - Product Development Sample Metrics Reporting Guide

Attachment G - Instructions for Electronic Proposal Submission