

Proposals Due: March 30, 2016 by 5:00 PM Eastern Time\*

The New York State Energy Research and Development Authority (NYSERDA) is issuing this solicitation to competitively select contractors with demonstrated technical expertise to assist in promoting the successful design and implementation of New York's Clean Energy Standard (CES), as well as existing and future Renewable Portfolio Standard (RPS) Main Tier agreements. Through this solicitation, NYSERDA expects to select contractors in the following areas:

- 1. Procurement Design and Implementation**
- 2. Energy Analysis**
- 3. Financial Analysis**
- 4. Market Considerations**
- 5. Auction Design and Implementation**
- 6. Outreach and Education**
- 7. Regional and Federal Policy Issues**
- 8. Resource Eligibility, Certification and Compliance**
- 9. Reliability and Performance Studies**
- 10. Resource Development and Environmental Analysis**

Proposers may submit a proposal to provide support in one, multiple, or all of the above support areas. NYSERDA anticipates entering into Task Order Agreements with the three top-ranked proposers in each support area to provide services. The expected start date for work under this program is July 2016.

Proposal Submission: Proposers are strongly encouraged to use NYSERDA's online electronic proposal submission portal. NYSERDA will also accept proposals by mail or hand-delivery. If submitting electronically, proposers must submit the proposal in either portable document format (pdf) or Microsoft 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.nyserderda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities>). Instructions for submitting electronically are located as Attachment F to this RFP.

Please note that if a proposer chooses not to use the electronic submission process, proposers must submit **seven (7)** paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing both a PDF or MS Word digital copy of the proposal, following the above guidelines. Mailed or hand-delivered proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 3241  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Michele Goyette at (518) 862-1090, ext. 3506 or [michele.goyette@nyserderda.ny.gov](mailto:michele.goyette@nyserderda.ny.gov). If you have contractual questions concerning this solicitation, contact Nancy Marucci at (518) 862-1090, ext. 3335 or [nancy.marucci@nyserderda.ny.gov](mailto:nancy.marucci@nyserderda.ny.gov).

No communication intended to influence this procurement is permitted except by contacting Michele Goyette (Designated Contact) at (518) 862-1090, ext. 3506 or [michele.goyette@nyserderda.ny.gov](mailto:michele.goyette@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 proposer's responsibility to ensure that all pages have been included in the proposal. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at [www.nyserderda.ny.gov](http://www.nyserderda.ny.gov).

## **I. Introduction**

NYSERDA is a public-benefit corporation established by the New York State Legislature in 1975 to address the State's energy and environmental challenges. NYSERDA's principal mission is to use innovation and technology to solve some of New York's most difficult energy and environmental problems in ways that improve the State's economy.

In 2004, the New York State Public Service Commission (PSC) adopted a Renewable Portfolio Standard (RPS) program to address the energy, economic, and environmental objectives of New York State by increasing the amount of renewable electrical energy consumed in New York and designated the NYSERDA as the Central Procurement Administrator of the RPS Program. The RPS Orders can be accessed at the Commission's RPS webpage at

<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=17612>.

NYSERDA administered programs that are responsible for the majority of the RPS goals. Specifically, NYSERDA is responsible for Main Tier (larger, utility-scale resources) and Customer-Sited Tier (smaller, behind-the-meter resources) programs. Through the Main Tier program, NYSERDA has supported the development of 70 new or upgraded renewable electric generators associated with the installation of more than 2 gigawatts of new renewable capacity in New York State. NYSERDA plans to issue a final Main Tier solicitation in 2016; the associated contracts will require NYSERDA LSR team management and potential consultant support for up to 20 additional years.

On December 2, 2015, New York State Governor Andrew Cuomo directed the State Department of Public Service (DPS) to design and enact a Clean Energy Standard (CES) to advance New York's State Energy Plan objectives of obtaining 50% of electricity consumed in New York from renewables by 2030. Included in this directive was a mandate to develop a process to prevent the premature retirement of upstate nuclear power plants. On January 21, 2016, the PSC issued an Order expanding the previously established Large Scale Renewables proceeding to be encompassed within the CES proceeding to contemplate such matters. The CES Orders and other relevant documents can be accessed at the Commission's LSR/CES webpage at

<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=15-e-0302>.

This solicitation seeks consultants provide objective analysis in support of existing RPS contracts and toward the transition to and implementation of New York's CES.

## **II. PROPOSERS' TELECONFERENCE & INQUIRIES**

NYSERDA will conduct a teleconference on Thursday March 10, 2016 at 3:00 PM Eastern Time. On the teleconference, NYSERDA will review the RFP 3241 and the proposal requirements. Questions will be taken and, to the extent possible, responses will be provided during the conference. After March 1, 2016, Proposers who intend to participate can send an email indicating such to [rps@nyserda.ny.gov](mailto:rps@nyserda.ny.gov), by 12:00 noon Eastern Time on Wednesday, March 9, 2016, with the subject line "RFP 3241 Proposers' Teleconference." and an automated response will be provided with a teleconference dial-in number and pass code.

## **III. Program Requirements**

### **A. Support Areas**

Proposers are invited to submit, in the format described in Section IV, a proposal describing their skills, expertise, qualifications, and personnel rates in any or all of the following areas:

1. **Procurement Design and Implementation**: Proposers may be asked to provide services in support of NYSERDA developing any Commission-ordered procurement models to effectively implement State energy policies under the CES. Specifically, support may be needed to evaluate and develop approaches including NYSERDA procurement of Renewable Energy Credits (RECs) and/or power purchase agreements (PPAs) on behalf of New York load-serving entities (LSEs). Proposers may be asked to examine other states' RPS procurement designs, past bidding patterns and trends, the impacts of using a maximum acceptable bid price or an alternative compliance mechanism, among other things, in an effort to promote fair and efficient bidding behavior and bid selection. Proposers may also be asked to examine various pricing options under which NYSERDA or LSEs may contract for RECs. Options may include REC prices indexed to Locational Based Marginal Prices (LBMPs), Contract for Differences (CFDs), fixed REC prices or any variation of such options. Proposers may be asked to evaluate the use and effectiveness of contract design features such as, but not limited to, the use of contract security, project due diligence, production/quantity obligation terms, default and termination provisions, and similar contract design features.
2. **Energy Analysis**: Proposers may be asked to conduct historical and/or forward-looking analyses of the energy and environmental markets, including analyses of natural gas and electricity prices associated with the electric markets administered by the New York Independent System Operator (NYISO), Independent System Operator New England (ISO-NE) and PJM (Pennsylvania New Jersey Maryland Interconnection LLC, mid-Atlantic region power pool). Proposers may also be asked to develop short term (2-3 years) and/or longer term (10+ years) forward price curves for natural gas and electricity, or other predictive models, as they relate to the revenue potential and outlook for eligible projects. Proposers may be asked to develop forward, all-in costs for renewable technologies, prepare estimates and/or spatial analysis of developable large scale renewable resource potential in New York or surrounding control areas, identify conflicts that could slow or limit renewable energy development, and construct supply curves for the purposes of predicting program cost/funding requirements and development timelines.
3. **Financial Analysis**: Proposers may be asked to assist NYSERDA in various efforts including, but not limited to, comparative financial assessments of proposed program designs or the financial implications of proposed programmatic designs through detailed financial analysis and modeling as considered under the CES. Proposers may be asked to assist NYSERDA with financial and institutional analysis of the risks, costs, and potential benefits of various options. Analyses may include assessing potential impacts of cost of energy and/or cost premium associated with alternative approaches, assessing the potential ratepayer and/or budgetary impact of alternative approaches, sensitivity and scenario analyses to assess the robustness of modeled risks, costs, and potential benefits. In addition, NYSERDA, in conjunction with the DPS, may be required, on a case by case basis, to evaluate the financial viability of specific renewable resources. Proposers may also be asked to assist in developing a range of subsidies that may be necessary to support continued plant operations under criteria set forth by the DPS and/or NYSERDA.
4. **Market Considerations**: Proposers may be asked to advise on market conditions and market actor roles as impacted by the CES. Specifically, NYSERDA may request quantitative analysis and qualitative assessments of the impact of the CES on entities such as retail ESCOs, wholesale energy marketers, Load Serving Entities (LSE's), utilities, and participants in the New York voluntary market, and including the interaction with the New York Generation Attribute Tracking System (NYGATS). Proposers may be asked to develop potential mechanisms to stimulate New York's voluntary market, such as state-based market interventions that complement public investments by incentivizing voluntary buyers to purchase from operating or proposed renewable energy projects. In addition, proposer may be asked to develop metrics from the New York Generation Attribute Tracking System that demonstrate New York's compliance with Clean Power Plan (CPP) targets, and other related CES energy market objectives, including an augmented voluntary market.

5. **Auction Design and Implementation**: Proposers may be asked to advise and provide auction design and implementation for the sale of RECs under the CES by NYSERDA or other entities. These services would include, but not be limited to (1) assistance in the creation of auction (or other format) rules, notices, applications and procedures, and the collection and management of participants' applications and financial securities, (2) administration of each auction, the development and implementation of auction monitoring protocols, and the collection of audit quality data for each auction, and (3) post-auction Services including the settlement of all financial transactions between participants, the validation of auction results, and the posting of appropriate auction results.
6. **Outreach and Education**: Proposers may be asked, in coordination with NYSERDA marketing and/or Communications staff, to assist NYSERDA, DPS, LSE's and the investor-owned utilities in educating customers on State initiatives and goals related to the CES, the relationship to voluntary markets and power markets in general, program accomplishments and future plans and other outreach and consumer educational materials. Under this support area, proposers may assist NYSERDA with the development of technical content, annual program reports, and website and social media content. NYSERDA and the DPS may wish to plan, develop, and organize stakeholder workshops to facilitate discussion; support would include organizing locations, managing logistics and invitation efforts as well as assisting with technical content. Activities that could be considered include organizing and managing educational seminars or workshops and preparation of technical material for printed media (e.g. brochures etc.).
7. **Regional and Federal Policy Issues**: Proposers may be called upon to advise NYSERDA on the implications to New York State of draft, enacted or adopted federal legislation and/or regulations on energy and environmental markets such as the Environmental Protection Agency's CPP and renewable energy standards; suggest appropriate responses to protect New York interests; and to design appropriate compliance mechanisms. Proposers may provide similar support for state or regional policies, including the CES. Proposers may be asked to assess the mechanics of CES-related market operations and settlements in neighboring electric systems. Proposers may be asked to focus on regional resource eligibility, reciprocity in resource acceptance, resource tracking, and the integration of the CES with neighboring states' programs, as well as how State initiatives will integrate with national and regional energy standards. Proposers may be asked to identify and recommend remedies to address impediments created by competing regional policy initiatives. Proposers may also be asked to assess the mechanics of market operations and settlements in neighboring electric systems.
8. **Resource Eligibility, Certification and Compliance**: Proposers may be asked to assess the eligibility of technology and resources, including nuclear resources, to meet the requirements of State energy policies, including the CES. In some cases, proposers may be asked to conduct market and project assessments in support of PSC proceedings with regard to eligibility and operation. Proposers may be asked to develop eligibility criteria to include specific technologies; fuel feedstock; size; vintage (new or existing plants); location of generation, environmental conflicts, and other policy considerations, conduct analyses and prepare documentation to certify wind, biomass, hydro-power, landfill, nuclear and other eligible technologies. Proposers may be asked to assist in creating or enhancing appropriate web portals and documents to effectuate facility eligibility determinations as well as to assist in ongoing verification of operational compliance with eligibility rules. Proposers may be asked to support the development of baseline consumption and incremental production methodologies and results for facilities that have invested in upgrades or facilities that are partially fueled by eligible sources (biomass, hydro, etc.). In some cases, Proposers may be asked to conduct market and project assessments in support of PSC proceedings in regard to fuel/facility eligibility and operation.
9. **Reliability and Performance Studies**: Proposers may be asked to conduct scoping studies to identify critical gaps in information/data relative to long-term reliability of resources, particularly after the expiration of current RPS agreements. Support would include technical analysis and supporting data for conducting regional grid reliability assessments; assessing locational or site-specific constraints or

integration requirements; evaluation of FERC corridor designation; and related transmission and/or grid, or ancillary services infrastructure issues as such impact on the delivery of renewable energy within New York and adjacent control areas.

Proposers may also be asked to evaluate the actual performance of awarded projects compared to the quantities bid and expected performance relative to the actual resource availability during the period of analysis. To accomplish this task, the proposer may be asked to conduct qualitative and quantitative analyses of startup issues on project output, the evolution of industry production estimate methods over the past decade, publicly disclosed fleet issues, and site specific operational data including outages, equipment performance, and similar information. These factors would then be considered in establishing a prioritized set of recommendations for in-depth project reviews and/or modifications to contract terms and conditions. This review will focus on the use of plant production data available at NYSERDA (monthly and/or hourly revenue meter results), comparison with the original expected production (contractual commitment to NYSERDA), any available curtailment information if known, and publicly available project information.

10. **Resource Development and Environmental Analysis:** Proposers may be asked to provide an assessment of LSR resource development potential (e.g. hydro generation, land-based and offshore wind energy, utility scale solar) and challenges for New York, including but not limited to: identification and assessment of competing land uses, resource availability, resource potential and timing, estimates of resource development time, grid interconnection, and State and federal policy and regulatory issues which may present challenges in LSR development. Proposers may be asked to conduct analyses of environmental and public health issues associated with LSR resource development, including issues such as direct and indirect effects on wildlife, air and water quality, and ecosystems. Proposers may be asked to develop tools to characterize and assess competing resources to understand, avoid and mitigate LSR impacts on citizens and natural resources. Economic assessments of ecosystem impacts and incremental costs of mitigation may also be requested. Activities could also include providing environmental technical analysis of proposed LSR projects, and identifying options that may result in environmental benefits.

**B. Funding and Schedule**

Up to \$1,750,000 may be committed over approximately five years for services provided through Task Order Agreements (see Attachment D) resulting from this RFP (an initial 3-year term with additional two-year option to renew; subject to NYSERDA discretion). NYSERDA reserves the right to extend and/or add funding should other program funding sources become available. Task Order Agreements will be negotiated soon after the notification of selection is delivered to successful proposers.

**C. Services Requested**

As a result of this RFP, NYSERDA expects to retain qualified contractors to provide a variety of services in the areas outlined in Section III of this RFP. The number and type of services requested from the selected contractors will depend on the nature and complexity of the project, the contractor's expertise, NYSERDA's need for services, and performance.

Proposers are permitted, but not required, to team with partners (subcontractors) they consider would offer complementary expertise in the support areas identified in this subsection.

**D. Task Order Agreements**

A pool of contractors that demonstrate technical merit will be selected through this RFP. NYSERDA will enter into general Task Order Agreements with the three top-ranked proposers in each support area, with the flexibility to request services for a variety of activities. A Task Order Agreement is used because no estimate can be made in advance as to the type, amount, and complexity of the work each contractor will be required to perform.

The Task Order Agreements will not guarantee any specific amount of work, but may contain a maximum dollar amount. The amount of work assigned to each contractor will depend on their particular expertise, the amount of work requested in the contractor's technical area, past performance, current workload, deadline requirements, and the ability of the contractor to provide high quality, cost-effective, and timely services. NYSERDA reserves the right to negotiate among finalists to ensure access to specific expertise. A Task Work Order (TWO) and TWO Plan will be issued by NYSERDA pursuant to the Task Order Agreement and consists of the statement of work and a budget for the project. NYSERDA will have the option to use the top-ranked bidder for TWOs or, if multiple contractors are selected with overlapping areas of expertise, NYSERDA may also ask selected contractors for proposals and bids on specific assignments. If the top-ranked contractor is unable to perform work on a specific task due to workload, timeliness, or expertise, NYSERDA will select the second-ranked contractor to implement the work. Selected contractors will support NYSERDA's activities associated with this RFP through an initial 3-year term with an additional two-year option to renew, for a total term of 5 years.

Once a contractor(s) enters into a Task Order Agreement through this RFP, when services are required, NYSERDA will assign a project and request the contractor to prepare a written TWO Plan. All projects will be assigned and initiated through the written TWO Plan, which will become a binding agreement for all parties. The TWO Plan will be prepared by the contractor in cooperation with NYSERDA.

TWO Plans shall include:

- The goals and objectives of the project
- The approach that will be taken, outlined by tasks
- Any relevant background information
- Defined deliverables
- The project time frame
- The names and titles of individuals to work on the project
- The total not-to-exceed cost of the project, including a breakout by task and by title, hourly rate, hours, and non-labor costs
- Metrics to track project success

The details of any TWO Plan will be consistent with the level of complexity of the proposed project or activity. Hourly rates shall be those established in the general Task Order Agreement. The TWO Plan for each project is expected to be 1-5 pages depending on the complexity of each project. NYSERDA must review and approve all TWO Plans before projects are implemented.

#### **E. Contractor Responsibilities**

NYSERDA expects to issue, to selected Contractors, requests for services in each of the support areas. For each such request, the selected contractor shall be required to:

- Prepare a TWO Plan, with budget, for each project for review and approval by NYSERDA
- Negotiate the scope and cost of the technical assistance with NYSERDA;
- Upon agreement by all parties to the TWO Plan, provide the required assistance within the required time frame;
- Submit any deliverables to NYSERDA for review and approval; NYSERDA's review will ensure that the deliverable conforms to the TWO and;
- Provide required documentation of expenditures by task, based on the TWO Plan, when seeking reimbursement from NYSERDA.

#### **F. Compensation**

Compensation will be based on the contractor's direct and indirect personal services costs (included in the proposal) plus allowable expenses. Fees will be based on the contractor's hourly rates for the appropriate level of staff. NYSERDA will negotiate each Task Order Agreement (Sample Task Order Agreement attached to this RFP as Attachment D) on the basis of demonstrated competence and qualifications, at fair and reasonable fees. Fee schedules shall be included in each proposal that identify rates for each member of the team by title. Proposers are asked to consider the duration of the three-year contract period when proposing their fee schedules in the Project and Personnel Rates form (Attachment C). Should the Agreement be extended after the three-year contract period, rates may not escalate by more than 3% in each additional year.

Budgets for all work conducted will be included in the individual TWO Plans and approved by NYSERDA. Each TWO Plan will also place a ceiling or not-to-exceed amount for each project. Contractors who accrue billable hours beyond the ceiling in the TWO Plan, without approval in writing by NYSERDA, will do so at their own risk. **Contractors will not be compensated for time spent in the preparation of any TWO Plan.** Preparation of the TWO Plan is considered to be covered by the contractor's overhead expense.

#### IV. Proposal Requirements

Proposals must be received by NYSERDA by the due date, March 30, 2016 on or before 5:00 PM Eastern Time. A completed and signed Proposal Checklist (Attachment A) must be attached as the front cover of your proposal. **Late proposals will be returned and proposals lacking the appropriate completed and signed Proposal Checklist may be returned. Faxed or e-mailed copies will not be accepted.**

Proposers are invited to submit a proposal for one, multiple, or all of the support areas.

##### A. Submittal

To be eligible for selection under this RFP, Proposers must submit a complete bid package and agree to the terms and requirements of this RFP. Electronic submission is preferable. Proposers are strongly encouraged to use NYSERDA's online electronic proposal submission portal. NYSERDA will also accept proposals by mail or hand-delivery. Faxed or e-mailed proposals will not be accepted.

1. 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 (Attachment B), 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 as Attachment F to this RFP.
2. If not submitting electronically, proposers must submit **seven (7) copies** of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this Request for Proposal. A completed and signed Proposal Checklist must be attached as the front cover of your proposal, one of which must contain an original signature.

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

##### C. Proposal Format

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the RFP number, and the page number. Proposals may be either single- or double-sided, but a page is considered one side of an 8-1/2" x 11" piece of paper. The font size shall not be smaller than 11 point.

Each proposal shall contain, at a minimum, **the following:**

**1. Proposal Checklist**

Attach as the front cover of your proposal a signed copy of the Proposal Checklist (Attachment A) including required certifications under the State Finance Law. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation may disqualify your proposal.

**2. Table of Contents and Subcontractor List (Attachment E)**

Complete and attach the Table of Contents and Subcontractor List Form

**3. Support Area Proposal(s)**

Proposals will be evaluated independently for each support area. Proposals must be organized providing a separate section for each support area where services are being offered, even if information is provided for another section/support area.

Each support area section must include the following subsections:

**(a) Overall Experience, Capabilities, and References (2-3 pages)**

Proposers must describe their expertise and ability as a team/firm to deliver services in the proposed support area. This should include the aggregate number of years working in this support area and a brief summary of at least one, and no more than three, similar projects. The project descriptions should specify the level of involvement of the proposing firm and subcontractors and the results/deliverables of the project. For at least one of the projects mentioned, proposers must include customer contact names and phone numbers.

**(b) Personnel and Qualifications (1-2 pages)**

Proposers must provide documented ability to perform the services described in the support area. This section should identify all staff members, contractors and subcontractors that are to be involved in the support area and a brief description of qualifications.

- i. Identify the project manager who will serve as the single point of contact as well as all personnel that may be involved with providing services under this RFP.
- ii. Describe the accomplishments, experiences, and expertise of the individuals comprising the proposing team relevant to this RFP.
- iii. Provide a description of the responsibilities of each key person in the execution of the proposed work plan, including subcontractors.
- iv. For firms not based in New York State, discuss how your firm will guarantee its ability to deliver services in New York State in a cost-effective manner.
- v. Conflicts: The firm, its principals, subcontractors, and any personnel of the firm must be free from any financial or similar interest in any product or service which may conflict with or appear to conflict with the objectivity of the services provided to NYSERDA. Please describe all of your product, manufacturer or service-related affiliations. If any affiliations exist, you must provide a statement verifying these affiliations do not conflict with or appear to conflict with the objectivity of providing services to NYSERDA and its customers. Non-



disclosure of any affiliation can result in the termination of a contract, if awarded

**(c) Fee Schedule**

Proposers must include a fee schedule for the services proposed under this RFP (Attachment C, Project Personnel and Rates). Fee schedules for proposers and all subcontractors shall include, for years one through three: direct labor costs presented by job title, and a range for each job title's hourly rate; travel and per diem costs; overhead rates (basis rate and items included in overhead rate); general and administrative costs and basis for application; and other costs. If a proposer is not located in New York State, describe how travel costs will be minimized. NYSERDA may negotiate rates for years four and five, which shall in no event escalate by more than 3% per year.

**4. Disclosure of Prior Findings of Non-Responsibility**

Complete and attach Disclosure of Prior Findings of Non-Responsibility form (Use RFP Attachment B).

**5. Indirect Cost (Provide as an Attachment)**

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

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

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

**6. Résumés (Provide as an Attachment)**

Include one-page résumés that highlight recent experiences of all individuals (proposer and any subcontractors) who will be directly involved in providing services. For ease of reference, organize the résumés in alphabetical order by last name of the individuals providing services, referencing in each résumé header the support areas they will be directly involved with. Individual résumés shall not exceed one (1) page each.

**7. Subcontractor Letters of Commitment (Provide as an Attachment)**

If applicable attach letters of commitment from subcontractors.

**IV. Proposal Evaluation**

Proposals that meet submission requirements will be reviewed by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and selected outside reviewers. Responses to this RFP will be reviewed and assigned scores based on the criteria highlighted below, as well as other programmatic and management factors deemed appropriate by NYSERDA. Further, as part of the evaluation process, proposers may be required to have appropriate representatives attend an interview in Albany, NY prior to final selection.

**A. Overall Experience, Capabilities, and References**

- Previous experience in the conduct and delivery of similar or related services.
- Demonstrated ability to complete projects on schedule.
- Quality and relevance of previous work as evidenced by sample projects.
- Information provided by references.
- Responsiveness to NYSERDA's request as specified in this RFP, including overall clarity and organization of the proposal.

**B. Personnel and Qualifications**

- Adequacy/depth of corporate resources to provide requested services.
- Qualifications and expertise of the personnel/team in relevant support areas (listed in Section III).
- Clear identification of staff that will be assigned to various project types.

**C. Fee Schedule**

- Reasonableness of labor rates, associated fees, and overhead.

**V. GENERAL CONDITIONS**

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

**Omnibus Procurement Act of 1992** - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

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

Empire State Development  
Division For Small Business  
625 Broadway  
Albany, NY 12207

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

Empire State Development

Minority and Women's Business Development Division  
625 Broadway  
Albany, NY 12207

**State Finance Law sections 139-j and 139-k** - 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 (Attachment A) 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 (Attachment D) to contract successful proposals. NYSEDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal (see Proposal Checklist). Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSEDA expects to notify proposers in approximately six (6) weeks from the proposal due date whether your proposal has been selected to receive an award. NYSEDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSEDA agreement.

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

**Disclosure Requirement** - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSEDA after the award of a contract, NYSEDA may exercise its stop-work right pending further investigation, or terminate the agreement; the

contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

**VI. Attachments:**

- Attachment A:** Proposal Checklist
- Attachment B:** Disclosure of Prior Findings of Non-Responsibility
- Attachment C:** Project Personnel and Rates
- Attachment D:** Sample Task Order Agreement
- Attachment E:** Table of Contents and Subcontractor List
- Attachment F:** Instructions for Electronic Proposal Submission