

**Technical Assistance for Reform of the Electric Distribution System and Markets  
Request for Qualifications (RFQL) 3265**

Proposals Due: May 23, 2016 by 5:00 PM Eastern Time\*

The New York State Energy Research and Development Authority (NYSERDA) is issuing this solicitation to establish a pool of contractors qualified to assist in conducting objective economic, policy, and technical analysis and analytical modeling to inform the modernization of the electric distribution system and markets in New York State, toward greater investment in and integration of clean distributed energy resources (DER). Through this solicitation, NYSERDA expects to select contractors to provide as-needed consulting services in the following Support Areas:

1. Mechanisms to Value DER
2. Economic and Technical Analytical Tools for DER Technologies
3. Market Design Options
4. Rate Design Options and Analysis
5. Utility Business Model and Financial Analysis
6. Electric Distribution System Modeling
7. Electric Distribution System Platform (DSP) Development, Planning, and Operations
8. Distributed Energy-Related Environmental Analysis
9. Policy, Regulatory, and Economic Impact Analysis

Proposers may submit a proposal to provide services in one, multiple, or all of the above Support Areas. Proposers should clearly identify which of the Support Areas the proposal is intended to address. NYSERDA anticipates entering into Umbrella Agreements with the top-ranked proposers in each Support Area to provide services. The expected start date for work under this program is June 2016.

**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 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 therefore should be converted directly from an electronic document to PDF, rather than scanned. 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 RFQL'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 included as Attachment E to this RFQL.

If mailing or hand-delivering, proposers must submit six (6) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing 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, RFQL 3265  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Vanessa Ulmer at (518) 862-1090, ext. 3018 or [vanessa.ulmer@nyserda.ny.gov](mailto:vanessa.ulmer@nyserda.ny.gov). If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 or [venice.forbes@nyserda.ny.gov](mailto:venice.forbes@nyserda.ny.gov). No communication intended to influence this procurement is permitted except by contacting Vanessa Ulmer (Designated Contact) at (518) 862-1090, ext. 3018 or [vanessa.ulmer@nyserda.ny.gov](mailto:vanessa.ulmer@nyserda.ny.gov). Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offeror, and (2) may result in the proposer not being awarded a contract.

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

## **I. Introduction**

The New York State Energy Research and Development Authority (NYSERDA) is a public benefit corporation with the mission of advancing innovative energy solutions in ways that improve New York's economy and environment. NYSEDA's Energy and Environmental Analysis program provides energy policy and technical analysis services to ensure that New York State policymakers and stakeholders have objective and reliable information to make informed decisions.

This solicitation will establish a pool of contractors qualified to assist in conducting objective economic, policy, and technical analysis and analytical modeling to inform the modernization of the electric distribution system in New York State. This work will complement and enhance the impact of NYSEDA Clean Energy Fund (CEF) activities and further the objectives outlined in the State Energy Plan.

The 2015 New York State Energy Plan coordinates across State policies, agencies, and authorities that address energy issues to advance the State's comprehensive energy policy initiative, Reforming the Energy Vision (REV). Central to the REV agenda are initiatives to reform regulatory policy, create new markets, and catalyze technological innovation to integrate clean distributed energy resources (DER) into the core of the State's electric system.<sup>1</sup> The Plan can be accessed at: <http://energyplan.ny.gov/Plans/2015>.

The contractor pool established through this solicitation will make available specialized expertise and as-needed consulting services across multiple support areas that reflect the work needed to advance reform of the State's electric distribution system and markets. Access to the contractor pool will augment NYSEDA staff capabilities when called upon to undertake distinct, time-sensitive projects. Consistent with NYSEDA's leadership role in developing the State Energy Plan, NYSEDA will continue to provide research and analytic work to inform relevant policy and regulatory proposals. NYSEDA also will use these services in developing complementary CEF initiatives, which both account for anticipated regulatory reforms and help to accelerate technology and business model innovations that will make possible greater investment in and integration of clean DER.

Contractors selected under this solicitation will be required to demonstrate high quality technical expertise as well as the ability to respond promptly on short notice, configure the needed team, and thoroughly complete assignments with firm deadlines.

## **II. Bidders Teleconference**

NYSERDA will conduct an hour-long Bidders Teleconference on Friday, April 15, at 1:30 PM Eastern Time. The call-in number is (866) 394-2346, conference code: 5846744188. On the teleconference, NYSEDA will review RFQL 3265 and the bid proposal requirements. Questions will be taken and, to the extent possible, responses will be provided during the call. Bidders are encouraged to submit written questions prior to the teleconference to

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<sup>1</sup> DER is comprised of a variety of resources, principally located on customer premises, including energy efficiency, demand response and energy management controls that increase demand elasticity, distributed storage, microgrids, and roof-top solar, combined heat and power, and other on-site power generation.

[vanessa.ulmer@nyserda.ny.gov](mailto:vanessa.ulmer@nyserda.ny.gov), with the subject line “RFQL 3265 Bidders’ Teleconference.” Following the teleconference, NYSERDA will post a listing of frequently asked questions with responses on this RFQL’s webpage. NYSERDA will post all questions anonymously and NYSERDA’s written responses will supersede any responses given during the Bidder’s Teleconference.

### 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 Support Areas. Proposers must clearly identify Support Areas to which the proposal responds. Across all areas, contractors may be asked to present and explain their project work to policymakers and energy industry stakeholders.

1. Mechanisms to Value DER: Assistance may be requested to develop methodologies, tools, data sets, and possible mechanisms for determining the full (potential) value of DER, on a time and location specific basis. This would include identifying areas of potential value (and the costs and benefits thereof) for both market participants and society as a whole that DER technologies can offer (*e.g.*, energy bill savings, air emissions reductions, health benefits, and distribution system benefits); quantifying the associated value; and providing options for how such value could be made accessible to project investors and market participants (“monetized”), through policy mechanisms or otherwise. Contractors may be asked to develop and evaluate options for a full valuation mechanism for DER, as well as interim options to more precisely value DER that could be adopted in the near term. Contractors may be asked to evaluate related proposals put forward by energy industry stakeholders.
2. Economic and Technical Analytical Tools for DER Technologies: Assistance may be requested to build and populate with data one or more computer-based tools (or to adapt suitable available off-the-shelf tools) that show available potential and expected uptake for DER technologies, with functionality such as:
  - Collecting and organizing available technology cost, adoption potential (*e.g.*, technical potential, annual installation potential, etc.) and similar data in a consistent format that allows the data to be segmented in a number of suitable reference installations;
  - Functionality to deal with key investment return factors, including payback, internal rate of return or other return indicators, life-cycle cost-benefit analysis for each technology type and size, over time;
  - Supply curve functionality to show “blocks” of available and/or constrained resource potential for each technology as well as the cost-effectiveness for each block, now and at given points in time in the future;
  - Learning curve functionality to show projected cost changes (learning rates) for each technology;
  - Mapping and adoption modeling functionality to show available potential and expected uptake by geographical region and technology, under market competition with other energy resources and technologies, depending on a range of policy and other model inputs;

- Accounting functionality to show cost and budget implications (*e.g.*, societal or ratepayer impact costs) of various policy and uptake scenarios; and
- Functionality to characterize DER potential to reduce peak demand at various levels of the electric system.

NYSERDA will require such tools to be designed in a user-friendly and accessible way to enable NYSERDA to use the completed tools without ongoing involvement from the contractor.

3. Market Design Options: Assistance may be requested to design options for distributed energy markets, which enable market actors to provide clean energy-related products and services that meet customer needs and support efficient grid operations. Contractors may be asked to identify, evaluate, and develop potential near-term market options (*e.g.*, standard offer utility tariffs, competitive solicitations) and medium-term market structure and pricing options that could enable a competitive, multi-sided retail market for electric products and value-added services from DER. Specific market design support may include developing and evaluating options for: a market for energy efficiency as a capacity resource; a mass-market digital marketplace that provides customers and vendors the opportunity to transact business through use of a digital platform; appropriate fees to be levied by utilities for market-based services; and the interface between distribution-level market operations and the wholesale markets run by the New York State Independent System Operator (NYISO). Contractors may be asked to evaluate and describe viable business models for DER solutions in new markets. Contractors may be asked to describe options for regulatory oversight of DER markets, so as to mitigate market power, protect consumers, and achieve environmental policy objectives.
4. Rate Design Options and Analysis: Assistance may be requested to develop electric rate design options and to analyze their impacts. Contractors may be asked to identify, evaluate, and develop options for tariff rate designs that are consistent with REV policy objectives and the fair, efficient, and sustainable recovery of distribution system costs. This may include options for revised standby rate utility tariffs for customers with on-site generation; time-varying and “smart” home rates that could be adopted immediately on an opt-in basis; and rates that provide more economically-efficient price signals to influence customer demand and DER investment and operation. Contractors may be asked to conduct economic analysis of the potential impact of alternative retail rate designs under various uptake scenarios on customer bill impacts and related public policy objectives (*e.g.*, energy efficiency). Relatedly, contractors may be asked to develop publicly-available tools that allow stakeholders to assess impacts of alternative rate designs.
5. Utility Business Model and Financial Analysis: Assistance may be requested to assess the impact of regulatory policies that are under consideration or being developed on the evolving business model of investor-owned electric utilities, and the corresponding financial implications for utility revenues, risk profile, and valuation. Analyses may include quantitative financial modeling (inclusive of sensitivity and scenario analyses) to assess the financial impacts for utilities associated with: rate making proposals; reform of the net plant reconciliation mechanism; utility performance incentives; the potential for fee-based revenues for market services; and related regulatory policies. Contractors may be asked to assess the extent to which policies under consideration create meaningful financial incentives for utilities to encourage performance toward REV objectives.

6. Electric Distribution System Platform (DSP) Development, Planning, and Operations: Assistance may be requested to evaluate actions that the State's investor-owned utilities and other stakeholders could undertake to develop an advanced, integrated Distribution System Platform as described under the REV initiative. Support in this area would address utility/DSP functions in the general categories of integrated system planning and grid operations. Contractors may be asked to review the Distributed System Implementation Plans (DSIPs) developed by investor-owned utilities to assess the appropriateness of and timeframes for utility capabilities in integrated system planning, grid operations, and data availability, including the capacity to host, connect, and manage DER. This would include offering technical expertise and assistance with expanding the initial DSIPs to be more comprehensive where necessary. Contractors may be asked to perform technical and benefit-cost analysis of Advanced Metering Infrastructure (AMI) and related technologies. Contractors may be asked to assist in improving DER interconnection process and integration analysis. Contractors may be asked to describe operational and business model opportunities and challenges for a DSP (*e.g.*, aggregated control of DER technologies at the distribution level, integration of renewables/intermittent resources). Contractors may be asked to engage with New York electric utilities to share relevant best practices.
7. Electric Distribution System Modeling: Assistance may be requested to evaluate and to develop more advanced modeling capabilities for the New York State electric distribution system. This would include medium- and long-term (*i.e.*, 20 years) simulation, forecasting, and econometric modeling capabilities that provide granular spatial and temporal quantification of marginal costs and load forecasting at the distribution level. Modeling capabilities should include the ability to capture interactions and feedback between distribution and bulk power systems. Contractors may be asked to review relevant components of the DSIPs developed by investor-owned utilities to assess the appropriateness and timeframes for the distribution system modeling approaches specified. Contractors may be asked to engage with New York electric utilities and the NYISO to share relevant expertise. Contractors may be asked to develop a model for the New York State electric distribution system that projects, under various DER penetration and configuration scenarios, the total annual cost and cost per kWh to ratepayers along with levels of private investment needed to meet energy, peak load, and reliability needs. Later stages of model development could include algorithms to optimize investments in distribution system components, solving for least cost to ratepayers while maximizing system performance and efficiency.
8. Distributed Energy-Related Environmental Analysis: Assistance may be requested to increase understanding of the environmental and health impacts related to energy production and use including distributed generation and storage. The anticipated shift from central generation toward increased integration of DER, increased use of renewable fuels, electrification of vehicles, and emerging emission control technologies will have an effect on energy-related emissions with respect to spatial and temporal patterns. These changes may also have a net effect on ambient concentrations of ozone (O<sub>3</sub>), particulate matter (PM), their precursors, co-pollutants, greenhouse gases, and air toxics. Human exposure to these energy-related pollutants may change as well. Contractors may be asked to evaluate regional, local, and site-specific air quality and health impacts of energy system or use changes such as those listed above. Contractors may be asked to conduct emissions inventory and source characterization research, which may include developing methods and conducting studies that resolve or estimate emissions at much finer spatial (*i.e.*, community) and temporal (an hour or less) scales than traditional inventories. Contractors may be asked to develop and apply new models and

techniques to perform micro-scale air quality modeling, or use traditional air planning models, to characterize and assess changes in air quality and air pollution exposure at the community and regional scales. This may be for a community where a defined population is potentially impacted (adversely or beneficially) by existing or emerging technologies. Contractors may be asked to evaluate the potential health relevance of local air quality using an air quality index, the U.S. Environmental Protection Agency (EPA) Benefits Modeling and Analysis Program (BenMAP) software, or state of the science knowledge of the health effects of pollutants.

9. **Policy, Regulatory, and Economic Impact Analysis:** Assistance may be requested to perform analysis of regulatory and public policies being considered, developed, or implemented under the REV initiative. Analyses sought may be qualitative or quantitative and include assessments of best practices in areas such as: innovation and collaboration across NYSERDA and utility energy efficiency activities; expanding customer data access and engagement; low-income customer engagement; community aggregation; and community net metering. Contractors may be asked to provide input on jurisdictional considerations (*e.g.*, jurisdiction under New York State Public Service Law or the Federal Energy Regulatory Commission) in order to mitigate overlapping regulatory regimes and to provide distributed energy products consistent with applicable regulatory requirements. Contractors may be asked to assess direct and indirect macroeconomic impacts of policy initiatives on a gross and net basis. Capabilities in macroeconomic modeling and analysis should include both prospective analysis and retrospective analysis.

## **B. Funding and Schedule**

Funding may be committed over an initial term of two years for services provided through Umbrella Agreements (see Attachment D) resulting from this RFQL. The contract term may be extended through options to renew (subject to NYSERDA discretion) to five years in total. NYSERDA reserves the right to extend and/or add funding to the Solicitation should other program funding sources become available. Agreements will be negotiated soon after the notification of selection is delivered to successful proposers.

### **Services Requested**

As a result of this RFQL, NYSERDA expects to retain qualified contractors to provide a variety of services in the Support Areas outlined above in Section III-A. 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 Section III-A.

## **C. Umbrella Agreements**

A pool of contractors that demonstrate technical merit will be selected through this RFQL. NYSERDA will enter into zero-dollar value Umbrella Agreements with the top-ranked proposers in each Support Area, enabling NYSERDA to retain their services. This Umbrella Agreement will not guarantee any specific amount of work. The amount of work assigned to each contractor will depend on NYSERDA's needs, the 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. If multiple

contractors are selected with overlapping areas of expertise, NYSERDA may also ask selected contractors for proposals and bids on specific assignments.

Selected contractors will support NYSERDA's activities associated with this RFQL through an initial two-year term, followed by a two-year option to renew and a subsequent one-year option to renew (renewals are subject to NYSERDA discretion).

Qualified contractors who, at any time, cease to provide value to NYSERDA due to poor performance and timeliness, inferior deliverable quality, or lack of engagement with NYSERDA and its partners shall be issued a written warning. Should there be no improvement following this written warning, the contractor will be removed from the qualified contractor pool.

#### **D. Task Work Order Requests and Plans**

Projects will be assigned through a written Task Work Order Request and initiated through a Task Work Order Plan, which will become a binding agreement for all parties. NYSERDA Project Managers will pursue either of the following options: (1) issue a Task Work Order Request to the highest ranked contractor under a specified Support Area, or (2) issue a mini-bid request to all contractors retained under a specified Support Area. Under Option 1, if the response from the top ranked contractor is considered satisfactory, a written Task Work Order Plan will be completed. If considered unsatisfactory, NYSERDA retains the option of reissuing the Task Work Order Request as a mini-bid, as described in Option 2. For Option 2, NYSERDA will issue the mini-bid request to the relevant contractors. Under both a request to the top ranked contractor and in the mini-bid process, respondents shall provide a detailed response to the request, including staffing, hours, budget, and scope of work.

Once a contractor has been selected for a project as per the above process, a Task Work Order Plan will be prepared by the contractor in cooperation with NYSERDA. Task Work Order 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.
- The identification of measures to assess project success.

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

Depending on the nature of the work product that is developed or results from any particular Task Work Order with NYSERDA, contractors may be required to execute a non-disclosure agreement prior to engaging in the specified work effort.



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

If and when selected for a project, the selected contractor shall be required to:

- Prepare a Task Work Order 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 Task Work Order 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 Task Work Order.
- Provide required documentation of expenditures by task, based on the Task Work Order 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 Umbrella Agreement 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 length of the Agreement (two years) when proposing their fee schedules, which will be fixed for the duration of the two-year contract period. Should the Agreement be extended after the initial two-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 Task Work Order plan and approved by NYSERDA. The Task Work Order plan will also place a ceiling or not-to-exceed amount for each project. Contractors who accrue billable hours beyond the ceiling in the Task Work Order 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 Task Work Order plan.** Preparation of the Task Work Order plan is considered to be covered by the contractor's overhead expense.

#### **IV. Proposal Requirements**

Proposers are invited to submit a proposal for one, multiple, or all of the Support Areas. Proposers must clearly identify all Support Areas to which the proposal responds.

##### **A. Submittal**

To be eligible for selection under this RFQL, Proposers must submit a complete bid package and agree to the terms and requirements of this RFQL. Proposers must submit the completed proposal to the attention of Roseanne Viscusi as set out on the front cover of this RFQL. A completed and signed Proposal Checklist (Attachment A) must be provided as the front cover of all copies of the proposal, one of which must contain an original signature. Proposals must be received by NYSERDA on or before 5:00 PM Eastern Time on Monday, May 23, 2016. Late proposals and proposals lacking the completed and signed Proposal Checklist may be returned. Faxed or e-mailed copies will not be accepted.

##### **B. Length**

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, RFQL 3265, 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.

**C. Ownership and Compensation**

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

**D. Proposal Format**

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.

**2. Cover Letter(s) (1 page suggested)**

Proposers shall submit a cover letter on company letterhead that:

- References RFQL 3265.
- Specifies each specific Support Area, by name and number, where services are being offered.
- Summarizes the proposer's ability to perform such services.
- Is signed by a person with authority to enter into a contract with NYSERDA.

Letters from subcontractors included in the proposal must be attached to the proposal and include the same information included in the proposer's cover letter.

**3. Table of Contents (1 page)**

Proposers should present a comprehensive table of contents that outlines the page number and section where each Support Area proposal can be found. Each Support Area being offered must include the items listed below, regardless of whether they have been presented in another section:

- (a) Overall Experience, Capabilities, and References.
- (b) Personnel and Qualifications.
- (c) Cost Proposal.

**4. 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 (2-4 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** (2 pages; résumés provided as an Attachment)

Proposers must identify and describe the company or organization that will be the prime contractor under this RFQL and identify all staff members, teams, and subcontractors that are to be involved in providing services in the Support Area, with descriptions of qualifications. Describe past working relationships among team members and subcontractors. Include an organizational chart, if necessary. Proposers must identify the project manager who will serve as the single point of contact under this RFQL. Describe the accomplishments, experiences, and expertise of the individuals comprising the proposing team relevant to the Support Area. Reference one-page résumés (provided as an attachment) that highlight recent experiences of all individuals who will be directly involved in providing services.

**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) Cost Proposal – Project Personnel and Rate Form (1 page)**

Proposers must provide a Project Personnel and Rates form (Attachment C) and submit the name, job title, and fully-burdened hourly salary range for each individual in the proposal and all subcontractors who will perform the work under an Agreement with NYSERDA. Note: Any escalation rates must be identified for the full five-year contract term.

NYSERDA is not requiring proposers to estimate travel or other direct costs as part of proposals, but reasonable costs for these may be part of TWOs on an as needed basis. NYSERDA will not reimburse the purchase or rental of measurement tools and equipment.

**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 approved by an independent organization, such as the federal government, provide a copy of such approval.

- (c) If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculation should provide enough information for NYSERDA to evaluate and confirm that the rate(s) are consistent with generally accepted accounting principles for indirect costs.

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

**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 Area(s) they will be directly involved with. Individual résumés shall not exceed one (1) page each.

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

Complete and attach the Disclosure of Prior Findings of Non-Responsibility form (use RFQL Attachment B).

**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 RFQL will be reviewed and assigned scores based on the criteria highlighted below as well as other personnel, programmatic, and management factors deemed appropriate by NYSERDA. Weighting of scores will be determined at NYSERDA's discretion, but will be applied evenly to all proposals. Further, as part of the evaluation process, proposers may be required to have appropriate representatives participate in an interview in Albany, NY or New York, NY prior to final selection.

**A. Experience, capabilities, and qualifications to perform services in one or more of the Support Areas, assessed on the basis of:**

- Qualifications and expertise of the personnel/team.
- Previous experience in the conduct and delivery of similar or related services.
- Quality and relevance of previous work as evidenced by sample projects.
- Information provided by references.
- Responsiveness to NYSERDA's request as specified in this RFQL, including overall clarity and organization of the proposal.

**B. The ability to complete tasks on schedule, assessed on the basis of:**

- Adequacy/depth of corporate resources to provide requested services.
- Clear identification of staff that will be assigned to various project types.
- Demonstrated ability to complete projects on schedule.

**C. Cost**

- 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** - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at

<http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

**Tax Law Section 5-a** - NYSEDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSEDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](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 Sample Agreement. Each offer should be submitted using the most favorable cost and technical terms. NYSEDA may request additional data or material to support applications. NYSEDA will use the Sample Agreement to contract successful proposals. NYSEDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal (see Proposal Checklist). Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSEDA expects to notify proposers in approximately four (4) 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 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 form

**Attachment D:** Sample Agreement

**Attachment E:** Instructions for Electronic Proposal Submission