



**LICENSE CONSULTATION SERVICES-
WEST VALLEY NUCLEAR SERVICE CENTER
Request for Proposals (RFP) No. 3305**

Proposals Due: July 7, 2016 by 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (NYSERDA) seeks assistance from qualified individuals or firms to assist NYSEDA in developing a strategy and preparing required documents to amend its 10 CFR Part 50 License for the Western New York Nuclear Service Center (WNYNSC). NYSEDA proposes to update the license to reflect current site conditions and responsibilities, incorporate an up-to-date Radiation Protection Program and Safety Analysis Report, and eliminate unnecessary requirements, amendments, and technical specifications, if any.

The success of this task will be, in part, dependent on securing the services of a highly qualified, professional consulting firm with experience in Nuclear Regulatory Commission licensing provisions.

Proposal Submission: Electronic submission is preferable. NYSEDA will also accept proposals by mail or hand-delivery. If submitting electronically, proposers must submit the proposal in either PDF or MS Word format with a completed and signed Proposal Checklist and Disclosure of Prior Findings of Non-Responsibility, in PDF format. Proposal PDFs should be searchable and should be created by direct conversion from MS Word, or other conversion utility, rather than scanning. For ease of identification, all electronic files must be named using the proposer's entity name in the title of the document. Proposals may be submitted electronically by following the link for electronic submissions found on this RFP's webpage, which is located in the "Current Opportunities" section of NYSEDA's website (<http://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>). Instructions for submitting electronically are located in that section as Attachment E to this RFP.

If mailing or hand-delivering, proposers must submit (2) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing both a PDF 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 No.
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Janice Dean at (518) 862-1090, ext. 3117 or janice.dean@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.

No communication intended to influence this procurement is permitted except by contacting the above identified designated contacts. 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 and proposals lacking the appropriate completed and signed Proposal Checklist will be returned. 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.org.

Introduction

The New York State Energy Research and Development Authority (NYSERDA) holds title to the 3,300-acre Western New York Nuclear Service Center (WNYNSC), located near the hamlet of West Valley in Cattaraugus County in southwestern New York State. NYSEDA is also the current sole licensee for provisional license CSF-1 issued by the United States Atomic Energy Commission (AEC) in 1966 under 10 CFR Part 50 for an Irradiated Nuclear Fuel Processing Plant that was located at the WNYNSC. The license was originally issued to the New York State Atomic and Space Development Authority (ASDA, a predecessor agency of NYSEDA) as owner, and to Nuclear Fuel Services, Inc. (NFS) as operator, of the irradiated fuel processing facility.

NFS began reprocessing operations at West Valley in 1966, and reprocessed spent nuclear fuel for a period of six years. In 1972, the plant was shut down for modifications, and for various reasons, reprocessing operations never resumed. In 1976, NFS announced it would withdraw from reprocessing operations, and would turn the West Valley plant over to NYSEDA when the initial lease period expired in 1980.

The NFS announcement that it would withdraw from reprocessing at West Valley and return the facility to NYSEDA resulted in litigation between NFS and NYSEDA, investigations and hearings by the U.S. Congress, and the eventual passage of the West Valley Demonstration Project (WVDP) Act (Public Law 96-368) by Congress in 1980. The WVDP Act directed the Department of Energy (DOE) to conduct a High-Level Radioactive Waste solidification and decommissioning demonstration project at the site to address the liquid high-level waste and contaminated facilities that remained from the spent fuel reprocessing operation.

On October 1, 1980, DOE and NYSEDA entered into a Cooperative Agreement that identified the operational framework implementing the WVDP at the WNYNSC. Under the terms of the Cooperative Agreement, approximately 179 acres of the WNYNSC were transferred to the exclusive possession and control of DOE in 1982 for the conduct of the WVDP. NYSEDA retained possession and control of the remainder of the 3,300 acre-WNYNSC, including the 15-acre State-Licensed Disposal Area (SDA).

NYSERDA seeks assistance from qualified individuals or firms to assist in developing a strategy and preparing required documents to amend its 10 CFR Part 50 License for the WNYNSC. NYSEDA proposes to update the license to reflect current site conditions and responsibilities, incorporate an up-to-date Radiation Protection Program and Safety Analysis Report, and eliminate unnecessary requirements, amendments, and technical specifications, if any.

The success of this task will be, in part, dependent on securing the services of a highly qualified, professional consulting firm with experience in Nuclear Regulatory Commission (NRC) licensing provisions. The contract is expected to start on or about August 1, 2016.

I. Scope of Services

A. Services Requested

This Scope of Services is being circulated to solicit bids from firms with NRC licensing experience interested in performing the tasks defined by this RFP. Work for this task is expected to begin August 1, 2016, and continue through completion of the contract.

B. Range/Scope of Services to be Provided

NYSERDA seeks assistance from qualified individuals or firms to assist in developing a strategy and preparing required documents to amend its 10 CFR Part 50 License for the WNYNSC.

NYSERDA operates under License CSF-1, originally issued to NFS and ASDA by the AEC on April 19, 1966. The technical specifications for the license are being held in abeyance while DOE conducts operations pursuant to the WVDPA; and NYSERDA, the NRC, and DOE have historically recognized that license amendments to bring the license into conformance with current conditions would be needed at one or more junctures. NYSERDA proposes to update the license to reflect current site conditions and responsibilities, incorporate an up-to-date Radiation Protection Program and Safety Analysis Report, and eliminate unnecessary requirements, amendments, and technical specifications, if any. This solicitation seeks consultation and assistance with that process.

1. Required Tasks

The contractor will provide the following services to NYSERDA:

Task 1.1 - Evaluation of License CSF-1 and NYSERDA's current responsibilities and work activities at the WNYNSC. Conduct an evaluation of License CSF-1, including its provisions, changes, attachments, and technical specifications within the framework of NYSERDA's current and reasonably expected future responsibilities at the WNYNSC.

Provide a written summary of the status of License CSF-1, identifying whether existing license provisions, changes, attachments, and technical specifications are applicable to NYSERDA's current or reasonably expected future responsibilities and work activities at the WNYNSC.

The evaluation should include an assessment of the applicability, if any, of the Part 50 license to areas off the WNYNSC property where Part 50-regulated radioactive materials may be present.

Task 1.2 - Develop the Framework for an Updated License CSF-1. Provide a recommendation for the content and structure for an updated NRC license for the WNYNSC. The recommendation should consider and address the findings from Task 1.1 and provide the framework for a modern license that fully authorizes NYSERDA to conduct work on all areas of the WNYNSC, including areas impacted or potentially impacted by Part 50-regulated radioactive materials on (and if applicable) off the WNYNSC property. The recommendation should describe proposed license provisions, technical specifications, and support documents and attachments.

A cost estimate and schedule for preparing the necessary application and other documentation required for submittal to the NRC should be prepared as part of this task.

Strategies, recommendations or considerations for additional amendments of the license can be identified as part of Task 1.2.

2. Contingent Work Tasks

Based upon NYSERDA's evaluation of the deliverables identified in Task 1.2, the contractor may be asked to provide the following services to NYSERDA:

Task 2.1 - Develop a Draft and Final Application for Amendment and Other Documents. Upon NYSERDA's approval of the Task 1.2 deliverables, prepare draft versions of the application for license amendment, safety analysis report, radiation protection program, etc. and submit to NYSERDA for review.

Prepare final documents incorporating NYSERDA input. Review NYSERDA's existing Radiation Protection Program for the Retained Premises of the WNYNSC and provide recommendations for revising the document, if needed.

Task 2.2 – Meetings and Other Support. Provide support for NYSERDA meetings with NRC, preparation of responses to NRC's Requests for Additional Information, and support for NYSERDA public meetings that may be required in the license amendment process.

3. On Demand Support Tasks

Task 3 - Provide assistance to NYSERDA for other licensing issues, including technical assistance with ALARA analyses under the 10 CFR 20 Subpart E, decommissioning planning, beneficial reuse of WNYNSC property, partial site release, etc.

II. Proposal Requirements

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 or MS Word digital copy of the proposal to the attention of Roseanne Viscusi at the address on the front of this Request for Proposal. A completed and signed Proposal Checklist (Attachment A) must be attached to the front cover of all both paper copies of your proposal, one of which must contain an original signature. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.** Faxed or e-mailed copies will not be accepted. Be sure that the individual signing the checklist is authorized to commit the Proposer's organization to the proposal as submitted. Each page of the proposal should state the name of the Proposer, the RFP number, and the page number. NYSERDA reserves the right to request additional data or material to support proposals. All material submitted in response to the RFP will become the property of NYSERDA.

A. 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. The proposal must be in the following format:

Part I - Technical and Management:

- Completed "Proposal Checklist" Form (Attachment A) - to be attached to the front page of all copies of Part I of the proposal.
- Background/Objectives (one-page maximum).
- Technical Approach (six-page maximum) – Describe the technical approach for completing the work scope in Tasks 1.1 and 1.2.
- Management Plan and Schedule for the Work (six-page maximum). Describe the approach for managing the licensing support contract, including the structure of the project team, identifying the lead and technical team members and roles. Prepare a schedule for completing work activities 1.1 and 1.2, in weeks from the

date of contract award.

- Qualifications of the Project Team (ten pages maximum) - Present the proposer's qualifications and experience relevant to the Scope of Services. Identify relevant US Nuclear Regulatory Commission licensing experience for each member of the project team, either as an NRC employee or consultant, or on behalf of licensees, in regard to 10 CFR Part 20, Part 30, Part 50, Part 70, or other applicable licenses and regulations, and experience related to decommissioning and fuel cycle facilities. Qualification statements for each member of the project team should include years of relevant experience.
- Corporate Qualifications (four page maximum) – Describe the corporate resources available to support the licensing support tasks.
- Letters of commitment from all participating organizations (if applicable).

Part II - Cost and Disclosures:

- Cost proposal for Tasks 1.1 and 1.2, including hourly rates and any other applicable costs or rates included on the attached Contracts Pricing Proposal Form (Attachment F, instructions included). The Proposer shall also provide their hourly rate(s) for Optional Services as described in Section B, 3 of the RFP (see Attachment E).
- Disclosure of Prior Findings of Non-Responsibility – “Executive Order 127” Form (Attachment B).
- Indictment/Conviction of Felony (if applicable).
- NYSERDA Contracts awarded (if applicable).
- Prior and/or Competing Proposals (if applicable).

In compliance with §139-j and §139-k of the State Finance Law (see Section III, 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.

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

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

NYSERDA retains the right to request any additional information pertaining to the Proposer's ability, qualifications, and procedures used to accomplish all work under the contract as it deems necessary to ensure safe and satisfactory work.

B. Proposal Evaluation

Proposals submitted in response to this RFP will be reviewed, and scores assigned based on the information provided. NYSERDA retains the right to request any additional information pertaining to the Proposer's ability, qualifications, and procedures used to accomplish all work under the contract as it deems necessary to ensure safe and satisfactory work. Proposals will be reviewed by a technical evaluation panel consisting of NYSERDA staff and external individuals.

Top-ranked Proposers may be required to provide oral presentations to NYSERDA. Proposers shall not be allowed to change their proposal during or after this presentation unless responding to a request for clarification from NYSERDA. Selected proposer, if any, will be scheduled to conduct its presentation before the scoring committee. Following oral presentations, the scoring committee will rescore the top proposers based on the criteria above to determine the highest-ranked proposer.

III. 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 accept 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 www.nyserda.org/nyserda.regulations.pdf. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

Empire State Development
Division For Small Business
30 South Pearl Street
Albany, NY 12245

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

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street

Albany, NY 12245

New York Executive Law Article 15-A - NYSERDA is required under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of NYSERDA contracts. The MWBE participation goals and obligations of the selected Contractor are set forth in Attachment C.

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.state.ny.us/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.

New York Executive Law Article 17-B – NYSERDA is required under law to promote opportunities for maximum feasible participation of certified Service-Disabled Veteran-Owned Businesses (SDVOBs). The SDVOB participation goals and obligations of the selected Contractor are set forth in Attachment H.

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. *See*, ST-220-TD (available at http://www.tax.state.ny.us/pdf/2006/fillin/st/st220td_606_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. *See*, ST-220-CA (available at http://www.tax.state.ny.us/pdf/2006/fillin/st/st220ca_606_fill_in.pdf). The Department has developed guidance for contractors which is available at http://www.tax.state.ny.us/pdf/publications/sales/pub223_606.pdf.

Contract Award - NYSERDA anticipates making one award under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA expects to notify proposers in approximately 8 weeks from the proposal due date whether your proposal has been selected to receive an award.

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.

Disclosure Requirement - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or

other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

IV. Attachments:

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non- Responsibility

Attachment C – MWBE Provisions

Attachment D – Electronic Proposal Submission Instructions

Attachment E – Project Personnel and Rate Form

Attachment F – Contract Pricing and Proposal Form (CPPF)

Attachment G – CPPF Instructions

Attachment H – Sample Agreement