Resilience Integration Services for Anchor Contractor
Request for Proposal (RFP) 4760
$ 775,000 Available
NYSERDA reserves the right to extend and/or add funding to the Solicitation should other program funding sources become available.

Proposals Due: October 12, 2021, by 3:00 p.m. Eastern Time*

The New York State Energy Research and Development Authority ("NYSERDA") seeks proposals from experienced teams or firms interested in contributing to a comprehensive, collaborative, authority-wide Resilience Integration effort. The NYSERDA Resilience team seeks to embed resilience strengthening measures across all NYSERDA programs and operations to better equip the Authority to anticipate, prepare for, and recover from climate and other related shocks and stresses. Through the Resilience team, services will be requested that involve risk mitigation strategy development, custom designed practitioner guidance, extensive stakeholder coordination and engagement with the ultimate goal of integrating climate adaptation and resilience building measures into specific programs while also creating a coherent cross-cutting framework that has relevance Authority-wide. A single contractor is anticipated to be chosen with the below primary goals:

1) Develop and help execute on support to a limited set of NYSERDA teams to understand climate impacts in their work context and identify shifts that could strengthen resilience (we are notionally calling this work, "Resilience Labs;"). It is anticipated that additional program specific analyses will be needed as part of the Resilience Labs and some of these could be undertaken through separate contracts.

2) Provide strategy support (communication, governance, implementation), framework refinement, planning and scoping capabilities to the NYSERDA Resilience Team.

3) Provide ongoing project management and coordination across this integrated initiative for internal and external stakeholders.

Proposal Submission: Online submission is preferable. Proposers may submit Word, Excel, or PDF files (file formats include: csv, doc, docx, gif, jpeg, jpg, pdf, png, ppt, pptx, pps, ppsx, tif, txt, xls, xlsx, and zip). Individual files should be 100MB or less in file size. Proposal PDFs should be searchable and should be created by direct conversion from MS Word, or other conversion utility. Files should not be scanned. For ease of identification, all electronic files must be named using the proposer's entity name in the title of the document. NYSERDA will also accept proposals by mail or hand-delivery if online submission is not possible. For detailed instructions on how to submit a proposal (online or paper submission), click the link "Application Instructions and Portal Training Guide" located in the "Current Opportunities" section of NYSERDA's website (https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx).

No communication intended to influence this procurement is permitted except by contacting Corinne Allen at (518) 862-1090, ext. 4327 or Anna Brown at (518) 862-1090, ext. 3143, or by e-mail at rfp4760@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 or by email at Venicesolicitations@nyserda.ny.gov. Contacting anyone other than the Designated Contacts (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.

*** All proposals must be received by 3 p.m. Eastern Time on the date noted above. Late, faxed, or emailed proposals will not be accepted.** Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all pages have been included in the proposal. Please note for online submission, there are required questions that you will have to answer in addition to uploading attachments and you should allot at least 60 minutes to enter/submit proposals. The online proposal system closes promptly at 3 p.m. Eastern Time, files in process or attempted edits or submission after 3 p.m. Eastern Time on the date above, will not be accepted. If changes are made to this solicitation, notification will be posted on the "Current Opportunities" section of NYSERDA's website (https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx.

I. Introduction

New York State is pursuing a bold and critical clean energy and climate agenda with NYSERDA supporting billions of dollars in technology and infrastructure spending. In spite of measures to reduce greenhouse gas emissions there is enough warming in the earth's atmosphere to ensure decades of climate impacts.

NYSERDA is embarking on an Authority-wide initiative to understand the impacts of climate change on NYSERDA programs and assets and to devise approaches that systematically consider both risk and resilience in program designs, operations, governance, and investments. Closely linked with the internal integration goals, NYSERDA is exploring ways to strengthen the enabling conditions (e.g., policy, regulation, finance, markets) for an inclusive and resilient energy future for New York State.

This increasing focus on inclusive resilience aligns with NYSERDA's revised mission and vision statements. In 2020, NYSERDA revisited and refreshed its mission and vision statements to better reflect many of the new imperatives that are increasingly driving and shaping the Authority's work. The important themes of climate change, equity and inclusivity, jobs and economic opportunity, public health, and resilient communities are now in more central focus. In pursuing goals of resilience and climate adaptation, NYSERDA aims to center questions of equity and inclusion. This is in recognition that: socially vulnerable and disadvantaged populations are disproportionately harmed by climate impacts; these same populations often lack the resources and connections to influence and shape resilience measures; and that interventions to adapt and strengthen resilience can exacerbate inequities.

This proposed contract is in support of three Resilience Integration goals that are a priority for the next two years: 1) strengthen the capacity of NYSERDA as a whole to identify and take actions to strengthen inclusive resilience in program design, implementation, and operations; 2)

Identify and pursue mechanisms to embed inclusive resilience into NYSERDA systems and governance; and 3) to coordinate and collaborate with relevant stakeholders to strengthen the enabling conditions for inclusive resilience investments.

NYSERDA is comprised of a diverse set of program areas and priorities. These include a range of energy-related industries and sectors (e.g. large-scale renewables, buildings, communities and local government, transportation, grid, distributed energy). NYSERDA's scope also ranges from early-stage technical R&D and innovation to market creation to program roll-out.

II. Program Requirements

Scope of Services Requested

To move this ambitious climate resilience agenda forward, NYSERDA seeks to identify an "Anchor Contractor" that will work closely with the NYSERDA Resilience team and members of Program teams to advance several interlinked tasks. NYSERDA envisions the anchor contractor as the primary developer, coordinator, and integrator of the Resilience Strategy across the Authority.

Resilience refers to the capacity to anticipate, absorb, adapt to, and recover quickly from shocks and stresses– and even to transform when needed. Shocks and stresses that put energy systems, transportation and the built environment at risk include those linked to climate change and extreme weather. This translates to energy systems that are robust, integrated, and equitable and that demonstrate redundancy, flexibility, and a range of resources to meet critical demands and needs. For the purpose of this work, we consider resilience across the spectrum of planning, design, implementation, operations, and governance stages and processes. We are also interested in financial and pricing considerations that facilitate meeting legislative and/or performance objectives under a broad range of conditions today as well as in the future.

In addition to undertaking a set of specific analyses and research, the Contractor will also serve as a strategy and planning partner to NYSERDA, will provide project coordination and management support across the different task areas. The anchor contractor will also coordinate with other contractors, including additional providers of sector-specific and subject matter expertise and which are not subcontracted by the Contractor. The three tasks are as follows, but not necessarily in linear and sequential order, with activities that include but are not limited to:

Task 1 Overview - Resilience Labs:

The purpose of Task 1 is to ensure risk management and resilience informs, and are included in, NYSERDA program design and investment decisions. This task also aims to identify barriers (e.g. regulatory, policy, financial, and legal) that limit widespread adoption of inclusive resilience measures within municipalities and the state as they relate to NYSERDA programs and investments. NYSERDA programs include, but are not limited to: Large-Scale Renewables including Offshore Wind, Multi-Family Residential, Single-Family Residential, New Construction, Communities and Local Governments, Technology to Market, and Clean Transportation. Finally, Task 1 lays the groundwork to embed resilience in internal NYSERDA operations and procedures.

In close coordination with NYSERDA, the Contractor shall conduct a series of Resilience Labs with 3-6 select NYSERDA teams. The Contractor shall also integrate findings and

outputs into a broader NYSERDA Resilience Integration Strategy. In this way the Contractor shall coordinate *within* the Resilience Labs Task while also linking and coordinating relevant findings and outputs with the other Tasks (2-3). The initial concept of the Resilience Labs (see Figure below) includes a multi-stepped process that includes: 1. engagement of representatives from select program teams (notionally called "Resilience Liaisons") and other relevant stakeholders (startup phase ~1 month in duration); 2. Scoping (~3-6 months in duration); 3. Assess (~4-6 months in duration); 4. Implement (~12+ months in duration); 5. Embed (initially, ~3 months with subsequent implementation). The Contractor would be expected to respond to demand and interest from specific teams and to adapt the Resilience Labs approach.

Figure 1 Proposed Resilience Labs Approach

Task 1 Specifics:

- Develop an approach to support a limited set of NYSERDA teams (3-6) to understand climate impacts in their work context and to identify shifts that could strengthen resilience. These include, but are not limited to:
    - Identify their baseline and relevant analytics, with guidance from NYSERDA Resilience Team and "Resilience Liaison."
    - Work with the NYSERDA Resilience Integration team to review the Overarching Draft Resilience Labs Approach (Figure 1) and modify to ensure the Resilience Labs accommodate the diverse types of NYSERDA programs participating in the Resilience Labs.
    - Shape program-specific Scoping and Assessment analyses, with guidance and advice from "Resilience Liaison," which could be undertaken directly by the Contractor or through subcontract(s); and
    - Support the 3-6 NYSERDA programs in identifying additional contractors/ subcontractors to undertake Scoping and Assessment analyses, as needed.
    - If relevant, work with subcontractors and Resilience Liaisons for 3-6 NYSERDA Programs to prioritize actions for implementation; and

- Track progress and deliverables emerging from program-specific Resilience Labs and ensure timely and effective communication of Resilience Labs outputs to the participating NYSERDA programs and Resilience Team.
- Identify external barriers (e.g., regulatory, policy, financial, and legal) that limit widespread adoption of inclusive resilience measures as they relate to NYSERDA programs.
- Coordinate with select external stakeholders, based on agreement with NYSERDA staff, to maximize alignment opportunities with the broader New York State enabling policy environment; and
- Develop approaches to operationalize and integrate Resilience building measures into NYSERDA processes.

Task 1 Deliverables:

At a minimum, the below deliverables are expected. Additional deliverables would be discussed and agreed upon between NYSERDA and the awarded Contractor.

- A baseline summary of current knowledge, data, and practices around climate risk and resilience in relationship to each participating NYSERDA program along with proposed analytics to track to monitor shifts to improve climate resilience.
- Report summarizing each Resilience Lab's approach, findings, proposed integration plan & timeline into existing NYSERDA processes, and proposed evaluation timeline, scope, and sector specific and NYSERDA wide metrics to ensure continuous improvement.
- An analysis of high leverage factors, policies, or considerations that would significantly enable, or hinder, future resilience building measures that NYSERDA should watch.

Task 2 Overview – Strategy Support, Framework Development, Planning, & Scoping:

The purpose of Task 2 is to ensure that the NYSERDA Resilience Integration Initiative and approach are as effective as possible by making the best use of resources while considering learnings, identifying and shaping new opportunities, and making shifts according to the internal and external contexts. This Task supports NYSERDA in the refinement of strategy, scoping, and planning, while also supporting NYSERDA as it frames additional analyses. These include, but are not limited to:

Task 2 Specifics:

- Undertake a literature review and synthesis of resilience qualities (e.g. flexible, resourceful, inclusive, robust, integrated, redundant, reflective) as they pertain to the energy, built environment and transportation sectors. Develop a set of 3-6 sector-specific studies that measure, value, and monetize different resilience qualities.
- Review existing resilience and climate adaptation literature and frameworks used in New York State, California, and by other relevant actors elsewhere. Work with NYSERDA, getting input from internal and external stakeholders, to assert a working definition and framework for resilience that NYSERDA can use across its programs and priorities and which would likely have traction with other State stakeholders.
- Develop a working framework and instrument to capture baselines for how to assess current practice around whether and how much climate change information, risk, and

resilience considerations are factoring into program design, research, and decision making.

- Using the above framework and instrument, conduct a survey across NYSERDA to capture current practice around use of climate information, risk, and resilience considerations.
- Provide strategy support, planning and scoping capabilities to the NYSERDA Resilience Integration Team.
- Provide high level support to NYSERDA staff in framing and scoping procurement processes related priority areas of subject matter expertise.
- Document strategic or priority shifts and the rationale for changes.
- Facilitate internal/external stakeholder engagement, working groups, or other ad-hoc discussions.
- Review Task 1-3 processes and outputs to identify potential modifications and shifts in priority.

- Propose a schedule for regular strategy reviews with the NYSERDA Resilience Integration Team and facilitate these meetings while also participating.

- Prepare briefing notes and options documents as inputs to meetings with NYSERDA and other relevant stakeholders; and

- Support facilitation to review and modify strategy.

Task 2 Deliverables:

At a minimum, the below deliverables are expected. Additional deliverables would be discussed and agreed upon between NYSERDA and the awarded Contractor.

- A working definition and framework for resilience that NYSERDA can use across its programs and priorities and which would likely have traction with other State stakeholders.
- A report with findings from NYSERDA baseline survey.
- Report summarizing existing initiatives, organizations, datasets, or metrics that are pertinent to NYSERDA resilience measures.
- A report that includes a literature review, an analysis of resilience qualities (e.g., flexible, resourceful, inclusive, robust, integrated, redundant, reflective) as they pertain to the energy, built environment and transportation sectors. The report would also include a set of 3-6 sector-specific studies that measure, value, and monetize different resilience qualities.
- An analysis of high leverage factors, policies, or considerations that would significantly enable, or hinder, future resilience-building measures that NYSERDA should watch.
- A generalized framework (a Resilience Lab 'template') based on learnings from this project, that would provide guidance for future resilience discussions throughout the rest of NYSERDA.

Task 3 Overview – Ongoing Project Management & Coordination:

The purpose of Task 3 is to ensure the timely delivery of outputs generated across Tasks (1-3), to track progress, and to clearly capture the status of work, where challenges and

opportunities exist, to support coordination and communication. The Contractor will play a pivotal role in shaping and supporting delivery of NYSERDA's cross-cutting resilience integration effort. The needs and developments will evolve over the course of the project. Performing the duties in Task 3 will be essential to the successful delivery of the entire Contract. As the NYSERDA Resilience Integration Initiative gets underway, it will involve additional tasks focused on helping a set of specific NYSERDA programs bring resilience into program design and operations. Task 3 also supports effective knowledge management and communication within the NYSERDA team and with prioritized external stakeholders. The Contractor shall provide ongoing project management and coordination across this integrated initiative for internal and external stakeholders. This includes, but is not limited to:

Task 3 Specifics:

- Participate in regularly scheduled meetings with NYSERDA.
- Participate in and/or schedule ad-hoc meetings as needed and as requested by NYSERDA or Contractor.
- Document notes and action items from each meeting and provide to NYSERDA in Shared file.
- Complete internal management requirements, including internal team meetings, invoice review and approval, budget tracking.
- Provide regular status reports documenting activities completed in prior period and next steps.
- Provide status and key findings on activities completed under contract.
- Maintain updated Customer Relationship Management (CRM) of internal and external stakeholders; and
- Support project management of 3-6 "Resilience Labs," as agreed upon between NYSERDA and Contractor.

Task 3 Deliverables:

At a minimum, the below deliverables are expected. Additional deliverables would be discussed and agreed upon between NYSERDA and the awarded Contractor.

- CRM database with NYSERDA access indefinitely.
- On a bi-weekly basis (or at relevant frequency to be agreed with NYSERDA) – meeting notes.
- On a quarterly basis (or at relevant frequency to be agreed with NYSERDA) –status reports.
- A final report, or similar final deliverable, will be required. The contents and structure of this final deliverable will be based upon agreement between the Contractor and NYSERDA. A payment based on the final deliverable will be reserved until project completion. If awarded, NYSERDA may choose to negotiate the amount of such payment.

III. Proposal Requirements:

Approximately $775,000 is available to support this effort. To be considered for award, proposals must respond to the questions and requests listed below. Alternative approaches to achieve the goals of this effort may be proposed. Failure to respond to the questions or provide

information as requested may be deemed unresponsive. Proposals should not exceed twenty-two (22) pages, excluding required attachments and the appendix. Any additional pages submitted in addition to the maximum page lengths noted below will be disregarded. All responses submitted as part of this solicitation process become the property of NYSERDA. NYSERDA will not be responsible for any costs or expenses incurred by respondents responding to this RFP, including the cost of preparing the initial response, providing any additional information and traveling for an oral presentation. Proposals and attachments should be uploaded as individual documents.

Each page of the proposal should state the name of the proposer, the RFP number, and the page number. The proposal must be formatted using 12-point font and with 1-inch margins.

Application Packet:

1. **Cover Letter (1-page max)**. Cover letter shall be signed by a person authorized to commit the firm to the terms of the response and to be held primarily responsible for the veracity of statements made in the response.
2. **Description of Firm (1-page max)**. Provide a brief description of your firm, its capabilities and organizational structure. Please describe how your firm's selection would benefit NYSERDA and why your firm should be selected as the "Anchor Contractor," including a description of the firm's strengths and any other factors that should be considered in the selection process (see Evaluation Criteria below).
3. **Competencies and Networks (1-page max).** The range of services requested for this effort are diverse. This section is to understand what the areas of strength and weakness are that your firm would bring to this Resilience Integration work.
    a. Indicate which <u>one</u> of the Task areas (1-3) <u>aligns best</u> to your firm's strengths? Provide a brief rationale.
    b. Indicate which <u>one</u> of the Task areas (1-3) <u>least aligns</u> to your firm's strengths. Provide a brief rationale and plan to address any shortcomings.
    c. List in-house top 1-3 domains of <u>subject matter expertise</u> relevant to NYSERDA programs and this Scope of Services Requested.
    d. List top 2-3 gaps in your firm's <u>subject matter expertise</u> relevant to NYSERDA programs and this Scope of Services Requested. Please list (names of individuals/ firms) that you would bring in to fill these gaps to deliver on this scope. Indicate your relationship to each and whether you have worked together.
    e. On a scale of 0 to 5, rate your firm's knowledge of and experience with **climate adaptation and resilience policy relevant to NYSERDA** programs policy (where 0= no knowledge and experience and 5= extensive knowledge and experience). Briefly explain your response.
4. **Approach to Services Requested (12 pages max)**. Present your firm's approach to complete the services requested in Section I above. Describe your firm's in-house technical and analytical abilities. Please also describe your firm's in-house strategic communications skills and ability to tailor outputs to different audiences.
5. **NYSERDA and Resilience (1.5-page max)**
    a. NYSERDA supports billions of dollars of investments in clean energy infrastructure and technology, including through large scale renewables programs. Briefly share what climate resilience considerations should be factored into future project design using onshore wind or solar as an illustration. What challenges would you expect in efforts to modify operations and practices to strengthen climate resilience in a terrestrial wind program?

b. In one paragraph, articulate what role you believe NYSERDA's should play in advancing clean energy resilience for the State.

c. Briefly describe how you have learned about NYSERDA and its different programs. Please indicate about which specific programs you have knowledge.

6. **Key Personnel (2-page summary with additional details in appendix)**. Identify and describe the qualifications of key personnel and team members that will be involved, including their role and the extent of their participation, their capabilities and relevant experience. Please limit this list to those who will actively work on NYSERDA's account. The respondent should include resumes in an appendix (appendix will not be counted against page limit). The respondent should also include information relating the position and importance of the relevant department(s) within the firm as well as current staffing levels and any known or proposed changes to those staffing levels. Please be specific for each individual including providing telephone and fax numbers, mailing and e-mail address for each individual.
7. **Definitions (0.5 page).** Include working language that reflects how your firm defines and understands the terms below and their relevance to NYSERDA programs. Please include any amendments or modifications to the definitions language included in this Program Opportunity Notice.
   a. Climate Resilience
   b. Equity
8. **Relevant Experience and Past Performance (2 pages)**: Describe recent resilience and climate adaptation work which best illustrates the firm's most relevant experience, capabilities, and expertise, including your firm's experience developing sector specific strategies, experience with complex and integrated program design and implementation, and your approach to strategy development. Highlight particular experience with New York State based clients.

Budget (1-page summary with additional details in appendix). Include a budget breakdown by key personnel with an indication of hourly rate and role designation. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal.

If State Finance Law lobbying amendment is required, include the following:

In compliance with §139-j and §139-k of the State Finance Law (see Section V, General Conditions below for additional information), proposers will be required to answer questions during proposal submission, which will include making required certification under the State Finance Law and to disclose any Prior Findings of Non-Responsibility.

IV. **Proposal Evaluation**:

Proposals that meet solicitation requirements will be reviewed by a Scoring Committee using the Evaluation Criteria below as a sum of ranks scoring **listed in order of importance.** At NYSERDA's discretion, proposers may be requested to interview with all or part of the Scoring Committee to address any potential questions or clarifications outlined in the proposals. Proposers will be notified if they are requested to attend an interview.

Criteria for Selection

- Demonstrated knowledge and understanding of climate adaptation and resilience in practical application(s) related to NYSERDA's areas of programs and operations;
- Demonstrated knowledge and networks related to technical and project development across energy systems, clean energy, renewables, grids, infrastructure, transportation, and the built environment. In addition to direct expertise, this includes active networks and connections to other entities in this space for additional subject matter expertise (e.g. finance, insurance, policy);
- Demonstrated capacity to manage and coordinate complex projects/ programs. This includes a strong outcomes/results focus blended with an ability to create efficiencies across tasks and evidence of tracking and monitoring progress of multi-faceted programs;
- A strong understanding of equity and demonstrated record of work;
- Demonstrated ability to work adaptively, with flexibility, and to work in an iterative manner that can incorporate learnings and shifting priorities in real time; and
- Reasonableness of the proposed budget compared to the expected value of the project.

Other Considerations

- Familiarity with a range of NYSERDA programs and how they support and/ or integrate into the New York State ecosystem.
- Understanding of policy and regulatory environments that may impact implementation of climate adaptation and resilience strategies.
- Strategic communication skills and ability to produce outputs and collateral that is tailored for different audiences.
- If an investigator(s) identified in a proposal is an investigator on a current NYSERDA awarded project, for which project deliverables (such as reports) have been consistently delinquent, such delinquency will be considered negatively in the evaluation of the current proposal.
- If applicable, the responsiveness of the proposer in conducting other NYSERDA-funded work will be considered.
- The proposer is a NYS-certified minority-owned or women-owned business.

Responsiveness to the Request for Proposal

- Requested information included, thoroughness of response, balanced with clarity and conciseness.
- Understanding and acceptance of the services requested.

NYSERDA reserves the right to accept or reject proposals based on the following factor(s):

- The degree to which pricing and hourly rates are in line with the rest of the market.
- The degree to which the proposal aligns with the proposed tasks.
- The degree to which the proposal will develop new research, processes, and protocols.

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 https://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 https://online.ogs.ny.gov/legal/lobbyinglawfaq/default.aspx . Proposers are required to answer questions during proposal submission, which will include making required certification under the State Finance Law and to disclose any Prior Findings of Non-Responsibility (this 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 - 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.ny.gov/pdf/current_forms/st/st220td_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 contracting and filed with NYSERDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf .

Contract Award - NYSERDA anticipates making one award under this solicitation. NYSERDA anticipates a contract duration of 24 months with renewal available pending project outcomes and available funds, unless NYSERDA management determines a different structure is more efficient based upon proposals received. A contract may be awarded based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each proposal 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 may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the checklist questions. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately (8 weeks from the proposal due date whether your proposal has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

Accessibility Requirements - NYSERDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.), video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see NYSERDA's Accessibility Requirements.

Limitation - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement. NYSERDA reserves the right to disqualify proposers based upon the results of a background check into publicly available information and the presence of a material possibility of any reputational or legal risk in making of the award.

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.

Vendor Assurance of No Conflict of Interest or Detrimental Effect - The proposer shall disclose any existing or contemplated relationship with any other person or entity, including any known relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the proposer or former officers and employees of NYSERDA, in connection with proposer's rendering services as proposed. If a conflict does or might exist, please describe how your company would eliminate or prevent it. Indicate what procedures will be followed to detect, notify NYSERDA of, and resolve any such conflicts.

The proposer must disclose whether it, or any of its members, or, to the best of its knowledge, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "Commission"), and if so, a brief description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

Public Officers Law – For any resulting awards, the Contractor and its subcontractors shall not engage any person who is, or has been at any time, in the employ of the State to perform services in violation of the provisions of the New York Public Officers Law, other laws applicable to the service of State employees, and the rules, regulations, opinions, guidelines or policies promulgated or issued by the New York State Joint Commission on Public Ethics, or its predecessors (collectively, the "Ethics Requirements"). Proposers are reminded of the following Public Officers Law provision: contractors, consultants, vendors, and subcontractors may hire former NYSERDA employees. However, as a general rule and in accordance with New York Public Officers Law, former employees of NYSERDA may neither appear nor practice before NYSERDA, nor receive compensation for services rendered on a matter before NYSERDA, for a period of two years following their separation from NYSERDA service. In addition, former NYSERDA employees are subject to a "lifetime bar" from appearing before any state agency or authority or receiving compensation for services regarding any transaction in which they personally participated, or which was under their active consideration during their tenure with NYSERDA.

Any awardee will be required to certify that all of its employees, as well as employees of any subcontractor, whose subcontract is valued at $100,000 or more who are former employees of the State and who are assigned to perform services under the resulting contract, shall be assigned in accordance with all Ethics Requirements. During the term of any agreement, no person who is employed by the contractor or its subcontractors and who is disqualified from providing services under the contract pursuant to any Ethics Requirements may share in any net revenues of the contractor or its subcontractors derived from the contract. NYSERDA may request that contractors provide it with whatever information the State deems appropriate about each such person's engagement, work cooperatively with the State to solicit advice from the New York State Joint Commission on Public Ethics, and, if deemed appropriate by the State, instruct any such person to seek the opinion of the New York State Joint Commission on Public Ethics. NYSERDA shall have the right to withdraw or withhold approval of any subcontractor if utilizing such subcontractor for any work performed would be in conflict with any of the Ethics

Requirements. NYSERDA shall have the right to terminate any contract at any time if any work performed is in conflict with any of the Ethics Requirements.

Due Diligence – NYSERDA, at its discretion, may conduct broad due diligence to validate any or all elements of an application and to assess applicants' prospects of success, including gathering information to assess a proposal relative to any of the topics listed in evaluation criteria, whether or not such topic is explicitly addressed in a proposal. NYSERDA may conduct due diligence on some or all proposals based on NYSERDA's current guidelines at the time of a review. NYSERDA staff may follow up with proposers to request additional information or clarification regarding applicant's proposal, including questions regarding applicant's business prospects and resources, whether or not those questions are specifically related to the elements of the proposal. Additionally, customized due diligence may be conducted by internal or external staff or contractors based on questions on any proposal raised by NYSERDA staff and/or the Scoring Committee. Due diligence may include (but is not limited to): interviews of independent references and background checks of team members; assessment of prior business experience of any team member associated with a proposal; research on intellectual property claims; customer and partner reference checks; market research on the applicants' target market and any other related or possibly competitive technology or market area; research to validate any assumptions on current or future revenues, costs, capital needs, and financing prospects for proposers' business, including similar (or unrelated) technologies, processes, or competitive solutions; or any other research that could reasonably inform the evaluation of a proposal, or the prospects for commercial success of the proposers' business (whether directly related to, or unrelated to the specific elements in a proposal). Due diligence may include discussions with proposers' former and current business partners, employees, investors, customers, and competitors. Due diligence may be conducted by NYSERDA personnel or contractors including members of the scoring committee, before, during, or after a scoring process, and prior to finalization of a contract award, any information gleaned in diligence may be used to score or re-score a proposal or apply Program Policy Factors

Attachments:

Attachment A – Budget
Attachment B – Sample Agreement