



**Fuel NY - Portable Emergency Generator Pool
Request for Proposal (RFP) 2871**

Proposals Due: by December 16, 2013 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (NYSERDA) requests proposals from vendors able to provide, maintain and manage the deployment of portable emergency generators (PEGs) and provide other services necessary to participating retail gas stations located in the downstate region (including Nassau, Suffolk, Rockland, Westchester, Bronx, Kings, Queens, Richmond, and New York counties). The vendor must be able to deploy and safely install PEGs.

- Delivered to a New York State Staging Area or other pre-determined deployment site within a maximum of 36 hours upon notification by NYSERDA.
- Delivered from the Staging Area or other pre-determined deployment site to identified retail gas stations within 24 hours upon notification by NYSERDA in response to a Declared Emergency.

NYSERDA expects to enter into one vendor agreement, however, depending upon the proposals received under this solicitation, may enter into more than one. The vendor(s) shall be awarded a five-year contract with two, five-year renewal options at NYSERDA's discretion, for a possible total contract term of fifteen (15) years.

Proposal Submission: Proposers must submit one (1) paper copy of the proposal with a completed and signed Proposal Checklist (Attachment A), which **must** contain an original signature. One (1) electronic copy of the proposal must also be submitted on a standard compact disk (CD). This electronic document will be accepted in printable .pdf format only and must be an exact scanned image of the final paper copy proposal which includes all relevant forms and signatures.

Proposals must be clearly labeled and submitted to:

**New York State Energy Research and Development Authority
Attn: Roseanne Viscusi / RFP 2871
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, please contact Diane Bertok at (518) 862-1090 x3608 or dcb@nyserda.ny.gov. If you have contractual questions concerning this solicitation, please contact Venice Forbes at (518) 862-1090 x3507 or vwf@nyserda.ny.gov. Please continue to check <http://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx> for a Frequently Asked Questions Document.

No communication intended to influence this procurement is permitted except by contacting Diane Bertok (Designated Contact) at (518) 862-1090 x3608 or dcb@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 non-responsible, and (2) may result in the proposer not being awarded a contract.

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

I. INTRODUCTION

Many retail gas stations in the downstate area of New York State (NYS) lost electric power due to damage caused by Superstorm Sandy. The loss of power contributed to widespread disruptions in the gasoline supply that impacted public safety and well-being as well as economic activity in the downstate region. In response to this problem, Governor Cuomo signed legislation requiring certain strategically located retail gas stations in the downstate region to install wiring and a transfer switch to enable the use of backup generators and to develop a plan to secure a PEG within 24 hours of a Declared Emergency. New York State enacted the legislation by adding Section 192-h to the Agriculture and Markets Law and adding Subdivisions 20 and 21 to Section 1854 of the Public Authorities Law (See Attachment E). This solicitation, as well as the Gas Station Back-Up Power (PON 2758) Program, are part of Governor Cuomo's "Fuel NY" Initiative; an integrated solution to help ensure that New Yorkers have access to fuel in a Declared Emergency.

II. OBJECTIVE

The vendor(s) will provide, maintain and manage the deployment of up to 250 PEGs no older than 5 years, and provide other services necessary to participating retail gas stations located in Nassau, Suffolk, Rockland, Westchester, Bronx, Kings, Queens, Richmond, and New York counties. The vendor must be able to deploy and safely install PEGs.

- Delivered to a New York State Staging Area or other pre-determined deployment site within a maximum of 36 hours upon notification by NYSERDA.
- Delivered from the Staging Area or other pre-determined deployment site to identified retail gas stations within 24 hours upon notification by NYSERDA in response to a Declared Emergency.

NYSERDA will entertain alternative proposals meeting the requirements of this RFP and the referenced statutes, provided cost and operational effectiveness justification is made to demonstrate benefits for the people of New York State.

Proposers may submit proposals to serve one or more of the following three regional groups:

- Long Island Region: Nassau and Suffolk counties
- Lower Mid-Hudson Region: Rockland, and Westchester counties
- New York City Region: Bronx, Kings, Queens, Richmond, and New York counties

The selected vendor(s) will be required to provide guaranteed access to up to 250 PEGs that are reserved for a Declared Emergency. In response to a Declared Emergency, the selected vendor(s) will be responsible for deploying, safely installing, maintaining and (at the option of the gas station) fueling (for the duration of the Declared Emergency), as well as retrieving the PEG when no longer required by the retail gas station. The selected vendor(s) will be responsible for making all proper connections, per applicable local, state, and federal codes; and providing the cables and materials needed to ensure that the PEG is properly connected and safely operating in the event of a Declared Emergency. In addition, the selected vendor(s) will be responsible for helping NYSERDA develop a deployment management plan through which participating retail gas stations, in an event of a Declared Emergency, may request a PEG. Deployment of the PEG will be done in coordination with NYSERDA, NYS Division of Homeland Security and Emergency Services (DHSES), NYS Department of Agriculture and Markets (Ag & Markets), and other applicable divisions of state and local government. Successful deployment will be determined by the selected vendor's ability to effectively deliver, connect, maintain, and retrieve PEGs during a Declared Emergency in a reliable, safe and cost-effective manner.

It is estimated that up to 1,000 retail gas stations may participate in the PEG pool. A selected vendor will be responsible for creating an intake system and managing the deployment of the PEG to the participating retail gas stations. NYSERDA will provide a list of participating retail gas stations to the selected vendor(s) and update the list as new retail gas stations become eligible to participate.

III. SCOPE OF SERVICES

Vendor Responsibilities – Portable Emergency Generators (PEGs):

1. The selected vendor(s) will provide and maintain up to (45) 50kW, (160) 100kW and (45) 150kW PEGs, no older than five years, that are guaranteed to be available for deployment to participating retail gas stations.
2. The selected vendor(s) will provide guaranteed delivery within the acceptable timeframes set by NYSERDA.
3. Each PEG shall operate on diesel fuel and have a self-contained fuel tank with a minimum 24-hour fuel capacity.
4. Each PEG shall be enabled with a Global Positioning System (GPS) with monitoring capability, so that the selected vendor(s) can ensure the security of the PEGs.
5. The PEGs must be stored and maintained within reasonable access to downstate New York. Proposed locations will be evaluated based on operational justification as well as cost.
6. The selected vendor(s) shall be responsible for all repairs and will perform preventative maintenance as required by the manufacturer for each PEG. NYSERDA will require monthly reporting on maintenance activities and the status of each PEG.

Vendor Responsibilities – Services:

1. Create and provide a site plan for each retail gas station that may be eligible to receive a PEG. This site plan should contain at a minimum, contact information, site address, site map, location of transfer switch, and anticipated siting of PEG.
2. Collaborate with NYSERDA, Ag & Markets and DHSES, following the execution of the contract with NYSERDA, to create a deployment management plan.
3. Create 24 hour call center to be activated during a Declared Emergency with primary and secondary means of communication (eg., emergency phone number, website, etc.) in which retail gas stations can contact a selected vendor to request a PEG during the Declared Emergency.
 - Contact (name and phone number) and geographic information for each retail gas station served during the Declared Emergency shall be recorded by the selected vendor.
 - Create intake and triage systems for:
 - Gas station customer:
 - Year-round questions and needs.
 - Declared Emergency deployment requests.
 - All aspects of a Declared Emergency:
 - Coordination among selected vendor(s), NYSERDA, state and local Emergency Operations Centers, and retail gas stations.
 - PEG deployment and operations.

4. Upon direction of NYSERDA in coordination with DHSES, Ag & Markets and retail gas station owners, deliver PEGs within 24 hours to identified retail gas stations
5. For each gas station, properly and safely connect PEG, using a licensed electrician, to retail gas station transfer switch in accordance with all applicable local, state and federal codes. Vendor shall be required to supply all necessary cables and the materials to ensure proper and safe connection
6. Ensure reliable production of electricity throughout the Declared Emergency.
 - Provide regularly scheduled maintenance to PEGs throughout the Declared Emergency.
 - Provide on-call services to maintain the PEGs throughout the Declared Emergency.
 - Coordinate and ensure the fueling of the PEGs throughout the Declared Emergency (if requested by the gas station).
7. Provide proper and timely communication to NYSERDA/DHSES/Ag & Markets during the Declared Emergency.
8. Retrieve PEGs from each participating retail gas station.

Vendor Responsibilities – Demonstration:

NYSERDA will require one training exercise to fully demonstrate the selected vendor(s)' ability to respond in a Declared Emergency. The selected vendor(s) will be expected to follow the procedures as outlined in the deployment management plan and actually deploy up to 25 PEGs. The training exercise will include a post-deployment review to determine changes in deployment procedures and/or the deployment management plan. The full parameters of the training exercise will be coordinated between the selected vendor(s), NYSERDA and DHSES.

NYSERDA anticipates that participation by NYSERDA and the selected vendor(s) may be required during various table-top training exercises that are conducted with DHSES and other NYS agencies.

Vendor Responsibilities – Declared Emergency Performance:

The selected vendor(s) is/are required to guarantee up to (45) 50kW, (160) 100kW and (45) 150kW operational diesel-fired PEGs safely and effectively.

- Delivered to a New York State Staging Area or other pre-determined deployment site within a maximum of 36 hours upon notification by NYSERDA.
- Delivered from the Staging Area or other pre-determined deployment site to identified retail gas stations within 24 hours upon notification by NYSERDA in response to a Declared Emergency.

NYSERDA may penalize the selected vendor(s) if any of the following should occur during a Declared Emergency:

- PEGs are not delivered to the identified retail gas stations within 24 hours of notification by NYSERDA or other delivery and staging requirements set by NYSERDA are not met.
- PEGs are not operational throughout the Declared Emergency due to maintenance issues that are not addressed immediately or lack of fuel.
- Failure to have appropriate staff available who are able to respond to requests for PEGs or address maintenance or fueling issues throughout the Declared Emergency.

Following each hurricane season (June 1 – November 30), NYSERDA will conduct an annual review of the selected vendor(s)' performance. The selected vendor(s) will be asked to participate in this annual review and address any concerns that NYSERDA may have.

NYSERDA will not be held responsible for any local, state, or federal codes violations incurred by the selected vendor nor will NYSERDA be held responsible for any loss or damage to the equipment (cables, PEGs, etc.).

IV. CONTRACTING

NYSERDA Agreement with Vendor:

NYSERDA expects to enter into one vendor agreement, however, depending upon the proposals received under this solicitation, may enter into more than one. This vendor(s) shall be awarded a five-year contract with two, five-year renewal options at NYSERDA's discretion, for a possible total contract term of fifteen (15) years. The contract(s) awarded herein is expected to commence on or before May 1, 2014. The selected vendor(s) will be responsible for securing the required number of PEGs within 30 days of a signed agreement. Failure to do so may result in termination of the agreement.

NYSERDA reserves the right to negotiate modifications to the proposed scope of services to meet programmatic needs.

V. PROPOSAL REQUIREMENTS

Proposers must submit one (1) paper copy of the proposal with a completed and signed Proposal Checklist (Attachment A), which **must** contain an original signature. One (1) electronic copy of the proposal must also be submitted on a standard compact disk (CD). This electronic document will be accepted in printable pdf format only and must be an exact scanned image of the final paper copy proposal which includes all relevant forms and signatures.

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

Proposals must be clearly labeled and submitted to:

New York State Energy Research and Development Authority
Attn: Roseanne Viscusi / RFP 2871
17 Columbia Circle
Albany, NY 12203-6399

Responses to this solicitation will be reviewed and scores will be assigned based **only** on the information submitted. A Technical Evaluation Panel (TEP) will review and score all proposals. Attachment D is a guide on how the reviewers will score the proposals.

Proposals will be evaluated based on the proposer's previous successful experience with providing services similar to those requested for this solicitation and available staff.

NYSERDA will negotiate a contract for services in fulfillment of the needs of this RFP on the basis of demonstrated competence, qualifications, and fee schedule.

All responses submitted as part of the RFP 2871 solicitation process become the property of NYSERDA. Proposers will not be reimbursed by NYSERDA for any costs associated with the preparation of their proposals. The font size shall not be smaller than 12 point. Each page of the proposal should state the name of the proposer, the RFP number, and the page number.

To facilitate comparison, proposers must submit proposals in a format that corresponds to the following outline:

- RFP 2871 – Proposal Checklist – Attachment A (Mandatory)
- RFP 2871 – Disclosure of Prior Findings of Non-Responsibility Form – Attachment B (Mandatory)
- RFP 2871 – Budget Estimate – Attachment C (Mandatory)
- RFP 2871 – Exceptions to Sample Agreement – Attachment F (If applicable)
- Section A: General Information
- Section B: Statement of Work
- Section C: Proposer’s Past Experience
- Section D: Budget

If you do not accept the standard terms and conditions attached to the supplied Sample Agreement (Attachment F), provide alternate terms and with justification based on the risk and benefit to NYS. Any negotiation of terms will be at NYSERDA’s sole discretion. If you do not include exceptions to these terms with your proposal and the proposal is awarded funding, no adjustment to these terms will be allowed in the NYSERDA contract. Attachments D, E, and F are provided only as a reference and do not need to be included within the proposal.

Proposal Format/Outline

A. General Information

Responding proposers must include the following information with their response. If subcontractors are intended to be included as part of the proposer’s team, include the following information for the subcontractor(s) as well.

1. Firm name, address, telephone and fax number, e-mail address and main contact person
2. Federal Employer Identification Number
3. Year that firm was established
4. Name and address of parent company (if applicable)

B. Statement of Work

A Statement of Work which fully specifies how the proposer will provide the required services as outlined in Section III. Scope of Services is required. The Statement of Work must contain the following:

Section B.1: Pool of Generators

- Detailed inventory of the proposer’s (45) 50kW, (160) 100kW and (45) 150kW diesel-fired, PEGs with user selectable single or three phase electricity distribution and that are no older than 5 years, which would be made available for use during a Declared Emergency.
 - i. A detailed plan to have the required (15) 50kW, (70) 100kW and (15) 150kW PEGs, that are not older than 5 years, available with GPS monitoring capabilities by June 1, 2014.

- Itemized account of ancillary materials that will be required for the proper installation of up to 250 PEGs. Indicate how additional ancillary materials will be obtained if necessary or if not in current supply. Ancillary materials must be in stock and available for deployment by June 1, 2014.
- Provide a detailed description of how PEGs will be delivered to a Staging Area in downstate New York or a pre-determined deployment site (if applicable) for deployment.
 - i. Identify any necessary transportation subcontractors and their delivery capability.
- Location(s) where PEGs and ancillary materials will be housed and maintained to ensure access to downstate New York.
- Explanation of diesel-fired PEG maintenance requirements.
- Maintenance schedule and listing of experienced maintenance staff.
 - i. Provide a sample maintenance and inspection report template that will be used to demonstrate that the stored PEGs are deployable and functional.

Section B.2: Deployment Management

- Detailed description of the means of communication that will be available in an event of a Declared Emergency.
 - i. Describe existing or proposed means to establish a 24-hour intake center, including but not limited to:
 1. Physical location
 2. Primary and secondary communication methods (phone, email, website, etc.)
 - a. Communication must be consistently available between the selected vendor and participating retail gas stations as well as the selected vendor and response staff (i.e., maintenance, fueling, etc.).
 3. Contingency plan for failure of one or more primary communication methods.
- Timeline from notice of upcoming event to sourcing and staffing in preparation for Declared Emergency to deployment.
- A sample site plan for a retail gas station containing at a minimum, contact information, site address, site map, location of transfer switch, and anticipated siting of PEG.
- A sample deployment management plan, which will be finalized following discussion and demonstration with NYSERDA, Ag & Markets and DHSES. The deployment management plan should include a detailed description of how the requests for PEGs will be reviewed and prioritized to ensure that the limited supply of PEGs are appropriately deployed for the duration of a Declared Emergency.

Section B.3: PEG Deployment

- Detailed description of how PEGs will be safely deployed, installed, fueled, and retrieved within each of the counties in the downstate region (Nassau, Suffolk, Rockland, Westchester, Bronx, Kings, Queens, Richmond, and New York).
 - i. Identify any necessary transportation subcontractors and their delivery capability.
- Provide primary and contingency plans for securing and delivering sufficient diesel fuel to all deployed PEGs during a Declared Emergency.
- Provide primary and secondary staffing and subcontractor plan to comply with the following requirements:
 - i. Licensed Electrician – staff and subcontractors familiar with applicable local, state, and federal codes as they pertain to the connection of a PEG to a transfer switch at a retail gas station.

- ii. On-Call Maintenance– staff and subcontractors who would be available to service the PEGs during a Declared Emergency.
- iii. 24-hour Intake Center Staff – staff and subcontractors who would be available to receive requests for PEGs.
- iv. Fueling – staff and subcontractors tasked with ensuring that the PEGs have enough fuel to function during a Declared Emergency.

Section B.4: Alternate Methods (Optional)

NYSERDA encourages the proposer to suggest alternate methods and ideas, based on previous experience, that could reduce cost and increase efficiency in providing the services requested through this solicitation. Please provide the following for each alternate method and idea suggested:

- Overview of alternate method and/or idea;
- Cost breakdown; and
- Specific example(s) showing that the alternate method and/or idea resulted in a reduction in cost and/or an increase in efficiency of the overall program.

C. Proposer’s Past Experience

A description of the proposer’s experience relative to the tasks outlined in Section III. Scope of Services is required. This description should include a minimum of three examples where similar work was performed. Please include the contact information of the sites used as examples. Proposers must include examples of:

- Deployment of PEGs during declared emergencies.
- Experience working with DHSES and/or Federal Emergency Management Agency (FEMA).
- Experience with establishing and maintaining 24-7 operation during a declared emergency.

D. Budget

Proposers must submit their fee proposal (material and labor) for requested services in the format contained in Attachment C: Budget Estimate. These fees will be used to determine the costs for generator rental deployment and installation at each participating retail gas station. Each Cost Proposal must include, but is not limited to:

Section D.1: Pool of Generators

- Monthly cost of having generators available guaranteed delivery (If applicable)
- Monthly cost for routine maintenance during non-emergency periods (If applicable)
- Monthly cost for maintenance and inspection reports (If applicable)
- Other costs not identified in the RFP (If applicable)

Section D.2: Deployment Management

- Cost for operating 24-hour intake center activated for an emergency, including but not limited to:
 - i. Phone, Web, or other communication services
 - ii. Staff (base, overtime, and holiday hourly rates)
 - iii. Facility costs (costs incurred to operate outside of normal business)

- Cost for site plan development (average cost per site)
- Cost for deployment management plan development
- Other costs not identified in the RFP

Section D.3: PEG Deployment

- Cost per mile (service area includes Nassau, Suffolk, Rockland, Westchester, Bronx, Kings, Queens, Richmond, and New York counties) for deployment and retrieval of PEGs
- Weekly rental cost for PEG during a Declared Emergency; this cost should be competitive with commercial rental
- Weekly rental cost for ancillary materials needed during a Declared Emergency
- Hourly cost (base, overtime and holiday rates) of Licensed Electrician to connect PEG to transfer switch
- Hourly cost (base, overtime and holiday rates) of Maintenance Staff to ensure the operation of the PEG during a Declared Emergency
- Hourly cost (base, overtime and holiday rates) of Fueling Staff to provide diesel fuel for PEG during a Declared Emergency
 - i. Cost of diesel fuel (per gallon)
 - ii. Weekly cost of additional equipment (ie., fueling delivery truck)
- Other costs not identified in the RFP
- Fuel costs should be broken out separately and gas stations will have the option of using fuel from the vendor(s) or from an alternate source of their choice, at the gas station's expense and risk.

Section D.4: Alternate Methods (Optional)

In addition to the cost breakdown provided for each alternate method and/or idea suggested, provide a break out of the difference in costs (staff, equipment, etc.) between the alternate method(s) described in Section V. Proposal Requirements, B. Statement of Work, B.4: Alternate Methods and the methods and process outlined in this solicitation. This section is only required if alternate methods and/or ideas are suggested under Section V. Proposal Requirements, B. Statement of Work, B.4: Alternate Methods.

VI. PROPOSAL EVALUATION

Responses to this RFP will be reviewed and assigned scores based on the criteria highlighted in Attachment D: Scoring Sheet Disclosure, included as part of this RFP. NYSERDA, through its TEP, which consists of NYSERDA staff and relevant selected external reviewers will review each written proposal, score, and rank the proposals. NYSERDA, through its TEP process, may contact selected references to determine whether a proposer has the necessary experience and availability of staff to provide services being requested in this RFP.

Proposers who possess, or can obtain through cooperative or joint ventures, the following capabilities will be favored under this RFP:

- The ability to commit experienced staff on short notice to perform essential roles during a Declared Emergency. These roles include operation of a 24-hour intake center, deployment of staff and PEGs, providing on-call maintenance, and fueling.
- The ability to have licensed electrician(s) for connecting PEGs to transfer switches at multiple retail gas stations in the downstate region of NYS within 24 hours of a declared emergency.

- The ability to have experienced staff that can oversee and effectively manage personnel responsible for receiving and responding to requests in the 24-hour intake center, as well as personnel responsible for deployment, maintenance and fueling requests.
- The ability to deliver to a New York State Staging Area or other pre-determined deployment site within a maximum of 36 hours upon notification by NYSERDA.
- The ability to deliver from the Staging Area or other pre-determined deployment site to identified retail gas stations within 24 hours upon notification by NYSERDA in response to a Declared Emergency.

The following factors will also be considered during the evaluation:

- Effective response to proposal requirements specified in this RFP.
- Experience and expertise in providing the services listed in Section III. Scope of Services.
- The ability to deliver services safely, efficiently and economically.
- The relevance of the required three examples of similar work performed.

Furthermore, as part of the evaluation process, proposers may be required to:

- Provide additional information or clarification as requested by NYSERDA or its Technical Evaluation Panel
- Have appropriate representatives attend an interview(s) prior to final selection.

NYSERDA will negotiate a contract for services in fulfillment of the needs of this RFP on the basis of demonstrated competence and qualifications, at fair and reasonable fees.

VII. 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 exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://www.nyserda.ny.gov/About/New-York-State-Regulations.aspx>. 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

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/ACPL/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 – 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 perspective contractor prior to contacting 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 or more awards 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. A contract award does not limit NYSERDA to utilizing the selected vendor(s) for the services. NYSERDA expects to notify proposers in approximately eight 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.

VIII. ATTACHMENTS

Attachment A: Proposal Checklist (Mandatory)

Attachment B: Disclosure of Prior Findings of Non-Responsibility Form (Mandatory)

Attachment C: Budget Estimate (Mandatory)

Attachment D: Scoring Sheet Disclosure

Attachment E: Agriculture and Markets Law Section 192-h and Public Authorities Law, Section 1854, subdivisions 20 and 21

Attachment F: Sample Agreement