

**NEW YORK STATE ENERGY CODE TRAINING  
Request for Proposal (RFP) 2693  
\$4,000,000 Available**

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

**Program Summary**

The New York State Energy Research and Development Authority (NYSERDA) seeks proposals to provide training with the goal of improving compliance with and enforcement of the Energy Conservation Construction Code of New York State (Energy Code), including Energy Code amendments that take effect during the contract period. It is expected that New York State will adopt a new Energy Code based on the 2012 International Energy Conservation Code (IECC) with commercial provisions taking effect late-2013 and residential provisions mid-2014. This RFP is intended to support New York State's energy efficiency goals by providing Energy Code education to a variety of audiences comprising the design, enforcement, and construction marketplace.

This effort is intended to provide comprehensive, dynamic and engaging classroom training of the highest quality across New York State. Target audiences are: code enforcement officials, design professionals (architects and engineers), energy professionals, and the construction trades (builders, contractors, and installers). Each target audience has a significant specific role in ensuring compliance with the Energy Code.

Efforts under this RFP will work to build a deep and sustained understanding by of the Energy Code by all target audience groups. Proposers must communicate clear approaches, strategies and tools for achieving the goals of this RFP, and demonstrate strong team qualifications and experience in Energy Code training. Proposals must reflect an understanding of the roles and challenges unique to each target audience group as well as a clear and detailed plan for tailoring a curriculum to meet those needs.

This RFP will provide up to \$4,000,000 to support Energy Code training through December 2016. Contracts will be issued for an initial three-year period, with two, two-year options to renew as future funds become available. The anticipated breakdown among target audience groups is \$1.5 million for Code Enforcement Officials, \$1 million for Design Professionals, \$900,000 for Energy Professionals, and \$600,000 for Construction Trades. A maximum of \$400,000 per course will be awarded for courses to train code enforcement officials, and a maximum of \$275,000 per course to train the other identified audience groups.

NYSERDA will select a single proposer per target audience group, although, proposers may propose to train one or more target audience groups. Proposers must propose a comprehensive training program of multiple courses for each target audience group, incorporating the topics identified herein and (optionally) others as presented by the proposer.

Awards will be made to a single proposing entity, although teaming arrangements achieved through sub contractor relationships with individuals and organizations are encouraged in order to achieve expertise in education and curriculum development, Energy Code content knowledge, marketing and course delivery, etc. Expected start date for work under this RFP is February 2013.

Proposers will be responsible for development, marketing and delivery of all training courses, including providing and coordinating continued educational credit through the American Institute of Architects, the New York State Department of State, the Building Performance Institute, the Society of Professional Engineers, and any other professional certification organizations valued by the target audience group.

**Proposal Submission**

Proposers must submit three (3) paper copies, one of which must contain an original signature, and one proposal in an electronic format (disc). Submission to include the information identified under 'Proposal Requirements,' with a

completed and signed Proposal Checklist attached to the front of each copy. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, RFP 2693  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399

Technical questions concerning this solicitation should be submitted to Marilyn Kaplan at (518) 862-1090, ext.3298 or mek@nysesda.ny.gov. Contractual questions concerning this solicitation should be submitted to Venice Forbes at (518) 862-1090, ext. 3507 or vwf@nysesda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting Marilyn Kaplan (Designated Contact) at (518) 862-1090, ext. 3298 or mek@nysesda.ny.gov. Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

**\*Late proposals will be returned. Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all pages have been included in the proposal. Faxed or emailed 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 [www.nysesda.ny.gov](http://www.nysesda.ny.gov).**

## **I. Introduction**

The Energy Code training developed from this RFP is intended to build on earlier efforts which, since 2010, include over 500 classroom training sessions delivered on 16 energy code-related topics, reaching more than 16,000 attendees. Ongoing training efforts are necessary as a 2010/2011 baseline study of new construction projects concluded that Statewide compliance with the Energy Code is below New York State's mandated goal of 90% compliance by 2017. Greater engagement by all target audience groups is necessary to meet this goal.

Funding for this training is provided through the System Benefits Charge (SBC). Although this RFP is a NYSERDA initiative, the New York State Department of State (DOS) is the entity responsible for administration of the Energy Code and will be a key partner and collaborator through the duration of all awarded contracts.

Delivery of training services throughout New York State will commence upon contract award and continue through December 31, 2016 unless options to renew are exercised. It is expected that delivery of training will begin in early-to-mid 2014 and continue through late 2016. It is further expected that at least 15,000 people will be trained.

Proposed courses must be delivered on a Statewide basis, including Long Island and New York City. Each proposed course must be offered at a minimum of 10 dispersed locations around the State in order to encourage attendance. Courses can be delivered multiple times at any or all locations to meet anticipated demand. Although proposed courses must focus on a selected target audience group, marketing to additional audiences to diversify attendance at each course is encouraged.

### ***Training Goals and Objectives***

The principal goal of this training initiative is to improve compliance with the Energy Code by instilling a greater appreciation of the importance of energy measures in buildings and improved application of the Energy Code by all members of the building design, construction and enforcement community. Specific objectives include:

- Develop and deliver high quality classroom training to four target audience groups on a variety of topics associated with the Energy Code.
- Improve the understanding and application of the Energy Code in the context of building science and safety, best construction practices, alterations of existing buildings, and durability and resiliency.

- Produce dynamic and engaging curricula using proven and innovative educational tools and approaches, including interaction between instructors and attendees, integration of mixed media and hands-on training or demonstrations.
- Create courses that can be readily modified during the contract period to meet changing training needs as determined by NYSERDA in response to Energy Code amendments or identified areas of critical non-compliance.

It is expected that proposers will assemble teams with demonstrated expertise in classroom instruction, curriculum development, technical content, graphic design, and the administrative support to organize, market, register and deliver training.

To the extent possible, proposers are encouraged to coordinate training with NYSERDA workforce development training partners to leverage existing resources including instructors, lab facilities, and equipment for hands-on training and demonstration. A directory of workforce partners can be found at: <http://www.nyserda.ny.gov/Contractors/Find-a-Contractor/Training-Partners.aspx>.

### ***Lessons Learned from Previous Training Efforts***

NYSERDA’s evaluation of previous Energy Code training efforts determined that the most successful sessions had class sizes of 40 attendees or less and were led by dynamic speakers who delivered curriculum that engaged the audience with illustrated, interactive presentations that were more than an enumeration of Energy Code requirements. Audiences requiring continuing education credits to maintain a professional certification were most easily attracted. Builders and contractors were more reluctant to participate. Accordingly, preference will be given to those proposals that offer a compelling, realistic strategy for increasing attendance by builders and contractors.

The planned inclusion of field visits to observe construction practices was generally unsuccessful as challenges arose in securing ready and meaningful access to buildings undergoing construction due to liability concerns, the uncertainty of when specific energy features would be available for inspection, and audience size. Providing in-field instruction to a classroom of attendees was also difficult due to space limitations, noise, and other distractions. Proposals that include in-field instruction must sufficiently address these challenges.

Video was most successful when used as a small component incorporated into an instructor-dominated presentation. Finally, courses that proactively engaged the audience through discussion and exercises were typically more successful than those where participation was limited to a brief question and answer session at the end of the course.

## **II. Program Requirements**

*Target Audience Groups:* NYSERDA invites proposers to respond to this RFP by proposing to develop, market and deliver up to five training courses for at least one of the following target audience groups.

- Group 1: Code Enforcement Officials
- Group 2: Design Professionals (architects, engineers, design/build, etc)
- Group 3: Energy and Other Professionals (third party inspectors, evaluators, raters, auditors, etc.)
- Group 4: Construction Trades: Builders, Contractors and Installers

*Training Topics:* As applicable to each audience group, proposers are requested to create courses that incorporate and combine all of the following training topics with additional topics if determined relevant by the proposer for a duration (in hours) deemed appropriate for that group. In general, curricula should focus on teaching to use the Energy Code and its administrative and practical challenges rather than on attempting to cover the Energy Code provision by provision.

All training is to be specific to New York’s pending Energy Code, based on the IECC 2012, and modified through the contract period to reflect code updates:

Target Audience Groups by Training Topics <sup>1</sup>			
Code Enforcement Officials	Design Professionals (Architects, Engineers, Design/Build, etc)	Energy and Other Professionals (third party inspectors, evaluators, raters, auditors, etc.)	Construction Trades: Builders, Contractors and Installers
<ul style="list-style-type: none"> <li>• Energy Code for Commercial Buildings</li> <li>• Energy Code for Residential Buildings</li> <li>• Energy Code for Existing Buildings</li> <li>• Evaluating Materials and Details for Energy Code Compliance</li> <li>• Energy Code Compliance Options, Plan Submission Requirements and Best Practices</li> <li>• Energy Code Plan Review Best Practices</li> <li>• Field Inspection Techniques, Procedures and Best Practices for Commercial Buildings</li> <li>• Field Inspection Techniques, Procedures and Best Practices for Residential Buildings</li> <li>• Requirements for Mechanical Rightsizing for Residential Buildings</li> <li>• Required Commissioning for Commercial Buildings</li> <li>• Lighting Requirements for Commercial Buildings</li> <li>• Air Barrier Requirements for Commercial Buildings</li> </ul>	<ul style="list-style-type: none"> <li>• Energy Code for Commercial Buildings</li> <li>• Energy Code for Residential Buildings</li> <li>• Energy Code for Existing Buildings</li> <li>• Evaluating Materials and Details for Durability and Energy Code Compliance</li> <li>• Energy Code Compliance Options, Plan Submission Requirements and Best Practices</li> <li>• Requirements for Mechanical Rightsizing for Residential Buildings</li> <li>• Field Inspection Requirements: Residential</li> <li>• Field Inspection Requirements: Commercial</li> <li>• Required Commissioning for Commercial Buildings</li> <li>• Lighting Requirements for Commercial Buildings</li> <li>• Air Barrier Requirements for Commercial Buildings</li> </ul>	<ul style="list-style-type: none"> <li>• Energy Code for Commercial Buildings</li> <li>• Energy Code for Residential Buildings</li> <li>• Energy Code for Existing Buildings</li> <li>• Evaluating Materials and Details for Energy Code Compliance</li> <li>• Energy Code Compliance Options, Plan Submission Requirements and Best Practices</li> <li>• Field Inspection Techniques, Procedures and Best Practices for Commercial Buildings</li> <li>• Field Inspection Techniques, Procedures and Best Practices for Residential Buildings</li> <li>• Requirements for Mechanical Rightsizing for Residential Buildings</li> <li>• Required Commissioning for Commercial Buildings</li> <li>• Duct and Envelope Testing: Residential Requirements</li> <li>• Lighting Requirements for Commercial Buildings</li> </ul>	<ul style="list-style-type: none"> <li>• Energy Code for Commercial Buildings</li> <li>• Energy Code for Residential Buildings</li> <li>• Energy Code for Existing Buildings</li> <li>• Material Selection and Construction Details for Energy Code Compliance</li> <li>• Evaluating Insulation, Air Sealing, Vapor Management Options, Applications and Best Practices for Installation</li> <li>• Energy Code Compliance Options, Plan Submission Requirements and Best Practices</li> <li>• Requirements for Mechanical Rightsizing for Residential Buildings</li> <li>• Preparing for Field Inspection: Commercial Buildings</li> <li>• Preparing for Field Inspection: Residential Buildings</li> <li>• Duct and Envelope Testing: Residential Requirements</li> <li>• Energy Code/Technical: Indoor Air Quality,</li> </ul>

<sup>1</sup>). Courses should focus on the specific needs of target audiences relative to their role in energy efficient and code-compliant construction, rather than theory. For example, courses incorporating the development and review of submittals (plan review) should be tailored to the tasks required of each target audience. Inspection topics should cover inspection techniques, from project start to completion, using actual examples illustrated through site photos and video, see *Learning Techniques*.

<ul style="list-style-type: none"> <li>• Air Barrier Requirements for Commercial Buildings</li> <li>• Duct and Envelope Testing: Residential Requirements</li> <li>• Energy Code/Technical: Indoor Air Quality, Ventilation and Heat Recovery</li> <li>• Other (as proposed by proposer)</li> </ul>	<ul style="list-style-type: none"> <li>• Required Duct and Envelope Testing for Residential Buildings</li> <li>• Energy Code/Technical: Indoor Air Quality, Ventilation and Heat Recovery</li> <li>• Other (as proposed by proposer)</li> </ul>	<ul style="list-style-type: none"> <li>• Air Barrier Requirements for Commercial Buildings</li> <li>• Energy Code/Technical: Indoor Air Quality, Ventilation and Heat Recovery</li> <li>• Other (as proposed by proposer)</li> </ul>	<ul style="list-style-type: none"> <li>• Ventilation and Heat Recovery</li> <li>• Other (as proposed by proposer)</li> </ul>
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*Quality:* Proposed courses must be high quality and designed to respond to the specific needs and job responsibilities of each target audience group. Proposed courses must be adaptable based on regional needs. Instructors must be content experts who understand the job responsibilities and challenges of the audience group, seasoned presenters, engaging, articulate and easy to understand. Courses must be readily modifiable during the contract period to meet changing training needs as determined by NYSEERDA in response to Energy Code amendments, identified areas of critical non-compliance, and attendee evaluations.

*Learning Techniques:* Proposed courses must incorporate learning techniques to foster engagement among attendees in the classroom. Proposals are discouraged from placing too great a focus on lectures given by an instructor using only a PowerPoint presentation. Preference will be given to innovative proposals that effectively plan for student engagement. Strategies may include, but are not limited to:

- Use of workbooks and/or small group activities that focus on situational learning using “real world” scenarios. For example, this could include exercises requiring review of sample building plans where attendees are asked to identify inconsistencies with the Energy Code, or small group problem solving breakouts;
- Planned interaction between instructor and attendees on specific scenarios typically encountered by the audience group;
- Use of hands-on demonstration tools;
- Use of handouts and other resources serving as a learning primer prior to course delivery or as a tool to reinforce concepts following course delivery. Example: providing attendees with materials on specific code changes or other information relevant to the course not meriting great detail during the classroom training;
- Employment of non-traditional strategies, such as webinar, online learning tools or other remote learning techniques to supplement and reinforce classroom learning and/or to serve as a preface to a student’s attendance at the classroom training.

*Statewide Delivery:* Proposed courses must be delivered Statewide at a minimum of 10 dispersed locations and modifiable as necessary to address regional needs and typical building types. Proposers can offer sessions to individual municipalities or to several municipalities in a given region providing attendance by at least 15 students.

*Audience Size:* Proposers are encouraged to propose courses that are adaptable to both small and large class sizes, recognizing that strategies for student engagement must change based on the size of the audience. In general, the minimum acceptable class size is 15 students:

- Small sessions with audiences of 20-40 attendees (considered an ideal class size). Requirements for audience engagement herein apply to these sessions.
- Large sessions at conferences and meetings with audiences of 40+ attendees.

Nationally-recognized experts are encouraged for leading large sessions and/or advisement on curriculum development.

*Length of Training and Fee Structure:* As appropriate to each target audience group and course content, proposers may propose training that is two, four, or eight hours in length.

Proposers may charge a nominal fee for course attendees although no fee is to be charged to Code Enforcement Officials. Fees must be appropriate to the target audience group and should not discourage attendance. In general, fees should not exceed \$50 for a two hour course, \$75 for a four hour course and \$125 for a full day course. Financial contributions by individuals or private corporations beyond the proposer team are not permitted. To the extent possible, demonstration and handout material must not contain manufacturer-specific products or information. Specific manufacturers, brands and propriety products and information must not be promoted as part of training funded through this RFP.

*Reporting:* Selected proposers must submit a monthly status report. Status reports must include, at a minimum: description of deliverable progress, courses delivered (including date and location of course sessions, number of attendees, full attendance records that include full attendee contact information, etc.) and class and instructor evaluations. Metrics must be tracked in an excel spreadsheet. Additionally, the proposer will be required to distribute and collect a hard-copy survey, prepared by NYSERDA, for each participant to complete and return prior to conclusion of the training session. The proposer will be responsible for printing the necessary number of hard copy surveys, distributing the survey to each participant, providing instructions to participants on how to complete the survey, collecting the survey and mailing the survey to an address determined by NYSERDA. Trainers may also be required to complete course survey(s) at NYSERDA's discretion. Reporting shall commence the first quarter after the contract is executed. Reports shall be submitted within 45 days after the previous quarter's activities. NYSERDA may decline to contract with proposers that are delinquent with respect to metrics reporting for any previous or active NYSERDA agreement.

*Format and Ownership:* Selected proposers will be required to use NYSERDA templates for all course materials, including handouts, workbooks, PPTs, etc. All courses will be required to incorporate a short welcome video or message developed by NYSERDA. NYSERDA will retain ownership of all materials developed, prepared, and presented under this training initiative, and may use all such materials for any future purpose. Selected proposers will be responsible for obtaining all required permissions relative to the use or incorporation of materials prepared by others, such as written, photo and video material planned for use in a proposed course.

*Registration:* A platform for course registration will be made available through NYSERDA's Energy Code website ([www.nyserdacodetraining.com](http://www.nyserdacodetraining.com)). All registration must be conducted through this website. Exceptions will be made for course sessions delivered as part of the agenda of a conference or meeting organized and hosted by another organization. Note: In accordance with the required reporting requirements, selected proposers will be responsible for obtaining registration records for all sessions where registration is conducted apart from [www.nyserdacodetraining.com](http://www.nyserdacodetraining.com).

*Continuing Education:* Proposers must qualify, where possible, all courses for continuing education credits with the American Institute of Architects, the New York State Department of State, the Building Performance Institute, the Society of Professional Engineers, and any other professional certification organizations having value to the target audience, including New York State licensed architects and engineers. Proposers will be responsible for obtaining associated course credit for attendees.

*Awards:* In order to achieve comprehensive Statewide training for each target audience group, NYSERDA reserves the right to award contracts with up to a 25% variation in the number of course sessions to be delivered within the region(s) proposed by the proposer. The final contract will reflect the cost of the total number of courses to be delivered as determined by NYSERDA. NYSERDA reserves the right to modify the specific focus and content included in Contractor's proposal.

### **III. Eligibility Requirements**

Eligible Entities include, but are not limited to: education and training organizations and institutions, local government membership organizations, nonprofit organizations, consulting firms, outreach and education specialists, trade organizations, and any other entities that can demonstrate an ability to meet the objectives of this RFP.

Proposers are required to assemble a team that includes highly qualified individuals responsible for course delivery, curriculum development, preparation of technical content and presentation materials, graphic design, and administrative

support for all marketing and logistical efforts. Preference will be given to teams that include nationally-recognized experts for course development, instructor training and/or course delivery.

In teaming situations, proposers must identify the company/firm/organization/individual that will be the prime contractor under this RFP and describe team members (subcontractors), including past relationships with team members. Inclusion of an organizational chart is suggested. NYSERDA will have no contractual relationship with proposer's subcontractor(s). Proposers awarded a contract under this RFP are responsible for managing subcontractors and ensuring that they meet the scope of work and all terms and conditions of the proposer's contractual agreement with NYSERDA.

Proposer teams must document at least three years of training expertise in Energy Code or related content areas and include a list of relevant training experiences completed or in progress. Teams must document technical competence on the Energy Code, associated construction practices, and active knowledge of upcoming code changes in New York State. Teams must include dynamic and highly qualified instructors who are content experts and, if needed, produce internal procedures for instructor selection, course training and presentation coaching.

#### **IV. Budget**

The RFP will provide up to \$4 million to achieve NYSERDA's Energy Code training goals through December 2016. The anticipated breakdown among target audience groups is \$1.5 million for Code Officials, \$1 million for Design Professionals, \$900,000 for Energy Professionals, and \$600,000 for Construction Trades. NYSERDA reserves the right to alter these allocations as a result of the proposal evaluation process. For each proposal associated with an audience group, a budget must be provided for each course and broken out per task completion. Task deliverables may include, but are not limited to: project kickoff meeting, annual status meetings at NYSERDA, curriculum development, instructor training, course delivery, marketing and monthly administrative fee. As contracts and payment structures will be developed using performance milestones, tasks should be broken into subtasks (for example, curriculum development may include deliverables such as draft and final curriculum development).

#### **V. Proposal Requirements**

##### **Format**

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Proposers must submit double-sided copies of proposals on 8.5"X11" paper. 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 page number. Applications that fail to follow the requirement guidelines may be rejected as non-responsive. The proposal must be formatted as outlined below.

For each audience group for which training is proposed, a separate Statement of Work must be provided.

##### **A. Proposal Checklist** (attached)

**B. Cover Letter and Abstract:** Proposers must submit a cover letter on company letterhead that references this RFP and briefly summarizes: each target audience group for which application is made, team qualifications and the approach to fulfilling the goals of the RFP. Proposers should describe teaming and partnering arrangements and their ability to deliver services that meet the overall goals of the RFP. The cover letter must also include proposer contact information and be signed by a person with the authority to enter into a contract with NYSERDA.

**C. Statement of Work:** Proposers must prepare a Statement of Work (SOW) for each proposed target audience group, to include:

1. Identification of all proposed courses, including title, description of objectives, curriculum, course materials (handouts, workbooks, other appropriate classroom resources and tools), anticipated audience sizes (small and large), anticipated number of people to be trained, and engagement strategies as outlined under Program Requirements.

2. Project Team and key personnel, including identification of responsibilities to each task.
3. Marketing strategy, number of times each course will be delivered, and anticipated statewide distribution of training locations and dates.
4. Description of all tasks and associated deliverables and budgets. Task budgets must also be compiled into an easy to decipher single table by task/subtask deliverable in order to provide the total picture of a course budget. Note: a single, average cost should be identified for course delivery (venue rental, travel, instructor fee, etc). If the proposer requires tiered course delivery fees, (based on the type of instructor, venue, audience, etc) the fee structure should be clearly identified in course budget and deliverables.
5. Any other information deemed necessary to convey to NYSERDA how the program will be conceived and administered.

**D. Team Personnel and Qualifications:** Proposers should describe their expertise, experience and general ability to meet the objectives of this RFP. Thorough descriptions should be given of projects completed that illustrate competency in the range of services requested.

Proposers must provide documentation of at least three years of training experience, plus other relevant outreach and educational experience, and a comprehensive list of relevant projects completed or in progress. Contact information for projects cited must be provided.

In teaming situations, proposers must identify the company/firm/organization/individual that will be the prime contractor under this RFP and describe team members (subcontractors), including past relationships with team members. Include an organizational chart, if necessary.

Project Manager(s) (PM) for the project must be identified, including information on management of similar projects. Key personnel including those of subcontractors/team members must be identified and a description of their role in the proposed project should be given.

Resumes of all key personnel, including subcontractors that will be working under this RFP must be included.

If the proposer does not have offices within New York State, the proposal must include a description of the proposer's ability to perform work throughout the State.

**E. Fee Schedule:** Proposers must include a budget for the services requested under this RFP for each target audience group proposed for training. Budgets must be itemized by course, task and subtask. Proposers may use **Attachment C** as a model for providing documentation of proposed courses and budgets.

Cost sharing is not required, but desirable. If proposers include cost sharing, documentation must be provided, including, on letterhead, a letter of commitment of funds. Cost sharing can be from the proposer, other team members and/or other government or private sources, excluding manufacturers. The proposer or members of the proposer team cannot claim as cost-share any expenses that have already been incurred.

**F. Letters of Commitment:** Commitment letters from all key subcontracted team members, and associated interest groups with whom proposers will partner or coordinate to implement work under this RFP, must be provided.

**G. Samples of Work:** Samples of work in a readily viewable format intended to convey graphic and educational quality of materials that will be provided under this RFP. Submission of previous training delivery of proposed training instructors is encouraged.

**H. NYSERDA History:** Identify active and completed NYSERDA-funded projects for which the proposer was a contractor or subcontractor over the last five years.

## **VI. Proposal Evaluation**

Late, incomplete, or unsigned proposals will be returned. Faxed or e-mailed applications will not be accepted. Applications 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 website at [www.nyserda.org](http://www.nyserda.org). It is strongly recommended that proposers review the evaluation criteria, which is the basis upon which proposals will be reviewed and scored.

Proposals will be reviewed by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and selected non-NYSERDA reviewers using the evaluation criteria identified in this section. Proposals will be ranked by the TEP for each target audience group.

NYSERDA reserves the right to require an interview before final contract award decision.

### **Evaluation Criteria:**

Proposals will be reviewed and scored on the extent to which they meet the following criteria:

#### A. Overall Quality of Proposal.

##### Training Program:

- Scope of work (including marketing plan, curriculum, trainer selection, etc.) reflects an understanding of the specific challenges, responsibilities and needs of the target audience group;
- Proposed courses cover all topics, including any additional topics identified by the proposer, listed in Section II of the RFP;
- Proposal identifies a proven or innovative strategy to engage the target audience group;
- Where applicable, proposal offers a viable strategy for attracting the construction trades to training; and
- Proposed SOW is cohesive and likely to be successfully implemented.

##### Program Innovation:

- Incorporates innovative and creative training approaches to foster student engagement and participation in the classroom; and
- Project Team includes nationally-recognized experts to deliver training and/or serve as technical content experts.

##### Delivery and Marketing:

- Proposal demonstrates how courses will be adapted to address regional needs/characteristics;
- Proposal includes a thorough marketing plan to encourage participation;
- Training plan provides adequate Statewide delivery; and
- If applicable, partnering organizations and their roles are clear and provide added value to the proposal.

#### B. Team Qualifications:

- Proposal team demonstrates technical competence on the Energy Code and associated construction areas;
- Proposal team demonstrates expertise in curriculum development and adult education techniques;
- Team possesses relevant and extensive experience relative to the RFP's stated goals and specific tasks;
- Team members are complementary and lend value appropriate to their identified roles;
- Where applicable, subcontractors have experience working together and with the primary proposer;
- Proposal provides examples and/or samples that demonstrate team expertise and ability to produce quality products;
- Reference letters are relevant to proposed tasks and provide positive feedback;
- All proposed team members demonstrate project commitment (letters of commitment);
- Lead project manager with appropriate skills and expertise is identified;
- Key personnel and their expertise, roles and responsibilities are identified; and
- The team employs dynamic and highly qualified training instructors or, if applicable, an internal process to select and train instructors to ensure the highest possible quality.

#### C. Assessment of Proposed Budget

- Proposed budget appears reasonable (deliverables vs total cost);
- Proposed budget allocation among tasks is appropriate;

- Proposer demonstrates ability (and previous success) to manage the project affordably from geographically remote locations; and
- Fees for attendee registration are within the maximums identified in this RFP or, for those exceeding maximums, provide justification for alternate fee structure.

D. General Responsiveness to the RFP

- Proposal is well written, organized and coherent;
- Proposal satisfies requirements identified in Section V: Proposal Requirements;
- Proposal includes quality samples of previously prepared training/work materials; and
- Proposal demonstrates successful completion of relevant training efforts, including logistical and administrative aspects, and demonstrated attendee satisfaction.

**VII. GENERAL CONDITIONS**

**Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k**

Procurement lobbying requirements contained in State Finance Law sections 139-j and 139-k became effective on January 1, 2006. (The text of the laws is available at: <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>). In compliance with §139-j and §139-k of the State Finance Law, for proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of \$15,000, 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 will disqualify your proposal.

**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 exempt 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://nyserdera.ny.gov/~media/Files/About/Contact/NYSERDARegulations.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  
 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/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

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

**Tax Law Section 5-a** - 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](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 contacting and filed with NYSERDA. *See*, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

**Contract Award** - NYSERDA anticipates making multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. 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 submitted proposal (see Proposal Checklist). Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately 10-12 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.

**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.

**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, including signature
- Attachment B - Disclosure of Prior Findings of Non- Responsibility
- Attachment C - Proposed Course Budget
- Attachment D - Intent to Propose
- Attachment E - Sample Agreement