



New York State Generation Attribute Tracking System (NYGATS)

Request for Proposals (RFP) 3014

Proposals Due: **March 25, 2015** by 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (NYSERDA) requests proposals from qualified parties to design, build, implement, operate, maintain and administer a web-based electronic generation attribute tracking system for New York State (New York Generation Attribute Tracking System (NYGATS)). The NYGATS will be owned by New York State.

NYGATS will issue and track electronic certificates recording the generation attributes associated with each megawatt-hour of electricity generated within the state and for electricity imported into and consumed in New York State. NYGATS must be designed to interface and exchange information with other certificate tracking systems. NYGATS will also support New York's Environmental Disclosure Program (EDP), the Renewable Portfolio Standard (RPS), and voluntary green power or renewable energy certificate purchases (among other policies and programs). NYSERDA anticipates awarding one contract for an initial term to include the development and launch of the GATS and a period of five years of administration and maintenance; such term may be extended by mutual agreement.

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

If mailing or hand-delivering, proposers must submit (2) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing both a PDF and MS Word digital copy of the proposal, following the above guidelines. Mailed or hand-delivered proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 3014
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Michele Goyette at (518) 862-1090, ext.3506 or michele.goyette@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Nancy Marucci at (518) 862-1090, ext. 3335 nancy.marucci@nyserda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting (Michele Goyette at (518) 862-1090, ext. 3506 or michele.goyette@nyserda.ny.gov). Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

* Whether submitted electronically, by mail or by hand delivery, proposals must be **received by NYSERDA** by 5:00 PM, Eastern Time on March 25, 2015. Late proposals will be returned. Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all pages have been included in the proposal. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at www.nyserda.ny.gov.

TABLE OF CONTENTS

I. Introduction..... 3

A. New York Generation Attribute Tracking System (NYGATS) Objective..... 3

B. NYGATS Background..... 3

C. Environmental Disclosure Program (EDP) 4

D. Renewable Portfolio Standard (RPS) 4

E. Voluntary Market 4

II. Contracting..... 4

III. Submitting a Proposal..... 5

IV. Proposal Format/Outline 6

V. Statement of Work..... 10

A. Develop Operating Rules..... 10

B. Design, build and implement a web-based electronic information system..... 10

C. Develop training materials and provide training for users 12

D. Operate, maintain and administer NYGATS..... 13

E. Provide support and technical expertise at periodic stakeholder meetings..... 15

F. Transition at Year 5 to “New Contractor” 15

VI. OWNERSHIP, RIGHT of USE and Transition 15

A. Ownership and Right of Use 15

B. Transition after Contract Term is Completed 15

VII. NYSEERDA’s Responsibilities 15

VIII. Proposal Evaluation..... 16

A. Executive Summary and General Information..... 17

B. Statement of Work 17

C. Proposer’s Past Experience 17

D. Staffing Plan and Experience of Key Personnel 17

E. Budget 17

IX. GENERAL CONDITIONS 18

X. Attachments..... 20

I. INTRODUCTION

A. New York Generation Attribute Tracking System (NYGATS) Objective

NYSERDA seeks to retain a qualified party to develop, implement and administer the New York Generation Attribute Tracking System (NYGATS), and associated activities/functionalities needed to provide an administratively simple, cost-effective accounting and verification system to support New York State policies and programs, including New York's Environmental Disclosure Program (EDP), Renewable Portfolio Standard (RPS), the voluntary market for renewable energy and renewable energy certificates, and other programs.

NYGATS will issue and track electronic certificates reflecting the generation attributes associated with each megawatt-hour of electricity generated within the state and for electricity imported into and consumed in New York State. NYGATS will create and track certificates of generation for all electricity generating units in the New York Independent System Operator (NYISO) market settlement system, and for small generators not settled by the NYISO that meet the eligibility, reporting and verification requirements to be established as a part of the NYGATS operating rules.

NYGATS will provide an efficient mechanism to verify electricity generation and generation attributes as the basis for issuing certificates for electricity generated in New York State and for imported electricity, to provide for the transfer and to track the account status of those certificates, and to support substantiation of environmental claims. The functionality of NYGATS will help electricity providers, marketers of certificates, NYSERDA and end-users acquire the certificates needed to comply with a variety of state and federal regulations and to satisfy consumer preferences. Finally, NYGATS will be capable of efficient interface with other certificate tracking systems, thus providing a means for verification of cross-border transactions.

B. NYGATS Background

The NYS Public Authorities Law directs NYSERDA to establish a tracking system that records generation attribute information for electricity generated within the state, and generation attribute information for electricity imported to and consumed in the state. Generation attributes are the environmental, vintage, and other characteristics to be recorded as part of an electronic certificate. One certificate will be created for each megawatt-hour (MWh) of electricity; each certificate will be assigned a unique tracking number and will display the attributes of the MWh. NYGATS will issue certificates, record transfers of certificates among account holders, and, upon the request of the holder, retire certificates. Certificates will exist as a commodity separate and apart from the associated electrical energy.

A certificate-based NYGATS program will also facilitate the development of a market for the sales of certificates by generators and others. The sale and trading of certificates and the generation attributes they represent will take place in a secondary market, separate and apart from NYGATS. The NYGATS will include a "bulletin board" and possibly other facilitating platforms that will allow both buyers and sellers to connect.

NYSERDA will serve as the governing body overseeing NYGATS and making management decisions relating to NYGATS operations, policies and procedures. NYSERDA will be advised in this effort by the New York Department of Public Service (DPS), the New York Independent System Operator (NYISO), and NYGATS stakeholders. The development, implementation and day-to-day administration of NYGATS will be the responsibility of the Contractor selected through this RFP (Contractor).

C. Environmental Disclosure Program (EDP)

New York State's EDP was established in 1998 by order of the Public Service Commission. All entities subject to the Commission's jurisdiction — electric utilities, energy service companies and jurisdictional municipal and electric cooperatives — are required to provide their customers with periodic environmental disclosure statements, also referred to as "labels." The New York Power Authority and the Long Island Power Authority participate on a cooperative basis. The labels provide information on the types of fuels used to generate electricity used by customers of each entity issuing a label, the air emissions resulting from generating that electricity, and a comparison of those emissions to a statewide average. This information enables consumers, if they choose, to select an electricity supplier based on environmental quality and resource diversity, a key desired outcome of the EDP.

The Commission designated the DPS Staff as the Administrator of the EDP. DPS Staff provide all retail electric service providers with the individualized fuel mix and emissions characteristics information to be included in their respective environmental disclosure labels and statements. Once operational, NYGATS will be used to prepare these labels.

D. Renewable Portfolio Standard (RPS)

The Public Service Commission adopted New York State's RPS Program to address the energy, economic, and environmental objectives of New York State by increasing the amount of renewable electrical energy consumed in New York (Case Order 03-E-0188). NYSERDA, as the Central Procurement Administrator of the RPS Program contracts with suppliers, on a competitive basis, for the environmental attributes (RPS attributes) created by eligible generation resources under the RPS Program. NYGATS will be used to track RPS attributes.

E. Voluntary Market

The voluntary renewable energy market allows individual consumers (large or small) to choose what type of electricity they want to buy, notwithstanding what may be required by law or regulation. NYGATS will support the voluntary market by facilitating the ability of voluntary buyers and willing sellers to transact and by providing verification of the associated environmental claims.

II. CONTRACTING

NYSERDA anticipates awarding one contract for an initial term to include the development and launch of the GATS and a period of five years of administration and maintenance; such term may be extended by mutual agreement. Contractor costs will be funded by NYSERDA using System Benefits Charge Environmental Disclosure and Regional Greenhouse Gas Initiative funding. NYSERDA may invite one or more proposers to meet with NYSERDA before finalizing an award.

In addition to a contract with NYSERDA, the Contractor will be required to enter into an agreement with the NYISO, which will provide data for the NYGATS. **Interested respondents should request a copy of the NYISO agreement**, subject to their prior execution of a non-disclosure agreement ("NDA") with the NYISO, by contacting Christopher Sharp, Esq., NYISO Compliance Attorney at csharp@nyiso.com or Elizabeth Dailey McManus, NYISO Senior Attorney at emcmanus@nyiso.com. Requests for the NYISO agreement should include the following in the Subject line of the email communication "Request for NDA in connection with NYSERDA NYGATS RFP."

NYSERDA's standard contract terms are attached to this RFP as Attachment F. The Exhibit A, Statement of Work (referred to but not attached to the standard terms) will be compiled in conformance with the awarded

proposal. Upon award, NYSERDA anticipates arranging an initial planning meeting to discuss and arrive at a final Statement of Work, including a schedule of tasks.

- A. As a preliminary deliverable to facilitate the initial planning meeting and the compilation of the Statement of Work, the awarded Contractor will be required to develop a detailed work plan and schedule mutually agreed upon by NYSERDA and the Contractor that includes at a minimum:
 - A.1 Schedule (with milestones) for developing and implementing NYGATS, conforming to the Statement of Work in Section V below, including a schedule for meetings, milestone reports, system testing, training and operations. This schedule shall assure that NYGATS is fully operational within twelve (12) months of contract execution, subject to modification by NYSERDA and NYISO. If, in the opinion of the Proposer the proposed commencement date for operation of NYGATS cannot be met, the proposer shall propose and justify an alternative schedule;
 - A.2 Management procedures for administering NYGATS in a manner consistent with performing the tasks and achieving the objectives described above;
 - A.3 Management procedures for planning, scheduling and budgeting, as well as procedures to be used in controlling time used, dollars spent and quality to be achieved in performing the Work;
 - A.4 Procedures for notifying NYSERDA of any circumstances necessitating changes in the schedule or work scope.

Additionally, the Contract will include provisions requiring the Contractor to:

- B. Advise NYSERDA and DPS with regard to NYGATS support of EDP and RPS including possible modifications to either program.
- C. Strive to ensure compatibility between NYGATS and tracking systems in neighboring states and established systems in other regional (including Canadian) control areas, and inform NYSERDA of possible compatibility issues and options.
- D. Provide written monthly progress reports to NYSERDA reflecting progress towards the scheduled project milestones stated in the contract.
- E. Write quarterly and annual reports and make presentations (when requested) to NYSERDA during the term of the contract regarding the development, implementation, operation and use of NYGATS.

III. SUBMITTING A PROPOSAL

- A. Electronic submission is preferable. NYSERDA will also accept proposals by mail or hand-delivery. **Proposals must be received by NYSERDA by 5 PM, Albany time, on March 25, 2015.** Instructions for submitting electronically are provided in Attachment A to this RFP.
- B. A completed and signed Proposal Checklist (Attachment C) must be attached as the front cover of your proposal. **Late proposals will be returned and proposals lacking the appropriate completed and signed Proposal Checklist may be returned. Faxed or e-mailed copies will not be accepted.**
- C. In compliance with §139-j and §139-k of the State Finance Law (see Section VI, General Conditions below for additional information), additional forms must be completed and filed with proposals:(1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law and (2) a completed

Disclosure of Prior Findings of Non-Responsibility form (Attachment D). Failure to include a signed copy of the Proposal Checklist (Attachment C) referenced in this solicitation may disqualify your proposal.

- D. Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, "RFP 3014", and the page number.
- E. Proposers should request and consider the terms and conditions of the NYISO agreement (See Section II, Contracting) when preparing a proposal.

IV. PROPOSAL FORMAT/OUTLINE

A. Proposer's 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:

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

B. Proposal Content

Proposal must include the following contents and must be in the following format and sequence listed below:

C.1 Proposal Checklist (Attachment C)

The Proposal Checklist is mandatory and must be completely populated, signed and attached to the front of your proposal. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation will disqualify your proposal.

Please note the following:

Indicate whether you accept the standard terms and conditions as contained in the attached Standard Agreement (Attachment F). Proposers are strongly encouraged to review these terms and conditions with their attorney prior to submitting a proposal. If you do not accept the standard terms and conditions, provide alternate terms with justification based on the risk and benefit to NYSERDA. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Standard Contract to those specifically identified in the submitted proposal (see Proposal Checklist).

The individual signing the Proposal Checklist must be authorized to commit the proposer's organization to the proposal as submitted.

C.2 Disclosure of Prior Findings of Non-Responsibility (Attachment D)

In compliance with §139-j and §139-k of the State Finance Law, for proposals submitted in response to this solicitation must include a completed Disclosure of Prior Findings of Non-Responsibility form. (The text of the laws is available at: <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>).

C.3 **Cover Letter**

Proposers shall submit a cover letter on company letterhead:

- a. Referencing RFP 3014
- b. Summarizing the proposer's ability to perform such services
- c. Signed by a person with authority to enter into a contract with NYSERDA

C.4 **Table of Contents**

The proposal shall include a comprehensive table of contents that outlines the page # and section.

- a. Executive Summary
- b. Statement of Work
- c. Proposer's Experience and Capabilities
- d. Staffing Plan and Experience of Key Personnel
- e. Work Schedule and Completion of Milestones
- f. Budget
- g. Indirect Costs
- h. Proposed Technology Platform

C.5 **Executive Summary** (2 page limit + Appendices)

Proposers must summarize and exhibit a thorough understanding of this RFP component and the general approach to fulfilling and supporting the services requested. Proposers must summarize why NYSERDA should select the proposer's firm by including a list or summary of specific services they can provide, as well as any acknowledgements or accolades recently received.

C.6 **Statement of Work** (15 page limit + Appendices)

Proposers must submit a Statement of Work describing how they will fulfill the requirements and objectives **as outlined in Section V**, including a detailed description of how the proposer will deliver services using their own expertise and creative approach including staff responsibilities and time dedicated to the work tasks.

C.7 **Proposer's Experience and Capabilities** (6 page limit + Appendices)

Proposers must demonstrate their ability to fulfill the activities described in the Statement of Work and the Functional Specifications (Attachment B).

- a. Proposers should describe their expertise and ability as a firm to deliver services in Section IV. Information should include the aggregate number of years working in this area and a brief

summary of at least one and no more than three, similar projects.

- b. The project descriptions should specify the level of involvement of the proposing firm (and subcontractors, if any) and the results/deliverables of the project. Appendices to this section may include: summary of the sample projects, examples of management plans, reporting for similar programs.

If the Proposer has experience designing and or administering an electrical attribute system in any other region, this section should address whether such system(s) were the subject of any security incidents or other irregularities with respect to data security, errors in certificate creation, assignment or transfer, or other instances of performance failures, with a concise description of the facts and circumstances concerning the identification, cause and resolution of each such instance.

C.8 Staffing Plan and Experience of Key Personnel (4 page limit + Appendices)

Proposers must provide documented ability to perform the services of this RFP to NYSERDA. This section should identify all staff members, contractors and subcontractors that are to be involved in project implementation and a brief description of qualifications, with supporting information supplied in an appendix.

- a. Identify the project manager who will serve as the single point of contact as well as all personnel that may be involved with providing services under this RFP.
- b. Describe the accomplishments, experiences, and expertise of the individuals comprising the proposing team relevant to this RFP.
- c. Provide a description of the responsibilities of each key person in the execution of the proposed work plan, including subcontractors.
- d. For firms not based in New York State, discuss the mechanism which will guarantee its ability to deliver services in New York State in a cost-effective manner.
- e. Letters from subcontractors, if any, must be attached to the proposal and include the same information included in the proposer's cover letter.
- f. Resumes that highlight recent experiences of all individuals who will be directly involved in providing services should be included as appendices. Individual resumes shall not exceed one (1) page.
- g. All individuals involved in the proposal must be free of financial interest in any product or service which may be, or appear to be, in conflict with NYSERDA's services to its customers. If any affiliations exist, please describe them and verify that they do not conflict with the objectivity provided to NYSERDA and its customers.

C.9 Work Schedule and Completion of Milestones

Proposers must provide a proposed work schedule that outlines major steps and milestones for the launching of NYGATS. This work schedule must address the tasks outlined in the Statement of Work in terms of weeks and months, and should provide for the NYGATS being fully operational within twelve (12) months of contract execution. If, in the opinion of the Proposer the proposed commencement date for operation of NYGATS cannot be met, the proposer shall propose and justify an alternative schedule. Proposers should allow time for correspondence with and approval of tasks by NYSERDA. The work schedule should include interim milestones for the completion of each task in the Statement of Work.

C.10 Budget

For tasks each of Tasks A – F, in the Statement of Work (see Section V and below), the Proposer must provide a “flat” Milestone Fee (using the Attachment E Milestone Budget Form) that will cover all costs necessary to achieve the completion of each milestone, to be paid based on milestones or deliverables completed and approved by NYSERDA.

Task A. Develop Operating Rules:

A fixed milestone payment for all activities including likely iterative processes leading up to an approved set of Operating Rules, including stakeholder meetings. Contractor may define interim milestones for this task and propose payment for each interim milestone;

Task B. Design, build and implement a Web-based electronic information system called the New York Generation Attribute Tracking System (NYGATS):

A fixed milestone payment for all activities leading up to an approved, fully functional implemented NYGATS, including acquiring and configuring all hardware and software, installing and updating software and files, establishing reliable data transfer. Contractor may define interim milestones for this task and propose payment for each interim milestone. NYSERDA will withhold 10% of each invoiced payment for this task, to be released to Contractor after final system testing, acceptance and approval by NYSERDA’s Project Manager;

Task C. Develop training materials and provide training for users:

A fixed milestone payment for development of materials and completion of first round of training sessions within six months of NYGATS public launch;

Task D. Operate, maintain and administer NYGATS:

A fixed annual fee (to be pro-rated and paid monthly) covering general operation, maintenance, and administration as identified in Section V;

Task E. Provide support and technical expertise at periodic stakeholder meetings:

Proposers should assume 3 meetings in year 1; 1 meeting in each of years 2-5;

Task F. Transition to New Contractor:

A contingent, fixed milestone payment for transferring operation and maintenance of NYGATS to NYSERDA or another contractor if the Contractor is not renewed to continue administering and operating NYGATS beyond the initial five year term or if the contract is terminated. This milestone payment can be invoiced once NYGATS has been successfully handed off to the “New Contractor.”

Costs for change orders or other non-predictable work authorized by NYSERDA may be billed on a time and materials basis as provided using the Attachment E Milestone Budget Form.

Proposers must include fee schedules for proposers and all subcontractors which shall include: direct labor rates for each individual or class of individuals’ costs; travel and per diem costs; overhead rates (basis rate and items included in overhead rate); general and administrative costs, and indirect costs.

C.11 Indirect Costs

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

- a. Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projections; based on federal government or other independently-approved rates).

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

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

C.12 Proposed Technology Platform

Proposers should indicate the proposed technology platform upon which the GATS will be built along with identification of any required hardware/software/licensing requirements.

V. STATEMENT OF WORK

The Statement of Work should include the following elements, in the order presented. Refer to Attachment B for Functional Specifications which provide an overview of the basic functionality and requirements of NYGATS. The Statement of Work should include a discussion of each task; proposers may recommend that these tasks be addressed in a different sequence than presented. Proposers are also encouraged to include information and recommendations as to alternative approaches to GATS development.

A. Develop Operating Rules

In cooperation with NYSERDA, Contractor shall prepare draft and final Operating Rules for the operation of NYGATS that will be compatible with the Operating Rules of neighboring tracking systems and consistent with this RFP and the Functional Specifications attached hereto (Attachment B). The Operating Rules will establish the detailed characteristics of NYGATS including registration, data sources, account structures, imports and exports, the creation, transfer and retirement of certificates, reports and information access, and confidentiality of information. The operating rules shall be in alignment with the NYISO settlement process, including recognition of NYISO's data feed schedule.

Contractor shall:

- A.1 Consult with NYSERDA, DPS and the NYISO, and plan and support public stakeholder meetings, to create draft Operating Rules consistent with the Functional Specifications (Attachment B) and comparable to the Operating Rules of neighboring tracking systems, to be issued to the stakeholders for review and comment.
- A.2 After formal review by NYSERDA, DPS and the NYISO, Contractor shall prepare final Operating Rules for review, comment and approval by NYSERDA. Final Operating Rules shall include key documents, such as Terms of Use and any necessary associated documents and forms.

If, through the drafting and finalization of Operating Rules, material changes in the NYGATS system are identified as compared to the system as defined herein, a contract modification may be initiated which reflects the updated system requirements and contractual impacts.

B. Design, build and implement a web-based electronic information system

The Contractor shall design, build and implement a web-based electronic information system called the New York Generation Attribute Tracking System (NYGATS) to be consistent with the Functional Specifications (Attachment B) and the final Operating Rules established under IV.A, above. The Contractor will design NYGATS to have secure access, and include flexibility for upgrading and expanding its functionality.

Contractor shall:

- B.1* Enter into a contractual agreement with the NYISO for the development of NYGATS, covering the data required from NYISO, technical specifications, file formats, secure transfer of data, confidentiality of data, cyber security, issue resolution, and including a change management process such that changes to the NYISO system which impact the data feed can be accommodated in a timely manner. Proposers should request a copy of the agreement directly from the NYISO (See Section II, Contracting).
- B.2* Design and build the system to accommodate, accept data from and create certificates for “behind the meter” generation sources in New York State, under protocols to be established in the Operating Rules. Contractor should assume that all costs for the provision of such data to the GATS will be borne by the generator.
- B.3* Consult with NYSERDA, DPS and/or NYISO in the design, development, implementation and maintenance of NYGATS including an American Disabilities Act (ADA) accessible web portal. Some of the design features for NYGATS shall include the ability to:
 - a. Run on multiple commercial browsers including multiple versions of the browsers without requiring the installation of any software on users’ computers.
 - b. Operate either via responsive or adaptive design to render properly on select (TBD) tablets and smart phones;
 - c. Employ a user interface to allow facilities to submit registration information to NYGATS;
 - d. Routinely archive and restore processes for data imported into NYGATS and data created within NYGATS;
 - e. Accommodate data volumes and retention requirements;
 - f. Use programming logic for accurate and timely data processing.
- B.4* Provide cyber security:
 - a. Secure NYGATS web portal interface with password protection and SSL encryption for static data collection, user access, and reporting.
 - b. Design NYGATS to have restricted access privileges based on account holder and users’ roles including an efficient, flexible way to control and administer multiple levels of system access, and a method for defining roles-based authorizations (permissions) for all system components.
 - c. Create a well-defined system backup and recovery processes for NYGATS.
 - d. Consult with NYISO regarding data transfer methods and technologies.
 - e. Design NYGATS to have processes for secured file transfer and data upload using encrypted communications for all data interfaces.

- f. Ensure NYGATS has secure processes to minimize the introduction of viruses and other cyber security threats, scan routinely for viruses to assure account holder and users' systems are not corrupted by migration of viruses from NYGATS.
 - g. Cyber security provisions must meet both the NYISO's required cyber security standards and those required by the New York State Office of Cyber Security (OCS) as set forth in Cyber Security Policy P03-002.
- B.5 Consult with NYISO and NYSERDA regarding schedules for receiving data feeds and issuing certificates, and incorporate timeline into Operating Rules.
 - B.6 Develop and implement NYGATS with a flexible architecture capable of handling additional data fields and functionality (e.g. fee structure and payment capability, tracking of energy efficiency certificates) that might be added later due to evolving statutory or regulatory standards and/or market requirements.
 - B.7 Populate and verify NYGATS data on New York generators and their associated attributes, and the electricity attributes of neighboring control areas that may export electricity to New York.
 - B.8 Create a bulletin board for sellers to post Certificate availability and for buyers to post their interest in purchasing Certificates. This is intended only to facilitate buyers and sellers finding each other and is not intended to provide a market exchange;
 - B.9 Design and maintain a NYGATS website;
 - B.10 Incorporate capability to provide:
 - a. Monthly reports, with quarterly digests of those reports, for each account holder in NYGATS. These reports will form the basis for retail LSEs to demonstrate their compliance with state statutes and regulations and support any additional marketing claims in filings with the state agency or agencies that administer the relevant state statutes and regulations;
 - b. Quarterly and annual activity reports;
 - c. Other status reports for public review.
 - B.11 Create a permanent test environment to validate changes to the data/data feed and to provide an environment to resolve data issues.
 - B.12 Test and verify the system operates in accordance with the Functional Specifications (Attachment B) and Operating Rules prior to use by stakeholders. Proposers should propose a test and acceptance plan that NYSERDA and the Contractor will use to determine system readiness.
 - B.13 Provide technical documents identifying NYGATS specifications.

C. Develop training materials and provide training for users

- C.1 Contractor shall develop training materials on the use of NYGATS for potential users.
- C.2 Contractor shall administer training sessions on the use of NYGATS for potential users.
- C.3 Create training materials to include a review of NYGATS functionality and operating rules, and step-by-step instructions on how to:

- a. Establish accounts in NYGATS;
- b. Provide generation data to NYGATS (for owners or agents of generating units) as the basis for issuing certificates;
- c. Transfer certificates among NYGATS account holders;
- d. Transfer certificates from NYGATS to another tracking system;
- e. Transfer certificates from another tracking system to NYGATS;
- f. Retire certificates;
- g. Access and create reports.

D. Operate, maintain and administer NYGATS

Contractor shall provide certificate tracking services through operation, maintenance and administration of NYGATS, as described in the Functional Specifications (Attachment B). Contractor shall:

- D.1* Maintain and upgrade cyber security and data confidentiality as needed that will meet NYSERDA's and NYISO's cyber security standards;
- D.2* Document generation and associated attributes of each generating unit in New York for which certificates are issued, and for generating units for each control area exporting electricity to New York, and issue electronic certificates based on that information;
- D.3* Monitor and document all electronic certificate transfers from and between all participating entities based on information provided by those entities to the Administrator;
- D.4* Administer settlement and certificate retirements on a regular basis;
- D.5* Provide monthly, quarterly, annual and other reports to be generated by NYGATS.
- D.6* Provide account holders with access to necessary information in the database, and provide them with the real-time status of their NYGATS accounts upon request;
- D.7* Monitor for potential undue or improper exercise of market power, identify any related problems to NYSERDA and propose mitigating actions;
- D.8* Cooperate with state agencies in the verification of retail LSE filings with state regulators;
- D.9* Create updates to NYGATS software and revisions to operating rules as necessary and approved by NYSERDA;
- D.10* Provide a telephonic help desk available from 8 a.m. to 5 p.m. ET, Monday through Friday (excluding national holidays) via which users may access trained technical experts for assistance with NYGATS, their accounts and their billings;
- D.11* Implement robust effective internal controls for certificate creation, transfer and retirement; and that support verification of data volumes, data retention and archiving; and accurate and timely data processing. Contractor shall develop and implement effective internal controls for the following:
 - a. Access (including efficiency and management of multiple levels of system access, including roles-

based authorizations (permissions) for all system components;

- b. Security (including secure processes to minimize the introduction of viruses and other cyber security threats to Account Holders' and Users' systems by migration of viruses from NYGATS);
- c. Availability;
- d. Processing Integrity;
- e. Confidentiality and Privacy;

D.12 Assess the adequacy of processes, in particular for Certificate creation, transfer and retirement, and processes that support verification of data volumes, data retention and archiving, and accurate and timely data processing. Internal Controls shall, at a minimum provide reliable assurance that:

- a. Certificate creation, transfer and retirement is accurate;
- b. Data volumes, data retention and archiving are recorded and can be verified;
- c. Data processing is accurate and timely;
- d. Processes are secure and effective to minimize the introduction of viruses and other cyber security threats to account holders' and users' systems by migration of viruses from NYGATS;
- e. Multiple levels of system access, including roles-based authorizations (permissions) for all system components are managed efficiently and effectively;
- f. Ensure certificates that are imported to or exported from New York State are not duplicated.

D.13 Contractor shall ensure that independent Service Organization Control Reports (SOC) audits are completed on at least a biannual basis to assess effectiveness of internal controls. Contractor shall periodically conduct or be subject to audits conducted in conformity with standards to be approved by NYSERDA, to assess the effectiveness of:

- a. Access (including efficiency and management of multiple levels of system access, including roles-based authorizations (permissions) for all system components),
- b. Security (including secure processes to minimize the introduction of viruses and other cyber security threats to Account Holders' and Users' systems by migration of viruses from NYGATS),
- c. Availability,
- d. Processing Integrity,
- e. Confidentiality or Privacy;
- f. Assess the adequacy of various processes' internal control, in particular Certificate creation, transfer and retirement, and processes that support verification of data volumes, data retention and archiving, and accurate and timely data processing.
- g. Intrusion prevention and detection.

Contractor shall share reports identifying issues, findings and the necessary corrective actions, and demonstrating that corrective actions are effectively implemented.

E. Provide support and technical expertise at periodic stakeholder meetings

- E.1 Contractor shall participate, under NYSERDA's guidance, in regular meetings (assume a total of 3 in year 1 and one additional meeting each year 2-5) with NYGATS stakeholders and New York State agencies to discuss system start-up issues.
- E.2 Contractor will inform and assist users on technical issues, procedures and changes to the system or work processes necessitated by changes in New York law or interpretations by the NYS Public Service Commission, other general improvements, and requests for additional system functionality. Contractor will implement, operate, and maintain such changes, improvements, and additional functionality in NYGATS as approved by NYSERDA.

F. Transition at Year 5 to "New Contractor"

The awarded contract will be issued for a term of five (5) years, measured to begin when the GATS becomes fully operational, with an opportunity for extensions based on mutual agreement. The Contractor, if not renewed to continue administering and operating NYGATS beyond the initial five year term or if the contract is terminated, shall provide an approach and method for transferring operation and maintenance of NYGATS to another Contractor. Any fees or payments to Contractor or to any third party for single or recurring licenses necessary to the operation of the GATS shall be identified.

VI. OWNERSHIP, RIGHT of USE AND TRANSITION

A. Ownership and Right of Use

NYSERDA will retain ownership of, access to and use of NYGATS after its creation, implementation and operation. NYSERDA shall own or Contractor shall provide to NYSERDA the right to use all intellectual property material to the operation of NYGATS with respect to technology platforms, software, websites, publications, databases and other content, and business processes. Contractor shall give NYSERDA access to the code and a perpetual license to enable long-term use and modifications to the system.

B. Transition after Contract Term is Completed

In the event that the contract is terminated or is not renewed beyond the initial five year term, or any subsequent term, Contractor shall cooperate with NYSERDA in the orderly transfer of Contractor responsibilities to a successor designated by NYSERDA and, at the request of NYSERDA, shall exercise good faith and due diligence to transfer duties to any such successor engaged by NYSERDA. Contractor shall provide NYSERDA and such successor with all information, including without limitation all information relating to software, control and logic signals and related data, and cooperation necessary for the continued safe and efficient operation, control and maintenance of NYGATS. NYSERDA shall reimburse Contractor for all services rendered and for the reasonable and documented out-of-pocket expenses incurred by Contractor during this transition period as documented in Attachment E.

VII. NYSERDA'S RESPONSIBILITIES

- A. NYSERDA will enter into an Agreement with Contractor for the services requested for a term of five (5) years, measured to begin when the GATS becomes fully operational.
- B. NYSERDA will assist the Contractor in the development and implementation of NYGATS as needed, such as:

- B.1 Providing information and background on objectives for RPS, EDP and other evolving statutory or regulatory standards and/or market requirements.
 - B.2 Planning and conducting Stakeholder meetings. Stakeholder meeting dates will be jointly agreed upon by NYSERDA and the Contractor.
 - B.3 Assisting in the development of Operating Rules.
 - B.4 Participating in design and development meetings with NYISO and/or neighboring states with tracking registries.
 - B.5 Technical assistance as needed when designing and building to maximize operability between other NYSERDA systems/platforms
- C. NYSERDA will approve reasonable changes to the schedule and milestones.
- D. NYSERDA will coordinate communications with the Contractor, DPS and NYISO, and will facilitate an agreement between Contractor and NYISO for the management, transfer and non-disclosure of Market Participant data.
- E. NYSERDA will coordinate communications and facilitate agreements between Contractor and other data providers, such as utilities, Environmental Protection Agency (EPA) and Department of Environmental Conservation (DEC), for access to generation and emissions data.
- F. NYSERDA will enter, to the extent necessary, an agreement with NYISO to cooperate in the development, implementation and operation of NYGATS.

VIII. PROPOSAL EVALUATION

Proposals that meet proposal requirements will be reviewed by a Technical Evaluation Panel (TEP) using the Proposal Evaluation criteria below. A TEP consists of NYSERDA staff, DPS staff, and relevant selected outside reviewers. Based only on the information submitted, the TEP will review the written proposals, then score and rank the proposals. NYSERDA may invite one or more proposers to participate in a meeting with NYSERDA before finalization of an award.

NYSERDA, through its TEP process, may contact selected references to determine whether the proposer has the necessary technical experience, qualifications, resources, and competitive contract costs to successfully provide the requested services for NYSERDA. The TEP reserves the right to make decisions based on information obtained from these references. References will be checked but will not be scored.

Responses to this RFP will be reviewed and assigned scores based on the criteria highlighted below.

- Quality and thoughtfulness of the work plan, project management plan and schedule, including demonstrated ability to complete the design, development and implementation of NYGATS on schedule;
- Qualifications and capabilities of the proposing firm or team, including the quality and relevance of previous work, and the experience and expertise of the personnel identified to work on this project;.
- Cost and compensation, including best value for money, reasonableness of labor rates, associated fees, and overhead.

- Other programmatic and management factors deemed appropriate by NYSERDA.

Further, as part of the evaluation process, proposers may be required to have appropriate representatives attend an interview in Albany, NY prior to final selection.

A. Executive Summary and General Information

Evaluate the overall proposal. Does the proposer understand what is being sought under the RFP? Does the proposal demonstrate an understanding of the major objectives of the RFP component(s)? Does the proposal satisfactorily address how the proposer will provide services for the design, development and implementation of NYGATS? Does the proposal leverage added value opportunities? Is the proposal well written, clear, concise, and well organized? Did the proposer provide all information requested in the selected RFP component?

B. Statement of Work

Does the proposal sufficiently address all of the tasks as outlined in Section IV, Statement of Work? Does the proposer demonstrate an understanding of the range of services requested by the RFP? Will their technical support and outreach (if applicable) cover all of New York State? Is the Statement of Work well defined, comprehensive, realistic and consistent with the RFP? Does the Statement of Work instill confidence that the proposer will be successful? Does the proposer understand NYSERDA's program results and tracking needs? Does the proposer identify a single lead that will insure program consistency and budget compliance?

C. Proposer's Past Experience

Evaluate the proposer's past experience with providing the services described in the proposal for the RFP. Does the proposer demonstrate relevant experience and technical expertise in the RFP? Evaluate the proposer's ability, necessary background and historic performance with delivering similar services to the RFP. Has the proposer provided examples, which demonstrate their ability to deliver high quality, objective, energy related services? Do examples demonstrate the ability to support, implement and/or administer the program? Does the proposer demonstrate the ability to develop and implement a tracking system compatible with other neighboring tracking registries? Does the proposer clearly demonstrate a history of past tracking system related work? Does the proposer demonstrate an understanding of NYS and NYSERDA needs for a tracking system, including RPS and EDP requirements?

D. Staffing Plan and Experience of Key Personnel

Do the resumes reflect the ability to deliver the services of the RFP? Are key personnel's education, experience, and capability relevant to the RFP? Does the proposer have experience with attribute tracking systems? Is there depth to the proposing team where full implementation responsibility does not fall on one individual? Does the proposer show a balance of technical, operations, outreach, administrative or other expertise necessary to accomplish the objectives of the RFP?

E. Budget

Are the proposed milestone payments, cost estimates, and billing rates per task reasonable and appropriate for the RFP? Do the cost estimates demonstrate an understanding of and the ability to execute the proposal based on the strategy and overview included? Does the proposing team describe the ability to use junior and senior staff as appropriate to be cost-effective while achieving program success? How well does the proposer demonstrate the capacity to deliver services, conduct Stakeholder meetings and user training while minimizing travel/lodging costs? Do the applicable budget tables and scenarios for the selected RFP

component exhibit the proposer's understanding of the Statement of Work and do the hours and costs seems reasonable for that scope? Is the budget arranged such that the goals of the program will be met and resources appropriate allocated to each tasks? Are the schedule and milestones realistic?

IX. GENERAL CONDITIONS

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

Empire State Development
Division For Small Business
625 Broadway
Albany, NY 12207

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

Empire State Development
Minority and Women's Business Development Division
625 Broadway
Albany, NY 12207

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Proposal Checklist (Attachment C) 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 (Attachment D) 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 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 award 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 (Attachment F) 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 Attachment C - 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 four (4) 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 (Attachment F).

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.

X. ATTACHMENTS

- Attachment A:** Instructions for Electronic Proposal Submission
- Attachment B:** Functional Specifications
- Attachment C:** Proposal Checklist
- Attachment D:** Disclosure of Prior Findings of Non-Responsibility
- Attachment E:** Milestone Budget Form
- Attachment F:** NYSERDA Standard Agreement