



Accelerating Availability of Targeted Residential Products  
Program Opportunity Notice PON 3125  
**\$1.9 Million Available**

**ROUND 1**

**Category A Market Support Proposals Due: September 24, 2015 by 5 PM Eastern Time\***  
**Category B Pilots or Demonstration Projects Proposals Due: September 24, 2015 by 5 PM Eastern Time\***  
**Category C Educational Retail Events Applications accepted on a first-come, first-served basis through February 29, 2016 by 5 PM Eastern Time\***

NYSERDA’s Program Opportunity Notice (PON) 3125 is designed to support projects that significantly increase the availability and demand for the following high-efficiency residential products: high-efficiency clothes washers, refrigerators, home energy management systems (HEMS), heating, ventilating and air conditioning (HVAC) systems, and heat pump water heaters. Support will be offered in three categories: Category A, *Market Support* to increase the supply of and demand for targeted products through upstream interventions; Category B, *Pilots or Demonstration Projects* to educate builders, architects, designers, contractors and consumers about HEMS; and Category C, *Educational Retail Events* that educate consumers and contractors on the benefits of targeted and other high-efficiency residential products. Under Category A, NYSERDA will provide manufacturers, distributors and retailers with the opportunity to propose creative, market-based ideas that influence the supply chain and accelerate adoption of the specified targeted products. The Pilots or Demonstration Projects (Category B) will only target HEMS products. Proposals for Categories A and B will be competitively selected, while applications for Category C will be open-enrollment, with funding available on a first-come, first-served basis. All proposals under this solicitation will require a minimum 50% cost-share and will leverage private funding. If funding is not exhausted after Round 1 of PON 3125, Round 2 of PON 3125 will be issued for the remaining funds.

**Proposal Submission for Categories A and B ONLY:** Electronic submission is preferable. NYSERDA will also accept proposals/applications 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/applicant’s entity name in the title of the document. Proposals may be submitted electronically by following the link for electronic submissions found on the webpage for PON 3125, 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 as Attachment F of PON 3125.

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

**Roseanne Viscusi, PON3125**  
**NYS Energy Research and Development Authority**  
**17 Columbia Circle**  
**Albany, NY 12203-6399**

\* Late proposals/applications 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/application. 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](http://www.nyserda.ny.gov).

**See following page for submitting applications under Category C.**

**Application Submission for Category C ONLY:** NYSERDA will accept applications by mail, hand-delivery, or electronic submission. If mailing or hand-delivering, applicants must submit one (1) paper copy of their application. Mailed or hand-delivered applications must be clearly labeled and submitted to:

**Ryan Moore, PON 3125  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If submitting electronically, applications may be e-mailed to [PON3125@nyserda.ny.gov](mailto:PON3125@nyserda.ny.gov).

If you have technical questions concerning this solicitation, contact Ryan Moore at (518) 862-1090, ext. 3267 or [PON3125@nyserda.ny.gov](mailto:PON3125@nyserda.ny.gov). If you have contractual questions concerning this solicitation, contact Elsyda Ahmed at (518) 862-1090, ext. 3232 or [elsyda.ahmed@nyserda.ny.gov](mailto:elsyda.ahmed@nyserda.ny.gov). No communication intended to influence this procurement is permitted except by contacting Ryan Moore at (518) 862-1090, ext. 3267 or [PON3125@nyserda.ny.gov](mailto:PON3125@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/applicant's behalf) in an attempt to influence the procurement: (1) may result in a proposer/applicant being deemed a non-responsible offerer, and (2) may result in the proposer/applicant not being awarded a contract.

## I. Introduction

PON 3125 targets retailers, manufacturers, distributors/vendors, and other stakeholders to provide them with an opportunity to propose market-driven solutions to increase the availability and demand of targeted products as identified below. This could include leveraging manufacturer or utility rebates of a targeted product in tandem with upstream support from NYSERDA. NYSERDA is looking to significantly increase availability, sales, and adoption of high-efficiency products that have the highest potential for energy savings and carbon reduction. Increase in market share or sales of these products should be significant in nature, in that it provides statewide impact through measurable and lasting market transformation results. Working towards the goal of increasing availability and market demand, this PON will only provide funding that targets specific barriers and demonstrates significant potential to increase supply and demand of the targeted products.

NYSERDA is seeking to support proposals/applications under the following three categories to help significantly increase the availability and demand for high-efficiency residential products. This includes:

- **Category A, Market Support**, through upstream interventions, is designed to increase the supply of and demand for targeted products, which includes: high-efficiency refrigerators and clothes washers (CEE Tier 2 or 3 or ENERGY STAR Most Efficient), home energy management systems, HVAC equipment, and heat pump water heaters;
- **Category B, Pilots or Demonstration Projects** to educate builders, architects, designers, contractors and consumers about Home Energy Management Systems (HEMS); and
- **Category C, Educational Retail Events** that educate consumers or contractors on the benefits of products identified in Categories A and B and other high efficiency residential products.

Proposals for Categories A and B are due September 24, 2015 and will be competitively selected, while applications for Category C will be open-enrollment, with funding available on a first-come, first-served basis. All contracts under this solicitation will require a minimum 50 percent cost-share. Private funding from a third-party will be accepted as part of the 50 percent cost-share requirement.

## II. Program Requirements

**Category A-Market Support:** NYSERDA will provide financial support to support projects that provide a creative strategy that will help increase market share of the following specified targeted products: high-efficiency refrigerators and clothes washers (CEE Tier 2 or 3 or ENERGY STAR Most Efficient), home energy management systems, HVAC equipment, and heat pump water heaters. These incentives will only be used as a bridge to overcome market barriers and increase sales and the overall nature of the incentives are intended to decline over time to avoid the market over-relying on government funding to increase supply and demand. NYSERDA is seeking the lowest cost proposals that will have a measurable impact on market share and accelerate the adoption of the targeted products. Proposals must demonstrate a sound approach with appropriate strategies for reaching and measuring sales/market share goals within proposed schedules. Proposals should be designed to test, measure and adjust to maximize impact and to reflect a constantly changing market. Proposers may choose one or more of the targeted products to increase market share. Proposals should provide a clear plan of action, the parties involved, and how success will be defined and measured.

NYSERDA is seeking creative proposals, but **WILL NOT** accept any proposals that require NYSERDA incentives for consumer rebates or buy-downs on a per unit basis. NYSERDA will provide financial support for initiatives such as, but not limited to: longer term warranties for targeted products, special financing terms, performance guarantees, retail staff and installer/contractor training related to “selling” the value of higher efficiency training, or marketing and consumer education.

NYSERDA is seeking market-driven approaches that significantly increase sales, market share, or stocking of targeted high-efficiency products. The targeted products are high-efficiency appliances (clothes washers & refrigerators that exceed ENERGY STAR® criteria and instead meet ENERGY STAR Most Efficient or Consortium for Energy Efficiency (CEE) Tier 2 or Tier 3 criteria), high-efficiency HVAC equipment (Central AC, ductless mini-split heat pumps, and ductless mini-split air conditioners), HEMS, and heat pump water heaters.

**Category B-Pilots or Demonstration Projects:** NYSERDA will consider proposals that demonstrate and validate the potential cost savings, greenhouse gas emission reductions, energy-savings and overall feasibility and economics of home energy management systems (HEMS) to educate the marketplace as well as encourage demand and wide-scale adoption of commercially available HEMS product(s). NYSERDA is seeking projects that demonstrate HEMS technology in a residential or real-life setting with a significant focus on outreach/education and technology transfer to increase awareness and demand among contractors, builders, and homeowners. Demonstration projects in low-income homes or buildings are encouraged, but not required. Technology transfer activities should be designed to address various stakeholder needs to increase the use of HEMS that incorporate energy efficiency features and include, but are not limited to, case studies, open houses/model home tours, retail displays, presentations and/or HEMS training to contractors and builders, and press releases/events. Each HEMS demonstration must, at a minimum, control lighting, heating/cooling, and two appliances (or at least two connected outlets). Partners may propose pilots or demonstration projects that connect manufacturers/distributors with builders and contractors to showcase a HEMS product in residential applications (new and existing homes) and utilize opportunities to spur consumer interest and demand.

**Category C-Educational Retail Events:** NYSERDA will provide a 50% cost-share on consumer education events that promote and inform consumers or contractors on the products primarily listed in Categories A and B. However NYSERDA will consider promotion or consumer education of other high efficiency technologies as appropriate. The objective of the consumer retail event is to educate and influence consumers or contractors on the benefits of purchasing and installing one or more of the targeted products. Applicants must fill out Attachment E, Educational Retail Event Guidelines and Application, to be considered for a consumer event cost-share. The application includes an event overview/ description, promoted products, expected outcome, approximate attendance, event promotion, event staffing, location / dates, budget/ cost-share and indicators of success. Events are intended to be promoted at retail locations, but other events, such as home shows, events that target home improvements, or promotions that effectively educate consumers or contractors and promote targeted product sales will be considered. Applicants are encouraged to reference NYSERDA's Retail Guidelines contained in Attachment E, designed to help form a clear and cohesive event plan.

### III. Budget

A total of \$1.9 million is available for PON 3125 and it is anticipated that approximately 60 to 70 % will be allocated to category A and 30 to 40% of the funding will be dedicated to categories B and C. However, funding ratios may change based on market demand, number of proposals received, and measurable impact to the market.

Category A funding consists of approximately 60 to 70% of the \$1.9 million available. A minimum 50% cost-share is required. NYSERDA anticipates awarding up to four proposals, however, this number may change based on the overall response and potential of the proposals received.

Category B funding consists of approximately 30 to 40% of the \$1.9 million available. A minimum 50% cost-share is required. NYSERDA anticipates awarding between two to four proposals, however this number may change based on the overall response and potential of the proposals received.

Category C funding consists of approximately 10 to 20% of the \$1.9 million available. Minimum funding per event is \$1,000 and maximum funding per event is \$10,000, with a total cap of \$30,000 per proposer and a minimum 50% cost-share is required.

More funding for each of these categories may become available if PON 3125 is reissued in a second round.

#### IV. Proposal Requirements (Categories A & B)

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, PON 3125, and the page number. For **Category A-Market Support and Category B-Pilots or Demonstration Projects**, proposers should submit proposals in the following format.

1. **Proposal Checklist-Attachment A (1 page):** The Proposal Checklist form should be completed and attached to the front of the proposal.
2. **Background/Objective (1 page):** Provide sufficient background to give the reviewer an understanding of the target product(s) or HEMS pilot/demonstration, current market conditions, the barriers or challenges that exist, and benefits/features of the targeted product or HEMS demonstration. The background should provide sufficient detail to justify the need for the project, identifying the benefits/goals the project is expected to accomplish.
3. **Scope of Work (2 pages):** Provide a detailed plan that shows how and where the work will be executed and who will be responsible for performing the tasks. The scope of work should address the objectives or goals that will be accomplished and delineate each step required to accomplish the project objectives. Be clear and specific: concentrate on “how” and not “why”. Use “active voice” sentence structure to make clear who is responsible for specific actions. Use the following phrase to start the description of every task and subtask (“The Contractor shall...”).
4. **Management Plan/Schedule (1 page):** List key members of the team and their responsibilities. Provide a timeline indicating when key tasks will be executed.
5. **Qualifications (1 page):** Proposers should identify the experience of team members as it relates to the project. Also, if applicable, provide a brief synopsis or description of similar projects in which team members have participated.
6. **Project Benefits (1 page):** Describe the benefits that are expected to result from the project. For Category A, this includes demonstrated energy savings, greenhouse gas emission reductions, sales or market share increases and greater availability of the product. For Category B, project benefits include energy savings, cost savings, best practices and effective technology transfer activities that raise awareness among consumers, builders, and contractors.
7. **Cost and budget (1 page):** A Contract Pricing Proposal Form (CPPF), with associated instructions, is provided as Attachment C to this PON. Each proposal must include a completed CPPF that details the costs of the project and includes supporting information to verify labor and overhead rates. Also, detail the costs of any marketing and education activities that will go toward the project. Breakdown cost-sharing and in-kind contribution to the project, if any.
8. **Measurement and Verification (2 pages):** Proposers should describe how the project will be

monitored and how progress will be measured. For Category A proposals, the measurement and verification (M&V) activities should provide verifiable data such as sales data and/or market share information in New York State to provide a current baseline of the targeted product(s) and measure market transformation progress. NYSERDA will be flexible on data requirements, however, the proposer should identify how effectiveness/progress will be measured. For Category B proposals, M&V methods should follow recognized industry standards for collecting and evaluating quantitative and qualitative data of demonstration projects. Monitoring and data collection of the HEMS demonstration sites will be required. The technology transfer activities for Category B proposals should also be described in this section.

9. **Letters of Commitment and related attachments:** Attach any letters of support/commitment to the proposal. Other back-up or supporting documentation may be included as separate attachments. Letters of Commitment must be required for Category B demonstration sites.

A completed and signed Proposal Checklist 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.**

In compliance with §139-j and §139-k of the State Finance Law (see Section V, General Conditions below for additional information), additional forms must be completed and filed with proposals: (1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation may disqualify your proposal.

Cost Sharing - The proposal should show non-NYSERDA funding of at least 50% of the total cost of the project. Cost sharing can be from the proposer, other team members, and other government or private sources. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered "cash" contributions. Unpaid labor, indirect labor, or other general overhead may be considered "in-kind" contributions. NYSERDA will not pay for efforts which have already been undertaken. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. Show the cost-sharing plan in the following format (expand table as needed):

	Cash	In-Kind Contribution	Total
<b>NYSERDA</b>	\$	\$	\$
<b>Proposer</b>	\$	\$	\$
<b>Others (list individually)</b>	\$	\$	\$
<b>Total</b>	\$	\$	\$

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

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

NYSERDA 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.

**V. Application Requirements (Category C)**

For **Category C-Educational Retail Events**, applicants should complete Attachment E, Education Retail Event

Guidelines and Application. NYSERDA will provide up to 50% cost-share to sponsor educational events that promote one or more of the following products: high-efficiency clothes washers and refrigerators (must be either ENERGY STAR Most Efficient or CEE Tier 2 or 3); HVAC equipment such as ductless mini-splits, condensing boilers and furnaces, air and ground source heat pumps; heat pump water heaters; and HEMS. Applicants must describe how the event will promote the eligible product(s) to consumers, how it will be organized and overall logistics, total budget, and expected outcome. NYSERDA will consider the promotion of other high-efficiency technologies as appropriate, but events should focus around the targeted products listed above. Applicants are encouraged to reference NYSERDA's Retail Event Guidelines contained in Attachment E which are designed to help form a clear and cohesive event plan. Applicants who intend to apply for multiple events at different retail locations should note that NYSERDA will only approve three (3) events at a time. Applicants must address all sections in Attachment E and submit via e-mail to [PON3125@nyserda.ny.gov](mailto:PON3125@nyserda.ny.gov).

## **VI. Proposal Evaluation**

Proposals that meet the requirements set forth in this solicitation will be reviewed by a Technical Evaluation Panel (TEP) using the Evaluation Criteria below. Proposals will be evaluated compared to other proposals within the same category.

### **Evaluation Criteria for Category A**

1. Is there an opportunity to address a significant market barrier and increase market share?
  - How well does the proposed solution address a barrier or opportunity?
  - Does the proposal demonstrate a cost-effective solution to increase market share and quantify such increases or address market barriers of a targeted product?
  - Is the proposed project addressing a current challenge or opportunity that is not being addressed?
2. How significant is the opportunity to New York State?
  - Will the proposal save energy, reduce emissions, or present significant cost-savings to consumers?
  - Will the proposal increase the adoption/sales of the targeted product(s)?
  - How will the proposal benefit New York State and its residents?
3. Is the proposed work realistic/feasible and/or innovative?
  - Is the proposed strategy reasonable? Is the outcome or goal attainable?
  - Can the approach or strategy be sustained over time?
  - Can the work be accomplished without NYSERDA funding?
4. How will success be defined and measured?
  - Can the proposed work be substantiated? Does the proposal offer an approach to independently verify increased stocking, sales, or market share?
  - The measurement and verification (M&V) activities should provide verifiable data such as sales data and/or market share information in New York State to provide a current baseline of the targeted product(s) and measure market transformation progress.
  - Is there a process in place to verify or monitor progress?
5. Is the proposed strategy flexible and nimble?
  - Can the strategy be tested, measured and adjusted with ease?
  - If the approach stalls or under-performs, can adjustments be made quickly?
6. How appropriate are the costs for the proposed strategy and targeted product?
  - Does the budget address all costs of the proposal?
  - Is there at least 50% cost-sharing, in-kind contributions, or third-party investment?
7. Other
  - Does the proposer have past experience with market-based initiatives that increased sales, market share, or shelf-stocking, trained sales staff, etc.? Any experience with NYSERDA or utility-related programs?

### **Evaluation Criteria for Category B**

1. Responsiveness to the program components and requirements of the PON
  - Does the proposal comply with proposal requirements?
  - Are the proposed HEMS components commercially available and is the demonstration technically feasible?
  - How well does the proposal identify and address market barriers? Does the Scope of Work describe the approach and rationale that the proposer will take to accomplish the goals of the project?
  - Is the proposed project timeline realistic and sufficient to address current market barriers of HEMS? Is the proposal clear and well organized?
2. Technology Transfer Plan
  - Is the technology transfer plan adequate to communicate the results of the project to the diverse stakeholders in the residential energy field?
  - Are the technology transfer strategies innovative?
  - Does the plan make good use of existing venues or annual events, and maximize opportunities related to the various team members?
3. Measurement and Verification (M&V) and Data Collection Plan
  - Does the M&V plan follow accepted industry standards, provide for an appropriate approach for collecting necessary baseline data and a sufficient monitoring period?
  - Will the M&V plan assess the ability of the demonstration project to address the identified barrier(s) to broader market adoption?
  - Is the data that is proposed to be collected sufficient for estimating energy and environmental impacts and conducting cost-benefit analyses?
4. Potential for Replication
  - Does the demonstrated HEMS have potential for wide-scale replication in the residential sector?
5. Project Cost and Value
  - How significant is the potential market opportunity relative to the proposed project cost?
  - Is the funding requested adequate to achieve the proposed results and are proposed costs and indirect rates reasonable relative to other proposals?
  - Is the proposed HEMS currently cost-effective? If not, what is the likelihood that it will become cost-effective in the next several years?
6. Qualifications, Experience, and Management Structure
  - Does the team represent diverse stakeholders from the energy sector, does the proposal demonstrate that the proposer and team members have necessary qualifications and experience to undertake this project and do references confirm the ability of the team to perform this work?
  - Is the team adequately organized and how well does the management plan coordinate team resources?
  - Does at least one team member have solid experience and expertise in data collection and analysis?
7. Cost-Sharing
  - Does the proposed project include 50 percent cost-sharing? If so, how does the level of cost share compare to other proposals?
  - Does the level of cost share demonstrate a significant contribution by the proposer or team members?
  - Economic Benefit to New York State
8. Other
  - Does the proposer have past experience in demonstration projects?
  - Does the proposer have previous experience with NYSERDA or utility-related programs?
  - Does the proposer address hard-to-reach or low-income communities?

## VII. GENERAL CONDITIONS

**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and

whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSEDA 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 NYSEDA 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 accepted. 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/NYSEDA-Regulations.ashx>. However, NYSEDA 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** - NYSEDA 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** - NYSEDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSEDA 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 NYSEDA, the prospective contractor must also certify to NYSEDA 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 NYSEDA. 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** - NYSEDA anticipates making multiple awards under this solicitation. It may award a contract based on initial proposals/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. NYSEDA may request additional data or material to support applications. NYSEDA will use the attached Sample Agreement to contract successful proposals under Categories A and B. NYSEDA 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 to Categories A and B in approximately six weeks from the proposal due date whether the proposal has been selected to receive an award. NYSERDA expects to notify applicants to Category C in approximately ten (10) business days from receipt of application. 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.

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#### **VIII. Attachments:**

- Attachment A- Proposal Checklist
- Attachment B- Disclosure of Prior Findings of Non-Responsibility
- Attachment C- Instructions to Cost-Pricing Proposal Form
- Attachment D- Cost-Pricing Proposal Form
- Attachment E- Education Retail Event Guidelines and Application
- Attachment F- Instructions for Electronic Submission of Proposals
- Attachment G- Sample Agreement