

Proposals Due: August 28, 2013 by 5:00 PM Eastern Time*

Program Summary: The New York State Energy Research and Development Authority (NYSERDA) requests proposals from firms to develop and implement the Motor Systems Business Partner Program ("Program"). The goal of this solicitation is to select an implementation contractor or contracting team who will develop and deliver approaches to engage and recruit midstream market Partners ("Partners") to understand, adopt, and promote enhanced energy efficiency technologies and services through profitable business models.

Innovative approaches that address the opportunities and challenges facing the Motor Systems midstream market are sought to provide the following services on behalf of NYSERDA: 1) training and recruitment of Partners; 2) development of energy efficiency tools and strategies for Partners that enable profitable business models, enhanced energy efficiency services, and differentiation from other service providers; 3) improved coordination among Partners within and across NYSERDA's Business Partner Program technologies (i.e., Commercial Lighting and Heating, Ventilation and Air Conditioning (HVAC)); 4) increased awareness of Energy Efficiency Portfolio Standard (EEPS)-funded programs for both Partners and their commercial customers; and 5) market research and technical analyses and reporting.

NYSERDA expects to award a single contract for this solicitation. The initial contract period will be for two years at a funding amount up to \$1,070,000. The remaining available funds will support an option to renew for a period of time ending December 31, 2016, to be exercised at NYSERDA's discretion, for a total contract period of approximately three years and a total funding amount of up to \$1,570,000.

Proposal Submission: Proposers must submit: a) three (3) copies of the proposal with a completed and signed Proposal Checklist attached to the front of each copy, one of which must contain an original signature; and b) two (2) electronic copies of the proposal, one in .pdf format and one in Word (.doc) format, submitted on a single standard compact disk (CD). The electronic documents must be exact images of the final paper copy proposal. The .pdf version must include all relevant forms and signatures. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, RFP 2485
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

If you have technical questions concerning this solicitation, contact Casey Mastro at (518) 862-1090, ext. 3054 or cm5@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 or vwf@nyserda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting Casey Mastro (Designated Contact) at (518) 862-1090, ext. 3054 or cm5@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 offeror, and (2) may result in the proposer not being awarded a contract.

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

I. Introduction:

NYSERDA requests proposals from firms to assist in the evolution and implementation of the Motor Systems Business Partners Program (“Program”). The goal of this solicitation is to select an Implementation Contractor who will develop and deliver approaches to engage and recruit midstream market Partners (“Partners”). Partners often require information, tools, training, and support to adopt business practices that incorporate cost-effective technologies, strategies, and business models that deliver enhanced energy efficiency and services. Without active engagement with these Partner firms, opportunities to deliver energy and non-energy benefits in buildings are frequently lost. Building a strong network of NYSERDA Partners will ensure that the market has trained service providers who understand, offer, and implement energy efficiency measures and services. Teaming arrangements that leverage core competencies and past market transformation experience are strongly encouraged. Proposals that include teaming arrangements **must** designate one party as the prime Implementation Contractor. The prime Implementation Contractor will have overall responsibility for the administration of the Agreement and completion of the Statement of Work.

The Business Partners Program (sometimes referred to as “Midstream Market Partners Program”) is funded through the System Benefits Charge (SBC) as part of NYSERDA’s Technology and Market Development (T&MD) Operating Plan (the section pertaining to this program can be found on pages 9-57 through 9-71 of the Operating Plan, located at [Operating Plan for Technology and Market Development Programs \(2012 - 2016\)](http://www.nyserdera.ny.gov/System-Benefits-Charge/System-Benefits-Charge/SBCIV-Documents.aspx) [PDF] (<http://www.nyserdera.ny.gov/System-Benefits-Charge/System-Benefits-Charge/SBCIV-Documents.aspx>). The Implementation Contractor must demonstrate a clear understanding of NYSERDA’s T&MD Operating Plan as it relates to the roles, goals and metrics of the Business Partners Program. The Implementation Contractor will be responsible for recruiting Partners who work or provide services to commercial and industrial customers within the following utility service territories: Central Hudson Gas and Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric and Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and the Rochester Gas and Electric Corporation.

The core elements of the previous Motors Program focused on providing educational and technical support to NYSERDA’s Partners (motor suppliers, repair shops, electrical companies, manufacturers and distributors) who perform motor inventories and sell and promote National Electrical Manufacturers Association (NEMA) Premium® motors and variable speed drives (VSDs). This support was offered without monetary incentives to Partners. The Program included these activities as part of a comprehensive approach to motor management services and plans.

Through the use of these motor inventories, Partners are able to provide their customers with an action plan for the replacement of motors; identify opportunities for the installation of VSDs, motors to be repaired or replaced, and motors and VSDs eligible for incentives under EEPS Programs. All recommendations from an inventory are based on each individual customer’s required rate of investment (ROI) and available customer incentives. This approach has changed the relationship between NYSERDA’s Partners and their customers from a sales/repair call to a trusted advisor.

The initial contract period will be for two years at a funding amount up to \$1,070,000. The remaining available funds will support an option to renew for a period of time ending December 31, 2016, to be exercised at NYSERDA’s discretion, for a total contract period of approximately three years and a total funding amount of up to \$1,570,000.

II. Program Requirements/Services Requested

The Implementation Contractor will be expected to recruit and train Partners and foster the adoption of higher standard practices and expanded business models for the Partners. These efforts should increase energy savings by using approaches and strategies distinct from, and also complimentary to, EEPS-funded incentive programs. Recruitment, training and savings goals will be established for the Program by NYSERDA, which the Implementation Contractor will be responsible to meet. Program assessments will be held semi-annually during which the Implementation Contractor will: identify completed research; make recommendations to NYSERDA for new program elements; assess the level of Program success to date; and

provide NYSERDA with recommendations for changes or suggestions to improve success, as needed. The Implementation Contractor will be expected to coordinate and interact on a regular basis with the other Business Partners Program implementers for Lighting and HVAC, NYSERDA's Marketing staff and their contractors, and other NYSERDA staff as necessary.

The Implementation Contractor will inform Partners of energy efficiency measures for which NYSERDA end-user incentives are available while providing Partners with information to enable the incorporation of new tools, technologies, and strategies into their business models. The Implementation Contractor will also identify and inform Partners of the next generation of technologies and services that will lead to greater energy savings and market transformation, and demonstrate how these strategies will help the Partners establish and maintain a competitive edge in the marketplace.

Proposers to this solicitation should include core and innovative strategy elements as described below:

Core Proposal (Required):

Proposals must describe recruitment efforts and how the core components of the existing Motors Program (i.e., the use of motor inventories to identify opportunities to repair and replace motors to NEMA Premium® Standard) will be expanded upon. The proposal should identify the motor-driven systems prevalent in New York State (e.g. distribution via application, electric load, building sector, etc.) and proposed approaches to market interventions, scopes, services, and products that, if adopted by the motors and motors systems and repair supply chain, will lead to higher quality installations and services that expand energy savings opportunities. The proposal should also describe how the Implementation Contractor will inform and assist end-users in accessing Program-trained Business Partners. The proposal should identify opportunities to leverage other NYSERDA programs, such as those in Workforce Development, where, in recent years, Business Partners have received assistance for training staff on newly adopted equipment.

NYSERDA is interested in expanding the Program to include other motor-driven systems, applications and motor repair. Federal standards now require all Type I motors to be NEMA Premium®. Current market research suggests that there is great potential to expand efficiency to additional Type II motor applications, including pumps, HVAC, and other motor driven systems such as escalators, typically required to meet only federal Energy Policy Act (EPACT) of 1992 efficiency levels. For these, greater energy savings can be achieved by selection of a NEMA Premium® equivalent. Research has also indicated the opportunity for significant savings from motor repairs and NYSERDA seeks to include a motor repair aspect in the Program.

With the expansion of the Program into other motor-driven systems and applications comes the opportunity to engage and recruit other types of mid-market actors who were not previously targeted as a Motor Systems Partner. The core proposal should identify these actors and how to effectively engage them in the Program.

The most recent Program did not offer incentives to Motor Partners but instead provided educational and technical support to Partners who perform motor inventories and sell and promote NEMA Premium® motors. Currently, no funding amount has been allocated for Partner incentives. If proposers successfully substantiate within a proposed strategy that there is a need to offer incentives to meet the Program's requirements, an incentive pool, separate from the contract funds, may be made available to a maximum of \$280,000 and would expire on 12/31/16. Incentive strategies must take into consideration approaches distinct from and complimentary to EEPS. If incentives are proposed, an exit strategy must be identified for the elimination of the incentive when there is evidence that an approach or technology has been adopted by the market.

Core Proposal Requirements:

- a. Provide an overview of the demographics of motors and motor systems in New York State and market overview including primary buyers, sellers, and servicers of motors and motor systems.
- b. Inclusion of motor repair, best practice repair, and identification of appropriate applications and tools to include VSDs in existing motor and motor system installations.

- c. Incorporation of VSDs into current motor inventories.
- d. Implementation and commissioning of VSDs and motor systems where appropriate.
- e. Identification, based on motor and motor systems market knowledge, of opportunities for upgrades within motor driven systems.
- f. Increased recruitment of Partners.
- g. Promotion of best practices for motor and motor systems management based on proposer's knowledge of the motor systems market, (e.g., life cycle cost analysis, etc.)

Innovative Strategies

In addition to the core proposal, proposers must include two to four (2-4) innovative strategies for advancing both the efficiency and market development of motor systems in New York State, along with the anticipated budget. NYSERDA may select some or all proposed strategies and adjust the final budget and tasks accordingly during contract negotiations. Examples of innovation areas include, but are not limited to, the following:

- a. Utilization of national energy efficiency programs, motor sales and service centers, and manufacturers of motors and motor drives to promote sound motor systems management.
- b. Identification of how the motor and motor systems initiative c/would benefit as an entry point into a more broad set of energy management strategies (e.g., DOE ISO 50001, LEED EB, etc.).
- c. Identify the potential for a segmented approach to market engagement, by market sector or end-use, which would transform motor system analysis, planning, procurement, and operations.

Additional innovative strategies may take into consideration other technologies, service opportunities, and expanded business models that drive savings using approaches distinct from and complimentary to EEPS.

The initial contract period will be for two years at a funding amount up to \$1,070,000. The remaining available funds will support an option to renew for a period of time ending December 31, 2016, to be exercised at NYSERDA's discretion, for a total contract period of approximately three years and a total funding amount of up to \$1,570,000.

III. Proposal Requirements

Proposers must submit: a) three (3) copies of the proposal with a completed and signed Proposal Checklist attached to the front of each copy, one of which must contain an original signature; and b) two (2) electronic copies of the proposal, one in .pdf format and one in Word (.doc) format, submitted on a single standard compact disk (CD). The electronic documents must be exact images of the final paper copy proposal. The .pdf version must include all relevant forms and signatures.

Proposals that include teaming arrangements **must** designate one party as the Prime Contractor. The Prime Contractor will have overall responsibility for the administration of the Agreement and completion of the Statement of Work.

Section 1: Project Overview. The project overview shall state a clear outline for the Program. Present a clear statement of the roles, goals and objectives for the Program. Outline the elements of the core proposal and the tasks that will be initiated to expand the Program. Identify motor driven systems for which business models can be introduced and adopted to achieve greater efficiencies. Describe any additional phases, beyond the core proposal, which are anticipated. The outline should include any market assessment or intelligence that will be conducted; key goals and deliverables; a definition of what market transformation means for this approach; how it will be achieved; and the exit strategy for the Program once it is achieved.

Section 2: Market Analysis. The proposer is expected to outline in their proposal the market research and analysis prepared or reviewed in response to this RFP and what, if any, additional market analysis should be developed during the Program period. Recommendations for market analysis should include a clear outline of specific technologies, services, or opportunities; types of outreach or research that would be conducted; and expected outcomes.

Section 3: Proposed Strategy. The proposer is expected to outline in their proposal their planned strategy and approach for the Program. Proposer should lay out a clear plan on how to address the key elements outlined in *II. Program Requirements/Services Requested*. If teaming is proposed, the roles of other entities with whom the proposer intends to team must be clearly defined. Examples of other successful market transformation programs, including descriptions of the scale, duration, budget and staff to implement the Program, should be provided along with references from those programs. Proposers must provide: a) a plan for the continuation of the Program's core services, b) a proposed framework to expand support to enable our participating Business Partners innovative growth in energy efficient motor systems sales and services, and c) strategies to accelerate the adoption of sustainable and profitable sales and business models that are attractive to participating and potential Business Partners. If incentives are proposed, an exit strategy must be identified for the removal of the incentive at the point where there is evidence that an approach or technology has been adopted by the market. Two to four (2-4) innovative strategies for the Program design should be structured as stand-alone tasks with an associated task budget. NYSERDA may select some or all proposed tasks and adjust the final budget and tasks accordingly during contract negotiations.

Section 4: Scope of Work/Project Schedule. The Scope of Work identifies the specific deliverables for the project, and outlines each step required to implement the proposed strategies and accomplish the project objectives. The Scope of Work is the source document from which the contractual Statement of Work (SOW) will be developed should a contract be awarded.

For each project goal or objective, designate one or more tasks. Proposed innovative strategies to the Program design should be structured as stand-alone tasks. Describe the actions you will take to complete each task. Arrange your tasks logically and be specific as to who will perform the work; when, where and how it will be performed; and the expected result.

The following format must be used to describe each task or subtask:

Project Goal/Objective: Objective

Task 1: Task Title

Description: The Contractor shall...

Expected Result: Results will include.....

Deliverables: Deliverables will include...

Prepare a schedule showing major milestones or tasks and final project completion. The expected start date for work awarded under this solicitation is October 2013.

Section 5: Staffing Plan and Work Schedule. Prepare a project staffing plan which identifies all key personnel and indicates the roles, responsibilities, and anticipated hours allocated to each of them. Sub-contractors, if any, must be listed in the project staffing plan. Prepare a work schedule highlighting tasks and major milestones in terms of weeks or months after execution of the Agreement. Define an appropriate and realistic schedule consistent with the Statement of Work for tasks, deliverables, including progress reports (e.g., monthly, quarterly, etc.) and a final report, which should be included in the work schedule. All schedules and deliverables should allow time for review and approval by NYSERDA. Proposer must also provide NYSERDA with a list of all other contracts that they have within NYSERDA. If staff assigned to work on this project is also involved in other NYSERDA contracts, the proposer must provide information on the staffing hours and responsibilities regarding their work on other projects.

Section 6: Project Reporting and Evaluation Metrics. Describe the proposed methodology to capture qualitative and quantitative evaluation metrics as outlined in the T&MD Plan (i.e., program recruitment and training metrics, and energy and peak demand savings). Monthly reporting should include descriptions of activities and impacts, progress towards stated program goals, and other information as required by the statement of work. Cumulative metrics on Program participation and energy and peak demand savings shall be reported to NYSERDA on a semi-annually basis. Final metrics on participation, energy and peak demand savings, and market transformation shall be developed cooperatively with NYSERDA program staff

and will be subject to NYSERDA's review and approval. Briefly describe how the metrics will be used to determine the types of market interventions required in the market over time.

Section 7: Budget. Submit the attached Contract Pricing Proposal Form (CPPF) to present the total project budget and the cost of each task identified in the Scope of Work. If applicable, provide a CPPF for each subcontractor involved in the project. Co-Funding or cost-sharing is not required for this program but is viewed favorably.

Section 8: Proposer Qualifications. Provide a brief paragraph describing the nature of your business, locations, number of employees, and key personnel to be involved in the project. If a teaming arrangement is being proposed, describe the key personnel, planned responsibilities, and any previous experience working together. Provide a brief paragraph describing past or current work that you have delivered in motor systems program design and implementation, motor repair program design and implementation, or other motor market development efforts. While not required to be located in New York, companies that have offices in New York are viewed favorably. Submit an organizational chart showing key staff and responsibilities for the Project. Submit a one-page resume for each key person on the project and the task they will be responsible for. (**Note:** resumes will not be included in the total page count of the proposal).

IV. Proposal Format

A completed and signed Proposal Checklist must be attached to the front of each copy of the proposal (one of the proposals must contain the original signature). Each page of the proposal should state the name of the proposer, RFP 2485, and the page number. Total length for Sections 1 through 7 must not exceed eighteen (18) pages. Proposals should not be submitted in an elaborate format that includes expensive binders or graphics.

As part of the budget submittal, supporting documentation to support indirect cost (overhead) rate(s) is required. Include in your proposal the following:

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 adjustments for such difference. Requests for financial statements or other needed financial information may be made if deemed necessary.

V. Proposal Evaluation

Proposals that meet Proposal requirements will be reviewed by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff and selected outside reviewers using the Evaluation Criteria below, **listed in order of importance**. At NYSERDA's discretion, proposers may be requested to interview with all or part of the TEP to address any potential questions or clarifications in the proposals. Proposers will be notified if they are requested to attend an interview.

- 1) **Responsiveness to the Solicitation** - Is the proposal clearly articulated and well conceived? How well does the proposal respond to the T&MD Plan and the needs and objectives outlined in the RFP? How well does the proposal address the core requirements of the Program? How well will the innovative strategies advance the efficiency and market development of motor systems in New York State? How well does the proposal address the characteristics and needs of the Program in New York State? To what extent are the proposed goals, objectives, and strategies reasonable and appropriate? Does the proposer have a clear understanding of the Program's role, goals, the market context, and the Implementation Contractor's role? Is the statement of work comprehensive, realistic, and consistent with the solicitations requirements and goals?

- 2) **Qualifications and Experience** – Does the proposer demonstrate applicable background and experience in market transformation programs? Does the proposer demonstrate recent experience in similar market segments, regions of the country and types of program implementation? Does the proposer demonstrate familiarity with and understanding of NYSERDA, NYSERDA’s programs, utility programs, and knowledge of the Motor Systems market? If a team has been proposed, is the proposal strengthened by the integration of the team’s core competencies, past project experience, and relationships within the market? Are the team’s roles clearly defined? How relevant to the Program’s needs are the educational and technical experience of key staff? Has the proposer dedicated appropriate staff to the Program? How appropriate are the key staff assignments to the Program’s needs and goals? Does the proposer identify a main contact who will manage the Program?
- 3) **Innovative Strategies** – Does the proposal include new, innovative strategies? What makes the strategies different from what NYSERDA or other efficiency programs have done in the past? Will these strategies allow NYSERDA to recruit more Partners, expand Partner business models, increase their profitability, increase Partners’ ability to be competitive in the market, and keep Partners in the forefront of new technologies, services, and products?
- 4) **Staffing Plan and Work Schedule** – Does the proposer have adequate staff to perform outlined tasks? Does the proposer offer a clear staffing plan that outlines staff and key tasks that they will be assigned? Is staff located in New York? Does the proposer offer a teaming approach, and if so, are the key personnel and their responsibilities identified? Does the proposer indicate how the roles and outputs of its staff and team members will be coordinated? Is the work schedule reasonable for the tasks identified? Does the work schedule include time for NYSERDA staff review and approval? Is the work schedule consistent with the goals of the Program?
- 5) **Budget and Cost** – Is the budget and overall cost reasonable? How cost effective is the proposal based on the overview and proposed strategies? Are allocations and distribution of task hours and assigned staff members appropriate? Are the hourly rates reasonable and appropriate for the level of designated personnel completing the work? Are overhead rates, indirect costs, sub-contracting fees, and other cost multipliers reasonable and appropriate?

VI. 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 exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://nyserda.ny.gov/~media/Files/About/Contact/NYSERDARegulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

Empire State Development
Division for Small Business

30 South Pearl Street
Albany, NY 12245

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

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street
Albany, NY 12245

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>. The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf).

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 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. NYSERDA expects to notify proposers in approximately (16) weeks from the proposal due date whether your proposal has been selected to receive an award.

Limitation - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. 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.

VI. Attachments:

- **Attachment A** – Proposal Checklist
- **Attachment B** – Disclosure of Prior Findings of Non-responsibility

- **Attachment C** – Contract Pricing Proposal Form (CPPF)
- **Attachment D** – Intent to Propose
- **Attachment E** – Sample Agreement