



**Implementation Support for Workforce Development and Training  
Request for Proposals (RFP) 2690  
\$1,200,000 Available**

**Proposals Due: June 18, 2013 by 5:00 PM Eastern Time\***

The New York State Energy Research and Development Authority (NYSEERDA) requests proposals from interested parties to provide implementation and support services for NYSEERDA's Workforce Development and Training (WFD) program. Through a statewide network of training providers, NYSEERDA supports a variety of clean energy workforce development and training initiatives. The Implementation Contractor, in coordination with NYSEERDA, will be responsible for various implementation activities to help Energy Efficiency (EE), Renewable Energy (RE) and Advanced Technologies (AT) training and standards to gain wide-scale market acceptance. These activities include, but are not limited to: coordination and effective communication across a statewide network of training providers; assisting with reviewing and processing NYSEERDA training incentives and open enrollment program applications; collecting, analyzing and reporting a wide range of WFD program metrics; assisting with coordinating NYSEERDA WFD initiatives; conducting informational sessions and webinars for training providers; identifying case studies and testimonials; and evaluating and updating training partner information that will be available on the NYSEERDA website. Clean energy training entities are not eligible to apply.

The implementation contract will be issued for an initial term of two (2) years with the option to renew annually for up to an additional two (2) years.

**Proposal Submission:** Proposers must submit seven (7) double-sided paper copies and seven (7) CDs 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. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 2690  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Ryan Moore (Designated Contact) at (518) 862-1090, ext. 3267 or [rtn@nyserda.ny.gov](mailto:rtn@nyserda.ny.gov). If you have contractual questions concerning this solicitation, contact Elsyda Ahmed at (518) 862-1090, ext. 3232 or [ela@nyserda.ny.gov](mailto:ela@nyserda.ny.gov).

No communication intended to influence this procurement is permitted except by contacting Ryan Moore at (518) 862-1090, ext. 3267 or [rtn@nyserda.ny.gov](mailto:rtn@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.

\*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 NYSEERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEERDA's web site at [www.nyserda.ny.gov](http://www.nyserda.ny.gov).

## **I. Introduction**

NYSERDA is a public benefit corporation established pursuant to Title 9 of Article 8 of the Public Authorities Law of the State of New York. NYSERDA's principal mission is to develop innovative solutions to some of the State's most difficult energy and environmental problems. NYSERDA's aim is to help New York meet its energy goals: reducing energy consumption, promoting the use of renewable energy sources, and protecting the environment. NYSERDA's programs and services provide a vehicle for the State to work collaboratively with businesses, academia, industry, the federal government, environmental community, public interest groups, and energy market participants. Through these collaborations, NYSERDA seeks to develop a diversified energy supply portfolio, improve market mechanisms, and facilitate the introduction and adoption of advanced technologies that will help New Yorkers plan for and respond to uncertainties in the energy markets.

This solicitation seeks implementation support to help NYSERDA administer and manage Workforce Development (WFD) program activities that include, but are not limited to: coordination and effective communication across a statewide network of training providers; assisting with reviewing and processing NYSERDA training incentives and open enrollment program applications; collecting, analyzing and reporting a wide range of WFD program metrics; assisting with coordinating NYSERDA WFD initiatives; conducting informational sessions and webinars for training providers; identifying case studies and testimonials; and, evaluating and updating training partner information that will be available on the NYSERDA website.

### Background

New York's ambitious energy and environmental goals will only be met with an adequate supply of workers with the right skills who are able to meet the market demands of the energy efficiency, renewable energy and advanced technology sectors. The purpose of NYSERDA's WFD program is to help build a generation of New Yorkers ready to lead and work in a clean energy economy through workforce development and training programs for existing and emerging technologies and clean energy jobs. To support New York's clean energy goals, which includes fostering economic growth and job creation/retention, NYSERDA supports a number of training providers, contractors and businesses looking to hire new employees, trade groups, unions and others looking to advance the skills of existing workers.

With over 70 statewide training partners and more than 6,000 individuals trained last year alone, NYSERDA's WFD program is growing rapidly. In the past decade alone, technological advancements in the clean energy field have grown significantly and as a result, jobs exist today that were previously unheard of. Workers need to constantly upgrade skills to keep pace with technology and to obtain and retain valuable certifications. Products and services are entering the market at a rapid pace to meet the ever-changing consumer demand in today's society. Unfamiliarity with new technologies and strategies and the lack of an adequate supply of trained workers capable of designing, installing, maintaining, and servicing new technologies are often impediments that affect the market acceptance of energy efficiency, renewable energy and advanced technology products and services.

### Program Goals

The WFD program is designed to help facilitate the demand for reliable renewable energy, emerging or advanced technology, and energy efficiency services. Efforts will capitalize on training infrastructure and resources previously developed. To facilitate the adoption of new and underused technologies, the WFD program assists, where necessary, in developing new training initiatives and infrastructure to quickly advance the skills of existing and emerging workers. The skills of existing workers will be upgraded and emerging workers will be trained through programs that link new workers to jobs or the next level of training necessary to obtain a job. Goals for the WFD program are as follows:

- Roll-out a comprehensive portfolio of technical training that is offered routinely throughout the year and across the state, focusing on established courses at established training facilities;
- Add new community colleges to the training network where gaps exist, and with community colleges that can demonstrate linkages to businesses and job placement success;
- Develop advanced courses for renewable energy that can be offered as continuing education to practitioners and as integrated components of college certificate and degree programs, trades training, etc.;
- Expand on-the-job training, internship, and apprenticeship initiatives;
- Identify and develop necessary certifications with third-party professional certifying organizations;
- Provide the clean energy workforce with the skills necessary for proper installation, operation, and maintenance of energy systems in order to realize anticipated energy savings and energy production, targeting professional services and construction industries (contractors, builders, energy engineers, design engineers, architects, and LEED supervisors and coordinators, etc.);
- Better defined career paths relating to training initiatives with a clear direction leading to a job or certification;
- Expand on existing relationships between training organizations and companies such as HVAC contractors, electricians, plumbers, builders, and general contractors, etc. to ensure successful linkages between training and jobs;
- Fully integrate renewable energy and energy efficiency training into certificate and college degree programs;
- Provide stackable credentials for workers that are portable; and,
- Develop self-sustaining training programs.

### Program Design

WFD activities will be delivered through competitive solicitations and open enrollment incentive offerings. Activities supported will include work standards and certification development, curriculum development, training for trainers, training institution accreditation, practitioner certification, tuition support, etc. Courses will include workshops, seminars, one-week courses, credit-bearing classes, degrees (two-and four-year), certificate programs, and professional development initiatives that provide continuing education credits. Courses may be delivered in classrooms, at the work place or job-site and online.

Specific strategies will be designed to improve the design, installation, inspection, operation, maintenance, control and monitoring of systems, technologies, or measures on the customer side of the meter across three areas:

- Renewable Energy (RE) - includes energy that is generated by natural resources, such as the sun, wind and biogas. Goals for use of these resources in New York State are addressed in the State's Renewable Portfolio Standard. Activities under the WFD Initiative will help achieve these clean energy goals by addressing, among other things, the demand for advanced training to keep pace with new technologies and certifications.
- Advanced Technologies (AT) - emerging renewable energy or energy efficiency technologies are proven technologies (or technologies that emerge over the next 3-5 years) that typically result from R&D efforts and show potential benefits such as efficiency gains or performance or reliability improvements, yet are not commercialized or have not yet met some threshold of market penetration. This can represent a new technology, improvements to an existing technology or new applications of existing technologies. WFD activities that address advanced technologies may include pilot-scale trainings focused on specific technologies. Once the technology or practice takes hold in the market, training initiatives would be included in the more traditional energy efficiency or renewable energy training components.

- Energy Efficiency (EE) - measures that help consumers and businesses use less energy while providing the same or an improved level of system performance, comfort and convenience. Energy efficiency can provide savings related to the building shell, lighting, HVAC systems, insulation, motors, building controls, appliances, or system operation and maintenance. Workforce Development initiatives for energy efficiency focus on certification-based training for existing practitioners as well as for new entrants to the workforce seeking skills training to better compete for employment opportunities.

## **II. Program requirements**

This section outlines the specific tasks and responsibilities to be performed by the Implementation Contractor in support of NYSERDA's WFD program as described above. Up to \$1.2 million is available for a two-year contract that is anticipated to be executed by August 1, 2013. Preliminary estimates of hours for routine tasks are presented below as a guide, however these hours are subject to change as the WFD program expands, new initiatives are developed, priorities change, etc. During the contract period, for the contractor selected under this solicitation, NYSERDA may request an estimate for special or new tasks consistent with this PON and within the total PON budget. In such cases, the Contractor will be asked to prepare a detailed estimate of all costs for each new or special assignment for NYSERDA's review and approval. These estimates shall be submitted to NYSERDA's Project Manager electronically. NYSERDA shall respond electronically within five business days of receipt of estimate with approval and/or subsequent course of action.

Proposers must demonstrate experience (or access via subcontractors) related to program processes such as data collection, analysis, and reporting; processing and monitoring incentive payments; developing case studies; and creating webinars and information sessions. Experience with training must be demonstrated. The Implementation Contractor will become a part of the team responsible for the effective deployment of the program statewide and will help NYSERDA ensure the delivery of WFD program goals. Clean energy training entities/providers are not eligible to apply.

### **Services Requested**

#### **1) Project Management/Administration**

The Contractor shall manage and supervise all Tasks associated with this contract during the Agreement period including, but not limited to meetings, phone, webinars, e-mail communications, planning, reporting, billing, and other implementation efforts in support of NYSERDA projects and programs.

#### **2) Data Collection and Reporting**

NYSERDA's WFD program portfolio success is measured by accurate data collection and performance metrics. Quality data collection is critical to ensuring the effectiveness of the program. The Implementation Contractor will be responsible for collecting and tracking information from training providers. NYSERDA is developing a data system that the Contractor will use for data collection and reporting related to WFD activities regionally and statewide, including WFD training data by training provider (EE, RE or AT), county, legislative districts, utility service area, etc. There will also be a need to track post-training job placement or employment (it is anticipated that NYSERDA will need to coordinate with the NYS Department of Labor on this task). The Implementation Contractor will be responsible for monthly, quarterly, and annual reports that summarize WFD activities as reported by partners and contractors. It is anticipated that routine data collection and reporting tasks will require 15 to 25 labor hours a week, however this is expected to increase over time as programs are rolled out and as contracts with training partners get underway.

#### **3) Training Provider Coordination**

The Implementation Contractor shall assist NYSERDA with providing effective coordination and communication to the training provider network, ranging from regular WFD program updates to

ensuring all data reporting requirements are fulfilled. The Implementation Contractor shall develop a correspondence system that can alert the training provider network by type (EE, RE, AT), region, and/or statewide. While NYSERDA will work with the Implementation Contractor to develop the messages and correspondence, the Implementation Contractor shall be responsible for the delivery of the communication. It is anticipated that this task will require 15 to 25 labor hours a week, however this expected to change over time as programs are rolled out and as contracts with training partners and initiatives get underway.

The Implementation Contractor shall assist NYSERDA project managers with growing, developing and coordinating activities amongst the training providers where possible. Where gaps are identified, the Implementation Contractor will assist with identifying and reaching out to training providers. The specifics of this are addressed below in the Outreach and Intake section. In addition to recruitment, the Implementation Contractor will perform the responsibilities that include, but are not limited to:

- Maintaining and updating WFD training services, offers, training provider contact information, and WFD web pages;
- Ensuring new and existing training providers are informed about new practitioner certifications, training accreditation initiatives and steps, national initiatives that can enhance program performance and coordination, and are capitalizing on opportunities to market initiatives, etc;
- Keeping training partners informed about events, conferences and other outreach and marketing initiatives as well as reaching out to training partners to participate in specific events in partnership with or on behalf of NYSERDA, as appropriate;
- Coordinating with the New York State Department of Labor (NYS DOL) when assisting with career pathways and on-the-job training initiatives.

#### **4) Outreach and Intake**

The Implementation Contractor will provide services to help identify and recruit participants into the WFD programs. It is anticipated that this task will require 10-15 labor hours per week, however this expected to change over time as programs are rolled out and as contracts with training partners get underway. These services will include, but will not be limited to the following:

- Work with the WFD Marketing Contractor to develop materials and implement strategies for recruiting trainees/students and training providers. This assistance may include, but not be limited to: developing case studies/testimonials, developing content for print, web, or presentations; help to design, coordinate and implement meetings and other events targeted to WFD; strategize on outreach, intake, and marketing efforts to increase program participation, etc.
- Identify gaps in WFD training services and implement new or innovative strategies to address training gaps.
- Promote NYSERDA's WFD program at the local, regional, and statewide level to extend awareness of NYSERDA's WFD opportunities to various audiences, including clean energy employers, training providers, higher education institutions, and the general public. Coordinate with other New York State agencies to inform them and collaborate on WFD initiatives.
- Coordinate or attend events, conferences, seminars, or webinars as requested by NYSERDA and deemed appropriate.
- Assist in populating and maintaining a training provider resource page and updating the training map for the NYSERDA WFD web pages.
- Recruit participants and work with NYSERDA's WFD Marketing Contractor to develop a lead management system that tracks sources from a Customer Relationship Management (CRM) database or from phone, e-mail, and conference/meeting inquiries.

## **5) WFD Project Facilitation**

The Implementation Contractor will oversee and work with training providers and contractors to ensure that the necessary requirements related to NYSERDA WFD program opportunities are properly executed. This may include, but is not limited to:

- Coordinating periodic webinars, seminars, and meetings for both participating and non-participating WFD training providers.
- Assisting training providers with the WFD application process in regards to open-enrollment solicitations, to ensure that the training proposal is complete, accurate, and realistic.
- Reviewing and facilitating training payments to eligible trainees as set forth in the requirements of PONs, etc.
- Providing periodic assistance to project managers to help evaluate training milestones, related training schedules, and progress toward training goals.

It is anticipated that this task will require 30-40 labor hours per week, subject to change.

## **6) Collaborations and NYSERDA Meetings**

The Implementation Contractor will work with NYSERDA and participate at the local, state, and national level to refine and expand the WFD program. The Implementation Contractor will work with NYSERDA, training providers, and third-party certification organizations to develop large-scale training opportunities that lead to a vibrant clean energy workforce. Some examples may include: working with the U.S. Green Buildings Council to coordinate or inform target sectors on the development of various LEED certifications; coordinate with professional organizations such as Association for Energy Engineers, American Institute of Architects, the Building Performance Institute, Building Performance Contractors' Association, unions, and other membership organizations to develop training and certification in specific service areas to their members; and, work with other state agencies, as appropriate, to coordinate and promote WFD training. The Implementation Contractor may be asked to attend conferences, seminars, and other events. The Implementation Contractor will be required to develop a general understanding of all of NYSERDA's Program offerings to further identify WFD training opportunities. The Implementation Contractor will participate in a weekly conference call with NYSERDA to discuss current WFD issues and concerns as they arise. The Implementation Contractor will also be expected to assist with stakeholder meetings to solicit input on the WFD programs and participate in numerous issue-specific meetings and WFD strategy meetings. It is anticipated that this task will require 15 to 25 labor hours per week, subject to change.

## **7) Special Projects and Miscellaneous Tasks**

The Implementation Contractor may be tasked with additional responsibilities related to the services requested above and within the budget of this PON. This may include special projects to improve program effectiveness and address new WFD training needs.. New tasks may be added to the resulting contract if additional funds become available in the future..

### **Proposer Qualifications**

Proposers are expected to demonstrate an understanding of NYSERDA's WFD program components, including:

- Technical training, curriculum, and related certifications/accreditations for the EE, RE, and AT concentrations, including, but not limited to: the Building Performance Institute (BPI), the North American Board of Certified Energy Practitioners (NABCEP), the Leadership in Energy and Environmental Design (LEED), Certified Energy Manager (CEM), and Certified Energy Auditor (CEA);
- Current WFD training program opportunities;
- Current training providers and locations; and

- WFD operating plans, orders, and related goals:  
<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=35164>

### III. Proposal Requirements

Proposers must submit seven (7) double-sided paper copies and seven (7) CDs of the completed proposal to the attention of Roseanne Viscusi as identified at the address on the front of this Request for Proposal. A completed and signed Proposal Checklist must be attached as the front cover of your proposal, one (1) of which must contain an original signature. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.** Faxed or e-mailed copies will not be accepted. Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Do not include unnecessary attachments beyond those sufficient to present a complete and effective response.

Each page of the proposal should state the name of the proposer, the RFP number, and the page number. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support proposals. Proposers shall possess the expertise and experience to complete all aspects of the WFD program successfully.

Proposers are also encouraged, but not required, to submit the Intent to Propose form (Attachment C to this RFP.)

Proposers must state how the objectives of this initiative will be achieved and how the tasks listed in **Section II** will be completed. The proposal shall be in the following format:

- **PROPOSAL CHECKLIST** - The checklist to be completed is attached to this RFP. The checklist must be attached to all seven (7) copies of the proposal. At least one (1) copy must contain an original signature.
- **SECTION 1: INTRODUCTION AND GENERAL INFORMATION** - The proposer should briefly identify key information about their organization. Proposers should describe why they feel they are best qualified to perform and complete the services requested under this RFP. This section should be limited to no more than one (1) page and provide a brief introduction of the proposer and their team members, if applicable.
- **SECTION 2: STATEMENT OF WORK** - The Statement of Work details how the proposer will fulfill the tasks outlined in **Section II**. The Statement of Work for this proposal will be the basis for the primary contractual document that identifies the deliverables and provides a basis for payment. It is an action document that specifically delineates each step or procedure required to accomplish the tasks outlined in **Section II**. The Statement of Work must be prepared as an ordered set of tasks, including subtasks as necessary. The Proposer should describe their approach/methodology and define their rationale for the proposed approach. Each action should, therefore, be identified, indicating who will perform it, how it will be performed, when it will be performed, and its anticipated deliverables. In addition to responding to the defined tasks, the proposer is invited to present additional tasks as long as they promote, and are consistent with, the goals and objectives of this initiative. In order to effectively evaluate a proposer's Statement of Work, there must be concrete and specific ideas presented in the proposal for each element of all tasks. Proposers are expected to demonstrate their understanding of each task and what it entails by elaborating on how they would carry them out. This section should be limited to no more than five (5) pages.
- **SECTION 3: MANAGEMENT STRUCTURE** - The proposal shall identify all project participants, including the program manager, who will be the Implementation Contractor lead, responsible for ensuring that the tasks within the Statement of Work are carried out

properly and in a timely manner. The proposer shall provide a clear description of the roles and responsibilities of each key person in completing the work plan. An organizational chart shall be included in the proposal. The proposer shall describe how they will coordinate with the NYSERDA Project Manager. The proposer shall discuss the roles and responsibilities of subcontractors or any external resources. Proposers must have an office located in New York State and develop an approach that minimizes travel costs and maximizes use of teleconferences, web-based communications, etc. (1-2 page limit)

- **SECTION 4: QUALIFICATIONS** - The proposer shall demonstrate how they are qualified to carry out each of the tasks in the Statement of Work. The proposal should clearly demonstrate that the proposer meets the experience, skills, and abilities necessary to effectively develop and implement the WFD program. The proposer should be familiar with NYSERDA's current WFD programs and demonstrate an understanding of the energy, the higher education, and technical training fields. Proposals should include examples of relevant projects and programs that have been completed by the proposer that would demonstrate their qualifications to develop and implement the WFD program. The proposer should include at least three (3) references or letters of support from individuals or organizations for whom it has completed projects. Resumes of all team members should be provided in an appendix. The selected proposer shall have sufficient licenses for all data and reporting software used in order to fully support the WFD projects. Proposers must demonstrate: 1) an understanding of the different regional markets and socioeconomic factors across New York State; 2) the ability to effectively serve training providers across New York State; and 3) that a majority of staff employed for this Program will be located in New York State. (1-2 page limit)
  
- **SECTION 5: STAFFING PLAN** - Include a staffing plan that identifies the key personnel, including any subcontractors or other resources, responsible for completing each task, major subtask, and their work location. Provide a table showing the number of hours each staff person or subcontractor will spend on each task and the total hours per task. (1-2 page limit)
  
- **SECTION 6: COST PROPOSAL** - The Contract Pricing Proposal Form (CPPF) is included as an attachment to this RFP (Attachment D). The proposal must include a completed CPPF for each of the following:
  - Provide detailed budget, including direct and indirect costs/rates, "in-kind" contributions, labor hours, etc. necessary to execute the entire Statement of Work.
  - Provide detailed budget breakdowns (using the Supporting Schedule for the CPPF) for materials, equipment, and travel.
  - Provide a detailed budget for any subcontractors or external resources.
  - Attach supporting documentation to support indirect cost (overhead) rate(s) included in your proposal as follows:
    - 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).
    - If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
    - 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.

- **APPENDICES** - Materials to be submitted in appendices include:
  - Disclosure of Prior Findings of Non-responsibility (included as Attachment B to this RFP)
  - Resumes of key personnel who will complete tasks described in the Statement of Work.
  - If applicable, include letters of commitment, signed by a person authorized to bind the organization, for all participating organizations or subcontractors.
  - If applicable, a list of the NYSERDA contracts your organization and/or team members have received.
  - Other material deemed necessary by the proposer.

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

Procurement lobbying requirements contained in State Finance Law sections 139-j and 139-k became effective on January 1, 2006. (The text of the laws is available at: <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>). In compliance with §139-j and §139-k of the State Finance Law, for proposals submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of \$15,000, additional forms must be completed and filed with proposals: (1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation will disqualify your proposal.

#### **IV. Proposal Evaluation**

All proposals received by the due date and meeting the submission requirements established in this RFP will be reviewed and ranked by a Technical Evaluation Panel (TEP) consisting of NYSERDA staff members and outside technical experts. The selection of the Implementation Contractor is expected approximately eight (8) to ten (10) weeks after the solicitation due date. Selection will be based on the following criteria:

##### **Relevant Experience and Qualifications**

Does the Proposer demonstrate an understanding of the tasks associated with implementing the initiatives funded through the WFD program? Have they demonstrated that they have the qualifications and experience necessary to implement these tasks? Are key personnel's education and experience relevant to the program needs? Is the Proposer's staff overall capability appropriate? How well does the proposing team demonstrate recent experience in the context of similar programs? Has the proposer demonstrated strong project management capabilities? What is the quality of the program staff's performance on past projects?

##### **Technical Expertise**

How well does the proposer understand the energy, the higher education, and technical training fields? How well does the proposer understand WFD program components and goals? Does the proposer have program implementation experience, especially implementing or supporting the implementation of large-scale programs? Does the proposer have experience with data collection, reporting and analysis? Does the proposer have experience with program coordination, organizing webinars, developing case studies, developing website content, etc.

##### **Location and New York Presence**

Does the proposer demonstrate the ability to serve training partners across New York State? How well does the proposer demonstrate the capacity to develop and help oversee a network of training providers to provide services statewide? Does the proposer have an office in New York? Has the proposer demonstrated that a majority of its staff will be located in New York State?

## Cost

How cost-effective is the proposal? What is the labor cost per hour to develop and implement this program? Are the direct and indirect cost rates and total hours reasonable for completion of each task? Are there any leveraged resources, in-kind contributions, or cost sharing arrangements? Has the proposer demonstrated that travel costs will be minimized?

## V. 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://nysesda.ny.gov/~media/Files/About/Contact/NYSERDARegulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

Empire State Development  
Division For Small Business  
30 South Pearl Street  
Albany, NY 12245

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

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

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

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

**Tax Law Section 5-a** - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has

created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)).

Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

**Contract Award** - NYSERDA anticipates making one under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal (see Proposal Checklist). Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately ten (10) weeks from the proposal due date whether your proposal has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

**Limitation** - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement.

**Disclosure Requirement** - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

#### **VI. Attachments:**

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non- Responsibility

Attachment C - CPPF and Instructions

Attachment D - Intent to Propose

Attachment E - Sample Agreement