



Proposals Due: June 3, 2013, by 5:00 P.M. Eastern Time*

Green Jobs-Green NY (GJGNY) is a statewide program that promotes energy efficiency, reduces energy consumption and greenhouse gas emissions, supports sustainable community development, and creates job opportunities. On-Bill Recovery (OBR) Loans allow eligible building owners to finance qualifying energy efficiency projects through a charge which appears on their utility bill. OBR Loans were made available through GJGNY and the Power New York Act of 2011 for eligible customers in 1-4 Family Residential, Small Business/Not-For-Profit and Multifamily buildings. The legislation requires that ownership of the property receiving an OBR Loan must be verified through a Last Owner Search. Upon closing of the loan, a Declaration is recorded for the property, the purpose of which is to notify subsequent buyers that an OBR Loan is present.

The New York State Energy Research and Development Authority (NYSERDA) is seeking one or more Title Company(s) to provide Last Owner Search and Declaration recording services in support of NYSERDA's OBR Loans. A qualified Title Company must have the necessary resources in place to provide Last Owner Search results within 3-5 business days (on average) and to submit Declarations for filing with the appropriate local recording office within five (5) business days of receipt. Between the OBR Loan Program's inception on January 30, 2012, and December 31, 2012, there were approximately 1,250 Last Owner Searches performed and 500 Declarations recorded. Qualified Title Company (s) will need to document their ability to meet the required turnaround times based upon a similar annual estimated volume of Last Owner Search and Declaration recording submissions. Each proposer will provide NYSERDA with a flat fee schedule for the processing of Last Owner Searches and Declarations. Fees imposed by local government offices for the recording of Declarations will be paid up-front by the Title Company with NYSERDA reimbursing the Title Company at cost for these fees. NYSERDA will provide the Title Company with an Advance to prevent the Title Company from experiencing a cash flow deficit between the time Last Owner Searches and Declaration recording services are performed and reimbursement is received from NYSERDA.

Proposal Submission: Proposers must submit eight (8) 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.* One (1) electronic copy of the proposal, on disc, is also required. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 2712
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Erik Gilbert at (518) 862-1090, ext. 3562 or ejg@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.

No communication intended to influence this procurement is permitted except by contacting Erik Gilbert at (518) 862-1090, ext. 3562 or ejg@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 and proposals lacking the appropriate completed and signed Proposal Checklist will be returned. 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.org.

I. INTRODUCTION

A. Background

Green Jobs-Green NY (GJGNY) is a statewide program that promotes energy efficiency, reduces energy consumption and greenhouse gas emissions, supports sustainable community development, and creates job opportunities. On-Bill Recovery (OBR) Loans allow eligible building owners to finance qualifying energy efficiency projects through a charge which appears on their utility bill. OBR Loans were made available through GJGNY and the Power New York Act of 2011 for eligible customers in 1-4 Family Residential, Small Business/Not-For-Profit and Multifamily buildings. The legislation requires that ownership of the property receiving an OBR Loan must be verified through a Last Owner Search. Upon loan closing, a Declaration is recorded for the property, the purpose of which is to notify subsequent buyers that an OBR Loan is present.

NYSERDA is seeking one or more Title Company(s) to provide Last Owner Search and Declaration recording services in support of NYSERDA's OBR Loans. Qualified Title Company (s) must be able to provide statewide coverage and have the necessary resources in place to provide Last Owner Search results within 3-5 business days (on average) and to submit Declarations for filing with the appropriate local recording office within five (5) business days of receipt.

1-4 Family Residential Financing

On January 30, 2012, OBR Loans became available for eligible energy efficiency improvement for owners of 1-to 4 unit residential buildings served by the following utilities: Central Hudson, Con Edison, Long Island Power Authority, National Grid (upstate NY customers only), New York State Electric and Gas Corporation, Orange & Rockland Utilities, and Rochester Gas and Electric. Requirements for a residential OBR Loan include the applicant must own or lease and manage the 1-to 4 unit residential building and be named on the utility account of one of the utility providers noted above.

OBR Loans are repaid through a NYSERDA loan installment charge which appears on the customer's utility bill. To qualify, residential energy efficiency improvements must be installed by a Building Performance Institute (BPI) accredited contractor who participates in NYSERDA's Home Performance with ENERGY STAR program.

Loans are for terms of 5, 10, or 15 years in amounts up to \$13,000 or up to \$25,000 subject to higher cost-effectiveness requirements. The interest rate for an OBR Loan is currently fixed at 3.49%.

NYSERDA has contracted with Energy Finance Solutions (EFS) to originate residential OBR Loans on NYSERDA's behalf. As part of the applicant eligibility review, EFS will order a Last Owner Search from the Title Company to determine ownership of the property. Upon closing of the loan, the Title Company will be notified by EFS to record a Declaration on the property. Upon full payment of the loan, the Master Loan Servicer will notify the Title Company to record an additional Declaration indicating the OBR loan has been satisfied.

Multifamily Residential Financing

To be eligible for a Multifamily OBR Loan, a customer must own, lease or manage the building. A lessee or manager of a multifamily building must obtain a release from the owner to enter into the loan. If the borrower defaults on the loan, the owner of the property is responsible for the balance of the loan.

NYSERDA will be the lender using a loan origination service to provide due diligence services for approving loans.

As with the residential OBR program, building owners would repay the loan as part of the utility bill. Terms will be similar to the residential OBR program. The interest rate will be the same as the residential OBR financing as will the maximum loan term. The multifamily OBR financing program will have maximum loans of \$500,000 per project.

Small Business/Not-For-Profit Residential Financing

To be eligible for an OBR Loan, a Small Business or Not-For-Profit customer must either own a non-residential building or lease or manage all or part of the building and obtain a release from the owner to enter into the loan. If the borrower defaults on the loan, the owner of the property is responsible for the balance. Small Business/Not-for-Profit OBR Loans are capped at \$50,000.

OBR Loan Distribution

Between the OBR Loan Program’s inception on January 30, 2012, and December 31, 2012, there were approximately 1,250 Last Owner Searches performed and 500 Declarations recorded. The table below represents the regional distribution of OBR loans.

Region	OBR Loans Closed
Capital Region - Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady, Warren, Washington	99
Central Region - Cayuga, Cortland, Madison, Onondaga, Oswego	30
Finger Lakes - Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates	22
Long Island - Nassau, Suffolk	105
Mid-Hudson - Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester	126
Mohawk Valley - Fulton, Herkimer, Montgomery, Oneida, Otsego, Schoharie	14
New York City - Bronx, Kings, New York, Queens, Richmond	14
North Country - Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, St. Lawrence	14
Southern Tier - Broome, Chemung, Chenango, Delaware, Schuler, Steuben, Tioga, Tompkins	50
Western New York - Allegany, Cattaraugus, Chautauqua, Erie, Niagara	26

II. TITLE COMPANY RESPONSIBILITIES

A. Last Owner Searches

1. Upon request from a NYSERDA Loan Originator, Title Company will provide a Last Owner Search (Last Deed of Record) in support of NYSERDA’s OBR Loans. Title Company will provide the names of all owners listed on the Last Deed of Record. The

Last Owner Search will include a Schedule “A” legal description of the property. Title Company will scan the document and the file will be sent electronically to the requesting party. This information will be used by the Loan Originator to complete the owner Declaration document. The Last Owner Search must be legible and contain sufficient information to complete the Declaration document. Title Company will be required to turn around Last Owner Searches within a specified timeframe to prevent project delays. On average, NYSERDA expects Last Owner Search requests to be fulfilled between three (3) and five (5) business days. In the event a Last Owner Search cannot be completed within five (5) business days, the Title Company will correspond with the Loan Originator to promptly identify the exception and, if feasible, provide an estimate when the request may be fulfilled.

2. In the event of a utility account closure with an OBR Loan where a successor does not establish service within 60 days, NYSERDA’s Master Loan Servicer will forward the property address to the Title Company who will again perform a Last Owner Search to confirm the current owner of the property. The Title Company will then forward documentation electronically to the Master Loan Servicer to allow for the initiation of direct billing of the On-Bill Loan balance with the current property owner.

B. Declaration Recording Services

1. Following the closing of an OBR Loan, the Loan Originator forwards the executed owner Declaration document to the Title Company. The Title Company will review the Declaration document for accuracy and file via overnight courier with the appropriate county/local government office. The Declaration is not a lien on the property but is filed in a similar way as a Mortgage to provide notice to others of the property owner’s OBR Loan obligation. On average, NYSERDA expects Declarations to be reviewed and submitted to the appropriate recording office within five (5) business days of receipt from the Loan Originator. Once recorded, the Declaration will be returned to the Title Company, reviewed for accuracy, and then forwarded to NYSERDA’s Master Loan Servicer within five (5) business days.
2. Following satisfaction of an OBR Loan, the Loan Servicer will provide notification to the Title Company. Title Company will file (either in person or by mail) a satisfaction Mortgage/Declaration with the proper city, county or local government office for filing within 30 days of notification. Once recorded, the Title Company will forward the satisfied mortgage/declaration document to the Master Loan Servicer who will provide a copy to the property owner of record.

C. Loan Originator Support

1. In the event the Loan Originator encounters a unique situation regarding the ownership status of a property, the selected Title Company (s) will work collaboratively with the Loan Originator to ensure that Declarations are prepared in a way that the document will be accepted for recording by the appropriate recording office. Selected Title Company (s) must exhibit willingness to work collaboratively with NYSERDA's Loan Originators and share expertise as unique situations arise.

D. Work Distribution

1. In the event more than one (1) Title Company is selected, work will initially be distributed based upon the evaluation and rating of proposals from the selected Title Companies. NYSERDA reserves the right to adjust future work distribution based upon performance of the selected Title Companies.

E. Invoicing

1. NYSERDA shall provide selected Title Company (s) with a cash Advance for the processing of Last Owner Searches and Declaration recording services. This Advance shall be a negotiated amount sufficient to prevent the Title Company from experiencing a cash flow deficit between the time Last Owner Searches and Declaration Recording services are performed and reimbursement is received from NYSERDA. In the event the Advance is not sufficient, the Title Company may request additional funds. At the end of the project period, the Title Company shall reconcile the Advance against final program transactions, and reduce final payment requests to NYSERDA accordingly. If there is any balance remaining from the cash Advance at the end of the program period, the Title Company shall return that balance to NYSERDA in full.
2. The selected Title Company (s) shall submit no more than four (4) invoices per month. NYSERDA is requesting the Title Company provide NYSERDA with flat fee pricing for the Last Owner Searches and Declaration Recording services. In addition to the Declaration Recording service flat fee, the Title Company will use the negotiated Advance to pay any fees imposed by individual counties for recording services, postage and copying. These county recording fees will be paid by the Title Company (s), who will then submit them to NYSERDA for reimbursement. Invoices shall provide sufficient detail for NYSERDA to validate the requested reimbursement amount, including but not limited to Loan Originator Customer File Identification Number, property address, and county. Submitted invoices must provide a breakdown of the services provided (Last Owner Search, Declaration Recording Fee, County Recording Fees) and which NYSERDA

program requested the service (1-4 Family Residential, Small Business/Not-for-Profit, or Multifamily Performance Program).

III. TERM

Contracts will be entered into with the selected Title Company (s) for an initial term of two (2) years with provisions for annual extensions, for up to a total of no more than five (5) years. . In the event OBR Loans are discontinued, the Revolving Loan Fund is exhausted, or there are changes to the current legislation governing OBR Loans, NYSEDA may terminate the contract in the event Title Company services are no longer required in support of OBR Loans.

IV. PROPOSAL REQUIREMENTS

Proposers must submit eight (8) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this RFP. A completed and signed Proposal Checklist must be attached as the front cover of your proposal, one 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.

A. 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://ogs.ny.gov/ACPL/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 Attachment "A" Proposal Checklist including required certifications under the State Finance Law and (2) a completed Attachment "B" 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.

B. Proposal Length- A proposal should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Proposals should be limited to not more than 15 pages, plus attachments. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the RFP number, and the page number.

C. Proposal Format - Proposals must consist of the Attachments A and B from Section A above and responses to the management and qualifications items (Section D, below) and the Fee for Services pricing information (Section E, below).

D. Management and Qualifications (Identify number of each response)

1. Briefly discuss your firm's experience as a Title Company. Provide information on the volume of Last Owner Searches and Recordings services performed annually, areas of New York you routinely provide services for, and the number and location of physical offices your firm maintains which service New York State. Discuss how your firm has sufficient resources to provide Last Owner Searches and Declaration recording services in

the requested time frames. In the event a Last Owner Search cannot be processed in the requested timeframe, discuss the notification process to notify the Loan Originator.

- 2a. Discuss your firm's ability to provide statewide coverage requested in this RFP. If there are areas of the state not directly serviced by your firm, discuss partnerships you maintain with other firms which will allow you to provide statewide services as part of this RFP.
- 2b. While firms providing statewide coverage are preferred, regional providers are also welcome to respond to this RFP. Discuss the regions covered by your firm directly or through partnerships with other Title Companies.
3. Provide a brief description of services you expect to provide to NYSERDA. The description should emphasize particular services to be provided in order for NYSERDA to deliver quality statewide or regional services at the lowest cost possible.
4. Discuss your firm's willingness to work collaboratively with NYSERDA's loan originators to share expertise in the documentation and proper preparation of Declarations for acceptance by local recording offices.
5. Provide the names of personnel in the firm that will be assigned to NYSERDA's account and their experience in performing services similar to the services requested by this RFP. Include a description of each employee's function in the company, title, office address, and number of years of service with the firm and other relevant past experience.
6. Discuss fully any conflicts of interest, actual or perceived, which might arise in connection with your firm's involvement with NYSERDA. If conflicts do or might exist, describe how your firm would resolve them.
7. Identify any litigation or administrative proceedings to which you are a party and which would either materially impair your ability to perform the services enumerated herein and for which this RFP was issued or, if decided in an adverse manner, materially adversely affect the financial condition of your firm.
8. Furnish information on the number and percentages of minorities and women among the employees of the firm; a copy of the firm's affirmative action or equal opportunity plan or other commitment to affirmative action and equal employment opportunity or its status as a minority or women-owned business; and an explanation of how your firm, if selected, would help NYSERDA further its policy of promoting participation of minorities and women in the provision of services to it, including services in support of its financing program.
9. Indicate the address of the office through which NYSERDA's account will be primarily serviced, and any anticipated travel or other such costs.
10. Provide any other information you believe would make your firm's representation of NYSERDA superior to other firms' representation.

E. Fees For Services and Anticipated Turn Around Times

1. Provide NYSERDA with flat fee rates for Last Owner Searches and Declaration Recording Services. Please complete the Fee Structure Worksheet, Attachment “C” for the flat fee services outlined below.
2. For each region you intend on serving, provide an estimated turnaround time in days and a flat fee price. For proposers offering statewide coverage, provide a turnaround time and flat fee cost for each region.
3. Provide a per document cost for the review and submission of Declaration documents to the appropriate recording office, inclusive of overnight shipping to the recording office and upon receipt of the recorded Declaration, regular mail to NYSERDA’s Master Loan Servicer. NYSERDA expects Declaration documents to be sent the appropriate entity within five (5) business days of receipt.
4. In addition to the Declaration recording service flat fee, the Title Company will use the Advance to pay fees imposed by individual counties for recording services, postage and copying. These county recording fees will be paid by the Title Company, who will then invoice NYSERDA at cost.

V. PROPOSAL EVALUATION

A. Evaluation Factors - Proposals meeting the RFP requirements will be evaluated using the following Evaluation Factors

1. Quality and depth of the firm's expertise and its ability and resources to provide the services outlined in this RFP on either a statewide or regional basis, in a timely manner, at a low cost. For those firms who have worked in any capacity with NYSERDA, the quality of work on those transactions will be considered.
2. Anticipated cost of services and demonstrated willingness to work with NYSERDA to minimize costs. (Although proposed fees will be taken into account in the selection process, NYSERDA reserves the right to negotiate with any firm selected for lower fees or different fee structures than proposed.)
3. Commitment of time, resources, and ideas to NYSERDA and the availability to and facility for working with NYSERDA program and staff.
4. Overall organization and quality of proposal, including cohesiveness, conciseness, and clarity of response.

B. Selection Process - A Technical Evaluation Panel (TEP) consisting of internal NYSERDA staff and external reviewers, will review and evaluate proposals and recommend one or more firms for NYSERDA to negotiate a contract.

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. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation will disqualify your proposal.

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 one or more contracts 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. 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 within four (4) weeks from the proposal due date whether your proposal has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

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

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.

VII. ATTACHMENTS

- A: Proposal Checklist
- B: Disclosure of Prior Findings of Non-responsibility Form
- C: Fee Structure Worksheet
- D: Sample Agreement