



**NYSERDA**

## Insurance Innovation For Climate Technology Solutions Program

Program Opportunity Notice (PON) 5163

Up to \$6,500,000.00 Available

*NYSERDA reserves the right to extend and/or add or reduce funding to the Solicitation should other program funding sources become available.*

Proposal Due:  
October 12, 2022 by 3:00 PM Eastern Time

### Table of Contents

- [Program Summary](#) ..... 2
- I. Program Requirements** ..... 6
  - [A. Opportunity Summary](#) ..... 6
  - [B. Available Funding, Awards, and Terms](#) ..... 6
    - [Available Budget Summary](#) ..... 7
    - [Program Impact](#) ..... 7
  - [C. Eligibility and Proposer Qualifications](#) ..... 8
    - [1. Eligibility Criteria](#) ..... 8
    - [2. Key Qualifications](#) ..... 9
  - [D. Services Requested](#) ..... 9
  - [E. Scope of Work Requirements](#) ..... 12
    - [1. Intended Program Schedule](#) ..... 13
    - [2. Reporting Requirements](#) ..... 14
  - [F. Program Governance](#) ..... 15
  - [G. Potential Conflict of Interest](#) ..... 17
  - [H. Freedom of Information Law](#) ..... 17
- II. Proposal Requirements** ..... 17
  - [A. Proposal Narrative](#) ..... 18
  - [B. State Finance Law](#) ..... 18
- III. Proposal Evaluation** ..... 18
  - [A. Eligibility Requirements](#) ..... 19
  - [B. Evaluation Criteria](#) ..... 19
  - [C. Program Policy Factors](#) ..... 20
- V General Conditions** ..... 21

## Program Summary

Through this Program Opportunity Notice (PON) 5163, the New York State Energy Research and Development Authority (NYSERDA) seeks to fund an experienced eligible Program Administrator to co-develop and run the Insurance Innovation For Climate Technology Solutions Program (Program). The Program Administrator will be responsible for managing operations of the Program, designing and implementing a Request for Proposals (RFP) to deploy grants to Insurance Innovators in the climate insurance space, and providing ongoing support to said innovators throughout the duration of the Program. The Program will be focused on the development of new insurance products that will increase the deployment and adoption of climate technology and will continue NYSERDA's nation-leading work towards accelerating the use of clean energy while promoting novel business models, commercial service or product offerings, and tools that enable scaling of climate solutions through customer acquisition or increased capital flows. Up to \$6,500,000 of funding will be available for this Program. NYSERDA intends to make one award under this PON. The selected awardee will enter into a two-year contract with NYSERDA, with a one year option to renew at NYSERDA's discretion.

## Proposal Submission

Online submission is preferable. Proposers may submit Word, Excel, or PDF files (file formats include csv, doc, docx, gif, jpeg, jpg, pdf, png, ppt, pptx, pps, ppsx, tif, txt, xls, xlsx, and zip). Individual files should be 100MB or less in file size. Proposal PDFs should be searchable and should be created by direct conversion from MS Word, or other conversion utility. Files should not be scanned. For ease of identification, all electronic files must be named using the proposer's entity name in the title of the document. NYSERDA will also accept proposals by mail or hand-delivery if online submission is not possible. For detailed instructions on how to submit a proposal (online or paper submission), click the link "[Application Instructions and Portal Training Guide \[PDF\]](#)" located in the "Current Opportunities" section of NYSERDA's website (<https://www.nysesda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>)

No communication intended to influence this procurement is permitted except by contacting Katie MacDonald (Designated Contact) at (518) 862-1090, ext. 3016 or Flore Fourret (Designated Contact) at (518) 862-1090, ext. 3145 or by email [climatetech.insurance@nysesda.ny.gov](mailto:climatetech.insurance@nysesda.ny.gov). If you have contractual questions concerning this solicitation, contact Venice Forbes (Designated Contact) at (518) 862-1090, ext. 3507 or [venicesolicitations@nysesda.ny.gov](mailto:venicesolicitations@nysesda.ny.gov). Contacting anyone other than the Designated Contacts (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.

**\* All proposals must be received by 3 p.m. Eastern Time on the date noted above. Late, faxed, or emailed proposals will not be accepted.** Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all pages have been included in the proposal. Please note: for online submission, there are required questions that you will have to answer in addition to uploading attachments and you should allot at least 60 minutes to enter/submit proposals. The online proposal system closes promptly at 3 p.m. Eastern Time, files in process or attempted edits or submission after 3 p.m. Eastern Time on the date above, will not be accepted. If changes are made to this solicitation,

notification will be posted on the “Current Opportunities” section of NYSERDA’s website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>)

## Introduction

Risk—identifying, modeling, and managing it—is at the core of the insurance industry. Today, there is no greater long-term risk than the one posed by climate change. The insurance industry has an important role to play to help catalyze the deployment of climate solutions, as the insurance sector can assess and provide third party validation around the features and potential risks of new climate solutions, which may enable customer adoption and encourage private sector investment in these solutions. The insurance industry is in a prime position to combat climate change from insurer engagement with clients during the underwriting process, to the way insurers manage their investment portfolios.

Discussion on climate change and business topics has always included the insurance industry, as insurance products can help alleviate customer fears and de-risk the products that fight the impacts of a changing climate. Until recently, much of the conversation has focused on the impact of rising global temperatures on insurance risk. Less attention has been paid to how insurers can advance efforts to address climate challenge.

The development of new insurance product offerings to de-risk climate solutions is a strategic area where insurers can drive change across the customer base and ensure products and services that support climate action are adopted and deployed.

## Problem Statement

Innovation and new product creation within the insurance market comes from organizations called ‘Managing General Underwriters’ (MGUs) and/or ‘Managing General Agents’ (MGAs). These entities can qualify market demand for products and leverage it to assess the potential for new insurance products and policies. Their role is to evaluate new and little-known risks, and design insurance products that can be sold.

There are key barriers for MGAs and MGUs seeking to bring new climate insurance products to market. These barriers include:

- Lack of research and development funding to explore non-established climate-related business models
- Limited data on the long-term impact of climate on existing infrastructure and the environment
- Limited data relevant to the design of climate-related insurance products, such as incurred losses
- Lack of climate domain expertise, or unfamiliarity with decision makers and solution providers within the climate eco-system

## Supporting Insurance Innovation

Numerous climate technologies and solutions can benefit from financial protection, either to accelerate their growth or to protect against climate-driven damage. The objective of this Program is to develop new insurance offerings which can make products and solutions that mitigate climate change quantifiable and insurable.

Through this PON, NYSERDA is seeking a Program Administrator to co-design the Insurance Innovation For Climate Technology Solutions Program (Program), an initiative to support Insurance Innovators, MGAs and MGUs, to develop new insurance products that will have an impact on investment in climate products and solutions in New York State. See the 'Key Qualifications' section for more information on required experience.

### Program Overview

The Program will address the barriers enumerated above by:

- Developing and mapping the climate insurance eco-system and convening climate/insurance stakeholders
- Finding and recruiting Insurance Innovators that have the capability of creating new climate specific insurance products
- Collaborating with and supporting said groups during the creation of their insurance products
- Facilitating a framework around data sets dedicated to insurance products creation
- Documenting Program successes, best practices and lessons learned

*Proposers are permitted to subcontract where necessary to meet these qualifications.*

Once a Program Administrator is selected, NYSERDA will work closely with the selected contractor to convene strategic Program partners, develop Program and grant parameters, and establish an execution plan.

Up to \$6,500,000 will be available under this solicitation, of which up to \$1,500,000 will be available for program administration purposes, and up to \$5,000,000 will be made available for competitively awarded grants. All, some, or none, of the \$6,500,000 available under this Program may be awarded through PON 5163. NYSERDA reserves the right to add or reduce time and/or funding to awarded contract(s).

### Target Outcomes

The anticipated results of this Program include the following outcomes:

- Near Term Vision:  
The development of select insurance products, piloting these products in the field, and facilitation of information and data sharing among key parties to support underwriting.
- Long Term Vision:  
The creation of an efficient and private climate insurance market that addresses initial adoption barriers and risk management that could (i) extend the reach of climate products, services, and solutions to customers, (ii) increase the flow of capital to clean energy and climate technologies,

and (iii) drive positive impact towards New York's ambitious climate change mitigation and emissions reductions goals.

### Definitions.

**Program Administrator:** An entity that will, alongside NYSERDA, co-develop and operate the Program. The Program Administrator will ensure the delivery and quality of the Program activities described in the Services Requested paragraph herein.

**Climate Technology / Solutions:** An innovation that supports decarbonization of the economy through hardware, software, technology-enabled services, data analytics, or processes that broadly reduce energy consumption, increase resource efficiency, reduce greenhouse gas emissions and/or enables the transition to a sustainable and decarbonized economy.

**Climate Insurance Products:** A risk-oriented solution with a climate overlay. It can cover areas such as "parsing the impact of emissions on health or life insurance risk" or "utilizing better data and AI to generate more precise flood insurance coverage due to climate-driven changes in flood maps / zones" or "insuring energy efficiency solutions with maintenance and impact on equipment liability coverage" or "premium discounts to electric vehicle owners and people who own energy-efficient homes", or "corporate insurance products for owners of energy-efficient commercial buildings". These Insurance solutions should take a climate lens for risk assessment and modeling in ways that enable companies and customers to develop, access, and benefit from climate technology and solutions.

**Climate Solutions Ecosystem:** Actors and key stakeholders composing the whole climate value chain. It includes, but is not limited to:

- **Solution Providers:** companies with climate tech products or climate solutions that require insurance for deployment and/or scaling
- **Project Developers:** companies that will seek financing, build, improve or sell a new or existing assets that have a positive impact on climate. These could include, but are not limited to, energy efficiency assets, energy storage, smart grid infrastructure, EV charging, etc.... They are critical parties to the process and need to (1) provide data points and work with MGAs to support risk assessment; (2) offer insurance as a solution to either their customers or banking partners; and 3) include the cost of insurance in their pricing and/or in their capital stack
- **Insurance Innovators:** MGAs, MGUs, insurtech startups, and entrepreneurial teams that address high-priority problems and high-impact solutions
- **Insurance Companies** ('primary insurer' or 'insurance carrier') and re-insurance companies ('re-insurers')
- **Technology Users:** buyers and/or users of the climate solutions
- **Data or Analytics Providers**
- **Capital Providers:** institutional and bank lenders, non-bank finance companies
- **Utilities**
- **Regulators**

**Insurance Carrier:** A company that sells insurance and provides coverage. Alternate name: Insurance company, insurer, or insurance provider. Insurance carriers sell policies directly to consumers. The insurance carrier underwrites the policy and issues payments for the claims.

**Binding Policy:** In the insurance industry, policy binding refers to insurance coverage, and means that coverage is in place even if the policy has yet to be issued by the insurer.

**Covered Losses:** the financial losses that an insurance company will provide financial reimbursement for, as per the terms of an insurance policy.

## Program Requirements

### Opportunity Summary

The Program Administrator will be tasked with creating and executing an Insurance Innovation for Climate Technology Solutions Program to identify and support the development of new climate insurance products that can support New York's climate goals. This role will entail:

- Convening climate technology solutions providers, insurers, customers, and financial institutions to identify opportunities where insurance can speed the deployment of climate technology
- Creating a selective process designed to recruit top Insurance Innovators with the capabilities of achieving high leverage by deploying new insurance products
- Selecting the applicants to be part of the Program and develop new insurance products focusing on specific areas
- Soliciting new insurance product ideas and managing product development projects
- Supervising the insurance product development projects
- Managing the disbursement of product development funding
- Facilitating the development and communication of data to support underwriting

In implementing the Program, NYSERDA seeks a Program Administrator that can identify high-impact opportunities for new climate insurance products and developing an agile and repeatable process for speeding such products to market.

### Available Funding, Awards, and Terms

The Insurance Innovation For Climate Technology Solutions Program will include up to \$6,500,000 available through this PON. Of the \$6,500,000 available to be awarded to a Program Administrator under this solicitation, up to \$5,000,000 must be allocated for direct grants to Insurance Innovators for the purpose of product development. Any remaining funding may be used for the administration of the Program.

Preference will be given to proposers who can demonstrate the ability to raise additional funding for product development grants or enhancements to the Program through cost share.

Available Budget Summary

Activity	NYSERDA Funding	Available to
<p><b>Program Administration:</b>  <i>Program structure and organization, Advisory Board set-up and activation, execute industry outreach, support climate innovation within the Program by deploying grants, guide product development, and facilitate data access and sharing.</i></p>	<p>Up to \$1,500,000</p>	<p>Program Administrator will be awarded these funds to support operation of the Program, create a climate insurance platform by acting as an ecosystem facilitator and a convener of all stakeholders, and facilitate data sharing among participants.</p>
<p><b>New Insurance Product Development:</b>  <i>Fund development of new climate insurance products by the Insurance Innovators.</i></p>	<p>Up to \$5,000,000</p>	<p>Program Administrator will be awarded these funds and then it will allocate to Insurance Innovators through a competitive application process. See below for further details.</p>

Program Impact

- 1) NYSERDA invests funds with the goal of realizing climate impact. NYSERDA is interested in working with a Program Administrator capable of maximizing NYSERDA investment to ensure impact in the following areas:
  - Climate Impact: NYSERDA seeks to support the development of solutions that have a high emissions reduction potential (ERP) and a realistic path to market impact on a timeline that is material to addressing the climate crisis and the goals of the New York’s Climate Leadership and Community Protection Act. NYSERDA has existing ERP frameworks and will work with the Program Administrator to implement these appropriately for evaluating and assessing the prospective climate impact of climate technology deployments or climate solutions facilitated by new risk transfer products.
  - Increased Pace of Climate Solutions Uptake: NYSERDA expects the Program to generate innovative, privately underwritten climate insurance solutions that will bolster the speed of deployment and adoption of climate solutions by their users.
  - Demonstrated Benefit to New York: NYSERDA is interested in supporting programs that deliver benefit to New York climate markets. Proposers should outline how this Program and its constituent parts will generate economic benefit to New York and support the development of new climate insurance products in the State. All entities receiving grant funds under this Program must have a demonstrated benefit to New York.
- 2) The Program Administrator will work with NYSERDA to design monitoring & evaluation (M&E) metrics that can best determine attribution effects of the Program.

- 3) Relevant Metrics: NYSERDA seeks to make the insurance markets more efficient by activating insurance innovation, and measuring how much NYSERDA capital catalyzed the market. The new climate insurance products will address the climate solutions first adoption barriers and risk management to unlock private capital.
- 4) Program Leverage: Proposers must outline how they plan to achieve a strong leverage rate on NYSERDA's capital. NYSERDA calculates leverage by the following equation:

**Leverage Rate** = [Non-NYSERDA funding (3<sup>rd</sup> Party Investments, Non-NYSERDA Grants, and Cost Share) + NYSERDA funding] / NYSERDA funding : 1

*Non-NYSERDA Funding* is the sum of 3<sup>rd</sup> Party Investments; Non-NYSERDA Grants; and Cost-Share.

- 3<sup>rd</sup> Party Investments in this context, it will be characterized as the risk, i.e. loss coverage being offered by the policy. *Loss Coverage* is the amount of risk insured by the primary carriers.
- Non-NYSERDA Grants represents cash grants or small donations from third parties and can also account for in-kind contributions such as talent contributions.
- Cost Share is not mandatory in this PON but preference will be given to proposers with the ability to raise money outside of NYSERDA.

#### Eligibility and Proposer Qualifications

Proposers may be a single organization or team of organizations but must, in their response, clearly identify the key employees, subcontractors, or relevant affiliates of all entities who are proposing to fulfill the requirements of this PON and must identify who will be the lead proposer (this will be the entity who signs the NYSERDA contract). Proposers applying with partners must also outline the roles of each organization in the fulfillment of the 'Services Requested'. If proposers lack a Key Qualification listed below, they may provide a clear plan to how they will subcontract or otherwise obtain the necessary expertise to fulfill it. Any subcontractor added after the proposal period must be reviewed and approved by NYSERDA and be selected in accordance with New York State procurement law.

#### Eligibility Criteria

The Proposer must:

- Be in 'good standing' with respect to all requirements of past or current NYSERDA projects, if any, including the delivery of required reporting and recoupment
- Be a registered for-profit or non-profit entity
- Demonstrate economic benefits to New York State
- Be a standalone organization, a joint venture or partnership between organizations to cover all required qualifications

### Key Qualifications

Proposers interested in administering this Program should have demonstrated capacity to perform the following:

- **Industry Experience within Finance or Insurance:** NYSERDA seeks a Program Administrator with experience running or supervising new product development for insurance. This entity should have experience in convening finance and/or insurance experts, evaluating the quality of finance and/or insurance focused proposals and solutions, assessing the impact of new financial products, and building cross-industry partnerships in finance and/or insurance. While experience in finance innovation is essential, preference will be given to proposers with experience working in the insurance sector, and/or with a letter a support from an insurance carrier or broker.
- **Experience Facilitating Strategic Partnerships within the Climate Solutions Ecosystem:** Proposers must have experience curating complex programs that engage a diverse range of stakeholders. NYSERDA is looking for an organization with the experience and staff capacity to design and host targeted convenings, conversations, Advisory board meetings, workshops, and other events that are outcomes driven and highly engaging for a diverse set of organizations within the Climate Solutions ecosystem.
- **Experience in Management and Strategic Consulting:** The Proposer should have demonstrated ability to write case studies and final reports that capture Program progress, impacts, and best practices. These assessments should include information collected on the climate solution ecosystem, analysis of successes and failures of the Program, insights and best practices applied by Program participants, and best practices relevant to the ultimate replicability and deployment of datasets needed for the development of climate insurance products.
- **Organizational Capacity and Commitment:** At the time of application, Proposers should have some dedicated staff identified and available to begin the administration of the Program. In addition to this existing staff capacity, the awardee may also hire staff as part of this contract. Proposers should also have the systems and tools in place to accept applications from prospective Program participants. If this infrastructure does not exist internally, NYSERDA can work with a successful Proposer to build out these systems as part of their Program contract.

### Services Requested

The Program Administrator will be responsible for multiple activities in order to implement the Program, select Insurance Innovators that can create new insurance products, and address a set of insurance needs.

The following activities will be core to the Program Administrator's contracted activities under this PON:

- **PROGRAM EXECUTION STRATEGY:** The Program Administrator will work on a multi-year plan outlining how the entity plans to develop and execute program plans between time of award and early 2025. This plan will include an outline of what type(s) of insurance solutions the Program will focus on, which eligibility criteria will govern which grantees are selected, and what

grantees are subsequently offered. The Program Administrator will work in close coordination with NYSERDA to develop Program goals.

- **LEAD PROGRAM ADMINISTRATION:** With NYSERDA's oversight, the Program Administrator will be expected to set up and manage operations of the Program, including recruiting an Advisory Board and any necessary additional team members or subcontractors, reporting, securing collection and management of applications from Insurance Innovators, application review and scoring, providing participant services, awarding grants, and tracking participant progress.
- **CREATE AN ADVISORY BOARD:** The Program Administrator will convene an expert and industry-focused committee to guide the funding opportunities, to help innovators reach their product development milestones, and to provide climate solutions industry expertise around insurance needs. The Advisory Board will provide guidance on sector focus, funding, and other matters to be finalized between NYSERDA and the Program Administrator. This Advisory Board will participate in scoring meetings with the Program Administrator and NYSERDA to select the Insurance Innovators. The Advisory Board will also support the ongoing success of the Insurance Innovation Program by providing market insight to the Insurance Innovators during the product development phase.
- **EXECUTE INDUSTRY OUTREACH:** The Program Administrator will develop and execute a stakeholder engagement strategy to build and manage relationships between key industry players, increase the reach and network of climate insurance sector, cultivate a database and eventually a map of the climate insurance space. The Program Administrator will lead and facilitate engagement across the full value chain of ecosystem stakeholders: Insurance Innovators, solution providers, project developers, insurance companies, capital providers (lenders, investors), industry representatives, public sector representatives, and other entities. Potential activities of interest to NYSERDA include:
  - Online Presence: The Program Administrator will create a dedicated web site or another appropriate outlet such as a webpage on a relevant website and communications platform to disseminate valuable information about Program, general advancements in the sector, industry news, and Program funding opportunities for potential awardees. The goal of this online presence will be to facilitate the development and coordination of a climate insurance ecosystem and accelerate innovation and industry progress.
  - Educational Workshops: The Program Administrator will organize at least 2 relevant events to raise awareness on how to best support insurance innovation for catalyzing the deployment of climate technology solutions, such as a project showcase at an industry-sponsored event, a webinar, a dedicated session, and/or roundtable discussions.
- **DESIGN INNOVATION CHALLENGE:** The Program Administrator will design an Innovation Challenge that will select Insurance Innovators to participate in the Program, and will then contract with the selected Insurance Innovators to develop new climate insurance products, through deployment of grants to accelerate product design. This process will likely require additional research on the Program Administrator's part, leading to the design of suggested grantee use of funds (and set pricing for different activities), expected timelines, and support

activities for grantees. The Innovation Challenge will be written, along with a detailed, yet flexible, plan on selecting grantees and supporting them. It will include:

- **FOCUS AREAS AND SECTOR STRATEGY RECOMMENDATION:** The Program Administrator will issue recommendations on the Innovation Challenge focus areas for which the Insurance Innovators would need to work on their product development. This will include a description of the kinds of risk to be addressed, the relevant technology types, or the climate technology focus areas for the Innovation Challenge. These insurance solutions should take a climate lens for risk assessment and modeling in ways that enable companies and customers to develop, access, and benefit from climate technology and solutions to be eligible. The Program Administrator will work with the support of the Advisory Board, to prioritize how to best address the context of how climate risk can be assessed and quantified across the various segments of the insurance market (e.g. P&C, Life, Health, Title, Financial Guaranty, and other specialty lines).
- **DESIGN FUNDING OPPORTUNITIES FOR NEW PRODUCT DEVELOPMENT:** The Program Administrator will design the performance criteria for grant funding allocation (such as milestone-based payment) during the insurance product design phase. It will include the kinds of insurance solutions that will be eligible, grantee eligibility criteria, and the amount of funding supplied to grantees.
- **SELECTION PROCESS FOR INSURANCE INNOVATORS:** The Program Administrator will be awarded funds to manage a robust competitive process, in collaboration with NYSERDA, and with the support of the Advisory Board, that identifies top Insurance Innovators to be part of the Program. The Program Administrator will be responsible for developing a selection committee to score and identify grant awardees, and will include at least one NYSERDA representative. The selection committee will be subject to NYSERDA's conflict of interest rules.
  
- **ADMINISTER GRANT FUNDING:** The Program Administrator will manage the contract of each selected innovator awardee and will provide milestone-based funding to each of the selected innovators to develop and deploy new insurance products in this Program.
  
- **RUN NEW PRODUCT DEVELOPMENT SUPPORT:** The Program Administrator will evaluate and assess the prospective success of new insurance products, either through its own domain knowledge or by convening experts. The Program Administrator will leverage the Advisory Board whose role is to advise the MGAs during product development and to facilitate relevant introductions to key stakeholders.
  
- **FACILITATE DATA SHARING AND ACCESS:** NYSERDA's intent is for the Program Administrator to utilize open-source sample datasets<sup>1</sup> to support the insurance product development with the

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<sup>1</sup> Data sharing models and framework can use [de-identification](#) methodology that meets [NIST](#) criteria as set in its De-identification tools. Or leverage open-source data standards for better accessibility, transparency and data management such as [Oasis Hub](#), or the [Orange Button](#) project developed by the DOE.

selected innovators and make this framework available to the ecosystem to experiment. The Program Administrator will implement an operating model and a contributory data repository (a.k.a. sandbox) to support the creation of insurance prototypes. It will collectively support data collection, preparation, analysis, validation and visualization exposure data (e.g. policy data, loss data, historical).

- **DELIVER STRATEGIC REPORTING AND RECOMMENDATIONS:**

- Case Studies & Analysis: The Program Administrator will be asked to provide comprehensive information on awardees to complete outcomes case studies once the final phase of the Program has completed. The Program Administrator will work with the NYSERDA Project Manager to determine the type of studies performed and can leverage the Advisory Board for insight. Options include, but are not limited to, product development/demonstration impact studies, historic tracing case studies, and/or macroeconomic impact analyses to quantify emissions, technology uptake enabling, and other climate and economic impacts associated with NYSERDA investment.
  - Data and Insurance: The Program Administrator will design a set of recommendations and lessons learned around data sharing and transparency during this pilot Program.
  - Impact Measurement Reporting: The Program Administrator will evaluate and assess the prospective climate impact of climate technology deployments facilitated by new risk transfer products, either through its own domain knowledge or by convening experts.
- **OPERATIONS**: The Program Administrator will be expected to manage operations of the Climate Insurance Innovation Program, including awardees' support as requested, management of the Board interaction with the awardees, reporting, application review, selection process, and tracking participant progress.

### Scope of Work Requirements

The Proposer will have to submit as part of its application, a scope of work as defined in Section III 'Proposal Requirements.'

The Program Administrator will be responsible for catalyzing the creation of new insurance products by supporting Insurance Innovators that are building new insurance products that can accelerate market uptake for climate solutions in New York. A successful Insurance Innovation For Climate Technology Solutions Program will result in the creation of new insurance products that transfer financial risks that hinder the purchase or financing of climate solutions.

The following Program elements will guide the development of the Scope of Work:

- Timeline: The Program Administrator contract is expected to last for a total duration of two years from the time of execution with a one-year option to renew at NYSERDA's discretion. NYSERDA expects to commence payments to the selected Project Administrator in early 2023.

NYSERDA will work with the Program Administrator to design an ambitious schedule for Program development and execution.

- **Ambitious and Achievable Execution Plan:** NYSERDA will review proposals and score them based on how effective their execution plan and scope of work is. NYSERDA has outlined example Program phases and key performance milestones in the Example of Program Activities table below.
- **Subcontractors:** Teaming arrangements and the use of subcontractors are permitted, where appropriate, to enhance the likelihood of project success and overall impact. When developing these arrangements, proposers should be mindful of cost efficiency, which is a key criterion NYSERDA will apply when selecting proposers.

### Intended Program Schedule

The following is an example schedule of activities for the Program. Proposers should do their best to propose a schedule like this, or a more ambitious schedule.

#### **Phase 1. Program Set-Up – First 6 months**

NYSERDA will work closely with the Program Administrator to develop and grow a successful Program.

NYSERDA will closely coordinate with the awardee in the areas described in Section F (Governance Steps).

During the Phase 1, the Program Administrator will have to:

- Set up the implementation roadmap for the Program and recruit the Advisory Board
- identify specific insurance attributes, that will inform the innovation challenge by defining specific focus areas to drive insurance innovation, and challenge innovators to develop solutions that deliver on those attributes
- design an Innovation Challenge process to select Insurance Innovators into the Program to support them in developing new climate insurance products. This support will come through hands on expertise and training from the Program Administrator and through grants funding
- select up to 7 Insurance Innovators

The end of Phase 1 will be marked by the launch of a competitive process to select participating Insurance Innovators that will participate to the innovation challenge. The Program Administrator will focus the Innovation Challenge around the most salient focus areas recommended.

#### **Phase 2. Product Design & Deployment Phase – Approximately 12 Months**

The Program Administrator will competitively select up to 7 Insurance Innovators to develop new insurance products and services related to the focus areas defined by the Program Administrator during Phase 1. NYSERDA will award the Program Administrator \$5,000,000 for allocation to the selected participants on a milestone basis, up to \$1 million for each selected participant. These funds will be for insurance product development, creation and testing, including, but not limited to:

- Research and customer discovery
- Conducting due diligence on climate tech companies
- Collecting data points to characterize risks
- Creating risks and actuarial models
- Working with insurance carriers to develop product underwriting process and pricing

The Program Administrator will administer the grant funding and run the product development support, by advising the Insurance Innovators in their insurance product development, creation and testing, under the supervision of NYSERDA.

This phase is completed upon expiration of the grantees contracts.

*Example of Program Activities Table*

#	Program Phase	Examples Key Performance Milestones
PHASE 1	<b>PROGRAM SET UP</b> <i>Approximately 2 - month period</i>	<ul style="list-style-type: none"> <li>• Program Execution Strategy developed</li> <li>• Staff Hired</li> <li>• Advisory Board Formation</li> </ul>
	<b>INNOVATION CHALLENGE</b> <i>Approximately 4- month period</i>	<ul style="list-style-type: none"> <li>• Prioritized Focus Areas for request for proposals</li> <li>• Solicitation design completed               <ul style="list-style-type: none"> <li>○ Launch a competitive process to select participating Insurance Innovators, including scoring process for Insurance Innovators</li> <li>○ Design the innovation challenge by establishing performance criteria for grant funding allocation to Insurance Innovators (such as prototype, demonstration with technology provider, Letter of support from Insurance Carriers...)</li> </ul> </li> <li>• Applicants submit proposals</li> <li>• Review and Selection Process, Scoring Committee</li> <li>• Contracting with selected applicants</li> <li>• Announcement of selected participants</li> </ul>
PHASE 2	<b>PRODUCT DESIGN &amp; DEPLOYMENT</b> <i>Approximately up to 12-month period</i>	<ul style="list-style-type: none"> <li>• Support MGAs with new product development through activities</li> <li>• Deploy grant funding to selected Insurance Innovators (milestones-based payment, up to \$1 million per Insurance Innovator)</li> <li>• Manage Advisory Board</li> </ul>

**Reporting Requirements:**

In addition to the reporting requirements referenced in the Outcomes and Impact Section below, awardees will be responsible for completing comprehensive reports every six (6) months to ensure NYSERDA is aware of Program Administrator use of funds and progress against key milestones, contract milestones, and performance targets (most of which will be negotiated with the Program Administrator during contracting at the time of award). The Program Administrator also will be required to submit a

Final Report to NYSERDA at the end of the contract period. The NYSERDA Program Manager will schedule meetings with the Program Administrator on a regular basis to ensure alignment.

### Program Governance

NYSERDA will work with the Program Administrator to develop processes and procedures necessary to ensure that the execution of this Program is aligned with the goals and policies of NYSERDA. These processes and policies will be memorialized in the contract between NYSERDA and the Program Administrator. The following governance steps will be taken:

- Program Design: The NYSERDA Project Manager will work with the Program Administrator to ensure the contract comports with the standards and expectations of NYSERDA as outlined in this PON.
- Sector Strategy: NYSERDA will work with the Program Administrator to co-develop a Program structure that incorporates lessons learned from the relevant insights from the Advisory Board. NYSERDA and the Program Administrator will work together to define the scope of the Program, how best to address the context of how climate risk can be assessed and quantified across the various segments of the insurance market (e.g. P&C, Life, Health, Title, Financial Guaranty, and other specialty lines).
- Grant Product Creation: The Program Administrator will work with NYSERDA to agree on the most efficient use of funds to address the climate insurance gaps.
- Grantee Eligibility and Evaluation Criteria: The Program Administrator and NYSERDA will collaborate, and collect input from the Advisory Board, on the definition of eligibility and evaluation criteria for Program applicants seeking grants within the innovation challenge. NYSERDA will sign off on the specific requirements presented by the Program Administrator for application review, certification, and contract development. NYSERDA will define contractual requirements between NYSERDA and the Program Administrator that reflect these expectations and standards. All standards must comply with NYSERDA's competitive procurement requirements.
- Advisory Board: NYSERDA will work with the Program Administrator to develop an Advisory Board for the governance of the Program as further described below.

For the expenditure of NYSERDA funding, NYSERDA will work with the Program Administrator to develop processes and procedures necessary to ensure the execution of this Program is aligned with the goals and policies of NYSERDA. These processes and policies will be memorialized in the contract between NYSERDA and the Program Administrator. The following governance steps will be taken:

- **PROGRAM EXECUTION STRATEGY**: The Program Administrator will be asked to complete a Program Execution Strategy in partnership with NYSERDA. This plan will be a multi-year outline of how the entity plans to develop and execute Program plans between time of award and 2025. This plan will include a description of what kinds of risk to be addressed, and the kinds of insurance solutions that will be eligible, as well as Insurance Innovators eligibility criteria, and the amount of funding supplied to grantees.

- **ADVISORY BOARD:** NYSERDA will work with the Program Administrator to develop an Advisory Board for providing climate solutions industry expertise around insurance needs. This Board will include NYSERDA representation, along with key stakeholders of the climate insurance ecosystem and will support the ongoing success of the Program by providing market insight to the Insurance Innovators during Phase 2. The Advisory Board responsibilities will include at least:
  - Providing perspective on data sets, sector focus, technical expertise, design process, due diligence process, and other matters to be finalized between NYSERDA and the Program Administrator
  - Providing regular input during the design phase of product development, and supporting Insurance Innovators as they participate in relevant ecosystem to sustain innovation
  - Playing an advisory role during the product creation cycle to support ongoing product refinement
  - Reviewing and providing feedback on applications to select MGAs, milestones definition, development of criteria for insurance product eligibility to access the loss reserve, and other general activities
  
- **AWARDEE SELECTION PROCESS:** The Program Administrator will be asked to design an innovation challenge for selecting Insurance Innovators to participate in the Program, subject to NYSERDA participation in the selection process, NYSERDA final approval, and Advisory Board consultation. At a minimum, final approval by NYSERDA will be required for Insurance Innovators selection, grant funding deployment, and execution of grant award contracts issued by the Program Administrator and at least two representatives from NYSERDA will be included in all decisions on awarding of funds.
  
- **CONTRACTING:** NYSERDA and the Program Administrator will articulate standards for payment, milestones, and deliverables, and standard terms and conditions for contracts between the Program Administrator and the Insurance Innovators and any other subcontractors or funding recipients. These standards will be developed for grants administered to Insurance Innovators. NYSERDA will reserve the right to have these contracts reassigned from the Program Administrator to NYSERDA at any time during the duration of the Program. All grant sub-contracts issued by the Program Administrator to MGA must be signed off by NYSERDA.
  
- **EVENTS AND COMMUNICATIONS:** NYSERDA will work with the Program Administrator to design events and will play an active role setting the agenda for, and structuring the content of, such events. NYSERDA will retain sign-off on event plans. NYSERDA will review and sign off on marketing and communication plans for the Program. In particular, the Program Administrator's communication strategy with potential applicants while the Innovation Challenge is posted and available, including the designated contacts that will manage inquiries and provide guidance to applicants, will require approval from NYSERDA.
  
- **MEDIA:** The Program Administrator will manage the development of the website(s) (if any) and software platform(s) used for publicity, media, funding opportunities, application intake, contracting, and invoicing. Branding and marketing will be subject to NYSERDA review and approval. The website(s) and software will be subject to NYSERDA's cyber security and accessibility requirements.

- **OUTCOMES AND IMPACT:** The Program Administrator will be required to comport with NYSERDA's reporting requirements, including quarterly progress reports and ongoing communications in order to capture notable outcomes and track progress across key areas of Program impact.
- **DOCUMENT MANAGEMENT:** The Program Administrator will be expected to collect and store applications from Insurance Innovators. Documents must be maintained by the Program Administrator and all document storage policies must comport with NYSERDA's FOIL rules as articulated in section H. NYSERDA reserves the right to handle the collection and management of applications if it chooses.

### Potential Conflict of Interest

Identify the nature of any potential conflicts of interest among team members and partners in providing services to NYSERDA under this PON. Fully discuss possible conflicts of interest, actual and perceived, which could arise in connection with performance by team members and partners of the proposed contract. Describe how your firm would resolve conflicts of interest. In the event that NYSERDA determines that a team member may have a conflict of interest or the appearance of such, NYSERDA may: (1) take this into consideration in evaluating the proposal; (2) exclude the proposer from consideration for an award; (3) adjust the scope of work to avoid the conflict or appearance of conflict; or (4) negotiate other appropriate actions with the team member to avoid the conflict or appearance of conflict. The Program Administrator, and any entity associated with the team selected under this PON, will not be eligible for awards issued by the Insurance Innovation for Climate Technology Solutions Program pursuant to its contract with NYSERDA. Independent scoring board members will also be recused from evaluating proposals when a conflict of interest is disclosed.

### Freedom of Information Law

The intake and processing of records under this Program by the Program Administrator will be subject to New York's Freedom of Information Act Law (FOIL), and as such, NYSERDA-approved processes will be required to manage records, particularly regarding confidential information or trade secrets. NYSERDA's legal department will provide guidance and support to the PON awardee at time of contract negotiation to ensure sufficient record keeping and document management processes are established at the start of the NYSERDA contract.

### Proposal Requirements

Proposers should rely on Attachment A to develop a Proposal Narrative and Budget. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal.

The proposer's goal should be to concisely present the information needed to fully address the Proposal Evaluation criteria (see Section IV). Proposals that exceed the page limits or fail to follow the format

guidelines in Attachment A may be rejected as non-responsive. If the proposer believes that proprietary information must be submitted to provide an adequate proposal, the proposer must comply with the 'V. General Conditions' section for submitting proprietary material. Proposals should not be excessively long or submitted in an elaborate format.

All application materials must be submitted as part of one single PDF document or a .ZIP file. Unnecessary application materials beyond those sufficient to present a complete, comprehensive, and effective proposal may reduce, rather than increase, a proposal's standing per the evaluation criteria. Each page of the proposal should state the name of the proposer, the PON number, and the page number. The proposal must be in the following format, with items in the sequence shown.

### Proposal Narrative

Complete the Proposal Narrative form-fillable document as part of the PON Attachment A. The Proposal Narrative contains the following sections:

- I. Executive Summary
- II. Project Description
- III. Statement of Work, Milestone Payment Plan, and Schedule
- IV. Team and Organization
- V. Financial Plan
- VI. [Project Impact]
- VII. [Letters of Support and Commitment]
- VIII. Attachments

Proposers must carefully review the Proposal Narrative to ensure that all required sections are completed. Failure to do so may result in the proposal being rejected as non-responsive.

### State Finance Law

In compliance with §139-j and §139-k of the State Finance Law (see Section V, General Conditions below for additional information), proposers will be required to answer questions during proposal submission, which will include making required certification under the State Finance Law and to disclose any Prior Findings of Non-Responsibility.

### Proposal Evaluation

Proposals that meet solicitation requirements will be reviewed by a Scoring Committee using the Evaluation Criteria below. At NYSERDA's discretion, proposers may be requested to interview with all or part of the Scoring Committee or provide further information to address any potential questions or clarifications required by the Scoring Committee. Proposers will be notified if they are requested to provide more information or attend an interview.

The proposer selected for funding will be invited to enter into contract negotiations with NYSERDA. The proposer's Statement of Work and budget will form the basis of contract negotiations and the proposer may also be asked to address specific questions or recommendations of the Scoring Committee prior to any contract award.

### Eligibility Requirements

A negative response to any one of the questions below may eliminate the proposal from further consideration.

Does the proposer:

- Exist in 'good standing' with respect to all requirements of past or current NYSERDA projects, if any, including the delivery of required reporting and recoupment?
- Qualify as a for-profit or non-profit entity?
- Propose staff operations within New York State as part of their proposal?
- Have existing experience managing financial or insurance product development activities?

### Evaluation Criteria

#### **Evaluation Criteria in Order of Importance**

##### *Management Structure, Team Qualifications, and Institutional Capabilities*

- Does the proposer have the finance and industry experience necessary to successfully implement this Program? Has the proposer demonstrated its staff capacity and organizational experience in finance, or insurance?
- Has the proposer identified, or does it have existing relationships with Insurance Innovators? With entities that work with potential Insurance Innovators?
- Does the proposer have experience working with the insurance industry? MGAs/MGUs? Both?
- Does the proposer have staff with domain expertise in financial and/or insurance product development? In climate solutions or innovative product development? both?
- Does the proposer have a proven track record in Program design and implementation? How much of this track record involves climate specific solution support?
- Does the proposer have any experience in designing competitive award programs or done RFP recruitment and selection in the past?
- Has the proposer clearly identified existing team members with the skills and experience needed to lead and/or support this Program?
- Does the proposer have experience in building and managing boards of highly qualified experts and executives?

- Does the proposer have experience successfully collaborating with any of the stakeholder groups within the climate solutions ecosystem? If so, has that collaboration led to notable outcomes?
- Does the proposer have knowledge and expertise on insurance exposure data?
- How much experience and success has the proposer had in executing the various elements of the strategy they have proposed?
- If the Proposer is missing any of the above expertise, have they identified how they plan to fill gaps?

#### *Implementation Strategy and Plan*

- Does the proposed project define a clear and compelling value proposition and an executable strategy that has been validated with stakeholders?
- Has the proposer clearly thought through each phase of this Program and provided a detailed summary of how they would implement each phase?
- Does the proposed strategy show the proposer's understanding of the market landscape and key stakeholders?
- Can the Program execution strategy presented be tested, measured, and adjusted with ease? Has the proposer identified reasonable checkpoints at which they could adjust course if necessary?
- Has the proposer indicated how they would handle back-office operations? To what degree has the proposer demonstrated their capacity to manage a process for the secure collection and storage of applications, in line with NYSERDA FOIL requirements?

#### *Budget and Performance Payment Plan*

- Does the budget proposed map to the strategy and work plan proposed?
- Is the budget proposed reasonable and ambitious? Does it apply NYSERDA's funding in an efficient way to reach key program outcomes?
- How meaningful and impactful are the proposed milestones proposed? How aligned with the importance of each milestone is the proposed milestone payment plan?
- To what extent are milestones correlated with Program outputs?
- If the Proposer requires additional budget to execute this program, do they propose tangible and likely sources of cost share?

#### *Program Policy Factors*

NYSERDA reserves the right to accept or reject proposals based on the following factor(s):

The degree to which the proposed project optimizes the use of available funding to achieve programmatic objectives.

The degree to which the proposer has the resources (human and financial) to be able to complete the project.

## 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 <https://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

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

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

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

**State Finance Law sections 139-j and 139-k** - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <https://online.ogs.ny.gov/legal/lobbyinglawfaq/default.aspx>. Proposers are required to answer questions during proposal submission, which will include making required certification under the State Finance Law and to disclose any Prior Findings of Non-Responsibility (this includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years).

**Tax Law Section 5-a** - NYSEDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSEDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)). Prior to contracting with NYSEDA, the prospective contractor must also certify to NYSEDA whether it has filed such certification with the Department.

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

**Contract Award** - NYSEDA anticipates making one award under this solicitation. NYSEDA anticipates a contract duration of two years with a one-year option to renew at NYSEDA's discretion, unless NYSEDA management determines a different structure is more efficient based upon proposals received. Contracts may be awarded based on initial applications without discussion or following limited discussion or negotiations pertaining to the Statement of Work. Each proposal should be submitted using the most favorable cost and technical terms. NYSEDA may request additional data or material to support applications. NYSEDA will use the Sample Agreement to contract successful proposals. NYSEDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSEDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the checklist questions. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSEDA expects to notify proposers in approximately four weeks from proposal due date whether your proposal has been selected to receive an award. NYSEDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSEDA agreement.

**Accessibility Requirements** - NYSEDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.), video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see [NYSEDA's Accessibility Requirements](#).

**Limitation** - This solicitation does not commit NYSEDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSEDA 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 NYSEDA's best interest. NYSEDA 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. NYSEDA reserves the right to disqualify proposers based upon the results of a background check into publicly available information or the presence of a material possibility of any reputational or legal risk in making of the award.

**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.

**Vendor Assurance of No Conflict of Interest or Detrimental Effect** - The proposer shall disclose any existing or contemplated relationship with any other person or entity, including any known relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the proposer or former officers and employees of NYSERDA, in connection with proposer's rendering services as proposed. If a conflict does or might exist, please describe how your company would eliminate or prevent it. Indicate what procedures will be followed to detect, notify NYSERDA of, and resolve any such conflicts.

The proposer must disclose whether it, or any of its members, or, to the best of its knowledge, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "Commission"), and if so, a brief description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

**Public Officers Law** – For any resulting awards, the Contractor and its subcontractors shall not engage any person who is, or has been at any time, in the employ of the State to perform services in violation of the provisions of the New York Public Officers Law, other laws applicable to the service of State employees, and the rules, regulations, opinions, guidelines or policies promulgated or issued by the New York State Joint Commission on Public Ethics, or its predecessors (collectively, the "Ethics Requirements"). Proposers are reminded of the following Public Officers Law provision: contractors, consultants, vendors, and subcontractors may hire former NYSERDA employees. However, as a general rule and in accordance with New York Public Officers Law, former employees of NYSERDA may neither appear nor practice before NYSERDA, nor receive compensation for services rendered on a matter before NYSERDA, for a period of two years following their separation from NYSERDA service. In addition, former NYSERDA employees are subject to a "lifetime bar" from appearing before any state agency or authority or receiving compensation for services regarding any transaction in which they personally participated, or which was under their active consideration during their tenure with NYSERDA.

Any awardee will be required to certify that all of its employees, as well as employees of any subcontractor, whose subcontract is valued at \$100,000 or more who are former employees of the State and who are assigned to perform services under the resulting contract, shall be assigned in accordance with all Ethics Requirements. During the term of any agreement, no person who is employed by the contractor or its subcontractors and who is disqualified from providing services under the contract pursuant to any Ethics Requirements may share in any net revenues of the contractor or its subcontractors derived from the contract. NYSERDA may request that contractors provide it with whatever information the State deems appropriate about each such person's engagement, work cooperatively with the State to solicit advice from the New York State Joint Commission on Public Ethics, and, if deemed appropriate by the State, instruct any such person to seek the opinion of the New York State Joint Commission on Public Ethics. NYSERDA shall have the right to withdraw or withhold approval

of any subcontractor if utilizing such subcontractor for any work performed would be in conflict with any of the Ethics Requirements. NYSERDA shall have the right to terminate any contract at any time if any work performed is in conflict with any of the Ethics Requirements.

**Due Diligence** – NYSERDA, at its discretion, may conduct broad due diligence to validate any or all elements of an application and to assess proposer’s prospects of success, including gathering information to assess a proposal relative to any of the topics listed in evaluation criteria, whether or not such topic is explicitly addressed in a proposal. NYSERDA may conduct due diligence on some or all proposals based on NYSERDA’s current guidelines at the time of a review. NYSERDA staff may follow up with proposers to request additional information or clarification regarding proposer’s proposal, including questions regarding proposer’s business prospects and resources, whether or not those questions are specifically related to the elements of the proposal. Additionally, customized due diligence may be conducted by internal or external staff or contractors based on questions on any proposal raised by NYSERDA staff and/or the Scoring Committee. Due diligence may include (but is not limited to): interviews of independent references and background checks of team members; assessment of prior business experience of any team member associated with a proposal; research on intellectual property claims; customer and partner reference checks; market research on the proposers’ target market and any other related or possibly competitive technology or market area; research to validate any assumptions on current or future revenues, costs, capital needs, and financing prospects for proposers’ business, including similar (or unrelated) technologies, processes, or competitive solutions; or any other research that could reasonably inform the evaluation of a proposal, or the prospects for commercial success of the proposers’ business (whether directly related to, or unrelated to the specific elements in a proposal). Due diligence may include discussions with proposers’ former and current business partners, employees, investors, customers, and competitors. Due diligence may be conducted by NYSERDA personnel or contractors including members of the scoring committee, before, during, or after a scoring process, and prior to finalization of a contract award, any information gleaned in diligence may be used to score or re-score a proposal.

**EO 16 Protocols** – Pursuant to Executive Order No. 16 issued on March 17, 2022, all vendors responding to bids or contracting with New York State must certify, using the form provided as part of this solicitation, their status with regard to conducting business operations in Russia, and that any such business operations in Russia conducted on behalf of the vendor are determined to be permitted under any of the allowable exemptions. The term vendor is intended to encompass bidders prior to contract award, contractors who have received a contract award, contract assignees, or contractors for whom an extension to an existing contract is being pursued. Exemption decisions are in NYSERDA’s sole discretion and are final decisions. NYSERDA reserves the right to solicit additional materials or information regarding the responses or materials provided by a vendor.

Pursuant to Executive Order No. 16, all vendors will be vetted to ensure that they are not on the federal sanctions list at <https://sanctionsearch.ofac.treas.gov/>. There is no waiver or exemption process for vendors appearing on the federal sanctions list.

The Executive Order remains in effect while sanctions imposed by the federal government are in effect. Accordingly, vendors who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case sanctions are lifted during a solicitation, or after award in the case of some solicitations.

**Attachments:**

Attachment A – Proposal Narrative

Attachment B – Budget Template

Attachment C – Sample Agreement