

Data Driven Resources to spur Clean Energy Adoption

Request for Proposals (RFP 5701)

Up to \$1,500,000 for a period of three years

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

Proposals Due: June 27, 2024, by 3:00 PM Eastern Daylight Time*

Program Summary: The New York State Energy Research and Development Authority (NYSERDA) is soliciting proposals from qualified companies, or teams of companies, (hereinafter “Proposer”) to provide NYSERDA with comprehensive statewide building data and analytical resources that strengthen our efforts to accelerate market acceptance of energy efficiency measures and renewable energy (hereinafter “CLEAN ENERGY”). Proposals may be submitted by an individual firm or a team arrangement of firms to provide optimal services to NYSERDA.

Respondents will be evaluated on breadth and depth of relevant experience especially related to their knowledge of the built environment, experience transforming disparate data sources into accessible, complete and high-quality data sets and expertise in communicating actionable information.

Informational Webinar

NYSERDA will conduct an Informational Webinar on Thursday, May 16, 2024, at 3:00 p.m. Eastern Daylight Time during which NYSERDA will review the requirements of this solicitation and answer questions. Proposers interested in attending may register for the webinar [using this link](#). Questions may be submitted to DigitalEconomy@nyserda.ny.gov prior to the Webinar or during the Webinar using the web platform. Following the conclusion of the Webinar, NYSERDA will post questions and responses on the NYSERDA Current Funding Opportunities web page. All questions will be posted anonymously, and NYSERDA’s written responses will supersede any responses given during the Webinar.

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.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>.

No communication intended to influence this procurement is permitted except by contacting Matthew Miller (Designated Contact) at (518) 862-1090, ext. 3442 or by e-mail

DigitalEconomy@nyserda.ny.gov for technical questions. If you have contractual questions concerning this solicitation, contact Lori Armstrong (Designated Contact) at (518) 862-1090, ext. 3142 or by email at Lori.solicitations@nyserda.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 offerer, 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. PLEASE SEE SOLICITATION PROPOSAL AND VENDOR RESPONSIBILITY QUESTIONS.PDF FOR A COMPLETE LIST OF THE QUESTIONS PROPOSERS MUST ANSWER AS PART OF A SUBMISSION. THE ONLINE PROPOSAL SYSTEM CLOSSES 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](https://www.nyserra.ny.gov/funding-opportunities/current-funding-opportunities.aspx). IF CHANGES ARE MADE TO THIS SOLICITATION BEFORE THE DUE DATE, NOTIFICATION SPECIFIC TO THIS SOLICITATION WILL BE POSTED ON NYSERDA’S CURRENT FUNDING OPPORTUNITIES WEBSITE.

I. INTRODUCTION

NYSERDA is a public benefit corporation committed to identifying opportunities for reducing commercial and residential energy consumption, promoting the use of renewable energy sources, and protecting the environment. NYSERDA offers financial and technical assistance to help consumers, businesses and institutions assess and implement cost-saving energy efficiency and electrification measures and strives to provide affordable energy and a cleaner environment for all New Yorkers.

These goals are accomplished by increasing public awareness of the multiple benefits of energy efficiency, providing building performance services and making energy-efficient products more widely available. The goal of this RFP is to provide NYSERDA with comprehensive, statewide building data and analytical resources that will be used to quantify and strengthen the development, implementation and execution of NYSERDA’s market-focused efforts to accelerate the adoption of CLEAN ENERGY products.

This solicitation is not for research or technology development. NYSERDA has current and prior projects providing NYSERDA with critical data (e.g., tax parcels, buildings, demographics, geospatial and related data) and with analytics platforms (e.g., Tableau, Power BI, ArcGIS, etc.). Currently, NYSERDA has a contract that will expire at the end of 2024 that provides NYSERDA with access to aggregated data sets, an analytics platform and energy modeling capability on a cloud-based platform. Given the expanding availability of data and

technology improvements in data analytics, we welcome proposals that will expand our ability to understand the built environment and clean energy opportunities across New York State.

II. PROJECT REQUIREMENTS

A. Services Requested

NYSERDA is seeking a contractor to provide a comprehensive database, analytics platform and market assessments covering the built environment for all of New York State that affords scalability and flexibility for adding new datasets, incorporating new analytical techniques and changing market conditions. This project includes:

- 1.) extracting data from various sources, transforming that data into a usable and consistent format using a specified schema, with regularly scheduled updates, on all properties and buildings in New York, encompassing location (e.g., address, geospatial location, etc.), structure information (e.g., area, height, age, construction, etc.), zoning/property use, heating system, fuel source/utility service, etc.;
- 2.) providing individual data sets and a consolidated summary for every building in New York on a cloud-based platform for use within NYSERDA and, where agreed or in a non-confidential format, by NYSERDA contractors and the general public to support business development efforts; and
- 3) conducting market analyses in support of NYSERDA program objectives.

These capabilities shall be offered on a data platform that is user-friendly, conforms to NYS ITS cybersecurity policy, and provides access to the web-based tool for NYSERDA teams to:

- segment the market by building type, geography, ownership, occupancy, HVAC systems, fuel type and other characteristics.
- identify and target buildings likely to upgrade HVAC systems and/or building envelope over specified time horizons.
- assess electrification and energy efficiency options.
- calculate potential energy savings.

- develop programs to drive private sector investment.
- track market adoption patterns over time.
- model the impact on adoption rates given changes in key market drivers.

The data platform shall serve as a dynamic, automated data pipeline that includes reliable joining keys, data enrichment, data progression, the ability to link with available building documents/images and import additional data sets as they are created through the three-year term of this project. It shall consist of a modern cloud-based, visual data preparatory resource combined with a data warehouse offering sufficient storage and scalable computing of disparate, yet critical data, such as:

- Field Data from NYSERDA and others - HPXML, CRIS, Salesforce
- NYSERDA Building Stock Assessments: SFR, MFR, Commercial, Industrial
- Building Data: Tax Assessor, MLS (age, size, use, HVAC, utilities/fuel)
- Building Improvements: Permits for HVAC, Utilities/Fuels, Structural
- Demographic information: Owner/Occupant, Income, Vehicles, Personas
- Geographic information: Census Blocks, Neighborhoods, Subdivisions
- Sustainability Options: Climate Data, Geothermal Potential, Solar Gain
- Regulatory information – Subsidized low income (section 8), affordable and market rate housing

The data platform shall include capabilities for modeling to calculate weather normalized savings and scenario analysis of market adoption to inform building decarbonization and electrification roadmaps. This tool may also include more advanced capabilities for modeling, such as customer usage load shape estimation. *Please note that NYSERDA does not have access to and will not make available customer energy usage data as part of this work.*

Finally, on-demand and readily accessible analytical assessments by NYSERDA personnel via Tableau, SAS, SQL, MS Excel and other in-house capabilities are required. The Contractor shall provide ongoing support to and interact with NYSERDA personnel.

We expect this effort to commence immediately upon selection. We prefer to procure this tool as an annual subscription with an initial three-year contract and an option to renew, at NYSERDA's request, for an additional two years. NYSERDA anticipates proposals to include an initial fee to launch the tool, an annual subscription and a fee schedule for any additional data sets and consultative requirements; however, other billing structures may be presented in the proposal. Your proposal must clearly outline all of your costs to complete all elements of this solicitation.

B. PROPOSER QUALIFICATIONS

Proposers will need to demonstrate experience and success in areas that may include, but are not limited to the following categories:

- Data aggregation and management of a data warehouse incorporating property location, building attributes, utility access, HVAC system, energy utilization and other pertinent information of value to advancing CLEAN ENERGY initiatives.
- Research, analysis, and consulting related to: property/building data, property owner data, understanding of markets/business, and supply chain.
- Building engineering and sciences, including energy modeling.

Proposers may be a single company or team of companies but must, in their response, clearly identify the key employees, subcontractors, or relevant affiliates of all entities who are proposed to fulfill the requirements of this RFP. If a Proposer includes a partnering arrangement with third parties in their proposal, the proposal must indicate the lead entity that will contract with NYSERDA and retain sole responsibility for successful completion of the work under a resulting contract.

Furthermore, the Contractor shall ensure NYSERDA has access to all data provided by the Contractor, including their subcontractors. Any restrictions on data access within NYSERDA and public data presentation must be clearly stated in the proposal and articulated in the attached contract provided by NYSERDA.

C. Statement of Work

The selected Proposer (the “Contractor”) will be responsible for providing a Statement of Work that incorporates critical milestones, as follows:

1: Assessment and Use of current NYSERDA Data Resources

Through 2024, the Contractor shall:

- a. Coordinate with NYSERDA’s Clean & Resilient Building teams, Data Governance and others to assess their needs for data and analyses to develop compelling projects. The data may include property data, building stock, energy source/use, building permits, demographics, NYSERDA program data and other input.
- b. Assess the strengths and weaknesses of NYSERDA’s current building data and analytic capabilities.
- c. Confirm the project timeline including platform launch, data ingestion, training of NYSERDA personnel, fully functional modeling capabilities, market-focused resources, integration with NYSERDA analytical resources and other pertinent milestones.

2: Launch the Building Data Analytics Platform

Beginning no later than January 2025, the Contractor shall:

- a. Launch the building data analytics platform with initial data.
- b. Continue to ingest data on a scheduled basis with updates quarterly, at a minimum.
- c. Train NYSERDA personnel on data access and analytic capabilities.
- d. Prepare reference materials, a data dictionary, as well as data aggregation and quality assurance documentation.
- e. Integrate the building data with other NYSERDA analytical resources.

3: NYSERDA Technical Support

The Contractor shall provide ongoing, daily support to NYSERDA personnel and teams, as follows:

- Introductory presentations, training webinars, videos and documentation, including a data dictionary, data aggregation flow charts, etc., offered and updated at least quarterly.
- Provide online support and collaboration with NYSERDA personnel to strengthen their analyses, insights and create shared ownership of the findings and implications.
- Update all underlying datasets on a regular basis, preferably no less than quarterly.
- Monitor data quality and resolve ambiguity in search results and between data sets.

4: Market Segmentation

The Contractor shall use the platform to prepare building-based market assessments for Single-family Residential (SFR) and Multi-family Residential (MFR), Commercial & Institutional (C&I), Industrial and Agricultural/Land uses.

- With each case developed, the contractor shall describe and quantify sub-segments of each market, as follows:
 - SFR – Detached, Attached, Manufactured/Mobile
 - MFR – Condo, Coop, Apartment
 - C&I – Office, Medical, Education, Retail, Distribution, Food, Hospitality
 - Industrial – Light, Heavy
 - Agricultural/Land – Crops, Livestock, Open Land
- With this baseline information, the Contractor shall assess opportunities for clean energy initiatives and develop measure packages for each sub-segment, including weatherization, HVAC electrification, automated controls, appliance replacement, plug load reduction, etc.

5: Energy Savings and Carbon Reduction Calculations

The Contractor shall generate energy savings and carbon reduction models using their own methodology or publicly available modeling engines, such as National Renewable Energy Laboratory (NREL's) EnergyPlus™ (Residential) and ComStock™ (large MFR and Commercial) modeling engines, that are based on discrete building data information and measure packages.

6: Communications of Findings

The Contractor shall:

- Prepare white papers and presentations to share within NYSERDA and externally.
- Offer presentations to other agencies, community and local government organizations, supply chain partners, and the general public.
- Provide quarterly updates of project progress, support efforts, research reports, collaborative efforts, issues and opportunities to NYSERDA senior management.

7: Key Project Development

The Contractor shall meet with the Clean & Resilient Buildings team leadership on a quarterly basis to discuss areas of mutual opportunity and with team personnel, as requested, to support their data requests and project needs.

Furthermore, the Contractor shall identify and propose bona fide (quantifiable and measurable) building electrification efforts to accelerate market transformation. Ideas that have already percolated include:

- Integration of the Building Data Platform to power Remote Energy audits where homeowners and contractors will have the ability to assess costs, energy savings and carbon reduction opportunities for their homes.
- Identify discrete market segments for future NYSERDA projects in residential and commercial markets based on building attributes, owner demographics, geographic characteristics and climate zone to adjust incentives and accelerate market adoption.
- Quantify market opportunities for multifamily residences to support customers who seek financing and contractors who seek to generate sustainable revenue stream based on their unique business expertise.
- Assess time-of-day energy use across all project sites from NYSERDA programs, such as Real Time Energy Management (RTEM). Not only can these data be used to optimize building operations, but the results can serve as the basis for grid-interactive studies.

D. Contract Award, Schedule and Budget

NYSERDA anticipates a single award under this RFP and will enter into an agreement with the successful Proposer using the Sample Agreement and Statement of Work attached to this RFP. NYSERDA anticipates a total award up to \$1,500,000 for three years. NYSERDA reserves the right to add or reduce time and/or funding to the awarded contract.

III. PROPOSAL REQUIREMENTS AND FORMAT

Proposers must submit their proposal by the due date in accordance with the instructions described on the front of this RFP. Proposals should concisely present the information needed to fully address the evaluation criteria (see Section IV). Proposals should not exceed 20 pages plus resumes and attachments. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. The Proposer's name, the RFP number, and page number should be recorded on every page of the proposal, including attachments.

Each proposal shall be uploaded into Salesforce as two separate documents: (1) the Proposal, proposer's redline (i.e., a markup) of the Sample Agreement and Statement of Work provided in the solicitation and other Supporting Documents (as one file) and (2) Cost Proposal.

The proposal must be in the following format:

1. Proposal and Supporting Documents

A. Background/Objectives (1 to 2 pages)

Provide a brief description of your understanding of the goals, objectives and requirements of the services described in this RFP. Proposers shall briefly identify key information about their organization and any proposed subcontractors. Proposers shall describe why they believe that they are qualified to perform and complete the services requested under this RFP.

The Proposer must include the following information:

- Firm or organization name
- Identification of any subcontractors and/or partners that are part of the proposal, and general comments regarding their role.
- Address
- Telephone number
- Primary contact person telephone and e-mail address

B. Scope of Work and Agreement (6 to 10 pages)

Review the Statement of Work (SOW) and Sample Agreement attached to this solicitation and provide a redlined mark-up as part of your proposal that delineates each step required to accomplish the project objectives clearly noting any changes or exclusions. The Statement of Work is the primary contractual document that outlines work activities and specifies deliverables. Therefore, each action needs to be identified, indicating who will perform it, how it will be performed and its intended result. At the end of each task description, specific task deliverable(s) must be listed. Clearly articulate the specific approaches to providing primary data in a useful format for all of New York State, support for implementation, analysis of on-going improvement opportunities and data collection and reporting.

C. Management Plan/ Schedule (2 to 3 pages)

Provide an organizational structure that facilitates effective leadership and quality staff services. Identify the main point of contact for NYSERDA and key participants in the project. Describe their individual expertise and explain how each will contribute to the work. Describe the team's management and technical expertise and relevant experience. Include an organization chart showing the relationship among all personnel and subcontractors.

Submit a schedule for conducting the work proposed in the SOW in a Gantt chart or similar format in terms of weeks and months from contract signing to delivery of services. In

particular, fully articulate the initial work to assess our current data and analytics platform, the value our prior work may provide to your approach and an effective transition plan to move or replace our current work to your platform. It is important that we not lose continuity in our work while you launch your capabilities in a timely and effective manner.

D. Qualifications (2 to 4 pages)

List and describe team members' previous experience relevant to NYSERDA's objectives for this RFP and the approach being offered. Describe how the Proposer's staff and other team members meet the required experience, skills, and abilities to perform the services described in this RFP. State the individual and combined expertise that would enable successful completion of the objectives outlined in this solicitation. Provide relevant background information demonstrating the ability to successfully provide the required services, including prior experience with this type of work. Cite specific examples of previous relevant projects.

One (1) page résumés that highlight recent relevant experience of the proposed team personnel should be included as appendices. Submission of a company-wide résumé representing general services to be provided by various personnel does not meet the submission requirement. (résumés are not included in the page total)

E. Letters of Commitment

If proposers are relying on any other organization to do some of the work or provide services or resources, include a letter from that organization describing its planned participation. Absence of letters of commitment may be interpreted as meaning that the proposer does not have support from the subject parties.

2. **Cost Proposal**

A. Using Attachment A, The Project Personnel and Billing Rates form, provide a detailed budget to include:

- Startup costs
 - The cost of each data platform, data source, software and other resources
 - Labor charges for each task showing positions, rates and hours

- Annual Subscription
 - Recurring costs for each data platform, data source, software and other resources
 - Labor charges for technical support, data updates on at least a quarterly basis
 - Monthly meetings, project documentation and quarterly management reports

B. Billable Rate Schedule

The Proposer shall indicate hourly salary rate range for each title classification proposed under the agreement with NYSERDA and other overhead multipliers you propose to use for the duration of the agreement with NYSERDA,

Provide rate and multiplier for services to be provided from date of the Project Proposal submission. These rates shall be independent annual rates. The multiplier shall include all overhead, profit, and other costs. NYSERDA reserves the right to conduct a rate comparison amongst consultants and request changes to the rate schedule as applicable. Do not provide fully burdened rates in the chart.

3. **Sample Agreement**

Proposers should 1.) review Attachment B, Sample Agreement and Statement of Work, and 2.) provide a summary of revisions and redline version of Attachment B as part of their proposal. Include any proposed revisions with explanation, especially in response to NYSERDA's technical requirements, technology transfer and third party data included in the proposed solution. Additional terms may be added to the final Agreement as approved at the sole discretion of NYSERDA.

New York Executive Law Article 15-A - NYSERDA is required under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of NYSERDA contracts. The MWBE participation goals and obligations of the selected Contractor are set forth in the Sample Agreement.

New York State Executive Law Article 17-B, NYSERDA recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified service-

disabled veteran-owned business enterprises (SDVOB) in the performance of NYSERDA contracts. Executive Law Article 17-B and its associated regulations require, among other things, that NYSERDA establish goals for maximum feasible participation of New York State Certified SDVOBs in the performance of New York State contracts. The SDVOB participation goals and obligations of the selected Contractor are set forth in the Sample Agreement.

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.

No reimbursement will be provided for costs incurred prior to the contract execution date for proposals awarded funding.

IV. 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 to address any potential questions or clarifications outlined in the proposals. Proposers will be notified if they are requested to attend an interview. Applications should be clear and complete and not rely on a possible interview to demonstrate the merits of the application.

Evaluation Criteria

Overall relevant experience and impact

- Previous experience in aggregating disparate data sources to provide thorough, high-quality information on the entire built-space throughout New York State.
- Demonstrated data analytics capability that will be shared with NYSERDA.
- Quality and relevance of previous work in all markets, including but not limited to Commercial/Institutional, Multifamily Residential, Single Family Residential, Industrial, Agriculture, etc.

- References substantiating with evidence the contractor's abilities and past performance on at least two key projects.

Qualifications and expertise of the personnel/team

- Adequacy and depth of resources to provide requested services, especially data aggregation, quality assurance, data analytics and regular technical support to NYSERDA and periodic market assessments, as requested.
- Qualifications, expertise and breadth of the personnel/team
- Clear identification of staff that will be assigned to each project task.
- A clear explanation of all teaming arrangements, responsibilities of the lead contractor and each subcontractor, as well as letters of commitment from each.

Pricing, timing and long-term value of the proposal.

- Reasonableness and relative competitiveness of start-up costs, including access to explicit data sources and software resources required by the contractor to fulfill this contract, annual subscription costs, labor rates associated with startup costs and ongoing technical support, annual escalation rates and overhead.
- Overall pricing, subscription costs and hourly rates are in line with the rest of the market and consistent when compared to expertise and qualifications.
- Escalation rates, not to exceed 3%, provided through 2029.
- Clear budget proposal, free of errors

Responsiveness to the RFP and Capabilities to Deliver Services

- The proposal demonstrates a clear understanding of the goals and objectives of this RFP.
- The proposal follows the required format and provides a complete, comprehensive, and effective response to all project needs, including a markup of the Statement of Work and Sample Agreement noting any areas of concern, options for NYSERDA's consideration and agreement with NYSERDA requirements.
- A demonstrated ability to complete projects on schedule by securing the appropriate level, depth and breadth, of resources needed to meet NYSERDA's needs.

- If applicable, identify collaborating entities and demonstrate their ability to provide NYSERDA access to each for guidance and technical support, and their ability to work together effectively.

Market awareness / Insights

The degree to which the proposer identifies:

- Discrete market segments offering NYSERDA compelling opportunities to increase CLEAN ENERGY adoption rates, especially serving Disadvantaged Communities.
- Similarities and differences between New York State and the market at large opportunities or value propositions that can help NYSERDA quantify and understand distinct characteristics of the built environment in New York State

Other considerations

- Past experiences with the contractor, notable position within the firm's industry, accomplishments on similar projects.
- Experience in or demonstrated ability to serve disadvantaged communities within New York State through their proposal, location, or commitment to hiring staff located in a disadvantaged community(s).
- Proposer is a New York State-certified Minority or Women-owned Business Enterprise (MWBE) or a certified service-disabled veteran-owned business enterprise (SDVOB).

Program Policy Factors

NYSERDA reserves the right to accept or reject Project Proposals based on the following program policy factors:

1. The degree to which the proposed project optimizes the use of available funding to achieve NYSERDA's overall programmatic and portfolio objectives, as specifically set forth in the RFP.
2. The degree to which there are technical, market, organizational and/or environmental risks associated with the projects.
3. The degree to which the applicant 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 except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <https://www.nyserda.ny.gov/-/media/Project/Nyserda/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, 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 - 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 contracting and filed with NYSERDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Contract Award - NYSERDA anticipates making one award under this solicitation. NYSERDA anticipates a contract duration of three years with two one year options, unless NYSERDA

management determines a different structure is more efficient based upon proposals received. A contract 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. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. 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 checklist questions. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately 12 weeks from the proposal due date whether your proposal has been selected to receive an award. Upon receipt of this notification, a proposer can request to schedule a debrief on the selection process and the strengths and weaknesses of its proposal by contacting Lori.solicitations@nyserda.ny.gov. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

Accessibility Requirements - NYSERDA 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 NYSERDA's Accessibility Requirements on the [Doing Business with NYSERDA page](#) or download [NYSERDA's Accessibility Requirements \[PDF\]](#).

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. NYSERDA 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 Commission on Ethics and Lobbying in Government, 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 Commission on Ethics and Lobbying in Government, and, if deemed appropriate by the State, instruct any such person to seek the opinion of the New York State Commission on Ethics and Lobbying in Government. 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 applicants’ 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 applicant’s proposal, including questions regarding applicant’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 applicants’ 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 or apply a program policy factor.

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://sanctionssearch.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.

Information Security: The NYS Office of Information Technology Services (ITS) establishes and regularly updates policies, standards, and guidelines for information security (collectively referred to as "ITS Security Policies") for State Entities, including NYSERDA. Contractors, vendors, and solution providers conducting work on behalf of NYSERDA including, but not limited to, application development, web development, hosting, or managing NYSERDA's sensitive data are required to comply with the NYS requirements. These requirements include, but are not limited to, the NYS Information Security Policy NYS-P03-002 which sets forth the minimum requirements, responsibilities, and accepted behaviors to establish and maintain a secure environment and achieve the State's information security objectives. Contractors that manage NYSERDA's data outside of NYSERDA's systems with a High or Moderate rating as per the NYS ITS Information Asset Identification Worksheet must comply with the following requirements.

High Rating	Moderate Rating
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<ul style="list-style-type: none">• Maintain up-to-date SOC 2 Type 2 Assessment Report and provide to NYSERDA upon request.• Maintain Cyber Security Insurance• Provide a signed self-attestation on an annual basis for multiyear contracts	<ul style="list-style-type: none">• Maintain Cyber Security Insurance• Provide a signed self-attestation on an annual basis for multiyear contracts
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VI. Attachments

Attachment A - Project Personnel and Billing Rates Form

Attachment B –Sample Agreement and Scope of Work