



**Buildings of Excellence Competition  
Demonstration Projects  
Request for Proposal (RFP) 3928 Rd5  
Up to \$9,000,000  
NYSERDA reserves the right to extend or  
add funding at its sole discretion.**

Proposals Due: September 18, 2024, by 3:00 p.m. Eastern Time (ET)\*

The Buildings of Excellence Competition (the Competition) seeks proposals for multifamily demonstration projects that will be clean and resilient, beautiful, and functional, and will provide healthy, safe, comfortable, and resilient living spaces for their occupants. Successful proposers will demonstrate how their projects will be profitable for the developers and owners and demonstrate realistic cost reductions in the design and construction of clean and resilient buildings. The Competition aims to accelerate the design, development, construction, and operation of multifamily buildings that integrate co-benefits for occupants, such as controlled and healthy indoor air quality, as well as exceptional comfort. Successful proposers must demonstrate how their projects' energy use and per capita carbon emissions will be substantively reduced, while increasing building resiliency, including passive and active survivability, in a manner that can be replicated at scale. Proposers must also commit to publicly share information related to the project's design, costs, and performance relied on to support the decision-making processes employed to achieve the desired outcomes. This fifth round of the Competition will consider projects that intend to serve all market sectors, while primarily focusing on mid- to high-rise multifamily buildings that are at an early stage in their design and development cycle. Special consideration may be offered for projects that are or will be located in disadvantaged communities, for projects that will be eight (8) stories or greater in height, and for projects that involve the adaptive re-use of commercial office, institutional, or retail space to provide multifamily housing. Selected projects may be eligible to receive up to \$1,000,000 in direct funding as well as support for initiatives focused on broad marketing and public awareness. The Competition will set aside a minimum of \$5 million to support affordable housing projects.

**Proposal Submission:** Electronic submission via the NYSERDA portal is preferable. Proposers may submit Word, Excel, or pdf files (file formats include the following: csv, doc, docx, gif, jpeg, jpg, pdf, png, ppt, pptx, pps, ppsx, tif, txt, xls, xlsx, and zip). Individual files should be 100 MB 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 also accepts proposals by mail or hand delivery if electronic submission is not possible. For detailed instructions on how to submit a proposal (electronic or paper submission), follow the [Application Instructions and Portal Training Guide](#) [PDF] located in NYSERDA's [Current Solicitations and Funding Opportunities](#) website.

**Informational webinar:** NYSERDA will deliver informational webinars on Tuesday June 11, 2024, starting at 10:00 AM and Wednesday September 4, 2024, starting at 10:00 AM. Participants will have the opportunity to submit written questions to the presenters in advance or during the webinars. NYSERDA will respond to questions during the webinars. [Fill out this form](#) to receive an invitation for the listed session and to be notified of additional informational webinars that may be scheduled. Submitting your contact information will ensure you will also be notified when the Competition is about to close, when winners are announced, and when a future round of the Competition is launched.

**Contact Information:** For technical questions, contact Gwen McLaughlin (designated contact) at [GwenNC@nyserda.ny.gov](mailto:GwenNC@nyserda.ny.gov) or (518) 862-1090 ext. 3099, or Patrick Fitzgerald (designated contact) at [PatrickNC@nyserda.ny.gov](mailto:PatrickNC@nyserda.ny.gov) or (518) 862-1090 ext. 3385. For contractual questions concerning this solicitation, contact Thomas Rood (designated contact) at [Tom.Solicitations@nyserda.ny.gov](mailto:Tom.Solicitations@nyserda.ny.gov).

No communication with NYSERDA staff intended to influence this procurement is permitted. Contacting anyone other than the designated personnel (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 may disqualify the proposer from consideration.

**\* All proposals must be received by 3 p.m. (ET) 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 submission requirements have been met. Please note the following: for electronic submissions, there are required questions that need to be answered in addition to uploading attachments. Be sure to allot at least 60 minutes to enter and submit proposals. The electronic proposal system closes promptly, and files in process or attempted edits or submission after 3 p.m. (ET) on the date above will not be accepted.

If changes are made to this solicitation before the due date, notification specific to this solicitation will be posted on NYSERDA's [Current Solicitations and Funding Opportunities](#) website.

## I. Introduction

The use of fossil fuels, such as natural gas, propane, oil, and coal, releases carbon dioxide and other emissions into the atmosphere that contribute to climate change and other environmental impacts. Climate change will put buildings, and their systems and occupants, at greater risk of hazards in the future, such as flooding, sea level rise, increased temperatures, and more frequent and more extreme storm events. Eliminating the use of fossil fuels to support building operations will decrease carbon dioxide and other emissions.

NYSERDA seeks proposals for demonstration projects that will be clean and resilient, while also being beautiful and functional; provide healthy, safe, comfortable, and resilient living spaces for their occupants; and be profitable for the projects' developers and owners. Successful proposers will be expected to demonstrate how their project will:

- Address architectural design attributes, including aesthetics, project site and context, use of natural light, space functionality, acoustics, amenities, and the project's relationship to the larger community, among other design attributes.
- Identify and propose alternative strategies that can achieve reductions in overall project costs, focusing on buildings that will be eight (8) stories or greater in height.
- Be designed as clean and resilient buildings that will reduce energy use, eliminate use of fossil fuels to heat water and condition occupied areas, employ tactics that will reduce peak load and per capita carbon emissions; and increase the building's resilience through design interventions that address forward-looking climate conditions, as well as active resilience measures, passive survivability, and adaptation.
- Deliver co-benefits for occupants, such as healthy indoor air quality, while providing exceptional comfort and otherwise outstanding living environments for occupants.
- Reduce total carbon impacts, including reductions to embodied carbon in materials, processes, or other design attributes; propose use of materials that achieve carbon sequestration; and ensure reductions to the total volume of refrigerants, use of lower Global Warming Potential (GWP) refrigerants, and minimized risks associated with potential refrigerant leaks.

Proposers must demonstrate that the design and construction strategies of their projects are replicable at scale and have the potential to achieve broad-based adoption by both developers and consumers. Proposers must also demonstrate how their projects provide superior financial benefits for owners. The Competition intends to identify and select proposals for projects that demonstrate the greatest potential for success and replication.

This Competition's goals include proactive design and planning, providing access to recreation, building complete streets, improving the existing built environment, and encouraging compact, multiple-use development – all of which enhance age-friendly characteristics and community livability.

Proposers who have committed to installing geothermal systems for space conditioning may be eligible for an award of \$20 per square foot of gross floor area, up to \$1,000,000. All other proposers may be eligible for an award of \$14 per square foot of gross floor area, up to \$700,000. Awarded projects that propose to install geothermal systems but determine that they cannot proceed with the installation will have their award reduced to the lower amount but may retain 15% of the difference between the two award options, at NYSERDA's sole discretion, based upon NYSERDA's review of the project team's submission of additional energy modeling, geological and technical analysis, and cost analysis performed after proposal submission that led to the decision to remove geothermal, payable to the developer at Milestone 1.

The awarded funding will be available to contracted projects for five years from the date of award. If the project is making progress and funding is still available, the project team may request an extension to the project period. The award may be extended at NYSERDA's sole discretion.

## II. Eligibility

NYSERDA, at its sole discretion, determines a proposal's eligibility for the Competition.

### Market Sector

Proposals intending to serve all market sectors will be evaluated and considered for award. Proposals for projects that are or will be located in [disadvantaged communities](#) may receive special consideration.

### Project Status

Projects in the early schematic design through the design development phase as of the date their proposal is submitted to NYSERDA will be considered eligible to participate in the Competition. Projects that have received a municipal approval; a Building Department's final approval of the building's architectural, mechanical, and plumbing plans; or the permit that allows for construction of the building at the time their proposal is submitted to NYSERDA will not be eligible for consideration.

### General Eligibility

For a proposal to be eligible for consideration, the project must incorporate multifamily occupancy as the primary use, and can include buildings that incorporate dwelling units, sleeping units, congregate living, or residence halls. Projects may contain non-residential space; however, the non-residential space must consist of less than 50% of the occupiable square footage of the entire project. Buildings that provide student housing, including residence halls, that are owned or operated by a municipality or by New York State are not eligible to participate. Hotels, motels, or other hospitality-related buildings are not eligible to participate.

This Competition is available to projects located anywhere in New York State, regardless of whether the project will be located in an investor-owned electricity distribution company service territory.

The funding provided through this Competition may be used in conjunction with transportation (e.g., electric vehicle charging station) and distributed energy resources (e.g., solar photovoltaics or battery storage) funding available from NYSERDA and utility service providers. Projects that have been awarded funding from Category B or Category C of NYSERDA's PON 4614 or funding from NYSERDA's PON 5614 will only be eligible for an award of \$14 per square foot of gross floor area, up to \$700,000 through this Competition. Proposers must review the rules of all other programs, including utility programs, to determine if those funds are accessible in combination with funds offered by this Competition.

Proposers to this Competition are not eligible for award if they intend to seek or have already been awarded Clean Energy Initiative (CEI) funding distributed by the New York State Homes and Community Renewal (HCR), or funding distributed through the New York City Housing Preservation and Development (HPD) Future Housing Initiative or any of their sub-agencies that is provided by NYSERDA through the Clean Energy Fund and intended to support goals similar to those promoted through this Competition.

The proposer must be the owner or developer and have the authority to select and direct all other members of the project team. The proposer must demonstrate their project team has the capabilities to perform and successfully complete the proposed project as a multidisciplinary and integrated project delivery team.

As part of their submission, the proposer must select and indicate who will serve as the design team lead in support of their project. NYSERDA anticipates executing two separate agreements associated with each awarded project, one each with the developer and the design team lead. Under this agreement, the design team lead firm will receive a portion of the award, as indicated in Section VI - Schedule of Payments of this RFP.

A proposer may elect to submit more than one proposal to the Competition for different projects (different locations). Members of a proposer's team are welcome to participate in more than one proposal. Multiple,

alternative proposals submitted for a single project will result in the disqualification of both proposals, as it is the responsibility of the proposer to determine the more appropriate set of solutions for their project.

A project can encompass one multifamily building, or a portfolio of similar and related multifamily buildings located on the same site or on adjacent and associated sites. One- and two-family homes or townhomes as defined within the Definitions section of the International Building Code are not eligible for inclusion as part of a proposal's fundable project. Proposals for multiple buildings that do not meet that criterion should be submitted by the proposer as separate and unique proposals.

Eligible multifamily projects are as follows:

- a. New Construction: A new building, buildings, or an addition, where a licensed professional architect or engineer has prepared and certified the building plans.
- b. Adaptive Re-use or Gut Rehabilitation: Substantial renovation for one of the following types of projects where a licensed professional architect or engineer has prepared and certified the building plans:
  - Change of use and reconstruction of an existing building, buildings, or space within.
  - Construction work of a nature requiring that the building, buildings, or space(s) within to be out of service and unoccupied for a minimum of thirty days.
  - Reconstruction of a vacant structure, or structures, or space within.
  - The addition to or expansion of a building, in combination with any of the above.
- c. Adaptive Re-use of Commercial Office, Institutional, or Retail Buildings to Multifamily Use: To be eligible for consideration under this unique category, the existing building must have been previously occupied and used as commercial office, institutional, or retail space. Additionally, substantially new mechanical systems required to support occupancy as housing must be necessary, including the installation of kitchen and bathroom waste and supply piping, balanced ventilation that meets requirements for residential occupancy, and other attributes required to support conversion of existing commercial office, institutional, or retail to multifamily use.

All proposers must submit the Attachment A to this RFP titled Data Collection Form (.xls). The proposer's submission of this Data Collection Form should include the expected, predicted, or modeled energy use, project costs, and design attributes. All data provided in this Data Collection Form must be consistent with the written proposal and supplementary documents. Inconsistencies may impact proposal evaluation and scoring.

Design drawings must be included in the proposal as Supplementary Documents. Proposals should include wall sections of the building envelope and related design details, floor plans, and detailed descriptions of the energy systems utilized, if available.

Proposers selected through this Competition must agree to:

1. Assist NYSERDA in promoting their project and sharing information that will help the industry accelerate the design, construction, and operation of high-performance buildings, all of which may be shared publicly unless otherwise noted.
2. Allow their project to be part of NYSERDA's promotional efforts and to cooperate with NYSERDA in the creation and implementation of those efforts, including but not limited to exhibitions, articles, books, electronic media including a Competition website, and lectures promoting the Buildings of Excellence Competition and its outcomes.
3. Update the information initially provided in the Attachment A - Data Collection Form following project selection and prior to execution of the contractual agreement with NYSERDA and at each Milestone.
4. Provide a Summary of Changes that explains the reasons for any changes in the project's proposed design prior to execution of the contractual agreement with NYSERDA and at each Milestone. Any design changes will be subject to NYSERDA's discretion as defined and detailed in Section V - Selected Projects, Subsequent Submissions, and Required Updates of this RFP.

5. Provide updated information related to the project's expected, evolving, and as-built design, costs, and price, in the Data Collection Form, Cost Workbook, and other data collection formats requested by NYSERDA following project selection and prior to execution of the contractual agreement with NYSERDA and at each Milestone.
6. Provide or secure Data Release Authorization Forms from building owners and a representative sample of tenants, as required for benchmarking of the whole building's energy use, generation, and related utility consumption, as well as to provide additional performance information obtained through monitoring and controls systems, utility metering or submetering systems, or Smart Building systems. Proposers must ensure the project owner agrees and authorizes their utility's sharing of the participant-customer's information and/or project-level information with New York State Department of Public Service Staff and NYSERDA, including its agents or authorized representatives, consistent with NYSERDA's New York State Public Service Commission and statutorily authorized responsibilities, including, but not limited to supporting market development initiatives, and other evaluation and measurement activities. (For clarity, the term project level includes the information based on the scope of the project, including, but not limited to, aggregated and anonymized whole building, building or subsets of the project.)
7. Provide NYSERDA with actual monthly energy use and generation by fuel type for all fuels and from all meters for sixty months after project completion, for the residential portion of the building as well as for the whole building. Directly metered tenant use may be aggregated by fuel type.
8. Populate the U.S. Environmental Protection Agency (EPA)'s ENERGY STAR® Portfolio Manager or equivalent, as accepted by NYSERDA, for a minimum of sixty months post-occupancy, providing NYSERDA with access to the benchmarking tool's output data. Disclosure of the benchmarking data on websites, in publications, in presentations or other venues may occur, in whole or in part, in a form attributable to their project.

## Energy Performance

Additionally, the proposer must rely on one of the following Standards to establish that the minimum projected energy efficiency and building performance proposed for the project's residential-associated space<sup>1</sup> will be met.

- Appendix G of ASHRAE Standard 90.1: Proposers intending to rely on this standard to model and predict energy performance must commit to designing and constructing a project that will achieve a minimum modeled source (primary) energy savings<sup>1</sup> of 20% when compared with a project design that complies with the relevant Energy Conservation Construction Code of New York State (ECCC of NYS), currently the 2020 version; excluding the impacts of any proposed renewable energy generation. Energy performance must be established without the inclusion of any renewable or distributed energy generation, to confirm the energy efficiency performance threshold has been met, and then again calculated after renewable or distributed energy generation has been included in the energy model and submitted by the proposer to support evaluation of the efficiency of the design, and to allow comparison with other proposals. Proposers will apply a 2.55 source-to-site conversion factor to support the calculation of efficiency in comparison with the natural gas baseline relied on by this standard to confirm the minimum energy performance threshold will be met. Proposers must commit to use of the "90.1 Section 11 and Appendix G Compliance Form" to establish simulation inputs and complete internal quality control.
- Projects intending to meet certification requirements as published by Phius (Passive House Institute U.S.) must identify the building(s)' modeled source (primary) energy use<sup>1</sup> in terms of kWh/person/year; and projects intending to meet certification requirements published by the

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<sup>1</sup> For projects that include mixed use space, only the energy use associated with the project's residential square footage should be included when determining the modeled energy performance of the residential portion of the project. The modeled energy performance shall incorporate the square footage used for residential occupancy, inclusive of all residential-associated space such as hallways, stairwells, elevators, trash, utility and exercise rooms, entrance lobbies, as well as shared laundry facilities exclusively available to the building's residential occupants. A commitment to achieving certification to Phius Core REVIVE or EnerPHit will be accepted for adaptive re-use or gut rehabilitation projects.

Passive House Institute (PHI) must identify the building(s)' modeled source (primary) energy use in terms of kBtu/treated-floor-area/year. Proposers committing to achieving certification to either passive house standard are deemed as meeting the minimum modeled source energy savings<sup>1</sup> requirements. Energy modeling must be completed and submitted both with and without use of renewable or distributed energy generation to support evaluation of the efficiency of the design, and to allow comparison with other proposals. Alternative energy modeling will not be expected of proposers committing to achieving certification to either passive house standard to support their predicted energy performance.

- The average Energy Rating Index (ERI) for all residential dwelling units, calculated in accordance with the relevant version of the ANSI / RESNET / ICC 301 standard, entitled "Standard for the Calculation and Labeling of the Energy Performance of Dwelling and Sleeping Units Using an Energy Rating Index," currently the 2019 version. To demonstrate the minimum energy performance<sup>1</sup> threshold will be met, the proposer must commit that the project will meet the relevant EPA ENERGY STAR Multifamily New Construction Program requirements; and that the average ERI will, at minimum, achieve either the U.S. Department of Energy Zero Energy Ready Home Multifamily v2 ERI target or an  $ERI \leq 0.75 \times MFNC\ v1.1\ ERI\ Target$  without inclusion of renewable energy generation. To allow for comparison with other proposals, the proposers must also submit any external calculations supporting the site energy (kBtu/yr) provided in the Attachment A, including calculations of energy use in residential-associated spaces<sup>1</sup>, as well as the average ERI calculated with the inclusion of renewable energy generation, as applicable.

### **III. Proposal Requirements and Format**

The proposal structure should follow the outline listed below, and sequentially address the Scoring Criteria as listed in Section IV - Proposal Evaluation of this RFP. The proposer must identify their project's status as of the date of submission, as defined and detailed in Section II - Eligibility of this RFP. The proposer's name, the RFP number, and page number should be recorded on every page of the proposal, including attachments.

The quality, rigor, and organization of the proposal will impact its evaluation and scoring, in part as a reflection of the likelihood a selected proposer will be successful in reaching their stated goals. Inconsistencies within proposals (e.g., descriptions, drawings, or data across all documents) may also impact evaluation and scoring.

The proposer must submit the following:

#### **1. Executive Summary**

The proposer must submit a brief description (~400 words) summarizing how the proposer's approach will meet the stated goals of the Competition. In addition, the proposal must include an abbreviated description (~100 words) for use in the presentation and promotion of selected projects.

#### **2. Project Description**

The proposer should provide a clear and concise description of the project, addressing each category detailed in the Scoring Criteria table in Section IV - Proposal Evaluation of this RFP.

The description should sequentially address the following:

- a. Architectural design attributes, including aesthetics, project site and context, use of natural light, space functionality, acoustics, amenities, and the project's relationship to the larger community, among other design attributes. Consideration will be given to how the project's design will be impacted by, accommodate, and integrate the energy performance, resilience, co-benefits, reductions to embodied carbon, and other strategies proposed for the project.

- b. The project's clean building design attributes that will be achieved through integrated design and construction. Strategies to achieve clean building design attributes can include, but are not limited to, high performance building envelope, geothermal (ground-source or water-source) heat pump systems, grid interactivity, energy storage (thermal and electric), on-site renewable energy systems, on-site electric vehicle charging, and transit-oriented development. Points will only be awarded for projects that propose to achieve savings above the minimum performance threshold of 20% source (primary) energy savings when compared with a project design that complies with the relevant ECCC of NYS. Predicted impacts of the project as proposed can include Co2/person and Co2/SF. Strategies should be designed to be resilient for the lifespan of the strategy or system.

Proposers should additionally address:

- Clean building design attributes, or combinations of attributes, that have been designed to reduce peak loads.
  - Early-stage analysis of the geothermal system performed to date, if applicable, including energy modeling, geological and technical analysis, and/or cost analysis.
  - Battery storage, if applicable, including cost analysis and timeline for permitting
  - The method used to calculate the Project Annual Operational Energy Costs provided in the Attachment A – Data Collection Form.
  - How energy performance validation (i.e., measurement and verification) has been integrated as a critical element of the project's commissioning, operation, and maintenance.
- c. Proposed use of cost reduction strategies that have the capacity to substantively reduce the overall cost of the project, and that will likely be replicated by other projects or developer teams. Cost reduction strategies may include methods to shorten the timeframe of on-site construction that reduce the costs associated with general conditions, or reduce the time and costs associated with construction loan underwriting. Scoring attribution in this category will reward buildings (8) stories or greater in height and will also reward buildings that will be located in disadvantaged communities.

Proposers should address:

- The total cost of the project, which shall include all hard costs associated with the construction of the building(s) and shall also include soft costs (i.e., design, engineering, cost of certification to standards, and permitting fees); and can also include the cost of building foundation excavation (if included, proposers shall provide an explanation of the costs involved). Costs associated with site preparation, such as earthwork, environmental remediation, or demolition of existing building(s), should be excluded from the total cost of the project. Incentives, awards, and tax credits secured to support the project should be accounted for separately and should not reduce the total cost of the project included in this category.
- Energy efficiency solutions, resiliency strategies, and other characteristics of the project that are expected to impact total costs, including strategies that will reduce total and net costs, including known or expected sources of funding available from NYSERDA, utility service providers, housing regulatory agencies, or municipalities in the form of incentives and awards or through tax credits), the trade-offs and avoidance of cost increases, and how the overall costs of the project compare with similar projects (e.g., Low- to Moderate-Income (LMI), mixed-income, market-rate, or luxury homes) in the same basic locale.
- Costs associated with improvements that can be recouped in terms of higher rents or sales prices, the drivers for those increased values, and whether energy savings and benefits will accrue to the project's owner, each apartment's owner, or tenants. The

project's viability and replicability, as demonstrated by expected ease or efficiency of construction, economic viability for the market served, unique financing solutions, or other factors that would make the project a model for future projects.

- Why and how the high-performance features of the building provide both enhanced financial benefits to the owner/developer and attributes that lead to an improved or optimal living environment (e.g., thermal comfort, indoor air and environmental qualities, improved acoustics, building resilience).
- The business model intended to achieve their goals and their approach for following an integrated project delivery process.
- How lower operating costs related to the improvements to the project's energy and ongoing operational performance will be leveraged as part of the underwriting; or if any unique utility metering arrangements are expected to contribute to the underwriting approach; and how the proposed approach can ensure the project's ultimate success and replicability.

To establish the project's viability, identify and describe the known or expected sources of capital, including whether those sources have been secured or are anticipated. If access to the necessary capital has not yet been secured, the proposer must identify the underwriting being sought and explain why the project's proposed underwriting approach is likely to be successful. Any financial support that has been secured or is expected to be secured from regulatory or other funding agencies for LMI occupancies must be identified.

- d. Strategies that increase resilience must address forward-looking climate conditions, including a wider range of operating temperatures, increased incidences of flooding on site, extended power outages, and other extreme events. Strategies can include, but are not limited to, mechanical systems that can accommodate future climate conditions; community resilience-enhancing strategies, such as connection to district systems and reduction of vulnerability of the area surrounding the site to extreme heat; areas of refuge that incorporate HVAC systems that remain operable during power outages; passive survivability during extended power outages; and active resiliency strategies, such as satisfying critical loads for an extended duration through use of energy storage solutions, potentially in combination with renewable energy generation.

For any buildings in New York City that are expected to be subject to tidal inundation by 2080 or in the 2080 future floodplain and for buildings outside of New York City that are in the 500-year flood zone or that are otherwise at risk of current or future flooding, storm water management and flood-mitigation measures must be incorporated into the design. At a minimum, critical system components must be raised above the future tidal inundation or flood elevation, depending on location, unless an alternative flood-mitigation plan to protect those critical components is proposed, and ultimately determined to be acceptable during the awarded project's contracting process, at NYSERDA's sole discretion.

Proposals should identify and assess each project-specific resilience risk, both current and anticipated throughout the project's useful life (e.g., more intense heat waves and increased frequency and severity of flooding) and describe in detail how the proposed strategy (or combination of strategies) will increase resilience of the building and its occupants by addressing that risk.

Proposers, regardless of project site location, may find the [NYC Climate Resiliency Design Guidelines](#) useful for resilience strategies and resources.

For guidance on managing future flood risk, proposers may refer to the [State Flood Risk Management Guidance](#) and [NYC Flood Hazard Mapper](#).

For guidance on climate change and building resilience, proposers may refer to [the ClimAID climate projections for New York State](#), the New York [Adapting Buildings for a Changing Climate](#) website, and the [New York State Climate Impacts Assessment: Understanding and Preparing for Our Changing Climate](#).



- e. Strategies that increase occupant comfort, health, and safety include, but are not limited to, actions to safeguard against transmission of air-borne contaminants, such as use of Minimum Efficiency Performance Value (MERV) 13 air filters or better, and use of durable materials that limit moisture intrusion; combined with a commitment to validation of co-benefits through certification to third-party standard(s) that incorporate health-related co-benefits.
- f. Strategies that may include reductions to embodied carbon in materials, processes, or other design attributes; use of materials that achieve carbon sequestration; as well as including reductions to the total volume of refrigerants, use of lower Global Warming Potential (GWP) refrigerants, and systems that require few or no refrigerant piping joints to be made on the construction site. It is worth noting that proposed use of larger commercial Variable Refrigerant Flow (VRF) air-source heat pump (ASHP) systems that require long lengths of piping and multiple in-field connections will not be awarded any points in certain categories of the Scoring Criteria in Section IV - Proposal Evaluation of this RFP.

Proposers must conform to the [NY Office of General Services GreenNY Specification: Lower Carbon Concrete](#) and [NYS Office of General Services Buy Clean Concrete Guidelines](#) when specifying concrete.

- g. How the project, as constructed, will meet the intent of the design, including the intent to rely on third-party progress inspections and performance testing during the construction process.
- h. Whether commissioning of energy-using systems, including the envelope, will be performed; and then relied on to create as-built drawings and energy model(s) to reflect changes in design, including those made during construction.

### **3. Collaboration with NYSERDA, Transparency, and Promotion of Projects**

The proposer should describe how they intend to market and promote the project, including the sharing of information that could be useful to the industry and better inform the public of building performance that supports the elimination or reduction in use of fossil fuels. Additional and relevant information may include but should not be limited to information about the project design, the construction and operational processes, strategies to reduce costs, project costs that are either absolute or comparative, financing strategies, additional construction details, or lessons learned. In accordance with the Proprietary provisions located in Section VIII - General Conditions of this RFP, the proposer should indicate which aspects of this additional information can be publicly shared by NYSERDA in its promotional activities and should stipulate if any portion or portions of the information should be reserved for NYSERDA's internal use and/or for anonymized analysis, and not publicly shared as project-specific information. The extent to which the proposer commits to sharing additional data, as well as the quality of the proposer's marketing plan intended to showcase the project's design and carbon neutral strategies, are considered during evaluation of the proposal.

The proposer is encouraged to identify any additional information not requested in the Attachment A - Data Collection Form that they intend to share with NYSERDA, including but not limited to the strategies that ultimately proved most effective, comparative costs or savings, how marketability was impacted, and the decision-making approach during the design process to ensure the intended and successful outcome. NYSERDA may elect to disclose unprotected information, in whole or in part, on websites, in publications, in presentations, or other venues. In addition, the proposer should outline their proposed methods or mechanisms for sharing this information through their marketing plan.

Proposers should submit a marketing plan that will be implemented by the proposer, if selected, and explain how the plan will generate public interest in and demand for advanced clean energy and resilient buildings beyond and in addition to NYSERDA's promotional activities. Selected proposers are expected to cooperate with NYSERDA in the development of other promotional materials, such as but not limited to website and magazine articles, books, blogs, or videos. NYSERDA credits the project name, developer, and design team lead in all promotional material. Awardees are expected to participate in presentations. NYSERDA reserves the right to brand and market the awarded projects as NYS Buildings of Excellence projects or a similar reference.

#### **4. Attachment A - Data Collection Form**

The proposer must submit the Attachment A - Data Collection Form. To support the comprehensive evaluation and scoring of the proposal and comparison with other proposals:

- a. The Attachment A must be submitted as an Excel file with macros enabled.
- b. The proposer should consult the Instructions tab before completing the other required tabs.
- c. All data required of the proposer must be populated in the Attachment A, as indicated in the Instructions tab and throughout the workbook.
- d. Proposers can provide additional information to support any aspect of the Attachment A in the Project Description, as detailed in Section III.2 - Project Description of this RFP.

#### **5. Supplementary Documents**

The proposer must submit all supplementary documents listed here, as available, to support proposal evaluation and scoring:

- a. Energy modeling files and report(s) summarizing energy performance-related design strategies should be submitted for all projects, if available.
- b. Project rendering(s), at least one and up to three.
- c. Architectural plans, including at least one section, elevation, and floor plan, if available.
- d. Design details that address energy efficient design, based on Project Status.
- e. Site plan (encouraged).
- f. Design details that explain all proposed building resilience strategies.
- g. Diagram of building showing or explaining high performance/ zero emissions features, including how they will remain resilient for their lifespan.
- h. Diagram(s) of quality of building characteristics and design features are encouraged.
- i. Scorecard(s) or checklist(s) for proposed, submitted, or achieved certifications.

Notes:

1. Submitted materials may be used for the presentation of awarded projects in various forums.
2. Photographs and other images may be submitted as .pdfs at time of proposal but must be provided as high-resolution image files at 24 inches wide and 300 dpi for awarded projects and upon request.
3. Updates to the initially submitted materials may be requested for awarded projects.

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

Prior to review by a scoring committee, proposals will be reviewed for completeness and to ensure they meet General Eligibility requirements as detailed in Section II - Eligibility of this RFP. Proposals that do not meet the listed requirements will not be reviewed by the scoring committee.

The General Eligibility requirements to be considered prior to review by a scoring committee include the following:

- The project is located in New York State.
- The project identified in the proposal reflects multifamily occupancy as the primary use. The project may contain non-residential space; however, the non-residential space must consist of less than 50% of the occupiable square footage of the entire project.
- The project must be in the early schematic design through the design development phase as defined in Section II - Eligibility of this RFP.
- The project meets the minimum performance criteria as detailed in Section II - Eligibility of this RFP.

Following the initial review, proposals to the Competition will be evaluated based on their overall response and specifically based on the Categories and Category Descriptions as detailed in the Scoring Criteria table. Evaluation and scoring of each proposal will ultimately be determined in comparison with and relative to the other proposals submitted to the Competition.

## SCORING CRITERIA

<b>Category</b>	<b>Category Description</b>	<b>Points</b>
<b>Quality of Architectural Design</b>	Strategies that address architectural design attributes, including aesthetics, project site and context, use of natural light, space functionality, acoustics, amenities, and the project's relationship to the larger community, among other design attributes. Consideration will be given to how the project's design will be impacted by, accommodate, and integrate the energy performance, resilience, co-benefits, reductions to embodied carbon, and other proposed strategies.	25
<b>Clean Building Design Attributes and Energy Efficiency</b>	Strategies to achieve clean building design attributes, including but not limited to high performance building envelope, geothermal (ground-source or water-source) heat pump systems, grid interactivity, energy storage (thermal and electric), on-site renewable energy systems, on-site electric vehicle charging, and transit-oriented development. Points will only be awarded for projects that propose to achieve savings above the minimum performance threshold of 20% source (primary) energy savings when compared with a project design that complies with the relevant ECCC of NYS. Predicted impacts of the project as proposed can include Co2/person and Co2/SF. Strategies should be designed to be resilient for the lifespan of the strategy or system.	20
<b>Cost Reduction Strategies</b>	Strategies that have the capacity to substantively reduce the overall cost of the project, and that will likely be replicated by other projects. Cost reduction strategies may include methods to shorten the timeframe of on-site construction that reduce the costs associated with general conditions, or reduce the time and costs associated with construction loan underwriting. Scoring attribution in this category will reward buildings eight (8) stories or greater in height and will also reward buildings that will be located in disadvantaged communities.	20
<b>Resilience, Passive and Active Survivability</b>	Strategies that address forward-looking climate conditions, including a wider range of operating temperatures, increased incidences of flooding on site, extended power outages, and other extreme events. Resilient strategies must include raising living spaces and critical system components above the 2080 future floodplain for projects located in New York City and above the 500-year flood levels for all other projects. Strategies can also include, but are not limited to, mechanical systems that can accommodate future climate conditions; community resilience-enhancing strategies, such as connection to district systems and reduction of vulnerability of the area surrounding the site to extreme heat; areas of refuge that incorporate HVAC systems that remain operable during power outages; passive survivability during extended power outages; and active resiliency strategies, such as satisfying critical loads for an extended duration through use of energy storage solutions, potentially in combination with renewable energy generation.	20
<b>Quality of Co-benefits</b>	Strategies that increase occupant comfort, health, and safety, including but not limited to actions to safeguard against transmission of airborne contaminants, such as use of MERV 13 air filters or better, and use of durable materials that limit moisture intrusion; combined with a commitment to validation of co-benefits through certification to third-party standard(s) that incorporate health-related co-benefits.	10
<b>Reduction in Embodied Carbon</b>	Strategies that reduce embodied carbon in materials, processes, or other design attributes; use of materials that achieve carbon sequestration; as well as including reductions to the total volume of refrigerants, use of lower GWP refrigerants, and systems that require few or no refrigerant piping joints to be made on the construction site. Proposed use of larger commercial VRF ASHP systems that require long lengths of piping and multiple in-field connections will not be awarded any points in this category.	10
<b>Bonus Categories</b>	Proposals for projects that will be eight (8) stories or greater in height.	10
	Proposals for the adaptive re-use of commercial office, institutional, or retail buildings to multifamily use as defined in Section II - Eligibility of this RFP. To be eligible, the project must establish that the proposed solutions and attributes will be replicable at scale.	10

## **Program Policy Factors**

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

- The degree to which the proposed project, including proposed cost share(s), optimizes the use of available funding to achieve NYSERDA's overall programmatic and portfolio objectives, as specifically set forth in the Solicitation.
- Diversity of awards within multiple locations, climates, regions, or other geographically articulated criteria (for example, disadvantaged communities or Regional Economic Development Council regions).
- The degree to which there is portfolio diversity, including considerations as to funding duplicative efforts stemming from the Solicitation itself or similar, previously funded efforts and considerations as to development stage of the cohort of proposed projects (for example, permits or financing secured, shovel-ready, etc.)

## **V. Selected Projects, Subsequent Submissions, and Required Updates**

Selected proposers are required to execute an agreement (see Attachment B – Sample Agreement) with NYSERDA and deliver completed projects that meet the requirements detailed in this solicitation. The project deliverables and associated payments will be as detailed in this solicitation and the agreement executed between the selected proposer and NYSERDA.

At any point during the design or construction process, NYSERDA must be notified and provided associated details if significant deviation from the original proposal is expected, including whether the project is expected to fall short of the building performance and related goals as detailed in the original proposal, including the proposer's commitment to achieving the source energy savings in their original proposal to NYSERDA. Projects selected through this Competition must ensure that the cumulative changes during design or construction will not increase the predicted source energy use or carbon emissions in comparison to the project as originally submitted. Continuation of any project that deviates from the original proposal will be subject to NYSERDA's sole discretion. NYSERDA reserves the right to reduce the award amount or terminate any project should it fall below the originally committed energy performance.

Additionally, the following submissions and updates are required:

Following selection and notification of award, and in support of NYSERDA's development of the project's contractual agreement:

- One-page summary of major changes from initial proposal, if applicable,
- Updated Attachment A – Data Collection Form,
- Anticipated construction schedule, including dates for permit approval, mid-construction, and project completion (Temporary or final Certificate of Occupancy (C of O),)
- Cost data (budgeted).

At receipt of building permit and pre-certification or documentation of design review from third party certification standard:

- Updates to original proposal descriptions and related documents, including Attachment A – Data Collection Form,
- One-page summary of major changes from the previous submission, including a discussion of any reduction in projected performance in comparison to the previous submission,
- Copy of valid building permit, including all aspects of design,
- Pre-certification or design review documentation to the standard(s) committed to by the proposer,
- Marketing Plan that focuses on promotion of the project to the public,
- Cost-related documentation,
- Updated schedule of construction.

At 50% completion of construction:

- Updates to original proposal descriptions and related documents, including Attachment A – Data Collection Form,
- One-page summary of major changes from the previous submission, including a discussion of any reduction in projected performance in comparison to the previous submission,
- Updates to the Marketing Plan,
- Updates to the Cost-related documentation,
- Updated schedule of construction.

Following completion of construction:

- Copy of C of O or Temporary C of O,
- Any updates to original proposal descriptions and related documents, including Attachment A – Data Collection Form, to reflect any changes not yet documented to NYSERDA,
- Updates to the Marketing Plan,
- Updates to the Cost-related documentation,
- As-built drawings and as-built energy models,
- Construction photos, suitable for presentation (minimum of 5),
- Photographs of final project, suitable for presentation (minimum of 5),
- One-page summary of major changes from the previous submission, including a discussion of any reduction in projected performance in comparison to the previous submission,
- One-page summary of lessons learned.

After year one and year two of building occupancy:

- Documentation of energy data and related information:
  - Energy use following one year and again following two years of building occupancy, reflecting all energy used or produced on site, with energy use provided upon request for up to sixty months following building occupancy,
  - Whole building benchmarking through use of ENERGY STAR Portfolio Manager,
  - Additional data or updates to the original proposal to the Competition, including Attachment A – Data Collection Form, to reflect the as-built condition of the project,
  - Comparison between actual and predicted energy data,
  - One-page narrative discussing why project did or did not achieve predicted performance,
- Report of Marketing Activities,
- Updates to the Cost-related documentation, if any,
- One-page summary of lessons learned.

**VI. Schedule of Payments**

Milestone		Payee	Percent of Total Award Paid at Each Milestone
1*	At Approval of Building Permit	Developer	15%*
		DTL	10%
2	At 50% Completion of Construction	Developer	25%
3	At Completion of Construction	Developer	35%
		DTL	5%
4	One and Two Years after Occupancy	Developer	10%

\* See Section I - Introduction of this RFP for criteria for additional funding that may be available to the developer at Milestone 1

NYSERDA reserves the right to negotiate the amount or schedule of payments for a selected project. At its sole discretion, NYSERDA may reduce or withhold payments for a project that falls short of the proposed level of performance, or that has not met this solicitation’s minimum submission requirements.

**VII. NYSERDA Responsibilities**

NYSERDA provides funding and support to projects in accordance with the Competition, as detailed in this solicitation.

**VIII. GENERAL CONDITIONS**

**Proprietary Information:** Careful consideration should be given before confidential information is submitted to NYSERDA as part of the proposal. Review should include whether the information is critical for evaluation and whether general, non-confidential information would suffice 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 of 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 excluding 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](#). 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 State subcontractors and suppliers is available from the following:

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 the following:

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 on the [Office of General Services' website](#). Proposers are required to answer questions during proposal submission, make required certification under the State Finance Law, and 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 with a monetary value in excess of \$100,000, prior to entering an agreement with NYSERDA, to certify to the Department of Taxation and Finance (DTF) whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the DTF to collect New York State and local sales and compensating use taxes. The DTF has created [ST-220-TD](#) to allow a prospective contractor to readily make such certification. Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA that such certification with the DTF has been filed. The DTF has created a second form, [ST-220-CA](#), that must be completed by a prospective contractor and filed with NYSERDA, prior to contracting. [Guidance for contractors](#) can be found on the [DTF's website](#).

**Contract Award:** NYSERDA anticipates making multiple awards under this solicitation. A contract may be awarded based on initial applications without discussion, or following limited discussion, or following negotiations pertaining to the statement of work. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA uses 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 Attachment B – Sample Agreement to those specifically identified in the checklist questions. Proposers should keep in mind that acceptance of all standard terms and conditions generally results in a more expedited contracting process. NYSERDA expects to notify proposers in approximately 12 weeks from the proposal due date whether the proposal has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

**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 and the presence of a material possibility of any reputational or legal risk in making the award.

**Disclosure Requirement:** The proposer will 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 will 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 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.

## **IX. Attachments:**

Attachment A – Data Collection Form Rd5  
Attachment B – Sample Agreement Rd5