



**NYSERDA**

Large-Scale Thermal  
Program Opportunity Notice (PON) 5614  
**Up to \$10 Million Available**

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

**Proposal Due Dates\***: 9/26/2024 (Round 1); 1/30/2025 (Round 2); 7/31/25 (Round 3)

**\*by 3:00 PM Eastern Time**

## Program Summary

The Large-Scale Thermal program (“the Program”) supports the design of large single building and multiple building projects, including thermal energy networks, that serve as replicable examples for significantly reducing greenhouse gas emissions (GHG) from heating, cooling, and hot water in buildings, using approaches that are clean and resilient, minimize energy consumption, maximize energy recovery, and offer an equitable approach to building decarbonization. The Climate Action Council Scoping Plan identified large-scale thermal solutions, such as thermal energy networks, as an important pathway to scale up zero-emission heating and cooling in buildings.

For the purposes of this solicitation, a large-scale thermal system uses heat pumps to move thermal energy from sources, such as the ground, air, surface water, wastewater, and waste heat, to provide heating and hot water to one or more buildings and to move thermal energy to sinks, such as the ground, air, and surface water, to provide cooling to one or more buildings.

Designs for multiple buildings, collocated on a single property or contiguous properties, may address the heating, cooling, and hot water of each building on a standalone basis or may use a configuration known as a thermal energy network. A thermal energy network includes distribution pipes that connect multiple buildings together and to thermal energy sources and sinks. There are many technical and economic factors that affect the optimal design of a system that serves the heating, cooling, and hot water of multiple collocated buildings. Proposals to this solicitation must demonstrate that the system configuration proposed for design funding represents the optimal technical and economic solution.

On July 5, 2022, the Utility Thermal Energy Networks and Jobs Act<sup>1</sup> was signed into law, that requires the seven largest utilities to submit to the Public Service Commission (PSC) for review and approval at least one and as many as five proposed thermal energy network pilot projects. Pursuant to the law, on September 15, 2022, the PSC issued an order (Case 22-M-0429) on developing utility thermal energy networks that directs the seven utilities to submit pilot projects for PSC consideration. Utilities required to comply with the PSC order are ineligible to receive funds through this solicitation. Projects approved as utility pilots by the PSC are ineligible to receive funds through this solicitation.

Under this solicitation, NYSERDA is seeking proposals for large-scale thermal design projects in New York State. See the table below for information about funding limits.

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<sup>1</sup> Utility Thermal Energy Networks and Jobs Act, S.9422/A.10493 (2022). <https://www.nysenate.gov/legislation/bills/2021/S9422>

Single or Multiple Buildings*	Minimum Conditioned Space (SF)**	Maximum NYSERDA Funding Per Award***	Required Proposer Cost Share****
Multiple	250,000	Up to \$750,000 (Existing Buildings)	50% of total project cost
Single	100,000	Up to \$300,000 (New Construction)	

*\*To qualify as a Multiple Building, the project must provide heating, cooling, and hot water to at least 2 buildings collocated on a single property or contiguous properties. The buildings may be connected in any configuration and are not required to be connected to a common distribution network. Thermal energy networks are eligible in the Multiple Buildings category. The definition of a thermal energy network in this solicitation is consistent with the following definition in the Utility Thermal Energy Networks and Jobs Act: “all real estate, fixtures and personal property operated, owned, used or to be used for or in connection with or to facilitate a utility-scale distribution infrastructure project that supplies thermal energy”. As noted above, utilities required to comply with the Utility Thermal Energy Networks and Jobs Act, are ineligible to receive funds through this solicitation.*

*\*\*Projects awarded funding through PON 4614 (Community Heat Pump Systems) Category A to perform a feasibility study that are below 250,000 SF of conditioned space are eligible to apply to this solicitation. All other Multiple Buildings projects must be at least 250,000 SF of conditioned space.*

*\*\*\*‘Existing Buildings’ is defined as a project where the total conditioned space served by the large-scale thermal system or thermal energy network contains less than 50% new construction. The maximum award amount may not exceed 50% of the design costs. Projects will be limited to one award per round. Projects with multiple phases may only receive one award per round but may request a second award for a subsequent project phase in a subsequent round. Projects may not receive more than two awards, regardless of the number of phases. The project scope of work proposed must not be otherwise funded by NYSERDA nor funded using ratepayer funds administered by the utility. Projects receiving funding through PON 5614, may apply to other NYSERDA programs. However, NYSERDA programs providing funding for the design and construction of beneficial electrification (i.e. heat pumps, thermal energy networks, etc) as part of a retrofit or new construction project, may reduce the award based upon the amount of funding received through PON 5614.*

**\*\*\*\*Cost share is a requirement for this solicitation. NYSERDA will contribute its share of the actual project cost, not to exceed the amount awarded. The proposer shall provide the remaining amount as cost share. Such cost share may include direct labor (for which the laborer is a paid employee), purchased materials, or cash contributions from a co-funder. Contributions of unpaid labor or contributions of labor for which the laborer is a municipal official or employee do not qualify as proposer cost-share. Awarded proposers shall be responsible for providing adequate cost documentation for all project cost share and the cost share requirement in the budget shall be reasonably commensurate with the NYSERDA payment amount. NYSERDA will not pay for efforts that have already been undertaken and the proposer or proposing team cannot claim any expenses that have already been incurred as cost-share.**

Customer 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.)

Participant agrees to and authorizes the sharing of the participant-customer's information and/or project- level information with New York State Department of Public Service Staff and appropriate local utility, including its agents or authorized representatives, in carrying out its responsibilities under New York State Public Service Commission orders. (For clarity, the term project level includes the information based on the scope of the project, including, but not limited to, whole building, building or subsets of the project.). To the extent the prime proposer is not the customer, the proposer will need to secure such authorization from the customer. Please see Exhibit A, Statement of Work of the Sample Agreement (Attachment D).

**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 (for technical questions) by contacting Sue Dougherty (Designated Contact) at (518) 862-1090, ext. 3127 or by e-mail [District.Thermal@nyserda.ny.gov](mailto:District.Thermal@nyserda.ny.gov) or Donovan Gordon (Designated Contact) at (518) 862-1090, ext. 3119 or by e-mail [District.Thermal@nyserda.ny.gov](mailto:District.Thermal@nyserda.ny.gov). If you have contractual questions concerning this solicitation, contact Nancy Marucci (Designated Contact) at (518) 862-1090, ext. 3335 or by e-mail [Nancy.Solicitations@nyserda.ny.gov](mailto:Nancy.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 dates noted above. Late, faxed, or emailed proposals will not be accepted.** Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all pages have been included in the proposal. Please note for online submission, there are required questions that you will have to answer in addition to uploading attachments and you should allot at least 60 minutes to enter/submit proposals. The online proposal system closes promptly at 3 p.m. Eastern Time, files in process or attempted edits or submission after 3 p.m. Eastern Time on the date above, will not be accepted. If changes are made to this solicitation, notification will be posted on the "Current Opportunities" section of NYSERDA's website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>).

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## I. INTRODUCTION

The Climate Leadership and Community Protection Act (“Climate Act”) set a goal to reduce economywide GHG emissions 40% by 2030 and 85% by 2050 from 1990 levels while ensuring equity, system reliability, and a just transition from a fossil fuel economy to a clean energy economy. The Climate Act called for the issuance of a Scoping Plan that includes recommendations to meet the requirements and goals in the Climate Act. The Scoping Plan, issued on December 19, 2022, notes that energy efficiency and managed electrification in buildings will be critical to meet the State’s GHG emissions goal. The buildings sector is responsible for approximately a third of the emissions statewide, primarily due to combustion of fossil fuels for space and water heating. The Scoping Plan identified key strategies to decarbonize the building sector, including support for the development of thermal energy networks, which can provide efficient heating, cooling, and hot water while mitigating impact to the electric grid and providing lower energy costs to customers. In addition to thermal energy networks, other large-scale thermal systems that address one or more standalone buildings will help scale building decarbonization. Projects proposed to this solicitation must demonstrate that the proposed system configuration represents the optimal technical and economic solution.

The Climate Leadership and Community Protection Act (Climate Act) also requires that state agencies, authorities, and entities direct a minimum of 35% with a goal of 40% of the overall benefits on clean energy and energy efficiency programs, projects, or investments in the areas of housing, workforce development, pollution reduction, low-income energy assistance, energy, transportation, and economic development to disadvantaged communities<sup>2</sup> (DACs) as identified by implementing criteria finalized by the Climate Justice Working Group (CJWG)<sup>3</sup>. Cost-effective decarbonization solutions are necessary to support the millions of households statewide that are low-income (i.e. households with incomes less than 60% state median income).<sup>4</sup>

A large-scale thermal system uses heat pumps to move thermal energy from sources, such as the ground, air, surface water, wastewater, and waste heat, to provide heating and hot water to one or more buildings and to move thermal energy to sinks, such as the ground, air, and surface water, to provide cooling to one or more buildings. The building(s) served by a large-scale thermal system may be standalone and are not required to be connected to a network of distribution pipes, such as those in a thermal energy network.

A thermal energy network, a type of large-scale thermal system, uses distribution pipes and heat pumps to move thermal energy from sources such as those listed above to provide heat and hot water to connected buildings and moves thermal energy to sinks, such as those listed above to provide cooling to connected buildings. A thermal energy network can be arranged in a centralized configuration or distributed configuration. A centralized configuration uses heat pumps to produce heated and chilled water in a central energy plant, which is then distributed to buildings connected to the network for heating, cooling, and hot water. A distributed configuration distributes low or ambient temperature water to buildings connected to the network and heat pumps at the building-level provide heating, cooling, and hot water.

This solicitation seeks proposals for projects that demonstrate replicable approaches to scale building decarbonization through deployment of large-scale thermal systems in New York City and New York State with a preference for systems that are located in disadvantaged communities and/or serve low-income housing. NYSERDA is actively seeking to further workforce development in disadvantaged communities through large-scale thermal system projects.

This solicitation seeks proposals for designs that primarily include existing buildings. The conditioned space served by the proposed design must be less than or equal to 50% new construction to be considered an existing building project, and is eligible for up to the maximum award for existing building projects defined

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<sup>2</sup> <https://www.nyscrda.ny.gov/ny/Disadvantaged-Communities>

<sup>3</sup> <https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria/Investments-and-Benefits-Reporting-Guidance#:~:text=The%20Climate%20Leadership%20and%20Community,of%20housing%2C%20workforce%20development%2C%20pollution>

<sup>4</sup> <https://www.nyscrda.ny.gov/About/Publications/Evaluation-Reports/Low-to-Moderate-Income/LMI-Census-Population-Tool>

above. If the conditioned space served by the proposed design is greater than 50% new construction, the project is considered new construction, and is eligible for up to the maximum award for new construction projects defined above. This solicitation seeks proposals for projects that minimize energy use and maximize energy recovery to the extent practical, by considering/including building thermal efficiency, waste heat recovery, and thermal energy storage. Additionally, this solicitation seeks proposals for projects that minimize impact to the electric grid by considering/including on-site renewables and battery electric storage.

This solicitation has funding to support project sites statewide, including end-use customers who pay the System Benefits Charge (SBC) and project sites with end-use customers who do not pay the System Benefits Charge. Clean Energy Fund (CEF) funding can only be awarded to projects that serve end-use customers who pay the SBC on either a portion of or on their entire electric bill at the thermal usage site (existing sites that can demonstrate they currently pay SBC, existing sites that can demonstrate they will connect to the utility grid and will pay SBC, and new construction sites that can demonstrate they will pay SBC when they begin occupancy of the new building).

To assist interested parties in fostering business-to-business connections for teaming arrangements, as well as to foster customer-to-business explorations, NYSERDA has invited solution providers to opt-in to being identified on a list (the list is not an “eligible proposer” list – customers are free to team with solution providers who are not on the list – NYSERDA has not vetted the solution providers on the list and presence on the list does not constitute endorsement by NYSERDA – interested parties are strongly cautioned to perform their own due diligence). NYSERDA has updated the list several times and will periodically further update the list as NYSERDA continues to invite solution providers to opt-in to being identified on a list. The list is available at this NYSERDA webpage [www.nyserderda.ny.gov/district-thermal-systems](http://www.nyserderda.ny.gov/district-thermal-systems).

## II. PROPOSER ELIGIBILITY

Proposers must meet the following minimum qualifications to be eligible for funding under this solicitation:

- Team consists of members who served as the lead technical designer in at least one (1) large-scale thermal system design, thermal energy network design, and/or community-style microgrid design of comparable size (i.e., not smaller size-and-scope or order-of-magnitude) as the one being proposed to this solicitation and will serve as lead (or co-lead) technical designer in this project.
- Team must include the following:
  - A NYS-licensed Professional Engineer or NYS-licensed Registered Architect who intends to stamp the final report deliverable that will result from the project.
  - For projects that include geothermal, a Certified Geothermal Designer (or equivalent) or a team member that meets one or more of the following sets of criteria:
    - Be an engineering graduate and/or Professional Engineer or Registered Architect with three years combined experience in commercial geothermal heat pump design and/or heating, ventilation, and air-conditioning.
    - Have a four-year, non-technical degree with five years combined experience in commercial geothermal heat pump design and/or heating, ventilation and air-conditioning.
    - Have a two-year technical degree with eight years of combined experience in commercial geothermal heat pump design and/or heating, ventilation and air-conditioning.
    - Have ten years or more of combined experience in commercial geothermal heat pump design and/or heating, ventilation, and air-conditioning.
- For projects that address buildings with multiple owners, the team should consider including an organization experienced in direct outreach to customers/building owners such as a community-based organization, climate justice advocacy organization, etc.

NYSERDA has a preference for projects that include the following types of team members: Minority-Owned and Women-Owned Business Enterprises (MWBES), Service-Disabled Veteran-Owned Businesses (SDVOBs), and Benefit Corporations, as defined within Article 17 of NYS Business Corporation Law.

Utilities that are required to comply with the PSC order (Case 22-M-0429) issued on September 15, 2022, to propose thermal energy network pilot projects, are ineligible to propose to or receive funds through this solicitation.

A proposer not selected for award under a due date round may request a debriefing and may be eligible to revise their project and re-propose to a subsequent due date round.

### III. PROJECT ELIGIBILITY

Prior to proposing to this solicitation for design funding, a completed feasibility study must demonstrate the technical and economic feasibility of the proposed design at the subject project site. Prior participation in Category A of PON 4614 (Community Heat Pump Systems) or FlexTech to perform a feasibility study is not a prerequisite to participate in this solicitation. However, this solicitation requires the proposer to submit a completed feasibility study that sufficiently addresses the requirements in Attachment C. Examples of previously completed feasibility studies can be found on NYSERDA's website (<https://www.nyserdera.ny.gov/All-Programs/Community-Heat-Pump-Systems/Winners>).

Design projects must meet the following minimum qualifications to be eligible for funding under this solicitation. A proposal that demonstrates that the project meets the minimum eligibility will be reviewed by a Scoring Committee and scored/ranked in accordance with the Proposal Evaluation criteria defined herein:

- The project must be focused on decarbonization of heating, cooling, and hot water of occupied spaces.
- The project must serve a single building comprising at least 100,000 square feet of conditioned space or at least 2 buildings comprising at least 250,000 square feet of conditioned space.

The project should demonstrate replicability by presenting a use case similar to many others in New York State or New York City. For example, a campus facility with sufficient land space to install geothermal boreholes that connect to a network loop or a dense urban environment that uses the network loop to share thermal energy among neighboring buildings with diverse thermal loads.

The project should demonstrate adherence to existing codes and standards, as applicable, including, but not limited to: ANSI/CSA C448 and the Uniform Mechanical Code 2024, Chapter 17.

The scope of work proposed must not have been partially or fully commenced prior to proposal submission.

The project scope of work proposed must not be otherwise funded by NYSERDA nor funded using ratepayer funds administered by the utility.

Projects receiving funding through PON 5614, may apply to other NYSERDA programs. However, NYSERDA programs providing funding for the design and construction of beneficial electrification (i.e. heat pumps, thermal energy networks, etc) as part of a retrofit or new construction project, may reduce the award based upon the amount of funding received through PON 5614

Projects approved by the PSC as utility pilots through the Utility Thermal Energy Network (UTEN) filing pursuant to the PSC order (Case 22-M-0429) issued on September 15, 2022 are ineligible to receive funds through this solicitation.

The proposer must provide evidence that the thermal resource(s) being considered will be an adequate source of thermal energy for the buildings that are being considered for the design. If a project is considering geothermal, then evidence may include results of a test borehole or previously completed geotechnical test at or near the project site. Similarly, if a project is considering wastewater heat exchange, then evidence may include a summary of flow and temperature data. If insufficient data exists at the time of the proposal, then the proposed scope of work and budget must include test borehole(s) or other data acquisition, as applicable to the system design. For awards to projects that intend to install test boreholes, borefields, or other systems that prompt a State Environmental Quality Review Act (SEQRA) Analysis, NYSERDA will require a Site Owner Agreement and Support for State Environmental Quality Review Act (SEQRA) Analysis as an initial task in the Statement of Work.

Preference will be given to projects that include adjunct systems that help with decarbonization, such as on-site solar PV and/or on-site electrical battery energy storage (thus exploring “district energy” not just “district thermal”) where inclusion of these additional district energy solutions helps improve the overall value proposition of the project without detracting from the primary focus of decarbonizing heating, cooling, and hot water.

Preference will be given to projects that support disadvantaged communities and/or low-income housing. Preference will be given where project teams include low-income tenants associations, NYS certified-MWBEs (registry found [here](#)), NYS certified-SDVOBs (registry found [here](#)), Benefit Corporations, Priority Populations (as defined here: <https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Workforce-Development/Definitions>), , community-based organizations, particularly those that focus on climate justice issues. The project should consider the impact on disadvantaged communities, including but not limited to, incorporating project-based workforce development activities as needed that focus on hiring individuals in the aforementioned communities and populations.

Please see Evaluation Criteria defined herein for other project preferences.

Projects selected for award will be required to provide milestone deliverable reports and a final report that address the requirements in Attachment A.

#### **IV. PROPOSAL REQUIREMENTS**

Proposals should concisely address the following Proposal Requirements and ensure the Evaluation Criteria have been adequately addressed.

NYSERDA reserves the right to negotiate the statement of work, budget, and funding levels on all awarded projects. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not favorably influence the evaluation of the proposal.

The proposal must be in the following format and may be deemed non-responsive if it fails to comply with the requirements of this solicitation.

##### **1. Proposal Technical Content**

- i. **Executive Summary (two page maximum)**
  - State the title of the proposed project and briefly summarize the team members, the buildings to be served by the large-scale thermal system, the proof-points from a completed feasibility study that demonstrate the proposed approach is an optimal solution to decarbonize the heating and cooling of the buildings, how the project demonstrates a replicable approach, and proximity of the project site to disadvantaged communities in New York State. Describe the efforts so far to explore regulatory issues/permitting/franchising, and how the project would be financed.

ii. **Proposer Information (two page maximum)**

- Provide the *legal name(s)*, title(s), mailing address(es), phone number(s), and e-mail address(es) of the proposer (please be sure to have this company name match the “proposer” name entered into the online proposal submittal portal). Phone number(s) must be a number where the proposer can be reached during business hours. Provide the name(s), title(s), mailing address(es), phone number(s), and e-mail address(es) of the project contact only if different from the proposer. Phone number(s) must be a number where the contact can be reached during business hours.
- Identify the team member who is a NYS-licensed Professional Engineer or NYS-licensed Registered Architect who intends to stamp the final report deliverable that will result from the project.
- State the name and title of the representative who would be legally authorized to sign a contract with NYSERDA, if awarded.
- Provide evidence that the Proposer has financial resources to share the costs of conducting the project.
- Identify public interests/organizations/customers involved in the Project Team and describe their respective roles in and relationship to the project:
  - a. Local electric distribution company,
  - b. Local fuel (e.g., gas) distribution company,
  - c. Low-income tenants/associations,
  - d. Climate justice advocacy organizations,
  - e. Commercial/institutional/Multifamily building owners
  - f. Non-profit organizations,
  - g. Third party implementers/project developers,
  - h. Vendors,
  - i. Financiers/investors,
  - j. Others.

iii. **Project Description and Benefits (eight page maximum)**

- Objectives and Benefits
  - a. Describe any energy efficiency projects that have been or will be implemented to reduce the thermal demands of the buildings that will be served by the system. Explain how existing efficiency programs for residential and non-residential buildings and/or other funding sources will be leveraged for buildings that require upgrades to the envelope and/or HVAC distribution system to realize and maximize the potential energy and cost savings benefits of connecting to the system.
  - b. Discuss the basis for an expectation that the proposed design approach is the optimal solution (including assumptions that have been made). As applicable, discuss how the thermal energy network approach reduces the peak thermal load requirement and/or annual thermal energy use of the connected buildings, compared to serving each building individually with a heat pump, by exploiting waste heat recovery, sharing thermal energy through a network loop, using shared thermal infrastructure, etc.
  - c. Describe how the project can support thermal resiliency and reliability, particularly during heat waves and extreme heat events. Proposers, regardless of project site location, should refer to the NYC Climate Resiliency Design Guidelines<sup>5</sup>.
  - d. Describe how the project will be designed to operate within and withstand climate conditions anticipated to occur during the project’s full useful life, identify the relevant current and future climate risks to the project (for example, extreme heat, higher average temperatures, flooding), and describe adaptation strategies that will be

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<sup>5</sup> NYC Climate Resiliency Guidelines. [https://www.nyc.gov/assets/orr/pdf/NYC\\_Climate\\_Resiliency\\_Design\\_Guidelines\\_v4-0.pdf](https://www.nyc.gov/assets/orr/pdf/NYC_Climate_Resiliency_Design_Guidelines_v4-0.pdf)

incorporated into the project design. For guidance on managing future flood risk, refer to the State Flood Risk Management Guidance<sup>6</sup> and NYC Flood Hazard Mapper<sup>7</sup>.

- e. Describe any other benefits/reasons why the proposing team is interested in pursuing this project, including but not limited to safety and reducing the impact to the electric grid.
  - f. Describe the proximity of the project site to a disadvantaged community and how the project will benefit the disadvantaged community, if applicable. Provide an image showing whether or not the site is located in a disadvantaged community. To complete this requirement, enter a representative site address into the map of disadvantaged communities available on NYSERDA's website (<https://www.nyserda.ny.gov/ny/Disadvantaged-Communities>) and provide a screen capture showing whether or not the site (or group of sites) is fully or partially located within a disadvantaged community.
  - g. Describe how the project will benefit low-income housing, if applicable. If applicable, ensure that income documentation is provided in the appendix as described below.
  - h. Describe the involvement and role of the following groups in the planning and decision-making on the project:
    1. Climate Justice organizations
    2. MWBEs
    3. SDVOBs
    4. Benefit Corporations
    5. Community-based organizations
    6. Low-income housing advocates
  - i. Describe how the project team will assess and document workforce needs for the project for both the installation and operations and maintenances phases. Indicate planned opportunities for including and preparing local, historically disadvantaged community members for roles related to system installation, operation, and/or maintenance and repairs.
  - j. Describe how the proposing team plans to incentivize or require education and training of residents in the local community.
  - k. Describe how likely the proposed system, if built as anticipated, will demonstrate a replicable approach for building decarbonization at scale.
  - l. Describe anticipated learning that would be of benefit to the broader marketplace.
- Project Site and Building Characteristics
    - a. Describe the project site and rationale for selecting that site and group of buildings.
    - b. Provide a brief history of project development, including how the project progressed to the feasibility and design phases.
    - c. Describe the buildings to be connected to the system including approximate ages of buildings and thermal systems, and historic preservation or other complicating status.
      1. Provide a table with the following data for each building:
        - *Building Type* (residential, commercial, industrial, mixed-used, educational, medical, other)
        - *Number of Housing Units Per Building* (each single-family home or apartment within a multi-family building is a single housing unit, this includes both market rate and low-income)
        - *Number of Low-Income Housing Units Per Building* (housing units qualify as low income by being at or below 60% of the state median income)
        - *Construction Type* (existing, new construction, gut rehab)

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<sup>6</sup> Community Risk and Resiliency Act. <https://dec.ny.gov/environmental-protection/climate-change/new-york-response/crra>

<sup>7</sup> NYC Flood Hazard Mapper. <https://dcp.maps.arcgis.com/apps/webappviewer/index.html?id=1c37d271fba14163bbb520517153d6d5>

- *Conditioned Space* (square feet)
  - Total Annual Heating Load (MMBtu) as the sum of space heating, domestic hot water, and process heating
  - *Total Annual Cooling Load* (MMBtu) as the sum of space cooling and process cooling
  - *Peak Heating Demand* (MMBtu/h) as the sum of space heating, domestic hot water, and process heating
  - *Peak Cooling Demand* (MMBtu/h) as the sum of space cooling and process cooling
  - *Existing Primary Fuel Type* for heating (natural gas, oil, propane, electricity, other)
- d. Describe the existing thermal production and distribution systems used to serve the existing buildings (e.g., campus centralized natural gas boiler with steam distribution pipes and radiators in each building, individual natural gas furnaces in each building with forced hot air plenums, etc.).
  - e. Describe the relative proximity of buildings to each other and thermal energy density of the buildings connected to the system. Provide a plot plan or aerial image scaling the distances between buildings.
  - f. Describe the climate hazard exposure of the buildings and site. Provide a site plan or aerial image illustrating location of the buildings within riverine and/or coastal floodplains, areas of high heat vulnerability, sea level rise exposure, or other climate hazards as applicable.
- System Design
    - a. Describe the proposed system configuration, such as centralized or distributed, including types of heat pumps (e.g., ground source heat pumps, water source heat pumps, multi-source heat pumps, adjunct/supplemental/redundancy systems, etc.), types of thermal resources (ground, surface water, wastewater, waste heat), and network distribution temperatures (ambient, low, or high temperature), as applicable.
    - b. Describe the system configurations analyzed in the feasibility study (e.g., business as usual, standalone heat pumps, centralized thermal energy network, distributed thermal energy network) and the rationale for further pursuing a design and/or construction of the preferred configuration.
    - c. Describe how waste heat recovery and thermal energy storage were evaluated and/or incorporated to minimize peak electricity demand and annual energy consumption and GHG emissions.
    - d. Describe the existing infrastructure expected to remain (indicate whether it will be used routinely, or whether it will be used for peaking and/or backup heat), and existing infrastructure expected to be demolished, as applicable.
    - e. Describe how the system was designed to minimize use of fossil fuel equipment for heating to the extent practical. If applicable, provide the rationale for including/retaining fossil fuel equipment to supply thermal energy to the system.
    - f. Describe measures such as on-site renewables (e.g., solar PV), electric storage, and other technologies included in the system design that will minimize impact to the electric grid and improve the safety, reliability, and resiliency of the electric and thermal utilities that support the operation of the system.
    - g. Describe other climate resiliency considerations, including location of project site relative to flood plains, flood-proofing considerations for system interconnection points or locations of critical infrastructure, considerations for operational performance during black outs as applicable, and other approaches for addressing resiliency in the system design.
    - h. Describe how the system adheres to relevant codes, standards, and industry best practices, available at the time of the proposal, including, but not limited to CSA/ANSI

448, International Association of Plumbing and Mechanical Officials (IAPMO) Uniform Mechanical Code Chapter 17, as well as applicable ASHRAE manuals.

- **Business Model**
  - a. Describe building end-uses, occupancy patterns, ownership and tenancies (e.g., low-income residential), number of residents served, and how the proposed project would ease Climate Justice issues within the disadvantaged communities it would serve.
  - b. Describe the preliminary commercial terms/contractual relationships between project participants and roles of each party in financing, constructing, owning, operating, and maintaining the system.
    1. Describe the preliminary financing approach for construction, including federal, state, and/or local funding; tax credits; and other funding sources. Demonstrate evaluation of the Investment Tax Credit and other potential subsidies, tax abatements, depreciation schedules of equipment, etc.
    2. Describe the business plan and how the system owner/operator will measure and charge for thermal energy delivered to connected building owners. The business plan should discuss how thermal energy will be monetized and how to compensate prosumers who provide thermal energy to the network (ex: waste heat rejection into the network piping loop).
    3. Describe who is expected to own/maintain/operate thermal production, distribution piping, and other assets of the system.
  - c. Describe the anticipated regulatory/legal/environmental suitability, including permitting and franchising and indicate whether regulatory compliance appears feasible, based on the ownership structure for the system.
- **Customer Engagement and Protections**
  - a. Describe how customers and stakeholders will be engaged and educated about the potential system.
  - b. Describe how customers will be recruited to connect to the system and the customers' rights and responsibilities, including the equipment customers will be responsible for owning and maintaining.
  - c. Describe how customers will be informed about potential building upgrades needed to make their buildings' heating and cooling systems compatible with the system, as well as incentive and financing programs available to help offset the upgrade costs.
  - d. Describe how customers will be metered and billed, including customer participation/withdrawal options.
- **Challenges and Lessons Learned**
  - a. Describe hurdles to project success and plans to overcome them. What does the project team envision will be the single-biggest challenge to project implementation?
  - b. Describe regulatory hurdles expected and any preliminary approaches for resolving either on an exception-basis for this one project, or on a precedent-setting basis to be of benefit to subsequent projects.
  - c. Describe impacts by the planning, development, installation, operation, and ownership of the project on nearby disadvantaged communities.

iv. **Proposer Qualifications** (three page maximum)

- **Proposing Organization(s)**: Include a brief description of organization(s) involved in the proposing team, including prime proposer and major subcontractors. Include year founded, status (private/publicly-held), number of employees, product/services portfolio, and location of offices. Also include an explanation of why the proposed organization or team is the best qualified to perform/implement the project from a technical and business perspective. Identify any other organizational qualifications relevant to the proposed work. (Note: Subcontracts of \$50,000 or more are subject to competitive bid procedures except where the proposal identifies a specific

subcontractor as an integral participant in the proposed work; see Section 5.02 of Exhibit B in Attachment D Sample Agreement).

- **Organizational Chart:** Prepare an organizational chart listing all team members, including the project manager and any subcontractors and other sponsors involved in the project, showing their roles and responsibilities and reporting relationships.
- **Qualifications of Key Individuals:** Identify key individuals that will be involved in the project and its success. Provide one- to two-paragraph summaries of relevant technical and business expertise of these individuals, and comment on the extent to which their time is already burdened versus the amount of time they would be expected to work on the project. Submit resumes (as appendix) of all key project team members. Include in the resumes, education and experience that are relevant to the proposed work.
- **Previous Experience:** Demonstrate compliance (i.e., describe team member's role/responsibilities, summary of project scope, and project budget) with the proposer eligibility minimum qualifications requirement specified in the Proposer Eligibility section which says "Team consists of members who served as the lead technical designer in at least one (1) large-scale thermal system design, thermal energy network design, and/or community-style microgrid design of comparable size (i.e., not smaller size-and-scope or order-of-magnitude) as the one being proposed to this solicitation and will serve as lead (or co-lead) technical designer in this project.". Describe any additional experience of the proposing team that is relevant to the proposed effort. List NYSERDA contracts awarded to the proposer and/or subcontractors, if any, in the past five years.

## **2. Work Plan, Schedule, and Milestones**

- **Work Plan:** Use the Template Statement of Work provided in Attachment A on the solicitation website and update with project specific information. Indicate how these efforts will be new work above-and-beyond information already compiled in the previous project stages. The Work Plan shall describe each step or procedure required to accomplish the project objectives, including resource characterization (e.g., drilling exploratory boreholes for ground source configuration if that would be part of the project at this stage), the use of analytical tools and/or software, and quantifying the energy/environment/economic benefits. Therefore, each action shall be identified, indicating who will perform it, how it will be performed and its intended result. Be clear and specific: concentrate on how and not why. Use active voice sentence structure to make clear who is responsible for specific actions (for example, use the following phrase to start the description of every task and subtask: "The Contractor shall ..."). Additionally, the following items shall be infused into the Work Plan:
- **Schedule:** Present a work schedule with a starting point and duration for each task and subtask contained in the Work Plan. Presentation of the schedule in a bar chart is preferred starting with "Month 1", "Month 2", etc. The schedule should include timing of major milestones such as equipment sizing, equipment placement and layout, showing progress toward project objectives and goals. Identify any seasonal constraints or specific requirements for work scheduling. For example, work times may need to be coordinated with a school year calendar, observation of environmentally sensitive seasons, or the receipt of required authorizations.
- **Milestone Payments:** Provide a list of deliverables associated with each task with proposed milestone payments assigned to major deliverables. The magnitude of the milestone payments should be based on the amount of effort required to reach the deliverable.

## **3. Budget**

Use Attachment B to this solicitation and complete all four tabs within the spreadsheet.

- **First Tab (Budget Form):** Complete the Budget Form. Put a mark at the check-box where proposers must certify, via an attestation statement, that hourly rates included in the proposal budget are the

same or less than the hourly rates charged to other government or commercial entities for similar work performed.

- **Second Tab (Funding Source Table including Cost Sharing):** Complete the funding source table showing the total cost of project and proposer cost-share (describe sources of funding). The proposal should show any non-NYSERDA funding being contributed to the project and demonstrate whether 50% or more of the total project costs will be from non-ratepayer sources. Cost sharing for the proposed statement of work can be from the proposer, other team members, and other government or private sources. Proposals offering above the minimum required proposer cost-sharing are strongly preferred. Contributions of direct labor (for which the laborer is a paid employee) and purchased materials are considered “cash” contributions and do qualify as proposer cost-share. Contributions of labor for which the laborer is a municipal official or employee do not qualify as cost-share. Contributions of unpaid labor, indirect labor, or other general overhead are considered “in-kind” contributions and do not qualify as proposer cost-share. NYSERDA will not pay for efforts that have already been undertaken and the proposer or proposing team cannot claim any expenses that have already been incurred as cost-share.
- **Third Tab (Budget by Milestones):** Include a detailed budget cross-reference to the proposed Work Plan, showing for each task the hours and costs for labor and the costs for materials.
- **Fourth Tab (Prior/Current/Competing Proposals):** Is other public funding pending/awarded on this and/or very-similar topic, or does the proposing team (or a portion thereof) intend to seek other public funding on this and/or very-similar topic during the proposed effort? If yes, please explain.

#### **4. Appendix**

Include any supplementary documentation needed to support the proposal, including but not limited to:

- **Letters of Support or Commitment:** If the proposer is relying on any other organization to do some of the work, provide services or equipment, or share in contributing the non-NYSERDA cost, include a letter from that organization describing their planned participation. Provide evidence (signed letters of commitments) from Project team members signifying their participation in the proposed project and their commitment to providing any resources they will be responsible for. Absence of letters of support or commitment will be interpreted as the proposer not having support from the identified parties.
- **Resumes:** Provide resumes of all key project team members. Include in the resumes education and experience that are relevant to the proposed work.
- **Project Site Ownership Documentation:** Provide documentation of ownership, site control and/or permission of the property owner for proposed sites that will be the subject of design activity.
- **Housing Income Documentation:** As applicable, provide documentation that the project qualifies as low-income housing. Examples of documentation that demonstrate eligibility of housing as low-income are available here in the [Affordable Multifamily Buildings Verification Guidelines](#).
- **Thermal Resource Testing/Data:** Provide evidence that the thermal resource(s) being considered will be an adequate source of thermal energy for the buildings that are being considered for connection to the system. If a project is considering geothermal, then evidence may include results of a test borehole or previously completed geotechnical test at the project site. Similarly, if a project is considering wastewater heat exchange, then evidence may include a summary of flow and temperature data.

#### **5. Completed Feasibility Study Report**

This item must be submitted otherwise the proposal shall be deemed non-responsive. The feasibility study must address the requirements defined in Attachment C.

### **V. PROPOSAL SUBMISSION INSTRUCTIONS**

#### **1. Proposal Technical Content (15 page maximum)**

The Proposal Technical Content should address all of the items below:

- Executive Summary (two page maximum)
- Proposer Information (two page maximum)
- Project Description and Benefits (eight page maximum)
- Proposer Qualifications (three page maximum)
  - Do not include resumes here. Include resumes in the Appendix.

Save as a Word file or as a searchable PDF file, which can be created by direct conversion from MS Word, or other conversion utility. Name the file using the following naming convention: "ProjectName\_TechnicalContent".

## **2. Work Plan, Schedule, and Milestones**

Update the Template Statement of Work that is available as Attachment A to this solicitation with the proposer and project information. Save as a Word file or PDF file. Name the file using the following naming convention: "ProjectName\_WorkPlan".

## **3. Budget**

Complete all four of the tabs of the budget spreadsheet that is available as Attachment B to this solicitation. Save as an Excel file (.xls or .xlm format). Name the file using the following naming convention: "ProjectName\_Budget".

## **4. Appendix**

Combine the supporting documentation as a Word file or PDF file. Name the file using the following naming convention: "ProjectName\_Appendix".

## **5. Completed Feasibility Study Report**

The requirements of Feasibility Study report are defined in Attachment C to this solicitation. Save as a Word file or PDF file. Name the file using the following naming convention: "ProjectName\_FeasibilityStudyReport".

# **VI. PROPOSAL EVALUTION CRITERIA**

Proposals that meet the solicitation requirements will be reviewed by a Scoring Committee. Detailed evaluation criteria are defined below.

Proposals will first undergo a pass/fail review regarding proposer eligibility minimum qualifications and project eligibility minimum qualifications as provided in the Proposer Eligibility and Project Eligibility sections. Proposals that meet these requirements will then be reviewed by a Scoring Committee using the Evaluation Criteria below **listed in order of importance**. 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. After the proposals are reviewed, NYSERDA will issue a letter to each proposer indicating whether the proposal will be considered for an award. Proposers receiving favorable evaluations will be invited to enter into contract negotiations with NYSERDA for the selected project. During negotiations the proposer shall assist NYSERDA with completion of duties associated with the SEQRA, as applicable, including but not limited to discerning if any other governmental agency with jurisdiction over the project seeks to fulfill Lead Agency role. The proposer may also be asked to address specific questions or recommendations of the Scoring Committee before contract award.

### **Marketplace Benefits/Impact**

- How scalable and replicable is this project?
- How likely will the proposed system if built as anticipated help to demonstrate highly efficient low carbon heating and cooling solutions that significantly reduce energy use and GHG emissions?
- Has the proposal adequately described any energy efficiency projects that have been or will be implemented to reduce the thermal demands of the buildings that will be served by the system?

- Does the proposal describe a strong approach to adhere to relevant codes, standards, and industry best practices?
- Does the project meaningfully account for relevant climate conditions anticipated over the full useful life, and intentionally mitigate risks from and/or adapt to changing conditions? Does the project provide thermal resiliency benefits and minimize grid impacts, including during extreme heat events?
- Is the project located in a disadvantaged community? To what extent would the project lessen Climate Justice issues in disadvantaged communities (<https://www.nyserda.ny.gov/ny/Disadvantaged-Communities>) enveloping the site?
- How much low-income housing, with household incomes less than 60% state median income, will benefit from the project? Did the proposer include documentation (see [Affordable Multifamily Buildings Verification Guidelines](#)) on income eligibility?
- To what extent does the project provide considerations for low-income housing, MWBEs, SDVOBs, , and/or Priority Populations (as defined here: <https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Workforce-Development/Definitions>)?
- To what extent does the project team demonstrate they have an effective approach for outlining the workforce needs associated with the construction and operation of the project? Has the project team identified opportunities to include and prepare local, historically disadvantaged community members for roles related to system installation, operation and/or maintenance and repairs?
- For thermal energy network projects, does the proposed project incorporate a diverse mix of end-use customer facilities which would have diverse space heating thermal load profiles (such that aggregating the thermal loads will achieve significant load smoothing as a mechanism to reduce costs)?

### **Project Economics**

- Is the project cost reasonable? Is there a good match between the budget and scope? Is a detailed budget provided? Does it include a budget breakdown by project task that shows hours and dollars allocated to each task? Does the proposing team offer sufficient cost-share for the project (extra preference will be given to higher proposer contribution levels)?
- Is there compelling indication that the amount of funds being requested is the minimum amount necessary to cause the project to proceed?
- Does the proposed project intend to demonstrate techniques and methods which would help subsequent projects perform their designs faster/better/cheaper?
- Have financing mechanisms or sources for construction of this project been identified and/or secured? Does the project proposal demonstrate/incorporate how effective financing strategies and business models will be used to construct, own, operate, and maintain the system?

### **Organization, Participation and Commitment**

- To what extent has the proposing team demonstrated applicable competencies beyond the proposer eligibility minimum qualifications specified in this solicitation?
- Do letters of commitment confirm active participation in applicable aspects of the project and commit the letter writer to providing the resources necessary to successfully carry out the duties assigned to their role as a project team member?
- Does the proposal identify a team member who is a NYS-licensed Professional Engineer or NYS-licensed Registered Architect who intends to stamp the final report deliverable or Certified Geothermal Designer (that meets the Proposer Eligibility requirements defined above) that will result from the project?
- What is the likelihood of the project to be implemented once the design is completed?
- Is this part of a larger plan/project and if so, has the larger project been adequately described?
- Has the proposer described the labor requirements plan in adequate detail to demonstrate they are prepared to comply with the requirements?

- Are any low-income tenants associations, MWBEs, SDVOBs, Community-based organizations, Benefit Corporations, and/or Climate Justice advocacy organizations participating on the project team?
- Are staff allocations and schedule reasonable and realistic? Can the project team competently handle this extra workload at this time?

**Other**

- Has the proposer provided other reasons for building the system? To what extent does the proposer describe other ancillary benefits (e.g., customer education and engagement processes), or demonstrate a greater degree of project planning and execution strategies (e.g., technology vendor commitments/participation, greater development of business plans and ownership options, plans to implement energy efficiency, leveraging existing incentive programs)?
- Does the proposal consider measurable benefits by the planning, development, installation, operation, and ownership of the project on nearby disadvantaged communities?
- If applicable, has the proposer described a strong plan for customer engagement and protection?
- Is the proposal well written? Are the concepts clear and complete? Does the proposal differentiate between relevant efforts that have already been accomplished, and proposed efforts that have not yet commenced?
- Can the major assumptions adequately be defended?
- Will the proposed effort utilize high-quality data (e.g., recent data, trending data of duration covering a statistically-significant time period, accurate and precise data), and how certain is it that such data will be available?

**Additional Considerations (to be considered by NYSERDA regarding Program Policy Factors)**

- The degree to which the project reflects the overall objectives of NYSERDA to complete projects with a variety of technologies and end-use sectors and geographic distributions and sizes so as to facilitate NYSERDA's stated interests in learning about the breadth of prime opportunities to grow the large-scale thermal market to scale.
- The degree to which pricing and hourly rates are in line with the rest of the market.
- Whether the proposed project will accelerate transformational market advances in areas that industry by itself is not likely to undertake because of technical, financial, and/or regulatory uncertainty.
- The potential for complementing similar ongoing or completed projects.
- The potential for appropriate leveraging of other sources of public/ratepayer funds (as opposed to displacing those other sources).
- Consideration of the impact on, and benefits to communities that include low-to-moderate income housing
- Project budget is commensurate with GHG reductions.

**VII. 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/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

**Omnibus Procurement Act of 1992** - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, 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](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

**Contract Award** - NYSERDA anticipates making multiple awards under this solicitation. 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 applicable Sample Agreement to contract successful proposals. Funding for projects awarded through this solicitation is available for four years from the date of award. If the project is making progress and funding is still available, the schedule may be extended for an additional period of time at NYSERDA's discretion. 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. NYSEERDA expects to notify proposers in approximately sixteen (16) 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 Sue Dougherty at (518) 862-1090, ext. 3127 or by e-mail at [District.Thermal@nyserda.ny.gov](mailto:District.Thermal@nyserda.ny.gov). NYSEERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSEERDA agreement.

This is a competitive solicitation, and the credentials of the proposing team is a key evaluation criterion. If a proposal is selected for award, and if key elements of the project subsequently are changed (including but not limited to the proposing team being subsequently revised by replacement of strategic members), NYSEERDA reserves the right (at NYSEERDA's sole discretion) to rescind the award and advise the reconstituted project/reconstituted team to re-propose at a subsequent due date and undergo competitive review where the re-awarding of a contract will not be a foregone conclusion.

**Accessibility Requirements** - Every awardee from this solicitation will produce a final report that NYSEERDA will post to the web. NYSEERDA 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 [NYSEERDA's Accessibility Requirements](#).

**Limitation** - This solicitation does not commit NYSEERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSEERDA 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 NYSEERDA's best interest. NYSEERDA 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. NYSEERDA 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 NYSEERDA after the award of a contract, NYSEERDA 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 NYSEERDA, 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 NYSEERDA 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 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.

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

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

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

#### **VIII. Attachments:**

Attachment A: Template Statement of Work  
Attachment B: Detailed Budget Breakdown  
Attachment C: Feasibility Study Requirements  
Attachment D: Sample Agreement