



**Clean Mobility Program**  
 Program Opportunity Notice (PON) 5739  
**\$21,600,000 Available**

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

Round 2 Proposals (Demonstration Track only):  
 Due September 25, 2025 by 3:00 pm ET

**Program Summary:** The New York State Energy Research and Development Authority (NYSERDA) seeks to implement a Clean Mobility Program (the Program). The Program is designed to help communities launch/expand innovative zero-emission transportation options that can help reduce reliance on personal vehicles. The Program will fund projects that will help overcome persistent transportation challenges, especially in underserved communities, and improve access to affordable zero-emission transportation options. The Program includes a now closed Planning Track that offered technical assistance, and the currently open Demonstration Track, that offers implementation funding. The Program is open to local governments, transit operators, and community-based organizations/nonprofits that propose transportation options for community members and local employers, or groups of employers, with at least 1,000 employees in a community that propose projects that would provide innovative zero-emission transportation services for their employees in New York State (collectively referred to as “Eligible Entities”). Note: projects may span multiple municipalities. Dedicated funding is allocated to Demonstration projects in the Bronx (minimum \$3 million) and electric micromobility Demonstration projects in the areas served by Central Hudson, National Grid, New York State Electric & Gas, and Rochester Electric & Gas (minimum \$5 million).

This is Round 2 of PON 5739 and is only for Demonstration proposals. Round 1, released in June 2024, included both Planning and Demonstration proposals.

<b>Proposal Category</b>	<b>Total Funding Available</b>	<b>Anticipated Number and Size of Awards</b>
Planning Track (Completed in Round 1)	Up to \$4 million	Up to 40 at up to \$100,000 each
Demonstration Track (Note: this is the only category available for funding in Round 2)	Up to \$21.6 million, including \$3 million dedicated to projects in the Bronx and \$5 million dedicated to electric micromobility projects upstate	Around 8 at up to \$3 million each

**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>).

Potential responders are advised that under New York State Finance Law Section 139-j, communication on procurements can be made only to designated contact persons. The Authority's Designated Contacts for this Procurement are: Richard Mai (Designated Contact) at (212) 971-5342, ext. 3476 or by e-mail [cleanmobility@nyserda.ny.gov](mailto:cleanmobility@nyserda.ny.gov) or Alexia Heinrich (Designated Contact) at (518) 362-0251 or by e-mail [cleanmobility@nyserda.ny.gov](mailto:cleanmobility@nyserda.ny.gov) (for technical questions). If you have contractual questions concerning this solicitation, contact James Cowman (Designated Contact) [jim.solicitations@nyserda.ny.gov](mailto:jim.solicitations@nyserda.ny.gov). All Proposers should be familiar with the legal prohibitions against certain types of contacts during government procurements set forth in State Finance Law section 139-j. In accordance with that law, 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. Please see [Solicitation Proposal and Vendor Responsibility Questions.pdf](#) for a complete list of the questions proposers must answer as part of a submission. The online proposal system 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>).

NYSERDA will host an informational webinar on August 7, 2025 from 3:00 to 4:00 p.m. Eastern Time during which NYSERDA will review the requirements of this solicitation and answer questions. The link to the webinar can be found here: <https://nyserdany.webex.com/weblink/register/r552d5a2cb042ea7291b1fae1a6de2d7d>.

## I. INTRODUCTION

Transportation accounts for roughly 30 percent of New York State's greenhouse gas (GHG) emissions, more than any other sector. In order to meet the ambitious GHG reduction targets laid out in the Climate Leadership and Community Protection Act (Climate Act), NYSERDA will encourage transportation options that reduce vehicle miles traveled. The Clean Mobility Program (the Program) is designed to support this goal by: 1) improving zero-emission first mile/last mile connections to public transportation, 2) demonstrating innovative public and shared transportation options at a community scale and 3) providing viable options for those who do not own personal vehicles but live in areas with limited public transportation. The focus will be on underserved and disadvantaged communities.

Eligible projects include, but are not limited to:

- Bike share/scooter share and bike libraries
- Electric vehicle (EV) rideshare and on-demand services

- EV carshare
- EV microtransit and shuttles
- Micromobility charging hubs
- Programs to support bike/scooter ownership

Note: Electric bikes or scooters funded by NYSEERDA's Clean Mobility Program must meet industry safety standards such as being UL-certified.

Program funding is available to help Eligible Entities implement projects. Demonstration funds are only available to Eligible Entities that have already completed the necessary planning criteria. Infrastructure costs directly related to the proposed mobility option are eligible before funding. Infrastructure costs are capped at 20% of the NYSEERDA funding amount.

Round 2 applicants may have participated in the NYSEERDA Clean Mobility Program Round 1 planning program or may have completed their planning efforts outside of the Program.

NYSEERDA will support demonstration projects of innovative, zero-emission transportation solutions. To be considered for Demonstration funding, projects must meet NYSEERDA's criteria for completed planning projects: 1) community engagement, 2) site identification and operations, 3) project partner identification, 4) technical feasibility assessment, and 5) policy and regulatory feasibility assessment (see Attachment A: Planning Track Statement of Work). In the case of a local employer applicant seeking to provide mobility solutions for its own staff, staff engagement should be included in the applicant's community engagement, but the broader community should also be engaged to ensure that solutions for staff are developed in coordination with local stakeholders.

Eligible Entities applying for Demonstration funding must submit their completed mobility plan, showing that they have done planning work that meets NYSEERDA's planning project criteria. Demonstration proposals that are nearly complete with their planning tasks (for example, they only need design refinements) are eligible for Demonstration funding. Applicants must note in the Proposal Narrative (Attachment B) and Statement of Work (Attachment C) which additional planning tasks would need to be completed before commencing Demonstration work. Demonstration funding cannot be used for planning tasks, any remaining planning actions required to meet NYSEERDA's criteria for planning projects must be completed prior to NYSEERDA's release of demonstration funds. All proposals will be evaluated against the evaluation criteria in Section IV.

While solution providers may be a part of a proposing team, proposals must be led by Eligible Entities as defined above. The Program is intended for mobility solutions that are technologically mature and commercially available. In addition, all applicants should demonstrate sufficient resources and organizational capacity to carry out the proposed project and to appropriately manage any award.

**Demonstration projects should be able to be completed in three (3) years and may request up to \$3,000,000 per project.**

## II. PROGRAM REQUIREMENTS

### Applicant Eligibility:

- Applicant must be a local government entity (e.g. County, City, Town or Village), transit operator or public transportation provider, community-based organization/nonprofit, or local employer. Note: applicants may span multiple municipal jurisdictions. "Local employers" refers to employers or groups of employers with a total of at least 1,000

employees in a community that provide or would like to provide transportation services for their employees.

- Applicants that are close to completion of a plan (for example, they only need design refinements) can apply for Demonstration funding. Applicants must note which additional planning tasks must be completed before commencing Demonstration work. Any planning work required to meet NYSERDA's criteria must be completed prior to the release of NYSERDA funds for Demonstration activities. Planning work may be completed by applicant staff or consultants and should include all of the tasks outlined in Attachment A: Planning Track Statement of Work (SOW).
- Applicants may include mobility solution providers on their proposing team for Demonstration proposals. **If an applicant received planning funds from this Program, they may not include any of the firms that developed the plan as their mobility solution provider. Such firms may participate in a subsequent Demonstration Track proposal in a planning capacity only.** A mobility solution provider is an entity that manufactures, supplies, develops, installs, operates and/or maintains a transportation or mobility service including:
  - EVs and/or micromobility devices
  - Charging equipment for EVs and/or micromobility devices
  - Programs to support Clean Mobility Program-eligible mobility technologies (e.g., bikes, scooters, e-bikes, EV rideshare and on-demand services, charging hubs for micromobility and EVs)

#### **Applicant Requirements and Responsibilities:**

- Applicant must identify and commit a qualified staff resource to serve as the Project Liaison for the duration of the project. The Project Liaison will be responsible for providing deliverables to NYSERDA in a timely fashion.
- See Section VI for list of relevant required documents.

#### **Funding:**

- Demonstration projects are efforts that will demonstrate zero-emission transportation options. This includes hardware, software, policies, and market development initiatives. This may include one or more commercially available products or the integration of multiple commercially viable products. Projects should require only minor additional planning work, such as necessary design refinements prior to implementation, but should not include any tasks contained in the Planning SOW (Attachment A) or technology or product development tasks. NYSERDA will not fund any planning work required to meet NYSERDA's criteria for planning projects.

Please note:

- NYSERDA's share of funding for Demonstration projects will be limited to a minimum of \$500,000 and a maximum of \$3,000,000 per project.
- All Demonstration project applicants are required to provide at least 20% of total project costs in non-NYSERDA cost share.
- NYSERDA funds may be used for the purchase of zero-emission vehicles (ZEVs) and/or installation of EV charging infrastructure. NYSERDA funds may also be used for the purchase of micromobility devices and/or micromobility charging infrastructure. Electric bikes or scooters funded by NYSERDA need to meet industry safety standards such as being UL-certified. While there is no cap on the total percentage of NYSERDA funds that can be used to purchase equipment, Applicants should present a plan for how any program will be successfully staffed and operated. Project Value will be an important criterion during the proposal evaluation process.
- Other infrastructure costs related to the built environment (e.g. bike/bus lanes, street safety improvements, etc.) may be eligible but must be directly related to

the proposed mobility option and are capped at 20% of the NYSERDA funding amount.

**Proposers may only submit one (1) proposal to this Round of the Program.** No applicant will be awarded more than one (1) Planning grant and one (1) Demonstration grant across all rounds.

As outlined in Attachment C: Demonstration SOW Template, Demonstration projects are required to include tasks and allocate budget in the Demonstration SOW for community engagement, as well as tasks and budget for data collection that can be used to support data analysis work by the NYSERDA support contractor.

NYSERDA reserves the right to modify a project's Statement of Work, budget and funding levels and may offer to fund any of the proposal's phases therein at a lower level than requested.

### **Project Requirements:**

At a minimum, all proposed projects must:

- Reduce vehicle miles travelled and transportation emissions.
- Expand access to zero-emission transportation options.
- Demonstrate a clear potential to be successfully sustained after the end of the trial period.

Proposed projects may not include any of the following elements:

- A sole focus on vehicle or fleet purchase or replacement, without providing a new or expanded service.
- Projects that do not ensure long-term reductions in GHG emissions and air pollution.
- Projects that have significant technology risk.

### **Proposal Submission Limits:**

In Round 2, a lead applicant may only submit one (1) Demonstration proposal. No lead applicant may be awarded more than one (1) Planning and one (1) Demonstration grant across all rounds. Subcontractors may participate in multiple awarded proposals/projects provided that each has a separate, distinct solution. Different municipal agencies can be considered separate entities for the purpose of either a lead applicant or subcontractor role.

### **Priority Project Areas:**

Upstate NY: Five million dollars (\$5,000,000) of Program funding is exclusively available for demonstration projects for electric micromobility solutions serving low-to-moderate income (LMI) individuals and disadvantaged communities (DACs) in the areas served by the upstate investor-owned utilities (Central Hudson, National Grid, New York State Electric & Gas, and Rochester Electric & Gas).

Bronx: Three million dollars (\$3,000,000) of Program funding is exclusively available for demonstration projects located in the Bronx.

NYSERDA will evaluate all proposals based on the PON evaluation criteria. When determining awards, NYSERDA will first consider funding availability for proposals with sites located in the two priority project areas noted above (Upstate NY and the Bronx). NYSERDA will make awards based on rank evaluation order to meritorious proposals within each of the two priority project areas as dedicated funding availability allows. If the dedicated program funding for a priority project area is exhausted but additional meritorious proposals remain, then those priority project area proposals will be considered for funding among the proposals outside of the priority project areas based on rank evaluation order, subject to funding availability.

### III. PROPOSAL REQUIREMENTS

The proposal should concisely present the information needed to fully address the requirements stated in the PON, as enumerated below. Proposals may not exceed the page limits specified. Incomplete proposals or those that fail to meet eligibility requirements may be rejected as non-responsive. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. The proposal must be in the following format:

#### **Demonstration application requirements**

The following documents are required for demonstration project, with instructions included in the Attachments unless otherwise noted:

- 1) Completed Mobility Plan
  - i. Applicants will upload a copy of their completed mobility plan, whether done independently or with an RFQL 5625 Consultant, that meets the established criteria set forth in the Planning Statement of Work Template (Attachment A). The file type should be in Word or PDF, however there is no standard format or attachment.
- 2) Demonstration Proposal Narrative (Attachment B) with the following sections (30-page limit, excluding appendices):
  - i. Cover Letter
  - ii. Executive Summary
  - iii. Team
  - iv. Problem
  - v. Solution
  - vi. Projected Impact/Benefits
  - vii. Community Engagement
  - viii. Sustainability, Scalability, Replicability
  - ix. Budget Summary
- 3) Demonstration Statement of Work and Schedule (Attachment C)
- 4) Demonstration Budget Form (Attachment D)

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

**Cost Sharing** –The Demonstration proposals should show non-NYSERDA funding of at least **20%** of the total cost of the project. Cost sharing can be from the proposer, other team members, and other government or private sources. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered "cash" contributions. Unpaid labor, indirect labor, or other general overhead may be considered "in-kind" contributions. NYSERDA will not pay for efforts which have already been undertaken. The proposer or proposing team cannot claim as cost-share any expenses already incurred or any expenses associated with work that was required at time of submission, including any planning work required to meet the requirements of a complete plan. Show the cost-sharing plan in the following format (expand table as needed):

	<b>Cash</b>	<b>In-Kind Contribution</b>	<b>Total</b>
<b>NYSERDA</b>	\$	\$	\$
<b>Proposer</b>	\$	\$	\$
<b>Others (list individually)</b>	\$	\$	\$
<b>Total</b>	\$	\$	\$

A final report is required for all Demonstration projects. A payment based on the final deliverable will be reserved until project completion. If awarded, NYSERDA may choose to negotiate the amount of such payment.

**Annual Metrics Reports** – If awarded, the proposer will be required to submit, on an annual basis, a prepared analysis and summary of metrics that are realized by the project. Reporting shall commence the first calendar year after the contract is executed. Reports shall be submitted by January 31st for the previous calendar years' activities (i.e. reporting period). Awardees will be expected to provide metrics in accordance with a web-based form, which will be provided by NYSERDA. NYSERDA may decline to contract with awardees that are delinquent with respect to metrics reporting for any previous or active NYSERDA agreement.

**Measurement & Evaluation** – If awarded, proposers will be required to work with a NYSERDA Support Contractor to establish data collection plans for measurement by the awardee and analysis by the Support Contractor. This ongoing coordination will help NYSERDA assess quantitative and qualitative key performance indicators and outcomes across all Program projects.

**Community Engagement** – If awarded, proposers will be required to work with a NYSERDA Support Contractor to establish a community engagement plan to be conducted by the awardee. This ongoing coordination will help NYSERDA assess outreach across all Program projects.

#### IV. PROPOSAL EVALUATION

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

##### Demonstration Track

- Projected Impact
  - How likely is the proposed project to provide needed clean transportation options?
  - How severe is the transportation need?
  - Approximately how many people would benefit from the development of a transportation project in this area?
  - How transformative is the solution for the impacted communities, both in the short and long term?
  - Will [disadvantaged](#) or underserved communities benefit?
  - Will the proposed project provide environmental benefits to the impacted community?
- Community Alignment and Engagement
  - To what degree has the community been engaged in the proposal development process? In the case of a local employer applicant seeking to provide mobility solutions for its own staff, staff engagement should be included in the applicant's community engagement, but the broader community should also be engaged to ensure that solutions for staff are developed in coordination with local stakeholders.
  - How durable are the existing partnerships and plans for successfully implementing ongoing, long-term community engagement that is aligned with, responsive to, and informed by proven community needs?
- Feasibility
  - To what degree is there a clear understanding of challenges and barriers?
  - Is there a sound approach, thorough plan, sufficient resources, community buy-in, and necessary approvals (or plans for approval) to execute their solution?

- Is there a credible team with the experience, capacity, and existing (or planned) relationships needed to mitigate risk and succeed where other solutions have not?
- Sustainability
  - Is there a vision and roadmap to sustain the project beyond NYSERDA funding?
  - Is the team positioned to adapt and meet changing community needs?
- Project Value
  - Is the overall project cost justified and reasonable based on the level of effort proposed and the expected outcome and benefits?
  - Is the value proposition and benefits sufficient that the concept or technology will likely be successful and adopted by the market?
  - How appropriate are the proposer's co-funding contributions (sources and amounts) with respect to the degree of risk and potential benefits from the work?
  - Are the labor rates and equipment costs reasonable based on market conditions?

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

- The degree to which pricing and hourly rates are in line with the rest of the market.
- The degree to which the proposed project will advance the goals of the Climate Act
- The degree to which there are technical, market, organizational and/or environmental risks associated with the projects that outweigh the potential benefits
- The degree of NYSERDA portfolio balance/optimization. The project(s) balance(s) and enhances the NYSERDA portfolio in one or more of the following areas: technological, organizational, or geographic diversity.
- Diversity of awards within multiple locations, climates, regions, or other geographically articulated criteria (for example, Regional Economic Development Regions, NYISO zones, or other geospatially described areas, etc.)
- 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, secured permits or financing, shovel-ready, etc.).
- The degree of ongoing leverage; ability to attract other funding sources to successfully facilitate technology transfer, leading to subsequent scaling and market adoption.

## V. GENERAL CONDITIONS

**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

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

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

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

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

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

The Department has created a second form that must be completed by a prospective contractor prior to contracting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](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. NYSERDA anticipates a contract duration of up to 3 years for Demonstration Projects, unless NYSERDA management determines a different structure is more efficient based upon proposals received. A contract may be awarded based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each proposal should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the checklist questions. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately eight (8) 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 ([cleanmobility@nyserdera.ny.gov](mailto:cleanmobility@nyserdera.ny.gov)). NYSERDA may decline to

contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

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

**Limitation** - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement. NYSERDA reserves the right to disqualify proposers based upon the results of a background check into publicly available information or the presence of a material possibility of any reputational or legal risk in making of the award.

**Disclosure Requirement** - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

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

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

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

addition, former NYSERDA employees are subject to a “lifetime bar” from appearing before any state agency or authority or receiving compensation for services regarding any transaction in which they personally participated, or which was under their active consideration during their tenure with NYSERDA.

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

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

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

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

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

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

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

**VI. Attachments:**

- Attachment A – Planning Statement of Work Template (for reference only)
- Attachment B – Demonstration Proposal Narrative Template
- Attachment C – Demonstration Statement of Work Template
- Attachment D – Demonstration Budget Form
- Attachment E – Sample Agreement (for reference only)