



Empire Building Challenge: Hospitals Round 2

Program Opportunity Notice (PON) 5989

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

Proposals are due September 15, 2026 by 3:00 p.m. Eastern Time.

Description:

Through the Empire Building Challenge: Hospitals program Round 2 ("the Program"), New York State Energy Research and Development Authority (NYSERDA) seeks to fund demonstration projects that showcase innovative approaches to achieving meaningful energy reductions that can be replicated and scaled in existing hospital buildings across New York State. Through this competitive solicitation, NYSERDA will award up to \$5 million to selected hospitals for the construction and installation of scalable, efficient, low-carbon solutions such as electrification of building systems, electrification readiness projects, and comprehensive energy efficiency projects that will achieve significant carbon and/or energy reduction.

Funding: Awards of up to \$5 million per project. The total award cannot exceed 75% of total project costs. Funding is available to support project sites statewide, including sites that pay the System Benefits Charge (SBC) on their electric utility bill, and sites that do not pay the SBC. If awarded, projects may be eligible for an additional \$50,000 to support operation and maintenance training on new equipment and building systems installed as a result of the awarded project.

Eligibility: Hospitals located in New York State are eligible to submit proposals. Refer to Section VIII for how the Program defines hospitals. All buildings included in the proposal must be existing hospital buildings located in New York State. Projects must meet requirements outlined in Section III of this solicitation.

Informational Webinar: NYSERDA will host an informational webinar on April 14, 2026 starting at 10 a.m. ET. Questions may be submitted ahead of the webinar by emailing EBChospitals@nyserda.ny.gov. Register for the webinar by following [this link](#).

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 Department's Designated Contacts for this Procurement are: Adam DeSio – Primary Contact (Designated Contact) at (518) 362-0289 or by e-mail EBChospitals@nyserda.ny.gov or Danielle Stockman – Secondary Contact (Designated Contact) at (518) 362-0289 or by e-mail EBChospitals@nyserda.ny.gov for technical

questions. If you have contractual questions concerning this solicitation, contact James Cowman (Designated Contact) at (518) 362-0487 or Jim.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 offeror, and (2) may result in the proposer not being awarded a contract.

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

Section I: Introduction

History of Empire Building Challenge

Announced by New York State in early 2020, The Empire Building Challenge is an initiative that supports replicable and scalable low carbon retrofit approaches in large existing buildings. Empire Building Challenge has established partnerships between NYSERDA and leading real estate owners with the ability to publicly commit to decarbonization for buildings in their portfolios. The program has since expanded to fund projects that demonstrate different decarbonization pathways for multifamily and commercial buildings. More information on the success of the Empire Building Challenge and its resources can be found on [NYSERDA's website](#).

Empire Building Challenge: Hospitals

As an extension to the State's \$50 million Empire Building Challenge initiative, Empire Building Challenge: Hospitals will fund demonstration projects that showcase innovative pathways to achieving meaningful energy reductions that can be replicated and scaled in existing hospitals across New York State. Projects funded through this solicitation will advance low-carbon solutions that reduce emissions, increase energy efficiency, and help make existing hospitals cleaner and healthier.

Section II: Program Documents

Below is a summary of this solicitation's Attachments and their intended use.

- *Attachment A – Proposal Template*
 - The Proposal Template includes a series of questions Proposers are required to respond to.
 - Responses within the Proposal Template serve as the Proposer's opportunity to address the evaluation criteria set out in Section VI (Proposal Evaluation Criteria)
- *Attachment B – Proposal Workbook*
 - The Proposal Workbook includes the following tabs:
 - Project Impact & Measure Costs – Proposers must enter the annual baseline energy use for all buildings included in the project. Proposers must also enter the project's measures to be installed, associated energy savings, and costs.

- Project Budget – Proposers must enter the NYSERDA funding request amount and other known or anticipated funding sources.
 - Project Schedule – Proposers must enter start and end dates for project construction and installation phases, tasks, and/or milestones.
- *Attachment C – Climate Hazard Exposure Guidelines*
 - The Climate Hazard Exposure Guidelines provide instructions for determining if project sites are exposed to climate hazards. This determination is required for completing Attachment A - Proposal Template.
- *Attachment D – Sample Agreement*
 - The Sample Agreement is an example NYSERDA agreement with NYSERDA’s standard terms and conditions. This document is solely for informational purposes and not required for a proposal submission.

Refer to Section V for an overview of this solicitation’s proposal requirements.

Section III: Eligibility

Proposer Eligibility

- Proposer must be a hospital or representative authorized to act on behalf of a hospital located in New York State. Refer to Section VIII for how the Program defines hospitals.

Project Requirements

- Projects must only include existing hospital buildings located in New York State. See Section VII: Program Definitions for definitions of Hospital and Hospital Building. NYSERDA may consider projects that occur outside of hospital buildings that provide benefit to existing hospital buildings on a case by case basis.
- Proposers must utilize a third-party independent contractor to complete the project’s Scope of Work.
- A feasibility study or equivalent analysis must be completed for the proposed project prior to submitting a proposal. The feasibility study should demonstrate verifiable project costs, energy savings, and carbon reduction potential using standard engineering principles.
 - *A NYSERDA FlexTech study that evaluated the proposed projects is an acceptable feasibility study for this requirement.*
- Construction and installation of proposed measures must be completed within four years of the date of award.
- Projects must complete one year of measurement and verification (M&V) post-construction completion and measure installation.
- Projects must utilize replicable and commercially viable products and solutions that have already been accepted by the market.
- Projects must consider the inclusion of relevant and feasible resiliency measures to protect project sites and measures against climate hazards. Proposers shall determine if the project is exposed to flood hazards using the guidance within Attachment C: Climate Hazard Exposure Guidelines. If the project is exposed to any climate hazards, the project must consider relevant resiliency measures to protect project measures against climate hazards.
- In addition to these requirements, the project must meet the Project Eligibility criteria below.

Project Eligibility

The Program seeks projects focused on innovative, scalable solutions for existing hospital buildings that will achieve significant carbon and/or energy reduction. Example eligible project types are listed below. NYSERDA, at its sole discretion, will consider additional project types on a case-by-case basis. In all cases, projects must comply with the Contingent and Ineligible Activities in this section.

- Electrification of building heating and cooling systems, meeting the following requirements:
 - Installation of clean heating and cooling technologies that provide space heating and/or cooling, including but not limited to Ground Source Heat Pumps (GSHP), Air Source Heat Pumps (ASHP) or Variable Refrigerant Flow (VRF) systems.
 - Fossil fuel (heating oil, natural gas, steam generated by fossil fuel, etc.) energy consumption must be reduced by the new electric technology or application.
 - The electric technology or application shall be market ready.
 - It is highly recommended that projects including geothermal consider ground source heat pump borehole testing prior to submitting a proposal to ensure that the project location is suitable for the proposed technology.
 - If this testing still needs to be completed, [NYSERDA's FlexTech program](#) cost-shares feasibility studies for GSHP and geothermal systems, including bore hole and thermal conductivity analysis.
- Building electrification readiness projects, including but not limited to a combination of the following:
 - Conversion of distribution systems (e.g., steam to hot water)
 - High performance building envelope improvements and other upgrades to reduce building thermal load and demand.
 - Electrification of building systems such as domestic hot water heating equipment.
- Comprehensive building energy efficiency improvements that impact energy consumption, greenhouse gas emissions, and overall building load.
 - System conversions to natural gas or other fossil fuels are ineligible.
 - Full system replacements to new fossil fuel-based systems are ineligible.

Contingent Activities

The following upgrades can only be funded when completed in combination with an eligible activity listed above:

- Energy efficient medical equipment upgrades
- Operational improvements for medical equipment resulting in energy savings (e.g. scheduling, implementing standby modes, etc.)
- Upgrading existing electrical infrastructure (e.g., electrical panel upgrades & equipment service infrastructure)
- Energy storage systems
- Renewable energy technologies

Ineligible Activities

- Lighting upgrades
- System conversion to natural gas or other fossil fuel
- Full system replacements to new fossil fuel-based systems
- Clean transportation, including electric vehicles or fleets and electric vehicle charging stations

- New construction and expansion projects
- Work conducted prior to the execution of an Agreement between NYSERDA and the Proposer.

Section IV: Funding

- A Proposer may receive up to \$5 million in total for the implementation of an awarded project. The total award cannot exceed 75% of total project costs.
- If awarded, projects may be eligible for an additional \$50,000 to support operation and maintenance training on new equipment and building systems installed as a result of the awarded project. Funding amount awarded for training may be based on number of trainees. To be eligible for the maximum of \$50,000.
- Work conducted prior to the execution of an Agreement between NYSERDA and the Proposer is not eligible for cost-reimbursement.
- Proposals can layer funding awarded through this solicitation with funding from utility incentive programs, federal funding, and IRA incentives. However, NYSERDA funding cannot go toward the same measure as a utility incentive.
- Projects awarded under this program will not be eligible to apply for any other incentives from NYSERDA for the same work. Participation in this program does not impact eligibility for NYSERDA Technical Assistance Programs, such as FlexTech.

Section V: Proposal Requirements

Required Documentation

A complete proposal package includes the following:

1. Completion of the series of questions presented in NYSERDA's online portal submission platform.
2. Completion of Attachment A – Proposal Template.
3. Completion of Attachment B – Proposal Workbook, entering information into the Project Impact & Measure Costs, Project Budget, and Project Schedule tabs.
4. A copy of the report for the completed feasibility study (or equivalent analysis) on the project's proposed solutions, including supporting calculations for energy savings and cost effectiveness.
5. Supporting Documentation (optional): Proposer may submit supporting documentation that supports the overall proposal. This may include items like letters of support, schematic design drawings, product cut sheets, supporting detail on installation costs (e.g. contractor quote), system diagrams, performance or financial charts or graphs. Providing supporting documentation is entirely at the Proposer's discretion and not required.

Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not positively influence the proposal evaluation. Proposals that grossly exceed what is necessary to describe the project or fail to meet all requirements and format guidelines may be rejected as non-responsive.

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.

Section VI: Proposal Evaluation Criteria

Proposals will be evaluated on a competitive basis. In addition to eligibility, quality, and completeness, NYSERDA will evaluate proposals based on the criteria below. Proposers should address all evaluation criteria in their proposal package. NYSERDA reserves the right to accept or reject a proposal at its sole discretion.

Project Impact (75 Points)

- Project's estimated energy reduction compared to other proposals submitted through this solicitation.
- Project's estimated carbon reduction compared to other proposals submitted through this solicitation.
- Project eliminates, significantly reduces, and/or leads to reduced long-term dependence on fossil fuels.
- Proposal demonstrates the project is innovative and has potential to be replicated by other hospitals.
- Project is located in a Disadvantaged Community.
- Proposing hospital is considered Safety-Net.
- Proposal demonstrates the project is innovative, scalable, and can be replicated by other hospitals.
- Proposal demonstrates the project includes additional benefits to the hospital and/or surrounding community (e.g., enabling additional future decarbonization projects, achieving carbon reduction goals, life safety benefits, improved occupant comfort).
- Relevant resilience measures are integrated into the project, which will help the hospital and surrounding community adapt to climate-related risks.

Project Viability & Approach (40 Points)

- Proposal demonstrates a well-thought-out path to implementation by comprehensively describing how the project will be successfully implemented.
- Proposal and supporting documentation demonstrate a feasibility study (or equivalent analysis) was completed for solutions and measures included in the proposal. Methodology to quantify energy impacts is clear, well-defined, and sound. If project includes geothermal, bore hole testing has been completed.
- Project design documents and/or construction documents are complete.
- Proposal demonstrates secured funding and/or financing mechanisms for project. This does not include NYSERDA funding.
- Proposal demonstrates Proposer's history of successfully completing clean energy projects.
- Proposal demonstrates approval from the Proposer's CEO/CFO/COO, board, and/or other decision-making body.
- Proposal demonstrates a well-thought-out approach for collecting project performance data and completing M&V for the project.

Project Budget & Schedule (30 Points)

- Funding request is reasonable in cost and commensurate with proposal's estimated carbon/energy reduction. Project's cost effectiveness compared to other proposals submitted through this solicitation.

- Detailed measure and project costs are provided. Budget includes a breakdown of external funding sources (e.g. utility funding, IRA funding, etc.), if applicable.
- Project schedule is detailed and realistic, demonstrating how the project will proceed through implementation within four years and complete one year of M&V.
- Project construction and installation is expected to be completed in 3 years or less.

Section VII: Program Policy Factors

Proposal Evaluation

A Scoring Committee will review and rank all proposals based on the Evaluation Criteria outlined in Section VI. NYSERDA may consider the following program policy factors in making award selections:

The degree to which:

- There is diversity in geographic location, Safety-Net/DAC status, size, and type of awarded hospitals.
- There is diversity of project types, technologies, approaches, and methods.

NYSERDA reserves the right to accept or reject a proposal, or fund only a portion of a proposal, at its sole discretion. NYSERDA reserves the right to share rejected proposals with the Proposer's utility. NYSERDA reserves the right to extend and/or add funding to the Solicitation should other funding be available.

Awarded Projects

- Awarded Proposers (Awardees) will work with NYSERDA to develop a contractual Scope of Work with Tasks and Deliverables following Attachment D – Sample Agreement, and a Budget.
- NYSERDA plans to issue milestone-based contracts, meaning that structured lump sum payments will be made by NYSERDA upon completion and approval of a Task(s) and Deliverable(s), as defined in the contractual Scope of Work. At minimum, 10% of the overall award will be held as retainage until sufficient completion of the contractual Scope of Work, including one year of M&V.
- When reviewing and negotiating Scopes of Work and Budgets, NYSERDA reserves the right to:
 - Request additional information on the proposed project team to ensure appropriate alignment of qualifications to Task complexity.
 - Utilize comparable NYSERDA-funded projects and contracts to confirm reasonableness of costs for proposed Tasks.
 - Reduce committed funding on a project scope if the scope includes ineligible Tasks or if the overall budget exceeds the Program's funding cap.
- Awardees are required to complete one year of M&V. The contractual Scope of Work will include a Task for developing a detailed M&V plan, including data to be collected, measured, and verified to report project performance and savings. Data and reported savings must be submitted to NYSERDA and are subject to third-party technical review.
- Awardees pursuing additional funding for building operations and maintenance training are responsible for identifying and securing training providers. Awardees will include task(s) and associated deliverables for training-related activities within the contractual Scope of Work. A detailed budget breakdown for training activities must be included with the contractual budget or provided as a deliverable. Funding amount for training may be based on number of trainees. To be eligible for the maximum \$50,000, a minimum of 8 building operators must be trained.

NYSERDA funding cannot be used for training that would typically be provided by equipment vendors as part of installation of that equipment.

- NYSERDA requires awarded projects to consider the inclusion of relevant and feasible resiliency measures to protect project sites and measures against climate hazards. Refer to Attachment C: Climate Hazard Exposure Guidelines for information on determining your site's exposure to climate hazards.
- NYSERDA reserves the right to perform technical review on all deliverables. Deliverables found by NYSERDA to not fulfill the agreed upon Scope of Work and/or deliverable requirements may receive reduced funding or may not be reimbursed by NYSERDA.
- Awardees must commit to marketing and public awareness efforts regarding the carbon reduction attributes of their project. Awardees are expected to collaborate with NYSERDA in the development of promotional materials, which may include case studies, presentations, webinars, etc. NYSERDA credits the project name and project team in all promotional material. Awardees are expected to participate in presentations. NYSERDA reserves the right to brand and market awarded projects.

Section VII: Program Definitions

- **Proposer** – The Proposer is the hospital, or representative authorized to act on behalf of the hospital, submitting the proposal to this solicitation. The Proposer will enter into contract with NYSERDA, if awarded.
- **Clean Energy** – Energy efficiency, energy conservation and renewable energy.
- **Clean Heating and Cooling Technologies** – Clean heating and cooling technologies can co-produce space and/or water heating or cooling without the use of fossil fuels and include, but are not limited to:
 - **Ground Source Heat Pump System (GSHP)** – Ground-source heat pump systems (also referred to as geothermal heat pumps) provide space heating and cooling, as well as domestic hot water in some cases. The indoor heat pump unit and underground (or underwater) heat exchanging loop transfers thermal energy between and amongst the ground and the building.
 - **Air Source Heat Pump System (ASHP)** – Air source heat pumps provide space heating and cooling, as well as domestic hot water in some cases. These systems transfer heat between inside and outside air while creating a more comfortable indoor environment.
 - **Variable Refrigerant Flow System (VRF)** – Variable refrigerant flow heat pump systems modulate refrigerant flow as needed to maximize compressor efficiency. Where an ASHP systems requires separate refrigerant lines for each indoor unit, VRF systems allows multiple indoor units to connect to a single compressor.
- **Decarbonization** – Reducing or eliminating carbon dioxide emissions from buildings through Electrification, Energy Load Reduction, and/or other means, such as:
 - Energy efficiency and conservation (e.g., improved building controls, more efficient building shell and insulation)
 - Installation of renewable technologies (e.g., solar)
- **Disadvantaged Community (DAC)** – The Climate Leadership and Community Protection Act (Climate Act) sets a goal for New York State to direct clean energy and energy efficiency investments in a manner for disadvantaged communities to receive 40% of the benefit of those investments. New York State has identified interim criteria for disadvantaged communities, which includes communities:

- Located within census block groups that meet the HUD 50% AMI threshold, that are also located within the DEC Potential Environmental Justice Areas; or
- Located within New York State Opportunity Zones
- For the most up-to-date definition and to determine if your facility is located within a DAC, see the “Disadvantaged Communities” page on the [NYSERDA website](#).
- **Electrification** – The process of shifting from fossil-fuel-based to electric-based systems and equipment to reduce emissions, improve efficiency, and enable the use of renewable energy sources. A core component of decarbonization is a widespread shift to electrification in buildings. Please also see “Clean Heating and Cooling Technologies” listed above.
- **Energy Load Reduction** – Energy load reduction refers to reducing the base amount of energy required for regular operation of a facility to meet occupant needs. A focus on energy load reduction serves as a precursor to cost-effective decarbonization.
- **Hospital** - A licensed institution that is primarily focused on the provision of acute, short-term medical and surgical care for patients, including diagnosis, treatment, and inpatient housing. A **Hospital Building** must be part of a hospital system and the use of the building must be focused on these activities. Healthcare facilities such as nursing homes, psychiatric hospitals, rehabilitation centers, urgent care facilities, laboratory and research facilities, ambulatory care facilities, medical offices, etc. do not meet the Program’s definition of a hospital.
- **Resilience Measures** - Strategies to improve the resiliency of the project, the facility itself, and its occupants to future climate impacts and weather extremes; including strategies to ensure continuity of operations under future conditions and to improve passive survivability. For example, designing new heating and cooling systems for both current and future loads, protecting critical systems from climate hazards; designing renewable energy and storage systems for use as back-up power, creating areas of refuge within the building for occupants to shelter in place, or other resilience-enhancing strategies.
- **Safety-Net Hospital** - A hospital that provides essential medical services to underserved, low-income, and uninsured populations, often regardless of a patient's ability to pay. A list of Safety Net hospitals can be found on [NYSERDA's website](#).

Section VIII: General Conditions

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSEERDA 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 NYSEERDA 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 NYSEERDA 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/NYSEERDA-Regulations.ashx>. However, NYSEERDA cannot guarantee the confidentiality of any information submitted.

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

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

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

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

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

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

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

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

Contract Award - NYSERDA anticipates making multiple awards under this solicitation. NYSERDA anticipates a contract duration of up to five (5) years 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 twelve (12) weeks from the proposal due date whether your proposal has been selected to receive an award. Upon receipt of this notification, a proposer can request to schedule a debrief on the selection process and the strengths and weaknesses of its proposal by contacting EBChospitals@nyserda.ny.gov. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

Accessibility Requirements - NYSERDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.),

video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see NYSERDA's Accessibility Requirements on the [Doing Business with NYSERDA page](#) or download [NYSERDA's Accessibility Requirements \[PDF\]](#).

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

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

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

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

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

Any awardee will be required to certify that all of its employees, as well as employees of any subcontractor, whose subcontract is valued at \$100,000 or more who are former employees of the State

and who are assigned to perform services under the resulting contract, shall be assigned in accordance with all Ethics Requirements. During the term of any agreement, no person who is employed by the contractor or its subcontractors and who is disqualified from providing services under the contract pursuant to any Ethics Requirements may share in any net revenues of the contractor or its subcontractors derived from the contract. NYSEERDA 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. NYSEERDA 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. NYSEERDA 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 – NYSEERDA, 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. NYSEERDA may conduct due diligence on some or all proposals based on NYSEERDA's current guidelines at the time of a review. NYSEERDA 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 NYSEERDA 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 NYSEERDA 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 NYSEERDA's sole discretion and are final decisions. NYSEERDA 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.

Section IX: Attachments

Attachment A – Proposal Template

Attachment B – Proposal Workbook

Attachment C – Climate Hazard Exposure Guidelines

Attachment D – Sample Agreement