



Fuel NY Portable Emergency Generator Program
Program Opportunity Notice (PON) 2924

PROGRAM SUMMARY

The New York State Energy Research and Development Authority (NYSEERDA) is seeking applications from eligible retail motor fuel outlets (Stations) for the Fuel NY Portable Emergency Generator Program (Program). Program eligibility is limited to Stations in the downstate region affected by Section 192-h of the New York State (NYS) Agriculture and Markets Law, Alternate Generated Power Source at Retail Gasoline Outlets. Through the Program, NYSEERDA will provide participating Stations with portable emergency generators and associated services during a declared energy or fuel supply emergency (Declared Emergency).

CONTACT INFORMATION

For technical questions please contact:

NYS Energy Research and Development Authority
PON 2924 Administrator
C/O ARCADIS
855 Route 146, Suite 210
Clifton Park, NY 12065

Phone: Toll free 855-452-4859
Email: PEGprogram@nyserda.ny.gov

For contractual questions please contact:

Venice Forbes, Contracts Department (518) 862-1090 x3507 or venice.forbes@nyserda.ny.gov

APPLICATION SUBMISSION

Applications are accepted online [here](#).

For assistance with the Application please call 855-452-4859

*Incomplete or inaccurate applications will not be accepted. Faxed applications will not be accepted. If changes are made to this solicitation, a notification will be posted on NYSEERDA's website at www.nyserda.ny.gov

I. INTRODUCTION

Many Stations in the downstate area lost electric power as a result of damage caused by Superstorm Sandy. This loss of power contributed to widespread disruptions in the gasoline supply that impacted public safety and well-being as well as economic activity in the region. In response to this problem, Governor Cuomo signed legislation requiring strategic Stations in the downstate region to install wiring and a transfer switch to enable the use of backup generators and to develop a plan to secure an emergency generator within a set period of time following a Declared Emergency.

New York State enacted the legislation as an amendment to the Agriculture and Markets Law by adding Section 192-h, entitled, *Alternate Generated Power Source at Retail Gasoline Outlets*. In addition, an amendment to Section 1854 of the Public Authorities Law has authorized NYSERDA to create a program to assist Station owners with implementing these requirements. See Attachment A.

NYSERDA has established this Program to provide, deploy and install portable emergency generators (PEGs) in the event of a Declared Emergency. In the event that an insufficient number of PEGs is available to meet required emergency deployment, NYSERDA, in consultation with the NYS Commissioner of Homeland Security and Emergency Services, will prioritize such Stations as are most essential to public safety and well-being during the Declared Emergency. Participation in the Program through NYSERDA is voluntary and other alternatives are available to Stations to ensure compliance with Section 192-h. Participation in the Program provides Stations with compliance to Section 192-h of the NYS Agriculture and Markets Law, even should an insufficient number of PEGs be available to meet required emergency deployment.

II. PROGRAM

OVERVIEW

During a Declared Emergency, PEGs will be systematically deployed to participating Stations and connected to the Station's existing transfer switch to provide an emergency power supply. The Program does not guarantee deployment of a PEG to a participating Station during a Declared Emergency. However, participation in the Program does ensure compliance with Section 192-h of NYS Agriculture and Markets Law.

Stations receiving a PEG will be charged a rental fee of \$1,500 per week, or portion of a week. The rental fee will cover deployment costs, connection to the transfer switch by a qualified electrician, routine maintenance during the rental period, and refueling service. The cost of diesel fuel for the PEG will be invoiced separately at market cost. No rental fees will be charged to participating Stations which do not receive a PEG during a Declared Emergency. Further details may be found in the terms and conditions of the Program Contract.

APPLICANT ELIGIBILITY REQUIREMENTS

The New York State Department of Agriculture and Markets (Ag & Markets) has identified and notified eligible Stations that are known to be required to comply with Section 192-h of the NYS Agriculture and Markets Law. Please visit <http://stormrecovery.ny.gov/fuel-ny> to see if your Station is located in a designated strategic area.

Eligible Stations are located in the downstate region (including Nassau, Suffolk, Rockland, Westchester, Bronx, Kings, Queens, Richmond, and New York counties); and meet the following criteria:

- The Station must be required to comply with Section 192-h of the NYS Agriculture and Markets Law.
- The Station must have a manual transfer switch installed by a licensed electrician and be registered with Ag & Markets.

Applicants are limited to the owner or franchisee, or a duly authorized representative that has responsibility for regulatory and legislative compliance and has the authority to execute agreements required by this Program.

ROLES AND RESPONSIBILITIES

PARTICIPATING STATIONS:

Participating Stations will be required to assist NYSERDA in developing a Site Plan that will include but is not limited to:

1. Physical location of Station.
2. Estimated PEG size/capacity.
3. Electrical connection type/requirements.
4. Site access requirements.
5. Location and technical specifications of electric transfer switch.
6. Staging location for the PEG during a Declared Emergency.
7. Length and specifications of cable needed to connect PEG to electric transfer switch.
8. Name and contact information for responsible person(s) with signature authority able to receive delivery of PEG, accept refueling services, and acknowledge the removal of PEG.

The Station will be responsible for initiating the request for a PEG once the following four criteria have been met:

1. An energy or fuel supply emergency has been declared for the area that the Station is located.
2. The Station has lost power.
3. The site is clear of any hazards that would prevent the PEG from safely being delivered, located, and connected in accordance with the Site Plan.
4. A responsible person named in the Site Plan is on site and will be available to receive and sign for PEG delivery.

NYSERDA:

NYSERDA, through its contractor(s), may provide delivery of the appropriate sized PEG to the affected Station. Upon delivery to the site and placement in the location designated in the Site Plan, NYSERDA, through its contractor(s), will provide the following services:

1. Connect the PEG to the existing electric transfer switch at the Station.
2. Start up the generator, ensuring that the PEG is providing power to the Station.
3. Refuel the PEG while the PEG is deployed at the Station.

4. Maintain records of delivery of the PEG, amount of diesel fuel supplied to the PEG, any damage that was sustained to the PEG, and record of when the PEG is moved off-site. These records will be used as the basis for billing the individual Stations by NYSERDA.
5. Provide maintenance technicians to perform routine maintenance during PEG operations and if necessary emergency maintenance in the event of a PEG mechanical failure.
6. Pick-up of the PEG after it has been determined that the PEG is no longer required.

III. PROGRAM PARTICIPATION

Contracting Process

The following provides a general overview of the process that will be followed by all parties for program participation:

1. Applicant must complete and submit the Application Form available [here](#).
 - a. Incomplete or inaccurate applications will not be accepted.
2. NYSERDA reviews the application for completeness and verifies eligibility for Program participation.
3. NYSERDA will visit the site and work with the Applicant to develop the Site Plan.
4. The Site Plan will be finalized and appended to the Program Contract.
5. Program Contract will be submitted to the Applicant for signature and return to NYSERDA.
6. NYSERDA will fully execute the Program Contract, return a copy of the Program Contract to the Station, and Program enrollment will be finalized.

NYSERDA reserves the right to inspect any site during regular business hours to verify the Applicant's compliance with the requirements of this Program.

Deployment Process

Should a Declared Emergency occur, NYSERDA requires the Station to have an authorized person at the Station to receive delivery of the PEG. This individual will be responsible for inspecting the PEG and all ancillary materials and equipment with NYSERDA's contractor to ensure that the PEG was not damaged prior to delivery to the Station. Additionally, the authorized person will be required to sign for the PEG and all ancillary materials and equipment.

During the Declared Emergency, NYSERDA will provide refueling services for the PEG as necessary. Refueling delivery will require the signature of an authorized on-site person. At the time the PEG is picked-up, an on-site authorized person will be required to inspect the PEG and document any damage sustained during the rental period and to go over the checklist of all materials and ancillary equipment that were provided to ensure that all is returned. Additional details on the roles and responsibilities of NYSERDA and the Station will be outlined in the Program Contract.

In the event that the PEG has a mechanical failure during the period of deployment, the Station will be responsible for notifying NYSERDA. NYSERDA will then dispatch its contractor to fix the PEG or if necessary replace the PEG with an available unit. Participating Stations are relieved from risks of loss or

damage to the PEGs and ancillary materials and equipment during the period of transportation and installation. Participating Stations are responsible for loss or damage to the PEGs and ancillary materials and equipment during the entire time the products are in the possession of the Station, including but not limited to damage resulting from failure to comply with the Program Contract or Station Site Plan, and theft.

During a Declared Emergency, a Station receiving a PEG will be required to operate the PEG 24-hours a day regardless of the Station's normal operating schedule. Once the PEG has been delivered to the site and started, it will not be shut down and restarted for any reason except for refueling or routine maintenance by NYSERDA's contractor or mechanical problems if any should arise.

Invoice Process

Once a PEG has been deployed, the receiving Station will be required to pay NYSERDA \$1,500 per week, or portion of a week. At the time of refueling, the gas Station will be required to sign for the amount of fuel that was delivered to the PEG. Should excess fuel appear to have been consumed or lost, NYSERDA will investigate and charge the Station for any unwarranted use or loss of fuel. The rental period duration will be determined based on Station Receipt of Delivery and Station PEG Release Forms, both signed by an authorized person from the Station. Within 45 business days of the last date of the Declared Emergency deployment, each individual Station will be billed by certified mail for the costs incurred. Failure to pay for the invoiced costs will result in NYSERDA turning over the claim to the NYS Attorney General's Office for further action.

IV. GENERAL CONDITIONS

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 Applicant 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 exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://nyscrda.ny.gov/~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 State subcontractors and suppliers is available from:

Empire State Development
Division for Small Business
30 South Pearl Street
Albany, NY 12245

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

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street
Albany, NY 12245

Contract Award - NYSEDA anticipates awarding multiple contracts under this PON. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. NYSEDA may request additional data or material to support applications.

Limitation - This PON does not commit NYSEDA to award a contract, pay any costs incurred in preparing an application. NYSEDA reserves the right to accept or reject any or all applications received, to negotiate with all qualified applicants, or to cancel in part or in its entirety the solicitation when it is in NYSEDA's best interest.

Disclosure Requirement - The Applicant shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five (5) years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When an Applicant 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 NYSEDA after the award of a Program Contract, NYSEDA may exercise its stop-work right pending further investigation, or terminate the Program Contract; the Applicant may be subject to penalties for violation of any law which may apply in the particular circumstances. Applicants must also disclose if they have ever been debarred or suspended by any agency of the United States Government or the New York State Department of Labor.

V. ATTACHMENTS

- Attachment A: Amendments to NYS Agriculture and Markets Law Section 192-h, and NYS Public Authorities Law Section 1854.
- Attachment B: Sample Application
- Attachment C: Sample Agreement