



**Workforce Training: Building Operations and Maintenance
Program Opportunity Notice (PON) 3442**

\$4,200,000 Available

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

**Applications accepted on a first-come, first-served basis dependent on funding availability
until April 27, 2017 by 5:00 PM Eastern Time.**

Informational Webinar will be held on February 23, 2017 from 11:00 a.m. – 12:00 p.m.

NYSERDA's Building Operations and Maintenance Workforce Development and Training Program seeks to reduce energy use and associated carbon emissions while saving building operators and owners money by building the skills of operations and maintenance staff and managers across the state. The goal is to provide support to help employers and building owners with workforce development and training projects that create the talent development strategy, corporate culture, on-site training framework, and training tools needed to support building operations and maintenance workers beyond classroom training. NYSERDA will support eligible projects by providing funding for activities such as, but not limited to, on-site training laboratories, curriculum development, career pathways training, coaching/mentorships, apprenticeships, internships, training trainers within a company, and partnerships with manufacturers. Projects submitted to this PON should be designed to help employers build upon their employees' technical skills and reduce facility energy use, while realizing other corporate benefits such as reduced equipment downtimes, increased occupant comfort, reduced occupant complaints and tenant turnover, increased numbers of staff with national certifications, and opportunities for promotion and career advancement.

This program targets the operations and maintenance workforce employed in the following building types: multifamily housing, office buildings, retail, colleges and universities, hospitals and health care facilities, state and local governments, not-for-profit and private institutions, industrial facilities, and public and private K-12 schools. Other building types will be evaluated on a case-by-case basis. Eligible participants include facilities that are New York State electricity customers of a participating utility company and are paying into the System Benefits Charge (SBC)/Clean Energy Fund (CEF). An entity that employs building operations and maintenance workers must be the lead proposer. Proposals must be for buildings or groups of buildings, including partnerships of businesses with common training needs and skills gaps that have total annual energy expenditures of \$1 million or more. Building operations and maintenance occupations or job titles that are targeted for hands-on and on-site training under this program may include, but are not limited to, the following: facilities and property managers; operating and stationary engineers; technicians; building superintendents; maintenance workers; mechanics and supervisors; electricians; HVAC technicians; procurement staff; facility coordinators; and energy/sustainability managers. Potential cost reduction and efficiency improvements achieved through training could target, but are not limited to HVAC systems and controls; building envelope; mechanical systems; building diagnostics; pneumatic systems and controls; building set points and temperature standards; and lighting and lighting controls, motors, etc.

NYSERDA will provide cost share of up to 50% with a cap of \$400,000 per application. An informational webinar for potential applicants will be held on **February 23, 2017**. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at <https://www.nyserda.ny.gov>.

Proposal Submission: Electronic submission is preferable. NYSERDA will also accept proposals by mail or hand-delivery. Instructions for submitting electronically are located as Attachment E to this solicitation. When submitting electronically, application documents must be in PDF, MS Excel, or MS Word format with all required documentation. Application PDFs must be searchable and created by direct conversion from MS Word, or other conversion utility, rather than scanning. All electronic files must be named using the applicant's entity name in the title of the document. Applications may be submitted electronically by following the link for electronic submissions found on this solicitation's webpage, which is located in the "Current Opportunities" section of NYSERDA's website (<http://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>).

If mailing or hand-delivering, proposers must submit three (3) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing either a PDF or MS Word digital copy of the proposal, following the above guidelines. Mailed or hand-delivered proposals must be clearly labeled, completed, and submitted to the following address:

**Proposals, PON 3442
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

No communication intended to influence this procurement is permitted except by contacting Rebecca Hughes – primary contact (Designated Contact) at (518) 862-1090, ext. 3618 or by e-mail Rebecca.hughes@nyserda.ny.gov or Adele Ferranti – secondary contact (Designated Contact) at (518) 862-1090, ext. 3206 or by e-mail adele.ferranti@nyserda.ny.gov (for technical questions). If you have contractual questions concerning this solicitation, contact Nancy Marucci (Designated Contact) at (518) 862-1090, ext. 3335 or by email nancy.marucci@nyserda.ny.gov. Contacting anyone other than the Designated Contacts (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

*Late proposals will be returned. Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all pages have been included in the proposal. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at <https://www.nyserda.ny.gov>.

I. INTRODUCTION

NYSERDA's Building Operations and Maintenance Workforce Development and Training Program seeks to reduce energy use and associated carbon emissions while saving building operators and owners money by building the skills of operations and maintenance staff and managers across the state. The goal is to provide support to help employers and building owners with workforce development and training projects that create the talent development strategy, corporate culture, on-site training framework, and training tools needed to support building operations and maintenance workers beyond classroom training. NYSERDA will support eligible projects by providing funding for activities such as, but not limited to, on-site training laboratories, curriculum development, career pathways training, coaching/mentorships, apprenticeships, internships, training trainers within a company, and partnerships with manufacturers. Projects submitted to this PON should be designed to help employers build upon their employees' technical skills and reduce facility energy use, while realizing other corporate benefits such as reduced equipment downtimes, increased occupant comfort, reduced occupant complaints and tenant turnover, increased numbers of staff with national certifications, and opportunities for promotion and career advancement.

This program targets the operations and maintenance workforce employed in the following building types: multifamily housing, office buildings, retail, colleges and universities, hospitals and health care facilities, state and local governments, not-for-profit and private institutions, industrial facilities, and public and private K-12 schools. Other building types will be evaluated on a case-by-case basis. Eligible participants include facilities that are New York State electricity customers of a participating utility company and are paying into the System Benefits Charge (SBC)/ Clean Energy Fund (CEF). An entity that employs building operations and maintenance workers must be the lead proposer. Proposals must be for buildings or groups of buildings, including partnerships of businesses with common training needs and skills gaps that have total annual energy expenditures of \$1 million or more. Building operations and maintenance occupations or job titles that are targeted for hands-on and on-site training under this program may include, but are not limited to, the following: facilities and property managers; operating and stationary engineers; technicians; building superintendents; maintenance workers; mechanics and supervisors; electricians; HVAC technicians; procurement staff; facility coordinators; and energy/sustainability managers.

It is anticipated that proposals will be aimed at developing comprehensive workforce development and training initiatives to train new workers and advance the skills of existing workers. It is anticipated that **eligible training initiatives** funded under this PON will be equipment- or operations and maintenance-based. Equipment-based skills training can target categories such as, but not limited to, the following:

- Lighting and controls
- HVAC equipment (packaged or split systems)
- Domestic hot water
- Boilers, hot water and steam distribution systems
- Ventilation, economizers, demand management and other ventilation controls
- Motors and drives
- Fans and air distribution systems
- Chiller/chilled water systems
- Cooling towers
- Water pumps
- Pneumatic system and controls
- Building diagnostics
- Building envelope

- Thermal storage systems
- Solar water heating
- Photovoltaics
- Energy and building management systems
- Whole building/building science
- Digital controls

Operations and maintenance training can target general or very specific areas such as:

- Cleaning heat exchangers and coils
- Optimizing supply air temperatures
- Equipment scheduling (boilers, pumps, fans, etc.)
- Tuning up boilers
- System commissioning
- Chiller optimization
- Matching boiler capacity to loads
- Utilizing natural ventilation where possible
- Measuring and optimizing system performance
- Setback temperatures
- Monitoring pump operating temperatures
- Heat recovery
- Indoor air quality
- Water efficiency
- Environmental health and safety
- Energy accounting

Successful Proposals

It is anticipated that a successful proposal will result in training initiatives and outcomes that can be replicated and shared with others within the same industry or across industries. A successful proposal will:

- Result in the implementation of training elements that address specific skills gaps and that are integrated into standard business procedures;
- Demonstrate how a project can be replicated throughout an organization, either as part of the proposed project scope, efforts funded through this PON, or through future efforts addressed as part of the proposers' plan to sustain training activities beyond the project scope proposed;
- Reach the number of building operations and maintenance workers necessary to have measurable energy and non-energy benefits, either as part of the proposed scope or through sustainability planning;
- Result in operational cost savings and;
- Promote measurable reductions in energy use and carbon emissions.

A proposal should be aimed at continuously advancing the skills of new or existing building operations and maintenance workers beyond typical classroom training or beyond training that is currently available in the market. Following are a few examples of areas eligible for funding:

- Developing and implementing a new, New York State registered apprenticeship program or modifying an existing registered apprenticeship program, including developing or modifying

- curriculum and training trainers.
- Developing a training lab at a building site, supported by other training elements like those mentioned below.
- Developing a job mentoring program that includes training mentors, classroom training, on-the-job training with a defined training plan, and/or developing operations and maintenance manuals as training tools.
- Partnerships between employers with job openings and technical high schools and/or colleges to introduce students with basic skills training to career opportunities through a plan that may include internships, pre-apprenticeships, mentoring, advanced training, and/or job shadowing.
- Initiatives to support advanced training that leads to national certifications, including activities to recognize employees that achieve training milestones.

Proposers may be able to complete proposed tasks on their own, or proposals can include partnerships with other organizations to carry out the Scope of Work (i.e., to develop curriculum, develop and implement a plan to measure the energy and non-energy benefits associated with the project, train trainers, etc.). NYSERDA will also support measurement and verification of project impacts; foster employer partnerships with training organizations; share project results and outcomes with similar organizations through the NYSERDA website and case studies; and facilitate industry partnerships to help in addressing common barriers.

An informational webinar for potential bidders will be held on **February 23, 2017 from 11:00 a.m. – 12:00 p.m.**

II. PROGRAM BUDGET

Total funding currently available for this solicitation is \$4,200,000. Additional funds may be added to the PON if funds become available, and it is anticipated that the PON could be reissued with or without modifications. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at <https://www.nyserda.ny.gov>.

NYSERDA anticipates awarding multiple contracts under this solicitation, with a maximum initial award of \$400,000 per contracts. Contracts may be modified/extended, and additional funds may be added, if justified and if additional funds are available. NYSERDA may partially fund proposals.

Proposers will be required to provide 50% cost share, which can include cash or in-kind services. Some examples of eligible cost share, for example, could include employees' wages during training, equipment from manufacturers that will be used exclusively for training purposes, training fees offset by a third party, etc.

Examples of approved uses of NYSERDA funds include, but are not limited to, classroom training and certification costs; hands-on training equipment; development and implementation of internship programs (including costs associated with administering internships and intern wages); on-the-job training wage support for new hires (consistent with the duration of typical on-the-job training programs and when supported by other activities in a training plan) and; curriculum development.

III. PROGRAM REQUIREMENTS

Eligibility Requirements:

- Eligible participants include facilities that are New York State electricity customers of a participating utility company and are paying into the System Benefits Charge (SBC)/Clean

Energy Fund (CEF). Such entities may include, but are not limited to the following: multifamily housing, office buildings, retail, colleges and universities, hospitals and health care facilities, state and local governments, not-for-profit and private institutions, industrial, and public and private K-12 schools. Other building types will be evaluated on a case-by-case basis.

- An entity that employs building operations and maintenance workers must be the lead proposer. Such entities may include, but are not limited to, the following: building owners, facility managers, property management companies, or business associations/trade groups that represent or are comprised of employers. While training partners can be partners or subcontractors, a training provider cannot be the lead proposer.
- Participating buildings, campuses, or groups of participating buildings in a proposal must have total energy expenditures of \$1 million or more annually (all fuels and all uses).
- Preference will be given to proposals that exceed the minimum requirements outlined below and funding requests should be commensurate with the project's impact.

IV. PROJECT REQUIREMENTS

Projects must:

- Have a Scope of Work that details project goals, objectives, tasks, deliverables, and outcomes.
- Identify the skills gaps being addressed, the training initiatives to address those gaps, and the job titles or occupations being impacted.
- Include a plan and specific tasks to ensure the efforts are self-sustaining after NYSERDA support has ended, and impact building operations and maintenance staff within an organization or across partnering organizations during the project and after it has been completed;
- Have a measurable impact on the workers trained, both advancing the skills of existing workers and providing applicable skills to new workers.
- Include energy savings targets and tasks to measure and verify savings. Projects must identify energy savings goals (basic estimates are acceptable in applications, but more detailed estimates will be viewed more favorably) and outline plans to monitor and verify energy savings over a reasonable time (such as over 6-12 months or a time period that addresses seasonal energy consideration, i.e., through two heating or cooling cycles). For example, depending on the scope and scale of the project, energy savings may be verified through bill analyses or data monitoring equipment. While some estimate that building owners can save five to 20 percent on their energy bills annually by implementing operations and maintenance best practices, proposers should determine realistic savings targets on a case-by-case basis.
- Demonstrate replicability, and result in deliverables that can be shared, as appropriate, with similar organizations or building types.

Projects should also:

- Include a plan to identify non-energy goals and benefits and a strategy for measuring or monitoring such impacts (i.e., reduced staff turnover, increased occupant satisfaction and reduced tenant turnover, reduced equipment downtime, and increased number of worker certifications); and/or
- Demonstrate how they will leverage existing classroom training, if applicable. If it can be demonstrated that necessary training is not available in the market, new curriculum can be developed--ideally combined with one or more of the other hands-on, on-site training components mentioned above; and/or
- Include partnerships to leverage existing or other resources, and share results, where appropriate, either between employers, across multiple properties, or with training providers. For example, a

business could partner with a training provider to develop curriculum or develop training protocols for job shadowing; or a business could partner with a manufacturer to develop customized training modules or develop operations and maintenance manuals; and/or

- Identify and explore opportunities to hire and advance the skills of workers that need special assistance entering the clean energy labor market such as, but not limited to, unemployed, under-employed, transitioning, or displaced workers. Partnerships could include working with a community-based organization to develop job placement and career pathway steps for workers needing special assistance to enter the job market.

Preference will be given to proposals that include strategies that address one or more of the four bullets above.

V. SCOPE OF WORK REQUIREMENTS

Proposers must include a detailed Scope of Work in their Application. The Application and Scope of Work must include project goals, objectives, tasks, deliverables, and outcomes. See Attachment D for an Example Scope of Work.

The Scope of Work must include:

- Specific tasks and deliverables to develop an in-house energy training culture, infrastructure, and activities that result in continuous, organization-wide training to provide skills to new workers and/or advance the skills of existing workers.
- A task that outlines steps that will be taken to ensure the project results in a sustainable effort that is incorporated into the corporate culture and, as appropriate, shared with others with similar skills gaps and workforce training needs.
- Clearly identified skills gaps being addressed and the training initiatives to address those gaps.
- The type and number of workers being trained in each training task and overall.
- A task for measuring energy and non-energy benefits associated with training.

Additional Scope of Work tasks related to specific training initiatives, for example, COULD include one or more of the following:

- **Curriculum Development:** If new curriculum is proposed, the Scope of Work should identify the market gap that the curriculum will address; describe the proposed curriculum; and identify who will develop the curriculum (e.g., it could be a training partner identified in the proposal). How will the curriculum meet a current gap in the market?
- **Train-the-Trainer:** The Scope of Work should address how the program will develop internal capacity and the roles of trainers for training new or existing staff. What training will they need and how will it be provided/accessed? What skills gaps are being addressed?
- **Employee Training:** Provide details on who will be trained, how, and on what skills. Will training lead to or prepare workers for national certifications? What happens after staff are trained?
- **Career Pathways Training:** If your proposal includes activities to develop career paths for new or existing employees, the Scope of Work should identify the training needs, skills, and job titles along each career path. Will efforts include activities to hire workers that need special assistance entering the clean energy labor market?

- **Internships/Pre-Apprenticeships/Apprenticeships/On-the-Job Training:** Provide training and task details, and indicate the number of hours for the initiative once implemented. For example, how many training hours, including classroom hours, would an on-the-job training plan or internship include?
- **Partnerships with Manufacturers:** Describe the roles and expectations of manufacturers in any training activities. How will you work with manufacturers to leverage existing training or training equipment, support the development of training and maintenance manuals, etc.?
- **Build a Hands-On Training Laboratory On-Site:** Tasks should detail what a training laboratory will include (equipment), where it will be located, who will have access to it, who the trainers will be at the laboratory, how it fits into a training plan, and why it is needed on-site. How will the lab be staffed and maintained after the project is complete?

Proposals that include and integrate several of the activities mentioned above, as examples, are more likely to have an impact on addressing skills gaps and be sustainable. As a result, such proposals are more likely to be funded than projects that only include one discrete element.

VI. SCHEDULE REQUIREMENTS

Include a schedule for all tasks and deliverables, completion dates, or other detail, as applicable. Projects should be completed within 24 months or less from contract execution. Contracts could be executed within weeks of submitting a complete, successful proposal. See suggested schedule format in the Application Form, Attachment C.

VII. BUDGET REQUIREMENTS

Include a detailed budget for the proposal that shows hours and dollars allocated to each task of the Scope of Work. The budget must be reasonable and must show the portion being requested from NYSERDA and the portion that is the proposers' or proposing team's responsibility. Work completed or costs incurred prior to NYSERDA's receipt of the Application are ineligible for funding or for consideration as cost share. See the suggested budget format in the Application Form, Attachment C and budget details in Section II, PROGRAM BUDGET.

VIII. EVALUATION CRITERIA (72 points is the minimum threshold of 100 possible points. No proposal with a score of less than 72 will be considered for contract negotiations.)

- Cost Effectiveness of the Proposal – 20 points
 - Are the costs reasonable?
 - Is the funding requested commensurate with the impact a project will have (number trained, energy savings, non-energy benefits)?
- Energy Savings Goals and Verified Energy Savings – 17 points
 - Will the project have a measurable impact on energy use?
 - Does the project identify energy savings goals? (Basic estimates are acceptable in applications, but detailed goals will be viewed more favorably.)
 - Does the project include a plan (and a Scope of Work task) to monitor and verify energy savings over a reasonable time?

- Self-sustaining After NYSERDA Support Has Ended; Training Integrated into Corporate Culture - 15 points
 - Is the impact on building operations and maintenance staff within an organization or across partnering organizations clearly identified during the project and after it has been completed?
 - Does the project address sustainability after the project is completed and integrate or leverage complementary training elements into a comprehensive plan to continuously advance the skills of existing workers or provide a career path for new workers?

- Scope of Work – 12 points
 - Does the Scope of Work have well-defined tasks and deliverables to develop an in-house energy training culture, infrastructure, and activities that result in continuous, organization-wide training to provide targeted skills to new workers and/or advance the skills of existing workers?
 - Does the Scope of Work clearly identify skills gaps being addressed and the training initiatives to address those gaps?
 - Are the type and number of workers being trained specified in each training task and overall?
 - Is there a task that outlines steps that will be taken to ensure the project results in a sustainable effort that is incorporated into the corporate culture?

- Replicable – 10 points
 - Can the project be replicated throughout an organization or throughout a proposing team?
 - Will the project result in deliverables that can be used to share project results and lessons learned with other similar organizations or building types?

- Efforts to Hire Workers that Need Assistance Entering the Clean Energy Labor Market – 10 points
 - Is there a component to identify and explore opportunities to hire and advance the skills of unemployed, under-employed, transitioning, or displaced workers?

- Plan to Identify and Measure Non-Energy Benefits – 8 points
 - Is there a reasonable strategy for measuring or monitoring non-energy benefits and impacts (i.e., cost savings, reduced staff turnover, increased occupant satisfaction, reduced tenant turnover, reduced equipment downtime, and/or increased number of worker certifications)?

- Maximize Impact and Leverage Existing Resources - 8 points
 - Is there leveraging of resources, such as subject matter experts, curriculum, equipment, training facilities, etc.)?
 - Are there teaming arrangements between employers, across multiple properties, or with training providers?

Programmatic Considerations:

NYSERDA reserves the right to ensure the distribution of participants across multiple sectors and geographically across New York State and to ensure that projects selected for funding optimize the use of available funding to achieve programmatic objectives. NYSERDA also reserves the right to limit the number of awards per applicant and interview applicants.

IX. Evaluation Process

Evaluation Process:

Proposals that meet the eligibility and project requirements detailed in Sections II, III, and IV will be reviewed at least biweekly by a Scoring Committee using the Evaluation Criteria identified above. After the proposals are reviewed, NYSERDA will inform each proposer of their selection status. Applicants receiving favorable evaluations may also be asked to address specific questions or recommendations of the Scoring Committee, or make modifications to the Scope of Work before being awarded funding. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel the PON in part or in its entirety when it is in NYSERDA's best interest. NYSERDA may request additional data or material to support proposals.

Successful Proposals:

After review by the Scoring Committee, recommendations and comments on proposal documents must be resolved. Then, NYSERDA will make a final decision and will notify applicants whether the proposal has been selected to receive an award. An award under this PON will result in a contract. NYSERDA may award a contract based on applications without discussion or following limited discussion.

Denied Applications:

Proposers whose applications are denied may request a debriefing and may reapply under the Program Opportunity Notice as long as funding is available.

Informational Webinar:

NYSERDA will conduct an informational webinar on **February 23, 2017 from 11:00 a.m. – 12:00 p.m.** Eastern Time during which NYSERDA will review this PON, the application requirements, and answer questions. Applicants who intend to participate can send an email to wfinfo@nyserda.ny.gov with the subject line "PON 3442 Applicant Webinar" and information on how to participate will be provided.

Applicants are encouraged to submit written questions to wfinfo@nyserda.ny.gov prior to the webinar and will also have the opportunity to type in questions during the webinar through the webinar portal. Following the webinar, NYSERDA will post questions and responses on this webpage. NYSERDA will post all questions anonymously, and NYSERDA's written responses will supersede any responses given during the Applicant Webinar.

X. 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 <http://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

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

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

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

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <https://online.ogs.ny.gov/legal/lobbyinglawfaq/default.aspx>. The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form 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 perspective contractor prior to contacting and filed with NYSERDA. *See*, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/publications/sales/pub223.pdf>.

Contract Award - NYSERDA anticipates making multiple awards under this solicitation. It may award a contract based on initial applications without discussion or following limited discussion or negotiations. Each offer 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 for successful proposals. NYSERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSERDA expects to notify applicants in approximately four weeks from the receipt of an application whether the application has been selected to receive an award.

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 disqualify proposers based upon the results of a background check into publicly available information and the presence of a material possibility of any reputational or legal risk in making 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.

XI. ATTACHMENTS:

Attachment A – Proposal Checklist

Attachment B – Disclosure of Prior Findings of Non-Responsibility Form (Mandatory)

Attachment C – Application Form

Attachment D – Sample Scope of Work

Attachment E – Instructions for Electronic Signature

Attachment F – Sample Agreement