Voice over Internet Protocol – Unified Communications
Request for Proposal (RFP 3670)

$ 750,000

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

Proposals Due: 10/18/2017 by 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (NYSERDA) is soliciting proposals from qualified contractors offering Unified Communications solutions to serve the voice communication needs of NYSERDA. A qualified vendor will be selected to provide design, implementation and possibly hosting services related to the Authority’s unified Voice Communications over Internet Protocol (VoIP) system replacement. NYSERDA will consider proposals that meet the requirements outlined in this solicitation including on-premise managed service solutions, hosted solutions and Unified Communications as a Service (UCaaS). The term of the agreement will be 5 years.

Proposal Submission: Electronic 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 electronic submission is not possible. For detailed instructions on how to submit a proposal (electronic or paper submission), click the link “NYSERDA Solicitation User Guide [PDF]” located in the “Current Opportunities” section of NYSERDA’s website (https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx).

All proposals must be received by NYSERDA by 5 pm on 10/18/2017.

Technical questions concerning this RFP may be submitted to Tom Girard, IT Operations Manager at tom.girard@nyserda.ny.gov with the subject line “RFP 3670 Question.” For contractual questions concerning this RFP, contact Venice Forbes at (518) 862-1090, ext. 3507 or Venice.Forbes@nyserda.ny.gov

No communication intended to influence this procurement is permitted except by contacting Tom Girard at (518) 862-1090, ext. 3115 or tom.girard@nyserda.ny.gov. Contacting anyone other than this Designated Contact (either directly by a Proposer or indirectly through a lobbyist or other person acting on a Proposer’s behalf) in an attempt to influence the procurement: (1) may result in the Proposer being deemed a non-responsible offerer, and (2) may result in the Proposer not being awarded a contract.

* All proposals must be received by 5pm Eastern Standard 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 electronic submission, there are required questions that you will have to answer in addition to uploading attachments and you should allot at least 60 minutes to enter/submit proposals. The electronic proposal system closes promptly at 5pm, files in process or attempted edits or submission after 5pm Eastern Standard Time on the date above, will not be accepted. If changes are made to this solicitation, notification will be posted on NYSERDA’s web site at https://www.nyserda.ny.gov/
BACKGROUND

Corporate Background

NYSERDA is a public benefit organization committed to identifying opportunities for reducing commercial and residential energy consumption, promoting the use of renewable energy sources, and protecting the environment. NYSERDA provides financial and technical assistance to help consumers, businesses and institutions assess and implement cost-saving energy efficiency measures.

Energy efficiency programs offered at NYSERDA also strive to provide affordable energy and a cleaner environment for all New Yorkers. This is accomplished by increasing public awareness of the multiple benefits of energy efficiency, by providing residential building performance services, and by making energy-efficient products more widely available to consumers.

Current VoIP Systems Background

Definitions:

- **Mbps** – Megabits per second – data service rate of one million bits per second
- **Gbps** – Gigabits per second – data service rate of one billion bits per second
- **PRI** – Primary Rate Interface – A 24 channel digital link providing access to a carrier’s switched telephone network
- **POTS** – Plain Old Telephone Service – Basic analog wireline telephone service provided over copper circuits
- **IPT/VoIP** – Internet Protocol Telephony/Voice over Internet Protocol – Voice service provided by digital transmission of voice data over Internet Protocol
- **UC** – Unified Communications – Service combining digital voice and other features such as voicemail-to-email, click-to-call, cell phone pairing, and integration into other desktop computer applications
- **MPLS** – Multi-Protocol Label Switching – Data service between sites using packet labeling to identify virtual paths as provided by the carrier
- **VDI** – Virtual Desktop Infrastructure – Delivery of desktop services to end users via virtual machines and zero clients

NYSERDA’s Information Technology division is responsible for the digital toolsets used by Authority personnel to conduct business including computer resources, digital storage and voice communications. Voice telephony remains an important aspect of the Authority’s ability to conduct business and execute its mission.

Housed in the datacenter located at 17 Columbia Circle in Albany, NYSERDA’s voice infrastructure currently consists of an 8-year-old Cisco Unified Communications Manager (Unity) system which delivers digital voice service over Internet Protocol to the Authority’s roughly 450 phone handsets distributed throughout four major office locations in New York State. Including the Unity server, subscriber and publisher, there are also voice gateway routers located at the Albany, New York City, Buffalo and West Valley offices.

- Current handsets in use are Cisco IP Phones with 1Gbps pass-through RJ45 Ethernet jacks for desktop computers.
NYSERDA’s edge-to-desktop infrastructure consists of Cisco network switches capable of Power over Ethernet (PoE) deployed in February of 2017.

The voice gateways reach the public telephone network via 3 x PRI at the Albany location, 2 x PRI in New York City and via POTS at both the West Valley and Buffalo offices.

Data connectivity between NYSERDA offices consists of the following:
- Albany to NYC: 1Gbps
- Albany to Buffalo: 10Mbps
- Albany to West Valley: 3Mbps

Internet service at each location consists of the following:
- Albany: 1Gbps
- NYC: 1Gbps
- Buffalo: 10Mbps
- West Valley: 3Mbps

The current system is no longer supported by Cisco or any Cisco partner due to age. The software associated with the current system is not eligible for update nor is the hardware easily replaceable in the event of a failure. NYSERDA intends to identify a replacement system that not only provides a fully supported and upgradable solution, but also satisfies business needs.

NYSERDA is seeking proposals from IPT/VoIP vendors of both cloud hosted and on premise unified communications (UC) solutions to provide competitive, descriptive proposals for NYSERDA's consideration.

**NYSERDA Office Locations, User Counts and Desktop Computing Environment**

The resulting solution will serve VoIP/Unified Communications to the following NYSERDA office locations with estimated User Counts:

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Address</th>
<th>User Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany</td>
<td>15 &amp; 17 Columbia Circle</td>
<td>250</td>
</tr>
<tr>
<td></td>
<td>Albany, NY 12203</td>
<td></td>
</tr>
<tr>
<td>Buffalo</td>
<td>726 Exchange Street</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Buffalo, NY 14210</td>
<td></td>
</tr>
<tr>
<td>New York City</td>
<td>1359 Broadway, 19th Floor</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>New York, NY 10018-7842</td>
<td></td>
</tr>
<tr>
<td>West Valley</td>
<td>9030-B Route 219</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>West Valley, NY 14171-9500</td>
<td></td>
</tr>
</tbody>
</table>

The NYSERDA end-user desktop computer environment consists of 25% personal computers running Microsoft Windows 7 and Windows 10. The remaining 75% are assigned to Virtual Desktops delivered to Wyse Zero Client endpoints via VMware Horizon View. Of the virtual machine users, over 200 users are assigned to a floating pool of non-persistent virtual machines. User customization is carried out through roaming profiles delivered via VMware View Persona Management.

The following tables outline the typical resources assigned to the desktop computers, both virtual and physical:
Virtual Machine Hardware Resources

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CPU</td>
<td>2 x vCPUs</td>
</tr>
<tr>
<td>RAM</td>
<td>Typically 3GB</td>
</tr>
<tr>
<td>OS</td>
<td>Microsoft Windows</td>
</tr>
<tr>
<td>Endpoints</td>
<td>Wyse PCoIP zero clients</td>
</tr>
</tbody>
</table>

Physical PC Hardware Resources

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CPU</td>
<td>Intel Core i5</td>
</tr>
<tr>
<td>RAM</td>
<td>4 – 8GB</td>
</tr>
<tr>
<td>OS</td>
<td>Microsoft Windows</td>
</tr>
</tbody>
</table>

Special Considerations

There are four primary user profiles for NYSERDA staff:

1) Standard Profile (most common) – In this scenario a voice service end user is typically stationed at one of NYSERDA’s offices and requires basic voice, voicemail and extension portability/call forwarding.

2) Executive Profile, multi-office – Users in this classification typically have multiple offices and are also highly mobile with frequent travel. These users will also typically desire a greater number of programmable shortcuts on their handsets to speed dialing to frequently called extensions.

3) Reception Profile – The main reception desk is located in the 17 Columbia Circle location. The reception staff receive calls for all branch offices and will transfer incoming calls as needed, driving the need for programmable sidecars which may be customized to handle program and project-specific contacts. These contacts may change over time due to the various call loads associated with current and future projects as advertised.

4) Financial Specialist Profile, NY Greenbank – Phone users within the NY Greenbank located in the New York City Office rely upon extended programmable sidecars with call merge, join, conference and split functions to facilitate their business model.

PROJECT SCOPE AND REQUIREMENTS

Objectives

NYSERDA’s VoIP/Unified Communications project will provide a replacement IPT/VoIP solution leveraging today’s common voice service solutions. NYSERDA will consider proposals for on-premise, cloud-hosted and hybrid systems that meet the business requirements outlined in this solicitation.

More specifically, proposals submitted to NYSERDA will be required to deliver a clear solution to achieve the following objectives:

- Provide a cost-effective VoIP/Unified Communications solution to replace the existing system.
- Deliver a robust and resilient mechanism to deliver voice services to NYSERDA staff including:
  - A web-based management console to administer the proposed solution by NYSERDA IT staff.
  - Voice telephony with physical handsets, handsets with sidecars.
  - Voicemail & Voicemail-to-email.
  - Internal voice conference rooms supporting a minimum of 25 participants.
  - Integration with Microsoft Outlook, “click-to-call”.
  - Provide a scalable solution to handle growth.
- Provide a flexible configuration to meet new and changing dial plans, business requirements and programs.
- Provide 24-hour network operations center (NOC) support and monitoring for hosted systems.
- Reduce the load on internal information technology (IT) staff by providing basic support and maintenance services for hosted systems.

**Scope of Work**

The resulting Agreement with NYSERDA will provide a Voice and Unified Communications (UC) solution, including, but not limited to, the following task areas:

1. Research, design, implement and support an appropriate VoIP/UC solution which meets NYSERDA’s requirements as specified in the following table entitled: *Table 1. Required VoIP/Unified Communications Features.*
2. Detailed plans for seamless migration from the existing Cisco Unity platform to the proposed solution.
3. Provide extensive documentation of the hardware deployed, network configuration (including Public Switched Telephone Network (PSTN) details), and administrative tasks/practices associated with the proposed solution.
4. Provide license management and accounting for all VoIP/UC hardware and software modules requiring feature-based licensing.
6. Design and deliver backup strategies for all firmware, software, voicemail and individual user configurations associated with the proposed solution.
7. Deliver training for NYSERDA staff covering administrative tasks associated with move/add/delete/change (MADC), voicemail administration and deployment and management of UC features.

*The following tables define required and optional feature sets desired by NYSERDA. NOTE: The required features must be included with all proposals; exclusion of a required feature will result in disqualification of the proposal.*
Table 1. Required VoIP/Unified Communications Features

<table>
<thead>
<tr>
<th>Category</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centralized IPT/VoIP call management</td>
<td>UC solutions should provide for a centralized method for call routing and dial plan management including auto-attend, IVR menuing, voicemail with a voicemail-to-email feature, and perform as a gateway to the public telephone system. The call management solution must include options for redundancy in the event of hardware and/or voice gateway failure to ensure continuity of service. NYSERDA remains open to all on-premise and cloud-based UC solutions.</td>
</tr>
<tr>
<td>Voice gateway(s)</td>
<td>Responses should include detail as to how the voice gateway function will be handled by a new UC solution. NYSERDA remains open to all options including local T1/PRI handoff, SIP trunking over MPLS and other cloud-based solutions.</td>
</tr>
<tr>
<td>Handsets</td>
<td>Desk handsets matched to the afore-mentioned call management solution must support Gigabit (1000Mbps) pass-through ethernet connections for desktop computer network support. Handsets must be capable of accepting extended sidecar expansion keypads for reception and specialized department use.</td>
</tr>
<tr>
<td>Microsoft Outlook Integration</td>
<td>Ability to integrate with Microsoft Outlook and deliver a “click-to-call” feature.</td>
</tr>
<tr>
<td>Internal teleconference rooms</td>
<td>Ability to host internal conference calls with a minimum of 25 participants.</td>
</tr>
<tr>
<td>Twinning or “Find Me/Follow Me”</td>
<td>Ability to pair a mobile device to an end user’s extension.</td>
</tr>
<tr>
<td>Custom dial plans</td>
<td>Ability to customize dial plans to meet unique needs of departments who have special use cases.</td>
</tr>
<tr>
<td>Redundancy provision</td>
<td>Provisions to mitigate impact to service in the event of circuit or Internet outages.</td>
</tr>
<tr>
<td>Support</td>
<td>The proposing vendors must provide detailed plans for providing MADC, voice network and hardware support.</td>
</tr>
<tr>
<td>Implementation &amp; Support Experience</td>
<td>Demonstrated experience of proposing vendor to deliver and support enterprise-class VoIP/Unified Communications solutions to multi-site customers with more than 300 end users.</td>
</tr>
<tr>
<td>U.S. Based Datacenter(s) for hosted solutions</td>
<td>In accordance with NYS Cyber Security Policy P03-002, all datacenters housing NYSERDA information and services must be located in the continental United States. NYS Cyber Security Policy P03-002 documentation may be found at the following URL: <a href="https://its.ny.gov/sites/default/files/documents/nys-p03-002_information_security_0.pdf">https://its.ny.gov/sites/default/files/documents/nys-p03-002_information_security_0.pdf</a></td>
</tr>
</tbody>
</table>
Table 2. Optional VoIP/Unified Communications Features

The following table outlines optional unified communications features that interest NYSERDA and would increase efficiency by augmenting current employee communication needs.

<table>
<thead>
<tr>
<th>Category</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soft phone – Desktop based</td>
<td>NYSERDA currently deploys virtual, non-persistent desktops to roughly 275 end users via VMware Horizon View with WYSE Dell/Teradici PCoIP Zero Clients. A soft phone solution must effectively operate within the virtual desktop environment and allow the use of USB microphone headsets to be used with the zero clients.</td>
</tr>
<tr>
<td>Mobile App-based Soft Phone</td>
<td>Allow end users to fully extend the features of their office handset to their mobile devices.</td>
</tr>
<tr>
<td>Salesforce Integration</td>
<td>NYSERDA currently employs the Salesforce platform for CRM and other workflows throughout the enterprise. Proposals may outline provisions for screen pops and automatic client record recall within Salesforce based upon incoming caller ID information.</td>
</tr>
<tr>
<td>Skype for Business</td>
<td>Ability to integrate with Skype for Business to provide “click-to-call”. NYSERDA is also interested in proposals that outline possible video call/conferencing via Skype for Business integrated with the proposed VoIP/UC solution.</td>
</tr>
</tbody>
</table>

If a proposal is selected, the proposing entity will be allowed to provide services if requested to do so by the Authority, even if these services are not part of the above listed scope.

Engagement Requirements

1. Proposers must demonstrate a proven track record of providing VoIP/Unified Communications solutions and services for public sector entities.

2. Proposers must be able to provide hosting and support services within the continental United States.

3. For all hosted services, proposers must be able to provide an environment that complies with NYS Cyber Security Policy P03-002.

4. Experience in engagements with the Authority’s existing network and software or operating environment.

5. Proposers must be able to meet a 30% MWBE (minority or woman owned business entity) or 6% SDVOB (service disabled veteran owned business) requirement for this contract. Any MWBE/SDVOB firms responding to this RFP that are seeking MWBE/SDVOB status must submit proof that the firm is certified as an MWBE/SDVOB with the New York State Department of Economic Development. Any firm that currently has an approved contract through the NYS Office of General Services Procurement Services has already met this requirement.

6. Upon issuance of a contract from NYSERDA, the selected firm will be required to show evidence of General Liability, Disability and Workers Compensation Insurances. In some instances,
7. The willingness to work with the Authority to minimize costs.

8. NYSERDA retains the right to end an engagement at any time with or without cause.

9. For hosted VoIP services and/or hosted elements supporting such services, NYSERDA may require periodic external auditing and compliance with SSAE16 or similar guidelines.

10. All hardware and software must be under support for the duration of the contract.

11. All billable hours for a given month will be invoiced by the 21st of the following month.

1. **PROPOSAL CONTENT AND FORMAT**

Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. The proposal must be in the following format:

- Section I: Executive Summary
- Section II: Technical Proposal
- Section III: Cost Proposal

Cost information must **not** be included in the Technical Proposal section.

| Special Note: | Due to the differences in on-premise versus hosted IPT/VoIP/UC solutions, respondents submitting multiple proposals consisting of meeting the requirements outlined in **Table 2. Required VoIP/Unified Communications Features** must clearly separate the corresponding Technical and Cost Proposals to clearly differentiate between on-premise and hosted solutions. |

1.1 **Section I: Executive Summary**

Provide a brief description of the firm’s overall qualifications and approach. Please limit to 2 pages maximum.

1.2 **Section II: Technical Proposal**

Following is a listing of the information required to be provided by the proposer. A technical proposal that does not provide all the information requested below may be subject to rejection. Provide the information in the same order in which it is requested. Your technical proposal must contain sufficient information to assure NYSERDA of its accuracy.

1. Provide a separate numbered section corresponding with each item listed in Section 2.2 Scope of Work documenting the firm’s qualifications in the respective area. If you are not seeking consideration for a particular item, include a numbered section and indicate that no response is being provided.

2. Provide a description of the firm’s organization and the resumes of partners, principals, associates and other staff proposed to provide services to NYSERDA. Note any sub-consultants that your firm may be using to fulfill the scope of services.

3. Provide a description of the firm’s experience providing similar services including recent relevant project experience to the public and private sector. Include the names, titles and phone numbers of at least three
(3) references excluding NYSERDA employees for whom similar services have been provided and a summary of the services provided.

4. Provide a description of the firm’s approach to providing the scope of services including the monitoring and management of the environment. Indicate any areas in which you believe the firm has special expertise. Provide item-by-item detail on how the proposal meets the requirements as listed in Table 1. Required VoIP/Unified Communications Features.

5. Provide item-by-item detail on how the proposal meets the optional features as listed in Table 2. Optional VoIP/Unified Communications Features.

6. Provide a description of the firm’s approach to migrating from the existing VoIP system.

7. The proposer must agree to provide NYSERDA with pre- and post-audit access to documents, personnel and other information necessary to conduct audits upon request during the term of the Contract and for six years thereafter.

8. The proposal submitted must contain a representation that the proposer is willing and ready to provide any services requested or required in a timely manner.

9. Disclose any potential conflicts of interest.

10. Note any special certifications relevant to this RFP that your firm or proposed staff may possess, and outline opportunities that consulting staff have to keep skills current.

1.3 Section III - Cost Proposal

Following is a listing of the information required to be provided by the proposer. A cost proposal that does not provide all the information requested below may be subject to rejection. Provide the information in the same order in which it is requested. Your cost proposal must contain sufficient information to assure NYSERDA of its accuracy.

1. Provide billing rates for ad-hoc/hourly services provided such as dial plan architecture, server patching, antivirus/malware remediation, network support, Move/Add/Delete/Change (MADC), etc.

2. List all fixed price services offered and the corresponding pricing.

3. Indicate any reductions from normal billing rates charged other issuers or public entities in New York State.

4. Indicate any startup/one-time costs.

5. Indicate any monthly recurring charges.

6. Indicate incremental charges incurred with the addition of each new server or appliance.

7. Indicate any charges associated with providing external SSAE 16 audits for systems or components hosted in non-NYSERDA datacenters.

8. Indicate any reductions due to missed service level agreements (SLAs).

9. Indicate charges associated with migration to the platform.

10. Indicate charges associated with leaving the platform at the end of the contract.
11. A plan for meeting the MWBE/SDVOB requirement MUST be submitted with the proposal (if applicable).

12. Detailed requirements and charges for additional 3rd party data or voice network services (such as dedicated circuits or other carrier-provided services) needed as part of the proposal.

2. EVALUATION OF PROPOSALS

General Selection Process

The selection process will begin with the review and evaluation of each of the written proposals. The purpose of this evaluation process is twofold: (1) to examine the responses for compliance with this RFP; (2) to identify the complying firms that have the highest probability of satisfactorily performing the scope of services at a reasonable cost to NYSERDA. All written proposals will be reviewed and evaluated by a Scoring Committee selected by NYSERDA. The Scoring Committee will score each Technical Proposal according to the criteria and scoring process described herein.

Interviews

NYSERDA reserves the right to determine whether interviews will be necessary and for which firms. The purpose of the interview is to further document the proposer’s ability to provide the required services, and to impart to the Scoring Committee an understanding of how specific services will be furnished. The proposed lead principal, as well all other key personnel proposed to provide the services must be present and participate in the interview. The interview will be evaluated on the basis of whether it substantiates the characteristics and attributes claimed by the proposer in its written response to this RFP and any other information requested by the Scoring Committee prior to the interview.

At NYSERDA’s discretion, selected proposing vendors may be asked to perform an onsite demonstration and/or facilitate a site visit to a comparable customer already employing the proposed solution.

Evaluation Process

The evaluation will be conducted in a comprehensive and impartial manner as set forth herein by scoring the following evaluation items and then applying the steps described later in this section.

<table>
<thead>
<tr>
<th>Evaluation Item</th>
<th>Title</th>
<th>Scoring Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Demonstrated capacity to perform the types of activities that have been described in the Scope of Work and to meet the basic requirements of the solicitation as outlined in Table 3. Required VoIP/Unified Communications Features.</td>
<td>25%</td>
</tr>
<tr>
<td>2</td>
<td>Demonstrated ability to deliver additional features as outlined in Table 4. Optional VoIP/Unified Communications Features beyond the basic requirements.</td>
<td>15%</td>
</tr>
<tr>
<td>3</td>
<td>Experience in engagements with the hardware and software utilized by NYSERDA.</td>
<td>20%</td>
</tr>
<tr>
<td>4</td>
<td>Quality of work product. For those firms who have previously done work for NYSERDA, quality of work on those transactions will be considered.</td>
<td>20%</td>
</tr>
</tbody>
</table>
### Evaluation Item Scoring Method

<table>
<thead>
<tr>
<th>Evaluation Item</th>
<th>Title</th>
<th>Scoring Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Cost Proposal rates evaluated on reasonableness in comparison to other respondents.</td>
<td>20%</td>
</tr>
</tbody>
</table>

**Step 1: Technical Proposal Score**

The Scoring Committee will evaluate the extent to which the Proposer's Technical Proposal meets the requirements as specified in this RFP as to how well each proposal satisfies evaluation items 1 through 5 above. Scoring Committee Members will independently score each Technical Proposal and then meet to discuss the merits and scoring justifications of each Proposer. Evaluators will be allowed to revise scores based on the panel discussions.

**Step 2: Cost Proposal Score**

Cost Proposals will be evaluated relative to each other based on a total cost over the term of the contract.

**Step 3: Total Proposal Score**

The Total Proposal Score will be the sum of the Technical Proposal Score and the Cost Proposal Score.

The Scoring Committee will rank proposals in descending order from highest to lowest Total Proposal Score. Top-ranked acceptable Proposers will proceed in the evaluation process and may be invited to present a solution relevant to this project. NYSERDA may, at its discretion, invite other Proposers to give a presentation.

**Step 4: Recommendation and Board Approval**

The Scoring Committee will rank the Proposers' final scores in descending order, from highest to lowest score, which will form the basis for the Scoring Committee award recommendation to NYSERDA Management. It is anticipated that there will be a single selected vendor.

Any Proposer recommended by the Scoring Committee must be approved by the Board of NYSERDA prior to any award under this RFP.
GENERAL CONDITIONS

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

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

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

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

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

New York Executive Law Article 15-A - 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.

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 http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html

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 prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)). The Department has developed guidance for contractors which is available at [http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf](http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf).

**Contract Award** - NYSERDA anticipates making more than one award under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. 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 to contract successful proposals. 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 submitted proposal (see Proposal Checklist). 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 4 weeks from the proposal due date whether your proposal has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

**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.

**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.

**ATTACHMENTS**

- Attachment A: Sample Agreement
- Attachment B: Cost Proposal Worksheet
- Attachment C: MWBE Article 15
- Attachment D: SDVOB Article 17 B