



## P-12 Schools Initiative - Benchmarking Program

Program Opportunity Notice (PON) 3908

Applications will be accepted on a first-come, first-served basis dependent on resource availability until March 31, 2022 3:00 PM Eastern Time.\*

NYSEDA's Pre-kindergarten through Grade 12 (P-12) Schools Initiative - Benchmarking Program (the "Program") is available to provide up to three years of free benchmarking services to eligible schools. Benchmarking is a mechanism to measure, track and assess an individual building's utility, greenhouse gas, cost and energy metrics over time or comparatively to other similar buildings. The goal of the Program is to help schools better understand their energy usage and identify opportunities that will lower operating costs and reduce greenhouse gas emissions while creating healthier and more productive learning environments in schools across New York State.

**Eligibility:** Eligible participants include publicly or privately-owned buildings that provide P-12 education. School owned auxiliary buildings such as bus garages, maintenance buildings, and field houses are eligible when applying with at least one school education building. All space within the buildings must be solely occupied by P-12 students and staff. Buildings cannot be occupied by students younger than pre-kindergarten level. Buildings must be located in New York State, and pay into the Systems Benefit Charge (SBC) on their electric utility bill.

**Application Submission:** Online submission is preferable through e-mail. Complete and submit your application to [P12Schools@nyserda.ny.gov](mailto:P12Schools@nyserda.ny.gov). For ease of identification, all electronic files must be named using the applicant's entity name in the title of the document. NYSEDA 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 NYSEDA's website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>).

**Questions:** No communication intended to influence this procurement is permitted except by contacting [P12Schools@nyserda.ny.gov](mailto:P12Schools@nyserda.ny.gov) for program questions. If you have contractual questions regarding this solicitation, contact Nancy Marucci, (518) 862-1090, ext. 3335 or [Nancy.Marucci@nyserda.ny.gov](mailto:Nancy.Marucci@nyserda.ny.gov). Contacting anyone other than the Designated Contacts (either directly by the Applicant or indirectly through a lobbyist or other person acting on the Applicant's behalf) in an attempt to influence the procurement: (1) may result in an applicant being deemed a non-responsible offerer, and (2) may result in the applicant not being awarded a contract.

**\* All applications must be received by 3pm Eastern Time on the date noted above. Late or faxed applications will not be accepted.** Incomplete or unsigned applications may be subject to disqualification. It is the Applicant's responsibility to ensure that all pages have been completed/included in the application. If changes are made to this solicitation, notification will be posted on the "Current Opportunities" section of NYSEDA's website at <https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>.

## I. DEFINITIONS

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**P-12** – Pre-kindergarten through grade 12 education.

**Applicant** – The school or school district representative authorized to represent the school which is applying for Program services. In the instance that an application is prepared by a Benchmarking Consultant, the school signatory on the application is still considered the Applicant. The Applicant may be referred to as “the school” or “the school district.”

**Participant** – The school or school district representative authorized to represent the school which is receiving benchmarking services. The Participant may be referred to as “the school” or “the school district.” An Applicant becomes a Participant after their application is approved.

**Pre-kindergarten** – Pre-kindergarten level education serves three to five-year-old students.

**Benchmarking Consultant** – NYSERDA has pre-selected Benchmarking Consultants to provide benchmarking services and operational assessments to schools participating in the Program. Each school will be assigned a Benchmarking Consultant. Schools may only receive Program services from a NYSERDA Benchmarking Consultant.

**Benchmarking** – Benchmarking is a mechanism to measure, monitor, and assess an individual building’s utility, greenhouse gas, cost and energy metrics over time or comparatively to other similar buildings.

**Benchmarking Tool** – The Program’s benchmarking software tool used to collect, analyze, and produce user-friendly reports on the Participant’s utility data and trends. The tool’s reporting and analysis capabilities will allow schools to better understand their energy usage over time and in comparison to other schools.

**Energy Baseline Report** – Participants will receive an Energy Baseline Report after a complete package of utility data has been submitted and the application is approved. The Energy Baseline Report provides a summary of a school building’s energy use over the past year to help schools understand how they’ve been using energy. Establishing an energy baseline also allows schools to understand the impacts of improving their energy use.

**Biannual Benchmarking Report** – Participants will receive Biannual Benchmarking Reports every 6 months throughout their participation in the Program. These reports are specific to each school building and summarize energy usage, greenhouse gas emissions, and costs over time. The reports will illustrate overall trends across all utilities and greenhouse gas emissions to serve as a resource to make informed energy improvements.

**Operational Assessment** – An Operational Assessment is optional to eligible schools that have received at least one Biannual Benchmarking Report through the Program. An Operational Assessment report will describe the building’s existing conditions, analyze overall energy performance, building operations, maintenance procedures, and energy consuming equipment to then identify areas of opportunity for improvement and recommended next steps.

## II. INTRODUCTION

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NYSERDA's P-12 Schools Initiative promotes clean energy efforts by educating, guiding, and assisting school staff with clean energy projects and encouraging sustainability principles at facilities and in classrooms. As part of the P-12 Schools Initiative, NYSERDA seeks to help schools better understand their energy use and clean energy investment opportunities by providing free benchmarking services to eligible schools through the P-12 Schools Initiative – Benchmarking Program.

Benchmarking serves as a mechanism to stimulate demand for investments in clean energy improvements and allows schools to gain positive public recognition for the impact of their clean energy projects. Providing schools with utility benchmarking information and energy saving recommendations will identify ways to maximize building operation efficiency while supporting financial planning and budgeting efforts.

Participating schools will have their utility data entered into the Program's Benchmarking Tool and analyzed every six months to determine trends specific to energy usage, water usage, greenhouse gas emissions, and utility costs. Schools will receive benchmarking reports outlining these trends through metrics, visuals, and graphics to help them understand how their building performs month over month. An optional Operational Assessment is available for eligible schools interested in receiving building-specific energy and cost saving recommendations.

Schools will have access to the Benchmarking Tool throughout their participation in the Program. The tool establishes energy benchmarking scores for each school which allows schools to compare their energy performance against other participating schools. Schools will have the option to share their energy benchmarking metrics on the tool's web-based public portal. NYSERDA does not intend to share any data without consent from authorized school representatives. Participants may opt out of publicly sharing their data at any time. All participants will be included in the tool's peer comparison, which compares a Participant's anonymized energy usage to other participating schools. In addition, the tool is integrated with ENERGY STAR® Portfolio Manager® and calculates an ENERGY STAR score for each participating school.

## III. ELIGIBILITY

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To be eligible for services through this Program, buildings must be publicly or privately-owned P-12 education buildings with all space solely occupied by P-12 students and staff. School owned auxiliary buildings such as bus garages, maintenance buildings, and field houses are eligible for services when applying with at least one school building. Buildings occupied by students younger than pre-kindergarten level are ineligible for services. Buildings must be located in New York State and pay into the Systems Benefit Charge (SBC) on their electric utility bill.

The Program is aiming to develop a portfolio of New York State school utility profiles that can be accessed and shared across participating schools in the P-12 sector. Participants must agree to grant NYSERDA and NYSERDA's Benchmarking Consultant access to all utility data. Participants that do not provide utility data required to complete energy benchmarking will be ineligible to participate in the Program and receive Program services.

School buildings that have participated in the Benchmarking Program for at least six months and received one Biannual Benchmarking Report are eligible for an Operational Assessment. Initially, one school building per school district may request to receive an Operational Assessment. Operational Assessments for additional school buildings may be requested and will be completed dependent on resource availability and lessons learned from the first assessment.

## IV. PARTICIPATION OPTIONS & RESPONSIBILITIES

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### Benchmarking:

Applicants must select Option One or Option Two below for participation in the Program:

**Option One:** The school will enter their utility data into the Benchmarking Tool every six months with support from their Benchmarking Consultant.

#### **Participant Responsibilities**

School staff must complete training on how to use the Benchmarking Tool (e.g. utility data collection and data entry process) with their Benchmarking Consultant. School staff are responsible for entering utility data for each utility account into the Benchmarking Tool every six months for the duration of their program participation. The school **must** complete data entry into the tool within 30 days of each six-month billing period being complete. The Benchmarking Consultant will act as a resource for the school or school district and provide quality control of the initial data entry to ensure reliable and accurate assessment of the school's utility data. Failure to meet deadlines and non-responsiveness may result in termination from the Program.

**Option Two:** The school will provide utility data to the Benchmarking Consultant every six months. The Benchmarking Consultant will enter the school's utility data into the Benchmarking Tool every six months.

#### **Participant Responsibilities**

School staff must complete training on how to use the Benchmarking Tool with their Benchmarking Consultant. The school must provide the Benchmarking Consultant with utility data every six months for the duration of their program participation. The Benchmarking Consultant is then responsible for entering utility data into the Benchmarking Tool. The school **must** provide the Benchmarking Consultant with six months of utility data for all utility accounts within 30 days of each six-month billing period being complete. Failure to meet deadlines and non-responsiveness may result in termination from the Program.

#### **Benchmarking Consultant Responsibilities (Option One and Option Two)**

The Benchmarking Consultant will maintain communication with the Participant to provide support and ensure they are meeting deadlines and adhering to Program rules. The Benchmarking Consultant will provide the Participant with an Energy Baseline Report, Biannual Benchmarking Reports, and schedule biannual check-in calls to review benchmarking results.

### Operational Assessment:

Operational Assessments are optional to Participants that have received at least one Biannual Benchmarking Report through the Program.

#### **Participant Responsibilities**

The school shall provide information to the Benchmarking Consultant that is needed to complete the Operational Assessment, such as equipment lists, building operations and maintenance practices, and occupancy schedules. The Participant shall provide access to the building for an on-site walkthrough and provide an escort knowledgeable in building operations.

#### **Benchmarking Consultant Responsibilities**

The Benchmarking Consultant will schedule and perform an on-site Operational Assessment to gather information on building equipment, operations, and maintenance procedures. The Benchmarking Consultant will provide the school with a report that analyzes the information gathered on site and identifies specific energy efficiency opportunities.

## V. PARTICIPATION PROCESS & TIMELINE

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### Applying to Program:

Complete and submit your application to [P12Schools@nyserda.ny.gov](mailto:P12Schools@nyserda.ny.gov). NYSERDA will also accept applications by mail or hand-delivery if online e-mail submission is not possible. Schools may request their assigned Benchmarking Consultant prepare an application on their behalf. Schools must work with the Benchmarking Consultant assigned to their region. The list of Benchmarking Consultants and the regions they serve is posted on the P-12 Schools Initiative website at <https://www.nyserda.ny.gov/All-Programs/Programs/P-12-Benchmarking-Program/Consultant-Map>.

NYSERDA will review the submitted applications and respond to the Applicant within 10 business days of receipt. Applications will be rejected when eligibility requirements are not met, or the application is incomplete. Participants are approved on a first-come, first-served basis.

In the event NYSERDA has questions on the submitted application, the Applicant is required to submit written responses and/or revisions to NYSERDA within 30 days of receiving NYSERDA's questions. The school will become a Participant after formal, written approval of the application by NYSERDA.

### To Engage in Benchmarking:

Applicants may submit one application on behalf of multiple school buildings within a district. A complete application consists of the following:

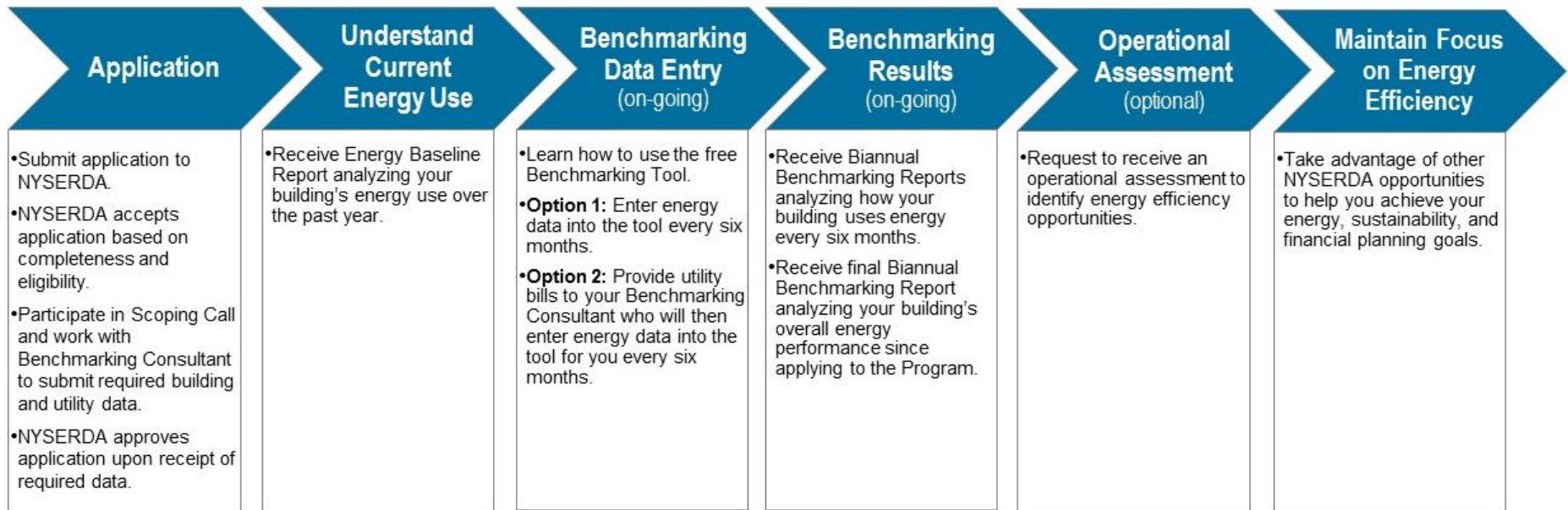
- Program Application (**Attachment A**)
  - All applicable fields of the application must be complete.
  - The application must be signed by a representative authorized to represent the school(s) or school district named on the application.

Applications will be accepted based on completeness and eligibility. Schools must then work with their assigned Benchmarking Consultant to submit a complete package of utility data and supplemental building information for each school named on the application. Once this information is received, the school's application will be approved and the school can begin receiving benchmarking services through the Program.

### To Engage in an Operational Assessment:

Participants interested in receiving an Operational Assessment can contact their Benchmarking Consultant at any time during participation to determine next steps. The Operational Assessment will occur after the Participant receives their first biannual benchmarking report(s), which will be used to aid in conducting the assessment or determine which building in a district might best benefit from this service. The Benchmarking Consultant will work with the Participant to identify the target building and schedule an on-site assessment of building operations.

## Participation Process and Timeline:



## VI. 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, sub-consultants, and suppliers on its procurement Agreements.

Information on the availability of New York subconsultants 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 Consultant, 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 Consultant, its affiliates, its subconsultants and the affiliates of its subconsultants 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 Consultant to readily make such certification. See, ST-220-TD (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)). Prior to contracting with NYSERDA, the prospective Consultant 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 Consultant 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 Consultants 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 until December 31, 2026, 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 application. NYSERDA may request additional data or material to support applications. NYSERDA will use the Attachment A, Program Application, and Attachment B, Terms and Conditions, 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 Attachment B, Terms and Conditions. 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 applicants in approximately two weeks from the receipt of an application whether your application 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.

**Accessibility Requirements** - If awardees from this solicitation will be posting anything on the web, or if the awardee will produce a final report that NYSERDA will post to the web, the following language must be included. NYSERDA requires Consultants 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](#).

**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 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 Consultant 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.

## VII. List of Attachments:

- Attachment A – Program Application
- Attachment B – Terms and Conditions