



Information Technology Staff Augmentation Services Request for Proposal (RFP) 4309

Proposals Due: 04/15/2020 by 3:00 PM Eastern Standard Time*

The New York State Energy Research and Development Authority (NYSERDA) seeks proposals from a company, or team of companies, (hereinafter referred to as "Proposer") to provide **Information Technology Staff Augmentation Services** to support Information Technology projects.

Proposals may be submitted by an individual firm or a team arrangement of firms, to provide optimal services to NYSERDA at the lowest cost possible. Individual engagements of services will vary based on the needs of each individual project or program, and may vary by skills sought, experience required, and geographic coverage needs.

Proposal Submission: Submit proposal to NYSERDA via the following online form: <https://nyserda.seamlessdocs.com/f/RFP4309>. Proposers may submit Word, Excel, or PDF files. For ease of identification, all files must be named using the proposer's entity name in the title of the document. A proposal should not be excessively long or submitted in an elaborate format, such as including unnecessary graphics. Proposals should be 15 pages or less; plus, required Attachments A and D. All Proposals must be submitted by 3:00 p.m. on April 15, 2020.

No communication intended to influence this procurement is permitted except by contacting Wendy Fleitz – primary contact (Designated Contact) at (518) 862-1090, ext.3238 or by e-mail RFP4309@nyserda.ny.gov or Glen Kaatz – secondary contact (Designated Contact) at (518) 862- 1090, ext. 3203 or by e-mail RFP4309@nyserda.ny.gov (for technical questions). If you have contractual questions concerning this solicitation, contact (Venice Forbes) (Designated Contact) at (518) 862-1090, ext. 3507 or Venicesolicitations@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.

*** All proposals must be received by 3:00 p.m. Eastern Standard Time on April 15, 2020. Late, proposals will not be accepted.** Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all sections have been included in the proposal. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at <https://www.nyserda.ny.gov/>.

Introduction

NYSERDA is a public benefit corporation 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.

The primary technologies in use at NYSERDA include: Salesforce (force.com), Microsoft technologies (Windows desktop and server, SQL Server, .NET, etc.), Office 365 including SharePoint Online, Tableau (for Business Intelligence), Atlassian products (Jira) for Service Desk and Oracle PeopleSoft Financials.

NYSERDA will be looking for professionals to work in and / or support technology efforts in these areas. Roles such as technical implementor, project manager, business analyst, technical writer, quality assurance analyst and technology trainer are the focus of this solicitation.

NYSERDA's strategy with regard to systems and technology is to consolidate disparate commercial and internally developed products and platforms onto COTS or enterprise solutions; reduce complexity, integration points, and ongoing cost of operations; and reduce customization wherever possible by modifying workflow in order to fit out-of-the-box or configured solutions. This will enhance NYSERDA's ability to calibrate and adapt its technology layer to best support its evolving programmatic and policy goals.

PROJECT SCOPE AND REQUIREMENTS

The goal of this RFP is to create a panel of selected firms from which NYSERDA can quickly and easily acquire staff augmentation and consulting resources to support Authority initiatives across the entire spectrum of its information technology stack.

NYSERDA expects to achieve the following objectives:

- Provide a cost-effective source of resources to support its information technology staffing needs.
- Streamline business processes around onboarding consulting resources.
- Create sustainable partnerships with qualified firms to create mutually beneficial relationships.
- Provide a flexible configuration to meet new and changing business requirements and programs.
- Reduce administrative overhead and maintenance costs associated with initiating individual contracts.
- Enable identification and procurement of potential full-time resources for NYSERDA should the need be deemed ongoing rather than project based.

Selected Proposer(s) will enter into a master agreement, and work assignments will be issued on an individual Task Work Order basis.

The specific Task Work Order issued for each work assignment will provide requirements for the exact location of work that is needed, expectations of skills, and experience necessary to be considered. NYSERDA reserves the right to end any specific Task Work Order or the contract as a whole at any time with or without cause. If replacement resources are needed, NYSERDA may obtain replacement resources for that work via the selected Proposer, or another source contracted separately at NYSERDA's sole discretion.

All billable hours completed during each calendar month shall be submitted in a valid and complete invoice by the 21st of the following month without exception. Invoices submitted late or missing hours may not be paid.

NYSERDA reserves the right to convert a candidate provided in response to this RFP to full-time NYSERDA staff. The Proposer must identify conditions, timelines and fees associated with converting a resource to NYSERDA staff after a minimum of 6-months from the start of the individual contract.

It is the responsibility of the selected Proposer to complete background checks on all selected staff identified by the Proposer prior to placement. Upon selection, Proposer agrees that it shall perform or have performed, within the two years immediately preceding the placement of any candidate, a background check; by virtue of making such placement, Proposer shall certify that such background check on the candidate has been performed. Proposer agrees that it will inform NYSERDA's Director of Human Resources by phone or email (518.862.1090. ext. 3640; donna.rabito@nyserda.ny.gov), simultaneously with or preceding such placement, if:

- (1) such background check reveals, with respect to the referred employee, (a) a felony conviction, or (b) any other conviction involving theft, misrepresentation or violent behavior of any sort, or
- (2) immediately upon it becoming aware that such individual has been convicted of such a crime.

Proposers Requirements

Information Technology Staff Augmentation Services:

Proposers must demonstrate the following:

- A proven track record of providing skilled staff and other services across the skill sets noted in section 2 under “Proposer Qualifications”;
- Lowest cost for the highest quality of service;
- Successful experience, including engagements with other state agencies or authorities; and
- Successful experience in engagements within the Information Technology field.

All Proposers must demonstrate a willingness and commitment to minimize costs for NYSERDA. NYSERDA reserves the right to negotiate lower or different fee structures during the contracting process with any Proposer.

If a Proposal does not include all required information, it may be deemed non-responsive.

The Proposer must agree to provide NYSERDA with access to documents, personnel and other information necessary to conduct audits upon request during the terms of the Contract, and for up to six (6) years after the contract term expires.

Proposal Requirements and Format

In compliance with §139-j and §139-k of the State Finance Law (see the General Conditions section 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.

Proposals should not exceed fifteen (15) pages, excluding attachments and Sample Resumes (Section 5), or be submitted in an elaborate format that includes expensive binders, graphics, or page formats other than 8.5 x 11” letter sized paper. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the RFP number, and the page number.

The Proposal for **Information Technology Staff Augmentation Services**

must follow the following format:

- Section 1: Executive Summary
- Section 2: Proposer Qualifications
- Section 3: Rate Card
- Section 4: Master Contract Cost Structure
- Section 5: Sample Resumes

Section 1 – Executive Summary

The Executive Summary in the Proposal is to provide a brief description of the Proposer’s qualifications, approach, flexibility, and demonstrated commitment to minimizing costs to NYSERDA. The intent of the Executive Summary is to be a brief summary, therefore, Executive Summaries that exceed two (2) pages may not be read by the Scoring Committee.

Section 2 – Proposer Qualifications

The Proposer Qualifications section of the RFP is to demonstrate a Proposer's ability to meet the **Information Technology Staff Augmentation Services** as well as a detailed description of the Proposer's Qualifications, as listed below.

A Proposer shall provide a description of their proven successful track record of delivering staff and other services across a wide variety of skill sets, such as but not limited to:

- 1) Software Development
 - a. Salesforce Administrator
 - b. Salesforce Developer
 - c. Net Developer
 - d. SharePoint Developer
 - e. Geographic Information System (GIS) Developer
- 2) Database technology
 - a. Microsoft SQL / ETL Developer
 - b. Microsoft SQL Server Database Administrator
- 3) Information Technology Project Manager
- 4) Information Technology Business Analyst
- 5) Information Technology Trainer / Training Coordinator
- 6) Service Desk Technician
- 7) Windows Server Administrator
- 8) Information Security Engineer

Proposer's Qualifications

The Proposer must provide details of the following qualifications and attributes:

- 1) Proposer's organizational structure- including the specific resumes of key partners or principals who will be responsible for managing the engagement with NYSERDA.
- 2) Successful experience, including engagements with other state agencies or authorities.
- 3) Note any special certifications relevant to this RFP that your firm or proposed staff may possess (i.e. PMI-Project Management Professional, PMI-Professional Business Analyst, PMI-Agile Certified Professional, Cisco Certified Network Engineer, VMware Certified Professional, Microsoft Certified Software Engineer etc.), and describe how your firm keeps staff current in their skills.
- 4) Applicable Certification of Minority or Women owned Business Enterprise (MWBE) with Empire State Development, or Service-Disabled Veteran Owned Business (SDVOB) Enterprise with the Office of General Services, attached as Appendices. Note that both a 30% MWBE and 6% SDVOB requirement over the life of the contract are required. Please see the attachments – Article 15-A (MWBE) and Article 17-B (SDVOB) for details.
- 5) Describe the Proposer's approach to meeting NYSERDA's needs for first-rate and reliable candidates, at the lowest possible cost, including the monitoring and management of work assignments. Demonstrate the Proposers willingness and commitment to minimize costs for NYSERDA.
- 6) Confirmation that successful Proposers will be available to provide staff that are able to work at, or travel to, the following locations:
 - a. On-site at NYSERDA offices, located in Albany, New York City, Buffalo and West Valley;
 - b. Field work, if needed and appropriate for the project being supported, at NYSERDA sites; or

- c. Remotely, either by working from Proposer's office or teleworking from home.
Note: The specific location(s) of work will be identified in writing in the specific Task Work Order issued for specific work assignments.
- 7) Identify the total number of resources currently available in each of the following regions of the State:
- a. Albany, NY;
 - b. New York, NY
 - c. Buffalo, NY
 - d. West Valley, NY

Section 3 – Rate Card (Attachment A) Mandatory

The purpose of the Rate Card section of this RFP is to help NYSERDA compare all Proposers on an equal basis. Rates provided on this form will be in effect for the five (5) year contract period.

Title Series	Billable Rate per Hour Experience Level (1-3 years)	Billable Rate per Hour Experience Level (4-7 years)	Billable Rate per Hour Experience Level (8+ years)
Salesforce Administrator			
Salesforce Developer			
.Net Developer			
SharePoint Developer			
Geographic Information System (GIS) Developer			
Microsoft SQL / ETL Developer			
Microsoft SQL Server Database Administrator			
Information Technology Project Manager			
Information Technology Business Analyst			
Information Technology Trainer / Training Coordinator			
Service Desk Technician			
Windows Server Administrator			
Information Security Engineer			

Section 4 – Master Contract Cost Structure

The purpose of this section is to provide NYSERDA a clear explanation of all fees and costs. If a Proposal does not include all required information, it may be deemed non-responsive.

- 1) List all costs and fees for which the Proposer would expect reimbursement.
 - i. Specifically list fees, if charged, for background checks.
- 2) Indicate any reductions in fees or rates from normal amounts, and the reason for those reductions (e.g. Standard Reduction Provided to all State Agencies, or Proposed Specific for this RFP, etc.).
- 3) NYSERDA will indicate at the time of the request for a resource whether the candidate will be considered for insourcing. If so indicated, the resource will not be insourced prior to 6-months from their start date. In the Proposal, Proposers must outline the conditions, timelines and fees associated with converting a resource into a NYSERDA staff member.

Note: Any costs or fees not specifically identified here may not be considered for inclusion in invoices or contracting at a later date.

NYSERDA reserves the right to negotiate lower or different fee structures during the contracting process with any firms recommended for contract negotiation as part of its evaluation process.

Section 5 – Sample Resumes

The purpose of this section is to demonstrate that the Proposer has immediate access to staff that can meet NYSERDA's needs. The Proposer should provide a variety of skills, experience levels, and physical locations of candidates. Proposer should provide no less than five (5) and no more than ten (10) resumes. Proposer must affirm that each of the staff whose resume is included in this section would be available for at least 25% of their time within the next three (3) months. Please include rate card title series, experience level and proposed rate for each sample resume.

Evaluation of Proposals

General Selection Process

The evaluation process will begin immediately after the due date, with a review of all Proposals properly received to verify that they have met the minimum conditions necessary to be considered complete. Only Proposals determined to be complete will be shared with the Scoring Committee for full review. The Scoring Committee will then review and score each Proposal determined to be complete.

Interviews

NYSERDA reserves the right to determine if an interview with the Proposer will be necessary. NYSERDA may interview some or all Proposers being considered. NYSERDA will set aside one day for interviews, and Proposers will be notified of the predetermined date by email following the due date of this RFP. If selected for an interview, the Proposer shall be required to further document the Proposer's ability to provide the required services at the best cost to NYSERDA. The Proposed lead principal and other key staff necessary to demonstrate the Proposer's capability to meet NYSERDA's needs should be present at the interview. The results of the interview will be included in the Scoring Committee's final scores for the Proposer.

Evaluation Categories

The following categories and weighting shall be used by NYSERDA to evaluate each Proposal.

Category	Category Description	Total Points Available
1	Demonstrated ability to provide services as described in the RFP (Section 1 and Section 2 – Proposer Qualifications)	35
2	Competitiveness of Rate Card (Section 3)	20
3	Competitiveness of proposed Master Contract Cost Structure (Section 4)	15
4	Sample Resumes (Section 5)	20
5	Diversity Practices Questionnaire	10
		100

Sample Request to Selected Contracting Firm(s)
(For informational purposed only. This is NOT a current request)

NYSERDA is looking for one Server Systems Administrator via Staff Augmentation to supplement the Server/Network Operations Team.

Please submit all applicants to Glen Kaatz (glen.kaatz@nyserda.ny.gov) by EOB 2/25/2019.

Please submit only your best 4 candidates.

LOCATION

This position is located in Albany, NY. The Program and Project Manager on the NYSERDA IT Operations team are located in Albany, New York.

WORK SCOPE

The scope of work to be performed by the Contractor consists of tasks listed in the following functional areas.

Tasks:

- VMware Horizon/ VMware vCenter administration
- Windows server administration
- Windows Active Directory and Group Policy
- Advanced SCCM administration for windows desktop and server patching
- Windows imaging, management of VDI snapshots, gold images
- Corp antivirus administration – NYSERDA uses ESET
- 0365 administration (email, distribution groups, shared mailboxes)
- Use Microsoft System Center Orchestrator to manage scheduled jobs and system administration
- Work closely with the Senior Server Administrators to do capacity planning, patching, maintenance and support of the server, storage and network infrastructure
- Manage Veeam based VM backups and restore requests
- Manage multiple Windows file servers and maintain storage quotas
- Assist with VoIP implementation and administration
- Assist with handling off-hours support and outages
- Receive and respond to incoming requests regarding IT infrastructure problems
- Work with server administrators at various cloud-based facilities to stand up new systems or resolve problems and perform maintenance on existing systems
- Rack equipment in the data center such as UPS's, servers, network gear and storage
- Follow change management and production turnover procedures as defined by the manager of IT Operations

Expected Deliverables

- a. On-time creation and administration of user credentials for above listed systems
- b. Software patching reports
- c. Stable configuration of storage, compute, network and VoIP resources

Experience Level: mid-level

The Contractor should be able to demonstrate the following skills

- Required 3+ years of experience with VMware Infrastructure experience (not necessarily VDI)
- Required 3+ years of experience as a Windows Server admin
- 2-4 years' experience performing tasks as listed above
- Ability to work a flexible schedule to accommodate project and emergency support work
- Excellent communication and analytical skills
- Nice to have, but not required: Cisco, NetApp or VMware View (VDI) experience

Transition to permanent? YES, NYSERDA would prefer this to be a permanent position.

General Conditions

PROPRIETARY INFORMATION

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

New York Executive Law Article 15-A - NYSERDA is required under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of NYSERDA contracts. The MWBE participation goals and obligations of the selected Contractor are set forth in the Sample Agreement.

Diversity Practices - NYSERDA has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practice of respondents to this procurement is practical, feasible, and appropriate. Accordingly, respondents to this procurement shall be required to include as part of their response, as described in Section III herein, Attachment D, Diversity Practices Questionnaire.

New York State Executive Law Article 17-B, NYSERDA recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified service-disabled veteran-owned business enterprises (SDVOB) in the performance of NYSERDA contracts. Executive Law Article 17-B and its associated regulations require, among other things, that NYSERDA establish goals for maximum feasible participation of New York State Certified SDVOBs in the performance of New York State contracts. The SDVOB participations goals and obligations of the selected Contractor are set forth in the Sample Agreement.

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 new procurement lobbying requirements which can be found at <https://online.ogs.ny.gov/legal/lobbyinglawfaq/default.aspx>. 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.

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/pdf/publications/sales/pub223.pdf>.

Limitation - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement (Attachment G). 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.

Contract Award - NYSERDA anticipates making one or multiple awards 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 (Attachment D) to contract successful proposals. NYSERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal (see Attachment A: 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 six (6) 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.

Accessibility Requirements - NYSERDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.), video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see [NYSERDA's](#)

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

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

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

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

Any awardee will be required to certify that all of its employees, as well as employees of any subcontractor, whose subcontract is valued at \$100,000 or more who are former employees of the State and who are assigned to perform services under the resulting contract, shall be assigned in accordance with all Ethics Requirements. During the term of any agreement, no person who is employed by the

contractor or its subcontractors and who is disqualified from providing services under the contract pursuant to any Ethics Requirements may share in any net revenues of the contractor or its subcontractors derived from the contract. NYSERDA may request that contractors provide it with whatever information the State deems appropriate about each such person's engagement, work cooperatively with the State to solicit advice from the New York State Joint Commission on Public Ethics, and, if deemed appropriate by the State, instruct any such person to seek the opinion of the New York State Joint Commission on Public Ethics. NYSERDA shall have the right to withdraw or withhold approval of any subcontractor if utilizing such subcontractor for any work performed would be in conflict with any of the Ethics Requirements. NYSERDA shall have the right to terminate any contract at any time if any work performed is in conflict with any of the Ethics Requirements.

Attachments

Attachment A: Rate Card Example - **Mandatory Submission**

Attachment B: Article 15-A (MWBE) Provisions

Attachment C: Article 17-B (SDVOB) Provisions

Attachment D: Diversity Practices Questionnaire – **Mandatory Submission**

Attachment E: Vendor Assurance of No Conflict of Interest – **Mandatory Submission**

Attachment G: Sample Agreement