



# RetrofitNY Building Owner Qualification

## Request for Qualifications (RFQL) 4552

**Applications will be reviewed starting 03/08, 2021 on a monthly basis with the deadline of the 8th of each month at 3:00 PM ET**

---

Under this Request for Qualifications (RFQL), the New York State Energy Research and Development Authority (NYSEDA)'s RetrofitNY Program seeks to qualify Building Owners for partnership with Carbon Neutral Solution Providers and Component Manufacturers for New York State pilots, and future opportunities as the program develops.

### I. Program Summary

The goal of RetrofitNY is to develop standardized, scalable retrofit solutions that will dramatically improve the energy performance of multifamily residential buildings while improving aesthetics and comfort. An initiative of NYSEDA's Clean Energy Fund, RetrofitNY is working aggressively to bring a substantial portion of New York's Affordable Housing units to or near Carbon Neutral performance over the next five years, while developing significant new business opportunities in the State. RetrofitNY supports Governor Hochul's ambitious climate goals, codified in the Climate Leadership and Community Protection Act, which prioritizes disadvantaged and vulnerable communities. These Carbon Neutral retrofit solutions will not only reduce greenhouse gas emissions but also:

- Improve living space comfort and indoor air quality, as well as the exterior aesthetics of a large portion of the state's existing Affordable Housing building stock.
- Provide substantial savings on utility and maintenance expenses for Building Owners, which can assist in financing the improvements.
- Become a business-as-usual rehabilitation model throughout the housing industry within New York State and beyond.
- Provide significant new business opportunities in New York.

Through a series of three companion Request for Qualifications (RFQL), NYSEDA will build a pool of candidates to participate in demonstration Pilots and develop an early market for Carbon Neutral retrofit solutions. This Owners RFQL will qualify Affordable Housing Multifamily Building Owners that have good candidates in their portfolio for receiving a high performance retrofit solution. Ideal building candidates must fulfill both the targeted typology and work scope requirements outlined later in this solicitation. Once an Owner is qualified through this RFQL, a Qualified Owner will be eligible to submit Pilot Building candidates on an annual basis by submitting a building update form.

Component Manufacturers shall be qualified through NYSEDA RFQL 4551 and solutions furnished and installed by a Solution Provider qualified through NYSEDA RFQL 4553. Projects that are qualified through these three RFQLs will then be eligible to apply for Gap-funding according to the terms of the NYSEDA Program Opportunity Notice (PON) to be subsequently released.

To be qualified, Buildings must be Affordable Housing Multifamily Buildings no taller than 7-stories for which a substantial rehabilitation or comparable work is already being planned within 12-24 months from the application date. Qualified buildings will be required to complete an Integrated Physical Needs

Assessment within the last two years. Project Gap-funding opportunities will be released under separate solicitation(s). Building Owners are encouraged to sign up to the RetrofitNY [mailing list](#) for latest announcements and program funding opportunities.

For information on Component Manufacturers qualification requirements, review [RFQL 4551](#).

For information on Solution Provider qualification requirements, review [RFQL 4553](#).

Both of these are available on NYSERDA's Current Funding Opportunities page at <https://www.nyserda.ny.gov/funding-opportunities/current-funding-opportunities>.

## II. Application Submission

Online submission is preferable. Proposers may submit Word, Excel, or PDF files (acceptable 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. 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>) under the link to the RFP.

No communication intended to influence this procurement is permitted except by contacting Saul Brown at (518) 862-1090, ext. 3028, or Christopher Mahase at ext. 3534, or James Geppner at ext. 3627, or Emily Lee at ext. 3021, or by contacting either by e-mail at [RetrofitNYRFQL@nyserda.ny.gov](mailto:RetrofitNYRFQL@nyserda.ny.gov). If you have contractual questions concerning this solicitation, contact Assistant Contract Manager Venice Forbes at (518) 862-1090, ext. 3507 or [Venice.Forbes@nyserda.ny.gov](mailto:Venice.Forbes@nyserda.ny.gov). Contacting anyone other than the foregoing 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 may result in: (1) in a proposer being deemed a non-responsible offeror, and/or (2) the proposer not being awarded a contract.

**Applications to this RFQL are reviewed on a rolling basis. Proposers qualified under this RFQL will be eligible to apply to future NYSERDA Gap-funding solicitations. Qualification under this RFQL is a prerequisite for eligibility for Gap-funding.**

Incomplete proposals may be subject to disqualification. It is the applicant's responsibility to ensure that all pages have been included in the application. 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 3pm. Files in process or attempted edits or submission after 3pm Eastern 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/Funding-Opportunities/Current-Funding-Opportunities.aspx>

Information on the webinars will be available through the program webpage at <https://www.nyserda.ny.gov/RetrofitNY>. Potential or interested applicants should attend or view the applicable webinar before starting the application process. Requests for information, including webinar recordings, can be sent to [Retrofitny@nyserda.ny.gov](mailto:Retrofitny@nyserda.ny.gov) for the duration of this solicitation. All responses will also be publicly posted as FAQs on RetrofitNY's website at <https://www.nyserda.ny.gov/RetrofitNY>.

### III. Introduction

The RetrofitNY approach is based on a successful European program called Energiesprong (<http://energiesprong.eu/>) which has brought 5,041 units of Affordable Housing to net zero energy with improved comfort and aesthetics, and has 21,285 additional units in the pipeline. After launching its first projects in the Netherlands in 2013, Energiesprong is now being implemented in France, the United Kingdom, Italy and Germany. By adapting this tested and proven model to New York, we will help the building renovation industry transform its business model through four key actions:

1. Aggregating demand among Building Owners, harnessing their collective market power.
2. Mobilizing the building industry to develop innovative technical solutions to substantially improve the comfort, aesthetics and performance of Multifamily Buildings that can be installed with residents in place.
3. Working with financial organizations to help finance projects by capturing energy and other operational savings.
4. Engaging regulatory agencies to help facilitate widespread adoption.

RetrofitNY focuses on the Affordable Housing sector where high-performance retrofits have the potential to significantly improve resident well-being while reducing operating costs. By focusing on specific typologies in the Affordable Housing building stock, it will be possible to activate a large market and compress costs by replicating the technical solutions across a large number of Similar Buildings throughout New York State. This approach will enable a cost-effective path to deliver the benefits of high performance construction to disadvantaged communities that are disproportionately impacted by climate change.

For Building Owners, this represents a significant opportunity to preserve Affordable Housing, upgrade a portfolio's resiliency, improve resident satisfaction, increase net operating income and finance these improvements by leveraging the projected savings.

The New York multifamily deep energy retrofit market is conservatively estimated at \$50 billion which presents significant opportunity for growth for manufacturers and the construction industry. Retrofit solutions developed in the Affordable Housing sector will have widespread applicability across the entire building market, scaling throughout New York State and beyond. This new business model has the potential to disrupt and transform the building industry, while delivering better solutions for Owners.

The success of the Energiesprong program in Europe proves that a large-scale transformation of the housing stock to achieve high levels of energy performance is not only technically possible but also economically viable, offering new opportunities to the building industry, reducing operating costs to Building Owners, opening financing opportunities to lenders and improving quality of life for residents.

Prior to issuing this RFQL, the RetrofitNY team has engaged a broad swath of industry first-movers, including Affordable Housing Owners and developers, architects and engineers, builders and manufacturers, financing agencies and private lenders for their input on developing a large scale, self-sustaining high performance retrofit market in New York. Building on the learnings of the first RetrofitNY pilot round released in 2018, this extensive engagement has reinforced NYSERDA's conviction that a market transformation approach similar to Energiesprong is possible in New York State. Furthermore, the process can stimulate demand among Affordable Housing providers and mobilize the building industry to produce scalable, standardized retrofit solutions.

This RFQL is to qualify Affordable Housing Multifamily Building Owners with building portfolios containing typologies up to 7-story high for receiving Whole Building Retrofit Solutions that approach or achieve Carbon Neutral performance. Owners qualified under this RFQL will be eligible to submit Pilot Building

candidates for the upcoming and future funding rounds of RetrofitNY and be eligible to apply for Gap-funding through the program for those Pilot Buildings.

Benefits of these Carbon Neutral and near Carbon Neutral retrofit solutions include:

- Delivering superior indoor air quality and comfort for tenants
- Improving the exterior aesthetics of the housing stock
- Providing substantial savings on utility and maintenance expenses for Building Owners, which can assist in financing the improvements
- Simplifying and streamlining the building renovation process while delivering a superior product to Owners
- Reducing greenhouse gas emissions, helping NYS meet its ambitious climate targets

The goals of the RetrofitNY program are to:

- Challenge and support the manufacturing, design and construction industries in the development and implementation of solutions that:
  - approach or achieve Carbon Neutral performance
  - significantly improve the indoor environmental quality of residents
  - use existing or easily adapted components
  - are adaptable to buildings of similar typologies
  - minimize resident disruption during implementation
  - minimize the onsite construction period
  - could be covered by a long-term performance warranty from the Solution Provider
  - contribute to building resiliency
- Engage the financing industry to support the development of long-term financing strategies for high performance retrofit solutions that monetize the operational savings generated by each solution over a long period of time.
- Reduce the cost of these solutions as much as possible to minimize any gap between the available sources of funding (i.e., the funds available from conventional sources for a business as usual building rehabilitation, plus the amount that can be added to those conventional sources by monetizing the energy and other operational cost savings that are generated by the high performance retrofit solutions) and the total cost of the rehabilitation including a high performance retrofit solution.
- Identify regulatory barriers to implement solutions as well as possible solutions to those barriers.
- Foster a collaborative design process in which Solution Providers, Building Owners, financing partners, regulatory agencies and code officials work together to produce the most successful solutions possible for Owners to procure and Teams to implement.

Additional RetrofitNY program information and resources are available at <https://www.nyserda.ny.gov/RetrofitNY>.

## IV. Program Requirements

### A. Definitions

**Affordable Housing:** At least 25% of building households must earn less than or equal to 80% of Area Median Income (AMI) **AND** building must participate in one or more of the following programs:

- PHA - Public Housing Authority
- HUD - Department of Housing and Urban Development (regulated affordable housing)
- DHCR – Division of Housing and Community Renewal (regulated affordable housing other than NYC rent control regulations)
- LITHC - Low Income Housing Tax Credit financing
- NYCHPD – New York City Department of Housing Preservation and Development (regulated affordable housing or other local housing agency)
- SONYMA – State of New York Mortgage Agency (mortgage Insurance financing)
- HFA's Programs – State Housing Finance Agency
- NYC HDC's Programs – New York City Housing Development Corporation
- NYS OTDA Temporary and Supportive Housing Programs – New York State Office of Temporary and Disability Assistance
- Mitchell Lama Program

**Carbon Neutral, or Carbon Neutrality:** in the case of a building or building treatment, the operations are all-electric and do not contribute to emissions of greenhouse gases that cause climate change. The total amount of site energy consumed by the building is less than or equal to the amount of renewable energy created by solar photovoltaics or other distributed energy resources located on the building or elsewhere, calculated on an annual basis and where significant demand reduction measures are employed on the building. Key factors include: building electrification, renewable energy generation, efficient building envelopes, reduced building loads, potential for load shifting and grid interactivity. See Technical Specifications Guidelines for performance guidelines and building typologies guidance.

**Component:** a product provided by a Qualified Component Manufacturer.

**Component Manufacturer:** an Original Equipment Manufacturer (OEM), fabricator, or aggregator able to furnish installation-ready Components in one or more of the following three areas:

- Whole-building high-performance Envelope System
- Integrated Mechanical System (at minimum providing heating, cooling, ventilation, dehumidification and domestic hot water)
- Monitoring System (at minimum capturing building performance data and in-unit energy use, relative humidity and CO2 data and delivering all captured data through a cloud-based system to a user-friendly portal)

**Cost-effectiveness:** a Whole Building Retrofit Solution will be considered cost-effective if, when implemented at scale, it reaches price parity with business as usual renovation costs once the net present value of the operations and maintenance savings are factored in along with any new revenue streams to the Owner that result from the Whole Building Retrofit Solution (e.g., utility revenue from net-positive onsite energy generation, funding for improved resident health outcomes, revenues from increased longevity of the building, etc.).

**Development:** A parcel or cluster of parcels under single ownership with multiple Similar Buildings.

**Embodied Carbon:** the carbon footprint of a building material or the amount of greenhouse gases (GHGs) released in the process of extraction, processing, transport, and assembly.

**Energy Use Intensity (EUI):** For the purposes of this solicitation, the total amount of site energy consumed by the building on an annual basis divided by the gross floor area in kBtu/ft<sup>2</sup>/yr before the addition of onsite renewable distributed energy resources.

**Envelope System:** the system that includes a high-performance envelope treatment with insulative over-cladding to the opaque wall surfaces, high performance fenestration (windows and doors) and a surface applied roof insulation.

**Gap-funding:** Subsidy to cover the Project Incremental Costs.

**Incremental Costs:** the remaining construction cost of the entire rehabilitation Project including the cost for the Whole Building Retrofit Solution, once the following are deducted:

- the financing originally arranged for the planned conventional rehabilitation
- additional subsidies from Affordable Housing agencies
- the financing available for underwriting the projected operational savings resulting from the Whole Building Retrofit Solution
- incentives, rebates or subsidies applicable to the Whole Building Retrofit Solution

**Integrated Physical Needs Assessment (IPNA):** The Integrated Physical Needs Assessment (IPNA) is a property evaluation tool jointly developed and released by the NYC Housing Development Corporation (HDC), New York City Department of Housing Preservation and Development (HPD), and New York State Homes and Community Renewal (HCR). The tool integrates an evaluation of energy, water and health needs into a full roof-to-cellar assessment of a property's physical conditions to ensure that the needs of the property are addressed in a holistic manner.

**Mechanical System:** an energy efficient all-electric system providing domestic hot water, continuous balanced ventilation (energy- or heat-recovery ventilator), space heating & cooling, and humidity control.

**Monitoring System:** the system that captures building performance data and in-unit data and delivers the relevant data through a cloud-based system to a portal accessible to Building Owners, building operators, residents and other stakeholders. The system captures, at a minimum, in-unit data such as temperature, CO<sub>2</sub>, relative humidity levels, and Mechanical System data such as energy use and run times.

**Multifamily Building:** for the purpose of this RFQL, residential building ranging from 1-7 stories with two or more residential units per building and part of a Development under common ownership with no less than 5 units.

**Owner, or Building Owner:** private person or entity, including a corporation, partnership, limited liability company, an agency of the federal government, or a public housing agency, having the legal right to lease or sublease dwelling units, but excluding co-ops or condominium associations unless such co-op or condominium association is designated Low-to-Moderate Income, and has delegated sole decision-making authority relating to all Building renovations and capital improvement to a single Affordable Housing agency or organization through a duly executed power of attorney (or other documentation) reasonably acceptable to NYSERDA.

**Pilot, or Pilot Building:** 1-3 story Multifamily Buildings with at least 2 units per building and 5 units in the Development, or 4-7 story Multifamily Buildings with at least 5 units in the Development that are submitted through the RFQL 4552 Pilot Building Candidate Application and approved by the RetrofitNY program.

**Project:** One or more Pilot Buildings at a single Development Qualified through RFQL 4552 that will receive a Whole Building Retrofit Solution designed, furnished, installed and with required monitoring and verification by a Solution Provider Qualified through RFQL 4553 which is comprised of Components Qualified through RFQL 4551.

**Qualified:** Used in reference to an applicant NYSERDA has officially qualified through RetrofitNY's Request for Qualifications (RFQLs), specifically a Building Owner or Pilot Building

qualified through RFQL 4552, a Solution Provider qualified through RFQL 4553, or a Component Manufacturer or Component qualified through RFQL 4551.

**Service Contract:** a contract between the Building Owner and Solution Provider whereby the Solution Provider commits to the maintenance and repair of the Mechanical Systems, Envelope System and Monitoring System for a period of time in exchange for a monthly or annual fee from the Building Owner.

**Similar Buildings:** similar in terms of construction type, vintage, number of stories, Mechanical Systems and general condition of the envelope.

**Simple Architecture:** For the purposes of this RFQL this is defined as Non-Historic Preservation properties with limited surface details or obstructions, little ornamentation and simple configuration (e.g. few set-backs), and simple planar or gable roof.

**Solution Provider:** a multidisciplinary company that delivers directly to Building Owners and without intermediaries a scalable Whole Building Retrofit Solution; AND,

- is technically Qualified and has practical experience in high-performance design and construction, including onsite solar or other distributed generation, AND
- possesses a customer acquisition capability focused on Building Owners and can conduct a seamless, direct interaction with Building Owners from the customer acquisition phase all the way through to installation, AND
- can design, engineer, cost, produce, install and maintain a Whole Building Retrofit Solution that approaches or achieves Carbon Neutrality, contracting with any necessary third parties but being ultimately responsible for the whole solution

**Use Case:** One of eight building types as defined in the Use Case Matrix included as Attachment E of this RFQL.

**Whole Building Retrofit Solution:** an all-electric, scalable, turnkey whole building retrofit product or solution that includes a Qualified Mechanical System, Qualified Envelope System, a Qualified Monitoring System, and renewable energy sources, and approaches or achieves Carbon Neutral performance. For a solution or product to be considered scalable it must be replicable across Similar Buildings of a comparable typology and require minimal onsite construction.

## **B. Eligibility Requirements**

Owners of Affordable Multifamily Housing Buildings that are interested in augmenting their planned rehabilitation or renovation cycle with a high-performance retrofit should apply under this RFQL and include critical building data (refer to Attachment A). Applications will be qualified based on the following criteria:

### **1. Building Portfolio**

To qualify for this RFQL, Building Owners must currently own, or be in the process of acquiring, buildings that meet all of the following criteria:

- 1-3 story Multifamily Buildings with at least 2 units per building and 5 units in the Development, or 4-7 story Multifamily Buildings with at least 5 units in the Development
- Located in New York State
- Present a Simple Architecture as defined in section IV A. Definitions

- Pay the System Benefits Charge (SBC) / NYSERDA Clean Energy Fund through their electric utility bill<sup>1</sup>
- Not be currently covered by an Energy Performance Contract (EPC) or other contract that would materially interfere with the implementation of a retrofit solution
- If the building includes commercial tenant space, the master lease must authorize the Owner to make significant changes to the façade and Mechanical Systems of any commercial tenant spaces, or with written consent from tenant(s).

## 2. Affordable Housing

Eligible prospective Pilot Building candidates must qualify as Affordable Housing as defined in section IV A. Definitions. The building applicant must be the Owner of the building to be submitted or be in the process of acquiring the building and possess substantial Affordable Housing finance and/or development experience. However, if the applicant is in the process of acquiring the prospective Building Pilot candidate, the applicant must submit documentation demonstrating:

- Reasonable likelihood of the acquisition proceeding (e.g., an executed purchase agreement) AND
- Commitment by applicant, in form and content acceptable to be determined by the applicable regulatory agency, to preserve the building as Affordable Housing (as defined in Section IV. A Definitions above) following the closing of such acquisition.

Subject to the foregoing requirements, examples of acceptable Affordable Housing programs include:

- PHA - Public Housing Authority
- HUD - Department of Housing and Urban Development (regulated affordable housing)
- DHCR – Division of Housing and Community Renewal (regulated affordable housing other than NYC rent control regulations)
- LITHC - Low Income Housing Tax Credit financing
- NYCHPD – New York City Department of Housing Preservation and Development (regulated affordable housing or other local housing agency)
- SONYMA – State of New York Mortgage Agency (mortgage Insurance financing)
- HFA's Programs – State Housing Finance Agency
- NYC HDC's Programs – New York City Housing Development Corporation
- NYS OTDA Temporary and Supportive Housing Programs – New York State Office of Temporary and Disability Assistance
- Mitchell Lama Program

NYSERDA will consider other programs as evidence of Affordable Housing experience on a case-by-case basis.

Any information the applicant believes should be kept confidential must be marked as such in accordance with Public Officers Law 89(5). See Section VIII below.

---

<sup>1</sup> Electric utilities that pay into the SBC NYSERDA Clean Energy Fund are Con Edison, Central Hudson, National Grid, NYSEG, O&R, and RG&E.



### 3. Ownership and Experience

To be eligible, the Building Owner Applicant must meet the following requirements:

- Demonstrate experience with financing regulated affordable multifamily projects.
- Provide information about Owner's entire building portfolio, including physical characteristics, distribution of portfolio, and possible opportunities to scale this retrofit approach. **(Attachment D)**
- If ownership is a co-operative or condominium, sole decision-making authority relating to all building renovations and capital improvements must be designated to a single Affordable Housing agency or organization through a duly executed power of attorney or other documentation.

### 4. Occupancy

The goal of the RetrofitNY program is to facilitate deep energy and Carbon Neutral retrofits with tenants in place. Therefore, prospective building candidates must currently be occupied (subject to typical vacancy levels) with the expectation to remain occupied through the design and construction phases to completion of the retrofit. Exceptions can be provided for periods relating to hazardous work impacting residents such as asbestos remediation, in unit electrical work or other scope items potentially affecting health and safety of residents. Building Owners must demonstrate ability to manage a renovation with tenants in place.

### 5. Renovation Scope

The RetrofitNY program is seeking buildings undertaking substantial renovations in the next 12-24 months including all the following scope categories:

- a) Mechanical System (heating, ventilation or domestic hot water) upgrade. At a minimum, building must be planning heating system upgrade
- b) Envelope upgrades such as:
  - roof and/or wall insulation
  - substantial air sealing measures
  - window replacements
  - roof replacements
  - brick façade pointing
  - siding replacement
- c) In unit upgrades including kitchens and/or baths to 75% or more of units

To be eligible to receive any Gap-funding under the anticipated Gap-funding PON, Owners must agree to contract a Solution Provider, qualified through RFQL 4553, to design, produce and install the Retrofit Solution. The Solution Provider will be responsible for the design, delivery and installation of the Whole Building Retrofit Solution and may subcontract as needed to meet applicable procurement requirements.

If a preliminary scope of work and/or a financing strategy for a planned rehabilitation are already in place, Owners will be required to commit to the flexibility required to incorporate the Retrofit Solution into the conventional rehabilitation scope of work and financing strategy.

Owners will be required to accommodate a 6-month design period to develop the Retrofit Solution and adapt any existing scope of work to deliver the deep energy or Carbon Neutral retrofit Project. In addition, any lead time associated with gaining financing agency's (HCR, HPD, etc.) approval should be factored in.

## 6. Advanced Early Market Technologies

Components of the retrofit solution may involve early market products that have recently completed lab testing and initial feasibility assessments. Some products are likely to have little or no long-term documentation of performance. Such technologies may include integrated form factors for space heating/cooling and domestic hot water utilizing heat pump technologies, heat/energy recovery ventilation systems and panelized enveloped products. Such products may be introduced through various manufacturers ranging from startups to established international firms. Building Owners should be comfortable with installing these technologies on proposed Pilot Building(s).

## 7. The RetrofitNY Pledge

Owners will be required to sign on to the RetrofitNY Pledge (Attachment B) and commit their entire portfolio as indicated in the Portfolio Analysis (Attachment D). The Pledge is a platform to give Owners a voice in demanding advanced scalable solutions from the industry for deep energy and Carbon Neutral retrofit solutions. To date, there are 37 Owners representing 404,548 units of housing that have signed the RetrofitNY Pledge.

## C. Ineligible Project Types

Project types that are not eligible for qualification under this solicitation include:

- Commercial or industrial buildings
- Market-rate or mixed-income buildings that do not meet the definition of Affordable Housing set forth in this RFQL
- New construction buildings
- Buildings with fewer than two units and Developments with fewer than five units
- Buildings with more than seven stories
- Projects outside of New York State
- Buildings that do not pay into the SBC/ NYSEDA Clean Energy Fund
- Vacant buildings since the retrofits must be installed with residents in place

## V. Application Requirements

### A. Application Process

Applications will be accepted from Building Owners on a rolling basis. Building Owners will be qualified based on their Affordable Housing experience and portfolio characteristics as detailed in the Eligibility and Evaluation Criteria sections. Qualified Owners are then required to submit a [Pilot Building Candidate Application](#) within 30-days of qualification for the initial building candidate to be approved by the RetrofitNY program and entered into the RetrofitNY Pilot Building pool. Prospective Building Candidate Applications will be approved within 30-days of application being deemed complete.

Once an Owner is qualified through this RFQL, a Qualified Owner will be eligible to submit additional Pilot Building Candidates by completing the [Pilot Building Candidate Application](#) (available on RetrofitNY website). Eligibility to apply to future NYSERDA Gap-funding will be subject to Owners achieving qualification through this RFQL and Pilot Building Candidate approval by the deadline indicated in future Gap-funding solicitations.

Each required section of the application must be completed in full. Upon receipt of an application, NYSERDA program staff will review for initial eligibility and completeness and will inform the applicant if any clarifying information is needed. If the application is incomplete, this may disqualify the application.

Complete and eligible applications will be reviewed and evaluated on a periodic basis. Building Owner Applications will be evaluated by a scoring committee to determine which Owners are qualified to apply for NYSERDA Gap-funding under future solicitations. NYSERDA will notify all applicants as to whether their Application meets the minimum scoring threshold and has been qualified.

To be eligible for eventual NYSERDA Gap-funding, viable Pilots will have to be proposed to the RetrofitNY Gap-funding PON when released and must consist of:

- Qualified Owner and approved Pilot Building (qualified under this RFQL)
- Qualified Solution Provider (qualified under RFQL 4553)
- Qualified Component (qualified under RFQL 4551)

To facilitate Pilot proposals, Owners' and Solution Providers' information will be made available to each other through a match-making mechanism developed and hosted by NYSERDA. Building Owners will have access to manufacturers' information through Qualified Solution Providers.

When submitting an application, the applicant will be required to attest to the following:

- If qualified, applicant agrees to have prospective Pilot Building Candidate Application posted to NYSERDA's secure site for Qualified Solution Providers to review.
- Applicant agrees to keep all application information accessed through NYSERDA's site strictly confidential; which shall include, without limitation, not disclosing the same, or knowingly permitting the same, to be disclosed to any person other than NYSERDA employees (or Solution Provider and Component Manufacturing partner applicant regarding the specifics of their application) and at all times taking reasonable steps to ensure that this obligation is fulfilled.

Upon applicant request, any Building Owners whose applications are not qualified will be debriefed as to the strengths and weaknesses in their application and will be welcome to resubmit the application.

## **B. Pilot Building Candidate Application**

Qualified Owners are required to submit a [Pilot Building Candidate Application](#) (Attachment C) within 30-days of qualification for the initial building candidate to be approved and entered into the RetrofitNY Pilot Building pool. This document (Attachment C) should not be submitted as part of the Owner RFQL but is included for proposer review. If submitting more than one building, a separate application must be submitted for each building. In the case of a Development/Project with multiple Similar Buildings, a single building representative of the entire Development may be submitted. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the application.

Building Applications must include the following elements:

- Pilot Building Candidate Application Workbook with all required sections complete
- Site photos, including but not limited to:
  - exterior facade labeled from all directions
  - roof labeled from all directions
  - mechanical room(s)
  - representative photos of Similar Buildings on same Development (if applicable)
- Energy cost and usage data for utilities including:
  - Owner paid utilities:
    - Annual Operating Expense statement for the last two years with separate line items for all utility costs, OR
    - Utility bills (Owner paid) for the last two years (with utility account numbers redacted)
  - Aggregated resident utilities
- Documentation verifying that the building qualifies (or upon acquisition will qualify) as Affordable Housing (as defined in Section IV. A. Definitions)
- Site plan
- Tax lot line drawings
- Current floor plans
- Building operating budgets for the prior three years

If available, the Owner should also submit:

- Building drawings
- Recently completed Integrated Physical Needs Assessment (IPNA) or Physical Needs Assessment (PNA)
- ASHRAE Level II or similar energy audit
- Anonymized resident or resident group testimonials demonstrating a positive relationship with the residents (no resident photos or personal information should be submitted)
- Rent roll and income/expenses for the last 3 years (income/expense statement or audited financials)
- If property is currently regulated by an agency, summary of regulatory terms, including a copy of the current regulatory agreement or equivalent
- Energy cost and usage data for utilities which residents pay, including either:
  - Utility bills (with customer name and account number redacted) for the last two years from utility companies, OR
  - Annual utilities allowances for the last two years
- Capital budgets for any renovations the Owner may have performed on Similar Buildings within the prior three years

Any information the applicant believes should be kept confidential must be marked as such in accordance with Public Officers Law 89(5). See Section VIII below.

## **C. Application Evaluation Criteria**

Eligible Building Owner applications will be evaluated using the following criteria:

- Degree to which Owner's Building portfolio is characterized by the eight predominant typologies identified in the Use Case Matrix (Attachment E) and further detailed in the Syracuse University and Pratt Institute [Market Characterization Report](#) and [Addendum](#)
- Degree to which Owner's building portfolio demonstrates scale opportunity for rollout of prospective Carbon Neutral or near Carbon Neutral retrofit solutions. Owners will be evaluated here on both volume of buildings and anticipated refinancing dates of Projects as requested in **Attachment D**.
- Degree to which Building Owner has previous experience in financing and/ or development similar Affordable Housing properties. Owners will be further evaluated on experience with renovations with tenants in place.
- Degree to which Building Owner has previous experience implementing energy efficiency (15% and greater reductions) and high-performance (e.g., passive house) projects.
- Degree to which Building Owner demonstrates positive relationship with residents.

## VI. Reserved Rights

NYSERDA reserves the right to:

- convene one or more pre-proposal meetings/webinars for Building Owners considering submitting applications, either separately or in conjunction with Component Manufacturers and/or Solution Provider prospective applicants
- request additional information needed for clarification regarding an application if required for its proper evaluation
- request a presentation by or interview with any applicant to clarify that application
- issue periodic informational updates and FAQ responses posted to the RetrofitNY website at <https://www.nyserda.ny.gov/RetrofitNY>
- Modify this rolling RFQL to align with subsequent program goals over time

## VII. General Conditions

### A. 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

## **B. 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

## **C. 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).

## **D. 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](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.

## **E. 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 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 Accessibility Requirements](#).

## **F. 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 its required standard terms and conditions. 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 the award.

## **G. 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 the 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.

## **H. 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.

## **I. 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.

## VIII. Attachments

Attachment A – Building Owner Application



Attachment B – RetrofitNY Pledge

Attachment C – Pilot Building Candidate Application (*This document should not be submitted as part of the Owner RFQL but is included for proposer review*)

Attachment D – Portfolio Analysis

Attachment E – Use Case Matrix

Attachment F – Building Owner Participation Agreement

Attachment G – New York City Maintenance and Operations Standards

Attachment H – Hudson Valley Maintenance and Operations Standards

Attachment I – Upstate Maintenance and Operations Standards