



NYSERDA

A Guide to Doing Business with the New York State Energy Research and Development Authority

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NYSERDA's Promise to New Yorkers:

NYSERDA provides resources, expertise, and objective information so New Yorkers can make confident, informed energy decisions.

Our Mission:

Advance innovative energy solutions in ways that improve New York's economy and environment.

Our Vision:

Serve as a catalyst – advancing energy innovation, technology, and investment; transforming New York's economy; and empowering people to choose clean and efficient energy as part of their everyday lives.

Our Core Values:

Objectivity, integrity, public service, and innovation.

NYSERDA, a public benefit corporation, offers objective information and analysis, innovative programs, technical expertise, and support to help New Yorkers increase energy efficiency, save money, use renewable energy, and reduce reliance on fossil fuels. NYSERDA professionals work to protect the environment and create clean energy jobs. NYSERDA has been developing partnerships to advance innovative energy solutions in New York State since 1975. To learn more about NYSERDA's programs, visit nysesda.ny.gov or follow us on Twitter, Facebook, YouTube, or Instagram.

Competitive solicitations are publicized through the New York State Contract Reporter, and on NYSERDA's website, nysesda.ny.gov/Funding-Opportunities

In addition, solicitation announcements are emailed to people who are included in the appropriate category(ies) of NYSERDA's mailing list. Instruction on how to sign up for NYSERDA's funding opportunity emails are provided later in this brochure.

Standard contract terms and further information about NYSERDA's contracting policies may be obtained from:

Contract Management
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, New York 12203-6399

phone: (518) 862-1090

fax: (518) 862-1091

web: nysesda.ny.gov

NYSERDA Funding

Several funding sources help NYSERDA advance the State’s clean energy goals and achieve the Authority’s mission. NYSERDA strives to invest these funds in a manner that maximizes benefits to New Yorkers, fills critical gaps, and addresses the needs of the market. Visit nyserdera.ny.gov/About/Funding for more information on funding sources.

For more information about NYSERDA programs, visit nyserdera.ny.gov/all-programs or call 866-NYSERDA.

Investment Areas and Priority Initiatives

NYSERDA programs are organized into eight investment areas and priority initiatives. Each area encompasses a set of complementary strategies to impact a specific component of the clean energy market. NYSERDA’s approach will increase demand for clean energy and enable scale by removing market barriers, animating markets, and influencing changes in policies, codes, and regulations.

Market Development

Facilitating the clean energy market with on-site, “behind the meter” clean energy solutions – energy efficiency, distributed generation, and energy storage – and supporting growth of large-scale renewables.

Innovation and Research

Accelerating and catalyzing valuable innovations that will create low-greenhouse gas solutions, system and customer benefits, and a vibrant clean energy industry in New York State. These activities also provide objective information on the environmental impacts of energy technologies, helping to inform policy making and identify strategies to mitigate environmental impacts.

NY Green Bank

A specialty finance entity working in partnership with the private sector to increase investments in New York State’s clean energy markets.

NY-Sun

Developing a sustainable and subsidy-free solar industry.

NY Prize

Advancing a first-in-the-nation approach to help communities create microgrids – standalone energy systems that can operate independently in the event of a power outage.

Energy Data, Planning, and Policy

Ensuring that New York State policymakers and stakeholders have a solid foundation of objective information and data upon which to make decisions.

Energy Emergency Preparedness

Preparing and protecting New Yorkers with adequate fuel availability during and after emergency situations in New York State.

West Valley

Supporting the cleanup of the West Valley Demonstration project, while ensuring the protection of public health, safety, and the environment.

DOING BUSINESS WITH NYSERDA

NYSERDA contracts with a variety of firms, individuals, institutions, and organizations throughout New York State and elsewhere for engineering, scientific, and technical services for its various programs. NYSERDA's engineers, economists, biologists, physicists, mathematicians, and other trained specialists work closely with proposers to develop and manage NYSERDA projects, with the Director of Contract Management overseeing all contract activities.

NYSERDA's programs are developed through a multi-year planning process that involves extensive internal and external review. They are designed to help New York State businesses, municipalities, institutions, and residents by developing innovative solutions to some of the State's most difficult energy and environmental problems.

Project proposals should reflect the priorities detailed in NYSERDA's multi-year program plan, *Toward a Clean Energy Future: A Strategic Outlook*, found on NYSERDA's website: [nyserda.ny.gov/About/Publications/Program-Planning-Status-and-Evaluation-Reports/Strategic-Outlook](https://www.nyserda.ny.gov/About/Publications/Program-Planning-Status-and-Evaluation-Reports/Strategic-Outlook)

NYSERDA contracts are initiated by either Competitive Solicitations or Unsolicited Proposals; however, NYSERDA's policy is to use competitive solicitations to the maximum extent possible. NYSERDA uses the following types of solicitations:

1. Requests for Proposals (RFP)
2. Program Opportunity Notices (PON)
3. Requests for Qualifications (RFQL)
4. Requests for Quotations (RFQ)

NYSERDA fosters and promotes the participation of minority- and women-owned businesses and, service-disabled veteran-owned business enterprises in its various programs.

BASIC GUIDELINES

Contracts are awarded only to responsible contractors who have:

- Adequate financial resources or the ability to obtain such resources to perform the work.
- The necessary experience, technical qualifications, skills, and facilities to perform the work, or the ability to obtain them (including subcontractor arrangements).
- The ability to comply with the proposed or required time of delivery or performance schedule.
- A satisfactory record of performance.
- Other qualifications and eligibility to receive an award under applicable laws and regulations of New York State.

NYSERDA may award a contract based on initial offers received without discussion or after limited discussions or negotiations of such offers. Accordingly, each offer should be submitted on the most favorable terms possible from a cost and technical standpoint.

NYSERDA reserves the right to request additional data, require discussion of a proposal, or request additional information to support the written proposal.

MINORITY- AND WOMEN-OWNED BUSINESS POLICY

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 contracts.

Information on New York State contractors and suppliers is available from:

Empire State Development
Division for Small Business
30 South Pearl Street
Albany, NY 12245
(518) 292-5220

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

ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687

Additional information about Empire State Development may be found on the web at:

esd.ny.gov/MWBE.html

Additional information about Empire State Development may be found online at esd.ny.gov

SERVICE-DISABLED VETERAN-OWNED BUSINESS POLICY

It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including service-disabled veteran owned business enterprises as bidders, subcontractors, and suppliers on its procurement contracts.

Information on New York State contractors and suppliers is available from:

Division of Service-Disabled Veterans'
Business Development
32ndFloor, Corning Tower, ESP,
Albany, NY 12242
(518) 474-2015

A directory of certified service-disabled veteran owned business enterprises is available from:

ogs.ny.gov/Core/Docs/CertifiedNYS_SDVOB.pdf

Additional information may be found online at:

ogs.ny.gov/Core/SDVOBA.asp

COMPETITIVE SOLICITATIONS

NYSERDA uses four types of competitive solicitations:

- **Program Opportunity Notice (PON)**, which is appropriate for soliciting projects to meet technical, economic, environmental, and other goals and objectives within a particular program area. Multiple awards and cost sharing generally are expected.
- **Request for Proposals (RFP)**, which is appropriate for a specific area of interest, when it is possible to describe in a Statement of Work to a high degree of specificity of the work contemplated. A RFP can result in single or multiple awards and cost sharing is not generally expected.
- **Open Enrollment PON**, which is appropriate for subscription, incentive-based program offers, Multiple awards and cost sharing are expected.
- **Requests for Quotation or Qualifications (RFQ)**, which is appropriate for procuring contracts based specifically on cost or a contractor's qualifications. A RFQ can result in single or multiple awards, and cost sharing is not generally expected.

UNSOLICITED PROPOSALS

NYSERDA's policy is to award contracts on a competitive basis to the maximum extent possible. Nevertheless, NYSERDA does consider unsolicited proposals for funding.

If NYSERDA receives an unsolicited proposal that relates to an upcoming competitive solicitation, the proposer will be asked to resubmit the proposal when the competitive solicitation is issued.

At times, unsolicited proposals may call NYSERDA's attention to particular research topics where a competitive solicitation should be issued to draw in multiple approaches, in which case the submitter of the unsolicited proposal will be asked to resubmit its proposal under the competitive solicitation's guidelines.

To be considered by NYSERDA, the unsolicited proposal must be submitted at the sole initiative of the offeror, not duplicating work then being performed or in the planning stage, and involving unique, innovative, or unusual meritorious methods or ideas. Unsolicited proposals should reflect the priorities detailed in NYSERDA's multi-year program plan, *Toward a Clean Energy Future: A Strategic Outlook*, found on NYSERDA's website: [nyserda.ny.gov/About/Publications/Program-Planning-Status-and-Evaluation-Reports/Strategic-Outlook](https://www.nyserdera.ny.gov/about/publications/program-planning-status-and-evaluation-reports/strategic-outlook). In addition to being technically sound and providing for experienced personnel and the facilities needed to perform the work, the proposal must present a cost-effective solution to the energy problem being addressed.

Proposers should send a one- to two-page preliminary proposal to NYSERDA that briefly describes the envisioned project to allow NYSERDA to determine project feasibility.

The initial unsolicited proposal submission should include:

- name, address, and phone number of the individual or organization submitting the proposal
- the problem being addressed
- specific research objectives
- research plan description
- anticipated project results and benefits
- expected energy, environmental, and economic benefits to New York State
- names and qualifications of the project team members
- estimated total cost and time to complete the project

Submit Unsolicited Proposals to:

Contract Admin
NYSERDA
17 Columbia Circle
Albany, NY 12203

GENERAL PROPOSAL REQUIREMENTS

Proposal requirements are set forth within each solicitation document, depending upon requirements of that solicitation. A full copy of a solicitation and its requirements should be carefully reviewed prior to submitting a proposal. Proposals must be received by the date and time noted in the solicitation document. Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist may be returned. Faxed or emailed proposals will not be accepted. Online submissions are accepted for all NYSERDA solicitations.

PROPRIETARY INFORMATION

Careful consideration should be given before confidential information is submitted to NYSERDA as part of a 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 New York State 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 exempt it from disclosure, including a written statement of the reasons why the information should be expected. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 [nyserda.ny.gov/~media/Files/About/NYSERDANYSRegulations/nyserda-regulations](https://www.nyserda.ny.gov/media/Files/About/NYSERDANYSRegulations/nyserda-regulations). Nevertheless, NYSERDA cannot guarantee the confidentiality of any information submitted.

FUNDING OPPORTUNITIES MAILING LIST

NYSERDA maintains an email list for anyone wishing to receive notices of Program Opportunity Notices (PONs), Request for Proposals (RFPs), and other NYSERDA solicitations.

Visit [nyserda.ny.gov/Funding-Opportunities/Funding-Opportunity-Email-List](https://www.nyserda.ny.gov/Funding-Opportunities/Funding-Opportunity-Email-List) to sign up to receive all funding opportunities.

LIMITATION

Issuing a solicitation or receiving an unsolicited proposal does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or procure or contract for services or supplies.

NYSERDA reserves the right to accept or reject any or all proposals received, negotiate with all qualified sources, or cancel in part or in its entirety a solicitation when it is in NYSERDA's best interest to do so.

CODE OF CONDUCT FOR NYSERDA CONTRACTORS, CONSULTANTS, AND VENDORS

(May, 2009)

Introduction

The purpose of this Code of Conduct for NYSERDA Contractors, Consultants, and Vendors (“Contractor Code of Conduct”) is to advise the New York State Energy Research and Development Authority’s (NYSERDA) many contractors, consultants, and vendors (“Vendors”) on what is expected of them to ensure a business relationship with NYSERDA that is consistent with ethical business practices.

NYSERDA requires its Board Members (in their capacity as NYSERDA Board Members) and employees, including its Officers, to adhere to high ethical standards and NYSERDA also requires the many Vendors with which it does business to adhere to the highest ethical standards.

Towards this end, NYSERDA has established a corporate system of internal controls to ensure that its Board Members and employees perform their official duties consistent with the requirements of the New York State Public Officers Law’s Code of Ethics and other applicable laws, Executive Orders, rules, regulations, and internal policies of NYSERDA. This internal control system also is intended to encourage and support a fair, open, and honest business relationship among NYSERDA Members, employees, and vendors.

Contractor Conduct

To promote ethical business relationships with NYSERDA, Vendors are to:

- Furnish all required goods, materials, and services in a manner consistent with the underlying terms and conditions of their contract and applicable program solicitation.
- Submit complete and accurate reports and invoices to NYSERDA and to other related program participants as required.
- Not seek, solicit, demand, or accept any information, verbal or written, from NYSERDA or others involved in NYSERDA efforts that provides an unfair advantage over a competitor.
- Not engage in any activity or course of conduct that restricts open and fair competition on NYSERDA related programs, projects, or transactions, or that is inconsistent with any law, rule, or regulation.
- Not engage in any course of conduct with NYSERDA Board Members and employees or others involved in NYSERDA efforts that constitutes a conflict of interest, in fact or in appearance.
- Not offer any gifts or gratuities in excess of nominal value to NYSERDA Members or employees including special event tickets or other items of value).
- Not engage in other conduct that violates this Contractor Code of Conduct.

Lobbying

All Vendors are to comply with the Omnibus Lobbying Reform Act of 2005, with respect to NYSERDA solicitations, by contacting only the NYSERDA employees named in the solicitation, during the Restricted Period, as defined and required by such Act. The Vendor is required to ensure compliance with the Act's requirements and must direct every individual or entity retained, employed, designated by, acting for, or on behalf of, the Vendor to attempt to influence the NYSERDA procurement process, to limit their contacts with NYSERDA concerning specific procurement actions to the NYSERDA designated contact(s) for that procurement.

Non-Collusion and Independence of Bid

Vendors are to calculate price(s) contained in their bid or proposal, independently, without collusion, consultation, communication, or agreement with any other competing Vendor for the purpose of restricting competition. Unless otherwise required by law, the price(s) that a Vendor quotes in its bid or proposal shall not knowingly be disclosed by the Vendor, directly or indirectly, to any other competing Vendor prior to the closing date for bids or proposals.

In addition, a Vendor shall not make any attempt to induce any other individual or entity to submit or not to submit a bid or proposal.

Vendor Ethics Program

NYSERDA encourages its Vendors to advance and support ethical business conduct and practices among their respective directors, officers, and employees through the adoption of corporate ethics awareness training programs and written codes of conduct. In addition to considering technical competence and financial ability, NYSERDA may also consider its past experience with a Vendor, in this regard, prior to awarding any new contracts or issuing any new purchase orders.

Limits on Gifts to NYSERDA Members and Employees

NYSERDA strongly discourages Vendors from offering or giving anything of value to NYSERDA Members and employees under circumstances that may constitute, or even suggest, impropriety. Section 73(5) of the Public Officers Law expressly prohibits any firm or its agents, that are doing or seeking to do business with NYSERDA from directly or indirectly offering or giving any gift having more than a nominal value to NYSERDA Members or employees under circumstances in which it:

- could be reasonably inferred the gift was intended to influence NYSERDA Members or employees in the performance of their official duties, or
- could reasonably be expected to influence NYSERDA Members or employees in the performance of their official duties, or
- was intended as a reward for the NYSERDA Member's or employee's official action.

For purposes of determining compliance with this requirement, all gifts to NYSERDA Members and employees during any 12-month period are aggregated. Additionally, even if a particular gift would not be more than nominal value, the offering or giving of a gift of any value to NYSERDA Members or employees may be considered inappropriate because the nature of pending matters may give rise to the appearance of impropriety (e.g., gifts given during the contract procurement process).

Violations of these limits on gifts may be grounds for immediate contract termination and referral for civil action or criminal prosecution.

Employing Relatives of NYSERDA Employees

Vendors may employ relatives of NYSERDA Members and employees, but must notify NYSERDA of such circumstances as soon as possible, preferably in writing, to ensure a conflict of interest situation does not arise. NYSERDA reserves the right to request that work assignments of a NYSERDA Member's or employee's relative be modified, if a conflict of interest, or the appearance thereof, is deemed to exist.

Hiring Former NYSERDA Members and Employees

Vendors may hire former NYSERDA Members and employees. As a general rule, however, under the Public Officers Law, former Members and 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. Additionally, former NYSERDA Members and employees are subject to a "lifetime bar" that prevents them from working on or receiving compensation for services regarding any transaction in which they personally participated or that was under their active consideration during their tenure with NYSERDA.

Reporting Violations

Vendors are to remain alert to and report possible violations of this Contractor Code of Ethics, either by its employees directly or by an inappropriate solicitation from a person acting on behalf of NYSERDA. Vendors must promptly report such potential violations directly to NYSERDA or indirectly by contacting NYSERDA's independent and anonymous fraud and abuse hotline at 1 (866) 219-1122. Vendors are required to fully cooperate in any investigation of a possible violation.

QUESTIONS?

Any questions on these guidelines should be directed to: the responsible Project Manager, Program Manager, Program Director, the Director of Contract Management, the Internal Control Officer, or the Office of the General Counsel at 518-862-1090.

When in doubt, please seek guidance.



NYSERDA

**New York State
Energy Research and
Development Authority**

**1-866-NYSERDA
nysesda.ny.gov**

Albany
17 Columbia Circle
Albany, NY
12203-6399
(P) 518-862-1090
(F) 518-862-1091

Buffalo
726 Exchange Street
Suite 821
Buffalo, NY
14210-1484
(P) 716-842-1522
(F) 716-842-0156

New York City
1359 Broadway
19th Floor
New York, NY
10018-7842
(P) 212-971-5342
(F) 518-862-1091

**West Valley Site
Management Program**
9030-B Route 219
West Valley, NY
14171-9500
(P) 716-942-9960
(F) 716-942-9961



State of New York Andrew M. Cuomo, Governor
New York State Energy Research and Development Authority
Richard L. Kauffman, Chair | John B. Rhodes, President and CEO