



**SCHOOL BUS IDLING REDUCTION PROGRAM FOR WESTCHESTER,
PUTNAM, AND DUTCHESS COUNTIES, ROUND 2**
Program Opportunity Notice (PON) 1616
Approximately \$444,000 Available

**Applications accepted August 25, 2009 – March 31, 2010 by
5:00 PM Eastern Time, or Until all Funds are Exhausted***

The New York State Energy Research and Development Authority (NYSERDA) is seeking applications for the **School Bus Idling Reduction Program for Westchester, Putnam, and Dutchess Counties, Round 2** (Program). Applicants operating a school bus fleet in Westchester, Putnam, and Dutchess counties can apply for a project incentive to have their currently operating school buses retrofitted with eligible diesel fuel-fired coolant heaters that provide supplemental heat for preheating the engine coolant and passenger compartment. Eligible applicants include municipalities, school districts, and private contractors that own or operate school buses in the three eligible counties.

This PON solicits applications for projects that exhibit opportunities to reduce school bus idling in winter months by removing the need to run the main engine to heat the engine block and passenger compartment. NYSERDA issues this PON with the intent of introducing idle reduction technology for diesel-fueled buses into school bus fleets and accelerating the introduction of these technologies into the market. Funds will be committed based on approved applications, and then paid upon presentation of invoices indicating that installation is complete.

Approximately \$444,000 of environmental settlement funds are currently available on an open-enrollment basis for the Program. Through this Program, funds may be awarded for up to 100% of the equipment and installation costs of the eligible coolant heaters for one or more school buses, up to \$3,400 per bus and up to a maximum of ten (10) buses per applicant. Funds for the Program will not be used to fund federal, State or local mandated school bus anti-idling projects.

Applications must be approved by the applicant's governing body and will be considered in the order they are received, beginning August 25, 2009 and ending March 31, 2010 at 5:00 PM Eastern Time.

Application Submission: Send **one (1)** clearly labeled and completed applicant checklist (**Attachment A**) attached to the front of the disclosure of prior findings of non-responsibility (**Attachment B**) and project application (**Attachment C**), all containing an original signature, to:

Adam Ruder, PON 1616
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Program questions can be directed to **Adam Ruder** at **(866) NYSERDA, ext. 3411** or **ar3@nyserda.org**. Contractual questions may be directed to **Venice Forbes** at **ext. 3507** or **vwf@nyserda.org**.

No communication intended to influence this procurement is permitted except by contacting Adam Ruder (Designated Contact) at (518) 862-1090, ext. 3411 or ar3@nyserda.org. Contacting anyone other than this Designated Contact (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.

*Late applications and applications lacking the appropriate completed and signed Proposal Checklist will be returned. Faxed or e-mailed applications will not be accepted. Applications will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at www.nyserda.org.

I. INTRODUCTION

The School Bus Idling Reduction Demonstration Program for Westchester, Putnam, and Dutchess Counties (Program) solicits applications for projects that reduce fuel use and emissions from school buses through the introduction of on-board diesel fuel-fired coolant heaters into school bus fleets.

The funds available through this PON are to be awarded by NYSERDA on an open-enrollment basis to eligible entities for School Bus Idling Reduction Projects (Projects). **Eligible entities include: school districts and private contractors that own or operate school buses in the three eligible counties.** Location dependent funds for this voluntary Program will not be used to fund Federal, State or Local mandated school bus anti-idling projects. Only buses garaged/located in and operating in **Westchester, Putnam, or Dutchess Counties** are eligible for funding under the terms of the settlement from which these funds originate.

DEFINITIONS:

School Bus Idling Reduction Equipment. Eligible idling-reducing equipment and technologies exclusively include: on-board diesel fuel-fired coolant heaters that are not part of a standard/required engine configuration (i.e., if the equipment is required by law to be installed on the bus for the bus to be operated, then the equipment would not be eligible). Equipment must be sold under standard commercial terms from one or more New York State Department of Transportation-qualified idling reduction technology vendors. Eligible coolant heaters must be for a supplemental heat application and must have an output of 40,000 BTU/hour or greater. The only New York State Department of Transportation-qualified vendors at this time are Espar Heater Systems, Teleflex Power Systems, and Webasto Products North America. Contact information for each vendor can be found in **Attachment C**.

School Bus Idling Reduction Project. A Project to install eligible School Bus Idling Reduction Equipment on a currently owned and operated diesel-fueled full size (Class C or D) school bus in Westchester, Putnam, or Dutchess County. The Program can only pay for eligible School Bus Idling Reduction Equipment and the cost of installing the eligible School Bus Idling Reduction Equipment.

Governing Body. For a county outside the City of New York, the governing body is the board of supervisors or other elective governing body. For a city or village, the governing body is the local legislative body thereof, as the term is defined in Municipal Home Rule Law. For a town, the governing body is the town board. For a school district, the governing body is the board of education thereof. For a supervisory district, the governing body is the board of cooperative educational services thereof. For a public benefit corporation, the governing body is the board of directors, members or trustees thereof. For a public authority, the governing body is the board of directors, members, or trustees thereof. In the case of an Indian tribe, the governing body is that which is recognized as such by the United States or the State of New York. For the Program, the authorization may come from the Superintendent of the school district. For a private company this is any individual with the authority to enter into a contractual agreement on behalf of the company.

Consultant. An independent organization hired by NYSERDA to validate that each Project has been performed as described in NYSERDA's contracts with Recipients and to submit reports on its findings to NYSERDA.

Private contractor. A private company or proprietorship which provides school bus service to a school district or non-public school.

School Bus. Any motor vehicle that has a seating capacity of 15 or more passengers in addition to the driver and is used exclusively for the transportation of New York State school children on public highways. A bus used exclusively for the transportation of students with disabilities or special needs that has a capacity of fewer than 15 students also meets this definition.

II. PROGRAM REQUIREMENTS

Projects may be awarded funds for up to 100% of the equipment and installation costs of School Bus Idling Reduction Equipment on one or more currently operating diesel-powered school buses, capped at \$3,400 per bus. Applicants may request funding for up to ten (10) buses. Funds may be used to pay for installation of School Bus Idling Reduction Equipment by coolant heater vendors, authorized installers, or applicant personnel.

This solicitation is funded through the settlement of a Clean Air Act lawsuit by the New York State Office of the Attorney General (OAG) against American Electric Power (AEP). Under an agreement between the OAG and NYSERDA, approximately \$444,000 is to be used for Projects in Westchester, Putnam, and Dutchess Counties.

Funds cannot be used to supplant financial resources committed by the governing body for Clean Air School Bus Retrofit Projects, prior to the date of application. Commitment of financial resources is deemed to commence with the execution of purchase orders or contracts for any of the School Bus Idling Reduction Equipment or other cost items for which funding is requested.

Funds awarded through the Program should be committed (purchase orders or contracts executed) within nine (9) months of the date of award. Funds not committed by that date may be reallocated to other Projects that were not initially awarded funds.

In cases where one governing body operates or controls more than one operating subsidiary, each subsidiary is considered a separate applicant.

The cost of fuel is not eligible under the Program.

Funds awarded through the Program may not be used for any administrative or operating expenses incurred by the recipient of funds. Funds will be reimbursed for eligible costs upon submission and approval of invoices.

Recipients must operate any School Buses retrofitted as part of a Project in either Westchester, Putnam, or Dutchess Counties for at least three (3) years after the School Bus Idling Reduction Equipment installation date.

Recipients will be required to provide milestone reports based on the proposed schedule of procurement. Recipients will also be required to provide brief annual reports for the three years following the introduction of the funded School Bus Idling Reduction Equipment. Such reports should include data on the operation of the bus(es) including: sample of fuel usage and mileage of buses with heaters and without heaters, idling time, maintenance events and costs, and any problems and concerns.

III. APPLICATION REQUIREMENTS

Applications submitted in response to this PON must be approved by the applicant's governing body and be submitted between August 25, 2009 and March 31, 2010 at 5:00 PM Eastern Time. Applicants must complete and submit **one (1)** copy of the completed application to the attention of Roseanne Viscusi at the address on the front of this PON. The application will consist of:

- **Application Checklist (Attachment A)**, which must be signed by a person authorized to commit the organization;
- **Disclosure of Prior Findings of Non-Responsibility (Attachment B)**; and
- **School Bus Idling Reduction Demonstration Program Application Form (Attachment C)**, which requires information and documentation related to the selection criteria.

The Application Checklist and Program Application Form must have original signatures. **Applications lacking the appropriate completed and signed Application Checklist will be returned.** Faxed or e-mailed copies will not be accepted.

An application for a Project requires a complete list of the buses to be retrofitted categorized by maker of coolant heater technology that will be used to reduce the idling time of the buses, bus manufacturer, engine manufacturer, model, and model year.

In order to be considered for an award, each application must meet the following minimum qualifications:

- The application must be submitted by an eligible entity and be consistent with the eligibility criteria and Program Requirements described in this PON.
- The application must provide sufficient information and supporting documentation to enable NYSERDA to evaluate the application.
- The proposed Project must result in a reduction of school bus idling time.
- The buses to receive idling reduction retrofits must not be stored indoors and must not be warmed by block heaters during the winter, both of which preempt the need for coolant heaters.
- The buses to receive School Bus Idling Reduction Equipment must be operated in either Westchester, Putnam, or Dutchess Counties for at least three (3) years after the School Bus Idling Reduction Equipment installation date.

NYSERDA will enter into contracts with each entity awarded funds. A sample agreement is included with this PON as **Attachment D**.

Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k

Procurement lobbying requirements contained in State Finance Law sections 139-j and 139-k became effective on January 1, 2006. (The text of the laws is available at:

<http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>). In compliance with §139-j and §139-k of the State Finance Law, for applications submitted in response to this solicitation that could result in agreements with an annual estimated value in excess of \$15,000, additional forms must be completed and filed with applications: (1) a signed copy of the Application Checklist including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form. Failure to include a signed copy of the Application Checklist referenced in this solicitation will disqualify your application.

Applications should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the application. Each page of the application should state the name of the applicant, the PON number, and the page number.

IV. APPLICATION EVALUATION

Applications will be reviewed by NYSERDA to determine whether the application meets the Program's qualifications. Applications that do not meet these qualifications will not be considered for funding. Reasons for removing the application from consideration for funding shall be provided to the applicant in writing.

Applications will be reviewed for compliance with Program rules and procedures, eligibility, and completeness. NYSERDA may reject the application or, if needed, contact the applicant for additional information regarding the fleet and/or vehicle(s). NYSERDA will consider funding for up to ten (10) buses per applicant. Partial awards are possible if NYSERDA does not have enough money to fully fund a Project. NYSERDA will continue funding approved applications until either the settlement funds are exhausted or the program expiration date, whichever comes first.

Applicants may apply for installations of technology from one, two, or all three eligible vendors; they are not limited to purchasing from a single vendor.

Once NYSERDA confirms that an application complies with Program rules and procedures, it will issue a Contract Agreement. This agreement will be effective for six months at which time it will expire. Applicants may apply for extensions, which may or may not be approved at NYSERDA's sole discretion.

The applicant must notify NYSERDA when it completes an installation. NYSERDA will assign a Consultant to perform a final vehicle inspection to ensure that the bus and coolant heater are fully operational, that it meets all Program requirements, and that all the eligible costs are documented. If the bus meets all of the necessary requirements, the Consultant will forward the payment request including invoices and documentation to NYSERDA and the authorized funding for that installation will be paid to the applicant. Installations must be completed within six months of the execution of the Contract Agreement. Extension requests for the Contract Agreement must be submitted to NYSERDA in writing within 30 calendar days of the Contract Agreement expiration date. Extensions may be granted at NYSERDA's discretion.

The applicant must continue to operate the school buses receiving coolant heaters in the eligible three counties for three years after installation of the School Bus Idling Reduction Equipment.

In the event two applications are received at the same time and would exhaust available funds, funding decisions will be made based upon, in descending priority, Project cost, funding received in the first round of the program, commitment to operate School Bus Idling Reduction Equipment for longer than the three-year minimum, and equitable distribution of funds between counties and between school districts.

V. GENERAL CONDITIONS

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your application. Review should include whether it is critical for evaluating an application, 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 applicant 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 accept it from disclosure, including a written statement of the reasons why the information should be accepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 www.nyserda.org/nyserda.regulations.pdf. 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
30 South Pearl Street
Albany, NY 12245

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

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street
Albany, NY 12245

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Application Checklist calls for a signature certifying that the applicant will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the applicant has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.state.ny.us/pdf/2006/fillin/st/st220td_606_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.state.ny.us/pdf/2006/fillin/st/st220ca_606_fill_in.pdf). The Department has developed guidance for contractors which is available at http://www.tax.state.ny.us/pdf/publications/sales/pub223_606.pdf.

Contract Award - NYSERDA anticipates making multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful applications. NYSERDA expects to notify applicants in approximately twelve (12) weeks from the application due date whether or not they have been selected to receive an award.

Limitation - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing an application, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all applications 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.

Disclosure Requirement - The applicant 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 an applicant 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. Applicants 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.

VI. ATTACHMENTS

Attachment A: PON 1616 Application Checklist

Attachment B: Disclosure of Prior Findings of Non-Responsibility

Attachment C: School Bus Idling Reduction Demonstration Program Application

Attachment D: Sample Contract Agreement