



Notice of Partnership Opportunity  
Open Enrollment through June 30, 2011

The New York State Energy Research and Development Authority (NYSERDA) seeks statements of qualifications from lending institutions to provide financing and program support services to borrowers that seek to finance energy efficient home improvements through NYSERDA's Assisted Home Performance with ENERGY STAR® Program.

**Background:** Assisted Home Performance with ENERGY STAR offers two incentives for eligible New York home owners: (1) a subsidy for up to 60% of the total cost of the approved efficiency improvements ("Assisted Subsidy") in a 1-4 family home, and (2) low interest rate financing for the balance of the cost of the efficiency improvements through selected Lenders ("financing"). Eligible New Yorkers include borrowers in 1-4 family homes that have household incomes at or below 80% of the State Median or Area Median Income (whichever is greater).

**Purpose:** Lending institutions that are selected, must agree to offer financing to homeowners and tenants with credit scores of 550 and above. The selected lending institutions will be responsible for processing applications for Assisted Home Performance with ENERGY STAR in accordance with program guidelines, determining the income qualification of applicants, reviewing proposed work scopes for adherence to program requirements, including cost-effectiveness, pre-and post-installation inspection services for compliance purposes, financial management education, and providing interaction between the borrower, the Home Performance contractor, and NYSERDA's Program Implementer. Only qualified lenders selected through this process will be eligible to receive the fees associated with the Program Lender services contained herein.

To qualify as an Assisted Home Performance Program Lender ("Program Lender"), the lending institutions must first become a participating lender in the **New York Energy \$mart<sup>SM</sup> Loan Fund** (PON 1060). Lenders interested in providing services under this agreement will need to respond to PON1060. These participating lenders provide loans of up to \$20,000 (up to \$30,000 for ConEdison customers) to qualified borrowers for a period of up to ten years, NYSERDA subsidizes the reduced interest rate through a lump sum payment to the lender upon loan closing. The lender agrees to reduce its market interest rate for qualified loans by up to 4% (up to 6.5% for ConEdison customers), or 400 (650) base points, subject to change by NYSERDA.

**Statements of Qualifications Submission:** Statements of Qualifications by interested lenders will be accepted continuously over the life of the Assisted Home Performance with ENERGY STAR Program. The Program is scheduled to run through June 30, 2011. NYSERDA will make every effort to complete its review of each submitted Statement of Qualifications within five [5] weeks of receipt. Qualified lenders will be offered an Assisted Home Performance Program Lender Participation Agreement through August 31, 2009. This period may be extended annually at NYSERDA's discretion. Interested lenders should send five [5] clearly labeled, completed and signed Statements of Qualifications\*, one of which must contain an original signature, to:

**Roseanne Viscusi, AHP Financing  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

All Program questions should be directed to: David Friello, (866) NYSERDA, ext. 3355, or [daf@nyserda.org](mailto:daf@nyserda.org).  
All Contractual questions should be directed to: Doreen Darling, (866) NYSERDA, ext. 3216, or [djd@nyserda.org](mailto:djd@nyserda.org).

\*Incomplete, or unsigned Statements of Qualifications will be returned. Faxed or e-mailed Statements of Qualifications will not be accepted. Statements of Qualifications will not be accepted at any other NYSERDA location other than the address above. If changes are made to this Notice, notification will be posted on NYSERDA's website at [www.nyserda.org](http://www.nyserda.org).

## I. INTRODUCTION

The New York State Energy Research and Development Authority (NYSERDA) is a public benefit corporation established pursuant to Title 9 of Article 8 of the Public Authorities Law of the State of New York. NYSERDA is governed by a 13-member Board of Directors including State officials and other individuals representing a broad range of interests in energy affairs.

NYSERDA's principal mission is to develop innovative solutions to some of the State's most difficult energy and environmental problems. Major program areas include providing financial and technical assistance to implement energy efficient products, technologies, and practices for business and institutional, residential, and low income customers and to promote research and development projects to develop energy and environmental products manufactured in New York State.

Pursuant to a January 30, 1998 order of the New York State Public Service Commission (PSC), NYSERDA became the administrator of statewide public benefit programs funded by a System Benefits Charge (SBC). In Opinion No. 98-3, the PSC established a system for funding public benefit programs for energy efficiency, research, demonstration and development, low-income services, and environmental protection. In January 2001, the PSC issued an order continuing the SBC through June 2006.

On December 21, 2005 the New York State Public Service Commission (PSC) issued the *Order Continuing the System Benefits Charge (SBC) and the SBC-funded Public Benefits Programs*. The Order extends the program for five years, from July 1, 2006 to June 30, 2011, increases funding to \$175 million annually, and retains NYSERDA as the program administrator.

The SBC is an assessment made by New York State investor-owned utilities on the distribution of electricity. The following investor-owned utilities participate in the SBC: Central Hudson Gas & Electric Corp., Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Rochester Gas and Electric Corporation, National Grid, and Orange and Rockland Utilities, Inc.

## II. BACKGROUND

NYSERDA's Home Performance with ENERGY STAR program was introduced throughout upstate New York in 2001, with Assisted Home Performance with ENERGY STAR following in 2003. The programs are grass roots efforts designed to train and certify home improvement contractors in current and cutting-edge building sciences and proper techniques to install energy-saving measures in 1-4 family dwellings. Participating Contractors must complete a training program and become accredited through the Building Performance Institute (BPI). Customers participating in the program request a Comprehensive Home Assessment (CHA) from a participating BPI-accredited contractor. The participating contractor will conduct a CHA to identify and prioritize potential energy efficiency improvements for the home.

Participating Home Performance contractors benefit from a number of attractive program incentives including: incentives for technical and sales training they will need to take full advantage of the program's potential, incentives for a portion of the costs of BPI certification and accreditation, assistance in purchasing Home Performance diagnostic equipment, free marketing through listing on NYSERDA's consumer website, and the ability to offer consumers low-interest financing offered through the Program Lender.

NYSERDA's Home Performance with ENERGY STAR program, and the Assisted Home Performance with ENERGY STAR program, are managed by a Program Implementer, currently Conservation Services Group, Inc. (CSG). Selected lenders are not responsible to provide Program Implementer Services. CSG is responsible for providing support to BPI-accredited contractors through the Program. The Program does require interaction between CSG and selected Assisted Home Performance with ENERGY STAR Program Lenders.

The Home Performance with ENERGY STAR initiative is backed with a multi-million dollar training and marketing campaign, including television, radio, and print advertising. A toll-free number (1-877-NY-SMART) is provided for consumers to obtain program information such as literature, a list of BPI-accredited contractors, and answer questions regarding the Home Performance with ENERGY STAR program. To date, more than 20,000 homes have been served.

The Assisted Home Performance with ENERGY STAR program is available to homeowners and tenants with a total household income at or below 80% of the State Median Income (SMI) or Area Median Income (AMI), whichever is greater. The Assisted subsidy is capped at 50% of the project cost of qualified energy efficiency measures (60% for National Grid natural gas customers). Currently the maximum subsidy is \$5,000 per applicant for single family homes (\$6,000 for National Grid natural gas customers) or up to \$10,000 per building for 2-4 family dwellings provided that the additional households are income eligible (\$12,000 for National Grid natural gas customers). The energy efficiency measures must be installed by a participating BPI-accredited Home Performance contractor. The subsidy percentage and maximum amount is subject to change based on available funding. The balance of the work may be eligible for reduced interest-rate financing through the **New York Energy \$mart<sup>SM</sup> Loan Fund**. Through July 2008, Assisted Home Performance with ENERGY STAR contractors have completed work for over 7,300 households.

Through July 2008, the four currently participating Program Lenders have approved over 450 Assisted Home Performance with ENERGY STAR subsidies and loans. Program Lenders continue to reach low and moderate income clients which, for various reasons, would not otherwise qualify for loans. Financial management training provided by the Program Lenders enable customers to better track their monthly expenses and reduce the risk of default and bankruptcy.

To qualify as an Assisted Home Performance Program Lender ("Program Lender"), the lending institutions must first become a participating lender in the **New York Energy \$mart<sup>SM</sup> Loan Fund** (PON 1060). Lenders interested in providing services under the **New York Energy \$mart<sup>SM</sup> Loan Fund** will need to respond to PON1060.

Participating Assisted Home Performance Program Lenders ("Program Lenders") provide loans of up to \$20,000 (up to \$30,000 for ConEdison customers) to qualified borrowers for a period of up to ten years, with NYSERDA subsidizing the reduced interest rate through a lump sum payment to the lender upon loan closing. The lender's market interest rate for qualified loans shall be reduced by up to 4% (up to 6.5% for ConEdison customers), or 400 (650) base points, subject to change by NYSERDA. Information on becoming a Loan Fund Participating Lender is available at [www.nyserda.org/loanfund](http://www.nyserda.org/loanfund) or by calling 1-866-NYSERDA.

Households with incomes above 80% of the SMI or AMI are eligible for the Home Performance with ENERGY STAR program. These projects are not eligible for the fees provided for Assisted Home Performance projects processed by a Program Lender selected through this opportunity. However, several financing options are available, including the Loan Fund. For more information on Home Performance with ENERGY STAR and the financing options go to [www.GetEnergySmart.org](http://www.GetEnergySmart.org).

### III. SERVICES AND DELIVERABLES TO BE PROVIDED

This Notice of Partnership Opportunity seeks Statements of Qualifications for Assisted Home Performance with ENERGY STAR Program Lender Services from lenders participating in the **New York Energy \$mart<sup>SM</sup> Loan Fund**. Responses are sought from lenders that are willing to provide financing with a minimum credit score of 550 in order to better serve households with incomes at or below the greater of 80% of the state median or area median income. Proposals must indicate the lender's willingness to provide financing, and under what terms and interest rates, for various credit scores as well as all other criteria to be used in underwriting program loans.

The services to be provided by Program Lenders are summarized in the Statement of Work presented below.

#### Statement of Work

*Task 1.* Program Application and Loan Application Intake System: The Program Lender shall establish and implement a Program and loan application intake system. The intake system shall include a phone number for consumer access, data collection including applicant household size and income level, project costs, loan amount, household size, applicant, co-applicant and total household income, Assisted Subsidy eligibility, a brief description of targeted improvements, and utility provider. Customers will apply for the work scope subsidies and loans using the Assisted Home Performance with ENERGY STAR Application and the Loan Fund Application with supplements as determined necessary by the Program Lender.

For each Assisted Subsidy application received, the Program Lender shall verify and document household size and income level against income guidelines provided by NYSERDA. Households with a total income level at or below the greater of 80% of the State Median Income (SMI) or Area Median

Income (AMI) are eligible to receive an Assisted Subsidy not to exceed the lesser of 50% of the qualifying measures or \$5,000 per applicant for single family homes. Up to \$10,000 may be available for households with income eligible customers in 2-4 family dwellings. The homeowner then may qualify for financing through the Program for the balance of the cost of qualifying measures.

Occasionally, NYSERDA may modify the guidelines and policies of the Assisted Home Performance program to accommodate changing needs (e.g. maximum subsidy, income eligibility, etc). The Program Lender will be notified in writing via email or program announcement of any changes, both temporary and permanent, to the Assisted Home Performance program.

For each loan application received, the Program Lender shall process and underwrite the loan application based on its own current agreed upon underwriting criteria and financing guidelines. The Program Lender shall make every effort to ensure that it will respond to loan and Assisted Subsidy applications within five days of receipt.

*Deliverable: Prior to the commencement of services each Program Lender shall prepare a report verifying that the intake system has been established and is prepared to take applications and shall submit copies of any supplemental loan application forms and any other materials to NYSERDA for approval.*

**Task 2.** Pre-Approval Procedures: The Program Lender shall offer pre-approval for loans and the Assisted Subsidy so that customers can know the resources available to them before requesting a Home Performance contractor conduct a Comprehensive Home Assessment.

The Program Lender shall review the Assisted Subsidy and loan applications following the intake system approved in Task 1.

The Program Lender shall notify the applicant of the Assisted Subsidy and loan decision in writing. Should an applicant be denied a loan, yet is qualified for a subsidy under the Assisted Home Performance with ENERGY STAR program, the Program Lender shall indicate in the loan denial letter to the applicant the maximum subsidy level and the subsidy as a percent of the work scope that the applicant is eligible to receive.

Once a customer has been pre-approved, the Program Lender will notify the customer to schedule a Comprehensive Home Assessment, and then provide a loan application and copy of the proposed contract.

*Deliverables: On a weekly basis, the Program Lender shall provide NYSERDA's Home Performance Program Implementer with loan approvals and denials, and the number of applicants that have been denied a loan, but are requesting a letter stipulating their Assisted Subsidy eligibility. The reports will include key data to be used for program tracking and evaluation, as mutually agreed by the Program Lender and NYSERDA. At a minimum, the report shall include data on Assisted Subsidies and loans approved (based on completed and signed applications) including customer name and address, amount of loan and Assisted Subsidy, loan term, income level, credit score, and Home Performance contractor, if identified. NYSERDA's Program Implementer will process the weekly reports and forward them to NYSERDA as part of its own monthly or biweekly reporting requirements under the Program.*

The Program Lender is responsible for sending invoices to NYSERDA for fees earned for performing income verification services.

**Task 3.** Program Lender and NYSERDA Review and Approval Procedures: Upon determination that the household is eligible for the Assisted Subsidy and a loan, the customer and Home Performance contractor will negotiate a scope of work and contract. The Program Lender shall review the proposed work scope for eligibility under the program guidelines.

Next, the customer/borrower and the Program Lender complete and sign their respective sections of the Loan Fund Application and the Program Lender submits the completed Application and a copy of the contract, if available, to NYSERDA Loan Fund by regular mail, e-mail, or by fax.

At the same time the Program Lender submits a copy of the Assisted Home Performance Application, a signed Customer Information Form, and a copy of the contract, if available, to the Program Implementer by regular mail, e-mail, or by fax.

The Program Implementer shall review the work scope and the contract, verify participation of the contractor in the program (which includes proper BPI certification and accreditation), and verify that the proposed measures are cost-effective and meet program eligibility requirements. If approved, the Program Implementer will notify NYSEERDA. If an issue is identified that prevents approval, the Program Implementer will work with the contractor and the Program Lender to resolve the issue.

Upon notification of approval by the Program Implementer, NYSEERDA will conduct its review and, if approved, complete the Lump Sum Interest Reduction Calculation and notify the Program Lender in writing via e-mail.

*Deliverable: The Program Lender is responsible for promptly sending the completed Loan Fund Application and a copy of the contract to NYSEERDA and sending a copy of the Assisted Home Performance Application, Customer Information Form, and the contract to the Program Implementer. The Program Implementer will notify the Program Lender, Home Performance contractor, and NYSEERDA of the results of the review.*

**Task 4.** Signing of Loan Agreement and Project Installation: The Program Lender shall allow the customer/Home Performance contractor up to 90 days from the signing of the loan agreement or loan closing to install the eligible measure(s). If a change order is executed that modifies the requested Assisted Subsidy or loan amounts, the customer will need to contact the Program Lender to be re-qualified at the new loan amount and new Assisted Subsidy amount. The Home Performance contractor must then submit a copy of the change order to the Program Implementer who will coordinate review with NYSEERDA.

*Deliverable: The Program Lender shall promptly process any change orders.*

**Task 5.** Payments to Home Performance Contractors: [Upon completion of work within the allowed time frame from execution of the loan agreement, the installing Home Performance contractor and the customer must complete, sign and submit a Certificate of Completion to NYSEERDA's Program Implementer along with a final invoice and a change order (if required). The Program Implementer will, within five days of receiving the Certificate of Completion, review the Certificate of Completion, schedule a quality control inspection (if appropriate), verify that the installed measures are consistent with the approved work scope and the contract that the customer signed. If all is in order, the Program Implementer will instruct the Program Lender to forward payment to the installing Home Performance contractor. The Program Lender shall make every effort to process and mail a check or initiate an Automated Clearing House (wire transfer) into the Home Performance contractor's account within ten (10) business days of receipt of the Certificate of Completion.

*Deliverable: Upon receipt of the Certificate of Completion from NYSEERDA's Program Implementer, the Program Lender shall close on the loan and disburse the loan proceeds and Assisted Subsidy to the Home Performance contractor within ten (10) business days. The Program Lender shall then invoice NYSEERDA for the approved amount of the Assisted Subsidy and the lump sum interest rate reduction.*

**Task 6.** Income Verification for Loans that have been Denied, for Consumers Paying Cash or using Alternative Financing In instances when the applicant has been denied financing by the Program Lender, or when the applicant will be paying cash or using alternative financing, the Program Lender shall collect all required income data, determine if the applicant qualifies for an Assisted Subsidy, then inform both NYSEERDA's Program Implementer and the applicant of his or her subsidy eligibility, and amount of subsidy if known. The applicant will then be required to pay the Home Performance contractor the unsubsidized portion of the agreed upon work scope.

*Deliverables: No later than on a weekly basis, the Program Lender shall provide NYSEERDA's Program Implementer with the name of applicant, address, subsidy amount (if known), and name of the Home Performance contractor via fax or e-mail. This report shall be forwarded to NYSEERDA on a monthly basis.*

The Program Lender is responsible for sending invoices to NYSERDA for fees approved by NYSERDA for performing income verification services.

- Task 7.** On-Site Quality Assurance (QA): The Program Lender shall be responsible for conducting on-site quality assurance for all projects that are approved for financing. This quality assurance shall at a minimum verify that the following objectives are being met:
- Project is completed in accordance with the terms of the customer contract and the approved work scope.
  - Customer has signed the Certificate of Completion.
  - Customer confirms that the Contractor tested in and tested out.

*Deliverables: Prior to the commencement of Program Lender services a QA plan shall be submitted for NYSERDA’s approval. The plan shall include provision for reporting all deficiencies to the Program Implementer.*

- Task 8.** Financial Management Education: The Program Lender shall provide financial management education to borrowers to help ensure low-default rates on approved loans. In the Statement of Qualifications, Proposers must outline plans, including schedule and content of financial management education, and prior experience in delivering this type of service.

*Deliverable: Prior to the commencement of Program Lender services a plan for financial management education shall be submitted to NYSERDA for approval.*

- Task 9.** Reporting: The Program Lender shall compile concise monthly progress reports throughout the course of the project to highlight the status of activities and major events. The progress reports shall be submitted to NYSERDA and/or the Program Implementer no later than the 10th of each month. The reporting format shall be in table format and shall include but may not be limited to the following information:

- Title of project, agreement number, and period of report.
- Number of loans made during the month, year-to-date, and program-to-date
- Number of households qualifying for work scope subsidies during the month, year-to-date, and program-to-date
- Dollar value of the Assisted Subsidy for the month, year-to-date, and program-to-date basis.

It is anticipated that NYSERDA will develop a web-based project tracking and reporting mechanism for this program. The Program Lender will work with NYSERDA staff to reasonably accommodate the requirements of this system.

*Deliverable: The Program Lender shall submit monthly reports to the Program Implementer at the appropriate times. The Program Lender shall work with NYSERDA to implement an online project tracking and reporting system.*

**IV. FEE SCHEDULE**

NYSERDA will reimburse for Program Lender services at the following rates:

1. Assisted Home Performance with ENERGY STAR Application Review	\$75 for each customer approved for the Assisted Subsidy
2. Work scope review, on-site quality assurance to verify the installed work meets program standards, and Financial Management Education	\$350 per loan approved

**V. PROGRAM REQUIREMENTS AND SCHEDULE**

Each proposer must be a participating lender in the **New York Energy \$mart<sup>SM</sup> Loan Fund**, possess the required expertise and experience to complete the tasks outlined in the Statement of Work presented above, and must be able to:

- Offer affordable financing to households with incomes below 80% of the state or area median income, whichever is greater, and credit scores of 550 and above.
- Income qualify applicants for an Assisted Subsidy under Assisted Home Performance.
- Provide credit pre-approval and loan approval to participants through telephone, website, and/or facsimile access.
- Propose acceptable underwriting criteria to be used in qualifying borrowers for financing under the program.
- Demonstrate the financial capacity to fund loans and advance the work scope subsidies provided by the Assisted Home Performance with ENERGY STAR program. Proposers must be aware that a timing lag will occur between the funding of a loan and the Assisted Subsidy reimbursement from NYSERDA.
- Provide work scope review, on-site quality assurance, and financial management education.
- Provide strong data collection and management capabilities.
- Coordinate and communicate effectively with program applicants (borrowers), Home Performance contractors, the Program Implementer and NYSERDA.
- Demonstrate a thorough understanding of the goals and objectives of this agreement.
- Successful experience in the implementation of similar financing projects is required.

### **Schedule**

Program Lender services will begin upon acceptance by NYSERDA of the intake system report, Quality Assurance plan, financial management education plan, and signing of a Participation Agreement. Open Enrollment will be in effect through June 30, 2011 subject to the availability of funds. The application review, loan-processing, work scope review, quality assurance, contractor payment, financial management education, and reporting activities will occur through the Agreement period.

## **VI. RESPONSE REQUIREMENTS**

Five (5) copies of your Statement of Qualifications are required. NYSERDA may request additional data or materials to support the Statement of Qualifications. Your Statement of Qualifications is limited to 20 pages, excluding resumes to be included as an appendix.

**Response Checklist:** The Response Checklist to be completed is attached. The checklist must be attached to all five (5) copies of the proposal. At least one (1) copy must contain an original signature.

NYSERDA will review each Statement of Qualifications and contact selected references to determine whether a lender has the necessary technical and financial resources to successfully provide program support and financing for the Assisted Home Performance with ENERGY STAR program.

## **VII. STATEMENT OF QUALIFICATIONS**

**Section 1: Introduction and general information.** Proposers should summarize their understanding of the objectives and requirements of this agreement. Proposers should *briefly* identify key information about their organization. Proposers should describe why they feel they are qualified to perform and complete the services requested.

**Section 2: Statement of Work.** The Statement of Work presented on pages 3 to 6 is the plan of how the Program Lenders will accomplish the Program's objectives. It is an action document that delineates the major steps required to accomplish the Program's objectives and is incorporated in the Sample Participation Agreement. Proposers should include additional detail on plans for providing quality assurance and financial management education. In addition to responding to how the proposer will address the various tasks, proposers are invited to present additional tasks, or modifications, as long as they promote, or are consistent with, the goals and objectives of the Program.

**Section 3: Management structure.** Proposals should identify all team members, including the program director, who will be responsible for ensuring that the duties of the Program Lender are carried out properly and timely. Proposals

should provide a clear description of the roles and responsibilities of each key person in completing the work plan outlined in the Statement of Work. Provide an organization chart. Resumes of all team members should be provided as an appendix.

**Section 4: Qualifications.** Describe how the proposer meets the experience, skills and abilities, and financial and on-site quality assurance capacity criteria. State the individual and combined expertise that would enable successful completion of Program Lender services. Indicate the location of offices in New York State. List and briefly explain relevant financial products offered by the proposer with numbers served and dollar values. Include the name and telephone number of at least three (3) business references.

#### **Section 5: Underwriting Criteria**

The Statement of Qualifications must clearly describe the underwriting criteria, process, and time frames to be used for approving loans and credit pre-approvals through the Program. Proposers should describe how the processing of secured or unsecured loans would differ and any interest rate implications. Proposers should also address if a payment for a percentage of the total Contract can be made to the Home Performance contractor by the Lender at the time the Customer signs the Contract. Proposers must provide information on the lender's current policies and practices for setting interest rates on similar loans and how often these rates are reset. The proposal must provide information on current and recent historical interest rates for such loans. It must provide information on the pricing impact, if any, of offering financing to households with credit scores from 550 to 640 compared to those above 640.

### **VIII. PROPOSAL EVALUATION**

All proposals meeting the submission requirements established in this proposal will be reviewed by a committee to be established by NYSEDA. Determination of whether a lender is qualified to participate as a Program Lender will be based on the following criteria.

#### **Responsiveness to the Program Components and Requirements of the proposal.**

- Is the SOQ complete?
- Is the Proposer a Participating Lender in the **New York Energy \$mart™ Loan Fund**?
- Has the Proposer demonstrated a clear understanding of the program goals and objectives?
- Is there clear evidence that the Proposer possesses the capability to implement the Statement of Work?

#### **Relevant Experience and Qualifications.**

- Are key personnel's education and experience relevant to the program's needs, and specifically to the quality assurance and financial management education tasks?
- Does the Proposer demonstrate recent experience in the conduct of similar tasks and responsibilities?
- Has the Proposer identified appropriate management and data collection capabilities?

#### **Comprehensiveness of Approach and Management Plan.**

- Does the proposer agree to complete all aspects of the Program Lender services outlined in the Statement of Work?
- Are appropriate strategies articulated for delivering customer intake, income verification, quality assurance, and financial management?
- Is the proposed staffing plan, clear and well-defined?

#### **Underwriting Criteria.**

- Does the proposer agree to offer financing to households with incomes below 80% of state or area median income, whichever is greater, with credit scores of 550 and above?
- Are the underwriting criteria, process to be used for approving loans and credit pre-approvals, and timing of such reviews and approval advantageous to participants?
- What is the Proposer's market interest rate(s) for similar loans.
- Are fees to be charged to the applicant, if any, reasonable?

Statement of Qualifications must meet the requirements articulated in Section V. Respondents that fail to meet one or more of the criteria may be determined to be non-responsive and may be disqualified from further consideration by the Evaluation Committee.

## IX. GENERAL CONDITIONS

**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes.

The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to accept 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 [www.nyserda.org/nyserda.regulations.pdf](http://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 new procurement lobbying requirements which can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>  
The attached Proposal Checklist calls for a signature certifying that the proposer 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 proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

**Tax Law Section 5-a** - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires contractors, prior to entering an agreement with NYSERDA, to certify whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the New York State Department of Taxation and Finance to collect New York State and local sales and compensating use taxes. The Department of Taxation and Finance has developed guidance and a certification form (ST-220) for contractors which is available at [www.nystax.gov/sbc/nys\\_contractors.htm](http://www.nystax.gov/sbc/nys_contractors.htm). The completed Form ST-220 (which is available upon request or at <http://www.nyserda.org/Funding/stdforms.asp>), will be incorporated in the agreement between NYSERDA and the contractor.

**Contract Award** - NYSERDA anticipates making multiple award 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 proposals. NYSERDA expects to notify proposers in approximately 5 weeks from the receipt of an application whether your proposal has been selected to receive an award.

**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.

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

**Attachments:**

- Attachment A Proposal Checklist
- Attachment B Sample Assisted Home Performance Lender Participation Agreement
- Attachment C Assisted Home Performance with ENERGY STAR Application