

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

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New York State Energy Research and  
Development Authority

**NYSERDA**





## DOING BUSINESS WITH NYSERDA

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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 multiyear planning process that involves extensive internal and external review. The program is designed to help New York State businesses, municipalities, and institutions 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 multiyear program plan, which may be obtained by contacting NYSERDA.

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 two types of solicitations:

- Requests for Proposals
- Program Opportunity Notices.

NYSERDA fosters and promotes the participation of minority- and women-owned business enterprises in its various programs.

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Competitive solicitations are publicized through the New York State Contract Reporter, the print media, and on NYSERDA's site on the web at **[www.nyserda.org](http://www.nyserda.org)**

In addition, solicitation announcements are mailed to people who are included in the appropriate category(ies) of NYSERDA's mailing list.

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Additional copies of this booklet, 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

(518) 862-1090  
(518) 862-1091 (fax)

web: [www.nyserda.org](http://www.nyserda.org)

## **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; and
- 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) 292-5224

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

(518) 292-5250

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

[www.empire.state.ny.us](http://www.empire.state.ny.us)

## **COMPETITIVE SOLICITATIONS**

NYSERDA uses these two types of competitive solicitations:

### **PROGRAM OPPORTUNITY NOTICE**

A Program Opportunity Notice (PON) is a formal request for projects that require proposers to detail their own approach to the PON's topic. A PON describes the objectives of the effort, but the proposer is then responsible for providing a detailed Statement of Work that presents an innovative solution to the problem outlined in the PON. More than one contract is usually awarded as a result of the PON, with cost-sharing by the contractor required in most cases.

### **REQUEST FOR PROPOSALS**

A Request for Proposals (RFP) is a formal request for projects in a particular program area that invites multiple proposers to submit proposals for work described in a specific Statement of Work prepared by NYSERDA. In addition to the basic Statement of Work, which describes the objectives, work to be accomplished, and end-products of the project, RFPs contain all the information needed to develop a proposal, including a description of the problem, performance timetables, tasks to be completed, evaluation criteria, and submittal requirements. Many RFPs require cost-sharing by the contractor. Just one award usually results from an RFP.

## **UNSOLICITED PROPOSALS**

NYSERDA's policy is to award contracts on a competitive basis to the maximum extent possible. However, 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, unsolicited proposals should be for superior work relevant to NYSERDA's programs as expressed in the multiyear program plan. 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.

### **Preliminary Unsolicited Proposal**

Before submitting a formal unsolicited proposal, proposers are strongly advised to send a one- to two-page preliminary proposal to NYSERDA that briefly describes the envisioned project to allow NYSERDA to determine project feasibility without subjecting the proposer to the more time-consuming formal proposal process.

The preliminary unsolicited proposal 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; and
- Estimated total cost and time to complete the project.

**Formal Unsolicited Proposals** should follow the **Proposal Content and Outline** guidelines presented on pages 4-6.

# **PROPOSAL CONTENT AND OUTLINE**

All proposals should contain the following information and conform to these guidelines.

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## **PROPOSAL SUBMISSION**

A completed Proposal Checklist (available upon request) **must** be attached to the front of all copies of the Technical Proposal. Proposers **must** submit eight copies of the complete proposal. Proposals **must** be submitted in two separate parts so they may be considered separately: Part I (Technical Proposal) and Part II (Project Budget Supplement). These two parts **must** be in the following format:

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## **PART I. TECHNICAL PROPOSAL**

**Abstract (half-page)** - Summarize the proposed effort.

**Introduction/Background (one to three pages)** - Provide an introduction and background for the proposal, giving enough detail to explain the underlying scientific and technological principles. Explain why NYSERDA should consider funding the proposal and how New York State will benefit. If your submittal is in response to a competitive solicitation, explain how your proposal addresses the solicitation's goals.

Identify your objectives and how you intend to reach them. Delineate your research design and the methodology from which you develop the detailed Statement of Work. Quantify the energy, environmental, and economic benefits likely to result from the proposed effort, including a cost/benefit analysis and examining competing technologies. Describe any resulting market potential, including the technology's competitive advantage in the marketplace, and present a plan for commercializing the technology. Extensive or complex details may be provided in an Appendix.

**Statement of Work** - The Statement of Work is the primary contractual document that identifies the project's deliverables and provides a basis for payment. Because it is an action document that specifically delineates each step or procedure required to accomplish the project objectives, the Statement of Work should identify each action, indicating who will perform it, how it will be performed, and its anticipated result(s). Be clear and specific. The Statement of Work **must** be prepared as an ordered set of **tasks**.

- Prepare a one-page summary of the proposed work that includes the project's goals and objectives.
- Identify the objectives and activities of the proposed work. For each specific objective or activity, designate one or more tasks. Arrange your tasks logically and elaborate on each one. Be specific as to who will perform the work, when, where, and how. Use task language to begin each task description (i.e., "Task 1: Prototype Development. The Contractor shall..."). The Statement of Work should be coordinated with the Management Plan and Schedule and the Technology Transfer Plan, both of which are described as follows:

## **Management Plan and Schedule** -

- Prepare a master schedule that shows starting and completion times for each task, in terms of weeks or months after the project begins. Include major milestones, tests, demonstrations, reports, and other deliverables, as well as meetings.
- Prepare an organizational chart listing key personnel, including subcontractors and other sponsors, and showing their roles and responsibilities. Identify the project manager responsible for communicating with NYSERDA and explain how coordination with all project participants will be accomplished.

- Prepare a task chart describing the individual effort for each member of the project team in units of time (i.e., hours, days, weeks).
- Identify key project personnel, including proposed subcontractors, and submit their resumés, which should detail education and experience relevant to the proposed work.
- List similar projects undertaken and successfully completed by the proposer or subcontractors, in each case providing a brief project summary and the name and phone number of a contact person. NYSERDA reserves the right to contact anyone so listed.

**Technology Transfer Plan** - Present a technology transfer strategy that, at a minimum, includes presentation of project results at appropriate professional meetings and submission of papers for publication in scientific/technical journals. Technology transfer also may be achieved through commercializing or marketing a product. Be creative in developing additional means for technology transfer.

**Reporting** - Present a plan for submitting periodic progress reports, a final report, and detailed reporting on the long-term success of the project. For multiphased proposals, interim reporting is required.

**Cost-Sharing** - Present cost-sharing in the following format.

*Use percentages, do not show dollar amounts.*

NYSERDA	%
Proposer	%
- actual dollars	%
- in-kind	%
Other sources (list) %	
- actual dollars	%
- <u>in-kind</u>	<u>%</u>
<b>TOTAL</b>	<b>100%</b>

**Sharing Project Success** - For projects that result in commercial products, NYSERDA will require a payment from the contractor based on sales or licensing. For demonstration projects resulting in significant cost savings, NYSERDA will require a share of the savings. If your project falls into either category, recommend an appropriate plan for sharing the project's success with NYSERDA. Samples of terms and conditions for sharing project success are available upon request.

**Letters of Commitment** - Include letters of commitment, signed by a person authorized to contractually obligate the organization, for all participating organizations and co-funders.

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## **PART II. PROJECT BUDGET SUPPLEMENT**

**Contract Pricing Proposal Forms (CPPFs)** - Submit a completed form (available upon request) for the following:

- Total project, including in-kind contributions;
- Each subcontractor;
- Each task; and
- Each project phase, if multiphased.

Attach detailed budget breakdowns for equipment, material, and travel.

**Cost-Share Summary** - Using the total project budget, prepare a table identifying who will be paying for each cost element. When a cost element is shared by more than one funder, identify the amount covered by each funder.

## **GENERAL CONDITIONS**

### **PROPRIETARY INFORMATION**

Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Please consider if such information 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(d) (2) 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 it should be excepted (see procedure described in Public Officers Law, Section 89(5)).

Proposers who want to submit confidential or proprietary information may contact NYSERDA's Assistant Director of Contracts, Cheryl Earley, to discuss classification and handling.  
Voice — (518) 862-1090, ext. 3295; fax — (518) 862-1091; e-mail — cle@nyserda.org

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### **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.

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### **DISCLOSURE REQUIREMENT**

The proposer shall disclose any indictment for an 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 similar 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 that 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.