



Ultraviolet Light and Electron Beam Process Innovation and Market Transformation
Program Opportunity Notice (PON) 1641
\$2 Million Available

*This PON is NOT limited to facilities that pay the SBC**

Proposals Due: by 5:00 PM Eastern Time**
2 Due dates: March 10, 2010 for Categories 1 and 2 proposals only and
June 29, 2010 for Categories 1, 2 and 3 proposals
All, or none, of the available funds could be allocated to projects selected from any one due date.

The New York State Energy Research and Development Authority (NYSERDA) invites proposals for projects that develop, demonstrate or commercialize innovative ultraviolet light (UV) and/or electron beam (EB) technologies that provide an energy benefit to an industrial process in New York State in the manufacturing sector.

PON 1641 will support research, development, demonstration, and commercialization of innovative UV and/or EB manufacturing process improvements in NYS and NYS-manufactured energy-efficient products targeted at industrial process applications involving UV and/or EB technologies. The goal of the solicitation is to elicit behavioral changes in the NY state industrial marketplace leading to the increased adoption of these energy efficient, inherently green technologies in numerous industrial markets, including, but not limited to, printing, heavy manufacturing, flooring and composites.

The solicitation seeks proposals from:

- 1.) UV/EB **Technology Developers** who intend to produce an innovative rad-cure product, or provide a service, that will provide an energy benefit for other industrial firms' processes ("UV/EB Product Development") *or*
- 2.) UV/EB **Technology Users** who intend to use an innovative rad-cure manufacturing process that will provide them with an energy benefit ("UV/EB Process Improvement") *or*
- 3.) UV/EB **Industry and/or Academia Based Consortia** who intend to form an independent UV/EB Technology Center to provide confidential, unbiased support to NY State businesses and manufacturers interested in exploring opportunities for adoption or implementation of UV/EB technologies in their existing processes and to conduct cutting edge research into innovative applications for UV and EB technologies leading to economic development activities in NY State ("UV/EB Technology Center").

UV/EB Technology *Developers* may be required to repay NYSERDA through a royalty agreement.

Proposers must submit eight (8) hard copies and one (1) digital copy of the proposal with a completed and signed proposal checklist attached to the front of each copy, one of which must contain an original signature. Proposals must be clearly labeled and submitted to:

Roseanne Viscusi, PON 1641
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

For technical questions for PON 1641, contact one of the following Project Managers at (518) 862-1090, at the designated extension, or email:

Scott Larsen, ext. 3208, sls@nyserda.org
Bill Reinhardt, ext. 3257, wwr@nyserda.org

For contractual questions for PON 1641, contact Nancy Marucci, ext. 3335, nsm@nyserda.org.

No communication intended to influence this procurement is permitted except by contacting the Project Managers listed above (Designated Contacts). Contacting anyone other than these Designated Contacts (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

***Eligibility:** This solicitation is funded from 2 sources: \$1,000,000 from the System Benefits Charge (SBC) and \$1,000,000 from other NYSERDA funding sources. SBC funds are limited to projects with electricity benefits at sites that contribute to the SBC (i.e., NYS electric distribution customers of Central Hudson Gas & Electric Corp., Con Edison Co. of NY, NYS Electric & Gas Corp., National Grid, Orange and Rockland Utilities, Inc., or Rochester Gas and Electric Corp.). The remaining \$1,000,000 in funding is available to all industrial projects with NYS energy benefits. Final selection will be predicated upon funds available per above.

****Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned. Faxed or emailed proposals will not be accepted. Proposals 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 website at www.nyserda.org**

Section I.

Program Overview

NY State's industrial sector continues to struggle with high energy costs and increased foreign competition. Organizations electing to implement radiation cure technologies such as ultraviolet light (UV) and electron beam (EB) curing in their manufacturing processes can realize significant energy savings and productivity improvements. UV/EB curing of inks, coatings, adhesives, composites and medical and electrical devices is a very rapid, highly efficient, proven manufacturing process which provides substantial productivity enhancements in addition to minimizing or eliminating the need for volatile organic compounds (VOCs) to be used as diluents. Deployment of these underutilized radiation cure technologies can also provide significant reductions in energy consumption by: (i) eliminating the need for gas fired thermal oxidizers used in VOC destruction, (ii) eliminating the need for gas fired drying ovens and (iii) achieving reductions in electric consumption otherwise used for ventilation and climate control in drying areas.

PON 1641 will support research, development, demonstration and commercialization of energy efficient UV/EB technologies targeted at industrial process improvements. NYSERDA has historically supported UV/EB projects that were selected as one of many eligible technologies in PON's with wide ranging topical interests. PON 1641 is NYSERDA's first effort to select UV/EB projects in a dedicated theme; it is anticipated that this will facilitate a portfolio approach that will maximize NYSERDA's ability to nurture the marketplace for this technology. The solicitation will seek to encourage maximum synergy in the NY state marketplace by encouraging and giving special consideration to projects involving multiple NY entities within the value chain. For example, projects involving any combination or all of the entities within the following list will be given special consideration:

- a NY based manufacturer looking to convert all or part of their process to UV or EB
- a NY based coatings formulator/manufacturer
- a NY based resin manufacturer
- a NY based photoinitiator manufacturer
- a NY based UV or EB equipment manufacturer
- a NY based devices or systems sub-assemblies manufacturer (e.g., manufacturer of coil coating or curtain coating equipment, detectors or other necessary devices and/or sub-assemblies to the UV/EB process)
- a NY based UV/EB system integrator/specifier

PON 1641 will support:

- feasibility and proof-of-concept studies (\$75K maximum);
- commercial prototype development, field testing, radiation curable chemistry development and optimization technology demonstrations, and commercialization (\$400K maximum) of UV/EB technologies that (i) improve energy productivity and competitiveness of NY manufacturers (minimize cost/unit output); (ii) encourage capital investment and employment growth in NYS facilities; (iii) promote NYS-manufactured energy-efficient UV/EB technologies, and (iv) encourage adoption of energy-efficient innovative UV/EB process improvements in NYS.
- the establishment of an independent UV/EB technology center to provide confidential, unbiased support to NY State businesses and manufacturers interested in exploring opportunities for adoption or implementation of UV/EB technologies in their existing processes. The technology center will also function as a hub for cutting edge research into innovative applications for UV and EB technologies and the development and optimization of innovative radiation curable chemistries (\$1,000,000 maximum). To receive an award under this category, the proposed center will need to demonstrate the potential to sustain itself with non-NYSERDA support after the initial infusion of NYSERDA funds. One (1) center will be selected through a dedicated RFP category within PON 1641.

The solicitation seeks proposals from:

- 1.) UV/EB **Technology Developers** who intend to produce an innovative rad-cure product, or provide a service, that will provide an energy benefit for other industrial firms' processes ("UV/EB Product Development") *or*
- 2.) UV/EB **Technology Users** who intend to use an innovative rad-cure manufacturing process that will provide them with an energy benefit ("UV/EB Process Improvement") *or*

3.) **UV/EB Industry and/or Academia Based Consortia** who intend to form an independent UV/EB Technology Center to provide confidential, unbiased support to NY State businesses and manufacturers interested in exploring opportunities for adoption or implementation of UV/EB technologies in their existing processes and to conduct cutting edge research into innovative applications for UV and EB technologies leading to economic development opportunities in NY State (“UV/EB Technology Center”). Proposals for Category 3: UV/EB Technology Center will be received only for the June 29, 2010 due date.

Category 1: UV/EB Product Development proposals can be for Feasibility Studies or Demonstration or Commercialization projects.

Category 2: UV/EB Process Improvement proposals can be for Feasibility Studies or Demonstration or Commercialization projects.

Category 3: UV/EB Technology Center proposals must include a minimum of 3 projects bundled with their proposal conforming to the requirements listed in Categories 1 and 2. Further detail regarding the requirements for Category 3: UV/EB Technology Center proposals can be found in Sections III and IV of this solicitation.

Funding Category	NYSERDA Cost Share	Maximum NYSERDA Award Per Project
1.) UV/EB Product Development		
a.) Feasibility Study	Up To 50%	\$75,000.00
b.) Demonstration or Commercialization Project	Up To 50%	\$400,000.00
2.) UV/EB Process Improvement		
a.) Feasibility Study	Up To 50%	\$75,000.00
b.) Demonstration or Commercialization Project	Up To 50%	\$400,000.00
3.) UV/EB Technology Center (Maximum of 1 award)	Up To 50%	\$1,000,000.00

For each selected **Feasibility Study**, NYSERDA will provide up to \$75,000, or 50% of the total project cost, whichever is less. Feasibility Studies include: proof-of-concept investigations, prototype design and development, preliminary market assessment, or business plan development.

For each selected **Demonstration or Commercialization project**, NYSERDA will provide up to \$400,000, or 50% of the total project cost, whichever is less. Such product development or process improvement projects typically include: field demonstrations at industrial sites in NY, performance testing, manufacturability analysis, commercial design development, certification, development of production systems, or development of commercialization strategies

For the selected **UV/EB Technology Center project**, NYSERDA will provide up to \$1,000,000, or 50% of the total project cost, whichever is less. Detailed instructions and Evaluation Criteria for UV/EB Technology Center proposals can be found in Category 3 of this solicitation.

The intent of PON 1641 is to defray the risk associated with developing new UV/EB technologies or being a first-time user of a new UV/EB technology that provides an energy benefit for a New York State (NYS) industrial process. NYSERDA encourages the use of systematic techniques (such as biomimicry), where applicable, to minimize the risks associated with developing new technologies. **A minimum of 50% co-funding is required for all projects.**

All projects selected under Category 1 - UV/EB Product Development and Category 2 - UV/EB Process Improvement will be expected to cooperate with, and to share applicable non-confidential, non-proprietary information with the selected Category 3 - UV/EB Technology Center regarding project results and outcomes, including, but not limited to the following: energy savings, productivity improvements, reduced emissions and decreased operating costs. The selected Technology Center will be expected to provide technical assistance and guidance to the selected Category 1 and 2 projects where applicable.

NYSERDA reserves the right to fund all or portions of any proposal, including but not limited to, a Technology Center proposal and their bundled projects if selected.

For underutilized or off-the-shelf energy-efficient technologies, implementation incentives are available through NYSERDA's Existing Facilities Program (PON 1219).

It is important to follow Proposal Requirements and Format Guidelines and to carefully address all questions listed under the Evaluation Criteria.

Section II.

Proposal Requirements for Category 1 and Category 2 (Proposals Due 3/10/2010 and 6/29/2010)

- Proposers must submit eight (8) hard copies (double-sided preferred) and one (1) digital copy on CD-ROM of their completed proposal to R. Viscusi at the address indicated on the first page of this PON.
- A completed and signed Proposal Checklist must be attached as the front cover of your proposal, one of which must contain an original signature.
- *Bindings, report covers, or other presentation materials should not be used (a single staple in the upper left-hand corner is preferred).*
- *Limit your proposal to 10 pages (12-point font) excluding letters of support, resumes, and NYSERDA forms (Attachments A, B, and C).*
- Do not include unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response.
- Each page of the proposal should include a footer that states the name of the proposer, the PON number, and the page number.
- Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.
- Faxed or e-mailed copies will not be accepted.

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. (Text of the laws is available at: www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html). In compliance with §139-j and §139-k of the State Finance Law, for proposals 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 proposals: (1) a signed copy of the Proposal 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 Proposal Checklist referenced in this solicitation will disqualify your proposal.

Proposal Format and Evaluation Criteria for Category 1 and Category 2:

Please provide the information requested in each section below.

- *Each required section below is followed by questions, which are the criteria by which the Technical Evaluation Panel (TEP) will evaluate your proposal.*

1. **Executive Summary (one page)** - Provide a brief response to each of the following:
 - The problem or opportunity you are addressing and its background.
 - What you are trying to do to address the problem/opportunity, and how you are going to do it?
 - Likely energy, environmental and/or economic benefits to you and New York State.
 - Team qualifications.
2. **Problem Statement and Proposed Solution** – Please discuss:
 - The problem or opportunity you are addressing and its background.
 - The proposed solution and how it addresses the problem/opportunity, including:
 - description of technology and project,
 - innovative characteristics,
 - current stage of research/development/commercialization,
 - alternative solutions and why the proposed solution is superior, and
 - barriers to success and/or project risks.

Criteria:

- Is the problem and proposed solution described clearly?
- Is the concept practical and technically feasible?
- Is the technology innovative?
- Is the technology better than other options?

3. Project Benefits:

- Quantify estimated energy benefits to the extent possible (e.g., kWh, kW, Btu, \$).
- Estimate other benefits, for example:
 - Increase in: revenue, product quality, productivity, units sold, or new/retained jobs; or
 - Decrease in: non-energy-related greenhouse gas emissions, maintenance costs, waste, capital, etc.
- Provide a cost/benefit projection.
- Discuss what entity/entities will reap these benefits.
- Upon conclusion of the project, benefits must be quantified and reported annually to NYSERDA for five years. Discuss your plan for quantifying the *actual* project benefits.

Criteria:

- Are energy benefits significant (for the proposer and New York State)?
- Are environmental and economic benefits significant for the proposer and New York State?
- Do estimates of benefits seem reasonable?
- Is the cost/benefit projection reasonable?
- Is there a plan to quantify actual benefits after project completion?

Choose 4a or 4b:

Although feasibility studies may have less detail (than demonstration or commercialization projects) in section 4, we do expect feasibility study proposals to reflect a certain amount of thought into technology outreach or commercialization.

4a. Technology Outreach for Process Improvement Projects:

- Discuss other potential users of your UV/EB process change in New York State.
- Discuss your plan to transfer project results to this audience (e.g., on-site public demonstrations; presentations at appropriate meetings; preparation of fact sheets, articles or case studies; etc.).
- NYSERDA will *not* require confidential or proprietary information to be divulged to the public.

Criteria:

- Is the Technology Outreach plan adequate to disseminate appropriate information to the appropriate New York State audience?

4b. Commercialization Plan for Product Development Projects:

- Provide a timeline showing the paths, activities, milestones, resources, cost and timing estimated to take the innovative UV or EB technology from its current state of development to the next stage, and ultimately to commercial deployment.

Criteria:

- How likely is it that this product will be commercially viable in 3 years or less?

Marketing:

- Define your target markets (in and outside of NYS) and their relevant characteristics, e.g., size, competition, trends (regulatory, technological, etc.).
- Discuss your marketing strategy to these markets and why you think it will be successful.
- Estimate the price of the product or service that will be commercialized and compare the price to that of competing products or services.
- Discuss the customer's economic motivation for buying the new product or service, versus alternatives.

Criteria:

- Is there market demand for the product?
- Does the proposed market strategy seem effective?

Design & Production:

- Discuss technical development steps remaining prior to engaging customers.
- Discuss plans for setting up facilities for manufacturing or other deployment activities, including key issues such as: need for specialized production equipment or strategic alliances; critical make/buy decisions or cost/volume issues; and plans for ancillary activities such as service support functions.
- Explain how your design activities are addressing customer needs

Criteria:

- Does design & production plan seem adequate?
- Do the remaining design activities appear to be aimed at customer needs?
- Are there key tests or certifications remaining?
- Are key quality control issues being addressed?

Finance:

- Estimate funds required to go from the current stage of development to a financially self-sustaining level of commercialization; include funding for R&D, initial marketing, and manufacturing/deployment programs. Identify potential funding sources and strategic partners. If financing will involve some internal corporate funds, describe approval process for accessing follow-on batches of internal corporate funds.

Criteria:

- Is the funding adequate to achieve the project goals?

Intellectual Property

- To the extent that proposed activities include the use or further development of any existing intellectual property (IP) assets, the proposer must describe the IP and provide details that would identify any granted patents or pending applications related to the IP. For patented and patent-pending technologies, the proposer must: i) identify the patent number(s) of any issued patent(s); ii) identify the application serial number(s) for any pending patent application(s); iii) indicate whether pending patent applications are provisional or non-provisional applications; iv) provide a list of the inventors; and iv) identify the assignee(s)/owner(s) of the IP. If the proposer does not own the relevant IP, but is a licensee of the IP, then the proposal must specifically identify and describe any relevant license agreements. Proposers are encouraged to provide copies of relevant IP license agreement(s) and/or letter(s) of support from licensors as attachments to the proposal.

Hiring/Staffing

- Discuss plans to increase staffing levels to bring the product to market and as demand for the product increases.

5. Scope of Work and Schedule:

- Describe each task required to accomplish goals and who will perform each task.
- Prepare a schedule of when each task will be performed, milestones and budget for each milestone, using the format below (add as many lines as necessary; give total on bottom line):

Milestone Description	Labor (hours)	Labor (\$)	Materials & Equipment (\$)	Other (\$)	Total (\$)	Start Date	End Date

Total milestone budget should be the same as the total budget on the Contract Pricing Proposal Form.

Criteria:

- Is the approach likely to meet the proposal's goals?
- Is the schedule reasonable?

- Does the statement of work include tasks for:
 - Technology Outreach (for process improvements) or commercialization (for product development), and
 - Quantification of the energy, economic and environmental benefits resulting from the project?

6. Cost Sharing:

- The proposal should show non-NYSERDA funding of **at least 50%** of the total cost of the project. Cost sharing can be from the proposer, other team members, and other government or private sources. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered “cash” contributions. Unpaid labor, indirect labor, or other general overhead may be considered “in-kind” contributions.
- NYSEDA will not fund efforts that have already been undertaken. The proposing team cannot claim as cost-share any expenses that have already been incurred.
- Show the cost-sharing plan in the following format (expand table as needed).

Source	Cash	In-Kind Contributions	Total
NYSERDA	\$		\$
Proposer	\$	\$	\$
Others (list individually)	\$	\$	\$
Total	\$	\$	\$

If you include indirect costs in your budget, you MUST attach supporting documentation to support indirect cost (overhead) rate(s) in your proposal as follows:

- Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projections; based on federal government or other independently approved rates).
- If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
- If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculation should provide enough information for NYSEDA to evaluate and confirm that rate(s) is consistent with generally accepted accounting principles for indirect costs.

NYSERDA reserves the right to audit indirect rates presented in the proposal and adjust for differences. Requests for financial statements or other financial information may be made if deemed necessary.

Product developers may be required to repay NYSEDA through a royalty agreement.

Criteria:

- Does the level, type and source of cost sharing indicate a sufficient commitment to the project by the proposer and proposing team?

7. Budget - Complete the **Contract Pricing Proposal Form** (Attachment C) (see CPPF instructions).

- Indicate requested NYSEDA funding in the column labeled “Funding & Co-funding via NYSEDA.” Include non-NYSERDA cash and in-kind contributions in the column labeled “Cost-sharing and other co-funding.”

Criteria:

- Is cost reasonable when measured against project goal, scope of work, and expected benefits?
- Are costs clearly specified?

8. Business Description:

- Describe your business: number of employees; what you produce and how much per year, or what services you provide; what kind of facilities you have; how many locations you have, whether you are part of a larger organization, and total revenues for 2008.
- Discuss how much of your revenues resulted from sales, grants and other sources (identify).
- Identify any investments from, or discussions with, venture capital firms, investment bankers, etc.
- If your proposed project involves additional demonstration sites, identify the site(s) (location, facilities, product, employees, revenues, etc.).

Criteria:

- Is the business capable of conducting all tasks needed to accomplish the project goals?

9. Project Team:

- List team members, including the project manager, subcontractors, other participants and co-funders involved in the project.
- Explain their roles and responsibilities.
- Describe qualifications and relevant experience or expertise.
- Identify any special facility, equipment or capability possessed by the project participants that is relevant to the project.

Criteria:

- Does the project team have the qualifications and resources needed to succeed?

10. Letters of Commitment or Support:

- If other organizations or businesses are doing some of the work, providing services or equipment, serving as a demonstration site, or share in the non-NYSERDA cost, include a signed letter from that organization or business (on their letterhead) describing their commitment (include cash/in-kind dollar commitment if applicable). If you are developing a product, include letters of interest from potential customers.

Criteria:

- If applicable, do letters of support exist and do they reflect the level of involvement (e.g., co-funding, potential interest in buying product, services, etc.) from the supporter(s)/potential customer(s)/partner(s)?

II. New York State Content:

- The solicitation will seek to encourage maximum synergy in the NY State marketplace by encouraging and giving special consideration to projects involving multiple NY entities within the value chain.
- Indicate the level of involvement/commitment of all NY State entities participating in the project.
- Discuss the potential value of the project as “building block” as NYSERDA establishes a portfolio of UV/EB projects

Criteria:

- What overall effect does the participation of the NY State entities have on the industrial sector(s) involved?
- Will the project result in increased adoption of UV/EB technologies throughout NY State?
- Will the project result in widespread energy savings and economic benefit within NY State?
- Is there a significant potential for the project to provide a synergistic benefit with other activities promoting UV/EB technologies in NY State?
- What are the potential opportunities to leverage the “lessons learned” from this project and increase the adoption of UV/EB technologies within NY State?

Section III – Request for Proposals (RFP) for Category 3. (Proposals Due 6/29/2010)

Category 3: UV/EB Technology Center Program Overview:

NYSERDA seeks proposals from **UV/EB Industry and/or Academia Based Consortia** who intend to form an independent UV/EB Technology Center to provide confidential, unbiased support to NY State businesses and manufacturers interested in exploring opportunities for adoption or implementation of UV/EB technologies in their existing processes and to conduct cutting edge research into innovative applications for UV and EB technologies leading to economic development opportunities in NY State (“UV/EB Technology Center”). The objective for Category 3 is to establish a self-sustaining UV/EB Technology Center that will support marketplace transformation efforts leading to the increased adoption of UV/EB technologies in the NY State, national and international industrial sectors.

For the selected **UV/EB Technology Center project**, NYSERDA will provide up to \$1,000,000, or 50% of the total project cost, whichever is less. Detailed instructions and Evaluation Criteria for UV/EB Technology Center proposals can be found below in Section IV of this solicitation. To receive an award under this category, the proposed center will need to demonstrate the potential to sustain itself with non-NYSERDA support after the initial infusion of NYSERDA funds. Proposals for Category 3: UV/EB Technology Center will be received only on the June 29th, 2010 due date. It is anticipated that only one (1) center will be selected through this dedicated RFP category within PON 1641.

Technology Center proposals should concisely articulate a vision statement and strategic plan for the most effective and beneficial use of the available personnel, resources and infrastructure as well as the most beneficial use of the requested NYSERDA resources. Proposers will be required to provide specific details of how the NYSERDA funds will be used. NYSERDA resources should be **primarily directed at project outcome and market transformation activities as opposed to the acquisition of equipment and infrastructure**. Proposed Technology Centers shall at a minimum, include the following areas of focus:

- Project specific assistance to New York State manufacturers
- Cutting edge research and innovation in partnership with NY based industry
- Outreach
- Education

The leadership and administration of the center should have a mechanism to establish Intellectual Property Agreements with its industrial and academic partners and should not be in direct competition with the NY State industrial partners it is intended to serve.

Category 3: UV/EB Technology Center proposals must include a minimum of three (3) projects bundled with their proposal conforming to the requirements listed in Section IV of this solicitation. The solicitation will seek to encourage maximum synergy in the NY state marketplace by encouraging and giving special consideration to projects involving multiple NY entities within the value chain. Each of the three (3) minimum required bundled projects must have at least one (1) NY State industrial partner. Bundled Technology Center projects that have a beneficial energy and economic impact on multiple NY State entities within the value chain will be reviewed more favorably.

Technology Center proposers should give careful consideration to the import, substance and significance of the bundled projects submitted with their applications. It is in both the Technology Center’s best interest and NYSERDA’s best interest to support projects which will have the maximum impact on NY State’s industrial sector and raise awareness of UV/EB technologies. At least one (1) bundled project, of the three (3) minimum required bundled Technology Center projects, must be of a Demonstration or Commercialization Project type.

Category 3 of PON 1641 seeks proposals for bundled projects from Technology Centers partnering with:

1.) **UV/EB Technology Developers** who intend to produce an innovative rad-cure product, or provide a service, that will provide an energy benefit for other industrial firms’ processes (“UV/EB Product Development”) *or*

2.) **UV/EB Technology Users** who intend to use an innovative rad-cure manufacturing process that will provide them with an energy benefit (“UV/EB Process Improvement”)

Category 3.1: Bundled UV/EB Product Development proposals can be for Feasibility Studies or Demonstration or Commercialization projects.

Category 3.2: Bundled UV/EB Process Improvement proposals can be for Feasibility Studies or Demonstration or Commercialization projects.

Funding Category: Technology Center Proposals	NYSERDA Cost Share	Maximum NYSERDA Award Per Project
3.) UV/EB Technology Center (Maximum of 1 award)	Up To 50%	\$1,000,000.00
3.1) UV/EB Product Development (Center Bundled Projects)		
a.) Feasibility Study	Up To 50%	\$75,000.00
b.) Demonstration or Commercialization Project	Up To 50%	\$400,000.00
3.2) UV/EB Process Improvement (Center Bundled Projects)		
a.) Feasibility Study	Up To 50%	\$75,000.00
b.) Demonstration or Commercialization Project	Up To 50%	\$400,000.00

It is important to follow Proposal Requirements and Format Guidelines and to carefully address all questions listed under the Evaluation Criteria.

Section IV.

Proposal Requirements for Category 3

- Proposers must submit eight (8) hard copies (double-sided preferred) and one (1) digital copy on CD-ROM of their completed proposal to R. Viscusi at the address indicated on the first page of this PON.
- A completed and signed Proposal Checklist must be attached as the front cover of your proposal, one of which must contain an original signature.
- *Bindings, report covers, or other presentation materials should not be used (a single staple in the upper left-hand corner is preferred).*
- *Limit the mission and administration portion of your Technology Center proposal to 8 pages (12-point font) excluding letters of support, resumes, and NYSERDA forms (Attachments A, B, and C).*
- *Limit each proposed bundled project to 10 pages (12-point font) excluding letters of support, resumes, and NYSERDA forms (Attachments A, B, and C). Address one proposed bundled project completely before proceeding to the next proposed bundled project.*
- Do not include unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response.
- Each page of the proposal should include a footer that states the name of the proposer, the PON number, and the page number.
- Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.
- Faxed or e-mailed copies will not be accepted.

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. (Text of the laws is available at: www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html). In compliance with §139-j and §139-k of the State Finance Law, for proposals 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 proposals: (1) a signed copy of the Proposal 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 Proposal Checklist referenced in this solicitation will disqualify your proposal.

Proposal Format and Evaluation Criteria for Category 3 Technology Center Proposals (Category 3 proposals must address the mission and administration of the Center per the instructions that immediately follow, plus details of each bundled project per the instructions further below):

1. UV/EB Technology Center Vision and Mission:

- Define the intended future state of the Technology Center in terms of its objectives and strategic direction
- Define the fundamental purpose of the Technology Center and how it will achieve its objectives
- Define market segments and identify targeted problems to be addressed in the initial start up phase of the Technology Center

Criteria

- What are the Technology Centers goals?
- What is the plan for the Center to transform the UV/EB marketplace in NYS?
- Does the long term vision for the Center align with NYSERDA's goals?

2. UV/EB Technology Center Management Plan:

- Provide details regarding the Organizational Structure of the Technology Center
- Discuss how the Technology Center Management Team will handle the Allocation of Resources
 - Technology Center Resources
 - NYSERDA Resources
- Provide details on how the Technology Center's Management Team will get input and direction from the industrial marketplace to align its vision and objectives with marketplace needs
- Describe the process that will be used to achieve the Technology Center's goals
- Provide details of the Technology Center's Strategic Plan

Criteria

- What is the plan for the Center to transform the UV/EB marketplace in NYS?
- Does the long term vision for the Center align with NYSERDA's goals?
- How will the Center allocate resources, assign tasks and accomplish its goals?
- How will you address the acquisition of non-NYSERDA funds?
- How will the Center get input from the industrial marketplace (e.g., will the Center seek direction from an Advisory Board consisting of UV/EB industry experts)?

3. Areas of Focus/Expertise

- Provide details on how the Center will address the following areas of focus and expertise. Include any additional areas of focus and/or expertise beyond those listed below that are relevant to NYSERDA's goals for PON 1641.
 - a. **Project specific assistance to New York State manufacturers**
 - Describe the mechanism by which you will provide project specific assistance to NY State manufacturers interested in exploring opportunities for UV and/or EB processing in their manufacturing operations.

- b. **Cutting edge research and innovation in partnership with NY based industry**
 - Discuss the details of your research accomplishments. Give particular attention to consortia involvements (such as industry/academia partnerships formed) and discuss the successes and/or failures of each.
 - Provide details of the mechanism by which the leadership and administration of the center will establish (IP) Intellectual Property Agreements with its industrial and academic partners such that they are not in direct competition with the NY State industrial partners it is intended to serve.
- c. **Outreach**
 - Provide details of the Center's Technology Outreach plan to increase awareness among potential NYS users of UV/EB technologies and to inform NY State manufacturers about the benefits of adopting UV/EB technologies in their manufacturing processes.
- d. **Education**
 - Give details on how the Center will provide education regarding the benefits of UV/EB technologies to potential support allies (such as environmental regulators and/or stakeholders, energy efficiency regulators and/or stakeholders, undergraduate, graduate and professional development coursework and curricula for UV/EB technologies and applications).

4. Cost Sharing:

- The proposal should show non-NYSERDA funding of **at least 50%** of the total cost of the project. Cost sharing can be from the proposer, other team members, and other government or private sources. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered "cash" contributions. Unpaid labor, indirect labor, or other general overhead may be considered "in-kind" contributions.
- NYSERDA will not fund efforts that have already been undertaken. The proposing team cannot claim as cost-share any expenses that have already been incurred.
- Show the cost-sharing plan in the following format (expand table as needed).

Source	Cash	In-Kind Contributions	Total
NYSERDA	\$		\$
UV/EB Technology Center	\$	\$	\$
UV/EB Technology Center Industrial Partner	\$	\$	\$
Others (list individually)	\$	\$	\$
Total	\$	\$	\$

If you include indirect costs in your budget, you MUST attach supporting documentation to support indirect cost (overhead) rate(s) in your proposal as follows:

- Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projections; based on federal government or other independently approved rates).
- If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
- If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculation should provide enough information for NYSERDA to evaluate and confirm that rate(s) is consistent with generally accepted accounting principles for indirect costs.

NYSERDA reserves the right to audit indirect rates presented in the proposal and adjust for differences. Requests for financial statements or other financial information may be made if deemed necessary.

Product development activity may be required to repay NYSERDA through a royalty agreement.

Criteria:

- Does the level, type and source of cost sharing indicate a sufficient commitment to the project by the proposer and proposing team?

5. Budget - Complete the **Contract Pricing Proposal Form** (Attachment C) (see CPPF instructions).

- Indicate requested NYSERDA funding in the column labeled “Funding & Co-funding via NYSERDA.” Include non-NYSERDA cash and in-kind contributions in the column labeled “Cost-sharing and other co-funding.”

Criteria:

- Is cost reasonable when measured against project goal, scope of work, and expected benefits?
- Are costs clearly specified?

6. Technology Center Team:

- List team members, including the project manager, subcontractors, other participants and co-funders involved in the project.
- Explain their roles and responsibilities.
- Describe qualifications and relevant experience or expertise.
- List Industry collaborators and describe their roles and responsibilities.
- Identify any special facility, equipment or capability possessed by the project participants that is relevant to the Technology Center.

Criteria:

- Does the project team have the qualifications and resources needed to succeed?

7. Letters of Commitment or Support:

- If other organizations or businesses are doing some of the work, providing services or equipment, or share in the non-NYSERDA cost, include a signed letter from that organization or business (on their letterhead) describing their commitment (include cash/in-kind dollar commitment if applicable). Include letters of interest from potential customers/clients of the Center.

Criteria:

- If applicable, do letters of support exist and do they reflect the level of involvement (e.g., co-funding, potential interest in buying product, services, etc.) from the supporter(s)/potential customer(s)/partner(s)?

Proposal Format and Evaluation Criteria for Proposed Category 3 Bundled Projects (Category 3 proposals must address the mission and administration of the Center per the instructions above, plus details of each bundled project per the instructions that immediately follow):

Please provide the information requested in each section below. Each of the three (3) minimum required bundled project proposals will be evaluated according to the criteria listed below.

- All bundled projects *must* have at least one NY State industrial partner and a path towards commercialization
 - At least one (1) bundled project, of the three (3) minimum required bundled Technology Center projects, must be at the Demonstration or Commercialization Project funding level.
 - Energy benefits resulting from each bundled project must be realized at no less than one NY State industrial facility. Bundled projects which have a beneficial energy impact at multiple NY State industrial facilities will be reviewed more favorably.
- Each *required* section below is followed by questions, which are the criteria by which the Technical Evaluation Panel (TEP) will evaluate the bundled project proposals.

1. **Executive Summary (one page for each bundled project)** - Provide a brief response to each of the following:

- The problem or opportunity you are addressing and its background.
- What you are trying to do to address the problem/opportunity, and how you are going to do it.
- Likely energy, environmental and/or economic benefits to the project team and New York State.
- Team qualifications.

2. **Problem Statement and Proposed Solution** – Please discuss:

- The problem or opportunity you are addressing and its background.
- The proposed solution and how it addresses the problem/opportunity, including:
 - description of technology and project,
 - innovative characteristics,
 - current stage of research/development/commercialization,
 - alternative solutions and why the proposed solution is superior, and
 - barriers to success and/or project risks.

Criteria:

- Is the problem and proposed solution described clearly?
- Is the concept practical and technically feasible?
- Is the technology innovative?
- Is the technology better than other options?

3. **Project Benefits:**

- Quantify estimated energy benefits to the extent possible (e.g., kWh, kW, Btu, \$).
- Estimate other benefits, for example:
 - Increase in: revenue, product quality, productivity, units sold, or new/retained jobs; or
 - Decrease in: non-energy-related greenhouse gas emissions, maintenance costs, waste, capital, etc.
- Provide a cost/benefit projection.
- Discuss what entity/entities will reap these benefits.
- **Upon conclusion of the project, benefits must be quantified and reported annually to NYSERDA for five years. Discuss your plan for quantifying the *actual* project benefits.**

Criteria:

- Are energy benefits significant (for the proposing team and New York State)?
- Are environmental and economic benefits significant for the proposing team and New York State?
- Do estimates of benefits seem reasonable?
- Is the cost/benefit projection reasonable?
- Is there a plan to quantify actual benefits after project completion?

Choose 4a or 4b:

Although feasibility studies may have less detail (than demonstration or commercialization projects) in section 4, we do expect feasibility study proposals to reflect a certain amount of thought into tech transfer or commercialization.

4a. **Technology Outreach for Process Improvement Projects:**

- Discuss other potential users of your UV/EB process change in New York State.
- Discuss your plan to transfer project results to this audience (e.g., on-site public demonstrations; presentations at appropriate meetings; preparation of fact sheets, articles or case studies; etc.).

Criteria:

- Is the Technology Outreach plan adequate to disseminate appropriate information to the appropriate New York State audience?

4b. Commercialization Plan for Product Development Projects:

- Provide a timeline showing the paths, activities, milestones, resources, cost and timing estimated to take the innovative UV or EB technology from its current state of development to the next stage, and ultimately to commercial deployment.

Criteria:

- How likely is it that this product will be commercially viable in 3 years or less?

Marketing:

- Define your target markets (in and outside of NYS) and their relevant characteristics, e.g., size, competition, trends (regulatory, technological, etc.).
- Discuss your marketing strategy to these markets and why you think it will be successful.
- Estimate the price of the product or service that will be commercialized and compare the price to that of competing products or services.
- Discuss the customer's economic motivation for buying the new product or service, versus alternatives.

Criteria:

- Is there market demand for the product?
- Does the proposed market strategy seem effective?

Design & Production:

- Discuss technical development steps remaining prior to engaging customers.
- Discuss plans for setting up facilities for manufacturing or other deployment activities, including key issues such as: need for specialized production equipment or strategic alliances; critical make/buy decisions or cost/volume issues; and plans for ancillary activities such as service support functions.
- Explain how your design activities are addressing customer needs

Criteria:

- Does design & production plan seem adequate?
- Do the remaining design activities appear to be aimed at customer needs?
- Are there key tests or certifications remaining?
- Are key quality control issues being addressed?

Finance:

- Estimate funds required to go from the current stage of development to a financially self-sustaining level of commercialization; include funding for R&D, initial marketing, and manufacturing/deployment programs. Identify potential funding sources and strategic partners. If financing will involve some internal corporate funds, describe approval process for accessing follow-on batches of internal corporate funds.

Criteria:

- Is the funding adequate to achieve the project goals?

Intellectual Property

- To the extent that proposed activities include the use or further development of any existing intellectual property (IP) assets, the proposer must describe the IP and provide details that would identify any granted patents or pending applications related to the IP. For patented and patent-pending technologies, the proposer must: i) identify the patent number(s) of any issued patent(s); ii) identify the application serial number(s) for any pending patent application(s); iii) indicate whether pending patent applications are provisional or non-provisional applications; iv) provide a list of the inventors; and iv) identify the assignee(s)/owner(s) of the IP. If the proposer does not own the relevant IP, but is a licensee of the IP, then the proposal must specifically identify and describe any relevant license agreements. Proposers are encouraged to provide copies of relevant IP license agreement(s) and/or letter(s) of support from licensors as attachments to the proposal.

Hiring/Staffing

- Discuss plans to increase staffing levels to bring the product to market and as demand for the product increases.

5. Scope of Work and Schedule:

- Describe each task required to accomplish goals and who will perform each task.
- Prepare a schedule of when each task will be performed, milestones and budget for each milestone, using the format below (add as many lines as necessary; give total on bottom line):

Milestone Description	Labor (hours)	Labor (\$)	Materials & Equipment (\$)	Other (\$)	Total (\$)	Start Date	End Date

Total milestone budget should be the same as the total budget on the Contract Pricing Proposal Form.

Criteria:

- Is the approach likely to meet the proposal's goals?
- Is the schedule reasonable?
- Does the statement of work include tasks for:
 - Technology Outreach (for process improvements) or commercialization (for product development), and
 - quantification of the energy, economic and environmental benefits resulting from the project?

6. Cost Sharing:

- The proposal should show non-NYSERDA funding of **at least 50%** of the total cost of the project. Cost sharing can be from the proposer, other team members, and other government or private sources. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered “cash” contributions. Unpaid labor, indirect labor, or other general overhead may be considered “in-kind” contributions.
- NYSEDA will not fund efforts that have already been undertaken. The proposing team cannot claim as cost-share any expenses that have already been incurred.
- Show the cost-sharing plan in the following format (expand table as needed).

Source	Cash	In-Kind Contributions	Total
NYSERDA	\$		\$
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Total	\$	\$	\$

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- Describe the basis for the rates proposed (i.e., based on prior period actual results; based on projections; based on federal government or other independently approved rates).
- If rate(s) is approved by an independent organization, such as the federal government, provide a copy of such approval.
- If rate(s) is based on estimated costs or prior period actual results, include calculations to support proposed rate(s). Calculation should provide enough information for NYSEDA to evaluate and confirm that rate(s) is consistent with generally accepted accounting principles for indirect costs.

NYSERDA reserves the right to audit indirect rates presented in the proposal and adjust for differences. Requests for financial statements or other financial information may be made if deemed necessary.

Product development activity may be required to repay NYSERDA through a royalty agreement.

Criteria:

- Does the level, type and source of cost sharing indicate a sufficient commitment to the project by the proposer and proposing team?

7. Budget - Complete the Contract Pricing Proposal Form (Attachment C) (see CPPF instructions).

- Indicate requested NYSERDA funding in the column labeled “Funding & Co-funding via NYSERDA.” Include non-NYSERDA cash and in-kind contributions in the column labeled “Cost-sharing and other co-funding.”

Criteria:

- Is cost reasonable when measured against project goal, scope of work, and expected benefits?
- Are costs clearly specified?

8. Business Description:

- Describe the industrial partner’s business or partners’ businesses: number of employees; what is produced and how much per year, or what services are provided; what kind of facilities the industrial partner/partners has/have; how many locations the industrial partner/partners has/have, whether the industrial partner/partners is/are part of a larger organization, and total revenues for 2008.
- Discuss how much of those revenues resulted from sales, grants and other sources (identify).
- Identify any investments from, or discussions with, venture capital firms, investment bankers, etc.
- If your proposed project involves additional demonstration sites, identify the site(s) (location, facilities, product, employees, revenues, etc.).

Criteria:

- Is/are the business/businesses financially sound?

9. Project Team:

- List team members, including the project manager, subcontractors, other participants and co-funders involved in the project.
- Explain their roles and responsibilities.
- Describe qualifications and relevant experience or expertise.
- Identify any special facility, equipment or capability possessed by the project participants that is relevant to the project.

Criteria:

- Does the project team have the qualifications and resources needed to succeed?

10. Letters of Commitment or Support:

- If other organizations or businesses are doing some of the work, providing services or equipment, serving as a demonstration site, or share in the non-NYSERDA cost, include a signed letter from that organization or business (on their letterhead) describing their commitment (include cash/in-kind dollar commitment if applicable). If this proposal is to develop a product, include letters of interest from potential customers.

Criteria:

- If applicable, do letters of support exist and do they reflect the level of involvement (e.g., co-funding, potential interest in buying product, services, etc.) from the supporter(s)/potential customer(s)/partner(s)?

II. New York State Content:

- The solicitation will seek to encourage maximum synergy in the NY State marketplace by encouraging and giving special consideration to projects involving multiple NY entities within the value chain.
- Indicate the level of involvement/commitment of all NY State entities participating in the project.
- Discuss the potential value of the project as “building block” as NYSERDA establishes a portfolio of UV/EB projects

Criteria:

- What overall effect does the participation of the NY State entities have on the industrial sector(s) involved?
- Will the project result in increased adoption of UV/EB technologies throughout NY State?
- Will the project result in widespread energy savings and economic benefit within NY State?
- Is there a significant potential for the project to provide a synergistic benefit with other activities promoting UV/EB technologies in NY State?
- What are the potential opportunities to leverage the “lessons learned” from this project and increase the adoption of UV/EB technologies within NY State?

OTHER CONSIDERATIONS APPLICABLE TO CATEGORIES 1, 2, AND 3

Proposals will be reviewed to determine if they reflect NYSERDA's overall objectives, including: risk vs. reward relationships, potential for complementing similar ongoing or completed projects, the general distribution of NYSERDA projects among organizations, and the distribution of projects within New York State.

GENERAL CONDITIONS APPLICABLE TO CATEGORIES 1, 2, AND 3

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 only those pages containing the confidential or proprietary information at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 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 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 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 prospective 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; only one (1) award is anticipated under Category 3 of this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. 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, at its sole discretion, will decide whether to contract successful projects using time and materials terms or milestone delivery terms. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal. NYSERDA expects to notify proposers in approximately 10 weeks from the proposal due date whether your proposal has been selected to receive an award.

Recoupment - For any new product development projects requesting NYSERDA funding over \$75,000, including, but not limited to product development activities requesting NYSERDA funding over \$75,000 bundled in a proposal to establish and operate a UV/EB Technology Center, NYSERDA will require a royalty based on sales of the new product developed. NYSERDA's standard royalty terms are 1.5% of sales for products produced in New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to the amount of funds paid by NYSERDA to the Contractor, whichever comes first) and 5% of sales for products produced outside of New York State (for a period of fifteen years or until the Contractor pays NYSERDA an amount equal to three (3) times the amount of funds paid by NYSERDA to the Contractor, whichever comes first).

Limitation - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement.

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: Disclosure of Prior Findings of Non-responsibility Form

Attachment C: Contract Pricing Proposal Form

Attachment D: Sample Agreement