



SUSTAINABLE TRANSPORTATION SYSTEMS Program Opportunity Notice No. 1173



\$1,500,000 Available

PROPOSALS DUE: October 10, 2007 by 5:00 pm Eastern Time*

In partnership with the New York State Department of Transportation (NYSDOT), the New York State Energy Research and Development Authority (NYSERDA) Program Opportunity Notice (PON) 1173 seeks proposals to improve the energy and environmental performance of the existing transportation systems in New York State. Total available New York State funding is \$1,500,000. All, or none, of the available funding may be allocated. This solicitation includes the following:

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Proposers must submit fifteen (15) copies 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 No. 1173
NYS Energy Research and Development Authority
17 Columbia Circle, Albany, NY 12203-6399

If you have technical questions concerning this solicitation contact one of the individuals listed below by e-mail or by phoning NYSERDA at (518) 862-1090 and selecting the appropriate extension:

Richard Drake ext. 3258	Program Manager rld@nyserderda.org	Joe Wagner ext. 3228	Sr. Project Manager jrw@nyserderda.org
Frank Rabovsky ext. 3260	Sr. Project Manager fsr@nyserderda.org	Joe Tario ext. 3215	Sr. Project Manager jdt@nyserderda.org

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

Contractual questions should be directed to **Diane Vogel at ext. 3299, or at drv@nyserderda.org**

*Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned. Faxed or e-mailed 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 web site at www.nyserderda.org

I. INTRODUCTION

It is the policy of New York State that transportation goals for mobility, safety and the economy be viewed in conjunction with goals for energy use and environmental protection and enhancement. The transportation system has a major effect on energy use and the environment, making it important to take all reasonable measures to reduce fossil fuel consumption, increase energy efficiency and lower greenhouse gas production.

A competitive, growing economy requires a transportation system that can move people, goods, and services quickly and efficiently. To meet this challenge, each transportation sector must work effectively both by itself and as part of a larger, interconnected whole. Transportation policies, projects, and technologies that increase the speed, reliability, and cost-effectiveness of the transportation sector also will increase the economy's competitiveness and ability to create jobs.

New York State is fortunate to have the most energy-efficient transportation sector in the United States. The State's extensive support for public transportation contributes to the lowest per capita transportation energy consumption in the nation. Energy consumption for transportation purposes in New York is roughly two-thirds that of the national average. Notwithstanding this impressive record, New York State is committed to substantially reducing the footprint of its transportation system on the environment and improving its energy efficiency.

Sustainable transportation aims for the efficient transit of goods and services, and sustainable freight and delivery systems. A sustainable transportation system has been defined to be one that:

- Allows the basic access needs of individuals and societies to be met safely and in a manner consistent with human and ecosystem health, and with equity within and between generations.
- Is affordable, operates efficiently, offers choice of transport mode, and supports a vibrant economy.
- Limits emissions and waste within the planet's ability to absorb them, minimizes consumption of non-renewable resources, limits consumption of renewable resources to the sustainable yield level, reuses and recycles its components, and minimizes land use.

Examples of sustainable energy and environmental transportation initiatives include:

- Reduce fossil fuel consumption and emissions through efficiencies and demand management.
- Promote the use of alternative and renewable energy.
- Minimize transportation-related air emissions and discharges of contaminants to surface and ground water.
- Minimize the generation of waste through each phase of the life-cycle of transportation vehicles, vessels and infrastructure.
- Ensure that the rate of use of renewable resources does not exceed rates of regeneration, and non-renewable resource use is minimized.
- Ensure emergency management systems are in place in order to respond to spills and other transportation-related accidents.

I. INTRODUCTION, continued

Transportation infrastructure can have a strong impact on urban land use patterns, and congestion. Hence, advances in the transportation planning and project development and implementation process and the efficiency of transportation systems through technology improvements are key components of the development of sustainable transportation infrastructure.

Research projects are sought that further the key strategies and policy objectives of New York State as described in the following: State Energy Plan http://www.nyserda.org/publications/sep_annual_report.pdf, Recommendations for Reducing New York State Greenhouse Gas Emissions http://www.ccap.org/pdf/04-2003_NYGHG_Recommendations.pdf, and the State Transportation Master Plan for 2030 <http://www.dot.state.ny.us/tranplan/files/masterplan-010906.pdf>.

By its very definition, sustainable transportation encompasses systems, policies, procedures, and technologies. Even incremental improvements, if applied to diverse areas, will combine to favorably impact system efficiencies. Accordingly, this joint NYSERDA / NYSDOT research solicitation seeks proposals with the goal of improving the energy and environmental performance of the existing transportation systems in New York State. Two categories of projects are eligible for funding.

Category A - Procedures and Practices. Multi-phased proposals are sought to develop or support innovative, energy efficient strategies in each of five core areas: planning and design, construction, project implementation policy, maintenance and operations, and landscaping and lighting. The New York State share of funding for any project in this category will be limited to a maximum of \$75,000 for Studies in Phase 1 and subsequently up to \$300,000 for Implementations in Phase 2.

Category B - Underutilized Technology Demonstrations. Demonstrations of existing commercial transportation technologies, that have the potential to improve the energy and environmental performance of the existing transportation systems in New York State and that have not already been previously deployed in New York State to any significant extent. The New York State share of funding for any project in this category will be limited to a maximum of \$250,000.

II. PROGRAM REQUIREMENTS

Category A - Procedures and Practices. This research will focus on NYSDOT's procedures and practices, but is transferable to all levels of government since NYSDOT's procedures and practices are typically used by all levels of government within the state, other state agencies and some other state DOTs. This effort applies for both highway and transit facilities.

The research will be accomplished in two phases. NYSDOT / NYSDOT is seeking proposals addressing both Phase 1 Studies and Phase 2 Implementations, for each of the five core areas listed below. Individual proposals are to address one core area only, however proposers may submit as many proposals as they feel appropriate. Each proposal must be prepared separately from any other proposal, so that each proposal can stand alone when reviewed and rated. The amount of funding available for research in this category is \$75,000 for the initial Phase 1 Study and subsequently up to a maximum of \$300,000 for Phase 2 Implementations. Only projects receiving Phase 1 awards will be eligible to compete for Phase 2 funding. It is anticipated that multiple proposals will be selected for continuation through Phase 2. Consequently, submitted proposals must address both Phase 1 and 2 requirements.

Core Areas. Research proposals are sought to support five Core Areas:

Planning and Design. Consideration of energy efficiency and greenhouse gas reduction in the planning and design of transportation facilities. This includes consideration of energy efficiency and greenhouse gas reduction in the early planning stages of a transportation project, into the design and environmental stages of a project (e.g., planning criteria) and through the final design and development of final plans, specifications and estimates.

Construction. Consideration of energy efficiency and greenhouse gas reduction during the construction of a transportation project. This includes activities on the construction site and may include issues related to staged construction, contract notes, specification of materials, (e.g., asphalt versus concrete), equipment and fuel usage.

Project Implementation Policy. Consideration of energy efficiency and greenhouse gas reduction in the development and policies related to effects of construction and maintenance on travelers. This includes maintenance and protection of traffic during construction or maintenance, nighttime versus daytime construction, detours versus maintenance of traffic, A+B bidding.

Maintenance and Operations. Consideration of energy efficiency and greenhouse gas reduction related to the maintenance and operation of a transportation facility in a state of good repair. This includes such activities as mowing, use of intelligent transportation systems, life cycle costs, managing invasive plant species, and maintenance of culverts.

Landscaping and Lighting. Consideration of energy efficiency and greenhouse gas reduction related to the landscaping of transportation facilities and the use of efficient lighting on or along transportation facilities. This includes consideration of carbon sequestration in planting selection, care and maintenance of landscaping features, lighting of transportation facilities, traffic signals and lighting by portable lights versus fixed lighting during construction of transportation facilities.

For all core areas, the listed activities are meant to be illustrative and not limited to those activities. The goal of the research is a thorough, complete and comprehensive review of energy efficiencies and greenhouse gas reductions potential for each program area.

II. PROGRAM REQUIREMENTS, continued

Phase 1 Studies. This Phase consists of identifying innovative strategies for energy efficiency and greenhouse gas reduction for each of the five NYSDOT core areas previously identified. The research should consider strategies that are used by other states, other countries or other sectors of the economy.

Suggested tasks include:

Evaluation of current NYSDOT practices and procedures for potential improvements in energy efficiency and greenhouse gas reduction. For each core area identified above, NYSDOT written guidance and procedures should be used as a base condition. NYSDOT written guidance and procedures can be found at <https://www.nysdot.gov/portal/page/portal/main/publications>. Proposers should select the appropriate guidance for the program area for which they expect to submit a proposal.

Identification of alternative approaches from other states, countries or other sectors of the economy. This task includes evaluation of the feasibility for application to NYSDOT.

Assessment of the costs and benefits of applying the identified strategy. An estimate of the potential reduction in energy consumption and greenhouse gas emissions must be provided.

Methodology for Phase 2 implementation, including a work plan for pilot testing.

Phase 2 Implementations - This phase consists of developing and testing implementation options for the strategies identified in Phase 1. Phase 2 work tasks could consist of pilot implementations, evaluation of the success of the identified strategy(ies) and compilation of a Final Report including recommendations to NYSDOT regarding necessary guidance, procedures, and training (if necessary). Proposals should assume coordination and cooperation with NYSDOT field personnel, as needed.

Examples of Phase 2 Implementation could include: development and testing of software designed to increase energy efficiency of a certain aspect of facility design; tools to better incorporate and integrate transportation and land use; field testing of a new contract specification designed to reduce greenhouse gas emissions during a specific type of highway construction project; field testing for longevity and maintenance requirements for plantings based on their carbon sequestration ability.

These examples are illustrative only and are not intended to be limiting or to denote a New York State preference for these examples of Phase 2 Implementation. All Phase 1 Studies and their proposed Phase 2 Implementation methodologies will be equally considered.

While Category A proposers need to address specific facets of Phase 1 Studies in detail, activities in Phase 2 Implementations need only be described in general terms at this time. Sufficient information must be provided, so as to give the evaluator a clear understanding of the type of work proposed for Phase 2 and its likelihood of success. General work tasks and proposed schedules should be clearly identified, however the detailed Phase 2 Statement of Work, Budget and Schedule need not be provided at this time. The detailed Phase 2 Statement of Work, Budget and Schedule will be a deliverable of the Phase 1 Study, submitted with the Final Phase 1 Report, which will serve as the proposal for Phase 2.

II. PROGRAM REQUIREMENTS, continued

Category B - Underutilized Technology Demonstrations. This category is designed to fund the limited demonstration of existing commercial transportation technologies that have been successfully deployed in other states, but that have not been previously deployed in New York State to any significant extent. Benchmarking is defined as the process of determining who is the very best, who sets the standard, and what that standard is. This category is aimed at finding new and emerging “best practices”, which have yet to be significantly deployed in New York State.

A commercial transportation technology is defined to be a product, such as an item, material, component, subsystem, or system, applicable to transportation and sold or traded in reasonable quantities on the open market within the course of normal business operations at prices based on established catalog or market prices with industry-standard deliveries, terms, and warranties.

The proposer will be required to establish that the technology is fully commercial and that no significant product development is required. Transportation technologies requiring additional product development should be proposed to NYSERDA's *Advanced Transportation Technologies* solicitation, which is generally issued twice each year and specifically targets transportation product development. (For example, PON 1143 is available in calendar year 2007, with due dates of April 30th and September 27th).

The New York State share of funding for any project in this category will be limited to a maximum of \$250,000. Projects selected for funding must:

- Address improvements to the existing transportation systems in New York State.
- Provide readily-quantifiable mobility and reliability, energy, environmental, economic, safety and security benefits in New York State.
- Be consistent with metropolitan transportation plans in New York State, or with transportation-related regulations at the federal or state level.

Prior to an award being made, potential contractors may be required to demonstrate: access to financial resources sufficient to perform the proposed work; technical experience and adequate facilities (or the ability to access them); a good performance record; and the ability to qualify for an award under applicable laws and regulations.

Other Considerations. For either proposal category, note that:

- Projects are expected to begin within six months of the proposal due date. The project schedule should generally not exceed 24 months for Technology Demonstrations or Phase 1 Studies. Phase 2 Implementations are expected to start within six months of the completion of the Phase 1 Study and should generally not exceed 24 months.
- Teaming arrangements are encouraged, where appropriate, to enhance the likelihood of project success. Teams may include commercial firms, industry associations or research organizations, universities, government agencies, end-users, and other stakeholders. **Include letters of interest or commitment from each identified team member in an appendix to the proposal.**
- A proposal may be considered **non-responsive** if it fails to comply with the requirements above, the Proposal Requirements of Section III, or the General Conditions of Section V.

III. PROPOSAL REQUIREMENTS

Total proposal length should be 20 pages or less, plus letters of interest or commitment in an appendix. Suggested page limits for each section are provided below in parentheses. If you believe proprietary information must be submitted to present an adequate proposal, please contact an individual listed at the beginning of this PON and comply with the Section VI instructions for submitting proprietary material. Rigid bindings and other elaborate presentation material should not be used – a staple in the upper left corner is preferred. Your goal as a proposer should be to concisely present the information needed to fully address the evaluation criteria (see Section IV). Proposals that grossly exceed the page limits or fail to follow the format guidelines may be rejected as non-responsive.

Proposers must submit fifteen (15) copies of the completed proposal to the attention of Roseanne Viscusi at the address on the front of this Program Opportunity Notice/Request for Proposal. A completed and signed Proposal Checklist must be attached as the front cover of your proposal, one of which must contain an original signature. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.** Faxed or e-mailed copies will be not be accepted.

Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response may negatively influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the PON number, and the page number. The proposal must be in the following format and should present the items in the sequence indicated above.

Proposal Sections. Sections of your proposal should be as follows and assembled in the order indicated:

1. Proposal Checklist. Complete the specific Proposal Checklist attached as part of this PON, and include it as the front cover of the original and each copy of the proposal. Note the following:

- Indicate whether you accept the standard terms and conditions as contained in the attached Sample Agreement. If you do not accept the standard terms and conditions, provide alternate terms with justification based on the risk and benefit to New York State.
- Do not leave any blanks. If a specific question is not applicable, indicate n/a.
- Be sure the individual signing the Proposal Checklist is authorized to commit the proposer's organization to the proposal as submitted.

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

<http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

In compliance with §139-j and §139-k of the State Finance Law, for 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.

3. Executive Summary (one to two pages). Indicate the category (A or B) that your proposal addresses. Summarize the project, including the transportation-related issue or opportunity being addressed, and its significance to New York State. Clearly outline your proposed approach, how it will address the issue or exploit the opportunity, and also be consistent with the State's key policy objectives with respect to transportation energy and environmental performance. Provide a list of the project team members and their qualifications to do the work. Quantify the energy, environmental, economic, and safety benefits to the extent possible.

III. PROPOSAL REQUIREMENTS, continued

4. Background and Proposed Approach (three to four pages). Explain fully how the sustainability of the existing NYS transportation system will be enhanced. Where appropriate, identify the key policy objectives as described in the State Energy Plan, the Recommendations for Reducing New York State Greenhouse Gas Emissions, and the Statewide Transportation Master Plan for 2030, that your proposal addresses. If applicable, discuss your solution's relevance to any metropolitan transportation plan or transportation-related regulation.

5. Proposed Statement of Work and Schedule (three to four pages). The Statement of Work (SOW) is the primary contractual document that outlines work activities and quantifies deliverables. It specifically delineates each step or procedure required to accomplish the project objectives. Therefore, each action shall be identified, indicating who will perform it, how it will be performed and its intended result. Be clear and specific: concentrate on "how" and not "why." Use "active voice" sentence structure to make clear who is responsible for specific actions; for example, use the following phrase to start the description of every task and subtask: "The Contractor shall"

Category A - Procedures and Practices. For Phase 1, include a list and two or three-sentence description of each of the major tasks to be accomplished. Typical task titles may include, but are not limited to, the following: project management, requirements definition, evaluation of current practices, cost assessment, metrics (benefits) quantification, etc. For example:

Task 1.0 Project Management.

Subtask 1.1 Subcontracts. The Contractor shall enter into the following agreements.

Subtask 1.2 Meetings. Typically a Kick-Off and Final Presentation will suffice during Phase 1.

Subtask 1.3 Reporting. NYSERDA and NYSDOT will expect to receive written monthly progress reports, as part of the project management task. These activities should be considered when developing your cost proposal. Such reports shall describe any difficulties encountered during the reporting period, and shall include a statement of the Project Director setting forth the cost of the work during the reporting period. The progress reports should be submitted to NYSERDA's Project Manager no later than the 15th of each month. Progress reports shall be in a letter format and shall include the following subjects in the order indicated, with appropriate explanation and discussion.

- a. Title of project
- b. Agreement number
- c. Period of this report
- d. Progress of report
- e. Planned progress in the future
- f. Identification of problems
- g. Planned solutions
- h. Ability to meet schedule, reasons for slippage in schedule
- i. Schedule - percentage completed and projected percentage of completion of performance by months as a bar chart or milestone chart
- j. Analysis of actual cost incurred in relation to the budget

Subtask 1.4. Final Report. The Final Report should include a brief description of all methods, analyses, and results from the Phase 1 work. As an addendum to the Final Report, you should also include an updated Phase 2 Statement of Work, budget and schedule using this same format. This document will serve as the proposal for subsequent Phase 2 Implementation funding.

III. PROPOSAL REQUIREMENTS, continued

Task 2.0, 3.0, 4.0, etc. Specific Phase 1 Study Tasks. Add as many tasks and subtasks as necessary to cover all actions needed to achieve the goals and objectives of Phase 1. These will be action steps. Each task should include a concise narrative description of the work that will be performed and how the work will be performed.

Schedule. Present a realistic work schedules for both Phase 1 (detailed) and Phase 2 (general), with a starting point and duration for each task and subtask. The maximum time allowed for Phase 1 is six months and will end with the Final Report. Reflect this in your schedule. Presentation of the schedules in a bar chart is preferred starting with "Month 1," "Month 2," etc. Phase 2 Implementations are expected to run from six months to a year, after Notice To Proceed.

Category B - Underutilized Technology Demonstrations. Proposers to this category should follow the same format for the Statement of Work and Schedule as described above. Once implemented, it is anticipated that the Technology Demonstration project will last at least six months and no more than a year. Interim Review meetings are typically required at major milestones, e.g., design review, test plan review, etc. Technical or performance goals should be clearly stated, along with a list of major tasks to be accomplished and a three- or four-sentence description of each. Typical task titles may include, but are not limited to, the following: project management and reporting, requirements definition, teaming agreements, test plan development, design, installation, data collection, and evaluation and final reports.

6. Proposer Qualifications (two to four pages, depending on team size). Provide an overview of the relevant qualifications of the proposer, other team members and major subcontractors. Note that subcontracts of \$25,000 or more are subject to competitive bid procedures except where the proposal identifies a specific subcontractor as an integral participant in the proposed work (see Att. D: Sample Agreement). Resumes, facility qualifications, and data sheets do not belong in the body of the proposal, but should be included in the appendix. Key individuals identified in the proposal need to be available to commit to the project in the time frame proposed and subsequent personnel substitutions will require New York State approval. Additionally, discuss any NYSDOT and/or NYSERDA contracts awarded to the proposer, if any, in the past five years. Identify New York State project managers with knowledge of your performance.

For Category B, proposers must include a proposal section demonstrating the commercial availability of their technology. This should include previous sales and deployments, and include client references and contact information. As previously discussed, this solicitation seeks to demonstrate Underutilized Commercial Technologies. Pre-commercial prototypes, requiring additional product development, should be proposed to NYSERDA's *Advanced Transportation Technologies* solicitation, which is generally issued twice each year and specifically targets transportation product development.

7. Project Benefits (two to three pages). Discuss how the energy and environmental performance of existing New York State transportation systems will be advanced. Quantify the following benefits to New York State to the extent possible: Energy benefits (e.g., fuel economy improvements, number of people or goods shifting to more efficient transportation modes, amount of alternative fuel use, etc.), Environmental benefits (e.g., emission reductions, elimination of hazardous materials, etc.), Economic benefits (e.g., manufacturing jobs or technical services jobs created or retained, reduced transportation system life-cycle costs, enhanced viability of NYS business entities, etc.), Safety and Security benefits (e.g., reduction in deaths, injuries and real property losses, etc.), and other benefits (e.g., lowering the cost of compliance with New York State or federal regulations, enhanced quality of life issues, etc.)

III. PROPOSAL REQUIREMENTS, continued

8. Budget. A Contract Pricing Proposal Form (CPPF), with associated instructions, is provided as Attachment C to this PON. The net cost to New York State is one of the evaluation criteria and will be closely considered. The value of New York State funds could be reduced through greater efficiencies or through cost sharing where other funds substitute for New York State funds. Each proposal must include a completed CPPF and also a cost-sharing table identifying the allocation of funding by task.

Cost Sharing. Some level of cost sharing is required and the amount of cost sharing will be an important consideration in the proposal evaluation process. Cost sharing can be from the proposer, other team members, and other government or private sources. New York State funds cannot be used to reimburse or replace normal expenses of other government organizations. 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. For example, labor may be provided at discount rates, while products for commercial demonstration may be provided at a significant discount or at cost. It is the responsibility of the proposer to adequately quantify and document the level of cost share being provided. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. Show the cost sharing plan in the following format within your proposal (expand table as needed).

PROPOSAL COST SHARING TABLE						
Proposed Funding By Task (Cash and In-Kind)					Project Total (\$)	
Funding Source	Task 1 (\$)	Task 2 (\$)	Task 3 (\$)	...	Cash (\$)	In-Kind (\$)
New York State						
Proposer						
Co-Funder (identify)						
Co-Funder (identify)						
Task Total (\$)						

Indirect Costs. Attach supporting documentation to support indirect cost (overhead) rate(s) included in your proposal as follows:

- Describe the basis for the rates proposed (e.g., 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 the rate(s). Calculation should provide enough information for NYSERDA to evaluate and confirm that the rate(s) are consistent with generally accepted accounting principles for indirect costs.

NYSERDA reserves the right to audit any indirect rate presented in the proposal and to make adjustment for such difference. Requests for financial statements or other needed financial information may be made if deemed necessary.

III. PROPOSAL REQUIREMENTS, continued

9. Appendices. Include any resumes, company qualifications, or ancillary information which is deemed necessary to support your proposal. If appropriate, also include:

Letters of Interest or Commitment. If you are relying on any other organization to provide services, equipment or cost share, include a letter from that organization describing their planned participation. Where appropriate, proposed commercial product demonstrations should include letters of commitment from the host site or vehicle fleet owner. However, due to their active sponsorship of this solicitation, Letters of Interest or Commitment should not be solicited from NYSDOT or NYSERDA personnel.

Also include letters of interest or commitment from businesses or other organizations critical to the future commercialization of the project. Absence of letters of interest or commitment will be interpreted as the proposer not having support from the identified parties.

Exceptions to the Terms and Conditions. If you do not accept the standard terms and conditions as contained in Attachment D: Sample Agreement, provide alternate terms with justification based on the risk and benefit to New York State.

VI. PROPOSAL EVALUATION

Requirements. A negative response to any one of the questions identified below may eliminate the proposal from further consideration. Does the proposal:

- Improve the energy and environmental performance of existing transportation systems?
- Conform with key NYS transportation energy strategies as identified below?
- Address relevant transportation needs in New York State?
- Emphasize deployment of deployable solutions rather than basic research?
- Provide direct and quantifiable mobility and reliability, energy, environmental, economic, safety and security benefits in New York State?
- Show consistency with metropolitan transportation plans and/or State or federal transportation-related regulations?
- Provide Letters of Commitment for key team members?

While Category A and Category B Proposals will be evaluated separately and not compete against each other, all proposals will be reviewed by the same Technical Evaluation Panel (TEP) and will be scored and ranked according to the following criteria. After the proposals are reviewed, NYSERDA will issue a letter to each proposer indicating the proposal evaluation results. Proposers receiving favorable evaluations will be invited to enter into contract negotiations with NYSERDA. The proposer will be required to submit a detailed statement of work, budget, and schedule, and may also be asked to address specific questions or recommendations of the TEP before contract award.

Evaluation Criteria.

Proposed Solution/Scope. How significant is the issue or opportunity? How pertinent is the issue or opportunity to New York State? Is the proposed project likely to improve the sustainability of the existing transportation systems in New York State? Is the proposed work technically feasible, innovative, and superior to alternatives? Is the work strategy sound? If applicable, is the implementation plan well-conceived and appropriate for New York?

Key Strategies. How effective is the project in meeting the State's key transportation energy policy objectives as described in the State Energy Plan, the Recommendations Reducing New York State Greenhouse Gas Emissions, and the State Transportation Master Plan for 2030? Which objectives are advanced? How significant is the expected advancement in comparison to the overall issue?

Project Benefits. How significant are the energy and environmental to New York State? Are the expected benefits likely to be realized, given other constraints or barriers? Are there additional significant benefits? Upon implementation, will there be economic benefits in New York State in the form of subsequent manufacturing or technical service activity?

Proposer(s). To what degree does the team have relevant and necessary technical and business background and experience? Does the team include New York State businesses, thereby providing economic benefits in the form of jobs? How firm are the commitments and support from essential participants, co-funders, and related businesses and other organizations?

Project Outcome and Cost. Is the overall project cost justified based on the expected benefits? Relative to the project cost, how significant are the potential benefits? How appropriate are the proposer's cost share contributions (sources and amounts) with respect to the degree of risk, potential to benefit from the work, and financial status of the proposing organization and project team?

V. 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 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 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 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 (which is available at http://www.tax.state.ny.us/pdf/2006/killin/st/st220td_606_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a perspective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at http://www.tax.state.ny.us/pdf/2006/killin/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

V. GENERAL CONDITIONS, continued

Contract Award. NYSERDA anticipates making multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA expects to notify proposers in approximately ten (10) weeks from the proposal due date 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.

VI. ATTACHMENTS

Attachment A - Proposal Checklist

Attachment B - Disclosure of Prior Findings of Non-Responsibility Form

Attachment C - Contract Pricing Proposal Form and Instructions

Attachment D - Sample Agreement