



NYSERDA

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**REAL TIME ENERGY MANAGEMENT (RTEM) + TENANTS
Program Opportunity Notice (PON) 4693**

\$25 Million for RTEM + Tenants

Applications accepted on a first-come, first-served basis dependent on funding availability until December 31, 2024 by 3:00 PM Eastern Time

The New York State Energy Research and Development Authority's (NYSERDA) Real-Time Energy Management + Tenants Program ("RTEM + Tenants" or the "Program") promotes the comprehensive monitoring and management of commercial office buildings' energy, electricity demand and carbon footprint spanning the core building areas, shared common spaces, and tenant spaces.

NYSERDA recognizes that commercial office tenants play a critical role in achieving lasting reductions in a building's overall demand, energy intensity, and carbon footprint. Consequently, eligible projects must include monitoring of 75% of the electricity consumption of tenant-occupied spaces that are submetered.¹ Projects should include monitoring by equipment type to disaggregate energy consumption and load profiles by end use.

NYSERDA further recognizes that more energy management opportunities are possible if the RTEM system goes beyond monitoring base building cooling and ventilation. RTEM + Tenants therefore requires 75% of the total building energy consumption under control of the building operators to be monitored. NYSERDA anticipates the portion of equipment, system, or plant to meet the 75% threshold will differ by project. Monitoring must reflect time intervals and equipment types so that disaggregation by end use is possible (i.e. load profiles

¹ The Program aligns tenant space eligibility requirements with NYC's LL88 tenant submetering mandate. The law requires all non-residential buildings greater than 25,000 square feet to install electrical sub-meters for each large non-residential tenant space greater than 5,000 square feet and provide monthly energy statements. Full text can be found at: https://www1.nyc.gov/assets/buildings/local_laws/ll88of2009.pdf

for comfort heating, lighting, comfort cooling, ventilation, process load/data-center, escalators/elevators, EV charging, etc.). Additionally, all utility-supplied energy to the building (e.g., electricity, steam, natural gas) must be monitored in real-time through integration with utility meters or by installing shadow meters.

This Program works in conjunction with NYSERDA RFQ 4634 Real-Time Energy Management (RTEM) +Tenants Qualified Vendor. **Only NYSERDA RTEM + Tenants Qualified Vendors may be Applicants to this Program.** RTEM + Tenants added additional analytical capabilities to the RFQ 3691 list of system requirements given the increased focus on energy management in tenant spaces and additional data monitoring requirements representing a more complex project scope. Sophisticated capabilities that utilize artificial intelligence technology will be expected of RTEM + Tenants Qualified System Vendors.

Eligible project applicants

NYSERDA's RTEM + Tenants Qualified Vendor list consists of RTEM System Providers, RTEM Service Providers, and RTEM Providers who offer both System and Service.

System Providers are defined as providers of the monitoring hardware and software used to extract, process, and store energy usage data. Service Providers are defined as consulting services that customers contract with to analyze the data from the RTEM system installation and provide, enable, and/or implement energy savings measures based on the data. RTEM + Tenants Service Providers will need to have a demonstrated specialty in working with commercial tenants in implementing energy management processes. These RTEM + Tenants Service Providers assist the building owners in tenant engagement for adopting energy cost savings behaviors and energy-efficient practices.

The Program offers cost-sharing for RTEM system implementation and services for up to three (3) years (see Program Incentives). Cost share for a longer period of service contract of up to five (5) years will be considered on a case by case basis where doing so facilitates the inclusion of more tenant spaces.

How to Apply:

RTEM + Tenants Qualified Vendors with eligible projects can log on to <https://nyserdaportal.force.com/login> to complete an Application.

Building Owners and Managers in need of an RTEM + Tenants Qualified Vendor can visit the NYSERDA website to locate companies qualified under RFQ 4634

RTEM questions should be directed to rtem@nyserda.ny.gov. All Contractual questions should be directed to Venice Forbes, VeniceSolicitations@nyserda.ny.gov.

*Incomplete or unsigned applications will be returned. NYSERDA reserves the right to close or extend the Solicitation at any time and/or add funding to the Solicitation should other program funding sources become available. If changes are made to this Solicitation, notification will be posted on NYSERDA's website at www.nyserda.ny.gov

INTRODUCTION

NYSERDA's RTEM + Tenants Program is intended to accelerate market adoption of systems and services that reduce the energy use intensity of commercial office buildings. Real time insights on energy end-uses throughout a building's occupied spaces and conditioned zones can maximize whole-building energy performance, improve equipment and plant optimization, identify measures for reducing whole-building carbon footprint, enable participation in demand flexibility markets, and better inform capital projects that deliver on both energy and wellness (i.e. ventilation) goals across a whole building space. The Program will identify and expand upon the industry's best practices for data-driven performance optimization in all building spaces.

This Solicitation is divided into the following components:

Section I: Key Terms Definitions

Section II: Eligibility

Section III: Program Incentives

Section IV: Application Requirements & Approval Process Overview

Section V: List of General Conditions

Section VI: List of Attachments

Section I: Key Terms Definitions

Definitions:

- **RTEM systems** are the monitoring hardware and software used to extract, process, and store energy usage data.
RTEM services are ongoing consulting services that customers contract with to analyze energy usage data and provide, enable, and/or implement energy savings measures, based on the data. In this program, NYSERDA is looking for services that include engagement to support the recruitment, onboarding, and ongoing engagement of tenants throughout the lifespan of a project, to ensure a positive tenant experience.
- **Qualified RTEM Vendors** are any RTEM system, RTEM service, or RTEM system and service vendor who has qualified as an NYSERDA RTEM vendor through the RFQ 4634 process. Vendors qualified and in good standing under the previous RFQ 3691 are eligible to apply as RTEM + Tenants vendors with an abbreviated application process.
- **Applicant** is the qualified RTEM Vendor who is applying for an RTEM project cost-share incentive. Any qualified vendor may be the Applicant. All project applications must include an RTEM System and an RTEM Service provider.
- **Customer** is the commercial owner or manager who is procuring the RTEM system and service, and the tenants in their building's leased spaces who are participating in the project.
- **Tenant** is the commercial entity that rents space at a participating building by executing a commercial lease.

II: ELIGIBILITY

ELIGIBLE APPLICANTS

Each RTEM + Tenants application must consist of an RTEM + Tenants System Vendor and an RTEM + Tenants Service Vendor, or a combined RTEM + Tenants System and Service Vendor.

RTEM + Tenants Qualified Vendors should apply to the Program with eligible participant site(s). Building Owners, Landlords, and Facility Managers must work with an RTEM Qualified Vendor to receive project funding. To become an RTEM Qualified Vendor (RFQ 4634), apply on-line [here](#). Firms interested in applying to be on the NYSERDA RTEM Qualified Vendor List may include, but are not limited to energy management system providers, Energy Service Companies (ESCOs), energy consultants, and engineering companies. Providers that fail to qualify for the list will not be eligible to submit applications to this Program. Applications to this Program from providers that are not on the RTEM Qualified Vendor List will not be approved until the provider is accepted. If the provider is rejected, the project application will be rejected.

NYSERDA will make all system installation and service cost-share payments in this Program directly to the Program Applicant. If the RTEM System Provider is different from the RTEM Service Provider, then the RTEM Service Provider and the RTEM System Provider will be responsible for establishing their own payment arrangements.

Returning Applicants

Interested RTEM PON 3689 System Vendors qualified under RFQ 3691 must demonstrate the availability of cloud-hosted data storage, analytics, integration with common building systems, meters, and IoT devices. Interested Service Vendors qualified under RTEM RFQ 3691 must additionally show expertise and/or consulting offerings in engaging commercial tenants in the energy management process to become qualified to participate in RTEM + Tenants. More information on the vendor requirements can be found in the RFQ associated with this PON, RFQ 4634.

ELIGIBLE PARTICIPANT SITES

Participants must be New York State electricity distribution customers of a participating utility company that pays into the System Benefits Charge (SBC). These utilities include Central Hudson Gas & Electric Corporation, Consolidated Edison, New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.

Eligible tenant sites include:

New York State commercial facilities with two (2) or more tenant-occupied leased spaces that are at least 50,000sq ft. Single-tenant or 100% owner-occupied buildings are not eligible.

ELIGIBLE PROJECTS

Awarded projects must be installed and commissioned within one year of receiving a NYSERDA Purchase Order ("PO"). Failure to install within the one-year timeframe may result in project cancellation. Some exceptions may apply, for example under certain conditions it will make most sense to integrate equipment located in tenant spaces under a phased approach. The NYSERDA team reserves the right to consider this approach on a case-by-case basis.

RTEM equipment installed before applying to this Program is not eligible to receive a System Installation Cost-Share (as defined in Section III below).

Awarded projects must include a minimum of submeter monitoring the electricity consumption for 75% or more of tenant space by square footage. The installed cost of tenant submeters and the integration of meter data into a RTEM + Tenants platform are eligible for Program cost-share.

Existing operational RTEM projects that received funding under PON 3689 are eligible for cost-share for expanding system capabilities (e.g., artificial intelligence analytics) and service offerings (e.g., tenant engagement) to satisfy RTEM + Tenants provided all other Program requirements are met.

All projects must have both base building (e.g., central plant, common spaces) and tenant energy monitoring components as listed below.

RTEM + Tenants Base Building system requirements include monitoring and control of primary base building HVAC equipment such as Chillers, Boilers, Dedicated Outdoor Air System (DOAS), Air Handling Unit System/Distribution, Variable Air Volume (VAVs), Cooling Towers, and Pumps. The monitoring of building loads and systems are required to meet or exceed 75% of a building's total consumption of utility-supplied energy measured in mmBtu (millions of British Thermal Unit) including electricity, natural gas, steam, and fuel oil, as appropriate.

An eligible RTEM + Tenants project must integrate the following;

- All applicable building-level utility meters (e.g., electric, natural gas, steam, water)
- Power Quality Meter (certified for Class A measurement methods based on the current edition of IEC 61000-4-30) to monitor building level incoming power quality
- Whole building level occupant entering/existing counting (e.g., main lobby occupant monitoring)

- Disaggregation and visualization of energy consuming energy loads by end use, either by analytics or direct monitoring

RTEM + Tenants leased space system requirements include monitoring of 75% or more of leased tenant spaces by square footage in a building. At a minimum, this includes integration of 15min or less interval electric submeter data to the RTEM system. Projects are encouraged to include the following:

- Disaggregated electricity consumption into major end-uses for energy management purposes, such as lighting, IT, and significant plug loads either through software analytics or direct monitoring
- Integration of indoor air quality sensors, temperature sensors, and control devices in tenant spaces
- Occupancy counting by floor (e.g., Elevator lobby occupant monitoring)

Additional IoT, sensors, metering, or actuation devices and user interfaces (display, select switch, etc.) can be proposed if integrated with the RTEM + Tenants project.

All eligible projects must satisfy data security and standardization requirements. The RTEM Service Vendor must demonstrate competency with cybersecurity best practices by presenting an industry recognized professional information security or a cybersecurity certificate for at least one assigned staff on the Project.

The Applicant must include a sample data submittal to demonstrate adherence to the Project Haystack tagging convention for all metadata and time-series data required by the Program.

Monitoring Requirements:

All monitoring hardware must be designed for permanent installation. Hardware intended for temporary use is not eligible.

Monitoring must capture all energy supplied by utilities, including electricity, natural gas, and steam (as applicable), either through direct acquisition of the utility meters' data or by deploying shadow meters. The interval frequency of utility meter monitoring must be sampled at fifteen minutes or more frequently. Annual records are required for fuels that are bulk delivered (e.g., Propane, Fuel Oil.)

Eligible projects must monitor 75% or more of tenant² spaces in the building and must include the granular monitoring of individual building systems that in total accounts for 75%

² The program will align eligibility based on spaces that are required to comply with NYC's LL88 tenant submetering mandate - requires all non-residential buildings greater than 25,000 square feet to install electrical submeters for each large non-residential tenant space greater than 5,000 square feet and provide monthly energy statements. The compliance deadline for both the lighting and sub-metering requirements is 2025. Full text can be found at: https://www1.nyc.gov/assets/buildings/local_laws/l188of2009.pdf

or more of base building's total energy consumption (consumption under the management of building operators).

Additionally, base-building monitoring must be sufficiently granular for disaggregating energy consumption and load profiles by separate end-use (comfort heating, lighting, comfort cooling, ventilation, process load/data-center, escalators/elevators, EV charging.)

For tenants in smaller spaces, NYSERDA recommends software analytics to disaggregate electricity consumption into major end-uses for energy management purposes, such as lighting, IT, and significant plug loads. For tenants that occupy large square-footages (e.g., multiple floors), NYSERDA encourages the deployment of additional interval meters and current sensors (CTs) to measure significant end-uses to inform and encourage tenants to adopt energy management practices.

RTEM + Tenants requires the installation and integration of a Power Quality Meter (PQ Meter) that is certified for Class A measurement methods based on the current edition of IEC 61000-4-30. The purpose of the PQ Meter is to increase the resiliency of the building's sensitive electric systems/equipment and capture power grid conditions to assist the utility in improving the quality of electricity supply. For buildings with multiple electricity supplies from the utility grid, NYSERDA recommends a dedicated PQ Meter for each circuit that is feeding significant and sensitive loads within the building. However, a single PQ Meter is acceptable, provided the measurements accurately reflect the power quality of the electricity supply to the whole building. Additionally, the PQ Meter's power quality parameters must be recorded by the RTEM + Tenants system such that whenever there is an outage to the building's utility electricity supply, power quality parameters from just before the outage such as power frequency, voltage dip/swells, phase unbalance, harmonics and inter-harmonics, are available for analysis (as stipulated in the current edition of IEC 61000-4-30).

The following are ineligible for funding:

- Whole-building only monitoring or the installation of submeters in tenant spaces without integration with an eligible RTEM System.
- Site-Based (local) dedicated controllers and control stations where control sequences are programmed and executed without integration with an eligible RTEM System.

RTEM + Tenants Service requirements

All projects must include an RTEM service provider who will deliver tenant engagement services specific to the nature of the project. The service provider must detail, at the time of application, their plan for tenant engagement on energy management in the required Tenant Engagement Strategy form. An example tenant engagement strategy could include the following;

Tenant Engagement Manager (TEM): a consultant who can work alone, or with the Property Manager, to engage tenants on novel energy management strategies, or provide technical support in expanding the space's RTEM participation from submetering inclusion to something more comprehensive (i.e. lighting control, plug load monitoring, etc.)

III: PROGRAM INCENTIVES

All projects must include cost-sharing in the form of cash support from the site (building).

The Program's cost-share will be capped at \$400,000 per eligible site. An eligible site is a location or property with an SBC paying electric utility account. Qualifying project sites are limited to one (1) SBC paying electric utility account per building address.

For each RTEM + Tenants Project, up to 33% of the eligible project costs with a cap of \$400,000 is available for the installation and commissioning of an eligible RTEM + Tenants System and up to three years of RTEM + Tenants Services.

System and Service Incentives:

NYSERDA will issue a single PO with a maximum incentive of \$400,000 per site to include the following:

For RTEM System Installations:

- NYSERDA System installation and commissioning cost-shares are provided per TABLE 1

For RTEM Services (1-3 years eligible):

- NYSERDA Service cost-shares are provided per TABLE 1

There are two cost-share incentive options available. The Applicant will be able to select, on project-by-project basis, either Option A or Option B, as seen below. It is important to note, detailed system and service costs must be disclosed to NYSERDA, regardless of the payment option chosen. Additionally, for both options, payments will only be made to the Applicant. Providers must disclose information regarding the NYSERDA cost-share amount for the participating site.

System and Service Incentive Payout Options:

Option A: Available for customers who pay upfront costs for RTEM System installations. RTEM System cost-share is a one-time payment, RTEM Service cost-share is an annual payment up to three years.

Table 1

Incentive Type	NYSERDA Cost-Share
RTEM System Installation	33%
RTEM Service Years 1 – 3	33%

Option B: Available when the RTEM System costs are embedded in the RTEM Services costs and the customer pays little or no upfront costs, allowing both the system and service costs-sharing structure to be stretched over a three-year period.

Table 2

Incentive Type	NYSERDA Cost-Share
RTEM System/Service Years 1 – 3	33%

Additional requirements:

- NYSERDA will issue a maximum of 3 years of cost share regardless of contract length except in special circumstances where extending years of cost share facilitates inclusion of more tenants to the RTEM system.
- If the RTEM System costs are embedded into the RTEM Services costs, the incentive structure will provide cost sharing for the RTEM Service, as well as a weighted portion of the systems costs. The system cost-sharing shall not exceed the length of the RTEM contract, nor the 3-year requirement mentioned above. The RTEM Vendor will indicate, in detail, the expected costs of the RTEM Systems and RTEM Services payments in the contract.

FUNDING LIMITATIONS:

- Each qualifying project site is eligible for a maximum Program cost sharing equaling to 33% of eligible project cost capped at \$400,000 of total Program funding.
- A qualifying project site is limited to applying to the Program for one (1) SBC paying electric utility account per facility address.
- A portfolio owner cap of 6.4% of available funding applies to all participants, i.e. at this time, no single commercial real estate portfolio can receive greater than \$1.6 million in NYSERDA incentives connected to this Program or may submit more than (8) eligible sites.

Sites already receiving financial assistance in the form of grants through the New York Power Authority (NYPA) for compliance with Executive Order 88, or incentive programs offered by their local utilities, are not eligible to receive incentives for the same activities

under this Program. (Financing from NYPA or NY Green Bank is allowable in combination with cost share from this Solicitation).

Cloud-based Controls/Analytics

Cloud-based analytic derived start-up/turn-down schedules, set-point changes, optimization of control sequences or other generally supervisory modifications of fine-tuning to site-based (local) controllers and control stations are eligible for inclusion into the RTEM System cost-share. Remote-initiated supervisory changes implemented using the same communication and data infrastructures as the pathway to the cloud-based repository, analysis routines, and visualization displays can be included in the eligible RTEM System scope. Output devices and equipment without local intelligence that are used to translate analytics into physical actions (examples include relays for digital outputs, 4-20ma or 0-10V for analog outputs) are considered signal level converters and are eligible for inclusion into the RTEM system.

NYSERDA recommends qualified RTEM + Tenants System Vendors submit control type of functions for review and pre-approval prior to submitting a Project application.

The Program requires a Cloud-hosted system for data storage and to execute analytics. For participation eligibility, Cloud is an off-premise enterprise-class data center to ensure security, reliability, and scalability. Case by case exceptions may be granted for an on-premise data center at the customer's facility. NYSERDA requires certification complying with Tier-2 or higher TIA-942, Uptime Institute, or similar data center industry organization's requirements. Alternatively, the vendor or the customer may request an NYSERDA consultant to evaluate the data center satisfies Tier-2 or higher standards.

IV: APPLICATION REQUIREMENTS AND APPROVAL PROCESS OVERVIEW

APPLICANT:

Required: Applicants must apply on-line through an NYSERDA portal. The following documents will be requested:

- 1 Signed RTEM application agreement submitted by an RTEM Qualified Vendor ("Applicant")
- 2 Current, complete electric utility bill of each site documenting the SBC payment
- 3 RTEM System/Service Contract: fully signed contract agreement between RTEM Qualified Vendor(s) and the Customer.
- 4 RTEM System/Service Contract Addendum: specific information from the RTEM System/Service Contract that is reformatted as an addendum for NYSERDA review (see

Attachment C). In addition to customer signature, individual signatures by tenant representatives to satisfy the 75% leased/rental square-footage requirements are also required if the scope of the project includes equipment located in tenant spaces.

- 5 Tenant Engagement Plan – to be completed by the Service provider, detailing how the project will engage with tenants in the building on energy management.

NYSERDA evaluates the Project based on the above submitted information. All applications will be reviewed on a first-come, first-served basis until funds are fully committed. It is at NYSERDA's discretion to accept projects, dependent on project applications meeting all Program requirements.

After the Applicant submits the Application, NYSERDA or its contractor will review the Application in its entirety and evaluate the RTEM system specifications and RTEM services offered. NYSERDA or its contractor will conduct a pre-installation site visit on at least the first two projects for all new Applicants. NYSERDA may also conduct post-installation site visits on occasion to confirm work scope or to perform measurement and verification (M&V) tasks. Upon review and approval of the Application information and completion of the pre-installation site visit (if required), NYSERDA will notify the Applicant and site contact(s) that the Application is approved and issue a Purchase Order (PO) for the approved incentive amount. Applicants are encouraged to continuously engage with NYSERDA as they submit more projects for funding.

Notes:

1. An Applicant proceeding with project demolition or installation before the NYSERDA conducted pre-installation site visit and approval will not receive a system installation cost-share. NYSERDA has not committed to cost-sharing a project until a PO is issued.
2. If at any time the Project, RTEM System or Services do not meet the minimum requirements or quality standards established by the Program, the Applicant will not be eligible to receive funds and the Project will be canceled.

PROGRAM DELIVERABLES:

Participation in the Program requires the Applicant to submit the following deliverables to NYSERDA during the Project:

1. RTEM System/Service Contract Addendum – as stated above, before receiving a PO from NYSERDA, the Applicant will provide information and supporting documentation to NYSERDA to help summarize the Project scope of work and to ensure it meets the intent of the Program. For RTEM + Tenants, the Contract Addendum template will include tenant occupied spaces and systems placed under RTEM monitoring or supervisory control. A required tenant engagement strategy plan will detail planned tenant-focused activities for promoting energy efficiency and conservation behaviors.

2. RTEM Installation and Commissioning Report – prior to receiving the system cost-share from NYSERDA.
 - The Applicant will provide information and supporting documentation to summarize the complete installation of the RTEM system and to explain the roles and responsibilities of project participants. Any work scope modifications or changes must be described and explained.
 - Baseline data for all the site's utility supplied energy must be included by the Applicant along with the Installation and Commissioning Report. Interval data is required if available, otherwise, monthly consumption and demand billing data are acceptable. Record of bulk deliveries such as Propane or Fuel Oil must be included if applicable.

3. RTEM Service Reports

- The Applicant will provide quarterly information and supporting documentation to help summarize the performance of the Project on a bi-annual basis. This includes a summary of energy usage by utility over the given reporting period, pre- and post-analysis of any implemented energy savings or demand flexibility measures (both capital and O&M projects), and an account of potential future energy savings or demand flexibility measures under consideration for both tenant and base building spaces.
- Review and approval of a tenant engagement strategy plan upon project application is required.
- Ongoing reporting on tenant engagement activities for energy management is required.
- The reports shall differentiate and quantify electricity savings opportunities as either demand-reduction measures, energy-reduction measures, or both, with further identification of demand-reduction measures by demand-shedding or demand-shifting consequences.
- The Program encourages the Project to include some form of updating (reporting, visualization, etc.) of the building's overall carbon-footprint per New York City LL97 in service reports.

4. Building Utility Data

The Applicant will provide all meter data for the building's utilities (e.g., Electric, Gas, Steam, etc.) with the semi-annual RTEM Service Reports that cumulatively accounts for at least 95% of the building's overall annual energy footprint. Interval meter data is required where available. Where interval meter data are not available, monthly consumption data gathered from utility bills are required. For utilities consist of periodic bulk deliveries (propane, oil, etc.) without metering of consumption, data collected from delivery records are to be submitted. Where whole building 'shadow meters' exist or are installed as part of the project work scope, interval data gathered from the 'shadow meters' may be submitted in place of

utility data provided the data represents the whole building consumption of the metered utility.

PROJECT PAYMENTS:

NYSERDA intends to issue progress payments based on the following:

1. System installation cost-share will be issued to the Applicant upon review and approval of installation and commissioning of the RTEM system. NYSERDA or its contractor will authorize the payment, the approval of required documents needed to prepare the RTEM Installation and Commissioning Report, and associated data. Failure to provide documents required to complete the report within 30 days after the commissioning date may forfeit funding from this Program.
2. Service cost-share will be provided semi-annually, after review and approval of required Tenant Engagement Strategy plan, Service Reports, and associated data. Updated service reports and associated data will be collected for review and payment every six months. If reporting is not received within the first six months after commissioning, and thereafter, Applicants may forfeit project funding from the Program.

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 <https://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDARegulations.ashx>. 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
625 Broadway
Albany, NY 12207

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

Empire State Development
Minority and Women's Business Development Division
625 Broadway
Albany, NY 12207

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 <https://online.ogs.ny.gov/legal/lobbyinglawfaq/default.aspx> . Proposers are required to answer questions during proposal submission, which will include making required certification under the State Finance Law and to disclose any Prior Findings of Non-Responsibility (this 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.ny.gov/pdf/current_forms/st/st220td_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.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has

developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Contract Award - NYSERDA anticipates making multiple awards under this Solicitation. NYSERDA may request additional data or material to support submissions including scope of work modifications or negotiations before issuing a Purchase Order. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. A sample Purchase Order is available on request. NYSERDA expects to notify customers in approximately three (3) weeks from the receipt of a complete project package whether the submission has been selected to receive an award.

Accessibility Requirements - If awardees from this Solicitation will be posting anything on the web, or if the awardee will produce a final report that NYSERDA will post to the web, the following language must be included. NYSERDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.), video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see [NYSERDA's Accessibility Requirements](#).

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. NYSERDA reserves the right to disqualify proposers based upon the results of a background check into publicly available information and the presence of a material possibility of any reputational or legal risk in making of the award.

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 US Government or the New York State Department of Labor.

VI: ATTACHMENTS

Attachment A – Terms and Conditions

Attachment B – RTEM Contract Addendum Guidelines

Attachment C – Tenant Engagement Plan Template