

Questions and Answers Regarding the Cellulosic RFP

Have dates been determined for recipient selection and distribution of funds?

We will try to get proposals evaluated, selected, and contracted as soon as possible.

Does a proposing company need to be based in New York State?

No, but the proposed facility must be located within New York State.

Is there a possibility that an extension to the deadline could be provided to give us the opportunity to develop a responsive proposal?

The deadline for proposals is 4:30 PM on September 20, 2006 . No extensions will be granted.

Do the Standard Contract Provisions Attachment A and the Contractor Certification Attachment B need to be submitted with each of the 10 proposal copies or is one copy sufficient?

Copies of completed Attachments A and B must be submitted with each copy of the proposal.

Are all team members associated with a submittal are required to complete Standard Contract Provisions (Items A-K) Attachment A and the ST-220, or just the prime firm?

Just the prime proposing firm needs to fill out the Standard Contract Provisions and ST-220.

Can grant funds be applied to engineering and procurement activities occurring prior to award/receipt of funding?

While the RFP does not specifically make previously incurred costs ineligible for reimbursement, it does contain language that is forward looking and anticipates only reimbursing project costs that are incurred after the effective date of the contract and once the project has started. A proposer/contractor will have a high burden of proof to show that previously incurred costs are directly related to the project being constructed in New York State should be eligible for reimbursement. We can see instances where previously incurred costs can be used as part of the match requirement. However, these should be used with caution, as part of the evaluation criteria includes reasonableness of costs, and proposals that include unreasonable calculations towards match requirements could see their scores reduced as a result.

Will New York State maintain any ownership rights to the equipment/facility at the end of the five year period?

No. New York State will not seek or maintain any ownership rights to the facility.

Will New York State seek ownership of intellectual property associated with the design and operation of the facility?

No. As stated in the RFP, New York State's interest in this project is to develop a cellulosic industry and the sustainable production of biomass in order to create jobs, investment, and economic activity in New York State. It is not our interest to assume any ownership of intellectual property rights associated with this solicitation.

Will New York State want to have some degree of access to the facility (e.g. tours) in a manner that can protect the owner's intellectual property?

Yes, we would specify in the contract that New York State and its contracted agents (such as a construction management consultant that the State would retain) have the right to access the facility in order to check on contract construction milestones or for public announcements and/or tours. However, we would do so only in a manner that protects the intellectual property of the facility owner. Language acceptable to both parties should be negotiated in the contract.

Is hand delivery of the proposals acceptable?

Yes, hand delivery is acceptable. Here is a link to directions for our office:

<http://www.agmkt.state.ny.us/directions.html>

Is there a convention that should be employed to indicate proposal pages/sections that are considered confidential?

Paragraph (d) of subdivision 2 of sec. 87 of the New York Public Officers Law (POL) provides that a State agency may deny access to 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.” Such a denial is subject to administrative and judicial appeal. Further, subdivision 5 of sec. 89 of the POL provides that a person acting pursuant to law or regulation who submits any information to a State agency may, at the time of submission request that the agency accept such information from disclosure under paragraph (d) of subdivision 2 of sec. 87 of the POL. The law provides that the request for an exception shall be in writing and state the reasons why the information should be accepted from disclosure. The law contains procedures relating to records that are the subject of such requests. Denials pursuant to the law are also subject to administrative and judicial appeal.

Will reviewers be bound by non-disclosure agreements to ensure the protection of proposal information?

All reviewers are required to sign confidentiality agreements before they can receive any proposals for evaluation.

Can you refer me to any studies on manure generation quantities in New York State?

Answer: Cornell University and NYSEDA have done quite a bit of work on manure for anaerobic digestion. The following links and contact should provide more information:

[Cow Power](#)

Norm Scott at Cornell is New York’s expert on manure-to-power: (607)-255-4473
nrs5@cornell.edu

Does the Department have any information on pitch pine as a feedstock source or names of willow growers?

No, but resources for wood chemical composition are:

- SUNY ESF Dr. Edwin White at ehwhite@esf.edu or 315-470-6732.
- Kevin King, Executive Vice-President of the Empire State Forest Products Association (ESFPA) at kking@esfpa.org or 518-463-1297.
- Sloane Crawford of NYS Department of Environmental Conservation (DEC) at sncrawfo@gw.dec.state.ny.us or 518-402-9405.

Resources for willow:

- SUNY ESF Dr. Tim Volk at tavolk@esf.edu or 315-470-6692
- Stacie Edick at willowie@frontiernet.net or 607-316-1510

Is Switchgrass or municipal solid wastes eligible feedstocks?

Switchgrass is an eligible feedstock. Municipal solid waste is not, as specified in the RFP.

The RFP specifically states that the proposals based on using municipal solid waste will not be accepted. Will a proposal be eligible where a portion of the feedstock comes from another non-biomass source?

Processes that employ non-eligible feedstocks are eligible as long as the central focus of the proposal uses eligible biomass feedstocks. Non-eligible feedstocks may be used to enhance the production process. If there is a possibility for misinterpretation of an approach (in this case feedstock eligibility), we would recommend that the proposer clearly explain their rationale in the proposal.

Do you have a method of scoring or ranking the grant applications that can be shared?

The information in the RFP under “Qualitative/Quantitative Criteria” will provide the basic scoring/ranking structure to be used to evaluate all proposals.