



Hudson River - Black River Regulating District

KATHY HOCHUL
Governor

MARK M. FINKLE
Chairman

JOHN C. CALLAGHAN
Executive Director

April 24, 2024 Amendment to RFP

Lease and Operation of State-owned Hydroelectric Plant at Stillwater Reservoir

DELETE, “Proposals due May 2, 2024 by 4:00 PM Eastern Time”, and

SUBSTITUTE THEREFORE, Proposals due May 23, 2024 by 4:00 PM Eastern Time”

III. Proposal Requirements

DELETE, “Proposals submitted by firms which do not attend a mandatory site visit and plant inspection at 11:00 AM ET on April 22, 2024 will not be considered.”, and

SUBSTITUTE THEREFORE, “Proposals submitted by firms which do not attend a mandatory site visit and plant inspection at 11:00 AM ET on April 22, 2024 or 11:00 AM ET on May 13, 2024, or a virtual site visit/ information session at 11:00 AM ET on May 15, 2024, will not be considered. To register for the May 13, 2024 site visit or May 15, 2024 virtual site visit/ information session email hrao@hrbrd.ny.gov indicating which you plan to attend. Registrants will be provided directions to the May 13, 2024 site visit or a link for the May 15, 2024 virtual site visit/ information session, as applicable. ”

DELETE, “Proposers should email questions to tmaniccia@hrbrd.ny.gov by 4:00 PM ET on April 24, 2024.”, and

SUBSTITUTE THEREFORE, “Proposers should email questions to tmaniccia@hrbrd.ny.gov by 4:00 PM ET on May 16, 2024.”

DELETE, “The Regulating District will respond to and publish answers to all questions by 4:00 PM ET on April 26, 2024.”, and

SUBSTITUTE THEREFORE, “The Regulating District will respond to and publish answers to all questions by 4:00 PM ET on May 21, 2024.”.

DELETE, “Deadline for submission of proposals is 4:00 PM ET on May 2, 2024.”, and

SUBSTITUTE THEREFORE, “Deadline for submission of proposals is 4:00 PM ET on May 23, 2024.”.

Hudson River - Black River Regulating District

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April 4, 2024

Lease and Operation of State-owned Hydroelectric Plant at Stillwater Reservoir Proposals due May 2, 2024 by 4:00 PM Eastern Time

The Hudson River-Black River Regulating District (“HRBRRD” or “the Regulating District”), a New York State Public Benefit Corporation, invites qualified and experienced entities to submit proposals for the lease, operation and maintenance of a hydroelectric plant (“Plant”) – including the sale of electricity generated – at Stillwater Reservoir in the Town of Webb, Herkimer County, New York. Lessee will be solely responsible for hydroelectric plant-related Federal Energy Regulatory Commission (FERC) dam safety compliance, repairs to the Plant, required capital investment in the Plant, site maintenance and security, and generation and sale of electricity in accordance with applicable local, State and Federal requirements, regulation and law. HRBRRD is in the process of acquiring the plant and anticipates entering into a lease on or about July 1, 2024.

Description: The Plant is a one story hydroelectric facility containing 1,296+/- square feet of gross building with a 1.8 megawatt Allis Chambers vertical shaft turbine with a rated flow of 760 cubic feet per second for a rated head of 30 feet and a rated speed of 212 revolutions per minute and Siemens generator (with 4,160-voltage, 1.8 megawatt capacity, 3-phase / 60 Hertz frequency at a speed of 212 revolutions per minute) on a 0.6+/- acre site located at the west end of Necessary Dam Road at the east end of the main dam for the Stillwater Reservoir in the Town of Webb, Herkimer County, New York. The building is at the top of a 48’+/- deep shaft, with the generator located on the floor of the shaft and the turbine located in a pit under the generator. Monitoring equipment and a small office are located on the top level of the shaft within the building enclosure at ground level. The subject plant operates under an exemption, issued to the Regulating District, from the Federal Energy Regulatory Commission (“FERC”). This exemption is perpetual so there is no requirement for FERC exemption renewal. However, the plant and impoundment are subject to periodic FERC inspection. This opportunity presents a strategic partnership to enhance the plant's efficiency, sustainability, and overall performance.

The Stillwater Dam, while not part of the subject property to be leased, serves to impound water for the subject hydroelectric plant. It is approximately 330-feet long with a 48-foot-high poured concrete dam structure with two spillways and five sluice gates. The Stillwater Reservoir contains an impoundment area approximately 8.9 miles long, and has a surface area of 6,490 acres, and a storage capacity of 108,356 acre-feet at an elevation of 1,679.3 feet (NGVD29). The crest of the embankment dam has an elevation of 1,687.3 feet (NGVD29). The dam is classified as New York State Class C and FERC High Hazard.

HRBRRD expects to award a lease to a single firm. HRBRRD intends to enter into a contract with the successful proposer for a lease anticipated to begin July 1, 2024, subject to HRBRRD's successful acquisition of the Plant, and extend through June, 2030, with an option for an additional 20-year term to be executed on mutual consent of the parties at terms to be negotiated. The initial six (6) year term runs concurrent with the Regulating District's July 1, 2024-June 30, 2027 and July 1, 2027-June 30, 2030 financial and assessment cycles, and roughly concurrent with the remaining projected term of a Power Purchase Agreement (PPA) associated with the Plant, as amended, which documents are available at the links below:

<https://hrbrrd.ny.gov/wp-content/uploads/2024/04/1985-06-14-1985-Power-Purchase-Agreement-Nimo-Stillwater-Associates.pdf>

<https://hrbrrd.ny.gov/wp-content/uploads/2024/04/1993-02-28-1993-Amendment-to-Power-Purchase-Agreement-Nimo-Stillwater-Associates.pdf>

This contract will require the lessee to hold the Regulating District harmless for reservoir conditions which reduce, limit, restrict, impede or otherwise curtail generation. The successful proposer will be required to submit rent at the fixed rate proposed to the Regulating District on a monthly basis, with such rent not subject to change if reservoir conditions differ from those assumed by the proposer for the purpose of their proposal, nor for any other regulatory or operational reason.

Proposals submitted must:

- Outline the proposer's experience operating hydroelectric power plants;
- Provide a detailed financial plan, (in the format provided in VII: Additional Information), including annual lease payments and investment commitments;
- Detail proposed environmental initiatives and sustainable practices;
- Highlight technical capabilities to optimize plant performance.

Proposals from qualified firms that are New York State certified as Minority-Owned Business Enterprise, Woman- Owned Business Enterprise, Service-Disabled Veteran-Owned Small Business and New York State Small Business bidders are especially welcome.

Proposal Submission: Electronic submission is preferable. Proposers may submit Word or PDF files. Individual files should be 25MB or less in file size. Proposal PDFs should be searchable and should be created by direct conversion from MS Word or other conversion utility. Files should not be scanned.

For ease of identification, all electronic files must be named using the proposer's entity name in the title of the document. HRBRRD will also accept proposals by mail or hand-delivery if email submission is not possible.

Please email proposal to tmaniccia@hrbrrd.ny.gov.

Proposals unable to be emailed should be mailed or hand-delivered to and received by the due date and time at:

Hudson River-Black River Regulating District
54 State Street, Suite 501
Albany, NY 12207
ATTN: Timothy M. Maniccia

No communication intended to influence this procurement is permitted except by contacting Timothy M. Maniccia (Designated Contact) at (518) 465-3491 or by e-mail tmaniccia@hrbrrd.ny.gov (for technical questions). If you have legal and/or contractual questions concerning this solicitation, contact Robert P. Leslie, Esq. (Designated Contact) at (518) 465-3491 or rleslie@hrbrrd.ny.gov. Contacting anyone other than the 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 offeror, and (2) may result in the proposer not being awarded a contract.

I. Introduction

HRBRRD was created in 1959 when the New York State Legislature passed legislation (Article 15 Title 21 of the Environmental Conservation Law) combining the Hudson River Regulating District, founded in 1922, and the Black River Regulating District, founded in 1919. Both were created to regulate the flow of the waters of New York State's two great neighboring watersheds.

The Regulating District's operations are conducted under two regional operating units – one for the Black River Area and another for the Hudson River Area - each with segregated budgets, safeguarding of funds and financial recordkeeping in accordance with New York State statute. The management of both regions is vested in a seven-member Board appointed by the Governor of New York State. The Regulating District Board formulates policies and promulgates rules and regulations necessary to fulfill its mission in the Hudson River Area at Great Sacandaga Lake (also in accordance with the Upper Hudson/Sacandaga Offer of Settlement) and Indian Lake, and in the Black River Area at Stillwater, Old Forge, Sixth Lake and Hawkinsville.

On June 10th, 1986, HRBRRD entered into a lease with Stillwater Associates to operate the Plant. This lease, as amended, expired September 30, 2023. As required by the provisions of the now-expired lease, HRBRRD is negotiating a purchase of the Plant from Stillwater Associates, and anticipates taking possession of the Plant on or about July 1, 2024. The Plant is subject to a Power Purchase Agreement, which is attached and included as part of this RFP.

Additional information on HRBRRD, including independent financial statement and investment audits from prior years as well as historical operating information, can be found at its web site at the HRBRRD website: www.hrbrrd.ny.gov.

II. Scope of Services

The Regulating District seeks to procure the services of a qualified and experienced hydroelectric facility operator to lease, operate and maintain the one story hydroelectric facility containing 1,296+/- square feet of gross building with a 1.8 megawatt Allis Chambers vertical shaft turbine with a rated flow of 760 cubic feet per second for a rated head of 30 feet and a rated speed of 212 revolutions per minute and Siemens generator (with 4,160-voltage, 1.8 megawatt capacity, 3-phase / 60 Hertz frequency at a speed of 212 revolutions per minute) on a 0.6+/- acre site located at the west end of Necessary Dam Road at the east end of the main dam for the Stillwater Reservoir in the Town of Webb, Herkimer County, New York for a period of six (6) years, with an option available for an additional twenty (20) year term. Plant operation and maintenance will be subject to periodic inspection by the Federal Energy Regulatory Commission and subject to oversight, inspection, audit and contracting standards imposed under New York State law.

III. Proposal Requirements

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the title of the RFP (Stillwater Hydroelectric Plant Lease), and the page number.

In compliance with §139-j and §139-k of the State Finance Law (see Section VI, General Conditions below for additional information), proposers will be 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.

To be considered, the proposals must respond to the questions and requests listed below. Failure to respond to the questions or provide information as requested may be deemed unresponsive. Proposals should not exceed twenty (20) pages, excluding required attachments and signed cover letter.

Proposals submitted by firms which do not attend a mandatory site visit and plant inspection at 11:00 AM ET on April 22, 2024 will not be considered.

HRBRRD will not be responsible for any costs or expenses incurred by respondents responding to this RFP, including the cost of preparing the initial response, providing any additional information and traveling for an oral presentation. Proposals and attachments should be uploaded as individual documents.

Proposers should email questions to tmaniccia@hrbrrd.ny.gov by 4:00 PM ET on April 24, 2024.

The Regulating District will respond to and publish answers to all questions by 4:00 PM ET on April 26, 2024.

Deadline for submission of proposals is 4:00 PM ET on May 2, 2024.

The proposal must be in the following format:

Section 1. Capability

A. **Cover Letter.** Cover letter shall be signed by a person authorized to commit the firm to the terms of the response and to be held primarily responsible for the veracity of statements made in the response.

B. **Description of Firm.** Provide a brief description of your firm, its capabilities, specifically relative to operating FERC-regulated hydroelectric facilities, and organizational structure. Please describe how your firm's selection would benefit the State of New York and why your firm is best suited to reliably operate and maintain the Plant. Include a description of the firm's other operating hydroelectric facilities, its process for ensuring efficient and effective plant operation. Please highlight your firm's experience working with municipal, state, and private dam owners/ operators and/or water management entities to comply with applicable regulations, release schedules, and operating protocols.

C. **Approach to Services Requested.** Present your firm's approach to complete the services requested in Section II above.

D. **Key Personnel.** Identify and describe the qualifications of key personnel and team members that will be involved in plant operation, maintenance, and physical plant enhancements. Please limit this list to and include resumes of those whose work will directly involve the Plant.

Section 2. Cost

The proposal must include the proposed lease fee, as an annual figure to be paid in monthly installments due on the 1st of each month during the lease term, beginning July 1st, 2024 or on the first of the month coinciding with the lessee commencing operations at the Plant, if later; with annual incremental increases, up to and including the month of June, 2030, and a firm schedule for determining and executing any necessary physical plant enhancements or upgrades. Such enhancements shall be at the sole expense of the lessee and will become a part of the Plant and remain with the property at lease end. Proposers must be able to satisfactorily demonstrate an ability to post a security for any necessary plant repairs or capital investments. Prior to exercising an option for an additional, twenty (20) year term prior to the conclusion of the initial term, the lessee would also need to satisfactorily demonstrate an ability to post a security for a decommissioning or service life enhancement plan (SLEP) and detail the approach and schedule anticipated.

IV. Proposal Evaluation

Proposals that meet the requirements will be reviewed by an Evaluation Committee based on the following areas of consideration, with the percentage weight of each category shown in parentheses. A site visit will be required for each proposing firm, as described in Section III.

1. **Understanding of and Ability to Perform Scope of Services (20).** The principal factor in the selection of a plant operator will be the operator's ability to safely and efficiently administer and operate the plant, including power sales and regulatory compliance, and pay the lease fee. This ability must be described through its understanding of the ongoing work required by the Scope of Services. This should include a description of any relevant experience with NYS Department of Environmental Conservation Bureau of Dam Safety and/or Federal Energy Regulatory Commission Part 12-D Dam Safety compliance and demonstrated payment history/financial strength. This should also include a proposal to submit a letter of credit, surety bond, or other instrument to be proposed by the firm to demonstrate an ability to make the necessary repairs or improvements to keep the plant in good operating condition. Finally, this should also include a six-year financial outlook including income, expenses, and net operating income in the format provided.
2. **Demonstrated Operational Ability and Readiness (10).** Firms should be able to demonstrate experience in the day-to-day operation of a hydroelectric plant.
3. **Experienced Personnel (5).** Please provide the names of individuals who are proposed to be employed or contracted by the firm who will be engaged in the day-to-day operation and maintenance of the plant, with relevant experience listed.
4. **M/WBE, SDVOB, SBE status (5).** Please include the certification or other supporting documentation indicating that your firm is New York State certified as Minority-Owned Business Enterprise, Woman- Owned Business Enterprise, Service-Disabled Veteran-Owned Small Business or New York State Small Business bidder.

5. Contributing to New York State’s renewable energy standard (10). Firms should detail how the plant will be operated to maximize generation – at the daily average releases prescribed by the Regulating District and subject to the Regulating District’s statutory obligation and the Stillwater Dam’s primary function to provide flood protection and flow augmentation through storage – where possible in order to support the goals of the 2019 Climate Leadership and Community Protection Act, which requires 70% of the electricity used in the State to come from renewable sources by 2030.

6. Fees (50). The basis for the cost proposal evaluation rankings will be the total lease fee compensation received between July 1, 2024 and June 30, 2030 from each proposer. Lease offers will be ranked with the high bid awarded the maximum of 50 points. The remaining proposals will be assigned scores based on the following formula:

$$\frac{\text{Total Lease Fee for Lower Bidder}}{\text{Total Lease Fee Proposed by the Highest Bidder}} \times 50$$

The total lease fee will be calculated as the Net Present Value of the annual lease fee proposed for each of the six years in the contract period. A discount rate of 8% will be used in this calculation. The annual lease fee will be illustrated in the detailed financial plan, (in the format provided in VII: Additional Information).

HRBRRD reserves the right to accept or reject proposals based on the degree to which pricing is in line with the rest of the market.

V. Selection Process.

The HRBRRD Board will make the final selection based on a recommendation from the Evaluation Committee. The target date for this decision is the Board’s May 14, 2024 meeting.

Any unsuccessful proposer may request, within two weeks of lease execution, a debriefing regarding the reasons that their proposal was not selected. Such a request may be made by contacting Timothy M. Maniccia via e-mail at tmaniccia@hrbrrd.ny.gov.

As per debriefing guidelines established by the New York State Office of General Services, the debriefing will include the following:

- the reasons that the proposal, bid or offer submitted by the unsuccessful bidder was not selected for award;
- the qualitative and quantitative analysis employed in assessing the relative merits of the proposals, bids or offers;
- the application of the selection criteria to the unsuccessful bidder’s bid/proposal;
- when the debriefing is held after the final award, the reasons for the selection of the winning proposal, bid or offer;
- to the extent practicable, general advice and guidance to the unsuccessful bidder concerning potential ways that their future proposals, bids or offers could be more responsive;
- any additional questions from bidder (within the scope of a debriefing).

All information shared during the debriefing will be retained and turned over to the Office of the State Comptroller as part of the procurement record.

Interested parties, defined as “a participant in the procurement process, and those who can establish that their participation in the procurement process was foreclosed by the actions of the public contracting entity and have suffered harm as a result of the manner in which the procurement was conducted” may file an initial protest with Office of the State Comptroller’s Bureau of Contracts (BOC) after HRBRRD has executed the lease.

Any protest must be in writing and filed with BOC within ten business days of notice of the contract award or, if a debriefing has been requested by the interested party, within five business days of the debriefing (whichever is later). If the interested party is not provided with notice of the contract award, the interested party may file a protest with BOC at any time after Board approval and prior to the Comptroller’s final approval of the lease, if applicable.

The protest must be filed with:

Bureau Director at bidprotests@osc.ny.gov

or

Bureau of Contracts
New York State Office of the State Comptroller 110 State Street, 11th Floor
Albany, NY 12236

An initial protest to the BOC must be in writing and must contain specifically enumerated factual and/or legal allegations, setting forth the basis on which the protesting party challenges the contract award by the public contracting entity. Additional information on filing a protest with the BOC can be found at [https://govt.westlaw.com/nyerr/Document/Ifa1559f8002611e7a6f0d9139f316eff?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nyerr/Document/Ifa1559f8002611e7a6f0d9139f316eff?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

VI. General Conditions

Proprietary Information - Careful consideration should be given before confidential information is submitted to HRBRRD 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 HRBRRD 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 HRBRRD 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 However, HRBRRD 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 - HRBRRD 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 - HRBRRD is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with HRBRRD 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 HRBRRD, the prospective contractor must also certify to HRBRRD 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 HRBRRD. 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 - HRBRRD anticipates making one award under this solicitation. HRBRRD anticipates a contract duration of six (6) years with the option to renew for one additional twenty-year period. HRBRRD expects to issue a notice of conditional award by May 18, 2024. HRBRRD reserves the right to reject proposals from any firm in arrears to HRBRRD or which is otherwise delinquent with respect to any obligation under any previous or active HRBRRD agreement.

Accessibility Requirements - If awardees from this solicitation will be posting anything on the web, or if the awardee will produce a final report that HRBRRD will post to the web, the following language must be included. HRBRRD 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.

Limitation - This solicitation does not commit HRBRRD to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. HRBRRD 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 HRBRRD's best interest. HRBRRD reserves the right to reject proposals that deviate from the standard terms and conditions included in Standard Clauses in New York State Contracts (See Appendix A). HRBRRD 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 HRBRRD after the award of a contract, HRBRRD 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.

Vendor Assurance of No Conflict of Interest or Detrimental Effect - The proposer shall disclose any existing or contemplated relationship with any other person or entity, including any known relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the proposer or former officers and employees of HRBRRD, in connection with proposer's rendering services as proposed. If a conflict does or might exist, please describe how your company would eliminate or prevent it. Indicate what procedures will be followed to detect, notify HRBRRD of, and resolve any such conflicts.

The proposer must disclose whether it, or any of its members, or, to the best of its knowledge, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "Commission"), and if so, a brief description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

Public Officers Law – For any resulting awards, the Contractor and its subcontractors shall not engage any person who is, or has been at any time, in the employ of the State to perform services in violation of the provisions of the New York Public Officers Law, other laws applicable to the service of State employees, and the rules, regulations, opinions, guidelines or policies promulgated or issued by the New York State Joint Commission on Public Ethics, or its predecessors (collectively, the "Ethics Requirements"). Proposers are reminded of the following Public Officers Law provision: contractors, consultants, vendors, and subcontractors may hire former HRBRRD employees. However, as a general rule and in accordance with New York Public Officers Law, former employees of HRBRRD may neither appear nor practice before HRBRRD, nor receive compensation for services rendered on a matter before HRBRRD, for a period of two years following their separation from HRBRRD service.

In addition, former HRBRRD employees are subject to a "lifetime bar" from appearing before any state agency or authority or receiving compensation for services regarding any transaction in which

they personally participated, or which was under their active consideration during their tenure with HRBRRD.

Any awardee will be required to certify that all of its employees, as well as employees of any subcontractor, whose subcontract is valued at \$100,000 or more who are former employees of the State and who are assigned to perform services under the resulting contract, shall be assigned in accordance with all Ethics Requirements. During the term of any agreement, no person who is employed by the contractor or its subcontractors and who is disqualified from providing services under the contract pursuant to any Ethics Requirements may share in any net revenues of the contractor or its subcontractors derived from the contract. HRBRRD may request that contractors provide it with whatever information the State deems appropriate about each such person's engagement, work cooperatively with the State to solicit advice from the New York State Joint Commission on Public Ethics, and, if deemed appropriate by the State, instruct any such person to seek the opinion of the New York State Joint Commission on Public Ethics. HRBRRD shall have the right to withdraw or withhold approval of any subcontractor if utilizing such subcontractor for any work performed would be in conflict with any of the Ethics Requirements. HRBRRD shall have the right to terminate any contract at any time if any work performed is in conflict with any of the Ethics Requirements.

VII. Additional Information

Appendix A- Standard Clauses for New York State Contracts (June 2023 version) can be found here:

<https://ogs.ny.gov/system/files/documents/2023/06/appendix-a-june-2023.pdf>

Additional documents to be completed at the time a proposal is submitted, including:

- Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b);
- Offerer Disclosure of Prior Non-Responsibility Determinations; and
- Offerer's Certification of Compliance with State Finance Law §139-k(5) can be found here:

https://oer.ny.gov/system/files/documents/2022/04/adm-325_lobbying-law-all-in-one.pdf

- Vendor Responsibility Questionnaire can be found here:

<https://www.osc.ny.gov/state-vendors/vendrep/file-your-vendor-responsibility-questionnaire?redirect=legacy>

- New York State Department of Taxation and Finance form ST-220-CA can be found here:

https://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf

- Form W-9 Request for Taxpayer Identification Number and Certification can be found here:

<https://www.irs.gov/pub/irs-pdf/fw9.pdf>

- Offerer Disclosure of Prior Non-Responsibility Determinations

can be found here:

https://search.its.ny.gov/search/search.html?as_site=search=ogs.ny.gov&btnG=Search&client=default_frontend&output=xml_no_dtd&proxystylesheet=default_frontend&ulang=en&sort=date%3AD%3AL%3Ad1&entqr=3&entqrm=0&wc=200&wc_mc=1&oe=UTF-8&ie=UTF-8&ud=1&site=default_collection&q=Offerer%20Disclosure%20of%20Prior%20Non-Responsibility%20Determinations

- Certification of Compliance with 6 NYCRR Part 248 – Use of Ultra Low Sulfur Diesel and Best Available Retrofit Technology for Heavy Duty Vehicles is included below.

Additional Information on Part 248 is available at:

<https://dec.ny.gov/environmental-protection/air-quality/controlling-motor-vehicle-pollution/heavy-duty-vehicles>

- Sexual Harassment Prevention Certification Pursuant to State Finance Law §139-L is included below.

SEXUAL HARASSMENT PREVENTION CERTIFICATION PURSUANT TO STATE FINANCE LAW §139-L

To: Board of Hudson River - Black River Regulating District

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law. If the bidder cannot make the foregoing certification, such bidder shall so state and shall furnish with the bid a signed statement that sets forth in detail the reasons that the bidder cannot make the certification. By signing you certify your express authority to sign on behalf of yourself, your company, or other entity and full knowledge and acceptance of this Certification document and that all information provided is complete, true and accurate.

By: _____

_____/_____/_____

Authorized Signature

Date

Print Name

Title

Company Name

D/B/A - Doing Business As (if applicable)

Address

City

State

Zip

CERTIFICATION OF COMPLIANCE WITH 6 NYCRR PART 248

USE OF ULTRA LOW SULFUR DIESEL AND BEST AVAILABLE RETROFIT TECHNOLOGY FOR HEAVY DUTY VEHICLES

Each bidder shall comply with the requirements of 6 NYCRR Part 248 including, but not limited to, the submission of a Vehicle Inventory (Certification of Compliance with 6 NYCRR Part 248) with its bid.

The Contractor, and its subcontractor(s), shall comply with the requirements of 6 NYCRR Part 248 including, but not limited to, the submission of an Annual Report and Vehicle Inventory.

To: Board of Hudson River - Black River Regulating District

By submission of this bid, each bidder and each person signing on behalf of any bidder or subcontractor to the bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder and subcontractor(s) shall use heavy duty vehicles for the work of this contract which comply with the requirements of 6 NYCRR Part 248.

The bidder shall submit this Certification of Compliance with 6 NYCRR Part 248 with its bid.

The Contractor shall submit an Annual Report and Vehicle Inventory. Contractor acknowledges that, for any covered vehicles that perform work on the contract site, the contractor will electronically submit to the Regulating District on or before October 1st on an annual basis during the term of the agreement the Annual Report and Vehicle Inventory required pursuant to 6 NYCRR Part 248.

If the bidder cannot make the foregoing certification, such bidder shall so state and shall furnish with the bid a signed statement that sets forth in detail the reasons that the bidder cannot make the certification. By signing you certify your express authority to sign on behalf of yourself, your company, or other entity and full knowledge and acceptance of this Certification document and that all information provided is complete, true and accurate.

_____	_____		
By: Authorized Signature	Date		
_____	_____		
Print Name	Title		
_____	_____		
Company Name	D/B/A - Doing Business As (if applicable)		
_____	_____		
Address	City	State	Zip

Stillwater Associates
Profit & Loss
January 2019 through December 2023

	Jan - Dec 19	Jan - Dec 20	Jan - Dec 21	Jan - Dec 22	Jan - Dec 23
Energy Production (kwh)	5,769,324	3,352,160	5,747,996	6,392,342	5,838,935
Income					
Power Sales	455,777	264,821	440,545	546,106	490,471
Sales Payback Inc	85,401	85,401	85,404	85,404	85,404
Interest on Reserve	898	257	16	200	1,066
Total Income	542,075	350,479	525,965	631,710	576,941
Cost of Goods Sold					
Hydrlic - Labor	2,714	13,869	17,923	35,893	38,530
Hydrlic - Equip Rental	3,488	-	-	-	-
Elec. - Labor	30,025	29,255	27,139	4,282	4,666
Elec. - Contract	11,689	-	688	-	-
Elec. - Mat/Suply	52,525	13,649	6,980	18,073	8,925
Elec. - Equip Rental	3,213	1,668	-	-	-
Misc Hydrlic- Telephone	5,275	5,324	4,471	4,491	4,524
Misc Hydrlic- Utilities	3,567	4,005	3,267	683	2,881
Misc Hydrlic- Meals	284	-	-	-	-
Misc Hydrlic- Other	5,162	6,097	7,473	6,755	7,409
Rents	77,253	79,572	81,959	84,418	86,950
Maintenance supervision and en	-	-	-	-	-
Maint/Structr - Contract	-	-	-	-	-
Maint/D&Wtrwys - Contract	14,058	-	-	-	-
Maint/D&Wtrwys - Mat/Suply	-	-	-	6,234	-
Maintenance Plant-Labor	38,699	20,673	8,044	4,660	3,164
Maint plant - Contract	343	5,619	4,763	4,105	-
Total COGS	248,293	179,730	162,708	169,594	157,049
Gross Profit	293,781	170,749	363,257	462,116	419,892
Expense					
Office supplies and expense	3,179	2,875	2,700	3,134	2,700
Bank service charges	-	-	33	-	34
Dues and Memberships	1,795	1,295	1,295	1,295	3,273
Management fee	34,190	34,190	34,190	34,190	36,588
Asset Management fee	27,672	27,670	27,670	27,670	27,670
Admin. consultants	6,500	7,750	6,000	6,500	6,500
Accountants	6,560	6,560	6,560	6,868	7,175
Attorneys					
Legal - Litigation	-	-	-	-	5,000
Legal - Negotiations	-	-	862	44,600	16,488
Legal-Val & other consulting	-	-	22,000	16,000	23,263
Attorneys - Other	-	2,788	5,949	-	-
Total Attorneys	-	2,788	28,811	60,600	44,752
Property insurance	23,270	25,293	27,766	36,847	44,687
Depreciation expenses	17,438	11,162	-	-	1,200
Real estate taxes	7,662	7,599	7,703	7,631	7,678
Interest - on Mortgage Payable	27,658	24,996	22,191	19,458	16,724
Interest-NIMO payback	23,188	18,691	13,868	8,700	3,155
Amort.- debt costs	464	464	464	464	468
Interest expense other LOC	-	-	2,240	3,944	6,122
Total Expense	179,577	171,332	181,491	217,300	208,725
Net Income	114,205	(584)	181,766	244,816	211,167

