

Expanded Solar for All

Request for Proposals (RFP) 5037

NYSERDA reserves the right to extend and/or add funding to the Solicitation should other program funding sources become available.

Proposals Due: Thursday, June 23, 2022 by 3:00 p.m. Eastern Time*

Program Summary:

In New York, there is a demonstrable need to increase opportunities for low-income customers to participate in community distributed generation (CDG). The New York State Public Service Commission approved the first phase of the Expanded Solar for All (“E-SFA”), a program jointly run by National Grid and NYSERDA to provide community solar and associated guaranteed bill savings to customers participating in the National Grid’s Energy Affordability Program (EAP).¹ This solicitation (“E-SFA solicitation”) will competitively select up to 300 MWdc of CDG projects to participate in the E-SFA Program (“E-SFA CDG Projects”) to target a bill saving rate of \$5 per month for all National Grid EAP participants.

Proposal Submission:

Online submission is required. For detailed instructions on how to submit a proposal, click the link “Expanded Solar for All Application Reference Guide [PDF]” located on the solicitation webpage at https://portal.nyserda.ny.gov/CORE_Solicitation_Detail_Page?SolicitationId=a0r8z0000005hTv and accessible from the “Current Opportunities” section of NYSERDA’s website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>).

No communication intended to influence this procurement is permitted except by contacting Dylan Cunningham (Designated Contact) at (212) 971-5342, ext. 3646 or by e-mail communitysolar@nyserda.ny.gov or Sara Jayanthi (Designated Contact) at (212) 971-5342, ext. 3091 or by email communitysolar@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Venice Forbes (Designated Contact) at (518) 862-1090, ext. 3507 or VeniceSolicitations@nyserda.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 offerer, and (2) may result in the proposer not being awarded a contract.

*** All proposals must be received by 3 p.m. Eastern Time on the date noted above. Late, faxed, or emailed proposals will not be accepted.** Incomplete proposals may be subject to disqualification. It is the proposer’s responsibility to ensure that all pages have been included in the proposal. The online proposal system closes promptly at 3 p.m. Eastern Time, files in process or attempted edits or submission after 3 p.m. Eastern Time on the date above, will not be accepted. If changes are made to this solicitation, notification will be posted on the “Current Opportunities” section of NYSERDA’s website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>). NYSERDA may release a frequently asked questions (FAQ) document. Refer back to the solicitation webpage for any forthcoming documents.

¹ CASE 19-E-0735 - Petition of New York State Energy Research and Development Authority Requesting Additional NY-Sun Program Funding and Extension of Program Through 2025, Order Approving Expanded Solar for All Program with Modifications (effective January 20, 2022). The Order can be found here: *[Please insert a link here.]*

A pre-bid webinar will be conducted on Thursday, May 12, 2022 at 1:00 p.m. ET during which NYSERDA will review the requirements of the Expanded Solar for All solicitation and answer any questions. Proposers interested in attending must [register](#) for the webinar in advance. Following the webinar, a recording will be posted on NY-Sun's [Resources for Contractors](#) page in the "Stakeholder Meeting Updates" section.

I. Introduction

The E-SFA is a program jointly run by National Grid and NYSERDA to provide community solar and associated guaranteed bill savings to customers participating in the National Grid's EAP. This E-SFA solicitation will competitively select up to 300 MW DC of CDG projects to participate in the E-SFA Program to target a bill saving rate of \$5 per month per E-SFA customer.

Eligible proposers responding to the E-SFA solicitation will provide a bid for compensation representing the percentage of Value Stack compensation the project would retain as payment each month ("bid" or "Compensation Level"), and may also choose to request additional NY-Sun incentive funds. Selected E-SFA CDG Projects must enroll in the National Grid's Expanded Solar for All Tariff ("E-SFA Tariff")² for up to 25 years from the project's initial interconnection date. National Grid will provide monthly compensation to the CDG Projects enrolled in the E-SFA program. The monthly compensation will be at the selected bid or Compensation Level and will be based on the Value Stack compensation for each project's actual monthly generation.

The E-SFA CDG Project owners will be responsible for owning and operating the participating CDG projects. National Grid will act as the sole "buyer" of all the CDG credits generated from the E-SFA CDG Projects and sole counterparty to the E-SFA CDG Projects. The E-SFA CDG Project owners will not be responsible for any acquisition, management, or administration of participating E-SFA customers; and will not interact with or receive any information regarding participating E-SFA customers.

National Grid will, per the E-SFA Order, pool the credits generated by E-SFA CDG Projects and distribute to E-SFA customers. The E-SFA credit pooling and distribution to customer accounts will be fully administered by National Grid and will be independent of the operation of the E-SFA CDG Projects by the project owners.

II. Program Requirements

An eligible proposer must submit an E-SFA application for each CDG project responding to this solicitation. Only one application may be submitted for each eligible project. There is no limit to the number of projects for which an eligible proposer may submit applications. Each application must be for the CDG project's entire generation (100% of Value Stack credits generated each month for up to 25 years of the National Grid's Expanded Solar for All tariff).

Proposer Eligibility:

- Eligible proposers are limited to current NY-Sun Participating Contractors,
- Applications may only be submitted by the NY-Sun Participating Contractor associated with the CDG project's NY-Sun MW Block application. E-SFA applications must have the same NY-Sun Participating Contractor and Payee (if any) as the associated NY-Sun MW Block application, and be signed by each, and
- Applicants must accept the terms and conditions of the National Grid Expanded Solar for All tariff.

² CASE 19-E-0735 - Petition of New York State Energy Research and Development Authority Requesting Additional NY-Sun Program Funding and Extension of Program Through 2025, National Grid tariff amendments to effectuate the provisions of the Expanded Solar for All Program (Filed February 18, 2022). The tariff can be found here: https://ets.dps.ny.gov/ets_web/search/searchSubmissionID.cfm?sub_id=2815379

Project Eligibility: Eligible project must:

- Be a CDG project located in the National Grid's electric service territory,
- Have received an award under the NY-Sun MW Block program rules, or have submitted an eligible and complete NY-Sun MWB application³;
- Make full interconnection upgrade payments as required by the New York State Standardized Interconnection Requirements, and upload documentation of payment (CESIR milestone deliverable) to the project's NY-Sun application in the NY-Sun portal;
- Must not yet be interconnected and operational; or entered commercial operation on or after January 21, 2022 and has not yet allocated any credits to subscribers; and
- Must commence enrollment in National Grid's E-SFA tariff within thirty (30) days of receiving written notice of selection from NYSERDA (see below for more details).
- Must cancel any previously awarded Inclusive Community Solar Adder incentives upon selection for E-SFA and commencement of enrollment in National Grid's E-SFA tariff (see below for more details).

Written Notification of Selection and E-SFA Tariff Enrollment

NYSERDA will issue a selection letter to all selected projects. This letter will include the Compensation Level included in the project's application and will establish the project's eligibility for the National Grid E-SFA Tariff.

Following receipt of this written notification from NYSERDA confirming selection, projects may submit the selection letter along with a completed National Grid E-SFA Application (Attachment E) to National Grid through its nCAP portal (<https://ngus.force.com/s/>). This submittal will commence enrollment in the National Grid's E-SFA tariff.

If, within thirty (30) days of NYSERDA's written notification of selection, a project has not commenced enrollment in the National Grid E-SFA tariff, the project's selection letter and any E-SFA incentive award will be considered void.

NY-Sun MW Block, Community Adder, and Inclusive Community Solar Adder awards and Value Stack compensation

Projects that are selected for E-SFA will maintain previously awarded NY-Sun MW Block (base) incentives and Community Adder incentives, and project's proposed Compensation Level (bid) should take these incentives into account. Likewise, projects that are selected for E-SFA will maintain previously secured Value Stack tariff compensation, including Market Transition Credit or Community Credit, and the project's proposed Compensation Level (bid) should take this tariff compensation into account.

However, projects selected for E-SFA will **not** maintain any previously awarded Inclusive Community Solar Adder incentive, and the project's proposed Compensation Level (bid) should **not** take these incentives into account. Upon a project's E-SFA selection and commencement of enrollment in the National Grid E-SFA tariff, any previously awarded Inclusive Community Solar Adder incentive will be cancelled.

³ If NYSERDA deems a NY-Sun MW Block application to be incomplete or ineligible, the associated E-SFA application will be considered ineligible and cancelled by NYSERDA. No opportunity to remedy incomplete NY-Sun MW Block applications for the purpose of E-SFA eligibility will be provided. E-SFA selection letters will not be issued to a selected project until the associated NY-Sun MW Block award is executed by NYSERDA.

III. Proposal Requirements

Eligible proposers must submit applications through the online NY-Sun Portal. Each proposal must be submitted in one of two categories:

- Category A: No Additional NY-Sun Funding Requested; and
- Category B: Additional NY-Sun Funding Requested.

Category A applications will provide a bid for compensation representing the percentage of Value Stack compensation the project would retain as payment each month, up to a maximum allowable Compensation Level of 80.0%.

Category B applications will be set by default at the maximum allowable Compensation Level of 80.0% and will also provide a bid for additional NY-Sun incentives, expressed on a \$ per Watt DC basis.

Payment Process for Category A Projects

Projects selected under Category A will only receive monthly compensation from National Grid at the selected bid or Compensation Level and will be based on the Value Stack compensation for each project's actual monthly generation.

Payment Process for Category B Projects

Projects selected under Category B will receive monthly compensation from National Grid at the selected bid or Compensation Level and will be based on the Value Stack compensation for each project's actual monthly generation.

The full E-SFA Category B incentive payment will be made upon project completion (defined as payment of the Commercial Operation invoice for the associated NY-Sun project by NYSERDA), and submission by the Contractor and acceptance by NYSERDA of documentation that the project is enrolled in the National Grid E-SFA Tariff.

If a project is removed from the National Grid E-SFA Tariff so that it no longer qualifies as a E-SFA CDG Project, NYSERDA will require a return of the E-SFA Category B incentive funding from the Contractor, calculated based on a pro-rata share of a 25-year term over which the project was an E-SFA CDG Project.

For the additional NY-Sun incentive, invoice must be submitted through the NYSERDA Portal. Go to <https://www.nysesda.ny.gov/All-Programs/NY-Sun/Contractors/Resources-for-Contractors> to see the NY-Sun Program Manual and the E-SFA Application and Invoice Guide for step-by-step instructions. E-SFA invoices are submitted separately from the invoices for the associated NY-Sun project.

In compliance with §139-j and §139-k of the State Finance Law (see Section V, 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.

IV. Proposal Evaluation

Category A applications will be ranked by proposed Compensation Level (lowest to highest), and Category B applications will be ranked by requested additional NY-Sun incentive (lowest to highest). If multiple projects submit the same bid, then rank order among these projects will be set at random. All eligible applications in Category A will be selected before any eligible applications in Category B are selected.

Applications will be selected in rank order until one of the following occurs: 1) Selected project capacity represents 300 MW DC in total; or 2) A confidential bid maximum is reached.

Selected projects will be notified and issued a selection letter within approximately forty-five (45) days of the RFP due date. If one or more of the selected projects fails to commence enrollment in the E-SFA tariff or otherwise meet requirements as discussed in this solicitation, and is removed from the program, NYSERDA will offer selection to qualifying application(s) that were not selected during the first round grouped in rank order. After this, no further selections will be made and all applications not included in the initial or second selection will be changed to "not awarded" status by NYSERDA.

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/NYSERDA-Regulations.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 contracting and filed with NYSEERDA. 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 - NYSEERDA anticipates making multiple awards under this solicitation. NYSEERDA anticipates a contract duration of 2 years, with an option to extend at NYSEERDA's sole discretion, unless NYSEERDA management determines a different structure is more efficient based upon proposals received. A contract may be awarded based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each proposal should be submitted using the most favorable cost and technical terms. NYSEERDA may request additional data or material to support applications. NYSEERDA will use the Sample Agreement to contract successful proposals. NYSEERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSEERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the checklist questions. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSEERDA expects to notify proposers in approximately 4 weeks from the proposal due date whether your proposal has been selected to receive an award. NYSEERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSEERDA agreement.

Accessibility Requirements - NYSEERDA 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 [NYSEERDA's Accessibility Requirements](#). **Limitation** - This solicitation does not commit NYSEERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSEERDA 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 NYSEERDA's best interest. NYSEERDA 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. NYSEERDA reserves the right to disqualify proposers based upon the results of a background check into publicly available information or 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 NYSEERDA after the award of a contract, NYSEERDA 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 NYSEERDA, 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 NYSEERDA 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 NYSERDA employees. However, as a general rule and in accordance with New York Public Officers Law, former employees of NYSERDA may neither appear nor practice before NYSERDA, nor receive compensation for services rendered on a matter before NYSERDA, for a period of two years following their separation from NYSERDA service. In addition, former NYSERDA 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 NYSERDA.

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. NYSERDA 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. NYSERDA 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. NYSERDA shall have the right to terminate any contract at any time if any work performed is in conflict with any of the Ethics Requirements.

Due Diligence – NYSERDA, at its discretion, may conduct broad due diligence to validate any or all elements of an application and to assess applicants’ prospects of success, including gathering information to assess a proposal relative to any of the topics listed in evaluation criteria, whether or not such topic is explicitly addressed in a proposal. NYSERDA may conduct due diligence on some or all proposals based on NYSERDA’s current guidelines at the time of a review. NYSERDA staff may follow up with proposers to request additional information or clarification regarding applicant’s proposal, including questions regarding applicant’s business prospects and resources, whether or not those questions are specifically related to the elements of the proposal. Additionally, customized due diligence may be conducted by internal or external staff or contractors based on questions on any proposal raised by NYSERDA staff and/or the Scoring Committee. Due diligence may include (but is not limited to): interviews of independent references and background checks of team members; assessment of prior business experience of any team member associated with a proposal; research on intellectual property claims; customer and partner reference checks; market research on the applicants’ target market and any other related or possibly competitive technology or market area; research to validate any assumptions on current or future revenues, costs, capital needs, and financing prospects for proposers’ business, including similar (or unrelated) technologies, processes, or competitive solutions; or any other research that could reasonably inform the evaluation of a proposal, or the prospects for commercial success of the proposers’ business (whether directly related to, or unrelated to the specific elements in a proposal). Due diligence may include discussions with proposers’ former and current business partners, employees, investors, customers, and competitors. Due diligence may be conducted by NYSERDA personnel or contractors including members of the scoring committee, before, during, or after a scoring process, and prior to finalization of a contract award, any information gleaned in diligence may be used to score or re-score a proposal.

VI. Attachments:

RFP 5037 - Summary

Attachment A - Sample NYSERDA Selection Letter

Attachment B - Sample NYSERDA Non-Selection Letter

Attachment C - Sample NYSERDA Award Letter

Attachment D - National Grid Tariff

Attachment E - Template National Grid E-SFA Participation Agreement