



**Large-Scale Renewables
Request for Information RESRFI23-1
RFI Release Date: October 26, 2023**

Responses Due: Friday, November 3, 2023 by 3:00 PM Eastern Prevailing Time

The purpose of this Request for Information (RFI) is to invite external stakeholders to review and comment on the potential structure and relative merits of an expedited solicitation for Renewable Energy Standard Tier 1 Certificates (RECs), referred to herein as RESRFP23-1. After receiving and reviewing feedback on this RFI, NYSERDA plans to release RESRFP23-1 in Q4 2023, with awards intended to be made in Q1/Q2 2024.

NYSERDA does not intend to publish responses to this RFI. However, if you wish for your responses to remain confidential, please mark them "Confidential" or "Proprietary," in accordance with the procedure described below. If NYSERDA receives a request from a third party for responses received that have been marked "Confidential" or "Proprietary," NYSERDA will process such request under the procedures provided by New York State's Freedom of Information (FOIL) regulations, as detailed below (see foil@nyserda.ny.gov for additional information). The FOIL provides exceptions to disclosure, including Section 87(2)(d), which 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 disclosing party 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 exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501.

Respondents are not required to answer all questions and should focus on questions relevant to their participation in RESRFP23-1 and/or their field of expertise.

Comments responding to this RFI are due by Friday, November 3, 2023 at 3 p.m. ET, and should be sent to res@nyserda.ny.gov with the subject line "RESRFI23-1 Comments". NYSERDA may reach out to respondents to seek clarifications. Any questions about this RFI or requests to discuss this RFI should be directed in writing to res@nyserda.ny.gov, but NYSERDA may also at its sole discretion at any time also elect to engage in discussions with potential respondents and interested parties regarding the matters described in this RFI.

I. Background and Objectives

This RFI builds upon RESRFP22-1,¹ the Public Service Commission (Commission) Order Denying Petitions to Preserve Competitive Renewable Energy Market and Protect Consumers issued on October 12, 2023 (the October 2023 Order),² and New York's 10-Point Action Plan,³ all of which include elements and guidance that NYSERDA is considering as part of RESRFP23-1.

Under the Climate Leadership and Community Protection Act (Climate Act), New York State has adopted some of the most ambitious clean energy goals in the nation, including an annual Tier 1 solicitation target of 4,500,000 megawatt hours for each year 2021 through 2026, to support 70% of New York's electricity coming from renewable energy sources (such as solar and wind) by 2030 ("70x30"). Achieving this goal will require aggressive development timelines that considers both the existing and future renewable energy project development pipeline, as well as supply chain, workforce, financing, and construction considerations.

The contemplated aim of RESRFP23-1 would be to prioritize projects sufficiently advanced in their development to enable achievement of New York's 70x30 target. As further described in this RFI, this could entail the introduction of measures into the solicitation process that would simplify and expedite the evaluation of bid proposals and/or raise threshold requirements that eligible projects must meet. The objective of this RFI is to invite external stakeholder feedback on the proposed structure and timing of RESRFP23-1 to help inform NYSERDA's planning around the drafting and timing of such an RFP prior to issuance. Feedback is primarily sought from potential RESRFP23-1 proposers (Proposers) and other stakeholders.

This RFI refers to potential characteristics of RESRFP23-1. However, all aspects of any proposed RFP, including any features described or not described herein, may be altered, removed, or otherwise changed at the sole discretion of NYSERDA.

II. Content of Response

Responses should be concise and focus on areas in which the respondent has a particular interest or expertise. Please limit your response to 10 pages or less.

The following information and items must be included in every response to this RFI:

- Respondent's name, affiliation, title, and primary contact information.
- Identify and provide general background about your organization, noting whether your organization is a potential Proposer into RESRFP23-1 and/or future NYSERDA RES RFPs generally.

¹ <https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/RES-Tier-One-Eligibility/Solicitations-for-Long-term-Contracts>

² Case 15-E-0302, Order Denying Petitions to Preserve Competitive Renewable Energy Market and Protect Consumers (issued on October 12, 2023).

³ <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Programs/Offshore-Wind/10-point-plan.pdf>

- Each page of the response should include a header stating the name of the respondent.
- Each response should include the RFI question number and the page number.
- As further described in the Background and Objectives section above, respondents should designate information intended to remain confidential as “Confidential” or “Proprietary.” Respondents are discouraged from marking their entire response as “Confidential” or “Proprietary.”

III. Specific Questions / Seeking Stakeholder Feedback

A. Timing of RESRFP23-1 and RESRFP24-1

In light of the October 2023 Order and in accordance with New York’s 10-Point Action Plan, NYSERDA is currently planning to issue RESRFP23-1 on the timeline described below. NYSERDA is seeking feedback on the preferred timing for launch and other details relating to RESRFP23-1 as well as the preferred timing for launch and other details relating to the 2024 Renewable Energy Standard Tier 1 RFP (RESRFP24-1).

To comply with Orders and Implementation Plans in accordance with Commission Case 15-E-0302, each Tier 1 solicitation must have a two-step process, an eligibility step (Step One) and a bid proposal step (Step Two). To comply with New York State procurement rules, a minimum of 15 business days must elapse between release of RESRFP23-1 and the date on which proposals into RESRFP23-1 are due. Evaluation of bid proposals in RESRFP23-1 is expected to require a minimum of approximately eight weeks, with finalization of the award group by NYSERDA, in consultation with Department of Public Service staff, carried out promptly thereafter.

The earliest RESRFP23-1 is expected to be able to be released is late November or early December 2023, to allow for NYSERDA to complete drafting and preparation of the RFP after receiving feedback from this RFI. Under this timeline, Step One Eligibility Applications would be due in late December 2023, Step Two Bid Proposals would be due in late January 2024, and NYSERDA would notify awardees by April 2024, to facilitate construction during the 2024 construction season.

To be eligible to bid into RESRFP23-1, a project would not be permitted to have an active contract with NYSERDA or another REC offtaker. Accordingly, any project with such a contract would be required to terminate the contract prior to being eligible to bid into RESRFP23-1.

NYSERDA plans to launch another RES solicitation in 2024, in alignment with Commission Orders requiring NYSERDA to issue annual solicitations. Historically, NYSERDA has launched RES solicitations in April-June, Step One Eligibility Applications have been due in June-July, Step Two Bid Proposals have been due in August-September, and award notifications have been made November-December of the same year. As part of this RFI, NYSERDA is also soliciting feedback on the potential timing of its 2024 RES solicitation.

1. *Level of Interest.* What is your level of interest in bidding in RESRFP23-1? If you have more than one project under development eligible to bid into a NYSERDA RES RFP, which project(s) would you be interested in bidding into RESRFP23-1? As part of this response, please explain why you believe that the expedited timeline described above for RESRFP23-1 is (or is not) necessary.
2. *Bid Submission Timing.* Please explain what timeline for RESRFP23-1 is preferable and what variations, if any, on the timeline described above would be preferable for your project(s) and conducive to your ability to complete and submit a Step Two Bid Proposal. Please consider the Q4 2023 holiday schedule in this context. Additionally, please note that recent NYSERDA RES RFPs include new requirements which are expected to be included in RESRFP23-1, including the Buy American/Domestic Steel, Prevailing Wage and Labor Peace Agreement, Host Community Benefit Payments and Agricultural Avoidance and Mitigation items described in the chart under the heading “Design of RESRFP23-1.” Separately, as also noted in that chart below, the historical time period in which economic benefits will be eligible may be significantly extended in RESRFP23-1. In formulating your response, please consider the time it will take to incorporate these items if included in RESRFP23-1.
3. *Award/Contract Timing.* When would (i) notice of an award and (ii) a signed contract from RESRFP23-1 be preferred to facilitate the development of the project(s)? Please explain the preferred timing (e.g., timing considerations for the 2024 construction season, NYISO Class Year decisions, site control issues, etc.), and include potential cost/logistical/other impacts of any deviation from these preferred dates, if applicable.
4. *Termination Timing.* Should any agreements with NYSERDA be required to be terminated on a date earlier than the deadline for submission of bids into RESRFP23-1 for the applicable project to be eligible to participate in RESRFP23-1? Why or why not?
5. In designing RESRFP23-1, what RFP requirements and process steps should NYSERDA seek to simplify and streamline to enable efficient preparation and evaluation of bid proposals?
6. *Timing of RESRFP24-1.* Please explain what timeline for the RESRFP24-1 is preferable and identify any impacts that any variations to the timeline would have. As part of your response, please also consider:
 - a) On October 20, 2023, the New York Independent System Operator (NYISO) Interconnection Issues Task Force published the Proposed Cluster Study Transition Process⁴ (NYISO Study) and conveyed plans for NYISO to file a partial compliance filing/waiver in early November 2023 that will change the current interconnection process. Please review pages 10 through 18 of the NYISO Study for the proposed timeline and include any potential impact that this transition process may have on your project(s) in your response.

⁴https://www.nyiso.com/documents/20142/40717275/02a_Order%20No.%202023%20Compliance%20Plan_Final%20for%20IITF%2020231020.pdf/1dbde586-46c6-e2cf-17a7-53fcd7aa947e

B. Contracting

For RESRFP23-1, Proposers may be requested to submit any proposed redlines of the issued Agreement in parallel with bid proposals, allowing NYSERDA to commence review of contract redlines in parallel with bid evaluation. This approach is intended to accelerate the process of contract negotiations such that contracts can be signed more promptly after bid evaluation is complete.

The Renewable Energy Standard Form Agreement from the most recent RES RFP, RESRFP22-1, is included as [Attachment A to this RFI](#). Please provide any suggested edits to this Attachment in redline format for NYSERDA's consideration for RESRFP23-1, along with associated margin comments explaining the rationale for any suggested edits.

C. Design of RESRFP23-1

In part to minimize the time required to prepare RESRFP23-1 and to facilitate construction during the 2024 construction season, **NYSERDA expects that RESRFP23-1 would follow the structure of RESRFP22-1**, with the key potential adjustments described below. Respondents are encouraged to respond with feedback on each of these items, describing whether the potential changes are appropriate or if a different approach would be preferable.

No.	RFP Component	Potential Change(s) in RESRFP23-1	Considerations
1.	Simplified Two-Step Process	Simplify the Step One Eligibility Application to contain only Key Proposer and Bid Facility characteristics and Tier 1 eligibility certification (PSoQ or SoQ), obtained via NYGATS. Required documentation, such as plans to demonstrate Step Two eligibility and required certification forms, would be moved to the Step Two Bid Proposal submission.	This approach will enable accelerating the RFP process.
2.	Increased Minimum Threshold Criteria	<p>For the purposes of RESRFP23-1, NYSERDA is considering increased Minimum Threshold Criteria, including Interconnection and/or Permitting requirements.</p> <p>For Interconnection, NYSERDA is considering raising the minimum threshold to having achieved Stage 8 of the NYISO Interconnection Process.</p> <p>For Permitting, NYSERDA is considering raising the minimum</p>	Ensures that eligible projects are sufficiently advanced in development to meet New York's 70x30 target, while also maintaining an eligible pool of bidders sufficiently large to enable robust competition.

		threshold to the project 1) being fully permitted or 2) having the primary permit to construct the project actively under review by the relevant permitting body.	
3.	Non-Price Evaluation	For the purposes of RESRFP23-1, NYSERDA is considering increasing the emphasis on Interconnection and Permitting and decreasing emphasis on Energy Deliverability and Peak Coincidence for this 20% category.	This approach would be intended to favor projects sufficiently advanced in development to meet New York's 70x30 target, while maintaining robust competition. Later-stage projects have already performed advanced studies to address feasibility and deliverability.
4.	Shovel-Readiness	NYSERDA invites feedback on potentially incorporating a concept of "shovel readiness" into non-price evaluation of RESRFP23-1. "Shovel ready" is a phrase often used to describe a renewable energy generation project that is considered to be at an advanced enough stage of development for construction to begin soon, typically with Notice to Proceed or an equivalent from the relevant permitting body and a signed Interconnection Agreement with the appropriate interconnection counterparties, such as the NYISO and Connecting Transmission Owner (CTO). The term "shovel ready" is mainly used when referring to projects that will have the most immediate impact on employment and New York's economy.	Respondents are encouraged to suggest a definition or characteristics associated with a "shovel-ready" renewable energy project in New York. What type of 3 rd party documentation can be provided to substantiate the definition / characteristics?
5.	Increased Contract Security Requirement	NYSERDA is considering increasing the amount of contract security due (currently \$/MWh based on Bid Quantity) by awarded Proposers, including setting the contract security amount proportional to a project's notional contract value	Provides greater financial consequences for failure to develop the project or comply with the contract, in line with general market practice.

		(Bid Quantity times Index REC Strike Price/Fixed REC Price times Contract Tenor).	
6.	Incremental Economic Benefits Eligibility	Historically, NYSERDA has indicated that Incremental Economic Benefits are eligible only to the extent accruing after the date of Award Notification or the RFP release date. NYSERDA is considering changing the date of incremental economic benefits eligibility to the launch of the first RES RFP: June 2, 2017.	Enables projects that have been in development for a longer time frame to count earlier New York State expenditures, to allow for more equitable evaluation with newer projects.
7.	Energy Deliverability and Portfolio Risk Factors	To enable expedited bid proposal preparation and evaluation, NYSERDA is planning to remove the requirement for some Proposers to complete and submit an Energy Deliverability Study and instead use an independent party to perform curtailment modeling to assess potential impacts on operating and contracted large-scale renewable projects.	Deliverability studies take considerable time to perform, and NYSERDA could evaluate the impact of an awarded group of projects to operating and contracted large-scale renewable projects in an expedited manner following the receipt of bids.
8.	Energy Storage	NYSERDA is considering removing bid variants with energy storage.	This could simplify and expedite bid evaluation.
9.	<i>Buy American/Domestic Steel Provisions.</i> Any onshore wind Bid Facility awarded a contract in RESRFP22-1 was required to establish that it expends a minimum of \$54,000 per MWac on iron and/or steel components that are manufactured in the U.S. with iron and steel produced by U.S. steel mills for use in the Bid Facility. Any solar Bid Facility awarded a contract in RESRFP22-1 was required to establish that it expends a minimum of \$30,000 per MWdc on iron and/or steel components that are manufactured in the U.S. with iron and steel produced by U.S. steel mills for use in the Bid Facility.	NYSERDA intends to maintain a similar approach as was used in RESRFP22-1, subject to NYSERDA finalizing market review.	Maintains consistent approach while permitting projects that cannot achieve the minimums to pay a financial penalty if the requirement is not met.

10.	<i>Prevailing Wage and Labor Peace Agreement.</i> All laborers, workmen and mechanics, within the meaning of NYS Labor Law Article 8, performing construction activities with respect to the Bid Facility and, if applicable, Energy Storage, must be paid at least the applicable Prevailing Wage in the area where the Bid Facility will be situated, erected and used, as published by the NYS Department of Labor (DOL) or at least the equivalent Prevailing Wage requirements of the jurisdiction where the Bid Facility is located. Paying prevailing wage, or executing a Project Labor Agreement, for the construction of the Bid Facility, pursuant to recently enacted Labor Law § 224-d; entering into a Labor Peace Agreement under certain circumstances for the operations and maintenance of the Bid Facility, pursuant to recently enacted Public Service Law § 66-p.	NYSERDA intends to retain these requirements.	These requirements are mandated by law.
11.	<i>Host Community Benefit Payments per Case 20-E-0249.</i> On February 11, 2021, In the Matter of a Renewable Energy Facility Host Community Benefit Program ⁵ , the PSC Ordered that residential electric utility customers residing in a renewable Host Community receive an annual bill credit for each of the first ten years that a Major Renewable Energy Facility operates in that community. Funding for the bill credits will be provided by the owners of major solar and wind renewable energy facilities by paying an annual fee of \$500 per megawatt (MW) and	NYSERDA intends to retain this requirement.	This requirement is mandated by Commission order.

⁵ <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={DFD69D2F-A16F-404F-9A7C-283F0C79D1DB}>

	\$1,000 per MW, respectively, of nameplate capacity.		
12.	Wetlands Screening Study	NYSERDA is planning to remove the on-site requirements for a Wetlands Screening Study implemented in RESRFP22-1.	RESRFP23-1 would likely be pursued by primarily late-stage development projects which have already progressed past this project development stage.
13.	Smart Solar Siting Scorecard and Agricultural Land Evaluation	NYSERDA intends to continue evaluating projects based on their potential impacts to agricultural land but is planning to remove requirements from Smart Solar Siting Scorecard that require on-site assessments by a specialist.	RESRFP23-1 would likely be pursued by primarily late-stage development projects which have limited ability to change their project footprint and would be limited in their ability to conduct field assessments under the proposed RESRFP23-1 timeline.
14.	Agricultural Avoidance and Mitigation. NYSERDA adopted an approach under the RESRFP20-1 solicitation to address concerns relating to solar development on, and the protection of, agricultural lands in Agricultural Districts. Under this approach, awardees may be responsible for making an agricultural mitigation payment to a designated fund based on the extent to which the solar project footprint overlaps with Mineral Soil Groups (MSG) classifications 1-4 ⁶ . For the RESRFP22-1 solicitation, Proposers could indicate their intent to defer this payment to the extent that the Seller elects to adopt agricultural co-utilization measures in their Step Two Bid Proposal. See Section 4.1 of RESRFP22-1, Section 6.11 of the RESRFP22-1 Agreement, and RESRFP22-1 Appendix 2. Permitting Plan Requirements and Guidelines for additional detail on this process. ⁷	NYSERDA intends to retain this requirement.	NYSERDA believes that this requirement is consistent with New York's approach to addressing potential conflicts of solar development with the state's agricultural lands and their operations. NYSERDA remains committed to advancing renewable energy development at scale in a responsible way that supports New York State's agricultural lands, operations, farmers, and communities.

⁶ <https://data.ny.gov/dataset/NYSERDA-2023-Soils-Data-for-use-in-the-Large-Scale/dayw-t2bj>

⁷ All documents available at: www.nyserdera.ny.gov/ces/rfp

15.	NYS Department of Agriculture and Markets (AGM) Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (AGM Guidelines)	NYSERDA intends to maintain requirements consistent with recent Tier 1 solicitations that require all solar projects awarded a contract with NYSERDA to adopt and employ the provisions of the AGM Guidelines for the construction and operation of the solar project.	The AGM Guidelines have been established by AGM in consultation with NYSERDA to ensure they are reasonable for solar projects to commit to during the construction and operational phases of the project.
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D. Other Considerations for RESRFP23-1

Respondents are encouraged to identify any other issues that NYSERDA should consider in its design of RESRFP23-1, while bearing in mind (i) the priority of reaching the 70x30 target, (ii) the bounds of Commission orders that prescribe how RES RFPs must be evaluated, (iii) legislation mandating inclusion of certain provisions (e.g. labor-related requirements) in NYSERDA's RES RFPs, (iv) the ability of Proposers to prepare and NYSERDA to evaluate bids into the RFP on an accelerated timeline, and (v) requirements of New York State procurement law.

IV. General Conditions

The information gathered by NYSERDA will be advisory only and is not binding on NYSERDA or any other state agency, office, commission, or public authority. Responses will become the property of NYSERDA. Any actions recommended by NYSERDA will be subject to all applicable laws, including procedural, regulatory and environmental review requirements.

This RFI is neither a contract offer, nor a request for proposals and does not commit NYSERDA to award a contract, pay any costs incurred in preparing a response, or to procure or contract for services or supplies. Respondents are encouraged to respond to this RFI; however, failure to submit a response will not impact a Respondent's ability to respond to any future competitive solicitation process (if any) for projects, or influence the selection of a service provider going forward or affect its rights and obligations under any applicable laws or in any legal proceeding. NYSERDA reserves the right to discontinue or modify the RFI process at any time, and makes no commitments, implied or otherwise, that this process will result in a business transaction or negotiation with one or more Respondents. All costs associated with responding to this RFI will be solely at Respondents' expense.

V. Attachment

RESRFI23-1 [Attachment A. RESRFP22-1 Standard Form Agreement](#)