



**NYSERDA**

**Offshore Wind Supportive Manufacturing and Logistics  
Request for Proposals OSWSCRFP24-1**

**Release Date: April 23, 2024**

**UP TO \$200 MILLION AVAILABLE**

*All, some, or none, of the available funds may be awarded.*

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

**Responses Due:**

**Tuesday, August 13, 2024 by 3:00 PM Eastern Time**

The New York State Energy Research and Development Authority (NYSERDA) seeks to award grant funding to port infrastructure and/or supply chain manufacturing projects that will advance the offshore wind industry in New York State by leveraging private investment and generating long-term economic benefits. Through this Request for Proposals (RFP), NYSERDA may distribute up to \$200 million in the form of capital grant funding to qualified projects.

All relevant documents pertaining to this Request for Proposals (RFP) are available on NYSERDA's website <https://nyserda.ny.gov/All-Programs/Offshore-Wind/Focus-Areas/Supply-Chain-Economic-Development/500M-Investment>. Proposers are advised to check this website regularly for updates.

Questions about this RFP should be directed to the Primary Contacts or Other Designated Contacts listed below in writing by emailing [offshorewind@nyserda.ny.gov](mailto:offshorewind@nyserda.ny.gov).

- Primary Contacts: Kevin Flynn, Peter Lion, Gregory Lampman, and Alex Stein
- Other Designated Contacts: Doreen Harris, Pete Costello, Georges Sassine, Pauline Huet Le Bertre, Nate Chumley, Laila El-Ashmawy, and Bram Peterson.

No communication intended to influence this procurement is permitted except by contacting the Primary Contacts or Other Designated Contacts. Contacting anyone other than the Primary Contacts or Other Designated Contacts (either directly by Proposer or indirectly through a lobbyist or other person acting on Proposer's behalf) to influence the procurement may result in: (1) a Proposer being deemed a non-responsive offeror, and (2) Proposer not receiving an award. NYSERDA may contact Proposers at any stage with requests for clarifications and questions.

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## Acronyms and Definitions

**Awardees:** Proposers who have been selected for award under this RFP.

**Award Security:** As defined in Section 5.4.1.

**Capital Expenses:** All costs associated with acquiring, constructing, or improving tangible assets, such as buildings, infrastructure, equipment and land. Capital Expenses include both Hard Costs and Soft Costs.

**Commercial Operation Date:** the first date of operation of the Facility in alignment with the Proposal.

**Completion Deadline:** The deadline for Substantial Completion, as defined in the Funding Agreement, agreed to by the Grant Recipient and NYSERDA, unless otherwise extended by NYSERDA.

**Construction Deadline:** The deadline for Commencement of Construction, as defined in the Funding Agreement, agreed to by the Grant Recipient and NYSERDA, unless otherwise extended by NYSERDA.

**Contract Security:** As defined in Section 5.4.1.

**Disadvantaged Community (DAC):** The Climate Leadership and Community Protection Act directed the [Climate Justice Working Group](https://www.nyserda.ny.gov/ny/disadvantaged-communities) (CJWG) to establish criteria for identifying Disadvantaged Communities. On March 27, 2023, the CJWG finalized the disadvantaged communities' criteria. See <https://www.nyserda.ny.gov/ny/disadvantaged-communities> for a map of communities, including the ability to search if addresses are within a disadvantaged community. Additional detail on the disadvantaged community criteria, including a list of census tracts that meet the disadvantaged community criteria as well as a detailed indicator map, can be found on the [Climate Act Website](#) under the Resources section "Disadvantaged Communities Criteria".

**Disadvantaged Community Commitments:** Tangible commitments in dollar terms outlined within the proposal to direct resources, investments, and benefits towards communities identified as disadvantaged within New York State. This encompasses targeted initiatives aimed at addressing socioeconomic disparities fostering community development and promoting economic equity such as job training programs, educational initiatives, infrastructure improvements and community engagement efforts.

**Disadvantaged Community Jobs:** The subset of Total Jobs containing FTE positions projected to be created within disadvantaged communities in New York State as a direct result of the proposed project. This metric emphasizes the project's contribution to inclusive economic development and job creation in marginalized areas.

**Economic Benefits Start Date:** The date of notification of award by NYSERDA in response to this RFP.

**Eligible Project:** As defined in Section 2.2.1 for the Supply Chain Manufacturing Track or 2.3.1 for the Port Infrastructure Track.

**Eligible Proposer:** As defined in Section 2.2.2 for the Supply Chain Manufacturing Track or 2.3.2 for the Port Infrastructure Track.

**Eligible Uses of Funds:** As defined in Section 2.2.3 for the Supply Chain Manufacturing Track or 2.3.3 for the Port Infrastructure Track.

**Flexible Laydown Port:** Offshore Wind Port for short-term storage and staging of offshore wind components leased by developers or component manufacturers.

**Facility:** The Offshore Wind Port or Supply Chain Manufacturing Facility in New York State proposed to be developed, constructed or expanded pursuant to the Proposal.

**Full-time Equivalent Job (FTE):** Metric for measuring the jobs created from a Project, with a single FTE determined as requiring at least 2,080 hours of work in a year based on a 40-hour work week over a 52-week year. Jobs not meeting 2,080 hours of work in a year may be combined to count as an FTE.

**Grant Funding:** The grant funding to be awarded pursuant to this RFP.

**Grant Recipient:** The legal entity that would be responsible for execution of the Funding Agreement and the recipient of grant funding in the event of an award under this RFP.

**Hard Costs:** Expenses incurred by a Project for materials, labor, equipment, subcontractors, or other expenses directly tied to the Project's physical construction, expansion, renovation or improvement process.

**Labor Dollars:** The aggregate payments allocated for labor-related expenditures directly associated with work performed within New York State. This includes gross wages (including employer side payroll tax payments), benefits costs, and compensation for various categories of personnel engaged in the Project, such as construction workers, manufacturing personnel, operations and maintenance staff, engineers, environmental service providers, consultants, researchers, and other relevant personnel.

**Long-term Jobs:** Full-time jobs (requiring at least 2,080 hours of work in a year based on a 40-hour work week over a 52-week year) that will be created or retained during the operation phase of the Project. Long-term Jobs are those which are reasonably expected to occur each year of the Facility's operational life. Long-term Jobs do not include jobs specifically tied to construction associated with the Project. Jobs not meeting the threshold of a full-time job may be reflected as an FTE.

**Incremental Economic Benefits:** Those financial expenditures benefiting New York State (for this purpose, expenditures for iron and steel manufactured in the United States shall be deemed to benefit New York State even if incurred outside of New York State) within the categories specified in Section 4.2.4.5 that a Proposer can demonstrate: (1) accrue after the Economic Benefits Start Date; (2) would not have accrued but for the award of a contract under this current RFP; (3) do not overlap with any economic benefits counted pursuant to any other New York State RFP; and (4) do not include any New York State Funding.

**Inflation Reduction Act (IRA):** The Inflation Reduction Act of 2022.

**Inland Manufacturing Facility:** A Supply Chain Manufacturing Facility located anywhere outside the existing or planned footprint of a maritime port or immediately adjacent land parcels.

**Manufacturing Port:** Offshore Wind Port with the infrastructure required to support a Port Based Manufacturing Facility.

**MWBE:** Minority and/or Women-Owned Businesses, as defined under New York State Law. New York State Certified MWBEs are searchable in the [MWBE Certified Database maintained by Empire State Development \(ESD\)](#).

**MWBE/SDVOB Dollars:** The monetary sum designated for procurement from businesses certified as MWBE or SDVOB within the state of New York. This includes funds specifically allocated for contracts purchases or services rendered by MWBE or SDVOB to promote diversity, inclusion, and economic empowerment within the business community.

**New York State Funding:** Funding from New York State, including grant funding requested through this RFP, as well as funding provided by other New York State Agencies. For a full list of New York State Agencies visit <https://www.ny.gov/agencies>.

**New York State Iron and Steel Dollars:** The total value of expenditures dedicated to the purchase of iron and steel products originating from sources within New York State. This includes payments made for iron

and steel materials used directly in the Project ensuring compliance with regulations while supporting New York-based manufacturing industries.

**Non-New York State US Iron and Steel Dollars:** The total value of expenditures dedicated to the purchase of iron and steel products originating from sources outside of New York State but within the United States. This includes payments made for iron and steel materials used directly in the Project ensuring compliance with regulations while supporting domestic manufacturing industries.

**Offshore Wind Generation Facility:** The installed wind turbine generators located within a Bureau of Ocean Energy Management lease area and all other associated offshore equipment and infrastructure delivering energy to the injection point.

**Offshore Wind Port:** Maritime port with infrastructure that supports offshore wind component manufacturing, storage, assembly, and/or the ongoing operation and maintenance of offshore wind projects. An Offshore Wind Port may be categorized in the context of this RFP as: Manufacturing Port, Staging & Assembly Port, Flexible Laydown Port, or a Regional Operations & Maintenance (O&M) Port.

**Original Equipment Manufacturer (OEM):** Designer and Manufacturer of an offshore wind turbine, or a Finished Component of the balance of plant, for purchase by an offshore wind developer.

**Port Based Manufacturing Facility:** A Supply Chain Manufacturing Facility located within the existing or planned footprint of a Manufacturing Port or an adjoining land parcel.

**Port Infrastructure Project:** The construction, redevelopment and/or improvements that enable a port site to provide critical services for the offshore wind industry upon completion of the Project. Such projects typically involve berth/quayside rehabilitation, improvement or expansion of docks, wharves, piers, roll-on/roll-off structures, and dredging designed to facilitate usage for offshore wind related projects. For further clarity, a project that enables critical services for the offshore wind industry only if another project (such as a Port Based Manufacturing Facility) is built at the port will not be considered a Port Infrastructure Project for purposes of this RFP.

**Port Infrastructure Proposal:** A Proposal submitted through the Port Infrastructure Track of this RFP.

**Port Infrastructure Track:** An evaluation track through which a Proposal for a Port Infrastructure Project may be submitted as defined in Section 1.1.

**Primary Component or “Finished Component”:** Any of the main parts of an offshore wind turbine or the Offshore Wind Generation Facility balance of plant, including the foundation, substructure, transition piece, tower, nacelle, rotor blades, offshore substation bottom side and topside, electrical equipment, inter-array cables and export cables.

**Project:** The Supply Chain Manufacturing Project or Port Infrastructure Project described in the Proposal.

**Proposal:** A request for Grant Funding to support a Project in response to this RFP.

**Proposer:** The business entity, or collection of entities, that submits a Proposal in response to this RFP.

**Qualifying Federal Support:** Any direct federal financial support to the Project in the form of tax credits or direct financial benefits expressly intended to incentivize (i) the development and operation of (x) port infrastructure and/or (y) facilities that manufacture equipment or components used for the development of offshore wind, and (ii) which either (A) arises from a law enacted by the U.S. Congress after the Proposal Submission Deadline or (B) is secured following the notification of award by NYSERDA and as such is not included in the financial information required in the Proposal under this RFP. Notwithstanding the foregoing, any support arising solely from Section 45(X) of the Internal Revenue Code in existence on the Proposal Submission Deadline shall not be considered Qualifying Federal Support to the extent such support is (I) obtained in reliance only upon meeting conditions that were expressly deemed to be sufficient for

qualification under the applicable Internal Revenue Code section pursuant to official IRS guidance issued prior to the Proposal Submission Deadline and (II) not obtained as a result of material reconfigurations of the Project. Qualifying Federal Support shall not include ordinary course tax deductions.

**Raw Materials:** Materials such as steel, copper, carbon fiber, concrete, or rare-earth metals, that are directly processed into products used in generating offshore wind energy.

**Regional Operations & Maintenance (O&M) Port:** Offshore Wind Port serving as the operational hub and long-term base for multiple offshore wind developers and offshore wind projects occurring simultaneously.

**Scoring Committees:** The three scoring committees that will evaluate proposals in response to this RFP, specifically the Supply Chain Manufacturing Scoring Committee, the Port Infrastructure Scoring Committee, and the Portfolio Scoring Committee.

**SDVOB:** Service-Disabled Veteran Owned Businesses as defined under the Service-Disabled Veteran-Owned Business Act of New York State. New York State Certified SDVOBs are searchable in the [Directory of New York State Certified Service-Disabled Veteran Owned Business \(SDVOB\)](#) maintained by the Office of General Services (OGS).

**Site Location Figure:** Figure provided as part of the existing site / facility description which shows the site boundaries of the Project on an aerial map, the site address, and other information detailed in Section 4.2.4.2.

**Soft Costs:** Expenses incurred as part of the Project that are not directly associated with physical construction or tangible assets but are essential for the Project's planning and management. Soft Costs include costs for planning, design, engineering, permits, legal fees, administrative overhead, and other non-construction activities.

**Staging & Assembly Port:** Offshore Wind Port that receive, store, and partially assemble turbine components.

**Subassembly:** System that has a specific function for a Primary Component, which may include subassemblies of several smaller parts, such as a pitch system for blades.

**Subcomponent:** Component that is combined with other subcomponents into a Subassembly, such as motors, bolts, and gears.

**Supply Agreement:** Legal contract between supplier and purchaser defining the terms of the relationship, including the rights and obligations of the parties, which governs the procurement of products, materials, and/or services between the supplier and purchaser. The agreement may take the form of an offtake agreement, framework agreement, purchase agreement, master supply agreement, service level agreement, manufacturing agreement, or similar.

**Standard Form Supply Chain Facility Funding Agreement or "Funding Agreement":** The grant agreement between NYSERDA and the awardee(s) of this RFP included as Appendix B and defined in Section 1.4.

**Supply Chain Data Form:** Excel file required in the proposal submission as described in Section 4.2.2, which will be made available by NYSERDA following the release of this RFP.

**Supply Chain Manufacturing Facility:** A continuous-use facility located in New York State for manufacturing of Primary Components or Finished Components, Subassemblies or Subcomponents or Raw Materials to be used in Offshore Wind Generation Facilities..

**Supply Chain Manufacturing Project:** The development, construction, expansion, or renovation of a Supply Chain Manufacturing Facility. In the case of Port Based Manufacturing Facilities, the Supply Chain

Manufacturing Project can include port infrastructure improvements necessary to enable the planned use of such Supply Chain Manufacturing Facility.

**Supply Chain Manufacturing Proposal:** A Proposal submitted through the Supply Chain Manufacturing Track of this RFP.

**Supply Chain Manufacturing Track:** An evaluation track through which a Proposal for a Supply Chain Manufacturing Project may be submitted as defined in Section 1.1.

**Total Dollars:** The aggregate monetary value encompassing all projected expenditures, investments, and revenues directly associated with the proposed Project within New York State. This includes both public and private funding sources (excluding Grant Funding under this RFP), grants, loans, equity investments, and anticipated GDP created.

**Total Jobs:** The cumulative number of full-time equivalent (FTE) positions anticipated to be created or retained over the course of the proposed Project.

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# 1. Introduction

## 1.1 Executive Summary

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 installing 9,000 megawatts of offshore wind by 2035. Building offshore wind projects in a timely and cost-effective manner requires investment in a reliable supply chain that also benefits New York's workforce, businesses, and supports transition to a clean energy economy.

Under this solicitation, OSWSCRFP24-1, NYSERDA is seeking to competitively fund the construction, expansion, or renovation of port infrastructure and manufacturing facilities that meaningfully aid the growth of the offshore wind industry in New York State. NYSERDA intends to utilize up to \$200 million in New York State grant funding to support and further leverage significant outside investments in projects critical to building a local, reliable, and economically beneficial offshore wind supply chain.

Developing an offshore wind supply chain requires investments in manufacturing to produce components for use in offshore wind projects, as well as port infrastructure to host fabrication activities, pre-assemble and stage components, and service offshore wind projects during their operations. To reflect the needs of the industry, this solicitation offers separate evaluation tracks for Proposals to develop Port Infrastructure Projects and Supply Chain Manufacturing Projects. The unique eligibility, submission requirements, and evaluation criteria for each track are detailed further in this RFP.

NYSERDA has allocated up to \$200 million for this solicitation and may award less than \$200 million at its sole discretion. NYSERDA targets awarding \$100 million in each of the Port Infrastructure and Supply Chain Manufacturing Tracks. NYSERDA reserves the right to increase, decrease, or reallocate funding between tracks, as well as to award all, some, or no Proposals in either track at its sole discretion. Any funding not invested in OSWSCRFP24-1 may be made available under supply chain opportunities issued at a later date.

## 1.2 Background on NYSERDA

NYSERDA was created in 1975 by the New York State Legislature as a public authority and public benefit corporation. NYSERDA offers objective information and analysis, innovative programs, technical expertise, and support to help New Yorkers increase energy efficiency, save money, use renewable energy, and reduce reliance on fossil fuels.

NYSERDA is authorized by the New York State Public Service Commission's [Order Establishing Offshore Wind Standard and Framework For Phase 1 Procurement](#) to act as the central administrator of the Offshore Wind Standard program. Pursuant to this role as central administrator, NYSERDA purchases Offshore Wind Renewable Energy Certificates (ORECs) from contracted Offshore Wind Generation Facility Developers on behalf of the jurisdictional and voluntarily-complying Load Serving Entities (LSEs) in New York State within the Public Service Commission's jurisdiction. It also performs this role for LSEs outside the Public Service Commission's jurisdiction, such as the New York Power Authority and Long Island Power Authority, which may opt to use NYSERDA as a purchasing entity. NYSERDA then sells the ORECs to the LSEs for compliance with the LSEs' offshore wind obligations.

NYSERDA also leverages grant funding to catalyze the development of the offshore wind supply chain. To complement the build out of the Offshore Wind Standard program, and in recognition of the critical role the supply chain will play in attaining the goals of the Climate Act, Governor Hochul and the State Legislature allotted \$500 million for offshore wind supply chain investments in the 2022 State Budget. NYSERDA is authorized to utilize this funding to develop ports, manufacturing, and other supply chain infrastructure as necessary to advance the offshore wind industry.

## 1.3 Goals of OSWSCRFP24-1

Development of the offshore wind industry in New York and along the eastern seaboard requires corresponding development of local port infrastructure and supply chain manufacturing to meet the needs of industry and reap the benefits of a vibrant clean energy economy.

At this junction in the industry's evolution, it is vital that New York State's port infrastructure and manufacturing assets are prepared to capitalize on the growth opportunity the domestic supply chain affords, enabling New York's workforce to benefit from the clean energy economy transition. The buildout of New York's offshore wind supply chain will help ensure successful generation projects that deliver timely and cost-effective results, while also providing benefits to New York workers and businesses.

NYSERDA is issuing this Offshore Wind Supportive Manufacturing and Logistics Request for Proposals (OSWSCRFP24-1 or RFP) to continue progress on advancing the development of the offshore wind supply chain in New York State. NYSERDA seeks Projects that address a critical need for goods or services by the offshore wind industry as evidenced by tangible market demand, that identify opportunities which align with the State's strengths, and that as a portfolio best further the goals of this RFP listed below:

- Bolstering New York's ability to reliably develop offshore wind generation projects
- Creating a stable and cost-effective offshore wind supply chain
- Ensuring the supply chain benefits New York's residents, businesses, and economy
- Promoting a collaborative, inclusive, and environmentally responsible supply chain

Further information regarding how these goals will be utilized under this RFP is detailed in Section 3.3.

## 1.4 Funding Information

Funding awarded through this RFP will be distributed on a reimbursement basis under the terms of a Standard Form Supply Chain Facility Funding Agreement (Appendix B) ("Funding Agreement"). The Funding Agreement will contain a detailed scope of work and budget for the awarded project that aligns with the Proposal submitted in response to this RFP. Funding awarded through this RFP will be provided at critical project milestones on a reimbursement basis. As part of their Proposal, Proposers must include in the Supply Chain Data Form, when made available by NYSERDA, a detailed breakdown of total project costs by major cost elements and tasks, clearly identifying elements for which grant funding awarded under this RFP will be used to reimburse costs. This will be the basis for the detailed scope of work and budget included in the Agreement. Up to 25% of funds may be made available at construction start as an advance for awardees with demonstrated need. Remaining funds will be distributed as outlined in the Agreement in alignment with the milestone disbursement schedule provided in the Proposal, with the final 25% distributed in equal installments over the first five years of operation subject to meeting at least 85% of the minimum metrics detailed in the Supply Chain Data Form (when made available by NYSERDA) and in Section 4.2.4.5 in each year, namely:

- Total Dollars (\$000)
- Labor Dollars (\$000)
- MWBE/SDVOB Dollars (\$000)
- NYS Iron and Steel Dollars (\$000)
- Non-NYS U.S. Iron and Steel Dollars (\$000)
- Disadvantaged Communities Commitments (\$000)
- Total Jobs (FTE-Years)
- Long-Term Jobs (FTE-Years)
- Disadvantaged Community Jobs (FTE-Years)

Additionally, Proposers should include a proposed Construction Deadline and Completion Deadline as part of their Proposal as outlined in Section 4.2.4.2. If awarded, dates for the Construction Deadline and Completion Deadline will be set during negotiations on the Funding Agreement. Please note that deadlines

associated with the \$500 million funding appropriation limit NYSERDA's ability to agree to a Construction Deadline and/or Completion Deadline that would occur in the distant future, so Proposers are encouraged to present reasonable deadlines.

At no point during development, construction, or operation of the facility may NYSERDA's funding be provided at a level in excess of other investments made in the Project. NYSERDA reserves the right to limit all or some grant funding for a Project if the same activities are awarded funding through another funding source not already identified in the Proposal in accordance with this RFP. Quarterly progress reporting is required during the design and construction phases of the Project as described in the Funding Agreement. If selected for award, Awardees will be expected to provide preliminary quarterly reports prior to execution of the Funding Agreement. For operational metrics selected by NYSERDA related to job creation, job numbers will be verified annually using the employer's NYS-45 and NYS45-ATT and/or payroll reports prior to disbursement of funds.

All Grant Recipients must certify and agree that any decrease in the scope of work compared with the scope of work included in the Funding Agreement may result in a reduction of funding at NYSERDA's sole discretion, up to a full loss of award. If a Project obtains Qualifying Federal Support that is to be applied towards the scope included in the Funding Agreement, there will be an adjustment to the amount of funding provided equal to the amount of Qualifying Federal Support obtained. Alternatively, if the Grant Recipient demonstrates that the Qualifying Federal Support will be utilized to increase the value to New York of the scope above that stated in the Agreement, such as electrification/decarbonization of operations or increased facility capacity, then the amount of funding awarded under this RFP may be maintained at NYSERDA's sole discretion. Specific terms and funding mechanics associated with funding are described in the Funding Agreement.

### 1.4.1 **Other Funding Resources**

Proposers, by the time of submission, are encouraged to have already sought, or be in the process of attaining, funding from all other potential State resources, including the New York State Empire State Development (ESD) Cleantech and Renewable Energy program, which may provide other resources and information as to potential opportunities in the Proposer's region of interest. Interested Proposers are encouraged to reach out directly to ESD at: [Cleantech@esd.ny.gov](mailto:Cleantech@esd.ny.gov).

Proposers are also encouraged to seek NY Green Bank Financing in connection with their project if they have not already done so. NY Green Bank is a State-sponsored, specialized financial entity that works with the private sector to identify, address, and alleviate market barriers preventing the widespread deployment of clean energy projects across New York State. NY Green Bank is generally able to make competitively-priced, market-based debt financing available to offshore wind supply chain projects in New York State in amounts that range from approximately \$5 million to \$100 million per project. More information on NY Green Bank can be found at <https://greenbank.ny.gov/>

## 1.5 **Schedule**

The schedule for OSWSCRFP24-1 is as follows (all times ET):

RFP Release Date	April 23, 2024
Proposers' Webinar	May 7, 2024
Deadline for Submission of Written Questions	May 14, 2024
Responses to Written Questions Posted	June 11, 2024
<b>NYSERDA Portal Open for Submissions</b>	<b>July 16, 2024, 3:00PM</b>
<b>Proposal Submission Deadline</b>	<b>August 13, 2024, 3:00PM</b>
Award Notification Date & Beginning of Contract Negotiations	Est. Late September, 2024
Contract(s) Executed & Public Announcement	Est. Q4 2024

Please note that the above dates are subject to change. If changes are made to this solicitation, notification will be posted on the “Current Opportunities” section of NYSERDA’s website [https://portal.nyserda.ny.gov/CORE\\_Solicitation\\_Detail\\_Page?SolicitationId=a0r8z000000Gzxc](https://portal.nyserda.ny.gov/CORE_Solicitation_Detail_Page?SolicitationId=a0r8z000000Gzxc) as well as <https://nyserda.ny.gov/All-Programs/Offshore-Wind/Focus-Areas/Supply-Chain-Economic-Development/500M-Investment>.

## **1.6 Proposers’ Webinar and Written Question & Answers**

A Proposers’ Webinar for interested bidders will be held on May 7, 2024 at 9AM E.T. to provide an overview of the RFP. Registration is available at the link below:

<https://nyserdany.webex.com/weblink/register/r6906a63e2c8341b88a06be0f13cedc26>.

Pre-registration for the webinar is required, and prospective Proposers are encouraged to register for this event as early as possible. Prospective Proposers will not have the opportunity to ask questions during the Proposers’ Webinar. All questions about this RFP should be submitted by emailing [Offshorewind@nyserda.ny.gov](mailto:Offshorewind@nyserda.ny.gov) with the subject line “OSWSCRFP24-1 Question”. All written questions must be submitted by May 14, 2024. NYSERDA will endeavor to respond to submitted questions within two weeks. Responses will be summarized and posted to the OSWSCRFP24-1 Question and Answer file available at <https://nyserda.ny.gov/All-Programs/Offshore-Wind/Focus-Areas/Supply-Chain-Economic-Development/500M-Investment> by June 11, 2024 with all information anonymized.

Prospective Proposers may also submit requested changes to the Standard Form Funding Agreement (Appendix B) for NYSERDA consideration by emailing [Offshorewind@nyserda.ny.gov](mailto:Offshorewind@nyserda.ny.gov) with the subject line “OSWSCRFP24-1 Requested Funding Agreement Change” on or before the Proposal Submission Deadline. NYSERDA requests that any such requests be provided on or before the deadline for submission of written questions indicated above to the extent possible. Any requested changes should be accompanied by an explanation of the reasons for such changes. NYSERDA will consider the requested changes and may provide feedback at its discretion.

## **1.7 Modification or Cancellation of the RFP Process**

The terms and conditions of this RFP may, at any time, be changed, postponed, withdrawn, and/or canceled, including any requirement, term or condition of this RFP, without any liability to NYSERDA, its agents or consultants or members of the Scoring Committees.

Any changes to this RFP will be posted on the “Current Opportunities” section of NYSERDA’s website [https://portal.nyserda.ny.gov/CORE\\_Solicitation\\_Detail\\_Page?SolicitationId=a0r8z000000Gzxc](https://portal.nyserda.ny.gov/CORE_Solicitation_Detail_Page?SolicitationId=a0r8z000000Gzxc)

Prospective Proposers are encouraged to check the website frequently to be advised of any RFP changes or other news.

## **1.8 Proposal Completeness and Eligibility Review**

Following submission, Proposals will first be examined to determine whether they meet the eligibility requirements and include all required components. To be eligible for evaluation, Proposals must meet all eligibility requirements set forth in Section 2.2 or 2.3, as applicable and be complete, i.e., contain materially all required contents listed in Section 4.2. Although an immaterial or insignificant omission of certain contents technically required by Section 4.2 will not on its own deem a Proposal ineligible for evaluation, it may negatively impact the Proposal’s evaluation.

## **1.9 Updates to Proposals**

If, prior to the Proposal Submission Deadline, a Proposer wishes to modify a Proposal that was submitted before the Proposal Submission Deadline, Proposer should contact NYSERDA’s Designated Contacts. Proposers will not have an opportunity to refresh or restate Proposals after the Proposal Submission Deadline unless requested by NYSERDA to do so. If Proposers provide new information that was not

available at the time of their Proposal submission or the Proposal Submission Deadline, these updates are for informational purposes only and will not be treated by the Scoring Committee(s) as a change or revision to the terms of the Proposal unless the information is provided at NYSERDA's request under Section 1.10. If there are any material events that affect the validity of the Proposal, Proposers must promptly notify NYSERDA in writing, and these material events may be considered by NYSERDA and/or the Scoring Committee(s) during Proposal evaluation.

## **1.10 Requests for Additional Information**

Following the submission of Proposals, NYSERDA and the Scoring Committee(s) may request clarification and additional information from Proposers at any time throughout the evaluation process. Such information will be subject to the protection of proprietary information as described in Section 7, consistent with other Proposal submission materials. If the Proposer does not respond promptly to such information requests or does not provide adequate information, the affected Proposal(s) will be evaluated based on the information as originally submitted.

NYSERDA reserves the right to request clarification directly from any potential Grant Recipient or entity comprising a Proposer. To that end, Proposals must include contact information for all entities comprising the Proposer.

## **1.11 Interviews with Proposers**

NYSERDA may request in-person and/or videoconference interviews with any Proposer/Awardee/Grant Recipient, to be scheduled at a mutually convenient time.

# **2. Project Eligibility**

## **2.1 Evaluation Tracks (Process, Setup, Funding)**

This RFP has two evaluation tracks: the Port Infrastructure Track, and the Supply Chain Manufacturing Track. The Port Infrastructure Track is intended to award funding for Port Infrastructure Projects critical to advancing the offshore wind industry. The Supply Chain Manufacturing Track is intended to award funding to Supply Chain Manufacturing Projects. NYSERDA will target awarding \$100 million in grant funding under the Port Infrastructure Track and \$100 million in grant funding under the Supply Chain Manufacturing Track but reserves the right to award any other amount in NYSERDA's sole discretion. Projects seeking State funding in excess of \$100 million (e.g., port manufacturing of some Tier 1 components) are not eligible under this solicitation but may be eligible under a forthcoming NYSERDA solicitation.

Each Proposal must be submitted under either the Port Infrastructure Track or the Supply Chain Manufacturing Track. Eligibility and evaluation criteria differ by track. Proposals must specify the track through which an award is sought as detailed in the submission requirements in Section 4.2. NYSERDA will review each submitted Proposal to determine whether the eligibility requirements for the identified track have been met. Section 2.2 details eligibility requirements for the Supply Chain Manufacturing Track, and Section 2.3 details eligibility requirements for the Port Infrastructure Track.

**Proposals not meeting the requirements of an Eligible Project (Section 2.2.1 or 2.3.1) and Eligible Proposer (Section 2.2.2 or 2.3.2) for the specified track will be removed from consideration for award.**

Proposals will be reviewed to ensure the requirements regarding eligible uses of Grant Funding (Section 2.2.3 or 2.3.3) have been met. Any ineligible uses of Grant Funding will be removed from the funding request but will remain as part of the Total Project Cost, and the Proposal will be re-reviewed to determine if the requirements of an Eligible Project and Eligible Proposer have been met. NYSERDA may reduce a Project's potential amount of awardable Grant Funding from the amount requested in the Proposal should the project

budget contain funding uses considered ineligible by NYSERDA, as long as the reduced funding does not jeopardize the viability of the Project to proceed at the reduced funding level.

Supply Chain Manufacturing Projects may or may not be physically located at a port. Proposals requesting funding under the Supply Chain Manufacturing Track can include costs to support port infrastructure improvements necessary to enable the planned use of the Supply Chain Manufacturing Facility. The below table provides guidance as to which track may best align with different Projects.

Port Infrastructure Track	Supply Chain Manufacturing Track
Staging & Assembly Ports Regional Operations & Maintenance Ports Flexible Laydown Ports	Inland Manufacturing Facilities Port Based Manufacturing Facilities

## 2.2 Eligibility – Supply Chain Manufacturing Track

### 2.2.1 Eligible Projects – Supply Chain Manufacturing Track

**Projects must:**

- I. Include the development, construction, renovation, or expansion of a Supply Chain Manufacturing Facility to produce products (Primary/Finished Components, Subassemblies, Subcomponents, and/or Raw Materials) used in an Offshore Wind Generation Facility or the associated infrastructure.
- II. Have a total Project cost of at least \$3 million, where the total Project cost is the total cost necessary to complete all phases (including land acquisition, design and supervision, construction and/or equipment) required to make the resulting Facility operational for the intended use but does not include costs to operate the Facility.
- III. Request between \$1 million and \$50 million in grant funding through this RFP.
- IV. Leverage non-New York State Funding to limit New York State Funding to a maximum 33% of total Project cost. Funding from public entities other than New York State or New York State Agencies will be counted as non-New York State Funding.
- V. Create a number of direct new jobs that collectively earn wages from the Economic Benefits Start Date through the end of the fifth year of operations (i.e., through the end of the term of the Funding Agreement with NYSERDA) at least equal to the grant funding requested through the Proposal.

### 2.2.2 Eligible Proposers – Supply Chain Manufacturing Track

Eligible Proposers may include an individual company, organization, institution, port authority, or a combination thereof if the entities collectively support a single Project.

If the Proposer is a combination of business entities, the Grant Recipient must be a single designated entity, such as either:

1. The local port authority (if applicable); or
2. The entity that will own and/or operate the facility.

Additionally, the Proposer must:

- Be currently engaged in, or planning to enter, the offshore wind supply chain.
- Have existing operations in New York State or plan to locate operations of the Project in New York State upon notification of award selection.
- Have ownership or control of the site(s). To satisfy this requirement, the Proposer must either own the site(s) or have executed a legally binding agreement such as a purchase, lease or an option to purchase or lease that gives the Proposer the legal right to carry out the Project (as described in the Proposal) on the site(s).

### **2.2.3 Eligible Uses of Grant Funding – Supply Chain Manufacturing Track**

Funds awarded through this RFP may only be used to cover costs tied to the acquisition, demolition, construction, renovation, repair or replacement of fixed assets and site infrastructure required to complete the Project and make the Facility operational for its intended use. This includes the costs noted below and any other costs that are not listed below as Ineligible and are deemed eligible at NYSERDA's discretion. Funds may not be used to cover Soft Costs, but Soft Costs associated with the Project should be included in the total project cost and will count toward the non-New York State Funding match. Expenses must be incurred on or after the Economic Benefits Start Date (detailed in Section 4.2.4.5) to be considered eligible.

#### **Costs Eligible for Reimbursement**

Costs for materials, labor, equipment, subcontractors, or other expenses directly tied to the physical construction process.

#### **Costs Ineligible for Reimbursement**

Costs that are not directly associated with physical construction or tangible assets but are essential for the Project's planning and management, such as costs for planning, design, engineering, permits, legal fees, administrative overhead, and other non-construction activities.

Any costs that are not incurred to advance the Project.

## **2.3 Eligibility – Port Infrastructure Track**

### **2.3.1 Eligible Projects – Port Infrastructure Track**

#### **Projects Must:**

- I. Include construction, redevelopment and/or improvements that enable a port site to provide critical services for the offshore wind industry upon completion of the Project. For further clarity, a project that enables critical services for the offshore wind industry only if another project (such as a Port Based Manufacturing Facility) is built at the port will not be eligible for the Port Infrastructure Track.
- II. Have a total Project cost of at least \$10 million, where total Project cost is the total cost necessary to complete all phases (including land acquisition, design and supervision, construction and/or equipment) required to make the resulting Facility operational for the intended use but does not include costs to operate the Facility.
- III. Request between \$1 million and \$100 million in grant funding through this RFP.
- IV. Leverage non-New York State Funding to limit New York State Funding to a maximum of 33% of total Project cost. Funding from public entities other than New York State or New York State Agencies will be counted as non-New York State Funding.
- V. Include, at a minimum, support for offshore wind activity through staging, marshaling, assembly, construction, operation and maintenance services or related activities based at the port.
  - a. **If a Regional Operations & Maintenance Port Facility (O&M Port):** Must have plans and site infrastructure to serve as the operational hub and long-term base for multiple offshore wind developers and offshore wind projects occurring simultaneously.

### **2.3.2 Eligible Proposers – Port Infrastructure Track**

Eligible Proposers may include an individual company, organization, institution, port authority, or combination thereof if the entities collectively support a single Project.

If the Proposer is a combination of business entities, the Grant Recipient must be a single designated entity, such as either:

1. The local port authority; or,
2. The entity that will own and/or operate the facility.

Additionally, the Proposer must:

- Be currently engaged in, or planning to enter the offshore wind supply chain, specifically performing port development and/or operation.
- Have existing operations in New York State or plan to locate operations of the Project in New York State upon notification of award selection.
- Have ownership or control of the site(s). To satisfy this requirement, the Proposer must either own the site(s) or have executed a legally binding agreement such as a purchase, lease or an option to purchase or lease that gives the Proposer the legal right to carry out the Project (as described in the Proposal) on the site(s).

### **2.3.3 Eligible Uses of Grant Funding – Port Infrastructure Track**

Funds awarded through this RFP may only be used to cover costs tied to the acquisition, demolition, construction, renovation, repair or replacement of fixed assets and site infrastructure required to complete the Project and make the Offshore Wind Port operational for its intended use. This includes the costs noted below and any other costs that are not listed below as Ineligible and are deemed eligible at NYSERDA's discretion. Funds may not be used to cover Soft Costs, but Soft Costs associated with the Project should be included in the total project cost and will count toward the non-New York State Funding match. Expenses must be incurred on or after the Economic Benefits Start Date (detailed in Section 4.2.4.5) to be considered eligible. Expenses may not include Supply Chain Manufacturing Facility related costs, as these are only eligible for reimbursement through the Supply Chain Manufacturing Track.

#### **Costs Eligible for Reimbursement**

Costs for materials, labor, equipment, subcontractors, or other expenses directly tied to the physical construction process.

#### **Costs Ineligible for Reimbursement**

Costs that are not directly associated with physical construction or tangible assets but are essential for the Project's planning and management, such as costs for planning, design, engineering, permits, legal fees, administrative overhead, and other non-construction activities.

Any costs that are not incurred to advance the Project.

## **3. Evaluation**

Proposals that meet the eligibility requirements described in Section 2.2 for the Supply Chain Manufacturing Track will be scored with respect to the evaluation criteria as defined below in Section 3.1. Proposals that meet the eligibility requirements described in Section 2.3 for the Port Infrastructure Track will be scored with respect to the evaluation criteria as defined below in Section 3.2. Proposals will be evaluated to determine a score out of 100 possible points. Proposals will then be combined into potential award portfolios using the results of the track specific evaluation, and portfolios will be scored using the Portfolio Evaluation Criteria (Goals of OSWSCRFP24-1) as detailed in Section 3.3.

### **3.1 Supply Chain Manufacturing Evaluation Criteria**

Proposals submitted through the Supply Chain Manufacturing Track will be evaluated based on the impact the project is expected to have and the viability of the project as proposed, with impact accounting for a larger proportion of the Project's raw score.

The Supply Chain Manufacturing Scoring Committee will award points for impact based on several factors that together demonstrate that each proposed project will increase the State's ability to reliably develop

offshore wind by addressing a critical market need in a manner that minimizes rate payer costs through competitive funding requests, provides economic benefits, and conducts stakeholder engagement and engenders community support.

The Supply Chain Manufacturing Scoring Committee will award points for viability based on several factors that together demonstrate that each proposed project can be built as designed, on the schedule outlined in the proposal, reach commercial operation on a timeline that will support the near-term offshore wind industry, demonstrate the maturity of the development plans, the feasibility of the technical and logistical plans, and the experience, expertise, and financial resources of the Proposer.

The primary Evaluation Criteria below are listed in order of importance.

### **3.1.1 Impact**

The Supply Chain Manufacturing Scoring Committee will use the evaluation criteria below **listed in order of importance** to provide an impact score.

#### **New York State Project Impact and Offshore Wind Market Need**

This evaluation criterion considers the direct impact a proposed project will have on offshore wind generation projects in New York State, the need as determined by the market, the competitiveness of the business activity, and the efforts made to develop the supply chain. Ability to show evidence of market demand for the products and/or services the Project will provide as well as commitments to purchase goods or services from sub-suppliers located or planning to locate in New York will be heavily factored in evaluation. Projects will be evaluated favorably that:

1. Demonstrate positive cost and/or timing impact for New York offshore wind generation projects;
2. Directly alleviate an existing or prospective constraint/bottleneck in the offshore wind supply chain with the scale to provide a meaningful change in market capacity;
3. Establish the market demand for the project through supply agreements that demonstrate need despite competitor alternatives, with preference for offtake agreements and/or ideally framework agreements.
4. Demonstrate cost competitiveness of the business activity of the proposed project, in consideration of availability and cost through other regional and global facilities;
5. Demonstrate the ability of the project to support future generations of offshore wind development, recognizing possible growth in the scale of technology and its supporting infrastructure;
6. Are advanced in the status of agreements with suppliers, with supply agreements – particularly offtake and/or framework agreements - using New York State suppliers strongly favored, and level of detail in plans to secure remaining needed contracts; and,
7. Show engagement efforts, partnerships, and other programs with new or existing New York supply chain partners to support the project, including identification and education for purposes of retooling operations to create multi-tiered supply chain growth.

#### **Economic Benefits**

This evaluation criterion reflects the importance of positive impacts on the State's economy from developing a New York based offshore wind supply chain. This criterion focuses on the job creation and macroeconomic impacts that the project is expected to have, specifically:

1. Total incremental job creation and in-state expenditures anticipated to result from the project;
2. Plans and ability to provide economic opportunities to Disadvantaged Communities, MWBEs and SDVOBs;
3. Plans and ability to provide clean energy job opportunities to New York residents, including specific efforts for existing workers facing known or potential displacements as described in The New York Scoping Plan's [just transition](#) chapter; and,
4. Plans and ability to utilize U.S. Iron and Steel.

Projects providing a greater level of economic benefit as outlined above will be evaluated favorably. The various categories of economic benefits are described in Section 4.2.4.5.

#### Cost

This evaluation criteria examines the cost to New York State to support the Project. Cost will be evaluated based on elements of the Financial Plan as described in Section 4.2.4.4, including the funding request when compared to the total cost of the Project, with projects requesting a lower percentage of the total cost of the project evaluated favorably. Cost will also be considered in the context of requests from similar projects, to ensure alignment with fair market value.

#### Stakeholder Engagement and Community Support

This evaluation criteria considers community and stakeholder engagement plans and support for the Proposal. Stakeholder engagement activities spanning the planning, construction and operations phase that engender support from a broad range of stakeholders will be viewed favorably. Proposers will be evaluated based on their approach, including specific measures that they will take to foster collaboration and cooperation among product customers, suppliers, and contractors, impacted communities, marine users (if applicable), labor organizations, State and local officials and other stakeholders.

Proposers with a past performance of cultivating productive relationships with stakeholders in the offshore wind industry or industries with similar types of stakeholders will be evaluated favorably. Proposers who have demonstrated excellence in stakeholder engagement practices and maintained a positive public reputation, in New York or in other markets, will be evaluated favorably. Proposers who have already conducted stakeholder outreach regarding the Project will be evaluated favorably.

### **3.1.2 Viability**

The Supply Chain Manufacturing Scoring Committee will use the evaluation criteria below **listed in order of importance** to provide a viability score.

#### Financial Plan

Proposers must demonstrate a mature and well-backed financial plan that provides assurance that the Project will be built and operational, and will be evaluated based on: the completeness of information provided; demonstration that the funding request is “last mile”, such that all other private and public funding sources have been sought/utilized to the extent possible and the provision of the requested funds will allow the Project to proceed to completion; credibility of funding sources; level of funds sourced from Offshore Wind Industry firms; the schedule for disbursement – with short time horizons viewed favorably; the ability of the project to be cash flow positive without further funding assistance required by NYSERDA; the plans and ability to absorb cost overages; as well as the creditworthiness of the Grant Recipient.

#### Development Plan

This evaluation criterion considers the likelihood that the Project will be developed, constructed and operational in alignment with the schedule provided in the data form. Proposers are encouraged to demonstrate their Project can reach commercial operation in a timeframe that will support the near-term offshore wind industry, including mature development plans that are feasible and account for stakeholder engagement and responsible development practices.

Evaluation will focus on:

1. Proposed development and construction schedule and risk, with a preference for those plans that can demonstrate the ability to serve the offshore wind industry as soon as possible;
2. Demonstration of site control ownership and longer lease agreements will be evaluated more favorably than shorter or more limited site use agreements;
3. Permitting plan, permitting challenges and current permitting progress for federal, state, and local requirements;

4. Identification of environmental issues/concerns, how they are being addressed, and progress in these efforts;
5. Any physical barriers restricting the ability of the Project to perform the proposed activity;
6. Technology risk associated with the proposed activity and Project, with firms encouraged to seek technology transfer agreements from existing firms if new to the industry;
7. Responsible development, climate adaptation and resiliency; and
8. Community and stakeholder outreach and support, and corresponding commitments to Stakeholder Engagement.

#### Qualifications and Experience

This evaluation criteria considers the Proposer's qualifications to execute the proposed project and experience delivering similar comparable projects. Proposers will be evaluated based on the information submitted in response to Section 4.2.4.1 and must demonstrate that the Project team principals, including the management team, staff, consultants, EPC contractor, lawyers, financial advisors and any other named parties retained to develop the project, have sufficient relevant experience, skills, and expertise to successfully and responsibly finance, develop, construct, operate and maintain the Project. Proposals will be evaluated based on the degree to which the Proposer and Project team principals have undertaken relevant project management responsibilities, including: (1) successful development, construction, and operation of a similar type of project within or outside of the U.S.; or (2) successful development, construction, and operation of one or more projects of similar capital cost, capacity, complexity or requiring similar skill sets, including experience in New York State. Proposers with more demonstrated experience in these areas will be evaluated favorably.

## **3.2 Port Infrastructure Evaluation Criteria**

Proposals submitted through the Port Infrastructure Track will be evaluated on factors to determine the viability of the Project as proposed and the impact the Project is expected to have on the State's ability to reliably develop offshore wind, with viability accounting for a larger proportion.

The Port Infrastructure Scoring Committee will award points for viability based on several factors that together demonstrate that each proposed Project can be built as designed, on the schedule outlined in the proposal, reach commercial operation on a timeline that will support the near-term offshore wind industry, demonstrate the maturity of the development plans, the feasibility of the technical and logistical plans, and the experience, expertise, and financial resources of the Proposer.

The Port Infrastructure Scoring Committee will award points for impact based on several factors that together demonstrate that each proposed project will increase the State's ability to reliably develop offshore wind by addressing a critical market need in a manner that minimizes rate payer costs through competitive funding requests, provides economic benefits, and supports diversity, equity and inclusion.

The primary Evaluation Criteria below are listed in order of importance.

### **3.2.1 Viability**

The Port Infrastructure Scoring Committee will use the Evaluation Criteria below **listed in order of importance** to provide a viability score.

#### Development Plan

This evaluation criterion considers the likelihood that the project will be developed, constructed and operational in alignment with the schedule provided in the data form. Proposers are encouraged to demonstrate that their project can reach commercial operation in a timeframe that will support the near-term offshore wind industry, including mature development plans that are feasible and account for stakeholder engagement and responsible development practices.

Evaluation will focus on:

1. Proposed development and construction schedule and risk, with a preference for those plans that can demonstrate the ability to serve the offshore wind industry as soon as possible;
2. Demonstration of site control – ownership and longer lease agreements will be evaluated more favorably than shorter or more limited site use agreements;
3. Permitting plan, permitting challenges and current permitting progress for federal, state, and local requirements;
4. Identification of environmental issues/concerns, how they are being addressed, and progress in these efforts;
5. Any physical barriers restricting the ability of the project to perform the proposed activity;
6. Technology risk associated with the proposed activity and proposed Project;
7. Responsible development, climate adaptation and resiliency; and
8. Community and stakeholder outreach and support, and corresponding commitments to Stakeholder Engagement.

#### Financial Plan

Proposers must demonstrate a mature and well-backed financial plan that provides assurance that the project will be built and operational, and will be evaluated based on: the completeness of information provided; demonstration that the funding request is “last mile”, such that all other private and public funding sources have been sought/utilized to the extent possible and the provision of the requested funds will allow the Project to proceed to completion; credibility of funding sources; level of funds sourced from Offshore Wind Industry firms; the schedule for disbursement – with short time horizons viewed favorably; the ability of the project to be cash flow positive without further funding assistance required by NYSERDA; the plans and ability to absorb cost overages; as well as the creditworthiness of the Grant Recipient.

#### Qualifications and Experience

This evaluation criteria considers the Proposer’s qualifications to execute the proposed project and experience delivering similar comparable projects. Proposers will be evaluated based on the information submitted in response to Section 4.2.4.1 and must demonstrate that the Project team principals, including the management team, staff, consultants, EPC contractor, lawyers, financial advisors and any other named parties retained to develop the project, have sufficient relevant experience, skills, and expertise to successfully and responsibly finance, develop, construct, operate and maintain the Project. Proposals will be evaluated based on the degree to which the Proposer and Project team principals have undertaken relevant project management responsibilities, including: (1) successful development, construction, and operation of a similar type of project within or outside of the U.S.; or (2) successful development, construction, and operation of one or more projects of similar capital cost, capacity, or complexity or requiring similar skill sets, including experience in New York State. Proposers with more demonstrated experience in these areas will be evaluated favorably.

### **3.2.2 Impact**

The Port Infrastructure Scoring Committee will use the Evaluation Criteria below **listed in order of importance** to provide an impact score.

#### New York State Project Impact and Offshore Wind Market Need

This evaluation criterion considers the direct impact a proposed project will have on offshore wind generation projects in New York State as well as the need as determined by the market. Furthermore, it is critically important for Proposals to show evidence of market demand for the services they will provide. Projects will be evaluated favorably that:

1. Demonstrate positive cost and/or timing impact for New York offshore wind generation projects;
2. Demonstrate near-term value of the facility;
3. Directly alleviate an existing or prospective constraint/bottleneck in the offshore wind supply chain with the scale to provide a meaningful change in market capacity;

4. Establish the market demand for the project through supply agreements, particularly offtake agreements, that demonstrate need despite competitor alternatives; and,
5. Demonstrate the ability of the project to support future generations of offshore wind development, recognizing possible growth in the scale of technology and its supporting infrastructure.

#### Cost

This evaluation criteria examines the cost to New York State to support the proposed Project. Cost will be evaluated based on the Financial Plan as described in Section 4.2.4.4, including the funding request when compared to the total cost of the Project, with projects requesting a lower percentage of the total cost of the Project evaluated favorably. Cost will also be considered in the context of requests from similar projects, to ensure alignment with fair market value.

#### Economic Benefits

This evaluation criterion reflects the importance of positive impacts on the State's economy from developing a New York based offshore wind supply chain. This criterion focuses on the job creation and macroeconomic impacts that the project is expected to have, specifically:

1. Total incremental job creation and macroeconomic impacts from in-state expenditures anticipated to result from the project;
2. Plans and ability to provide economic opportunities to Disadvantaged Communities, MWBEs and SDVOBs;
3. Plans and ability to provide clean energy job opportunities to New York residents, including specific efforts for existing workers facing known or potential displacements as described in The New York Scoping Plan's [just transition](#) chapter; and,
4. Plans and ability to utilize U.S. Iron and Steel.

Projects providing a greater level of economic benefit as outlined above will be evaluated favorably. The various categories of economic benefits are described in Section 4.2.4.5.

#### Stakeholder Engagement and Community Support

This evaluation criteria considers community and stakeholder engagement plans and support for the Proposal. Stakeholder engagement activities spanning the planning, construction and operations phase that engender support from a broad range of stakeholders will be viewed favorably. Proposers will be evaluated based on their approach, including specific measures that they will take to foster collaboration and cooperation among product customers, suppliers, and contractors, impacted communities, marine users, labor organizations, State and local officials and other stakeholders.

Proposers with a past performance of cultivating productive relationships with stakeholders in the offshore wind industry or industries with similar types of stakeholders will be evaluated favorably. Proposers who have demonstrated excellence in stakeholder engagement practices and maintained a positive public reputation, in New York or in other markets, will be evaluated favorably. Proposers who have already conducted stakeholder outreach regarding the Project will be evaluated favorably.

### **3.3 Portfolio Evaluation Criteria**

The dual track rankings and NYSERDA's authority to shift funding between tracks potentially allows for different combinations of Proposals ("Portfolios") that may be awarded by NYSERDA within the funding constraints. Portfolio awards could potentially include only Port Infrastructure Proposals, only Supply Chain Manufacturing Proposals or a combination of both tracks. The possible combinations of Proposals, adhering to rank order by track, will be packaged as Portfolios of potential awarded projects where the total portfolio funding request does not exceed \$200 million. The Portfolio Scoring Committee will compare these Portfolios using the criteria below to determine a score for each Portfolio, reflecting that Portfolio's ability to progress the Goals of OSWSCRFP24-1, stated in Section 1.3.

The Evaluation Criteria listed below are provided in order of importance to the evaluation. Each considers the balance of benefits afforded by each eligible Portfolio in comparison to other eligible Portfolios.

- **Bolstering New York's ability to reliably develop offshore wind generation projects**  
The portfolio enables critical supplies and services to be sourced for New York offshore wind projects. The portfolio directly supports the offshore wind industry, is responsive to the time constraints of developing nine (9) gigawatts of offshore wind in New York State by 2035 and is comprised of projects that are resilient and viable over the long-term as demand for offshore wind grows in New York, the U.S., and globally.
- **Creating a stable and cost-effective offshore wind supply chain**  
The portfolio addresses market needs and existing constraints such that primary components, subassemblies, subcomponents, materials, and services required to build offshore wind projects are readily available and can be serviced and/or transported in a manner that allows for timely industry development. This requires a portfolio of Projects that has the scale to make a marked difference in the availability of products and services, at a price that allows further domestic buildout and export at a regional and global level.
- **Ensuring the supply chain benefits New York's residents, businesses, and economy**  
The portfolio creates long-term jobs for New York residents, affords opportunity for those looking to participate in the transition to a clean energy economy, increases the economic activity of the State and local communities, provides meaningful economic benefits to New York State, and maximizes private investment in the offshore wind industry.
- **Promoting a collaborative, inclusive, and environmentally responsible supply chain**  
The portfolio promotes collaboration across multiple tiers of the supply chain, advances the principles of diversity, equity, and inclusion, has robust support from local stakeholders, and is developed in an environmentally conscious manner that promotes a clean energy future for New York.

## 4. Proposal Submission Guidelines

### 4.1 Preparation of Proposals

Proposers should rely only on information provided in this RFP and any associated written updates posted on NYSERDA's website <https://nyserda.ny.gov/All-Programs/Offshore-Wind/Focus-Areas/Supply-Chain-Economic-Development/500M-Investment> when preparing their Proposals. Each Proposer shall be solely responsible for and shall bear all of its costs incurred in the preparation of its Proposal and/or its participation in this RFP. **Submission of Proposals including confidential information shall be treated in accordance with Section 7. 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.**

NYSERDA uses a secure Salesforce site to accept Proposal submissions. The Salesforce Portal will open for submission on **July 16, 2024**.

For detailed instructions toward submission and interfaces with this site refer to Appendix D, Proposal Submission Guide, when made available by NYSERDA. The Proposal must be uploaded to NYSERDA's secure Salesforce site which will open for Proposal submission on **August 6, 2024**. Links will be available on the above-mentioned dates.

Technical support for NYSERDA's Salesforce application may be reached by emailing [offshorewind@nyserda.ny.gov](mailto:offshorewind@nyserda.ny.gov). Proposers are encouraged to submit their files as early as possible to avoid bandwidth issues with simultaneous uploads to NYSERDA's Salesforce application.

All files submitted under this RFP must be fully searchable.

### 4.2 Organization of Proposals

The organization and contents of the Proposal should align with the below sections and should be responsive to the evaluation criteria described in Section 3.1 or 3.2 depending on the appropriate track, as well as Section 3.3. In composing the Project Narrative (Section 4.2.4), Proposals should specifically note which evaluation criteria is addressed at the outset of each section. Proposers must include the following separate files:

1. Executive Summary
2. Supply Chain Data Form
3. Financial Model
4. Project Narrative
5. Additional Forms
6. Supplemental Attachments

#### 4.2.1 Executive Summary

Provide a no more than two (2) page summary in PDF form, including the following:

- Proposal Name
- Proposer Name
- Name, email and telephone of the primary point of contact for the Proposer
- Name, email and telephone of the secondary point of contact for the Proposer
- Funding Track (Supply Chain Manufacturing Track or Port Infrastructure Track)
- Proposal Brief Description: No more than 250-word short description of the project including:
  - The proposed activity upon operation and role in the offshore wind supply chain;
  - Throughput capacity upon operation;

- Supply agreements in place;
  - Technology transfer partnerships (if applicable); and
  - Brief description of the work required to complete the Project for operation
- Address of the Project's location
- Budget and Funding:
  - Total Project Cost
  - Total Grant Funds Requested
  - Total Other New York State funding (if any)
  - Total non-New York State funding
  - Sources of non-New York State funding

#### **4.2.2 Supply Chain Data Form**

Completed version of the Excel workbook template (Appendix E), which will be made available by NYSERDA following the release of this RFP, containing worksheets for:

- I. Identification & Summary
- II. Sources & Uses
- III. Project Activity & Market Demand – including data on Facility supply, supply agreements in place, market demand, etc.
- IV. Timeline Milestones
- V. Economic Benefits – include direct economic benefits only, such as direct investment, labor expenditures, FTE years created, etc.
- VI. Environmental Review
- VII. Permitting

Each Supply Chain Data Form must be submitted as a working Excel file with the file name “Proposal Name\_ OSWSCRFP24-1 Data Form”.

#### **4.2.3 Financial Model**

Projects must submit a financial model of the proposed project in the form of a working Excel file. The financial model must include a summary of the expected revenues (broken down by number of units sold and price per unit, or service and price structure), costs, and cashflows for the project, including income statement, cashflow statement, and balance sheet information.

Please include in the Financial Plan section of the Project Narrative (Section 4.2.4.4, below) key assumptions used to produce the Financial Model and supporting evidence for key assumptions underlying these projections.

Please title the financial model file in the format “CONFIDENTIAL\_Proposal Name\_ OSWSCRFP24-1 Financial Model” and ensure the first worksheet of the file states the confidential nature and sole permissible use of the file is for evaluation purposes by the OSWSCRFP24-1 Scoring Committee(s).

The degree to which financial details and cash-flow clarity are provided will be a consideration in the evaluation of the proposal. Bidders are encouraged to be forthcoming with details around their financial models and their certainty/uncertainty.

#### **4.2.4 Project Narrative**

The project narrative must contain the following six (6) sections in order, and may not exceed thirty (30) pages:

1. Proposer Background
2. Development Plan
3. Market Need and Commercial Strategy to Align with RFP Goals
4. Financial Plan

5. Economic Benefit Claims
6. Stakeholder Engagement Plan and Local Support

#### *4.2.4.1 Proposer Background*

The Proposer Background information will be used to evaluate the “Qualifications and Experience” criterion described in RFP Section 3.1.2 and 3.2.1.

Proposers should provide the following information below about the Grant Recipient responsible for execution of the Project. If the Grant Recipient is a subsidiary, information should be provided for the Proposer business entity, as well as the parent and any key intermediate entities. Please provide:

- Descriptive information about the entity, including but not limited to company name, corporate form, jurisdiction of formation, description of key business activities, year established, headquarters location, global and domestic footprint of portfolio, and current number of employees.
- In addition, include a brief description of the entity's and (if applicable) its parent company's business profile, key products manufactured or services provided for the offshore wind or related industries, end markets, and competitors.

Proposers should clearly identify and describe the role of all organizations that will be involved in the implementation of the Project, including development, construction and operation.

Proposers should provide the following information on the Project team responsible for implementation of the Project:

- A management chart that lists the key personnel dedicated to the Project
- Resumes of the key personnel as a supporting attachment
- A description of key personnel experience successfully developing, constructing and/or operating one or more projects of similar size or complexity or requiring similar skill sets. Proposers should emphasize where the Project team or Project principals have successfully developed, constructed, or operated projects of similar size and/or complexity in New York State and/or the U.S. Proposers should also emphasize where the Project team or Project principals have successfully developed, constructed, or operated projects in the offshore wind or related industries.

Proposers should identify and demonstrate relevant experience for each of the following, as applicable:

- Construction Period Lender, if any
- Diversity, Equity, and Inclusion Officer
- Environmental Consultant
- EPC Contractor (if selected)
- Facility Operator and Manager
- Financial Advisor
- Labor Liaison and/or Community Liaison
- Legal Counsel
- Operating Period Lender and/or Tax Equity Provider, as applicable
- Owner's Engineer
- Permitting Consultant
- Site Construction Lead
- Site Design Consultant
- Site Operations Lead
- Supply Chain Localization Contact

#### **4.2.4.2 Development Plan**

The development plan will be used to evaluate the “Development Plan” criterion described in RFP Section 3.1.2 and 3.2.1. The development plan should include three elements:

- Existing Site/ Facility Description;
- Conceptual Plan for Facility Operations; and
- Site Construction Plan.

#### **Existing Site / Facility Description**

Proposers should identify the Facility on a Site Location Figure which shows the site boundaries on an aerial map and the site address. Associated with the Site Location Figure, the Proposers should provide a description of the existing site, infrastructure present, and surrounding neighborhood, including any Disadvantaged Communities present.

Proposers must complete the details requested in the Site Characteristics Table below.

#### **Site Characteristics Table:**

<b>Site Characteristic</b>	<b>Description</b>
1. Existing zoning	
2. Describe any zoning amendments that may be required for the Facility.	
3. Existing land use on-site and adjacent properties	
4. Proximity to Disadvantaged Communities (see <a href="#">NYSERDA's interactive map</a> )	
5. Developable acres	
6. Proposed site use	
7. Known contamination on site	
8. Regulated wetlands/open waters on site	

Proposers should also identify in the narrative the current ownership/control of the Facility, operational structure, and uses of the Facility as well as for any adjacent site that is relevant to the usage of the Facility. Information must be verifiable through supporting attachments submitted such as applicable deeds, lease agreements, option agreements, memoranda of understanding, letters of support or other documentation showing the level of site control in place for the Facility. This information should include the terms of any relevant current leases within the site.

Additionally, on the Site Location Figure, proposers should provide a concentric ring map identifying the following points of interest and resources in proximity to the Facility:

- Public transportation;
- Childcare services;
- Healthcare facilities;
- Workforce centers;
- Wraparound services

#### **Conceptual Plan for Facility Operations**

Proposers should provide a conceptual site plan and associated description of the proposed Facility in the context of the Project.

The conceptual site plan (simple 2D plan view) should include the following where applicable:

- Proposed layout of functional uses of the site, including buildings and facilities locations
- Truck/vehicle access points, circulation routes, parking area improvements.
- Freight rail improvements
- Buildings and facilities to be constructed
- Buildings and facilities on site to be demolished
- Existing buildings and facilities on site to be repurposed/reused
- Power generation and/or transmission infrastructure improvements
- Proposed flood and storm surge resiliency improvements
- Ground stabilization improvements (approximate PSF ratings)
- Ports must identify the approximate dimensions of laydown/staging areas, berth areas, wharf, crane pad loading/unloading areas, mooring and anchorage areas. Ports should also identify berth area vessel uses (Barges, SOVs, CTVs, etc.).

The conceptual site plan should be accompanied by a description of Facility operations containing:

- A narrative that corresponds with the conceptual site plan, including:
  - Any freight rail uses planned
  - Truck routes from the site, the closest highway and types of truck/vehicles serving the site
  - Proposed functional uses and operations of the Facility
- The proposed long-term offshore wind use of the Facility and its alignment with required thresholds as defined in Section 2.2 or 2.3 depending on the appropriate track, including:
  - A description of the proposed offshore wind supply chain role, including technical description of the components produced/services provided, the offshore wind end market application including other end market application capability, including information on the scale, size, and capacity of production for site logistics and technical feasibility purposes.
  - The Proposer's relevant experience and expertise to support successful execution at the scale envisioned, including any technology transfer agreements with existing firms in the industry.
  - A factory and/or port layout design outlining manufacturing processes or site logistics relevant to how goods and/or services will be developed and delivered from the facility.
  - Port facilities must provide:
    - The expected end-users of the Facility, including the proposed operational structure (long-term vs. short-term leases, single user vs. multiple users, etc.);
    - The expected types of vessels or vehicles needed to utilize and service the Facility, as well as proposed vessel logistical plans to enter and exit facility including vessel traffic rates;
  - Expected duration of use of the Facility, including how the Facility will accommodate next generation technology or deepwater projects, and its capacity to serve multiple offshore wind developers and projects.
- Description of the operational phase timeline and key milestones for the Project, including further capital expenditure components of the Project and the workforce development and/or operational cost components of the Project.

### **Site Construction Plan**

Proposers should provide a written Site Construction Plan describing the following, which will be used as the basis for the detailed scope of work included in the Funding Agreement in connection with the Supply Chain Data Form if selected for award as stated in Section 1.4:

- Proposed site work (all that apply)
  - Truck/vehicle access points, circulation routes, parking area improvements
  - Freight rail improvements
  - Buildings and facilities to be constructed

- Buildings and facilities on site to be demolished
- Existing buildings and facilities on site to be repurposed/reused
- Power generation and/or transmission infrastructure improvements
- Flood and storm surge resiliency improvements
- Ground stabilization improvements (approximate psf ratings), wharf improvements, dredging areas for access channels, and moorings and berth area improvements
- Construction schedule with key milestones aligning with the Supply Chain Data Form
- Proposed Construction Deadline and Completion Deadline. If awarded, dates for the Construction Deadline and Completion Deadline will be set during negotiations on the Funding Agreement as noted in Section 1.4.
- Cost estimate with specified costs and other milestones and performance guarantees;
- A table listing current status of critical path Federal, state, and local permits, licenses, and approvals required to site and construct the facility that aligns with the Supply Chain Data Form;
- Summary of critical environmental issues or concerns along with a description of how they will be addressed. Acreage of potential regulated wetlands/open waters impacts should be included.
- A description of whether, how and to what scale domestically produced iron, steel, and construction materials are intended to be utilized during Project construction.
- Sustainability & Climate Change Approach (NYS Climate Act): Proposers should indicate and identify specific and direct ways that the Project will mitigate or reduce climate change impacts in the development and operation of the Project and resulting Facility. Proposers should take into account the broad decarbonization goals of the Climate Act and should consider green building and process designs that mitigate or eliminate emissions. Green building and site design, adaptive re-use, recycling, use of renewable energy, equipment electrification, implementation of lean manufacturing and continuous improvement in operations, green transportation technologies and other mainstream and innovative activities and use of technologies that increase the operating and energy efficiencies of the Project and Facility, reduce emissions or discharge, and contribute to more robust and resilient infrastructure should be incorporated. Proposers should describe measures that will be deployed and implemented and how the performance of those measures will be tracked. Further, Proposers should demonstrate where applicable:
  - LEED certification for the Project or Facility;
  - Green, sustainable and energy efficient process and support equipment;
  - Process heating provided by low-carbon fuels, heat pumps, electric arc furnace, or electric resistance;
  - Materials and composites that can be safely off-gassed with minimal carbon emissions; and,
  - Waste heat capture and regenerative technology.
  - If the Facility is a port;
    - Alignment and/or achievement of certification with the Waterfront Alliance – Waterfront Edge Design Guidelines

Proposers are strongly encouraged to meet with the New York State Department of Environmental Conservation (DEC) and the New York Department of State (DOS) regarding their Development Plan prior to Proposal submission. Proposers may contact the below individuals for assistance in arranging such a meeting:

- **DEC:** Karen Gaidasz, Offshore Wind Section Chief, NYSDEC – Division of Environmental Permits at (518) 402-9153 or by email [karen.gaidasz@dec.ny.gov](mailto:karen.gaidasz@dec.ny.gov); and
- **DOS:** Matthew Maraglio, Director, Development Division at (518) 474-6000 or by email [matthew.maraglio@dos.ny.gov](mailto:matthew.maraglio@dos.ny.gov)

#### *4.2.4.3 Market Need and Commercial Strategy to Align with RFP Goals*

This section of the Project Narrative will be used to evaluate the “New York State Project Impact and Offshore Wind Market Need” criterion as described in Sections 3.1.1 and 3.2.2 and to perform the portfolio evaluation as described in Section 3.3.

Describe how the Project meets the objectives of this RFP including:

- Bolstering New York's ability to reliably develop offshore wind generation projects
- Creating a stable and cost-effective offshore wind supply chain
- Ensuring the supply chain benefits New York's residents, businesses, and economy
- Promoting a collaborative, inclusive, and environmentally responsible supply chain

In doing so, Proposers must identify their commercial strategy, including:

- Addressable Market Demand: Information on addressable market demand and projected growth. Specify what percentage of the Facility's output will serve the offshore wind industry, and explicitly reference the top customers for each major product / service and associated volumes (to the extent known).
- Any concrete evidence of product/service demand in the form of supply agreements, which should also be submitted as a supplemental attachment.
  - Proposers should outline the status, parties and key elements of any agreement relating to the Project with customers. Specific detail should be offered regarding the contractual relationship between the Proposer and customer. Proposers should also include a description of the counterparties, status of contractual negotiations, and the steps and time necessary to complete such negotiations. Counterparties that have not yet been identified should be included generically in this status summary.
- Market Position and Competitor Landscape: Include an assessment of key competitors, market dynamics (including the Proposer's relative place in the market), the Facility's ability to compete with other regional and global offshore wind supply chain facilities; and supply and demand dynamics over time, and pricing trends and exposure to pricing pressure during downturns.

Proposers should provide a description of how the goods and/or services proposed to be provided will be priced and made available to the market, and what commitments the Proposer is willing to make to ensure that the costs remain attractive and beneficial to the offshore wind industry. Proposers that offer goods or services that are less subject to natural competitive pressure (for example, port facilities that may offer a unique service due to their location such as staging and marshaling) may be required to make contractual commitments to NYSERDA with respect to maintenance of open access and reasonable pricing on an ongoing basis and should include in the Proposal any such proposed commitments.

Required for Supply Chain Manufacturing Projects, Proposers should clearly outline a plan to localize the Facility's supply chain to enhance the Facility's long-term viability through cost reduction and economic benefits that align and support industry growth in New York and the United States.

Proposers should outline the status, parties and key elements of any contract, letter of intent or similar arrangement relating to the Facility with suppliers. This may include engineering, procurement and construction contracts; operation and maintenance contracts; and revenue contracts. Specific detail should be offered regarding the contractual relationship between the suppliers and Proposer. Proposers should also include a description of the counterparties, status of contractual negotiations, and the steps and time necessary to complete such negotiations. Counterparties that have not yet been identified should be included generically in this status summary.

Proposals with at least one (1) framework agreement and/or offtake agreement should provide detail on any such agreement(s). Such agreements may be firm or conditional upon award but detail must be included for all agreements with an annual value in excess of \$100,000 for the duration of the term. Details on any such agreement(s) should include the following:

- Parties and the roles of each (noting, if applicable, the Proposers and Proposals involved)
- Narrative of overall strategic vision;
  - How the vision aligns with NYSERDA's offshore wind supply chain objectives as stated in Section 1.4 of the OSWSCRFP24-1 and the relevance of each agreement to that vision
  - Describe and list actions that the Proposer is taking or intends to take to facilitate cluster development, such as any efforts to coordinate with suppliers on site selection, infrastructure

- development, workforce development, permitting, growth of new supply chain partners and/or community engagement
- Structure of the agreement, including how entities intend to coordinate and/or collaborate with one another
  - Includes any documentation / evidence of contractual obligations / contractual purchases, financial obligations, roles and responsibilities, and any memoranda of understanding submitted as a supporting attachment
- Potential growth of the partnership, including industry days, and technical opportunities to onboard and evaluate new partnering supply chain facilities collaboratively
- Primary component partners will provide an outline and list of sub-components and sub-assemblies and develop a commodity catalogue describing those components
- Letters of commitment must be submitted as a supporting attachment from all entities responsible for executing a portion of any agreements identified

#### 4.2.4.4 Financial Plan

This section of the Project Narrative will be used to evaluate the “Financial Plan” criterion as described in Sections 3.1.2 and 3.2.1 The Proposer must include a financial plan detailing the ability to sustain the Project without any additional funding beyond the Grant Funding requested and other sources of funds that have already been identified.

- The plan should include sources and uses of funds, cash flow projections, key return and debt service metrics, and the amount of NYSERDA funding requested. The Proposer should also provide supporting evidence for any key assumptions.
- Project Sources and Uses of Funds: Provide the information listed below about project costs and capital sources via a descriptive narrative and by completing the Supply Chain Data Form.
  - Project Costs: Project costs should include, but are not limited to:
    - Capital Investment: Costs required to complete construction of the project and initiate operation, broken down by category such as land, construction, equipment, infrastructure improvements, and administrative expenses directly attributable to the project construction.
    - Operating Losses and Other Cash Outflows until Cash Flow Breakeven: Estimated operating losses/cash outflows, including upgrade investments, maintenance, interest expenses, and working capital once the project is operationalized until cash flow breakeven.
    - Workforce Development Costs: Spending by the Proposer on workforce development activities to support the proposed project.
  - Project Capital Sources: Total project capital sources should equal the project costs described above and should include, as applicable, any sponsor equity; debt funding; third-party equity; state and local government incentives; state and federal tax credits; Grant Funding requested under this RFP; and any other sources of funds, such as from customers or suppliers.
- Financial Model: Proposers must discuss in the narrative supporting evidence for key assumptions underlying projections made in the financial model.
- NYSERDA Funding Request:
  - Narrative description for how the financial information submitted for the project supports a conclusion that a NYSERDA award will incentivize the Proposer to make investments in facilities and equipment that would not occur in the absence of the incentives or would otherwise not progress.
- Description of specific efforts to date to bring other capital (debt, federal, state and local incentives, other private capital) into the project and how Grant Funding awarded under this RFP would enable and not displace those other funding sources. If available, please include audited consolidated financial statements for the entity at fiscal year-end for each of the last three (3) years, and interim financial statements for the current fiscal year. Financial statements should be provided as a supporting attachment.

#### 4.2.4.5 Economic Benefit Claims

The Proposer must describe and demonstrate the Economic Benefit claims made in the Supply Chain Data Form expected to result from the Project. For the avoidance of doubt, Grant Funding under this RFP cannot itself be counted as part of a Proposal's Economic Benefits Plan or Incremental Economic Benefits Claims.

Proposers should provide an estimate of the direct Incremental Economic Benefits that would result from execution of the proposed project. Incremental Economic Benefits should include only those direct benefits that would accrue to New York State through the implementation of the Proposal, and that would not have accrued but for the implementation of the Proposal. For the avoidance of doubt, eligible claims may only include direct Incremental Economic Benefits created following the Economic Benefits Start Date. Incremental Economic Benefits should be presented in the following three categories.

- Incremental Economic Benefits associated with Project development and construction, including feasibility studies, design, engineering and facility equipment procurement and expenditures related to negotiating and complying with a Project Labor Agreement. Domestic, non-New York iron and steel for use in construction of the facility will qualify as an economic benefit.
- Incremental Economic Benefits associated with operation and maintenance of a Project during the Funding Agreement Term, including capital expenditures for site upgrades and maintenance, as well as wages paid to jobs created at the Facility.
- Incremental Economic Benefits associated with operation and maintenance of the Facility upon completion the Project during the remainder of Facility's anticipated life, including capital expenditures for site upgrades and maintenance, as well as wages paid to jobs created at the Facility.

The Proposer should include a qualitative description and quantitative summary of the Economics Benefits associated with the proposed project. These Incremental Economic Benefits should match those provided in the Supply Chain Data Form, and the quantitative summary must be an aggregate of the individual line items included in the Supply Chain Data Form as shown in Table 1 below.

*Table 1: Template for Aggregated Incremental Economic Benefits Entry*

Benefits Metric	Design & Construction (Contract Term)	Operation & Maintenance (Contract Term)	Operation & Maintenance (Post Contract Term)
Total Dollars (\$000)			
Labor Dollars (\$000)			
MWBE/SDVOB Dollars (\$000)			
NYS Iron and Steel Dollars (\$000)			
Non-NYS U.S. Iron and Steel Dollars (\$000)			
Disadvantaged Communities Commitments (\$000)			
Total Jobs (FTE Years)			
Long-term Jobs (FTE Years)			
Disadvantaged Community Jobs (FTE-Years)			

The Proposer must include a jobs and workforce plan that is consistent with the project scope and economic benefit claims as described. This requires specific detail regarding workforce training efforts investments, and job commitments for MWBE, SDVOB, and Disadvantaged Communities. The plan should include identifying any strategic partners the Proposer has worked with in crafting workforce strategies, such as labor unions, workforce development organizations, state and local workforce boards, educational institutions, offshore wind supply chain facilities or developers, and other relevant entities. It should also specifically identify the Project's ability and plans to provide clean energy transition job opportunities for New York residents who may lose employment in the current transition to a green economy, such as the provision of worker retraining in connection with conversion of existing infrastructure to become part of the offshore wind supply chain.

Proposers should provide details of Proposer's experience engaging or utilizing MWBEs and SDVOBs in developing projects of similar type, size and complexity.

Proposers should describe the Project's ability and plans to provide economic opportunities for Disadvantaged Communities, MWBEs and SDVOBs. Incremental Economic Benefits claims benefiting these groups will be identified in the Supply Chain Data Form as well.

#### **4.2.4.6 Stakeholder Engagement Plan and Local Support**

Proposers should describe the community and stakeholder engagement and support for the Proposal. Depending on the scope of the Proposal, relevant stakeholders could include the maritime community, environmental advocates, local elected officials, environmental justice advocates, members of Disadvantaged Communities, economic development organizations, local businesses, and the local public, among others. Information submitted with the Stakeholder Engagement Plan and Local Support will be used to evaluate the "Stakeholder Engagement and Community Support" criterion described in Section 3.1.1 and 3.2.2.

Included in the plan should be stakeholder engagement activities and commitments during the planning, construction, and operation of the Facility. Proposers should also include specifics on how representatives of local Disadvantaged Communities will be, or have been, engaged. The Stakeholder Engagement Plan must include considerations for engagement with representatives of local environmental justice or otherwise Disadvantaged Communities. The plan must include information on specific localized support and/or opposition to the Project of which the Proposer is aware. Detailed supporting information, including copies of any agreements with communities and other constituencies impacted by the Project, and documentation identifying the level of public support for the Project including letters from public officials, community and local interest groups, newspaper articles, etc. should be included as supporting attachments.

Proposers should describe any preliminary communications with the community points of interest identified through the concentric ring map of local points of interest on the Site Location Figure described in Section 4.2.4.2.

### **4.2.5 Additional Forms**

#### **Proposer Certification Form**

Completed version of the form in Appendix A, when made available by NYSERDA, must be signed by authorized representative(s) for the Proposer to certify the validity of the Proposal and attest to other representations. Only one Proposer Certification Form can be included in the Submission.

#### **Executive Order No. 16**

Completed version of the form must be signed by an authorized representative for the Proposer associated with the specific project. One completed version of Executive Order No. 16 must be provided for each entity comprising the Proposer.

### Disclosure Statement

Completed version of the form must be signed by an authorized representative for the Proposer associated with the specific Proposal. One completed version of the Disclosure Statement must be provided for each entity representing the Proposer.

### Non-Disclosure Agreement

Completed version of the form in Appendix F, when made available by NYSERDA, must be signed by an authorized representative for the Proposer associated with the specific Proposal. One completed version of the Non-Disclosure Agreement must be provided for each entity comprising the Proposer.

## **4.2.6 Supporting Attachments**

Proposers should also submit supporting attachments where applicable and as referenced in the Organization of Proposals (each file size capped at 100MB) to provide information or studies related to the Proposal. Each supporting attachment must be a fully searchable PDF file, unless a different file type such as Excel is necessary for presentation of the information.

## **5. Award Process**

### **5.1 Counteroffers**

NYSERDA reserves the right to engage in counteroffers with Proposers with regard to Projects based on feedback from the Scoring Committee(s). For example, to the extent a Scoring Committee determines that the amount of requested funding is not required for the Project to be viable, NYSERDA reserves the right to make a counteroffer with a reduced amount of funding.

### **5.2 Establishment of Award Group**

NYSERDA reserves the right to determine the size of the award group in its sole discretion.

### **5.3 Notification of Award**

NYSERDA will notify the initial awardees in writing and may also provide notification via phone call or videoconference. The date upon which NYSERDA provides such written notification shall be the initial Award Notification Date.

Selection for an initial award does not give the Proposer any legal right or entitlement. Once selected for initial award, Proposers must negotiate a final version of the Funding Agreement with NYSERDA.

NYSERDA may also establish a waitlist of Proposals beyond those Proposals offered an initial award. Proposals represent offers to contract and must remain open for a period of at least 180 days from the Proposal Submission Deadline indicated in Section 1.5.

**NYSERDA RESERVES THE RIGHT TO REJECT OR ACCEPT ANY OR ALL PROPOSALS.**

### **5.4 Post Award**

#### **5.4.1 Award Security and Contract Security**

If a Project is awarded, each Grant Recipient associated with a Project must, within 10 business days, issue award security to NYSERDA in the form of a letter of credit for an amount equal to 4% of the funding awarded to that Grant Recipient under this RFP, as detailed in the Forms of Awards Security (Appendix C) when made available by NYSERDA. For example, if a Grant Recipient is awarded \$100 million of funding under this RFP, the award security for that Grant Recipient would be \$4 million.

The award security letter of credit must be unconditional and provide that it can be drawn by NYSERDA if the Funding Agreement is not executed on or before the date that is thirty (30) calendar days following the date stated in the Proposal as the latest expected time of completion of the State Environmental Quality Review Act permitting for the Project, unless (i) such deadline is extended by NYSERDA in its sole discretion, (ii) there is a delay in execution of the Funding Agreement that is solely attributable to NYSERDA or (iii) there is a delay in the execution of the Funding Agreement caused by a Force Majeure (as such term is defined in the Funding Agreement). Upon execution of the Funding Agreement, and provision of Contract Security pursuant to the Funding Agreement, the award security will be released.

Once the Funding Agreement is executed, Contract Security in the amount of 4% of the funding awarded to that Grant Recipient is due and will be held by NYSERDA until the Project reaches Commencement of Construction (as defined in the Funding Agreement). Please see Section VIII of the Funding Agreement for more information.

### **5.4.2 Finalization of Funding Agreement**

If selected for award, NYSERDA will work with the Grant Recipient(s) to finalize the form of a Funding Agreement for each Facility covering the terms and conditions of the funding awarded under this RFP, based on the form of the Funding Agreement attached as Appendix B.

**As noted in footnote 1 of the form Funding Agreement, the form of the Funding Agreement will be finalized with the Grant Recipient at the time of award, but the agreement will not be signed unless and until NYSERDA has issued a findings statement under SEQRA that meets the requirements of 6 NYCRR 617.11.**

## **6. Additional Requirements**

### **6.1 Quarterly Progress Reports**

Quarterly progress reports must be provided during the design and construction phases of the Project as described in the Funding Agreement. Quarterly Expenditure Reports, detailed by the Milestone Based Budget, must accompany the Quarterly Progress Reports, within 30 days from the end of the quarter. These reports must correlate to subsequent vouchers submitted for reimbursement payment. If selected for award, Grant Recipients should prepare preliminary quarterly reports prior to the finalizing of the Funding Agreement.

If awarded a contract, and as detailed in its Quarterly Progress Reports on New York State Supplier Opportunities, Proposers must agree to provide New York companies with the opportunity to offer to provide goods and services for which there is capability in New York State to developers, their contractors and other suppliers of the Project. Proposers must communicate all opportunities for supplier contracts for the Project with an anticipated contract value of \$1 million or greater not already committed at the time of offer submission to New York State companies through using the New York Offshore Wind Supply Chain Database maintained by NYSERDA and provided to contract awardees, except for the provision of goods and services that cannot practically be performed by the New York State supply chain at such time. Developers, their contractors and other suppliers are encouraged to reference and review this database regardless of the contract value.

The Proposer, and any Major Suppliers, must agree to communicate supplier opportunities to MWBE and SDVOB using the [MWBE Certified Database maintained by Empire State Development \(ESD\)](#) and the [Directory of New York State Certified Service-Disabled Veteran Owned Business \(SDVOB\)](#) maintained by the Office of General Services (OGS) for goods with anticipated contract value of over \$250,000, and for services with contract value expected over \$100,000.

Proposer must agree to consult the [New York Offshore Wind Supply Chain Database](#), the ESD MWBE Database, and the OGS SDVOB Database for sub-contracting goods and services associated with Project development, manufacturing, construction, maintenance and operations as described in the Funding Agreement. Proposers must agree to undertake efforts to maximize contract and subcontract opportunities for MWBEs and SDVOBs.

Proposers shall include within their Stakeholder Engagement Plan a section outlining their outreach efforts and their strategy to enhance the participation of New York companies, including MWBE and SDVOB firms in the renewable energy sector. Proposers must agree to report commitments and expenditures to MWBE and SDVOB firms as part of the Quarterly Report in an electronic format designated by NYSERDA.

### **6.2 Prevailing Wage Requirement**

Although Projects may not be a public work covered by NYS Article 8, unless otherwise provided in a Project Labor Agreement (PLA) covering the construction on the Project, all laborers, workmen and mechanics (within the meaning of those terms under NYS Labor Law Article 8) performing construction activities with

respect to the Project, whether through long-term or short-term employment, must be paid wages and benefits in an amount not less than the Prevailing Rates (as determined under NYS Section 220 for construction activities in New York State), that would be applicable to a public work in the area where the subject Project construction activities occur. This requirement applies to all laborers, workmen and mechanics performing construction activities, whether direct employees of the Proposer or Proposer's subcontractor(s)

### 6.3 Project Labor Agreement

In light of the State's interest in timely and cost-effective completion of the Project, NYSERDA strongly encourages the use of PLAs in connection with construction projects. Proposers that commit to using best-practice PLAs will generally be likely to produce a construction workforce that supports the viability the Project. Applicants that do not commit to using PLAs will need to demonstrate that they intend to take other measures to ensure workforce continuity and reduce the risk of project delays. Proposers are advised that efforts to ensure the timely completion of development work, costs savings from use of a PLA, and the commitment to avoid labor strife through a PLA will be considered factors that mitigate project risk.

Proposers are encouraged to make every effort to ensure the timely completion of development work. In addition to the negotiation and execution of PLAs, additional agreements (such as labor peace agreements) or measures that demonstrate a commitment to avoid labor related delays, when possible, will be considered factors that mitigate project risk.

## 7. 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/-/media/Project/Nyserda/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](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 NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](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** - Each proposal should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately 6 weeks from the Proposal Submission Deadline whether your proposal has been selected to receive an award. Upon receipt of this notification, a proposer can request to schedule a debrief on the selection process and the strengths and weaknesses of its proposal by contacting [offshorewind@nyserda.ny.gov](mailto:offshorewind@nyserda.ny.gov). NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

**Limitation** - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Funding Agreement. NYSERDA 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 NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

**Press Releases and Media Contact** - All Proposers shall not distribute any press release or contact the media until after the Agreement is executed by both parties and any New York State press releases regarding the awards have been issued. If Proposer wishes to contact the press regarding the award, Proposer must collaborate with NYSERDA's Designated Contacts and Director of Communications to prepare any press release and/or to plan for any announcement. NYSERDA reserves the right to make public, after the fifth anniversary of the Award Notification Date, the Agreement executed with any awarded Bid Facility.

**Independent Entities/Limitation of Liability** - Neither this RFP nor any other aspect of this solicitation shall create an agency, partnership, joint venture, or co-tenancy relationship among the members of the Evaluation Team, or any other individuals or entities involved in the development or administration of this RFP (collectively, the "RFP Parties"), nor any other relationship or liability beyond those (if any) explicitly adopted in writing and executed by authorized representatives of the applicable RFP Parties. None of the RFP Parties shall be liable for any act or omission of any other RFP Party. Neither this RFP nor any other aspect of this solicitation creates or is intended to create third-party beneficiaries hereunder. In no event will an RFP Party be liable to any person for special, incidental, punitive, exemplary, indirect or consequential damages or lost profits, whether by statute, in tort or contract or otherwise.

**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 NYSERDA, 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 NYSERDA 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 Grant Recipient 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 Commission on Ethics and Lobbying in Government, 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 Commission on Ethics and Lobbying in Government, and, if deemed appropriate by the State, instruct any such person to seek the opinion of the New York State Commission on Ethics and

Lobbying in Government. NYSEDA 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. NYSEDA 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** – NYSEDA, 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. NYSEDA may conduct due diligence on some or all proposals based on NYSEDA's current guidelines at the time of a review. NYSEDA 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 NYSEDA 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 NYSEDA 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 or apply a program policy factor.

**EO 16 Protocols** – Pursuant to Executive Order No. 16 issued on March 17, 2022, all vendors responding to bids or contracting with New York State must certify, using the form provided as part of this solicitation, their status with regard to conducting business operations in Russia, and that any such business operations in Russia conducted on behalf of the vendor are determined to be permitted under any of the allowable exemptions. The term vendor is intended to encompass bidders prior to contract award, contractors who have received a contract award, contract assignees, or contractors for whom an extension to an existing contract is being pursued. Exemption decisions are in NYSEDA's sole discretion and are final decisions. NYSEDA reserves the right to solicit additional materials or information regarding the responses or materials provided by a vendor.

Pursuant to Executive Order No. 16, all vendors will be vetted to ensure that they are not on the federal sanctions list at <https://sanctionssearch.ofac.treas.gov/>. There is no waiver or exemption process for vendors appearing on the federal sanctions list.

The Executive Order remains in effect while sanctions imposed by the federal government are in effect. Accordingly, vendors who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case sanctions are lifted during a solicitation, or after award in the case of some solicitations.

**Executive Order No. 192** – As per Executive Order 192, NYSEDA is required to do business only with responsible entities. As a result, a Vendor Responsibility Review will be conducted for all RESRFP23-1 Step One Proposers. The Vendor Responsibility Checklist requires that the Proposer answer a series of questions regarding the Proposer, and the directors, employees and agents of Proposer and any affiliate of Proposer with respect to: (1) current investigation(s) by any governmental agency; (2) convictions or established liability for any act prohibited by State or Federal law in any jurisdiction involving conspiracy, collusion or other impropriety with respect to offering on any contract; or (3) any debarment action (detail any exceptions), within the last 4 years.

The Vendor Responsibility Checklist will also include the Proposer's attestation regarding the accuracy and truthfulness of the information and documentation provided by the Proposer. The NYSERDA Large-Scale Renewables program team will review the responses to the Vendor Responsibility Checklist and reserves the right to make a determination of vendor responsibility if a non-responsibility concern is noted.