Hydrogen Fuel Cell-Based Firm Capacity and Industrial Application Design
Program Opportunity Notice (PON) 5944
Up to $3.7 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.

Proposals Due: October 6th, 2025, by 3:00 PM Eastern Time

The New York State Energy Research and Development Authority (NYSERDA) announces the availability of up to $3.7 M to support hydrogen fuel cell-based firm capacity design for dispatchable zero-emission peaking power plants or industrial applications in New York State. The solicitation's objective is to determine the most viable technologies and help future investment and evaluation in this area.

This solicitation includes the following two categories. Each proposal should select one category based on the application that the proposals focuses on:

Category A – Firm Capacity
Category B – Industrial Application

The table below shows the two phases with required cost share, period of performance, and expected funding.

Project Phase	Minimum Proposer or External Cost Share (non-NYSERDA funding) *	NYSERDA Funding per Award	Anticipated Period of Performance (months)	Anticipated Number of Awards
Phase 1: Initial Scoping	25% of total project phase cost	Up to $250,000	6 months	2~4 awards
Phase 2: Feasibility Study and Preliminary Design	25% of total project phase cost	TBD	12- 24 Months	1~2 awards

*The cost share percentage is based on total project cost (NYSERDA share + proposer/external cost share), not solely NYSERDA's contribution.

Project Structure

NYSERDA anticipates issuing two-phase contracts with a maximum, "not-to-exceed" amount for the first phase and the second phase of project funding only being awarded on a contingent basis as described below. NYSERDA reserves the right not to move forward with the second phase of an award, dependent on the Go/No-Go decision at the end of Phase 1 and availability of funding. Proposers must include the full scope of both phases of the project in their proposal.

The Phase 1 outcomes of each project will be evaluated to determine if Phase 2 of the project will continue to be funded. Phase 1 evaluations will occur on a rolling basis as each awarded contract's Phase 1 is completed. The figure below shows the expected schedule and phase-gate structure for projects awarded under this solicitation.

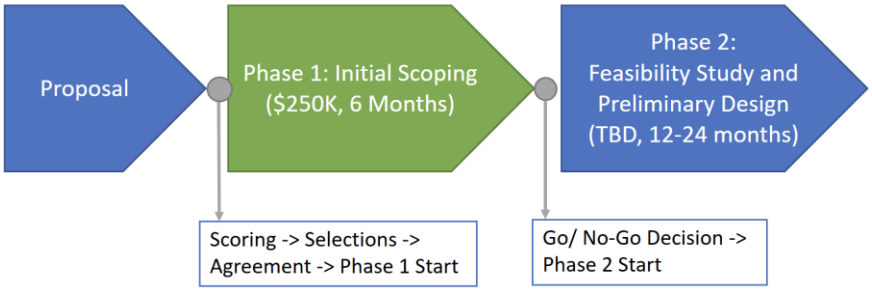

Figure 1: Schedule and Phase-Gate Structure for PON 5944

Project Teaming Arrangement

At a minimum, a project team should consist of the following:

- Engineering, Procurement, and Construction (EPC) firm,
- an operator or owner for a peaking power plant or industrial facility in New York State,
- a hydrogen fuel supplier or producer, and
- original equipment manufacturer(s) for major equipment.

Applicants should succinctly describe the role, qualifications, experience, and capabilities of the proposed project team partners to execute the project plan successfully. Strong preference will be given to applicant teams that include Engineering, Procurement, and Construction (EPC) firm(s) with experience in deploying hydrogen-based power generation or industrial projects.

Hydrogen Partners List

Proposers wishing to find and collaborate with colleagues to perform research and submit proposals with may use the Advanced Fuels and Thermal Energy Innovation program's partnering platform, the Hydrogen Partners List.

The platform is intended to help potential proposers find other teams with complementary capabilities when submitting proposals to NYSERDA Program Opportunity Notices issued by the Hydrogen and Clean Fuels Program. Submitting teaming information is completely optional, and not required. By enabling and publishing the teaming partner list, NYSERDA is not endorsing, sponsoring, or otherwise evaluating the qualifications of the individuals and organizations.

Proposal Submission

Online submission is preferable. Proposers may submit Word, Excel, or PDF files (file formats include: csv, doc, docx, gif, jpeg, jpg, pdf, png, ppt, pptx, pps, ppsx, tif, txt, xls, xlsx, and zip). Individual files should be 100MB or less in file size. Proposal PDFs should be searchable and should be created by direct conversion from MS Word, or other conversion utility. Files should not be scanned. For ease of identification, all electronic files must be named using the proposer's entity name in the title of the document. NYSERDA will also accept proposals by mail or hand-delivery if online submission is not possible. For detailed instructions on how to submit a proposal (online or paper submission), click the link "Application Instructions and Portal Training Guide [PDF] " located in the "Current Opportunities" section of NYSERDA's website (https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx).

Questions? Potential responders are advised that under New York State Finance Law Section 139-j, communication on procurements can be made only to designated contact persons. The Designated Contacts for this Procurement are:

- No communication intended to influence this procurement is permitted except by contacting Eliseo Curcio (Designated Contact) by e-mail at PON5944@nyserda.ny.gov (for technical questions).
- If you have contractual questions concerning this solicitation, contact Nancy Marucci (Designated Contact) at (518) 862-1090, ext. 3335 or nancysolicitations@nyserda.ny.gov.

Contacting anyone other than the Designated Contacts (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

*** All proposals must be received by 3 p.m. Eastern Time on the date noted above. Late, faxed, or emailed proposals will not be accepted.** Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all pages have been included in the proposal. Please note: for online submission, there are required questions that you will have to answer in addition to uploading attachments and you should allot at least 60 minutes to enter/submit proposals.

The online proposal system closes promptly at 3 p.m. Eastern Time, files in process or attempted edits or submission after 3 p.m. Eastern Time on the date above, will not be accepted.

If changes are made to this solicitation, notification will be posted on the "Current Opportunities" section of NYSERDA's website (https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx).

I. Introduction

A. Climate Act and Clean Hydrogen

As the U.S. energy landscape undergoes a historic transformation, New York State is committed to putting forward policies and programs that send a strong signal that public-private partnerships can catalyze economic growth and advance the State's energy transition. This commitment has accelerated the growth of renewable energy and widespread electrification while ensuring innovation and technology are advancing along with manufacturing competitiveness and supply chain security.

B. NYSERDA Clean Hydrogen Efforts

New York has undertaken several key efforts to assess potential roles for clean hydrogen. In April 2025, NYSERDA released its New York State Hydrogen Assessment [1], a comprehensive analysis of hydrogen's potential role to decarbonize hard-to-electrify sectors and includes analysis to evaluate the feasibility, costs, and deployment opportunities for hydrogen, employing techno-economic optimization modeling and total cost of ownership analysis.

NYSERDA has also convened a series of meetings, listening sessions, and direct discussions with individuals and groups across the stakeholder landscape to better understand diverse perspectives on clean hydrogen in New York and to prioritize investment focus areas. Through its solicitation efforts in clean hydrogen, NYSERDA has awarded up to $11.3 million for fifteen clean hydrogen innovation projects to date. More information about NYSERDA's efforts in clean hydrogen can be found at https://www.nyserda.ny.gov/hydrogen.

In December 2024, the Department of Public Service filed the 2026-2030 draft proposal for innovation and research, which includes investment in hydrogen resources and infrastructure.[2]

C. Federal Clean Hydrogen Programs and Policy

The federal government also recognizes the importance of hydrogen as a potential carbon-free energy carrier that can enable a clean electric grid. As outlined in the DOE Clean Hydrogen Commercial Liftoff report, the U.S. clean hydrogen market is poised for rapid growth, accelerated by DOE Hydrogen Hub funding, DOE's Hydrogen Shot, and decarbonization goals across the public and private sectors.[3] The DOE Hydrogen Commercial Liftoff report also highlights hydrogen's potential in decarbonizing the demand gap in a fully decarbonized grid by providing long-duration and seasonal storage, as well as peak shaving.

In January 2025, the US Department of Treasury and Internal Revenue Service (IRS) issued final rules for the 45V Clean Hydrogen Production Tax Credit (PTC) enacted by the Inflation Reduction Act of 2022, which

[1] https://prod-cm.nyserda.ny.gov/-/media/Project/Nyserda/Files/Publications/Energy-Analysis/NY-Hydrogen-Assessment-complete-acc.pdf

[2] https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BE0ECC98F-0000-CD18-A8C4-B019EB4E767E%7D

[3] U.S. Department of Energy. "Pathways to Commercial Liftoff: Clean Hydrogen" March 2023.https://liftoff.energy.gov/wp-content/uploads/2023/05/20230523-Pathways-to-Commercial-Liftoff-Clean-Hydrogen.pdf

will help to greatly reduce the cost of clean hydrogen. Under the PTC, clean hydrogen producers are eligible for up to $3 in tax credits (adjusted for inflation) per kg of hydrogen produced with greenhouse gas emissions less than 0.35 kg CO2e/ kg H2 and adjusted down for higher CO2e/kg H2 emission tiers.[4]

In 2024, the U.S. Department of Energy (DOE) Hydrogen and Fuel Cell Technologies Office (HFTO) in partnership with the National Renewable Energy Laboratory (NREL) announced a request for proposals to support projects to reduce the capital costs of durable and high-performing fuel cells and water electrolyzer materials.[5]

II. Background

A. Growing Firm Capacity Demand in New York State

As New York moves to decarbonize its grid in accordance with the targets mandated in the CLCPA and outlined in the Scoping Plan, electrification of large parts of the State's economy and the growing proportion of renewably produced electricity on the grid will result in imbalances of electricity supply and demand on intra-day, inter-day, and seasonal timescales.[6,7] The ability of renewable production resources like solar and wind to meet this shift in demand on intra- and inter-day timescales will depend heavily on the deployment of short duration energy storage up to 8 hours provided by batteries.

To manage seasonal imbalances on much longer timescales than 8 hours between predicted peak renewable production in the spring, summer, and fall with increased electricity demand in the winter, a zero-carbon, firm dispatchable resource of at least 17 GW would be needed by 2040.[8] This resource could take the form of hydrogen, which could be produced via electrolysis powered during periods of peak renewable electricity generation in the spring through autumn and dispatched during the winter for periods of up to 100 hours in order to ensure grid reliability and stability (See Figure 2).[9] Furthermore, most of such demand will be concentrated in downstate and urban areas while more renewable electricity is expected to be available in upstate.[10]

[4] U.S. Internal Revenue Service, "Credit for Production of Clean Hydrogen and Energy Credit," January 2025. https://www.federalregister.gov/documents/2025/01/10/2024-31513/credit-for-production-of-clean-hydrogen-and-energy-credit

[5] R2R_Consortium_CRADA_Call. Development Assistance Opportunity for Roll-to-Roll Manufacturing of Hydrogen Fuel Cell and Water Electrolyzer Materials CRADA Call. https://sam.gov/opp/d3c80c939e4944b69a5a6c9363b10e3e/view

[6] New York State Climate Action Council Scoping Plan. https://climate.ny.gov/resources/scoping-plan/

[7] New York State Energy Storage Roadmap. https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Programs/Energy-Storage/ny-6-gw-energy-storage-roadmap.pdf

[8] Ibid.

[9] Ibid.

[10] New York State Climate Action Council Scoping Plan, Tech Supplement Annex 2: Key Drivers Outputs. https://climate.ny.gov/-/media/project/climate/files/IA-Tech-Supplement-Annex-2-Key-Drivers-Outputs-2022-1.xlsx

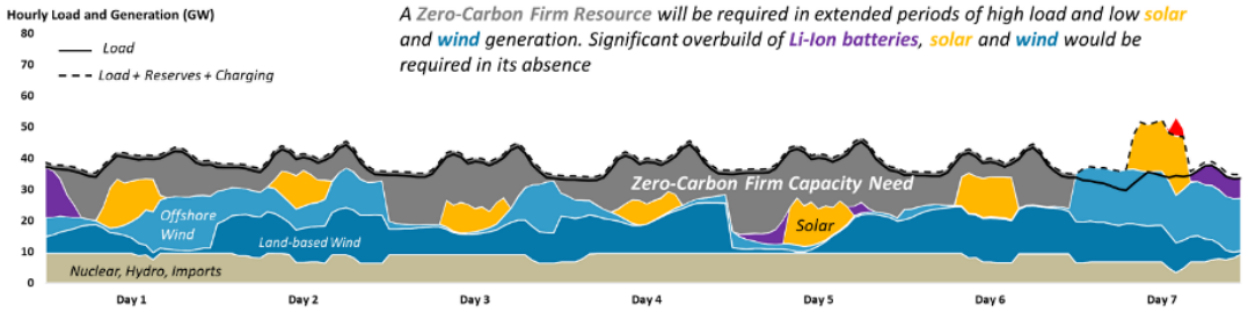

Figure 2. Zero Carbon Firm Capacity Need Over a Challenging Winter Week in 2040[13]

B. Peaker Power Plants in New York State Today

The US Government Accountability Office defined peaker power plants as power plants that have a capacity factor of 15 percent or less; and have a nameplate capacity of greater than 10 MW of electricity.[11] Across New York State, 62 fossil fuel-fired peak demand power generation units (peakers) with a combined nameplate capacity of greater than 12 GWs, are used to meet peak system capacity requirements including gas turbines and aging steam turbines. Of these peaker power plants in New York State, 88% have a nameplate capacity of 40 MW or greater and approximately 41 plants use natural gas as a primary fuel source in gas turbines.[12] A map of their locations across the state is shown in Figure 3. In its fleet of peaker units, New York State has approximately 4.5 GW of active fossil-fired simple cycle combustion turbines (SCCTs), located almost entirely in New York City, Long Island, and the Lower Hudson Valley. Many of these SCCTs have low utilization, generating electricity less than 5-10% of the year, and are approaching an average age of 50 years.[13]

[11] "Electricity: Information on Peak Demand Power Plants GAO-24-10614". U.S. Government Accountability Office. May 2024. https://www.gao.gov/products/gao-24-106145

[12] New York State Peaker Power Plants: Energy Storage Replacement Opportunities. PSE Healthy Energy June 2020. https://www.psehealthyenergy.org/work/opportunities-for-replacing-peaker-plants-with-energy-storage-in-new-york-state/#nypeakersstatedemo

[13] New York State Department of Public Service, (December 28, 2022) "New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage", CASE 18-E-0130, pp.23-24.

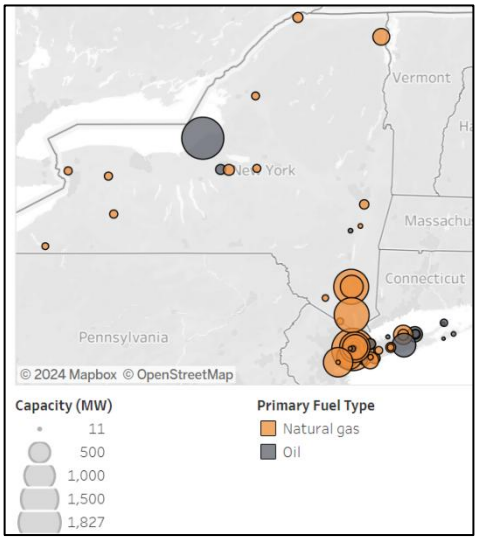

Figure 3. Map of Fossil Fuel Fired Peaker Plants in New York State

In December 2019, the New York State Department of Environmental Conservation (DEC) issued requirements to reduce emissions of nitrogen oxides from peaking generation units (referred to as the "Peaker Rule"). The Peaker Rule, which phases in compliance obligations between 2023 and 2025, will affect approximately 3,300 MW of SCCTs located mainly in the lower Hudson Valley, New York City, and Long Island. In addition, NYPA is required to publish a plan by May 2025 to phase out the production of electricity from its 7 small natural gas plants in New York City and Long Island totaling 517 MW by December 31, 2030, unless those plants are determined to be necessary for electric system reliability, or emergency power service.[14]

The New York Independent System Operator (NYISO) in its annual "Gold Book" report estimates peaking power demand increases of 3.7% in winter months and 0.7% in summer months over the next 30 years.[15] The combination of New York's aging infrastructure, increased peaking power demands, near-term peaker plant emission reduction targets, and ambitious, longer-term carbon-free electricity goals provides an opportunity to replace these inefficient, high-emitting peaker units with new technologies.

C. Hydrogen to Decarbonize Industrial Applications

Industrial manufacturing process such as glass, cement, paper industries currently use fossil fuels to generate heat and electricity. Both the DOE commercial liftoff report[16] and NYSERDA hydrogen assessment report mentioned hydrogen as potential decarbonization solution for the industrialapplications .

[14] NYISO 2023-2032 Comprehensive Reliability Plan. https://www.nyiso.com/documents/20142/40459480/05a_2023-2032_CRP_OC_101123.pdf/39982b1d-e84c-9971-3feb-8f97a01f8db6

[15] NYISO "2024 Load & Capacity Data Report ("Gold Book")," April 2024. /www.nyiso.com/documents/20142/2226333/2024-Gold-Book-Public.pdf

[16] DOE commercial liftoff report: Pathways to Commercial Liftoff Reports | Department of Energy

D. Data centers are expected to grow significantly as artificial intelligence (AI) technologies become widely adopted. Data centers may quickly create the new demand for clean electricity in the next decade. Hydrogen-Based Power Generation Technology

Existing gas turbine sites could be retrofitted to combust a natural gas/hydrogen blend or pure hydrogen, or new hydrogen combustion turbine could be deployed. In this solicitation, however, generating power using combustion turbine is not considered.

Hydrogen fuel cells can generate electricity through an electrochemical reaction combining hydrogen and oxygen with only water and heat as the byproducts. The process has no carbon emission and no NOx emissions.

As of August 2024, New York State has approximately 22 operating fuel cell electric power generators across 15 facilities with about 58 megawatts (MW) of total nameplate electric generation capacity located mainly in the lower Hudson Valley, New York City, and Long Island.[17] The majority of these fuel cells in operation use natural gas as their primary fuel source and the largest of these generators has a power generation capacity of 6 MW.

Fuel cell systems can generate electricity at efficiencies up to 60 percent, which is higher than conventional gas turbine power plants that typically generate electricity at efficiencies of around 35 percent.[18] In addition to greater conversion efficiencies, fuel cells also offer greater potential for emissions reductions in disadvantaged communities. However, for fuel cells to become commercially competitive to turbine-based technologies, more research and development is required to demonstrate a competitive levelized cost of electricity, reduce capital costs, extend durability, improve efficiency, and improve fuel flexibility.[19]

Other hydrogen-capable technologies include linear generators, which offers the benefit of fuel flexibility. The same equipment can use any clean fuels (e.g. hydrogen, natural gas, biogas, ammonia).

E. Hydrogen production

Hydrogen can be produced somewhere else and distributed to the power plant site. Hydrogen can also be produced onsite with the power generation equipment. There are various clean hydrogen production methods, as shown below.

- Hydrogen can be produced from water and electricity using electrolysis. The only product of this process are hydrogen and oxygen. Electricity used for this process can come from renewables, nuclear reactors, or from the grid.
- Hydrogen can also be derived thermally from fossil or biomass using steam methane reforming (SMR), methane pyrolysis, or thermally from water using thermolysis. Some of these processes result in CO2 emissions but can be integrated with carbon capture to reduce emissions. Methane

[17] www.eia.gov/state/print.php?sid=NY
[18] U.S. Energy Information Administration, "Preliminary Monthly Electric Generator Inventory", April 24, 2024. Preliminary Monthly Electric Generator Inventory.
[19] Achieving fuel flexibility and high efficiency in diesel engines through multiple injection strategies - ScienceDirect

pyrolysis involves thermal decomposition process, in which methane is heated at high temperature in the absence of oxygen. The process generates hydrogen and solid carbon, without carbon dioxide or NOx. Generating hydrogen onsite using this method can leverage existing gas pipeline infrastructure.

- Hydrogen may also be found underground in naturally occurring reservoirs.

F. Hydrogen Distribution

Efficient distribution of hydrogen in large volumes to consumers is one of the largest challenges to overcome with implementing hydrogen-based power generation solutions. Bulk volumes of hydrogen today are either transported as a liquid in cryogenic liquid tankers via road, rail, or ship or as a gas via pipelines or compressed gas tube trailers.[20]

Despite its associated high initial capital costs, there are approximately 1,600 miles of hydrogen pipelines operating in the United States today.[21] Owned by merchant hydrogen producers, these pipelines are deployed in regions with substantial demand (hundreds of tons per day) that is expected to remain stable for decades. In New York State, Linde, Inc. operates a small hydrogen pipeline in Niagara County that transports low pressure hydrogen gas.[22] Cryogenic liquid tankers and gas tube trailers are deployed in regions where demand is at a smaller scale, infrequent, or still emerging.

Ongoing research and demonstrations of other hydrogen delivery methods such as supply via chemical carriers (e.g., ammonia, or other Liquid Organic Hydrogen Carriers) are underway, but more research is needed to prove their reliability and effectiveness in bulk applications.[23] Continued research, development, and demonstration (RD&D) is still needed to reduce capital costs, reduce variable costs, and improve the reliability, efficiency, and safety of supplying hydrogen at scale especially into urban areas where zero-emission power generation needs are highest.

G. Onsite Hydrogen Storage

Onsite hydrogen storage also poses a challenge for hydrogen-based technologies in the power generation sector. Sites must have sufficient supply of hydrogen readily available to quickly ramp up and maintain power generation to meet grid demands.

Hydrogen storage options primarily in use today are physical-based storage options which include gaseous storage tanks, insulated liquid tanks, and underground geologic storage. Gaseous storage tanks are volume limited because of the low density of hydrogen gas and tend to operate at higher pressures, which can pose a safety risk for operation in urban areas. Cryogenic liquid storage tanks are the most common way to store large quantities of hydrogen at industrial sites, but require expensive, super-insulated low-pressure vessels.

[20] Seyed Ehsan Hosseini, “Chapter 5 - Hydrogen storage and delivery challenges”, Fundamentals of Hydrogen Production and Utilization in Fuel Cell Systems, Elsevier, 2023, Pages 237-254.
[21] US Department of Energy, HFCTO, “Hydrogen Pipelines”. https://www.energy.gov/eere/fuelcells/hydrogen-pipelines
[22] “Pipeline Safety Info for Linde Niagara Falls Pipeline,” Linde 2024. www.pipelinesafetyinfo.com/user/file/New%20York/Linde.pdf
[23] US Department of Energy, HFCTO, “Hydrogen Delivery”. https://www.energy.gov/eere/fuelcells/hydrogen-delivery

Regardless of the quality of the insulation used in the vessels, some heat will reach the tank over time and cause the liquid hydrogen to boil and vent, which limits the ability to store hydrogen long term as a cryogenic liquid. Underground geologic storage options allow for large volumes of hydrogen to be stored at lower pressures for long periods but are limited to areas with specific geological characteristics. Options for underground geologic storage for hydrogen include storage in salt caverns, depleted gas wells, and aquifer structures, or in specially engineered rock caverns. Geologic bulk storage is common practice within the gas industry and in the United States alone there are three hydrogen salt caverns in operation which store a total of 332 GWh of hydrogen gas.[24]

Other hydrogen storage technologies are under development but require more research to prove their effectiveness at scale, for example, material-based solutions including using sorbents (adsorbents or absorbents), chemical carriers (ammonia, methanol, etc.), or metal hydride options to store hydrogen.[25] Material-based solutions can typically be operated at lower pressures than their physical-based counterparts, which can be attractive for sites located in high-density areas with a lower tolerance for safety risks.

III. Program Requirements

A. Requirements

The following requirements apply to both Phase 1 and Phase 2 designs.

i. Hydrogen-based Design Requirements:

1. Hydrogen fuel cell-based solution for peaking power plant with a nameplate generation capacity of at least 10 MW, and can operate at a capacity factor ranging from 2% to 15% in a year.
2. Hydrogen fuel cell-based solution to generate energy for industrial applications and has a minimum nameplate generation capacity of 1MW. Industrial applications include those using fuels to generate heat for the manufacturing process, such as glass, cement, paper or metal, as well as those using fuels to generate electricity for industrial purposes, such as data centers.
3. This solicitation focuses on using fuel cells for firm capacity or industrial applications. Generating power with combustion turbines are not qualified in this solicitation.
4. Blending hydrogen with other fuels is allowed at the initial stage, but the proposal should explain how the selected technology will reach the goal of using 100% emission free clean hydrogen at the site by 2040.
5. Supplying hydrogen to the proposed project site(s) needs to be considered in the design. This includes either generating hydrogen onsite or transporting hydrogen to the site through different options, such as pipelines, barge, rail, truck, etc.
6. Operational requirement: the hydrogen peaking power plant design should be based on dispatch requirement per existing plant operation, or anticipated future grid need for the selected site.

[24] Gregoire Hevin, “Underground Storage of Hydrogen in Salt Caverns,” Presentation. Nov. 2019. https://energnet.eu/wp-content/uploads/2021/02/3-Hevin-Underground-Storage-H2-in-Salt.pdf
[25] US Department of Energy, HFCTO. “Hydrogen Storage”. https://www.energy.gov/eere/fuelcells/hydrogen-storage

Hydrogen facility for industrial application must be designed to meet the respective application requirement at the site.

7. The hydrogen supply and onsite storage should be able to support the expected operational requirement of the power plant or industrial application for the selected site.
8. Emission requirement should be based on DEC guidelines.

ii. Site Selection Requirements

The scope of work for Phase 1 includes selecting a site for the plant (see more details about the scope of work in Section III.B). Proposers are encouraged to choose sites based on the following criteria:

- Sites that can maximize transferability of the study to other peaking power plants or industrial applications in NY.
- Sites that have high likelihood to success in potential future deployment. For example, sites that can secure necessary hydrogen supply delivered to the site without dependence on the uncertainty of pipeline availability and sites that have enough space available for onsite hydrogen storage to support required operation.
- Sites that can leverage existing facilities (e.g. existing interconnection switch yard, faster permit, brown field instead of green field).
- Sites that are critical to support grid reliability and stability based on analysis.
- Sites with supportive local communities.

Additionally, the site needs to pay into the Clean Energy Fund (https://www.nyserda.ny.gov/About/Funding) through the electric System Benefits Charge (SBC), unless significant statewide benefits are demonstrated.

iii. Required Equipment Scope for Engineering Design

The following equipment should be included in both Phase 1 and Phase 2 designs:

- Core equipment for power generation for peaking power plant or industrial applications using fuel cell;
- Balance of plant equipment including but not limited to electrical and control system, water, and discharge system;
- Grid interconnection equipment if any modification or new build is necessary to support the anticipated peaking power plant operation with hydrogen;
- Equipment to transport hydrogen to the site or produce hydrogen onsite to support expected volume for power generation; and
- Equipment for onsite hydrogen storage as needed for the plant operation.

Entities not based in or operating in New York can also apply, but with specific requirements: Non-New York-based entities are eligible to apply as a prime recipient or subrecipient if the demonstration site is in New York State. NOTE: All Demonstrations must take place (1) within

New York State, and (2) at a site that pays into the Clean Energy Fund (https://www.nyserda.ny.gov/About/Funding) through the electric System Benefits Charge SBC), unless significant statewide benefits are demonstrated.

B. Scope of Work

The scope of work for both Phase 1 and Phase 2 are described below. Proposals should include information related to the proposed scope of work for both phases in the required proposal attachments. For a list of the required proposal attachments, see Section IV.A Required Proposal Attachments.

i. Phase 1 – Scope of Work

During Phase 1, proposers are expected to complete the Phase 1 analysis, which includes evaluation of different options, completion of high-level designs, initial cost analysis, and identification of the best option for further analysis in Phase 2. The scope of work for Phase 1 should include but not be limited to:

- Site Selection: Identifying target site(s) for this analysis, either for dispatchable peaking power plants or industrial applications ; see Section III.A.ii. for requirements on site selection.
- Identify possible options for the different equipment; see Section III.A.iii. for the equipment scope required for engineering design. For example, hydrogen transportation methods may include pipeline, barge, truck, rail, etc. and it may be transported and delivered to the site in compressed gaseous, liquid, ammonia, or liquid organic hydrogen carrier.
- For each option:
    1) Conduct a review of similar applications and arrangements used worldwide to understand best practice and its operational experience. Specify when, where, which project, and what level (as a small-scale pilot or a full-scale commercial operation) that the option has been used (by the proposal team or by others).
    2) Evaluate Technology Readiness Level (TRL) and Commercial Readiness Level (CRL) for each option.
    3) Provide descriptions, high level functional specifications, illustrations, drawings, and diagrams.
    4) Include end-to-end supply chain, equipment, and process (e.g. purification, drying, compression, etc.) necessary to support this option.
    5) Identify any existing facilities that might be reused or retrofitted (e.g. storage facilities, ports, railroad sidings, interconnection switchyard, etc.).
    6) Estimate initial CAPital EXpenditure (CAPEX) and OPerational EXpenditure (OPEX) assessments and Levelized Cost of Hydrogen (LCOH) based on 20 years and 40 years of operating lives. Include quotes for key equipment and long lead items.
    7) For peaking power plant designs, estimate cost of electricity in $/MWh. For industrial applications, estimate cost of energy generated from the fuel-cell based design. Cost calculation in this phase should be within +/- 50% and based on the anticipated operation at the selected site.
    8) Identify any key issues, risks, or potential “showstoppers” associated with this option, such as technical challenges, codes and standards, policy, etc.
    9) Compare advantages and disadvantages of each option.

- Based on the Phase 1 analysis and comparison of different options, the proposer should recommend which option is the most practical and worthy to move to Phase 2 design. For the selected option to proceed into Phase 2, the proposer should:
    1) Recommend any changes necessary to laws, policies, codes and standards, or other regulation limits relevant to this option for future potential deployment.
    2) Develop a community and stakeholder engagement plan.
    3) Develop a conceptual site layout and equipment arrangement.
    4) Create a preliminary timeline to execute the project to provide an indication of the overall length of time required to implement this option.
    5) For peaking power generation, evaluate its grid firming capabilities, including:
        - Ability to provide long term energy storage capacity,
        - Ability to contribute to inertia or maximization of inertia,
        - Ability to provide primary frequency response (PFR),
        - Ability to provide enhanced short circuit contributions and grid strengthening, capability (e.g., generator design optimized to maximize short circuit contribution),
        - Ability to ramp up and down in a short amount of time, and
        - Ability for quick startup and multiple start.
    6) For hydrogen facility to support industrial applications, evaluate its capabilities for the specific application, such as reliability, efficiency, etc.

Go/No-Go Decision

At the end of the Phase 1, NYSERDA will conduct a Go/No-Go review for each project. This will occur on a rolling basis as each project completes its Phase 1 scope of work. Funding beyond the Go/No-Go decision point (continuation funding) is contingent upon NYSERDA's Go/No-Go decision and availability of NYSERDA funds. Due to the availability of funding and program considerations, only a portion of the recipients may be selected to receive funding for Phase 2.

During the Go/No-Go review at the end of the Phase 1, NYSERDA will evaluate project performance based on all Phase 1 required scope of work (see above), project schedule adherence, and overall contribution to the program goals and objectives. This will include but not be limited to:

- Degree to which the Phase 1 design package presents a comprehensive evaluation of various technical options.
- The technical readiness level and commercial readiness level of the selected technical option from Phase 1.
- Availability of supply chain and supporting OEMs to provide information necessary in Phase 2.
- Degree to which the community of the selected site will support the technology.
- Degree to which Phase 2 of the selected project will be applicable or partially applicable to provide potential decarbonization solutions for other power generation assets or industrial applications in New York.

ii. Phase 2 – Scope of Work

During Phase 2, proposers are expected to progress the project design and conduct a more detailed assessment of the option identified in Phase 1 to confirm its feasibility. Scope of work for Phase 2 includes but is not limited to:

- Produce schematic drawings for the option selected from Phase 1, including key equipment, processes and systems required, as defined in Section III.A.iii. Equipment Scope for Engineering Design.
- Create design drawings including Detailed Process Flow Diagrams (PFDs), Process and Instrumentation Diagrams (P&IDs), electrical and instrumentation systems design including preliminary Electrical Load Summary (ELS) and Single Line Diagram (SLD), preliminary piping layout.
- Confirm utility and services required to support each option (e.g. electrical load, volume, flow and pressure of the fuel supply, water supply) can be met at the site.
- Specify what upgrades are necessary to the existing facility, if applicable.
- Update Capital Expenditure (CAPEX) and Operational Expenditure (OPEX) assessments and Levelized Cost of Hydrogen (LCOH) based on 20 years and 40 years of operating lives. Include quotes for key equipment and long lead items.
- For peaking power plant designs, update cost of electricity ($/MWh) from the power plant based on the anticipated operation at the selected site. For industrial applications, estimate cost of energy generated from the fuel-cell based design. Cost calculation in this phase should be within +/- 30%.
- Develop a more detailed site layout for the power plant, including all systems listed in III.A.iii. Equipment Scope for Engineering Design.
- Conduct initial safety, permitting, and codes review of the proposed site layout; include considerations for National Fire Protection Association (NFPA) Fire Code; identify possible safety issues and impacts on the local community; engage relevant authorities, such as DEC, FDNY, and US Coast Guard. Specify key issues and possible mitigation measures.
- Conduct initial community and stakeholder engagement based on the plan developed in Phase 1. Identify potential local community acceptance issues and possible mitigation plan.
- Produce preliminary Project Execution Plan (PEP), including time for permits and long lead items.
- Update evaluation of grid firming capability or capabilities for the specific industrial application.

C. Cost Sharing

The proposal must show non-NYSERDA cost share funding of at least 25% of the total cost of the project. Scoring preference will be given to proposals that best leverage NYSERDA funding by providing greater amounts of non-NYSERDA cost share funding (see IV. Proposal Evaluation). Cost sharing can be from the proposer, other team members, and other government or private sources. Contributions of direct labor (for which the laborer is paid as an employee) and purchased materials may be considered "cash" contributions. Unpaid labor, indirect labor, or other general overhead may be considered "in-kind" contributions. Total non-NYSERDA cost share is the sum of cash and in-kind contributions from non-

NYSERDA sources. NYSERDA will not pay for efforts which have already been undertaken. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred.

Cost share must be verifiable upon submission of the application. Applicants are required to provide written assurance of their proposed cost share contributions in their applications. Upon selection for award negotiations, applicants may be required to provide additional information and documentation regarding their cost share contributions. Cost share contributions must be specified in the Attachment C1 – Milestone Payment Schedule and the Attachment C2 – Budget Form.

Cost share commitments cannot be dependent on some future event, such as receiving a grant, obtaining a loan, monetizing tax incentives, or securing an investor. If funds from a federal source are being proposed as cost share, the applicant must provide a commitment letter from the federal agency as part of the application that specifically commits those funds and identifies the statutory authority that allows those funds to be used for the project scope being proposed.

The applicant is ultimately and legally responsible for providing the entire amount of cost share required, if an award is made, even if the cost share is being provided by a Subcontractor or Subrecipient. The Recipient is solely responsible for managing cost share contributions by the Project Team and enforcing cost share obligations assumed by Project Team members in subawards or related agreements. If the funding agreement is terminated prior to the end of the project period, the Recipient is required to contribute at least the cost share percentage of total expenditures incurred through the date of termination.

The applicant must submit Letters of Commitment from the applicant, all teaming entities, and all cost share providers. If applicable, the letter must state that the party is committed to providing a specific dollar amount or value of in-kind contributions allocated to cost sharing. The following information for each party contributing to cost sharing should be identified: (1) the name of the organization; (2) the proposed dollar amount to be provided; and (3) the proposed cost.

IV. Proposal Requirements

A. Required Proposal Attachments

To submit a Proposal, the proposer must submit all attachments listed below. The goal should be to concisely present the information needed to fully address the proposal evaluation criteria (in Section V.A.i.).

Required Attachments for the Proposal:

☐ Attachment A – Proposal Narrative Template
☐ Attachment B – Statement of Work Template
☐ Attachment C1 - Milestone Payment Schedule
☐ Attachment C2 – Budget Form
☐ Attachment D – Executive Summary Slide Template
☐ Project List – A list of relevant projects that the proposal team has completed in the past.

☐ Letter(s) of Commitment from the applicant, all teaming entities, and all cost share providers
☐ Resumes/CVs
☐ Indirect Cost Rate Supporting Documentation

As part of the proposal package, **applicants must provide a separate tab in Attachment C2 for each Subrecipient that is expected to perform work estimated to be more than $250,000.** If the total project cost for a vendor is over $250,000, a budgetary quote from the vendor will be required upon selection for contract negotiation by NYSERDA.

Proposers must carefully review the required attachments to ensure that all required sections are completed. Failure to do so may result in the proposal being rejected as non-responsive. It is the proposer's responsibility to ensure that all pages have been included in the proposal and that they have been timely submitted before the proposal due date.

Proposals that exceed the page limits or fail to follow the format guidelines will be rejected as non-responsive. Proposals deemed non-responsive will not be eligible for awards. If you believe proprietary information must be submitted to provide an adequate proposal, you must comply with the Section VI instructions for submitting proprietary material. Each page of the proposal should state the name of the proposer, the PON number (PON 5944), and the page number.

Proposals determined to be compliant with application procedures and responsive to the solicitation will be subject to review by a scoring committee comprised of internal and external technical experts in accordance with Section V. Proposal Evaluation. Only the most technically meritorious proposals will be awarded an invitation from NYSERDA to enter into an agreement. Proposals not meriting an award for contracting may be debriefed as requested.

B. Compliance with New York State Finance Law

In compliance with §139-j and §139-k of the State Finance Law (see Section VI, General Conditions below for additional information), proposers will be required to answer questions during proposal submission, which will include making required certification under the State Finance Law and to disclose any Prior Findings of Non-Responsibility.

V. Proposal Evaluation

A. Proposal Evaluation

Proposals that meet solicitation requirements will be reviewed by a Scoring Committee using the Evaluation Criteria below **listed in order of importance.** At NYSERDA's discretion, proposers may be requested to interview with all or part of the Scoring Committee to address any potential questions or clarifications outlined in the proposal. Proposers will be notified if they are requested to attend an interview.

i. Evaluation Criteria

Team Experience and Capabilities

- The proposed team structure includes the minimum required team partners: an Engineering Procurement and Construction (EPC) firm, the operator or owner of either a peaking power plant or an industrial facility in New York State, a hydrogen fuel supplier, and an original equipment manufacturer.
- The proposed team has demonstrated experience in hydrogen technologies for similar applications in the past, and in managing projects of similar size, scope, and complexity. A list of relevant projects that the proposal team has completed is included in the proposal.
- The proposed team has the necessary expertise and resources to carry out the proposed work, including members with industry and business experience as well as technical skill.
- The proposal provides letters of commitment from the applicant, all teaming entities, and all cost share providers that the team will need to provide data, equipment, support, facilities, or cost share.
- The proposed team structure includes additional team partners beyond the minimum required to support the project such as financial partner(s), environmental consultant(s), Community Engagement consultant(s), etc.
- The proposal clearly demonstrates the team structure and staff roles and responsibilities.
- The proposal includes resumes of key individuals.

Project Benefits and Value

- The proposed project will evaluate hydrogen fuel cell-based power generation technologies with peaking operating cycles or industrial applications in New York State.
- Learnings from the proposed project has broad replication potential to reduce emissions and provide clean energy in New York.
- The proposed project has potential to greatly benefit low-income or historically disadvantaged communities.
- The proposer provides private and/or other sources of cost share funding for the project (with letters of commitment), with greater amounts of non-NYSERDA cost share considered more favorably.
- Cost share included in the proposal is verifiable.
- The project cost is justified and reasonable with respect to the level of effort proposed, the expected benefits, and the potential market or deployment opportunity.

Project Plan, Scope, Risks, and Challenges

- Technical and programmatic risks are clearly understood and fully disclosed, with well-considered mitigation plans that have a high probability of ensuring project success.
- The proposal includes sufficient details in Attachment B – Statement of Work. The tasks are clearly defined, with fully developed tasks, subtasks, milestones, and deliverables that will enable effective project execution. The proposed tasks and deliverables align with requirements described in Section III.A. Requirements.
- The proposal demonstrates adequacy, reasonableness, and soundness of the project schedule as detailed in the proposed Statement of Work and Milestone Based Payment Schedule.
- The proposal demonstrates reasonableness of budget and spend plan as detailed in the submitted milestone-based payment schedule (Attachment C1) and budget form (Attachment C2).

- The proposal demonstrates adequacy of proposed project management systems including the ability to track scope, cost, and schedule progress and changes.
- The proposer included information on measurement, evaluation, and validation measures (e.g., GHG reduction, system reliability, solution performance to key expectations, etc.) and a qualified independent evaluator.

Innovation, State of the Art, and Technical Merit

- The proposer has demonstrated insightful understanding of the fundamental scientific principles and the current state-of-the-art relative to hydrogen-based power generation technologies.
- The proposed project specifically and convincingly demonstrates how the applicant will successfully complete the proposed scope of work and move the technology to future commercial deployment.
- The proposal identifies buy-in from needed stakeholders to ensure success of the project.
- The proposed project technologies are technically sound, feasible, innovative, and will make significant progress toward solving the identified problem.

ii. Program Policy Factors

NYSERDA reserves the right to accept or reject proposals based on the following program policy factor(s):

- The consideration of the impact on, and benefits to, a diversity of communities/locations, including low-income and rural communities, partnerships with minority serving and/or owned businesses.
- Whether the proposed project will accelerate technology advances in areas that industry is not likely to undertake.
- The degree to which the proposal expands the portfolio of technical areas and project types both within this program and within NYSERDA's portfolio.
- The degree to which the proposal aligns with the latest NYSERDA strategy and policy in clean hydrogen.

VI. General Conditions

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 https://www.nyserda.ny.gov/About/-

/media/Files/About/Contact/NYSERDA-Regulations.ashx. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

Omnibus Procurement Act of 1992 - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development
Division for Small Business
625 Broadway
Albany, NY 12207

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development
Minority and Women's Business Development Division
625 Broadway
Albany, NY 12207

State Finance Law Sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law Sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at https://online.ogs.ny.gov/legal/lobbyinglawfaq/default.aspx. Proposers are required to answer questions during proposal submission, which will include making required certification under the State Finance Law and to disclose any Prior Findings of Non-Responsibility (this includes a disclosure statement regarding whether the proposer has been found non-responsible under Section 139-j of the State Finance Law within the previous four years).

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of $100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department.

The Department has created a second form that must be completed by a prospective contractor prior to contracting and filed with NYSERDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf .

Contract Award - NYSERDA anticipates making multiple awards under this solicitation. NYSERDA anticipates a contract duration of up to three years, unless NYSERDA management determines a different structure is more efficient based upon proposals received. A contract may be awarded based on initial applications without discussion or following limited discussion or negotiations pertaining to the Statement of Work. Each proposal should be submitted using the most favorable cost and technical terms. NYSERDA

may request additional data or material to support applications. NYSERDA will use Attachment F, Sample Agreement, to contract successful proposals. NYSERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the checklist questions. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately twelve weeks from the proposal due date whether your proposal has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

Accessibility Requirements - NYSERDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.), video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see NYSERDA's Accessibility Requirements.

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 Attachment F, Sample 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.

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 Contractor and its subcontractors shall not engage any person who is, or has been at any time, in the employ of the State to perform services in violation of the provisions of the New York Public Officers Law, other laws applicable to the service of State employees, and the rules, regulations, opinions, guidelines or policies promulgated or issued by the New York State Joint Commission on Public Ethics, or its predecessors (collectively, the "Ethics Requirements"). Proposers are reminded of the following Public Officers Law provision: contractors, consultants, vendors, and subcontractors may hire former NYSERDA employees. However, as a general rule and in accordance with New York Public Officers Law, former employees of NYSERDA may neither appear nor practice before NYSERDA, nor receive compensation for services rendered on a matter before NYSERDA, for a period of two years following their separation from NYSERDA service. In addition, former NYSERDA employees are subject to a "lifetime bar" from appearing before any state agency or authority or receiving compensation for services regarding any transaction in which they personally participated, or which was under their active consideration during their tenure with NYSERDA.

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

Due Diligence – NYSERDA, at its discretion, may conduct broad due diligence to validate any or all elements of an application and to assess applicants' prospects of success, including gathering information to assess a proposal relative to any of the topics listed in evaluation criteria, whether or not such topic is explicitly addressed in a proposal. NYSERDA may conduct due diligence on some or all proposals based on NYSERDA's current guidelines at the time of a review. NYSERDA staff may follow up with proposers to request additional information or clarification regarding applicant's proposal, including questions regarding applicant's business prospects and resources, whether or not those questions are specifically related to the elements of the proposal. Additionally, customized due diligence may be conducted by internal or external staff or contractors based on questions on any proposal raised by NYSERDA staff and/or the Scoring Committee. Due diligence may include (but is not limited to): interviews of independent references and background checks of team members; assessment of prior business experience of any team member associated with a proposal; research on intellectual property claims; customer and partner reference checks; market research on the applicants' target market and any other related or possibly competitive

technology or market area; research to validate any assumptions on current or future revenues, costs, capital needs, and financing prospects for proposers' business, including similar (or unrelated) technologies, processes, or competitive solutions; or any other research that could reasonably inform the evaluation of a proposal, or the prospects for commercial success of the proposers' business (whether directly related to, or unrelated to the specific elements in a proposal). Due diligence may include discussions with proposers' former and current business partners, employees, investors, customers, and competitors. Due diligence may be conducted by NYSERDA personnel or contractors including members of the scoring committee, before, during, or after a scoring process, and prior to finalization of a contract award, any information gleaned in diligence may be used to score or re-score a proposal 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 NYSERDA's sole discretion and are final decisions. NYSERDA 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://sanctionsearch.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.

VII. Attachments

Required Attachments for the Proposal:

☐ Attachment A – Proposal Narrative Template
☐ Attachment B – Statement of Work Template
☐ Attachment C1 - Milestone Payment Schedule
☐ Attachment C2 – Budget Form
☐ Attachment D – Executive Summary Slide Template
☐ Project List – A list of relevant projects that the proposal team has completed in the past.
☐ Letter(s) of Commitment from the applicant, all teaming entities, and all cost share providers
☐ Resumes/CVs
☐ Indirect Cost Rate Supporting Documentation

For Reference Only (Does not need to be Submitted):

- Attachment E – Sample Agreement
- Attachment F – Metrics Form