

**Update to Renewable Energy Standard Purchase of New York Tier 1 Eligible Renewable
Energy Certificates Request for Proposals (RFP) No. RESRFP25-1 RFP**

Original Release Date: September 26, 2025

UPDATE EFFECTIVE: November 10, 2025

Summary of Revisions (Addendum 2 – Released Nov. 10, 2025)

1. Updates to Section 5.2.1 Component Cost Indices Adjustment
2. Updates to Section 5.3 Qualifying Governmental Support

Summary of Previous Revisions (Addendum 1 – Released Oct. 10, 2025)

1. Correction to Section 4.3.1 Interconnection
2. Correction to Attachment F. Minimum Thresholds Narrative
3. Correction to Appendix 2. RESRFP25-1 Smart Solar Siting Scorecard
4. Correction to Appendix 2. Exhibit 1. Smart Solar Siting Scorecard Workbook
5. Correction to Appendix 2. Exhibit 3. Scorecard Resources

**Purchase of New York Tier 1 Eligible Renewable Energy Certificates (RECs)
Request for Proposals (RFP) No. RESRFP25-1
RFP Release Date: September 26, 2025
RFP Revision Date: November 10, 2025**

<p>Step One Eligibility Applications Due: Tuesday, October 21, 2025, by 3:00 p.m. Eastern Time (ET) Step Two Bid Proposals Due: Thursday, December 4, 2025, by 3:00 p.m. ET</p>
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**NYSERDA SEEKS TO ACQUIRE APPROXIMATELY 5.6 MILLION NEW YORK TIER 1 ELIGIBLE
RENEWABLE ENERGY CERTIFICATES ANNUALLY**

The New York State Energy Research and Development Authority (NYSERDA) seeks to procure approximately 5.6 million Tier 1 eligible Renewable Energy Certificates (RECs) annually from Bid Facilities that meet the eligibility requirements described in this Request for Proposals (RFP or RESRFP25-1).

RESRFP25-1 will be implemented through a two-step process, consisting of:

1. **Step One Eligibility Application:** A qualifying step through which the Proposer must provide evidence that the Bid Facility is Tier 1 eligible and other general information about the Proposer and the Bid Facility.
2. **Step Two Bid Proposal:** A competitive Bid Proposal step, through which NYSERDA will: (1) examine each Bid Proposal to determine whether the Bid Price does not exceed the Benchmark Levelized Net REC Cost (LNRC) and it demonstrates that the Bid Facility and Proposer meet the Minimum Threshold Requirements; and (2) for Bid Proposals that meet those minimum requirements, a competitive evaluation based on price and non-price factors.

Only those Proposers found eligible under Step One will be permitted to submit a Step Two Bid Proposal. Only those Proposals found to have met all Minimum Threshold Requirements will be evaluated under Step Two.

Step One Eligibility Application: Step One Eligibility Applications must be **received by NYSERDA by 3:00 p.m. ET on Tuesday, October 21, 2025 via electronic submission on the [solicitation website](#)**. NYSERDA staff will be available to support Proposer inquiries regarding Step One Eligibility Applications prior to the deadline. Applications may be submitted electronically by following the link for electronic submissions found on [NYSERDA's Solicitations for Large-scale Renewables webpage](#)¹ or [NYSERDA's Current Funding Opportunities website](#),² located in the "Current Funding Opportunities" section of NYSERDA's website at that time.

NYSERDA intends to notify all prospective Proposers who submitted a Step One Eligibility Application as to their eligibility status by **Thursday, October 30, 2025**. Eligible Proposers will receive a Notice of Qualification and will be provided with detailed instructions for submitting a Step Two Bid Proposal.

¹ <https://www.nyserdan.gov/ces/rfp>

² <http://www.nyserdan.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>

Step Two Bid Proposal: Step Two Bid Proposals must be **received by NYSERDA by 3:00 p.m. ET on Thursday, December 4, 2025, via electronic submission.** Instructions for submitting electronically and the link for electronic submissions will be included in a Proposer’s Notice of Qualification. Additional information regarding NYSERDA’s Renewable Energy Solicitations can be found on [NYSERDA’s Renewable Energy Solicitations Standard \(RES\) Tier 1 website](#).³

NYSERDA recommends that Proposers set aside ample time, well in advance of each deadline, to gather the required information and documentation and to understand the requirements to complete the above processes. NYSERDA recommends that Proposers mark any commercially sensitive materials as “Confidential” or “Proprietary” in any submission made to NYSERDA pursuant to this RFP. Further information regarding confidentiality is set forth in Section 9.1.

Each Proposer has sole responsibility for reviewing this RFP and all attachments hereto and for investigating and informing itself with respect to all matters pertinent to this RFP, including the [NYGATS Operating Rules](#) and the NYISO’s Open Access Transmission Tariff (OATT) and market rules, or those of the control area into which the Bid Facility may interconnect. Each Proposer is solely responsible for informing itself regarding the External Facility Electricity Delivery Requirements in the RES Standard Form Agreement, and all transmission wheeling and scheduling provisions set forth in the OATT of relevance in any external control area, including Canada, the NYGATS rules as they apply to Tier 1 imports.⁴

Prior to the opening of the [solicitation website](#) and the Step One Eligibility Application, all questions regarding RESRFP25-1 must be directed to res@nyserda.ny.gov.

All general questions about this RFP may be submitted in writing via email to res@nyserda.ny.gov or via the Q&A feature of the solicitation website.⁵ Project-specific questions may be addressed to res@nyserda.ny.gov or submitted via the Messages feature on the solicitation website.

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 Department’s primary Designated Contacts for this Procurement are:

Primary Designated Contacts for RESRFP25-1		
Name	Email	Phone Number
Mac Farrell	mac.farrell@nyserda.ny.gov	646-873-7930, ext. 06-3471
Bram Peterson	bram.peterson@nyserda.ny.gov	646-873-7913, ext. 3635
Mairead Milan	mairead.milan@nyserda.ny.gov	646-873-7963, ext. 06-7532
Aaron Rudyan	aaron.rudyan@nyserda.ny.gov	646-873-7968, ext. 3048
Beata Raczynska	beata.raczynska@nyserda.ny.gov	646-873-7934, ext. 3456

³ <https://www.nyserda.ny.gov/ces/rfp>

⁴ See Section 11 of the [NYGATS Operating Rules](#).

⁵ The Q&A page is intended for general questions which are suitable for public review.

Additional Designated Contacts for this Procurement are: Abigail Randall, Liz Hanna, Jenn Phelps, Jeremy Wyble, Nathalie Simoes, John Bernecker, Jenny Sing-Bock, Tyler Picard, Marci Brunner, Alex Stein, Nate Chumley, Abbey DeRocker, Georges Sassine, Anthony Fiore, Doreen Harris. Questions to these Designated Contacts regarding RESRFP25-1 should be directed to res@nysesda.ny.gov.

All Proposers should be familiar with the legal prohibitions against certain types of contacts during government procurements set forth in State Finance Law section 139-j. In accordance with that law, 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.

Proposers should rely only on information provided in this RFP and any associated written updates posted on [NYSERDA's Renewable Energy Standard website](#) and the [solicitation website](#) when preparing Proposals. Each Proposer shall be solely responsible for and shall bear all costs incurred in the preparation of its Proposal and/or participation in this RFP.

Incomplete submittals will be subject to disqualification. It is the Proposer's responsibility to ensure that all required forms and attachments have been completed and submitted. Late Step One Eligibility Applications and Step Two Bid Proposals will not be accepted and those lacking a completed and signed Step Two Bid Proposal form may be returned.

Faxed, or e-mailed packages will not be accepted. Mailed packages containing paper submissions will be accepted.⁶ RFP responses will not be accepted by hand delivery at any NYSERDA location. Proposers will be notified by NYSERDA if any submitted Bid Proposals are deemed ineligible for failure to meet Minimum Threshold requirements. Bid Fees submitted for Bid Proposals deemed ineligible or for late or incomplete submittals will be returned to the Proposer, except in instances where a Bid Proposal is deemed ineligible after having undergone evaluation by the full Technical Evaluation Panel (TEP). Proposers whose Bid Proposals are deemed ineligible on account of exceeding the Benchmark LNRC, as described in Section 5.5, shall not be notified of such finding of ineligibility, nor will such Proposers be entitled to a return of their respective Bid Fees.

If changes are made to this solicitation, notification will be posted on [NYSERDA's Renewable Energy Standard website](#), the [solicitation website](#) under the Announcements tab, and provided to those that provide their email address to NYSERDA via the [solicitation website](#) or [NYSERDA's Large-Scale Renewables Email List Sign-Up Page](#).⁷ It is the Proposer's responsibility to check for, and conform to, any solicitation changes prior to submittal.

⁶ Proposers should notify NYSERDA in advance of the Step One Eligibility Application due date and/or the Step Two Bid Proposal due date if they plan to submit materials through the mail. Contact a Designated Contact for more information if needed.

⁷ <https://www.nysesda.ny.gov/all-programs/clean-energy-standard/renewable-generators-and-developers/large-scale-renewables-email-list>

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ACRONYMS AND DEFINITIONS

Actual Annual Eligible Production – The amount, in MWh, of the Actual Eligible Production that (a) the new Bid Facility produces during a Contract Year or (b) the Upgrade or Repowering Bid Facility produces during a Contract Year after completion of the Upgrade/Repowering.

Actual Eligible Production – For new Bid Facilities, equal to the Actual Production. For Upgrade Bid Facilities, the product of (a) the Actual Production, multiplied by (b) the Incremental Upgrade Percentage. For Repowering Bid Facilities, the product of (a) the Actual Production multiplied by (b) the Tier-1 Percentage for the applicable period.

Actual Production – The amount, in MWh, of the total electric energy production of the Bid Facility during any period within the Contract Delivery Term as measured at the Injection Point.

AGM – New York State Department of Agriculture and Markets.

Agreement – RES Standard Form Agreement, provided as Attachment A, including Exhibits if applicable.

Agricultural Co-Utilization Plan – A plan developed by the Proposer (and described further in the Agreement) that proposes a viable co-utilization of a Bid Facility site with the agricultural production of “crops, livestock, or livestock products,” as that phrase is defined by New York State Agriculture and Markets Law (AML) § 301(2) for the duration of the Contract Delivery Term.

Agricultural Mitigation Payment – A one-time payment for a Bid Facility, as defined in and calculated as set forth in Attachment G. Agricultural Mitigation Payment Estimate Calculator, which amount for the Bid Facility will not exceed the estimated Mitigation Fund Payment in Proposer’s Bid Proposal, unless the Bid Facility layout is substantively revised or expanded to increase the Bid Facility area’s footprint in MSG 1-4 lands.

Agrivoltaics – A simultaneous use of land for solar photovoltaic power generation and agricultural production of “crops, livestock and livestock products,” as that phrase is defined by New York State Agriculture and Markets Law (AML) § 301(2).

Annual REC Cap – The maximum number of RECs that NYSERDA is obligated to purchase from Seller in any Contract Year as defined in the Agreement.

Applicable Zone – The NYISO load zone that includes the Delivery Point.

Authority Having Jurisdiction (AHJ) – The town(s) or city(ies) within which the Bid Facility is located.

Applicable REC Price Method – The method employed by NYSERDA in each month for determining the Monthly REC Price as determined in Article IV of the Agreement.

Award Notification Date – The date upon which NYSERDA provides written confirmation to a Proposer indicating that a Bid Facility is the subject of a provisional award in the solicitation and has been selected for contract negotiations.

Benchmark LNRC – The confidential maximum price levels for the Fixed REC and Index REC offers that NYSERDA will employ in its determination of potential award(s).

Bid Capacity – An amount equal to (i) the gross generating capacity of the entire Bid Facility as bid to NYSERDA (after completion of the Upgrade/Repowering, where applicable) in MWac multiplied by (ii) the Bid Quantity Percentage and (iii) (x) for Upgrades, further multiplied by the Incremental Upgrade Percentage and (y) for Repowerings, further multiplied by the applicable Tier 1 Percentage.

Bid Facility – An electric generating station that has been submitted by the Proposer for consideration in response to this RFP.

Bid Price – The price per REC offered by Proposer, offered either as a Fixed REC Price or an Index REC Price.

Bid Proposal – Documents submitted by Proposer in response to this RFP.

Bid Quantity – The amount stated in the Bid Proposal of Tier-1 RECs the Bid Facility expects to proffer as performance under the Agreement during each Contract Year during the Contract Delivery Term.

Bid Quantity Percentage – The percentage of the Bid Facility's Actual Annual Eligible Production that will be committed by the Proposer to performance under the Agreement. The Bid Quantity Percentage must be at least 15% and may not exceed 100% of the Annual Production.

Bid Storage Capacity – The energy capacity of the Energy Storage Component as bid to NYSERDA measured in MWh.

Capacity Accreditation Factor (CAF) – The Capacity Accreditation Factor for the CARC to which the Bid Facility has been assigned as determined by NYISO in accordance with the New Capacity Accreditation Rules.

Capacity Accreditation Resource Class (CARC) – The Capacity Accreditation Resource Class assigned to the Bid Facility as determined by the NYISO based on technology type and location under the New Capacity Accreditation Rules, or, should the Bid Facility not participate in the NYISO Capacity Market, the Capacity Accreditation Resource Class as determined by the NYISO for a project of the same technology type and location as the Bid Facility's under the New Capacity Accreditation Rules.

CES – Clean Energy Standard.

Climate Act – Climate Leadership and Community Protection Act.

Climate Justice Working Group (CJWG) – An advisory group in the Climate Action Council process, responsible for providing strategic advice for incorporating the needs of Disadvantaged Communities.

Co-located Storage Facility – An Energy Storage Component located onsite and charged by the renewable energy generator proposed in the Base Bid Proposal.

Commercial Operation – A state of operational readiness of the Bid Facility under which (i) the Bid Facility has been mechanically constructed and interconnected, (ii) generating capacity is available to physically produce and deliver electric energy to the Injection Point and associated Tier-1 RECs, and (iii) all rights, abilities, permits and approvals to schedule and deliver energy to the Injection Point have been obtained; provided, however, that for the avoidance of doubt, delivery of electric energy for

testing or other purposes prior to achievement of the foregoing clause (iii) shall not constitute Commercial Operation.

Commercially Deployed – An energy storage technology that has been previously deployed beyond the pilot and demonstration stages and has entered and remained in commercial operation for at least 1 year.

COMD – Commercial Operation Milestone Date, as further defined in the Agreement.

Construction Activities – The physical activities associated with the construction of any on-site structure or civil site works including, but not limited to, the clearing, grubbing, grading, staging, installation, erection and placement of the Bid Facility, the Energy Storage Component (if applicable), and electrical interconnection, as well as start-up and commissioning of the Bid Facility.

Contract Delivery Term – The period commencing on the first day of the month after the month in which the Bid Facility commences Commercial Operation (For Bid Facilities in Commercial Operation as of the Award Notification Date, unless otherwise agreed to in writing by NYSERDA, the Contract Delivery Term shall commence on the first day of the month after the Effective Date of the Agreement) and terminating on the last day of the Contract Tenor.

Contract Security – Security delivered to NYSERDA by a Proposer for its provisionally awarded Bid Facility and its performance under the terms of the Agreement, in the form of cash, certified funds, or a Letter of Credit, as described in Article XV of the Agreement.

Contract Tenor – The duration, in years, of the Contract Delivery Term.

Contract Year – A 12-month period commencing with the beginning of the Contract Delivery Term and each anniversary thereof during the Contract Delivery Term. The phrase “Contract Year” followed by a number shall refer to a discrete Contract Year within the Contract Delivery Term such that “Contract Year 1” refers to the first 12-month period commencing with the beginning of the Contract Delivery Term, “Contract Year 2” refers to the second such 12-month period, and so on.

Delivery Point – For Bid Facilities located within the NYCA, the generator bus or location where (a) the administrator of the wholesale power market or (b) the operator of the transmission/distribution utility, public authority or municipal electric company, measures or otherwise determines energy production from the Bid Facility. For Bid Facilities located outside of the NYCA, the generator bus or location where the NYISO measures energy delivery from the Bid Facility into the NYCA.

Disadvantaged Communities (also referred to as “disadvantaged communities”)– Has the meaning established by the Climate Act in § 75-0101(5) of the New York Environmental Conservation Law.

Disadvantaged Community Commitments – Shall be those commitments contained in the Seller’s Bid Proposal and described in Section 6.10 of the Agreement.

Economic Benefits Start Date – June 2, 2017.⁸

⁸ The date NYSERDA issued its 2017 Renewable Energy Standard Request for Proposals (RESRFP17-1).

End of Useful Life Bid Capacity – With respect to a Repowering, means the Bid Capacity of such Repowering after the end of the Existing Facility’s useful life.

End of Useful Life Installed Capacity – With respect to a Repowering, means the Installed Capacity of such Repowering after the end of the Existing Facility’s useful life.

Energy Storage Component – A commercially available resource capable of receiving electric energy and storing that energy or a portion of that energy for later injection of electricity to the grid.

Environmental Attributes – All environmental characteristics, claims, credits, benefits, emissions reductions, offsets, allowances, allocations, howsoever characterized, denominated, measured or entitled, attributable to the generation of Actual Production by a Bid Facility, consistent with the delineation of attributes set forth in the Agreement.

EO 16 – Executive Order No. 16, Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia, issued and effective March 17, 2022.

Existing Facility – With respect to a Repowering, the facility prior to the implementation of such Repowering.

Expected Dollars/MW – The total dollar amount of Incremental Economic Benefits per MW of (a) for new Bid Facilities and Upgrades, Bid Capacity, or (b) for Repowerings, End of Useful Life Bid Capacity, as presented in the Bid Proposal and accepted by NYSERDA, expected to accrue to New York as a result of the development, construction, modification and operation of the Bid Facility from the Economic Benefits Start Date through the end of the first three (3) Contract Years.

Expected U.S. Iron and Steel Dollars/MW – The total dollar amount per MW of Bid Capacity associated with expected expenditures for U.S. Iron and Steel used or supplied in the construction of the Bid Facility through the date on which the Bid Facility achieves Commercial Operation.

Facility Area – All land occupied during the commercial operation of the generation facility, the associated interconnection equipment as verified through the Operational Certification process. Generally, this will include all areas within the facility’s perimeter security fence(s) and the applicable facility related improvements outside of fenced areas. The Facility Area shall include the area “inside the fence” of the project including all fencing enclosing the mechanical equipment such as the solar arrays, inverters, location of any combiner boxes, fuses, switches, meters, distribution boards, monitoring systems such as balance of systems components, interconnection equipment, and stormwater controls. The Facility Area shall additionally include improvements of the project “outside of the fence” including access roads, parking areas, stormwater controls and other permanent facilities, or structures installed at the Facility Area, except vegetative landscape screenings or appropriately buried utilities such as electrical conductors or conduit(s) that do not impact Forest Land during installation.

Fixed REC Price – An as-bid price in dollars per Tier-1 REC as described in Section 4.02(b) and Article V of the Agreement.

FOIL – New York’s Freedom of Information Law, [Public Officers’ Law Article 6](#).

Host Community Benefit Program – A Program providing benefits to utility customers in Host Communities in which future Major Renewable Energy Facilities are located, as further referenced in the

Agreement and as set out in the Order Adopting a Host Community Benefit Program issued by the New York State Public Service Commission on February 11, 2021 in Case 20-E-0249.

Incremental Economic Benefits – Incremental Economic Benefits are financial expenditures benefitting New York State within the categories specified in Appendix 4. “Incremental Economic Benefits Guidelines” of this RFP that a Seller can demonstrate: (1) were incurred on or after the Economic Benefits Start Date, and (2) would not have accrued but for an award under a NYSEDA competitive solicitation to procure Tier-1 RECs or in anticipation of the potential for such an award. Economic benefits previously claimed with respect to a Bid Facility that are subject to a pending award under a previous solicitation or that is the subject of a current NYSEDA Agreement are not Incremental Economic Benefits.

Incremental Upgrade Percentage – For Upgrade Bid Facilities, the percentage of the Actual Production that is Tier-1 eligible resulting from the Upgrade as initially established through the NYGATS Provisional Statement of Qualification process, and as may be updated through the submission of engineering documentation during the Statement of Qualification and Operational Certification processes, in accordance with NYSEDA’s New York State Clean Energy Standard RES Tier-1 Certification Submission Instructions and Eligibility Guidelines.

Index REC Price – An adjustable price in dollars per Tier-1 REC that nets the as-bid Index REC Strike Price monthly against the sum of the Reference Energy Price and the Reference Capacity Price, as set forth in Section 4.01 of the Agreement.

Index REC Strike Price – The as-bid value for each Contract Year as submitted in the Bid Proposal and as stated in the Agreement, subject to adjustment pursuant to Article V of the Agreement.

Injection Point – For Bid Facilities located within the New York Control Area, the Injection Point shall be the Delivery Point. For Bid Facilities located outside of the New York Control Area, the Injection Point shall be the generator bus or location where the administrator of the local control area measures energy delivery from the Bid Facility into the local market.

Installed Capacity – Shall equal (i) the gross generating capacity of (a) a new Bid Facility or, (b) for a Bid Facility that is the subject of an Upgrade or a Repowering, such Bid Facility, after completion of such Upgrade or Repowering, in MWac in accordance with its Statement of Qualification (SoQ) and Operational Certification, multiplied by (ii) the Bid Quantity Percentage, and (iii) (x) for Upgrades, further multiplied by the Incremental Upgrade Percentage, or (y) for Repowerings, further multiplied by the applicable Tier-1 Percentage.

Key Permit – For a Bid Facility located within the NYCA, “Key Permit” means (i) for Sellers seeking approval for the Bid Facility under Article 10 of the New York Public Service Law, a Certificate of Environmental Compatibility and Public Need, (ii) for Sellers seeking approval for the Bid Facility through the New York State Office of Renewable Energy Siting, a New York State Office of Renewable Energy Siting permit, or (iii) for all other Sellers, the required discretionary (non-ministerial) land use permit or approval by the applicable municipality for the development, construction, operation, and/or maintenance of the Bid Facility which permit or approval incorporates a determination under SEQRA. For a Bid Facility located outside of the NYCA, “Key Permit” means such required discretionary (non-ministerial) land use permit or approval reasonably analogous to those set forth in the foregoing

sentence issued by the state or local authority having jurisdiction over the Bid Facility. Notwithstanding the foregoing, for hydroelectric Bid Facilities, “Key Permit” means the Bid Facility’s FERC license.

Levelized Net REC Cost (LNRC) – A means of comparing Proposals with different Bid Prices, Bid Quantities, and Commercial Operation Dates, as described in Section 5.5.

Material Change – as defined in Section 1.5.

Major Renewable Energy Facility – Any renewable energy system with a nameplate generating capacity of twenty-five thousand kilowatts or more, and any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission system, including all associated appurtenances to electric plants as defined under Section 2 of the New York State Public Service Law, including electric transmission facilities less than ten (10) miles in length in order to provide access to load and to integrate such facilities into the state’s bulk electrical transmission system.

Mineral Soil Groups (MSG) 1-4 – Soils with a mineral soil group value of 1, 2, 3, or 4 as assigned by the New York State Department of Agriculture and Markets in the Agricultural Land Classification System for New York. For the purposes of this Agreement, MSG 1-4 have been established in “NYSERDA 2025 Soils Data for use in Large-Scale Renewables and NY-SUN Programs,” linked here: [NYSERDA 2025 Soils Data](#). A map of MSG 1-4 is available on NYSERDA’s Solicitations for Large-scale Renewables webpage.

Mitigation Fund Payment (Mitigation Payment) – The Mitigation Fund Payment acts as the estimated benchmark that the Proposer would expect to pay based on the proposed site configuration (Facility Area), knowledge of on-site conditions and before any other action to decrease this payment amount. Payment amounts may be adjusted through consultations with the New York State Department of Agriculture and Markets (AGM) regarding agricultural co-utilization opportunities, and based on the final site configuration (reduced or expanded facility occupied acreage).

Monthly REC Price – A price in dollars per REC determined by NYSERDA for each month of the Contract Delivery Term. If the Applicable REC Price Method is the Index REC Price, the Monthly REC Price shall be calculated pursuant to Section 4.01 of the Agreement. If the Bid Facility has been selected by NYSERDA on the basis of a Fixed REC Price bid, the Monthly REC Price shall be the as-bid Fixed REC Price, as may be adjusted pursuant to Section 4.02(b) and 5.02(e) of the Agreement.

MW or MWac – A megawatt of alternating current electric energy generating capacity.

MWdc – A megawatt of direct current electric energy generating capacity.

MWh – A megawatt-hour of electric energy.

Nameplate Capacity – The gross generating capacity of the entire Bid Facility in MW. For Upgrade and Repowering Bid Facilities, this value represents the gross generating capacity of the entire Bid Facility after completion of the Upgrade or Repowering.

New Capacity Accreditation Rules – NYISO’s tariff revisions to its Services Tariff to adopt a marginal capacity accreditation market design, approved by the federal Energy Regulatory Commission (Docket No. ER22-772) on May 10, 2022.

New Storage Technologies – Nonelectrical battery energy storage facilities such as electrolytic hydrogen or experimental energy storage technologies. These are differentiated from energy storage components in that they are not constructed and operated in accordance with Article VI and Article IX of the NYSERDA Bulk Energy Storage Incentive Program Manual (Exhibit F to the Agreement).

New York Control Area (NYCA) – The control area that is under the control of the NYISO, which includes transmission facilities listed in the ISO/Transmission Owner Agreement Appendices A-1 and A-2, as may be amended from time to time.

New York Generation Attribute Tracking System (NYGATS) – The tracking system that records electricity generation attribute information within New York State, and processes generation attribute information from energy imported and consumed within New York State, as a basis for creating generation attribute certificates, including Tier 1 RECs. NYGATS will create exactly one Tier 1 REC per MWh of RES eligible generation.

NYGATS Forward Certificate Transfer – An automated monthly transfer of Tier 1 RECs to NYSERDA as described in Section 9.3 of the [NYGATS Operating Rules](#).

New York Independent System Operator (NYISO) – Administrator of the wholesale power markets in New York and manager of the physical electrical operations of the NYCA.

OATT – NYISO’s Open Access Transmission Tariff.

Operating Rules – The NYGATS Operating Rules, the General Terms of Use and other guidelines posted to the NYGATS website at: <https://www.nyscrda.ny.gov/All-Programs/nygats/registration-documents>.

Operational Certification — Verification by NYSERDA, as described in the Agreement, that the Bid Facility (including the Energy Storage Component, if applicable) has been constructed and/or will operate in accordance with the Bid Proposal, the Statement of Qualification (SoQ), and any modifications therefore consented to by NYSERDA in accordance with the Agreement.

Orders – August 1, 2016 CES Framework Order (Case No. 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard, “Order Adopting a Clean Energy Standard,” issued and effective August 1, 2016), January 16, 2020 Tier 1 Modification Order (Case No. 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard, “Order Modifying Tier 1 Renewable Procurements,” issued and effective January 16, 2020), October 15, 2020 CES Modification Order (Case No. 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard, “Order Adopting Modifications to the Clean Energy Standard,” issued and effective October 15, 2020), January 20, 2022 PGS Order (Case No. 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard, “Order on Power Grid Study Recommendations,” issued and effective January 20, 2022), November 20, 2023 Reference Capacity Price Order (Case No. 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard, “Order Addressing Capacity Accreditation Rules,” issued and effective November 20, 2023), October 12, 2023 Order (Case No. 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard, “Order Denying Petitions Seeking to Amend Contracts with Renewable Energy Projects,” issued and effective October 12, 2023), and May 15, 2025 Order (Case No. 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable

Program and a Clean Energy Standard, “Order Adopting Clean Energy Standard Biennial Review as Final and Making Other Findings,” issued and effective May 15, 2025.

ORES – New York State Office of Renewable Energy Siting and Electric Transmission, website is <https://dps.ny.gov/ores> and the regulations can be found at <https://dps.ny.gov/ores-regulatory-documents>.

Peer Review – The peer review process as described in the Bulk Energy Storage Program Manual, whereby a Proposer or Seller’s proposed Energy Storage Component will undergo a multi-step technical design review.

Prevailing Wage – Shall have the meaning set forth at and shall be interpreted in accordance with Section 18.10 of the Agreement.

Price Structure – Either a Fixed REC or Index REC price.

Proposer – The business entity that submits a Bid Proposal in response to this RFP.

PSoQ – NYGATS Provisional Statement of Qualification.

Quality Assurance Inspection – Quality assurance inspection in accordance with the Bulk Energy Storage Program Manual, which provides that after Peer Review approval is complete, Quality Assurance Inspection will occur following the substantial completion of the Energy Storage Component.

Quantity Obligation — Shall mean, for any period during the Contract Delivery Term, the number of Tier-1 RECs equal to the product of (a) the Bid Quantity Percentage multiplied by (b) the Actual Eligible Production; subject, however, to adjustments pursuant to Article V (Adjustments); and provided that the Quantity Obligation in any Contract Year shall not exceed the Annual REC Cap for such Contract Year; and provided, further, that in the event of a discrepancy in measurement between the amount of Tier-1 RECs generated by the Bid Facility for any period and the Actual Eligible Production (in MWh) for that period (for example, due to rounding or meter adjustments), the Quantity Obligation shall be calculated based upon the amount of Tier-1 RECs generated by the Bid Facility for that period rather than the Actual Eligible Production for such period.

Reference Capacity Price – An amount based on an index of NYISO Capacity Market prices for the Applicable Zone calculated as set forth in Section 4.01 of the Agreement.

Reference Energy Price – An amount based on an index of NYISO Energy Market prices for the Applicable Zone calculated as set forth in Section 4.01 of the Agreement.

Repowering – The physical improvements made to the existing Bid Facility that meet the repowering requirements of the 2020 CES Order, as proposed by Seller in the Application for Qualification and Bid Proposal in response to RESRFP25-1 and confirmed through the Statement of Qualification and the Operational Certification process.

Renewable Energy System – As defined in the Climate Act, and for purposes of this RFP, a system that generates electricity through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy,

wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

Seller – The Proposer or other entity (as further described in Section 7.3) designated by an awarded Proposer that enters into the Agreement with NYSERDA to sell Tier 1 RECs to NYSERDA pursuant to this RFP.

SEQRA – New York State Environmental Quality Review Act.

Short-Term Jobs – Jobs lasting less than three years.

SoQ – NYGATS Statement of Qualification. The SoQ is a confirmation by NYSERDA that the energy production of the Bid Facility is eligible for the creation by NYGATS of Tier-1 RECs in accordance with NYSERDA’s New York State Clean Energy Standard RES Tier 1 Certification Submission Instructions and Eligibility Guidelines, specifically Section 7.2 (Demonstration of Commercial Operation). For NYGATS certificates associated with the Bid Facility to be flagged with Tier 1 RES eligibility, the associated energy must be delivered into the NYCA in accordance with the delivery requirements specified in the Clean Energy Standard Final Phase 1 Implementation Plan and the NYGATS Operating Rules.

Technical Evaluation Panel (TEP) – Members of NYSERDA staff, New York State Department of Public Service (DPS) Staff, and Independent Evaluators (outside reviewers who possess proficiency in the evaluation of energy generation projects) responsible for evaluating Bid Proposals received through this RFP.

Tier-1 Percentage – For a Repowering, the quantity of generation from the Bid Facility, expressed as a percentage associated with specific date ranges, that meets the Repowering requirements of the 2020 CES Order.

Tier-1 Renewable Energy Certificate (REC) or Tier-1 REC – The electronic record of generation data created by NYGATS and representing all of the attributes of one MWh of electricity generation from a RES Tier-1 Bid Facility registered with NYGATS. The attributes represented in each Tier-1 REC include all environmental characteristics, claims, credits, benefits, emissions reductions, offsets, allowances, and allocations, however characterized, denominated, measured or entitled, attributable to the generation of Actual Eligible Production by a Bid Facility, including but not limited to: (i) any direct emissions or any avoided emissions of pollutants to the air, soil or water including but not limited to sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO), particulate matter and other pollutants; (ii) any direct or avoided emissions of carbon dioxide (CO₂), methane (CH₄) and other greenhouse gases (“GHGs”) that have been or may be determined by the United Nations Intergovernmental Panel on Climate Change to contribute to the actual or potential threat of altering the Earth’s climate by trapping heat in the atmosphere; (iii) all set-aside allowances and/or allocations from emissions trading programs made unnecessary for compliance in such program as a result of performance under the Agreement, including but not limited to allocations available under 6 NYCRR §§ 204, 237 and 238; and (iv) all credits, certificates, registrations, recordations, or other memorializations of whatever type or sort, representing any of the above. For greater clarity, Tier-1 Renewable Energy Certificate attributes shall not include (i) federal, state, or local tax benefits, tax credits or tax incentives related to the Bid Facility or its generation of electricity (ii) any energy, capacity, reliability or other power products, such as ancillary services.

Upgrade – The physical improvements made to the existing Bid Facility that cause an increase in renewable generation incremental to a historical baseline level of generation by the Bid Facility, as proposed in the Application for Qualification and Bid Proposal in response to RESRFP25-1 and confirmed through the Statement of Qualification and the Operational Certification process.

U.S. Iron and Steel – Iron and steel components that are manufactured in the United States using iron or steel from steel mills located in the United States.

1 INTRODUCTION

1.1 The New York Clean Energy Standard and Renewable Energy Standard

On July 6, 2015, the New York State Energy Planning Board issued the 2015 State Energy Plan (SEP)⁹ which stated the goal to achieve 50% of the State's electricity generated from renewable resources by 2030 (50x30 goal).

The Public Service Commission's (PSC) [Order Adopting the Clean Energy Standard](#) (CES Framework Order) issued on August 1, 2016, along with additional orders and implementation plans¹⁰ issued under Case 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard (Orders), established the Renewable Energy Standard (RES) as the State's principal means of achieving the 50x30 goal. A component of the RES consists of a Tier 1 obligation on load serving entities (LSE) to procure Renewable Energy Certificates (RECs)¹¹ associated with new renewable energy resources.

In furtherance of the Orders and targets established in the CES, on July 18, 2019, New York State adopted the Climate Leadership and Community Protection Act (Climate Act), which includes the goal for New York State to achieve 70% renewable energy generation by 2030, incremental to reducing 100% of the electricity sector's greenhouse gas emissions by 2040, among other clean energy targets.¹²

RES Tier 1 procurements were further amended on January 16, 2020 by the [Order Modifying Tier 1 Renewable Procurements](#) (Tier 1 Modification Order), whereby the PSC directed NYSERDA to offer bidders an Index REC price option in future RES solicitations, beginning with RESRFP20-1.

The Accelerated Renewables Act became law on April 2, 2020, and made major changes in the forum and permitting process for large-scale renewable projects¹³. Specifically, the bill established a new renewable siting structure to be managed by the new Office of Renewable Energy Siting (ORES).

On October 15, 2020, the PSC issued its [Order Adopting Modifications to the Clean Energy Standard](#) (CES Modification Order) in Case 15-E-0302. In the CES Modification Order, the PSC adopted several modifications to the CES to align it with the Climate Act mandates. Modifications affecting Tier 1 solicitations include setting annual procurement targets to achieve the 70 by 30 target, allowing rejection of projects that are not presently viable, combining of the Project Viability and Operational

⁹ 2015 New York State Energy Plan is available from <https://energyplan.ny.gov/Plans/2015-Energy-Plan>

¹⁰ As of the date of RESRFP25-1 issuance, NYSERDA has published 6 Final Implementation Plans under Case 15-E-0302. These include: Phase 1 Implementation Plan, Phase 2 Implementation Plan, Phase 3 Implementation Plan, Phase 4 Implementation Plan, Phase 5 Implementation Plan, and Phase 6 Implementation Plan. All Implementation Plans are available on NYSERDA Large Scale Renewables Filings, Orders, and Reports website: <https://www.nyscrda.ny.gov/All-Programs/Clean-Energy-Standard/Clean-Energy-Standard-Resources/Filings-Orders-and-Reports>

¹¹ While the PSC's August 1, 2016 Order references renewable energy "credits," NYGATS creates renewable energy certificates, and therefore that term is used in this RFP. The NYGATS certificates are created in one MWh denominations and are in all other ways consistent with the Order.

¹² [New York State Senate Bill S6599](https://www.nysenate.gov/legislation/bills/2019/s6599), <https://www.nysenate.gov/legislation/bills/2019/s6599>

¹³ A factsheet about the Accelerated Renewables Act is available from <https://www.nyscrda.ny.gov/-/media/Project/Nyserda/Files/Publications/Fact-Sheets/Accelerated-Renewables-Fact-Sheet.pdf>

Flexibility and Peak Coincidence evaluation factors, approving the development of portfolio risk factors, and clarifying the CES delivery requirements.

On January 13, 2021, NYSERDA issued T4RFP21-1, a solicitation to procure the unbundled environmental attributes in the form of Tier 4 RECs for renewable energy delivered into New York City (NYISO Zone J) pursuant to the CES Modification Order. On November 30, 2021, NYSERDA submitted contracts with the Clean Path NY and Champlain Hudson Power Express projects to the PSC for approval and public comment. The PSC approved the contracts on April 14, 2022, subject to limited contract clarification and similar requirements as laid out in its [Order Approving Contracts for the Purchase of Tier 4 Renewable Energy Certificates](#). The selected projects will deliver renewable energy sourced from wind, solar and hydropower to New York City. Information about the Tier 4 solicitation is available on [NYSERDA's Tier 4 website](#).¹⁴

On January 20, 2022, the PSC issued its [Order on Power Grid Study Recommendations](#) (PGS Order) in Case Nos. 20-E-0197, 18-E-0071, and 15-E-0302. The PGS Order concurs with the Power Grid Study finding that energy storage on Long Island and New York City will play an important role in integrating offshore wind generation. The coordinated planning process undertaken in the Power Grid Study proceeding will allow the PSC to anticipate system needs and respond to them in a timely manner, including implementation of local transmission upgrades and invocation of the NYISO's Order 1000 process where bulk solutions are necessary.

On September 9, 2021, the PSC addressed the Utilities' proposed policy recommendations in its Order on Local Transmission and Distribution Planning Process and Phase 2 Project Proposals (Phase 2 Order).¹⁵ Among other things, the Phase 2 Order found the Utilities' proposed investment criteria required certain modifications, and directed additional work to develop a coordinated grid planning process (which includes a revised benefit cost analysis framework, enhanced stakeholder engagement and a participant funding agreement to share CLCPA project costs across the state on a volumetric load ratio share basis). In addition, the Phase 2 Order adopted DPS Staff's recommended modifications to the calculation of headroom and directed the investor-owned utilities to provide updated headroom data to stakeholders.

On December 19, 2022, New York's Climate Action Council adopted a Final Scoping Plan to outline recommended policies and actions to help meet the climate action requirements of the Climate Act. The Scoping Plan indicated that 7 to 15 gigawatts of land-based wind energy and 32 to 43 gigawatts of solar energy in New York may be necessary by 2040 to achieve the Climate Act's greenhouse gas emission-reduction requirements and carbon neutrality goals.

On October 12, 2023, the PSC issued the [Order Denying Petitions Seeking to Amend Contracts With Renewable Energy Projects](#), which denied a Petition submitted by the Alliance for Clean Energy New York, Inc. seeking price adjustments to Tier 1 REC agreements with NYSERDA to address inflationary pressures and supply chain disruptions impacting project economics. The Order supported NYSERDA's continued efforts to meet the Climate Act mandates through subsequent competitive offshore wind solicitations, potentially on an expedited basis. The same day, New York State released a new [10-Point](#)

¹⁴ <https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/Tier-Four>

¹⁵ LT&D Planning Proceeding, Order on Local Transmission and Distribution Planning Process and Phase 2 Project Proposals (September 9, 2021) (Phase 2 Order).

[Action Plan](#) to expand and support the growing large-scale renewable energy industry in the State, which included a plan to launch an accelerated procurement process for Tier 1 land-based renewables and offshore wind.

On November 20, 2023, the PSC issued its [Order Addressing Capacity Accreditation Rules](#) (Reference Capacity Price Order) in Case 15-E-0302 and Case 18-E-0071. In the Reference Capacity Price Order, the PSC addressed NYSERDA's petition to adjust the Reference Capacity Price formulas in index renewable energy certificate and offshore wind renewable energy certificate purchase and sales agreements. The PSC approved certain changes to the Reference Capacity Price formula to address the impact of the new NYISO Capacity Accreditation Rules.

The Orders authorize NYSERDA, as central procurement administrator, to offer long-term contracts to generators for the purchase of Tier 1-eligible RECs, in the form of Tier 1 NYGATS certificates. Pursuant to the Orders, NYSERDA seeks to accomplish the RES objective by contracting with suppliers, through a series of competitive RFPs, for only the RES Tier 1 RECs created by eligible generation resources.¹⁶ For the avoidance of doubt, NYSERDA seeks to acquire Tier 1-eligible RECs only, and will not have any claim to associated energy, capacity, or ancillary services associated with the RECs.¹⁷

The RECs generated from the Bid Facility offered to NYSERDA through this RFP, up to the Annual REC Cap (defined in the Agreement), may not be contractually committed or otherwise transferred or attempted to be transferred to any other entity over the duration of the Contract Tenor. In addition, please refer to Section 2.1 for a discussion of restrictions against submitting Tier-1 RECs already committed to NYSERDA or any other entity into the RESRFP25-1 solicitation. Awardees will retain ownership and all rights to RECs generated that exceed the Annual REC Cap.

On July 1, 2024, DPS Staff and NYSERDA filed the draft Clean Energy Standard Biennial Review (Biennial Review). The Biennial Review summarizes the progress made toward the renewable energy and zero emission goals set by the CLCPA since the establishment of New York State's CES, assesses what remains to be done to achieve those goals, presents policy options and proposals, and invites comments from stakeholders and the public on these or any other matters raised in the Biennial Review. The Biennial Review was open to public comment through October 7, 2024. Based on the contents of the report and comments filed by the public, on May 15, 2025, The Commission issued [an Order](#) adopting the Clean Energy Standard Biennial Review as final (Biennial Review Order). The Biennial Review Order made material modifications to the CES. As part of this Order, NYSERDA was authorized to expand the average annual procurement target for Tier 1 Solicitations from 4.5 terawatt hours (TWh) to 5.6 TWh. NYSERDA was also authorized to offer annual Tier 1 solicitations through 2029. In addition, the Commission

¹⁶ Directives pertaining to NYSERDA's RES Central Procurement role are contained in the February 22, 2017 [Order Approving the Phase 1 Implementation Plan](#) and the [Final Phase 1 Implementation Plan](#) filed by NYSERDA on March 24, 2017, the November 17, 2017 [Order Approving the Phase 2 Implementation Plan](#) and the [Final Phase 2 Implementation Plan](#) filed by NYSERDA on December 18, 2017, and the December 14, 2018 [Order Approving the Phase 3 Implementation Plan](#) and the [Final Phase 3 Implementation Plan](#) filed by NYSERDA on January 11, 2019. The March 9, 2017 [Order on the Value of Distributed Energy Resources](#) further clarifies the treatment of certain distributed energy resources (DERs) such resources under the CES and their eligibility to participate in NYSERDA's long term procurements for RECs.

¹⁷ RECs represent the environmental attributes, including but not limited to estimated avoided carbon dioxide emissions, associated with electricity generated by facilities that meet the Tier 1 eligibility criteria established in the CES Framework Order.

authorized NYSERDA with the ability to expand the maximum allowable contract tenor for Tier 1 Solicitation awards from 20 to 25 years. NYSERDA and DPS Staff have determined to offer a 20-year Contract Tenor under RESRFP25-1.

The Biennial Review Order introduced a new minimum threshold requirement that Proposers into Tier 1 Solicitations must have either satisfied the requirements for entry into Phase 2 of the active NYISO Cluster Study following completion of Phase 1, or a more mature stage of the NYISO interconnection process (or the equivalent stage of the applicable interconnection process for projects interconnecting in adjacent control areas).

As part of the portfolio risk factor assessment that is performed after NYSERDA and the Technical Evaluation Panel have produced a preliminary ranking of bids, the Biennial Review Order also authorized NYSERDA to revise the 80% capacity limit downward on any one technology type in the portfolio in any given solicitation, so long as those limits do not increase the generation-weighted average cost of the portfolio by more than 10%. For purposes of applying this portfolio risk factor, the Biennial Review Order directed NYSERDA to consider solar paired with battery storage that provides a different generation profile from stand-alone solar to be a different technology than stand-alone solar.

The Biennial Review Order also authorized NYSERDA to revise its approach to commercial operation deadlines in Tier 1 solicitations, which is further discussed in Section V.

RESRFP25-1 will preferentially evaluate projects that demonstrate a sufficient level of maturity in their development, thereby advancing progress towards meeting objectives of the Climate Act as incorporated into the CES. Accordingly, RESRFP25-1 will include appropriate threshold requirements that projects must fulfill in order to be eligible for evaluation and potential award.

The CES/RES Orders can be accessed from the [NYS Public Service Commission's website](#).¹⁸ All Proposers are strongly advised to review the Orders and Implementation Plans before participating in this RFP. Information regarding NYSERDA's implementation of the RES and prior solicitations under the RES, RESRFP17-1, RESRFP18-1, RESRFP19-1, RESRFP20-1, RESRFP21-1, RESRFP22-1, RESRFP23-1, and RESRFP24-1 can be found on [NYSERDA's RES Solicitation webpage](#).¹⁹

1.2 Background on NYSERDA and NY Green Bank

NYSERDA was created in 1975 by the New York State Legislature as a public authority and public benefit corporation. As designated in the CES Framework Order, NYSERDA acts as the Central Administrator of the RES program. Under the RES, each LSE is obligated to serve their retail customers by procuring new renewable resources, evidenced by the procurement of Tier 1 RECs from NYSERDA or other sources, or by making Alternative Compliance Payments (ACPs), in increasing quantities to satisfy the State's greenhouse gas emissions reduction goals. Through this RFP, NYSERDA will purchase RECs from the contracted Bid Facilities, on behalf of the LSEs in New York State, and will then sell the RECs to the LSEs for compliance with the LSEs' Tier 1 obligations.

NY Green Bank, a division of NYSERDA, is a specialized investment fund dedicated to bridging financial gaps in clean energy and renewable infrastructure markets. Working in collaboration with the private

¹⁸ <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=15-e-0302>

¹⁹ <https://www.nyserda.ny.gov/ces/rfp>

sector, its investments advance the deployment of green technologies in order to reduce the State’s greenhouse gas emissions, accelerate energy efficiency, and mobilize private capital into key market sectors.

Where traditional lenders may see obstacles — such as unfamiliarity with asset classes, perceived uncertainty in revenue streams, and small transaction sizes — NY Green Bank identifies opportunities to propel the green economy in key sectors that include building decarbonization, clean transportation, and energy storage.

Supporting the expansion of large-scale renewables in New York is a strategic priority for NY Green Bank. NY Green Bank is prepared to support project developers and investors with a range of credit products and structures through various project financing stages, including and not limited to:

- Interconnection deposit financing;
- Long lead equipment financing;
- Construction financing; and
- Term loans, including subordinated debt to increase tenor and leverage.

In the context of providing financing, NY Green Bank would evaluate contracted revenues, including various NYSERDA incentive payments, as well as wholesale power and capacity sales to support long-term financing.

Applicants interested in applying for this financing are encouraged to submit an application to NY Green Bank RFP No. 1 which can be accessed [here](#).²⁰

²⁰ [NY Green Bank RFP 1: Clean Energy Financing Arrangements](#)

1.3 Schedule

The schedule for RESRFP25-1 is as follows (all times ET):

Table 1. RFP Schedule

RFP Release Date	Friday, September 26, 2025
NYSERDA opens Step One Eligibility Application	Friday, September 26, 2025
Proposers' Webinar	Thursday, October 2, 2025, 1 – 2:30 p.m.
Requested date to submit an application for a Resource Eligibility Determination (PSoQ/SoQ) in NYGATS	Thursday, October 9, 2025
Deadline for Step One Eligibility Application Submission (and to submit proposed material changes to the Agreement)	Tuesday, October 21, 2025 by 3:00 p.m.
NYSERDA responds with Notice of Qualifications to bid, opens Step Two Bid Proposal to eligible Proposers	Thursday, October 30, 2025
Deadline for Bid Fee Submission	Wednesday, December 3, 2025
Deadline for Step Two Bid Proposal Submission	Thursday, December 4, 2025 by 3:00 p.m.
NYSERDA notifies Proposers receiving initial Awards	Expected February 2026

Please note that the above dates are subject to change. Notification of any changes to the solicitation schedule or documents will be posted on [NYSERDA's RES website](#) and sent via email to those parties who have submitted contact information to NYSERDA's RESRFP25-1 [solicitation website](#).

1.4 Modification or Cancellation of the RFP and Solicitation Process

Notification of any changes in RFP process or documents will be posted on [NYSERDA's RES Tier 1 website](#), the solicitation website under the Announcements tab, and sent via email to parties that have submitted contact information to NYSERDA's RESRFP25-1 solicitation via the solicitation website. Prospective Proposers are encouraged to check the website frequently to be advised of any RFP changes or other news.

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.

1.5 Updates to the Eligibility Application and/or Bid Proposal

Proposers will not have an opportunity to refresh or restate submissions except in instances where NYSERDA is seeking clarification regarding a potential error or misunderstanding reflected in the Bid Proposal. NYSERDA may provide the Proposer with an opportunity to cure an error in the Bid Proposal where NYSERDA has determined the error to be an irregularity amenable to correction or clarification rather than a material non-compliance with RESRFP25-1. Where Bid Proposal materials were received by NYSERDA in a corrupted or unusable format, NYSERDA may provide Proposer with an opportunity to provide properly formatted materials after the corresponding submission deadline for each Step. NYSERDA will not make material adjustments to any Proposal, including the Index REC Strike Price or Fixed REC Price.

If a Proposer submits a Step One Eligibility Application or Step Two Bid Proposal *before* the submission deadline and wishes to modify their submission, the Proposer should follow the posted instructions for editing a submission before the submission deadline and may contact NYSERDA's Designated Contacts with questions or issues.

After the submission deadline, Proposers may provide information that was not available at the time of their submission at NYSERDA's request, as described in Section 1.6. Providing such information is for clarification and/or informational purposes and will not be treated by NYSERDA as a change or revision to the material terms of Bid Proposal submission (e.g., Bid Price, Incremental Economic Benefits).

If any event or change of circumstances occurs that affects the Bid Facility or the Bid Proposal in a manner that could reasonably be expected to have a material impact on the eligibility of the Bid Proposal or its evaluation in RESRFP25-1 (a "Material Change"), Proposers must promptly notify NYSERDA in writing. Proposers and their Bid Proposals must maintain eligibility under the Minimum Threshold Eligibility requirements throughout the Bid Proposal evaluation period and, if provisionally awarded, up to the execution of the Agreement by the Proposer and NYSERDA.

In the event that a Material Change occurs that affects RESRFP25-1 Proposers generally, NYSERDA may solicit updates to all eligible Step Two Bid Proposals to account for the Material Change. In accordance with this process for evaluating systemic Material Changes, Proposers' scores may be adjusted upwards or downwards as a result.

In the event of a Material Change that does not affect RESRFP25-1 Proposers generally, the evaluation of the affected Bid Proposal(s) will be re-visited in the applicable category(ies). However, no scores may be increased as a result of this type of material change; scores may only be adjusted downwards.

If any information on Attachment B. Public Release of Bid Facility Information and Community Engagement Plan changes at any time following submission and prior to execution of the Agreement, Proposers are required to promptly submit an updated version of Attachment B so that NYSERDA can update its website accordingly.

1.6 Requests for Additional Information and/or Interview

Following the submission of Proposals, NYSERDA and the Technical Evaluation Panel may request clarification and additional information from Proposers at any time throughout the duration of the evaluation process. Such information will be subject to protection of proprietary information as described in Section 9, consistent with other Bid Proposal submission materials. If the Proposer does not respond promptly to such information requests or does not provide adequate information, the affected Bid Proposal(s) will be evaluated based on the information as originally submitted. If the Proposer wishes for supplementary information or documentation to be included in the Bid Proposal for evaluation, it should be included in the Bid Proposal using the Supplementary Information field and should not be offered as "available upon request" or other similar language.

1.7 Coordination with Non-Jurisdictional Load-Serving Entities

The Order Adopting a Clean Energy Standard provides for NYSERDA to conduct regularly scheduled solicitations for the procurement of Tier 1 RECs on behalf of the State's jurisdictional LSEs. The New York Power Authority (NYPA) and/or the Long Island Power Authority (LIPA) may choose to issue their own solicitations and/or contract with NYSERDA for a long-term commitment to purchase a percentage of

the Tier 1 RECs that may be procured under this solicitation to fulfill their proportional shares of the statewide Tier 1 targets.

Under its expanded statutory authority pursuant to the Build Public Renewables Act (BPRA), the New York Power Authority (NYPA) is authorized to develop renewable energy generation projects in support of the state's Climate Act. As part of the BPRA, Public Authorities Law (PAL) § 1005 (27-a) authorizes NYPA projects meeting certain requirements set forth therein to compete in Tier 1 REC solicitations and contract with NYSERDA. Consistent with BPRA requirements and to ensure that revenue received pursuant to an Agreement under this RFP is structured to directly benefit groups other than NYPA power customers, NYPA projects must satisfy one of the following two alternative eligibility criteria (in addition to the eligibility criteria set forth in Sections 2, 3 and 4 of this RFP).

First, NYPA may demonstrate project eligibility if the project commits to making direct Renewable Energy Access and Community Help (REACH) program contributions in accordance with PAL § 1005 (27-b). Each NYPA-proposed project shall, in its Step Two Bid Proposal, include any annual REACH program contributions that could be committed to at the time of bid in its Bid Data Form. REACH program contributions shall also be incorporated into Section 6.10 (and detailed in Exhibit M) of the relevant Agreement. Contributions will be substantiated as with all economic benefits claims through the reporting required under Sections 6.04 and 6.10 of the relevant Agreement.

Second, alternatively, NYPA-developed projects will be eligible to participate in this RFP and be awarded an Agreement if the Proposer is the New York Renewable Energy Development Holdings Corporation (NYRED) or a NYRED-controlled entity and commits to cause NYPA or NYRED to use all net revenue (after accounting for all Project expenses and potential REACH contributions) that NYPA or NYRED receive from the project to either reinvest in renewable projects developed and owned by NYRED or to develop energy generation projects necessary to achieve legislative or state policy directives, including but not limited to Governor Hochul's directive for the Public Power for Public Entities initiative announced in the 2025 State of the State to help achieve the objectives of Executive Order No 22. NYSERDA and DPS shall work with NYPA to determine the financial statements to be used to verify adherence to this commitment and shall describe this approach and required coordination with DPS Staff in the relevant Agreement, which shall also appropriately account for potential changes in law that may affect NYPA's permitted use of revenues in the future.

1.8 Forced Labor Prevention

In order to ensure an ethical and sustainable supply chain for renewable energy, NYSERDA is requiring all RESRFP25-1 Proposers of Solar PV Bid Facilities to sign SEIA's [Forced Labor Prevention Pledge](#) (Pledge), opposing forced labor practices and heightening awareness of human rights abuses against Uighurs, an ethnic minority living in the Xinjiang region of China. Companies that sign the Pledge agree to conduct their business in an ethical manner. Proposers will be required to evidence that they have signed the Pledge as part of their Step Two Bid Proposal submission.

2 STEP ONE & STEP TWO COMPONENTS; ELIGIBILITY & EVALUATION

RESRFP25-1 will be implemented through a two-step process. Submissions for both steps are required for all participating Bid Facilities and must be made via the [solicitation website](#). The solicitation website will open for submissions on September 26, 2025. The requirements for each step are summarized in the table below, consisting of:

1. **Step One: A qualifying step** through which the Proposer submits an Eligibility Application providing evidence that the Bid Facility is Tier 1 eligible and other information regarding the Proposer and the Bid Facility. See **Section 3** for detailed instructions about how to prepare and submit a Step One Eligibility Application.
2. **Step Two: A competitive Bid Proposal step**, through which the Proposer submits a Bid Proposal. NYSERDA will: (1) examine each Bid Proposal to determine whether the Bid Price does not exceed the Benchmark LNRC, the Bid Proposal demonstrates that the Bid Facility and Proposer meet the Minimum Threshold Requirements; and (2) for Bid Proposals that meet those minimum requirements, perform a full competitive evaluation based on price and non-price factors. See **Section 4** for detailed instructions about how to prepare and submit a Step Two Bid Proposal.

Table 2. Submission Requirements

Step One Eligibility Application	Step Two Bid Proposal
Due Date: Tuesday, October 21, 2025 by 3:00 p.m.	Due Date: Thursday, December 4, 2025 by 3:00 p.m.
<p>Requirements for Submission²¹:</p> <ul style="list-style-type: none"> • Tier 1 eligibility certification (PSoQ or SoQ), obtained via NYGATS • Key Proposer and Bid Facility characteristics (location, point of interconnection, capacity, <i>etc.</i>) • Att. F Minimum Thresholds Narrative • Att. H Tax Credit and Permitting Data Form • Executive Order No. 16 certification forms • Competitive Solicitations Disclosure Statement • Vendor Responsibility Questionnaire 	<p>Requirements for Submission:</p> <ul style="list-style-type: none"> • Bid Facility Information and Community Engagement Plan • Expanded project characteristics and details, interconnection and environmental mitigation cost estimates. • Binding Bid Price and Bid Quantity data. • Overview of how Bid Facility meets all Minimum Threshold Requirements • Minimum Threshold Requirements documentation (Interconnection, Permitting Viability, <i>etc.</i>) • Expected benefits and burdens to Disadvantaged Communities • Operational Flexibility and Peak Coincidence documentation [P(50) 8760, <i>etc.</i>] • If applicable, Incremental Economic Benefits claims, including identification of specific

²¹ As noted in Section 8.1 “Proposed Edits to the Agreement” and Table 1. RFP Schedule, if Proposer is submitting an Attachment M. SFA Comment Template, it must be submitted by the Deadline for Step One Eligibility Application Submission.

	<p>claims that will benefit Disadvantaged Communities</p> <ul style="list-style-type: none"> • Att. L Non-Disclosure Agreement • Proof of Bid Fee payment
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Proposers submitting Step One Eligibility Applications that are determined to be qualified will be invited to submit a Step Two Bid Proposal. Step Two Bid Proposals whose Bid Price does not exceed the Benchmark LNRC and that are determined to meet the Minimum Threshold Requirements will be evaluated and scored based on:

- 1) The Fixed REC Bid Price or Index REC Bid Price, weighted at 70% of the overall score; and
- 2) Non-price factors, which have a combined weight equaling 30% of the overall score.

The 30% non-price evaluation component is divided into two categories:

- 1) 20% Project Viability, Operational Flexibility and Peak Coincidence (beyond the Minimum Threshold Requirements); and
- 2) 10% Incremental Economic Benefits to New York State.

Please note that the Minimum Threshold Requirements apply only to items within the Project Viability, Operational Flexibility and Peak Coincidence (Project Viability and OpFlex) category. There are no minimum requirements for Incremental Economic Benefits to New York State.

Pursuant to the February 22, 2017, PSC [Order Approving the Phase 1 Implementation Plan](#) and the subsequent Orders, a Technical Evaluation Panel (TEP), consisting of NYSERDA staff, DPS Staff, and Independent Evaluators, all of whom will execute a non-disclosure agreement, will evaluate and award points for the non-price evaluation components of each Bid Proposal.²² NYSERDA may also enlist other state agencies, authorities, and subject-matter experts to inform the non-price evaluation conducted by the TEP. The Bid Price evaluation will be conducted by NYSERDA.

Non-Price Minimum Threshold Requirements and determinations, and the Non-Price evaluation are detailed in Section 4. Price evaluation is detailed in Sections 5.4 and 5.5.

Eligibility & Evaluation

To be eligible, a Bid Facility must be a Tier 1 RES eligible resource technology type qualifying under the updated Clean Energy Standard Tier 1 eligibility requirements outlined in the CES Modification Order and described herein.²³ Pursuant to the CES Framework Order, to participate, an eligible Bid Facility must also:

²² The Order and subsequent Plans are available on NYSERDA’s CES Orders, Reports, and Filings website: <https://www.nysERDA.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Important-Orders-Reports-and-Filings/Filings-Orders-and-Reports>

²³ Proposers should note that the Climate Act definition of renewable energy systems as adopted by the CES Modification Order excludes certain resources previously eligible under the CES Framework Order, including biomass, biogas, liquid biofuels, fuel cells using natural gas and anaerobic digesters, among others, and should review the RFP and Agreement prior to commencing a request for a Provisional Statement of Qualification.

(1) be located within the New York Control Area (NYCA) or in an adjacent control area and supply energy into New York State, in accordance with the RES Delivery Requirements in the Agreement, and

(2) have first commenced Commercial Operation on or after January 1, 2015, or

(3) must produce new, incremental energy and Tier 1 RECs from new Bid Capacity above a historical baseline. A Proposer may not condition the acceptance of one Proposal based on the withdrawal or acceptance of other Proposals. NYSERDA will not award more than one Bid Proposal for the same Bid Facility.

Proposers whose Step One Applications are found to be complete and that demonstrate eligibility will receive a Notice of Qualification, which will provide Proposers with a description of and access to the process and forms to be used to submit a Step Two Bid Proposal. The initial Commercial Operation Milestone Date (COMD) for RESRFP25-1, the date by which Bid Facilities must enter commercial operation, is November 30, 2030. See the Agreement for additional details.

Any project that was the subject of a provisional award under NYSERDA's RESRFP22-1, RESRFP23-1, or RESRFP24-1 solicitations is not eligible under this RFP. For greater clarity, this includes projects that failed to execute NYSERDA's RES Standard Form Agreement for an award in the prior three RES solicitations, or terminated their Agreement from the solicitations. However, a project whose award under RESRFP22-1, RESRFP23-1, or RESRFP24-1 was subsequently rescinded by NYSERDA, or that was ultimately found by NYSERDA to have been ineligible for the RFP under which it was originally purported to have been awarded, would not be affected by this requirement, and will be permitted to participate in RESRFP25-1. NYSERDA intends to revisit and potentially revise these eligibility requirements in RESRFP26-1. Projects awarded funding under NYSERDA's recent [Agrivoltaics Research and Demonstration RFP \(REFP 5752\)](#) are permitted to seek a NYSERDA Tier 1 REC Agreement.

Tier 1 RECs that are already committed to NYSERDA or any other entity pursuant to an existing award or contract (Encumbered Tier 1 RECs) are not eligible for award in RESRFP25-1. As such, a Bid Proposal in RESRFP25-1 should not include any Encumbered Tier 1 RECs in the Bid Quantity or Bid Quantity Percentage. For example, a Bid Proposal with a Bid Quantity Percentage of 100% should have 100% of the Tier 1 RECs to be produced by the Bid Facility free and unencumbered for purposes of sale to NYSERDA during the Contract Delivery Term of the NYSERDA Tier 1 REC Purchase and Sale Agreement. As a further example, if the RECs associated with 25% of the output of a Bid Facility are Encumbered Tier 1 RECs, the Bid Quantity Percentage of that Bid Facility should be no more than 75%.

NYSERDA reserves the right to adjust a Bid Proposal's Bid Quantity and Bid Quantity Percentage in a manner that will remove any Encumbered Tier 1 RECs from the Bid Quantity and Bid Quantity Percentage as a condition to eligibility and consideration for award.

Facilities that do not have a Tier 1 agreement and are included as a component of an awarded Tier 4 proposal (or subsequently added to an awarded Tier 4 project through modification of the Tier 4 Agreement) may participate in RESRFP25-1 and/or future Tier 1 solicitations subject to Tier 1 eligibility requirements.

2.1 Update to Mutual Termination Agreement Terms

For Bid Facilities with an Amended and Restated Mutual Termination Agreement (“ARMTA”), NYSERDA will maintain the approach taken therein and as previously set out in in RESRFP24-1, as follows:

1. For Bid Facilities subject to the ARMTA, NYSERDA will not draw on ARMTA contract security until a pre-established but confidential amount of generation associated with Bid Facilities subject to the ARMTA is awarded and contracted with NYSERDA (the “Threshold Point”), at which point NYSERDA will draw on the contract security of the remaining Bid Facilities subject to ARMTAs that have not been provisionally awarded as of that time, other than Bid Facilities, if any, that have been ineligible to propose into any of the RES solicitations issued after the date of the ARMTA under which awards have been made as of such time (“Ineligible Bid Facilities”). **Please note that unlike the prior RESRFP23-1 policy that gave NYSERDA the right, but not the obligation to draw on the contract security of projects that proposed but were not awarded, consistent with RESRFP24-1 policy, NYSERDA is committing to draw on contract security if and when this confidential level of generation is under contract.** NYSERDA will provide notice to affected Bid Facilities prior to drawing on contract security in this event.
2. If a Bid Facility that is eligible for RESRFP25-1 or a subsequent RES solicitation does not participate in the first RES solicitation that it is eligible for, NYSERDA **will draw** its contract security at that time.
3. At the time the Threshold Point is reached, NYSERDA will not draw on the contract security of any Ineligible Bid Facilities (as defined above). However, after the Threshold Point is reached, NYSERDA **will draw** on the contract security of any Ineligible Bid Facility if and when it becomes eligible to propose into a RES solicitation if it either fails to propose or is not awarded in such solicitation.
4. Consistent with the existing terms of the ARMTA, if a Bid Facility that is subject to an ARMTA is awarded in RESRFP25-1 or any subsequent RES solicitation, its existing contract security will be added to the additional contract security due in the solicitation it is awarded under.

2.2 Upgrade and Repower Eligibility & Evaluation

Upgrade Bid Facilities are eligible to the extent that they produce incremental generation that exceeds the Bid Facility’s historical generation levels as verified by a third-party engineering report.

The full generation produced by a Repowering Bid Facility is eligible if the Bid Facility has reached the end of its useful life (e.g., 20 years for wind and Solar PV Bid Facilities, 50 years for hydroelectric Bid Facilities) and has met the requirements to (i) replace each prime mover,²⁴ resulting in an overall increase of 15% or more in the production of the generation unit, and (ii) make capital expenditures in excess of 80% of the Repowering Bid Facility’s tax basis (not including its property and tangible assets). Proposers are encouraged to reference Section 7.6 Repowering Project of the [New York State Clean](#)

²⁴ For purposes of this requirement, “prime mover” is defined as follows: for wind Bid Facilities, the wind turbine, including the generator, gearbox (if any), rotor and blades; and for solar PV Bid Facilities, the modules and inverters. Hydroelectric Bid Facilities are not subject to the requirement to replace the prime mover, but must meet the other Repowering eligibility requirements.

[Energy Standard RES Tier 1 Certification Submission Instructions and Eligibility Guidelines](#) to review the full scope of requirements for Tier 1-eligible Repowering Bid Facilities and the requirements for third-party engineering reports needed to demonstrate provisional Tier 1 eligibility.

A Bid Facility that has not reached the end of its useful life may be eligible for a portion of its generation to be Tier 1 eligible prior to the end of the useful life based on the results of the required third-party engineering report. Prior to the end of the Bid Facility’s useful life, the percentage increase in generation attributable to the Repowering will be Tier 1 eligible. Once the useful life of the original project is met, all generation (100%) from the Repowering Bid Facility will be Tier 1 eligible. See Table 3 below for an illustrative example of a Repowering Bid Facility that will be partially Tier 1 eligible prior to the end of the 20-year useful life.

Table 3. Illustrative Example of Pre-End of Useful Life Tier 1 Eligible Generation

Calendar Date	Useful Life	Original Project (Projected Generation)	Repowering Bid Facility (Projected Generation)	% Increase in Generation	Tier 1 % Applicability	Non-Tier 1 % Applicability	Tier 1 Eligibility Applicable to Generation Dates
7/1/23-6/30/24	17	762,120	914,544	20%	20%	80%	
7/1/24-6/30/25	18	744,600	914,544	23%	23%	77%	4/1/25-6/30/25
7/1/25-6/30/26	19	727,080	914,544	26%	26%	74%	7/1/25-6/30/26
7/1/26-6/30/27	20	709,560	914,544	29%	29%	71%	7/1/26-6/30/27
7/1/27-6/30/28	21	n/a	914,544	n/a	100%	0%	7/1/27-6/30/28

2.3 Subsequent Tier 1 Eligibility Changes

Bid Facilities selected for an award under this RFP will not be subject to subsequent changes in RES eligibility rules; however, if the Bid Facility fails to maintain eligibility consistent with the RES requirements as they existed at the time of an award, such ineligibility will extend to the RECs associated with the Bid Facility’s production throughout the entire period in which the Bid Facility fails to maintain eligibility.

Bid Facilities selected for an award under this RFP will be subject to any ongoing PSC proceedings related to Tier 1 eligibility, and awards may be made to Bid Facilities conditional upon confirmation from the PSC that the resource is Tier 1 eligible.

2.4 Conformance with NYGATS Operating Rules

If awarded under RESRFP25-1, Proposers must maintain a valid NYGATS ID, obtain a Statement of Qualification, achieve Operational Certification, and operate in conformance with the [NYGATS Operating Rules](#).²⁵ Proposers must implement a Forward Certificate Transfer of Tier 1 RECs in NYGATS, up to the Annual REC Cap, into NYSERDA’s NYGATS Account. NYSERDA will make payment for Tier 1 RECs from the Bid Facility delivered to NYSERDA’s NYGATS account.

For Bid Facilities located in adjacent control areas, Proposers must ensure that, if awarded under a Tier 1 solicitation, the electricity associated with their RECs is (1) scheduled, transmitted, delivered, and

²⁵ [New York Generation Attribute Tracking System \(NYGATS\)](#)

settled in the NYISO energy market on an hourly basis, and (2) accompanied by documentation of a unit-specific contract path between the injection point in the control area of origin to the delivery point in New York.

Documentation of a unit-specific contract path must indicate the provision of transmission rights for delivering the generation via the NYISO using the North American Electric Reliability Corporation (NERC) tag fields "Sending and Receiving Control Areas," "Purchasing/Selling Entity Name," and "Number." For imported RECs to be flagged as eligible for Tier 1, projects located in an adjacent control area will need to continuously demonstrate the delivery of energy and RECs into New York State through the requirements laid out in the Final Phase 1 Implementation Plan. Tier 1 eligible energy scheduled and delivered from external control areas must be accompanied by the NERC tag information from an outside organization such as the Open Access Technology International (OATI) System identifying the importing project as the source for the scheduled and transmitted electricity into the NYISO, which NYSERDA uses to ensure that the requirements set forth in the Final Phase 1 Implementation Plan have been satisfied.

All Bid Facilities located in adjacent control areas (known as Import projects or External Bid Facilities) must apply for Provisional Eligibility and provide a sample tag. Once approved as Operational, NERC tag information must be emailed to res@nyscrda.ny.gov directly in its original unaltered form from OATI or a similar system.

2.5 Alternate Bid Proposals

Proposers may elect to submit Alternate Bid Proposals for a Bid Facility that includes a different Nameplate Capacity, Co-located Storage Facility, or Component Cost Indices adjustment. Step Two Bid Proposals may contain one or more of the components that comprise an Alternate Bid Proposal. In order to submit an Alternate Bid Proposal, Proposers should indicate this election in the Step One Eligibility Application and provide a populated Attachment D. Bid Data Form that includes data for the Alternate Bid Proposal(s) with the Step Two Bid Proposal. Each Bid Proposal must utilize only one price structure (Fixed REC or Index REC), however Alternate Bid Proposals for the same Bid Facility may utilize different price structures if the Bid Facility has material differences among the Bid Proposals, such as for a Bid Facility bid with and without an Energy Storage Component, and/or a Bid Facility bid with two different Bid Capacities (MW). Proposers may submit a maximum of three Alternate Bid Proposals in addition to the Base Bid Proposal. Alternate Bid Proposals can opt into any combination of the three Alternate Bid Proposals described below.

2.5.1 Alternate Nameplate Capacity Bid Proposal

Bid Facility configurations representing different Nameplate Capacities may be submitted as Alternate Bid Proposals under Step Two of RESRFP25-1. Proposers electing to submit with a different Nameplate Capacity for the same Bid Facility must select the option for an Alternate Bid Proposal with a different Nameplate Capacity in the Step Two Bid Proposal. Neither a separate Step One Eligibility Application in the solicitation website nor a separate PSoQ is required, but all Bid Facility Nameplate Capacities must be equal to or less than the Nameplate Capacity associated with the evidence provided that the Bid Facility has achieved the Minimum Threshold Criteria. Proposers must enter information representing both the Base Bid Proposal and the Alternate Bid Proposal(s) with a different Nameplate Capacity in Attachment D. Bid Data Form and provide a separate Attachment E. P(50) 8760 Template for the Alternate Bid Proposal(s) with a different Nameplate Capacity.

Proposers of Repowering Bid Proposals that are considering multiple repowering configurations may submit Alternate Bid Proposals as Alternate Nameplate Capacity Bid Proposals that capture alternative repowering configurations. These Alternate Bid Proposals will be evaluated in competition with the Base Bid Proposal, as well as the rest of the Bid Proposal cohort for RESRFP25-1.

2.5.2 Alternate Co-located Storage Bid Proposal

Proposals that wish to include configurations with a Co-located Storage Facility must submit an Alternate Bid Proposal that includes such Co-located Storage Facility. The Alternate Bid Proposal includes a requirement to submit additional information on the Energy Storage Component and the option to adjust the Strike Price from the Base Bid Proposal to account for the Energy Storage Component. Proposers must enter information representing both the Base Bid Proposal and the Alternate Bid Proposal(s) with the Co-located Storage Facility in Attachment D. Bid Data Form and provide a separate Attachment E. P(50) 8760 Template for the Alternate Bid Proposal(s) with the Co-located Storage Facility.

The Co-located Storage Facility eligibility requirements are:

1. The Energy Storage Component utilizes storage technology that is electrical, chemical, mechanical, or thermo-electric, and has been previously Commercially Deployed.
2. The Energy Storage Component must have a minimum capacity of 5 megawatts alternating current (MWac) power.
3. The Energy Storage Component must be either co-located with the generation behind a single wholesale or retail meter or co-located with the generation behind a separate wholesale or retail meter.

In addition:

1. The Energy Storage Component must be constructed consistent with the energy storage system requirements outlined in Section 2.1.2 of the Bulk Energy Storage Program Manual²⁶ filed by NYSERDA on June 12, 2025.
2. The Energy Storage Component must complete Peer Review prior to commencement of construction, as described in Section 3 of the Bulk Energy Storage Program Manual. Proposers may request to start the Peer Review process at any time, regardless of REC Agreement execution status.
3. The Energy Storage Component must complete Quality Assurance prior to Operational Certification, as described in Section 4 of the Bulk Energy Storage Program Manual.
4. The Energy Storage Component systems must be permitted and installed as proposed and remain in place for the life of the Contract Tenor.

The following Energy Storage Components are not eligible for inclusion as a Co-located Storage Facility under this solicitation:

- An Energy Storage Component that is owned by a regulated utility or the Long Island Power Authority;

²⁶ <https://www.nysERDA.ny.gov/-/media/Project/Nyserda/Files/Programs/Energy-Storage/Bulk-Energy-Storage-Program-Manual.pdf>

- An Energy Storage Component that has been awarded a Utility Bulk Dispatch Rights Contract;
- An Energy Storage Component that receives a NYSERDA Retail/Residential Energy Storage incentive, a NYSERDA Bulk Energy Storage incentive, including the Index Storage Credit Request for Proposals, at the time of Step Two bid submission;
- An Energy Storage Component with a point of interconnection outside of the NYCA;
- An Energy Storage Component subject to an active NYSERDA Tier 1 award or contract.

Co-located Storage Facilities may participate in both RESRFP25-1 and ISCRFP25-1, provided that such Co-located Storage Facility satisfies any applicable eligibility requirements. However, the Energy Storage Component will only be awarded under one of the two competitive solicitations. If a Proposer is awarded a contract for RECs or ISCs and provided a Bid Proposal for the same Bid Facility in both RFPs, the Proposer must withdraw its Bid Proposal from the non-awarded RFP. For example, if a Co-located Storage Facility is awarded an ISC contract under ISCRFP25-1, the Proposer must withdraw any corresponding Alternate Co-located Storage Bid Proposal submitted to RESRFP25-1. Alternatively, if a Co-located Storage Facility is awarded a REC contract under RESRFP25-1, the Proposer must withdraw the corresponding energy storage project submitted to ISCRFP25-1. The Base Bid Proposal for the renewable energy portion of the Bid Facility may continue to participate in RESRFP25-1.

Co-located Storage Facilities do not need to be registered in NYGATS. All Co-located Storage Facilities must be electrically interconnected with the NYCA.

Awarded Bid Proposals not including an Energy Storage Component may add an Energy Storage Component in the future, subject to fulfilling all existing terms of the Agreement, provided that such Energy Storage Component will not be used to re-price a Bid Facility that initially lacks an Energy Storage Component.

Energy Storage Components may participate in the NYSERDA Bulk Energy Storage program, so long as the Energy Storage Component (1) satisfies any applicable eligibility requirements of the NYSERDA Bulk Energy Storage program and (2) the contract for RECs for an awarded Alternate Co-located Storage Bid Proposal is adjusted if the Energy Storage Component is awarded an ISC contract.

Co-located Storage Facilities participating in a Utility Bulk Dispatch Rights solicitation or other NYPA/LIPA/utility-managed competitive offer are eligible to participate in RESRFP25-1, however no facility is eligible for award under RESRFP25-1 if the Energy Storage Component is selected by a utility-managed solicitation or other competitive offer. NYSERDA will coordinate with the manager of any other active solicitation prior to issuing final awards under RESRFP25-1 to ensure that projects participating in multiple offers are not prematurely deemed ineligible.

Note that, under the Agreement, NYSERDA will make payment only for Tier 1 RECs delivered to NYSERDA's NYGATS Account. If the Energy Storage Component is charged from the co-located renewable generation, the energy discharged from the Energy Storage Component will generate Tier 1 RECs that will be eligible for payment. Should the Co-located Storage Facility receive an award, the Proposer will be required, at the time of contracting, to demonstrate to NYSERDA's satisfaction that the project will be configured and metered in a way that will ensure that Tier 1 RECs are created only based on energy generated by the Tier 1 Bid Facility.²⁷ Energy Storage Components that are located separate

²⁷ See Intermittent Power Resources: Frequently Asked Questions and the FERC Order Accepting Co-located Storage Resources (CSR) Revisions for additional resources.

from the Bid Facility may store energy from the grid but will not create Tier 1 RECs and therefore the associated stored energy will not be eligible for payment under the Agreement.

Alternative energy storage applications not covered in the Energy Storage Component definition of this RFP may be considered under Incremental Economic Benefits to New York as decarbonization, clean energy industry or energy transition investments as further described in Appendix 4. Incremental Economic Benefits Guidelines.

For more on how the Index REC Strike Price will be adjusted in relation to Co-located Storage Facilities, please see Section 5.02 (e) of the Agreement.

2.5.3 Component Cost Indices Adjusted (CCIA) Bid Proposal

Proposers may submit an Alternate Bid Proposal with a price structure where the Index REC Strike Price or Fixed REC Price would be subject to a one-time adjustment to reflect changes in pre-determined price indices subsequent to the Step Two Deadline for Submission of Proposals. Proposers electing to submit with a CCIA Bid Proposal must select the option for a CCIA Bid Proposal in the Step Two Bid Proposal. Additional details on this adjustment mechanism are provided in Section 5.2.1 of this RFP and in Section 5.03 of the Agreement. Proposals that include this adjustment will be evaluated using a price adder reflecting NYSERDA's inflation expectation as further described in Section 5.5 of this RFP.

2.6 Contractual Commitments

2.6.1 Prevailing Wage Requirement

As set out in the Agreement, in accordance with New York State Labor Law § 224-d(2), and unless relieved of such requirements by entering into a duly executed pre-hire collective bargaining agreement covering the construction of the Bid Facility that complies with the requirements of New York State Labor Law § 224-d(3), all laborers, workmen and mechanics, within the meaning of New York State Labor Law Article 8, performing construction work with respect to the Bid Facility, whether through long-term or short-term employment, must be paid at least the minimum hourly wage and supplemental payments that are prevailing in the area where the Bid Facility will be situated, erected and used, in accordance with New York State Labor Law § 220 and as published by the New York State Department of Labor (DOL)²⁸, or at least the equivalent prevailing wage requirements of the jurisdiction where the Bid Facility is located (the "Prevailing Wage").

This requirement applies: (1) to all laborers, workmen and mechanics performing construction work, whether direct employees of the Seller or whether Seller's contractors or subcontractors, and (2) regardless of whether such employment was claimed as an Economic Benefit in Seller's Bid Proposal. Prior to entering any contract with contractors for construction work for the Bid Facility, Seller shall provide confirmation that it has received from DOL (or equivalent) a Prevailing Wage schedule for construction work for the Bid Facility, as will be updated from time to time. Unless relieved of such requirements by entering into a duly executed pre-hire collective bargaining agreement in accordance with New York State Labor Law §224-d(3), Seller will be responsible for complying with all prevailing wage requirements (including but not limited to reporting requirements and requirements to obtain and retain certifications of payroll from all contractor(s) and/or subcontractor(s)) under New York State

²⁸ For NYS DOL Prevailing Wage Schedules, please visit:
<https://labor.ny.gov/workerprotection/publicwork/PWContents.shtm>

Labor Law § 220, 220-b, and 224-d, as well as the registration and reporting requirements set out in New York State Labor Law §220-i and 220-j) (or other equivalent law).

For Bid Facilities with an Energy Storage Component, in addition to the requirements set out above in relation to payment of Prevailing Wage for Bid Facilities, pursuant to the terms of the Agreement, unless relieved of such requirements by entering into a duly executed pre-hire collective bargaining agreement covering the construction of the Energy Storage Component that complies with the requirements of New York State Labor Law § 224-d(3), Seller shall also pay Prevailing Wage for construction work for the Energy Storage Component in accordance with the requirements of Section 18.10(a) of the Agreement.

Further details on the Prevailing Wage requirements for RESRFP25-1 are found in Section 18.10 of the Agreement.

2.6.2 Labor Peace Agreement

New York State Public Service Law § 66-r (3) requires that the Agreement include a stipulation that the Seller, as owner of the Bid Facility, or a third party acting on the Seller's behalf, stipulate that it will enter into a Labor Peace Agreement (LPA) where a bona fide labor organization is actively representing, or attempting to represent, employees providing operations and maintenance services for the Bid Facility. As described more fully in Section 18.13 of the Agreement, pursuant to and to the extent legally required by New York State Public Service Law § 66-r (3), the maintenance of such an LPA shall be an ongoing material condition of any continuation of payments under the Agreement.

2.6.3 U. S. Iron and Steel (Buy-American)

New York State Public Service Law (PSL) § 66-r (4) (a) (the Buy-American Act) requires public entities to include within the terms and conditions of any covered contracts a contractual requirement that "iron and steel used or supplied in the performance of the Contract or any subcontract thereto[,] shall be produced or made in whole or substantial part in the United States, its territories or possessions." However, PSL § 66-r (4) (b) provides that the Buy-American requirement "shall not apply if the head of the department or agency constructing the public works, in his or her sole discretion, determines that the provisions would not be in the public interest, would result in unreasonable costs, or that obtaining such steel or iron in the United States would increase the cost of the contract by an unreasonable amount, or such iron or steel, including without limitation structural iron and structural steel cannot be produced or made in the United States in sufficient and reasonably available quantities and of satisfactory quality." The Buy-American Act requires the soliciting agency to make such determination in each RFP.

In accordance with the objectives of the Buy-American Act, NYSERDA has undertaken a study to examine the implications of the Buy-American Act as applied to the Large-Scale Renewables Facilities and associated Bid Facility components anticipated to be the subject of Proposals submitted in response to this RFP (RESRFP25-1). On the basis of this study, NYSERDA has determined that due to the potential for increased costs, schedule delay, current market dynamics, manufacturer availability, and steel availability, including the requirement in RESRFP25-1 would not be in the public interest.²⁹ Requiring all

²⁹ For more, see Appendix 3. RESRFI22-1 Preliminary Determination Memorandum, Public Service Law (PSL) § 66-r (the New York "Buy-American" law), revised September 2022, available at <https://nysesda.ny.gov/>

iron or steel to be sourced domestically would not be in the public interest, as it may result in unreasonable increased costs and schedule delays. The study also examined the feasibility of contractual requirements to use domestic iron and steel. The study found that a contractual requirement for a reasonable minimum amount of U.S. Iron and Steel to be used in each Bid Facility would align with New York State's policy goals to incentivize utilization and growth of the renewable energy supply chain, including the U.S. steel industry that supports it, and reduce embodied carbon. The study conducted for RESRFP25-1 evidenced that an increase in the minimum amount of U.S. Iron and Steel to be procured for each Bid Facility is warranted for this RFP, reflecting recent market dynamics including increased cost and greater domestic availability of major structural elements.

Accordingly, the President and CEO of NYSERDA hereby determines to not require all iron or steel to be produced in the United States for utility-scale solar PV and onshore wind energy generation systems; however, use of iron and steel that is produced in New York, and in the United States, is valued by NYSERDA. Accordingly, as a matter of procurement policy in promoting the intent of the New York Buy American Act, any onshore wind Bid Facility awarded a contract in RESRFP25-1 is required to establish that it expends a minimum of \$61,000 per MWac on U.S. Iron and Steel. Any Solar PV Bid Facility awarded a contract in RESRFP25-1 is required to establish that it expends a minimum of \$33,000 per MWdc on U.S. Iron and Steel. Any hydroelectric Bid Facility awarded a contract in RESRFP25-1 is required to establish that it expends a minimum of \$64,000 per MWac on U.S. Iron and Steel. The applicable minimums noted above for U.S. iron and Steel per MW of Bid Capacity will be entered in the Agreement as Expected U.S. Iron and Steel Dollars/MW.

To the extent a Bid Facility falls short of the minimum dollar requirement determined for the project, any shortfall will be addressed through the remedy provided in Section 5.02 (f) of the Agreement.

For Bid Facilities that utilize technology other than utility-scale solar PV, onshore wind, or hydroelectric repowering, and have yet to be constructed, or for Bid Facilities that qualify as an incremental upgrade or repowering facility, NYSERDA will determine the compliance obligation in cooperation with Proposers in advance of the Step Two Bid Proposal deadline.

2.6.4 Disadvantaged Communities Economic Benefit Commitments

Proposers are encouraged to make elective commitments in their Step Two Bid Proposals that will commit the Proposer to a certain dollar amount of expenditures that will accrue to disadvantaged communities. Such commitments will be evaluated favorably and be incorporated into the Agreement as Disadvantaged Community Commitments. To the extent a Bid Facility falls short of the minimum dollar requirement set forth in the Agreement, any shortfall will be addressed through the remedy provided in Section 6.10 of the Agreement.

Additionally, in order to support the direction of Incremental Economic Benefits to disadvantaged communities in New York, NYSERDA will allow Incremental Economic Benefits claims to include commitments to the [Renewable Energy Access and Community Help program](#) ("REACH"), which funds electric utility bill credits for low-income ratepayers in disadvantaged communities.

[/media/Project/Nyserda/Files/Programs/Clean-Energy-Standard/NYSERDA-Buy-American-Supplemental-Study-Onshore-Wind-UtilityScale-Solar.pdf](#). NYSERDA has determined that the domestic content provisions of the Buy American Act would not be in the public interest for RESRFP22-1, RESRFP23-1, RESRFP24-1, and RESRFP25-1.

Additional resources for identifying disadvantaged communities are located on the [New York Climate Act website](#), including an interactive map to identify areas throughout the state that meet the final criteria identified for a disadvantaged community. The [Climate Justice Working Group](#) has developed a [Disadvantaged Communities Reporting Data Collection Template](#) file, which includes a tab entitled “DAC %” that contains a percentage-based disadvantaged community designation for all New York villages, towns, cities, counties, and census tracts. NYSERDA would like to make Proposers aware of this document and encourages them to consult it while drafting bids for RESRFP25-1 in order to make more accurate incremental economic benefits claims to disadvantaged communities.

2.6.5 Host Community Benefit Program

In [Public Service Commission Case 20-E-0249](#), In the Matter of a Renewable Energy Facility Host Community Benefit Program, the [PSC ordered](#) that residential electric utility customers residing in a renewable Host Community receive an annual bill credit for each of the first ten years that a Major Renewable Energy Facility operates in that community. Funding for the bill credits will be provided by the owners of major solar and wind renewable energy facilities by paying an annual fee of \$500 per megawatt (MW) and \$1,000 per MW, respectively, of nameplate capacity. The fees paid by a Major Renewable Energy Facility would be distributed equally among the residential utility customers within the Host Community of the facility.

Therefore, NYSERDA directs Proposers submitting Bid Facilities of 25 MW and larger sited within New York State to RESRFP25-1 to include at least a \$500 per megawatt (MWac) Host Community Benefit Program Fee (“Program Fee”) for solar projects and \$1,000 per megawatt Program Fee for wind projects, for each of the first ten years once the Bid Facility reaches Commercial Operation.³⁰ Proposers are encouraged to include these Program Fees in their Incremental Economic Benefits submission.

³⁰ PSC February 11, 2021 Order Adopting a Host Community Benefit Program, <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={DFD69D2F-A16F-404F-9A7C-283F0C79D1DB}>

3 STEP ONE ELIGIBILITY APPLICATION AND DETERMINATION

Step One is an initial qualifying step through which the Proposer must provide documentation confirming that the Bid Facility is registered in NYGATS as Tier 1 eligible and other key information about the Proposer and the Bid Facility. Step One Eligibility Applications must be submitted via the [solicitation website](#) and will be examined for completeness and to determine whether the Proposer and Bid Facility meet the eligibility requirements outlined in Section 2. In order to meet the eligibility criteria, the Proposer must:

- Be located within NYCA or in an adjacent control area and deliver energy into New York State in accordance with the RES Delivery Requirements in the Agreement and NYGATS Operating Rules, and have first commenced Commercial Operation on or after January 1, 2015, or must produce new, incremental energy and Tier 1 RECs from new Bid Capacity above a historical baseline.

Proposers are advised that the Tier 1-eligible technology types have been amended per the CES Modification Order, and include the following technologies:

Table 4. Eligible Tier 1 Technology Types

Technology	Source	Other Requirements
Solar Photovoltaics and Thermal		
On-land and offshore wind	Wind turbines	
Hydroelectric	Low-Impact Run-of-River Hydroelectric; Upgrades	No new storage impoundments; eligibility for Upgrades limited to the incremental production associated with the upgrade.
Fuel Cells	Solid Oxide Fuel Cells (SOFC) Molten Carbonate Fuel Cells (MCFC) Proton Exchange Membrane Cells (PEM) Phosphoric Acid Fuel Cells (PAFC)	Must utilize a non-fossil fuel resource, such as hydrogen (or other fuel), that has been produced using a “renewable energy system” ³¹ as a primary source.
Tidal/Wave/Ocean	Tidal and Ocean Wave or Current (turbines and other rotary motion devices); Ocean Thermal Pumped Storage Hydro Powered by Tidal	
Geothermal Electric		
Geothermal Ground Source Heat		

Proposers are advised that the Tier 1 eligibility requirements regarding Repowering have also been updated pursuant to the CES Modification Order, as discussed in Section 3.3.

Proposers should ensure that each proposed Bid Facility meets the Tier 1 eligibility requirements to participate in RESRFP25-1, and each Bid Facility is registered in the New York Generation Attribute

³¹ A system that generates electricity through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

Tracking System (NYGATS) as early as possible to ensure that the facility is eligible to submit a Step One Eligibility Application.

Interested Proposers may access [the Tier 1 Certification Submission Instructions and Eligibility Guidelines here](#), and are strongly encouraged to register each Bid Facility in NYGATS by following the instructions posted on the Clean Energy Standard website: [RES Tier 1 Certification](#). Interested Proposers may register their facilities in NYGATS at any time (open, rolling enrollment), including prior to the issuance of RESRFP25-1, and are requested to apply for Tier 1 certification no later than Thursday, October 9, 2025.

A complete Step One Eligibility Application must include the following components:

- 1) The letter received in the Proposer's NYGATS account from NYSERDA confirming that the application for Tier 1 eligibility (SoQ or PSoQ) has been approved.
- 2) The Step One Eligibility Application electronic form on the solicitation website providing required information about the Proposer and the Bid Facility for which the SoQ/PSoQ was granted. This will include Proposer contact information, and Bid Facility name, nameplate capacity, expected annual generation, interconnection location (e.g., NYISO Zone), host community or communities, and intended pricing structure (Fixed REC or Index REC; not binding), and whether energy storage is to be included.
- 3) A completed Executive Order No. 16 certification form.
- 4) A completed Competitive Solicitations Disclosure Statement.
- 5) A completed Vendor Responsibility Certification Checklist.

Instructions on how to submit a full Step One Eligibility Application are available in the Attachment C. Step One Submission Instructions. Proposers whose Step One Eligibility Applications are found to be complete and that demonstrate eligibility will receive a Notice of Qualification, which will provide Proposers with a description of and access to the process and forms to be used to submit a Step Two Bid Proposal.

Proposers must submit the full Step One Eligibility Application, including an approved PSoQ or SoQ, via the [solicitation website](#) by **3:00 p.m. ET on Tuesday, October 21, 2025**.

Incomplete Step One Eligibility Applications will be subject to disqualification. It is the Proposer's responsibility to ensure that all required forms and attachments have been completed and submitted. Late submissions will not be accepted. Proposers deemed qualified to submit a Step Two Bid Proposal will be emailed a Notice of Qualification and notified via the solicitation website.

Proposers whose Step One Eligibility Applications are found not to satisfy the eligibility requirements or to be deficient in some other respect will receive notification that they are not eligible to submit a Step Two Bid Proposal. NYSERDA will attempt to contact any Proposers with deficient Step One Applications prior to issuing a notice that the Bid Facility is not eligible to submit Step Two Bid Proposal.

3.1 NYGATS Registration and Request for NYGATS Resource Eligibility Determination; Provisional Statement of Qualification (PSoQ) or Statement of Qualification (SoQ)

All Tier 1 eligibility applications to obtain a PSoQ/SoQ must be approved in the New York Generation Attribute Tracking System (NYGATS). Proposers can access the NYGATS system at the following links:

- New User Registration: <https://nygats.ny.gov/ng/Admin/Account>
- Existing User Sign-In: <https://nygats.ny.gov/>

Requests to obtain Tier 1 certification are completed in NYGATS. To complete a request, Proposers must create a NYGATS account, complete a project registration for the Bid Facility, and once registration is approved, complete an application requesting a Resource Eligibility Determination, in the form of either a Statement of Qualification (SoQ), for facilities in operation at the time of request, or a Provisional Statement of Qualification (PSoQ), for facilities not yet in operation at the time of request. The SoQ/PSoQ certifies that a Bid Facility has met or will meet the eligibility requirements under Tier 1 of the RES.³² NYSERDA will notify the Proposer of its eligibility determination by posting a letter in the Proposer's NYGATS account associated with the Bid Facility.

The Bid Facility characteristics submitted for the NYGATS project registration must align as closely as possible with the characteristics intended to be submitted as part of a Step Two Bid Proposal (*e.g.*, Nameplate Capacity, NYISO Zone). Alternate Applications and Bid Proposals do not require a separate PSoQ in NYGATS (*e.g.*, Bid Facilities seeking to submit the project as different Nameplate Capacities). Step One Eligibility Applications with a different Nameplate Capacity than the Bid Facility's PSoQ must be smaller than the Nameplate Capacity associated with the PSoQ.

The application requesting a new Resource Eligibility Determination is requested to be completed in NYGATS no later than Thursday, October 9, 2025. This will enable NYSERDA to complete the Tier 1 eligibility determination and issue the SoQ/PSoQ prior to the deadline for submitting the Step One Eligibility Application.

Any Bid Facilities that are not yet in operation with a PSoQ that is over two years old are requested to re-submit a Tier 1 certification request to NYGATS for verification **no later than Thursday, October 9, 2025**. This applies to Bid Facilities with a PSoQ issued on or before October 1, 2023. To re-submit a Tier 1 certification request to NYGATS please follow the [Tier 1 Certification process](#).

More information on the Resource Eligibility Determination process, including guidelines for documenting eligibility for certification, including the eligibility of distributed energy resources, Upgrades, relocated facilities and facilities returning to service and training materials for using NYGATS to apply can be found on [NYSERDA's RES Tier 1 Certification website](#).

3.2 Consistency with Existing PSoQ

For a Bid Facility with an existing PSoQ, a Step One Eligibility Application submitted for the Bid Facility under this RESRFP25-1 must be consistent with the existing PSoQ. Some resource changes, for example a change in the Technology Type, Nameplate Capacity, Control System Operator, New York Independent System Operator (NYISO) Zone, Electric Utility Company, Tariff Type, Vintage Type, Bid Facility address, or other key project components will require Proposers to submit a new PSoQ.

NYSERDA will work with the Proposer to rectify any discrepancies. If assistance is needed, please contact lsrops@nyserda.ny.gov by October 6, 2025 to allow adequate time for NYSERDA to respond to the requests, help cure any deficiencies or seek clarifications needed to issue an PSoQ with ample time prior

³² See <https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/RES-Tier-One-Eligibility/Certification>

to the Step One Eligibility Application deadline. Emails seeking assistance should be sent with a subject line "PSoQ Assistance."

Any requests to transfer an already approved PSoQ to a different NYGATS account must follow the [Transfer process](#). The transfer process must be completed prior to requesting an updated PSoQ. Do not request a transfer if the PSoQ is over two years old. Instead, register and apply for a new PSoQ.

Proposers are permitted to submit a Bid Facility at a Bid Capacity that is smaller than their PSoQ specifies without need for a PSoQ revision or resubmission.

Any projects with generation that will not be fully Tier 1 eligible, such as upgrade projects or repowered projects that have not reached the end of their useful life need to apply to NYGATS as early as is feasible such that NYSERDA can determine the amount of generation that the facility may produce to be Tier 1 eligible. NYSERDA will contact the Proposer and coordinate with them if additional information is needed to make this determination.

Any requests for new NYGATS applications or modifications to existing NYGATS applications are requested to be submitted by Proposers by October 9, 2025. to give sufficient time for review and approval of the PSoQ.

3.3 Incremental Upgrade and Repowering Bid Facilities

Prior to the end of an existing Bid Facility's useful life (20 years for wind and Solar PV Bid Facilities, 50 years for hydroelectric Bid Facilities), only incremental generation can qualify for Tier 1 as an Upgrade Bid Facility, to the extent it exceeds the Bid Facility's historical generation levels as verified by a third-party engineering report.

After the existing Bid Facility has reached the end of its useful life, the entire capacity can be eligible as a Repowering Bid Facility if the following requirements are met:

- The Repowering must include replacement of each prime mover, and result in an overall increase of 15% or more in the production of the generation unit compared to its projected future output. For purposes of this requirement, "prime mover" is defined as follows: for wind Bid Facilities, the wind turbine, including the generator, gearbox (if any), rotor and blades; and for solar PV Bid Facilities, the modules and inverters. Hydroelectric Bid Facilities are not subject to the prime mover replacement requirement but are subject to the 15% production increase requirement.
- The Repowering must have the result that 80% of the tax basis per Generally Accepted Accounting Principles (GAAP) from the completed Repowering Bid Facility (not including its property and tangible assets) is derived from capital expenditures made on or after October 15, 2020. An independent audit and verification will be required. Certification will be required and submitted at the time of the resource eligibility determination under Tier 1 of the RES.

Additionally, a generator that has not yet reached the end of their useful life can be repowered, and a portion of the generation from the Repowered Bid Facility may be Tier 1 eligible until the end of the useful life of the original generator is reached. NYSERDA would make this determination based on the results of a required third-party engineering report as described in the CES Tier 1 Eligibility Guidelines. If the generator is repowered prior to the end of the original generator's useful life, and the Repowering

Bid Facility is eligible in all other respects, the percentage increase in generation attributable to the Repowering will be Tier 1 eligible. Once the useful life of the original generator is met, all generation (100%) from the Repowering Bid Facility will be Tier 1 eligible.

Proposers seeking to participate in RESRFP25-1 with an Upgrade or Repowering Bid Facility are strongly encouraged to contact the Large-Scale Renewables team at res@nyserda.ny.gov prior to starting a Tier 1 request in NYGATS. NYSERDA also strongly encourages submitting a Tier 1 request as soon as possible if seeking to participate in RESRFP25-1. Proposers must submit a Tier 1 request for a Provisional Statement of Qualification (PSoQ), if under development, or Statement of Qualification (SoQ), if operational.

Proposers seeking to submit a Step Two Bid Proposal for an Upgrade or Repowering Bid Facility must submit a Tier 1 request for PSoQ if the upgraded or repowered actions have not yet been constructed for the Bid Facility. In Attachment E. P(50) 8760 Template that will be submitted as part of the Step Two Bid Proposal, Proposers will enter the Bid Facility's full generation profile and annual Tier 1 Upgrade Percentage to calculate estimated Tier 1 RECs. Proposers should also re-submit the historical generation data submitted with the request for PSoQ with the Step Two Bid Proposal to verify the application of the Tier 1 eligibility percentage in Attachment E. The Tier 1 Upgrade Percentage will be used in both the Step One Eligibility Application and Step Two Bid Proposal to ultimately determine a Bid Facility's Bid Quantity.

3.3.1 Incremental Upgrades

Proposers that intend to submit bids for incremental Upgrades must utilize the Tier 1 Upgrade Percentage determined in the NYGATS SoQ or PSoQ. Upgrade Bid Facilities require a PSoQ, not an SoQ, if the proposed Upgrade Bid Facility is not yet in operation.

To obtain a PSoQ for a project already in commercial operation planning an Upgrade, the Proposer will need to register a new provisional project and submit a request for a PSoQ for the incremental Upgrade and associated production. The provisional Nameplate Capacity (MWac) entered by the Proposer should indicate the total capacity of the Bid Facility after the Upgrade. After the provisional project registration is approved, the applicant can submit a PSoQ request for the incremental production associated with the Upgrade. See Section 7.3 of the [New York State Clean Energy Standard RES Tier 1 Certification Submission Instructions and Eligibility Guidelines](#) for information on technology-specific PSoQ requirements for Upgrade Bid Facilities.

3.3.2 Repowering

Repowering Bid Facilities require a PSoQ, not an SoQ, if the proposed Repowering Bid Facility has not yet undergone the required capital improvements to qualify as Tier 1. Proposers are advised to consult the CES Modification Order for the full requirements to qualify a repowered facility as Tier 1 eligible.

For all technologies except Hydroelectric, the Repowering must include replacement of each prime mover. The Repowering must result in an overall increase of 15% or more in the production of the generation unit compared to its projected future output. A third-party engineering report will be required to verify the projected generation through the Tier 1 certification process. The third-party engineering report must include:

- For the original project:

- Commercial Operation date – Month/Year
- Description of age and useful life or prime mover, equipment, and other project specific details (Nameplate Capacity in MWac, Capacity Factor, etc.)
- Useful life end date of the original project – Month/Year
- All available historical generation associated with the original project – MWh/year
- If applicable, the projected generation for each year of remaining useful life of original project – MWh/year —
- For the Repowering Bid Facility:
 - Actual or anticipated Repowering Date – Month/Day/Year
 - Description of prime mover replacement, equipment, and other project specific details (Nameplate Capacity in MWac, Capacity Factor, etc.) as planned or completed
 - Projected generation for the repowered project for each year of remaining useful life (e.g., P(50) 8760, Resource Assessment and Energy Production Estimate in MWh)

The data provided in the third-party engineering report will assist NYSERDA in determining Tier 1 Eligible generation associated with Repowering Bid Facilities on a 12-month basis, starting the first of the month after the actual or anticipated Repowering date. Generation beyond what has been projected in the engineering report for each year of remaining useful life will be Tier 1 eligible. Once the useful life of the original project is met, all generation (100%) from the Repowering Bid Facility will be Tier 1 Eligible.

Bid Facilities that have not reached the end of their useful life may be eligible for a portion of their generation to be Tier 1 eligible prior to the end of the useful life based on the results of the required third-party engineering report. Prior to the end of the Bid Facility's useful life, the percentage increase in generation attributable to the Repowering will be Tier 1 eligible. Once the useful life of the original project is met, all generation (100%) from the Repowering Bid Facility will be Tier 1 Eligible. The Repowering must have the result that 80% of the GAAP tax basis from the completed Repowering Bid Facility (not including its property and tangible assets) is derived from capital expenditures made on or after the October 15, 2020 issuance of the CES Modification Order. Proposers must submit a valuation identifying the total cost of the as-completed project and the disposed equipment value. An independent Agreed-Upon Procedures (AUP) attestation report or similar level of audit and verification will be required to support this requirement at the time of the SoQ application. The AUP attestation or equivalent is subject to DPS Staff approval. Certification will be required and submitted at the time of the resource eligibility determination under Tier 1 of the RES. Proposers are encouraged to reference Section 7.6 Repowering Project of the [New York State Clean Energy Standard RES Tier 1 Certification Submission Instructions and Eligibility Guidelines](#) to review the full scope of requirements for Tier 1-eligible Repowering Bid Facilities and the requirements for third-party engineering reports needed to demonstrate provisional Tier 1 eligibility.

3.3.3 Return to Service

The entire output of a Bid Facility that does not meet the Threshold Eligibility Date (TED) requirements (i.e., was placed into service prior to January 1, 2015) can qualify as a Return to Service generation unit and be eligible to submit a Proposal into RESRFP25-1 if the Proposer can demonstrate to NYSERDA that the project had not been in commercial operation for at least 48 consecutive months prior to the return to service date noted in the PSoQ or SoQ request. The applicant must submit written documentation of the applicable dates in and out of service when submitting a PSoQ or SoQ application, such as an engineering report, formal letter, and/or data from the NYISO or the local utility.

3.4 Maximum Contract Tenor

Information provided with the Bid Facility's PSoQ/SoQ and Step One Eligibility Application will be used to determine the Maximum Contract Tenor available to the Bid Facility. The Contract Tenor offered in Step Two for a Bid Facility will be limited by the term of the Maximum Contract Tenor.

For all Bid Facilities not in Commercial Operation as of the RFP Release Date, the Maximum Contract Tenor will be calculated as the lesser of:

- 1) 20 years, or
- 2) the Bid Facility's Useful Life.

For all Bid Facilities that have already commenced Commercial Operation as of the RFP Release Date, the Maximum Contract Tenor applicable to the Bid Facility will be calculated as the lesser of:

- 1) 20 years (240 months) minus the number of years (months) between the year (month) of Commercial Operation and the RFP Release Date (rounded to the nearest full year), or
- 2) The Bid Facility's Useful Life minus the number of years (months) between the year (month) of Commercial Operation and the RFP Release Date (rounded to the nearest full year).

For a Relocated Facility, the date of Commercial Operation for purposes of calculating the Maximum Contract Tenor shall be the first date of Commercial Operation in the original control area. A relocated project is a generation project whose prime mover was used on or before the TED to generate electrical energy outside of the New York Control Area.

For a Repowering Bid Facility, the maximum contract tenor shall be the 20 years from the date at which the Repowering Bid Facility re-enters commercial operation (i.e., not 20 years following the end of the original facility's Useful Life).

For a Return to Service generation unit, the date of Commercial Operation for purposes of calculating the Maximum Contract Tenor shall be the Return to Service Commercial Operation date noted in the PSoQ or SoQ.

Illustrative Example of a Return to Service hydroelectric Bid Facility Maximum Contract Tenor:

- Original Commercial Operation date: 8/1/1987
- Return to Service Commercial Operation Date: 12/15/2019
- RESRFP25-1 Launch Date: 09/24/2025
- Useful Life: 50 years (600 months)

20 years: 240 months – (09/24/2025 – Return to Service Commercial Operation Date 12/15/2019 or 69 months rounding down) = 18 years rounded to the nearest full year (171 months)

Useful Life: 600 months – (09/24/2025 – Return to Service Commercial Operation Date 12/15/2019 or 69 months rounding down) = 47 years rounded to the nearest full year (573 months)

18 years is less than 47 years; therefore, the Maximum Contract Tenor is 18 years.

Proposers should consult the [New York State Clean Energy Standard RES Tier 1 Certification Submission Instructions and Eligibility Guidelines](#) for more information and detailed requirements regarding Upgrade, Return to Service, Relocated Facility, and Repowering Bid Facilities.

Table 5 lists the Useful Life by resource for use in the calculations of Maximum Contract Tenor for this RFP, as determined by the Public Service Commission. The Useful Life for Energy Storage is not included in any Maximum Contract calculation but is included for reference; the Step Two Bid Proposal should be consistent with the Resource’s Useful Life both with and without Energy Storage, as applicable.

Table 5. Default Values for Useful Life used to determine Maximum Contract Tenor

Resource	Useful Life (years)
Fuel Cell (non-fossil fuel)	20
Hydroelectric (New or Upgrade)	50
Geothermal Electric	20
Geothermal Ground Source Heat	20
Solar PV	20
Tidal/Ocean	10
Wind	20
Energy Storage	20

4 STEP TWO BID PROPOSAL REQUIREMENTS AND NON-PRICE EVALUATION

Proposers who receive a Notice of Qualification will be invited to submit a Step Two Bid Proposal which will require the Proposer to provide additional information, including a Bid Price, and more detailed information about the Bid Facility and the Proposer. Only those Proposers qualified through the Step One Eligibility process will be permitted to submit a Step Two Bid Proposal. All Step Two Bid Proposals must be submitted electronically via the [solicitation website](#). Instructions on how to submit a Step Two Bid Proposal will be provided to eligible Proposers that are issued a Notice of Qualification. Proposers will also be required to provide a Bid Fee payment for each Bid Facility. See Section 4.2 for additional details and instructions for submitting the Bid Fee.

If, after submission of the Step One Eligibility Application, the Bid Facility is expected to undergo a change in control, the Proposer must contact NYSERDA to enable the appropriate entity to submit the Step Two Bid Proposal for the Bid Facility as the Proposer for Step Two Bid Proposal purposes. For clarity, in such a situation the Proposer that takes over control of the Bid Facility, or is expected to take over control following the Step One Eligibility Application, will be eligible to submit the Step Two Bid Proposal even if it is a different entity from the Proposer whose Step One Eligibility Application was deemed qualified.

Following the submission of a Step Two Bid Proposal, NYSERDA may request in-person and/or videoconference interviews with Proposers, to be scheduled at a mutually convenient time following the Step Two submission deadline. The submission of a Step Two Bid Proposal will constitute a binding offer to contract under the terms of the Agreement; such offer must remain open for a period of at least one hundred and eighty (180) days from the Step Two Bid Proposal deadline.

Under Step Two, NYSERDA will: (1) examine each Step Two Bid Proposal to determine whether the Proposal demonstrates that the Bid Facility and Proposer meet all Minimum Threshold Requirements and the Bid Price does not exceed the Benchmark LNRC; and (2) for Proposals that meet those minimum requirements, NYSERDA and the TEP will conduct a full competitive evaluation based on price and non-price factors. The information and supporting documentation provided with the Step Two Bid Proposal will be evaluated by NYSERDA to determine whether the Minimum Threshold Requirements have been met and/or exceeded.

NYSERDA will contact Proposers regarding any instances where it is unclear if a Minimum Threshold Requirement has been achieved and may provide the Proposer with a one-time opportunity to clarify whether the Bid Facility and/or Proposer had achieved the Minimum Eligibility Threshold at the time of the Step Two Bid Proposal submission. Proposers must maintain these Minimum Threshold Eligibility requirements throughout the Bid Proposal evaluation period and, if awarded, up to the execution of the Agreement by the Proposer and NYSERDA. Please see Section 1.5 of the RFP for more information regarding changes that may occur during this period. Proposers that submit a Step Two Bid Proposal that does not meet all the Minimum Threshold Requirements will be removed from consideration and will not be eligible for an award.

A Proposer may not condition the acceptance of one Step Two Bid Proposal based on the withdrawal or acceptance of other Proposals.³³ A Step Two Bid Proposal may not be contingent on the receipt of any federal tax credits or incentives.

RESRFP25-1 is a competitive procurement. The Agreement is a legally binding document; it is recommended that Proposers consult with an attorney. The CES Framework Order, subsequent Implementation Plans and Orders, and NYS competitive procurement rules limit NYSERDA's ability to alter the terms of the Agreement issued with this RFP. **Please see Section 8.1 for more information regarding proposed edits to the Agreement.** The indication by a Proposer that it wishes to negotiate the terms of the Agreement will have no impact on the scoring or evaluation of the Bid Proposal.

The complete Step Two Bid Proposal package must be **received** by NYSERDA no later than **3:00 p.m. ET on Thursday, December 4th, 2025**, via the [solicitation website](#). **NYSERDA strongly recommends that Proposers reserve ample time to address the requirements for each Bid Facility. The Step Two Bid Proposal package must be completed and submitted online, before the deadline.**

All electronic signatures must be provided as indicated. Failure to provide any attachments or information requested may result in the Step Two Bid Proposal package being declared incomplete and rejected. NYSERDA may request additional information and materials at any time. Step Two Bid Proposal packages become the property of NYSERDA. NYSERDA recommends that Proposers use Google Chrome when accessing the solicitation website to complete a Step One Eligibility Application and Step Two Bid Proposal. Unnecessary attachments or lengthy responses beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal.

NYSERDA recommends that Proposers mark materials provided to NYSERDA as "Confidential" as needed (see Section 9.1). All Proposers will be required to submit their Step Two Bid Proposals via the [solicitation website](#) and will be required to use the forms shared by NYSERDA following eligibility determinations that will be shared via the Notice of Qualification, such as Attachment D. Bid Data Form.

4.1 Step Two Bid Proposal Form

A completed Step Two Bid Proposal must include, but is not limited to, the information in the following sections, and must be submitted via the solicitation website prior to the Step Two Bid Proposal deadline. All required fields must be populated, and all required documents uploaded prior to submission. Documents required to be uploaded include:

- 1) Payment and proof of the provision of a Bid Fee, such as a receipt of transfer confirmation;
- 2) Non-Disclosure Agreement;
- 3) Binding Bid Price and Bid Quantity;
- 4) Step Two Bid Proposal Minimum Thresholds Narrative (Attachment F. Minimum Thresholds Narrative);
- 5) Supporting documentation associated with the Project Viability and OpFlex described in Section 4.3, including Attachment D. Bid Data Form;
- 6) Public-facing documents to be posted to NYSERDA's website following the receipt of bids, including:

³³ NYSERDA will award at most one Bid Proposal per Bid Facility.

- a. Attachment B. Public Release of Bid Facility Information and Community Engagement Plan;
- 7) If applicable, supporting documentation to substantiate claims of Incremental Economic Benefits to New York State; and
- 8) Other information required by NYSERDA as referenced in the Step Two Bid Proposal Form.

Bid Facility, Site, and Generating Equipment Descriptions

The Proposer must provide a complete description and overview of the Bid Facility, describing the area included in and surrounding the generation site, a description of the local zoning, and other applicable ordinances and municipal laws, existing land use (*e.g.*, woodlands, brownfield, agriculture, other) and setting (*e.g.*, rural, urban, suburban, other) and describe what the site(s) has been used for in the recent past. Include and describe the status and development stage of Bid Facility (development, construction, or operation). Include information about the specific technology or equipment considered or selected, major equipment to be used, manufacturer or vendors considered or selected, equipment acquisition status, and equipment contract/equipment agreement status. Certain non-binding resource-specific details may be requested by Proposers (*e.g.*, planned module and inverter, expected production increase from bifacial/tracking modules, *etc.*).

The Proposer must identify potential fatal flaws and most critical impacts for the Bid Facility. Risks should be ranked by priority and level of impact to the Bid Facility site viability to proceed under the proposed schedule.

Bid Quantity, Price, and Contract Tenor

The Bid Quantity, Bid Price, and Contract Tenor section includes fields for the Proposer to calculate the annual number of Tier 1 RECs (Bid Quantity) to be offered to NYSERDA and the Contract Tenor, subject to the following restrictions:

- 1) Proposers may submit bids for any Contract Tenor of a minimum of one year and a maximum of the Maximum Contract Tenor (see Section 3.4).
- 2) For wind, solar, and hydroelectric resource types, the Expected Annual Eligible Production and Bid Quantity shall not exceed the P(50) long-term Energy Production Estimate provided under the Step Two Bid Proposal. The P(50) Energy Production Estimate must align with the 8760 hourly profile provided that is representative of the production at the Bid Facility over the proposed Contract Tenor.
- 3) The Bid Quantity Percentage shall be no less than fifteen percent (15%) and no greater than one hundred percent (100%) of Expected Annual Eligible Production, which is equal to the P(50) Energy Production Estimate multiplied by the annual Tier 1 eligibility percentage as determined in the PSoQ and entered in Attachment E. A Tier 1 eligibility percentage has a default value of 100% except in the case of Upgrade and Repowering Bid Facilities. In the case of Upgrade and Repowering Bid Facilities, see Section 3.3 for applicable guidelines.
 - a. Proposers with existing offtake agreements for a portion of the Expected Annual Eligible Production may place a Bid Proposal for the Tier 1 RECs not otherwise under contract. Proposers may wish to adopt an approach where a certain percentage of the Expected Annual Eligible Production is bid to NYSERDA. For example, a 100 MW Bid Facility with an Expected Annual Eligible Production of 180,000 could specify a Bid Quantity Percentage of 50%, resulting in an eligible Bid Quantity of 90,000 annual Tier 1 RECs.

Nameplate Capacity (MWac)	Expected Annual Eligible Production (MWh)	Tier 1 eligibility percentage (100%)	Bid Quantity Percentage (%)	Bid Quantity (MWh)
100	180,000	100%	50%	90,000

Proposers will be responsible for submitting one Bid Price offer, using either the Fixed REC or Index REC structure, with each Bid Proposal.

- 1) For the Fixed REC structure, the Bid Price consists of a Fixed REC price for the term of the Contract Tenor.
- 2) For the Index REC structure, the Bid Price consists of a Strike Price that will be entered into the calculation outlined in Section 5.1.2.

Bid Facility Interconnection Description and Preliminary Cost Estimate

The Proposer must identify the proposed interconnection point(s) and provide a complete description and overview of the preferred interconnection route of the Bid Facility from the generation site, including what rights the Proposer has to the interconnection point(s), what type(s) of real property agreement(s) or land agreement(s) the Proposer has entered to gain interconnection site control, and any rights that must be obtained by the Proposer or interconnecting utility for the interconnection. The Proposer will be required to provide a thorough description of the interconnection assumptions for the Bid Facility and the rationale that lead to the proposed point of interconnection configuration (e.g., usage of a ‘single line tap’ vs. a ‘three-breaker station’ connection POI configuration).

Proposers must provide a preliminary estimate regarding the expected cost, pursuant to the applicable OATT Interconnection Procedure, to interconnect the Bid Facility. Estimated costs should be separated into the following categories: expected costs to obtain Energy Resource Interconnection Service (“ERIS”) rights, expected costs to obtain Capacity Resource Interconnection Service (“CRIS”), and any other associated interconnection costs (e.g., Headroom payments, elective system upgrade facilities, etc.) not captured in the previous categories and total aggregate of estimated interconnection costs.

Table 6 provides average interconnection costs by project types based on a non-exhaustive sample of estimated interconnection costs as published in publicly available NYISO studies and interconnection agreements for renewable energy facilities in NYISO zones A through G.³⁴

³⁴ Cost data was sourced from <https://www.nyiso.com/regulatory-viewer> and <https://www.nyiso.com/interconnections>. Interconnection costs are for benchmarking purposes only- individual project interconnection costs may vary significantly from these average costs based on project- and point-of-interconnection-specific characteristics. Proposers are strongly encouraged to consult with the NYISO and connecting transmission owner (CTO) prior to estimating a Bid Facility’s interconnection costs and submitting a bid to RESRFP25-1.

Table 6. Average Interconnection Costs by Project Type

Facility Type / kV Level of POI	Sample Size	Average Nameplate Capacity (MW)	Average Interconnection Cost per MW (\$000)³⁵
Small Generator, Local Low Voltage (13.8-46 kV)	9	19	\$109
Small Generator, Local High Voltage (69-115 kV)	23	20	\$173
Large Generator, Local High Voltage (69-115 kV)	35	110	146
Large Generator, Bulk Transmission (230-345 kV)	21	217	125
Total/ Average	88	103	144

If land needed to access the interconnection point(s) is not controlled, provide a detailed plan and timeline for the acquisition of any additional rights necessary for the right-of-way to the interconnection point(s). Identify and describe the individual land parcels associated with the interconnection and any rights of way needed. If applicable, fully describe the relationship of the site to other adjacent infrastructure, including preferred or alternate point(s) of interconnection (POI). Please indicate whether there are known risks or uncertainty associated with the preferred POI. If the Proposer is planning on using an adjacent parcel or if the right of way is controlled by or assignable to the interconnecting utility that will own the interconnection facilities, clearly explain this in the description. Proposers should specify and describe the current or new interconnection facilities (lines, transformers, switching equipment, system control protection, etc.) that the Proposer owns or is intending to construct or have constructed in order to deliver the proposed energy (including costs), and identify the closest Bulk Power Transmission Facility (BPTF) to the Bid Facility site.

Impacts on Disadvantaged Communities Description

All Proposers are required to fully detail the benefits and burdens associated with the impacts of the Bid Facility’s development on any hosting and/or proximate Disadvantaged Communities, as identified through engagement with Disadvantaged Communities, and in accordance with the most recent relevant guidance per the [Climate Justice Working Group](#). Benefits of Bid Facility development may include establishment of education and training opportunities, the hiring of residents from Disadvantaged Communities, or other investments identified as priorities for the Disadvantaged Community.

Bid Facility Project Schedule

If the Bid Facility is under development, the Step Two Bid Proposal package must populate a complete Bid Facility Project Schedule, detailing key development milestones. Proposers must provide all project schedule details on Project Schedule tab, Section V of Attachment D. Bid Data Form.

Proposers shall include a narrative that describes each segment of the process, the required permit or approval, the status of the request or application and the basis for project success by the milestone date provided. If the Bid Facility is Operational, a completed Project Schedule is not required.

³⁵ Highly variable dependent upon the project location, electrical topology (e.g., single line tap, three breaker ring bus, five breaker ring bus), and voltage level of the POI. In addition to consulting with the NYISO and CTO, additional resources including each CTO’s electrical service bulletin for the applicable generator type may be of service to Proposers.

Confidentiality

All Proposers will be required to submit an executed Attachment L. Non-Disclosure Agreement as part of the Step Two Bid Proposal. The Non-Disclosure Agreement will be provided to eligible Step Two Proposers and will require confidentiality during any pre-award contracting discussions commenced at NYSERDA's sole discretion during the period of time between the Step Two Bid Proposal submission and initial award notifications, during the period of time between award notification and contract execution, and as further stated in the Non-Disclosure Agreement. Redlines will not be accepted to Attachment L. Non-Disclosure Agreement; the Non-Disclosure Agreement must be executed as published.

The Step Two Bid Proposal allows the Proposer to indicate whether the Proposer wishes to have the information in the Bid Proposal package treated as proprietary or confidential trade secret information. NYSERDA is subject to and must comply with the requirements of New York's Freedom of Information Law ("FOIL" see Public Officers' Law Article 6). Information in any tangible form including any document that Proposer wishes to be protected from disclosure to third parties including any information provided as a part of a proposal must be marked "Confidential" or "Proprietary" at the time such information is provided to NYSERDA.

NYSERDA reserves the right to publish the Agreements executed with awardees, including relevant terms within the Agreements. Prior to such publication, NYSERDA will redact any critical electric infrastructure information (CEII) contained in the Agreements, if any, including in the exhibits thereto, and will consider requests to redact confidential business information. Prior to publication, NYSERDA reserves the right to redact trade secrets, commercially sensitive information, or other information in accordance with applicable law.

4.2 Bid Fee Instructions

Each Step Two Bid Proposal must be accompanied by a non-refundable Bid Fee, in the form of electronic wire (preferred) or certified funds, in an amount determined by the Nameplate Capacity of the Bid Facility. **The Bid Fee is due by Wednesday, December 3, 2025.** Proposers must indicate that they have submitted a Bid Fee with their Step Two Bid Proposal and attach proof of the provision of a Bid Fee, such as a receipt or transfer confirmation.

A separate Bid Fee is not required for each Step Two Bid Proposal in instances of Alternate proposals for the same Bid Facility. If a Proposer wishes to submit one or more Alternate Step Two Bid Proposals for the same Bid Facility (for example, with a different Bid Capacity), only one Bid Fee is required.

Bid Fees submitted for Bid Proposals deemed ineligible or for late or incomplete submittals will be returned to the Proposer, except in instances where a Bid Proposal is deemed ineligible after having undergone evaluation by the full Technical Evaluation Panel (TEP). Proposers whose Bid Proposals are deemed ineligible on account of exceeding the Benchmark LNRC, as described in Section 5.6, shall not be notified of such finding of ineligibility, nor will such Proposers be entitled to a return of their respective Bid Fees. Waivers will not be provided for Bid Fees. Funding received from an entity like New

York Green Bank will not suffice as a Bid Fee payment. Required Bid Fee amounts are shown in Table 7 based on the highest Nameplate Capacity in megawatts (MWac) submitted for the eligible generator.³⁶

Table 7. Bid Fees by Bid Facility Nameplate Capacity

Nameplate Capacity (MWac)	Bid Fee
Less than 5.00 MW or Operating Bid Facility	\$5,000
5.00 – 24.99 MW	\$20,000
25.00 – 99.99 MW	\$50,000
100.00 MW or more	\$100,000

Full Bid Fee submission instructions with account and routing information can be downloaded after registering as a Proposer on the solicitation website. All Bid Fees must be clearly labeled with a unique identifier comprised of the Bid Facility’s NYGATS ID and the RFP Tracking Number, in the format: For operating projects: GENXXXXX_RESRFP25-1; for projects in development: PROXXXXX_RESRFP25-1; for external operating projects: IMPXXXXX_RESRFP25-1. Bid Fees provided via electronic wire must have this unique identifier included within the Payment Details/Description. Bid Fees provided via cashier’s check must have this unique identifier clearly labeled within the Memo or elsewhere on the check.

4.3 Project Viability, Operational Flexibility and Peak Coincidence

This category is intended to preferentially evaluate Bid Facilities that are more advanced through project development, demonstrate high project viability/a high likelihood of bringing the project to commercial operation, provide grid services that contribute to cost minimization and/or grid reliability by addressing integration issues resulting from increased penetration of intermittent renewables, better match generation to load, and dispatchable resources to balance the electric system, optimize generation dispatch, minimize operating reserve requirements, and address grid congestion and constraints.³⁷

Using Attachment F. Minimum Thresholds Narrative, available on the solicitation website, the Proposer must provide narrative descriptions detailing how the Bid Facility meets and/or exceeds the Minimum Threshold Requirements in each applicable category as described in this section. In addition to providing narrative descriptions detailing how the Bid Proposal meets the Minimum Threshold Requirements, the Proposer should provide any additional information that supports the viability of the Bid Proposal, including, to the extent not described elsewhere in the Bid Proposal, justification for any economic or regulatory assumptions and identification of economic, permitting and/or regulatory risks and mitigation plans. Proposers should characterize their analysis of basis risk and shape risk to estimate what the Bid Facility will receive for energy revenue relative to the Reference Energy Price.

Bid Proposals that demonstrate progress exceeding the Minimum Threshold Requirements will be eligible to receive points under the 20% Project Viability, Operational Flexibility and Peak Coincidence

³⁶ Nameplate Capacity is submitted in the Step Two Bid Proposal on Accion and is measured in AC capacity (MWac). Nameplate Capacity cannot exceed the Tier-1 eligible generation in the NYGATS PSoQ or SoQ and does not include Energy Storage.

³⁷ See the CES Final Phase 1 Implementation Plan: <https://www.nysedra.ny.gov/-/media/Project/Nyserda/Files/Programs/Clean-Energy-Standard/2017-03-24-Phase-1-Implementation-Plan.pdf>.

category (Viability & OpFlex), as shown in Table 8. Points will be awarded in the subcategories indicated as “Minimum Threshold and Evaluation”.

Table 8. Project Viability, Peak Coincidence and Operational Flexibility Subcategories

Subcategory	Use in Evaluation
Interconnection	Minimum Threshold and Evaluation
Permitting Viability	Minimum Threshold and Evaluation
Energy Deliverability	Minimum Threshold and Evaluation
Peak Coincidence	Minimum Threshold and Evaluation
Agricultural and Forested Land	Minimum Threshold and Evaluation
Project Development	Minimum Threshold and Evaluation
Financing and Creditworthiness	Minimum Threshold and Evaluation
Community Engagement	Minimum Threshold
Resource Assessment and Energy Production Estimate	Minimum Threshold
Emissions and Embodied Carbon	Minimum Threshold
Climate Resiliency	Minimum Threshold
Energy Storage ³⁸	Minimum Threshold and Evaluation

A full description of the Minimum Threshold Requirements and the considerations upon which the TEP may award evaluation points are detailed below by subcategory. The supporting documentation for each Minimum Threshold Requirement should be uploaded as attachments as described in detail below. **If a Bid Facility exceeds the Minimum Threshold Requirement in any category, documentation should be provided.**³⁹ The Bid Facility must meet the Minimum Threshold Requirements in all categories throughout the evaluation period and up to the execution of the Agreement to remain in contention for an award under RESRFP25-1.

Operating Facilities will only need to demonstrate that the Minimum Threshold Requirement for the Energy Deliverability, Peak Coincidence, Resource Assessment and Energy Production Estimate sub-categories have been met and will otherwise receive full non-price evaluation points for the remaining scored sub-categories.

4.3.1 Interconnection

Submission Requirements: The Proposer must demonstrate that the Bid Facility meets the Minimum Threshold Requirements for interconnection progress by providing a summary and other evidentiary documentation from the interconnecting entity confirming the extent of interconnection activities.

³⁸ Applicable only to Alternate Co-located Storage Bid Proposals. See Section 2.5.2 for information on Alternate Co-located Storage Bid Proposals evaluation.

³⁹ For example, for the Interconnection requirements for a 20 MW Bid Facility subject to NYISO jurisdiction, the documentation required to demonstrate achievement of the Minimum Threshold Requirement consists of a draft SRIS/SIS or equivalent in progress. If for example a Facilities Study has been executed, attach a copy and provide confirmation of associated fees paid. The study will satisfy the Minimum Threshold Requirement and will also be considered as a part of the evaluation conducted by the TEP.

For Bid Facilities proceeding through the FERC-jurisdictional NYISO interconnection process or an equivalent process, evidentiary documentation includes evidence that the interconnection study process for the Bid Facility is complete with the NYISO (or equivalent for adjacent control areas) and an Interconnection Agreement has been tendered or evidence that the Bid Facility notified the NYISO of its intent to continue to the Phase 2 Study and satisfied requirements for any deposit payments (or equivalent for adjacent control areas). Proposers are advised that CEII-confidential information may not be submitted to NYSERDA as part of the Step Two Bid Proposal to demonstrate that the Bid Facility has achieved the Interconnection Minimum Threshold Requirements.

Proposers must also provide the anticipated interconnection costs for the Bid Facility, including utility system improvements. An estimate must be provided for each Alternate Bid Proposal associated with the Bid Facility, if applicable.

If applicable and/or available, the Proposer should provide the following documents:

- Copies of associated study and/or interconnection agreements or other evidence supporting the claimed level of progress as listed above.
- A deliverability study or other analysis performed by the Proposer to demonstrate that the output of the Bid Facility is energy deliverable. See Section 4.3.3 Energy Deliverability.
- A one-line diagram.

Minimum Threshold: If proceeding through the interconnection process under the NYISO's prior interconnection rules (see NYISO OATT 22 Attachments X and Z) the Proposer must have completed the interconnection study process with the NYISO, or equivalent system operator, and been tendered an Interconnection Agreement for the Bid Facility.

If proceeding through the Cluster Study interconnection process (see NYISO OATT 40 Attachment HH) the Proposer must have satisfied the NYISO's requirements for entry into the Phase 2 study following completion of Phase 1, such as notifying the NYISO of its election to proceed to the Phase 2 Study, and, satisfying the Readiness Deposit 2 or any deposit payment that may then be due (or equivalent for adjacent control areas).

Documentation provided to NYSERDA by the Proposer to demonstrate the Bid Facility's interconnection status must be consistent with the Bid Facility as proposed. Documentation that does not reflect the Bid Facility as proposed may be rejected.⁴⁰ For Bid Facilities interconnecting to the NYISO, the NYISO Zone of the Bid Facility should align with the zone being studied by the NYISO as a planned point of interconnection.

Non-Price Evaluation Criteria: Evaluation will be based on the demonstration of progress in the relevant interconnection process beyond the Minimum Threshold Requirements, as evidenced through documentation from the NYISO, Utility or other applicable interconnection authority, such as a commencing construction or evidence that the Bid Facility is in service for testing under the NYISO's prior interconnection rules or entering the Phase 2 Study under the current process. Bid Proposals that have advanced to more mature stages of the applicable interconnection process will be preferentially evaluated compared to earlier stage Bid Proposals.

⁴⁰ The Bid Facility's Bid Capacity must be at maximum the capacity submitted with the Interconnection Request.

Proposals that can describe all interconnection and transmission upgrade costs required to ensure full energy dispatch, including transmission upgrades that may need to occur beyond the point of interconnection, will be preferentially evaluated by the TEP based on the reasonableness of the costs provided and modeled assumptions.

4.3.2 Permitting Viability

Submission Requirements: The Proposer must demonstrate that the Bid Facility meets the Minimum Threshold Requirements and submit other information for the Bid Facility that includes the following components:

- 1) For Solar PV Bid Facilities: If the Bid Facility is located within New York State certified agricultural district⁴¹ and overlaps with mineral soil groups (MSG classifications 1-4), the Proposer may be responsible for making an agricultural mitigation payment to a designated fund. Proposers of Solar PV Bid Facilities located in New York State must also detail how they plan to use best efforts to adopt and employ the provisions of the Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (Revision 10/18/2019) document (Guidelines, Exhibit E to the Agreement) in all material aspects of the construction, post construction and decommissioning of this project. All Solar PV Bid Facilities seeking permits through the Office of Renewable Energy and Electric Transmission Siting (ORES) will be required to comply with all ORES requirements.
- 2) Detailed map of site plan/layout indicating the project and parcel boundaries, to scale, with parcel designation by owner. At a minimum, the map should include the preliminary layout of the Bid Facility within the parcel boundaries, including the major generating equipment, the security or perimeter fence(s) and limits of disturbance. The map should indicate the (anticipated) interconnection route and the (anticipated) interconnection point(s). If applicable, indicate the relationship of the site to other adjacent infrastructure, including planned or alternate points of interconnection and proximate generators or other existing infrastructure.
- 3) For all Bid Facilities, the Proposer must also provide a GIS Data Mapping File. Applications that do not provide complete GIS files for the Bid Facility will be deemed incomplete. The GIS data file must be in .shp or .kmz format, and .shp files are preferred. Please provide one file or separate and distinct files for each of the following:
 - a. The parcel boundaries that the Bid Facility will occupy; and
 - b. The Bid Facility Area boundary/impact area; and
 - c. The Bid Facility array footprint (solar), Bid Facility site plan (other technologies); and
 - d. The preliminary proposed site layout for any agricultural co-utilization measures (solar).

If applicable and/or available, the Proposer should provide the following documents:

- If available, a more detailed concept site plan including the locations of the generation unit, all major equipment and facilities, access roads, site work and other project components, along with existing physical features of the site (*e.g.*, wetlands, streams, topographical features, buildings, *etc.*).

⁴¹ <https://agriculture.ny.gov/land-and-water/agricultural-districts>

- Documentation filed with or received from the local governmental authority confirming that a request for a zoning change or variance has been initiated and/or the local approval process is underway.
- If applicable, evidence that the Lead Agency for the SEQR process has been designated.
- If available, applications for construction permit(s) and/or road use permit(s) that have been submitted to local authority(ies) with approval jurisdiction.
- If available, any applicable field studies (*e.g.*, Environmental Site Assessment⁴² Phase 1, Archaeological Phase 1, Geotechnical) and surveys (*e.g.*, ALTA, topography, wetlands/water bodies, or other), and/or the status of un-started/not yet commenced or ongoing field studies and surveys.
- If applicable, include an initial review of any physical and economic impacts that the Bid Facility's development may have on disadvantaged communities.
- For hydroelectric facilities only, include the Bid Facility's FERC license expiry date or provide evidence that FERC licensing process has been initiated and notice of intent has been filed.⁴³

Minimum Threshold: Proposers must:

- 1) Submit a complete Permitting Plan that:
 - a. Demonstrates awareness of all applicable permitting requirements, includes a reasonable timeline for obtaining permits and authorizations that is consistent with the development plan; and
 - b. Adequately addresses other expected permitting obstacles and/or input from the Bid Facility's host community; and
- 2) Must have proposed a Bid Facility that does not have an unreasonably low probability of receiving required permits, based on NYSEDA's, the Technical Evaluation Panel's (TEP), and Specialist Reviewers' assessment of the permitting studies and Permitting Plan. The Wildlife Site Characterization Report and Phase 1A Archaeological Desktop Survey will no longer be required for projects proceeding through the ORES permitting process, nor the SEQRA process, but progress in completing them must be described as part of the Permitting Plan; and
- 3) Complete an on-site wetland and waterbody screening, as set out in Appendix 3. NYSEDA Guidance for Wetland and Stream Screenings for Large-Scale Renewable Energy Projects.

The on-site screening requirement should reflect the latest requirements from NY Department of Environmental Conservation (DEC) as detailed in its [revised Regulations](#) for Freshwater Wetlands. Proposers are permitted to provide more complete studies in lieu of the NYSEDA on-site wetland and waterbody screening in order to satisfy this requirement, such as wetland and surface water delineation report(s).

⁴² ASTM International, formerly known as American Society for Testing and Materials, published a standard for conducting Phase I Environmental Site Assessments. See ASTM E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, ASTM International, West Conshohocken, PA, 2013, <http://www.astm.org/cgi-bin/resolver.cgi?E1527-13>.

⁴³ If applicable, identify program eligibility under FERC minor environmental effects, *e.g.*, projects that involve little change to water flow and use and are unlikely to affect threatened and endangered species. If applicable, please identify the NYS Department of Environmental Conservation (DEC) classification for the dam associated with the Bid Facility, available online at the New York State Dams Inventory Database. See <https://www.dec.ny.gov/lands/4991.html> for a full dataset of NYS Dams, the NYS DEC Dams Inventory.

The minimum level of permitting due diligence needed to meet the Minimum Threshold Requirement, determined according to the Bid Facility's expected permitting process:

- Bid Facilities proceeding through the Office of Renewable Energy Siting and Electric Transmission (ORES) must substantiate as part of the Step Two Bid Proposal that a Draft Field Screening for Wetlands and Water Resources Delineation⁴⁴ has been completed for the Bid Facility site.
- Bid Facilities proceeding through the New York State Environmental Quality Review Act (SEQRA)⁴⁵ must substantiate as part of the Step Two Bid Proposal that a Full (or Short) Environmental Assessment Form (FEAF/SEAF)⁴⁶ has been completed and is prepared to be or has been submitted to the applicable lead agency and other involved agencies if undergoing a coordinated review (if applicable).
- For Bid Facilities in external control areas, the Proposer will be required to substantiate that an equivalent level of pre-development due diligence has been conducted for the Bid Facility site prior to the submission of a Step Two Bid Proposal. The documentation to be provided to substantiate the Permitting Minimum Threshold Requirements must be outlined by the Proposer in the Step One Eligibility Application such that NYSERDA can confirm or modify any proposed equivalent documentation prior to or as part of the Notice of Qualification.

A detailed description of permitting plan contents and other required narratives is included in Appendix 5. Permitting Plan Requirements and Guidelines.

In regards to project(s) permitted under SEQRA, please be aware of the following procedures managed by the NYS Department of Environmental Conservation (DEC) which may need your attention if your project does not have a Negative Declaration or Site Plan Approval prior to January 1, 2025. Please reach out to DEC or the pertinent Authority Having Jurisdiction proactively should you have concerns about any of the following.

- For projects that require and have not received a freshwater wetlands permit prior to January 1, 2025 or a letter from the DEC notifying them that their freshwater wetlands application is complete, please review the newly established [Article 24 Freshwater Wetland regulations](#) to ensure permits are obtained in accordance with the changes.
- Freshwater wetland jurisdictional determinations (JDs) issued by DEC prior to January 1, 2025 may no longer be valid if the project has not secured a Negative Declaration or Site Plan Approval before that date. Developers may be relying on outdated JDs issued by regulatory agencies, which could lead to compliance issues. Consequently, developers should proactively consult with DEC to obtain updated JDs in accordance with the newly established [Article 24 Freshwater Wetland regulations](#).

⁴⁴ [Regulations Implementing Article VIII of the Public Service Law](#), 16 NYCRR §1100-1.3(e-f) *Pre-application procedures for Wetland and Surface Water Delineations*. Implemented through a field effort which would involve preliminary identification and a general description of wetland and water resources, spot checking of soils, shallow hydrography and vegetation at selected locations, apparent functional status, and ground-truthing of various color tones and corresponding ecotones on aerial photographs and maps.

⁴⁵ [New York State Environmental Quality Review Act \(SEQR\)](#) and [SEQR Handbook](#), Fourth Edition, 2020.

⁴⁶ [State Environmental Quality Review Act \(SEQRA\)](#). Please consult the SEQR webpage for the latest Environmental Assessment Forms.

- In instances involving state Threatened and Endangered (T&E) jurisdictional letters, if these documents are over one year old, developers should re-engage with DEC to assess the potential presence of T&E species. *6 NYCRR 182.9(C)(4) If the department determines the proposed activity is not subject to regulation under this Part, the department's determination is valid for one year from date of issuance as long as there are no changes to the activities or locations proposed in the jurisdictional request and no federally listed species are confirmed within the project footprint prior to the expiration of one year.*
- If a new SEQRA determination is required (e.g., due to changes in project design, land use and/or environmental permitting requirements, etc.) developers should reach out to the lead agency and involved agencies to ensure compliance with the regulations. Developers can reach out to DEPEnergy@dec.ny.gov to initiate consultations and JDs.
- Blanket Water Quality Certifications typically remain valid for a period of two years. Given that some blanket Water Quality Certifications and new US Army Corps of Engineers (USACE) Nationwide 404 Permits are set to expire in 2026, developers are advised to reach out to DEC and/or USACE to confirm their coverage under these certifications and permits.

Non-Price Evaluation Criteria: Evaluation will be based on the Bid Facility's demonstrable progress through its applicable permitting process and the completeness and credibility of the Proposer's plan for successfully obtaining necessary permits within the proposed development schedule. Bid Facilities that have secured relatively more permits needed to construct and operate, have performed more exhaustive permitting activities, and/or have greater knowledge of the Bid Facility site, its permitting requirements, and any planned and/or required mitigation activities will be preferentially evaluated by the TEP. NYSERDA recognizes that certain permits are typically procured after a NYSERDA Tier 1 REC Award is received by a Bid Facility, which will be considered as part of evaluation.

Permitting Plans that respond more comprehensively to the considerations identified in Appendix 5. Permitting Plan Impacts and Guidelines, and that provide greater detail into how these impacts will be avoided or mitigated, will be preferentially evaluated by the TEP.

NYSERDA may coordinate with the NYS DEC, NYS AGM, and/or ORES, acting as a specialist reviewer to inform the evaluation, under which proposals for Bid Facilities may be identified as having a more feasible pathway to securing all necessary permits to construct the Bid Facility, and may be preferentially evaluated compared to proposals that have more material challenges that have not yet been addressed with planned mitigation measures.

4.3.3 Energy Deliverability

Submission Requirements: **All Proposers must submit key proposed interconnection data for the Bid Facility and a P(50) 8760 delivered energy profile** consistent with the contract tenor proposed in the form requested by NYSERDA for evaluation purposes. Proposers should indicate whether the P(50) 8760 delivered energy profile is normalized based on historical output from a given weather year.

Proposers are strongly encouraged to familiarize themselves with all ongoing work to identify areas of current and future congestion on the electric grid, including the DPS and NYSERDA [State Power Grid Study](#), inclusive of Distribution and Local Capital Plans and a Bulk Transmission Investment Plan, the

[NYISO 2021-2040 System & Resource Outlook Report study and outputs](#),⁴⁷ the [ongoing work supporting the next NYISO System & Resource Outlook Report](#),⁴⁸ the Final Climate Action Council Scoping Plan,⁴⁹ the Scoping Plan's [Appendix G. Resource Integration Technical Supplement](#),⁵⁰ utility resources such as [National Grid's Wholesale Interconnections](#) reference documents,⁵¹ and other similar studies conducted by the state, the NYISO, and/or the transmission owners. Proposers are encouraged to discuss this topic in meetings with the NYISO and/or the Connecting Transmission Operator during their interconnection process to understand the current and expected future state of the grid and the relevant impacts on the Bid Facility's local and regional transmission infrastructure.

NYSERDA and the TEP will use recent and pertinent available data and modelling assumptions for evaluation purposes to assess energy deliverability. Updated assumptions and outputs published by DPS, NYSERDA, the NYISO, and other parties may become available during the course of this solicitation, including outputs published under the proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act (AREGCBA).⁵²

Bid Facilities located outside of the NYCA or NYISO Market Zone (External Facilities) are not eligible for evaluation in this category.

Minimum Threshold: The Proposer must provide all required interconnection data as part of the Step Two Bid Proposal to enable NYSERDA to coordinate with the NYISO, Distribution Utilities, and other subject matter experts to assess each Bid Facility's estimated energy deliverability potential for the current grid and future states of the grid based on reasonable assumptions of a 70x30 electric grid. Required interconnection data to be provided via the electronic Step Two Bid Proposal form will include the Bid Facility's:

- Point of Interconnection (POI) name and voltage
- POI location, physical address (if available) and latitude/longitude
- Nameplate Capacity (MWac and MWdc)
- P(50) Long-term Energy Production Estimate (MWh)⁵³ and Bid Quantity (MWh)
- Net Capacity Factor (%)
- Maximum Net Export Capability at POI (MW)
- Assumed Operating Power Factor
- 8,760 hourly generation profile, provided via Attachment E. P(50) 8760 Template

⁴⁷ See the System & Resource Outlook documents: <https://www.nyiso.com/library#reports>

⁴⁸ See NYISO Transmission Planning Advisory Subcommittee meeting materials: <https://www.nyiso.com/tpas>

⁴⁹ <https://climate.ny.gov/resources/scoping-plan><https://climate.ny.gov/Resources/Draft-Scoping-Plan>

⁵⁰ <https://climate.ny.gov/-/media/Project/Climate/Files/Draft-Scoping-Plan-Appendix-G-Integration-Analysis-Technical-Supplement.pdf>

⁵¹ <https://www.nationalgridus.com/Wholesale-Interconnections/New-York/>

⁵² Matter 20-00905, Case Number 20-E-0197, Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act; <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=20-E-0197&submit=Search>

⁵³ Populated in Cell Y11 on Tab A of Attachment E. P(50) 8760 Template

As part of the Resource Assessment and Energy Production Estimate submitted with the Step Two Bid Proposal, any generation bid to NYSERDA under Step Two of RESRFP25-1 must be substantiated by the Proposer as deliverable. Proposers are encouraged to review the forthcoming Updated Headroom Calculations, which should be filed in NYPSC [Case No. 20-E-0197](#)⁵⁴ by the Joint Utilities by October 2025.⁵⁵ The latest [Updated Headroom Calculations](#)⁵⁶ were filed by the Utilities on October 1, 2024.

Non-Price Evaluation Criteria: In this category, the TEP will evaluate Bid Proposals based on the benefits afforded and risks avoided to the electric grid by the proposed Bid Facility in light of current and forecasted future states of the electric grid, including benefits to address grid congestion and delivery constraints, and the extent to which a Proposer can demonstrate that the Bid Facility can deliver firm power (e.g., Bid Quantity as proposed to NYSERDA) to the electrical system without adversely impacting the generation of large-scale renewable projects currently operating, at an advanced stage of development (i.e., meets the NYISO inclusion rules per the NYISO Reliability Planning Process), and/or under contract to deliver energy for end use in New York State.

Proposers should familiarize themselves with NYISO's proposed energy deliverability metric that has been approved by FERC in tariff updates to enhance the Economic Planning Process. The energy deliverability metric "will provide information about the ability of each Resources, individually and taken collectively with other Resources, to be able to deliver its fully energy capability to the system and the degree of, and the conditions that are expected to lead to, any curtailment thereof."⁵⁷

In consultation with subject matter experts, the TEP will evaluate Bid Proposals based on the estimated benefits to the grid and future estimated energy deliverability potential based on reasonable assumptions of future states of the electric grid (e.g. 2035, 2040). Bid Facilities that will interconnect to the electric grid in areas where congestion and curtailment is less likely to occur will be preferentially evaluated compared to Bid Facilities that plan to interconnect to the electric grid where congestion and curtailment of renewable generators is more likely to occur on a future electric grid. The TEP may also consider interconnection studies and/or any deliverability studies provided by Proposers as part of their Step Two Bid Proposals, if provided by the Proposer.

Analyses may be carried out to identify potential impacts that proposed Bid Facilities may create on the energy deliverability of renewable energy projects that are operating, at an advanced stage of development (i.e., meets the NYISO inclusion rules per the NYISO Reliability Planning Process), and/or under contract to deliver energy for end use in New York State, including curtailments or direction from the NYISO or Scheduling Coordinator that forces a renewable generator to reduce output. These potential impacts may be assessed in part based on current conditions and in part based on forecasted grid limitations that may materialize for future states of the grid. NYSERDA may coordinate with NYISO, the distribution/transmission owners, and/or third parties to employ relevant analyses to estimate potential congestion and curtailment impacts resultant from the portfolio of bids submitted to

⁵⁴ <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=20-E-0197>

⁵⁵ On November 19th, 2024, the Public Service Commission Approved an annual filing process for headroom calculations at <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={20FC4593-0000-C71C-8C4A-C1E8F6BBA0B9}>

⁵⁶ <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={20924892-0000-C22D-A354-C7C4655D0890}>

⁵⁷ See NYISO tariff section 31.3.1.3.5.7 as filed and approved in FERC Docket No. ER21-1074-000.

RESRFP25-1 to inform the decision to employ Portfolio Risk Factors authorized under the CES Modification Order (See Section 6.2).

Proposers are encouraged to demonstrate with currently available knowledge that their proposed point of delivery into the NYCA, along with their proposed interconnection and transmission and/or distribution upgrades, is sufficient to ensure full energy dispatch of the Bid Facility's expected generation output to provide the binding Bid Quantity (in Megawatt-hours) bid to NYSERDA. Please note that this includes energy and is not limited to capacity. Proposers are also encouraged to submit a deliverability study or other third-party assessment of the Bid Facility's interconnection and deliverability potential as part of their Step Two Bid Proposal submission(s) to demonstrate the energy deliverability of a Bid Facility. Bid Facilities that can exhibit to NYSERDA that the project is energy-deliverable under clear and reasonable assumptions may be preferentially evaluated by the TEP.

4.3.4 Peak Coincidence

Submission Requirements: See Energy Deliverability submission requirements in Section 4.3.3.

Minimum Threshold: The Proposer must provide all required interconnection data as part of the Step Two Bid Proposal as noted for the Energy Deliverability Minimum Threshold Requirements.

Non-Price Evaluation Criteria: Bid Proposals will be evaluated based on how closely the Bid Facility's expected generation profile matches future estimates of the NYISO load net of the portfolio of already operating and contracted, under development renewable and zero-emissions generation in New York State. Future expected load shapes (e.g., 2035, 2040) for evaluation purposes will be based on the most recent available NYISO Resource & System Outlook Study. Bid Facilities that complement the existing portfolio of operating/under development projects more significantly will be preferentially evaluated compared to Bid Facilities that do not afford the same level of complementary generation compared to future load.

4.3.5 Agricultural and Forested Land (*Solar PV Bid Facilities in New York State Only*)

Submission Requirements:

Description: Proposers must include a description in their Bid Proposal of any agricultural land that the planned project footprint of their Bid Facility is sited on. This description should include owned, rented, or leased farmland. Proposers must also include a description of any recent agricultural activity occurring on the planned project footprint in the five years prior to the release of RESRFP25-1.

Agricultural Mitigation Payment Estimate: Proposers of Solar facilities physically located in New York State must complete and submit the Attachment G. Agricultural Mitigation Payment Estimate Calculator, which will calculate the estimated mitigation payment required for the Bid Facility based on the Facility Area overlap with Mineral Soil Groups 1 through 4 (MSG 1-4). An Agricultural Mitigation Payment will not be required if the Facility Area of the as-built Bid Facility overlap with MSG 1-4 is less than 30 acres.

Smart Solar Siting Scorecard: Proposers of Solar facilities must also complete and submit the Appendix 2 - Exhibit 1. RESRFP25-1 Smart Solar Siting Scorecard Workbook. Proposers should consult the Appendix 2 - RESRFP25-1 Smart Solar Siting Scorecard before completing this Excel-based workbook, which will score projects based on their expected impacts to active agricultural land and MSG 1-4 and additional

measures. NYSERDA is not intending to use the Scorecard as a screening tool to preclude Proposers from receiving a NYSERDA award based on agricultural impacts, nor contractually require avoidance and/or minimization measures submitted via the Scorecard, however NYSERDA will make the Scorecards for awarded projects publicly available such that the applicable permitting body may reference the Scorecard as part of the permitting process for the project.

The RESRFP25-1 Smart Solar Siting Scorecard has been modified to now require Proposers of most Solar PV Bid Facilities to complete, in addition to the Exhibit 1 Workbook, the Exhibit 4 In-Field Verification to assess and confirm the extent of Forested Lands within the Facility Area. Bid Facilities that have a submitted application to ORES, including Exhibits 11 and 15, can base the relevant Avoidance Flow Chart data inputs (Agroforestry and Forest Land) on these Exhibits and do not need to complete the Exhibit 4 In-Field Verification.

Maps of Bid Facility: Proposers are required to submit a map of the Bid Facility with their MSG 1-4 acreage calculations that shows the Facility Area overlaid on the MSG 1-4 data and the parcel boundaries hosting the Facility Area.

Maps should be provided in both PDF format and as GIS shapefiles. The shapefiles should contain polygons of the Forest Land and Agroforestry areas in the Facility Area boundary. Proposers should include separate shapefiles of the Facility Area boundary and security fences for the Bid Facility. Clearly identify any areas found to be misidentified during the desktop review via polygons both on the map and as a shapefile.

For Solar PV Bid Facilities inclusive of parcels located in a New York State Agricultural District, Proposers are also required to provide preliminary information to estimate an Agricultural Mitigation Payment based on the Bid Facility impacts described in the Scorecard.

To inform the submission of the required Agricultural and Forested Land documents and data, Proposers can take advantage of the following resources:

Agricultural Co-Utilization Plan: Proposers bidding a Solar PV Bid Facility are permitted to request to defer and potentially offset any required Agricultural Mitigation Payment by submitting an Agricultural Co-Utilization Plan (ACUP) with the Step Two Bid Proposal and receiving acceptance in advance of commencing Construction Activities. Proposers of Solar PV Bid Facilities are permitted to submit a draft Pre-Commercial Operation (Pre-CO) ACUP with their Step Two Bid Proposal. If awarded, the Seller will be required to submit an updated Pre-CO ACUP to NYSERDA for review and potential acceptance, no later than one hundred eighty (180) calendar days prior to commencement of Construction Activities for the Bid Facility. During Construction Activities, the Seller would need to implement the relevant Pre-CO ACUP components (e.g., agrivoltaic-specific design accommodations, soil protection plan, etc.). Upon project completion, and in conjunction with the Operational Certification process detailed in NYSERDA's Standard Form Agreement, the Seller will need to prepare and submit, for NYSERDA's review, a Post-Commercial Operation (Post-CO) ACUP reflecting the ACUP activities performed to date, as well as those planned for the operational period.

As is the current practice during Operational Certification, any applicable estimated Agricultural Mitigation Payment would be updated based on the project's final as-built Facility Area. Should NYSERDA accept the Post-CO ACUP, any required Agricultural Mitigation Payment would be deferred for 5 years pursuant to the Standard Form Agreement. Within ninety (90) days after the fifth anniversary of Commercial Operation, a final ACUP Implementation Report would be due to NYSERDA. The Agricultural

Mitigation Payment due at this time could be offset entirely if sufficient co-utilization expenses are evidenced. NYSERDA reserves the right to make the Post-CO ACUP publicly available, including Eligible Co-Agricultural Expense information.

Guidance for developing a Pre-CO and a Post-CO ACUP is available in the Appendix 6. Agricultural Co-utilization Plan Guidance. For avoidance of doubt, should a Proposer not submit a draft Pre-CO ACUP with the Step Two Bid Proposal, the option would still remain for the Seller to submit a Pre-CO ACUP no later than 180 days prior to Construction Activities if they are awarded. For more details on agricultural co-utilization practices and agricultural co-utilization plans, please see the Scorecard and Section 6.11 of the Agreement.

(Optional) Climate and Applied Forestry Research Institute Data Requests: Proposers of Solar PV Bid Facilities now have the option to request access to Climate and Applied Forestry Research Institute (CAFRI) data used by the State University of New York, College of Environmental Science and Forestry (SUNY-ESF) and by NYSERDA to assess the potential impacts of a Bid Facility(ies) on forested lands and to evaluate the Forested Lands Protection component of the Scorecard.

NYSERDA may coordinate with NYS AGM, acting as a specialist reviewer to inform the evaluation of Bid Facilities, under which proposals for Bid Facilities and supporting documentation may be shared on an interagency basis. NYSERDA may also coordinate with NYS AGM to support commencement of the notice of intent process for projects that submit a Step Two Bid Proposal and/or are provisionally awarded under RESRFP25-1.⁵⁸

Minimum Threshold: All Proposers of Solar facilities within New York State must include in their Bid Proposal a description of any agricultural land that the planned project footprint of their Bid Facility is sited on. This description should include owned, rented, or leased farmland. Proposers will also include a description of any recent agricultural activity occurring on the planned project footprint in the five years prior to the release of RESRFP25-1.

Proposers of Solar facilities within New York State will be required to complete and submit the Appendix 2. RESRFP25-1 Smart Solar Siting Scorecard Workbook, which will allow NYSERDA to score Bid Proposals based on the Bid Facility's expected impacts to active agricultural land and MSG 1-4, forested land, and additional measures.

Non-Price Evaluation Criteria: Non-Solar PV Bid Facilities will be awarded full points for the Agricultural and Forested Land category.

Proposed Solar PV Bid Facilities will be evaluated based on their verified Scorecard total score, with respect to expected impacts to active agricultural land, MSG 1-4, and forested lands, as well as any avoidance, mitigation, and/or co-utilization measures that the Proposer is willing to commit to in their Step Two Bid Proposal.

Projects that commit to co-utilization measures in their Scorecard, and if submitted, a draft ACUP, will be preferentially evaluated by the TEP. Project sites that demonstrate extensive forested land conversions as part of pre-development, such as clearing a portion of the proposed Facility Area while

⁵⁸ New York State Department of Agriculture and Markets, Notice of Intent Requirement: <https://agriculture.ny.gov/land-and-water/notice-intent-requirement>

under site control prior to obtaining the appropriate permits, may be viewed less favorably in evaluation.

4.3.6 Project Development Experience

Submission Requirements: The Proposer must demonstrate it meets the Minimum Threshold Requirements for Project Development by providing the following documentation:

- **A management chart** that lists the key personnel dedicated to the Bid Facility.
- **A list of what equipment has already been procured, its manufacturing point of origin and/or for what equipment have quotes been obtained.**
 - For Solar PV Bid Facilities, the module unit price assumption, whether panels have been procured and how the Proposer plans to provide the panels at the pricing assumed.
 - For Wind Bid Facilities, the turbine price assumption, whether the turbine and major components have been procured and how the Proposer plans to provide the turbine at the pricing assumed.
 - For all Bid Facilities, price assumption and procurement status of any needed interconnection equipment, such as a transformer or switchgear.
- **A list of up to 15 specific projects successfully developed and/or financed**, specifying the nameplate capacity, technology⁵⁹, commercial operation date, and location using Attachment D Bid Data Form, including the largest project developed in general and the largest project developed in New York State using the same technology as the Bid Facility.
- **Disclosure** of any criminal and civil lawsuits, litigation, and settlements associated with the Proposer's prior project development and commercial efforts over the last three years prior to the release of RESRFP25-1.

Minimum Threshold: Proposers must demonstrate that they have experience in developing renewable generation facilities. Specifically, the Proposer or the principals in its development team must have developed at least one renewable generation facility to commercial operation that is of similar or larger scale than the Bid Facility. For the purposes of this criterion, similar scale is defined as follows:

- A project of at least 33% of the proposed Bid Facility capacity, in MWac; or
- A project of at least 10% of the proposed Bid Facility capacity, in MWac, if the Proposer has also successfully completed the interconnection process in the same interconnecting entity as the proposed Bid Facility.

Experience of vendors or contractors to the Proposer do not count towards this experience requirement. NYSERDA will not consider aggregated portfolios of generation facilities as a project under this criterion.

⁵⁹ Resource and prime mover, *e.g.*, solar or wind. Not meant to distinguish between different solar technologies, for example.

Non-Price Evaluation Criteria: Evaluation will be based on the relative level of project development experience demonstrated, particularly with respect to facilities of similar scale, similar technology⁶⁰ and similar location.⁶¹ Proposals for Bid Facilities that are similar to those projects provided and successfully brought to commercial operation by the Proposer will be preferentially evaluated by the TEP. Experience with successfully developing current and previously RPS Attribute or Tier 1-contracted NYSERDA projects may be accounted for when evaluated by the TEP.

Examples of projects developed by the Proposer or the principals in its development team that demonstrate innovative design or services to the surrounding community will be preferentially evaluated by the TEP. Examples of innovative design could include, but are not limited to, incorporation of agrivoltaics or use of brown fields and examples of community services could include, but are not limited to, educational partnerships or developing services to rural New York State residents and disadvantaged communities.

4.3.7 Financing and Creditworthiness

Submission Requirements: The Proposer must demonstrate it meets the Minimum Threshold Requirements for Financing and Creditworthiness by providing the following documentation:

- **An organizational chart** for the Bid Facility that lists the participants and identifies the corporate structure, including general and limited partners and financial arrangements to the Proposer’s parent company or affiliate. The organizational chart must identify any partners, parent companies or affiliates that are owned in whole or in part by governments foreign to the United States.
- **Evidence that the Proposer or its equity participant(s) possess an investment grade Credit Rating.** If an equity participant does not have such Credit Rating, e.g., a subsidiary, it shall provide (i) written evidence of a corporate commitment, for example, a “comfort” letter or “keepwell” agreement, to support the development and financing from its parent company and (ii) evidence of an investment grade Credit Rating from that parent company. In addition, any credit alerts or rating upgrade or downgrade for the equity partners, or their parent companies in the past three years.
- **The following financial statements**, if applicable and available, via PDF or summary documents with links to publicly available PDFs (links to all publicly available SEC filings are preferred as opposed to the submission of full SEC filings):
 - Audited financial statements for the three most recent fiscal years;
 - Audited financial statements from Proposer’s parent, if Proposer does not have such financial statements and the parent is providing a corporate funding commitment; or
 - Audited financial statements for its three most recent fiscal years if being provided for a private corporation, with an attestation from the CEO or CFO that such information is materially accurate and complete; or
 - An explanation if the information above cannot be provided, and provision of alternate information to demonstrate Proposer’s financial capacity to develop and bring the proposed Bid Facility to commercial operation.

⁶⁰ Similar technology is the same resource and prime mover, e.g., solar, wind. It is not meant to distinguish between different solar technologies, for example.

⁶¹ Similar location is the same interconnecting entity.

• **Key Credit Ratios.** The Proposer should submit results for the following key financial ratios as calculated for each of the three most recent fiscal years:

- Funds from operations (FFO) to debt
- Debt to EBITDA
- EBITDA to interest

The Proposer should further provide detail of which financial statements items were used to calculate EBITDA and FFO in each year.

• **A detailed Financing Plan.** The Financing Plan should contain if available and applicable:

- A detailed description of the anticipated financing arrangements, including equity, pre-construction and development expenditures, Contract Security, construction debt, mezzanine / subordinated debt, and permanent debt;
- A list of all committed and potential equity partners;
- The Bid Facility development and operating responsibilities of each equity partner, and their respective funding obligations, *e.g.*, joint and several funding responsibilities, if applicable;
- If available, written expressions of interest from potential debt lenders sufficient to fund the project development, construction and permanent debt capitalization to the fullest extent available, and any applicable expressions of interest from tax equity providers;
- A description of Proposer's intention to own and operate the Bid Facility, or sell the Bid Facility to another party;
- If the Proposer intends to own and operate the Bid Facility: a description of the Proposer's plan to monetize RECs after the expiration of an awarded Tier 1 contract with NYSERDA;
- If the Bid Proposal does not include an Component Cost Indices Adjustment, provide inflation rate assumptions;
- The anticipated construction and long-term capital structure for the Bid Facility ownership entity, including the Bid Facility's projected balance sheet at year-end for every construction year and at COD;
- Description of the evolution of division between shareholder equity and debt from the development period through the construction period and any plans for adjusting to loss of shareholder equity;
- Details of the expected construction loan and permanent loan, including terms of repayment, (amount, tenor, interest rate, *etc.*), the amount each lending institution is prepared to commit (subject to credit committee approval), their debt service requirements (interest, rate swaps, letters of credit, guarantees, *etc.*), with all fees indicated clearly;
- A declaration of intent to use the Production Tax Credit (PTC) or Investment Tax Credit (ITC) and any available adders made available as part of the Inflation Reduction Act of 2022. Proposers should include their assumption of the percentage of their energy production or project costs that will be compensated under the PTC or ITC and a detailed description of how the Bid Facility will qualify for the PTC or ITC;
- Describe any other available federal, state, and local available tax credits, financial incentives, and subsidies, and how these will be utilized in the Financing Plan;

- Details of any events of default or other credit/financial issues associated with all projects (other than those under contract with NYSERDA) in which the Proposer (and other equity partners), its parent company, its affiliates, and directors, officers, and senior managers of those entities, participated over the past three years;
- Information concerning the Proposer's (and other equity partners) financial condition and evidence of creditworthiness; and
- If available, for the most recent accounting period and prepared in accordance with GAAP or IFRS: 1) A copy of its annual report containing audited consolidated financial statements (income statement, balance sheet, statement of cash flows and statement of retained earnings and all accompanying notes) for such fiscal year, setting forth in each case in comparative form the figures for the previous year, and 2a) for SEC reporting companies, access to financial statements certified in accordance with all applicable laws, including applicable SEC rules and regulations, or 2b) for non-SEC reporting companies, certification from the chief financial officer, controller, treasurer or any assistant treasurer of a Proposer/Seller or any employee of a Proposer/Seller designated by any of the foregoing, as being fairly stated in all material respects (subject to normal year-end audit adjustments). If a Party's financial statements are publicly available electronically on the website of that Party or the SEC, then the Party should provide links to these statements and shall be deemed to have met the requirements of this section.

Minimum Threshold: The requested financing and creditworthiness documents are provided and the Financing Plan demonstrates the financial capability to complete construction by the proposed commercial operation date and a sufficient degree of planning and due diligence on how the Bid Facility is to be financed.

Non-Price Evaluation Criteria: Proposers with relatively higher credit ratings or with relatively more assets (or higher asset/debt ratio) will be preferentially evaluated by the TEP.

4.3.8 Project Maturity

Submission Requirements: All Proposers must submit key proposed interconnection data, permitting progress, equipment procurement status and development status for the Bid Facility.

Minimum Threshold: Proposers must demonstrate that the Bid Facility can reasonably be permitted, developed, financed, and constructed within the proposed Project Schedule.

Non-Price Evaluation Criteria: Bid Facilities will be evaluated based on the reasonableness of the timeline for securing permits and approvals such that the proposed COD can be achieved. Bid Facilities with an earlier proposed COD for the Project will be preferentially evaluated, as long as the proposed COD is determined to be reasonable and is supported by the overall Bid Proposal, including the Project Schedule submitted by Proposers in Section V of the Attachment D. Bid Data Form. Projects that already have permits and approvals in hand or have applied for major permits or approvals or have otherwise begun the regulatory filings will be preferentially evaluated. Proposals that have a more advanced interconnection status or that have progressed detailed interconnection studies will be preferentially evaluated.

4.3.9 Community Engagement

The public and local governments play an important role in the process of evaluating and advancing renewable energy project siting in New York State, and in shaping developments that may be permitted in their communities. Proposers are responsible for planning and implementing a Community Engagement Plan that supports an open and inclusive public process and encourages feedback throughout the development and construction of the proposed Bid Facility. An effective Community Engagement Plan reflects an understanding of local interests and concerns, provides accessible and regularly timed public education opportunities, demonstrates a commitment to partnering with the elected officials in proposed host communities, respectfully responds to opposition, and elicits input from the public and affected agencies.

Prior to and following the submission of Step Two Bid Proposals, NYSERDA's Clean Energy Siting team may contact or schedule and meet with local officials in the proposed host communities, in person and/or via teleconference. These meetings may be conducted without Proposer participation, but NYSERDA will endeavor to notify the Proposer regarding the schedule for such meetings and provide a brief synopsis of such meetings after they conclude. NYSERDA intends to share the submitted Attachment B. Public Release of Bid Facility Information and Community Engagement Plan with local officials interested in learning more about the project's development.

Submission Requirements: All Proposers will be required to complete and submit the Attachment B. Public Release of Bid Facility Information and Community Engagement Plan, which is to be published on NYSERDA's website following submission of Step Two Bid Proposals. A blank version of Attachment B is available for download from the RES Solicitations webpage and the solicitation website.

Attachment B should include a description of the project as well as existing and planned engagement activities associated with the Bid Facility as described below:

- 1) Provide a general description of the project, including, but not limited to, technology characteristics, project location, project timing, approximate acreage, types of land being used/converted, any planned agrivoltaics components, overall local economic impact, etc.
- 2) Identify the Authority Having Jurisdiction (AHJ) and taxing School District, including local elected officials' names, titles, contact information and tenure, restricted to primary executive (e.g., Town Supervisor, City/Village Mayor), Planning Board Chair, Zoning Board Chair, Code Enforcement Officer, and Town Clerk.
- 3) Detail local outreach strategies, engagement activities, and public events the Proposer has implemented to date to engage stakeholders and interested parties, including affected agencies, and to encourage public involvement.
- 4) Detail planned local outreach strategies, engagement activities, and public events the Proposer will implement throughout the pre-award, development, construction, and operation phases (consistent with the Project Milestone Schedule), including methods of communication and specific channels the Proposer intends to use to disseminate Bid Facility information. Include planned frequency of public events and the anticipated duration, in years, of the public engagement events of community outreach, and strategies to ensure that public engagement events are widely attended by a representative cross section of host community residents.
- 5) Description of benefits to Disadvantaged Communities that would be realized with the development and construction of the Bid Facility, as applicable to Climate Act goals.

- 6) Details of the direct benefits to the community the Proposer will advance, which may include a local ownership stake in the facility, reduced energy bills for those with homes or businesses in the Bid Facility's vicinity, and/or other direct benefits.
- 7) Details on past or planned engagement regarding payments in lieu of taxes (PILOT) agreements or host community agreements (HCAs).
- 8) Describe local interests and concerns, including identifying plans to thoughtfully build support for the Bid Facility and respectfully respond to any opposition to the Bid Facility. Identify strategies the Proposer will use to mitigate concerns raised by the public regarding the Bid Facility. This may include visibility and viewshed impact mitigation efforts, accommodations to co-locate agricultural activities, or other issues of importance to the host communities. Include specific details on past or planned engagement with neighboring, non-participating landowners that may be impacted by the project, and anticipated steps (e.g., good neighbor agreements) that will be taken to address their concerns, if any.
- 9) Method for soliciting feedback and input from the public and affected agencies and the process for sharing feedback and responses publicly.

Minimum Threshold: The Proposer must complete and submit the Attachment B. Public Release of Bid Facility Information and Community Engagement Plan and provide documentation in the Step Two Bid Proposal that it has been in contact with the host AHJ(s) regarding the proposed Bid Facility and has informed the AHJ(s) local elected officials about the Bid Facility's participation in RESRFP25-1.

Documentation can include, but is not limited to:

- Correspondence between the Proposer and host AHJ(s);
- Communications with local elected and/or administrative officials.

Documentation provided by the Proposer must definitively demonstrate that the Proposer is communicating with the host AHJ(s) regarding the proposed Bid Facility. Proposers are encouraged to submit as much documentation as available to fulfill this eligibility requirement and are encouraged to work with all applicable stakeholders at the local level.

In the event of an election/retirement/other change of position within the Host Community or the AHJ, Proposers are responsible for informing current and subsequent local officials in a timely manner. NYSERDA may request written verification from a Proposer that the current local official(s) is aware of the project's participation in this solicitation should an election or other change of position occur within a Host Community or AHJ relevant to the Bid Proposal. Proposers will also be responsible for submitting a complete Community Engagement Plan as described above to be publicly posted following the receipt of Step Two Bid Proposal packages.

The Proposer must also provide documentation that it has conducted at least one public meeting for community members who may be impacted by the siting of the facility. Documentation can include, but is not limited to:

- Public records of Town/Planning/Zoning Board meeting minutes and/or presentations;
- Copies of transcripts (if any), presentation materials, and a summary of questions/issues raised and responses provided during the pre-application meeting(s).

In the event the Proposer is unable to secure a meeting with community members, the Bid Proposal shall contain a detailed explanation of all of the Proposer's best efforts and reasonable attempts to secure such a meeting, including, but not limited to, all written communications between the Proposer and the municipality and/or community groups.

4.3.10 Resource Assessment and Energy Production Estimate

Submission Requirements: The Proposer must provide a Resource Assessment and Energy Production Estimate that responds to all required information identified in Appendix 1. Resource Assessment and Energy Production Estimate Requirements. The Proposer must also provide a narrative description of any assumed level of curtailment built into the resource assessment and any projected impacts on the Bid Facility's energy and/or capacity deliverability. The Proposer will be required to detail the full extent of the curtailment assessments performed to demonstrate the deliverability of the Bid Facility and clarify explicitly what the curtailment and degradation assumptions are for the equipment proposed for the Bid Facility.

Detailed instructions regarding the supporting documentation required to meet the Minimum Threshold Requirements for a Resource Assessment and Energy Production Estimates, by technology, are provided in Appendix 1.

Minimum Threshold: Proposers are required to provide a Resource Assessment and an Energy Production Estimate for the Bid Facility. The Resource Assessment must approximate the renewable resource typically available on an annual basis to power the Bid Facility. The Energy Production Estimate must estimate the Bid Facility's ability to convert the renewable resource to electric power at the P(50)⁶² level. Detailed technology-specific requirements and evaluation criteria for the Resource Assessment and Energy Production Estimate are presented in Appendix 1.

The Resource Assessment and Energy Production Estimate must be consistent with and representative of the Bid Facility, long-term conditions at the site, and if applicable, Co-located Storage Facility, as proposed to NYSERDA. The Bid Quantity may not exceed the P(50) long-term Energy Production Estimate. The Resource Assessment and Energy Production Estimate must detail the full extent of the curtailment assessments performed to demonstrate the deliverability of the Bid Facility and clarify explicitly what the degradation assumptions are for the equipment proposed for the Bid Facility. System loss factors must be detailed, and include auxiliary and parasitic loss, availability loss, curtailment, and operational loss due to Utility or Transmission Operator requirements (e.g., deliverability limitations, VAR/Power Factor support, or other losses) and grid-mandated curtailments due to congestion or emergency. To the extent possible, incorporate into the Resource Assessment and Energy Production Estimate the effects of climate change impacts projected to occur within the Bid Facility's useful life, and any efforts undertaken to ensure the generation over the useful life of the Bid Facility will be maintained despite potential climate change impacts. If applicable, the expected efficiency as a result of bifacial panels must be detailed. For Eligible Upgrades, provision of the Resource Assessment and Energy

⁶² P(50) represents a level of resource projection or production estimate with a 50% likelihood of being exceeded in any future year. The P(50) value shall be the expected value (*i.e.*, the mean) based on the Proposer's Resource Assessment diligence in accordance with the minimum requirements listed in the section herein for the respective renewable technology.

Production Estimate submitted to obtain a PsoQ or SoQ and the associated Tier 1 certification is sufficient to meet the minimum requirements outlined in Appendix 1 based on the resource type.

4.3.11 Carbon Emissions and Embodied Carbon

Submission Requirements: The Proposer should describe the efforts that have or can be undertaken to understand the “embodied carbon” impact of renewable development and minimize the Bid Facility’s embodied carbon intensity. To the extent discernable at the current stage of development, Proposers should describe and explain the anticipated carbon intensity in Bid Facility design, sourcing, construction, operation, and maintenance.

Minimum Threshold: Proposers must describe how the Bid Facility will actively support the outcomes envisioned by the Climate Act, including a description of the efforts that have or can be undertaken, including any tools or methodologies used, to better understand and consider carbon intensity in design, sourcing and construction, and the steps that have been taken to minimize carbon emissions, including embodied carbon, from the Bid Facility. To the extent discernable at the current stage of development, Proposers should describe and explain the anticipated carbon intensity in Bid Facility design, sourcing, construction, operation, and maintenance.

The Proposer should also propose the methodology by which such reduction activities will be considered and integrated into the Bid Facility’s design as the project evolves. Proposers should describe and explain the proposed process by which the Proposer will account for embodied carbon on an ongoing basis through development, construction, and operation of the Bid Facility. This could include the sourcing and manufacturing of primary components such as modules, inverters, turbines, towers, other prime movers, cables, substations, energy storage facilities, and other electric equipment, but should also consider associated activities such as construction, Operation & Maintenance (O&M), and decommissioning. This could also include opportunities to support project component equipment recycling and/or carbon mitigation efforts in collaboration with New York State manufacturing sources.

The evaluation will not consider avoided emissions associated with the Bid Facility itself.

4.3.12 Climate Resiliency

Submission Requirements: The Proposer should identify potential climate risks to the Bid Facility, adaptation and resilience measures that will be incorporated to mitigate risk, and the potential for climate risks to impact the Bid Facility’s performance over its useful life.

Describe the efforts that have or can be undertaken to understand the climate resiliency of the Bid Facility and minimize the Bid Facility’s risk of being impacted by climate impacts.

Minimum Threshold: The Proposer must identify the Bid Facility’s climate hazard exposure over the Facility’s full useful life. This includes evaluating the climate risk of the project under both current climate conditions and projected future conditions due to climate change for the following hazards: coastal, riverine, and stormwater flooding, sea level rise, extreme heat and extreme cold events, increased average temperatures, and extreme storms (hurricanes, nor’easters, etc.) at a minimum. Proposers shall include the results of this hazard screening in the Bid Facility submission. Proposers shall include a site map illustrating the results of this exposure screening with an indication of proposed asset locations within the site.

Proposers are encouraged to utilize existing public datasets to understand current and future exposure, unless more comprehensive datasets are available, including the following:

- Coastal and Riverine Flooding: [FEMA National Flood Hazard Maps](#)
 - For NYC Projects: [NYC Flood Hazard Mapper](#) (suggested exposure layer “Future Floodplain 2050s”)
- Stormwater Flooding (for NYC locations): [NYC Stormwater Flood Maps](#) (suggested exposure layer “Extreme Flood with 2080 Sea Level Rise”)
- Sea Level Rise: [NYSERDA Sea Level Rise Viewer](#) (suggested exposure adjustment to 24” of sea level rise, recurrence interval 10 years)
 - For NYC Projects: [NYC Flood Hazard Mapper](#) (suggested exposure layer “High Tide 2050s”)
- Extreme Heat: [NYS Department of Health Heat Vulnerability Index](#)
 - For NYC Projects: [NYC Heat Vulnerability Index](#)
- Extreme Wind: [ASCE Hazard Tool](#) (suggested exposure ‘risk category II’, load type ‘wind’)
- NYS climate projections and impacts by region: [NYS Climate Impacts Assessment](#)

Should climate hazard exposure be identified, the Proposer shall explain how climate resiliency measures have been incorporated into the design of the Bid Facility and how these hazards could impact the reliability and performance of the Bid Facility. In addressing these points, the Proposer shall address:

- Reliability (the extent to which the system provides outputs and avoids temporary disruptions): The Proposer must explain how climate change adaptation and resilience is incorporated into the Bid Facility’s siting, design, technology selection, construction, and operation and the specific measures incorporated to mitigate risk. Proposers should show how they have avoided siting projects in current or future floodplains; if alternative siting is not possible, Proposers should show how they have designed the project with flood protection using climate-informed standards. Proposers should also show how they have avoided siting the Bid Facility in areas expected to experience regular tidal inundation due to sea level rise over the course of their useful life.
- Performance (the ability of the system to provide expected output of energy over its useful life): The Proposer will identify anticipated impact, if any, on the Bid Facility’s performance (energy output) that may result from climate impacts projected to occur within the Bid Facility’s useful life (for example, potential reduction in solar efficiency during anticipated increased number of heat waves and higher ambient temperatures in 2040). Proposers will demonstrate how the Bid Facility will maintain expected performance over the full useful life and identify, as needed, the design or operational measures incorporated beyond current codes and standards to achieve this performance.

If awarded, the Seller will be required to provide a Climate Resiliency Plan as further described in Section 6.08 of the Agreement.

4.3.13 Energy Storage

Submission Requirements: Proposers submitting an Alternate Co-located Storage Bid Proposal are required to indicate this in the Step One Application and complete a Step Two Bid Proposal for the Bid Facility with and without an Energy Storage Component.

Minimum Threshold (Applicable only to Alternate Bid Proposals Including Energy Storage Components):

- The Proposer must have at least an executed exclusivity agreement or letter of intent with the Co-located Storage Facility site owner(s). The full site needed for the Energy Storage Component must be covered by the exclusivity agreement(s) and/or letter(s) of intent.
- The Proposer must demonstrate that at least one team member or partner has experience in developing at least one energy storage system of similar or larger scale using the same technology as proposed. An explanation of this experience should be included in the Attachment F. Minimum Thresholds Narrative. To qualify, the previously developed energy storage facility does not yet need to be in commercial operation to meet this Minimum Threshold Requirement.
- The Proposer must have provided evidence that the Energy Storage Component is an active project undergoing the Phase 2 Study of the 2024 NYISO Cluster Study, either as part of the proposed Co-located Storage Facility or with a separate queue position specific to the Energy Storage Component. If the Cluster Study is not applicable, the Energy Storage Component may also meet this requirement through the relevant utility interconnection process. For Bid Facilities that are modifying an existing Interconnection Agreement, evidence of a Modification Request that has been deemed non-material by NYISO is sufficient to meet this eligibility requirement.
- In the Financing Plan, Proposers submitting a Co-located Storage Facility must separately declare whether and to what extent they intend to utilize the ITC for the Energy Storage Component.
- Co-located Storage Facilities shall include a P(50) Energy Production Estimate that considers the Energy Storage Component for the Bid Facility, including anticipated losses resulting from the addition of the Energy Storage Component. Co-located Storage Facilities with solar must specify if the Energy Storage Component is AC or DC coupled. Proposers will also be required to explain if and how their P(50) Energy Production Estimate differs from their generator-only bid.
 - The Energy Storage Component must be addressed in the carbon accounting and minimization plan and Climate Resiliency Plan to the extent possible. Co-located Storage Facilities may directly displace carbon emissions if sited in strategic grid locations which facilitate offsetting fossil fuel generation in downstate New York.

Non-Price Evaluation Criteria: In this category, the TEP will evaluate and award points to Bid Proposals based on the benefits afforded to the electric grid by the Co-located Storage Facility. Proposals are eligible for full points in this category if the Bid Storage Capacity (MWh) of the Energy Storage Component is equal to or greater than the Bid Facility Nameplate Capacity (MW). For example, a 25MW 4-hour battery Energy Storage Component (100MWh) paired with a 100MW renewable generator would receive full points in this category. Energy Storage Components with a Bid Storage Capacity that is not at least equal to the Bid Facility Nameplate Capacity will receive points as a ratio of the Bid Storage Capacity (MWh) to the generator's Nameplate Capacity (MW).

If a Bid Facility does not receive full points based on the size of the Energy Storage Component, the Bid Facility can still receive preferential evaluation through the evaluation of the benefits afforded by energy storage facilities to transmission-constrained areas of the state's electric grid. Bid Proposals that can be demonstrated to serve acute congestion and/or deliverability needs will receive more preferential evaluation by the TEP than Bid Proposals that do not afford similar benefits to the electric grid.

All Proposers are encouraged to explore the feasibility of pairing their Tier 1 Bid Facility with a Co-located Storage Facility. Co-located Storage Facilities located in NYISO Zones G,H,I, J, and K will be given

the greatest weighting increase due to the disproportionate presence of existing generators in disadvantaged communities in these regions and in accord with the June 2024 Public Service Commission Order on Energy Storage⁶³. Co-located Storage Facilities that are strategically sited to alleviate congestion or transmission bottlenecks are preferred and will receive greater weighting. Proposers should also consider the potential grid reliability implications of the energy storage siting and avoid adverse reliability impacts.

The TEP may also consider the potential benefits to deliverability that are afforded by repurposing existing or retired fossil fuel facilities. Proposers that can demonstrate material energy deliverability benefits as a result of interconnecting the Co-located Storage Facility at an existing or retired fossil fuel facility may be eligible for additional points in the evaluation of Energy Deliverability.

4.3.14 Non-Viability Determination

The CES Modification Order authorizes NYSERDA to reject a Bid Proposal based upon a unanimous determination by the TEP that the project is not presently viable. NYSERDA may seek additional information from any Proposers deemed to have submitted a non-viable Bid Proposal prior to removing the Bid Proposal for consideration. If NYSERDA raises a potential non-viability concern for a Bid Facility, the Proposer will be given the opportunity to respond. The time to respond will depend on the nature of the potential non-viability determination but will not be less than five business days.

If a Bid Proposal is rejected based on the evaluation of viability, NYSERDA will notify the Proposer of the determination and provide an explanation following the submission of the Step Two Bid Proposal and the receipt of responses to any clarifying questions. Proposers with Bid Proposals that are rejected in this manner will remain eligible to re-apply in future RES solicitations and will be evaluated again without prejudice. Reasons for a determination of non-viability may include:

- 1) The Bid Proposal is immature to such an extent that it would be impossible to ascertain whether it is viable;
- 2) The Bid Proposal is predicated on unrealistic economic or regulatory assumptions; or
- 3) The Bid Proposal is subject to serious economic, permitting and/or regulatory risks without a sufficient mitigation plan.

Examples of why a Bid Proposal could be determined to be non-viable include, but are not limited to, failing to meet one or more Minimum Threshold Requirements, a Bid Facility with a Bid Price that is determined to be insufficient to cover project costs, an unfounded interconnection or permitting mitigation cost estimate and/or a materially high risk of not receiving permits due to the Bid Facility's site impact on natural resources.

Non-viability determinations will only be recommended for a clear, objective case that the Bid Facility is non-viable based upon the consensus of NYSERDA, TEP, and, if applicable, Specialist Reviewers' assessment of the Bid Facility.

⁶³ <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7bf0ED3690-0000-CF12-BE4A-5B1CED3FF31F%7d>

5 PRICE EVALUATION & BID PRICE STRUCTURE

5.1 REC Pricing

Each Step Two Bid Proposal must conform to either the Index REC or Fixed REC pricing structure. Offer prices for each Bid Proposal are all-inclusive; that is, for all components of the Bid Facility.

For both forms of pricing, only level nominal dollar pricing will be accepted. Proposals will be accepted with Contract Tenors of a minimum of one year and a maximum of the Bid Facility's Maximum Contract Tenor, determined by the Bid Facility's technology and vintage.⁶⁴

While all Bid Proposals must employ a single pricing structure, Bid Proposals are permitted to employ a different pricing structure for a materially different Bid Proposal. For example, if a Proposer submits a Bid Proposal for a Bid Facility of a certain Bid Capacity and a Bid Proposal for the same Bid Facility with a different Bid Capacity, the two Step Two Bid Proposals may employ different pricing structures, either fixed or index.

NYSDERA cannot adjust the binding Fixed or Index REC Bid Price submitted by awarded Proposers. Bid Proposals should be appropriately priced to reflect all interconnection and transmission upgrade costs required to ensure energy dispatch that is consistent with the Bid Proposal's proposed generation output profile, including transmission and/or distribution network upgrades that may need to occur beyond the point of interconnection.

5.1.1 Fixed REC Pricing

Under the Fixed REC pricing, the Monthly REC Price is equal to the Fixed REC Price.

$$\text{Monthly REC Price} = p^{\text{Fixed}}$$

where:

$$p^{\text{Fixed}} = \text{Fixed REC Price (\$/MWh)}$$

Each month's Fixed REC Price shall be as offered in the Bid Proposal for the relevant Contract Year, with the same Fixed REC Price applied for all months within the Contract Year. The Fixed REC Price shall also be the same for all Contract Years.

5.1.2 Index REC Pricing

Under the Index REC pricing, the Monthly REC Price varies monthly during the Contract Delivery Term and is calculated:

$$\text{Monthly REC Price} = SP^{\text{Index}} - REP - RCP$$

where:

⁶⁴ See Section 3.4.

SP^{Index} = Index REC Strike Price (\$/MWh)

REP = Reference Energy Price (\$/MWh)

RCP = Reference Capacity Price (\$/MWh)

Each month's Index REC Strike Price shall be as offered in the Bid Proposal for the relevant Contract Year, with the same Index REC Strike Price applied for every month of the Contract Tenor.

For Bid Facilities in New York State, each month's Reference Energy Price shall be a simple average of the hourly NYISO Day-Ahead Market (DAM) locational based marginal pricing (LBMP) for the NYISO Zone in which the Bid Facility's Delivery Point is physically located.⁶⁵ For Bid Facilities in external control areas, each month's Reference Energy Price shall be a simple average of the hourly NYISO Day-Ahead Market (DAM) locational based marginal pricing (LBMP) for the Proposer-identified NYISO Zone into which the Bid Facility will be injecting energy.

Each month's Reference Capacity Price will be based on the conversion of a Reference Unforced Capacity (UCAP) Price, equal to the spot auction price in \$/kW-month for the NYISO Zone in which the Bid Facility is located as published by the NYISO.⁶⁶ For Bid Facilities in external control areas, each month's Reference Capacity Price will be based on the conversion of a Reference Unforced Capacity (UCAP) Price, equal to the spot auction price in \$/kW-month for the Proposer-identified NYISO Zone into which the Bid Facility will be injecting energy.

The Reference Capacity Price is converted to its \$/MWh equivalent through the following equation:

$$RCP = \frac{RUP \times IC \times 1,000 \times CAF}{\text{Total RECs} \times BQP}$$

where:

RUP = Reference UCAP Price (\$/kW-month) as described above

IC = Installed Capacity (MW)

⁶⁵ Historical daily NYISO DAM LBMPs can be downloaded from the NYISO website at <http://mis.nyiso.com/public/> or <https://www.nyiso.com/custom-reports>.

⁶⁶ Historical monthly capacity spot auction prices can be downloaded from the NYISO website at http://icap.nyiso.com/ucap/public/auc_view_spot_detail.do or <https://www.nyiso.com/installed-capacity-market>. NYISO UCAP prices are not reported by Zone, but instead by capacity locality. Capacity localities include New York Control Area (NYCA), Southeast New York (or the G-J Locality), New York City (NYC) and Long Island (LI). Nested capacity localities, for example, New York City inside the G-J Locality, can have the same or a higher price as the capacity locality they are located within. For Zones A through F, refer to the NYCA UCAP price. For Zones G through I refer to the G-J Locality UCAP price. For Zone J, refer to the NYC UCAP price. For Zone K, refer to the LI UCAP price.

Total RECs = Total amount of Tier-1 RECs produced by the Bid Facility in the subject month

BQP = Bid Quantity Percentage

1,000 = kW to MW conversion factor

CAF = Capacity Accreditation Factor⁶⁷

5.2 Bid Proposals Price Adjustments

5.2.1 Component Cost Indices Adjustment (CCIA)

For Alternate Bid Proposals in which Proposers opt to include a CCIA, the Index REC Strike Price or Fixed REC Price will be adjusted to reflect changes in pre-determined price or indices between the Bid Proposal Submission Deadline and the earlier of Final Investment Decision (FID) or the Full Notice to Proceed (FNTP). The REC_{adj} value will be subject to a 12% cap and floor, meaning that CCIA-adjusted Bid Prices will be adjusted up to 12% greater than the original Bid Price and will not be adjusted downwards more than 12% below the original Bid Price. The 12% cap and floor are intended to protect ratepayers and developers from excessive component cost volatility. Solar Bid Facilities with co-located storage would be considered separate technologies from standalone solar projects, in keeping with the Biennial Review Order, and the CCIA formula for “Other Technology Bid Facilities” seen below would apply to those projects.

This adjustment for different Tier 1 eligible technologies will be governed by the formulas and indices indicated below, which will be memorialized in Exhibit L of the Agreement. The Index REC Strike Price or Fixed REC Price for the CCIA Alternate Bid Proposal will be calculated as set out further below.

For each of the technology-specific formulas below:

REC_{adj} is the Index REC Strike Price or Fixed REC Price after indices adjustment

REC_{bid} is the Index REC Strike Price or Fixed REC Price as submitted with the Bid Proposal

$Index_B$ is the value of each index established and published by NYSERDA prior to the Bid Proposal Submission Deadline, calculated as the average of the last six months or two quarters of published data available prior to the Bid Proposal Submission Deadline

⁶⁷ Capacity Accreditation Resource Class. For Incremental Upgrade Bid Facilities and Repowering Bid Facilities, the total amount of Tier-1 RECs produced by the Bid Facility, as used in this instance, is adjusted to reflect the Actual Eligible Production.

$Index_T^{68}$ is the value of each index established at the date of the earlier of Final Investment Decision (FID)⁶⁹ and Full Notice to Proceed (FNTP)⁷⁰, calculated as the average of the monthly or quarterly values for the six-month period preceding FID or FNTP, as applicable, for a Bid Facility

If the availability of a data source for any commodity or component index listed below is interrupted, suspended or discontinued, NYSERDA will work in good faith with the Seller to determine a replacement data source.

The Index REC Strike Price or Fixed REC Price for the Component Cost Indices Adjustment Bid Proposal will be calculated as:

Solar PV Bid Facilities:

$$\begin{aligned}
 REC_{adj} = & REC_{bid} \\
 & \times \left[0.60 \right. \\
 & \times \left(0.40 \times \frac{Index_{T,Module}}{Index_{B,Module}} + 0.17 \times \frac{Index_{T,EPSTM}}{Index_{B,EPSTM}} + 0.20 \times \frac{Index_{T,Steel}}{Index_{B,Steel}} \right. \\
 & \left. \left. + 0.23 \times \frac{Index_{T,Construction}}{Index_{B,Construction}} \right) + 0.20 \times \left(\frac{Index_{T,CPI}}{Index_{B,CPI}} \right) + 0.20 \times (Fixed) \right]
 \end{aligned}$$

⁶⁸ Any published value for IndexT that was calculated using data from the US BLS that is considered as “preliminary” by the US BLS for up to four months after publication will be updated and the IndexT value will be recalculated if the final published value differs from a preliminary value.

⁶⁹ An unequivocal final decision of the directors, members, or partners with authority to make financial decisions on behalf of the Seller to commit to the expenditure of all necessary capital to construct the Bid Facility, including to (i) execute agreements with third party equity capital providers and (ii) award and engage an EPC contractor.

⁷⁰ An authorization from the Seller, or its representative, to its general contractor (or in the event that there is no general contractor to all material third party contractors) to construct the entire Project, as opposed to a limited notice to proceed with only a subset of the work such as site preparation and/or site civil work.

Commodity or Component	Units, Frequency	Data Source
Module ⁷¹	\$/W, monthly	Wood Mackenzie Cost Intelligence, Bifacial Solar Module Price Curve https://www.woodmac.com/products/supply-chain-analytics/cost-intelligence/
EPSTM	Unitless index, monthly	U.S. BLS, PPI, Data Series PCU335311335311, Electric power and specialty transformer mfg, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU335311335311
Steel	Unitless index, monthly	U.S. BLS, PPI, Data Series PCU3312--3312--, Steel product mfg from purchased steel, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU3312--3312--
Construction	Unitless index, monthly	U.S. BLS, PPI, Data Series PCU2365002365001, New nonresidential building construction by region-New nonresidential building construction, Northeast, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU2365002365001
CPI	Unitless index, monthly	U.S. BLS, CPI, Data series CUSR0000SA0, Consumer Price Index for All Urban Consumers https://data.bls.gov/dataViewer/view/timeseries/CUSR0000SA0
Fixed	N/A	The portion of Strike Price estimated to encompass operating expenses will remain fixed

Greenfield Land-based Wind Bid Facilities:

⁷¹ The Module Index uses data from the EIA Monthly Solar Photovoltaic Module Shipments Report (last published September 2024, now suspended) and extends the series using Wood Mackenzie's Cost Intelligence Bifacial Solar Module Price Curve.

$$\begin{aligned}
REC_{adj} &= REC_{bid} \\
&\times \left[0.60 \right. \\
&\times \left(0.52 \times \frac{Index_{T,EPSTM}}{Index_{B,EPSTM}} + 0.19 \times \frac{Index_{T,Steel}}{Index_{B,Steel}} + 0.15 \times \frac{Index_{T,Turbine}}{Index_{B,Turbine}} \right. \\
&+ 0.08 \times \frac{Index_{T,Construction}}{Index_{B,Construction}} + 0.06 \times \frac{Index_{T,Cement}}{Index_{B,Cement}} \left. \right) \\
&+ 0.20 \times \left(\frac{Index_{T,CPI}}{Index_{B,CPI}} \right) + 0.20 \text{ (Fixed)} \left. \right]
\end{aligned}$$

Repowering Land-based Wind Facilities:

$$\begin{aligned}
REC_{adj} &= REC_{bid} \\
&\times \left[0.60 \right. \\
&\times \left(0.30 \times \frac{Index_{T,EPSTM}}{Index_{B,EPSTM}} + 0.20 \times \frac{Index_{T,Steel}}{Index_{B,Steel}} + 0.25 \times \frac{Index_{T,Turbine}}{Index_{B,Turbine}} \right. \\
&+ 0.17 \times \frac{Index_{T,Construction}}{Index_{B,Construction}} + 0.08 \times \frac{Index_{T,Cement}}{Index_{B,Cement}} \left. \right) \\
&+ 0.20 \times \left(\frac{Index_{T,CPI}}{Index_{B,CPI}} \right) + 0.20 \text{ (Fixed)} \left. \right]
\end{aligned}$$

Commodity or Component	Units, Frequency	Data Source
EPSTM	Unitless index, monthly	U.S. BLS, PPI, Data Series PCU335311335311, Electric power and specialty transformer mfg, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU335311335311
Steel	Unitless index, monthly	U.S. BLS, PPI, Data Series PCU3312--3312--, Steel product mfg from purchased steel, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU3312--3312--
Turbine	Unitless index, monthly	U.S. BLS, PPA, Data Series PCU333611333611, Turbine and turbine generator set units mfg, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU333611333611
Construction	Unitless index, monthly	U.S. BLS, PPI, Data Series PCU2365002365001, New nonresidential building construction by region-New nonresidential building construction, Northeast, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU2365002365001
Cement	Unitless index, monthly	U.S. BLS, PPI, Data Series PCU3273--3273--, Cement and concrete product manufacturing, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU3273--3273--
CPI	Unitless index, monthly	U.S. BLS, CPI, Data series CUSR0000SA0, Consumer Price Index for All Urban Consumers https://data.bls.gov/dataViewer/view/timeseries/CUSR0000SA0
Fixed	N/A	The portion of Strike Price estimated to encompass operating expenses will remain fixed

Repowering Hydroelectric Facilities:

$$\begin{aligned}
REC_{adj} = & REC_{bid} \\
& \times \left[0.60 \right. \\
& \times \left(0.08 \times \frac{Index_{T,EPSTM}}{Index_{B,EPSTM}} + 0.17 \times \frac{Index_{T,Steel}}{Index_{B,Steel}} + 0.42 \times \frac{Index_{T,Turbine}}{Index_{B,Turbine}} \right. \\
& + 0.16 \times \frac{Index_{T,Construction}}{Index_{B,Construction}} + 0.17 \times \frac{Index_{T,Cement}}{Index_{B,Cement}} \\
& \left. \left. + 0.20 \times \left(\frac{Index_{T,CPI}}{Index_{B,CPI}} \right) + 0.20 \times (Fixed) \right] \right]
\end{aligned}$$

Commodity or Component	Units, Frequency	Data Source
EPSTM	Unitless index, monthly	U.S. BLS, PPI, Data Series PCU335311335311, Electric power and specialty transformer mfg, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU335311335311
Steel	Unitless index, monthly	U.S. BLS, PPI, Data Series PCU3312--3312--, Steel product mfg from purchased steel, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU3312--3312--
Turbine	Unitless index, monthly	U.S. BLS, PPA, Data Series PCU333611333611, Turbine and turbine generator set units mfg, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU333611333611
Construction	Unitless index, monthly	U.S. BLS, PPI, Data Series PCU2365002365001, New nonresidential building construction by region-New nonresidential building construction, Northeast, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU2365002365001
Cement	Unitless index, monthly	U.S. BLS, PPI, Data Series PCU3273--3273--, Cement and concrete product manufacturing, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/PCU3273--3273--
CPI	Unitless index, monthly	U.S. BLS, CPI, Data series CUSR0000SA0, Consumer Price Index for All Urban Consumers https://data.bls.gov/dataViewer/view/timeseries/CUSR0000SA0

Fixed	N/A	The portion of Strike Price estimated to encompass operating expenses will remain fixed
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Other Technology Bid Facilities:

$$REC_{adj} = REC_{bid} \times \left(0.60 \times \frac{Index_{T,PPI \text{ All Commodities}}}{Index_{B,PPI \text{ All Commodities}}} + 0.20 \times \frac{Index_{T,CPI}}{Index_{B,CPI}} + 0.20 \times Fixed \right)$$

Commodity or Component	Units, Frequency	Data Source
All Commodities	Unitless index, monthly	U.S. BLS, PPI, Data Series WPU00000000, PPI Commodity data for All commodities, not seasonally adjusted https://data.bls.gov/dataViewer/view/timeseries/WPU00000000
CPI	Unitless index, monthly	U.S. BLS, CPI, Data series CUSR0000SA0, Consumer Price Index for All Urban Consumers https://data.bls.gov/dataViewer/view/timeseries/CUSR0000SA0
Fixed	N/A	The portion of Strike Price estimated to encompass operating expenses will remain fixed

5.3 Qualifying Governmental Support⁷²

For all Proposals, the Index Strike Price or Fixed REC Price will be subject to a Qualifying Governmental Support Price Reduction, as set out in Section 5.05 of the Agreement. Terms not defined below shall have the meaning ascribed to them in the Agreement. **Sellers are required to disclose all Expected Governmental Grant Funding in their Step 2 Bid Form. All Unexpected Governmental Grant Funding is a form of Qualifying Governmental Support that is subject to a Qualifying Governmental Support Price Reduction in accordance with Section 5.05 of the Agreement.**

The reduction to the Index Strike Price or the Fixed Index Price will be calculated as follows:

$$QGS \text{ Price Reduction} = \frac{QGS \text{ Amount } (\$) \times 0.75 \times RF}{Bid \text{ Quantity}}$$

⁷² Section 5.05 Qualifying Governmental Support of the Agreement has been updated in the Standard Form Agreement (Addendum) that was released on November 10, 2025. For additional information, see Standard Form Agreement (Addendum).

5.4 Settlement Mechanism

NYSERDA will calculate the Reference Energy Price and Reference Capacity Price for each month according to the calculation outlined in the Agreement. The Monthly REC Price will be calculated during a settlement period following the conclusion of each month. Proposers should reference Article IV. Pricing and Payment of the RESRFP25-1 Standard Form Agreement for the full settlement mechanism.

5.5 Bid Price Evaluation

A quantitative method will be applied to all bids in order to screen and rank the Bid Proposals using a uniform cost metric. For evaluation purposes, bid prices will be converted to a Levelized Net REC Cost (LNRC) in base year \$/MWh for both the Fixed REC Price and Index REC Strike Price bids. The LNRC price measure allows for an equitable comparison among Proposals with different pricing structures, REC quantities, and Contract Tenors. Strike prices will be converted into expected annual REC values by subtracting a forecast of expected Reference Energy Prices and Reference Capacity Prices from the strike prices, based on NYSERDA's forecasts of energy and capacity prices. Neither the price forecasts nor details of the modeling procedures will be disclosed to Proposers.

For evaluation purposes, regardless of the proposed Commercial Operation Date, Bid Proposals for all Bid Facilities, regardless of operational status, will be evaluated with a Contract Delivery Term commencement month of November 2028 therefore a CDT_p of November 2028.

The LNRC for Proposal p using pricing form f is the quotient of the cumulative present value of the annual net REC costs over the proposed Contract Tenor, divided by the cumulative present value of the projected annual number of RECs produced from Actual Eligible Production multiplied by the Bid Quantity Percentage over the same period. The annual quantities are discounted at a real discount rate. The resulting quotient is expressed in base year dollars per REC or MWh.

$$LNRC_{p,f} = PVNRC_{p,f} / PVRQ_p$$

where:

$PVNRC_{p,Fixed}$ = PV of Net REC Cost for Proposal p , pricing form Fixed (\$ PV)

$$= \sum_{y=CDT_p}^{y=CDT_p+CT_p} \left\{ \sum_{m=1}^{m=12} P_{p,m,y}^{Fixed} \times RQ_{p,m,y} \times BQP_p \right\} \div (1 + NDR)^{(y-Y_b)}$$

$PVNRC_{p,Index}$ = PV of Net REC Cost for Proposal p , pricing form Index (\$ PV)

$$= \sum_{y=CDT_p}^{y=CDT_p+CT_p} \left\{ \sum_{m=1}^{m=12} (SP_{p,m,y}^{Index} - RPE_{m,y}^{Pred} - RPC_{m,y}^{Pred}) \times RQ_{p,m,y} \times BQP_p \right\} \div (1 + NDR)^{(y-Y_b)}$$

$PVRQ_p$ = PV of REC delivery quantities for Proposal p (MWh)

$$= \sum_{y=CDT_p}^{y=CDT_p+CT_p} \left\{ \sum_{m=1}^{m=12} RQ_{p,m,y} \times BQP_p \right\} \div (1 + RDR)^{(y-Y_b)}$$

$RQ_{p,m,y}$ = REC delivery quantity for Proposal p applicable to month m of calendar year y (REC or MWh), as provided in Attachment E – P(50) 8760 Template

$RPE_{m,y}^{Pred}$ = Predicted Reference Energy Price index for month m in calendar year y (nominal \$/MWh)

$RPC_{m,y}^{Pred}$ = Predicted Reference Capacity Price index for month m in calendar year y (nominal \$/MWh)

BQP_p = Bid Quantity Percentage for Proposal p

CDT_p = Calendar month associated with the expected Contract Delivery Term commencement date for Proposal p

CT_p = Contract Tenor for Proposal p

NDR = Nominal Discount Rate (decimal)

INF = Inflation Rate (decimal)

$RDR = (1 + NDR) / (1 + INF) - 1$ = Real Discount Rate

Y_b = Base year for cost and PV

A nominal discount rate of 7.46% per year and a long-term inflation rate assumption of 2.31% per year will be used in the LNRC calculation procedure.⁷³

For the Index REC form of pricing, strike prices will be converted into expected annual REC values by subtracting a forecast of expected Reference Energy Prices and Reference Capacity Prices from the strike prices, based on NYSDA's forecasts of energy and capacity prices. Neither the price forecasts nor details of the modeling procedures will be disclosed to Proposers.

For evaluation of Alternate Bid Proposals that include Inflation Adjustment, a multiplier representing NYSDA's expectation of the inflation for the identified indices between the Bid Proposal Submission Deadline and the estimated date of Notice to Proceed for a Bid Facility with a CDT_p of 2030 will be applied to the Index REC Strike Price or Fixed REC Price to determine the total price used in the evaluation.

5.6 Bid Price Scoring

For purposes of cost containment, Benchmark LNRCs will be derived for both the Index REC and the Fixed REC. Proposals that exceed the applicable Benchmark LNRC will be ineligible for further consideration for award in the solicitation. Use of the Benchmark LNRCs will support a reasonable balance between encouraging investment in new renewable projects and protecting ratepayer interests from the incurrence of any deadweight costs associated with accepting a Proposal at any price.

⁷³ The discount rate (DISCO Discount Rate or DDR) and inflation rate for Bid Price evaluation were established by the DPS Office of Accounting, Audits & Finance, revised February 27, 2025.

All bids, including both Index REC bids and Fixed REC bids, will be sorted in ascending order per LNRC. The lowest bid per the LNRC will receive the maximum points available for the Bid Price component (70 points). NYSERDA will implement a method designed to cause the scores of higher LNRCs to be sufficiently dispersed such that the final score aggregating Bid Price, Project Viability and OpFlex, and Incremental Economic Benefits retains the intended scoring emphasis on the LNRC to a reasonable extent.

6 PRELIMINARY RANKING, PORTFOLIO EVALUATION, AND INITIAL AWARD GROUP

6.1 Preliminary Rank Order

A preliminary final ranking of Bid Proposals will be established based on the sum of the consensus TEP scores for each non-price category (Project Viability & OpFlex and Incremental Economic Benefits), and the points awarded for the Levelized Net REC Cost as a result of the Bid Price evaluation.

6.2 Portfolio Risk Factors

Following the development of the preliminary rank order, NYSERDA may recommend modifying the initial award group, in consultation with DPS, to make adjustments to the final recommended award group. NYSERDA may consult with subject matter experts, including DPS Staff, the NYISO, and the distribution utilities to assess the portfolio of received bids to inform the potential employment of a Portfolio Risk Factor(s).

NYSERDA, in consultation with DPS, may recommend adjustments to the initial award group to (1) remove Bid Proposals from the initial award group to avoid material risks to the portfolio (as described in factors 1-7 below), and/or (2) add Bid Proposals to the initial award group that provide material benefits to the portfolio (as described in factors 1-7 below). Any additions will be made in accordance with the order of the initial preliminary ranking. NYSERDA, in consultation with DPS, may make such adjustments if the adjustments result in:

- 1) **Geographic Diversity:** A decrease in a heavy concentration of renewable generation in a location within the award group and/or among previously contracted projects;
- 2) **Deliverability:** A portfolio that results in lesser estimated levels of physical curtailment to itself and/or the existing portfolio of contracted renewable projects to New York State and/or to other proposed RESRFP25-1 awardees, and/or that includes projects/project configurations that reduce incremental curtailment and/or electric systemwide production costs;
- 3) **Portfolio Viability:** A portfolio that results in materially lesser risk of project attrition that includes projects/project configurations with low permitting feasibility risk;
- 4) **Portfolio Maturity:** A portfolio that results in a materially more mature award group that consists of late-stage, construction-ready projects;
- 5) **Diversity of Resources:** Any eligible technology will comprise no more than 80% of the award group on an annual generation basis;⁷⁴
- 6) **Diversity of Owners:** Any owner or affiliate of an owner will comprise no more than 80% of the award group on an annual generation basis; and
- 7) **Developer Limitation:** A specific project owner will be awarded no more than five times the renewable capacity of the largest project that the owner has successfully brought to commercial operation in the past.

These modifications may be made if comparable projects based on price and non-price factors are available in the preliminary ranking of Bid Proposals and material benefits or avoidance of material risks

⁷⁴ Per the Biennial Review Order, projects paired with energy storage will be assessed as a different technology than a stand-alone renewable generation Bid Facility for purposes of applying this Diversity of Resources Portfolio Risk Factor.

to the initial award group are identified. If considering whether to apply any of the limits, NYSERDA and DPS will consider the potential cost impact of such decision (relative to the generation portfolio that otherwise would have been selected), only exercising such a limit should the impact on the generation-weighted average cost of the portfolio increase by less than 10% with the application of the portfolio limits.

6.3 Initial and Final Award Group

After determining whether any of the Portfolio Risk Factors should be employed to modify the final rank order, NYSERDA and DPS will arrive at an initial award group. NYSERDA and DPS also reserve the right to expand the initial award group to advance awards for Bid Facilities ranked below those Bid Facilities offered an initial award. The submission of a Step Two Bid Proposal will constitute a binding offer to contract under the terms of the Agreement; such offer must remain open for a period of at least one hundred and eighty (180) days from the Step Two Bid Proposal deadline.

The number of Tier 1 RECs procured in the RESRFP25-1 solicitation is subject to NYSERDA's discretion and the review and approval of the Department of Public Service. NYSERDA reserves the right to reject or accept any or all bids. NYSERDA may consider information provided by a Proposer in response to requests for additional information in accordance with Section 9 or otherwise obtained by NYSERDA as to indictments, convictions, enforcement proceedings, investigations, and significant character or ethical questions in accepting or rejecting a bid. NYSERDA also reserves the right to solicit revised Bid Prices and/or to make counteroffers as it deems appropriate. Notification of a re-bid, counteroffer or selection will be made by voice communication and via the solicitation website to the Proposer's Project Sponsor(s). Proposer's Project Sponsor(s) must be authorized to respond and to commit to counteroffers on behalf of Proposer.

NYSERDA will then notify Proposers with Bid Facilities contained in the initial award group both by voice and written communication to Proposers' Project Sponsor(s) and Authorized Representative(s). 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 Agreement with NYSERDA (See Sections 7 and 8).

As mentioned in Section 4.1, Proposers will be required to execute a Non-Disclosure Agreement as part of the Step Two Bid Proposal. In accordance with the Non-Disclosure Agreement submitted by Proposers in the Step Two Bid Proposal, Proposers awarded a REC Agreement under RESRFP25-1 will be required to maintain the confidential nature of the award prior to the public announcement of the RESRFP25-1 final award group. The date upon which NYSERDA provides such written notification shall be the Award Notification Date. Once selected for an award, Proposers must execute a final version of the Agreement with NYSERDA as set out in Section 7.4- "Process for Agreement Finalization; Pre-Execution Contract Security Draw Conditions."

NYSERDA cannot adjust the Fixed or Index REC Bid Price, or other material/settlement-related terms submitted by Proposers following the notification of an award, either upon award or during the Contract Tenor, unless such adjustment is explicitly defined in the RESRFP25-1 Standard Form Agreement. (See Section 8.1 for further discussion of requests for material modifications to the Standard Form Agreement).

7 POST-AWARD AND CONTRACTING PROCESS

7.1 Award Notifications and Confidentiality

Following the distribution of initial award notifications, the Proposer shall not distribute any press release or contact the media or other members of the public until after the awarded Agreement is executed by both parties and NYSEDA publicly discloses the award. Proposers will be required to execute a Non-Disclosure Agreement as part of the Step Two Bid Proposal, as further described in Section 4.1, and will be required to adhere to the terms of this Agreement.

Once all provisional awards are confirmed by NYSEDA, NYSEDA will inform Proposers if they were not selected for award. Upon receipt of this notification, a Proposer may request to schedule a debrief on the selection process and the strengths and weaknesses of its Proposal by contacting res@nyserda.ny.gov.

7.2 Provision of Contract Security

Unless otherwise agreed to by NYSEDA in writing, Contract Security in the amount of the product of the Bid Capacity (MWac) (or End of Useful Life Bid Capacity for Repowerings) and \$20,000 will be required within thirty (30) days of the Award Notification Date. NYSEDA accepts Contract Security in the form of cash, certified funds, or a Letter of Credit (LOC).

If contract security is not provided by this deadline and the deadline is not extended by NYSEDA (which NYSEDA does not intend to do except in extenuating circumstances or if the deadline is extended for all provisionally awarded Proposers), the award will be rescinded.

The criteria for accepting a LOC includes:

- 1) the issuing bank is an owner bank of The Clearing House,⁷⁵ or
- 2) the issuing bank must have a credit rating of A or better by Standard and Poor's, A or better by Fitch, or A2 or better by Moody's; and
- 3) the issuing bank must be a United States bank, or a United States branch of a foreign bank, with a New York branch preferred.

NYSEDA has included a standard form of letter of credit in the Attachment A. RESRFP25-1 Standard Form Agreement. If the issuing bank seeks modification to these terms, NYSEDA recommends that a draft letter of credit should be sent to NYSEDA for review and consideration prior to issuance. **Please refer to Section 7.4 for more information regarding Contract Security draw conditions prior to execution of the Agreement.**

Contract security provided pursuant to a prior NYSEDA Agreement and held by NYSEDA pursuant to a termination agreement entered into by the Proposer and NYSEDA ("Posted Contract Security") (such agreement hereafter referred to as the "Mutual Termination Agreement") will, as permitted by the terms of the Mutual Termination Agreement and in accordance with its terms, temporarily **not** be

⁷⁵ Please see the owner bank membership for The Clearing House available from <https://www.theclearinghouse.org/about/owner-banks>

drawn by NYSERDA pending the outcome of RESRFP25-1. **Please refer to Section 2.1 for more information regarding the Mutual Termination Agreement.**

For greater clarity, if the same Bid Facility that was subject to the Mutual Termination Agreement and whose Posted Contract Security is held pending the outcome of RESRFP25-1 is awarded in the RESRFP25-1 solicitation, the Posted Contract Security will be **added** to the amount of contract security required to be posted in connection with the RESRFP25-1 award and will be drawable in accordance with the same terms and conditions that apply to such award (including the resulting Tier-1 REC agreement).

7.3 Designation of Seller, Changes of Control and Documents Required for Contracting Purposes

Awarded Proposers will be responsible for designating the legal entity that will serve as the Seller, which must be a subsidiary or affiliate of the Proposer unless otherwise agreed by NYSERDA. The Seller typically is the legal entity that owns the Bid Facility; if a Proposer wishes to designate a different legal entity as the Seller, Proposers should contact NYSERDA as early as feasible.

Any change in control of the Bid Facility that occurs prior to full execution of an awarded Agreement may affect evaluation including as described in Section 4.3.6, and accordingly, NYSERDA cannot guarantee that an initial award will remain valid if a change of control of the Bid Facility occurs prior to entry into the Agreement. After the Agreement with NYSERDA is executed, changes of control of the Seller will be governed by Article VIII of the Agreement.

NYSERDA requires the following documents from the Seller prior to contract execution:

- 1) Contracting Form, to be provided by NYSERDA to Seller, requesting information including Legal Business Name, State of Incorporation, Tax Identification Number (EIN), and other contractual information;
- 2) Pursuant to Tax Law Section 5-a, if not previously filed for the Seller, form Tax Law ST-220-TD is required. Please consult Publication 223, Questions and Answers Concerning Tax Law Section 5-1. If filing for the first time, please indicate the "Seller" under "Contractor name" on the form. This form is filed first with the NYS Tax Department and NYSERDA does not need a copy. If not previously filed for the Seller, a completed form Tax Law ST-220-CA. Sellers will file this form after filing the ST-220-TD form. On the ST-220-CA form, Sellers will indicate to NYSERDA that they have filed the ST-220-TD form or the Seller previously filed ST-220-TD with the Tax Department. As a reminder, please indicate the "Seller" under "Contractor name" on the form;
- 3) Certificate of Incorporation;
- 4) Operating agreement of Seller, together with any and all amendments thereto currently in effect;
- 5) Resolutions of Seller, authorizing and approving all matters in connection with the transactions contemplated in the conformed Agreement. NYSERDA does not have a preferred standard.
- 6) A certificate of an appropriate officer of the Seller, in form and substance certifying the names and signatures of the officers of the Seller authorized to sign any documents to be delivered to NYSERDA under the conformed RES Standard Form Agreement;
- 7) A certificate of good standing, dated as of the most recent practicable date prior to the Effective Date, issued by the jurisdiction of Seller's organization Secretary of State, confirming the corporate good standing of Seller;

- 8) Application for Authority, if applicable (if the Seller is a foreign business corporation that has not yet applied for authority to do business in the State of New York);⁷⁶
- 9) Updated EO 16 Certification and/or Vendor Responsibility Questionnaire, if applicable.

7.4 Process for Agreement Finalization; Pre-Execution Contract Security Draw Conditions

NYSERDA will provide a first draft of the Agreement populated with all Bid Facility-specific inputs other than (i) any of the items listed in Section 7.3 of the RFP that have not yet been provided by Proposer and (ii) if not yet available, Exhibits H and/or M (the “Conformed Draft”) reasonably promptly after provisional award. For further clarity, NYSERDA shall not be required to provide the Conformed Draft or to execute the Agreement prior to the deadline for provision of contract security.

For Proposers with multiple awards that share the same technology and vintage type, unless otherwise agreed to by NYSERDA, one Conformed Draft will be provided to the Seller along with Bid-Facility-specific Schedules 1 and 2 for each award, and, once the Agreement terms are finalized, that form Agreement will be used to populate the other awarded Agreements for the other awarded Bid Facilities of the same technology and vintage type.

Subject to the below terms and conditions, if the Seller fails to execute the Agreement on or prior to the date (“Execution Deadline”) that is 120 calendar days following the date on which NYSERDA provides the Conformed Draft to Proposer, the contract security will be forfeited to NYSERDA, the award will be rescinded, and the Bid Facility may not be eligible to participate in future NYSERDA Tier 1 solicitations.

NYSERDA will provide any and all remaining Bid Facility-specific inputs that are not included in the Conformed Draft no later than the date that is 30 calendar days following the date on which NYSERDA has received from Proposer all required contracting information described in Section 7.3 of the RFP. If NYSERDA fails to provide these inputs by such time, the Execution Deadline will be automatically extended day for day by the length of NYSERDA’s lateness.

NYSERDA and the Proposer will work together in good faith to expediently finalize the Agreement, making edits only to the extent reasonably necessary to clarify and properly implement the substance and intent of the RFP and form Agreement.

Neither NYSERDA nor Proposer is required to agree to material changes to the form Agreement. NYSERDA also does not intend to make **any** changes to certain sections of the Agreement, as noted in Section 8.1 of the RFP.

NYSERDA agrees to respond to any comments from the Seller within 15 business days of receipt, and to the extent NYSERDA exceeds this prescribed timing for response, the Execution Deadline will be extended day for day by the length of NYSERDA’s lateness.

Proposer is responsible for arranging any and all necessary approvals (e.g. board or investment committee approval) as necessary to meet the Execution Deadline.

⁷⁶ <https://dos.ny.gov/application-authority-foreign-business-corporation>

In the event that NYSERDA provides an execution version of the Agreement less than 10 business days prior to the Execution Deadline, the Execution Deadline will automatically be extended to the date that is 10 business days following the date that NYSERDA provides the Proposer with the execution version.

As stated in this Section 7.4 and as further noted in the Annex B Payment Certificate to the Irrevocable Standby Letter of Credit attached as Exhibit B to the RES Standard Form Agreement, NYSERDA will have the right to draw on the Contract Security if the Execution Deadline (as extended, if applicable, in accordance with the terms and conditions above) has passed and the Proposer has not executed the Agreement. In such circumstances, the Bid Facility may also not be eligible to participate in the next NYSERDA Tier 1 solicitation.

The circumstances under which NYSERDA will be entitled to draw on Contract Security upon Agreement execution are enumerated in the Agreement.

NYSERDA reserves the right to publish the Agreements executed with awardees, including relevant terms within the Agreements. Prior to such publication, NYSERDA will redact any critical electric infrastructure information (CEII) contained in the Agreements, if any, including in the exhibits thereto, and will consider requests to redact confidential business information. Prior to publication, NYSERDA reserves the right to redact trade secrets, commercially sensitive information, or other information in accordance with applicable law.

7.5 Department of Agriculture and Markets Section 305 Notice Information (NOI)

For awarded Solar PV Bid Facilities with a Nameplate Capacity less than 25 megawatts and located in a New York State Agricultural District, Proposers may be required to provide to NYSERDA a report including all information listed in Section 305(4)(b) of the Agriculture and Markets Law. NYSERDA reserves the right to expand this requirement to Bid Facilities greater than 25 megawatts and/or Bid Facilities sited outside of Agricultural Districts to reflect the applicable permitting processes in place at the time of award and contracting.

A map of the agricultural districts, by county, is available from New York State Department Agriculture and Markets (AGM).⁷⁷

7.6 Confidentiality Waiver for Interconnecting Authority

The Proposer shall waive confidentiality with the pertinent Interconnecting Authority after the RES Agreement has been executed.

7.7 In the Matter of a Renewable Energy Facility Host Community Benefit Program (Case Number 20-E-0197)

Following the execution of awarded Agreements, NYSERDA is required to inform impacted Utilities serving residential customers proximate to the Bid Facility's location and file with the PSC in case 20-E-0249 pursuant to the PSC's Order in Case Number 20-E-0249. Prior to Agreement execution, Sellers will

⁷⁷ New York State Agriculture and Markets Agricultural Districts is available by county at <https://cugir.library.cornell.edu/?utf8=%E2%9C%93&q=nys+agriculture+districts>

confirm the Utility(ies) for residential customers in the project area (i.e., city(ies) and town(s)) where projects are located for the purpose of compliance with PSC Host Community Benefit Program in DPS DMM Case Number: 20-E-0249. NYSERDA will include the Bid Facility Name, Nameplate Capacity (MWac), Utility, NYISO Queue Position (if applicable), and Potential Host Community(ies) in the communication. Note that these towns are not AHJs, but the city(ies) and town(s) associated with the physical location of the project as bid to NYSERDA.

7.8 Updated Project Schedule

If an awarded Bid Facility is under development, NYSERDA will request an updated Bid Facility Project Schedule six months after the Bid Proposal was submitted, revisiting key development milestones throughout that period. Awardees must update all project schedule details previously provided in the Bid Proposal via the Project Schedule tab, Section V of Attachment D Bid Data Form and provide an update to NYSERDA through the Salesforce Portal.

Proposers shall include a narrative that describes progress since the project schedule was submitted as part of the Step Two Bid Proposal. If the awarded Bid Facility is Operational, an updated Project Schedule will not be required.

7.9 NYISO Waiver for Project-Specific Capacity Accreditation Resource Class (CARC)

If awarded under the Index REC Settlement methodology, the Seller will be required to waive confidentiality with the NYISO for the term of the Contract Tenor, as to NYSERDA, in order for NYSERDA to obtain the project-specific CARC used in the settlement calculations.

8 RES STANDARD FORM AGREEMENT

NYSERDA recommends that Proposers review the Standard Form Agreement (Agreement), attached hereto as Attachment A. RESRFP25-1 Standard Form Agreement and Exhibits, and all associated Exhibits prior to participating in RESRFP25-1. Proposers that were previously awarded a Tier 1 REC Agreement are also recommended to closely review Section 2.1 of RESRFP25-1. The Agreement is a legally binding document; it is recommended that Proposers consult with an attorney prior to submitting a Step Two Bid Proposal.

NYSERDA highly recommends that Proposers closely review the following updates to the Agreement for RESRFP25-1.⁷⁸

Commercial Operation Milestone Date (COMD) of November 30, 2030: Incremental contract security payments are no longer required to extend the COMD; rather, payments are required to be posted to demonstrate project development progress. Such milestone payments can be replaced with evidence of having entered into an interconnection agreement with the NYISO or relevant interconnection authority and/or with demonstration, to NYSERDA's satisfaction (in its sole discretion) of full mobilization for construction of the Bid Facility (as further set out in Section 15 of the Agreement).

Ability to Extend COMD: a new clause has been added to the Agreement whereby NYSERDA may grant a request from Seller to extend the COMD past November 30, 2030 where Seller has demonstrated (to NYSERDA's sole discretionary satisfaction) that Seller has met the prescribed circumstances for such extension (Section 15.02(e) of the Agreement).

Changes in Law (CIL): The CIL clause further details the process for Sellers to claim, and NYSERDA to address, a CIL in the Agreement. This Section of the Agreement has changed since RESRFP24-1 (Section 4.07 of the Agreement).

Material Adverse Change (MAC): This clause is a new addition to the Agreement, covering material adverse changes related to permitting, federal tariffs and/or federal tax policy (Section 18.17 of the Agreement).

Operation and Maintenance Requirements: A requirement has been introduced for the Bid Facility (and Energy Storage Component, if applicable) to be operated in accordance with industry-accepted methods, procedures and standards. Failure to meet such requirement shall constitute an Event of Default after the expiry of any applicable cure period (Section 13.01(r) of the Agreement).

Qualifying Governmental Support: A formula has been introduced to adjust the Bid Price in the event of receipt of Qualifying Governmental Support as set out in Section 5.05 of the Agreement.

Other Remedies: This clause is a new addition to the Agreement which provides that, should Seller be ineligible for an extension of the COMD as set forth in Section 15.02(e), and upon an Event of Default caused by Seller's failure to achieve the COMD (Section 13.01(e) of the Agreement), NYSERDA may, as an alternative to terminating the Agreement, unilaterally determine that the Contract Tenor shall be

⁷⁸ Please note that the summaries provided here are for convenience only and do not supersede anything in the Agreement; all Proposers should consult the Agreement for the legally binding terms.

shortened on a day-for-day basis by the number of days that elapse between the COMD and the date the Bid Facility commences Commercial Operation (Section 14.05 of the Agreement).

Proposers may propose changes to the abovementioned updates to the RESRFP25-1 Agreement, to be submitted through the Attachment M. SFA Comment Template as further described in Section 8.1.

For Upgrades, Repowerings, Return To Service generation units and other special circumstances, depending on the scope of such Proposals, NYSERDA may require additional modifications to the Standard Form Agreement to assure consistency among the basic commercial terms contained therein.

8.1 Proposed Edits to the Agreement

NYSERDA cannot adjust the binding Fixed or Index REC Bid Price or other settlement-related terms submitted by Proposers as part of a Step Two Bid Proposal except as explicitly set out in the Agreement.

NYSERDA does not intend to make any other material changes to the Agreement. However, if a Proposer wishes to propose any material change(s) to the Agreement, including to any of the new or changed sections enumerated in Section 8, any such suggested change(s) must be submitted to the solicitation website (using the Attachment M. SFA Comment Template) no later than the Deadline for Step One Eligibility Application Submission set out in Table 1. RFP Schedule. Any such proposal should indicate why the change would be beneficial to New York State (e.g., it will enable lower Bid Prices, make it more likely for Bid Facilities to be timely completed, etc.) rather than merely how it would benefit the Proposer. NYSERDA may, but is not required, to incorporate any such edits. NYSERDA does not intend to consider any proposed material changes submitted after this time.

Any material changes submitted by Proposers by the Deadline for Step One Eligibility Application Submission, if incorporated into the Agreement by NYSERDA in its sole discretion, would result in a re-issuance of the Agreement by NYSERDA to all Proposers in a timely manner prior to the Deadline for Step Two Bid Proposal Submission set out in Table 1. RFP Schedule. NYSERDA does not intend to make any proposed material changes to the Agreement after this time.

Articles, Schedules and Exhibits of the Agreement to which NYSERDA does not intend to entertain redlines or negotiate edits submitted after the Deadline for Step One Eligibility Application Submission include, but are not limited to:

- Article IV: Pricing and Payment;
- Article V: Adjustments;
- Article VIII: Assignment and Change of Control;
- Article IX: Seller's Representations, Warranties and Guarantees;
- Article X: NYSERDA's Representations, Warranties and Guarantees;
- Article XI: Indemnification;
- Article XII: Insurance;
- Article XIII: Events of Default;
- Article XIV: Termination
- Article XV: Contract Security;
- Article XVIII: Additional Provisions;
- Schedule 2;
- Exhibit A: Standard Terms and Conditions for all NYSERDA Agreements

- Exhibit C: NYSERDA Prompt Payment Policy Statement;
- Exhibit N: NYSERDA's Code of Conduct for Contractors, Consultants, and Vendors

Proposers may submit other, non-material, requested changes to the Agreement at any time up until and including the Deadline for Step Two Bid Proposal Submission, but any requested change must be categorized as follows with a clear justification for the requested change that aims to either:

- a) Fix an error or ambiguity that could be problematic for the ability of the Bid Facility to proceed through financing and construction. NYSERDA will fix these errors or unwarranted ambiguities where NYSERDA determines in its sole discretion that a change is warranted.
- b) Improve the clarity or implementation of the Agreement to enable smoother financing or administration and/or to avoid unnecessary disputes. NYSERDA will consider any such proposed changes in good faith but reserves the right not to make any changes of this nature.

8.2 Conditions/Contingencies

NYSERDA may include conditions and/or contingencies to address matters concerning any issues regarding the viability or siting of a Bid Facility, or where the build environment is contingent or conditional on governmental rescission, modification or change in local law, temporary or permanent.

9 GENERAL CONDITIONS

9.1 Proprietary Information

Consideration should be given before confidential information is submitted to NYSERDA as part of any Proposal. Proposers should consider and review whether information is critical for evaluation, and whether general, non-confidential information may be adequate for review and evaluation purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. The Public Officers Law includes exceptions to disclosure, including Section 87(2)(d) which provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Additional information submitted to NYSERDA that 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/new-york-state-regulations>).

However, NYSERDA cannot guarantee the confidentiality of any information submitted. NYSERDA reserves the right to make public, after the fifth anniversary of the award date, the Agreement executed with any awarded Proposal.

9.2 State Finance Law Sections 139-j & 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).

9.3 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 https://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 contacting and filed with NYSERDA. See, ST-220-CA (available at https://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at <https://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

9.4 Contract Award

NYSERDA anticipates making multiple awards under this solicitation. A contract may be awarded based on initial applications and Bid Proposals without discussion, or following limited discussion or negotiations. Each Bid 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 the Attachment A. RESRFP25-1 Standard Form 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 on the Agreement as set out in Section 8. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

9.5 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 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 extending an award to such Proposers. 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 Standard Form Agreement.

9.6 Reserved.

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 Proposers, 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
30 South Pearl Street
Albany, NY 12245

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

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street
Albany, NY 12245

9.7 Disclosure Requirement

All Proposers 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, investigation, enforcement proceeding, 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.

9.8 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.

9.9 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.

9.10 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.

9.11 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.

9.12 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.

9.13 Executive Order No. 16

Pursuant to Executive Order No. 16 (EO 16) issued on March 17, 2022, all vendors responding to bids or contracting with New York State must certify, using the form noted in Section 3, 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 EO 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.

9.14 NYSERDA AI Policy

Proposers are required to state in their Proposals if they intend to use artificial intelligence ("AI") for the proposed work including reports or other deliverables. Approval for any Proposer/Seller to use any AI systems for such purposes must be expressly granted by NYSERDA. Any Proposer who submits materials to NYSERDA that are created with the assistance of AI must disclose such use to NYSERDA. See [Doing Business with NYSERDA](#) on NYSERDA's website for more information on the use of AI at NYSERDA.