



**NYSERDA**

**Port Infrastructure  
Request for Proposals (RFP) 6041  
\$300,000,000 Available**

*All, some, or none, of the available funds may be awarded.  
NYSERDA reserves the right to extend and/or add funding to the  
Solicitation should other program funding sources become available.*

Round 1 (of up to 5) Proposals Due:  
April 2, 2026, by 3:00 p.m. Eastern Time (ET)\*

The New York State Energy Research and Development Authority (NYSERDA) seeks to award grant funding for maritime port development and improvement projects that will increase the capability for New York to support the offshore wind industry while also having multi-use purposes. Through this Request for Proposals (RFP), NYSERDA is seeking to distribute up to \$300 million in the form of capital grant funding to qualified projects.

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

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

- Primary Contacts: Kevin Flynn, Peter Lion, Gregory Lampman, and Tomi Vest
- Other Designated Contacts: Doreen Harris, Anthony Fiore, Georges Sassine, Alex Stein, James Cowman, Kevin Hale, Luc Rogers, and Bram Peterson.

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

Substantive technical questions concerning this solicitation should be emailed to the Designated Contacts at [Offshorewind@nyserda.ny.gov](mailto:Offshorewind@nyserda.ny.gov). If you have Salesforce-related questions concerning this solicitation, contact James Cowman (Designated Contact) at (518) 862-1090, ext. 3652 or [jim.solicitations@nyserda.ny.gov](mailto:jim.solicitations@nyserda.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.

**\* All applications must be received by 3:00 p.m. Eastern Time on the date noted above for Round 1, and by 3:00 pm Eastern Time on the deadline for each subsequent round as further discussed in Section 1.4 below. Late, faxed, or emailed Proposals will not be accepted.** Incomplete Proposals may be subject to disqualification. It is the Proposer's responsibility to ensure that all pages have been completed/included in the application. Please note: for online submission, there are required questions that

you will have to answer in addition to uploading attachments and you should allot at least sixty (60) minutes to enter/submit applications. Please see [Solicitation Proposal and Vendor Responsibility Questions.pdf](#) for a complete list of the questions proposers must answer as part of a submission. The online application system closes promptly at 3:00 p.m.; files in process or attempted edits or submission after 3:00 p.m. Eastern Time on the date above will not be accepted. If changes are made to this solicitation, notification will be posted on the “Current Opportunities” section of NYSERDA’s website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>).

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- Appendix A Proposer Certification Form
- Appendix B Funding Agreement
- Appendix C Form of Award Security
- Appendix D Proposal Submission Guide
- Appendix E Data Form
- Appendix F Non-Disclosure and Confidentiality Agreement
- Appendix G Standard Form Agreement Comment Template

# **1. Introduction**

## **1.1 Executive Summary**

NYSERDA is seeking to competitively select and fund Proposals to support maritime port development and improvement projects at existing ports that will increase the capability for New York to bolster the offshore wind industry while also having multi-use purposes.

Advancing the offshore wind industry in New York requires early investments in multi-use infrastructure to support the future of industry while also being resilient to market cycles. Eligible Projects should be capable of immediately providing value to New York State. Specifically, NYSERDA seeks projects that can begin work in the near term, bolster New York's workforce, and capture high-value supply chain opportunities over the long-term.

The supply chain for the offshore wind industry encompasses a range of products and services. This RFP is designed to be similarly broad, and seeks, for example, projects ranging from large scale port upgrades to support product manufacturing, to smaller upgrades that allow for activities like onshore logistics or vessel repair. Under this RFP, a Project's intended use(s) in the offshore wind industry may be delayed, but the proposed Project should demonstrate short-term potential uses to ensure viability in the near-term. For instance, Projects may be designed to support offshore wind product manufacturing in the future but demonstrate their capability for other uses until such time as a manufacturer locates at the Port. These short-term uses may include opportunities outside the offshore wind industry. Please see Sections 3.A and 4.1.B for further detail.

For this solicitation, NYSERDA intends to utilize state grant resources to leverage private and other public resources toward port upgrades. NYSERDA intends to utilize up to \$300 million in New York State Grant Funding to support selected Projects but may award less than \$300 million at its sole discretion. This solicitation will be a multi-round process and NYSERDA reserves the right to increase, decrease, or adjust funding requests, as well as to award all, some, or no Proposals at its sole discretion. If the available funding is not utilized in a round, those funds may be carried over to the next round. Please see Section 1.4 for anticipated dates of future rounds.

## **1.2 Goals of RFP 6041**

NYSERDA seeks to fund port maritime development and improvement projects that will increase the capability for New York to support the offshore wind industry while also having multi-use purposes that can withstand demand fluctuations for products and services from any one market. Thoughtful investments of this nature will help maximize the recruitment of benefits to New York workers and businesses. This RFP is intended to advance the offshore wind industry and grow resilient multi-use port infrastructure, and seeks Projects that will:

- Bolster New York's ability to support offshore wind and other industries, through buildout of ports; and
- Ensure benefits to New York's economy in both the near- and long-term.

## **1.3 Funding**

Up to \$300 million is available through this RFP. Funding for this grant opportunity is provided by New York State capital projects appropriations for the development of offshore wind ports, manufacturing and supply chain infrastructure.

Grant Funding provided through this RFP may cover up to 75% of Total Project Costs (defined below). Specific terms relating to the form, structure and timeframe of disbursements will be included in an agreement based on the Standard Form Port Infrastructure Grant Disbursement Agreement attached as Appendix B ("Funding Agreement"). As further set forth in the Funding Agreement, disbursements of funding will be made on a reimbursement basis and will require proof of payment when seeking reimbursement.

The Funding Agreement will also contain a detailed scope of work and budget for the awarded Project that aligns with the Proposal submitted in response to this RFP.

Grant Funding will be disbursed under the Funding Agreement on a reimbursement basis at the following intervals as described more fully in Section IV.E. of the Funding Agreement: 50% of Grant Funding following Commencement of Construction; 25% of Grant Funding at Substantial Completion; and, as described more fully in Section IV.E. of the Funding Agreement, once the Port reaches Commercial Operation, the final 25% of the Grant Funding will be paid at 5% per year over five (5) years subject to documentation satisfactory to NYSERDA that the Port Facility remains operational and that commercially reasonable efforts have been undertaken to enter into agreements with offshore wind industry users as further described in the Funding Agreement.

As further described in Section 6.4, this RFP requires that Grant Recipients make commercially reasonable efforts to ensure that all Structural Iron and Steel is sourced from the United States. Further, U.S. Iron and Steel purchasing commitments for Structural Iron and Steel will be addressed in evaluation as noted in Section 3 and memorialized in the Funding Agreement. **Failure to meet the Expected Structural U.S. Iron and Steel Dollar commitments can have material impacts on the Grant Funding amount, so proposers are strongly encouraged to only commit to amounts they are confident in their ability to achieve.**

The deadline for Commencement of Construction will be set in the Funding Agreement as two (2) years following the date of award, and the deadline for Commercial Operation as submitted in the Timeline Milestones in the Data Form (Appendix E) will be incorporated into the Funding Agreement. Awardees failing to meet these deadlines may be subject to withholding of reimbursement payments, withholding return of contract security, and/or contract termination and an obligation of Grant Recipient to repay previously disbursed funding to NYSERDA, if corrective action is not reached within a reasonable time. Proposers are advised to review Section IV of the Funding Agreement for further details.

All Grant Recipients must agree as part of the Funding Agreement that any decrease in the scope of the Project compared with the scope of the Project included in the Funding Agreement may result in a reduction of Grant Funding at NYSERDA's sole discretion, up to a full loss of award.

## 1.4 Schedule

To be considered in Round 1 of RFP 6041, Proposals must be submitted by the RFP Round 1 Proposal Submission Deadline below. A second round of RFP 6041 is expected to be opened at the time indicated below. However, NYSERDA reserves the right to close the second round (or any subsequent round) of RFP 6041 without making awards, depending on awards made in prior rounds and the availability of funding. Additional rounds may be opened depending on the awards made in prior rounds and the availability of funding. For further clarity, funding beyond Round 1 is not guaranteed. Information on the amount of funding available for the current round and updates to the release date of subsequent rounds can be found by visiting <https://www.nyserda.ny.gov/All-Programs/Offshore-Wind/Focus-Areas/Supply-Chain-Economic-Development/500M-Investment>. **The schedule for Round 1 is as follows, with the Proposal Submission Deadline occurring at 3:00 p.m. ET:**

RFP Round 1 Start Date:	12/19/2025
<b>RFP Round 1 Proposal Submission Deadline:</b>	<b>4/2/2026</b>

Award notification and the commencement of contract negotiations is anticipated to take place within approximately two (2) months following the Proposal Submission Deadline, and public announcements of awards will be made following contract execution.

**The currently anticipated schedule for subsequent rounds is as follows. Please note the below dates are subject to change at NYSERDA's discretion. The Proposal Submission Deadline for each round will occur at 3:00 p.m. ET:**

	<b>Round 2</b>	<b>Round 3</b>	<b>Round 4</b>	<b>Round 5</b>
RFP Round Start Date	4/2/2026	8/20/2026	1/14/2027	6/10/2027
<b>Proposal Submission Deadline</b>	<b>8/20/2026</b>	<b>1/14/2027</b>	<b>6/10/2027</b>	<b>11/4/2027</b>

## 2. Eligibility

Grant Funding awarded in this RFP must be used to support maritime port development and improvement projects that will increase the capability of New York to bolster the offshore wind industry while also having multi-use purposes.

### 2.1 Eligible Projects

Proposals must meet the following requirements to be eligible for submission under this RFP:

- I. The proposed Project must be located in New York State and have some existing port infrastructure in place. Greenfield Port Sites are ineligible under this RFP.
- II. The Project must be able to support the current or future development of offshore wind in New York State. To meet this requirement, Proposers must demonstrate that, upon Project completion, the Port Infrastructure will be advanced substantially beyond its current state toward shovel-readiness or beyond, to a level that justifies its capability to support the offshore wind activity(s) identified by the Proposer (e.g., hosting component or subcomponent manufacturing, or providing a service capable of being utilized in or in support of installation, operation, or maintenance of current or future offshore wind projects). Full build-out is not required, provided sufficient progress will have been made that establishes credible functionality while preserving flexibility for future development.
- III. In addition to supporting current or future offshore wind development, the Proposal must demonstrate that the proposed Project is a multi-use investment with the capability of being used for purposes other than offshore wind to be resilient to market cycles.
- IV. The proposed Project must be able to commence construction of the Project within two (2) years of award, as further described in the Funding Agreement.
- V. Request no more than 75% of Total Project Cost. Investments made at the site prior to the issuance of this RFP cannot be counted toward the 25% match.
- VI. Request no more than \$100 million in Grant Funding.
- VII. Have a Total Project Cost of at least \$1 million.

### 2.2 Eligible Proposers

The Proposer may be an individual company, organization, institution, or a combination thereof if the entities collectively support a single Project. The proposing entity must have ownership, access rights, or similar, to the identified Port site. If a combination of entities, a primary entity and point of contact (authorized representative) must be identified, as well as the ownership and operational structure. Please note that only one entity will be designated as the Grant Recipient and provided Grant Funding in the event of award.

## 3. Evaluation Criteria

Proposals that meet the eligibility requirements described in Section 2 will be reviewed and assigned points by the Scoring Committee using the Evaluation Criteria below, listed in order of importance.

### A. Value Proposition, Ability to Support Offshore Wind Development and Have Multi-Use Purposes

This evaluation criteria will focus on elements described in Section 4.1.B (Potential Value Proposition and Industry Activities) of the Proposal Submission. In particular:

- The extent to which the proposed project supports offshore wind development.
- The extent to which the proposed project has multi-use purposes.
- The capital expenditure and job creation for the likely potential use(s) of the site weighed against the proposed cost of the project to NYSERDA.
- The extent to which investments have already been made in development of the site that align with the proposed Project.
- The magnitude and proportion of Expected Structural U.S. Iron and Steel Dollars, as described in section 6.4, taking into account availability and need for the specific Project.

#### **B. Project Viability and Risk**

This evaluation criteria will focus on elements described in Sections 4.1.C (Existing Operations, Customers, and Site Plan and Features), 4.1.D (Site Plan and Architectural Design), 4.1.G (Financing and Budget), 4.1.H (Demonstrated Need for Funding), 4.1.I (Risk Assessment), and 4.1.E (Development Schedule) of the Proposal Submission. In particular:

- Presentation of a clear, viable strategy and plan for undertaking the activities necessary to complete the Project, including design approach, permissions, financing, construction approach, and efficient and effective project management, contracting, oversight, and execution.
- Feasibility of the proposed development and construction schedule.
- Permitting details including permitting challenges and current permitting progress for federal, state, and local requirements, and planned approach to addressing the same.
- Validity of the Financial Plan, including: progress in securing necessary funding to complete the project; credibility of funding sources; the ability of the Project to be cash flow positive in the short- and long-term without further funding assistance; the plans and ability to absorb cost overages; and the creditworthiness of the Proposer. Proposer may describe short-term potential uses to demonstrate viability in the near-term.
- Thorough identification of environmental issues/concerns, quality of the plan for how they are or will be addressed, and (if appropriate) progress in these efforts.
- Any physical barriers restricting the ability of the Project to perform the proposed Port Activity.
- Commercial likelihood of the product or service occurring at the specified location, track record of producing or providing a similar product or service, and the perceived likelihood of the underlying industry creating demand.
- Demonstration of responsible development, climate adaptation and resiliency.
- Project readiness and risk including feasibility, schedule, financing, permitting, and approvals.
- The Proposal's identification of potential risks in a forthcoming, thoughtful manner.

#### **C. Qualifications and Past Experience**

This evaluation criteria will focus on elements described in Sections 4.1.J (Proposer Qualifications) of the Proposal Submission. In particular:

- The experience of the Proposer/Proposer's team members on projects of a similar size and scope.
- The regulatory experience of the Proposer/Proposer's team members in New York State.
- The financial strength of the Proposer.
- Demonstration of experience via references or similar testimonials.

#### **D. Support**

This evaluation criteria will focus on elements described in Section 4.1.F (Community Engagement Plan) of the Proposal Submission. In particular:

- Quality of community engagement to date associated with the proposed Project, and/or clarity of plans to ensure long term support from the community.
- The substance and level of impact portrayed regarding workforce development.
- Demonstrated partnerships or other efforts to ensure the success of community initiatives.

## 4. Proposal Submission Guidelines

### 4.1 Organization and Submission of Proposals

NYSERDA uses a secure Salesforce site to accept online Proposal submissions. Detailed instructions regarding submission and interfaces with the secure Salesforce site are available in Appendix D, Proposal Submission Guide. For online submissions, the Proposal must be uploaded to NYSERDA's secure Salesforce site which will open for Proposal submission no later than the Proposal Submission Deadline occurring at 3:00 p.m. ET noted in Section 1.4 of this RFP.

The organization and contents of the Proposal should align with the below sections and should be responsive to the evaluation criteria described in Section 3.

Note: If a Proposer is considering upgrading a wharf but has not yet determined which PSF grade it wishes to build to, ***a separate Proposal should be submitted for each scope of work under consideration, with the following sections different to account for the differences in scope: A, B, D, E, G, I & L.***

#### A. Project Overview (up to 3-pages)

Proposers must provide a brief project overview that explains the Project at a high level. The project overview should be in a comprehensive narrative describing all relevant aspects of the Project in brief. The description should address:

1. Project Name
2. Lead Proposer Name
  - a. Name, email and telephone number of the primary point of contact for Lead Proposer
3. Brief description of current condition (250 words or less)
  - a. Include site location, existing site conditions and information on current use;
4. Brief description of the proposed project (500 words or less);
  - a. Include the potential services performed or goods manufactured, the industries that can be supplied, and how it is applicable to offshore wind.
5. Financial Overview
  - a. Total Project Cost
  - b. Grant Funding Requested
  - c. Matching Funds
  - d. Sources of Matching Funds
6. Timeline Overview
  - a. Planned Construction Start Date
  - b. Planned Construction End Date
  - c. Planned Operations Start Date

#### B. Value Proposition and Industry Activities (up to 5-pages)

Proposers must clearly articulate the Project's value and potential benefits to New York State, including demonstrating how the proposed investment will contribute to the growth, competitiveness, and resilience of the offshore wind industry. Proposers should address the following, at minimum:

1. Project Value Proposition

- a. Provide a concise statement of the Project's value to the offshore wind industry.
  - b. Explain how the Project will support the State's economy.
  - c. Describe any work already performed at the site in furtherance of the Project scope.
  - d. Identify the industries/technologies the Project could be able to support due to this upgrade, identifying the preferred order they would be supported in. Include the likelihood of the Project being capable of supporting such industries from highly probable to potentially capable, and why each opportunity would be attractive to the Port.
  - e. Identify any differentiating factors – such as innovation, scalability, or strategic partnerships that enhance the Project's benefits.
2. Economic Impact – Jobs Created
    - a. Quantify the total number of direct jobs, indirect jobs, temporary jobs and long-term jobs expected to be created because of the Project. If the Port can support multiple industries/activities, please describe each in detail.
    - b. For each job category, provide the following:
      - i. Job title or occupation classification.
      - ii. Anticipated number of positions
      - iii. Average wage/salary and benefits
      - iv. Expected duration (temporary or permanent)
    - c. Describe any workforce development, training, or apprenticeship programs that will be implemented to prepare workers for these positions, if applicable.
  3. Economic Impact – In-State Expenditure
    - a. Estimate the total dollar value of in-state expenditures expected during the life of the project, broken down into:
      - i. Labor costs (short- and long-term).
      - ii. Materials and components anticipated to be purchased from in-state suppliers.
      - iii. Contracted services performed in-state.
      - iv. Other relevant categories (e.g. facilities, utilities, transportation).
    - b. Indicate the proportion of the total project budget that is anticipated to be spent within the State.
  4. Expected Structural U.S. Iron and Steel Dollars
    - a. Provide the total dollar commitment proposed under Expected Structural U.S. Iron and Steel Dollars, which will be entered as a specific commitment in the Funding Agreement. Expected Structural U.S. Iron and Steel Dollars should reflect the purchase price of U.S. Iron and Steel, not including transport or installation costs. Failure to achieve eighty-five percent of the Expected Structural U.S. Iron and Steel Dollar commitment can have material impacts on the Grant Funding amount as more specifically described in section IV.E.7 of the Funding Agreement. As such, Proposers are strongly encouraged to only commit to amounts they are confident in their ability to achieve.
    - b. Describe the anticipated use of Structural Iron and Steel in the Project and the estimated dollar amount to be expended on Structural Iron and Steel. If the Project does not require Structural Iron and Steel, or only requires a small amount, please denote such. Additionally, if the estimated proportion of Structural Iron and Steel that is committed to as Expected Structural U.S. Iron and Steel Dollars is relatively low, please provide any specific reasons as to why the commitment is low, including any reasons why Proposer believes it may be difficult or impossible to source all Structural Iron and Steel from U.S. sources.
  5. Broader Contributions to the State's economy
    - a. Describe how the Proposer plans to promote the Project to attract additional economic opportunities.
    - b. Describe how the Project will promote the development of local jobs, supply chains and encourage domestic manufacturing or sourcing.
    - c. Identify potential spillover benefits, such as technology transfer, industry clustering, or attraction of private investment.

\*Note – all quantitative estimates (jobs, expenditures, budget allocations) must be accompanied by a description of the methodology and assumptions used. Economic impact data should be summarized in both narrative form and in a tabular format using the template provided in Appendix E (Data Form).

**Estimates provided in the Proposal may, at NYSERDA's discretion, be used as obligated contract terms. As such, Proposers are encouraged to carefully consider and justify these values.**

**C. Existing Operations, Customers, and Site Plan and Features (up to 5-Pages)**

Proposers must clearly articulate the existing condition and operations taking place at the Port, including customers, and the existing site plan. Proposers should address the following, at minimum:

1. Identify the Project areas within the Port property discussed in the Proposal. Proper identification should include geographic information system (GIS) data, address, parcel number(s), zoning designation, a description of the surrounding neighborhood, and aerial visuals and/or optional graphic depictions of site delineation.
2. Identify the current ownership and operational structure. This information should include the terms of any current leases relevant to the Project and Port Activity.
  - a. Information must be verifiable through supporting attachments submitted such as applicable deeds, lease agreements, option agreements, memoranda of understanding, letters of support or other documentation showing the level of site control in place for the Port. This information should include the terms of any relevant current leases within the site.
3. Provide a detailed description of the existing capabilities and uses of the site. If relevant, this description should include:
  - a. Primary and ancillary business activities and roles.
  - b. Current revenue.
  - c. Existing workforce (FTEs) at the site, including that of the site owner as well as any relevant lessees.
4. Provide a summary of the existing site infrastructure. If relevant, this description could include:
  - a. Acreage
  - b. Zoning
  - c. Dimensions of the quayside
  - d. Water depth and seabed conditions of the quayside, adjacent channels, and relevant vessel routes
  - e. Bearing capacity of the quayside and upland area
  - f. On-site power and other utilities
  - g. Access to road and rail transportation
  - h. Vessel Routes
  - i. Infrastructure and buildings
  - j. Existing Equipment
  - k. Nautical distance from other ports, maritime projects, etc.
  - l. Key current and historical environmental conditions
  - m. Regulated wetlands/open waters on site
  - n. Proximity to known cultural resources of significance.
  - o. Protection from surges, storms, and hurricanes.

**D. Proposed Operations, Site Plan and Design (up to 5-Pages)**

Proposers must clearly articulate the proposed operations that will take place at the Port, and the proposed site plan. Proposers should address the following, at minimum:

1. A detailed description of the proposed Project focusing on the technical aspects of the project that need to occur and the current status of the project. These details should outline the need for improvements and how they are applicable to the proposed Port Activity.
  - a. Describe the key project elements, including physical improvements and/or new construction to be completed and equipment acquired.

- b. Present information regarding the engineering and design of the proposed Project that includes all of the proposed work, with narrative, plans and maps.
  - c. Describe the construction contracting approach, including the proposed procurement model/method, proposed contractor(s) if known, construction sequencing and associated durations for major elements of the proposed Project.
  - d. Describe key assumptions and potential challenges for the schedule, as well as opportunities to accelerate the schedule.
2. A set of concept sketches of the proposed Project and a set of schematic renderings of the site plan including:
- a. Developable acreage, noting, current and potential ownership/leasing where applicable.
  - b. Port conceptual site plan (simple 2D plan view) including where applicable:
    - i. water depth and seabed conditions of the quayside, adjacent channels, and relevant vessel routes.
    - ii. length of the quayside.
    - iii. dimensions and bearing capacity of the quayside and upland areas.
    - iv. access to road and rail transportation.
    - v. on-site power and other utilities.
    - vi. other essential infrastructure.
    - vii. Identify any physical barriers to the Port Activity.
    - viii. Protection from surges, storms, and hurricanes.
3. A brief narrative describing the responsible development of the site through a broader sustainability, energy, and carbon neutrality strategy for the implementation of the Project, including the proposed types and levels of certifications that best support that strategy (e.g., LEED Platinum, Green Marine, Waterfront Alliance Waterfront Edge Design Guidelines - WEDG, etc.).
4. The Proposer should detail any permits, licenses, permissions, variances, environmental/similar impact assessments or other forms of regulatory action or approvals required at the state, federal or municipal level for the successful completion of the Project and carrying out the Port Activity. Include:
- a. Efforts and approvals to date on required actions and level of readiness, if applicable.
  - b. Efforts and expected dates of required approvals not yet received, if applicable.

**E. Development Schedule (1-Page)**

Proposers must submit a development timeline in table form (including phasing, if applicable), identifying the estimated length of time anticipated to reach key milestones, including commencement and completion of design; financing; commencement and completion of construction; operational stabilization for the Project and Port Activity, and expected offshore wind activity. Any contingencies that may affect this timeline should be identified.

**F. Community Engagement Plan (up to 1-Page)**

Proposers must submit a community engagement plan that details how residents and local stakeholders have been or will be informed of project plans throughout the design and construction process. The community engagement plan should include how the Proposer plans to engage and develop the workforce, with specific focus on recruiting and collaborating with skilled trades / labor unions, etc. The Designated Developer will be expected to present their plans at community and stakeholder meetings as needed. This includes, but is not limited to, meetings with adjacent property owners, local civic & chamber organizations, and local elected officials. At a minimum, the Proposer must be prepared to present to stakeholders: elevation and site plan renderings, an overview of key project facts (commercial/industrial/transportation activity at site, site description, transportation routes and activities, Port descriptions, community benefits, etc.), and the overall project timeline.

### **G. Financing and Budget (up to 2-Pages)**

Proposers must provide a financing plan and budget covering all aspects of the proposed Project. Proposers should include the following, at minimum:

1. A completed sources and uses file, as outlined in Appendix E (Data Form), identifying all major project elements and specify the funding source(s) for each element.
2. Narrative to accompany the sources and uses of funds table in Appendix E (Data Form) specifying what grant dollars will be used for and what sources of matching funds are already secured. If applicable, please include detail on any investments made prior to the release of this RFP that could be considered part of the Total Project Cost (but will not count toward match requirements noted in Section 2.1).
3. A statement of assumptions on which all calculations are based, such as, design completion, third party project cost estimates and bids, etc.
4. Information on the Total Project Costs including a detailed budget breakdown by major project elements and tasks including a line-by-line categorization of Hard Costs (which are Eligible Expenses) and Soft Costs (which are not Eligible Expenses); clearly identify those project elements for which NYSERDA Grant Funding is being sought (which must all be Hard Costs).
5. Description of the financial capacity of the Proposer to complete the Project and meet the match requirements of the grant.
6. Detail on the other sources of funding that have been secured or may be available to the project.
7. Description of how the project budget represents a cost-effective approach to the Project.

### **H. Demonstrated Need for Funding (up to 1/2-Page)**

The Proposer must establish the need for the Grant Funding and demonstrate that the Project would not proceed but for the provision of funding by NYSERDA.

### **I. Risk Assessment (up to 2-Pages)**

The Proposer is required to provide an assessment of risks and applicable measures that will be implemented to mitigate the identified risks. Project areas that should be addressed include, but are not limited to:

1. Environmental and other necessary approvals.
2. Grant match requirements, qualification for financing and cost increases.
3. Supply chain constraints and procurement delays.
4. Technical feasibility of the Project and the Port Activity.

### **J. Proposer's Description and Qualifications (up to 3-Pages)**

Proposer must demonstrate the ability to complete the Project in a manner consistent with its Proposal. Proposers should include the following, at a minimum, to demonstrate such ability:

1. A 1-page explanation, with figures and organizational charts, laying out the intended form and structure of the firm, joint venture partnerships, contractors, and subcontractors. Any proposed partnership or joint venture must be clearly explained.
2. A chart or diagram that clearly illustrates the Project Team structure and an accompanying table reflecting the availability and time each member of the Project Team will dedicate to the Project.
3. Detail on experience developing ports – for the Proposer as well as the specific individuals that will be involved in the Project.

4. Other experience that makes the Proposer Team qualified to plan, develop, and manage the proposed Project.
5. Current operating budget and previous three (3) years of audited financials of the Proposer (unaudited financials may be provided if audited financials are not maintained by the Proposer). If available, copies of the interim financial statement for each quarter since the last fiscal year for which audited statements are provided.
6. In addition, any details that describe the financial strength of the Proposer should be provided including but not limited to:
  - Details of any material events that may affect the entity's financial standing since the last annual or interim financial statements provided.
  - Details of any credit rating.
  - Details of any bankruptcy, insolvency, company creditor arrangement or other insolvency litigation in the last three fiscal years.
7. Summaries of comparable projects completed by members of the Proposer Team. For each project, the following information is requested:
  - Name of each entity included in the comparable project and a list of the key Team members from each.
  - Project name.
  - Current status of project / completion date or anticipated completion date.
  - Project description.
  - Location.
  - Total Development Cost.
  - Reference (name, email, telephone number).
  - Relevance to this RFP.

**K. Letters of Support (Not included in Page-Count)**

Any letters of support for the Project that may support this Proposal must be included in the Proposal to be considered in evaluation. These letters may be provided by maritime community, environmental advocates, local elected officials, environmental justice advocates, members of disadvantaged communities, economic development organizations, Indigenous Nations, local businesses, and the local public, local or regional stakeholders, or other types of potential project partners or participants.

**L. Data Form (not included in Page-Count)**

Proposers must provide a completed version of the Excel workbook template Appendix E (Data Form), containing worksheets for:

1. Timeline Milestones.
2. Economic Benefits – include direct economic benefits only, such as Job Creation, In-State expenditures and U.S. Structural Iron & Steel.
3. Budget / Source & Uses.

Each Data Form must be submitted as a working Excel file with the file name "Proposal Name\_ RFP 6041 Data Form".

**4.1.1 Additional Forms**

*Proposer Certification Form*

Completed version of the form in Appendix A must be signed by an authorized representative of the Proposer to certify the validity of the Proposal and attest to other representations. Only one Proposer Certification Form can be included in the Submission.

Executive Order No. 16

Completed version of this form must be signed by an authorized representative of the Proposer.

Disclosure Statement

Completed version of this form must be signed by an authorized representative of the Proposer. This will be included in the Salesforce submission process if applicable. Please see Appendix D – Proposal Submission Guide for details.

Non-Disclosure and Confidentiality Agreement

Completed version of the form in Appendix F must be signed by an authorized representative of the Proposer. If the Proposer is comprised of multiple entities, a separate completed version of the Non-Disclosure and Confidentiality Agreement must be provided for each entity comprising the Proposer.

#### **4.1.2 Supporting Attachments**

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

## **5. RFP Administration and Award Process**

### **5.1 Requests for Additional Information**

Following the submission of a Proposal, NYSERDA may request clarifying information from Proposers. Such information will be subject to the protection of proprietary information as described in Section 7, consistent with other Proposal submission materials.

### **5.2 Interviews with Proposers**

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

### **5.3 Counteroffers**

NYSERDA reserves the right to engage in counteroffers with Proposers, including counteroffers based on feedback from the Scoring Committee. For example, the Scoring Committee may determine that the amount of requested funding is not required for the Project to be viable, and NYSERDA reserves the right to make a counteroffer with a reduced amount of funding.

### **5.4 Requesting Modifications to the Funding Agreement**

NYSERDA strongly advises Proposers to review the Funding Agreement, and all associated Exhibits prior to submitting a Proposal to RFP 6041. NYSERDA does not intend to make any material changes to the Funding Agreement. Articles, Schedules and Exhibits of the Funding Agreement to which NYSERDA does not intend to entertain any redlines or negotiate edits include, but may not be limited to:

- Exhibit C: Standard Terms and Conditions for all NYSERDA Agreements;
- Exhibit D: NYSERDA Prompt Payment Policy Statement;
- Exhibit I: Form of Irrevocable Standby Letter of Credit;
- Exhibit J: Form of Acceptable Guaranty.

If a Proposer wishes to propose any material change(s) to the Funding Agreement, any such suggested change(s) should be submitted **at least six (6) weeks prior to the applicable Proposal Submission Deadline** for such Round via email to [Offshorewind@nyserda.ny.gov](mailto:Offshorewind@nyserda.ny.gov) using the Standard Form Agreement Comment Template attached hereto as Appendix G. Any such proposal should indicate why the change would be beneficial to New York State (e.g., it will make it more likely for Projects to be timely completed) rather than merely how it would benefit the Proposer.

## **5.5 Post Award**

### **5.5.1 Award Security and Contract Security**

If a Project is awarded, the Proposer must, within 10 business days, issue award security to NYSERDA in the form of a letter of credit for an amount equal to 2% of the Grant Funding awarded, as detailed in the Form of Award Security (Appendix C). For example, if Proposal is awarded \$20 million of funding under this RFP, the obligated award security for that Proposal would be \$400,000.

The award security letter of credit must be unconditional and provide that it can be drawn by NYSERDA if the Funding Agreement is not executed on or before the date that is one hundred twenty (120) calendar days following the Award Notification Date, unless (i) such deadline is extended by NYSERDA in its sole discretion, (ii) there is a delay in execution of the Funding Agreement that is solely attributable to NYSERDA or (iii) there is a delay in the execution of the Funding Agreement caused by a Force Majeure (as such term is defined in the Funding Agreement). The Award Security will be released upon execution of the Funding Agreement and receipt by NYSERDA of the required Contract Security. NYSERDA reserves the right to retain the award security if the required permits for construction and any associated SEQRA findings are not obtained by the Project by the Construction Deadline.

Once the Funding Agreement is executed, Contract Security in the amount of 2% of the funding awarded to the Grant Recipient is due and will be held by NYSERDA until the Project reaches Commencement of Construction (as defined in the Funding Agreement). Please see Section VIII of the Funding Agreement for more information.

### **5.5.2 Finalization of Funding Agreement**

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

## **6. Additional Requirements**

### **6.1 Quarterly Progress Reports**

Quarterly progress reports must be provided during the design and construction phases of the Project as described in the Funding Agreement. Sample reporting materials will be uploaded to the funding agreement for review at a later date following issuance of this RFP. Quarterly expenditure reports, detailed by the milestone-based budget, must accompany the quarterly progress reports, within 30 days from the end of the quarter. These reports must correlate to subsequent vouchers submitted for reimbursement payment. If selected for award, Grant Recipients should prepare preliminary quarterly reports prior to the finalizing of the Funding Agreement.

If awarded a contract, and as detailed in its quarterly progress reports on the New York State Offshore Wind Supply Chain Database (Section IX and Exhibit E, Section 6 of the Funding Agreement), Proposers must agree to provide New York companies with the opportunity to offer to provide goods and services for which there is capability in New York State to developers, their contractors and other suppliers of the Project. Proposers must communicate all opportunities for supplier contracts for the Project with an

anticipated contract value of \$1 million or greater not already committed at the time of offer submission to New York State companies through using the New York Offshore Wind Supply Chain Database maintained by NYSERDA and provided to contract awardees, except for the provision of goods and services that cannot practically be performed by the New York State supply chain at such time. Developers, their contractors and other suppliers are encouraged to reference and review this database regardless of the contract value.

## **6.2 Prevailing Wage Requirement**

In accordance with Labor Law § 224-d (2) and unless otherwise provided in a Project Labor Agreement (PLA) covering the construction of the Project that complies with the requirements of Labor Law § 224-d(3), all laborers, workmen and mechanics (within the meaning of those terms under New York State Labor Law Article 8) performing the Project construction activities whether through long-term or short-term employment, must be paid wages and benefits in an amount not less than the Prevailing Wage applicable in the area where the Project will be situated, erected and used, in accordance with New York State Labor Law § 220 or at least the equivalent Prevailing Wage requirements of the jurisdiction where the Project is located.

Prior to entering any contract with contractors for the Project and related construction activities, the Grant Recipient will provide confirmation that it has received from DOL (or equivalent) a Prevailing Wage schedule for the Project and related construction activities, as will be updated from time to time. Unless relieved of such requirements by entering into a duly executed PLA in accordance with New York State Labor Law § 224-d(3), Grant Recipient will be responsible for complying with all prevailing wage requirements (including but not limited to registration and reporting requirements) under New York State Labor Law §§ 220, 220-b, 220-i, 220-j, and 224-d. Please see Section VI of the Funding Agreement for more information.

## **6.3 Project Labor Agreement**

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

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

## **6.4 U.S. Iron and Steel**

For purposes of this solicitation, Structural Iron and Steel are formational elements permanently incorporated into the Project which are load bearing, necessary to create the structure of the Project, and comprised of steel or iron. The following formational elements constitute Structural Iron and Steel when permanently incorporated into the Project: (1) Rebar (2) Plate Steel (3) Sheet Pile (4) Pipe Piles (6) Tie Rods (7) Capping Beams (8) Fasteners (9) Railings/Gratings (10) Roof Bracings (11) Main Frame Rafters (12) Flange Braces and (13) Wall Bracings. Proposers may specify additional formational elements to be considered Structural Iron and Steel in the Proposal. NYSERDA reserves the right to accept or reject such proposed additional formational elements as Structural Iron and Steel. The Proposer must include them in the relevant section of the Data Form and NYSERDA will confirm whether they meet the definition of Structural Iron and Steel. As it pertains to Structural Iron and Steel, "permanently incorporated" shall mean an iron or steel product that is required to remain in place at the end of the project contract, in a fixed

location, affixed to the specified site infrastructure to which it was incorporated. Any iron and steel components or equipment primarily considered core to the efficient movement and/or manufacture of goods will not be considered Structural Iron and Steel. Examples of components or equipment that do not meet the definition of Structural Iron and Steel include but are not limited to: (1) Cranes (2) Forklifts, (3) Fabrication equipment and (4) Rigging equipment.

As part of the Proposal, Proposers have the option of estimating expenditures incurred after the issuance of this RFP for U.S. Iron and Steel used in the Project that meet the definition of Structural Iron and Steel. This estimated expenditure, if included, will be entered in the Funding Agreement as Expected Structural U.S. Iron and Steel Dollars. Project shortfalls of the Expected Structural U.S. Iron and Steel Dollars, will be addressed through the remedy provided in Section IV.E.7 of the Funding Agreement.

Grant Recipients will be required to submit a certification regarding the U.S. Iron and Steel expenditures. NYSERDA reserves the right to audit the use of Structural Iron and Steel. Please see Section IV.E. and Article XII of Exhibit B of the Funding Agreement for more detail.

Grant Recipients must make commercially reasonable efforts to use U.S. Iron and Steel for all Structural Iron and Steel elements in the Project. Grant Recipients who use any foreign Structural Iron and Steel in the Project must demonstrate that commercially reasonable efforts were taken to source Structural U.S. Iron and Steel. Failure to make commercially reasonable efforts to use U.S. Iron and Steel for all Structural Iron and Steel elements will be subject to the remedy provided in Section IV.B.3. of the Agreement.

## 6.5 Qualifying Governmental Support

As further described in the Funding Agreement, if the Project, as described in the Proposal and memorialized in Exhibit A-1 of the Funding Agreement, receives direct governmental financial support (other than to cover increased costs of the Project beyond what was anticipated in the Proposal) that is secured following the Proposal Submission Deadline and was not included in the financial information submitted in the Proposal, the Grant Funding will be reduced or reimbursed by the 75% of the amount of the value of such governmental support.

## 7. General Conditions

**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your Proposal. Review should include whether it is critical for evaluating a Proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." **Information submitted to NYSERDA that the Proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted.** See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

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

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

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

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

**Tax Law Section 5-a** - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See [ST-220-TD - Contractor Certification Form \[PDF\]](#). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contracting and filed with NYSERDA. See [ST-220-CA - Contractor Certification to Covered Agency Form \[PDF\]](#). The Department has developed guidance for contractors which is available at [Publication 223 - Questions and Answers Concerning Tax Law Section 5-1 \[PDF\]](#).

**Contract Award** - Each Proposal should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify Proposers in approximately 2 months from the Proposal Submission Deadline whether your Proposal has been selected to receive an award. Upon receipt of this notification, a Proposer can request to schedule a debrief on the selection process and the strengths and weaknesses of its Proposal by contacting NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

**Limitation** - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a Proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all Proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject Proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Funding Agreement. NYSERDA reserves the right to disqualify Proposers based upon the results of a background check into publicly available information or the presence of a material possibility of any reputational or legal risk in making of the award.

**Disclosure Requirement** - The Proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory

of the United States and shall describe circumstances for each. When a Proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

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

**Vendor Assurance of No Conflict of Interest or Detrimental Effect** - The Proposer shall disclose any existing or contemplated relationship with any other person or entity, including any known relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the Proposer or former officers and employees of NYSERDA, in connection with Proposer's rendering services as proposed. If a conflict does or might exist, please describe how your company would eliminate or prevent it. Indicate what procedures will be followed to detect, notify NYSERDA of, and resolve any such conflicts.

The Proposer must disclose whether it, or any of its members, or, to the best of its knowledge, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "Commission"), and if so, a brief description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

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

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

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

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

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

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

## **Acronyms and Definitions**

**Award Notification Date:** The date on which NYSERDA notifies Proposer that it has been selected for an award contingent on the negotiation of the Funding Agreement.

**Commencement of Construction:** As defined in the Funding Agreement.

**Commercial Operation:** As defined in the Funding Agreement.

**Construction Deadline:** Two years after the Award Notification Date and as further defined in the Funding Agreement.

**Data Form:** Excel file required in the Proposal submission as described in Section 4.1.L.

**Eligible Expenses:** As defined in the Funding Agreement, Eligible Expenses are expenses incurred as part of the Project that are directly associated with physical construction or tangible assets. Expenses for planning, design, engineering, permits, legal fees, administrative overhead, and other non-construction activities are not Eligible Expenses.

**Expected Structural U.S. Iron and Steel Dollars:** The proposed expenditures incurred after the issuance of this RFP for U.S. Iron and Steel used in the Project that meet the definition of Structural Iron and Steel, as reflected in the Proposal.

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

**Grant Funding:** The grant funding to be awarded to the Grant Recipient for the Project pursuant to this RFP.

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

**Greenfield Port Site:** A location with no existing port or maritime infrastructure (i.e., access channels, berths, terminals, utilities, intermodal connections, etc.) in place.

**Hard Costs:** Expenses for the Project that are directly associated with physical construction or tangible assets.

**Port:** A maritime facility on a coast or river typically including infrastructure like wharves, piers, warehouses, and/or cranes for the purposes of handling cargo, cargo storage, manufacture of goods, or provision and maintenance of maritime services.

**Port Activity:** The services or operations at the Port available upon completion of the Project.

**Project:** The construction, redevelopment and/or improvements that enable a Port to perform increased commercial activities. Projects typically involve berth/quayside rehabilitation, improvement or expansion of docks, wharves, piers, roll-on/roll-off structures, and dredging designed to facilitate usage.

**Project Labor Agreement (PLA):** A pre-hire collective bargaining agreement duly executed in accordance with New York State Labor Law § 224-d(3).

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

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

**Scoring Committee:** The scoring committee that will evaluate Proposals in response to this RFP.

**Soft Costs:** Expenses for planning, design, engineering, permits, legal fees, administrative overhead, and other non-construction activities and are essential for the Project's planning and management.

**Standard Form Port Infrastructure Grant Disbursement Agreement or "Funding Agreement":** The grant agreement between NYSERDA and any awardee of this RFP included as Appendix B.

**Structural Iron and Steel:** Formational elements permanently incorporated into the Project which are load bearing, necessary to create the structure of the Project, and comprised of steel or iron. The following formational elements constitute Structural Iron and Steel when permanently incorporated into the Project: (1) Rebar (2) Plate Steel (3) Sheet Pile (4) Pipe Piles (6) Tie Rods (7) Capping Beams (8) Fasteners (9) Railings/Gratings (10) Roof Bracings (11) Main Frame Rafters (12) Flange Braces and (13) Wall Bracings. Additional formational elements may be considered Structural Iron and Steel if included in the Proposal and accepted as such by NYSERDA.

**Substantial Completion:** As defined in the Funding Agreement.

**Total Project Cost:** The total expenses necessary to complete the scope of the Project, including but not limited to the Eligible Expenses and matching funds, but not including costs to operate the Port.

**U.S. Iron and Steel:** Iron and steel manufactured in the United States from the initial melting stage through the application of coatings (except metallurgical processes involving the refinement of steel additives).