

REQUEST FOR PROPOSALS RESRFP26-1

Renewable Energy Standard Program
Purchase of Renewable Energy Certificates



**Renewable Energy Standard Purchase of New York Tier 1 Eligible Renewable Energy
Certificates Request for Proposals (RFP) No. RESRFP26-1**

Release Date: April 24, 2026

**Purchase of New York Tier 1 Eligible Renewable Energy Certificates (RECs)
Request for Proposals (RFP) No. RESRFP26-1
RFP Release Date: April 24, 2026**

**Step One Eligibility Applications Due:
Tuesday, May 19, 2026, by 3:00 p.m. Eastern Time (ET)**
**Step Two Bid Proposals:
Non-Price Submission Due: Thursday, June 25, 2026, by 3:00 p.m. ET**
Price Submission Due: Thursday, July 30, 2026, by 3:00 p.m. ET

NYSERDA SEEKS TO ACQUIRE NEW YORK TIER 1 ELIGIBLE RENEWABLE ENERGY CERTIFICATES

The New York State Energy Research and Development Authority (NYSERDA) seeks to procure Tier 1 eligible Renewable Energy Certificates (RECs) from Bid Facilities that meet the eligibility requirements described in this Request for Proposals (RFP or RESRFP26-1).

RESRFP26-1 will be implemented through a two-step process, consisting of:

1. **Step One Eligibility Application:** A qualifying step through which the Proposer must provide information regarding the Proposer and the Bid Facility and evidence that the Bid Facility is Tier 1 eligible. See Section 4 for detailed instructions about how to prepare and submit a Step One Eligibility Application.
2. **Step Two Bid Proposal:** A competitive Bid Proposal step, solicited in two phases, through which NYSERDA will: (1) examine each Bid Proposal to determine 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. See Section 5 for detailed instructions about how to prepare and submit a Step Two Bid Proposal.

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: NYSERDA requests that applications requesting a new Resource Eligibility Determination be completed in NYGATS no later than Thursday, May 7, 2026. Step One Eligibility Applications must be **received by NYSERDA by 3:00 p.m. ET on Tuesday, May 19, 2026 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 Renewable Energy Standard \(RES\) Tier 1 website](#)¹ or [NYSERDA's Current Funding Opportunities website](#),² located in the "Current Funding Opportunities" section of NYSERDA's website at that time.

¹ <https://www.nyserdera.ny.gov/ces/rfp>

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

NYSERDA intends to notify all prospective Proposers who submitted a Step One Eligibility Application as to their eligibility status by **Thursday, May 28, 2026**. Eligible Proposers will receive a Notice of Qualification and will be provided with detailed instructions for submitting a Step Two Bid Proposal.

Step Two Bid Proposal: Step Two Bid Proposals will be solicited in two phases: A Non-Price phase and Price phase. The Non-Price Submissions must be **received by NYSERDA by 3:00 p.m. ET on Thursday, June 25, 2026, via electronic submission on the [solicitation website](#)**. The Price Submissions must be **received by NYSERDA by 3:00 p.m. ET on Thursday, July 30, 2026, via electronic submission on the [solicitation website](#)**. Instructions for submitting electronically and the link for electronic submissions will be included in a Proposer's Notice of Qualification.

The solicitation website for RESRFP26-1 features an updated version of the Accion Power web platform used to administer prior RESRFP solicitation websites called PowerPro. Users who created a profile on the RESRFP25-1 solicitation website will be able to access PowerPro using their email address and RESRFP25-1 password. All other users will need to create a new user profile.

NYSERDA recommends that Proposers set aside ample time to gather the required information and documentation and to understand the requirements to complete the Step One Eligibility Application and Step Two Bid Proposal. 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 5.2.7 and 10.1.

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 found on the [solicitation website](#), 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.³

Prior to the opening of the [solicitation website](#) and the Step One Eligibility Application, all questions regarding RESRFP26-1 must be directed to resrfp26solicitation@nyserdera.ny.gov. All general questions about this RFP may be submitted in writing via email to resrfp26solicitation@nyserdera.ny.gov or via the Q&A feature of the solicitation website.⁴ Project-specific questions may be addressed to resrfp26solicitation@nyserdera.ny.gov or submitted via the Messages feature on the solicitation website.

Questions regarding this solicitation should be directed to the RESRFP26-1 Designated Contacts in writing through the options detailed above. The Designated Contacts for RESRFP26-1 are: Mac Farrell, Bram Peterson, Mairead Milan, Aaron Rudyan, Beata Raczynska, Abigail Randall, Chris Miller, Jenn Phelps, Jeremy Wyble, Nathalie Simoes, Brian Gyory, John Bernecker, Jenny Sing-Bock, Tyler Picard, Marci Brunner, Abbey DeRocker, Georges Sassine, Anthony Fiore, and Doreen Harris. Questions to these Designated Contacts regarding RESRFP26-1 should be directed to resrfp26solicitation@nyserdera.ny.gov.

³ See Section 11 of the [NYGATS Operating Rules](#).

⁴ The Q&A page is intended for general questions which are suitable for public review.

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 offeror, 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 both the [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, Step Two Bid Proposal Non-Price Submissions and Step Two Bid Proposal Price Submissions will not be accepted and Step Two Bid Proposal Non-Price and Price Submissions lacking a completed and signed Step Two Bid Proposal form may not be accepted.

Faxed or e-mailed packages will not be accepted. Mailed packages containing paper submissions will be accepted.⁵ 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 Technical Evaluation Panel (TEP). Bid Fees will not be refunded to Proposers that submit a Step Two Bid Proposal Non-Price Submission but elect not to submit a Step Two Bid Proposal Price Submission. Proposers whose Bid Proposals are deemed ineligible on account of exceeding the Benchmark LNRC, as described in Section 3.5, 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](#).⁶ It is the Proposer's responsibility to check for, and conform to, any solicitation changes prior to submittal.

⁵ Proposers should notify NYSERDA in advance of the Step One Eligibility Application due date and/or the Step Two Bid Proposal Non-Price Submission due date if they plan to submit materials through the mail. Contact a Designated Contact for more information if needed.

⁶ <https://www.nysERDA.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 – The one-time “Mitigation Fund Payment”, if any, for the Bid Facility, as defined in and calculated as set forth in Attachment G, which amount for the Bid Facility will not exceed the estimated Mitigation Fund Payment set forth in Exhibit H of the Agreement, 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.

Base Bid Proposal – The proposal required to be submitted by Proposer that satisfies the submission requirements set forth in Table 2. The Base Bid Proposal serves as the baseline against which Alternate Bid Proposals will be evaluated on both price and non-price scoring.

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) for Upgrades, further multiplied by the Incremental Upgrade Percentage, or for Repowerings, further multiplied by the applicable Tier-1 Percentage.

Bid Facility – The electric generating station that has been identified and described in the Eligibility Application submitted by the Proposer through which the Bid Facility was found to be qualified for participation in RESRFP26-1, as such Bid Facility may be mutually modified from time to time in accordance with Section 2.12 of the Agreement.

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.

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.

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.

Commercial Operation Milestone Date (COMD) – November 30, 2030, the date by which Bid Facilities must enter Commercial Operation, 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, 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 and terminating on the last day of the Contract Tenor. (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)

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 Section 15.01 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 within the Contract Delivery Term.

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, 2017.⁷

⁷ 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.

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) Bid Capacity (for new Bid Facilities and Upgrades), or (b) End of Useful Life Bid Capacity, as presented in the Bid Proposal and accepted by NYSERDA (for Repowerings), 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 and 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 may be adjusted pursuant to 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 NYSERDA 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 NYSERDA 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 NYSERDA’s New York State Clean Energy Standard RES Tier-1 Certification Submission Instructions and Eligibility Guidelines.

Index REC Price – A 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 determined pursuant to Section 4.01 of the Agreement.

Index REC Strike Price – The as-bid value for each Contract Year as submitted in the Bid Proposal, 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 in MWac 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 accordance with its Statement of Qualification (SoQ) and Operational Certification, multiplied by
- (ii) the Bid Quantity Percentage, and
- (iii) for Upgrades, further multiplied by the Incremental Upgrade Percentage, or for Repowerings, further multiplied by the applicable Tier-1 Percentage.

Levelized Net REC Cost (LNRC) – A uniform cost metric used to compare Proposals with different Bid Prices, Bid Quantities, and Commercial Operation Dates, as described in Section 3.4.

Material Change – as defined in Section 6.3.

Major Renewable Energy Facility – Any renewable energy system with a nameplate generating capacity of twenty-five thousand kilowatts (equivalent to 25 MWac) 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. MSG 1-4 have been established in “NYSERDA 2026 Soils Data for use in Large-Scale Renewables and NY-SUN Programs,” linked here: [NYSERDA 2026 Soils Data](#).

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 Tier-1 REC for each month of the Contract Delivery Term. 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. If the Bid Facility has been selected by NYSERDA on the basis of an Index REC Price bid, the Monthly REC Price shall be as calculated pursuant to Section 4.01 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 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](#).

NYISO – The New York Independent System Operator, Inc., the 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.nyserda.ny.gov/All-Programs/nygats/registration-documents>.

Operational Certification – Verification by NYSERDA, as described in Section 2.13(a) of the Agreement, that the Bid Facility 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 Section 2.12 of 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>.

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

Proposer Team – The Proposer and the principals in its development team for the purposes of evaluating project development and operating experience.

PSoQ – NYGATS Provisional Statement of Qualification.

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 of the Agreement (*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.

Relative UCAP Production Factor (rUPF) – The effective ratio, for settlement purposes, of the generator’s capacity factor during capability period peak hours to that of the representative unit of the resource class. As further described in Section 3.1.2, Proposers of Bid Facilities with a Nameplate Capacity of 20 MWac or less will have the option to select an rUPF value of either 0 or 1. The rUPF value for all other Proposers will be 1.

Relocated Facility – A generation project whose prime mover was used on or before the Threshold Eligibility Date (TED) to generate electrical energy outside of the New York Control Area.

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.

Repowering – The physical improvements made to the existing Bid Facility that meet the repowering requirements of the applicable CES Orders, as proposed by Seller in the Eligibility Application and Bid Proposal in response to RESRFP26-1 and confirmed through the Statement of Qualification and the Operational Certification process.

Seller – The Proposer or other entity (as further described in Section 8.3) 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.

Statement of Qualification (SoQ) –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 – Each project has an assigned Tier-1 Percentage applicable to generation. For new solar and wind projects, the Tier-1 Percentage will be 100%. For a Repowering, the Tier-1 Percentage will be the quantity of generation from the repowered Bid Facility, expressed as a percentage and associated with specific date ranges, that meets the Repowering requirements of the applicable CES Orders. For Upgrades, the Tier-1 Percentage is the Incremental Upgrade Percentage.

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 (SO_x), nitrogen oxides (NO_x), 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, or (ii) any energy, capacity, reliability or other power products, such as ancillary services.

Threshold Eligibility Date (TED) – January 1, 2015 (i.e. the date by which a project had to be placed in service to be considered for Tier 1 REC eligibility).

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 Eligibility Application and Bid Proposal in response to RESRFP26-1 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 Plan⁸ 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 plans⁹ 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)¹⁰ 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.¹¹

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, and on October 15, 2020, the PSC issued its [Order Adopting Modifications to the Clean Energy Standard](#) (CES Modification Order) in Case 15-E-0302. 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 \(Phase 2 Order\)](#). On October 12, 2023, the PSC issued the [Order Denying Petitions Seeking to Amend Contracts With Renewable Energy Projects](#), and 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.

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

⁸ 2015 New York State Energy Plan is available at <https://energyplan.ny.gov/Plans/2015-Energy-Plan>

⁹ As of the date of RESRFP26-1 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.nyserda.ny.gov/All-Programs/Clean-Energy-Standard/Clean-Energy-Standard-Resources/Filings-Orders-and-Reports>

¹⁰ 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.

¹¹ [New York State Senate Bill S6599](#)

series of competitive RFPs, for only the RES Tier 1 RECs created by eligible generation resources.¹² 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.¹³

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 RESRFP26-1 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. 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 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 25-year Contract Tenor under RESRFP26-1 (See Section 2.5).

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

¹² 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.

¹³ 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.

portfolio by more than 10%. The Biennial Review Order also authorized NYSERDA to revise its approach to commercial operation deadlines in Tier 1 solicitations.

On December 16, 2025, the New York State Energy Planning Board issued the 2025 State Energy Plan.¹⁴ The State Energy Plan provides broad program and policy development direction to guide energy-related decision making within New York State. The State Energy Plan includes an outlook through 2040 with recommendations for meeting future energy demands that prioritize an energy system that is affordable, reliable, and clean while supporting economic development, equity, and a healthy environment, and includes key findings noting that the State should continue to support the deployment of clean energy resources, including renewable resources, and strategically navigate challenges (including federal policy uncertainty and siting and permitting hurdles) that affect the pace of progress.

RESRFP26-1 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, RESRFP26-1 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](#).¹⁵ 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, RESRFP24-1 and RESRFP25-1 can be found on [NYSERDA's RES Solicitation webpage](#).¹⁶

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. Effective January 1, 2025, each LSE is obligated to purchase their load share of Tier 1 RECs from NYSERDA every year. The annual obligation is based on the total Tier 1 RECs NYSERDA procures via Large-Scale Renewable solicitations plus the cost of VDER Tier 1 RECs and an LSE's proportional amount of statewide load in each compliance year. 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 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

¹⁴ 2025 New York State Energy Plan is available from <https://energyplan.ny.gov/Plans/2025-Energy-Plan>

¹⁵ [New York State PSC DMM Case No 15-E-0302](#)

¹⁶ <https://www.nysERDA.ny.gov/ces/rfp>

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](#).¹⁷

1.3 Schedule

The schedule for RESRFP26-1 is as follows (all times Eastern Time):

Table 1. RFP Schedule

RFP Release Date	Friday, April 24, 2026
NYSERDA opens Step One Eligibility Application	Friday, April 24, 2026
Proposers’ Webinar	Thursday, April 30, 1:30 – 3:00 p.m.
Requested date to submit an application for a Resource Eligibility Determination (PSoQ/SoQ) in NYGATS	Thursday, May 7, 2026
Deadline for Step One Eligibility Application Submission (and to submit proposed material changes to the Agreement)	Tuesday, May 19, 2026 by 3:00 p.m.
NYSERDA responds with Notice of Qualifications to bid, opens Step Two Bid Proposal to eligible Proposers	Thursday, May 28, 2026
Deadline for Bid Fee Submission	Wednesday, June 24, 2026
Deadline for Step Two Bid Proposal Non-Price Submission	Thursday, June 25, 2026 by 3:00 p.m.
NYSERDA posts final Attachment A. Standard Form Agreement	Thursday, July 9, 2026
Deadline for Step Two Bid Proposal Price Submission	Thursday, July 30, 2026 by 3:00 p.m.
NYSERDA notifies Proposers receiving provisional Awards	Expected August 2026

Please note that the above dates are subject to change. NYSERDA may adjust dates based on changes to the NYISO Cluster Study schedule. 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 RESRFP26-1 [solicitation website](#).

¹⁷ [NY Green Bank RFP 1: Clean Energy Financing Arrangements](#)

2 ELIGIBILITY & SUBMISSION REQUIREMENTS

RESRFP26-1 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 April 24, 2026. The requirements for each step are summarized in the table below, consisting of:

1. **Step One Eligibility Application:** A qualifying step through which the Proposer must provide information regarding the Proposer and the Bid Facility and evidence that the Bid Facility is Tier 1 eligible. See **Section 4** for detailed instructions about how to prepare and submit a Step One Eligibility Application.
2. **Step Two Bid Proposal:** A competitive Bid Proposal step, solicited in two phases, through which NYSERDA will: (1) examine each Bid Proposal to determine 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. See **Section 5** for detailed instructions about how to prepare and submit a Step Two Bid Proposal.

Table 2. Submission Requirements

Step One Eligibility Application Due Date: Tuesday, May 19, 2026 by 3:00 p.m.	Step Two Bid Proposal Non-Price Submission Due Date: Thursday, June 25, 2026 by 3:00 p.m.	Step Two Bid Proposal Price Submission Due Date: Thursday, July 30, 2026 by 3:00pm
Requirements for Submission¹⁸: <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, etc.) submitted via the solicitation website • Descriptions of how the Bid Facility/Proposer will meet Minimum Threshold Requirements, submitted via the solicitation website. • Executive Order No. 16 certification forms • Competitive Solicitations Disclosure Statement • Vendor Responsibility Questionnaire 	Requirements for Submission (please see Section 5.2 and 5.3 for more detail): <ul style="list-style-type: none"> • A full Non-Price Step Two Proposal Form, submitted via the solicitation website, which will request information required in Section 5.2 and 5.3 (where indicated) • Att. D Bid Data Form • A summary of interconnection progress and evidentiary documentation from the interconnection entity confirming the extent of such progress (see Section 5.3.1) • (Solar PV only) plan to comply with the provisions of the Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (Revision 10/18/2019) (see Section 5.3.2) • Detailed map of facility site (see Section 5.3.2) • Geospatial data representing the Bid Facility’s parcel boundaries, Facility Area, equipment/ array footprint, any co-utilization areas (see Section 5.3.2) • Permitting Plan (see Section 5.3.2) • Att. E P(50) 8760 (see Section 5.3.3) 	<ul style="list-style-type: none"> • Binding Bid Price information, submitted via the solicitation website • Attachment F. Cost Assumptions

¹⁸ As noted in Section 9.1 “Proposed Edits to the Agreement” and Table 1. RFP Schedule, if Proposer is submitting an Attachment L. SFA Comment Template, it must be submitted by the Deadline for Step One Eligibility Application Submission.

Step One Eligibility Application Due Date: Tuesday, May 19, 2026 by 3:00 p.m.	Step Two Bid Proposal Non-Price Submission Due Date: Thursday, June 25, 2026 by 3:00 p.m.	Step Two Bid Proposal Price Submission Due Date: Thursday, July 30, 2026 by 3:00pm
	<ul style="list-style-type: none"> • (Solar PV Only) Att. G Agricultural Mitigation Estimate Calculator (see 5.3.5) • (Solar PV only) Appendix 2 - Exhibit 1. RESRFP26-1 Smart Solar Siting Scorecard Workbook (see Section 5.3.5) • (Solar PV only) If the Bid Facility has not submitted an ORES permit application, Appendix 2 - Exhibit 4. In Field Verification Checklist (see Section 5.3.5) • (Solar PV only) Site plan overlaid with MSG1-4 data and MSG1-4 acreage calculations (see Section 5.3.5) • Management Chart (see Section 5.3.6) • Disclosure of any criminal and civil lawsuits, litigation, and settlements (see Section 5.3.6) • Organizational Chart (see Section 5.3.7) • Evidence of investment grade credit rating (see Section 5.3.7) • Audited financial statements for the last three fiscal years (see Section 5.3.7) • Key credit ratios (see Section 5.3.7) • Financing Plan (see Section 5.3.7) • Att. B Bid Facility Information and Community Engagement Plan (see Section 5.3.9) • Documentation that the Proposer has been in contact with the 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 RESRFP26-1 (see Section 5.3.9) • Documentation that the Proposer has conducted at least one public meeting for community members (see Section 5.3.9) • Resource Assessment and Energy Production Estimate (see Section 5.3.10) • Bid Facility Climate Hazard Screening (see Section 5.3.11) • Climate Resilience Measures (if applicable) (see Section 5.3.11) • Prepared in accordance with Appendix 4, a list of incremental Economic Benefits claims, including identification of specific claims that will benefit Disadvantaged Communities (Attachment D) • Att. K Non-Disclosure Agreement • Proof of Bid Fee payment 	

2.1 Eligibility & Contract Requirements

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.¹⁹ The Tier 1-eligible technology types include the following technologies:²⁰

Table 3. 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 is 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” ²¹ 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		

Pursuant to the CES Framework Order, to participate, an eligible Bid Facility must also:

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 (the Threshold Eligibility Date), or
3. Must produce new, incremental energy and Tier 1 RECs from new Bid Capacity above a historical baseline.

¹⁹ 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.

²⁰ This table, and the guide to Tier 1 program eligibility can be found at The New York State Clean Energy Standard RES Tier 1 Certification Submission Instructions and Eligibility Guidelines, available from: <https://www.nysed.gov/-/media/Project/Nyserda/Files/Programs/Clean-Energy-Standard/Eligibility-Certification-Guidelines.pdf>

²¹ 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.

Any Tier 1 RECs (Bid Quantity) that were the subject of a provisional award under NYSERDA's RESRFP23-1, RESRFP24-1, or RESRFP25-1 solicitations shall be ineligible under this RFP. In the case of any Bid Facility that was awarded a contract for incremental Tier 1 RECs in RESRFP23-1, RESRFP24-1 or RESRFP25-1 (Incremental Tier 1 RECs) above and beyond Tier 1 RECs that were already committed to NYSERDA at the time of such award (Pre-Committed RECs), both such Incremental Tier 1 RECs and such Pre-Committed RECs for such Bid Facility shall be ineligible for award under this RFP. Any Tier 1 RECs (Bid Quantity) that have never been the subject of a prior provisional award are eligible under this RFP.

For greater clarity, this precludes RESRFP26-1 participation from Bid Facilities that failed to execute NYSERDA's RES Standard Form Agreement for an award in the prior three RES solicitations, or terminated their Agreement from these solicitations. However, a Bid Facility whose award or executed Agreement under RESRFP23-1, RESRFP24-1, or RESRFP25-1 that 1) was subsequently rescinded by NYSERDA, 2) was ultimately found by NYSERDA to have been ineligible for the RFP under which it was originally purported to have been awarded, or 3) was terminated due to a Material Adverse Change (as defined and set out in the applicable Standard Form Agreement²²) would not be affected by this requirement, and will be permitted to participate in RESRFP26-1.

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 RESRFP26-1. As such, a Bid Proposal in RESRFP26-1 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%.

Proposers should ensure that each proposed Bid Facility meets the Tier 1 eligibility requirements to participate in RESRFP26-1, and that each Bid Facility is registered in the New York Generation Attribute Tracking System (NYGATS) as early as possible to ensure that the Bid Facility is eligible to submit a Step One Eligibility Application.

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.

Projects awarded funding under NYSERDA's recent [Agrivoltaics Research and Demonstration RFP \(RFP 5752\)](#) are permitted to seek a NYSERDA Tier 1 REC Agreement.

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. A Step Two Bid Proposal may not be contingent on the receipt of any federal tax credits or incentives.

²² Please note that the Material Adverse Change provision is not included in Agreements prior to those awarded in RESRFP25-1 and therefore this carve-out is inapplicable to any Agreements awarded prior to RESRFP25-1.

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 RESRFP26-1 and/or future Tier 1 solicitations subject to Tier 1 eligibility requirements.

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 2.4.2.

2.2 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 i) a Statement of Qualification (SoQ), for facilities in operation at the time of request, or ii) 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.²³ 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 Non-Price Submission (*e.g.*, Nameplate Capacity, NYISO Zone). Alternate 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, May 7, 2026. 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 more than two years old are requested to re-submit a Tier 1 certification request to NYGATS for verification **no later than Thursday, May 7, 2026**. This applies to Bid Facilities with a PSoQ issued on or before May 1, 2024. To re-submit a Tier 1 certification request to NYGATS please follow the [Tier 1 Certification process](#).

²³ See <https://www.nyserdera.ny.gov/-/media/Project/Nyserda/Files/Programs/Clean-Energy-Standard/Eligibility-Certification-Guidelines.pdf>

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, Repowerings, and facilities returning to service and training materials for using NYGATS to apply can be found on [NYSERDA's RES Tier 1 Certification website](#).

2.3 Consistency with Existing PSoQ

For a Bid Facility with an existing PSoQ, a Step One Eligibility Application submitted for the Bid Facility under this RESRFP26-1 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.

Any requests for new NYGATS applications or modifications to existing NYGATS applications are requested to be submitted by Proposers by May 7, 2026 to give sufficient time for review and approval of the PSoQ.

NYSERDA will work with the Proposer to rectify any PSoQ or SoQ discrepancies. If assistance is needed, please contact lsrops@nyserdera.ny.gov by May 7, 2026 to allow adequate time for NYSEDA to respond to the requests, help cure any deficiencies or seek clarifications needed to issue an PSoQ with ample time prior 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 Upgrades or Repowerings, that have not reached the end of their useful life must apply to NYGATS as early as is feasible such that NYSEDA can determine the amount of generation that the facility may produce to be Tier 1 eligible. NYSEDA will contact the Proposer to coordinate and request any additional information that is needed to make such a determination.

2.4 Incremental Upgrade and Repowering Bid Facilities

Upgrades - 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 under this solicitation 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.

Repowerings - After the existing Bid Facility has reached the end of its useful life, 100% of a Bid Facility's generation 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 [New York State Clean Energy Standard RES Tier 1 Certification Submission Instructions and Eligibility Guidelines](#)²⁴ (henceforth referred to as *Tier 1 Eligibility and Certification 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 RESRFP26-1 with an Upgrade or Repowering Bid Facility are strongly encouraged to contact the Large-Scale Renewables team at resrfp26solicitation@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 RESRFP26-1. 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 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 the Attachment E. P(50) 8760 Template 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 same historical generation data submitted with the request for PSoQ with the Upgrade or Repowering Step Two Bid Proposal to verify the application of the Tier 1 eligibility percentage in Attachment E. If applicable, 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.

²⁴ The New York State Clean Energy Standard RES Tier 1 Certification Submission Instructions and Eligibility Guidelines (*Tier 1 Eligibility and Certification Guidelines*) can be accessed from: <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Programs/Clean-Energy-Standard/Eligibility-Certification-Guidelines.pdf>

2.4.1 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 in their Bid Proposal. If the proposed Upgrade Bid Facility is not yet in operation, a PSoQ, not a SoQ is required.

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 production associated with the Upgrade. 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 [Tier 1 Eligibility and Certification Guidelines](#) for information on technology-specific PSoQ requirements for Upgrade Bid Facilities.

2.4.2 Repowering

Proposers that intend to submit Repowering Bid Facilities are strongly advised to consult Section 7.6 of the [Tier 1 Eligibility and Certification Guidelines](#) for the full scope of requirements to certify Repowering Bid Facilities as Tier 1-eligible. Proposers should note that Repowering Facilities will 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.

A third-party engineering report will be required to verify that the Repowering Bid Facility will result in an overall increase of 15% or greater production than the projected future production of the existing generator. Proposers can review the Tier 1 Eligibility and Certification Guidelines for the third-party engineering reports requirements needed to demonstrate Tier 1 eligibility.²⁵

2.4.3 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 RESRFP26-1 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.

2.5 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.

²⁵ [Department of Public Service filed a Staff Proposal](#) to modify the repowering requirements that hydroelectric resources must satisfy in order to qualify their generation as Tier 1 eligible under the Clean Energy Standard on November 12, 2025. The purpose of the proposal is to allow more hydroelectric resources to satisfy the repowering requirements and provide such resources with the ability to participate in Tier 1 solicitations.

For all wind and solar PV Bid Facilities that were not in Commercial Operation as of the RFP Release Date, the Maximum Contract Tenor will be 25 years.

For all non-wind and non-solar PV 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 non-wind and non-solar PV 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.

For a Repowering or Incremental Upgrade Bid Facility that reached Commercial Operation before the release of the Biennial Review Order on May 15, 2025, 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
- RESRFP26-1 Launch Date: 04/24/2026
- Useful Life: 50 years (600 months)

20 years: 240 months – (04/24/2026 – Return to Service Commercial Operation Date 12/15/2019 or 77 months rounding down) = 14 years rounded to the nearest full year (163 months)

Useful Life: 600 months – (04/24/2026 – Return to Service Commercial Operation Date 12/15/2019 or 77 months rounding down) = 44 years rounded to the nearest full year (523 months)

14 years is less than 44 years; therefore, the Maximum Contract Tenor is 14 years.

Proposers should consult the [Tier 1 Eligibility and Certification Guidelines](#) for more information and detailed requirements regarding Upgrade, Return to Service, Relocated Facility, and Repowering Bid Facilities.

For Bid Facilities not covered by the above Maximum Contract Tenors, NYSERDA will determine the applicable Maximum Contract Tenor in accordance with the relevant Public Service Commission Orders and Implementation Plans once such Bid Facility has received its Notice of Qualification to bid, in advance of the deadline for Step Two Bid Proposal Non-Price submission.

The table below 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.

Table 4. 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

2.6 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.

2.7 Conformance with NYGATS Operating Rules

If awarded under RESRFP26-1, Proposers must maintain a valid NYGATS ID, obtain a Statement of Qualification, achieve Operational Certification, and operate in conformance with the [NYGATS Operating Rules](#).²⁶ 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 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)

²⁶ [New York Generation Attribute Tracking System \(NYGATS\)](#)

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 vendor such as the Open Access Technology International (OATI) System (or equivalent) 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 to NYSERDA. Once approved as Operational, NERC tag information must be emailed to resrfp26solicitation@nyserda.ny.gov directly in its original unaltered form from OATI or a similar system.

2.8 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 both RESRFP24-1 and RESRFP25-1, 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 and RESRFP25-1 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 RESRFP26-1 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 RESRFP26-1 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.

3 BID PRICE STRUCTURE & PRICE EVALUATION

3.1 REC Pricing

Each Step Two Bid Proposal Price Submission 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.²⁷

While all Base Bid Proposals must employ a single pricing structure, Bid Proposals are permitted to employ a different pricing structure for a materially different Alternate 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 Proposal Price Submissions may employ different pricing structures, either fixed or index.

NYSERDA cannot adjust the binding Fixed or Index REC Bid Price submitted by awarded Proposers, with the single exception of applying the CCIA calculation for Alternate Bid Proposals in which Proposers opt to include a CCIA. 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.

NYSERDA will not make material adjustments to any Proposal, including the Index REC Strike Price or Fixed REC Price.

3.1.1 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.

3.1.2 Index REC Pricing

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

²⁷ See Section 2.5.

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

where:

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.²⁸ For Bid Facilities in external control areas, each month's Reference Energy Price shall be a simple average of the hourly NYISO DAM 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 (RUP), 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.²⁹ For Bid Facilities in external control areas, each month's Reference Capacity Price will be based on the conversion of a RUP, 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:

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

where:

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

²⁸ 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>.

²⁹ 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.

rUPF = Relative UCAP Production Factor (decimal fraction), defined as the effective ratio, for settlement purposes, of the generator's capacity factor during capability period peak hours to that of the representative unit of the resource class

IC = Installed Capacity (MW)

Total RECs = Total amount of Tier-1 RECs produced by the Bid Facility in the subject month³⁰

BQP = Bid Quantity Percentage

1,000 = kW to MW conversion factor

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

For this solicitation, NYSERDA has determined, in consultation with DPS Staff, that Proposers of Bid Facilities with a Nameplate Capacity of 20 MWac or less will have the option to select a rUPF value of either 0 or 1. For all other Proposers, the rUPF will be fixed at a value of 1.

For Proposers with the option to do so, selecting a rUPF of 0 will mean that the Reference Capacity Price will always be \$0.00/MWh and the Monthly REC Price will be calculated based only on the Strike Price and the REP. This selection will be 1) applied in price evaluation as described in Section 3.4, and 2) will be carried through to any applicable provisionally awarded Standard Form Agreements for settlement (See Article 4). Proposers will be required to provide a narrative explanation of their rUPF value selection, including, but not limited to, their planned participation in the NYISO capacity market.

3.1.3 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 Step Two Bid Proposal Price 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.

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:

³⁰ 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.

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 Price Submission Deadline, calculated as the average of the last six months or two quarters of published data available prior to the Bid Price Submission Deadline

$Index_T^{31}$ is the value of each index established at the date of the earlier of Final Investment Decision (FID)³² and Full Notice to Proceed (FNTP)³³, 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:

³¹ 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.

³² 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.

³³ 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.

Solar PV Bid Facilities:

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

Table 5. Solar PV Bid Facility CCIA Components

Commodity or Component	Units, Frequency	Data Source
Module ³⁴	\$/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 Bid Price estimated to encompass operating expenses will remain fixed

³⁴ 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.

Greenfield Land-based Wind Bid Facilities:

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

Repowering Land-based Wind Bid Facilities:

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

Table 6. Land-Based Wind Bid Facility CCIA Components

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 Bid Price estimated to encompass operating expenses will remain fixed

Repowering Hydroelectric Bid Facilities:

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

Table 7. Hydroelectric Bid Facility CCIA Components

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 Bid Price estimated to encompass operating expenses will remain fixed

Other Technology Bid Facilities:

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

Table 8. Other Technology Bid Facility CCIA Components

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 Bid Price estimated to encompass operating expenses will remain fixed

3.2 Qualifying Governmental Support and Tariff-Related Refund Benefits

For all Proposals, the Index REC 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 Attachment F. Cost Submissions as part of the Price Submission. All Unexpected Governmental Grant Funding are subject to a Qualifying Governmental Support Price Reduction in accordance with Section 5.05 of the Agreement.

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

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

Relatedly, the Index REC Strike Price or Fixed REC Price will be subject to a Tariff-Related Refund Benefit Price Reduction, as set out in Section 5.06 of the Agreement. Terms not defined below shall have the meaning ascribed to them in the Agreement.

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

$$Tariff-Related \text{ Refund Benefit Price Reduction} = \frac{Tariff-Related \text{ Refund Benefit Amount } (\$) \times 0.75 \times RF}{Bid \text{ Quantity}}$$

3.3 Settlement Mechanism

NYSERDA will calculate the Reference Energy Price and Reference Capacity Price for each month according to the calculation outlined in Article IV of 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 RESRFP26-1 Standard Form Agreement for the full settlement mechanism.

3.4 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. Index REC 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 Index REC Strike Price, based on NYSERDA's forecasts for 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 2029, therefore a CDT_p of November 2029.

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 7.62% per year and a long-term inflation rate assumption of 2.33% per year will be used in the LNRC calculation procedure.³⁵

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 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 of Alternate Bid Proposals that include CCIA, a multiplier representing NYSERDA's expectation of the inflation for the identified indices between the Bid Price Submission Deadline and the estimated date of Notice to Proceed for a Bid Facility with a CDT_p of November 2029 will be applied to the Index REC Strike Price or Fixed REC Price to determine the total price used in the evaluation.

3.5 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.

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.

³⁵ 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 23, 2026.

4 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.

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), and host community or communities.
- 3) Descriptions of how the Bid Facility/Proposer will meet Minimum Threshold Requirements, submitted via the solicitation website.
- 4) A completed Executive Order No. 16 certification form.
- 5) A completed Competitive Solicitations Disclosure Statement.
- 6) A completed Vendor Responsibility Certification Checklist.

The Commercial Operation Milestone Date (COMD) for RESRFP26-1, the date by which Bid Facilities must enter Commercial Operation, is November 30, 2030.

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, May 19, 2026**. Late submissions will not be accepted. Instructions on how to submit a full Step One Eligibility Application are available from Attachment C. Step One Submission Instructions. 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.

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. The Proposer will receive the Notice of Qualification via email, and the notification can be found on the solicitation website for each application.

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 a Step Two Bid Proposal.

5 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 6.1 for additional details and instructions for submitting the Bid Fee.

Step Two Bid Proposals will be solicited in two Phases: A Non-Price Phase and Price Phase. Soliciting price information as the final phase in RESRFP26-1 is intended to allow Proposers additional time and certainty prior to confirming and submitting the Price Submission. Proposers must submit all Step Two Non-Price submission requirements by June 25, 2026. After submitting the Step Two Bid Proposal Non-Price Submission of the Step Two Bid Proposal, Proposers will be notified when the [solicitation website](#) is open for the Step Two Bid Proposal Price Submission. In the Price Phase of the Step Two Bid Proposal, Proposers will **only** have the option to submit a Bid Price and cost details. Proposers will not be given an opportunity to restate or resubmit Non-Price details during the Price Phase. Table 2 lists all submission requirements in Step Two. Once Proposers submit the Bid Price by July 30, 2026, their Step Two Bid Proposal submission is complete. Proposals that do not submit a Step Two Bid Price Submission by the submission deadline will be deemed incomplete and rejected.

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.³⁶

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

³⁶ The guidance for Incremental Economic Benefits to New York State can be found in Appendix 4. NYSERDA Guidance for Incremental Economic Benefits to New York State.

points for the non-price evaluation components of each Bid Proposal.³⁷ 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.

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 may request in-person and/or videoconference interviews with Proposers, to be scheduled at a mutually convenient time following the Step Two Bid Proposal Non-Price Submission deadline. 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 Threshold Requirement at the time of the Step Two Bid Proposal Price Submission. Proposers must maintain these Minimum Threshold 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 6.3 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 not be eligible for an award.

RESRFP26-1 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 9.1 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 Step Two Bid Proposal Non-Price Submission must be received by NYSERDA no later than 3:00 p.m. ET on Thursday, June 25, 2026, 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 Non-Price Submission 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 being declared incomplete and rejected. NYSERDA may request additional information and materials at any time. Step Two Bid Proposals 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 5.2.7 and 10.1). 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.

³⁷ The Order and subsequent Plans are available on NYSERDA's CES Orders, Reports, and Filings website: <https://www.nyserdera.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Important-Orders-Reports-and-Filings/Filings-Orders-and-Reports>

5.1 Alternate Bid Proposals

In addition to their Base Bid Proposal, Proposers may elect to submit Alternate Bid Proposals for a Bid Facility that includes a different Nameplate Capacity, Component Cost Indices adjustment, or, for Proposers of new wind and solar Bid Facilities, an Alternate Contract Tenor Bid Proposal. The Proposer's Base Bid Proposal must opt into one bid price structure (Fixed REC or Index REC), however, Alternate Bid Proposals for the same Bid Facility may utilize different bid price structures only if the Alternate has a different Bid Capacity (MW). Proposers may submit a maximum of two Alternate Bid Proposals in addition to the Base Bid Proposal. Alternate Bid Proposals can elect one of, or a combination of, the Alternate Bid Proposal characteristics described in this section.

To submit an Alternate Bid Proposal, Proposers should indicate their election in their Step Two Bid Proposal Non-Price submission and provide a populated Attachment D. Bid Data Form and any other applicable attachments or submissions with their Step Two Bid Proposal Non-Price and Price Submissions. Please note, Proposers may be asked for their intent to submit Alternate Bid Proposals in their Step One Eligibility Application, but Alternate Bid Proposal elections can be changed until the Step Two Bid Proposal Non-Price submission deadline. After the Step Two Bid Proposal Non-Price submission deadline, Alternate Bid Proposal elections may not be modified, only withdrawn.

5.1.1 Alternate Nameplate Capacity Bid Proposal

Bid Facility configurations representing different Nameplate Capacities may be submitted as Alternate Bid Proposals under Step Two of RESRFP26-1. 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 Non-Price Submission. Neither a separate Step One Eligibility Application in the solicitation website nor a separate PSoQ is required, but the submitted Nameplate Capacity for an Alternate Nameplate Capacity Bid Proposal 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 (i.e., Nameplate Capacity may not exceed Nameplate Capacity for a Bid Facility's tendered Interconnection Agreement or Interconnection Request). 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 RESRFP26-1.

5.1.2 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 Bid Proposal Price Submission deadline. Proposers electing to submit with a CCIA Bid Proposal must select the option for a CCIA Bid Proposal in the Step Two Bid Proposal Price Submission. Additional details on this adjustment mechanism are provided in Section 3.1.3 of this RFP and in Section 5.03 of the Agreement. Proposals that include this adjustment will be evaluated using a price adder reflecting NYSEERDA's inflation expectation as further described in Section 3.4 of this RFP.

5.1.3 Alternate Contract Tenor Bid Proposal (Wind and Solar only)

Proposers of wind and solar Bid Facilities that reach commercial operation on or after the RFP Release Date (see Section 2.5) may submit an Alternate Bid Proposal with a contract tenor that is between 21 and 25 years. Please note that Proposers electing to submit an Alternate Contract Tenor Bid Proposal with a contract tenor longer than 20 years *must* submit a Base Bid Proposal with a contract tenor that is no longer than 20 years.

Proposers electing to submit an Alternate Contract Tenor Bid Proposal must select the Alternate Contract Tenor option in the Step Two Bid Proposal Non-Price Submission and indicate the desired Contract Tenor in the non-price bid form. Proposals that include this Alternate Bid Proposal must include the corresponding contract tenor in the Attachment D. Bid Data Form, Attachment E. P(50) 8760 Template and the Resource Assessment and Energy Production Estimate.

5.2 Step Two Bid Proposal Form

A completed Step Two Bid Proposal must include, but is not limited to, the information in the following sections, submitted via the required documents and forms listed in Table 2. The Step Two Bid Proposal Non-Price and Price Submissions must be submitted via the solicitation website prior to the Step Two Bid Proposal deadlines for each phase. All required fields must be populated, and all required documents uploaded prior to submission.

5.2.1 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), describing what the site(s) has been used for in the recent past, and describing the status and development stage of Bid Facility (development, construction, or operation).

Proposers must 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, including Engineering, Procurement, and Construction agreement status. Proposers will be required to identify and describe any paid taxes or fees, or potential future taxes or fees imposed on the Proposer due to active or potential tariffs affecting the costs of the Bid Facility's major equipment. 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.

5.2.2 Bid Quantity, and Contract Tenor

The Bid Quantity 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 2.5).
- 2) For wind, solar, and hydroelectric resource types, the expected Actual Annual Eligible Production and Bid Quantity shall not exceed the P(50) long-term Energy Production Estimate provided in the Step Two Bid Proposal Non-Price Submission. 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 greater than one hundred percent (100%) of expected Actual 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 2.4 for applicable guidelines.
 - a. Proposers with existing offtake agreements for a portion of the Actual 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 Actual Annual Eligible Production is bid to NYSERDA. For example, a 100 MW Bid Facility with an expected Actual 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)	Actual Annual Eligible Production (MWh)	Tier 1 eligibility percentage (100%)	Bid Quantity Percentage (%)	Bid Quantity (MWh)
100	180,000	100%	50%	90,000

5.2.3 Bid Price

During the Step Two Price Phase, Proposers will be responsible for submitting a Bid Price, using either the Fixed REC or Index REC structure, with the Base Bid Proposal and each Alternate 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 an Index REC Strike Price that will be entered into the calculation outlined in Section 3.1.2.

For solar PV and wind Bid Proposals seeking a contract tenor of greater than 20 years, a Bid Price must be provided for a 20-year contract term as part of a Base Bid Proposal, and a Bid Price must be provided for a contract term greater than 20 years as part of an Alternate Bid Proposal, as detailed in Section 5.1.3. A complete Bid Price submission consists of a complete Step Two Bid Proposal Non-Price Submission that details Bid Quantity (MWh) and Bid Capacity (MWac), and Bid Price (\$/MWh) in the Step Two Bid Proposal Price Submission. Proposers must submit their cost assumptions in Attachment F. Bid Facility Cost Assumptions as part of the Step Two Bid Proposal Price Submission.

NYSERDA reserves the right to solicit revised Bid Prices, as detailed in Section 7.3.

5.2.4 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 9 provides average interconnection costs by project types based on a non-exhaustive sample of estimated interconnection costs as published in NYISO studies and interconnection agreements for land-based renewable energy facilities in the NYISO.³⁸

Table 9. Average Interconnection Costs by Project Type

Facility Type / kV Level of POI	Sample Size	Average Nameplate Capacity (MW)	Average Interconnection Cost per MW (\$000) ³⁹
Small Generator, Local Low Voltage (13.8-46 kV)	11	18	\$142
Small Generator, Local High Voltage (69-115 kV)	26	20	\$192
Large Generator, Local High Voltage (69-115 kV)	33	107	\$154
Large Generator, Bulk Transmission (230-345 kV)	17	236	\$126
Total/ Average	87	95	\$158

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

³⁸ Cost data was sourced from <https://www.nyiso.com/regulatory-viewer> and <https://www.nyiso.com/interconnections> which are considered non-binding and include +/- % allowance variances. 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 RESRFP26-1.

³⁹ 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.

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.

5.2.5 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.

5.2.6 Bid Facility Project Schedule

If the Bid Facility is under development, the Step Two Bid Proposal Non-Price Submission must populate a complete Bid Facility Project Schedule, detailing key development milestones. Proposers must provide all project schedule details on Project Schedule tab, Part V of the 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.

5.2.7 Confidentiality

All Proposers will be required to submit an executed Attachment K. Non-Disclosure Agreement as part of the Step Two Bid Proposal Non-Price Submission. 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 Non-Price Submission and provisional 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 K. Non-Disclosure Agreement; the Non-Disclosure Agreement must be executed as published.

The Step Two Bid Proposal Non-Price Submission 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.

5.3 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, and better match generation to load.⁴⁰

Using 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 category (Viability & OpFlex), as shown in Table 10. Points will be awarded in the subcategories indicated as “Minimum Threshold and Evaluation”.

Table 10. 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
Climate Resiliency	Minimum Threshold

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**

⁴⁰ See the CES Final Phase 1 Implementation Plan: <https://www.nyscrda.ny.gov/-/media/Project/Nyscrda/Files/Programs/Clean-Energy-Standard/2017-03-24-Phase-1-Implementation-Plan.pdf>.

be provided.⁴¹ 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 RESRFP26-1.

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.

5.3.1 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 progress.

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), an Interconnection Agreement has been tendered, or evidence that the Bid Facility is enrolled in 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 Non-Price Submission to demonstrate that the Bid Facility has achieved the Interconnection Minimum Threshold Requirements, but Proposers are permitted to provide non-CEII-confidential excerpts of NYISO/Utility-produced studies evidencing the Bid Facility has achieved the Minimum Threshold Requirement.

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 5.3.3 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, accepted all required cost allocations, and been tendered an Interconnection Agreement for the Bid Facility.

⁴¹ 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.

If proceeding through the 2024 NYISO Transitional Cluster Study (Cluster Study) interconnection process (see NYISO OATT 40 Attachment HH) the Bid Facility must be actively under study in Phase 2 of the Cluster Study. Proposers that receive a provisional award will be required to accept their Connecting Transmission Owner's Attachment Facilities (CTOAF) and System Upgrade Facilities (SUF) Project Cost Allocation as a result of the Phase 2 Study (as defined in NYISO Tariffs - Open Access Transmission Tariff (OATT) - 40 Attachment HH - Standard Interconnection Procedures (or equivalent for other ISO/RTOs). Bid Facilities that do not accept their Connecting Transmission Owner's Attachment Facilities (CTOAF) and System Upgrade Facilities (SUF) Project Cost Allocation will be deemed retroactively ineligible, and the provisional award will be rescinded by NYSERDA.

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.⁴² For Bid Facilities interconnecting to the NYISO, the NYISO zone of the Bid Facility should align with the NYISO Zone in which the Bid Facility's Delivery Point is physically located.

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. Bid Proposals that have advanced to more mature stages of the applicable interconnection process will be preferentially evaluated compared to earlier stage Bid Proposals. Proposals that can describe and substantiate 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. Modeled interconnection and transmission costs will be preferentially evaluated based on the reasonableness of the costs provided and modeled assumptions. Proposals that adequately describe the Proposer's strategy, proposed timeline, and any key milestones achieved for constructing the interconnection facilities will be preferentially evaluated by the TEP.

5.3.2 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) Submit a complete Permitting Plan that meets the requirements found in Appendix 5. Permitting Plan Requirements and Guidelines
- 2) Detailed map of the facility site with the proposed locations of equipment, 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 planned interconnection route and the planned 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.

⁴² The Bid Facility's Bid Capacity must be at maximum the capacity submitted with the Interconnection Request.

- 3) For all Bid Facilities, the Proposer must also provide geospatial data. Applications that do not provide complete geospatial data for the Bid Facility will be deemed incomplete. The geospatial data must be submitted as shapefiles with all shapefiles zipped together (.shp, .shx, .dbf, etc.), Other geospatial data file types, like .kmz or .kml files, are not preferred but will be accepted. Please identify the following as layers in one file or as separate and distinct files:
- a. The Facility Area; and
 - b. The parcel boundaries that the Bid Facility will occupy; and
 - c. For Solar PV Bid Facilities, the PV array footprint and for the other technologies, the footprint of major equipment; and
 - d. If applicable, 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, waterbodies, topographical features, buildings, *etc.*).
- 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 Assessment⁴³ 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 applicable 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.⁴⁴

Minimum Threshold: Proposers must:

- 1) Submit a complete Permitting Plan that:

⁴³ 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,

⁴⁴ 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.

- 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) Have proposed a Bid Facility that does not have an unreasonably low probability of receiving required permits, based on the assessment of the permitting studies and Permitting Plan by NYSERDA, the Technical Evaluation Panel (TEP), and Specialist Reviewers. 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. NYSERDA Guidance for Wetland and Stream Screenings for Large-Scale Renewable Energy Projects.

The on-site screening requirement should reflect the freshwater wetlands regulations of the NY Department of Environmental Conservation (DEC) as well as statutory requirements of Article 24 of the Environmental Conservation Law (ECL). Proposers are permitted to provide more complete studies in lieu of the NYSERDA on-site wetland and waterbody screening in order to satisfy this requirement, such as wetland and waterbodies delineation report(s).

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 permitted through the Office of Renewable Energy Siting and Electric Transmission (ORES) must substantiate as part of the Step Two Bid Proposal Non-Price Submission that a Draft Field Screening for Wetlands and Water Resources Delineation⁴⁵ has been completed for the Bid Facility site.
- Bid Facilities proceeding through the New York State Environmental Quality Review Act (SEQRA)⁴⁶ must substantiate as part of the Step Two Bid Proposal Non-Price Submission that a Full (or Short) Environmental Assessment Form (FEAF/SEAF)⁴⁷ 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 Non-Price Submission. 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.

⁴⁵ [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.

⁴⁶ [New York State Environmental Quality Review Act \(SEQRA\)](#) and [SEQR Handbook](#), Fourth Edition, 2020.

⁴⁷ [State Environmental Quality Review Act \(SEQRA\)](#). Please consult the SEQR webpage for the latest Environmental Assessment Forms.

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

In regard 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. Please reach out to DEC or the pertinent Authority Having Jurisdiction proactively should you have concerns about any of the following.

- For projects involving wetlands that are potentially regulated by DEC, developers should engage with DEC to determine site-specific requirements for jurisdictional determinations and wetland delineations under Article 24 of the ECL.
- 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.⁴⁸ 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 the blanket Water Quality Certifications and new US Army Corps of Engineers (USACE) Nationwide 404 Permits were reissued in 2026, developers are advised to reach out to DEC and/or USACE to confirm their coverage under these reissued certifications and permits.

For Solar PV Bid Facilities: If the Bid Facility is located within a New York State certified agricultural district⁴⁹ 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 comply with 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.

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 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. Bid Proposals that more comprehensively describe applicable permitting requirements and

⁴⁸ See Section 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.

⁴⁹ <https://agriculture.ny.gov/land-and-water/agricultural-districts>

site-specific mitigation activities will be preferentially evaluated by the TEP. Permitting Plans that respond relatively more comprehensively to the considerations identified in Appendix 5. Permitting Plan Requirements and Guidelines will be preferentially evaluated by the TEP. Permitting Plans that evidence more mature planning and greater site due diligence and that demonstrate avoidance and/or mitigation of environmental and agricultural impacts will be preferentially evaluated by the TEP.

NYSERDA may coordinate with DEC, NYS AGM, and/or ORES Staff, who will serve as specialist reviewers 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.

5.3.3 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](#),⁵⁰ the [ongoing work supporting the next NYISO System & Resource Outlook Report](#),⁵¹ the [Final Climate Action Council Scoping Plan](#),⁵² the Scoping Plan's [Appendix G. Integration Analysis Technical Supplement](#),⁵³ utility resources such as [National Grid's Wholesale Interconnections](#) reference documents,⁵⁴ 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 Owner (CTO) 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 by NYISO (e.g., Electric System Planning Working Group, TPAS) and by the Coordinated Grid Planning Process (CGPP).

Bid Facilities located outside of the NYCA or NYISO Market Zone (External Facilities) will not be evaluated in this category and will not be eligible to receive non-price evaluation points in this category.

⁵⁰ See the System & Resource Outlook documents: <https://www.nyiso.com/library#reports>

⁵¹ See NYISO Transmission Planning Advisory Subcommittee meeting materials: <https://www.nyiso.com/tpas>

⁵² <https://climate.ny.gov/resources/scoping-plan>

⁵³ <https://climate.ny.gov/-/media/Project/Climate/Files/Draft-Scoping-Plan-Appendix-G-Integration-Analysis-Technical-Supplement.pdf>

⁵⁴ <https://www.nationalgridus.com/Wholesale-Interconnections/New-York/>

Minimum Threshold: The Proposer must provide all required interconnection data as part of the Step Two Bid Proposal Non-Price Submission to enable NYSERDA to coordinate with the NYISO, CTOs and 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
- NYISO Queue Position Number or equivalent unique identifier
- Nameplate Capacity (MWac and MWdc)
- P(50) Long-term Energy Production Estimate (MWh)⁵⁵ 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

Proposers are encouraged to review the latest [Annual Headroom Calculation Update](#), which were filed on November 3rd, 2025, by the Joint Utilities in NYPSC [Case No. 20-E-0197](#).⁵⁶

Non-price Evaluation Criteria: The proposed Bid Facility will be evaluated on its impacts on grid congestion and delivery constraints in current and forecasted states of the electric grid. The Bid Proposal will also be evaluated based on the extent to which a Proposer can demonstrate that the Bid Facility can deliver firm power (e.g. its ability to fully deliver the offered 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 are 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. In addition, the TEP

⁵⁵ Populated in Cell AD12 on Tab A of Attachment E. P(50) 8760 Template

⁵⁶ [NYS Department of Public Service Document and Matter Management \(DMM\) Case No 20-E-0197](#)

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

may consider interconnection studies and/or any deliverability studies provided by Proposers as part of their Step Two Bid Proposals.

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 RESRFP26-1 to inform the decision to employ Portfolio Risk Factors authorized under the CES Modification Order (see Section 7.2).

Proposers are encouraged to demonstrate with currently available knowledge that their proposed point of delivery into the NYCA, along with their proposed point of interconnection and transmission and/or distribution upgrades, is sufficient to ensure full energy dispatch of the Bid Facility's Actual Production. Proposers are 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 Non-Price 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 will be preferentially evaluated by the TEP.

5.3.4 Peak Coincidence

Submission Requirements: See Energy Deliverability submission requirements in Section 5.3.3.

Minimum Threshold: The Proposer must provide all required interconnection data as part of the Step Two Bid Proposal Non-Price Submission 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 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.⁵⁸ 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.

5.3.5 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 recent and/or active agricultural production on the planned project footprint of the Bid Facility. This description should

⁵⁸ Available at NYISO Electric System Planning Working Group, (nyiso.com/espwg)

include owned 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 RESRFP26-1 (e.g., since April 2021).

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. The final Agricultural Mitigation Payment will be recalculated based on the project's final as-built Facility Area.

Smart Solar Siting Scorecard: Proposers of Solar facilities must also complete and submit the Appendix 2 - Exhibit 1. RESRFP26-1 Smart Solar Siting Scorecard Workbook. Proposers should consult the Appendix 2 - RESRFP26-1 Smart Solar Siting Scorecard document before completing this Excel-based workbook, which will score projects based on their siting, design, and site management practices. 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 RESRFP26-1 Smart Solar Siting Scorecard has been modified to 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 submitted a Siting Permit application to ORES, including Exhibits 11 and 15, can base the relevant avoidance inputs (Agroforestry and Forest Land) on these Exhibits and do not need to complete the Exhibit 4 In-Field Verification.

(Optional) Climate and Applied Forest Research Institute Data Requests:

NYSERDA uses custom data products to assess the potential impacts of solar Bid Facilities on forested lands and to evaluate the Forested Lands Protection component of the Scorecard. These data products have been specifically developed by the Climate & Applied Forest Research Institute (CAFRI) at SUNY College of Environmental Science and Forestry (ESF) for Solar Scorecard purposes and may only be acquired by Proposers by following the instructions below.

Proposers may request access to CAFRI data products used in the Scorecard for the sole purpose of their own internal preliminary assessment. Proposers are required to agree to the terms of the CAFRI Data Access & Use Agreement provided as part of the Step One Eligibility Application. Proposers will be prompted in the Step One Eligibility Application to 1) opt into CAFRI data and 2) provide coordinates of a bounding box that includes the project's Facility Area.

Proposers will receive CAFRI data (as raster files clipped to the bounding box submitted during Step One) before the Step Two Bid Proposal Non-Price Submission deadline. Proposers may use the CAFRI data to visualize forested lands metrics for the Facility Area and surroundings, calculate preliminary scores for the Facility Area, and as desired make adjustments to the Facility Area and recalculate scores. If Proposers do not opt into receiving CAFRI data at Step One, NYSERDA and CAFRI will calculate Scorecard Forested Land points for the Proposer using the submitted Facility Area geospatial data.

NYSERDA and CAFRI will validate all submitted forested lands points. If significant and unexplained discrepancies exist between Proposer-calculated percentages and NYSERDA and CAFRI-validated percentages, NYSERDA may reach out for clarification and may ultimately adopt the NYSERDA and CAFRI-verified score.

Maps and Geospatial Data of Bid Facility: Proposers are required to submit a map and geospatial data of the Bid Facility as requested in the submission requirements detailed in Section 5.3.2 Permitting Viability. Proposers must clearly identify Facility Area in submitted geospatial data, as this boundary will be used by NYSERDA and CAFRI to validate Scorecard submissions. Proposers are required to submit a site plan (in pdf format) 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.

The geospatial data submitted 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.

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 Non-Price Submission, and receiving NYSERDA's acceptance in consultation with New York State Department of Agriculture and Markets (NYSAGM), 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 Non-Price Submission. 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 recalculated and 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 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.

NYSERDA may coordinate with 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 AGM to support commencement of the notice of intent process for projects that submit a Step Two Bid Proposal Non-Price submission and/or are provisionally awarded under RESRFP26-1.⁵⁹

Minimum Threshold: All Proposers of Solar facilities within New York State must include in their Bid Proposal a description of the planned project footprint, as described in the submission requirements above (Section 5.3.5) and a complete Appendix 2. RESRFP26-1 Smart Solar Siting Scorecard Workbook.

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

5.3.6 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;
- **Via the solicitation website**, a description of Proposer’s intention to own and operate the Bid Facility, or sell the Bid Facility to another party;
- **Via the solicitation website, a list of what equipment has already been procured, preferred vendors, 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.

⁵⁹ New York State Department of Agriculture and Markets, Notice of Intent Requirement: <https://agriculture.ny.gov/land-and-water/notice-intent-requirement>

- 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, technology,⁶⁰ 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 RESRFP26-1

Minimum Threshold: Proposers must demonstrate that they have experience in developing renewable generation facilities. Specifically, the Proposer Team must have developed at least one renewable generation facility that has reached commercial operation and 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 50% of the proposed Bid Facility capacity, in MWac; or
- A project of at least 33% 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.

Non-price Evaluation Criteria: Evaluation will be based on the Proposer Team's relative level of project development experience as demonstrated in the Bid Proposal, particularly with respect to facilities of similar scale, similar technology⁶¹ and similar location.⁶² Proposals for Bid Facilities that are similar to the Proposer Team's successfully developed facilities will be preferentially evaluated by the TEP. The TEP will account for the Proposer Team's experience successfully developing current and previously RPS Attribute or Tier 1-contracted NYSERDA projects. The TEP will preferentially evaluate the Proposer's assuming responsibility of the long-term ownership and operation of the Bid Facility.

The TEP will preferentially evaluate the Proposer Team's experience successfully developing a project(s) that demonstrate innovative design or provide services to the surrounding community. Examples of innovative design could include, but are not limited to, the use of brownfields. 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.

⁶⁰ Resource and prime mover, *e.g.*, solar or wind. Not meant to distinguish between different solar technologies, for example.

⁶¹ 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.

⁶² Similar location is the same interconnecting entity.

5.3.7 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 ties 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 participants, or their parent companies in the past three years.
- **The following financial statements**, via links to publicly available PDFs (links to publicly available SEC filings are preferred):

Table 11. Accepted Financial Statements

For publicly traded companies	<ul style="list-style-type: none"> • Audited financial statements for the three most recent fiscal years with links to publicly available SEC filings. • If available, unaudited Quarterly Reports for the most recent quarter ended.
For private companies	<ul style="list-style-type: none"> • Audited financial statements for the three most recent fiscal years, with an attestation from the CEO or CFO that such information is materially accurate and complete. • If available, unaudited Quarterly Reports for the most recent quarter ended.
For subsidiaries for whom the parent company is providing a corporate funding commitment	<ul style="list-style-type: none"> • Parent company’s audited financial statements for the three most recent fiscal years, with links to publicly available SEC filings for subsidiaries of publicly traded companies, or attestation from the CEO or CFO for subsidiaries of private companies. • If available, unaudited Quarterly Reports for the most recent quarter ended.
If the above is not applicable to the Proposer (e.g. not a corporate Proposer).	<ul style="list-style-type: none"> • Provision of alternate information, such as Annual Financial Reports for municipalities, to demonstrate Proposer’s financial capacity to develop and bring the proposed Bid Facility to commercial operation.

- **Key Credit Ratios.** The Proposer must 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

Proposers should refer to the S&P General Corporate Methodology for Ratios and Adjustments⁶³ when calculating these ratios. The Proposer should provide clear reference to which financial statements items were used to calculate EBITDA and FFO in each year.

- **A detailed Financing Plan** that describes all key development milestones required to achieve final investment decision, commence construction, and enter commercial operation. The Financing Plan should include:
 - A description of the anticipated financing arrangements, including equity, pre-construction and development expenditures, sources of expected 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 participant, and their respective funding obligations, *e.g.*, joint and several funding responsibilities, if applicable;

A 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;
 - A declaration of intent to use the Production Tax Credit (PTC) or Investment Tax Credit (ITC) and any available adders made accessible to the project 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 provide a detailed description of how the Bid Facility will qualify for the PTC or ITC;
 - A summary of other available federal, state, and local available tax credits, financial incentives, and subsidies, and how these will be utilized in the Financing Plan;
 - A detailed summary of any tariffs that have been or are expected to be incurred in order to secure necessary equipment for the Bid Facility, including the type of expected tariff(s);
 - Details of any events of default or other credit/financial issues associated with all projects (other than those under contract with NYSEERDA) 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.

If the following is available and applicable, the Financing Plan must include:

- Written expressions of interest from potential equity participants 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;
- Details of the expected construction loan and permanent loan, including terms of repayment, (amount, tenor, interest rate, etc.), the amount each lending institution is

⁶³ <https://www.spglobal.com/ratings/en/regulatory/article/-/view/type/HTML/id/3495918>

- 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;
- Identification of any other sources of potential or contractual revenue, such as an offtake agreement for all or a portion of the generation;
 - If intending to own and operate the Bid Facility, 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.

Minimum Threshold: The required financing and creditworthiness documents must be provided. The Proposer's Financing Plan must demonstrate the financial capability required to complete construction by the proposed commercial operation date and evidence a sufficient degree of due diligence on how the Bid Facility is to be financed.

Non-price Evaluation Criteria: Proposers will be evaluated based on the comprehensiveness, responsiveness, and reasonableness of the Financing Plan, as well as the Proposer's financial capability to develop the Bid Facility. Financing Plans that 1) demonstrate strong parent company characteristics (e.g. credit ratings, key credit ratios), 2) more comprehensively detail the expected financing structures and equity participants for the Bid Facility, and 3) provide greater evidence of current or expected access to the required capital to construct and operate the Bid Facility (e.g., balance sheet financing, equity partnerships, credit facilities/debt arrangements, etc.) will be preferentially evaluated by the TEP. The TEP will preferentially evaluate the Proposer's experience in successfully financing facilities that are similar to the Bid Facility.

5.3.8 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 facility can be placed in service in time to qualify for federal clean energy tax credits. 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 Part 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 will be preferentially evaluated.

5.3.9 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 development 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 public education

opportunities, demonstrates commitment to partnering with elected officials in host communities, responds respectfully to opposition, and solicits 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 of 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 Proposal Price Submissions. A blank version of Attachment B is available for download from the RES Solicitations webpage and the solicitation website.

In Attachment B, Proposers must:

- 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 through the Bid Facility's development and operational lifecycle, (consistent with the Bid Facility Project Schedule in the Bid Data Form), including descriptions of the specific methods the Proposer will use to share information about the Bid Facility. Include the planned schedule of community engagement events, as well as strategies to ensure that these events are attended by a representative cross section of host community residents.
- 5) Describe benefits to Disadvantaged Communities that would be realized with the successful construction of the Bid Facility.
- 6) Detail the direct benefits to the community that would be realized with the successful development of the Bid Facility. Direct benefits 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) Detail 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, investments to co-

locate agricultural activities, or other issues of importance to the host communities. Include descriptions of past or planned engagement with neighboring landowners and anticipated steps (e.g., good neighbor agreements) that will be taken to address their concerns, if any.

- 9) Describe the Proposer's method for soliciting input from the public and affected agencies and the process for sharing any 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 Non-Price Submission 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 RESRFP26-1. Documentation can include, but is not limited to: correspondence between the Proposer and host AHJ(s); and/or 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.

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.

5.3.10 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.

As part of the Resource Assessment and Energy Production Estimate submitted with the Step Two Bid Proposal Non-Price Submission, any generation bid to NYSERDA under Step Two of RESRFP26-1 must be substantiated by the Proposer as deliverable.

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)⁶⁴ level. Detailed technology-specific requirements 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 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, reactive power 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 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.

5.3.11 Climate Resiliency

Submission Requirements: Proposers must include a description in their Bid Proposal of the understanding of future climate hazard exposure to the Bid Facility, and the process that the Proposer will undertake if awarded to identify and reduce climate risk to the Bid Facility's reliability or performance over its useful life.

Minimum Threshold: The Proposer must identify the anticipated Bid Facility's climate hazard exposure over the Facility's useful life and indicate the specific mechanisms through which the Proposer plans to identify and reduce possible risk, if awarded (e.g. facility siting, design, technology selection, construction, insurance, etc). This includes performing an initial exposure screening for the following

⁶⁴ 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.

climate hazards: coastal, riverine, and stormwater flooding, sea level rise, extreme heat and extreme cold events, increased average temperatures, and extreme storms at a minimum, with specific attention to possible change in depth or extent of floodplains over the Bid Facility's useful life. Proposers shall include the results of this hazard exposure screening in the Bid Facility submission and description of efforts that will be made if awarded to identify and reduce possible future risk to the reliability or performance of the Bid Facility. Proposers shall include a site map illustrating the results of the flood related exposure screening with an indication of proposed asset locations within the site and data tables for the remaining aforementioned exposure screening items.

NYSERDA would like to make Proposers aware of existing public datasets that can help to begin to understand current and future climate exposure, including the following:

- NYS climate projections and impacts by region: [NYS Climate Impacts Assessment](#)
- Coastal and Riverine Flooding: [FEMA National Flood Hazard Maps](#) (note: does not incorporate future risk)
 - For NYC Projects: [NYC Flood Hazard Mapper](#) (reference exposure layer "Future Floodplain 2050s")
- Stormwater Flooding (for NYC locations): [NYC Stormwater Flood Maps](#) (reference exposure layer "Extreme Flood with 2080 Sea Level Rise")
- Sea Level Rise: [NYSERDA Sea Level Rise Viewer](#) (reference exposure adjustment to 24" of sea level rise, recurrence interval 10 years)
 - For NYC Projects: [NYC Flood Hazard Mapper](#) (reference exposure layer "High Tide 2050s")
- Extreme Heat: [Climatic Design Conditions Tool](#) (reference Extreme Annual Design Conditions) and [NYS Climate Impact Assessment](#) temperature projections by region (reference relevant temperature variables for 2050s Timeframe, no lower than 50th)
- Extreme Wind: [ASCE Hazard Tool](#) (reference exposure 'risk category II', load type 'wind')

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

5.4 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 Non-Price Submission 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 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.

6 ADDITIONAL SUBMISSION INFORMATION

6.1 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, June 24, 2026, prior to the Non-Price Phase Deadline.** Proposers must indicate that they have submitted a Bid Fee with their Step Two Bid Proposal Non-Price Submission 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 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 TEP. Proposers whose Bid Proposals are deemed ineligible on account of exceeding the Benchmark LNRC, as described in Section 3.5, shall not be notified of such finding of ineligibility, nor will such Proposers be entitled to a return of their respective Bid Fees. Proposers who submit a Bid Fee and a Step Two Bid Proposal Non-Price Submission, but who fail to submit a complete or eligible Step Two Bid Proposal Price Submission will not 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 12 based on the highest Nameplate Capacity in megawatts (MWac) submitted for the eligible generator.⁶⁵

Table 12. 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 on the solicitation website by Step Two-eligible Proposers. 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_RESRFP26-1; for projects in development: PROXXXXX_RESRFP26-1; for external operating projects: IMPXXXXX_RESRFP26-1. 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.

⁶⁵ Nameplate Capacity is submitted in the Step Two Bid Proposal Non-Price Submission on the solicitation website and is measured in AC capacity (MWac).

6.2 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 NYSEDA's RESRFP26-1 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 NYSEDA.

6.3 Updates to the Eligibility Application and/or Bid Proposal

Proposers will not have an opportunity to change or revise submissions except in instances where NYSEDA is seeking clarification regarding a potential error or misunderstanding reflected in the Bid Proposal. NYSEDA may provide the Proposer with an opportunity to cure an error in the Bid Proposal where NYSEDA has determined the error to be an irregularity amenable to correction or clarification rather than a material non-compliance with RESRFP26-1.

Where Bid Proposal materials were received by NYSEDA in a corrupted or unusable format, NYSEDA may provide Proposer with an opportunity to provide properly formatted materials after the corresponding submission deadline for each Step. NYSEDA 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 Non-Price or Price Submission *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 NYSEDA'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 NYSEDA's request, as described in Section 6.4. Providing such information is for clarification and/or informational purposes and will not be treated by NYSEDA 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 RESRFP26-1 (a "Material Change"), Proposers must promptly notify NYSEDA 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 NYSEDA.

In the event that a Material Change occurs that affects RESRFP26-1 Proposers generally, NYSEDA 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 RESRFP26-1 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.

6.4 Requests for Additional Information and/or Interview

Following the submission of Bid Proposals, NYSERDA and the TEP 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 10.1, 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.

6.5 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 Section 2 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 Non-Price Submission, 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. NYSEDA 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.

6.6 Forced Labor Prevention

In order to ensure an ethical and sustainable supply chain for renewable energy, NYSEDA is requiring all RESRFP26-1 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. Proposers will be required to evidence that they have signed the Pledge as part of their Step Two Bid Proposal Non-Price Submission.

6.7 Contractual Commitments

6.7.1 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)⁶⁶, 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 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).

Further details on the Prevailing Wage requirements for RESRFP26-1 are found in Section 18.10 of the Agreement.

⁶⁶ For NYS DOL Prevailing Wage Schedules, please visit <https://dol.ny.gov/prevailing-wage-schedules>

6.7.2 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.

6.7.3 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 completed an updated assessment of the iron and steel industry and current market conditions 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 (RESRFP26-1). On the basis of this assessment, NYSERDA has determined that due to the potential for schedule delays, current market dynamics, manufacturer availability, and steel availability, including the requirement in RESRFP26-1 would not be in the public interest.⁶⁷ Requiring all iron or steel to be sourced domestically would not be in the public interest, as it may result in unreasonable increased costs, schedule delays, and administrative burdens that could further delay project schedules.

The assessment also examined the feasibility of contractual requirements to use domestic iron and steel, and determined 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.

⁶⁷ 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://nyserdera.ny.gov/-/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, RESRFP25-1, and RESRFP26-1.

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, NYSERDA will establish and communicate to eligible Proposers technology-specific U.S. Iron and Steel minimum expenditure requirements (See Schedule 1 and Exhibit K of the Agreement). NYSERDA will publish the \$/MW minimum expenditure requirements for all eligible technologies advanced to submit a Step Two Bid Proposal by July 9, 2026. These U.S. Iron and Steel provisions do not apply to any Bid Facility with a valid Statement of Qualification that is currently operating.

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 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.

6.7.4 Disadvantaged Communities Economic Benefit Commitments

Proposers are encouraged to make elective commitments in their Step Two Bid Proposal Non-Price Submissions 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.

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 RESRFP26-1 in order to make more accurate incremental economic benefits claims to disadvantaged communities.

6.7.5 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 RESRFP26-1 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.⁶⁸ Proposers are encouraged to include these Program Fees in their Incremental Economic Benefits submission.

⁶⁸ PSC February 11, 2021 [Order Adopting a Host Community Benefit Program](#).

7 PRELIMINARY RANKING, PORTFOLIO EVALUATION, AND INITIAL AWARD GROUP

7.1 Preliminary Rank Order

A preliminary rank order 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.

7.2 Portfolio Risk Factors

Following the development of the preliminary rank order, NYSERDA may recommend adjusting the initial award group, in consultation with DPS, to establish the 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 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 preliminary rank order. 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 RESRFP26-1 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;
- 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.

NYSERDA and DPS may adjust the initial award group only if comparable projects (based on price and non-price factors) are available in the preliminary ranking and if such an adjustment would result in material benefits or avoidance of material risks. NYSERDA and DPS will, if considering applying any adjustment, assess the potential cost impact of such decision (relative to the generation portfolio that otherwise would have been selected), only exercising such an adjustment should the impact on the generation-weighted average cost of the portfolio increase by less than 10%.

7.3 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 provisional 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 Price Submission deadline.

The number of Tier 1 RECs procured in the RESRFP26-1 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 6.4 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 verbal and written communication to Proposers' Project Sponsor(s) and Authorized Representative(s). Selection for a provisional award does not give the Proposer any legal right or entitlement. Once selected for provisional award, Proposers must negotiate a final version of the Agreement with NYSERDA (See Sections 8 and 9).

As mentioned in Section 5.2.7, Proposers will be required to execute a Non-Disclosure Agreement as part of the Step Two Bid Proposal Non-Price Submission. In accordance with the Non-Disclosure Agreement submitted by Proposers in the Step Two Bid Proposal Non-Price Submission, Proposers awarded a REC Agreement under RESRFP26-1 will be required to maintain the confidential nature of the award prior to the public announcement of the RESRFP26-1 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 8.4- "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 RESRFP26-1 Standard Form Agreement. (See Section 9.1 for further discussion of requests for material modifications to the Standard Form Agreement).

8 POST-AWARD AND CONTRACTING PROCESS

8.1 Award Notifications and Confidentiality

Following the distribution of provisional 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 Non-Price Submission, as further described in Section 5.2.7, 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 resrfp26solicitation@nyserda.ny.gov.

8.2 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,⁶⁹ 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. RESRFP26-1 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 8.4 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

⁶⁹ 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 RESRFP26-1. **Please refer to Section 2.8 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 RESRFP26-1 is awarded in the RESRFP26-1 solicitation, the Posted Contract Security will be **added** to the amount of contract security required to be posted in connection with the RESRFP26-1 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).

8.3 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.

If, after submission of the Step One Eligibility Application, the Bid Facility is expected to undergo a change of 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 Non-Price and Price Submissions even if it is a different entity from the Proposer whose Step One Eligibility Application was deemed qualified.

If the Bid Facility is expected to undergo a change of control after the Step Two Bid Proposal Non-Price submission but before the Step Two Bid Proposal Price submission, the Proposer must contact NYSERDA with any request to update information submitted in the Step Two Bid Proposal Non-Price Submission. For the avoidance of doubt, NYSERDA will only accept updated information with respect to the new ownership structure caused by the change of control, including but not limited to updates to the Project Development Experience submission and Financing and Creditworthiness submission provided pursuant to Section 5.3.6 and 5.3.7, respectively. NYSERDA will not accept information unrelated to the change of control, including but not limited to project specifications, interconnection and permitting.

Any change of control of the Bid Facility that occurs prior to full execution of an awarded Agreement may affect evaluation, and accordingly, NYSERDA cannot guarantee that a provisional 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 NYSEERDA 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 NYSEERDA 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. NYSEERDA 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 NYSEERDA 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);⁷⁰
- 9) Updated EO 16 Certification and/or Vendor Responsibility Questionnaire, if applicable.

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

NYSEERDA 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 8.3 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, NYSEERDA 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 NYSEERDA, 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 NYSEERDA provides the Conformed Draft to Proposer, the contract security will be forfeited to NYSEERDA, the award will be rescinded, and the Bid Facility may not be eligible to participate in future NYSEERDA Tier 1 solicitations.

NYSEERDA 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 NYSEERDA has received from Proposer all required contracting information described in Section 8.3 of the RFP. If NYSEERDA fails to provide these inputs by such time, the Execution Deadline will be automatically extended day for day by the length of NYSEERDA's lateness.

⁷⁰ <https://dos.ny.gov/application-authority-foreign-business-corporation>

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 9.1 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.

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 8.4 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.

8.5 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).⁷¹

8.6 Confidentiality Waiver for Interconnecting Authority

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

8.7 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 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.

8.8 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 Non-Price Submission. If the awarded Bid Facility is Operational, an updated Project Schedule will not be required.

8.9 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.

⁷¹ New York State Agriculture and Markets Agricultural Districts are available by county from [NYS Agriculture and Market Agricultural Districts](#)

9 RES STANDARD FORM AGREEMENT

NYSERDA recommends that Proposers review the Standard Form Agreement (Agreement), attached hereto as Attachment A. RESRFP26-1 Standard Form Agreement and Exhibits, and all associated Exhibits prior to participating in RESRFP26-1. Proposers that were previously awarded a Tier 1 REC Agreement are also recommended to closely review Section 2.1 of RESRFP26-1. The Agreement is a legally binding document; it is recommended that Proposers consult with an attorney prior to submitting a Step Two Bid Proposal.

The following updates to the Agreement were introduced in RESRFP25-1. They have been retained in the RESRFP26-1 Agreement and are as follows:⁷²

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: pursuant to this clause, 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.

Material Adverse Change (MAC): This clause covers 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 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 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 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 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).

⁷² 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.

In addition, the following provision has been introduced into the Agreement for RESRFP26-1:

Tariff-Related Refund Benefit: A formula has been introduced to adjust the Bid Price in the event of receipt of Tariff-Related Refund Benefits as set out in Section 5.06 of the Agreement.

Proposers may propose changes to the abovementioned updates to the RESRFP26-1 Agreement, to be submitted through the Attachment L. SFA Comment Template as further described in Section 9.1.

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 ensure consistency among the basic commercial terms contained therein.

9.1 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 9, any such suggested change(s) must be submitted to the solicitation website (using the Attachment L. 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 timely commercial operation of the Bid Facility, etc.) rather than focusing on the advantages to 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 Step Two Bid Proposal Non-Price Submission Deadline 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 Step Two Bid Proposal Price Submission deadline, 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.

9.2 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.

10 GENERAL CONDITIONS

10.1 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 \[PDF\]](#).

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.

10.2 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 [NYS Office of General Services – Procurement Lobbying Law page](#). 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).

10.3 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 - 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 \[PDF\]](#).

10.4 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. RESRFP26-1 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 9. 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.

10.5 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.

10.6 Reserved

10.7 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.

10.8 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.

10.9 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.

10.10 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.

10.11 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.

10.12 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 8.3, 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 Proposers 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 [Office of Foreign Assets Control - Sanctions List Search page](#). 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.

10.13 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.