

Sun and Soil Program
Program Opportunity Notice (PON) 6206
Up to \$10,000,000 Available (across all rounds)
NYSEDA reserves the right to extend and/or add funding to the Solicitation should other program funding sources become available.

Proposals Due: December 10, 2026 by 3:00 PM Eastern Time;
April 20, 2027 by 3:00 PM Eastern Time.
Future rounds are anticipated contingent on funds and program needs.

Program Summary:

The Sun and Soil Program was introduced in the 2026 State of the State agenda to increase options for farmers to benefit from the integration of solar energy development on their land while sustaining the agricultural use of productive farmland. The purpose of this Program Opportunity Notice (PON) 6206 is to advance the Sun and Soil Program by providing offerings that enable farmers and agricultural communities to benefit from the integration of solar energy development in ways that sustain New York agriculture. The PON is designed to support planning and feasibility studies for agrivoltaic projects and on-farm solar projects that integrate battery storage for on-farm energy use, as well as implementation support for innovative agrivoltaic projects. This PON is also designed to support applied research and problem-solving efforts to address market challenges and build evidence, lessons learned, and capacity to enable all interested farmers, communities, and supporting organizations and businesses to readily adopt and adapt integrations of solar energy in ways that sustain agriculture. Projects at any stage are encouraged to apply: early planning and feasibility studies; preparation and light testing; or implementation and scaling. Proposers are required to identify what phase they are in and scale their funding request accordingly.

This PON is intended for farmers, those who support and regularly work with farmers, developers who are demonstrably working with farmers OR are considerably demonstrating that they are invested in agrivoltaics-ready construction with strong soil protective construction practices, businesses and institutions that have clear problem-solving or applied research proposals to address important systemic barriers and bottlenecks for agrivoltaics and on-farm solar and storage for farm energy innovation and adoption, and municipalities.

What this PON supports and what funds are available: Eligible proposals include both agrivoltaic projects for on-farm powering and those that export a portion or the entirety of solar production to the electrical grid, as well as solar energy and battery storage for on-farm energy projects. Projects for retrofitting previously constructed solar energy projects for agrivoltaics with or without on-farm powering are also eligible. Planning, feasibility and preparation funds are available for solar energy and battery storage as well as agrivoltaics, but implementation and scaling funds are only available for projects that also involve or support agrivoltaics. Up to \$10,000,000 is available through this PON for projects in four categories:

- (A) Solar and Agriculture Integration – On-the-Ground Projects;**
- (B) Addressing Barriers and Challenges, Creating Opportunities for Solar and Agriculture Integration;**
- (C) Building Capacity and Support for Farmers and Communities; and**
- (D) Increasing Opportunities and Access within the Integration of Solar Energy Infrastructure and Agriculture.**

Multiple awards are anticipated within each Category. Proposal funding ranges for individual categories are listed in the category descriptions in Section II. Cost-sharing is encouraged but not required. Leveraging of other funding is encouraged. In-kind cost-sharing is acceptable. If no proposals submitted within a particular category are deemed fundable, NYSEDA reserves the right to not fund projects within a certain category.

Proposal Submission: Online submission is preferable. The main proposal text should be submitted as a single PDF and attachments should be submitted as Excel files or PDFs as indicated (file formats include: csv, doc, docx, gif, jpeg, jpg, pdf, png, ppt, pptx, pps, ppsx, tif, txt, xls, xlsx, and zip). Individual files should be 100MB or less in file size. Proposal PDFs should be searchable and should be created by direct conversion from MS Word, or other

conversion utility. Files should not be scanned. For ease of identification, all electronic files must be named using the proposer's entity name in the title of the document. NYSERDA will also accept proposals by mail or hand-delivery if online submission is not possible. For detailed instructions on how to submit a proposal (online or paper submission), click the link "[Application Instructions and Portal Training Guide](#) [PDF]" located in the "Current Opportunities" section of NYSERDA's website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities>).

Questions? Contact Kristin France (Designated Contact) by e-mail at agrivoltaicdemo@nyserda.ny.gov for technical questions. If you have contractual questions concerning this solicitation, contact James Cowman (Designated Contact) at (518) 362-0487 or jim.solicitations@nyserda.ny.gov. No communication intended to influence this procurement is permitted. Potential responders are advised that under New York State Finance Law Section 139-j, communication on procurements can be made only to designated contact persons. 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) 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 on information provided in this PON and any associated written updates posted on the solicitation website PON 6206 when preparing Proposals.

***First round proposals must be received by 3 p.m. Eastern Time on the dates noted above.** Rounds beyond that are anticipated, but will be publicly announced contingent upon funding and program needs. **Late, faxed, or emailed proposals will not be accepted.**

Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all pages have been included in the proposal. Please note that for online submission, there are required questions that you will have to answer in addition to uploading attachments and you should allot at least 60 minutes to enter/submit proposals. The online proposal system closes promptly at 3 p.m. Eastern Time. **Files in process or attempted edits or submission after 3 p.m. Eastern Time on the dates above will not be accepted.** If changes are made to this solicitation, notification will be posted on the "Current Opportunities" section of NYSERDA's website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities>).

INTRODUCTION

Background: The 2025 *State Energy Plan* anticipates that ground mounted solar projects could play an important role in addressing New York's long-term energy needs. Agriculture is a vital component of New York's economy, but many farmers within New York State (NYS), as elsewhere within the United States (US), face very narrow profit margins, high levels of risk, and limited access to capital for investments to adjust to changing climate and market conditions.¹ Solar energy can provide reliable on-farm power when paired with battery storage that can be used to offset electricity purchases or be available for backup power during outages. Agrivoltaics, the co-utilization of land for agricultural production and solar energy generation, is a developing practice in NYS that presents additional opportunities to farmers looking to sustain farm operations. Responsibly-sited and constructed solar energy generation, battery energy storage, and transmission may provide farmers with predictable supplemental income, enabling farm sustainability and resilience as well as supporting farm succession or transition to aspiring farmers.

This solicitation builds upon previous NYSERDA Requests for Information and initial learnings from NYSERDA funded agrivoltaic research and demonstration projects to support development of a broader understanding of the costs, benefits, opportunities, and market potential for agrivoltaics in New York.

Purpose: The purpose of this Program Opportunity Notice (PON) is to provide offerings that support farmers and agricultural communities to benefit from the integration of solar energy development in ways that sustain agriculture. The PON is designed to create and help advance projects along an innovation pipeline for agrivoltaics and solar and battery storage for on-farm energy, catalyze problem solving for challenges that create bottlenecks and/or inequity in that pipeline, and provide support for building evidence, lessons learned, and capacity to enable all interested farmers, communities, and supporting organizations and businesses to readily adopt and adapt integrations of solar energy in ways that sustain agriculture. To support these intents, funded projects will collaborate regularly with NYSERDA and NYSERDA's designated research and outreach contractor(s) throughout the duration of the project to share information and lessons learned as well as contribute to outreach materials about the project.

NYSERDA may make assistance available, through one or more contractors, in preparing proposals that meet the proposal requirements and format. Information about that assistance, if available, will be provided in a webinar that will also provide information about this PON – webinars will be announced on the solicitation web page.

PROGRAM REQUIREMENTS

A total of approximately \$10 million is available for projects across all categories and across all rounds. Proposals will be considered responsive to this solicitation only if they address one of the targeted categories described below. Multiple awards are anticipated across the Categories, and multiple awards within a single Category may be made. Expected ranges of funding per proposal, where applicable, are discussed in the category descriptions below. Where proposal funding ranges are stated, the ranges pertain to the NYSERDA-funded portion of the project and exclude any cost-share amount. Cost-sharing is encouraged but not required. Leveraging of other funding is strongly encouraged. In-kind cost-sharing is acceptable.

Each category will be evaluated separately. Proposals should clearly identify which Category they are proposing. Proposals may be relevant to more than one category, and that may be considered as valuable during scoring (see IV Proposal Evaluation), but **proposers should select a single Category to apply**. NYSERDA reserves the right to change a proposal's Category if deemed appropriate, or to group similar proposals into additional categories for evaluation. If no proposals are deemed fundable within a Category in a particular round, NYSERDA reserves the right to not award proposals in that Category in that round. Total funds available may not be sufficient to fund all proposals received.

Targeted Project Categories

A. CATEGORY A – Solar and Agriculture Integration – On-the-Ground Projects

NYSERDA is interested in helping to advance any of the following. This is not an exhaustive list:

- Knowledge of agrivoltaics among farmers, municipalities, solar companies and their contractors, and the general public
- Prevalence of successful agrivoltaics that work for farmers and communities
- Increasing geographic and agricultural product diversity of agrivoltaic projects in NY (see existing projects here: <https://www.nyserda.ny.gov/All-Programs/Agriculture-Energy-Assistance/Sun-and-Soil>)
- Solar energy integrated farm energy projects including, but not limited to, use of battery energy storage and on-farm powering configurations
- Agrivoltaic and on-farm solar and battery storage for on-farm power solutions that are pertinent to dairy farmers, such as: means of manure spreading on fields with solar panels; solar energy and storage combined to power farm operations, providing energy security and including potential increased power needs to enable expansion; or harvesting hay or row crops at scale within solar arrays with modified equipment or equipment already in use outside of NYS (but not in use or rarely in use in NYS)
- On-the-ground projects that advance progress in NY through innovation and problem-solving barriers such as: using new technologies or adapting existing technologies; new or adapted agricultural practices; novel configurations and application of agrivoltaics to types of agricultural operations where agrivoltaics has not yet been commonly applied.

Which types of proposals will be considered?

A-1 Planning, Feasibility, and Preparation: Proposals will be considered that address planning, feasibility assessment, preparation, and/or light initial testing for the following kinds of projects: agrivoltaics (with or without battery storage) and solar energy and battery storage for on-farm power (with or without efforts to electrify additional parts of farm operations), applied to at least one NYS farm location with a minimum anticipated 50kWdc solar generation. Solar projects already in operation may propose an agrivoltaic approach that will cost-effectively retrofit the existing project or a portion thereof. Eligible approaches for solar energy and battery storage for on-farm energy projects include utilizing solar and battery projects to provide on-farm powering, as well as novel approaches to on-farm powering using solar without batteries and related on-farm

powering concepts. This may include solar photovoltaic (PV) installed on barns and other on-farm buildings with or without agrivoltaics.

Proposals must be in compliance with applicable local, state, and federal laws and regulations. Evidence that the project could readily move to implementation after the contract period if awarded (e.g., the Proposer already has site control and access, which can be demonstrated by submitting Attachment C) will be viewed favorably.

Proposals for on-farm integration of solar and agriculture should clearly demonstrate planning, feasibility assessment, and/or initial preparation to produce or expand production and distribution of a marketable agricultural product(s) or the raw inputs for a marketable agricultural product or operational savings. Projects should result in a well-informed estimate of the combined agricultural production or operational savings and solar generation, and storage if applicable.

Project Teams must be willing to share lessons learned from the project with NYSERDA and/or a research contractor hired by NYSERDA for the duration of the contract. Desired information that NYSERDA wishes to collect, as relevant, includes: actual costs for planning and designing the project; projected costs for building and implementing the project compared to estimated costs for a non-agricultural project; any challenges encountered and how addressed; and the estimated potential energy and agricultural production if implemented.

A-2 Implementation: Proposals will be considered that address substantial testing, implementation and scaling of innovative agrivoltaics projects with or without battery storage, applied to at least one NYS farm location with a minimum anticipated 100kWdc solar generation. Solar projects already in operation may propose an agrivoltaic approach that will cost-effectively retrofit the existing project or a portion thereof. Eligible approaches for solar energy and battery storage for on-farm energy projects in Implementation phases include utilizing solar and battery projects to provide on-farm powering as well as novel approaches to on-farm powering using solar without batteries and related on-farm powering concepts provided agrivoltaics are a component of the project. Proposals may also include solar PV installed on barns and other on-farm buildings in addition to ground-mounted agrivoltaics. Such cases should consider any additional costs, barriers or co-benefits as well as articulating why funding is needed beyond the existing programs and incentives that currently support solar and battery installations.

Proposals must be in compliance with applicable local, state, and federal laws and regulations. Proposal/proposer **must** demonstrate site control and access by completing Attachment C – Site Control and Access Form (if applicable). Proposed projects are expected to be operational within 2 years of award, and proposers must explain why this is feasible.

Project Teams must be willing to share lessons learned and data and results from the project with NYSERDA and a research contractor hired by NYSERDA to collect, aggregate, analyze and publicly report solar and agriculture operational data as well as physical environmental data for the duration of the project and a minimum of three-years post-construction. Contract term extensions to enable this may be granted at NYSERDA's discretion. Desired information that NYSERDA wishes to collect, as relevant, includes: detailed actual costs for implementing the project compared to estimated costs for a non-agricultural project; agricultural inputs and output; any challenges encountered and how addressed; benefits yield and experienced; and energy and agricultural production quality and quantity compared to that expected without the agrivoltaics and/or battery storage.

Proposals for on-farm integration of solar and agriculture should clearly demonstrate a clear plan and intent for producing and distributing a marketable agricultural product(s) or the raw inputs for a marketable agricultural product or operational savings and provide a well-informed estimate of the combined agricultural production or operational savings and solar generation, and storage if applicable. Proposals should commit to sharing information with NYSERDA and convey the information they will collect and share on inputs, expenses, agricultural and energy production, and revenue.

Eligible agrivoltaic approaches include but are not limited to: crop production (specialty and commodity); livestock grazing; and hay, forage, or silage production.

Ineligible agrivoltaic approaches include those whose sole or primary agricultural production is conducted through controlled indoor environment agricultural production such as greenhouses or other structures. Proposed projects whose sole agricultural-related activities are increasingly common practices such as creation of pollinator habitats, establishing and maintaining apiaries and grazing sheep, while valuable, are not

by themselves considered novel, innovative, or as needing to be further demonstrated within New York to facilitate wider adoption and are not eligible to receive funding through this solicitation.

Other NYSERDA Program funding: Projects may receive funding from other NYSERDA programs (e.g., NY-Sun or Large-Scale Renewables) or other applicable state, federal, or private sources in addition to funding from this solicitation, provided that the proposal makes it clear that the funding is complementary and does not duplicate funding of the same aspects of the project. NYSERDA, in its sole discretion, will make all determinations regarding duplicate funding.

Which types of expenses are fundable? For front-of-the-meter projects, awards are intended to fund the incremental solar and agricultural costs including the planning, design, capital, construction, and operating costs that are necessary to accommodate agrivoltaics (including but not limited to: increased planning and design expenses; increased labor costs during construction due to issues such as soil protective practices, cable burial, or higher racking; materials, equipment, and labor to support agricultural work within the project area), but not any portion of the base costs associated with constructing and operating conventional solar developments. Proposals should explain their rationale for costs accordingly.

For behind-the-meter projects providing on-farm power, incremental costs to accommodate agrivoltaics as described above will also be funded, and a portion of base costs to design, assess the feasibility of, and prepare for building the project (labor, professional services, materials, supplies, permitting, interconnection design, utility interconnection study planning, other interconnection or rate class related expenses for a solar array and/or battery storage) will be considered. For **Implementation proposals only**, a portion of the base costs to build, operate, and maintain the solar and battery storage components will be considered if there is also an agrivoltaic component to the project. Construction and operation for solar and battery storage for on-farm power without agrivoltaics will not be funded. Proposals should explain their rationale for costs accordingly.

Expenses, including time for collaboration, data collection, and communications and outreach are also eligible for funding.

Who is eligible and what should the proposing teams or individual proposing businesses consist of?

Project Teams eligible for funding may include, but are not limited to: landowners, farmers, those supporting farmers, researchers, and solar project developers and asset owners and solar energy and battery storage project developers and engineering firms. Projects must be located at least partially in New York State. Site owners must be willing to grant some form of physical access to the site. Teams must include members with both sufficient experience in agrivoltaics/battery energy storage/solar design as appropriate, as well as farm energy systems and farm operations appropriate to the proposed project. Proposer teams must include appropriate technical support and will be assessed on the inclusion of farmers and/or agrivoltaics specialists and should have the support of at least one farmer. Proposals should identify all partners involved; letters of support are encouraged but not required, although named partners without a submitted support letter will not be viewed as secured when reviewing and scoring the proposal.

For **Planning** proposals: teams proposing an Agrivoltaic Project as part of a distributed-solar-sized development, those including a NY-Sun Participating Contractor are preferred for Planning proposals and required for Implementation proposals. For **Implementation** proposals, among teams proposing an Agrivoltaic Project as part of a distributed-solar-sized development, teams should include a NY Sun Participating Contractor via [Residential & Small Commercial Solar Contractors | NYSERDA](#) and [Commercial & Industrial Solar Contractors | NYSERDA](#). Alternatively, teams may propose the inclusion of designer/provider with sufficient experience in solar installation appropriate to the proposed project. NYSERDA will solely determine the eligibility of the proposed solar designer/provider.

Proposals should compellingly articulate the value and potential impact of the project in terms of who will benefit, how, and by what means the project will advance progress in New York State, recognizing that on-farm powering projects advance progress primarily through their value as examples others can learn from. Proposals should state what will be done and how and identify how results will be evaluated and communicated.

Proposals should identify project size (overall acreage involved, active agricultural acres affected by solar energy infrastructure and their soil classifications if Mineral Soil Groups 1-4 (see [NYSERDA 2026 Soils Data](#) for information and data), and of those acres what will be in agrivoltaic production), energy capacity (50kWdc minimum for Planning proposal eligibility, 100kWdc for Implementation proposal eligibility), and explain

estimated incremental costs relative to conventional solar arrays and conventional agriculture. ***For more proposal requirements, please see Section III Proposal Requirements for complete information.***

By the end of the project period, if a contract is awarded, project deliverables should include the following, and proposers should demonstrate that they understand and are prepared to deliver these:

- Clear documentation of actual costs and benefits including estimated labor costs
- Information on the potential and/or realized impact of the project
- Identification of lessons learned shared regularly throughout the project and in collaboration with NYSERDA teams and/or NYSERDA designated contractors.
- Communication and outreach about project findings

Multiple awards are anticipated in this Category for both types of projects. Awards are expected to be in the \$20,000 - \$200,000 range for Planning proposals and \$75,000 - \$350,000 for Implementation proposals.

B. CATEGORY B – Addressing Barriers and Challenges, Creating Opportunities for Solar and Agriculture Integration

As agrivoltaics, powering farm operations with solar energy and battery storage, and farm electrification are all emerging practices not yet widely adopted, there are systemic barriers and challenges to adoption and scaling. Applied research and problem-solving efforts that address important challenges and barriers will enable the solar industry to more readily incorporate agrivoltaics into design and construction plans, support the ability of municipalities to assess agrivoltaics proposals, and enable interested farmers to evaluate, access, assess and implement agrivoltaics. ***Barriers and challenges of particular interest to NYSERDA, identified through the work of the Agricultural Technical Working Group and through previous solicitations and RFIs include, but are not limited to:***

- Limited understanding of agrivoltaics among municipal governments and local residents leading to permitting challenges;
- Limited availability of farm equipment scaled to operate safely within the spatial constraints of solar arrays, despite existence of such equipment within the U.S. and outside of the country;
- Limited commercial availability or supply chain availability of solar array components and software designed to further enhance agricultural productivity;
- Limited widely understood examples of designs and technology recommendations for integrated solar and battery projects to support on-farm power loads that are cost-effective and limit challenges such as grid interconnection costs and approval delays;
- Limited NY firms or capacity within those firms, or NY farmer awareness of firms, with considerable experience in agrivoltaics, and limited NY firms, or NY farmer awareness of NY firms, with considerable experience in on-farm solar power and battery storage design and construction implementation;
- Guidelines, guidance or training for solar developers, asset owners, and Engineering, Procurement and Construction (EPC) contractors on agrivoltaic design and construction best practices including soil protective practices;
- Limited supportive services and infrastructure for the crops and livestock that may be most readily incorporated into agrivoltaics arrays, such as processing facilities for small ruminants or regional markets and distribution infrastructure for specialty crops;
- Limited familiarity and comfort amongst insurers for insurance products catered to agrivoltaic project owners and farmers; and
- Financing models and institutions as yet unwilling to provide financing for innovative approaches or approaches not yet in wide use in the U.S.

Which types of proposals will be considered in this Category? Proposals will be considered that characterize key barriers and challenges in New York State, the impact of addressing them, and preferably substantially advance problem-solving by testing or scaling a possible solution or solutions for one or more of the challenge areas or barriers identified above. Proposals will also be accepted for challenge areas not listed here, provided the proposer clearly articulates the challenges and compellingly articulates the impact of addressing the challenge.

Proposals are welcome for projects in all phases, including earlier phases (planning, feasibility assessment, preparation, and early light testing) and later phases (substantial testing, implementation, and scaling). Proposers should identify the phase their project is in and propose activities for only early or late phases. For proposals for planning, feasibility assessments, and preparation, or initial testing, proposed outcomes should be accomplished within a 2-year contract term. Substantial testing, implementation and scaling proposals should plan to accomplish all outcomes within a 4- year contract term; shorter durations may be viewed favorably.

Proposals should clearly articulate the barriers or opportunities situated within the context of New York State; describe how the proposed project will advance the understanding of the barriers or opportunities and address them; state what will be explored, tested, or implemented and how (iterations or testing alternatives are encouraged but not required). Planning, feasibility, and preparation proposals should also identify what decisions and actions this will enable; implementation and scaling proposals should identify how results will be evaluated. Projects that address the challenges will be evaluated favorably; those that do not should clearly articulate how greater understanding will substantially increase the ability to identify and test possible solutions. **For more proposal requirements, please see Section III Proposal Requirements for complete information.**

Multiple awards are anticipated in this Category. Awards are expected to be in the \$50,000 - \$200,000 range for planning, feasibility, and preparation phase projects and in the \$75,000-\$350,000 range for implementation and scaling phase projects.

C. Category C: Building Capacity and Support for Farmers and Communities

Farmers currently have limited access to information, guidance, technical assistance, and other kinds of support for integrating solar energy infrastructure into their operations, and limited time and other resources to access that support. This limits their otherwise considerable ability to innovate and adapt in service of their operations and stewardship of important natural resources. This is a critically limiting barrier and therefore is designated as its own Category. Components of these barriers **of particular interest to NYSERDA, identified through the work of the Agricultural Technical Working Group and through previous solicitations and RFIs include, but are not limited to:**

- Developing, testing, implementing, and/or scaling agrivoltaics curricula or training for farmers and communities;
- Developing, testing, implementing, and/or scaling solar power and battery storage opportunities and considerations curricula or training for farmers and communities;
- Developing, testing, implementing, and/or scaling ways to build capacity within existing institutions or developing new businesses or organizations that can serve as a supportive bridge between farmers and developers. The goal: enable better, earlier, collaboration and improved agricultural outcomes from solar projects on agricultural lands, including but not limited to legal support for understanding and negotiating lease agreements; and technical support for translating farmers' needs and desired outcomes into design, construction, and operation of facilities;
- Designing, testing, and/or implementing business or co-op models that enable farmers to more readily engage with and implement agrivoltaics at any scale and/or on-farm solar energy and battery energy storage;
- Building communities of practice or leveraging networks where farmers can learn from one another.

Which types of proposals will be considered in this Category? Proposals will be considered that substantially address one or more of the components of building capacity and support for farmers and communities in New York State listed above. Proposals will also be accepted for relevant components of building capacity and support for farmers and communities for integrating solar energy not listed here, provided the proposer clearly articulates the barrier and opportunity and compellingly articulates the impact of addressing it.

Proposals are welcome for projects in all phases, including earlier phases (planning, feasibility assessment, preparation, and early light testing) and later phases (substantial testing, implementation, and scaling). Proposers should identify the phase their project is in and propose activities for only early or late phases. For proposals for planning, feasibility assessments, and preparation, or initial testing, proposed outcomes should be accomplished within a 2-year contract term. Substantial testing, implementation and scaling proposals should plan to accomplish all outcomes within a 4- year contract term; shorter durations may be viewed favorably.

For proposal requirements, please see Section III Proposal Requirements for complete information.

Multiple awards may be made from this Category. Awards are expected to be in the \$50,000 - \$200,000 range for planning, feasibility, and preparation phase projects and in the \$75,000-\$350,000 range for implementation and scaling phase projects.

D. Category D: Increasing Opportunities and Access Within the Integration of Solar Energy Infrastructure and Agriculture

Topics and deliverables of interest in this Category include, but are not limited to:

- Training curriculum on agrivoltaics or solar + battery design and installation targeted to tenant, beginning, limited resource, and/or historically underserved farmers
- Addressing structural barriers tenant farmers face in accessing the benefits from solar energy integration with farmland and the potential impacts of solar energy integration on their opportunities
- Models and supporting contract language that would unlock different forms of site access, ownership, and operation
- Incorporating solar integration with agriculture into an existing or newly created land access program focused on helping new and underserved farmers get access to land for farming
- Research and analysis on policies and programs that would address any inequities that might exist or develop associated with the integration of solar energy and agriculture.

Which types of proposals will be considered in this Category? Proposals will be considered that advance understanding of and/or solutions for any inequities of access that may exist among farmers and within and among agricultural communities to opportunities to benefit from solar energy production and battery storage on agricultural land, with a focus on New York State. Proposals should state the case for investigating the challenge, show an understanding of the current state of existing knowledge and social science, and describe how the proposed project will advance understanding and/or solutions in this space. Projects that address the challenges will be evaluated favorably; those that do not should clearly articulate how greater understanding will substantially increase the ability to identify and test possible solutions.

Proposals are welcome for projects in all phases, including earlier phases (planning, feasibility assessment, preparation, and early light testing) and later phases (substantial testing, implementation, and scaling). Proposers should identify the phase their project is in, and propose activities for only early or late phases. For proposals for planning, feasibility assessments, and preparation, or initial testing, proposed outcomes should be accomplished within a 2-year contract term. Substantial testing, implementation and scaling proposals should plan to accomplish all outcomes within a 4- year contract term; shorter durations may be viewed favorably.

For proposal requirements, please see Section III Proposal Requirements for complete information.

Multiple awards may be made from this category. Awards are expected to be in the \$50,000 - \$200,000 range for planning, feasibility, and preparation phase projects and in the \$75,000-\$350,000 range for implementation and scaling phase projects.

Eligibility and Requirements That Apply to All Categories:

Project durations are expected to be in the range of:

- One (1) to two (2) years with the possibility of extension for planning, feasibility, and preparation phase projects
- Two (2) to four (4) years with the possibility of extension for implementation and scaling projects.

Data and lessons learned need to be shared for a minimum of three years post-construction for projects involving building infrastructure. The project schedule and timeliness of results will be considered in the proposal evaluation, as discussed in Section IV, Proposal Evaluation.

Sharing lessons learned and information: Projects must be willing to collaborate with NYSERDA and NYSERDA's designated research and outreach contractor/s to share information and lessons learned for the duration of and collaborate on outreach materials about the project; expenses to do so are eligible for funding. When appropriate, selected projects may be asked to work with a Project Advisory Committee assigned by NYSERDA.

Who can propose? There is no limitation on the types of organizations that are eligible to propose, including out-of-state entities and municipalities, as long as on-the-ground projects are located, in part or entirely, within New York State. Teams and partnerships are encouraged, but one entity must be the lead Proposer who is responsible for contracting with NYSERDA, managing the project, and communicating with all subcontractors. Teams must include members with sufficient experience and skills to deliver all aspects of the proposed project. Proposer teams will be judged on the inclusion of farmers and/or agrivoltaics specialists as appropriate. Proposals should identify all partners involved; those that provide letters of support will be viewed more favorably. *Proposals for agrivoltaics projects are highly encouraged to have teaming arrangements that include an agrivoltaics specialist or team members with experience planning and/or implementing relevant agrivoltaics projects.*

Projects with active NYSERDA Innovation, Tier 1 Renewables, or Bulk Energy Storage proposals or funding, NY-Sun projects, or seeking current or future NYSERDA funding from those or other programs, are eligible to participate if they meet eligibility requirements. Further guidance about who is eligible and required perspectives on proposing teams is included within individual categories.

Location: On-the-ground projects must be located, in part or entirely, within New York State.

Depending on the final Statement of Work for any selected proposal, NYSERDA reserves the right to require additional contracting terms, such as additional insurance to meet industry standards, or other similar requirements.

NYSERDA may fund selected proposals in phases. NYSERDA reserves the right to build teams between selected contractors and stakeholders and/or other supported projects to maximize the value of the effort and funding. NYSERDA reserves the right to extend and/or add funding to this solicitation should other program funding sources become available. NYSERDA reserves the right to add additional funding to successful projects beyond the project cap. Projects in each Category will be developed in partnership with relevant teams at NYSERDA and related institutions.

Receipt of an award through this solicitation, including any associated requirements, does not release the Proposer or the project from complying with any other applicable state, local, or federal requirements, including those associated with other NYSERDA funding or programs.

The results of funded projects will be made publicly available.

Annual Metrics Reports: If awarded, the proposer will be required to submit to NYSERDA's Project Manager, on an annual basis, a prepared analysis and summary of metrics addressing the anticipated energy, environmental and economic benefits that are realized by the project. All estimates shall reference credible sources and estimating procedures, and all assumptions shall be documented. Publications, presentations, posters, briefings, and patents are common metrics for projects supported by this PON. Reporting shall commence the first calendar year after the contract is executed. Reports shall be submitted by January 31st for the previous calendar year's

activities (i.e., reporting period). Please see Attachment E: Sample Metrics Reporting Guides for the metrics that you will be expected to provide and the reporting duration. NYSERDA may decline to contract with awardees that are delinquent with respect to metrics reporting for any previous or active NYSERDA agreement.

PROPOSAL REQUIREMENTS

Proposers must submit a complete proposal for the targeted category that they are proposing to. Proposers may name if their project is relevant to more than one category and how, and that may be considered by the Scoring Committee as providing additional value, but they should select a single category to propose within. NYSERDA reserves the right to change a proposal's category and/or subcategory if deemed appropriate, or to group similar proposals into additional categories for evaluation.

Proposals must be submitted electronically by following the link for electronic submissions found on this PON's webpage, which is located in the "Current Opportunities" section of NYSERDA's website. The proposals must be in either PDF or MS Word format. Proposals must be submitted as two separate files: One file shall be the Budget Form (Attachment A) and the other file shall be inclusive of the proposal narrative and all other supporting documents. Proposal PDFs must be searchable and should be created by direct conversion from MS Word, or other conversion utility, rather than scanning. For ease of identification, all electronic files must be named using the proposer's entity name and "PON 6207" in the filename.

Proposals should not be excessively long or submitted in an elaborate format that includes marketing materials. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, "PON 6207" category of the proposal, and the page number.

Proposals should follow the format below and provide sufficient and succinct information to complete the required descriptions and answer the questions described in the Proposal Evaluation criteria listed in Section IV. The preferred length of each proposal section is shown. The proposal should be in a readable font not below 11-point.

Proposals must include:

- A. **Cover Letter (1 page):** The Cover Letter should be on the Lead Proposer's entity's letterhead (if applicable) and signed by a legal officer of the entity with the authority to enter into agreements and contracts, reference PON 6207, and summarize the proposer's ability to perform the services. The cover letter should clearly state which Category is being proposed to.
- B. **Project Narrative.** Proposers must respond to the following, based on the Category they are proposing to:
 - *Category A - 1: Solar and Agriculture Integration – On the Ground Projects, Planning, Feasibility, and Preparation*
 - *Project Description:* Describe the early phase planning, feasibility and preparation project that you propose: what are you trying to accomplish and why, what will you do, with whom, what will the results be/what will you produce, by when, and the direct and indirect benefits it will create for your business or organization, your community, and/or other key groups. Identify what you will be able to decide and/or do next as a result of having support for this planning phase. Identify where the project will take place, as specifically as possible. Be sure to state clearly why this is a planning phase proposal rather than an implementation phase proposal. For energy assets, include a description of the expected project size in kWdc and acres, technologies utilized, and interconnection method, and identify which features are unknown at this time. To the extent possible given this is a planning phase project, identify how much of the proposed project area was in active agricultural production in the last 5 years and whether and how the project would change that. If applicable, also provide the estimated acreage of each Mineral Soil Group types 1-4 in the proposed project area and what acreage will be in production at the end of the project. The use of any anticipated use of machine learning or artificial intelligence in the execution of the project work must be disclosed and will be subject to NYSERDA's AI policies.
 - *Innovation and Impact:* Describe what is novel, problem-solving, and/or represents an advancement about your project, practices, or design, relative to a brief description of the current status, and the projected impact of your proposed approach. What impact would addressing this challenge have in

the way you are proposing to explore, plan, or prepare for it? What will this phase enable? What impact might your solution have if implemented and scaled? If applicable, also describe how your project may increase awareness, understanding, feasibility of, and/or opportunities for ways to integrate solar energy that benefit farmers and agricultural communities and advance progress in New York State. Outline any communication or outreach about the project if applicable. For novelty, consider and articulate within your answer whether and how the project is:

- A new practice or design?
 - A substantial modification or adjustment?
 - A proven idea applied in a new way, type of location, or design?
 - An early adoption within a given crop type or geographic practices that others can learn from?
 - A substantial or meaningful incremental improvement to a supporting process?
 - A means of making something that already exists markedly more successful, feasible, easier to implement, or scale?
- *Agricultural Integration:* Describe the farm operation(s) and farmland with which this project would be integrated and how the proposed project is supportive of the operation. If the Lead Proposer is not a farmer, describe the mechanisms used to incorporate farmer priorities, feedback, and collaboration into design, construction and operation decisions.
 - *Information Collection and Sharing Lessons Learned:* Name example metrics you will use to evaluate the results of this planning phase, during and at the end of it. What do you aim to learn, know, identify, and/or be able to decide about? How will you determine which of your candidate designs or solutions should be implemented and whether to proceed with implementing them? Identify whether and how this will be incorporated into any communication or outreach about the project outlined under Innovation and Impact if applicable, including intended audiences. Must include an attestation of willingness to share outcomes and lessons learned with NYSERDA. Desired information that NYSERDA wishes to collect, as relevant, includes: actual costs for planning and designing the project; projected costs for building and implementing the project compared to estimated costs for a non-agricultural project; any challenges encountered and how addressed; and the estimated potential energy and agricultural production if implemented.
 - *Costs and Financing:* Proposers must provide a Proposed Budget form (Attachment A) and include fully burdened rates. Within the proposal document itself, in this section, briefly describe and justify the project costs shown in the budget form, including projected labor, contracts, equipment, supplies and materials, travel, and indirect, and how the project will be financed. What sources of funding would be used outside of support from this PON? Note that NYSERDA will not pay for efforts that have already been undertaken. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. The degree of cost-sharing will be considered in the evaluation of proposals. Proposers must provide sufficient detail in the narrative for each cost element, its description, and amount to justify the budget and allow for evaluation. If substantial funding is proposed for an agrivoltaics array, explain how any costs included in the budget are incremental expenses relative to constructing conventional solar arrays.
- Category A – 2 Solar and Agriculture Integration – On the Ground Projects, Implementation.
 - *Project Description:* Describe the project that you will implement – what are you trying to accomplish and why, what will you do, with whom, what will the results be, by when, and the direct and indirect benefits it will create for your business or organization, your community, and/or other key groups. Identify how you will evaluate results and outcomes. Identify where the project will take place, as specifically as possible. Be sure to state clearly why this is an **Implementation** proposal, and demonstrate that the project is ready for implementation, showing that previous phases were completed or not needed to de-risk the project, and that the project will be constructed and operational within two years of contract start. Identify the project location/s (Tax ID / Assessor's Parcel Numbers), indicate whether it is located in an Agricultural District, and if a Notice of Intent action has been initiated. For energy assets, include a description of the project size in MW and acres, technologies utilized, interconnection method, and identify which features are unknown at



- this time. Indicate how much of the project site has been in agricultural production within the last 5 years. If applicable, indicate the total area of land with soil in Mineral Soil Groups 1 through 4 that is included in the involved area and how much will remain or be in agricultural production at the end of the project. The use of any anticipated use of machine learning or artificial intelligence in the execution of the project work must be disclosed and will be subject to NYSERDA's AI policies.
- *Innovation and Impact:* Describe what is novel, problem-solving, and/or represents an advancement about your project, practices, or design, relative to a brief description of the current status, and the projected impact of your proposed approach. What challenge are you trying to address and what impact would your proposed project have on that challenge? What will implementing this proposal enable? What impact will your solution have and might it have if scaled? Also describe how your project will increase awareness, understanding, feasibility of, and/or opportunities for ways to integrate solar energy that benefit farmers and agricultural communities and advance progress in New York State. Outline any communication or outreach about the project if applicable. For novelty, consider and articulate within your answer whether and how the project is:
 - A new practice or design?
 - A substantial modification or adjustment?
 - A proven idea applied in a new way, type of location, or design?
 - An early adoption within a given crop type or geographic area that others can learn from?
 - A substantial or incremental but meaningful improvement to a supporting process?
 - A means of making something that already exists markedly more successful, feasible, easier to implement, or scale?
 - *Agricultural Integration:* How will this project integrate solar and/or battery assets, as applicable, into a farm operation? If the Lead Proposer is not a farmer, describe the mechanisms used to incorporate farmer priorities, feedback, and collaboration into design, construction and operation decisions.
 - *Information Collection and Sharing Outcomes and Lessons Learned:* Outline the types of data or information you intend to collect. What do you aim to learn and accomplish and how will you evaluate success and adjust if and when things don't work? Identify whether and how this will be incorporated into any communication or outreach about the project outlined under Innovation and Impact if applicable, including intended audiences. Must include an attestation of willingness to share lessons learned with NYSERDA. Desired information that NYSERDA wishes to collect, as relevant, includes: detailed actual costs for implementing the project compared to estimated costs for a non-agricultural project; agricultural inputs and outputs; any challenges encountered and how addressed; benefits yield and experienced; and energy and agricultural production quality and quantity compared to that expected without the agrivoltaics and/or battery storage.
 - *Costs and Financing:* Proposers must provide a Proposed Budget form (Attachment A) and include fully burdened rates. Within the proposal document itself, in this section, briefly describe and justify the project costs shown in the budget form, including projected labor, contracts, equipment, supplies and materials, travel, and indirect, and how the project will be financed. What sources of funding would be used outside of support from this PON? Note that NYSERDA will not pay for efforts that have already been undertaken. The proposer or proposing team cannot claim as cost-share any expenses that have already been incurred. The degree of cost-sharing will be considered in the evaluation of proposals. Proposers must provide sufficient detail in the supporting schedule for each cost element, its description, and amount to justify the budget and allow for evaluation. If substantial funding is proposed for an agrivoltaics array, explain how any costs included in the budget are incremental expenses relative to constructing conventional solar arrays.
 - *Category B/C/D:*
 - *Project Description:* Describe your project: What is the barrier or challenge your project attempts to address or the opportunity it seeks to cultivate, and why is it important? What are you trying to accomplish and why? What will you do, and with whom? What will the results be/what will you produce, by when, and what are the direct and indirect benefits it will create for you, your business or organization, your community, and/or other key groups? Identify how you will evaluate results or outcomes. State clearly and explain what phase your project is in (planning, feasibility, and

preparation, including light testing; or substantial testing, implementation, or scaling). For earlier phases, identify what you will be able to decide and/or do next as a result of having support for this phase and how you will determine that. For later phase projects, be sure to explain how the project is poised for implementation, briefly summarizing the work done to date including that which increased confidence in success and decreased risk for project implementation. Briefly articulate what risks and uncertainties remain and how you will address them. For all phase projects, identify any anticipated use of machine learning or artificial intelligence. The use of any anticipated use of machine learning or artificial intelligence in the execution of the project work must be disclosed and will be subject to NYSEERDA's AI policies.

- ***Innovation and Impact:*** Describe what is novel, problem-solving, and/or represents an advancement about your project, relative to a brief description of the current state of things, and the projected impact of your proposed approach. What impact would addressing this challenge have in the way you are proposing to explore, plan, or prepare for it? What will this phase enable? What impact might your solution have if implemented and scaled? Also describe how your project will increase awareness, understanding, feasibility of, and/or opportunities for ways to integrate solar energy that benefit farmers and agricultural communities in New York State. If your project will have an impact on equity of access or mitigate inequitably distributed impacts or benefits, please identify and explain that. If your project is focused on research and analysis, how do you see your results being utilized by farmers, policymakers, or others to create impact? Outline any communication or outreach about the project if applicable— all projects will be at least required to share lessons learned with NYSEERDA, and implementation phase projects will work with NYSEERDA communications and NYSEERDA designated contractors to help develop some level of communication about the project. Further communication and outreach efforts are strongly encouraged but not required, particularly for farmer-led or smaller cost projects. For novelty, consider and articulate within your answer whether and how the project is:
 - A new practice or design?
 - A substantial modification or adjustment?
 - A proven idea applied in a new way, type of location, or design?
 - An early adoption within a particular farming or community type or business model or geography that others can learn from?
 - A substantial or meaningful incremental improvement to a supporting process?
 - A means of making something that already exists markedly more successful, feasible, easier to implement, or scale?
- ***Agricultural Integration:*** Identify how you have integrated farmer priorities, feedback, and collaboration into decisions, processes, and activities in development of the proposal and how you will do so throughout the project. Identify clear roles and responsibilities.
- ***Information Collection and Sharing Outcomes and Lessons Learned:*** For planning, feasibility, and preparation phase projects, name example metrics you will use to evaluate the results of this planning phase, during and at the end of it. What do you aim to learn, know, identify, and/or be able to decide about? How will you determine which of your candidate models or solutions should be implemented or scaled and whether to proceed with implementing them? For implementation and scaling phase projects, outline the types of data you intend to collect. What do you aim to learn and accomplish and how will you evaluate success and adjust if and when things don't work? For all phase projects, identify whether and how this will be incorporated into any communication or outreach about the project outlined under Innovation and Impact if applicable, including intended audiences. Must include an attestation of willingness to share outcomes and lessons learned with NYSEERDA.
- ***Costs and Financing:*** Proposers must provide a Proposed Budget form (Attachment A) and include fully burdened rates. Within the proposal document itself, in this section, briefly describe and justify the project costs shown in the budget form, including projected labor, contracts, equipment, supplies and materials, travel, and indirect, and how the project will be financed. What sources of funding would be used outside of support from this PON? Note that NYSEERDA will not pay for efforts that have already been undertaken. The proposer or proposing team cannot claim as cost-share any

expenses that have already been incurred. The degree of cost-sharing will be considered in the evaluation of proposals. Proposers must provide sufficient detail in the supporting schedule for each cost element, its description, and amount to justify the budget and allow for evaluation.

C. Supporting Documentation

- **Roles and Qualifications:** Provide resumes or descriptions of the qualifications of each key team member and their role, including subcontractors and students if appropriate, relevant to the proposed project, and include links to relevant example previous work if available. The main point of contact with NYSERDA must be clearly identified.
- **Schedule:** Provide an estimated timeline for execution of the project and gathering of data within the maximum contract period. Include major milestones and key deliverables. The schedule should be realistic and reflect a sense of urgency to complete the project and provide timely results and lessons learned.
- **Letters of Support:** Encouraged but not required. However, key institutional or individual team members who do not provide letters of support will not be considered as secured when evaluating proposals. Does not count within page limit.

Baseline reporting and information transfer shall be accomplished through submission of monthly or quarterly progress reports and a final report. The format of the final report will be determined upon discussion with the NYSERDA project manager and may include a compilation of progress reports. For research projects led by or involving research institutions or those with technical staff, peer-reviewed publications may be an acceptable form of final report and that is encouraged. Projects are strongly encouraged to use a technical editor for all final documents as the will need to be compliant with accessibility requirements – NYSERDA assistance with this is available for projects who demonstrate a compelling need. Consideration should be made to ensure that any graphics developed for final products are compliant with accessibility requirements as well.

PROPOSAL EVALUATION

Proposals that meet proposal requirements will be reviewed by a Scoring Committee using the evaluation criteria below. Proposals that do not meet the minimum listed requirements will not be reviewed by the scoring committee. Note that incomplete or late proposals will not be considered. If a team member identified in a proposal is involved in one or more current or previous NYSERDA-funded projects, performance on these projects will be considered in the evaluation of the current proposal.

Responses to this PON will be reviewed and assigned scores based on the criteria highlighted below. At NYSERDA's discretion, proposers may be requested to interview with all or part of the Scoring Committee to address any potential questions or clarifications of statements or plans outlined in the proposals. Proposers will be notified if they are requested to attend an interview.

Evaluation Criteria

- **Soundness of Project**
 - Clarity and soundness of the project, covering all elements of the project description, and those elements are credible/founded and compelling
 - Demonstration of sufficient understanding of the relevant barriers and opportunities and what is proposed to successfully complete the project
 - Identification of remaining risks and uncertainties
 - Costs are such that the project is foreseeably adoptable by others in the future
 - Realistic schedule and timeliness of useful lessons learned and project results
 - If applicable, previous phase project performance and results laid strong foundation, increase confidence in quality and timeliness of projected outcomes
- **Innovation and Impact, Value to NY State**
 - Degree and dimensions of innovation of the project and how compelling that is in terms of likely impact on barriers and opportunities, relative to the size and expense of the project. Degree and dimensions of innovation of the project include considering whether and how the project is a new practice or design; a substantial modification or adjustment; a proven idea applied in a new way, type of location, or design; an early adoption within a given crop type or geographic practices that others can learn from; a

substantial or meaningful incremental improvement to a supporting process; or a means of making something that already exists markedly more successful, feasible, easier to implement, or scale? For smaller scale on-farm powering projects, their value as examples others can learn from will be taken into consideration as impact.

- Importance of the barrier/s or opportunity/ies related to agrivoltaics or on-farm solar energy generation and storage in NYS that the proposal addresses
- Likelihood of the project increasing the variety of agrivoltaic approaches in NYS in terms of the types of agricultural commodities produced, the regional distribution of projects in the state, the ownership structure of the facility, or other important dimensions of variety that are relevant to scaling and impact.
- Likelihood farmers, solar developers, farm support personnel and/or policy makers and resource managers will be able to utilize the results of the to be planned or to be implemented project to increase benefits from the integration of solar energy and active agriculture and awareness of them
- Likelihood future agrivoltaic or on-farm solar energy generation and storage projects in NY will be able to learn from, adopt, or otherwise benefit from aspects of the to be planned or to be implemented project
- Elements of the to be planned or to be implemented project (e.g. design, cost profile, methods, partnerships) have significant commercialization, market deployment, cascading adoption, or other elements of potential for scaling
- If the proposal would deliver value to NY State for more than one Category in this PON, that may be considered favorably here.
- Addresses equity of access or mitigates inequitably distributed impacts or benefits
- **Agricultural Integration; Experience and Qualifications**
 - Project team with the necessary capacity, skills, and/or experience to successfully complete the project
 - Integration of the solar energy with farm operations is meaningful and beneficial to the farm and likely sustainable
 - How well the proposer has planned to or already integrated farmer priorities, feedback, and collaboration into decisions and processes
 - All roles and responsibilities are clearly defined, including any subcontractors
 - Letters of commitment included from subcontractors and other partners
- **Cost Criteria**
 - Reasonableness of overall costs, rates, and fees compared to the expected usefulness and impact of the project results and level of effort and duration of the project
 - Consistency of rates with expertise, qualifications, etc.
 - Availability and security of other financing as needed, and how NYSERDA funds are leveraged
 - Degree of cost-share contributions and its relation to the project scope and budget and proposers
 - Detailed budget is provided, including sufficient detail in the narrative and/or supporting schedule for each cost element, its description, and justification
- **Other Considerations:** Projects will also be reviewed to determine whether they reflect the overall mission of NYSERDA, including:
 - Quality and completeness of the proposal
 - The balance among projects of long- and short-term benefits and risk/reward relationships, whether similar projects are presently or have been previously funded, and how the balance among projects helps fill and move things along an innovation pipeline for problem solving and impact within the areas of interest.
 - The general distribution of projects of diverse topics related to program goals.
 - The relevance and contribution of the project to more than one category or barrier or opportunity within category.
 - The ability of the project to build agrivoltaic and on-farm solar and storage capacity, knowledge, and skills in NYS.
 - The ways in which the proposed project fits with currently funded projects.
 - The ease of measuring project success in quantifiable ways.
 - If applicable, the responsiveness of the proposer in conducting other NYSERDA-funded work, particularly in earlier rounds of this PON.

GENERAL CONDITIONS

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

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

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

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

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

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

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

Prior to contracting with NYSEDA, the prospective contractor must also certify to NYSEDA 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 NYSEDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Contract Award - NYSEDA anticipates selecting multiple proposals under this PON. NYSEDA anticipates a contract duration of up to two years for planning, feasibility, and preparation phase proposals and up to four years for implementation and scaling proposals, unless NYSEDA management determines a different structure is more efficient based upon proposals received. A contract may be awarded based on initial applications without discussion or following limited discussion or negotiations pertaining to the Statement of Work. Each proposal

should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA reserves the right to interview proposers, if deemed necessary by the scoring committee. NYSERDA may, at their discretion, elect to extend and/or add funds to any project funded through this PON. NYSERDA will use the Sample Agreement (Attachment B) to contract successful proposals for access to the state supported funding. NYSERDA expects to notify proposers in approximately twelve (12) to sixteen (16) weeks from the proposal due date whether their proposals have been selected. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

Accessibility Requirements - If awardees from this solicitation will be posting anything on the web, or if the awardee will produce a final report that NYSERDA will post to the web, the following language must be included. NYSERDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.), video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see [NYSERDA's Accessibility Requirements](#).

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

Disclosure Requirement - The proposer is required to complete the [Solicitation Proposal and Vendor Responsibility Questions](#) as part of a submission, which, among other things, requires disclosure of 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 description of circumstances for each, and disclosure of any suspension or debarment by the U.S. federal government or the New York State Department of Labor. When a proposer is an association, partnership, corporation, or other organization, responses shall be made on behalf of the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances.

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

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

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

any state agency or authority or receiving compensation for services regarding any transaction in which they personally participated, or which was under their active consideration during their tenure with NYSERDA.

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

Due Diligence – NYSERDA, at its discretion, may conduct broad due diligence to validate any or all elements of an application and to assess applicants' prospects of success, including gathering information to assess a proposal relative to any of the topics listed in evaluation criteria, whether or not such topic is explicitly addressed in a proposal. NYSERDA may conduct due diligence on some or all proposals based on NYSERDA's current guidelines at the time of a review. NYSERDA staff may follow up with proposers to request additional information or clarification regarding applicant's proposal, including questions regarding applicant's business prospects and resources, whether or not those questions are specifically related to the elements of the proposal. Additionally, customized due diligence may be conducted by internal or external staff or contractors based on questions on any proposal raised by NYSERDA staff and/or the Scoring Committee.

Due diligence may include (but is not limited to): interviews of independent references and background checks of team members; assessment of prior business experience of any team member associated with a proposal; research on intellectual property claims; customer and partner reference checks; market research on the applicants' target market and any other related or possibly competitive technology or market area; research to validate any assumptions on current or future revenues, costs, capital needs, and financing prospects for proposers' business, including similar (or unrelated) technologies, processes, or competitive solutions; or any other research that could reasonably inform the evaluation of a proposal, or the prospects for commercial success of the proposers' business (whether directly related to, or unrelated to the specific elements in a proposal). Due diligence may include discussions with proposers' former and current business partners, employees, investors, customers, and competitors. Due diligence may be conducted by NYSERDA personnel or contractors including members of the scoring committee, before, during, or after a scoring process, and prior to finalization of a contract award, any information gleaned in diligence may be used to score or rescore a proposal or apply a program policy factor.

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

Pursuant to Executive Order No. 16, all vendors will be vetted to ensure that they are not on the federal sanctions list at [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.

ATTACHMENTS

Attachment A – Budget Form

Attachment B – Sample Agreement

Attachment C – Site Control and Access (Category A only)