Request for Proposals No. ISCRFP26-1
Long-Term Contracts to Purchase Index Storage Credits (ISCs)
RFP Release Date: November 12, 2026

Step One Eligibility Applications Due:
Tuesday, December 15, 2026, by 3:00 p.m. Eastern Time (ET)

Step Two Bid Proposals:
Non-Price Submission Deadline: Thursday, February 25, 2027, by 3:00 p.m. ET
Price Submission Deadline: Wednesday, March 17, 2027, by 3:00 p.m. ET

The New York State Energy Research and Development Authority (NYSERDA) seeks to procure Index Storage Credits (ISCs) from Projects that meet the eligibility requirements described in this Request for Proposals (RFP or ISCRFP26-1). ISCs represent the operational availability of an energy storage system, wherein one ISC is created for each megawatt-hour (MWh) that is operational and available for discharge on a given day.

ISCRFP26-1 will be implemented through a two-step process, consisting of:

1. Step One Eligibility Application: A qualifying step through which the Proposer must provide evidence that the Project is eligible to create ISCs, has a reasonable pathway to achieve Minimum Eligibility Thresholds by the Step Two Non-Price Submission Deadline, and other general information about the Proposer and the Project.

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 Project and Proposer meet the Minimum Eligibility Thresholds; and (2) for Bid Proposals that meet those requirements, a competitive evaluation based on price and non-price factors.

Only those Projects found eligible under Step One will be permitted to submit a Step Two Bid Proposal. Only those Proposals found to have met all Minimum Eligibility Thresholds will be evaluated under Step Two.

Step One Application: Step One Applications must be **received by NYSERDA by 3:00 p.m. ET on Tuesday, December 15, 2026, via electronic submission on the solicitation website (preferred) or by mail.** NYSERDA uses Accion PowerPro to solicit bids via the solicitation website; all references to the solicitation website refer to the Accion PowerPro application and bid submission portal. 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 the Solicitations section of NYSERDA's Bulk Energy Storage Program website or NYSERDA's Current Funding Opportunities website.

NYSERDA intends to notify all prospective Proposers who submitted a Step One Eligibility Application as to their eligibility status by **Monday, January 11, 2027**. 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 a Price Phase. The Non-Price Submissions must **be received by NYSERDA by 3:00 p.m. ET on Thursday, February 25, 2027, via electronic submission on the solicitation website (preferred) or by mail**. The Price Submissions must be **received by NYSERDA by 3:00 p.m. ET on Wednesday, March 17, 2027, via electronic submission on the solicitation website (preferred) or by mail.** Instructions for submitting electronically and the link for electronic submissions will be included in a Proposer's Notice of Qualification.

NYSERDA recommends that Proposers set aside ample time, well in advance of each deadline, to gather the required information and documentation and to understand the requirements to complete the above processes. NYSERDA recommends that Proposers mark any commercially sensitive materials as "Confidential" or "Proprietary" in any submission made to NYSERDA pursuant to this RFP. Further information regarding confidentiality is set forth in Section 8.1.

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 NYISO's Open Access Transmission Tariff (OATT) and all applicable market rules.

All questions regarding ISCRFP26-1 must be directed to iscrfp26@nyserda.ny.gov or submitted via the solicitation website**.** Any general Bulk Energy Storage Program questions can be directed to bulkstorage@nyserda.ny.gov.

NYSERDA reserves the right to conduct meetings with any Proposer, and any question posed to NYSERDA, as well as any response provided by NYSERDA to a Proposer, may be publicly posted on the solicitation website. The Designated Contacts for ISCRFP26-1 are Abigail Randall, Bram Peterson, Seth Dunn, Mairead Milan, Ryan Hicks, Tania Marinos, Jennifer Clunie, and Aaron Rudyan.

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 consultant or 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 receiving an award.

Proposers should rely only on information regarding ISCRFP26-1 provided in this RFP and any associated written updates posted on the Solicitations section of NYSERDA's Bulk Energy Storage website and solicitation website when preparing Bid Proposals. Each Proposer shall be solely responsible for and shall bear all costs incurred in the preparation of its Bid Proposal(s) and/or participation in this RFP.

Incomplete submissions may be subject to disqualification. It is the Proposer's responsibility to ensure that all required forms and attachments have been completed and submitted. Late Step One Eligibility Applications and Step Two Bid Proposals will not be accepted. Faxed or e-mailed packages will not be accepted. Mailed packages containing paper submissions will be accepted with advance notice to NYSERDA. 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 Eligibility Thresholds.

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Acronyms and Definitions

Agreement – ISC Standard Form Agreement (SFA), provided in Attachment A, including Exhibits if applicable.

Alternate Bid Proposals – Option for Proposers to provide alternate information on the same Project. See Section 2.5 for more information on submitting Alternate Bid Proposals.

Annual Bid Quantity – Sum of the Monthly Bid Quantities set forth in Schedule 1 of the Agreement for each Settlement Period in a calendar year.

Applicable Law – All applicable provisions of all constitutions, treaties, statutes, laws (including the common law), rules, regulations, ordinances, and codes and any order, writ, injunction, decree, judgment, award, decision, or determination of any court of jurisdiction or any federal, state, municipal or other

governmental department, commission, board, bureau, agency, authority or instrumentality, including the NYISO tariffs.

Applicable Zone – The NYISO load zone that includes the Delivery Point. For the avoidance of doubt, a Project's Applicable Zone is the zone identified in its queue position with the NYISO.

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

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

Base Bid Proposal – The Bid Proposal submitted by a Proposer in response to this RFP, if submitted with Alternate Bid Proposal(s). The Base Bid Proposal is equivalent to the Bid Proposal, and Alternate Bid Proposals provide specific and targeted changes from the Base Bid Proposal. The Base Bid Proposal serves as the baseline against which Alternate Bid Proposals will be evaluated on both price and non-price scoring. See Section 2.5 for more information on submitting Alternate and Base Bid Proposals.

Benchmark ISC Cost – The confidential maximum price levels for the ISC offers that will be applied for purposes of determining eligibility for award, as further described in Sections 2 and 3 of this RFP.

BESS – Battery Energy Storage System, including the container, battery cell pack, inverter, battery management system, power conversion system, energy management system, and cooling system.

Bid Energy Capacity – The energy capacity of the entire Project as bid into this RFP, measured in MWh. The Bid Energy Capacity must equal the product of Bid Power Capacity (MW) and Bid Storage Duration (hours).

Bid Power Capacity – The power capacity of the entire Project as bid into this RFP, measured in MW.

Bid Proposal – Documents, including the Step Two Bid Form, submitted by Proposer in response to this RFP, also "Proposal."

Bid Storage Duration – The Energy Storage System (ESS) duration of the Project as bid into this RFP, in (integer) hours.

BTM – Behind-the-meter.

CAF – The Capacity Accreditation Factor for the CARC to which the Project has been assigned as determined by the NYISO based on Bid Storage Duration in accordance with the New Capacity Accreditation Rules.

CARC – The Capacity Accreditation Resource Class applicable to the Project as determined by the NYISO based on the Bid Storage Duration, technology type and location under the New Capacity Accreditation Rules.

CES – Clean Energy Standard.

CLCPA – Climate Leadership and Community Protection Act, or "Climate Act".

Co-located Project – A Project consisting of an energy storage resource and a generation resource that (1) are located behind the same, single point of injection; (2) participate separately in NYISO-administered markets; and (3) share a set of CSR scheduling limits. For clarity, if a Co-located Project meets NYISO requirements to be deemed a Co-located Storage Resource (CSR), then it meets the Co-located Project definition in this RFP.

Commercial Operation – A state of operational readiness of the Project under which (i) the Project has been mechanically constructed and interconnected, (ii) power capacity is available to physically store and discharge electric energy to the Delivery Point and qualify for the receipt of associated ISCs, and (iii) all rights, abilities, permits and approvals to store, schedule and discharge energy to the Delivery Point have been obtained; provided, however, that for the avoidance of doubt, discharge of electric energy for testing or other purposes prior to achievement of the foregoing clause (iii) shall not constitute Commercial Operation.

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

Commission – The New York Public Service Commission.

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 Project and electrical interconnection, as well as start-up and commissioning of the Project.

Contract Delivery Term – The period commencing on the first day of the month after the month in which the Project commences Commercial Operation. The Contract Delivery Term shall extend for the term of the Contract Tenor.

Contract Security – Security delivered to NYSERDA by a Proposer for its provisionally awarded Project 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 Contract Years, of the Contract Delivery Term, which will be set by the Proposer in its Bid Proposal, up to a maximum of 15 years for lithium-ion Projects and a maximum of 25 years for non-lithium-ion Projects.

Contract Year – A 12-month period commencing with the beginning of the Contract Delivery Term and each anniversary thereof within the Contract Delivery Term.

DEC – New York State Department of Environmental Conservation.

Delivery Point – 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 charging and discharging energy from the Project.

Disadvantaged Communities (DACs) – Has the meaning established by the Climate Act in § 75-0101(5) of the New York Environmental Conservation Law. The Climate Act directs the Climate Justice Working Group (CJWG) to establish criteria for identifying disadvantaged communities. The CJWG finalized the disadvantaged communities criteria on March 27, 2023. Communities meeting the criteria can be identified with the map found on the NYSERDA disadvantaged communities webpage and a list of census tracts that meet the disadvantaged community criteria can be found on the Climate Act Website under the "Disadvantaged Communities Criteria Documents" section.

Disadvantaged Community Commitments – The commitments contained in the Proposer's Bid Proposal and described in Section 6.10 of the Agreement.

DOS – New York Department of State.

DPS – New York State Department of Public Service.

Economic Benefits Start Date – December 28, 2022, the filing date of New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage.

Effective Date – The date on which NYSERDA and the Seller enter into the Agreement, as defined 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.

EO 192 – Executive Order No. 192, Imposing Continuing Vendor Integrity Requirements in State Contracts, issued and effective January 15, 2019.

ESS – Energy Storage System.

FDNY – New York City Fire Department.

FOIL – New York's Freedom of Information Law, Public Officers' Law Article 6.

Incremental Economic Benefits – Incremental Economic Benefits are financial expenditures benefitting New York State within the categories specified in Section 4.4 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 ISCs or in anticipation of the potential for such an award. Economic Benefits previously claimed with respect to a Project that are subject to a pending award under a previous solicitation or that are the subject of a current NYSERDA Agreement are not Incremental Economic Benefits.

ISCs – Index Storage Credits determined by the megawatt-hours (MWh) of a Project's Bid Energy Capacity deemed operational and available for discharge.

LIPA – Long Island Power Authority.

LSE – Load-Serving Entity.

Material Change – As defined in Section 5.4.

Minimum Eligibility Thresholds – Additional requirements, beyond the Eligibility and Contract Requirements, that proposed Projects must meet to be evaluated by the Scoring Committee (SC) and to be eligible for an award in ISCRFP26-1, as described in Section 4.1.

Monthly Availability Percentage – As defined in Section 3.2.3.

MW – A megawatt of energy storage power capacity. The MW rating of an energy storage system reflects maximum power capacity or the maximum amount of power that the system can deliver instantaneously.

MWh – A megawatt-hour of electric energy storage capacity. The MWh rating of an energy storage system reflects maximum energy capacity or the total amount of energy that the system can store over a period of time.

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

NYPA – New York Power Authority.

NYS (or "the State") – New York State.

OATT – NYISO's Open Access Transmission Tariff.

OEM – Original Equipment Manufacturer.

Operational Certification – Verification by NYSERDA that the Project has been constructed and will operate in accordance with the Bid Proposal, as further defined in the Agreement.

Orders – December 13, 2018 Energy Storage Order (Case No. 18-E-0130, In the Matter of Energy Storage Deployment Program, "Order Establishing Energy Storage Goal and Deployment Policy," issued and effective December 13, 2018), June 20, 2024 Energy Storage Order (Case No. 18-E-0130, In the Matter of Energy Storage Deployment Program, "Order Establishing Updated Energy Storage Goal and Deployment Policy," issued and effective June 20, 2024), and March 21, 2025 Energy Storage Order (Case No. 18-E-0130, In the Matter of Energy Storage Deployment Program, "Order Approving Bulk Implementation Plan with Modifications," issued and effective March 21, 2025).

ORES – New York State Office of Renewable Energy and Electric Transmission Siting. See https://dps.ny.gov/ores and regulations https://dps.ny.gov/ores-regulatory-documents.

Peaker Plant – Or "Peaker," combustion turbine that typically operates to maintain bulk power system reliability during the most stressful operation conditions, such as periods of peak electricity demand.

Peer Review – The peer review process as described in the Program Manual, whereby a Proposer or Seller's proposed energy storage system will undergo a multi-step technical design review.

Prevailing Wage – Shall have the meaning set forth at, and be interpreted in accordance with, Section 18.09 of the Agreement.

Program Manual – NYSERDA's Bulk Energy Storage Program Manual, available on NYSERDA's Bulk Energy Storage Program website.

Project – An electric storage facility that has been submitted by the Proposer for consideration in response to this RFP.

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

Public Disclosure – As further described in Attachment F. Non-Disclosure Agreement, the date on which NYSERDA or its designee announces publicly that a Proposer's proposal has been awarded.

QA Inspection – Quality assurance inspection in accordance with the Program Manual, which provides that after Peer Review approval is complete, QA Inspection will occur following the substantial completion of the energy storage project.

Qualified Personnel – Personnel who, by possession of a recognized degree, certificate, or professional standing, or extensive knowledge, training, and experience, has demonstrated the ability to solve or design subject-matter problems.

Reference Capacity Price (RCP) – A price index used to approximate a Project's capacity market revenues, based on NYISO Capacity Market prices for the Applicable Zone calculated as set forth in Section 4.01 of the Agreement. The RCP is calculated at the monthly level.

Reference Energy Arbitrage Price (REAP) – A price index used to approximate a Project's energy market revenues, based on NYISO hourly zonal day-ahead Locational-Based Market Prices, calculated as set forth in Section 4.01 of the Agreement. The REAP is calculated at both the daily and monthly levels.

Reference Price – For any Settlement Period, the sum of the Reference Energy Arbitrage Price and the Reference Capacity Price for such period.

Roadmap – June 21, 2018, Energy Storage Roadmap (Case No. 18-E-0130, In the Matter of Energy Storage Deployment Program, "New York State Energy Storage Roadmap and Department of Public Service/New York State Energy Research and Development Authority Staff Recommendations"), and December 28, 2022 Energy Storage Roadmap (Case No. 18-E-0130, In the Matter of Energy Storage Deployment Program, "New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage").

Root Cause Summary – A report prepared by qualified personnel that examines the root cause of a thermal event that occurred at an energy storage facility. NYSERDA may require that a Root Cause Summary (1) identify the likely cause(s) of such event; (2) describe the event sequence; (3) summarize relevant system and operational data reviewed; (4) identify corrective actions; and (5) provide supporting evidence demonstrating that involved equipment can be safely returned to service or installed for future projects.

Round-Trip Efficiency (RTE) – The uniform round-trip efficiency assumption, reflected as a percentage, established in this RFP for the Project based on its technology and duration, as defined in Section 3.2.2.

Scoring Committee (SC) – Members of NYSERDA staff, DPS Staff, and Independent Evaluators (outside reviewers who possess proficiency in the evaluation of energy storage projects) responsible for evaluating Bid Proposals received through this RFP.

Seller – The Proposer or other entity designated by an awarded Proposer that enters into the Agreement with NYSERDA to sell ISCs to NYSERDA pursuant to this RFP.

Settlement Period – A period of a calendar month for which a Monthly Settlement Payment is calculated.

Step Two Bid Form – or "Bid Form", the online form, or the questions as provided by NYSERDA on the solicitation website, that a Proposer must submit as part of its Step Two Bid Proposal.

Strike Price – The strike price per ISC offered by Proposer, from which the Reference Price is deducted as described in Section 3.2.1 and as set forth in Schedule 1 of the Agreement.

Technology Readiness Level (TRL) – A measure of the maturity level of a technology. TRL8 indicates that the technology development is completed and qualified for commercial roll-out through pilot and demonstration projects. The technology has been proven to work in its final form and under expected conditions, and the full-scale system has been fully integrated into an operational environment.

1 Introduction: Energy Storage in New York

New York began establishing energy storage goals in 2018, with the State's first Energy Storage Roadmap,[1] which developed recommendations for the New York State Energy Research and Development Authority (NYSERDA) and the Department of Public Service (DPS) to deploy 1,500 megawatts (MW) of energy storage by 2025. The Commission adopted many of the recommendations from the Roadmap in the *Order Establishing Energy Storage Goal and Deployment Policy*[2] in late 2018, including the expansion of the goal to deploy 3,000 MW of energy storage by 2030. This target was codified in the 2019 Climate Leadership and Community Protection Act (CLCPA).

In 2022, New York Governor Kathy Hochul announced a doubling of the 2030 energy storage deployment target in her *State of the State* address.[3] This nation-leading storage target, recommended in the Climate Action Council's Scoping Plan, called for deploying 6 gigawatts (GW) of energy storage by 2030, while maintaining the interim 1,500 MW by 2025 goal set by the 2018 Roadmap. To meet this accelerated timeline, Governor Hochul directed NYSERDA and DPS to update the State's Energy Storage Roadmap. In December of 2022, NYSERDA and DPS submitted the updated Energy Storage Roadmap[4] with recommended policy actions to achieve the 6 GW energy storage goal. The 2022 Roadmap outlined a two-pronged approach to energy storage procurement. The first prong, addressed with this Request for Proposals (RFP), recommended procuring 3,000 MW of bulk energy storage projects with the creation of a new Index Storage Credit (ISC) mechanism. The second prong recommended that retail and residential storage programs also address the energy storage goal.

On June 20th, 2024, the Commission released the *Order Establishing Updated Energy Storage Goal and Deployment Policy* ("2024 Energy Storage Order").[5] This Order adopted many of the recommendations from the updated Roadmap, including directing NYSERDA to conduct a minimum of three bulk energy storage procurements using the ISC mechanism.

NYSERDA filed a Bulk Energy Storage Program Implementation Plan Proposal[6] on October 18th, 2024, detailing NYSERDA's proposed approach to issuing bulk energy storage procurements. This plan was open for public comment and was ultimately approved with modifications[7] by DPS on March 21, 2025. NYSERDA submitted the final Bulk Energy Storage Program Implementation Plan on April 18, 2025.[8]

The latest Bulk Energy Storage Program Manual, which details the technical requirements for quality assurance, measurement and verification, and fire safety that ISCRFP26-1 awardees must follow, was filed with the Commission on November 5th, 2025.[9] The Program Manual incorporates the recommendations of New York's Inter-Agency Fire Safety Working Group for the 2025 NYS Fire Code,

[1] Case 18-E-0130, In the Matter of Energy Storage Deployment Program. "New York State Energy Storage Roadmap," filed June 21, 2018.
[2] Case 18-E-0130, In the Matter of Energy Storage Deployment Program. "Order Establishing Energy Storage Goal and Deployment Policy," issued and effective December 13, 2018.
[3] https://www.governor.ny.gov/programs/2022-state-state
[4] Case 18-E-0130, In the Matter of Energy Storage Deployment Program. "New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage," filed December 28, 2022.
[5] Case 18-E-0130, In the Matter of Energy Storage Deployment Program. "Order Establishing Updated Energy Storage Goal and Deployment Policy," issued and effective June 20, 2024.
[6] Case 18-E-0130, In the Matter of Energy Storage Deployment Program. "Bulk Energy Storage Implementation Plan Proposal," filed October 18, 2024.
[7] Case 18-E-0130, In the Matter of Energy Storage Deployment Program. "Order Approving Bulk Implementation Plan with Modifications," issued and effective March 21, 2025.
[8] Case 18-E-0130, In the Matter of Energy Storage Deployment Program. "Bulk Energy Storage Program Implementation Plan," filed April 18, 2025.
[9] Case 18-E-0130, In the Matter of Energy Storage Deployment Program. "NYSERDA Bulk Energy Storage Program Manual," filed November 5, 2025.

which were adopted in July 2025 by the New York State Code Council and took effect on January 1, 2026.

On July 28, 2025, NYSERDA issued the inaugural Index Storage Credit solicitation, ISCRFP25-1. This RFP, ISCRFP26-1, is the second bulk energy storage procurement being released in accordance with the Commission's Orders and in pursuit of meeting New York's energy storage goals.

1.1 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 2024 Energy Storage Order, NYSERDA must issue a minimum of three bulk energy storage solicitations. Through this RFP, NYSERDA intends to award long-term contracts that will purchase ISCs from energy storage projects when projects are operational and available for dispatch.

NY Green Bank, a division of NYSERDA, is a specialized investment fund that supports the deployment of clean energy and renewable infrastructure across New York State through project financing solutions. By lending directly to projects or alongside private sector capital providers, NY Green Bank aims to bridge financing gaps, support the build-out of green infrastructure, and mobilize private investment into key market sectors. NY Green Bank seeks to deploy its capital where other capital may find challenges or to fill gaps that exist in commercial financing offerings. In early 2026, DPS ordered NY Green Bank[10] to utilize 25% of its capital for energy storage financings for the next five years. This Order allows NY Green Bank to significantly increase its finance offerings from previous levels for energy storage projects in NY State.

Where traditional lenders may see obstacles — such as unfamiliarity with asset classes, perceived uncertainty in revenue streams, and small transaction sizes — NY Green Bank identifies opportunities to propel the green economy in key sectors that include building decarbonization, clean transportation, and energy storage. By developing scalable, replicable financing models, NY Green Bank aims to pave the way for increased private sector investment in NYS' energy market.

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:

- Development stage 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/contracts, 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. Proposers with questions about NY Green Bank financing offerings can also contact the bank at info@greenbank.ny.org or on its website at greenbank.ny.gov.

1.2 The Index Storage Credit Mechanism

The Index Storage Credit (ISC) is a market-based mechanism modeled on the index Renewable Energy Certificate (REC) and index Offshore Wind Renewable Energy Certificate (OREC) approaches utilized in NYSERDA's Large-Scale Resources procurements. Similar to the index REC, the ISC, purchased by NYSERDA following commercial operation of the contracted project, is structured to provide project owners with greater revenue certainty by indexing the purchase price of the ISC to wholesale market energy and capacity prices. Under the ISC solicitations, one ISC is equivalent to one MWh of discharge

[10] Case 13-M-0412, Petition of NYSERDA to Provide Initial Capitalization for the New York Green Bank and Case 14-M-0094, Proceeding on Motion of the Commission to Consider a Clean Energy Fund. "Order Modifying New York Green Bank," issued and effective January 23, 2026.

capability per day (i.e., a 20 MW/80 MWh energy storage project will be capable of creating 80 ISCs per day if fully available).

Central to the ISC and the procurement evaluation process is the Strike Price that storage project developers bid under the ISC competitive solicitations. This Strike Price is intended to approximate the revenue threshold needed to achieve project viability and proceed through project development to construction and commercial operation. The price paid by NYSERDA for each ISC will be calculated as the difference between the Strike Price and Reference Price. The Reference Price will be calculated based on wholesale energy and capacity market prices intended to reflect an approximation of the available market revenues that a Project could reasonably earn under typical operations. Projects are not required to participate in these markets and retain market incentives to optimize revenue. Payments will be made by NYSERDA to the developer when the Strike Price exceeds the Reference Price, and vice versa. Strike Price submission and evaluation, and the calculation of the monthly ISC price for evaluation and settlement, are detailed in Sections 3.1 and 3.2.

The results of the first Index Storage Credit solicitation, ISCRFP25-1, were announced on September 23, 2026. Major changes from ISCRFP25-1 include (1) new eligibility language for Projects sited at existing barge-mounted or overwater locations that, in either case, include fossil fuel generating facilities (see Section 2.1.1), (2) new eligibility language for Projects awarded in ISCRFP25-1 (see Section 2.1.1), (3) new section introducing a Tariff-Related Refund Benefit (see Section 3.4.2), (4) new structure for Attachments, including consolidating previous Attachments into Attachment E. Project Development Plan (see Section 4), (5) updated Minimum Eligibility Thresholds, particularly for interconnection eligibility (see Section 4.1), (6) clarifications on Changes of Control (see Section 8.2), and (7) clarifications on requests for additional information and due diligence (see Section 8.13).

1.3 Schedule

The schedule for ISCRFP26-1 is as follows (all times ET):

Table 1. ISCRFP26-1 Schedule

Milestone	Date
ISCRFP26-1 Issuance Date	Thursday, November 12, 2026
Proposer's Webinar	Monday, November 23, 2026, at 1:00 p.m. ET
Step One Eligibility Application Submission Deadline	**Tuesday, December 15, 2026, by 3:00 p.m. ET**
NYSERDA advances eligible Proposers to Step Two	Monday, January 11, 2027
Deadline to submit proposed material changes to the Attachment A. ISC Standard Form Agreement	Friday, January 15, 2027, by 5:00 p.m. ET
Deadline to submit written questions to NYSERDA	Thursday, January 28, 2027
Question responses posted by NYSERDA	Thursday, February 4, 2027
NYSERDA posts final Attachment A. ISC Standard Form Agreement	Monday, February 22, 2027
NYSERDA posts final $Index_B$ values applicable to CCIA Alternate Bids	Monday, February 22, 2027
Bid Fee Deadline	**Wednesday, February 24, 2027**
Step Two Bid Proposal, Non-Price Submission Deadline	**Thursday, February 25, 2027, by 3:00 p.m. ET**
Step Two Bid Proposal, Price Submission Deadline	**Wednesday, March 17, 2027, by 3:00 p.m. ET**
NYSERDA notifies Proposers of provisional awards	Expected by the end of Q2 2027
Public Disclosure event	Expected by the end of Q4 2027

Proposers are advised that the above dates are subject to change. NYSERDA will endeavor to post answers to Proposer questions received by Thursday, January 28, 2027 on the public Q&A page of the solicitation website by Thursday, February 4, 2027. Proposers may ask questions after Thursday, January 28, 2027, and NYSERDA may answer questions after Thursday, February 4, 2027, but

Proposers are strongly encouraged to ask questions by Thursday, January 28, 2027. Notification of any changes to the solicitation schedule or documents will be posted on the Solicitations section of NYSERDA's Bulk Energy Storage Program website and sent via email to those parties who have submitted an application and/or Bid Proposal to ISCRFP26-1 and parties that have submitted contact information to NYSERDA through the Connect With Us page on the Bulk Energy Storage website.

2 Eligibility and Submission Requirements

All Proposers must submit all required documents (Table 2) as part of both the Step One Eligibility Application and Step Two Bid Proposal to be eligible for evaluation and award. All submission requirements must reflect the most accurate and up-to-date information known by the Proposer at each bid submission deadline.

ISCRFP26-1 Bid Proposals under review must maintain all eligibility requirements, as detailed in Section 2.1, throughout evaluation and up until the time of Agreement execution, if applicable, after which the executed Agreement will be the governing document. Evaluation of each submission requirement is further detailed in Sections 3 and 4. All submission requirements listed in Table 2 must be provided via the solicitation website (preferred) or via mail. Details on the contents of Step One submission requirements are included in Section 2.3, and Step Two submission requirements are included in Section 2.4, Section 3, and Section 4. Attachments are available to Proposers on the Solicitations section of NYSERDA's Bulk Energy Storage Program website and on the solicitation website.

Table 2. Submission Requirements

Step One Submission Requirements	Step Two Submission Requirements[11]	
	Non-Price Phase	Price Phase
• Complete Step One Eligibility Application, submitted via the solicitation website • Signed EO 16 Form • Signed EO 192 Form • *For non-lithium-ion Projects ≥8-hour Bid Storage Duration*: Evidence of TRL8, as described in Section 2.1.2.	• Non-Price Submission towards a complete Step Two Bid Proposal, including the Bid Form and all required documents and Attachments, submitted via the solicitation website. • Attachment B. Public Project Summary • Attachment C. Executive Summary • Attachment D. Bid Data Form • Attachment E. Project Development Plan • Attachment F. ISCRFP26-1 Non-Disclosure Agreement • All applicable evaluation documentation as listed in the "Submission Requirements" in Sections 4.2.1 through 4.2.8. • AHJ notification about the Project's participation in ISCRFP26-1 to meet the Stakeholder Engagement Minimum Eligibility Threshold. • Proof of Bid Fee payment.	• Price Submission towards a complete Step Two Bid Proposal, including Strike Price, submitted via the solicitation website. • Attachment G. Cost Assumptions

[11] Submission requirements are further described in Section 4.

2.1 Eligibility and Contract Requirements

2.1.1 Program Eligibility Requirements

Proposers are eligible to apply for an award under this RFP if the proposed Project meets the following program eligibility requirements:

- Project must utilize storage technology that is electrical, chemical, mechanical, or thermo-electric.
- Project must store energy for electrical discharge to the grid at a later time.
- Project must have a minimum capacity of 5 megawatts alternating current (MWac) power.
- Project must be electrically interconnected in New York State to the transmission, sub-transmission, or distribution system (i.e., not behind-the-meter).

Projects do not need to be physically located in New York State, so long as the Project is electrically interconnected to, and can discharge electricity to, New York State's electric grid. Co-located Projects are eligible for an award. Only the storage portion of a Co-located Project is eligible for an award.

NYPA- and LIPA-proposed Projects have additional eligibility requirements, detailed in Section 2.1.6.

Projects are ineligible for an ISC award if they are receiving, have received, or plan to receive certain New York bulk energy storage incentives specific to the Project. These incentives include (1) a contract under NYSERDA's Market Acceleration Bridge Program, (2) an awarded or executed Tier 1 REC or OREC contract that includes an Energy Storage component (or other similar contractual mechanism for the energy storage resource) and has not been appropriately adjusted, or (3) a contract with the Utility Bulk Dispatch Rights Program. In the Step One Eligibility Application, Proposers must certify that they are not receiving the funding sources described here. Projects that receive funding from NYSERDA's Residential and Retail Storage Incentives[12] or from the Value of Distributed Energy Resources (VDER) mechanism are not eligible for an award in ISCRFP26-1. Projects with active NYSERDA Innovation funding, or seeking current or future NYSERDA Innovation funding, are eligible to participate if they meet RFP eligibility requirements. Projects that receive financing from New York Green Bank are eligible to participate if they meet RFP eligibility requirements.

Only land-based Projects are eligible for evaluation and award, unless the Project is sited at an existing barge-mounted or overwater location that, in either case, includes fossil fuel generating facilities. See Section 4.1 for additional details on these Projects' specific Minimum Eligibility Threshold.

Projects proposed in communities with active energy storage moratoria are eligible to participate if they meet RFP eligibility requirements and maintain eligibility. Moratoria are an important consideration in Project development. NYSERDA recognizes that moratoria represent a development timeline uncertainty outside the Proposer's control. Projects will be evaluated in part based on the requirement to describe any active moratoria and any impacts on the proposed Project development schedule submitted in the Project Development Plan (see Section 4.2.2 for details on submission requirements). Projects are required to abide by all Applicable Laws, which may include applicable local moratoria, and Proposers should plan their Project development timelines accordingly. Though local moratoria do not impact Project eligibility, Proposers must notify NYSERDA if the Project's moratorium status changes throughout the Bid Proposal evaluation period and, if provisionally awarded, up to the execution of the Agreement by the Proposer and NYSERDA.

[12] https://www.nyserda.ny.gov/All-Programs/Energy-Storage-Program/Developers-and-Contractors/Residential-and-Retail-Storage-Incentives

Projects that are behind-the-meter or that represent aggregated behind-the-meter resources are not eligible for an award in ISCRFP26-1.

Operational projects or projects that issued a Full Notice to Proceed on or before the 2025 Bulk Energy Storage Approving Order issuance date (March 21, 2025) are not eligible for evaluation or award under this RFP. Proposers may add bulk energy storage to an existing or operational renewable energy facility so long as the Proposal follows the co-location program eligibility requirements.

Any Project that was the subject of a provisional award under NYSERDA's ISCRFP25-1 solicitation that failed to execute an ISC Agreement with NYSERDA shall be ineligible under this RFP.

All Proposers must maintain program eligibility throughout the application and, if awarded, the contracting process. It is incumbent on the Proposer to inform NYSERDA in a timely manner if any changes occur to a Project that may alter its eligibility during the application, evaluation, and/or contracting process.

2.1.2 Eligible Storage Technologies

NYSERDA will evaluate all eligible Proposals with a technology-neutral approach. This is not an innovation RFP; for Projects with less than 8-hours (<8) Bid Storage Duration, eligible Projects must propose a storage technology that has been previously Commercially Deployed and electrically interconnected to a transmission, sub-transmission, or distribution system, in compliance with the specific requirements set forth in Section 4.1 of this RFP. For Projects with 8 or more hours (≥8) Bid Storage Duration, eligible Projects must demonstrate that the proposed storage technology has achieved a Technology Readiness Level 8 (TRL8), which generally indicates commercial readiness, and has an installed, working example that is technologically identical or near identical to the proposed development of 1 MWac or greater. Projects proposing to use lithium-ion battery technology with ≥8-hours Bid Storage Duration shall be deemed to have satisfied this requirement and are thus not required to provide evidence of TRL8 or higher.

Proposers with Projects with ≥8-hours Bid Storage Duration are encouraged to use NYSERDA's Technology and Commercialization Readiness Level Calculator[13] to determine the proposed technology's TRL and are required to submit information supporting a TRL8 determination in the Step One Eligibility Application. Information supporting a TRL8 determination can include, but is not limited to, a completed NYSERDA Technology and Commercialization Readiness Level Calculator, a detailed description of how TRL8 has been achieved and a summary of any risks to reaching technology maturity beyond TRL8, documentation of other installations supporting the TRL8 determination, and performance metrics indicating that the technology has been fully integrated into an operational environment.

Storage technologies that have not been deployed under these conditions are not eligible for evaluation under this RFP. See Section 4.1 for more information on Minimum Eligibility Thresholds. NYSERDA may ask clarifying questions about the proposed technology or request proof that the technology has been previously deployed and operational in order to determine program eligibility.

Proposers must disclose additional information about the storage technologies in their Step One Eligibility Application on the solicitation website, including the specific storage technology used and its battery chemistry in the case of electrical or chemical storage technologies.

2.1.3 In-Service Date

Pursuant to the 2024 Energy Storage Order, all Projects seeking an ISC award must be capable of completing construction and being placed in-service by December 31, 2030. As set forth in the Agreement, NYSERDA has the flexibility to adjust or extend the in-service date on a project-by-project basis if a developer provides evidence that the Project has been delayed due to conditions beyond the control of the developer and that the Project has commenced construction on or before December 31,

[13] NYSERDA's Technology and Commercialization Readiness Level Calculator is included as a resource on the solicitation website.

2030. If the Project has an in-service date estimate from the interconnecting entity beyond December 31, 2030, Proposers must include plans to shorten estimates in the interconnection portion of their Step Two Non-Price Submission. Section 4.2.1 has additional details on interconnection submission requirements and evaluation.

2.1.4 Safety and Security Requirements; Program Manual

Awarded Projects must maintain all safety and security requirements detailed in the Bulk Energy Storage Program Manual under Sections 4, 5, and 6. The Program Manual details requirements at multiple stages of project development, including the required Peer Review process, Quality Assurance (QA) Inspection, and development and execution of emergency response plans and first responder training. Proposers will be required to fully detail the current state of safety and security planning for the proposed Project in the Attachment E. Project Development Plan submitted with the Step Two Non-Price Submission, described in Section 4.2.3. Once a Project is awarded and under contract, awardees must demonstrate compliance with all safety and security requirements in accordance with the Program Manual before commencing operations by completing all required Peer Review and QA Inspection requirements and completing the Operational Certification process with NYSERDA.

Awarded Projects must comply with the Program Manual. The Program Manual may be updated by NYSERDA at any time, and NYSERDA will provide notice of all such changes to Sellers in accordance with the Agreement. Proposers should review Section 6.07 of the Agreement for further details on compliance with Program Manual updates.

2.1.5 Contract Tenor

The duration of ISC incentive payments to contracted Projects is set by the Contract Tenor submitted by the Proposer as part of the Step Two Bid Proposal.

For lithium-ion Projects, the maximum Contract Tenor is 15 years. For non-lithium-ion Projects, the maximum Contract Tenor is 25 years. Proposers must specify their Contract Tenor in their Step Two Bid Proposal via the solicitation website.

2.1.6 NYPA and LIPA Proposed Project Eligibility

The New York Power Authority (NYPA) has stated its intent to, under its expanded authority, develop bulk energy storage projects to compete in ISC solicitations and contract with NYSERDA. As established in the 2025 Bulk Energy Storage Approving Order, to the extent that revenue from such projects is structured to directly benefit groups other than NYPA power customers (such as in NYPA's Renewable Energy Access and Community Help (REACH) program, or through other project-specific benefits), NYPA-developed projects are eligible to participate in ISC solicitations and receive ISC awards. However, the 2025 Approving Order also provides that to the extent that project revenues directly benefit NYPA customers, the applicable project(s) are only eligible to participate in ISC solicitations and receive ISC awards if NYPA is fully participating and accepting ISC obligations as an LSE.

Per the 2025 Bulk Energy Storage Approving Order and Final Implementation Plan, NYSERDA, NYPA, and DPS have identified two paths to project eligibility. The first path involves a project's commitment to making direct REACH program contributions. Each NYPA-proposed project shall, in its Step Two Bid Proposal, include any annual REACH program contributions that could be committed to at the time of bid in its Bid Data Form. REACH program contributions shall also be incorporated into Section 6.10 (and detailed in Appendix Exhibit H) of the ISC Standard Form Agreement. Contributions will be substantiated as with all economic benefits claims through the reporting required under Sections 6.04 and 6.10 of the ISC Agreement.

NYPA-developed projects will also be deemed eligible if the Proposer is the New York Renewable Energy Development Holdings Corporation (NYRED) or a NYRED-controlled entity. NYPA is committed to using all net revenue (after accounting for all Project expenses and potential REACH contributions) resulting from ISC-contracted NYRED Projects for further investment in the State's clean energy transition. The revenue will be used either to reinvest in renewable projects developed and owned by NYRED or to

develop energy generation projects necessary to achieve legislative or State policy directives. This use of net revenue to support the State's clean energy transition provides direct benefits to groups other than NYPA power customers and thus constitutes a basis for eligibility independent of REACH contributions. NYSERDA and DPS will continue to 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 ISC Agreement.

To the extent that LIPA may be independently procuring bulk energy storage projects that will be credited against their LSE load-share obligations, nothing precludes Proposers from participating in NYSERDA's ISC solicitations with projects in the LIPA service territory, subject to meeting all other program eligibility requirements. For the avoidance of doubt, LIPA's voluntary participation as a non-jurisdictional LSE, with load-share obligations, also does not preclude broader eligibility of projects in its territory.

2.2 Storage Procurement Targets & Caps

Overall bulk energy storage program procurement targets related to bid storage duration and geographic distribution are described in Sections 2.2.1 and 2.2.2 below. These targets may be advanced by NYSERDA and DPS via the use of Portfolio Risk Factors (See Section 6.2). NYSERDA and/or DPS intend to release data on progress towards these targets following each completed solicitation.

2.2.1 Bid Storage Duration

ISCRFP26-1 is seeking to procure energy storage resources in two Bid Storage Duration categories: (1) less than eight hours, and (2) eight or more hours. These two resource Bid Storage Duration categories will be referred to as <8-hour and ≥8-hour.

Two-hour resources are permitted to bid in the <8-hour category. However, NYSERDA will cap the amount of awarded 2-hour resources at 10% of the total 3 GW of planned bulk energy storage procurements.

NYSERDA has a target for the overall awardee group of each procurement to include 20% ≥8-hour duration resources. If ISCRFP26-1 does not attract at least 20% of viable ≥8-hour projects, NYSERDA may allocate the remaining procurement volume to the <8-hour duration category, and/or adjust future solicitation procurement targets in consultation with DPS.

2.2.2 Geographic Distribution

ISCRFP26-1 is also seeking to procure energy storage resources across geographic targets. Across all three bulk energy storage procurements, NYSERDA has a target of a minimum 35% of energy storage capacity procured in NYISO Zones G – K. Of this 35%, a minimum 30% target applies to Zone J, and a minimum 5% target applies collectively to Zones G, H, I, and K. Energy storage resources deployed in these geographies have the greatest potential to benefit Disadvantaged Communities and/or reduce emissions from Peaker Plants. Additional evaluation criteria on Peaker Plant displacement and Disadvantaged Community benefits are detailed in Sections 4.3 and 4.4.

2.3 Step One Eligibility Application Submission Requirements

Step One is an initial qualifying step through which the Proposer must confirm that the Project is eligible for evaluation under ISCRFP26-1 and provide other key information about the Proposer and the Project. Step One Eligibility Applications will be examined for completeness and eligibility. NYSERDA will determine whether the Proposer and Project meet all the Eligibility and Contract Requirements outlined in Section 2.1 at the time of Step One Eligibility Application Submission Deadline, and whether it is feasible for the Proposer and Project to meet all Minimum Eligibility Thresholds, outlined in Section 4.1, by the Step Two Non-Price Submission Deadline.

NYSERDA recommends that any interested, prospective Proposer submit a Step One Eligibility Application prior to Tuesday, December 15, 2026, as to not foreclose the opportunity to participate in ISCRFP26-1. Proposers unsure of their Project's program or minimum threshold eligibility are encouraged

to detail in their Step One Eligibility Application any questions or concerns with achieving all eligibility requirements for the subject Project. NYSERDA will communicate any potential eligibility concerns to Proposers following the review of Step One Eligibility Applications. Step One applicants are not required to submit a Step Two Bid Proposal.

Step One requires a completed Step One Eligibility Application, a signed EO 16 Form, and a signed EO 192 Form to be submitted via the solicitation website. The EO 16 Form and EO 192 Form can be found on the Documents tab of the solicitation website.

Proposers must demonstrate in their Step One Eligibility Applications that the Project meets all Eligibility and Contract Requirements. A complete Step One Eligibility Application will include:

- Project and site description.
- Written confirmation that the Project meets all Eligibility and Contract Requirements (Section 2.1).
- Written certification that Minimum Eligibility Thresholds have been met or will be achieved by the time of the Step Two Non-Price Submission Deadline.
- Proposer contact information.

Subject to Section 8.13, 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. If Proposals are deemed eligible after NYSERDA review, Proposers will receive a Notice of Qualification permitting the Proposal to progress to Step Two.

Only those Proposers qualified through the Step One Eligibility Application process will be permitted to submit a Step Two Bid Proposal.

Subject to Section 8.13, Proposers whose Step One Eligibility Applications are found not to satisfy the Eligibility and Contract Requirements, not to have a feasible pathway to meeting all Minimum Eligibility Thresholds by the Step Two Non-Price Submission Deadline, or to be deficient in some other respect will receive notification that they are not eligible to submit a Step Two Bid Proposal.

The complete Step One Eligibility Application **must be received by NYSERDA no later than 3:00 p.m. ET on Tuesday, December 15, 2026, via the solicitation website (preferred) or by mail. Late submissions will not be accepted.**

2.4 Step Two Bid Proposal Submission Requirements

After NYSERDA's review of Step One Eligibility Applications, eligible 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 Strike Price and more detailed information about the Project and the Proposer. All Step Two Bid Proposals must be submitted electronically via the solicitation website (preferred) or by mail. Instructions on how to submit a Step Two Bid Proposal will be provided to eligible Proposers that are issued a Notice of Qualification.

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 ISCRFP26-1 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 Phase submission requirements, detailed in Sections 4.1, 4.2, 4.3, and 4.4 by February 25, 2027. After submitting the Non-Price Phase of the Step Two Bid Proposal, Proposers will be notified when the solicitation website is open for the Price Phase. In the Price Phase of the Step Two Bid Proposal, Proposers will **only** have the option to submit a Strike Price and Attachment G. Cost Assumptions. Table 2 lists all submission requirements in both Phases of Step Two. Once Proposers submit the Strike Price by March 17, 2027, their Step Two Bid Proposal is complete. Proposals that do

not submit a Strike Price by the Step Two Price Submission Deadline will be deemed incomplete and rejected.

Should a Proposer wish to submit a Step Two Bid Proposal which (1) modifies the Bid Power Capacity, (2) modifies the Bid Storage Duration, and/or (3) utilizes the Component Cost Indices Adjustment, the Proposer should see Section 2.5 for additional instructions on submitting Alternate Bid Proposals.

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

If a Proposal's Strike Price exceeds the Benchmark ISC Cost, it will be deemed ineligible and not evaluated further. See Section 3.3 for additional details on the Benchmark ISC Cost. Proposers that submit a Step Two Bid Proposal that does not meet all the Minimum Eligibility Thresholds by the Step Two Non-Price Submission Deadline will be removed from consideration and will not be eligible for an award.

The Step Two Non-Price Submission **must be received by NYSERDA no later than 3:00 p.m. ET on February 25, 2027, via the solicitation website (preferred) or by mail.** The Step Two Price Submission **must be received by NYSERDA no later than 3:00 p.m. ET on March 17, 2027, via the solicitation website (preferred) or by mail. NYSERDA strongly recommends that Proposers reserve ample time to address the requirements for each Project.**

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 are 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 8.1).

A complete Step Two Bid Proposal includes:

1. Non-Price and Price Submissions, submitted via the solicitation website (preferred) or by mail.
2. All required materials listed in Table 2.
3. A complete Step Two Bid Form.
4. A Bid Fee payment.

All documents listed in Table 2 must be submitted via the solicitation website (preferred) or by mail. All required fields in all attachments and in the Step Two Bid Form must be populated for the Proposal to be considered complete. All blank attachment templates for submission can be found on the Documents tab of the solicitation website. See Section 5.2 for instructions on submitting the Bid Fee. Proposers will have an opportunity to submit optional comments to the Agreement via the solicitation website. See Section 2.6.1 for instructions on submitting comments to the Agreement.

2.5 Alternate Bid Proposals

An Alternate Bid Proposal is a Proposal that (1) modifies the Bid Power Capacity of the Base Bid Proposal, (2) modifies the Bid Storage Duration of the Base Bid Proposal, and/or (3) utilizes the Component Cost Indices Adjustment (CCIA) mechanism. The Base Bid Proposal is the Proposal with the greatest Bid Power Capacity (MW). Proposers may submit a maximum of three Alternate Bid Proposals in addition to the Base Bid Proposal. Alternate Bid Proposals can opt into any combination of Alternate Bid Power Capacity, Alternate Bid Storage Duration, and/or CCIA. Alternate Bid Proposals cannot modify the Contract Tenor.

To submit Alternate Bid Proposals, Proposers are encouraged to indicate in the Step One Eligibility Application the intent to submit one or more Alternate Bid Proposal(s). Proposers will provide confirmed Alternate Bid Proposals during the **Step Two Non-Price Phase**, subject to any Alternate Bid Proposals maintaining eligibility under all ISCRFP26-1 requirements. Proposers will not have the opportunity to revise or add Alternate Bid Proposals during the **Step Two Price Phase**. Proposers may withdraw Alternate Bid Proposals at any time during the Step Two Non-Price and/or Price Phases.

A separate Step One Eligibility Application is not required for each Alternate Bid Proposal. Each Alternate Bid Proposal and Base Bid Proposal can have a different Strike Price. Strike Prices for both Alternate and Base Bid Proposals are submitted via the Step Two Bid Form and should include cost assumptions for both the Alternate Bid(s) and Base Bid Proposal in Attachment G. Cost Assumptions. The submission of Alternate Bid Proposals will require additional details to be entered in Attachment D. Bid Data Form. The submission of Alternate Bid Proposal(s) does not require multiple Bid Fee payments – only one Bid Fee is required for each Project. The Bid Fee will be calculated based on the Base Bid Proposal. A Proposer may not condition the acceptance of one Step Two Bid Proposal based on the withdrawal or acceptance of other Alternate Bid Proposals. NYSERDA will award at most one Bid Proposal per Project.

2.5.1 Alternate Bid Power Capacity and Bid Storage Duration Proposals

Project configurations representing different Bid Power Capacities and/or Bid Storage Durations may be submitted as Alternate Bid Proposals. Proposers electing to submit with a different Bid Power Capacity and/or Bid Storage Duration for the same Project are encouraged to select the option for an Alternate Bid Proposal with a different Bid Power Capacity and/or Bid Storage Duration in the Step One Eligibility Application. Proposers must enter information representing both the Base Bid Proposal and any Alternate Bid Proposal(s) in Attachment D. Bid Data Form submitted with the Step Two Non-Price Submission.

2.5.2 Component Cost Indices Adjustment

Proposers whose Projects have not yet been issued a Full Notice to Proceed may submit Alternate Bid Proposal(s) with a Component Cost Indices Adjustment (CCIA), a price structure where the Strike Price would be subject to a one-time adjustment to reflect changes in a pre-determined price index following the Price Submission Deadline. Proposers interested in submitting Alternate Bid Proposals with a lithium-ion CCIA are encouraged to select the option for a CCIA Alternate Bid Proposal in the Step One Eligibility Application, as described in Section 2.5. Projects that have issued a Full Notice to Proceed are not eligible to submit an Alternate Bid Proposal with a CCIA.

For Alternate Bid Proposals in which Proposers opt into CCIA, the Strike Price will be adjusted to account for component cost changes between the Price Submission Deadline ($Index_B$) and the issuance of a Full Notice to Proceed ($Index_T$) for the Project. This adjustment, governed by Section 5.03 and Exhibit G of the Agreement, will be based on multiple indices reflective of their share of energy storage costs. Strike Price adjustments will be subject to a 12% cap and floor, meaning that CCIA-adjusted Strike Prices will be adjusted up to 12% greater than the original Strike Price and will not be adjusted downwards more than 12% below the original Strike Price. The 12% cap and floor are intended to protect ratepayers and developers from excessive component cost volatility. $Index_B$ values will be issued by NYSERDA on the solicitation website and communicated to all Proposers by February 22, 2027, using the most recently available 6 months of data.

The CCIA formula included below is **only** available to Proposers submitting Projects with lithium-ion battery technology.

For Proposers whose Bid Proposals use energy storage technologies that are **not** lithium-ion batteries, they **must** use the applicable technology-specific CCIA formula set forth in Exhibit G of the Agreement. If a technology-specific non-lithium-ion CCIA formula does not exist in Exhibit G of the Agreement and the Proposer wants to bid with a CCIA Alternate Bid Proposal, then the Proposer **must** propose a formula with its proposed material changes to the Agreement, due to NYSERDA by January 15, 2027. NYSERDA will review the proposed CCIA formula and may follow up with Proposers to finalize the technology-specific non-lithium-ion CCIA formula. NYSERDA may publish the approved CCIA formulas to the solicitation website before Non-Price Submissions are due.[14] If NYSERDA chooses to publish non-lithium-ion CCIA formulas, they will be published by technology and will not indicate which Proposer(s) submitted the non-lithium-ion CCIA formula(s) to NYSERDA. NYSERDA, in its sole discretion, retains the right to approve or reject proposed CCIA formulas.

Non-lithium-ion Proposers cannot opt into the CCIA formula below. All other mechanisms of the CCIA Alternate Bid Proposal described in this Section, including the 12% cap and floor and timing of Strike Price adjustments, apply to both lithium-ion and non-lithium-ion CCIA Alternate Bid Proposals.

For lithium-ion Proposers that choose to opt into CCIA, the Strike Price will be calculated as:

$$ISC_{adj} = ISC_{orig} \times \left(0.80 \left(0.31 \left(\frac{Index_{T,Con}}{Index_{B,Con}} \right) + 0.09 \left(\frac{Index_{T,Steel}}{Index_{B,Steel}} \right) + 0.07 \left(\frac{Index_{T,EPSTM}}{Index_{B,EPSTM}} \right) + 0.21 \left(\frac{Index_{T,Cons\ Mat}}{Index_{B,Cons\ Mat}} \right) + 0.32 \left(\frac{Index_{T,Batt\ Man}}{Index_{B,Batt\ Man}} \right) \right) + 0.20 \left(\frac{Fixed}{Fixed} \right) \right)$$

[14] Finalized non-lithium-ion CCIA formulas are available in Exhibit G of the Agreement. Only Proposers of non-lithium-ion Projects may opt into the CCIA formula corresponding to such project's technology, as provided in Exhibit G of the Agreement.

Where:

Table 3. Lithium-ion CCIA Formula Terms

Term	Definition
ISC_{adj}	Strike Price after component cost adjustment, subject to a 12% cap and floor.
ISC_{orig}	Original Strike Price submitted with the Proposal.
T	Average of Index in the 6-month period before the earlier of Final Investment Decision (FID) or Full Notice to Proceed (FNTP) when such final Index is published.
B	Average of Index of the most recently available 6 months of data published before the Price Submission Deadline, which will be published by NYSERDA on the solicitation website.
$Index_{Con}$	Construction value, using the Bureau of Labor Statistics' new nonresidential building construction in the Northeast Producer Price Index, Data Series PCU2365002365001.
$Index_{Steel}$	Steel value, using the Bureau of Labor Statistics' steel product manufacturing from purchased steel Producer Price Index, Data Series PCU33123312.
$Index_{EPSTM}$	Electric Power and Specialty Transformer Manufacturing value, using the Bureau of Labor Statistics' electric power and specialty transformer manufacturing Producer Price Index, Data Series PCU335311335311.
$Index_{Cons\ Mat}$	Construction Materials value, using the Bureau of Labor Statistics' construction materials Producer Price Index, Data Series WPUSI012011.
$Index_{Batt\ Man}$	Battery Manufacturing value, using the Bureau of Labor Statistics' storage battery manufacturing Producer Price Index, Data Series PCU3359133591.
Fixed	Unchanged value reflective of the operating expense share of battery storage costs.

For evaluation of CCIA Alternate Bid Proposals, a multiplier representing NYSERDA's expectation of cost changes for the identified indices between the Step Two Price Submission Deadline and the earlier of Final Investment Decision (FID) or Full Notice to Proceed (FNTP) for a Project with a *COMDp* (as defined in Section 3.3) of 2029 will be applied to the ISC Price to determine the total price used in the evaluation.

2.6 ISC Standard Form Agreement

NYSERDA recommends that Proposers review the Attachment A. ISC Standard Form Agreement (Agreement), and all associated Exhibits prior to participating in ISCRFP26-1. The Agreement is a legally binding document; it is recommended that Proposers consult with an attorney prior to submitting a Step Two Bid Proposal.

2.6.1 Proposed Edits to the Agreement

NYSERDA cannot adjust the binding Strike Price or other settlement-related terms submitted by Proposers as part of a Step Two Bid Proposal.

Articles, Schedules and Exhibits of the Agreement to which NYSERDA also does not intend to entertain redlines or negotiate edits 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 XIII: Events of Default
- Article XIV: Termination
- Article XV: Contract Security;
- Article XVIII: Additional Provisions
- Exhibit A: Standard Terms and Conditions for all NYSERDA Agreements;
- Exhibit B: Letter of Credit;
- Exhibit C: NYSERDA Prompt Payment Policy Statement;
- Exhibit D: Assignment of Agreement;
- Exhibit G: Component Cost Indices Adjustment (except as set forth in Section 2.5.2);
- Exhibit I: NYSERDA'S Code of Conduct for Contractors, Consultants, And Vendors;
- Exhibit K: Project Labor Agreement Requirements.

If a Proposer wishes to propose any material change(s) to the Agreement, any such suggested change(s) should be submitted during the SFA feedback window, no later than January 15, 2027, by 5:00 p.m. ET, via the solicitation website Comments feature. Any such proposal must be in the format provided in the Comments feature and should indicate why the change would be beneficial to New York State (e.g., it will enable lower Strike Prices, make it more likely for Projects to be timely completed) rather than merely how it would benefit the Proposer. NYSERDA will review the feedback and determine in its sole discretion whether or not to make any changes to the Agreement. If NYSERDA determines to make any changes, NYSERDA will post the final updated Agreement by February 22, 2027.

NYSERDA may deem a Project ineligible if the Bid Proposal states that acceptance of an award and/or execution of the Agreement is contingent upon material changes to the final updated Agreement.

NYSERDA does not currently intend to make any material changes to the Agreement and does not currently intend to consider any proposed material changes after posting the final updated Agreement. Proposers may submit other, non-material, requested changes to the Agreement at any time up until and including submission at the Step Two Price Submission Deadline, but any requested change must be categorized as follows with a clear justification for the requested change:

- Fixing an error or ambiguity that could be problematic for the ability of the Project 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.

- An improvement to 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.

2.6.2 Conditions/Contingencies

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

3 Price Evaluation

Bids will be evaluated using both price and non-price factors. Price evaluation will constitute 60% of evaluation weighting, and non-price evaluation will constitute 40% of evaluation weighting. Price evaluation reflects the projected Levelized Net ISC Cost based on NYISO Zonal energy and capacity market price forecasts based on the Project's Applicable Zone. The evaluation process, detailed in Section 3.3, applies to both the <8- and ≥8-hours duration categories, but the submitted bids will be separated into <8- and ≥8-hours duration categories and ranked separately. NYSERDA will endeavor to incorporate industry best practices into its energy and capacity price forecasts and will assume an ongoing system mix shift from a primarily fossil fuel dependent to a primarily renewables and zero-emissions dependent system mix. NYSERDA will also endeavor to account for expected deployments and deactivations when accounting for energy and capacity price forecasts and for declining capacity accreditation factors as a result of future renewable and energy storage deployments. NYSERDA will not disclose the full datasets used to calculate projected Levelized Net ISC Costs.

3.1 Strike Price Submission

A complete Strike Price submission consists of a complete Step Two Bid Proposal that details Bid Energy Capacity (MWh), Bid Storage Duration (hours), and Bid Power Capacity (MW) in the Non-Price Submission, and Strike Price ($/ISC) and cost assumptions in the Price Submission. Cost assumptions submitted in Attachment G are not binding but should reflect Proposers' best estimates or actual cost assumptions at the time of Price Submission. The Project will be evaluated on the information submitted in the Step Two Bid Proposal. NYSERDA will evaluate all Proposals based on an assumed 95% availability percentage.

Proposers must ensure that information provided in the Step Two Bid Proposal, submitted via the solicitation website (preferred) or by mail, is final and correct. If necessary, NYSERDA may request missing data pursuant to Section 8.13.

NYSERDA reserves the right to solicit revised Strike Prices, as detailed in Section 6.1.

3.2 Index Storage Credit Calculation

As described in Section 1.2, the Index Storage Credit (ISC) is a market-based mechanism designed to attract 3,000 MW of bulk energy storage development in New York State. The ISC balances the need for developers to have a degree of revenue certainty with the protection of ratepayers if project revenues are higher than anticipated.

Each ISC represents one MWh of energy storage capacity that is operational and available on a given day. As such, a storage project will only be credited with ISCs equivalent to its MWh storage discharge capacity, in proportion to its operational availability, during the monthly Settlement Period.

For clarity, the conversion factor of MWh to ISC is 1:1. The following sections describe the elements of the ISC calculation.

3.2.1 Index Storage Credit Price

The ISC Price is derived via a monthly settlement framework for the difference between the Strike Price bid into this solicitation and the Reference Price (RP), as described in the following sections and in accordance with the monthly settlement structure provided in the Agreement:

1. $$ISC\ Price\ =\ Strike\ Price\ -Reference\ Price$$

Where:

Table 4. ISC Price Formula Terms

Term	Definition
Strike Price: [$/ISC]	The Strike Price under this competitive solicitation which approximates the revenue threshold needed to achieve project viability; and is the dollar value from which the Reference Price will be subtracted to result in the amount paid by NYSERDA for ISCs created.
Reference Price (RP): [$/ISC]	The sum of the Reference Energy Arbitrage Price (REAP) and Reference Capacity Price (RCP).

3.2.2 Reference Price Components

The Reference Price components of the Index Storage Credit are intended to approximate the expected revenue of a bulk storage facility through energy arbitrage and capacity market participation.

The Reference Price (RP) in this solicitation applies these expected market revenue principles as the total of the Reference Capacity Price (RCP) and Reference Energy Arbitrage Price (REAP), on a monthly basis, subject to the duration of the number of hours in which the Project can discharge to the grid and the Round-Trip Efficiency (RTE) of the type of storage facility, as follows:

2. $$RP_{Monthly} = REAP_{Monthly} + RCP_{Monthly}$$

Storage facilities can be compensated in the energy market through energy arbitrage. Energy arbitrage is achieved by charging during periods of low electricity prices and discharging during periods of high electricity prices. The Daily REAP represents the expected energy arbitrage revenue of a bulk storage facility in a given day, which is then averaged over the course of a month to determine the Monthly REAP.

3. $$REAP_{Monthly} = \frac{\sum_{D=1}^{k} REAP_{Daily}}{k}$$

4. $$REAP_{Daily} = \frac{\sum_{n=1}^{x} max\left(\left[T_n - \left(\frac{B_n}{RTE}\right)\right], 0\right)}{x}$$

Storage facilities can also be compensated in the capacity market for being available to provide energy when needed. The RCP represents the expected capacity market revenue of a bulk storage facility in a month.

5. $$RCP_{Monthly} = \frac{RUP_{Monthly} \times 1{,}000 \times CAF}{x \times k}$$

Where:

Table 5. Reference Price Formula Terms

Term	Definition
Reference Energy Arbitrage Price (REAP): [$/ISC]	The price index used to estimate expected daily or monthly energy revenue achieved by the Project based upon pricing differences between periods of charging and discharging electricity from/to the NYCA. The REAP is derived as the sum of spreads between top and bottom priced hours, excluding negative spreads, in the NYISO's Day-Ahead Energy Market over the total number of days within a settlement month.
k: [days]	Number of days in the Settlement Period.
D	Day
n	Hour
T_n	nth highest priced (Top) hour.
B_n	nth lowest priced (Bottom) hour.
Round Trip Efficiency (RTE): [%]	In accordance with Commission Orders, the RTE is uniformly prescribed for Projects in this solicitation by technology: • 85% for lithium-ion • 65% for non-lithium-ion • 45% for multi-day facilities
x: [hours]	In this solicitation, NYSERDA will solicit Proposals and monthly settlements in two categories: <8-hours and ≥8-hours, where: • For Projects with Bid Storage Duration <8-hours, x=Bid Storage Duration (i.e., x=2 for 2-hour battery duration, x=4 for 4-hour battery duration). • For Projects with Bid Storage Duration ≥8-hours, x=8.
Reference Capacity Price (RCP): [$/ISC]	The price index used to estimate monthly capacity revenues using the monthly Reference Unforced Capacity (UCAP) Price (RUP) and the NYISO's calculated Capacity Accreditation Factor (CAF).[15]
Reference UCAP Price (RUP): [$/kW-month]	The Unforced Capacity (UCAP) Price (RUP), equal to the spot auction prices in $/kW-month for the Project's Applicable Zone as published by the NYISO.[16]
Capacity Accreditation Factor (CAF): [%]	The Capacity Accreditation Factor for the Capacity Accreditation Resource Class (CARC) applicable to the Project as determined by the NYISO in accordance with the New Capacity Accreditation Rules.

3.2.3 Index Storage Credit Settlement

The ISC Purchase and Sale Agreement will be settled monthly, with the monthly payment determined by the ISC Price multiplied by the number of ISCs created in a month. The ISC Monthly Payment is determined using the following equation:

1. $ISC\ Monthly\ Payment = ISC\ Price \times Bid\ Power\ Capacity \times x \times k \times Monthly\ Availability\ Percentage$

[15] Capacity Accreditation: Implementation Details (NYISO)

[16] Historical monthly capacity spot auction prices can be downloaded from the NYISO website at https://www.nyiso.com/installed-capacity-market. NYISO UCAP prices are not reported by NYISO Zone, but instead by capacity locality, which include each Zone.

Where:

Table 6. ISC Monthly Payment Formula Terms

Term	Definition
ISC Price: [$/ISC]	ISC Price as defined in Section 3.2.1.
Bid Power Capacity: [MW]	Bid Power Capacity of the energy storage Project in MW.
x: [hours]	In this solicitation, NYSERDA will solicit Proposals and monthly settlements in two categories: <8-hours and ≥8-hours, where: • For Projects with Bid Storage Duration <8-hours, x=Bid Storage Duration (i.e., x=2 for 2-hour battery duration, x=4 for 4-hour battery duration). • For Projects with Bid Storage Duration ≥8-hours, x=8.
k: [days]	Number of days in the Settlement Period.
Monthly Availability Percentage: [%]	The percentage of a Project's operational availability during a settlement month, in MWh, as expressed in the below equation.

2. $$Monthly\ Availability\ Percentage = 1 - \frac{Monthly\ Outage\ MWh}{Bid\ Power\ Capacity \times Total\ Monthly\ Hours}$$

Where:

Table 7. Monthly Availability Percentage Formula Terms

Term	Definition
Monthly Outage MWh [MWhs]:	Sum of all Outages for the Settlement Period
Outage	The operational unavailability of the Project, either fully or partially, to deliver the Bid Power Capacity into the New York Control Area for any reason whatsoever in any hour during a Settlement Period.
Bid Power Capacity: [MW]	Bid Power Capacity of the energy storage Project in MW.
Total Monthly Hours: [hours]	Total number of hours in the Settlement Period.

ISC Monthly Payments can be positive or negative. A positive ISC signifies a payment to the Project from NYSERDA, whereas a negative ISC signifies a payment from the Project to NYSERDA. Payments from the Project to NYSERDA shall not exceed the product of the Strike Price, Bid Power Capacity, and Total Hours in a settlement month.

3.2.4 Operational Availability Requirement

As directed by the Commission, each ISC represents one MWh of energy storage capacity that is operational and available on a given day. As such, a storage project will only be credited with ISCs equivalent to its MWh storage discharge capacity, in proportion to its operational availability, during the monthly Settlement Period. Non-operational hours and/or days (due to outages or maintenance, for example) will not create ISCs.

Partial availability, in terms of both time and capacity, will proportionally condition the maximum potential monthly ISCs of awarded Projects via the Monthly Availability Percentage. Monthly ISC settlements made by NYSERDA will be determined based on Project operational availability data transmitted from an awarded Proposer to NYSERDA.

In calculation of the monthly settlements, awardees will submit Monthly Availability Reports (as defined in the Agreement) to NYSERDA for the duration of the Contract Delivery Term including full accounting of non-operational days and partial availability to support the determination of the applicable Availability Percentage for the settlement period. For additional information on recommended data sources and reporting requirements please refer to Exhibit E of the Agreement.

3.3 Price Evaluation Methodology

Per the Commission's Orders, Price evaluation constitutes 60% of a Bid Proposal's total evaluation. Recognizing the challenging nature of estimating and submitting ISC Strike Price under changing market conditions, NYSERDA encourages Proposers to review and consider the option to submit Alternate Bid Proposals utilizing the CCIA mechanism described in Section 2.5.2 of this RFP. NYSERDA further encourages Proposers to review Section 4.05 (Changes in Law) of the Agreement to understand conditions under which changes may be made to the Agreement in response to changes in law. NYSERDA also encourages Proposers to review Section 18.12 (Material Adverse Change) of the Agreement, which addresses certain types of potential changes in federal policy and laws.

If a Proposal's ISC Strike Price exceeds the Benchmark ISC Cost, it will be deemed ineligible. The Benchmark ISC Cost is confidential.

Accordingly, NYSERDA will apply Benchmark ISC Costs for each of the two targeted Bid Storage Duration categories: less than 8 hours, and 8 hours or more, and establish proposal rankings in its evaluation for each category (i.e., Benchmark $ISC_{<8h}$ and Benchmark $ISC_{\geq 8h}$).

Separated by Bid Storage Duration as described, a quantitative method will be applied to all bids to screen and rank the Bid Proposals using the Levelized Net ISC Cost (LNISCC), which is a uniform cost metric. For the avoidance of doubt, the LNISCC metric described below applies to both duration categories, but the submitted bids will be separated by duration (<8 hours, and ≥8 hours) and ranked separately in the evaluation process.

For evaluation purposes, Strike Prices will be converted to an LNISCC in base year dollars per ISC ($/ISC). The LNISCC price measure allows for an equitable comparison among Proposals with different pricing structures, ISC quantities, and Contract Tenors. Strike Prices will be converted into expected annual ISC values by subtracting a forecast of expected Reference Energy Arbitrage Prices and Reference Capacity Prices from the Strike Prices, based on NYSERDA's forecasts of energy and capacity prices.

For evaluation purposes, regardless of the proposed Commercial Operation Date, Bid Proposals will be evaluated with a Contract Delivery Term commencement of January 2029 and therefore a $COMD_p$ of 2029.

The LNISCC for Proposal (*p)* using pricing form (*f)* is the quotient of the cumulative present value of the annual net ISC costs over the proposed Contract Tenor, divided by the cumulative present value of the projected annual number of ISCs created over the proposed Contract Tenor from the Project over the same period. The annual quantities are discounted at a real discount rate. The resulting quotient is expressed in base year dollars per ISC.

The net ISC cost calculation utilizes a nominal discount rate for the dollar payments (expressed in future inflated dollars) set forth in the numerator. The net ISC cost calculation utilizes a real discount rate for the quantity of ISCs set forth in the denominator, as the value of the quantity of ISCs is independent of general dollar inflation. The use of different discount rates is consistent with NYSERDA practice for calculating levelized cost in other procurements.

The LNISCC for Proposal p over the Contract Tenor is:

1. $$LNISCC_{p,f} = \frac{PVISCPMT_{p,f}}{PVISCQ_p}$$

The present value of the ISC monthly payments over the Contract Tenor for Proposal p is:

2.

$$PVISCPMT_P = \sum_{y=COMD_p}^{y=COMD_p+CT_p} \frac{\left\{\sum_{m=1}^{m=12}(Strike\ Price_p - REAP_{m,y} - RCP_{m,y}) \times BC_p \times x \times K_{m,y} \times 0.95\right\}}{(1+NDR)^{(y-Y_b)}}$$

The present value of the number of ISCs over the Contract Tenor for Proposal p is:

3.

$$PVISCQ_P = \sum_{y=COMD_p}^{y=COMD_p+CT_p} \frac{\left\{\sum_{m=1}^{m=12}(BC_p \times x \times K_{m,y}) \times 0.95\right\}}{(1+RDR)^{(y-Y_b)}}$$

Where:

Table 8. Levelized Net ISC Cost Formula Terms

Term	Definition
LNISCC	Levelized Net ISC Cost.
$PVISCPMT_p$	Present value of the monthly ISC payments for Proposal (p) over the Contract Tenor based on the Strike Price and forecast energy and capacity market prices for the zone in which the proposed Project will be located.
$PVISCQ_p$	Present value of the monthly ISCs for Proposal (p) based on the Bid Power Capacity of a Proposal and total hours in a month for each month in the Contract Tenor.
$COMD_p$	Calendar year associated with the expected Contract Delivery Term commencement for Proposal (p).
CT_p	Contract Tenor for Proposal (p).
Strike $Price_p$	Strike Price for Proposal (p).
$REAP_{m,y}$	Reference Energy Arbitrage Price for month (m) in year (y) for the zone in which the proposed Project will be located.
$RCP_{m,y}$	Reference Capacity Price for month (m) in year (y) for the zone in which the proposed Project will be located.
BC_p	Bid Power Capacity in MW of Proposal (p).
$K_{m,y}$	Days in month (m) for year (y).
x	In this solicitation, NYSERDA will solicit Proposals and monthly settlements in two categories: <8-hours and ≥8-hours, where: • For Projects with Bid Storage Duration <8-hours, x=Bid Storage Duration (i.e., x=2 for 2-hour battery duration, x=4 for 4-hour battery duration). For Projects with Bid Storage Duration ≥8-hours, x=8.
NDR	Nominal Discount Rate, set at 7.62%[17]
RDR	Real Discount Rate equal to $\frac{(1+NDR)}{(1+INF)} - 1$
INF	Inflation Rate, set at 2.33%[18]
Y_b	Base year

3.4 Strike Price Adjustments

Proposers will **not** have an opportunity to revise Strike Prices after the Step Two Price Submission, unless NYSERDA solicits revised Strike Prices as described in Section 6.1. After executing an Agreement, Strike Prices may be reduced under the narrow circumstances described in Sections 3.4.1 and 3.4.2.

3.4.1 Loan Programs Office Financing Adjustment

It is expected that financing from the Department of Energy's Loan Programs Office (LPO), or its successor, if obtained, would provide incremental value to a Project that cannot be assumed and/or quantified at the time of the Step Two Price Submission Deadline, due to the lower cost of LPO-backed financing compared with other, more traditional and expected financing sources. To ensure New York State ratepayers share in these benefits, a portion of this expected incremental value will be applied as a decrease in the Project's Strike Price.

The exact amount of this incremental value will likely differ somewhat from Project to Project based on a variety of factors, but to share a portion of this value with New York State ratepayers while seeking to avoid dis-incentivizing Projects from pursuing LPO-backed financing, Section 5.04 of the Agreement for

[17] The Nominal Discount Rate for Bid Price evaluation was established by the DPS Office of Accounting, Audits & Finance, revised February 23, 2026.
[18] The Inflation Rate for Bid Price evaluation was established by the DPS Office of Accounting, Audits & Finance, revised February 23, 2026.

ISCRFP26-1 provides that **the Strike Price will be reduced by 1%** in the event that the Project receives LPO-backed financing.

3.4.2 Qualifying Governmental Support and Tariff-Related Refund Adjustments

For all Proposals, the Strike Price will be subject to a Qualifying Governmental Support Price Reduction, as set out in Section 5.05 of the Agreement. Terms not defined below shall have the meaning ascribed to them in the Agreement.

Sellers are required to disclose all Expected Governmental Grant Funding in their Attachment G. Cost Assumptions and via the solicitation website. All Unexpected Governmental Grant Funding is a form of Qualifying Governmental Support that is subject to a Qualifying Governmental Support Price Reduction in accordance with Section 5.05 of the Agreement.

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

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

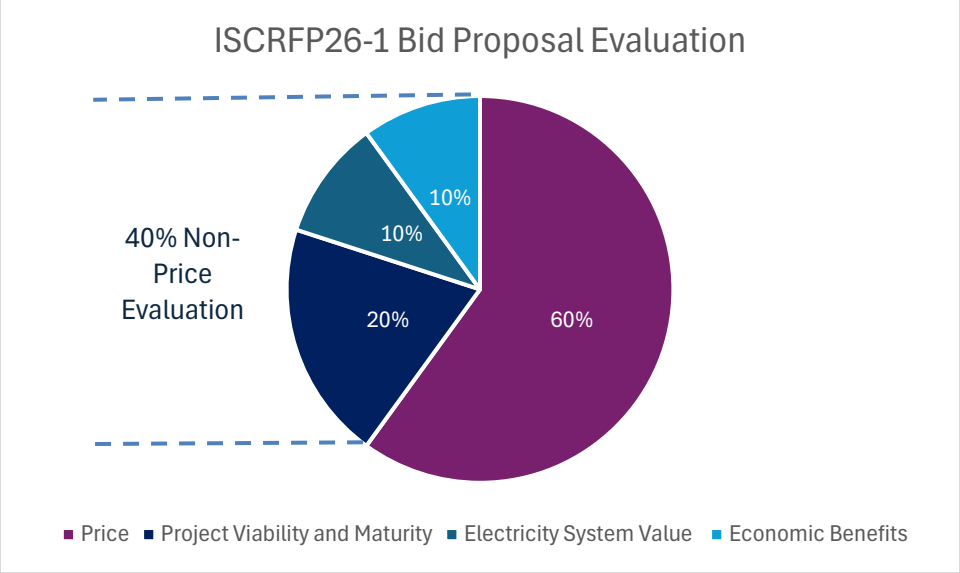
Relatedly, in the event of any Tariff-Related Refund Benefit acquired by the Proposer or its affiliates with respect to the Project, the Strike Price will be subject to a Tariff-Related Refund Benefit Price Reduction, as set out in Section 5.06 of the Agreement. The Tariff-Related Refund Benefit Price Reduction shall be calculated in the same manner as the Qualifying Governmental Support Price Reduction set forth above. Terms not defined below shall have the meaning ascribed to them in the Agreement.

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

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

4 Non-Price Evaluation

Figure 1. ISCRFP26-1 Bid Proposal Evaluation



Non-price evaluation accounts for 40% of Bid Proposal evaluation (Figure 1). Non-price evaluation includes three components: Project Viability and Maturity (20%), Electricity System Value (10%), and Economic Benefits (10%). Taken together, these categories describe the benefits of the Project to New Yorkers and to the electric grid, as well as identify the challenges and risks associated with developing the Project.

4.1 Minimum Eligibility Thresholds

The Minimum Eligibility Thresholds, described in Table 9, are additional requirements to the Eligibility and Contract Requirements (Section 2.1). Proposers demonstrate that the Project meets Eligibility and Contract Requirements in the Step One Eligibility Application and demonstrate that the Project meets Minimum Eligibility Thresholds in the Step Two Non-Price Submission. Subject to Section 8.13, if a Proposer cannot demonstrate that the Project meets the Minimum Eligibility Thresholds by the Step Two Non-Price Submission Deadline, the Proposal will be deemed ineligible by NYSERDA and will not be evaluated for an award.

All Proposers must describe how the Project and Proposer meets all Minimum Eligibility Thresholds in the Step Two Bid Form. Documentation included in other portions of the complete Step Two Bid Proposal, listed in Table 2, must support the descriptions in the Step Two Bid Form. **Attachment E should be no longer than 100 pages**, with any supporting documentation attached to the Bid Proposal via upload slots on the Step Two Bid Form. Proposers should include a table of attached documents in Attachment E and reference the relevant documents throughout the Project Development Plan. See Attachment E. Project Development Plan template for further recommended instructions for completing Attachment E.

Attachment C. Executive Summary must be submitted during the Non-Price Phase as part of a complete Step Two Bid Proposal. Attachment C. Executive Summary should include brief summaries of the Project and/or Proposer for each non-price evaluation category, a map and description of the Project site, and a detailed description of Project risks.

Table 9. Minimum Eligibility Thresholds for All Projects/Proposers

Eligibility Component	Minimum Eligibility Thresholds	
	Projects <8-hours Bid Storage Duration	**Projects ≥8-hours Bid Storage Duration**
Storage Technology Commercial Maturity	The proposed Project technology must have been previously Commercially Deployed: 1. With a power capacity of 2 MWac or greater, **and** 2. Electrically interconnected to a transmission, sub-transmission, or distribution system (See Section 2.1.2). The technology need not have been previously interconnected or Commercially Deployed in New York State to meet the Storage Technology Commercial Maturity Minimum Eligibility Threshold. **Lithium-ion batteries are deemed to have satisfied this Minimum Eligibility Threshold and are not required to provide further evidence.**	Project technology must be considered to have achieved Technology Readiness Level (TRL) 8, including having an installed, working example of 1 MWac or greater that is technologically identical or near identical to the proposed development. **Lithium-ion batteries are deemed to have satisfied this Minimum Eligibility Threshold and are not required to provide further evidence.**
Site Control	Proposer has secured the Project site via executed exclusive project development agreement, executed binding option, executed lease, and/or land purchase for the proposed Project footprint.	
Interconnection	The proposed Project is actively under study in the 2026 NYISO Cluster Study or is actively being studied through the relevant utility process. For all Projects actively under study, the Proposer will be required to evidence that the Project has submitted an application for the Cluster Study or the relevant utility process. Projects must accept Phase 1 cost allocation and remain in the 2026 Cluster Study or relevant utility process throughout the Bid Proposal evaluation period and, if provisionally awarded, up to the execution of the Agreement by the Proposer and NYSERDA. **Proposers that have accepted final cost allocations for the Project's interconnection through a prior NYISO Class Year, Cluster Study, or a relevant utility process are deemed to have satisfied this Minimum Eligibility Threshold.**	
Permitting	Submission of a Project Development Plan, as well as a project schedule, that demonstrates the Project as proposed is capable of securing all non-ministerial permits, commence construction, and enter operation by December 31, 2030. **For Projects sited at existing barge-mounted or overwater locations that, in either case, include fossil fuel generating facilities:** In addition to the Permitting Minimum Eligibility Threshold described here, these Project Proposers **must** meet with DEC and DOS prior to the Step Two Non-Price Submission Deadline to discuss whether a viable permitting pathway exists. The Proposers **must** submit evidence of this meeting.	
Safety and Security	Submission of a Project Development Plan that demonstrates the Proposer has a viable pathway to develop, construct, and operate the Project in compliance with the NYSERDA Bulk Energy Storage Program Manual and all Applicable Laws.	
Stakeholder Engagement	Written documentation (i.e. letter, email, meeting minutes) confirming that the Proposer has informed the AHJ(s)'s local elected officials about the Project's participation in ISCRFP26-1.	
Development and Operating Experience	Proposer or its principals have developed at least one grid-connected power generation or energy storage project to final investment decision/commencement of construction. The project that evidences meeting this Minimum Eligibility Threshold does not need to be in the NYCA or in the U.S. The grid-connected power generation or energy storage project evidenced to satisfy this requirement must be at least 10% of the Bid Power Capacity of the proposed Project (e.g., if proposing a 100 MWac Project, the evidenced project must be at least 10 MWac).	

4.2 Project Viability and Maturity Evaluation

Project Viability and Maturity accounts for 20% of Bid Proposal evaluation. The Scoring Committee will evaluate Step Two Bid Proposals based on Proposer-provided evidence included in the Bid Proposal, and verify with third-party information where applicable, that the Project has achieved key project development milestones and has a viable plan to complete development, financing, and construction, and enter Commercial Operation. NYSERDA, the Scoring Committee, and Specialist Reviewers will review all eligible Step Two Bid Proposals.

Submission requirements, described in each section below, demonstrate to NYSERDA that the Project has met all Minimum Eligibility Thresholds and provide Project information for non-price evaluation. Projects will be evaluated on Project Viability and Maturity in each of the following categories.

4.2.1 Interconnection

Submission Requirements: All required interconnection fields in the Step Two Bid Form and an Attachment E. Project Development Plan that details the proposed Project's interconnection status. A complete Project Development Plan will include:

1. **Interconnection status:** A summary and/or other evidentiary documentation from the Proposer or interconnecting entities that explain the status of interconnection activities, including copies of the Project's interconnection studies and Interconnection Agreement (if applicable).

    a. For Projects that plan to incorporate a non-material modification to an existing Interconnection Agreement, evidence that a Modification Request has been submitted to and, as available, deemed non-material by the NYISO**.**

    b. For all Projects in the 2024 Transitional Cluster Study, evidence that the final cost allocations have been paid/posted and the Project is proceeding to Interconnection Agreement negotiation.

2. **Interconnection costs:** A summary of known or forecasted interconnection costs for the Project**.**

3. **Schedule:** A summary and/or other evidentiary documentation from the Proposer or interconnecting entities with the planned schedule to construct the Project's interconnection facilities, including the estimated in-service date.

    a. For Projects with a tendered (draft or executed) Interconnection Agreement with a post-December 31, 2030 in-service date estimate, Proposers must provide plans to accelerate the interconnection facilities schedule.

    b. For Projects currently under study to secure an Interconnection Agreement, Proposers must provide a reasonable schedule estimate as to how the Project and interconnection facilities can be placed in-service by December 31, 2030.

4. **One-line diagram:** Project one-line diagram provided to the NYISO or relevant utility for interconnection.

Documentation provided to NYSERDA by the Proposer to demonstrate the Project's interconnection status must be consistent with the Project as proposed. For a Project to be eligible for evaluation and award, the Proposer **must** demonstrate in the Non-Price Submission that the Project has a viable path to achieving Commercial Operation on or before December 31, 2030.

Proposers are advised that Critical Energy/Electric Infrastructure Information (CEII)-confidential information may not be submitted to NYSERDA as part of the Step Two Bid Proposal and should be removed or redacted from any evidentiary documentation submitted to NYSERDA. However, Proposers

are permitted to provide excerpts or summaries of NYISO/interconnecting entity-produced studies (that either redact or do not include CEII) evidencing the Project has achieved interconnection requirements.

Evaluation: Eligible Projects will be evaluated based on the status and maturity of the Project's interconnection activities and/or Interconnection Agreement. Preferentially evaluated Projects will have advanced to more mature stages of, or completed, the NYISO interconnection process, or relevant utility process. Projects with evidentiary documentation from the interconnecting entity supporting a pre-December 31, 2030 in-service date will be preferentially evaluated.

4.2.2 Permitting

Submission Requirements: All required Permitting fields in the Step Two Bid Form, Attachment D. Bid Data Form, and Attachment E. Project Development Plan. A complete Project Development Plan will include:

1. **Permit status:** A summary of all known required discretionary permits and approvals, including their names, purpose, and a description of the Proposer's progress toward obtaining them. Proposers may submit evidentiary documentation via the Step Two Bid Form, including, but not limited to, records filed with or received from the local government relating to the Proposer's permit applications or evidence that a request for a zoning change or variance has been initiated and/or the local approval process is underway.

2. **Local laws:** A summary describing how relevant local laws may impact Project development and/or the proposed Project development schedule, including any active moratoria and their effective and anticipated end dates, or otherwise restrictive local laws.

3. **Site control:** A description of the status of all site control required for the development, construction, and operation of the Project, including agreement types, effective and expiration dates, and progress toward completion. Proposers may submit evidentiary documentation via the Step Two Bid Form, including, but not limited to, letters of intent, access agreements, leases, easements, or purchase agreements.

4. **Site diligence:** A description of the status of all applicable wildlife and environmental resource studies and surveys. Descriptions should summarize scope, progress, key findings/conclusions and anticipated impacts, including those to threatened or endangered species, as available. Descriptions should include reference to avoidance, minimization, and/or mitigation measures, as applicable. Proposers may submit evidentiary documentation via the Step Two Bid Form, including, but not limited to, field studies (e.g., Environmental Site Assessment, Phase 1, Archaeological Phase 1, Geotechnical) and surveys (e.g., ALTA, topography, waterbodies/wetlands, etc.). Proposers may also submit schematics and/or comparable technical drawings of the Project's planned system configuration via the Step Two Bid Form.

5. **Project schedule:** A Gantt chart (or similar diagram) of the Project schedule, including all critical path milestones, that evidences the Proposer is capable of securing all applicable permits and approvals, commencing construction and entering commercial operation by December 31, 2030.

6. **Decommissioning**: A summary of the expected decommissioning plan for the Project site and Project's major equipment, including the type and amount of financial surety agreed upon with the host community, to the extent known.

7. **Maps and geospatial data:** The following maps and data submitted via the Step Two Bid Form:

    a. A PDF map depicting the preliminary layout of the Project within the parcel boundaries, including the storage equipment, inverters/chargers, pumps, management system disconnects, the security or perimeter fencing, access roads, and limits of disturbance.

The map will also depict the interconnection route and interconnection points, including alternates as applicable.

b. A PDF map depicting the location of mapped environmental features relative to the Project's footprint (e.g. wetlands, streams, wells, topography, existing structures, environmental resources, etc.).

c. A PDF map depicting the location of proximate infrastructure considered in the Project's siting and/or design relative to the Project's footprint (e.g. schools, public spaces, critical infrastructure, proximate generators such as wind, solar, and liquified natural gas, particularly Peaker Plants).

d. Geospatial data of the Project footprint and parcel boundaries that the Project will occupy. If applicable, provide geospatial data of co-located generation sites, like wind or solar facility areas. The geospatial data must be submitted as shapefiles with all files zipped together (.shp, .shx, .dbf, etc.). Other geospatial data file types, like .kmz or .kml files, are not preferred but will be accepted.

A complete Bid Data Form will include:

1. **Site control:** Status of the Project's site control in Part I, including the Point of Interconnection and rights-of-way (if applicable).

2. **Permit status:** Status of all applicable permits and approvals in Part II, identifying both ministerial and non-ministerial permits, including, if applicable, expiration dates and any renewal requirements.

3. **Project schedule:** A summary of the Project schedule in Part V, including all critical path milestones, that evidences the Proposer is capable of securing all applicable permits and approvals, commencing construction and entering commercial operation by December 31, 2030.

For Projects located in New York City:

Proposers must provide the status of all applicable applications and/or reviews submitted to the New York City Fire Department (FDNY), New York City Department of Buildings (NYCDOB), New York City Department of Environmental Protection (NYCDEP), DOS, and/or New York State Historic Preservation Office (SHPO)/New York City Landmarks Preservation Commission (LPC). Additionally, if the New York City Department of Buildings Self-service for online permits site (DOB NOW) indicates the Project may be affected by tidal wetlands, freshwater wetlands, coastal erosion hazard areas, or special flood hazard areas, detail the status of agency consultation, review, and steps taken to address those items.

For Projects within the NYS Coastal Area and/or that impact DEC-regulated resources[19]:

Proposers of Projects within the NYS Coastal Area are required to submit proof of consultation with the DEC and the DOS regarding their proposed Project design as part of the Step Two Non-Price Submission. Additionally, for any Project that may impact DEC regulated resources, a pre-consultation meeting is recommended prior to the Non-Price Submission. Contacts for assistance in arranging such consultations are as follows:

[19] Barge-mounted projects at fossil fuel generating facilities may be subject to additional requirements, including providing NYSERDA with additional information at the Step Two Non-Price Phase.

Heather Spitzberg, Director of the Bureau of Energy Project Management
NYSDEC – Division of Environmental Permits
(518) 402-9165
DEPEnergy@dec.ny.gov

Jennifer Street, Development Division Director
New York State Coastal Management Program, Coastal Consistency
New York State Department of State
(518) 474-6000
Jennifer.Street@dos.ny.gov; CR@dos.ny.gov

For Projects proposing to use State-owned lands underwater:

Proposers of Projects proposing to use State-owned lands underwater are required to submit proof of consultation with OGS as part of the Step Two Non-Price Submission. The contact for assistance in arranging an OGS consultation is as follows:

Ralph Hill, State Asset & Land Management, Underwater Lands Management
Office of General Services
OGS.sm.LandUnderWater@ogs.ny.gov

If the Project requires additional permitting reviews, insurance, and/or approvals that have not been contemplated in this RFP Section, Proposers must include a description of these requirements and progress towards achieving them in the Project Development Plan.

Evaluation: Eligible Projects will be evaluated based on the maturity of the Project's permitting status, the volume of outstanding applicable studies, permits, and approvals, the degree of certainty of securing any outstanding permits relative to the Project's current status, and the zoning suitability of the occupied parcel(s), including any applicable special use permits or variances obtained by the Project. Preferentially evaluated Projects will be fully permitted or have secured relatively more permits needed to construct and operate; have performed more exhaustive permitting activities and/or Project site due diligence; and/or have more comprehensive plans to address required mitigation activities as evidenced in the Project Development Plan. Preferentially evaluated Projects will also have secured the site beyond the Project footprint (i.e. site control of POI if applicable and/or Right-of-Way to POI) and/or will be evidenced to be zoned as-of-right.

NYSERDA may coordinate with the DEC, DOS, ORES, OGS, and/or other permitting entities or subject matter experts acting as a Specialist Reviewer to inform the evaluation.

4.2.3 Safety and Security

Submission Requirements: An Attachment E. Project Development Plan that explains site-specific safety and security factors relevant to the proposed Project's development, construction, and operation. A complete Project Development Plan will include:

1. **Program Manual requirements:** An explanation of how the Project will comply with all technical, Peer Review, QA Inspection, and Operational Certification requirements detailed in the Program Manual. Proposers are strongly encouraged to provide as much detail as reasonable in response to the requirements of the Program Manual as part of their Project Development Plan.

2. **Stakeholder coordination:** A description of the extent of the Proposer's communication and coordination with local emergency responders, particularly fire departments. Proposers may submit evidentiary documentation, including, but not limited to written correspondence, training materials, or letters of support.

3. **Safety materials:** Site-specific safety materials, if available, are submitted via the Step Two Bid Form. Safety materials include but are not limited to: Hazard Mitigation Analysis (HMA) reports, Emergency Response Plans (ERPs), safety training materials and first responder plans, and/or explosion control designs and fire safety measures incorporated into the proposed Project site.

    a. If Proposers do not have site-specific safety materials for the proposed Project, they may submit safety materials from other similar projects that the Proposer has developed.

    b. If Proposers plan to or are considering procuring Project equipment including system platforms, products, or models (1) that it, its affiliates or parent companies have used in a prior project and (2) that has been involved in a fire or thermal event in New York State at any such prior project, Proposers must provide a Root Cause Summary for the subject equipment. Following award notification, all provisionally awarded Projects may be required to provide a Root Cause Summary and relevant documentation under the Peer Review process pursuant to the Program Manual. Prior to preparation of a Root Cause Summary, Seller shall consult with NYSERDA to confirm (1) the scope of such Root Cause Summary and (2) the qualifications of the personnel intending to prepare such Root Cause Summary. Any Root Cause Summary provided to NYSERDA will be subject to the confidentiality restrictions set forth in Section 8.1.

4. **Non-lithium-ion requirement:** For non-lithium-ion Projects, provide a description of the site- and technology-specific safety and security measures taken to date, as well as plans to complete any outstanding site- and technology-specific safety and security measures.

Evaluation: Eligible Projects will be evaluated based on how comprehensively the Safety and Security portion of the Project Development Plan addresses all aspects of the Program Manual and Applicable Laws. Preferentially evaluated Projects will have more comprehensive Project-specific HMA reporting, ERPs, safety training materials, first responder plans, and/or safety and security measures.

4.2.4 Supply Chain and Procurement

Submission Requirements: All required Supply Chain and Procurement fields in the Step Two Bid Form and Attachment E. Project Development Plan. A complete Project Development Plan will include:

1. **Energy storage technology:** A description of the type of energy storage technology, its major components, and cell chemistry, if applicable (Example: Lithium-ion battery with a lithium iron phosphate (LFP) cell chemistry).

2. **Procurement plans:** A description of the Proposer's procurement plan, including plans to procure and deliver all necessary major equipment to construct the Project, including any major equipment that has already been purchased or contracted. Equipment procurement plans described in the Project Development Plan need not be exclusive to a Project but should demonstrate the ability to procure for the proposed Project, for example through a Master Supply Agreement against which the Proposer can execute an equipment order upon award. If applicable, list the selected OEM and the estimated lead time for purchased or contracted equipment. Highlight any completed or proposed purchases from New York State suppliers.

    a. If major components have not been purchased or delivered to New York, Proposers should include a plan to procure all components, including any agreements with OEMs under consideration, including the level of communication with any OEMs conducted to date, estimated lead times for delivering components to the Project site, and/or any quotes or pricing received from the OEM for the Project's equipment.

3. **Equipment sourcing:** A description of any risks or opportunities associated with sourcing the components from the considered OEMs. Risks and opportunities include, but are not limited to, tariff risk to the final storage product, tariff risk to the major components of or raw material inputs

to the final storage product, any applicable exemptions to risks to sourcing the major components, risks associated with complying with federal tax credit Prohibited Foreign Entity (PFE) rules, any bulk-power bans on equipment imported to the United States, and opportunities to source major components within the United States and/or New York State.

    a. If some or all the Project's major components are expected to be imported, list the components that are being imported and the country that it is imported from.

4. **Tax credits:** If applicable, an explanation of how the Proposer plans to secure major equipment qualifying for the Investment Tax Credit domestic content bonus credit.[20]

5. **EPC relationships:** A description of the Proposers' current construction plan, including any existing relationships with engineering, procurement, and construction (EPC) firms and/or plans to partner with firms to construct the Project and required interconnection facilities, and/or self-build portions of the Project.

6. **Warranties and service agreements:** The expected terms of the proposed Project equipment manufacturer's warranty and long-term service agreement (LTSA) to cover the entire energy storage system, including ancillary equipment, pumps, thermal management, and power electronics.

Proposers are encouraged to provide evidence of procurement or contract status of major equipment. Evidence may include supplier quotes, supplier letters of intent, draft or executed Master Services Agreements, draft or executed EPC contracts or supply agreements, executed purchase orders or vendor acknowledgements, long-lead time equipment commitments, and/or manufacturing slot reservations uploaded via the Step Two Bid Form. Any Supply Chain and Procurement evidence can be redacted to maintain the confidentiality of agreements.

Proposers are encouraged to reference existing resources for New York-based supply chains, such as the Battery and Energy Storage Supply Chain Database.

Evaluation: Eligible Projects will be evaluated based on the maturity and comprehensiveness of the submitted Supply Chain and Procurement materials, with evidence of procurement or contract status of major equipment being the greatest indicator of maturity. Preferentially evaluated Proposals will provide evidence of relatively more major equipment procured or contracted for the proposed Project. Preferentially evaluated Projects will rely on supply chains that are relatively more insulated or de-risked from potential or expected price or cost changes due to tax or trade policy. Plans that commit to relatively more eligible New York State expenditures will be preferentially evaluated as detailed in Section 4.4 Economic Benefits.

4.2.5 Stakeholder Engagement

Submission Requirements: All required Stakeholder Engagement fields in the Step Two Bid Form, Attachment B. Public Project Summary, and Attachment E. Project Development Plan. A complete Project Development Plan will include:

1. **Stakeholder engagement activities:** A summary of planned and completed stakeholder engagement activities. Stakeholder engagement activities may include but are not limited to: sending mailings or public notices, attending public meetings, hosting informational events or open houses, town planning or zoning board appearances or presentations, meetings or trainings with emergency responders, documentation of responsiveness to requests from participating landowners and other community residents, site visit of a nearby BESS facility, partnership with local educational institutions, and/or participation in local community events.

[20] https://www.irs.gov/credits-deductions/domestic-content-bonus-credit

2. **Stakeholder priorities:** A description of stakeholder interests and concerns, including strategies to mitigate concerns raised by the public regarding the Project. This description must also include methods for soliciting feedback and input from the public and affected agencies and the process for sharing feedback and responses publicly.

All Proposers must also provide a completed Attachment B. Public Project Summary. These Public Project Summaries will be published on NYSERDA's Bulk Energy Storage Program website following submission of Step Two Bid Proposals for all submitted and eligible Projects.

Proposers may provide letters of support as part of their Stakeholder Engagement submission. In the event of an election within the host community or the AHJ, Proposers are responsible for informing current and newly elected local officials in a timely manner.

Evaluation: Eligible Projects will be evaluated based on the comprehensiveness and responsiveness of stakeholder engagement efforts. Preferentially evaluated Projects will have clearly articulated community engagement and mitigation strategies, evidence of ongoing collaboration with relevant AHJ stakeholders, evidence of addressing local interests and concerns, and demonstrated coordination with the local fire department. Letters of support are the strongest evidence of community support, collaboration, and addressing local interests and concerns. These letters of support must be from relevant AHJ stakeholders, including but not limited to local elected officials, union officials, state or federal representatives, or fire department officials.

NYSERDA may coordinate internally or with other State Agencies to act as Specialist Reviewers to inform evaluation.

4.2.6 Development and Operating Experience

Submission Requirements: All required Development and Operating Experience fields in the Step Two Bid Form, Attachment D. Bid Data Form, and Attachment E. Project Development Plan that detail the Proposer's experience developing, constructing, and/or operating energy storage projects. A complete Development and Operating Experience submission will include:

1. **List of projects:** A list of up to 25 specific projects successfully developed, constructed, and/or operated, submitted via Attachment D. Bid Data Form. The list must include at least one project that demonstrates achievement of the Development and Operating Experience Minimum Eligibility Threshold detailed in Section 4.1.

2. **Experience summary:** A description, submitted via Attachment E. Project Development Plan, of the Proposer's experience developing, constructing, and operating bulk energy storage projects and/or other energy projects.

3. **Management chart:** A management chart, as a separate upload on the Step Two Bid Form, that lists the key personnel dedicated to developing, constructing, and/or operating the Project.

4. **Resumes:** Resumes of key personnel, submitted via the Step Two Bid Form, that describe the Project team's experience with developing, constructing, and/or operating energy storage or other energy generator or infrastructure projects.

Evaluation: Eligible Projects will be evaluated based on the applicable development and operating project experience. Preferentially evaluated Proposals will have demonstrated breadth and/or depth of experience developing, constructing, and operating energy storage projects, particularly those similar to the proposed Project in terms of size, technology, and market. Please note that the Scoring Committee will evaluate Development and Operating experience based only on the experience described in the Bid Proposal, i.e. not on experience communicated on a company website or otherwise.

4.2.7 Creditworthiness and Financing

Submission Requirements: All required Creditworthiness and Financing fields in the Step Two Bid Form and an Attachment E. Project Development Plan that details the Proposer's plan to finance the proposed Project. A complete Project Development Plan will include:

1. **Access to capital:** A description of the Proposer's and/or equity partners' access to capital and anticipated financing arrangements for the Project. At minimum, Proposers must identify all equity partners and describe the Project's anticipated capital stack, including sources and uses of debt and equity financing.

    a. If financing sources (e.g. credit facilities, private equity funds, etc.) will be allocated to multiple projects, describe plans to ensure liquidity for the Project.

    b. For Proposers with private equity partners, list the fund(s) that will be used to support the Project, including a description of the fund(s), the applicable fund size, launch date, and confirmation that there is sufficient capital in the fund available for the Project's needs. If financial support for the Project originates from a closed-end fund, please indicate the investment time horizon of the fund.

2. **Financial background:** A brief profile of the Proposer's financing experience, corporate structure, and decision-making processes, including:

    a. A description of the Proposer's and/or equity partners' experience financing similar and/or more complex energy facilities.

    b. Submitted via the Step Two Bid Form, an organizational chart for the Project that clearly identifies the corporate structure including general and limited partners and financial ties to the Proposer's parent entity, guarantor(s) or affiliate(s) as applicable. 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.

    c. A description of the Proposer's, or if applicable, parent entity's decision-making process, governance committees, and timelines for approvals on projects, including any approvals for the Project secured to date.

3. **Creditworthiness:** Submitted via the Step Two Bid Form, the Proposer must provide audited financial statements for the three most recent fiscal years, key credit ratios, and, if applicable, evidence that the Proposer or its equity participant(s) possesses an investment-grade credit rating. More details on these submissions below:

    a. *Audited financial statements*: Proposers must provide audited financial statements for the Proposer (if available) and its parent entity, if the parent provides written evidence of a corporate commitment. Publicly traded and private companies must provide audited financial statements for the last three fiscal years and, if available, unaudited Quarterly Reports for the most recent quarter ended. In addition, publicly traded companies should provide links to publicly available SEC filings.

    b. *Key credit ratios*: Proposers must submit results for Funds from Operations (FFO) to debt, debt to EBITDA, and EBITDA to interest for the three most recent fiscal years. These results should be calculated from the financial statements provided in 3a. Proposers should refer to the S&P General Corporate Methodology: Ratios and Adjustments when calculating these ratios.[21] Proposers must further detail which

[21] https://www.spglobal.com/ratings/en/regulatory/article/-/view/type/HTML/id/3495918

financial statement items were used to derive these ratios for each year and note justification(s) for any manual adjustments.

c. *Investment-grade credit rating*: Evidence that the Proposer or its equity partner(s) possesses an investment-grade credit rating. The Project Development Plan must also detail any credit alerts or rating upgrades/downgrades for the Proposer, equity partners, or their parent entities, that occurred in the past three years, if applicable.

    i. If the Proposer's parent entity has a credit rating, the Proposer 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 entity, and (ii) evidence of an investment grade credit rating from that parent entity.

    ii. If the Proposer or its equity partner(s) does not possess an investment-grade credit rating, the Proposer and/or its equity partner(s) must provide evidence that it has sufficient tangible net worth to develop the Project or that the Proposer can reasonably finance the development of the Project.

d. If the Proposer is not a corporate Proposer and is not covered by 3a-c above, the Proposer must provide similar alternate information to demonstrate Proposer's financial capacity to develop and bring the proposed Project to commercial operation.

Evaluation: Eligible Proposers will be evaluated based on the evidence of access to capital, experience financing similar or more complex energy facilities, and metrics to demonstrate creditworthiness. Preferentially evaluated Projects will demonstrate a high degree of project bankability through comprehensive detail and evidence of the expected financing structures and available funds for the Project.

Project Development Plans and supporting documentation that (1) provide greater evidence of current or expected access to the required capital to construct and operate the Project (e.g., balance sheet financing, equity partnerships, credit facilities/debt arrangements, etc.), (2) demonstrate experience in successfully financing more complex energy projects, and (3) demonstrate strong corporate characteristics (e.g. credit ratings, key credit ratios) will be preferentially evaluated.

4.2.8 Climate Resiliency

Submission Requirements: All required Climate Resiliency fields in the Step Two Bid Form and Attachment E. Project Development Plan that detail the Proposer's efforts that have or can be undertaken to understand the climate resiliency aspects of the proposed Project's site, technology, and design considerations, and minimize the Project's risk of being impacted by future climate impacts over its useful life. A complete Project Development Plan will include:

1. **Climate hazard analysis:** An evaluation of the climate-related hazards and risks to the Project under both current and projected future climate conditions including, but not limited to coastal, riverine, and stormwater flooding; sea level rise; extreme heat and extreme cold events; increased average temperatures; and extreme storms (hurricanes, nor'easters, etc.).

2. **Reliability and performance impacts:** A description of the likelihood and severity of potential impacts to the Project's reliability (the extent to which the system provides outputs and avoids temporary disruptions) and performance (the ability of the system to provide expected output of energy over its useful life).

3. **Mitigation measures:** A description of mitigation measures for identified climate-related hazards and risks, including, but not limited to Project siting, design, technology selection, construction

and/or operation plans and choices that will eliminate or limit possible reliability or performance impacts.

4. **Mapping:** If applicable, a site map illustrating identified climate-related hazards and risks relative to the Project footprint.

To the extent a similar plan or analysis has been presented to and accepted by, or prepared by, (i) an unaffiliated financing, insurance or similar third party as part of financing, insurance or similar purposes or (ii) a regulatory authority, a copy of that plan or analysis, along with any supplements reasonably required to address the factors above may be provided to NYSERDA in lieu of the creation of separate documentation.

Proposers are encouraged to utilize existing public datasets that can help to begin to understand current and future climate exposure, including the following (suggested reference layers for these datasets are included below, but Proposers should use the time horizon that correlates to the Project's estimated useful life):

- **Coastal and Riverine Flooding:** FEMA National Flood Hazard Maps
- **Sea Level Rise:** NYSERDA Sea Level Rise Viewer (suggested exposure adjustment to 24" of sea level rise, recurrence interval 10 years)
- **Extreme Heat:** ASHRAE Climatic Design Conditions (reference Extreme Annual Design Conditions), NYS Climate Impact Assessment temperature projections by region (reference relevant temperature variables for 2050s Timeframe, no lower than 50th Percentile), and NYS Department of Health Heat Vulnerability Index
- **Extreme Wind:** ASCE Hazard Tool (suggested exposure 'risk category II', load type 'wind')
- **NYS climate projections and impacts by region:** NYS Climate Impacts Assessment
- **For NYC Projects:**
    - NYC Flood Hazard Mapper (suggested exposure layer "Future Floodplain 2050s" and "High Tide 2050s")
    - NYC Stormwater Flood Maps (suggested exposure layer "Extreme Flood with 2080 Sea Level Rise")
    - NYC Heat Vulnerability Index

Evaluation: Eligible projects will be evaluated based on the effective identification of climate hazards and possible risks to the Project over its useful life and demonstrated integration of applicable risk mitigation measures. Preferentially evaluated Proposals will demonstrate a comprehensive understanding of current and future climate hazard exposure, intentional siting considerations to limit risk, and/or comprehensive mitigation measures where risks are present.

4.3 Electricity System Value

Electricity System Value considerations associated with the proposed Project will account for 10% of overall evaluation. The Scoring Committee will evaluate Step Two Bid Proposals based on their potential or expected ability to maintain or improve current or future system reliability, displace Peaker/non-zero-emission generation, integrate additional renewable energy project generation, and/or reduce current or forecasted renewable energy curtailment in New York.

The Scoring Committee and Specialist Reviewers will review all eligible Step Two Bid Proposals, and the Scoring Committee will assign non-price points based on the proposed Project's technology, capacity, point of interconnection, and independent/third-party information that demonstrates the Project can provide electricity system value, including but not limited to the sources referenced below. NYSERDA, the Scoring Committee, and Specialist Reviewers may employ independent and/or third-party analyses or specialist reviews to estimate potential system impacts and benefits of the proposed Projects, including reviews of Step Two Bid Proposals by New York's transmission/distribution owners and/or other independent third parties.

The Scoring Committee and Specialist Reviewers will utilize third-party sources and/or independent studies to the extent possible, including but not limited to:

- NYISO Load & Capacity Data Report (Gold Book)
- NYISO 2035-2044 System & Resource Outlook Report and associated appendices
- NYISO 2024 Reliability Needs Assessment (RNA) and associated appendices
- NYISO Quarterly Short-Term Assessments of Reliability (STAR)
- NYSERDA 2025 New York State Energy Plan findings and associated annexes
- U.S. Energy Information Agency (EIA) Emissions by plant and by region data
- U.S. Environmental Protection Agency (EPA) Power Plants and Neighboring Communities Mapping Tool data
- Joint Utilities Headroom Calculations data reported in DPS Case 20-E-0197
- Potomac Economics Market Monitoring Unit (MMU) Review of NYISO's 2025-2044 System & Resource Outlook

Evaluation may also be informed by the optional submission categories described in Sections 4.3.1 and 4.3.2. Proposers are encouraged to provide Proposer-commissioned or independent sources evidencing Electricity System Value benefits associated with the proposed Project based on site-specific information.

4.3.1 System Reliability & Peaker Displacement Potential

Optional Submission: Proposers are encouraged to address Project-specific characteristics that may address system reliability and/or Peaker displacement submitted via the Step Two Bid Form.

The optional System Reliability and Peaker Displacement submission may include:

1. An analysis of the Project's ability to address specific system reliability needs of the NYISO zone within which the Project is interconnecting.
2. An analysis of the Project's ability to offset the use of specific, electrically proximate Peaker generation.

Analysis may include Proposer-provided site-specific estimates of system reliability, like dollars in reduced congestion rent, and estimates of MWhs of peaker generation displaced.

Evaluation: Eligible Projects will be evaluated based on the system reliability needs of the NYISO zone within which they are interconnecting, the reliance on Peaker generation of the NYISO zone within which they are interconnecting, and the Project's ability to address system reliability needs and offset reliance

on specific, electrically proximate Peaker generation. Preferentially evaluated Projects will be sited in NYISO zones with relatively greater or more acute system reliability needs, or greater reliance on Peaker generation. Preferentially evaluated projects will evidence that the Project is sited to be capable of addressing system reliability needs or offsetting reliance on specific, electrically proximate Peaker generation.

The Scoring Committee and Specialist Reviewers will account for Proposer-provided information to the extent that it includes reasonable assumptions and clear outputs and will utilize third-party sources and/or independent studies in evaluation.

4.3.2 Renewables Integration & Curtailment Reduction Potential

Optional Submission: Proposers are encouraged to address Project-specific renewables integration and/or curtailment reduction potential characteristics submitted via the Step Two Bid Form.

Evaluation: Eligible Projects will be evaluated based on independent/third-party information that demonstrates the proposed Project has potential to improve the deliverability of and/or reduce current or forecasted system curtailment of renewable generation. Preferentially evaluated Projects will be sited in areas of the grid with relatively greater current or expected renewable generation curtailment risk. Preferentially evaluated Projects can also be sited in areas capable of supporting operating or planned future renewables generation grid integration. Projects co-located with renewable generators will be preferentially evaluated.

The Scoring Committee and Specialist Reviewers will primarily utilize third-party sources and/or independent studies to the extent possible. The Scoring Committee may consider optional Proposer-provided information to the extent that it includes reasonable assumptions and clear outputs.

4.4 Economic Benefits

Economic Benefits expected to accrue to New York from the development, construction, and operation of the Project will be evaluated as a non-price evaluation component. Non-price points assigned to Economic Benefits account for 10% of overall evaluation. Economic Benefits are those that a Proposer can demonstrate: (1) will accrue after December 28, 2022, and up to three years following the Project's Commercial Operation Date and (2) would not have accrued but for the issuance of the ISC solicitations or award of a contract under this RFP.

Submission: A complete Step Two Bid Proposal includes an Attachment D. Bid Data Form. Economic Benefits claims must be listed in the Bid Data Form to be considered for evaluation. A description associated with each claimed Economic Benefit commitment must be submitted in the Bid Data Form. Appendix A. Incremental Economic Benefits Eligibility details the instructions for submitting Economic Benefits claims, including guidance on eligible claims. Only eligible claims will be considered in evaluation.

Evaluation: Eligible Projects will be evaluated based on the degree to which each Proposal demonstrates that Economic Benefits will accrue to New York because of the development, construction, and operation of the Project. Economic Benefits may be claimed in two categories:

1. **Long-Term Economic Benefits to New York State**: Economic benefits lasting 3 or more years including directly creating long-term jobs and/or long-term payments that accrue to the New York State economy, its municipalities, and/or residents.

2. **Short-Term Economic Benefits to New York State**: Economic benefits lasting less than 3 years, including local and statewide, that increased as a result of short-term in-state purchases and short-term jobs.

Eligible claims in both categories are further defined in Appendix A. Incremental Economic Benefits Eligibility.

Only direct Economic Benefits within these categories, as entered in Attachment D. Bid Data Form, will be considered. In no instance will NYSERDA or its Scoring Committee consider any indirect benefits or those created by any "multiplier effect" or other attribution method under which the creation of peripheral spending and jobs might be credited to direct capital infused into the economy.

The Scoring Committee will award points between the two categories. Within each category, points will be awarded in proportion to the level of eligible claims, normalized across all Projects by dividing each Project's eligible claims by that Project's Bid Energy Capacity ($/MWh).

Long-Term Economic Benefits will receive greater weight than Short-Term Economic Benefits in evaluation.

Claimed Economic Benefits associated with Disadvantaged Communities (DACs), as defined in Section 6.10 of the Agreement, will receive greater weight in scoring. Proposers can view all designated NYS DACs at https://www.nyserda.ny.gov/ny/Disadvantaged-Communities. Proposers are encouraged to reference the "DAC %" sheet in New York's DAC Data Collection Reporting Template when claiming Disadvantaged Community applicability for eligible Economic Benefits claims.

4.5 Non-Viability Determination

NYSERDA reserves the right to reject a Proposal based upon a determination by the Scoring Committee that the Project is not presently viable. Pursuant to Section 8.13, NYSERDA may seek additional information from any Proposers deemed to have submitted a non-viable Proposal prior to removing the Proposal for consideration. If NYSERDA raises a potential non-viability concern for a Project, 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.

The process for assessing Proposals for non-viability is separate from NYSERDA's verification that all attachments and information required in the Step Two Bid Proposal were submitted, which if not may result in the Proposal being declared incomplete and rejected (see Section 2.4). Non-viability determinations will only be recommended for a clear, objective case wherein the Step Two Bid Proposal is complete, but the Project is determined to be non-viable based upon the consensus of NYSERDA, Scoring Committee, and, if applicable, Specialist Reviewers' assessment of the Project.

If a Proposal is rejected based on a determination by the Scoring Committee that the project is not presently viable, NYSERDA will notify the Proposer of the determination and provide an explanation following the submission of the Step Two Bid Proposal and the receipt of responses to any clarifying questions. Proposers with Proposals that are rejected in this manner will remain eligible to re-apply in future solicitations and will be evaluated again without prejudice. Reasons for a determination of non-viability may include:

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

Examples of why a Proposal could be determined to be non-viable include, but are not limited to: failing to meet or maintain one or more Minimum Eligibility Thresholds, a Project with a Strike Price that may be insufficient to cover Project costs, a lack of understanding of how settlement under an awarded Agreement would occur, an unfounded interconnection or permitting mitigation cost estimate, and/or a materially high risk of not receiving permits due to the Project's current permitting status.

5 Additional Submission Information

5.1 Proposer's Webinar and Inquiries

NYSERDA will hold a webinar for Proposers on November 23rd, 2026, at 1:00 p.m. ET. During the webinar, NYSERDA will review the Step One Eligibility Application and Step Two Bid Proposal requirements, the Agreement, and the Program Manual. Questions will be taken and, to the extent possible, responses will be provided during the webinar.

Proposers can register for the webinar at the registration site.

Proposers are encouraged to submit questions prior to the webinar via email to iscrfp26@nyserda.ny.gov, and during the Proposer's Webinar using the built-in Q&A feature. Written responses will be posted to the solicitation website and will supersede any responses given by NYSERDA during the Proposer's Webinar. Any submitted questions that NYSERDA posts publicly will be posted anonymously, along with NYSERDA's responses, on the solicitation website under the Q&A feature, which is accessible to all Proposers following the webinar. NYSERDA reserves the right to not post responses to questions that are specific to a Project. Any such questions should be directed to NYSERDA through the Messages feature of the solicitation website or iscrfp26@nyserda.ny.gov inbox.

Questions may not be submitted directly to any individual at NYSERDA other than the Designated Contacts listed in the initial pages of this RFP. Questions should not be submitted to DPS Staff, or to individuals working for or on behalf of NYSERDA that are not listed as Designated Contacts.

5.2 Bid Fee

The Non-Price Submission for a Project must be accompanied by a single Bid Fee, in the form of electronic wire (preferred) or certified funds, in an amount determined by the Bid Power Capacity in megawatts (MW) of the Project in accordance with Table 10. The Bid Fee is due by February 24, 2027. The submission of Alternate Bid Proposal(s) does not require multiple Bid Fee payments – Bid Fee payments are only submitted once for a Project. For Projects submitting Alternate Bid Proposals, the Bid Fee payment will be calculated from the Base Bid Proposal. Proposers must indicate that they have submitted a Bid Fee with their Step Two Bid Proposal and attach proof of the provision of a Bid Fee, such as a receipt or transfer confirmation.

Table 10. Bid Fees by Project Bid Power Capacity

Bid Power Capacity (MW)	Bid Fee
5 – 99.9 MWac	$100 per 1 MWac
≥100 MWac	$10,000

Bid Fees will not be refunded to Proposers, except in instances of Bid Fees submitted for late Bid Proposals or for Bid Proposals that are ineligible under the Minimum Eligibility Thresholds (other than the Benchmark ISC Cost). For clarity, a Proposer will not have its Bid Fee refunded if it submits a Step Two Non-Price Submission but fails to submit a Step Two Price Submission. Waivers will not be provided for Bid Fees. Funding received from or committed by an entity such as the New York Green Bank will not suffice as an alternative to the Bid Fee payment.

Full Bid Fee submission instructions with account and routing information can be downloaded after registering as a Proposer on the solicitation website. All Bid Fees must be clearly labeled with a unique identifier comprised of the Project Name, Proposer Name, and NYISO Queue number (if applicable). 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.

5.3 Modification or Cancellation of the RFP and Solicitation Process

Notification of any changes in RFP process or documents will be communicated to the Proposers via the solicitation website, and any modified or reissued solicitation documents will be posted on the solicitation website and the Solicitations section of NYSERDA's Bulk Energy Storage Program website. Prospective Proposers are encouraged to check the website frequently to be advised of any RFP changes or other news.

The terms and conditions of this RFP may, at any time, be changed, postponed, withdrawn, and/or canceled, including any requirement, term or condition of this RFP, without any liability to NYSERDA.

5.4 Updates to the Eligibility Application and/or Bid Proposal

Except as set forth in Section 8.13, Proposers will not have an opportunity to refresh or restate submissions after the corresponding submission deadline for each Step. If a Proposer wishes to modify an already submitted submission *before* the submission deadline for that Step, the Proposer should follow the posted instructions for editing a submission and may contact NYSERDA's Designated Contacts with questions or issues.

If any event or change of circumstances occurs that affects the Project 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 ISCRFP26-1 (a "Material Change"), Proposers must promptly notify NYSERDA in writing. Proposers and their Bid Proposals must maintain eligibility under the Minimum Eligibility Thresholds throughout the Bid Proposal evaluation period and, if provisionally awarded, up to the execution of the Agreement by the Proposer and NYSERDA.

In the event that a Material Change occurs that affects ISCRFP26-1 Proposers generally, NYSERDA may solicit updates to all eligible Step Two Bid Proposals to account for the Material Change. In accordance with this process for evaluating systemic Material Changes, Proposers' scores may be adjusted upwards or downwards as a result.

In the event of a Material Change that does not affect ISCRFP26-1 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.

5.5 Meeting with Local Officials

Prior to and following Non-Price Submissions, 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 Project Summary with local officials interested in learning more about the Project's development. NYSERDA's Clean Energy Siting Team may also conduct webinars or other outreach with Project host communities that is general to energy storage and/or the ISC.

5.6 Contractual Commitments

5.6.1 Prevailing Wage Requirement

In accordance with the 2024 Energy Storage Order and NYSERDA's requirements as contained in the Agreement, and unless otherwise provided in a Project Labor Agreement (PLA) covering the construction of the Project that complies with the Agreement, all laborers, workmen and mechanics (within the meaning of those terms under New York State Labor Law Article 8) performing Construction Activities with respect to the Project, including, but not limited to, the staging, installation, erection, and placement of the Project and its electrical interconnection as well as related to start-up and commissioning of the Project, whether through long-term or short-term employment, must be paid wages and benefits in an amount not less than the Prevailing Wage applicable in the area where the Project will be situated,

erected and used, as published by the New York State Department of Labor or at least the equivalent Prevailing Wage requirements of the jurisdiction where the Project is located. Furthermore, in accordance with the 2024 Energy Storage Order and the Agreement, an awarded Project must provide quarterly certifications by a New York State licensed Certified Public Accountant that the Prevailing Wage has been paid.

5.6.2 Project Labor Agreement

As referenced herein, a Project Labor Agreement (PLA) refers generally to a single collective bargaining agreement (including a pre-hire agreement) covering both contractors in the construction industry working on a Project and a bona fide building and construction trade labor organization representing the craft workers on that Project. Construction work performed under a PLA that meets the requirements of Exhibit J to the Agreement is not subject to the aforementioned prevailing wage requirements. For the specific applicable contractual provisions, please see Sections 18.09 and 18.11 of the Agreement and Exhibit J to the Agreement.

5.6.3 Disadvantaged Communities Economic Benefit Commitments

Proposers are encouraged to make elective commitments in their Non-Price Submissions that will commit the Proposer to a certain dollar amount of expenditures that will accrue to Disadvantaged Communities (DACs). Proposers making elective commitments can view all designated NYS DACs at https://www.nyserda.ny.gov/ny/Disadvantaged-Communities. Such commitments will be evaluated favorably and be incorporated into the Agreement as Disadvantaged Community Commitments. To the extent a Project 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. See Appendix A for further instructions on Economic Benefits commitments.

6 Awards

6.1 Preliminary Rank Orders and Award Group

The preliminary rank ordering of Bid Proposals will be established based on the sum of the consensus Scoring Committee scores for each non-price evaluation category (Project Maturity & Viability, Electricity System Value, and Economic Benefits), and the points awarded for the Levelized Net ISC Cost as a result of the Strike Price evaluation. Bid Proposals will be ranked by points awarded in two separate rank orders, separated by duration (less than 8 hours, and 8 hours or more). NYSERDA reserves the right to provisionally award Bid Proposals from one or both preliminary rank ordered sets of proposals.

Following the development of the preliminary rank ordering, NYSERDA may recommend modifying either of the two rank orders, in consultation with DPS, based on the Portfolio Risk Factors detailed in Section 6.2. NYSERDA may consult with subject matter experts, including but not limited to DPS Staff, the NYISO, and the distribution utilities to assess the portfolio of received bids to inform the potential employment of any Portfolio Risk Factor(s).

After the preliminary ranking of all eligible Bid Proposals and (if applicable) applying any Portfolio Risk Factors, NYSERDA and DPS will arrive at an initial award group.

The number of ISCs procured in the ISCRFP26-1 solicitation is subject to NYSERDA's discretion and the review and approval of DPS. NYSERDA reserves the right to reject or accept any or all bids from either rank order. NYSERDA may consider information provided by a Proposer in response to requests for additional information in accordance with Section 8.13 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 Strike 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 the Proposer.

6.2 Portfolio Risk Factors

NYSERDA, in consultation with DPS, may recommend adjustments to the proposed award group rank orders to (1) remove Bid Proposals from the initial award group to avoid material risks to the portfolio (as described in factors 1-5 below), and/or (2) add Bid Proposals to the initial award group that provide material benefits to the portfolio (as described in factors 1-5 below). Any additions will be made in accordance with the order of the applicable rank order. NYSERDA, in consultation with DPS, may make such adjustments if the adjustments result in:

1. A portfolio that reduces the risk of geographic, technological, or developer concentration;

2. A portfolio that supports the ultimate achievement of the geographic targets described in the June 2024 Energy Storage Order;

3. A portfolio with a materially lesser risk of project attrition, including but not limited to projects/project configurations with relatively lower permitting feasibility risk and/or with relatively lower supply chain risk;

4. A portfolio that supports lesser estimated levels of current or future renewable energy curtailment;

5. A portfolio more capable of providing reliability services to the electricity grid.

These modifications may be made if comparable projects based on price and non-price factors are available in the applicable rank order of Bid Proposals and material benefits or avoidance of material risks to the initial award group are identified as described above.

6.3 Award Notice

After determining the initial award group, NYSERDA will then notify Proposers with Projects contained in the initial award group both by voice and written communication to Proposers' Project Sponsor(s) and Authorized Representative(s). The date upon which NYSERDA provides such written notification shall be the Award Notification Date. Selection for an initial award does not give the Proposer any legal right or entitlement. Once selected for initial award, Proposers must negotiate a final version of the Agreement with NYSERDA (see Section 7).

In accordance with the Non-Disclosure Agreement submitted by Proposers in the Step Two Bid Proposal, Proposers awarded an Agreement under ISCRFP26-1 will be required to maintain the confidential nature of the award prior to the public announcement of the ISCRFP26-1 final award group as part of the Public Disclosure.

Following notification of initial awards and commencement of negotiations of Agreements, NYSERDA and DPS reserve the right to expand the award group and offer awards to one or more Projects ranked below those Projects initially offered an award, accounting for any Portfolio Risk Factors detailed in Section 6.2. 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 Price Submission Deadline.

7 Post-Award Contracting

7.1 Award Notifications and Confidentiality

Following the distribution of initial award notifications, the Proposer shall not distribute any press release or contact the media or other members of the public until after NYSERDA publicly discloses the award. This confidentiality requirement is further described in the Non-Disclosure Agreement that Proposers are required to execute as part of the Step Two Bid Proposal. Following NYSERDA's Public Disclosure, if the Proposer wishes to contact the press regarding the awarded Agreement, the Proposer must collaborate with NYSERDA's Bulk Energy Storage Team and the NYSERDA Director of Communications prior to issuing any press release and/or holding an event or related announcement.

Once all provisional awards are confirmed by NYSERDA, NYSERDA 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 iscrfp26@nyserda.ny.gov. Proposers may also request debriefs for provisionally awarded Projects.

7.2 Provision of Contract Security

Unless otherwise agreed to by NYSERDA in writing, Contract Security in the amount of the product of the Bid Power Capacity (MWac) and $20,000 will be required within thirty (30) days of the Award Notification Date. NYSERDA 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 NYSERDA (which NYSERDA 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 criterion for accepting a LOC includes:

- The issuing bank is an owner bank of The Clearing House, or
- 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
- The issuing bank must be a United States bank, or a United States branch of a foreign bank, with a New York branch preferred.

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

7.3 Designation of Seller 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 Project; if a Proposer wishes to designate a different legal entity as the Seller, Proposers should contact NYSERDA as early as feasible.

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; Pursuant to Tax Law Section 5-a, if not previously filed for the Seller, form Tax Law ST-220-TD is required. Please consult Publication 223, Questions and Answers Concerning Tax Law Section 5-1. If filing for the first time, please indicate the "Seller" under "Contractor name" on the form. This form is filed first with the NYS Tax Department and NYSERDA does not need a copy. If not previously filed for the Seller, a completed form Tax Law ST-220-CA. Sellers will file this form after filing the ST-220-TD form. On the ST-220-CA form, Sellers will indicate to NYSERDA that they have filed the ST-220-TD form or the Seller previously filed ST-220-TD with the Tax Department. As a reminder, please indicate the "Seller" under "Contractor name" on the form;
2. Certificate of Incorporation;
3. A Certificate of an appropriate Officer of the Seller, in form and substance certifying: (1) the names and signatures of the Officers of the Seller authorized to sign any documents to be

delivered to NYSERDA under the conformed Attachment A. ISC Standard Form Agreement, and (2) the accuracy and completeness of resolutions of the Seller, authorizing and approving all matters in connection with the transactions contemplated in the conformed Agreement. NYSERDA does not have a preferred standard;

4. A Certificate of Good Standing, dated as of the most recent practicable date prior to the Effective Date, issued by the Secretary of State for the jurisdiction where Seller's organization is registered as a domestic business entity, confirming the corporate good standing of Seller;

5. 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);

6. Updated EO 16 Certification and/or EO 192 Vendor Responsibility Questionnaire, if applicable;

7. Seller Ownership Structure including parent company of affiliates;

8. W-9 Form.

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

NYSERDA will provide a first draft of the Agreement populated with all Project-specific inputs other than (i) any of the items listed in Section 7.3 that have not yet been provided by Proposer and (ii) if not yet available, Exhibit H (Disadvantaged Community Commitments) (the "Conformed Draft") reasonably promptly after provisional award. For further clarity, NYSERDA shall not be required to provide the Conformed Draft or to execute the Agreement prior to the deadline for provision of Contract Security.

For Proposers with multiple awards, unless otherwise agreed to by NYSERDA, one Conformed Draft will be provided to the Seller along with Project-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 Projects.

Subject to the below terms and conditions, if the Seller fails to execute the Agreement on or prior to the date ("Execution Deadline") that is 120 calendar days following the date on which NYSERDA provides the Conformed Draft to Proposer, the Contract Security will be forfeited to NYSERDA, the award will be rescinded, and the Project may not be eligible to participate in future NYSERDA bulk storage solicitations.

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

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 2.6.1.

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 review.

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 noted in the Exhibit B (Letter of Credit) of the 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 Project may also not be eligible to participate in the next NYSERDA bulk storage solicitation. This topic will be further discussed with Proposers as needed depending on the Project's specific circumstances.

As noted in Exhibit B (Letter of Credit) of the Agreement, NYSERDA will not be entitled to draw on the Contract Security for the other reasons enumerated therein until the Agreement is executed by both parties.

NYSERDA may publish the Agreements, and/or relevant terms within the Agreements, executed with awardees. Prior to such publication, NYSERDA will redact any critical electric infrastructure information contained in the Agreements, if any, including in the exhibits thereto, and will consider requests to redact confidential business information; provided, however that NYSERDA will not entertain any request to redact price information contained in the Agreement.

7.5 Confidentiality Waiver for Interconnecting Authority

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

7.6 Updated Project Schedule

If an awarded Project is under development, NYSERDA may request an updated 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 Part V - Schedule tab 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.

7.7 NYISO Waiver for Project-Specific Capacity Accreditation Resource Class

If awarded, 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.

7.8 Material Adverse Change

If a Material Adverse Change (as defined in the Agreement) may have occurred prior to execution of the Agreement, Proposer may provide NYSERDA with the evidence required by Section 18.12(a) of the Agreement prior to execution of the Agreement. NYSERDA shall use reasonable efforts to either accept or refute such evidence based on reasonable justification prior to execution of the Agreement.

8 General Conditions

8.1 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." 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.[22]

However, NYSERDA cannot guarantee the confidentiality of any information submitted. As noted in Section 7.5, NYSERDA reserves the right to make public the Agreement executed with any awarded Proposal.

8.2 Changes of Control

If, at any time prior to submission of the Step Two Price Submission Deadline, the Proposer has entered into a transaction to effectuate a change of control, Proposer **must** contact NYSERDA to ensure the appropriate information is submitted with all subsequent ISCRFP26-1 submissions. If a Proposer fails to contact NYSERDA before a submission deadline set forth in ISCRFP26-1, the applicable evaluation will be limited to the information provided by Proposer as of such submission deadline.

If, after submission of the Step One Eligibility Application but before the Step Two Price Submission Deadline, the Proposer intends to consummate a change of control, the Proposer and the Transferee **must** contact NYSERDA no later than ten (10) Business Days prior to the next ISCRFP26-1 deadline to ensure the appropriate entity submits the appropriate information with all subsequent ISCRFP26-1 submissions. For clarity, a proposed transferee ("Transferee") that takes over control of the Project (or is expected to take over control) following the Step One Eligibility Application will be eligible to submit the Step Two Bid Proposal even if it is a different entity from the original Proposer, subject to the Transferee meeting all eligibility criteria. The Proposer and/or Transferee shall provide NYSERDA with all reasonably requested documentation evidencing the consummation of the change of control. If a Proposer fails to contact NYSERDA pursuant to the above, NYSERDA may deem the Bid Proposal ineligible.

A Proposer that intends to effectuate a change of control of the Project after an initial award is granted but prior to full execution of an awarded Agreement may provide to NYSERDA as part of the Step Two Bid Proposal relevant materials regarding the Transferee. A Proposer may elect to have NYSERDA evaluate such Transferee's materials as part of the Bid Proposal. The Transferee's materials must include the full set of submission requirements for Development and Operating Experience (Section 4.2.6) and Creditworthiness and Financing (Section 4.2.7). However, any award granted by NYSERDA that is based on evaluation of a Transferee's materials shall be conditioned upon (a) Proposer transferring the awarded project to Transferee no later than thirty (30) days after the award notification date, provided, that such thirty (30) day period may be extended by a reasonable amount of additional time if Proposer provides reasonable evidence to NYSERDA that the consummation of the transfer to Transferee is delayed due to unforeseen circumstances and (b) Transferee providing NYSERDA with Contract Security pursuant to ISCRFP26-1 Section 7.2. If Proposer fails to transfer the awarded project to Transferee within thirty (30) days after the award notification (as may be extended as set forth above), NYSERDA shall rescind the award and re-evaluate and re-score Proposer's bid without review of any Transferee materials. If such re-evaluation and re-score would result in Proposer receiving an award, NYSERDA shall provide Proposer an updated award. For the avoidance of doubt, NYSERDA shall not be required to execute an Agreement until the transfer to Transferee is consummated or the Proposer has received an updated award after re-evaluation and re-scoring.

[22] https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/About/Contact/NYSERDA-Regulations.ashx

Except as set forth above, any change of control of the Project that occurs after the Step Two Price Submission Deadline and prior to full execution of an awarded Agreement may affect evaluation including as described in ISCRFP26-1 Section 5.4, and accordingly, NYSERDA cannot guarantee that an initial award will remain valid if a change of control of the Project occurs prior to entry into the Agreement. NYSERDA maintains the flexibility to request additional information from Proposer or its Transferee during such circumstances.

After the Agreement with NYSERDA is executed, changes of control of the Seller will be governed by Article VIII of the Agreement. Any change of control to NYPA prior to full execution of an awarded Agreement must comply with the requirements set forth in Section 2.1.6.

8.3 State Finance Law Sections 139-j & 139-k

NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at https://ogs.ny.gov/acpl/procurement-lobbying-law. 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).

8.4 Tax Law Section 5-a

NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of $100,000, to certify to the Department of Taxation and Finance (the Department) whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf.

8.5 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 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. 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.

8.6 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.

8.7 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 Proposers, subcontractors, and suppliers on its procurement Agreements.

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

Empire State Development
Division for Small Business
30 South Pearl Street
Albany, NY 12245

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

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

8.8 Disclosure Requirement

All Proposers shall disclose any indictment for any 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.

8.9 Press Releases and Media Contact

All Proposers shall not distribute any press release or contact the media until after 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.

8.10 Independent Entities/Limitation of Liability

Neither this RFP nor any other aspect of this solicitation shall create an agency, partnership, joint venture, or co-tenancy relationship among NYSERDA staff, the members of the Scoring Committee, or any other individuals or entities involved in the development or administration of this RFP (collectively, the "RFP Parties"), nor any other relationship or liability beyond those (if any) explicitly adopted in writing and executed by authorized representatives of the applicable RFP Parties. None of the RFP Parties shall be liable for any act or omission of any other RFP Party. Neither this RFP nor any other aspect of this solicitation creates or is intended to create third-party beneficiaries hereunder. In no event will an RFP Party be liable to any person for special, incidental, punitive, exemplary, indirect or consequential damages or lost profits, whether by statute, in tort or contract or otherwise.

8.11 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, the "Commission on Public Integrity"), and if so, a brief description must be included indicating how any matter before the Commission on Public Integrity was resolved or whether it remains unresolved.

8.12 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.

8.13 Requests for Additional Information & Due Diligence

Requests for Additional Information

Except as set forth in this Section 8.13 and sections referenced herein, NYSERDA will not accept additional information submitted by a Proposer with respect to a Bid Proposal after the applicable deadline set forth in this ISCRFP26-1. Any information provided to NYSERDA pursuant to this Section 8.13 will be subject to protection of proprietary information as described in Section 8.1, consistent with other Bid Proposal submission materials.

After each of the Step One Eligibility Application Submission Deadline, Step Two Non-Price Submission Deadline and Step Two Price Submission Deadline, NYSERDA shall review each Bid Proposal for completeness. To the extent NYSERDA determines that certain required documentation was not submitted for a Bid Proposal, after such determination, NYSERDA will promptly provide each applicable Proposer three (3) Business Days to submit such missing documentation. If NYSERDA requires additional information to determine if the Project and/or Proposer achieved Minimum Eligibility Threshold

at the time of the Step Two Non-Price Submission Deadline, NYSERDA will contact Proposer and provide a limited opportunity to provide such information.

After a submission deadline, Proposers may provide information that was not available at the time of their submission at NYSERDA's request as described in Sections 2.4 and 3.1. These requests are for clarification and/or informational purposes and will not be treated by NYSERDA as a change or revision to the material terms of Bid Proposal submission (e.g., Strike Price, Incremental Economic Benefits).

With respect to a change of control, NYSERDA may request additional information pursuant to Section 8.2.

Pursuant to Section 4.5, if NYSERDA raises a potential non-viability concern for a Project, 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.

Proposers are required to provide updated information if (1) any information on Attachment B. Public Project Summary changes or (2) as a result of a Material Change pursuant to Section 5.4, in each case at any time following submission and prior to execution of the Agreement.

Due Diligence

NYSERDA, at its discretion, may conduct broad due diligence to validate any or all elements of an application and to assess applicants' responsibility and prospects of success, including gathering information to assess a proposal relative to any of the eligibility criteria or 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 portfolio risk factor.

8.14 Executive Order No. 16

Pursuant to Executive Order No. 16 (EO 16)[23] issued on March 17, 2022, all vendors responding to bids or contracting with New York State must certify, using the form noted in Section 2.3, 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

[23] https://www.governor.ny.gov/executive-order/no-16-prohibiting-state-agencies-and-authorities-contracting-businesses-conducting

contract is being pursued. Exemption decisions are in NYSERDA's sole discretion and are final decisions. NYSERDA reserves the right to solicit additional materials or information regarding the responses or materials provided by a vendor.

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

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

8.15 Executive Order No. 192

As per Executive Order 192,[24] NYSERDA is required to do business only with responsible entities. As a result, a Vendor Responsibility Review will be conducted for all ISCRFP26-1 Step One Proposers. The Vendor Responsibility Checklist requires that the Proposer answer a series of questions regarding the Proposer, and the directors, employees and agents of Proposer and any affiliate of Proposer with respect to: (1) current investigation(s) by any governmental agency; (2) convictions or established liability for any act prohibited by State or Federal law in any jurisdiction involving conspiracy, collusion or other impropriety with respect to offering on any contract; or (3) any debarment action (detail any exceptions), within the last 4 years.

The Vendor Responsibility Checklist will also include the Proposer's attestation regarding the accuracy and truthfulness of the information and documentation provided by the Proposer. The NYSERDA Bulk Energy Storage program team will review the responses to the Vendor Responsibility Checklist and reserves the right to make a determination of vendor responsibility if a non-responsibility concern is noted.

8.16 NYSERDA AI Policy

Proposers are required to state in their Proposals if they intend to use artificial intelligence (AI) for reports or other deliverables associated with NYSERDA data or information. Approval for any Proposer/Seller to use any AI systems for such purposes must be expressly granted by NYSERDA. See Doing Business with NYSERDA on NYSERDA's website for more information on the use of AI at NYSERDA.

[24] https://ogs.ny.gov/system/files/documents/2021/09/eo-192-vendor-integrity_0.pdf