



**ANDREW M. CUOMO**  
Governor

**NYSERDA**

**RICHARD L. KAUFFMAN**  
Chair

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President and CEO

“Solar For All Facilities”  
Request for Proposal (RFP) 3802  
**\$ 19,800,000**

*NYSERDA reserves the right to extend and/or add funding to the Solicitation should other program funding sources become available.*

Round 1 Proposals Due: August 2, 2018 by 3:00 PM Eastern Time\*

NYSERDA will provide details and notice of subsequent rounds at a later date.

Community solar enables customers to share in the benefits of solar power even if they live in an apartment or other building that cannot support a rooftop solar system. To help low-income New Yorkers access the benefits of solar power, NYSERDA wishes to secure community solar subscriptions for low-income customers and provide them at no cost to more than 10,000 low-income New Yorkers.

NYSERDA requests proposals for Solar For All Facilities (“Participating Facilities”) to serve residential customers participating in Solar For All (“Participating Subscribers”) with small, no-cost community solar subscriptions. A Participating Facility may comprise all or part of a solar photovoltaic project interconnected under New York’s Community Distributed Generation policy (“CDG Project”), subject to the rules described herein. Each Participating Facility will be managed by a “Facility Sponsor,” which will respond to this RFP, contract with NYSERDA, and be responsible for fulfilling the requirements described in this solicitation. As an optional component to the proposal, Facility Sponsors may also include Community Co-Benefits (“Co-Benefits”) beyond the cost savings that will be delivered to Participating Subscribers.

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

No communication intended to influence this procurement is permitted except by contacting Christopher Rogers (Designated Contact) at (212) 971-5342, ext.3020 or by e-mail at [Christopher.Rogers@nyserda.ny.gov](mailto:Christopher.Rogers@nyserda.ny.gov) or Max Joel (Designated Contact) at (212) 971-5342, ext. 3035 or

by e-mail at Max.Joel@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Venice Forbes (Designated Contact) at (518) 862-1090, ext. 3507 or Venice.Forbes@nyserda.ny.gov. Contacting anyone other than the Designated Contacts (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

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

## I. Introduction

Community solar enables customers to share in the benefits of solar power even if they live in an apartment or other building that cannot support a rooftop solar system. To help low-income New Yorkers reap the benefits of solar power, NYSERDA wishes to secure community solar subscriptions for low-income customers and provide them at no cost to more than 10,000 low-income New Yorkers.

NYSERDA requests proposals for Participating Facilities to serve Participating Subscribers with small, no-cost community solar subscriptions. A Participating Facility may comprise all or part of a solar photovoltaic project(s) interconnected under New York's CDG Project policy, subject to the rules described herein. Each Participating Facility will be managed by a Facility Sponsor, which will respond to this RFP, contract with NYSERDA, and be responsible for fulfilling the requirements described in this solicitation. As an optional component to the proposal, Facility Sponsors may also include Co-Benefits beyond the cost savings that will be delivered to Participating Subscribers.

## II. Program Requirements

Proposers must complete a *Proposal Worksheet* using the template provided in Attachment B – Proposal Worksheet, which must be accompanied by documentation regarding project information, proposal information, and project eligibility.

### A. Overview of Solar For All Participating Facilities and Facility Sponsors

1. Facility Sponsors will enter into a service contract with NYSERDA to allocate a portion of the CDG credits of a CDG Project to Participating Subscribers. The portion of the CDG Project allocated to Participating Subscribers will be the Participating Facility.
2. Facility Sponsors (or related parties) will be responsible for ensuring the construction, interconnection, and ongoing operation and management of the CDG Project.
3. Participating Facilities may be no greater than 1 MW DC. Participating Facilities may represent a portion of CDG Projects larger than 1 MW DC, and may represent all or a portion of CDG Projects smaller than 1 MW DC.
4. NYSERDA will be responsible for acquiring individual Participating Subscribers and will provide the Facility Sponsor with all necessary subscriber information for the utility CDG Allocation Form ("Allocation Form"). NYSERDA will maintain a backlist of Participating Subscribers, and the Facility Sponsor will update or replace Participating Subscriber information as directed by NYSERDA. NYSERDA anticipates that each Participating Subscriber will receive an allocation equivalent to approximately 1,000 – 2,000 kWh per year.

5. The Facility Sponsor will add the Participating Subscribers to the CDG Project's electric utility Allocation Form, and will provide NYSEERDA with verification of the utility's acceptance of the Allocation Form and the delivery of credits to the Participating Subscribers.
6. The Facility Sponsor will be responsible for all communication with the utility to ensure that Participating Subscribers receive the applicable CDG credits. The Facility Sponsor will promptly inform NYSEERDA of notification from the utility of any invalid subscriber accounts or other crediting issues, and will promptly modify subscriber information as directed by NYSEERDA.
7. The Facility Sponsor will bank any unallocated CDG credits from the Participating Facility to be allocated as directed by NYSEERDA prior to their expiration.
8. Facility Sponsors may not bill Participating Subscribers, or otherwise market products or services to Participating Subscribers except as approved by NYSEERDA in writing.
9. Subject to review and approval at NYSEERDA's sole discretion, the Facility Sponsor may elect to offer Participating Subscribers an "expanded subscription" for additional CDG credits, beyond the amount allocated under a Solar for All agreement, under a direct contract and billing arrangement between the Facility Sponsor and the Participating Subscriber.
10. The contract term for Participating Facilities will be ten (10) years.
11. Facility Sponsors will invoice NYSEERDA annually based on the projected CDG credits generated and allocated to Participating Subscribers by the Participating Facility for the subsequent year.
12. Annual payment to Facility Sponsors will be adjusted to reflect the difference between the projected and actual CDG credits generated and allocated to Participating Subscribers as documented by the Facility Sponsor ("annual true up"). In addition, the final annual payment will be calculated at 80% of the projected CDG credits; 20% will be held until the completion of the contract, when a final annual true up will occur.
13. The Participating Facility, and the Facility Sponsor's responsibilities, must be maintained in the event of a sale or other change in the status of the CDG Project.
14. The CDG Project and/or Participating Facility may make use of NY Green Bank financing or other NYSEERDA programs, subject to those programs' eligibility requirements and award processes.

#### **B. Community Co-Benefits (Optional)**

Facility Sponsors, as part of their proposal to this RFP, may elect to include commitments to Community Co-Benefits derived from the Participating Facility or associated CDG Project. Co-Benefits may include:

1. Workforce training and hiring commitments in local low-income communities.
2. Community-based or participant ownership models.
3. Other community or participant benefits.

Co-Benefits must be specific, viable, and enforceable; and must be supported by an inclusive and accessible process. Co-Benefits must be documented in the *Community Co-Benefits Plan* as described in **Section III. Proposal Requirements**, and Participating Facilities that include Co-Benefits will be subject to contingencies on program payments. Proposals that include Co-Benefits may be awarded additional points by the Scoring Committee as detailed in **Section IV. Proposal Evaluation**.

### III. Proposal Requirements

Proposers must be the owner of an eligible CDG Project (see below) or have a binding commitment from the CDG Project owner that will allow the Proposer to meet all the requirements of a Facility Sponsor. The Proposer must document to NYSERDA's satisfaction that the owner of the CDG host meter, and/or other entities with an interest in the CDG Project, have waived any claims on the CDG Project that could hinder the performance of the Participating Facility or otherwise conflict with the requirements.

Proposals must be for Participating Facilities associated with CDG Projects in one of the state's Investor Owned Utility (IOU) service territories that are subject to the NY Public Service Commission's Order Establishing a Community Net Metering Program<sup>1</sup>. CDG Projects in the service territory of the Long Island Power Authority are not eligible.

Proposals for Participating Facilities must demonstrate that the associated CDG Project is in an advanced state of development or has entered commercial operation as of August 2, 2018. If selected, the CDG Project must enter commercial operation within six (6) months of contract execution with NYSERDA, unless otherwise agreed by NYSERDA in writing. NYSERDA will determine eligibility based on the criteria set out below and documented per the Proposal Requirements. The Proposer must include with its proposal documentary evidence demonstrating the details listed below in **Sub-Section A. CDG Project Information, Eligibility Documentation, and Pricing**.

#### A. CDG Project Information, Eligibility Documentation, and Pricing [See Attachment B – Proposal Worksheet]

1. NY-Sun Incentive Application # and status
2. CDG Project location, electric utility, NYISO zone, date of operation, date of 25% interconnection payment (if applicable), VDER tranche status, and LSRV location (if applicable).
3. Technical information (azimuth, mount type, total installed capacity, inverter size, and estimated production) needed to project value of CDG credits per kWh and annual total (\$). Technical information will be verified prior to contracting.
4. Committed portion of injected annual production (also represented as kW and annual kWh equivalent) to CDG Project.
5. Bid price in \$ per kWh (also represented on an annual basis, fixed for the term of the agreement).
6. Documentation to NYSERDA's satisfaction that the Facility Sponsor either is the CDG Project owner (controls the CDG host meter) or has a contract with the CDG project owner authorizing the Facility Sponsor to control the CDG host meter in order to allocate CDG credits. Documentation to NYSERDA's satisfaction that the CDG Project owner is bound by the assignment clause of the contract so that the Participating Facility is maintained in the event of project sale.
7. CDG Project has completed Step 7 of the New York State Standardized Interconnection Requirements and Application process, has an executed Interconnection Contract, and made the full upgrade payment to the utility; or, if a Coordinated Electric System Interconnect Review ("CESIR") is not required, has an executed Interconnection Contract.
8. Site control for the CDG Project site for no less than 20 years documented by an executed lease agreement for the site, an executed agreement to purchase the site, or an executed

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<sup>1</sup> New York Public Service Commission. *Order Establishing a Community Distributed Generation Program and Making Other Finding*. July 17, 2015. <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={76520435-25ED-4B84-8477-6433CE88DA86}>.

license or other agreement granting exclusive right to use the site for the purpose of constructing and operating the CDG Project.

9. CDG Project has received all discretionary (non-ministerial) permits, approvals, and determinations from all Authorities Having Jurisdiction (AHJs), and is not subject to a solar moratorium in any AHJ; including SEQRA determination and special use permit where applicable.
10. CDG Project and Facility Sponsor have ability to securely exchange participating subscriber information with NYSEERDA, manage all communication with the utility necessary to ensure that participating subscribers receive the applicable CDG credits, and meet all other technical and administrative responsibilities.

## **B. Community Co-Benefits Plan (Optional)**

Proposers that choose to include Co-Benefits in their proposal must complete a *Community Co-Benefits Plan* using the template provided in Attachment C – Co-Benefits Template, with accompanying documentation. The *Community Co-Benefits Plan* and accompanying documentation must address the following criteria:

1. Team and Qualifications
  - Summary of applicable background and experience, including active connections to the relevant community.
  - Specific role of each team member/organization in implementing the *Community Co-Benefits Plan*.
2. Inclusion and Engagement
  - Plan for facilitating wider community engagement on Co-Benefits planning and implementation, and/or description of prior engagement activities and outcomes.
  - Description of how stakeholder groups will have opportunities to provide feedback and input throughout the Co-Benefits planning and implementation process.
3. Oversight and Enforcement
  - Identification of a qualified government or non-profit agency that will provide long-term oversight and enforcement of the Co-Benefits implementation, including a description of the relevant experience of the organization.
  - Detailed description of the monitoring and oversight that will be provided, which includes an enforcement mechanism to address performance, timeframe for implementation, a process for the verification of Co-Benefits.
4. Co-Benefits Activities and Outcomes

Detailed description of the planned Co-Benefits, including specific and quantitative commitments, activities to be undertaken, and outcomes to be realized prior to and after initial allocation/commercial operation. The *Community Co-Benefits Plan* may include one or more of the Co-Benefits below and must be documented as described.

- Workforce training and hiring commitments in disadvantaged communities
  - Documentation of partnership(s) with local training and/or employment agencies.
  - Detailed plan for training and hiring, including job descriptions and wage targets.
- Community-based or participant ownership models
  - Documented commitment of anticipated community owners and/or facilitating representative organizations, and their participation (as applicable) in the project development process.

- Details on ownership and/or revenue sharing structure(s), including management, legal and financial terms and projected economic benefit(s) to community/participant owners.
- Details on project financing and sources, particularly locally-sourced financing.
- Documentation of protections in place to ensure that there will be no short or long-term negative financial impacts for low income participants/owners.
- Other Co-Benefits
  - Specific description and documentation of other community Co-Benefits associated with the project.

### **C. NYSERDA Solar For All Participating Facility Standard Contract**

Participating Sponsors will execute the NYSERDA Solar For All Facility Standard Contract (Attachment A – Sample Agreement). Proposers may include a list of requested exception to the terms of the agreement with their proposals, which NYSERDA may accept or deny. Requests for exceptions will play no role in the evaluation of proposals.

## **IV. Proposal Evaluation**

### **A. Clarification of Proposals and Interviews**

While evaluating proposals, NYSERDA may request additional information about any item in a proposal. At NYSERDA's discretion, Proposers may be requested to interview with all or part of the Scoring Committee to address any potential questions or clarifications outlined in the proposals. Proposers will be notified if they are requested to attend an interview.

### **B. Eligibility Review**

Proposals will be reviewed for eligibility per the criteria detailed in Sect. III: Proposal Requirements. Proposals that are deemed ineligible may be resubmitted with modifications to subsequent solicitation rounds.

### **C. Scoring Process**

For each proposal, NYSERDA will calculate the Participating Facility's Leverage Ratio. Leverage Ratio is defined as the ratio of the projected electric cost savings to income-eligible program participants per CDG credit received to the proposed price per CDG credit. Proposals with Leverage Ratios of less than 1.1 will be deemed ineligible.

Eligible proposals will be awarded up to 100 points based on Leverage Ratio. The Scoring Committee may award up to 10 additional points for the *Community Co-Benefits Plan*, with the total proposal score not to exceed 100 points. Co-Benefits will be evaluated based on viability, inclusion and governance, oversight and enforcement, and the Co-Benefits activities and outcomes as demonstrated in the Proposer's *Community Co-Benefit Plan* and accompanying documentation. Proposals will then be ranked by score.

Eligible proposals with the highest Leverage Ratios will be deemed fundable subject to the following limits:

- No more than 50% of total program funding will be awarded in any one RFP round.
- No more than 40% of total program funding will be awarded to any one proposer, including subsidiaries and related entities.
- No less than 20% of the total program funding will be awarded to Participating Facilities in the area served by National Grid, New York State Electric & Gas, and Rochester Gas & Electric.
- No less than 20% of the total program funding will be awarded to Participating Facilities in the area served by Central Hudson Gas & Electric and Orange & Rockland.

- No less than 20% of the total program funding will be awarded to Participating Facilities in the area served by Con Edison.

#### **D. Program Policy Factors**

NYSERDA reserves the right to accept or reject proposals based on the following Program Policy Factor(s):

- Geographic distribution.
- CDG Project size distribution.
- CDG Project owner and Facility Sponsor diversification.
- Inclusion of proposals offering Community Co- Benefits.
- Weighted average Leverage Ratio of all proposals funded.
- Total NYSEKDA investment in the CDG Project and/or Participating Facility.

#### **V. General Conditions**

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

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

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

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

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

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

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

**Tax Law Section 5-a** - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](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](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf> .

**Contract Award** - NYSERDA anticipates making multiple awards under this solicitation. NYSERDA anticipates a contract duration of 10 years, unless NYSERDA management determines a different structure is more efficient based upon proposals received. A contract may be awarded based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each proposal should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample 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 to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the checklist questions. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately 6 weeks from the proposal due date of whether your proposal has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

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

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

a background check into publicly available information and the presence of a material possibility of any reputational or legal risk in making of the award.

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

**VI. Attachments:**

Attachment A – Facility Standard Contract – Sample Agreement

Attachment B – Proposal Worksheet

Attachment C – Community Co-Benefits Plan Template



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**New York State Energy Research and Development Authority**

**Albany**

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10018-7842

(P) 212-971-5342  
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**West Valley Site  
Management Program**

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14171-9500

(P) 716-942-9960  
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