

**Renewable Energy Standard Purchase of New York Tier 1 Eligible Renewable Energy
Certificates Request for Proposals (RFP) No. RESRFP19-1 RFP****Release Date: April 23, 2019****Summary of Revisions****EFFECTIVE August 16, 2019**

1. Sections XII(2) and XIV of the RFP and Sections 21.04 and 21.05 of the RES Standard Form Agreement have been revised to confirm NYSERDA's intention to publish the RES Standard Form Agreements executed with awardees.
2. Exhibit E – Department of Agriculture and Markets Guidelines for Agricultural Mitigation has been added to the NYSERDA website and is available here: <https://www.nyseda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/RES-Tier-One-Eligibility/Solicitations-for-Long-term-Contracts>



NYSERDA

**Renewable Energy Standard
Purchase of New York Tier 1 Eligible Renewable
Energy Certificates
Request for Proposals (RFP) No. RESRFP19-1
RFP Release Date: April 23, 2019
Updated: August 16, 2019**

**Step One Resource Eligibility Submissions Due:
Friday, May 24, 2019 by 3:00 p.m. Eastern Time (ET)*
Step Two Application for Qualification Packages Due:
Thursday, June 13, 2019 by 3:00 p.m. ET
Step Three Bid Proposals Due:
Tuesday, September 10, 2019 by 3:00 p.m. ET**

**NYSERDA SEEKS TO ACQUIRE APPROXIMATELY 1.5 MILLION NEW YORK TIER 1
ELIGIBLE RENEWABLE ENERGY CERTIFICATES ANNUALLY**

The New York State Energy Research and Development Authority (NYSERDA) seeks to procure Tier 1 eligible Renewable Energy Certificates under the Renewable Energy Standard (RES), a component of the Clean Energy Standard (CES).

NYSERDA was created in 1975 by the New York State Legislature as a public benefit corporation. As designated in the Public Service Commission's (PSC) [Order Adopting a Clean Energy Standard](#), issued and effective August 1, 2016, NYSERDA acts as the Central Administrator of the RES program.

RESRFP19-1 will be implemented through a three-step process, consisting of:

1. Step One: A Resource Eligibility Determination step completed in the New York Generation Attribution Tracking System (NYGATS) through which the Tier 1 resource eligibility of the Bid Facility is determined, allowing participation in Step Two;
2. Step Two: An Application for Qualification step that will qualify Proposers to submit a Step Three Bid Proposal, based on demonstration that the Bid Facility meets certain threshold requirements; and
3. Step Three: A competitive Bid Proposal step.

Only those Proposers found eligible and qualified through the Step One and Two processes will be permitted to submit a Bid Proposal or otherwise participate in Step Three.

***Step One Resource Eligibility Determination:** Requests for Step One Resource Eligibility Determination submissions in NYGATS must be completed by **3:00 p.m. ET on**

Friday, May 24, 2019.¹ Through the Step One process, a determination will be made as to the Tier 1 resource eligibility of the Bid Facility, which will determine its eligibility to participate in Step Two.

Step Two Application for Qualification: NYSERDA will open the Step Two Application for Qualification process on Thursday, May 2, 2019 (see Section IV). Step Two Application for Qualification packages must be **received by NYSERDA by 3:00 p.m. ET on Thursday, June 13, 2019 via electronic submission.**² NYSERDA staff will be available to support Proposer's inquiries regarding Step Two Applications through the deadline at 3:00 p.m. Thursday, June 13, 2019. Applications may be submitted electronically by following the link for electronic submissions found on [NYSERDA's Current Funding Opportunities website](#),³ located in the "Current Funding Opportunities" section of NYSERDA's website. Instructions for submitting electronically are provided in Attachment J to this RFP.

NYSERDA intends to notify all prospective Proposers as to their qualification status by Wednesday, July 24, 2019. Qualified Proposers will receive a Notice of Qualification and will be provided with detailed instructions for submitting a Step Three Bid Proposal.

Step Three Bid Proposal: Step Three Bid Proposals must be **received* by NYSERDA by 3:00 p.m. ET on Tuesday, September 10, 2019 via electronic submission.** Instructions for submitting electronically and the link for electronic submissions will be included in a Proposer's Notice of Qualification. Additional information regarding NYSERDA's Renewable Energy Solicitations can be found on [NYSERDA's Renewable Energy Solicitations Standard \(RES\) Tier 1 website](#).⁴

***It is recommended 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.**

All general questions about this RFP must be submitted via the Q&A feature of the [electronic submission website](#) (no phone calls).⁵ Project specific questions may be addressed to res@nyserda.ny.gov or the Messages feature on the [electronic submission website](#), which will be available following the Proposers' Webinar.

No communication intended to influence this procurement is permitted except by contacting the Designated Contacts. The RESRFP19-1 Designated Contacts are Doreen Harris, Abbey DeRocker, Marci Brunner, Jennifer Phelps, Jeremy Wyble, and Bram Peterson. Contacting anyone other than the Designated Contacts (either directly

¹ See <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/RES-Tier-One-Eligibility/Certification>

² If you are unable to submit by electronic means, please contact a Designated Contact immediately.

³ <http://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>

⁴ <https://www.nyserda.ny.gov/ces/rfp>

⁵ The Q&A page is intended for general questions which are suitable for public review.

by the Proposer or indirectly through a lobbyist or other person acting on the Proposer's behalf) to influence the procurement: (1) may result in a Proposer being deemed a non-responsive offeror, and (2) may result in the Proposer not receiving an award.

Incomplete submittals will be subject to disqualification. It is the Proposer's responsibility to ensure that all required forms and attachments have been completed and submitted. Late packages will not be accepted and those lacking the appropriate completed and signed Step Two Application for Qualification Form may be returned. **Faxed, mailed, or e-mailed packages will not be accepted.**⁶ Packages will not be accepted by hand delivery at any NYSERDA location.

If changes are made to this solicitation, notification will be posted on the [NYSERDA's RES website](#), the [electronic submission website](#) under the Announcements tab, and provided to those that provide their email address to NYSERDA via the [electronic submission website](#) or [NYSERDA's RES Renewable Generators and Developers Email Sign-Up Page](#).⁷ Please check the website periodically, as well as immediately before submitting in Step Two or Step Three.

⁶ Unless otherwise agreed by NYSERDA. See footnote 2.

⁷ <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/Renewable-Generators-and-Developers-Email-List>

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NEW ITEMS & IMPORTANT NOTES

1) Transparency and Community Outreach

Our shared ability to fulfill New York's aggressive renewable energy goals depends upon Proposers' commitment to acting responsibly while interacting with the public, engaging New York State host communities, and developing projects. NYSERDA's counterparties, contractors, consultants and vendors are expected to adhere to high standards with regard to project development transparency and outreach activities. Proposers who submit a Step Three Bid Proposal will be required to develop and submit a Community Outreach Plan that promotes positive and meaningful public engagement and that reflects an understanding of local interests and concerns, provides high-quality and well-timed public educational opportunities, demonstrates a commitment to partnering with elected officials in proposed host communities, and elicits input from the public and affected agencies. **The Community Outreach Plan will be made available to the public by NYSERDA soon after Step Three Bid Proposals are received.** NYSERDA expects to be kept well-informed of project progress well-ahead of planned community outreach activities.

Through RESRFP19-1, a new Project Viability subcategory, Community Outreach, has been introduced. Proposers will be scored based on the quality of their Community Outreach Plan and the community outreach activities performed prior to submission of a Bid Proposal. See Section IX and Appendix 2 for additional information.

Public engagement, education about Large Scale Renewables, and open communication about the solicitation and permitting process are of utmost priority to NYSERDA. Shortly after Step Three Bid Proposals are submitted, NYSERDA will schedule and meet with local officials in the proposed host communities, in person and/or via teleconference. These meetings will be conducted without Proposer participation, but NYSERDA will notify the Proposer regarding the schedule for such meetings and provide a brief synopsis of such meetings after they conclude.

2) Consultation with New York State Department of Agriculture & Markets Notice of Intent

For awarded projects with a Nameplate Capacity less than 25 MW and located in a New York State agricultural district, Proposers will be required to provide to NYSERDA a report including all of the information required by Section 305(4)(b) of the Agriculture and Markets Law. NYSERDA may also require a 305 report prior to award decisions.

A map of the agricultural districts, by county, is available from [New York State Agriculture and Markets](#).⁸

Projects subject to the Article 10 permitting process are not required to complete the process described above.

3) Energy Storage

On April 25, 2019, NYSERDA filed its approved Energy Storage Market Acceleration Incentives Implementation Plan and the [NYSERDA Energy Storage Bulk Incentive Program Manual](#)⁹ with the Department of Public Service (DPS) under Case 18-E-0130. RESRFP19-1 incorporates, as appropriate, the requirements in Section VI, “Quality Assurance,” (including the Battery Energy Storage Guidebook referenced therein) Section VII, “Measurement and Verification,” and Section IX, “Technical Requirements” of the Manual, including any changes to the Technical Requirements, which are expected to evolve as the industry develops. In addition:

- The storage equipment must consist of commercial products carrying a manufacturer’s warranty. The warranty must cover the entire energy storage system including ancillary equipment and power electronics. Experimental, beta, or prototype equipment is not eligible.
- The storage system must be certified to meet minimum safety requirements by a Nationally Recognized Testing Laboratory as evidenced by specific UL listings defined in the Program Manual. These will evolve to meet current best practices in the storage industry. These UL listings must be received by the time that the system enters commercial operation.
- Energy storage systems and components must comply with all manufacturers’ installation requirements, applicable laws, regulations, codes, licensing, and permit requirements. This includes, but is not limited to, SEQR; Article 10; the International Building Code Series as amended by the New York State Uniform Code Supplement; the National Electric Code¹⁰; New York State’s Standard Interconnection Requirements; and all applicable State, city, town, or local ordinances or permit requirements, and any additional requirements of the local authority having jurisdiction (AHJ), and demonstrate compliance with the requirements in the [New York Battery Energy Storage System Guidebook](#) published by NYSERDA.

If an award includes Energy Storage, the Proposer must agree to reasonably participate in an Energy Storage Technical Working Group (ES TWG) and its associated activities.

NYSERDA has also updated the scoring methodology in Appendix 3, Operational Flexibility and Peak Coincidence, to reflect current and anticipated market conditions.

4) Prevailing Wage Requirement Clarification

⁸ New York State Agriculture and Markets Agricultural Districts is available by county at <https://www.agriculture.ny.gov/AP/agsservices/agricultural-districts.html>

⁹ Matter Master 18-E-0130, In the Matter of Energy Storage Deployment Program, March 11, 2019. The Energy Storage Bulk Incentive Program Manual may be updated from time-to-time. Check NYSERDA’s 2019 RES Solicitation Resource page for updates.

¹⁰ National Electric Code, including Article 706, Energy Storage Systems and Article 210, Stand-Alone Systems.

Consistent with previous requirements, the 2019 RES Standard Form Agreement (Attachment H) includes Prevailing Wage requirements. Although successful Proposals will not be considered a public work under Article 8 of the NYS Labor Law, all laborers, workmen and mechanics (within the meaning of those terms under NYS Labor Law Article 8) performing Construction Activities with respect to the Bid Facility, must be paid wages and benefits in an amount not less than the Prevailing Rates (as determined under NYS Labor Law § 220 for construction activities in New York, or for construction activities elsewhere as determined by analogous state law) that would be applicable to a public work in the area where the Bid Facility Construction Activities occur. This requirement applies: (1) to all laborers, workmen and mechanics performing Construction Activities, whether direct employees of the Seller or of Seller's subcontractor(s), and (2) regardless of whether or not such employment was claimed as an Incremental Economic Benefit in the Step Three Bid Proposal.

See Section 18.10 of the RES Standard Form Agreement for more information.

5) Consolidation of Incremental Economic Benefits Categories

Four Economic Benefits categories have been consolidated into two categories, a) Long-Term Economic Benefits to New York State and b) Short-Term Economic Benefits to New York State. The eligibility of Incremental Economic Benefits have not changed, nor has the overall weight of this evaluation criteria.

See Appendix 1, Incremental Economic Benefits Appendix for more information.

6) Commercial Operation Milestone Date

The Public Service Commission's (PSC) [Order Approving the Phase 3 Implementation Plan](#) issued on December 14, 2018, allows two additional 6-month extension periods to the contractual Commercial Operation Milestone Date (COMD), for a total of six additional 6-month extension periods. The COMD for RESRFP19-1 is November 30, 2021 and may be extended to November 30, 2024.

7) Enhanced Financing Plan and Business Entity Description

NYSERDA has expanded the Financing Plan requirements and has introduced a requirement that proposers include a description of the Proposer's corporate structure including any affiliates, subsidiaries or business partners of any sort.

8) Increased Minimum Threshold Requirement for Project Development Experience

The Proposer or the principals in its development team must have experience in successfully developing at least one renewable generation project. In addition,

Proposers must provide a management chart and organizational chart associated with the Proposal.

9) Enhanced Resource Assessment and Energy Production Estimate

The Resource Assessment and Energy Production Estimates must be consistent with and representative of the Bid Facility, long-term conditions at the site, and if applicable, Energy Storage, and must include data on a project lifetime scale consistent with the Bid Proposal.

I.BACKGROUND: THE NEW YORK STATE CLEAN ENERGY STANDARD AND RENEWABLE ENERGY STANDARD

On July 6, 2015, the New York State Energy Planning Board issued the 2015 State Energy Plan (SEP)¹¹ which stated the goal achieve 50 percent of the State's electricity be generated from renewable resources by 2030 (50 by 30 goal). In December 2015, Governor Cuomo directed the Department of Public Service (DPS) to develop a Clean Energy Standard (CES)¹² to help achieve the SEP goals.

The PSC [Order Adopting the Clean Energy Standard](#) issued on August 1, 2016, along with additional orders issued under Case 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard (Orders), established the Renewable Energy Standard (RES) as the State's principal means of achieving the 50 by 30 goal. A component of the RES consists of a Tier 1 obligation on load serving entities (LSE) to procure Renewable Energy Certificates¹³ (RECs) associated with new renewable energy resources.

The Orders authorize NYSERDA, as central procurement administrator, to offer long-term contracts to generators for the purchase of Tier 1-eligible RECs, in the form of Tier 1 NYGATS certificates. Pursuant to the Orders, NYSERDA seeks to accomplish the RES objective by contracting with suppliers, through a series of competitive RFPs, for the RES Tier 1 RECs created by eligible generation resources.¹⁴ For the avoidance of doubt, NYSERDA seeks to acquire Tier 1-eligible RECs only, and will not have any claim to associated electric energy, capacity, or ancillary services associated with the RECs.

Information regarding current NYSERDA's implementation of the RES can be found on [NYSERDA's CES website](#).¹⁵

¹¹ 2015 New York State Energy Plan is available from <http://energyplan.ny.gov/>

¹² Letter from Governor Andrew M. Cuomo to Audrey Zibelman, Chair, New York State Department of Public Service, December 2, 2105 (Cuomo Letter) available at https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Renewable_Energy_Letter.pdf

¹³ While the PSC's August 1, 2016 Order references renewable energy "credits," NYGATS creates renewable energy certificates, and therefore that term is used in this RFP. The NYGATS certificates are created in one MWh denominations and are in all other ways consistent with the Order.

¹⁴ Directives pertaining to NYSERDA's RES Central Procurement role are contained in the February 22, 2017 [Order Approving the Phase 1 Implementation Plan](#) and the [Final Phase 1 Implementation Plan](#) filed by NYSERDA on March 24, 2017, the November 17, 2017 [Order Approving the Phase 2 Implementation Plan](#) and the [Final Phase 2 Implementation Plan](#) filed by NYSERDA on December 18, 2017, and the December 14, 2018 [Order Approving the Phase 3 Implementation Plan](#) and the [Final Phase 3 Implementation Plan](#) filed by NYSERDA on January 11, 2019. The March 9, 2017 [Order on the Value of Distributed Energy Resources](#) further clarifies the treatment of certain distributed energy resources (DERs) such resources under the CES and their eligibility to participate in NYSERDA's long term procurements for RECs.

¹⁵ <https://www.nyserda.ny.gov/Clean-Energy-Standard/>

Information regarding NYSERDA's prior solicitations under the RES, RESRFP17-1 and RESRFP18-1, can be found on [NYSERDA's RES Solicitation website](#).¹⁶

Information on the Renewable Portfolio Standard (RPS), the precursor to the CES, and past Main Tier solicitations can be found on [NYSERDA's website](#).¹⁷

The CES/RES Orders can be accessed from the [NYS Public Service Commission's website](#).¹⁸ All Proposers are strongly advised to review the Orders before participating in this RFP.

CAPITALIZED TERMS AND ABBREVIATIONS USED IN THIS RFP ARE DEFINED IN ARTICLE I OF THE [RES STANDARD FORM AGREEMENT \(Attachment H\)](#).

II. NOTIFICATION of RFP CHANGES

Notification of any changes in RFP process or documents will be posted on [NYSERDA's RES Tier 1 website](#), the [electronic submission website](#) under the Announcements tab, and sent via email to parties that have submitted contact information to NYSERDA's RESRFP19-1 solicitation via the [electronic submission website](#).

III. PROPOSERS WEBINAR & INQUIRIES

NYSERDA will hold a webinar for Proposers on **Thursday, May 2, 2019 at 11:00 a.m. ET** (Albany, NY time). On the webinar, NYSERDA will review the Step One Resource Eligibility Determination, Step Two Application for Qualification, the Step Three Bid Proposal requirements, and the RES Standard Form Agreement. Questions will be taken and, to the extent possible, responses will be provided during the webinar. **Proposers who intend to participate must register by 12:00 noon Wednesday, May 1, 2019 on [NYSERDA's website](#).**¹⁹

Proposers are encouraged to submit questions prior to the webinar via the [electronic submission website](#) under the Q&A feature. Written questions can be submitted at any time, but must be received before **5 p.m. on Thursday, May 9, 2019** to be included in NYSERDA's response. The written responses will supersede any responses given by NYSERDA during the Proposers' Webinar. All questions regarding the RFP documents or the process **MUST** be directed as indicated. Questions may not be submitted directly to any individual at NYSERDA, DPS Staff, or to individuals working for or on behalf of NYSERDA.

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

¹⁷ <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Portfolio-Standard/Past-Main-Tier-Solicitations>

¹⁸ <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=15-e-0302>

¹⁹ To register for the Proposers' Webinar please visit <https://nyserda-events.webex.com/nyserda-events/onstage/g.php?MTID=e7e0126c562473da3b6496ad6299719a3>

NYSERDA may post questions anonymously, along with NYSERDA's responses, on the [electronic submission website](#) under the Q&A feature, on or about Thursday, May 16, 2019.

Bid Facility-specific questions must be submitted through the Messages feature of the [electronic submission website](#). Questions that reveal a Proposers' identify and/or commercial information should be submitted through the Messages feature. Proposers must register on the [electronic submission website](#) to gain access to the Messages feature. The Messages feature of the [electronic submission website](#) is available only to Proposers and is a secure communication between each Proposer and NYSERDA's Designated Contacts.

IV. SCHEDULE

The schedule for this RFP is as follows (all times ET):

1	RFP Release Date	Tuesday, April 23, 2019
2	Proposers' Webinar	Thursday, May 2, 2019
3	NYSERDA opens Step Two Application for Qualification	Thursday, May 2, 2019
4	NY Green Bank Informational Webinar	Wednesday, May 15, 2019
5	Deadline – Proposers submit written questions	Thursday, May 9, 2019
6	NYSERDA responds to questions	Thursday, May 16, 2019
7	Deadline – Step One Resource Eligibility Determination Submission	Friday, May 24, 2019
8	NYSERDA responds with Step One Resource Eligibility Determination	Friday, June 7, 2019
9	Registration Deadline – Step Two Application for Qualification (see Section VII)	Monday, June 10, 2019
10	Deadline – Step Two Application for Qualification Submission	Thursday, June 13, 2019
11	NYSERDA responds with Step Two Application for Qualification Determinations	Wednesday, July 24, 2019
12	Deadline – Step Three Bid Proposal Submission	Tuesday, September 10, 2019
13	NYSERDA notifies Proposers Receiving Awards	November 2019

New York Green Bank

The New York Green Bank (NYGB) is a \$1 billion New York State-sponsored investment fund and division of NYSERDA. NYGB's mission is to accelerate clean energy deployment in New York by working in collaboration with the private sector to transform financing markets. NYGB seeks to alleviate financing gaps in New York's clean energy markets and mobilize greater private sector activity to increase the available capital for clean energy projects. Supporting the expansion of Large-Scale Renewables in NY State is a strategic priority for NYGB. NYGB is prepared to support

project developers and investors with a range of credit products and structures through various project financing stages, including and not limited to:

- Interconnection deposit financing;
- Long lead equipment financing;
- Construction financing; and
- Term loans, including subordinated debt to increase tenor and leverage.

NYGB will evaluate contracted revenues, including NYSERDA RECs as well as uncontracted wholesale power and capacity sales to support long-term financing.

To learn more about how NYGB can finance Large-Scale Renewable projects, NYGB will be holding a webinar on **May 15, 2019 at 2:00 p.m. ET**. To register for the NYGB informational webinar, click [here](#).²⁰

Please note that the above dates are subject to change. Notification of any changes to the RFP process or documents will be posted on [NYSERDA's RES website](#) and sent via email to those parties who have submitted contact information to NYSERDA's RESRFP19-1 solicitation via the website. This does not relieve prospective Proposers of their responsibility to check NYSERDA's RES Solicitation website for news and updates.

V. PARTICIPATING IN THIS RFP

NYSERDA has designed this solicitation as a three-step process, consisting of:

- 1) Step One: A Resource Eligibility Determination step completed in NYGATS through which the Tier 1 resource eligibility of the Bid Facility is determined, allowing participation in Step Two;
- 2) Step Two: An Application for Qualification step that will qualify Proposers to submit a Step Three Bid Proposal, based on demonstration that the Bid Facility meets certain threshold requirements; and
- 3) Step Three: A competitive Bid Proposal step.

²⁰ To register for the NY Green Bank webinar, please visit: https://nyserda-events.webex.com/mw3300/mywebex/default.do?nomenu=true&siteurl=nyserda-events&service=6&rnd=0.2082978758022801&main_url=https%3A%2F%2Fnyserda-events.webex.com%2Fec3300%2Feventcenter%2Fevent%2FeventAction.do%3FtheAction%3Ddetail%26%26%26EMK%3D4832534b0000004c1a85c12df1a7ff44d1152071dec1bf4ea16257d66766f131bfd7d7ebcd4b999%26siteurl%3Dnyserda-events%26confViewID%3D125624575508643621%26encryptTicket%3DSDJTSwAAAAARzw2RDWTM5vg_1RI6r-i05X6x7uvTVNmPLMhmt4buBCA2%26

STEP ONE – RESOURCE ELIGIBILITY DETERMINATION

VI. STEP ONE RESOURCE ELIGIBILITY DETERMINATION

To participate in this RFP each Bid Facility must possess a determination from NYSERDA that it is a Tier 1 RES eligible resource technology type qualifying under [Appendix A](#) of the [Order Adopting the Clean Energy Standard](#). Pursuant to the Order, to participate in this RFP an eligible Bid Facility must also: (1) be located within the New York Control Area or in an adjacent control area and supply energy into New York State, in accordance with the RES Delivery Requirements in this RFP, and (2) have first commenced Commercial Operation on or after January 1, 2015, or (3) must produce new, incremental energy and Tier 1 REC's from new Bid Capacity above a historical baseline.

Resource Eligibility Determination requests are completed in NYGATS. To complete a Step One request, Proposers must create a NYGATS account, complete a project registration for the Bid Facility, and once the registration is approved, complete an application requesting either a Statement of Qualification ("SoQ" for facilities in operation at the time of request) or Provisional Statement of Qualification ("PSoQ" for facilities not yet in operation at the time of request). The SoQ/PSoQ certifies that a Bid Facility has met or will meet the eligibility requirements under Tier 1 of the RES.²¹ NYSERDA will notify the Proposer of its eligibility determination by posting a letter in the Proposer's NYGATS account associated with the Bid Facility.

For consideration through RESRFP19-1, **Proposers must complete a Resource Eligibility Determination submission by 3:00 p.m. ET on Friday, May 24, 2019** to allow NYSERDA to grant or deny an SoQ or PSoQ by 5 p.m. Friday, June 7, 2019.

For a Bid Facility with an existing SoQ or PSoQ, the Step Two Application for Qualification for the Bid Facility submitted under this RESRFP19-1 must be consistent with the existing SoQ or PSoQ. Some resource changes, for example a change in the Technology Type, Nameplate Capacity, In-Service Date, Control System Operator, New York Independent System Operator (NYISO) Zone, Electric Utility Company, Tariff Type, Vintage Type, Bid Facility address or other key project components will require Proposers to submit either (1) an SoQ or PSoQ revision, or (2) a request for a new SoQ or PSoQ. NYSERDA will work with the Proposer to rectify any discrepancies. If assistance is needed, please contact res@nyserda.ny.gov with a subject line "SoQ/PSoQ Assistance."

²¹ See <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/RES-Tier-One-Eligibility/Certification>

More information on the Resource Eligibility Determination process, including guidelines for documenting eligibility for certification, including the eligibility of distributed energy resources, upgrades, relocated facilities and facilities returning to service can be found on [NYSERDA's RES Tier 1 Eligibility website](https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/RES-Tier-One-Eligibility/Eligibility).²² Training materials for using NYGATS to apply for an eligibility determination may be found on the [NYGATS website](https://www.nyserda.ny.gov/All-Programs/Programs/NYGATS).²³

Each Bid Facility must have a valid NYGATS ID and an SoQ or PSoQ to participate in Step Two.

Subsequent Tier 1 Eligibility Changes

Bid Facilities selected for an award under this RFP will not be subject to subsequent changes in RES eligibility rules; however, if the Bid Facility fails to maintain eligibility consistent with the RES requirements as they existed on the RFP Release Date,²⁴ such ineligibility will extend to the RECs associated with the Bid Facility's production throughout the entire period in which the Bid Facility fails to maintain eligibility.

Conformance with NYGATS Operating Rules

If awarded under RESRFP19-1, Proposers must obtain a valid NYGATS ID, Statement of Qualification, achieve Operational Certification, and operate in conformance with the NYGATS Operating Rules. Proposers must implement a Forward Certificate Transfer of Tier-1 RECs in NYGATS, up to the Annual REC Cap, into NYSERDA's NYGATS Account. NYSERDA will make payment for Tier-1 RECs from the Bid Facility delivered to NYSERDA's NYGATS account.

Energy Storage Eligibility

A Bid Facility paired with Energy Storage will be eligible for an award if the Energy Storage system is installed consistent with Section VI, Quality Assurance (including the Battery Energy Storage Guidebook referenced therein), and Section IX, Technical Requirements of NYSERDA's Bulk Storage Incentive Program Manual and either:

- 1) co-located with the generation behind a single wholesale or retail meter in the NYCA, or
- 2) co-located with the generation behind a separate wholesale or retail meter in the NYCA, or
- 3) located in a separate location from the generation inside the NYCA.

Successful Proposers awarded a Contract Tenor in excess of 10 years must, prior to the commencement of construction, provide an executed Energy Storage operations and maintenance agreement for a term which is greater than or equal to the proposed Contract Tenor. See Section IX C(5) and Appendix 3.

²² <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/RES-Tier-One-Eligibility/Eligibility>

²³ <https://www.nyserda.ny.gov/All-Programs/Programs/NYGATS>

²⁴ Refer to the first page of this RFP or Section IV. Schedule, for the RFP Release Date

Eligibility Limitations

A Proposer may not condition the acceptance of one Step Three Bid Proposal based on the withdrawal or acceptance of other Proposals. A Step Three Bid Proposal may not be contingent on the receipt of the Production Tax Credit or Investment Tax Credit.

Tier 1 eligible RECs or environmental attributes that are the subject of a current NYSERDA RES contract, or that were the subject of an award under a previous NYSERDA RES or RPS Main Tier solicitation are not eligible under this RFP.

The following Energy Storage projects are not eligible for an award under this solicitation:

- An Energy Storage project for which either the Energy Storage or associated Bid Facility is owned by a regulated utility or the New York Power Authority;
- An Energy Storage project that has been awarded a utility Bulk Dispatch Rights Contract;
- An Energy Storage project that receives a NYSERDA Retail Storage Incentive, or a NYSERDA Bulk Storage Incentive;
- An Energy Storage project located outside of the NYCA;
- Pumped hydroelectric storage.

Note that, under the RES Standard Form Agreement (Attachment H), NYSERDA will make payment only for Tier 1 RECs delivered to NYSERDA's NYGATS Account. If the Energy Storage is charged from the co-located renewable generation, the energy discharged from the storage will generate Tier 1 RECs which will be eligible for payment. Should the Bid Facility/Energy Storage facility receive an award, the Proposer will be required, at the time of contracting, to demonstrate to NYSERDA's satisfaction that the project will be configured and metered in a way that will ensure that Tier 1 RECs are created only based on energy generated by the Tier 1 Bid Facility generating facility. Energy Storage facilities that are located separate and apart from the Bid Facility may store energy from the grid but will not create Tier 1 RECs and therefore the associated generation will not be eligible for payment under the RES Standard Form Agreement.

Awarded Proposers not including Energy Storage may add an Energy Storage component in the future, subject to fulfilling all existing terms of the RESRFP19-1 Agreement. Energy Storage advanced after the time of an award may participate in the NYSERDA Bulk Storage Incentive program or New York State Investor Owned Utility competitive procurements for bulk-sited energy storage.

STEP TWO – APPLICATION FOR QUALIFICATION

VII. STEP TWO APPLICATION FOR QUALIFICATION

Under Step Two, Proposers will submit a Step Two Application for Qualification package for each Bid Facility, containing the information and documentation that NYSERDA will evaluate to determine whether the Step Two Application for Qualification package demonstrates that the Bid Facility meets or exceeds the requirements in each of five Minimum Threshold categories (Site Control, Interconnection, Permitting, Project Development and Resource Assessment as explained below in Section B).

The Step Two Application for Qualification requires general information identifying the Bid Facility, the Proposer, and other relevant information. The Step Two Application for Qualification can only be completed if a Bid Facility has a valid NYGATS ID and an SoQ or PSoQ (see Section VI Step One Resource Eligibility Determination above regarding the certification process). Step Two Application for Qualification packages that are incomplete or that fail to complete Step One may be rejected.

Bid Facilities that satisfy the Minimum Threshold Requirements and provide a Bid Deposit will receive a Notice of Qualification allowing the Proposer to submit a Step Three Bid Proposal. The Notice of Qualification will also identify the Bid Facility's Maximum Contract Tenor and will provide Proposers with a description of and access to the process and forms to be used to submit a Step Three Bid Proposal.

Only those Proposers qualified through the Step Two Application for Qualification process will be permitted to submit Step Three Bid Proposals.

Deadline for Submitting a Step Two Application for Qualification package

The complete Step Two Application for Qualification package must be **received** by NYSERDA no later than **3:00 p.m. ET on Thursday, June 13, 2019, via electronic submission. NYSERDA strongly recommends that Proposers reserve ample time to address the requirements for each Bid Facility. The Step Two Application for Qualification package must be completed and submitted on-line, before the deadline.**

Proposers are strongly encouraged to register for participation in this RFP by Monday, June 10, 2019. Proposers may register at <http://nyserda.ny.gov/ces/rfp>.

All electronic signatures must be provided as indicated. Failure to provide any attachments or information requested result in the Step Two Application for Qualification package being declared non-responsive and rejected. NYSERDA may request additional information and materials at any time. Step Two Application for Qualification packages become the property of NYSERDA. NYSERDA recommends that Proposers use Google Chrome when working in the Step Two Application for Qualification or Step Three 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.

Energy Storage. Should a Proposer wish to submit a Step Three Bid Proposal which includes Energy Storage, the Proposer will need to complete two separate Step Two Applications for Qualification, one with and one without Energy Storage. Each Application for Qualification package must be accompanied by a separate Bid Deposit.

A complete Step Two Application for Qualification package consists of:

- A. Application for Qualification Form (Attachment A), including the Step Two Application for Qualification Threshold Eligibility Narrative (Attachment B);
- B. Minimum Threshold Requirement Supporting Documentation for the following five Project Viability categories:
 - a. Site Control;
 - b. Interconnection;
 - c. Permitting;
 - d. Project Development; and
 - e. Resource Assessment and Energy Production Estimate.
- C. Proof of Bid Deposit.

If the proposed Bid Facility is currently in operation and has been granted an SoQ, Proposers need only submit:

- 1) Application for Qualification Form (Attachment A), including interconnection information;
- 2) Resource Assessment and Energy Production Estimate;
- 3) Bid Facility management and organization charts;
- 4) Proof of Bid Deposit.

A. Application for Qualification Form (Attachment A)

The information provided on the Application for Qualification Form and the Supporting Documentation provided under Section B (also see Appendix 2) will be evaluated by NYSERDA to determine whether the five Minimum Threshold Project Viability categories have been met or exceeded. A completed Application for Qualification Form must include, but is not limited to, the following fields:

- 1. Step Two Application for Qualification Threshold Eligibility Narrative (Attachment B)

The Proposer must provide an attachment containing a narrative describing how the Bid Facility, and if applicable, Energy Storage, meets or exceeds the Minimum Threshold Requirements in each Project Viability category (requirements are described in Section B, below).

- 2. Bid Facility, Site, and Generating Equipment Description

Provide a complete description and overview of the Bid Facility, describing the area included in and surrounding the generation site, a description of the local zoning, and other applicable ordinances and municipal laws, existing land use (e.g., woodlands, brownfield, agriculture, other) and setting (e.g., rural, urban, suburban, other) and describe what the site(s) has been used for in the recent past. Include and describe the status and development stage of Bid Facility (development, construction, or operation). Include information about the specific technology or equipment considered or selected, major equipment to be used, manufacturer or vendors considered or selected, equipment acquisition status, and equipment contract/agreement status.

3. Bid Facility Interconnection Description

Identify the proposed interconnection point(s) and a complete description and overview of the preferred interconnection of the Bid Facility from the generation site, including what rights the Proposer has to the interconnection point(s), how the Proposer plans to gain interconnection site control and any rights that must be obtained by the Proposer or interconnecting utility for the interconnection. If interconnection point(s) is/are not controlled, provide a detailed plan and timeline for the acquisition of any additional rights necessary for the interconnection point(s) and for the right-of-way. Identify and describe the individual land parcels associated with the interconnection and any rights of way needed. If applicable, fully describe the relationship of the site to other adjacent infrastructure, including preferred or alternate point(s) of interconnection (POI). Please indicate whether there are significant risks or uncertainty associated with the preferred POI. If the Proposer is planning on using an adjacent parcel or if the right of way is controlled by or assignable to the interconnecting utility that will own the interconnection facilities, clearly explain this in the narrative. Specify and describe the current or new interconnection facilities (lines, transformers, switching equipment, system control protection, etc.) that the Proposer owns or is intending to construct or have constructed in order to deliver the proposed energy.

4. Energy Storage Site and Equipment Description, if applicable

Provide a complete description and overview of the Energy Storage,²⁵ describing the area included in and surrounding the Energy Storage site, a description of local zoning, other applicable ordinances and municipal laws, if the Energy Storage component is not co-located with the Bid Facility, describe the existing land use (e.g., woodlands, brownfield, agriculture, other) and setting (e.g., rural, urban, suburban, other) and describe what the Energy Storage site has been used for in the recent past. Include and describe the status and development stage of Energy Storage (development, construction, or operation). Include information about the specific technology or equipment considered or selected, major equipment to be used, manufacturer or vendors considered or selected, equipment acquisition status, and equipment

²⁵ The description must include an overview of the Energy Storage component, including the Storage Unit(s), Interconnection Facilities up to the Point of Interconnection, Prevention Equipment, and Protective Apparatus together with all materials, equipment systems, structures, features and improvements necessary to safely store, charge and discharge electric energy.

contract/agreement status. See the list of requirements under New Items and Important Notes (p. 6).

5. Energy Storage Interconnection Description, if applicable

Provide a complete description and overview of the planned interconnection of the Energy Storage, including how the Proposer plans to gain interconnection site control and any rights that must be obtained by the Proposer or interconnecting utility for the Energy Storage interconnection. Identify and describe the individual land parcels associated with the Energy Storage interconnection and any rights of way needed. If applicable, fully describe the relationship of the site to other adjacent infrastructure, including planned or alternate points of interconnection. If the Proposer is planning on using an adjacent parcel or if the right of way is controlled by or assignable to the interconnecting utility that will own the interconnection facilities, clearly explain this in the narrative. Specify and describe the current or new interconnection facilities (lines, transformers, switching equipment, system control protection, etc.) that the Proposer owns or is intending to construct or have constructed in order to deliver the proposed energy.

6. Business Entity and Financing Plan Description

Proposers must submit a Financing Plan demonstrating a sufficient degree of planning and due diligence on how the Bid Facility is to be financed and describing their experience in successfully financing electrical generation projects.

Proposers must describe a plan to finance the proposed Bid Facility, including construction and term financing. The Financing Plan should include:

- a. A description of the business entity, the structure of the ownership entity, and Proposers' organization from a financial and legal perspective, including all general and limited partners, officers, directors, managers, members and shareholders, and involvement of any subsidiaries supporting the Project. Provide an organization chart showing the relationship among the different Project participants. For joint ventures, identify all owners and their respective interests.
- b. Evidence that the Proposer has the financial resources and financial strength to complete and operate the Bid Facility, and if applicable, Energy Storage, as proposed. If available, provide complete copies of the most recent audited financial statement and annual report for each Proposer; including affiliates of Proposer (if audited statements are not available, reviewed or compiled statements are to be provided).
- c. If available, the credit rating(s) from Standard & Poor's and Moody's (the senior unsecured long-term debt rating or if not available, the corporate rating) of Proposer and any affiliates and partners. Include a description of any current or recent credit issues/credit rating downgrade events regarding Proposer or affiliate entities raised by rating agencies, banks, or accounting firms.

- d. A description of the existing financial structure, projected financial structure (tied to milestones), and projected capital structure of the Bid Facility ownership entity.
- e. Expected sources of revenues other than RECs, including energy, capacity, and ancillary services produced by the proposed Bid Facility.
- f. Expected sources of debt and equity financing, including who will finance the Bid Facility (or candidates being considered to finance the Bid Facility) and the related financing mechanism or mechanisms that will be used, including the type of finance approach(es) (PPA, forward energy and/or capacity sale, financial hedge, or other) and intended or actual investors (specified, or by type, depending on financing role and status).
- g. Expected role of the Federal Production Tax Credit or Investment Tax Credit (or other incentives) on the financing of the Bid Facility, include presumed qualification year and percentage.

If applicable, include and describe:

- h. Bid Facility, and if applicable, Energy Storage, construction activities (provide supporting evidence that construction has begun as an attachment).²⁶
- i. Project financing arrangement and closing, with a description of the type of financing commitment (provide financial closing documentation or financing commitment(s) which address any contingencies as an attachment).
 - i. Expected role, if any, of financing options available through New York Green Bank.
- j. If hedges have been secured for the proposed Bid Facility, please describe what proportion of the annual energy production has been secured and for what duration.

For a Step Two Application for Qualification that includes Energy Storage, provide the business case or use case for the Energy Storage and describe what types of compensation and NYISO products the Energy Storage is intending to pursue and include a description of the Proposer or its affiliate's Energy Storage financing experience alone and/or with renewable energy facilities in similar detail to the requirements for renewable energy facilities described above.

To document the project finance experience of the Proposer or its affiliates,²⁷ the Proposer must complete Attachment G, for recently financed renewable or non-renewable energy electric generation facilities, specifying the following:

²⁶ For Bid Facilities described as "under construction," Proposers must provide evidence of authorization to proceed, or similar, for an Engineering, Procurement, Construction (EPC) contract, a major equipment purchase or similar material non-refundable capital commitment to constructing the Bid Facility.

²⁷ Proposer, its affiliates, or a senior executive or finance professional who is a principal of the Proposer. Experience of vendors or contractors to the bidding company do not count towards this requirement.

- k. Project Name/Type, experience with similar technology,²⁸ capacity (MW), location, operating status, year of financial closing.
- l. Description of finance approach used for the project, (for instance, project finance, balance sheet finance commitment, tax equity, YieldCo, host ownership, etc.). If applicable, include the value of financing (USD\$) by finance type. The response should identify whether projects were financed alone or together with other facilities; if the latter, describe the portfolio financed together.
- m. A description of Power & REC offtake arrangements (e.g., PPA(s), REC contracts, merchant, net metering, etc.).
- n. A clear indication of whose experience (corporate, affiliate, or individual's) is being described.

Supporting documentation required for Business Entity and Project Financing

- A Financing Plan, including all applicable components to the Bid Facility as proposed to NYSERDA described above, and
- Completed Attachment G, Project Financing Experience.

7. Bid Facility Project Schedule

If the Bid Facility, and if applicable, Energy Storage, is under development, the Step Two Application for Qualification package must include a completed Bid Facility Project Schedule, detailing key development milestones. Proposers must provide all project schedule details on the Project Schedule page of the Step Two Application for Qualification electronic submission.

Proposers shall include a narrative that describes each segment of the process, the required permit or approval, the status of the request or application and the basis for project success by the milestone date provided. This schedule should be consistent with Attachment E. List of Required Permits. If the Bid Facility is Operational, a completed Project Schedule is not required.

8. Confidentiality and Mandatory Questions

The Step Two Application for Qualification Form requests that the Proposer indicate whether Proposer wishes to have the information in the Application for Qualification package treated as proprietary or confidential trade secret information. NYSERDA is subject to and must comply with the requirements of New York's Freedom of Information Law ("FOIL" see Public Officers' Law Article 6). Information in any tangible form including any document that Proposer wishes to be protected from disclosure to third parties including any information provided as a part of a proposal must be marked "Confidential" or "Proprietary" at the time such information is provided to NYSERDA. NYSERDA reserves the right to make public, after the fifth anniversary of the Award

²⁸ Similar technology means the same resource and prime mover (e.g. solar or wind). It is not meant to distinguish between different solar technologies, for example.

Notification Date, the RES Standard Form Agreement (Attachment H) executed with any awarded project.

The Step Two Application for Qualification further requires that the Proposer to confirm that the Proposer, and the directors, employees and agents of Proposer and any affiliate of Proposer are not currently under investigation by any governmental agency and have not in the last four years been convicted or found liable 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 have been the subject of any debarment action (detail any exceptions).

The Step Two Application for Qualification also includes the Proposer's attestation regarding the accuracy and truthfulness of the information and documentation provided by the Proposer.

B. Minimum Threshold Requirement Supporting Documentation – Project Viability

The supporting documentation for each Minimum Threshold Requirement should be uploaded as attachments as described in more detail below. Attachments should be clearly marked with the Bid Facility Name and NYGATS ID.

Minimum Threshold Requirements

The list below identifies the supporting documentation required to verify that the Bid Facility meets the Minimum Threshold Requirement for each category. **If the progress by a Bid Facility exceeds the minimum threshold in any category, documentation as to the additional level of progress achieved, beyond the minimum, should be provided; an opportunity to update this information is also afforded under Step Three.**²⁹ Bid Facilities that have exceeded the minimum thresholds may receive additional points as a part of the Project Viability evaluation in Step Three (see Section XI.A. Scoring Criteria and Appendix 2). Should a Bid Facility make incremental progress in any of the Project Viability categories between Step Two and Step Three, Proposers will have an opportunity to submit additional documentation in the associated Step Three Bid Proposal.

Threshold Category 1: Site Control

The Site Control minimum threshold includes three subcategories: Generation Facility Site Control, Interconnection Right of Way Site Control, and Energy Storage Site Control.

²⁹ For example, under Category 2, Interconnection, for a 20 MW Bid Facility subject to NYISO jurisdiction, the documentation required to demonstrate achievement of the Minimum Threshold Requirement consists of a submitted interconnection request. If a Feasibility, System Impact, or Facilities Study has, in fact, been executed, attach a copy and provide confirmation of associated fees paid. The study will satisfy the Minimum Threshold Requirement and will also be considered as a part of the Project Viability evaluation in Step Three.

Generation Facility Site Control

Proposers must demonstrate an executed exclusivity agreement or letter of intent with site owner(s), or that the Proposer owns, has an executed lease for, easement for, or executed binding option with the site owner(s) for the Bid Facility. The full site needed for the Bid Facility must be covered by at least an exclusivity agreement(s) or letter(s) of intent, unless the site is greater than 15 acres, in which case the exclusivity agreement(s) or letter(s) of intent must cover at least 50% of the site's acreage.

Interconnection Right of Way Control

Proposers must demonstrate that (i) an exclusivity agreement(s) or letter(s) of intent for the necessary rights of way, and/or (ii) an executed right of way agreement(s), which provide necessary rights to the developer (if the generator lead facilities will be merchant-owned), or (iii) that the right of way is controlled by or assignable to the interconnecting utility that will own the interconnection facilities, or (iv) that the Proposer owns, has executed lease for, easement for, or executed binding option for the necessary rights of way associated with the interconnection for the Bid Facility.

Energy Storage Site Control

A Bid Facility paired with Energy Storage, whether co-located with the generation or located in a separate location from the generation, must have at least an executed exclusivity agreement or letter of intent with the site owner(s). The full site needed for the Energy Storage must be covered by the exclusivity agreement(s) or letter(s) of intent.

Supporting Documentation Required for Site Control³⁰

Proposers must demonstrate that the proposed Bid Facility meets the threshold level of Generation Facility and Interconnection Right of Way Site Control by providing the following documents:

- Map of site plan/layout indicating project and parcel boundaries, to scale, with parcel designation by owner. The map should indicate the (anticipated) interconnection route and the (anticipated) interconnection point(s). If applicable, indicate the relationship of the site to other adjacent infrastructure, including planned or alternate points of interconnection. If available, include a project layout indicating the generation unit and the location of all major equipment and facilities on site. If proposing with Energy Storage co-located with the generator, clearly identify the location of Energy Storage. If proposing with Energy Storage not located with the generator, provide a separate map of the Energy Storage site plan/layout

³⁰ Unless the proposed Bid Facility is currently in operation (i.e., proposed Bid Facility is applying with an SoQ).

and (anticipated) interconnection route in the same attachment as the Bid Facility map.

- Summary description (table) of control status by parcel with parcel designation tied to site map using Attachment C.
- If available, GIS data containing the parcel boundaries that the project will occupy (SHP file format only).

Threshold Category 2: Interconnection

Proposers must have researched the relevant interconnection process for the Bid Facility, determined what interconnection requirements are appropriate for the Bid Facility, and submitted a valid interconnection request (except for Behind-the-Meter Bid Facilities). Proposers submitting supporting documentation to substantiate their Interconnection progress should submit a recent, active (not withdrawn), valid Interconnection Request consistent with Bid Facility as proposed to NYSERDA. Interconnection Requests that have been withdrawn do not meet the Minimum Threshold Requirement. Documentation that does not reflect the Bid Facility as proposed may be rejected.

The threshold requirements vary by the size and location of the Bid Facility:

- Large Bid Facilities (greater than 20 MW) under the authority of the New York Independent System Operator (NYISO) or a similar interconnecting authority in an adjacent U.S. control area:³¹ Proposer has submitted a valid interconnection request and demonstrates that all initial fees have been paid.
- Small Bid Facilities (less than or equal to 20 MW) under jurisdiction of NYISO or a similar interconnecting authority in an adjacent U.S. control area:³² Proposer has submitted a valid interconnection request and demonstrates that all initial fees have been paid.
- Small Bid Facilities with a Non-Federal Energy Regulatory Commission (FERC) Interconnection:³³ Proposer has discussed the Bid Facility with the relevant interconnecting utility company and has identified the applicable requirements. Proposer has submitted a valid interconnection request and demonstrates that all initial fees have been paid.
- Behind-the-Meter Bid Facilities: Proposer has (i) contacted the local interconnecting utility regarding interconnection and (ii) has drafted interconnection request documents.
- Bid Facilities located in Ontario or Quebec, or other Bid Facilities that do not fall under any of the other interconnection categorizations: Proposers must demonstrate that the Bid Facility meets the equivalent threshold for projects of the same scale in the U.S.

³¹ FERC Jurisdiction, Large Generator Interconnection

³² FERC Jurisdiction, Small Generator Interconnection, inclusive of 2 MW Fast Track

³³ Connecting Transmission Owner Interconnection under state jurisdiction (typically, utility distribution less than 5 MW).

- For Bid Facilities paired with Energy Storage: Proposer has discussed Energy Storage with the relevant interconnecting utility company and has identified the applicable requirements. Proposer has either (1) submitted a valid interconnection request for Energy Storage and demonstrates that all initial fees have been paid, or (2) prepared drafts of all initial Energy Storage interconnection application documents such that the interconnection request can be made within 3 months following an award from NYSERDA.

Supporting Documentation for Interconnection

- The Proposer must demonstrate that the Bid Facility meets the threshold level of interconnection progress by providing a summary or other evidentiary documentation from the Interconnecting entity confirming the extent of interconnection activities and confirming payment of any necessary fees. For Behind-the-Meter Generators, Proposer must also provide a draft (ready for submission) of all interconnection request documents.
- If available, a one-line diagram.

Threshold Category 3: Permitting

Proposers must demonstrate awareness of all applicable permitting requirements and demonstrate that the Bid Facility is sufficiently advanced in planning for the permitting process. To fulfill this requirement, all Proposers must meet the following threshold requirements:

- 1) For all Bid Facilities:
 - a) Complete Attachment E, List of Required Permits, by providing a list of required permits at the local, state and federal level required to construct and operate the Bid Facility, and if applicable, Energy Storage. The list will be complete and identify all governing municipalities with jurisdiction or approval authority associated with the Bid Facility, and if applicable, Energy Storage, as proposed to NYSERDA. The complete response will include any special use/conditional use permits, air permits, FERC licenses, planning board approvals, U.S. Army Corps of Engineers (USACE) letters, SPDES permits and other applicable requirements. In Attachment E, additional permitting information is requested for Biomass and Biogas Bid Facilities only. Proposers must identify a contact for each jurisdiction (for example, hamlet, village, town, city, county, agency, authority, State, or other) associated with the permits.
 - i) For Bid Facilities subject to the Article 10 process, please specify the local official(s) associated with the Authority Having Jurisdiction (AHJ), such as the town supervisor, planning/zoning board lead/chair, and not the Article 10 Siting Board.
 - ii) If the Proposal includes Energy Storage, the Proposer will list all associated permits on the same Attachment E as provided for the Bid Facility. The permits associated with the Bid Facility and the Energy Storage should be delineated (e.g., Building Permit, Electrical Permit, Fire Permit, etc).

- b) Confirmation from the appropriate governing authority(ies) (such as the town supervisor, planning/zoning board lead/chair) or Authorities Having Jurisdiction (AHJ's) that they are aware and well informed of the Bid Facility and the intention of the Proposer to seek an award from NYSERDA under this RFP.
 - c) A description of any local ordinances (including zoning prohibitions or moratoria) that would limit the Bid Facility's size, location, or schedule, and the Proposer's plans to address these issues. If the Bid Facility or the Energy Storage are not currently zoned or permitted, identify present and required zoning and/or land use designations and provide a plan and timeline to secure the necessary approvals.
 - d) Provide an initial review of (i) cultural, historic, archeological and natural heritage impacts, as may be required; and (ii) water bodies (e.g., streams, wetlands), fish and wildlife, and other applicable environmental impacts. Include any initial review measures that have identified strengths or weaknesses of the Bid Facility site related to long-term climate change resiliency.
 - e) If available, provide site investigation status of applicable field studies (e.g., Environmental Site Assessment³⁴ Phase 1, Archaeological Phase 1, Geotechnical) and surveys (e.g., ALTA, topography, water bodies/wetlands, or other.) Where applicable, identify considerations that were assessed in regard to the resiliency of the site related to long-term climate change.
- 2) For Bid Facilities subject to Article 10 (greater than or equal to 25 MW), the Proposer must describe its plan for advancing the Bid Facility through the Article 10 process. If the Bid Facility has not yet entered the Article 10 process, the Proposer must include a description of the Proposer's proposed Public Involvement Program Plan (PIP), a description of any approach regarding stipulations or other expectations, and target dates for each major step of the Article 10 process (PIP, Public Scoping Statement, and Application). If the Bid Facility has previously commenced the Article 10 process, the Proposer must also include the NYS DPS Case Number and must describe the current status and planned activities for advancing the Bid Facility through the rest of the Article 10 process, including target dates for major milestones and a description of the Proposer's approach regarding stipulations or other expectations.
- 3) For Bid Facilities within the NYCA not subject to Article 10 (less than 25 MW), the Proposer must describe its plan for advancing the Bid Facility through the SEQR process. If the Bid Facility has not yet entered the SEQR process, the Proposer

³⁴ ASTM International, formerly known as American Society for Testing and Materials, published a standard for conducting Phase I Environmental Site Assessments. See ASTM E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, ASTM International, West Conshohocken, PA, 2013, <http://www.astm.org/cgi-bin/resolver.cgi?E1527-13>

must include a description of the Proposer's plan to advance the Bid Facility through SEQR, a description of any approach regarding conditions or other expectations, and target dates for each major step of the SEQR process (Steps 2-12 as outlined by the NYS DEC on <https://www.dec.ny.gov/permits/6189.html>). If the Bid Facility has previously commenced the SEQR process, the Proposer must describe the current status and planned activities for advancing the Bid Facility through the rest of the SEQR process, including target dates for major milestones and a description of the Proposer's approach regarding conditions, negative declarations, special-use permits, land-scaping permits, or other expectations.

If available, include as an attachment documentation demonstrating that:

(a) that the local approval process is underway as demonstrated by initial applications and preliminary documents, or
(b) that a request for a zoning change or variance has been initiated with the appropriate local government. This includes:

- i) any NYS Department of Environmental Conservation (DEC) Environmental Assessment Form (EAF) submissions.³⁵ If applicable, evidence that the Lead Agency for the SEQRA process has been designated or is in the process of designation.
 - ii) if available, applications for construction permit(s) that have been submitted to local authority(ies) with approval jurisdiction.
 - iii) for hydroelectric facilities only, include the Bid Facility's FERC license expiry date or provide evidence that FERC licensing process has been initiated and notice of intent has been filed. If applicable, please identify the New York State Department of Environmental Conservation classification for the dam associated with the Bid Facility, available online at the New York State Dams Inventory Database.³⁶
- 4) For Bid Facilities not located in the NYCA, complete Attachment D. Environmental Assessment Form (EAF) modeled after the New York SEQRA Short Environmental Assessment Form.
- 5) For Bid Facilities including Energy Storage, either:
- i) include any NYS Department of Environmental Conservation (DEC) EAF submissions³⁵ specific to Energy Storage. If applicable, evidence that the Lead Agency for the SEQRA process has been designated, or
 - ii) complete Attachment D. EAF modeled after the New York SEQRA Short Environmental Assessment Form for Energy Storage.

³⁵ See <https://www.dec.ny.gov/permits/6191.html> for a full list of NYS DEC EAF and SEQR forms.

³⁶ See <https://www.dec.ny.gov/lands/4991.html> for a full dataset of NYS Dams, the NYS DEC Dams Inventory.

- 6) For Biomass, Biogas, and Fuel Cell Bid Facilities, the Proposer shall have developed emissions profiles for the Bid Facility that are consistent with state/federal emission regulations and RES eligibility requirements.

Supporting Documentation Required for Permitting³⁰

The Proposer must demonstrate that it meets the threshold level of permitting progress by providing the following documents:

- List of required permits, using Attachment E;
- Documentation from the local governmental authority confirming that a request for a zoning change or variance has been initiated or confirmation of Bid Facility awareness from the appropriate governing authority(ies);
- Documentation and descriptions sufficient to demonstrate progress on each of the applicable items delineated in the Permitting section above.
- Documents filed with the applicable local authority(ies) with approval jurisdiction;
- For Bid Facilities i) outside of the NYCA, or ii) Bid Facilities including Energy Storage, a completed EAF in Attachment D.

Threshold Category 4: Project Development

Proposers must demonstrate that they have experience in developing electric generation facilities. Specifically, the Proposer or the principals in its development team must have developed at least one renewable generation facility of similar or larger scale. NYSERDA will not consider aggregated portfolios of generation facilities as a project under this criterion. For the purposes of this criterion, similar scale is defined as follows:

- A project of at least 33% of the proposed Bid Facility capacity, in MW; or
- A project of at least 10% of the proposed Bid Facility capacity, in MW, if the Proposer has also successfully completed the same interconnection process in the same State or Jurisdiction as the proposed Bid Facility.

For a Proposal including a Bid Facility with Energy Storage, the Proposer must also demonstrate that it has experience in developing at least one Energy Storage system of similar or larger scale using the same technology as proposed.

The Proposer or the principals in its development team must have the required experience successfully developing at least one renewable generation project. Experience of vendors or contractors to the Proposer or the principals in its development team do not count towards this experience requirement.

Supporting Documentation Required for Project Development³⁰

The Proposer must demonstrate it meets the threshold level of project development experience by providing the following documentation:

- An organizational chart for the Bid Facility that lists the participants and identifies the corporate structure, including general and limited partners.
- A management chart that lists the key personnel dedicated to the Bid Facility.
- A list of specific projects successfully developed, specifying the nameplate capacity, technology,³⁷ commercial operation date, and location using Attachment F.

Threshold Category 5: Resource Assessment and Energy Production Estimate

Proposers are required to provide a Resource Assessment and an Energy Production Estimate for the Bid Facility to fulfill the Minimum Threshold Requirement.

The Minimum Threshold Requirements for the Bid Facility Resource Assessment and Energy Production Estimate are based on the Bid Facility's technology are comprised of:

- 1) A Resource Assessment, which approximates the renewable resource typically available on an annual basis to power the Bid Facility.
- 2) An Energy Production Estimate, which estimates the Bid Facility's ability to convert the renewable resource to electric power at the P(50)³⁸ level.

The Resource Assessment and Energy Production Estimates must be consistent with and representative of the Bid Facility, long-term conditions at the site, and if applicable, Energy Storage, as proposed to NYSERDA.

For Eligible Upgrades, provision of the Resource Assessment and Energy Production Estimate submitted through the Step One Resource Eligibility Determination process is sufficient to meet the Threshold Category 5 requirements.

Bid Facilities including Energy Storage shall include a P(50) Energy Production Estimate that considers Energy Storage for the Bid Facility, including anticipated losses resulting from the addition of Energy Storage. Solar facilities including Energy Storage must specify if the Energy Storage is AC or DC coupled.

Supporting Documentation Required for Resource Assessment and Energy Production Estimate:

Detailed instructions regarding the supporting documentation required to meet the Minimum Threshold Requirements for a Resource Assessment and Energy Production Estimates, by technology, are provided in Appendix 2 under Category 5.

³⁷ Resource and prime mover, e.g. solar; e.g., wind. Not meant to distinguish between different solar technologies, for example.

³⁸ P(50) represents a level of resource projection or production estimate with a 50% likelihood of being exceeded in any future year. The P(50) value shall be the expected value (i.e., the mean) based on the Proposer's Resource Assessment diligence in accordance with the minimum requirements listed in the section herein for the respective renewable technology.

C. Bid Deposit

The Step Two Application for Qualification package must be accompanied by a Bid Deposit, in the form of electronic wire deposit (preferred) or certified funds, in an amount determined by the Nameplate Capacity of the Bid Facility. Proposers must indicate that they have submitted a Bid Deposit with their application and attached proof of the provision of a Bid Deposit, such as a receipt.

Required Bid Deposit amounts are as follows based on the AC Nameplate Capacity of eligible generator.³⁹

Nameplate Capacity:	Bid Deposit:
Less than 5.00 MW	\$5,000
5.00 – 19.99 MW	\$20,000
20.00 – 49.99 MW	\$50,000
50.00 MW or more	\$100,000

All Bid Deposits must be clearly labeled with a unique identifier comprised of the facility's NYGATS ID and the RFP Tracking Number, in the format: GENXXXXX_RESRFP19-1, or PROXXXXX_RESRFP19-1, or IMPXXXXX_RESRFP19-1. Only Bid Facilities that have received confirmation of a Step One Resource Eligibility Determination are eligible to submit a Step Two Application for Qualification package.

Bid Deposits provided via electronic wire deposit must have this unique identifier included within the Payment Details/ Description. Bid Deposits provided via cashier's check must have this unique identifier clearly labeled within the Memo or elsewhere on the check.

If the Proposer is submitting Step Two Application for Qualification packages for more than one Bid Facility, a separate Bid Deposit must be submitted for each Bid Facility, and the Bid Facility must be clearly identified on the payment method in addition to the unique identifier, e.g. Bid Facility Name, GENXXXXX_RESRFP19-1 or PROXXXXX_RESRFP19-1 or IMPXXXXX_RESRFP19-1. If a Proposer wishes to submit a Step Three Bid Proposal which includes Energy Storage, the Proposer will need to complete two separate Step Two Applications for Qualification, one with and one without Energy Storage. Each Bid Proposal is required to be provided with a separate Bid Deposit.

Electronic Bid Deposit Instructions:

If paying via ACH:

Name of Bank: Bank of America
For the Account of: NYSERDA MAC 30
ABA #: 021000322

³⁹ The Nameplate Capacity is determined by the Tier-1 eligible generation in the NYGATS PSoQ or SoQ and does not include Energy Storage.

Account #: Please contact res@nyserda.ny.gov

Description/reference: (NYGATS ID followed by RFP Tracking Number, e.g., GENXXXXX_ RESRFP19-1 or PROXXXXX_ RESRFP19-1 or IMPXXXXX_ RESRFP19-1

If paying via wire:

Name of Bank: Bank of America

For the Account of: NYSERDA MAC 30

ABA #: 026009593

Account #: Please contact res@nyserda.ny.gov

Description/reference: (NYGATS ID followed by RFP Tracking Number, e.g., GENXXXXX_ RESRFP19-1 or PROXXXXX_ RESRFP19-1 or IMPXXXXX_ RESRFP19-1

If paying via Certified Funds:

If the Bid Deposit is provided via a cashier's check or other certified funds, the Bid Deposit must be clearly labeled with the facility's NYGATS ID followed by RFP Reference, e.g., GENXXXXX_ RESRFP19-1 or PROXXXXX_ RESRFP19-1 or IMPXXXXX_ RESRFP19-1, and sent to:

NYSERDA Finance Department, RESRFP19-1
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Return of Bid Deposit:

Bid Deposits will be refunded to Proposers who: (1) elect not to submit a Step Three Bid Proposal or (2) are deemed ineligible by NYSERDA to participate in Step Three. Bid Deposits will be refunded to Proposers whose Bid Proposals have not been selected for an award, if not before, upon the expiration of the time during which the Bid Proposal remains an open offer.

Bid Deposits will be refunded to Proposers whose Bid Proposals have been selected for an award upon execution of the RES Standard Form Agreement (Attachment H), and:

- 1) for Operating Facilities with an SoQ, upon (i) unless otherwise agreed by NYSERDA in writing, NYSERDA's receipt that a Forward Transfer of NYGATS Certificates has been created, and (ii) the first Tier 1 REC transfer to NYSERDA's designated account has occurred.
- 2) for Facilities not yet operational with a PSoQ, upon NYSERDA's receipt of Contract Security as described in Section XII (3).

Bid Deposits will not be refunded if a facility is awarded a contract under RESRFP19-1 and Proposer fails to execute NYSERDA's RES Standard Form Agreement (Attachment H) within a reasonable time following notification of an award.

Requests for Additional Information

NYSERDA may request clarification and additional information from Proposers at any time throughout the duration of the solicitation. Such information will be subject to protection of proprietary information as described in Section XIV General Conditions below. NYSERDA recommends that Proposers mark materials provided to NYSERDA as Confidential. Proposers that do not respond promptly to such information requests or do not provide adequate information may be eliminated from further consideration or have the information in their Proposals modified by NYSERDA and/or the Technical Evaluation Panel to allow a reasonable and appropriate evaluation.

VIII.STEP TWO NOTICE OF QUALIFICATION

NYSERDA will evaluate each Step Two Application for Qualification package, including all threshold supporting documentation, for completeness and against the Minimum Threshold Requirement criteria specified in this RFP.

- Proposers whose Step Two Application for Qualification packages are found not to satisfy the minimum thresholds or to be deficient in some other respect will receive notification that they are not eligible to submit a Step Three Bid Proposal.
- Proposers deemed qualified to submit a Step Three Bid Proposal will be emailed a Notice of Qualification, which will include the Maximum Contract Tenor described below as well as instructions on how to submit a Step Three Bid Proposal.

Maximum Contract Tenor

Information provided with the Step Two Application for Qualification packages will also be used to determine the Maximum Contract Tenor available to the Bid Facility; the Notice of Qualification provided after Step Two Application for Qualification submission will include the applicable Maximum Contract Tenor. The Contract Tenor offered in Step Three for a particular Bid Facility will be limited by the term of the Maximum Contract Tenor. For all Bid Facilities not in Commercial Operation as of the RFP Release Date²⁴, the Maximum Contract Tenor will be calculated as the lesser of:

- (1) 20 years, or
- (2) the Bid Facility's Useful Life.

For all Bid Facilities in Commercial Operation as of the RFP Release Date,²⁴ the Maximum Contract Tenor applicable to the Bid Facility will be calculated as the lesser of:

- (1) 20 years (240 months) minus the number of years (months) between the year (month) of Commercial Operation and the RFP Release Date²⁴ (rounded to the nearest full year), or
- (2) The Bid Facility's Useful Life minus the number of years (months) between the year (month) of Commercial Operation and the RFP Release Date²⁴ (rounded to the nearest full year).

For a Return to Service Facility, the date of Commercial Operation for purposes of calculating the Maximum Contract Tenor shall be the original date of Commercial Operation prior to the outage. For a Relocated Facility, the date of Commercial Operation for purposes of calculating the Maximum Contract Tenor shall be the first date of Commercial Operation in the original control area.

The following table lists the Useful Life by resource for use in the calculations of Maximum Contract Tenor for this RFP. The Useful Life for Energy Storage is not included in any Maximum Contract calculation but is included for reference; the Step Three Bid Proposal should be consistent with the Resource's Useful Life both with and without Energy Storage, as applicable. This table was developed using references from published industry sources.

Table 1. Default Values for Useful Life used to determine Maximum Contract Tenor

<u>Resource</u>	<u>Useful Life (years)</u>
Anaerobic Digestion	20
Biomass/Liquid Biofuel	20
Fuel Cell ⁴⁰	20
Hydroelectric (New or Upgrade)	50
Landfill Gas to Electricity	15
Solar PV	20
Tidal/Ocean	10
Wind	20
Energy Storage	20

⁴⁰ Proposers submitting Bid Proposals for Fuel Cell Bid Facilities offering a Contract Tenor longer than 10 years will be required to provide, prior to NYSERDA's execution of an Agreement, an executed Bid Facility operations and maintenance agreement with the Bid Facility's host customer for a term which is greater than or equal to the proposed Contract Tenor.

STEP THREE - BID PROPOSAL

IX. STEP THREE BID PROPOSAL

Proposers receiving a Notice of Qualification will be invited to submit a Step Three Bid Proposal which will require additional information including a Bid Price and more detailed information about the Bid Facility, the developer, and the maturity and experience of each. Additional information and materials beyond that identified in this RFP may also be requested by NYSERDA.

RESRFP19-1 is a competitive procurement. The RES Standard Form Agreement is a legally binding document; it is recommended that Proposers consult with an attorney. The CES Order, subsequent Implementation Plans & corresponding Orders, and NYS competitive procurement rules limit NYSERDA's ability to alter the terms of the RES Standard Form Agreement (Attachment H) issued with this RFP. However, as part of the Step Three Bid Proposal, Proposers may indicate terms of the Agreement that they wish to further discuss by providing an attachment in the form of a memorandum. The memorandum should specifically identify any terms and conditions that the Proposer wishes to clarify or negotiate prior to execution. When constructing the memorandum, please identify the Article in the Agreement and state the nature of the issue to be discussed. Should the Bid Facility receive an award, NYSERDA will contact Proposers to schedule a discussion regarding the terms identified in the memorandum.

The indication by a Proposer that it wishes to negotiate the terms of the RES Standard Form Agreement will have no impact on the scoring or evaluation of the Bid Proposal.

A. Deadline for Submitting a Step Three Bid Proposal

The Step Three Bid Proposal must be completed via electronic submission on-line before the deadline. The complete Step Three Bid Proposal must be **received** by NYSERDA no later than **3:00 p.m. ET on Tuesday, September 10, 2019, via electronic submission**. NYSERDA recommends that Proposers reserve ample time to address the Step Three Bid Proposal requirements for each Bid Facility. NYSERDA staff will be available to support Proposer's Step Three Bid Proposal inquiries through 3:00 p.m. on Tuesday, September 10, 2019.

B. Step Three Bid Proposal Scoring

Step Three Bid Proposals will be evaluated and scored based on: (1) the Bid Price, which will be weighted at 70% of the overall score, and (2) non-price factors, which will have a combined weight equaling 30% of the overall score.

The 30% non-price component is divided into three equally-weighted categories:

1. 10% Incremental Economic Benefits to New York State;
2. 10% Project Viability beyond the Minimum Threshold Requirements; and
3. 10% Operational Flexibility and Peak Coincidence.

Appendices 1, 2 and 3 provide detailed explanations of the scoring rubrics for each of the non-price categories; an overview of these categories is included below.

C. Submitting a Step Three Bid Proposal

The Notice of Qualification received by Proposers for Bid Facilities deemed qualified under Step Two will include instructions on how to submit a Step Three Bid Proposal. The Step Three Bid Proposal must be complete in all respects and uploaded using NYSERDA's specified website in accordance with the instructions provided. All electronic signatures must be provided as indicated.

With the Notice of Qualification, Proposers will be provided with a complete Step Three Bid Proposal package that consists of relevant instructions and access to an electronic application that includes the following:⁴¹

- 1) Bid Facility Overview – Confirmation or modification of the narrative description of the Bid Facility, Site, and Generating Equipment, and if applicable, Energy Storage Site and Generating Equipment, Interconnection Description, Project Schedule, Project Contacts, and Bid Facility Site Address provided in the Step Two Application for Qualification;⁴²
- 2) Bid Quantity, Bid Price, and Contract Tenor;
- 3) Incremental Economic Benefits Claims;
- 4) Project Viability
 - a. Instructions to provide documentation to demonstrate the current level of progress in any of the Project Viability Categories beyond the documentation provided in the Threshold Categories in Step Two (Site Control, Interconnection, Permitting, Project Development, and Resource Assessment and Energy Production Estimate);
 - b. Instructions to complete the Site Character subcategory;
 - c. Instructions to complete the Community Outreach subcategory, including the Community Outreach Plan;
- 5) Operational Flexibility and Peak Coincidence
 - a. Instructions to provide documentation to demonstrate dispatchability for the Bid Proposal, and if applicable, Energy Storage; and
- 6) Public Release of Bid Facility Information Form (Attachment I).

Any attachment provided to NYSERDA should state the Bid Facility Name, NYGATS ID, and the page number. Proposers should seek to balance responsiveness with brevity. Unnecessary attachments or lengthy responses beyond those sufficient to present a

⁴¹ If the proposed Bid Facility is currently in operation, the Step Three Bid Proposal package is only required to include applicable portions of the Bid Facility Overview; Bid Quantity, Bid Price, and Contract Tenor; if applicable, Operational Flexibility and Peak Coincidence attachments and information; and the Public Release of Bid Facility Information Form. The Bid Facility will receive no points in the Incremental Economic Benefits category and maximum points in all Project Viability categories except Site Character.

⁴² If incremental progress has been made since completing Step Two, a description of the updates and progress made must be included in the Step Three Bid Proposal.

complete, comprehensive, and effective response will not influence the evaluation of the proposal. Information submitted to NYSERDA that the Proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure.

The Proposer is responsible for the accuracy of all information delivered to NYSERDA. NYSERDA and the TEP will only consider Step Three Bid Proposals that are substantially complete and include all applicable and required information and representations. Failure to provide any information requested may result in the Step Three Bid Proposal being declared non-responsive and rejected.

The submission of a Step Three Bid Proposal will constitute a binding offer to contract under the terms of the RES Standard Form Agreement (Attachment H); such offer must remain open for a period of at least ninety (90) days from the Step Three Bid Proposal deadline.

Should a Proposer wish to submit a Bid Proposal with Energy Storage, the Proposer will also be required to submit a separate Bid Proposal without Energy Storage. The Bid Proposal with Energy Storage shall include a narrative overview of the proposed REC price adder for the system including Energy Storage.

1) Bid Facility Overview

NYSERDA will provide Proposers with access to an electronic Bid Facility Overview section that is based on the Bid Facility's characteristics and information provided to NYSERDA in the associated Step Two Application for Qualification. Proposers will be responsible for submitting one fully completed Bid Facility Overview for each Bid Facility. The Bid Facility Overview requests relevant details about the Proposer and Bid Facility and includes an attestation by the Proposer regarding the accuracy and truthfulness of the information and documentation provided by the Proposer. The Proposer will update relevant Bid Facility contacts, confirm the Bid Facility Site address, and will have the opportunity to confirm and/or update the information provided in the Step Two Application for Qualification. This includes: (1) Bid Facility, Site, and Generating Equipment Description, (2) Bid Facility Interconnection Description, if applicable, (4) Energy Storage Site and Equipment Description (if applicable) and (5) Energy Storage Interconnection Description (if applicable), (5) Business Entity and Financing Plan Description, and (6) Bid Facility Project Schedule.

If information provided to NYSERDA in the Step Three Bid Proposal reflects significant changes from the information provided in the Step Two Application for Qualification, the Proposer will include an explanation of these changes in its Step Three Bid Facility Overview using the template provided by NYSERDA.

2) Bid Quantity, Bid Price, and Contract Tenor

The Bid Quantity, Bid Price, and Contract Tenor section includes fields for the Proposer to calculate the annual number of Tier 1 RECs (Bid Quantity) offered to NYSERDA and the Contract Tenor, subject to the following restrictions:

- a) Proposers may submit bids for any Contract Tenor of a minimum of one year and a maximum of the Maximum Contract Tenor identified in the Bid Facility's Notice of Qualification.
- b) For wind, solar, and hydroelectric resource types, the Expected Annual Eligible Production and Bid Quantity shall not exceed the P(50) long-term Energy Production Estimate provided under Step Two or a P(50) provided under the Step Three Bid Proposal. The P(50) Energy Production Estimate must align with the 8760 hourly profile provided in Step Three that is representative of the production at the Bid Facility over the proposed Contract Tenor.
- c) The Bid Quantity Percentage shall be no less than thirty percent (30%) and no greater than one hundred percent (100%) of the Expected Annual Eligible Production.

Proposers will be responsible for submitting one Bid Price with each Bid Proposal. The Bid Price provides the fixed price to be paid for each Tier 1 REC associated with energy generated by the Bid Facility and accepted by NYSERDA for the term of the Contract Tenor.

3) Incremental Economic Benefits Claims

One of the non-price evaluation criteria will consider the Incremental Economic Benefits expected to accrue to New York because of the development, construction/modification, and operation of the Bid Facility. Incremental Economic Benefits are those that a Proposer can demonstrate: (1) will accrue after an award under this RFP, and (2) would not have accrued but for the award of a contract under this RFP.

Incremental Economic Benefits previously claimed with respect to a Bid Facility that is subject to a pending award under a previous solicitation or that is the subject of a current NYSERDA contract are not eligible for evaluation.

Proposers must provide complete information along with the supporting documentation or requested data in the following two categories. The types of components of the two categories are further described below:

- a) Long-Term Economic Benefits to New York State; and
- b) Short-Term Economic Benefits to New York State.

Prevailing Wage: All laborers, workmen and mechanics, within the meaning of NYS Labor Law Article 8, performing construction activities with respect to the Bid Facility and Energy Storage, if applicable, including, but not limited to, the staging, installation, erection and placement of Bid Facility and its electrical interconnection as well as start-up and commissioning of the Bid Facility, whether through long-term or short-term employment, must be paid at least the applicable Prevailing Wage applicable in the area where the Bid Facility will be situated, erected and used, as published by the [NYS](#)

[Department of Labor](#) (DOL)⁴³ or at least the equivalent Prevailing Wage requirements of the jurisdiction where the Bid Facility is located. This requirement applies: (1) to all laborers, workmen and mechanics performing construction activities, whether they be direct employees of the Seller or of Seller's subcontractor(s), and (2) regardless of whether or not Seller claimed such employment as an Incremental Economic Benefits in its Bid Proposal. (See RES Standard Form Agreement [Attachment H] Sections 4.04 and 18.10).

Independent audit and verification of the actual Incremental Economic Benefits of the Bid Facility and comparison to the level of claimed Incremental Economic Benefits will be required after the first three years of the Contract Delivery Term, as described in the RES Standard Form Agreement (Attachment H) Sections 5.02(c) and 6.03.

See Appendix 1 for a detailed description of eligibility and the evaluation and scoring process for Incremental Economic Benefits.

4) Project Viability

The Step Three Bid Proposal includes the following seven Project Viability subcategories:

- (a) Site Control;
- (b) Interconnection;
- (c) Permitting;
- (d) Project Development;
- (e) Resource Assessment and Energy Production Estimate;
- (f) Site Character; and
- (g) Community Outreach.

Proposers receiving a Notice of Qualification for participation in Step Three will be provided with the opportunity to demonstrate that they have exceeded the Minimum Qualification Threshold(s) for Project Viability beyond the information provided in Step Two Application for Qualification packages for Site Control, Interconnection, Permitting, Project Development, Resource Assessment and Energy Production Estimate.

Scoring for all Project Viability subcategories will be based on the Project Viability documentation received in Step Two and Step Three. See Appendix 2 for a detailed description of the evaluation and scoring process for Project Viability.

Site Character

Each Step Three Bid Proposal is eligible for non-price points under the Site Character category as described in Appendix 2. Proposals will be evaluated on the Proposer's commitment to site and construct the Bid Facility's Permanent Physical Footprint in

⁴³ For NYS DOL Prevailing Wage Schedules, please visit:
<https://labor.ny.gov/workerprotection/publicwork/PWContents.shtm>

locations that avoid encroachment on land of agricultural importance to New York State. To earn points, Proposers must also agree to construct the Bid Facility in accordance with New York Department of Agriculture and Markets (DAM) Construction Standards (Exhibit E).

Community Outreach Plan

Each Step Three Bid Proposal must be accompanied by a Community Outreach Plan as described in Appendix 2. The Community Outreach Plan will be posted publicly on NYSERDA's website shortly after the Step Three Bid Proposal deadline. NYSERDA will not redact any information provided in the Community Outreach Plan. **The Community Outreach Plan will be made available to the public by NYSERDA soon after Step Three Bid Proposals are received.**

5) Operational Flexibility and Peak Coincidence

In this category, Proposers must provide complete information along with the supporting documentation or requested data to allow for an evaluation of the following two Operational Flexibility and Peak Coincidence subcategories.

- a) Load Matching; and
- b) If applicable, Energy Storage.

See Appendix 3 for a detailed description of the evaluation and scoring process for Operational Flexibility and Peak Coincidence.

a) The Load Matching category evaluates a Bid Facility located in the New York Control Area's (NYCA)'s ability to avoid over-generation or producing energy at times and in locations where production can be problematic. Bid Facilities located within the NYCA will provide a typical year's hourly production profile in an attachment format specified by NYSERDA that is consistent with the output from the Step Two Application for Qualification Threshold Resource Assessment and Energy Production Estimate or any updates provided in the Step Three Bid Proposal. External Bid Facilities (those outside of the NYCA) are not eligible for Load Matching points.

b) A Bid Facility paired with Energy Storage will be eligible for an award if the Energy Storage system is installed consistent with Section VI. Quality Assurance and Section IX. Technical Requirements of NYSERDA's Bulk Storage Incentive Program Manual and either:

- 1) co-located with the generation behind a single wholesale or retail meter in the NYCA, or
- 2) co-located with the generation behind a separate wholesale or retail meter in the NYCA, or
- 3) located in a separate location from the generation inside the NYCA.

External Bid Facilities (those outside of the NYCA) are not eligible for Operational Flexibility and Peak Coincidence points.

If proposed for inclusion, Energy Storage must have a minimum Energy Storage capability, in Megawatt hours, determined by the Bid Facility's Nameplate Capacity. See Appendix 3 for a detailed description of the Minimum Requirements for Energy Storage. The Energy Storage must remain installed, maintained and operated in the originally constructed location where it achieves permission to operate until the Contract Tenor ends.

6) Attachment I. Public Release of Bid Facility Information

Each Step Three Bid Proposal must be accompanied by a completed Attachment I, Public Release of Bid Facility Information. This document will be posted publicly on NYSERDA's website shortly after the Step Three Bid Proposal deadline. Attachment I must be complete in all respects other than the NYISO Interconnection Queue Number and the Article 10 status fields, which may not be applicable to all submissions. A complete Attachment I must include a narrative of at least 300 words and must provide NYSERDA with a comprehensive description of the proposed Bid Facility, the current status of permitting/development/construction, an estimated date of facility operation, project benefits, and background information on the Proposer. If the proposal includes an Energy Storage component, Proposers must disclose such information in the Attachment I and include the location of the component within the facility. The information in Attachment I must be consistent with and not conflict with other information submitted in the Step Three Bid Proposal.

NYSERDA will not redact any information provided on Attachment I. **Attachment I will be made available to the public by NYSERDA soon after Step Three Bid Proposals are received.**

X. NYSERDA PUBLIC OUTREACH

Proposers who submit a Bid Proposal under Step Three will be required to develop and submit a Community Outreach Plan that promotes positive and meaningful public engagement and that reflects an understanding of local interests and concerns, provides high-quality and well-timed public educational opportunities, demonstrates a commitment to partnering with elected officials in proposed host communities, and elicits input from the public and affected agencies. NYSERDA expects to be kept well-informed of Bid Facility progress well-ahead of planned community outreach activities.

Through RESRFP19-1, a new Project Viability subcategory, Community Outreach, has been introduced. Proposers will be scored based on the quality of their Community Outreach Plan and the community outreach activities performed prior to submission of a Bid Proposal. See Section IX and Appendix 2 for additional information.

Public engagement, education about Large Scale Renewables, and open communication about the solicitation and permitting process are of utmost priority to NYSERDA. Shortly

after Step Three Bid Proposals are submitted, NYSERDA will schedule and meet with local officials in the proposed host communities, in person and/or via teleconference. These meetings will be conducted without Proposer participation, but NYSERDA will notify the Proposer regarding the schedule for such meetings and provide a brief synopsis of such meetings after they conclude.

XI. STEP THREE BID PROPOSAL EVALUATION

NYSERDA will employ a scoring system comprised of four evaluation components totaling 100 points:

- 1) Incremental Economic Benefits: 10 points
- 2) Project Viability: 10 Points
- 3) Operational Flexibility and Peak Coincidence: 10 Points
- 4) Bid Price: 70 Points

Pursuant to the February 22, 2017, PSC [Order Approving the Phase 1 Implementation Plan](#) and the subsequent Orders,⁴⁴ a Technical Evaluation Panel (TEP), consisting of NYSERDA staff, DPS Staff, and Independent Evaluators (outside reviewers who possess proficiency in the evaluation of energy generation projects) will evaluate and award points for the non-price evaluation components of each Bid Proposal.⁴⁵ The Bid Price evaluation will be conducted by NYSERDA. The evaluation for each of these categories is described below.

A. Scoring Criteria

1. Incremental Economic Benefits: 10 Points Maximum

The TEP will evaluate and award up to 10 points to Bid Proposals based on the degree to which each Bid Proposal demonstrates a contribution to the two economic benefits categories listed in Section IX C(3). Only those Incremental Economic Benefits meeting the eligibility criteria and falling within the defined categories in Section IX C(3) will be considered for evaluation. The TEP will award a maximum of 10 points between the two categories in proportion to the level of eligible claims, normalized across all Bid Facilities by dividing each Bid Facility's eligible claims by that Bid Facility's Bid Capacity (\$/MW). The TEP will consider the support for each claim provided and additional weight will be attributed by the TEP to those expenditures and/or investments that are firm and credible and that create persistent and sustainable value in New York State. **See Appendix 1 for a detailed description of eligibility and the scoring process for Incremental Economic Benefits.**

2. Project Viability: 10 Points Maximum

⁴⁴ See [Final Phase 1 Implementation Plan](#), the November 17, 2017 [PSC Order Approving the Phase 2 Implementation Plan](#) and the subsequent [Final Phase 2 Implementation Plan](#), the December 14, 2018 PSC [Order Approving the Phase 3 Implementation Plan](#) and the subsequent [Final Phase 3 Implementation Plan](#).

⁴⁵ The Order and subsequent Plans are available on NYSERDA's CES Orders, Reports, and Filings website: <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Important-Orders-Reports-and-Filings>

The TEP will evaluate and award up to 10 points to Bid Proposals based on the extent to which the Bid Proposal demonstrates that the Bid Facility has exceeded the Minimum Threshold Requirements in the five categories listed in Section VII, the Proposer's commitment to site and construct the Bid Facility's Permanent Physical Footprint in locations that avoid overlap on land with agricultural importance to New York State, and the quality and content of the Proposer's Community Outreach Plan as described in Appendix 2. The TEP will award a maximum of 10 points across the combined seven subcategories in proportion to the level of achievement demonstrated. **See Appendix 2 for a detailed description of the scoring process for Project Viability.**

3. Operational Flexibility and Peak Coincidence: 10 Points Maximum

The TEP will evaluate and award up to 10 points to Bid Proposals based on the evaluation of Operational Flexibility and Peak Coincidence in the two categories listed in Section IX C(5). The TEP will award a maximum of 10 points across the two categories in proportion to the level of value demonstrated. **See Appendix 3 for a detailed description of the scoring process for Operational Flexibility and Peak Coincidence.**

4. Bid Price: 70 Points Maximum

The Bid Price evaluation will be conducted by NYSERDA. For evaluation purposes only, Bid Prices will be converted according to the following calculation to allow for an equitable comparison between bids of varying Contract Tenor:

$$\text{Bid Price Evaluation Metric} = \frac{\text{NPV of Expected Contract Payments}}{\text{Bid Quantity} \times \text{Contract Tenor}}$$

Where:

$$\text{NPV of Expected Contract Payments} = \sum_{2019}^{2041} \frac{(\text{Bid Price} \times \text{Calendar Year Bid Quantity})_t}{(1 + i)^{t-2019}}$$

t = Calendar Years 2019 - 2041

i = 6.66%⁴⁶

- a) Bid Facilities not in Commercial Operation as of the RFP Release Date, will be evaluated as if the Contract Delivery Term commences on December 1, 2021.
- b) Bid Facilities in Commercial Operation as of the RFP Release Date will be evaluated as if the Contract Delivery Term commences on December 1, 2019.

⁴⁶ The discount rate for Bid Price evaluation (DISCo Discount Rate or DDR) was established by the New York State Department of Public Service Office of Accounting, Audits and Finance.

NYSERDA will employ a maximum acceptable Bid Price Evaluation Metric; NYSERDA will not award a contract for a Bid Facility where the Bid Price Evaluation Metric is above the maximum acceptable Bid Price Evaluation Metric.

Bids will be sorted in ascending order per the Bid Price Evaluation Metric (BPEM). The lowest bid per the BPEM will receive the maximum points available for the Bid Price component (70 points) and the higher BPEMs will receive lower scores (less than 70 points). NYSERDA will implement a method ensures that the scores of higher BPEMs are sufficiently dispersed below the maximum of 70 points such that the final score that aggregates Bid Price, Incremental Economic Benefits, Project Viability, and Operational Flexibility and Peak Coincidence retains the intended scoring emphasis on price to the maximum reasonable extent.

B. Evaluation & Selection

Selection will be based on the TEP's final ranking, subject to the Portfolio Risk Assessment and the RFP's procurement target.

1. Preliminary Rank Order

A preliminary final ranking of Bid Proposals based on the sum of the TEP points awarded for the non-price categories (Incremental Economic Benefits Category, Project Viability Category, and Operational Flexibility and Peak Coincidence Category), and the points awarded for the Bid Price Evaluation Metric.

2. Portfolio Risk Assessment

Following the development of the preliminary rank order, NYSERDA and DPS, in consultation with the TEP members, will then consider whether to apply the following factors as they may apply to the preliminary award group in making a final award group recommendation, using information provided by the relevant Proposers.

The following portfolio risk assessment limits center around the ability of the portfolio to be constructed at the proposed locations and within the required timeframe. If considering whether to apply any of the limits, NYSERDA and DPS will consider the potential cost impact of such decision (relative to the generation portfolio that otherwise would have been selected), only exercising such a limit should the impact on the generation-weighted average cost of the portfolio increase by less than 10 percent with the application of the portfolio limits.

Such limits will include:

- (a) Diversity of resources: NYSERDA and DPS may constrain any eligible technology to comprise no more than 80 percent (80%) of the award group on an annual generation basis.
- (b) Diversity of owners: NYSERDA and DPS may constrain any owner or affiliate of an owner to comprise no more than 80 percent (80%) of the award group on an annual generation basis.
- (c) Developer limitation: NYSERDA and DPS may limit awards to a specific project owner to a capacity of no more than five times the renewable capacity of the largest project that the owner has successfully brought to commercial operation in the past.

3. Final Award Group

After completing the Portfolio Risk Assessment and any necessary processes below, NYSERDA and DPS will arrive at a final award group. NYSERDA and DPS may also establish a waitlist of Bid Facilities in rank order, for Bid Facility(ies) ranked below those Bid Facilities offered an initial award. Bid Proposals represent offers to contract and must remain open for a period of at least ninety (90) days from the deadline for submittal of a Step Three Bid Proposal.

NYSERDA reserves the right to reject or accept any or all bids. NYSERDA may consider information provided by Proposer in response to Section XIV(E) or otherwise obtained by NYSERDA as to indictments, convictions enforcement proceedings, investigations, and significant character or ethical questions in accepting or rejecting a bid. NYSERDA also reserves the right to solicit revised Bid Prices and/or to make counteroffers as it deems appropriate. Notification of a re-bid, counteroffer or selection will be made by voice communication and email to the Proposer's Designated Agent(s), as identified on the Step Three Bid Proposal of this RFP. Proposer's Designated Agent(s) must be authorized to respond and to commit to counteroffers on behalf of Proposer.

NYSERDA will then notify Proposers with Bid Facilities contained in the final award group both by voice and written communication to Proposers' Project Sponsor(s), Authorized Representative(s), and Designated Agent(s). The date upon which NYSERDA provides such written notification shall be the Award Notification Date. Once selected for an award, Proposers must negotiate a final version of the Agreement with NYSERDA.

XII. POST-AWARD PROCESS

1. Confidentiality

The Proposer shall not distribute any press release or contact the media until after the contract is executed by both parties and any New York State press releases regarding the awards have been issued. If the Proposer wishes to contact the press regarding the award, the Proposer must collaborate with NYSERDA's Large-Scale Renewables Team and the Director of Communications to prepare any press release and/or to plan for any announcement.

2. Provision of Contract for Execution

NYSERDA will prepare a conformed copy of the RES Standard Form Agreement (Attachment H) which will be delivered to the Proposer, in a manner to be agreed upon, for Proposer's execution and return.

NYSERDA may rescind awards to Proposers who fail to provide Contract Security within thirty (30) days of the Award Notification Date or who fail to execute the RES Standard Agreement (Attachment H) within a reasonable amount of time.

NYSERDA will publish the Agreements, including 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 this Agreement, specifically the Bid Price.

3. Provision of Contract Security

Unless otherwise agreed to by NYSERDA in writing, Contract Security in the amount of the product of the Bid Quantity and \$9.00 (plus any Additional Contract Security pledged- see X(B)(5), above) 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. The criteria for accepting a LOC includes:

- a) the issuing bank is a member of the New York Clearinghouse Association⁴⁷, or
- b) 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,
- c) 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. If the issuing bank seeks modification to these terms, NYSERDA recommends that prior to submission, a draft of the Contract Security should be sent to NYSERDA for review.

4. Documents Required for Contracting Purposes

NYSERDA requires the following documents prior to contract execution:

- a) Post-Award Contracting Information Form, to be provided by NYSERDA to Seller, requesting information such as Legal Business Name, State of Incorporation, Tax Identification Number (EIN), and other contractual information.
- b) 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

⁴⁷ Please see the owner bank membership for The Clearing House available from <https://www.theclearinghouse.org/about/owner-banks>

“Seller” under “Contractor name” on the form. This form is filed with the NYS Tax Department and NYSERDA does not need a copy. If previously filed for the Seller, a completed form Tax Law ST-220-CA. On this 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.

- c) Certificate of Incorporation
- d) 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 RES 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 RES Standard Form Agreement (Attachment H). NYSERDA does not have a preferred standard. See RES Standard Form Agreement Section 6.05 Additional Documents for additional information.

5. DAM Section 305 Notice Information

For awarded Bid Facilities with a Nameplate Capacity less than 25 MW and located in a New York State agricultural district, Proposers will be required to provide to NYSERDA a report including all of the information required by Section 305(4)(b) of the Agriculture and Markets Law. NYSERDA may also require a 305 report prior to award decisions.

A map of the agricultural districts, by county, is available from [New York State Agriculture and Markets](#)⁴⁸.

6. Public Release of Bid Facility Information

If Bid Facility characteristics change between Bid Proposal and Award, Proposers are required to submit an updated Attachment I Public Release of Bid Facility Information to NYSERDA within 10 Business Days of such change. The updated Attachment I will be made available to the public by NYSERDA. NYSERDA will not redact any information provided on the updated Attachment I, in order to ensure transparency with the public.

⁴⁸ New York State Agriculture and Markets Agricultural Districts is available by county at <https://www.agriculture.ny.gov/AP/agsservices/agricultural-districts.html>

XIII. RES STANDARD FORM AGREEMENT (ATTACHMENT H)

NYSERDA recommends that Proposers review the RES Standard Form Agreement (Attachment H) and all associated Exhibits prior to participating in RESRFP19-1. The RES Standard Form Agreement is a legally binding document; it is recommended that Proposers consult with an attorney.

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.

XIV. GENERAL CONDITIONS

A. Proprietary Information

Careful consideration should be given before confidential information is submitted to NYSERDA as part of proposal Step Two Application for Qualification or a Step Three Bid 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. 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." Additional information submitted to NYSERDA that the Proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>.

However, NYSERDA cannot guarantee the confidentiality of any information submitted. NYSERDA reserves the right to make public, after the fifth anniversary of the award date, the RES Standard Form Agreement executed with any awarded project.

B. 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://ogs.ny.gov/acpl/>. The Step Two Application for Qualification Form (Attachment A)

calls for a signature certifying that the Proposer will comply with State Finance Law sections 139-j and 139-k and 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.

C. 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>.

D. 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

E. Disclosure Requirement

The Proposer 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.

F. Confidentiality

The Proposer shall not distribute any press release or contact the media until after the contract is executed by both parties and any New York State press releases regarding the awards have been issued. If the Proposer wishes to contact the press regarding the award, the Proposer must collaborate with NYSERDA's Large-Scale Renewables Team and the Director of Communications to prepare any press release and/or to plan for any announcement. Proposer acknowledges that NYSERDA will publish the Agreements executed with awardees. Prior to such publication, NYSERDA will redact any critical electric infrastructure information contained in the Agreement, including in the exhibits hereto, and will consider requests to redact confidential business information; provided, however that NYSERDA will not entertain any such request to redact price information contained in this Agreement, specifically the Bid Price or any terms which may contribute to the calculation of financial obligations under the Agreement.

XV. LIST OF ATTACHMENTS

Appendix 1 – Incremental Economic Benefits Appendix
Appendix 2 – Project Viability Appendix
Appendix 3 – Operational Flexibility and Peak Coincidence Appendix

Attachment A – Step Two Application for Qualification Form (available May 2, 2019)
Attachment B – Step Two Application for Qualification Threshold Eligibility Narrative
Attachment C – Summary Description of Control Status by Parcel
Attachment D – Environmental Assessment Form
Attachment E – List of Required Permits
Attachment F – Project Development Experience
Attachment G – Project Financing Experience
Attachment H – RES Standard Form Agreement
 Exhibit A – Standard Terms and Conditions for all NYSERDA Agreements
 Exhibit B – Letter of Credit
 Exhibit C – Prompt Payment Policy Statement
 Exhibit D – Requirements for Biomass-Fueled Bid Facilities
 Exhibit E – Department of Agriculture and Markets Guidelines for Agricultural Mitigation (v. 4/19/2018)
Attachment I – Public Release of Bid Facility Information
Attachment J – Instructions - Step Two Application for Qualification Submission (available May 2, 2019)

APPENDIX 1 – INCREMENTAL ECONOMIC BENEFITS APPENDIX

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INTRODUCTION

The Bid Proposal evaluation process for RES Tier 1 REC solicitations includes the application of an Incremental Economic Benefits evaluation that makes up 10% (10 points) of the overall Step Three scoring as described in Section XI(A)(1) Incremental Economic Benefits of the RFP. The inclusion of the Incremental Economic Benefits evaluation reflects the importance of positive impacts of the RES procurements on New York's economy. The Incremental Economic Benefits criterion employed in this RFP is intended to differentiate bids based on their effectiveness at meeting this objective.

In submitting a Step Three Bid Proposal, Proposers should include information and documentation necessary to allow the TEP to evaluate the Bid Facility for its contribution to both the long-term and short-term categories. NYSERDA may request additional documentation as a part of its review of Step Three Bid Proposals.

Incremental Economic Benefits are those that a Proposer can demonstrate: (1) will accrue after an award from this RFP, and (2) would not have accrued but for the award of a contract under this RFP. Only those Incremental Economic Benefits falling within the categories defined below will be considered, and in no instance will NYSERDA or its Technical Evaluation Panel (TEP) 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.

Incremental economic benefits previously claimed with respect to a Bid Facility that is subject to a pending award under a previous solicitation or that is the subject of a current NYSERDA RPS or RES Standard Form Agreement are not eligible for evaluation.

All laborers, workmen and mechanics, within the meaning of NYS Labor Law Article 8, performing construction activities with respect to the Bid Facility and Energy Storage, if applicable, including, but not limited to, the staging, installation, erection and placement of Bid Facility and its electrical interconnection as well as start-up and commissioning of the Bid Facility, whether through long-term or short-term employment, must be paid at least the applicable Prevailing Wage applicable in the area where the Bid Facility will be situated, erected and used, as published by the [NYS Department of Labor](#) (DOL)⁴⁹ or at least the equivalent Prevailing Wage requirements of the jurisdiction where the Bid Facility is located. This requirement applies: (1) to all laborers, workmen and mechanics performing construction activities, whether they be direct employees of the Seller or of Seller's subcontractor(s), and (2) regardless of whether or not Seller claimed such employment as an Incremental Economic Benefits in its Bid Proposal.

As described in Section XIII of the RFP, independent verification of the actual Incremental Economic Benefits of the Bid Facility, and comparison to the level and

⁴⁹ For NYS DOL Prevailing Wage Schedules, please visit:
<https://labor.ny.gov/workerprotection/publicwork/PWContents.shtm>

category of claimed Incremental Economic Benefits (Expected Total Dollars), will be required after the end of the first three years of the Contract Delivery Term where the Proposer will submit an economic benefits report prepared by a New York State certified, independent certified public accountant, demonstrating the actual Incremental Economic Benefits that resulted from the construction and operation of the Bid Facility under the categories and within the eligibility requirements listed in the RFP. The Economic Benefits Report will be funded at the Bidder's expense. Should the Bidder fail to reasonably demonstrate that the total dollar amount of Incremental Economic Benefits divided by Installed Bid Capacity, is at least 85% of Expected Total Dollars divided by the Bid Capacity in each category, NYSERDA may at its option upon Notice to Seller, modify the Agreement by reducing the Bid Price payable for the remainder of the Contract Delivery Term.

INCREMENTAL ECONOMIC BENEFITS CATEGORIES

The total of 10 points for Incremental Economic Benefits has been distributed among two categories. The Proposer will provide the Expected Total Dollars for each category; the Expected Total Dollars for each category will be added together and then be divided by the Bid Capacity of the Bid Facility for TEP evaluation purposes only.

The following table lists the Incremental Economic Benefits categories and the points available in each.

	Category	Maximum Points Awarded
1	Long-Term Economic Benefits to New York State	6.5
2	Short-Term Economic Benefits to New York State	3.5

The remainder of this Appendix will present the individual informational components of each of the four evaluation categories that make up the Incremental Economic Benefits criterion.

CATEGORY 1: LONG-TERM ECONOMIC BENEFITS TO NEW YORK STATE

Proposers should describe the degree to which the development, construction, and operation of the Bid Facility will directly create (add) long-term jobs and/or accrue long-term payments to the New York State economy, its municipalities and/or residents. Payments that will provide long-term royalties, production-based payments, land lease or land use payments or other forms of compensation are also eligible in this category. Payments for non-renewable fuels (e.g. natural gas) are not eligible for consideration in this category or in any Economic Benefits category. Eligible claims can include:

- a) Employment of New York workers in the form of long-term jobs (jobs lasting longer than three years). These can include, but are not limited to, jobs

associated with operations and maintenance, plant management, long-term project development, or similar;

- b) New or increased local property tax payments to school districts, cities, towns, or other taxing jurisdictions;
- c) Payments in Lieu of Taxes (PILOT) agreements or other alternative taxing mechanisms and forms of compensation;
- d) Host community payments, mitigation/conservation payments, or other funds that will directly benefit the host community for more than three years, such as Proposer-funded projects that will not be linked to the Bid Facility (e.g. new building or infrastructure improvements to the host town(s), funds established in the host town to benefit local residents);
- e) Payments for leases of land in New York; and
- f) Payments associated with the production of electricity, such as fuel purchases, biomass sourced or harvested in New York, or purchases of landfill gas produced in New York.

CATEGORY 2: SHORT-TERM ECONOMIC BENEFITS TO NEW YORK STATE

Proposers should describe the degree to which both local and statewide economic activity will increase as a result of in-state purchases and short-term jobs. These can include:

- a) Employment of New York workers in the form of short-term jobs (jobs lasting less than three years). These can include NYS construction, rail and port workers, contractors and laborers, engineering or environmental service providers, consultants, financial service advisors, and legal service providers associated with the development and construction/modification of the Bid Facility;
- b) Employment of New York workers for ongoing operations and maintenance expenses which are anticipated through the first three (3) years of Commercial Operation;
- c) Land purchase payments associated with securing rights to a Bid Facility site;
- d) Purchases and/or consumption of local goods and services, such as, but not limited to, food, lodging, vehicles, equipment, and/or fuel; and

Purchases of materials sourced from within New York such as, but not limited to, gravel, steel, concrete and similar materials, purchases and use of equipment and products manufactured or assembled within New York, and/or the use of rental equipment or similar supplies sourced from within New York. Bid Facility components (e.g. wind turbines, solar panels) not manufactured within New York are not eligible for consideration in this category or in any Economic Benefits category.

List each type of purchase, service, or employment that will be used and provide total dollars, including New York State and local sales taxes, expected to be spent on all the purchases, consumption of local/in-state goods, or short-term employment from this

category from the Award Notification Date through the end of the first three (3) Contract Years of operation (Expected Total Dollars).

APPENDIX 2 - PROJECT VIABILITY APPENDIX

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INTRODUCTION

The Bid Proposal evaluation process for RES Tier 1 REC solicitations includes the application of a Project Viability evaluation criterion that makes up 10% (10 points) of the Step Three scoring as described in Section XI(A)(2), Project Viability of the RFP. The inclusion of the Project Viability evaluation reflects the importance of Bid Facility feasibility and ultimate Bid Facility completion toward meeting the RES procurement goals. Proposers will initially submit information and attachments with their Step Two Application for Qualification packages that will confirm that the Bid Facility meets the required Minimum Threshold Requirements, though Proposers may include with their Step Two application documentation that they have exceeded the Minimum Threshold Requirements in any of the categories (see Section VII and Section IX).

If the progress by a Bid Facility exceeds the Minimum Threshold Requirements in any category, documentation as to the additional level of progress achieved should be provided by the Proposer in Step Two.⁵⁰ As a part of the Step Three Bid Proposal, Proposers will be also be invited to demonstrate that they have exceeded the required Minimum Threshold Requirements, including but not limited to any additional progress made between the submittal dates for Steps Two and Three.

As a part of the Step Three evaluation, the TEP will award additional points to generation facilities that have demonstrably exceeded the Minimum Threshold Requirements under the individual Project Viability categories described below. Projects achieving only the Minimum Threshold Requirements will receive no points in the appropriate Project Viability category.

PROJECT VIABILITY CATEGORIES

The total of 10 points for Project Viability has been distributed among seven categories. For Categories 1 through 5, each Bid Proposal will be eligible for the maximum points available in that category, depending on the extent to which it exceeds the Minimum Threshold Requirements. For Category 6, the TEP will award points in accordance with the level of Proposers' commitments. For Category 7, the TEP will award points based on the quality of the Community Outreach Plan.

⁵⁰ For example, under Category 2, Interconnection, for a 20 MW Bid Facility subject to NYISO jurisdiction, the documentation required to demonstrate achievement of the Minimum Threshold Requirement consists of a submitted interconnection request. If a Feasibility, System Impact, or Facilities Study has, in fact, been executed, attach a copy. The Study will satisfy the Minimum Threshold Requirement and will also be considered as a part of the Project Viability evaluation in Step Three.

The following table lists the Project Viability categories and the points available in each:

	Project Viability Category	Maximum Points Awarded
1	Site Control	2.0
2	Interconnection	2.0
3	Permitting	1.5
4	Project Development	1.0
5	Resource Assessment and Energy Production Estimate	1.0
6	Site Character	1.5
7	Community Outreach Plan	1.0

The remainder of this Appendix will present the individual informational components of each of the seven evaluation categories that make up the Project Viability criterion. **The tables shown below provide relevant details on descending levels of progress within each category.**

PROJECT VIABILITY CATEGORY 1: SITE CONTROL

The Site Control evaluation category has two subcategories: Generation Facility Site Control, and Interconnection Right-of-Way (ROW) Site Control. Energy Storage Site Control is a Minimum Threshold Requirement but is not included as a subcategory in the Site Control evaluation.

The Minimum Threshold Requirements for Site Control are described in Section VII of RESRFP19-1. They require that the Proposer at least have entered *an exclusivity agreement or letter of intent* with the site owner(s) for percentages of the site (depending on site size) and the Interconnection Right-of-Way.

Generation Facility Site Control will be eligible for additional points based on the proportion of the total land area where the Bid Facility and interconnection facilities are or will be sited that the Proposer has under its control through *ownership, easement, executed lease or executed binding option for ownership or lease*.⁵¹

The Project Viability evaluation will award points based on the demonstration of additional site ownership or control. Proposed Bid Facilities that are currently in operation will receive maximum points awarded for this category.

⁵¹ Note that the Minimum Threshold Requirement requires the existence of exclusivity agreements or letters of intent. In order to receive additional points under Step Three, Proposers will be required to have ownership interests or lease agreements enforceable by the Proposer without further material agreement with the owner(s).

PROJECT VIABILITY CATEGORY 1.A: GENERATION FACILITY SITE CONTROL

Generation Facility Site Control Criterion		
Measure of Generator Site Control	Percent of Site Controlled (as a % of total parcel area)	Maximum Points Awarded
Own, executed lease for, easement for, or executed binding option for a parcel	100%	1.50
Own, executed lease for, easement for, or executed binding option for a parcel	75%	1.25
Own, executed lease for, easement for, or executed binding option for a parcel	50%	1.00
Own, executed lease for, easement for, or executed binding option for a parcel	25%	0.50

PROJECT VIABILITY CATEGORY 1.B: INTERCONNECTION RIGHT-OF-WAY CONTROL

Interconnection right-of-way (ROW) control will be evaluated and awarded points under Step Three by the level of progress toward ROW control that the Proposer has achieved through either *ownership, executed lease, executed option, or by virtue of the interconnection ROW being controlled by or assignable to the interconnecting utility* that will own interconnection facilities. Proposed Bid Facilities that are currently in operation will receive maximum points awarded for this category.

Interconnection ROW Control Criterion	Maximum Points Awarded
100% of total area is either (i) owned, executed lease for, easement for, or executed binding option by the Proposer, <u>or</u> (ii) controlled by or assignable to the interconnecting utility that will own interconnection facilities	0.50
50% of total area is either (i) owned, executed lease for, easement for, or executed binding option by the Proposer, <u>or</u> (ii) controlled by or assignable to the interconnecting utility that will own interconnection facilities	0.25

SUPPORTING DOCUMENTATION REQUIRED FOR SITE CONTROL

Unless the Bid Facility is currently in operation, the Proposer may demonstrate that it has exceeded the Minimum Threshold Requirements for Generation Facility and ROW Site Control by providing updated site control maps and summary descriptions by parcel, demonstrating the percentage of the site controlled.

PROJECT VIABILITY CATEGORY 2: INTERCONNECTION

Proposer demonstration of progress toward generation facility interconnection (IC) differs based on the size of the generation facility and the jurisdictional authorities governing the interconnection (i.e., FERC, a regional transmission operator,⁵² a state agency, or a non-US agency).

The following two tables present the criteria that will be used to evaluate interconnection progress exceeding the Minimum Threshold Requirements. The first table is relevant to most grid-connected generators in the United States and the second table is relevant to Canadian generators, generators not in other categories, and eligible behind-the-meter (BTM) generators.

The Project Viability evaluation will award points based on the demonstration of progress in the interconnection process; Bid Facilities in operation or those with executed IC agreements will be awarded the maximum points available for this category.

⁵² New York Independent System Operator (NYISO) or adjacent RTOs that include New England Independent System Operator (NE-ISO) and PJM.

Grid-Connected Generators (U.S.)

Large Generator (>20 MW) NYISO or similar IC Authority in Adj. U.S. Control Area ⁵³	Small Generator (up to 20 MW) NYISO or similar IC Authority in Adj. U.S. Control Area ⁵⁴	Small Generator Non-FERC Interconnection ⁵⁵	Maximum Points Awarded
Operating/interconnected, or executed IC agreement or equivalent relevant to scale and jurisdictional requirements			2.0
Evidence provided that Facilities Study is complete, and Proposer has accepted the Cost Allocation, or equivalent evidence of progress	Evidence provided that the utility company has completed the Coordinated Electric System Interconnection Review (CESIR), or equivalent evidence of progress		1.6
Evidence provided that Feasibility Study and System Impact Study (SIS) (or equivalent) are complete. Documentation of agreement with ISO has been reached to forego either of these, if relevant	[no process equivalent, n/a]		1.2
Evidence provided that Feasibility Study (or equivalent) is complete	Evidence provided that utility has provided at least a Preliminary Analysis Report (or equivalent) that indicates the Bid Facility is feasible including cost estimate for any required upgrades		0.6

⁵³ FERC Jurisdiction, Large Generator Interconnection

⁵⁴ FERC Jurisdiction, Small Generator Interconnection, inclusive of 2 MW Fast Track

⁵⁵ Connecting Transmission Owner (CTO) Interconnection under state jurisdiction (typically utility distribution less than 5MW).

Canadian Generators, Generators Not in Other Categories, Eligible BTM Generators

Ontario & Quebec; Generators not in another category	Behind-the-Meter Generators (if eligible)	Maximum Points Awarded
Operating, interconnected, or has secured Ontario Energy Board Leave to Construct or a Generator License or equivalent.	Operating/interconnected.	2.0
Evidence provided that facilities study or equivalent is complete, and Proposer has accepted the cost allocation	Formal determination from the interconnecting utility resulting from a completed feasibility study that IC is permissible	1.6
Evidence provided that feasibility study and System Impact Study (SIS) (or equivalent) are complete. Documentation of agreement with IC authority has been reached to forego either of these, if relevant	Determination from the interconnecting utility that IC is feasible but that further study is necessary	1.2
Evidence provided that System Feasibility Impact Study (for IESO) (or equivalent) is complete	Informal determination from the interconnecting utility that IC is feasible	0.6

SUPPORTING DOCUMENTATION REQUIRED FOR INTERCONNECTION

The Proposer may demonstrate that it has exceeded the Minimum Threshold Requirements for Interconnection by providing the following documents with either its Step Two Minimum Application for Qualification (preferred) or its Step Three Bid Proposal:

- A brief narrative summary of IC status including (but not limited to) stage of IC process completed (with applicable dates) and underway (with expected dates), IC authority, and if applicable, queue numbers.
- Copies of associated agreements or other evidence (required fees have been paid) supporting the claimed level of progress as listed in the tables above.

PROJECT VIABILITY CATEGORY 3: PERMITTING

The following two tables present the criteria necessary to evaluate permitting progress in excess of the Minimum Threshold Requirements. The first table covers informational requirements for wind, ground mounted solar, biomass, biogas, hydroelectric, and generators in other jurisdictions. The second table covers informational requirements for building mounted solar, fuel cells, and ocean and tidal energy facilities.

The Step Three Project Viability evaluation will award points based on the level of progress in the permitting process; Bid Facilities in operation or those that have acquired all non-ministerial necessary permits and approvals will be awarded the maximum points available for this category.

Wind, Ground-Mounted Solar, Biomass/Biogas, Hydro

Hydroelectric in U.S. Jurisdictions ⁵⁶	Wind, Ground-Mounted Solar in NY	Biomass / Biogas in NY	Wind, Ground-Mounted Solar, Biomass or Biogas Requirements for Jurisdictions other than NY, and Canadian Hydroelectric	Maximum Points Awarded
Bid Facility is already operating, has permission to operate or has secured all non-ministerial permits.				1.5
Draft application including an Environmental Impact Report or Preliminary licensing proposal submitted	All requirements under State Environmental Quality Review Act (SEQRA) fully defined or fulfilled. Letter of negative declaration or conditional negative declaration from lead agency; or final Environmental Impact Statement (EIS) accepted. If applicable, provide documentation that Article 10 hearing has been conducted.		All requirements for environmental approval defined or fulfilled (e.g. Environmental Compliance Approval [ECA] or Environmental Activity and Sector Registry [EASR] registration in Ontario; Environmental Quality Act [EQA] assessment in Quebec)	1.0

⁵⁶ This approach does not reduce points for hydroelectric licenses that may expire during the proposed contract term.

Hydroelectric in U.S. Jurisdictions ⁵⁶	Wind, Ground-Mounted Solar in NY	Biomass / Biogas in NY	Wind, Ground-Mounted Solar, Biomass or Biogas Requirements for Jurisdictions other than NY, and Canadian Hydroelectric	Maximum Points Awarded
Provide Environmental Impact Study Plan	Letter or signed approval form demonstrating that Local Zoning/ Ordinance requirements (such as Special Use/ Conditional Use Permit [SUP/CUP] or Permit by Rule [PBR] satisfied	Letter or signed approval form demonstrating that Local Zoning/ Ordinance requirements (such as CUP/SUP/PBR) satisfied. Draft Air Permit issued for review by New York State Department of Environmental Conservation (DEC) or equivalent authority	Local Zoning/Ordinance requirements satisfied (e.g. confirmation / comment letters from Ministry of Natural Resources [MNR] and Ministry of Tourism, Culture and Sport [MTCS] [ON] obtained)	0.5

Building Mounted Solar, Fuel Cells, Ocean and Tidal, All Jurisdictions

Building-Mounted Solar	Fuel Cells	Ocean & Tidal⁵⁷	Maximum Points Awarded
Operating or has secured all permits	Operating or has secured all permits	Bid Facility is already operating, has permission to operate or has secured all non-ministerial permits.	1.5
In addition to meeting all requirements below, all other ministerial permit applications submitted consistent with list provided in Threshold Qualification requirements	In addition to meeting all requirements below, all other ministerial permit applications, and air permit application, submitted consistent with list provided in the Threshold Qualification requirements	All requirements for environmental approval defined or fulfilled (e.g. ECA or EASR registration in Ontario; EQA assessment in Quebec)	1.0
Copy of construction permit issued by local jurisdictional authority	Copy of construction permit issued by local jurisdictional authority. For Bid Facilities requiring zoning applications, letter or signed approval form demonstrating that local zoning/ ordinance requirements satisfied.	Evidence that the key environmental & siting permit needed to proceed with the Bid Facility is complete	0.5

SUPPORTING DOCUMENTATION REQUIRED FOR PERMITTING

The Proposer may demonstrate that it has exceeded the Minimum Threshold Requirements for Permitting by providing the following documents with either its Step Two Application for Qualification (preferred) or its Step Three Bid Proposal:

⁵⁷ To meet the “Key environmental & siting permit needed to proceed with the Bid Facility is complete” scoring level, facilities must demonstrate that all FERC and state environmental/siting permits are complete, and all other non-ministerial environmental/siting documents are approved or under final review. The key environmental/siting permits are those that are necessary for construction of the Bid Facility to proceed. To demonstrate that other documents are approved or under final review, the Proposer must identify all necessary permits and the status associated with their review and approval.

- List of permits and approvals and evidence supporting level of progress (e.g. letters, permits) as described in the tables above.

PROJECT VIABILITY CATEGORY 4: PROJECT DEVELOPMENT

The bidding company or the principals in its development team will be evaluated according to the extent of their prior experience in successfully developing similar projects.

The Step Three Project Viability evaluation will award points based on the level of Project Development experience demonstrated; proposals that demonstrate the development of two or more facilities of comparable scale⁵⁸ and similar technology,⁵⁹ at least one of which is in the state in which the Bid Facility is located, will be awarded the maximum points available for this category. NYSERDA will not consider aggregated portfolios of generation facilities as a project under this criterion. Proposed Bid Facilities that are currently in operation will receive maximum points awarded for this category.

Developer / Corporate Experience ⁶⁰	Maximum Points Awarded
Have developed two or more facilities of at least 50% of the Bid Facility's capacity and similar technology. One of the facilities developed is in the same state in which the Bid Facility is located.	1.0
Have developed one or more facilities of at least 50% of the Bid Facility's capacity and similar technology in the state in which the facility is located.	0.8
Have developed one or more facilities of at least 50% of the Bid Facility's capacity and similar technology, or two or more facilities of any renewable energy technology of at least 50% of the Bid Facility's capacity.	0.6
Have developed two or more facilities of any renewable energy technology of at least 25% of the Bid Facility's capacity.	0.4
Have developed one or more facilities of any renewable energy technology of 25% of the Bid Facility's capacity.	0.2

⁵⁸ Comparable scale is 50% or more of the proposed capacity.

⁵⁹ Similar technology is the same resource and prime mover, e.g. solar, wind. It is not meant to distinguish between different solar technologies, for example.

⁶⁰ The bidding company or the principals in its development team must have the required experience successfully developing projects as indicated in this table. Experience of vendors or contractors to the bidding company or the principals in its development team **do not count** towards this experience requirement.

SUPPORTING DOCUMENTATION REQUIRED FOR PROJECT DEVELOPMENT

Unless the Bid Facility is currently in operation, the Proposer may demonstrate that it has exceeded the Minimum Threshold Requirements for Project Development by providing the following documents with its either its Step Two Application for Qualification (preferred) or Step Three Bid Proposal:

- Provide in Attachment F a list of specific projects successfully developed, specifying the nameplate capacity, technology⁶¹, commercial operation date (COD), and location supporting the claimed scoring level; for each project, identify whose experience is being claimed (e.g., corporate or specific individual that is a Proposer principal). If available, provide an external reference (for example, newspaper article or website link) to projects successfully developed.

PROJECT VIABILITY CATEGORY 5: RESOURCE ASSESSMENT AND ENERGY PRODUCTION ESTIMATE

Proposers are required to provide a Resource Assessment and an Energy Production Estimate for the Bid Facility that fulfills the technology-specific Minimum Threshold Requirements listed below and may also provide a Refined Resource Assessment and Energy Production Estimate for the Bid Facility, and if applicable, Energy Storage for Project Viability scoring consideration. The requirements for the Bid Facility Resource Assessment and Energy Production Estimate are based on the Bid Facility's technology (see technology specific sections below) and are comprised of:

- 1) A Resource Assessment, which approximates the renewable resource typically available on an annual basis to power the Bid Facility.
- 2) An Energy Production Estimate, which estimates the Bid Facility's ability to convert the renewable resource to electric power at the P(50)⁶² level.

To fulfill the Step Two Minimum Threshold Requirement, the Resource Assessment and Energy Production Estimates must be consistent with and representative of the Bid Facility, the long-term conditions at the site, and if applicable, Energy Storage as proposed to NYSERDA.

For Upgrades, provision of the Resource Assessment and Energy Production Estimate submitted through the Step One Resource Eligibility Determination process is sufficient to meet the Category 5 Minimum Threshold Requirements. Proposers must at minimum

⁶¹ Categorized by resource and prime mover, e.g. solar; e.g., wind. Not meant to distinguish between different solar technologies, for example.

⁶² P(50) represents a level of resource projection or production estimate with a 50% likelihood of being exceeded in any future year. The P(50) value shall be the expected value (i.e., the mean) based on the Proposer's Resource Assessment diligence in accordance with the minimum requirements listed in the section herein for the respective renewable technology.

re-submit this Resource Assessment and Energy Production Estimate as part of the Step Two Application for Qualification electronic submission.

Proposers may also provide a Refined Resource Assessment and Energy Production Estimate for the Bid Facility, and if applicable, Energy Storage including the supporting documentation described below. The Step Resource Assessment and Energy Production Estimate evaluation will award points based on the extent and quality of the Refined Resource Assessment and Energy Production Estimate.

Resource Assessment and Energy Production Estimate Criterion	Maximum Points Awarded
Refined Resource Assessment and Energy Production Estimate for Solar, Wind, Hydroelectric, Fuel Cell, Ocean/Tidal, or Biomass/Biogas Bid Facilities as specified by eligible technology below.	1.0
Resource Assessments and Energy Production Estimates that fall between the Minimum Threshold Requirement and the Refined Resource Assessment and Energy Production Estimates criteria.	Between 0 – 0.9

Refined Resource Assessments and Energy Production Estimates must be consistent with the Bid Facility design, long-term conditions at the Bid Facility, and if applicable, Energy Storage as proposed to NYSERDA. A Refined Resource Assessment and Energy Production Estimate is more specific than the documentation required in the Minimum Threshold Requirements, and is based on the Bid Facility's technology, design, and site-specific location. Such estimates must be prepared by a qualified independent 3rd-party (meteorologist, modeler, performance engineer, or analyst) with expertise in Resource Assessments and Energy Production Estimates for the Bid Facility's technology and is of financing-quality. In order to receive additional points, the requirements for the Bid Facility Resource Assessment and Energy Production Estimate are based on the Bid Facility's technology and are comprised of:

- 3) A Refined Resource Assessment, which approximates the potential of the renewable resource to be used by the Bid Facility.
- 4) A Refined Energy Production Estimate, which estimates the Bid Facility's ability to convert the renewable resource to electric power. In addition to providing a refined report, the '8760-hourly profile' for each year of the proposed tenor of the Agreement must also be provided.

Bid Facilities including Energy Storage shall include a P(50) Energy Production Estimate that considers Energy Storage for the Bid Facility, including anticipated losses resulting from the addition of Energy Storage. Solar facilities including co-located Energy Storage must specify if the Energy Storage is AC or DC coupled. The estimate

that includes Energy Storage should reflect the Energy Storage size (MW), operating restrictions, charging, and start-up limitations (for example, cycles per year, time and energy required to go from the typical depth of discharge to typical full state of charge, the amount of energy delivered at typical full state of charge to typical depth of discharge).⁶³

Solar

Solar Minimum Threshold Requirement

The Minimum Threshold Requirement for an acceptable Resource Assessment and Energy Production Estimate must be consistent with the Bid Facility as described below.

- 1) Resource Assessment is a report that analytically evaluates the completeness, reliability, and percent of certainty of at least three (3), but ideally five (5) or more sources of measured data at a nearby meteorological station or via satellite-based models which are within 50 km of the Bid Facility for the following base meteorological data: global horizontal irradiance (GHI), diffuse irradiance (DIF), direct normal irradiance (DNI), ambient temperature (T). Provide a table with a column for each annual mean value per meteorological data source along with the number of years measured by the data source. State which meteorological source was found to be most representative of the site and describe why it was selected for use in the Energy Production Estimate. The Resource Assessment requirement can be met with a combination of any of the following:
 - a) NREL or similar government issued dataset Typical Meteorological Year (TMY2)⁶⁴ or National Solar Radiation Database (NSRDB) 1991-2010 (TMY3)⁶⁵ data from a site 50km or closer to the Bid Facility location.
 - b) A satellite-based resource estimate using Meteosat, GMS, GOES or AMTSAT or similar data (e.g. 3 Tier (now Vaisala)); Solar GIS; SolarAnywhere or Meteonorm.
 - c) At least one year of hourly measured site data. The measured data must be annually and climatologically adjusted via one or more high quality, long-term⁶⁶ reference station or data sets.
- 2) Energy Production Estimate is a report that which characterizes how well the Bid Facility will convert solar radiation into electric power on a project lifetime scale consistent with the Bid Proposal from a system performance model, using industry standard tools such as PVSyst or equivalent. The Proposer should include initial estimated inputs, parameters and technical losses, and describe the methods employed to estimate the losses, or the assumptions made to assign initial values. Any losses not accounted for in the performance model software shall be

⁶³ Proposers will need to complete two separate Resource Assessments for the separate Step Two Applications for Qualification, one with and one without Energy Storage. See Sections VI, VII (A) and IX (C).

⁶⁴ Available from NREL by State http://rredc.nrel.gov/solar/old_data/nsrdb/1961-1990/tmy2/State.html

⁶⁵ Available from NREL http://rredc.nrel.gov/solar/old_data/nsrdb/1991-2010/

⁶⁶ Long-term conditions are considered to be 10 years or more of data.

documented in a post-production loss summary section of the report and reflected in the net energy production estimate and net capacity factor percentage. The report outline for the Energy Production Estimate shall include:

- a) Executive Summary: briefly describe the location, facility capacity, P50 net energy (MWh), specific yield (kWh/kWp), net capacity factor;
- b) Introduction: describe the methods and software employed for assessing gross and net energy production, stage of the engineering design modeled;
- c) Solar Resource Selection: insert the Resource Assessment report here;
- d) System Configuration: tilt, azimuth, pitch, collector width, shade limit angle, ground coverage ratio, module and inverter manufacturer and model numbers, quantity of modules in series, quantity of strings per inverter, quantity of inverters;
- e) System Loss Factor Inputs: albedo factor, electrical effect, transposition model, array soiling, thermal loss factors, DC ohmic loss, light induced degradation, module quality, module mismatch, string mismatch, incidence effect, AC ohmic loss, transformer, auxiliary, grid limitations, and availability;
- f) Energy Estimate Losses: Irradiance values (global incident in collector plane, near shadings loss %, incidence angle modifier loss %, soiling loss factor %); PV system(loss due to irradiance level %, loss due to temperature %, electrical loss according to strings %, module quality loss %, light induced degradation %, array mismatch loss %, DC ohmic loss %); Inverter Losses (loss during operation %, loss over nominal inverter power %, loss due to power threshold %, loss over nominal voltage %, loss due to voltage threshold %, night consumption loss %); Other (AC ohmic loss %, external transformer loss %, other);
 - o If bifacial module technology is being proposed, provide the additional Energy Production Estimate loss values: ground reflection on front, global incident on ground, ground reflection loss %, view factor from rear %, sky diffuse on rear %, beam effective on rear %, shadings loss on rear %, effective irradiation on rear %, and bifaciality factor.

Supporting Resource Assessment and Energy Production Estimate Documentation Required for Solar Bid Facilities:

- A Resource Assessment and Energy Production Estimate report as described above.

Solar Refined Resource Assessment and Energy Production Estimate Criteria

Proposers may submit a Refined Resource Assessment and Energy Production Estimate report for the Bid Facility, and if applicable, Energy Storage, building on the Minimum Threshold Requirements described above and including the requirements described below:

- 1) Refined Resource Assessment is produced using a dataset with low uncertainty data set (e.g. using a Global Horizontal Irradiance (GHI) resource data set with less than or equal to 5% uncertainty) and location proximate to Bid Facility location (e.g. within 5 km of the Bid Facility project site).

- 2) Refined Energy Production Estimate shall be based on the Refined Resource Assessment described above, and includes:
 - a. Use of an advanced performance model, such as: PVSyst (v.6 or later);
 - b. Refined system loss factors noted in the Minimum Threshold Requirement section above which are representative of an engineering drawing set. An acceptable engineering drawing set includes a constrained site layout that shows the proposed Bid Facility's equipment with recent aerial imagery underlain, parcel boundaries and topography of the site and typically includes civil and electrical sheets which have been issued for permitting purposes. The engineering drawing set shall be provided as an attachment.
 - c. Monthly soiling loss profile that reasonably captures the effects of measured historical winter snowfall, rainfall patterns and other site-specific soiling factors (e.g, pollen, agricultural airborne particulates, or other);
 - d. A detailed near shading scene that accounts for the designed row pitch, module configuration, collector widths, tilts, topography of modules and near shadings (e.g. trees, buildings, transmission lines or other);
 - e. Far-shadings horizon profile representative of the Bid Facility site location;
 - f. System loss factors shall be expanded to include auxiliary and parasitic loss %, availability loss %, if applicable curtailment/operational loss % due to Utility/Transmission Operator requirements (e.g. deliverability limitations, VAR/Power Factor support, or other losses)
 - g. An uncertainty analysis that includes an initial estimate of Bid Facility net energy uncertainty, including projected annual degradation % profile;
 - h. Description of the planned operations and maintenance activities which allow the Bid Facility to achieve the modeled soiling loss assumptions (e.g. planned module washings, snow removal, or other); and
 - i. Major equipment datasheets (panels, inverter and mounting system).
 - j. An 8760 hourly profile of the Energy Production Estimated for each operating year of the proposed contract tenor.

Wind

Wind Minimum Threshold Requirement

The Minimum Threshold Requirement for an acceptable Resource Assessment and Energy Production Estimate must be consistent with the Bid Facility as described below.

- 1) Resource Assessment which characterizes the Bid Facility's wind resource and can be satisfied through either measured data or modeled data.
 - a. Measured Data: Wind and temperature measurements that are taken at elevations below the planned hub height must be extrapolated to represent hub height speed, direction and air density conditions. Measurement campaigns must include least six (6) continuous months of observed wind data on the site. The measured characteristics must be annually and climatologically adjusted via one

or more high quality, long-term⁶⁷ reference station or data sets. If measured data is used, the Resource Assessment must include, but is not limited to, the following:

- Measured data summary per meteorological tower including measurement period, long-term wind speed at hub height, and wind frequency and energy rose;
 - Map including the following:
 - Proposed turbine layout;
 - Meteorological tower location(s);
 - Wind speed at hub height adjusted to on-site data.
- b. Modeled Data: Modeled data must be representative of long-term average Bid Facility conditions at hub height. If modeled data is used, the Resource Assessment must include, but is not limited to, the following:
- Modeled wind frequency and energy rose;
 - Map including the following:
 - Proposed turbine layout;
 - Meteorological tower location(s);
 - Modeled wind speed or existing validated wind speed map at hub height produced by an experienced 3rd-party.
- 2) Energy Production Estimate which characterizes how well the Bid Facility will convert available wind into electric power. The Energy Production Estimate shall be presented on an annual and/or a project lifetime scale consistent with the Bid Proposal. It must be based upon the Resource Assessment described above and combined with an assumed project configuration consistent with the Bid Facility that must include, but is not limited to, the following:
- a. Turbine specific details including manufacturer, model, hub height, rotor diameter, rated capacity, and number of turbines;
 - b. Energy output details including capacity, average hub height wind speed, P50 net energy, and net capacity factor;
 - c. Initial loss details including methods employed to estimate the losses, or the assumptions made to assign initial values. Initial estimated technical losses include wake effects, availability, electrical, turbine performance, environmental, and curtailment/operational strategies.

Supporting Resource Assessment and Energy Production Estimate Documentation Required for Wind Bid Facilities:

- A Resource Assessment (including map) and Energy Production Estimate as described above.

⁶⁷ Long-term conditions are considered to be 10 years or more of data.

Wind Refined Resource Assessment and Energy Production Estimate Criteria

Proposers may submit a Refined Resource Assessment and Energy Production Estimate for the Bid Facility, and if applicable, Energy Storage, building on the Minimum Threshold Requirements described above and including the requirements described below:

- 1) Refined Resource Assessment which characterizes the long-term hub-height wind conditions across the Bid Facility area that includes:
 - a. Monitoring Campaign: One (1) full year of data at the Bid Facility site with meteorological towers at least 2/3 of planned hub height of Bid Facility turbines. Towers must be equipped with 1) high quality wind speed, direction and temperature sensors or 2) sonic detection and ranging (sodar) and/or light detection and ranging (lidar) remote wind speed sensors.
 - b. Data Analysis: The independent 3rd-party must describe the methods used to perform 1) climatological data adjustment with one or more specified high quality reference stations 2) quality control, assurance and validation including adjustments performed to treat erroneous, bad, and/or suspect measurements (e.g., removal and/or treatment of sensor failure, icing, tower shadow, etc.), 3) data gap reconstruction, and 4) sensor measurement adjustment. Description should include reference stations used, the relationship(s) with the observed data, and assessment of their quality.
 - c. Vertical and Horizontal Extrapolation: A description of the 1) vertical extrapolation method and results in the context of the observations on site and the regional climatology, 2) wind flow modeling approach, that includes the model(s) used, model configuration and input data, use of onsite data and estimate of the model performance at the site.
 - d. Measured Data Summary per Meteorological Tower: meteorological tower location and elevation, measurement height, measurement period, average wind speed at measurement height, long-term wind speed at hub height, and wind frequency and energy rose.
 - e. Map: Include turbine layout, meteorological tower location(s), wind speed at hub height adjusted to on-site data, and surrounding wind farm locations, if applicable.
- 2) Refined Energy Production Estimate based on the Refined Resource Assessment and including at least 10 years of long-term average wind resource combined with a Bid Facility specific project configuration (i.e., turbine characteristics, layout, site conditions, and losses). The Refined Energy Production Estimate shall be based on an hourly P(50) 8760 schedule that considers long-term, net energy production presented on an annual and/or Bid Facility life time scale. The Refined Energy Production Estimate must include:
 - a. Turbine specific details including manufacturer, model, hub height, rotor diameter, rated capacity, and number of turbines;

- b. Energy output details for the full wind farm and on a per-turbine basis including hub height wind speed, P50 gross energy, P50 net energy, and net capacity factor;
- c. Detailed description of the methods and/or software employed for assessing gross and net energy production, including the wake model used. Eligible software packages include, but are not limited to:
 - OpenWind: <https://aws-dewi.ul.com/software/openwind/>
 - Wind Farmer: <https://www.dnvgl.com/services/windfarmer-3766>
 - WindPro: <https://www.emd.dk/windpro/>
 - WindFarm: <http://www.resoft.co.uk/>
- d. Turbine performance characteristics defined as accurately as possible for site conditions, including air density-adjusted power curves, cut-out and restart values, special operating packages (e.g. cold temperature packages), and any other site-specific operational characteristics;
- e. Brief description of surrounding wind farms and their wake impacts on the Bid Facility;
- f. Detailed estimates of wind resource and energy production uncertainties, including a total uncertainty on the net energy estimate;
- g. Curtailment criteria estimation including any known or expected curtailments associated with permitting (e.g. bat curtailments, noise curtailments), or grid conditions (e.g. grid-mandated curtailments);
- h. Detailed estimates of Bid Facility-specific technical losses and/or efficiencies associated with the six standard loss categories listed below. The Proposer should describe the methods employed to estimate the losses. The defined values must be aggregated into a total loss value that is used to convert gross energy generation estimates to net energy production estimates. Loss categories are as follows:
 - Wake Effects: includes the internal wake effects of the proposed Bid Facility turbines, as well as the effects of any existing or planned projects in the vicinity.
 - Availability: includes losses associated with the availability of the Bid Facility wind turbines, balance of plant and the grid.
 - Electrical: includes the electrical efficiency of the Bid Facility between the low or medium voltage side of the wind turbine transformer and the energy measurement point (meter), including any facility parasitic consumption.
 - Turbine Performance: includes all losses associated with any sub-optimal plant performance and expected deviations from the assessed power curve, along with any losses expected from the hysteresis loop between high wind cut-out and re cut-in.
 - Environmental: includes loss effects due to environmental parameters such as icing, blade degradation, high/low temperature shutdown, exposure changes, etc.
 - Curtailment/Operational Strategies: includes the effects of curtailments, including any required for turbine loading, grid, or

environmental permits. Also includes the effects of any other operator-defined operational strategies, not captured in the power curve.

Hydroelectric

Hydroelectric Minimum Threshold Requirement

The Minimum Threshold Requirement for an acceptable Resource Assessment and Energy Production Estimate must be consistent with the Bid Facility as described below.

- 1) Resource Assessment which characterizes expected P(50) stream flow from USGS gauges and net head assumptions for the Bid Facility Site, calculated based on monthly to daily average flow values derived from a robust set of relevant historical flow data. The expected P(50) stream flow estimate and related energy calculations should provide adequate and applicable data to demonstrate the amount of renewable resource available, based on a combination of measured or modeled data that includes:
 - a. Monthly historical stream flow averages from USGS gauges or similar sources (if not USGS, describe the source) for 20 years. If less than 20 years is available, specify the duration available.
 - b. Adjustments to calibrate measured values to expected flow available at the Bid Facility site, identifying the distance of the gauge from the Bid Facility site.
 - c. Adjustments to reasonably estimate applicable changes to available stream flow measurements (e.g., minimum flows, other water uses or interests, or flows available from upstream hydroelectric resources, if applicable) which may impact the quantity or temporal profile of water available to the Bid Facility.
 - d. Net head assumptions for the Bid Facility site.
 - e. Identification of expected energy production under normal conditions.
- 2) Energy Production Estimate prepared by an independent NYS Professional Engineer not affiliated with the Proposer with monthly granularity, based on the resource estimate, reflecting historical statistics, and industry standard efficiency and loss estimates, that includes the following:
 - a. Estimates of the overall efficiency (e.g., taking into account the combination of turbine, generator and step-up efficiency factors) based on industry standards.
 - b. Estimate(s) for applicable losses.
 - c. Estimates of forced outage and planned maintenance based on typical industry standard factors.

For Bid Facilities with existing impoundment facilities, the Resource Assessment should demonstrate dam viability by including the most recent FERC dam condition report.

Supporting Minimum Threshold Requirements for Resource Assessment and Energy Production Estimate Documentation Required for Hydroelectric Bid Facilities:

- A Resource Assessment and Energy Production Estimate as described above.

Hydroelectric Refined Resource Assessment and Energy Production Estimate Criteria

Proposers may submit a Refined Resource Assessment and Energy Production Estimate for the Bid Facility, and if applicable, Energy Storage⁶⁸, building on the Minimum Threshold Requirements described above and including the requirements described below.

- 3) Refined Resource Assessment characterizes expected P(50) stream flow from USGS gauges and net head assumptions for the Bid Facility Site, calculated based on hourly average flow values derived from a robust set of relevant historical flow data, accounting for uncertainty and site-specific factors:
 - a. Historical stream flow data sourced from USGS gauges or similar (if not USGS, describe) that 1) are based on average daily flow values for a minimum of 20 consecutive years, 2) includes and identifies the distance of the gauge from the site and any adjustment(s) made to calibrate measured values to expected flow available at the site, 3) specifies the timeframe during which the evaluation process took place;
 - b. Net head (gross head minus the hydraulic losses of the waterways) calculations specific to the Bid Facility site and time of year;
 - c. Inclusion of any existing known operating limitations on dam or river system (seasonal minimal flows, flood control storage, permit restrictions, etc.) including flows available from upstream projects;
 - d. An assessment of the risk/uncertainty associated with water flow;
 - e. An assessment of sedimentation impacts.
- 4) Refined Energy Production Estimate which is based on the Minimum Threshold Requirement, and also take into account the following:
 - a. Specific efficiencies of individual plant structures, consisting of turbine, generator and step-up transformer, which vary according to turbine type, discharge and available head. Typically, these are provided by equipment manufacturers based on the specific Bid Facility design;
 - b. Electrical Losses;
 - c. Plant specific estimates of availability and forced outage rates;
 - d. Auxiliary load of the plant itself.

⁶⁸ Pumped Storage is an ineligible technology.

Fuel Cell

Fuel Cell Minimum Threshold Requirement

The Minimum Threshold Requirement for an acceptable Resource Assessment and Energy Production Estimate must be consistent with the Bid Facility as described below.

- 1) Resource Assessment which includes a fuel assessment and fuel interconnection plan describing the Bid Facility's annual fuel quantity requirement, the type(s) and source(s) of the fuel, an assessment of available fuel for the Bid Facility, the Bid Facility's proximity to the fuel interconnection (ability to provide fuel at sufficient pressure to operate), and specification of known equipment or improvements necessary to connect the Bid Facility with the fuel supply.
- 2) Energy Production Estimate including a supply plan that describes how the fuel will be supplied, such as the percentage of the total fuel that will be procured from a spot market, Local Distribution Company (LDC) tariff, or longer-term contract (specify duration), and the transportation pipeline(s) used. If applicable, include a description of the gas supply and transportation tariff or proposed contractual arrangements, whether firm or interruptible, for the term proposed to NYSERDA.

Supporting Minimum Threshold Requirements for Resource Assessment and Energy Production Estimate Documentation Required for Fuel Cell Bid Facilities:

- A Resource Assessment and Energy Production Estimate as described above.

Fuel Cell Refined Resource Assessment and Energy Production Estimate Criteria

Proposers may submit a Refined Resource Assessment and Energy Production Estimate for the Bid Facility, and if applicable, Energy Storage, building on the Minimum Threshold Requirements described above and including the requirements described below, for up to 1.0 points.

- 3) Refined Resource Assessment should be based on the Minimum Threshold Requirement standard, plus evidence that (i) the system is interconnected and operating, or (ii) delivery service is currently in place to the site to provide fuel at sufficient pressure and quantity to operate the system as proposed;
- 4) Refined Energy Production Estimate should be based on the Minimum Threshold Requirement as detailed above and also provide evidence that the fuel supply is provided either under gas utility tariff, or under a supply contract for greater than 75% of fuel required for Contract Tenor and Bid Facility as proposed.

Biomass and Biogas

Biomass and Biogas Minimum Threshold Requirement

The Minimum Threshold Requirement for an acceptable Resource Assessment and Energy Production Estimate must be consistent with the Bid Facility as described below, and includes a feedstock/fuel assessment, and if applicable, a fuel interconnection plan,

in conjunction with a supply plan, prepared by a qualified independent 3rd-party not affiliated with the Proposer.

- 1) Resource Assessment which includes a feedstock/fuel assessment that describes the Bid Facility's annual fuel quantity requirement, the type(s) and source(s) of the fuel, an assessment of available fuel for the Bid Facility, the Bid Facility's proximity to the fuel, specification of known equipment or improvements necessary to connect the Bid Facility with the fuel supply, and ability to provide fuel sufficient to operate.
- 2) Energy Production Estimate including a supply chain (and fuel interconnection for biogas) plan that describes how the fuel will be supplied, addressing if there is or will be sufficient fuel/feedstock to supply the Bid Facility throughout the life or term of the Contract Tenor proposed. The plan should address how fuel will be available (both in the short and long-term) at prices sufficient to support the Bid Facility. Proposers will include and describe the risks to the fuel/feedstock supply (e.g., disruption or price increase resulting in unsustainable operations). If applicable, describe any current operating permits and/or future permitting plans (e.g., future landfill expansions to meet the production consistent as proposed and waste disposal contract risks) or issues surrounding regulatory authority (including demographic and waste disposal trends) to support expansions. The information provided in the Permitting Project Viability Category (Attachments D and E, if applicable, and other documentation provided) should support the Production Estimate.

Supporting Resource Assessment and Energy Production Estimate Documentation Required for Biomass and Biogas Bid Facilities:

- A Resource Assessment and Energy Production Estimate as described above.

Biomass and Biogas Refined Resource Assessment and Energy Production Estimate Criteria

Proposers may submit a Refined Resource Assessment and Energy Production Estimate for the Bid Facility, and if applicable, Energy Storage, building on the Minimum Threshold Requirements described above and including the requirements described below.

Biomass and Biogas – Refined Standard Resource Assessment			
Wood/Ag/ Mixed Waste eligible feedstock/eligible technology combinations only	Landfill Gas	ADG (On-Farm, Food Processing)	ADG (Municipal/ Industrial WWTP)
Provide Bid Facility specific testing/analysis of	If applicable, for Bid Facilities relying on	Provide site/feedstock specific laboratory	Provide a more detailed risk analysis that

feedstocks, contingent contracts from key suppliers and supply/price risk assessment that includes stress tests on key variables such as loss of key suppliers or increased feedstock competition.	additional waste disposal to meet gas generation targets, Refined Resource Assessment shall also include an expert review of existing/planned waste disposal contracts and permit changes or updates. The assessment should also include risk analysis of potential failure modes on additional waste disposal.	analysis to support methane generation analysis. Resource Assessment will include expert review of AD technology, market/disposal analysis for digestate/effluents and risk analysis that includes alternative uses/demand for feedstocks including emergent markets, if any. Include a review of contingent contracts with key suppliers of imported substrates (including food waste).	addresses what-if scenarios for changes in baseline biosolids capture and supply/pricing changes for co-digested substrates as applicable. Review of contingent contracts with key suppliers of imported substrates if applicable. For co-digestion Bid Facilities, an expert review of site-specific AD technology performance and impact on disposal/market for digestate and effluent should be included.
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- 3) Refined Resource Assessment should be based on the Minimum Threshold Requirement standard, plus evidence that (i) the system is interconnected and operating, or (ii) delivery service is currently in place to the site to provide fuel at sufficient pressure and quantity to operate the system as proposed;
- 4) Refined Energy Production Estimate should be based on the Minimum Threshold Requirement as outlined above, and will describe, characterize, and identify fuel/feedstock supply and pricing (including key suppliers) and project-specific fuel/feedstock risk factors that convey potential impacts on Bid Facility operations. If applicable, it includes any by-product streams or waste disposal costs that are important to the Bid Facility's operation (e.g., ash/digestate being sold as fertilizer).

Ocean/Tidal

Ocean/Tidal Minimum Threshold Requirement

The Minimum Threshold Requirement for an acceptable Resource Assessment and Energy Production Estimate must be consistent with the Bid Facility as described below, prepared by a qualified independent 3rd-party not affiliated with the Proposer.

- 1) Resource Assessment which characterizes expected P(50) ocean wave, tidal range, tidal current, or ocean current energy resources. The Resource Assessment should identify the area of high energy consistent with Attachment C. Summary Description of Control Status by Parcel, quantify the average annual energy resource (e.g., total annual wave energy) and describe Bid Facility site specific parameters, such as significant wave height, wave energy period (peak and mean), and mean wave direction and type of quality of data (e.g., buoy measurements, radar measurements, modeled wave generation). The related energy calculations should provide adequate and applicable data to demonstrate the amount of renewable resource available based on measured or modeled data.
- 2) Energy Production Estimate which characterizes annual P(50) energy production with monthly granularity describing the process through which the Bid Facility converts available Ocean/Tidal energy into electric power. The Energy Production Estimate must be based on the Ocean/Tidal Resource Estimate (described above) and combined with an assumed Bid Facility configuration consistent with the Bid Facility that includes the Bid Facility layout, site conditions, planned maintenance, efficiencies and technical losses. The Energy Production Estimate shall be presented on an annual and/or Bid Facility lifetime scale, the methods and/or software employed for assessing gross and net energy production must be identified and described, and the experience and/or credentials of the author must be identified.

Ocean/Tidal Refined Resource Assessment and Energy Production Estimate Criteria

Proposers may submit a Refined Resource Assessment and Energy Production Estimate that build on the Minimum Threshold Requirements described above, and the evaluation will award points based on the extent and quality of the Refined Resource Assessment and Energy Production Estimate.

Supporting Resource Assessment and Energy Production Estimate Documentation Required for Tidal or Ocean Bid Facilities:

- A Resource Assessment and Energy Production Estimate as described above.

PROJECT VIABILITY CATEGORY 6: SITE CHARACTER

There is not a Minimum Threshold Requirement for Site Character in RESRFP19-1; this Project Viability Category is part of the Step Three Bid Proposal.

A total of 1.5 points for Site Character has been distributed among two categories. The following table lists the Site Character categories and the points available in each:

	Site Character Subcategory	Maximum Points Available
1	Avoids overlap with Prime Farmland	1.0
2	Avoids overlap with Parcels holding an Agricultural Assessment	0.5

Bid Proposals associated with Bid Facilities not yet operational and located in the NYCA will be evaluated according to the Proposer's level of willingness to site and construct the Bid Facility's Permanent Physical Footprint in locations that avoid overlap on land with agricultural importance to New York State by committing to avoid overlap with prime agricultural areas and to avoid development on parcels that at the time of the Bid held an agricultural assessment. Proposers may claim Site Character points in exchange for attesting that:

- 1) The permanent generation, interconnection and, if applicable, Energy Storage footprint (Permanent Physical Footprint) associated with the Bid Facility will avoid land identified by the United States Department of Agriculture (USDA) as prime farmland and prime farmland if drained ("Prime Farmland"). NYSERDA has provided Proposers with an interactive, web-based Site Character map and downloadable GIS files (SHP format) available from [NYSERDA's RES solicitation website](#) to identify Prime Farmland areas associated with the Bid Facility's project parcels⁶⁹, and/or
- 2) The permanent generation, interconnection and, if applicable, Energy Storage footprint (Permanent Physical Footprint) associated with the Bid Facility will avoid parcels with an agricultural assessment at the time of Step Three Bid Proposal submittal. NYSERDA advises Proposers to consult with landowners or County Tax Assessment roles to determine if an agricultural assessment applies to a project parcel(s).

⁶⁹ RESRFP19-1 Project Viability Site Character Map and associated GIS files are available from <https://www.nyserra.ny.gov/ces/rfp>

Operating Bid Facilities and external Bid Facilities (those outside of the NYCA) are not eligible for Site Character points.

To earn points, Proposers submitting Step Three Bid Proposals for wind and solar Bid Facilities must also agree to construct the Bid Facility in accordance with New York Department of Agriculture and Markets (DAM) Construction Standards (Exhibit E).

To earn points, Proposers may attest that they will install the Bid Facility's generation and storage equipment such that they will avoid project overlap on Prime Farmland as outlined in the following table:

Project Viability - Site Character Percent of Bid Facility, Interconnection, and Energy Storage generation and other permanent equipment free of overlap with Prime Farmland	Maximum Points Awarded
95.00-100%	1.0
90.00-94.99%	0.5
80.00- 89.99%	0.25
Less than 80.00%	0

To earn points, Proposers may also attest that they will install the Bid Facility's generation and storage equipment such that they will avoid Bid Facility overlap on parcels with an agricultural assessment as outlined in the following table:

Project Viability - Site Character Percent of Bid Facility, Interconnection, and Energy Storage generation and other permanent equipment free of overlap on parcels with an agricultural assessment	Maximum Points Awarded
90.00-100%	0.5
80.00-89.99%	0.25
Less than 80.00%	0

Bid Facilities currently in operation within the NYCA and External Bid Facilities (those outside of the NYCA) are not eligible for Site Character points.

Proposers not selecting to attest that they will site and construct the Bid Facility such that it will avoid land of agricultural importance to New York State or avoid development on parcels that held an agricultural assessment will not receive any Site Character points.

SUPPORTING DOCUMENTATION REQUIRED FOR SITE CHARACTER

If the Bid Facility is under development, a Proposer may claim Site Character points by selecting any of the percentages indicated above; points will be awarded based on the extent to which the Proposer attests 1) that the Bid Facility's installed equipment will avoid overlap with a) Prime Farmland and/or b) land with an agricultural assessment, and 2) for Proposers submitting Step Three Bid Proposals for wind and solar Bid Facilities that the Bid Facility will be constructed in accordance with New York Department of Agriculture and Markets (DAM) Construction Standards (Exhibit E).

During NYSERDA's Operational Certification process, Bid Facilities for which Site Character points were awarded will be required to provide NYSERDA with a detailed site map, consistent with the final build, such that NYSERDA can determine the Bid Facility's adherence to the original claim(s) (Defined Percentage(s)). NYSERDA will calculate the percentage of the Bid Facility's Permanent Physical Footprint that is free from Prime Farmland, and/or parcels with an agricultural assessment.

NYSERDA will retain twenty-five percent (25%) of the Bid Facility's Contract Security. Such amount shall be refunded to Seller should NYSERDA determine, through Operational Certification (which will review the final site plan and the Site Character Map provided to Seller), that the percentage of overlap of the Permanent Physical Footprint of the Bid Facility is equal to or less than the Defined Percentage(s). Such amount shall be forfeited to NYSERDA by Seller should NYSERDA determine, through Operational Certification (which will review the final site plan and the Site Character Map provided to Seller), that the percentage of overlap of the Permanent Physical Footprint of the Bid Facility is greater than the Defined Percentage(s).

For wind and solar Bid Facilities where Site Character points were awarded, NYSERDA will retain twenty percent (20%) of the Bid Facility's Contract Security for a period of 365 days following the date upon which the Bid Facility achieves Commercial Operation. Upon such date, NYSERDA will: (1) refund the retained Contract Security; or (2) if the New York State Department of Agriculture & Markets (DAM) has notified NYSERDA that the Bid Facility was not constructed in accordance with the DAM Construction Standards (incorporated herein and made part hereof at Exhibit E), NYSERDA will provide written notice to Seller of DAM's claim and NYSERDA will retain such 20% of the Contract Security until (a) DAM notifies NYSERDA that suitable corrective action has been taken, at which point such amount shall be refunded to the Proposer, or (b) 180 days from the date upon which NYSERDA provided notice to Seller, in which case such amount shall be forfeited to NYSERDA by Seller.

CATEGORY 7: COMMUNITY OUTREACH

There is not a Minimum Threshold Requirement for Community Outreach in RESRFP19-1; this Project Viability Category is part of the Step Three Bid Proposal.

The public and local governments play an important role in the process of evaluating and advancing power plant siting in New York State, and in shaping developments that may be permitted in their communities. Proposers are responsible for planning and implementing a Community Outreach Plan that supports an open and inclusive public process and encourages feedback throughout the development and construction of proposed Bid Facility. An effective Community Outreach Plan reflects an understanding of local interests and concerns, provides high-quality and well-timed public education opportunities, demonstrates a commitment to partnering with the elected officials in proposed host communities, respectfully responds to opposition, and elicits input from the public and affected agencies.

For the Project Viability - Community Outreach subcategory 4(g), Bid Proposals will be evaluated on the quality and effectiveness of the Proposer's demonstrated commitment to building and implementing a robust Community Outreach Plan that is responsive to the current needs of the potential host communities and outlines strategies to maintain a transparent and responsive relationship throughout the Bid Facility's development.

Proposers must provide a complete Community Outreach Plan associated with the Bid Facility, and if applicable, Energy Storage, as described below.

- 1) Outreach strategies the Proposer has implemented to date and will use to engage stakeholders and interested parties, including affected agencies, and to encourage public involvement throughout the pre-award, development, construction, and operation phases (consistent with the Project Milestone Schedule), including methods of communication and specific channels the Proposer intends to use to disseminate Bid Facility information.
- 2) Summary of outreach activities undertaken prior to submitting the Bid Proposal
- 3) Planned frequency of public engagement events and the anticipated duration, in years, of the public engagement events component of community outreach
- 4) Details of the direct benefits to the community the Proposer will advance, which may include a local ownership stake in the facility, reduced energy bills for those with homes or businesses in the Bid Facility's vicinity, and/or other direct benefits.
- 5) Details associated with any negotiations regarding payments in lieu of taxes or host community agreements.
- 6) Describe local interests and concerns, including identifying any opposition or support groups around the Bid Facility and Proposer's strategy to mitigate opposition.

- 7) Describe the host community's status regarding New York State Real Property Tax Law (RPTL) § 487.⁷⁰
- 8) Identify strategies the Proposer will use to mitigate concerns raised by the public regarding the Bid Facility, and if applicable, Energy Storage. This may include visibility and viewshed Impact mitigation efforts, accommodations to co-locate agricultural activities, or other issues of importance to the host communities.
- 9) Strategy for ensuring that public engagement events are widely attended by a representative cross section of host community residents
- 10) Method for soliciting feedback and input from the public and affected agencies and the process for sharing feedback and responses publicly.

If the Bid Facility is larger than 25 MW, Proposers may submit a draft or filed Article 10 Public Involvement Program Plan (PIP) for the Bid Facility in satisfaction of the Community Outreach Plan requirement if such PIP meets the minimum requirements described above.

The TEP will award up to one point based on the quality of outreach already accomplished, outreach currently scheduled, and future outreach predicted to be done by the Proposer, as well as the quality, completeness and effectiveness of the plan as submitted. Proposer may submit letters of support from public officials or previous Community Outreach Plans they view as effective to demonstrate prior commitments to outreach. Proposers shall include an explanation of the most challenging Community Outreach issue they have encountered on other projects and how the Proposer successfully met this challenge.

The following table presents the criteria that will be used to evaluate community outreach plans exceeding the Minimum Qualification Threshold.

Community Outreach Plan	Maximum Points Awarded
Proposer has committed to transparency and identified strategic steps to maintain this commitment throughout the Bid Facility's development; identified and addressed roles of stakeholders; submitted a proposed timeline for future outreach activities; provided previous Community Outreach Plans with evaluation of effectiveness.	1.0
Proposer has committed to transparency; identified and addressed roles of stakeholders; submitted a proposed timeline for future outreach activities; provided previous Community Outreach Plans with evaluation of effectiveness.	0.8

⁷⁰ For more information on NYS RPTL § 487, see https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_01/sec487.htm

Proposer has identified and addressed roles of stakeholders; submitted a proposed timeline for future outreach activities; provided previous Community Outreach Plans with evaluation of effectiveness.	0.6
Proposer has identified and addressed roles of stakeholders; submitted a proposed timeline for future outreach activities.	0.4
Proposer has submitted a proposed timeline for future outreach activities.	0.2

In addition, **the Community Outreach Plan provided in the Step Three Bid Proposal will be made available to the public by NYSERDA shortly following submission of the Step Three Bid Proposal.** The Community Outreach Plan will be made available to the public, in full and unredacted. Bid information included in the Community Outreach Plan is not considered confidential or proprietary.

SUPPORTING DOCUMENTATION REQUIRED FOR COMMUNITY OUTREACH

- A Community Outreach Plan, consistent with requirements as described above. This will be posted publicly in unredacted form.
- Description of the most challenging Community Outreach issue Proposer has encountered on other projects and how the Proposer successfully met this challenge. This will not be shared publicly.
- If applicable, documentation identifying the level of public support for the Bid Facility (e.g., letters of support from public officials) or copies of any agreements with any jurisdiction impacted by the Bid Facility. This will not be shared publicly.

APPENDIX 3 - OPERATIONAL FLEXIBILITY AND PEAK COINCIDENCE APPENDIX

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INTRODUCTION

The Bid Proposal evaluation process for RES Tier 1 REC solicitations includes the application of an Operational Flexibility and Peak Coincidence (OpFlex) evaluation criterion that makes up 10% (10 points) of the Step Three scoring as described in Section XI(A)(3) of the RFP. The inclusion of this criterion is intended to incentivize renewable resources that provide grid services for cost minimization and reliability by addressing integration issues resulting from increased penetration of intermittent renewables, better matching generation to load, and encouraging dispatchable resources to balance the electric system, optimize generation dispatch, minimize operating reserve requirements, and address grid congestion and constraints. The criterion employed in this RFP are intended to differentiate bids based on their effectiveness at meeting these objectives, as best possible under current market rules.

As a part of the Step Three Bid Proposal, Proposers will be invited to demonstrate all the necessary information and documentation to evaluate the Bid Facility for its contribution to each OpFlex subcategory.

OPERATIONAL FLEXIBILITY AND PEAK COINCIDENCE CATEGORIES

A total of 10 points for OpFlex has been distributed among two categories. The following table lists the categories and the points available in each:

	Category	Maximum Points Available
1	Load Matching	4.0
2	Energy Storage (if applicable)	6.0

The remainder of this Appendix will present the individual informational components of each of the two evaluation categories that make up the OpFlex criterion. **The tables shown below provide relevant details on levels of scoring within each category.**

CATEGORY 1: LOAD MATCHING

The Load Matching category evaluates a Bid Facility's ability to avoid over-generation, or energy production at times and in locations where production can be problematic. Over-generation, for purposes of this criterion, means generation during periods when the system cannot accommodate the excess generation. The quantity of hours with negative locational based marginal prices, (LBMPs or spot energy prices) are a primary market indicator of locations where there is insufficient load to absorb the excess energy and/or transmission to export the energy. Production during these times in these zones could result in curtailments (including inducing curtailment of other renewable energy sources), and generally less efficient operation of the system. Additional generation, especially with production occurring during these low net load (or low LBMP) hours, could pose even greater issues with higher penetration.

This metric seeks to score a Bid Facility's impact accordingly, with higher scores for resources that are less likely to exacerbate issues of curtailment, negative energy pricing, and low-load dispatch based on a Bid Facility's expected energy production during the hours with lowest load in the Bid Facility's location. The Load Matching category therefore evaluates proposals based on the location (NYISO market Zone) of the Bid Facility.

Scoring will reflect periods where adding additional generation could create or exacerbate over-generation. Bid Facilities located in Zones G through K will receive 100% of the category points and do not need to provide further documentation to obtain the maximum points in this category, unless the Proposal includes Energy Storage.⁷¹ Bid Facilities located in Zones A through F will receive a score in proportion to its capacity factor during the lowest ten percent (10%) of historic (2017) annual load hours for NYISO Zones A through F in aggregate. The lowest ten percent (10%) of historic annual load hours for NYISO Zones A through F in aggregate is called the Over-Generation Period (OGP).

Bid Facilities located outside of the NYCA or NYISO Market Zones (External Facilities) **are not eligible for Load Matching points.**

The Load Matching category scoring approach is summarized in the table below:

Bid Facility Zone	Scoring	Maximum Points Awarded
Zones G-K	100% of category points (no P(50) annual expected hourly production profile is required, unless Step Three Bid Proposal includes Energy Storage)	4.0
Zones A-F	Score⁷² = 75% of category points * [1-CF_{OGP}] where CF _{OGP} = Bid Facility's average capacity factor during the lowest 10% of aggregated Zone load hours	Up to 3.0; Scaled ⁷²

For Bid Facilities to be physically located within the NYCA that are proposing with Energy Storage, the score for this category is based on the characteristics of both the

⁷¹ Over-generation resulting from additional electricity production is typically not an issue in Zones G-K, but poses potential issues in Zones A-F. Please see the Energy Storage category for further explanation on the provision of P(50) 8760.

⁷² A Bid Facility with 0% average capacity factor (or no generation) during the lowest 10% of aggregated Zone load hours would receive 75% or 3.0 points of the Load Matching points available. A Bid Facility with 100% average capacity factor during the lowest 10% of aggregated Zone load hours would receive 0% or 0 points of Load Matching points available. Bid Facilities with average capacity factors between 0% and 100% would receive between 75% (3.0 points) and 0% (0 points) of Load Matching points available, based on the Bid Facility's average capacity factor.

Bid Facility and Energy Storage. Bid Facilities co-located with Energy Storage shall include the role of the Energy Storage in reshaping the production profile in the P(50) 8760. For Load Matching evaluation, NYSERDA will use the Energy Production Estimate provided in the Step Two Application for Qualification (described in Section VII Threshold Category 5: Resource Assessment and Energy Production Estimate), unless the Energy Production Estimate is updated in the Step Three Bid Proposal (described in Appendix 2).

SUPPORTING DOCUMENTATION REQUIRED FOR LOAD MATCHING

For Bid Facilities located in Zones A through F, the applicable capacity factors for evaluation purposes will be determined based on the Bid Facility's technology, as follows:

Solar: Proposers must provide, in a spreadsheet attachment template provided by NYSERDA, the typical first operational year's 8,760 hourly production profile and each year's profile thereafter of the proposed tenor consistent with the P(50) output from the system performance model used in the Step Two Application for Qualification or, if applicable, the report from a 3rd party independent Professional Engineer or analyst as provided in Step Three (for Project Viability, Category 5 Resource Assessment).

The hourly production profile will be used by the TEP to calculate the system's capacity factor during the bottom 10% of load hours based on 2018 annual aggregate NYISO load data for Zones A through F.

Wind: Proposers must provide, in a spreadsheet provided by NYSERDA, the typical first operational year's 8,760 hourly production profile and each year's profile thereafter of the proposed tenor consistent with the P(50) output from the model used in the Step Two Application for Qualification or, if applicable, the report from a 3rd party independent Professional Engineer, meteorologist or analyst as provided in Step Three (for Project Viability, Category 5 Resource Assessment).

Biogas, biomass, landfill gas, and fuel cells, and ocean: Bid Facilities of these resource types will be assigned a 95% capacity factor during the lowest 10% of load hours.

Hydroelectric and tidal: Proposers must provide, in a spreadsheet provided by NYSERDA, a typical year's 8,760 hourly production profile consistent with the P(50) output provided in the Step Two Application for Qualification or, if applicable, the report from a 3rd party independent Professional Engineer, as provided in Step Three (for Project Viability, Category 5 Resource Assessment).

The hourly production profile will be used by the TEP to calculate the system's capacity factor during the bottom 10% of load hours based on annual aggregate NYISO load data for Zones A through F.

CATEGORY 2. ENERGY STORAGE (IF APPLICABLE)

Energy Storage can provide various grid services and operational flexibility benefits, such as load shifting, regulation, operating reserves, and local distribution support. The bigger the system (capacity relative to the coupled renewable energy system) and the more hours of storage available (MWh relative to MW capacity), the greater the benefits. However, market rules today are not clear as to how Energy Storage can qualify to provide those services to NYISO, the electric distribution company, or the generator.⁷³

Thus, contributions of Energy Storage cannot be easily measured, but potential contributions can be valued. For the purposes of the Operational Flexibility and Peak Coincidence evaluation criteria, this scoring category values the ability to move energy over time to address the full range of challenges posed by intermittent renewables.

For purposes of this RFP, a Bid Facility may propose an Energy Storage system that is installed consistent with Section VI, "Quality Assurance," (including the Battery Energy Storage Guidebook referenced therein) and Section IX. Technical Requirements of NYSERDA's Bulk Storage Incentive Program Manual and:

- (1) co-located with the generation behind a single wholesale or retail meter in the NYCA, or;
- (2) co-located with the generation behind a separate wholesale or retail meter in the NYCA, or;
- (3) located in a separate location from the generation inside the NYCA (New York Control Area) and is subject to eligibility criteria specified in Sections VI, VII(A), and XI(C) of this RFP.

See the list of Energy Storage requirements under New Items and Important Notes (p. 6). Bid Facilities located outside of the NYCA or NYISO Market Zones **are not eligible for Energy Storage points.**

NYSERDA has established four renewable technology size tranches based on the Nameplate Capacity of the eligible renewable technology in the Step Three Bid Proposal:

- a) Up to 20 MW
- b) 20.01 to 59.99 MW
- c) 60.00 to 99.99 MW
- d) 100 MW and larger

⁷³ NYISO's report on The State of Storage: Energy Storage Resources in New York's Wholesale Electricity Markets is available on NYSERDA's RESRFP19-1 resources page: <https://www.nyserda.ny.gov/ces/rfp>

Energy Storage Scoring:

For all of the following equations, x is equal to the MWh of Energy Storage, and y is the Energy Storage score. The TEP will not award more than 6 points for Energy Storage.

For Bid Facilities with Renewable Generator Nameplate Capacities up to 20 MW:

Bid Facilities up to and including 20 MW in Nameplate Capacity proposing with Energy Storage have a minimum requirement of 1 MWh of Storage Capacity.⁷⁴ Proposals in the tranche will be converted to points using the following calculation:

$$y = 0.375x$$

For Bid Facilities with Renewable Generator Nameplate Capacities 20 – 59.99 MW:

Bid Facilities greater than 20 MW and less than 60 MW in Nameplate Capacity proposing with Energy Storage have a minimum requirement of 4 MWh of Storage Capacity. Proposals in the tranche will be converted to points using the following calculation:

$$y = 0.1875x$$

For Bid Facilities with Renewable Generator Nameplate Capacities 60 – 99.99 MW:

Bid Facilities greater than 60 MW and less than 100 MW in Nameplate Capacity proposing with Energy Storage have a minimum requirement of 4 MWh of Storage Capacity. Proposals in the tranche will be converted to points using the following calculation:

$$y = 0.1071x$$

For Bid Facilities with Renewable Generator Nameplate Capacities greater than or equal to 100 MW:

Bid Facilities greater than or equal to 100 MW in Nameplate Capacity proposing with Energy Storage have a minimum requirement of 4 MWh of Storage Capacity. Proposals in this tranche will be converted to points using the following calculation:

$$y = 0.075x$$

SUPPORTING DOCUMENTATION REQUIRED FOR ENERGY STORAGE

Proposers must provide:

- Documentation of the physical/technical parameters, i.e. the Storage Capacity (MWh) capability of the Energy Storage system, sufficient for the TEP to calculate a score for this category.

⁷⁴ Storage Capacity is the maximum amount of energy that is capable of being stored in an Energy Storage device, measured in Megawatt hours (MWh).