



NYSERDA

**Purchase of Offshore Wind Renewable Energy
Certificates
Request for Proposals ORECRFP20-1
Release Date: July 21, 2020**

The New York State Energy Research and Development Authority (NYSERDA) seeks to procure Offshore Wind Renewable Energy Certificates ("ORECs")¹ as authorized by the New York State Public Service Commission's [Order Establishing Offshore Wind Standard and Framework for Phase 1 Procurement](#), issued on July 12, 2018 and [Order Authorizing Offshore Wind Solicitation in 2020](#) issued on April 23, 2020 in Case No. 18-E-0071. All Proposers are advised to review the Orders and their Appendices before participating in this Request for Proposals (RFP).

Proposals are due on October 20, 2020 by 3:00 p.m. ET.

Proposals must be held firm and valid for 180 days from October 20, 2020.

All relevant documents pertaining to this RFP are available on NYSERDA's solicitation website at <https://www.nyseda.ny.gov/offshore-wind-2020-solicitation>. Proposers are advised to check this website regularly for updates.

Questions about this RFP should be directed to Adrienne Downey or Gregory Lampman (the Designated Contacts) at offshorewind@nyseda.ny.gov (no phone calls). A Proposers' Conference will be held on August 12, 2020 at 10:00 a.m. ET ([link](#)). No communication intended to influence this procurement is permitted except by contacting the Designated Contacts through this email address. Contacting anyone other than the Designated Contacts (either directly by Proposer or indirectly through a lobbyist or other person acting on Proposer's behalf) to influence the procurement may result in: (1) a Proposer being deemed a non-responsive offeror, and (2) Proposer not receiving an award.

COVID-19 RESPONSE

Amid the ongoing COVID-19 global pandemic, all activities undertaken by Proposers in response to this solicitation must adhere to the requirements outlined under Governor Cuomo's phased reopening plan, "[NY Forward](#)", and all other State, Federal or local rules and guidance, including adherence to the New York State Department of Health (NYS DOH) [Interim Guidance for Construction Activities During the COVID-19 Public Health Emergency](#). The requirement to follow the NYS DOH guidance applies whether the Proposer is an essential business operating statewide or is permitted to re-open pursuant to any regional phased reopening plan.

See [NYSERDA's COVID-19 Response resources](#) for more information.

¹ Please note that while the Orders use the generic term "credits," the term "certificates" is used here, as successful Proposers will be required to participate in NYGATS, and NYGATS uses the term "certificates." NYGATS Certificates are minted on a one per MWh basis. Each NYGATS OREC Certificate will include a unique serial number.

CONTENTS

COVID-19 RESPONSE	1
Acronyms and Definitions	1
1 Introduction.....	8
1.1 New York’s Clean Energy Standard and Offshore Wind Standard	8
1.2 Background on NYSERDA.....	9
1.3 Schedule	10
1.4 Notice of Intent to Propose.....	10
1.5 Proposal Fee.....	10
1.6 Proposers’ Conference and Communications with NYSERDA.....	11
1.7 Modification or Cancellation of the RFP and Solicitation Process	11
1.8 Updates to Proposals	12
1.9 Requests for Additional Information.....	12
1.10 Interviews with Proposers.....	12
2 Project Eligibility Requirements.....	13
2.1 Eligibility	13
2.1.1 ORECs Offered.....	13
2.1.2 Port Infrastructure Investment Plans	13
2.1.3 Required and Alternate Proposals	15
2.1.4 Pricing.....	16
2.1.5 Site Control.....	16
2.1.6 Interconnection and Delivery.....	17
2.1.7 Contract Delivery Term.....	17
2.2 Contract Commitments Relating to Considerations Identified in the Offshore Wind Order	18
2.2.1 Prevailing Wage Requirement.....	18
2.2.2 Project Labor Agreement.....	18
2.2.3 Consultation with New York State Agencies.....	20
2.2.4 Participation in Technical Working Groups	22
2.2.5 Support for Monitoring Key Commercial Fish Stocks and Wildlife	22
2.2.6 Site and Environmental Data Transparency.....	22
2.2.7 Lighting Controls.....	23

2.2.8	Fisheries Mitigation.....	23
2.2.9	Environmental Mitigation	24
2.2.10	New York State Supplier Opportunity	24
3	Non-Price Evaluation	25
3.1	Overview.....	25
3.2	Project Viability.....	25
3.2.1	Permitting Plan and Status	25
3.2.2	Financing Plan	25
3.2.3	Developer Experience.....	26
3.2.4	Proposed Technology	26
3.2.5	Development and Logistics Plan.....	26
3.2.6	Interconnection and Delivery.....	26
3.2.7	Proposed Commercial Operation Date(s).....	27
3.2.8	Community Engagement and Prioritizing Disadvantaged Communities.....	27
3.2.9	Fisheries and Environmental Mitigation Plans	28
3.2.10	Visibility and Viewshed Impacts	28
3.2.11	Energy Resource Assessment.....	28
3.2.12	Carbon Emissions and Embodied Carbon.....	28
3.3	New York Economic Benefits.....	29
4	Offer Pricing Structure and Price Evaluation.....	32
4.1	OREC Products Pricing.....	32
4.1.1	Fixed OREC Pricing.....	32
4.1.2	Index OREC Pricing.....	32
4.2	Settlement Mechanism	33
4.3	Offer Price Evaluation Metric	33
4.4	Offer Price Scoring.....	35
5	Preliminary Ranking, Portfolio Evaluation, and Final Award Group	37
5.1	Preliminary Rank Order	37
5.1.1	Preliminary Rank Order for Required Base Proposal and Alternate Proposals.....	37
5.1.2	Preliminary Rank Order for Required Standalone Proposal.....	37
5.2	Portfolio Evaluation; Consideration of Commission Objectives	37
5.3	Award Group	38

6	Instructions to Proposers	40
6.1	Preparation of Proposals	40
6.2	Organization and Submission of the Proposal(s)	40
6.2.1	Organization of the Submission.....	40
6.2.2	Submission Instructions.....	42
6.3	Offer Data Forms.....	43
6.3.1	Master Offers Form.....	43
6.3.2	Offer Data Form	44
6.3.3	Port Infrastructure Investment Plan Data Form	46
6.4	Proposal Narrative.....	47
6.4.1	Executive Summary.....	47
6.4.2	Impacts of COVID-19 on Proposer and Project Development.....	47
6.4.3	Proposer Experience	47
6.4.4	Project Description and Site Control	49
6.4.5	Energy Resource Assessment and Plan.....	49
6.4.6	Operational Parameters.....	49
6.4.7	Business Entity and Financing Plan	50
6.4.8	Interconnection and Deliverability Plan.....	52
6.4.9	Environmental Assessment and Permit Acquisition Plan	52
6.4.10	Engineering and Technology.....	53
6.4.11	Project Schedule	54
6.4.12	Construction and Logistics.....	54
6.4.13	Fisheries Mitigation Plan.....	55
6.4.14	Environmental Mitigation Plan.....	55
6.4.15	Community Engagement Plan.....	56
6.4.16	Visibility and Viewshed Impacts	56
6.4.17	New York Economic Benefits	57
6.4.18	Carbon Emissions and Embodied Carbon.....	60
6.5	Proposer Certification	60
6.6	Exceptions to Agreement.....	60
7	Post-Award Process.....	61
7.1	Provision of Contract for Execution	61

7.2	Provision of Ports Contract for Execution	61
7.3	Provision of Contract Security.....	61
8	General Conditions.....	62
8.1	Proprietary Information.....	62
8.2	State Finance Law Sections 139-j & 139-k.....	62
8.3	Tax Law Section 5-a	62
8.4	Omnibus Procurement Act of 1992	63
8.5	Disclosure Requirement	63
8.6	Press Releases and Media Contact	63
8.7	Independent Entities/Limitation of Liability	64

Figures

Figure 1:	Venn Diagram of Economic Benefits contemplated within ORECRFP20-1	31
Figure 2:	ORECRFP20-1 Evaluation Process	39

Appendices

Appendix A	Notice of Intent to Propose
Appendix B	Proposer Certification Form
Appendix C.1	Economic Benefits Claims and Verification
Appendix C.2	Port Infrastructure Investment Plan
Appendix D	Elements of the Fisheries Mitigation Plan
Appendix E	Elements of the Environmental Mitigation Plan
Appendix F	Offshore Wind Renewable Energy Certificate Standard Form Purchase and Sale Agreement
Appendix G	Offer Data Form
Appendix H	Master Offers Form
Appendix I	Port Infrastructure Investment Plan Data Form
Appendix J	Proposal Submission Guide

ACRONYMS AND DEFINITIONS

Actual Production – The amount of electric energy production from the Project, in MWh delivered to the Injection Point, for which NYSERDA is obligated to purchase the associated ORECs under Article II of the Agreement.

Agreement – Offshore Wind Renewable Energy Certificate Standard Form Purchase and Sale Agreement.

Alternate Proposal – A Proposal defined in Section 2.1.3.

Annual OREC Cap – The amount of ORECs equal to the product of 1.1 and the P10 Annual OREC Exceedance.

Applicable OREC Price Method – The method employed by NYSERDA in each month for determining the Monthly OREC Price as determined in Section 4.01 of the Agreement.

Award Notification Date – The date upon which NYSERDA provides written confirmation to a Proposer indicating that a Project has been selected for contract negotiations.

Benchmark LNOC – The confidential maximum price levels for the Fixed OREC and Index OREC offers that NYSERDA will employ in its determination of potential OREC award(s).

BOEM – The Bureau of Ocean Energy Management within the U.S. Department of the Interior.

CES – Clean Energy Standard.

CLCPA – Climate Leadership and Community Protection Act.

Commercial Operation – A state of operational readiness under which (i) generating capacity is available and physically producing electric energy and associated ORECs, and (ii) all rights, abilities, permits and approvals to schedule and deliver energy to the Delivery Point have been obtained.

Commercial Operation Date – The date upon which the Project or a phase of the Project enters Commercial Operation.

Contract Delivery Term – The period of performance under the Agreement. The Contract Delivery Term for each Project phase will commence on the first day of the month after any portion of the Project phase commences Commercial Operation and end at the earlier of (i) the date upon which the Contract Tenor has elapsed, or (ii) the Outer Limit Date.

Contract Tenor – The maximum duration of the Contract Delivery Term. The Contract Tenor shall be stated in years.

Contract Year – A 12-month period commencing with the beginning of the Contract Delivery Term and each anniversary thereof during the Contract Delivery Term. The phrase “Contract Year” followed by a

number shall refer to a discrete Contract Year within the Contract Delivery Term such that “Contract Year 1” refers to the first 12-month period commencing with the beginning of the Contract Delivery Term, “Contract Year 2” refers to the second such 12-month period, and so on.

Delivery Point – For Projects that inject energy directly into the New York Control Area, the generator bus or location where (a) the administrator of the wholesale power market, or (b) the operator of the transmission/distribution utility, public authority or municipal electric company, measures, or otherwise determines, energy production from the Project. For Projects that inject energy outside of the New York Control Area, the generator bus or location where the NYISO measures energy delivery from the Project into the New York Control Area.

Disadvantaged Communities – A definition pursuant to New York State’s nation leading climate legislation, the CLCPA which includes a target of delivering at least 35 percent of the overall benefits from New York State’s climate programs to Disadvantaged Communities. Disadvantaged Communities are identified in the CLCPA as communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate- income households. Acknowledging that New York State has not yet formally defined Disadvantaged Communities, this RFP will rely on already-established criteria for communities that meet the spirit of the Disadvantaged Communities objectives of the CLCPA including the prioritization of benefits to communities located in low-income census tracts, Potential Environmental Justice Areas, and New York Opportunity Zones.

Economic Benefits Plan – A plan submitted as part of a specific Proposal, inclusive of associated Port Infrastructure Investment Plans, as further described in Appendix C.1.

Economic Benefits Report – An independently audited report, documenting the total dollar amount of actual Economic Benefits accrued to New York and associated activities and commitments undertaken from the Award Notification Date through the end of the first three (3) years of the Contract Delivery Term (See Appendix C.1).

Eligible Ports – Ports that have been pre-qualified through NYSERDA’s RFQ 4259 to receive New York State Funding. Eligible Ports include (alphabetically):

- Arthur Kill Terminal (Staten Island)
- Brooklyn Navy Yard (Wallabout Bay, Brooklyn)
- Cortlandt (Cortlandt, Westchester County)
- Derecktor (Mamaroneck, Westchester County)
- East Greenbush (East Greenbush, Rensselaer County)
- Port Ivory (North Shore of Staten Island)
- Port Jefferson (Port Jefferson, Long Island)
- Port of Albany (Albany, NY)
- Port of Coeymans (Coeymans, Albany County)
- South Brooklyn Marine Terminal (Sunset Park, Brooklyn)

- Tompkins Cove (Tompkins Cove, Rockland County)

A contact list of Eligible Port representatives is available upon request from offshorewind@nyserda.ny.gov.

Environmental Attributes – All environmental characteristics, claims, credits, benefits, emissions reductions, offsets, allowances, allocations, howsoever characterized, denominated, measured or entitled, attributable to the generation of Actual Eligible Production by a Project, consistent with the delineation of attributes set forth in the Agreement.

Expected Total Dollars – The total dollar amount of Economic Benefits in Categories 1 and 2 as presented in the Proposal and accepted by NYSERDA, expected to accrue to New York State as a result of the development, construction, modification, interconnection, and operation of the Project and associated Port Infrastructure Investment Plans from the Award Notification Date through the end of the first three (3) Contract Years.

Fixed OREC Price – A fixed, as-offered price in dollars per OREC as described in Section 4.02 of the Agreement.

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

Index OREC Price – An adjustable price in dollars per OREC that nets a fixed, as-offered strike price monthly against a reference price expressed in a market index as determined by NYSERDA pursuant to Section 4.03 of the Agreement.

Incremental Economic Benefits – Those economic benefits within the categories specified in Appendix C.1 that a Proposer can demonstrate: (1) will accrue subsequent to an award under this RFP; (2) would not have accrued but for the award of a contract under this current RFP; (3) do not represent any economic benefits accrued pursuant to an award under any prior New York State RFP, including for the avoidance of doubt, any Contingent Economic Benefits (such term as defined in ORECRFP18-1); and (4) do not include any New York State Funding.

Injection Point – For Projects that interconnect directly into the New York Control Area, the Injection Point is the Delivery Point. For Projects that interconnect outside of the NYCA, the Injection Point shall be the generator bus or the location where the administrator of the local Control Area measures energy delivery from the Project into the local market.

Levelized Unit Net OREC Cost (LNOC) – A means of comparing Proposals with different pricing structures, OREC quantity schedules, Commercial Operation Dates, and Contract Tenors, as described in Section 4.3.

Long-Term Jobs – Jobs lasting three or more years.

LSE – Load-serving entity.

Major Supplier – A supplier of goods and services to Proposer with an anticipated contract value of \$5 million or greater.

Monthly OREC Price – A price in dollars per OREC determined by NYSERDA for each month of the Contract Delivery Term. If the Applicable OREC Price Method is the Fixed OREC Price, the Monthly OREC Price shall be calculated pursuant to Section 4.02 of the Agreement. If the Applicable OREC Price Method is the Index OREC Price, the Monthly OREC Price shall be calculated pursuant to Section 4.03 of the Agreement.

MWBE – Minority and/or Women-Owned Businesses, such term is as defined under New York State Law.

New York Control Area (NYCA) – The geographic bounds of the electricity system that is under the control of the NYISO, which includes transmission facilities listed in the ISO/Transmission Owner Agreement Appendices A-1 and A-2, as may be amended from time to time.

New York Generation Attribute Tracking System (NYGATS) – The tracking system that records electricity generation attribute information within New York State, and processes generation attribute information from energy imported and consumed within New York State, as a basis for creating generation attribute certificates, including ORECs. NYGATS will create exactly one OREC per MWh of generation attributable to the Project and delivered to the Delivery Point.

NY Green Bank Financing – competitively-priced, market-based debt financing issued by the NY Green Bank, that may be available to Projects pursuant to Section 5.2. NY Green Bank is a State-sponsored specialized financial entity that works with the private sector to identify, address, and alleviate market barriers preventing the widespread deployment of clean energy projects across New York State. NY Green Bank used demonstrated financing tools to promote self-sustaining markets, while enabling private sector capital providers to expand the frontiers of current commercial clean energy investment opportunities. More information on NY Green Bank can be found at <https://www.greenbank.ny.gov>.

New York State Assisted Financing – up to \$100 million of senior-secured debt financing for Eligible Expenses, available for draws as critical Port Infrastructure Investment Plan milestones are met pursuant to Section 2.1.2.

New York State Funding – Public grant or senior-secured debt financing for expenses associated with Port Infrastructure Improvement Plans.

NYISO Capacity Market – Collectively, the wholesale markets for capacity administered by NYISO.

NYISO Energy Market – Collectively, the wholesale markets for electric energy administered by NYISO.

NYSERDA Consultants – Consultants engaged by NYSERDA to assist with the evaluation of Proposals.

Offer Capacity – The electric generating capacity of the Project, measured as the installed (nameplate) capacity in alternating current at the Offshore Wind Generation Facility.

Offshore Wind Generation Facility – The installed wind turbine generators and all other associated offshore equipment and infrastructure located within the BOEM lease area.

Offshore Wind Orders – The New York Public Service Commission’s [Order Establishing Offshore Wind Standard and Framework for Phase 1 Procurement](#), issued and effective on July 12, 2018 and the [Order Authorizing Offshore Wind Solicitation in 2020](#) issued on April 23, 2020 in Case No. 18-E-0071.

Offshore Wind Renewable Energy Certificate (OREC) – The electronic record of generation data created by NYGATS and representing all of the attributes, including all Environmental Attributes, of one MWh of electric generation from an Offshore Wind Facility delivered into the New York Control Area and registered with the NYGATS tracking system. The attributes represented in each OREC include all environmental characteristics, claims, credits, benefits, emissions reductions, offsets, allowances, allocations, howsoever characterized, denominated, measured or entitled, attributable to the generation of Actual Eligible Production by a Project, including but not limited to: (i) any direct emissions or any avoided emissions of pollutants to the air, soil or water including but not limited to sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter and other pollutants; (ii) any direct or avoided emissions of carbon dioxide (CO₂), methane (CH₄) and other greenhouse gases (GHGs) that have been or may be determined by the United Nations Intergovernmental Panel on Climate Change to contribute to the actual or potential threat of altering the Earth’s climate by trapping heat in the atmosphere; (iii) all set-aside allowances and/or allocations from emissions trading programs made unnecessary for compliance in such program as a result of performance under the Agreement, including but not limited to allocations available under 6 NYCRR §§ 204, 237 and 238; and (iv) all credits, certificates, registrations, recordations, or other memorializations of whatever type or sort, representing any of the above.

Operational Installed Capacity – The gross generating capacity, in MW, of the Selected Project that has achieved Commercial Operation and for which an Independent Engineer’s report has been submitted to NYSERDA pursuant to Section 2.01(c) of the Agreement.

Outer Limit Date – A backstop date upon which the Contract Delivery Term ends regardless of whether the full Contract Tenor has elapsed. If the Contract Tenor is 20 years, the Outer Limit Date is January 1, 2049. If the Contract Tenor is 25 years, the Outer Limit Date is January 1, 2054.

P10 Annual OREC Exceedance – An amount of electrical energy (in MWh), such that the estimated probability in any given year that generation from the Project delivered to the Delivery Point would exceed that amount is 10 percent.

Port Infrastructure Investment Plan – A plan submitted as part of the Proposal in support of the Economic Benefits Plan, as further described in Appendix C.2.

Port Infrastructure Minimum Thresholds – Minimum criteria that must be met for a Port Infrastructure Investment Plan to be determined to be “investment worthy.”

Port Infrastructure Scoring Committee – Members of NYSERDA Staff, Empire State Development Staff, NY Green Bank Staff, and Technical Experts responsible for reviewing Port Infrastructure Investment Plans included with Proposals received through this RFP.

Primary Component – A main parts of an offshore wind turbine structure, including the foundation, substructure, transition piece, nacelle and rotor blades.

Project – An Offshore Wind Generation Facility and the associated equipment, infrastructure, and support facilities necessary to construct, operate and deliver energy to the designated Delivery Point and the corresponding ORECs to an account designated by NYSERDA in the NYGATS, excluding facilities and infrastructure associated with a Port Infrastructure Investment Plan.

Project Team – Proposer personnel and contractors who have primary responsibility for project development.

Proposal – An offer to sell ORECs from an Offshore Wind Generation Facility for a given Offer Capacity, Index REC or Fixed REC pricing structure, Delivery Point, and associated Port Infrastructure Investment Plan(s) that conforms to the requirements of this RFP. A Proposal may contain either or both 25- and 20-year Contract Tenors, each with an associated level nominal Strike Price (for Index OREC offers) or Price (for Fixed OREC offers).

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

Reference Capacity Price – An index of NYISO Capacity Market prices as set forth in Section 4.03 of the Agreement.

Reference Energy Price – An index of zonal NYISO Energy Market prices as set forth in in Section 4.03 of the Agreement.

Reimbursement-Based Grant Funding – up to \$100 million of grant financing for Eligible Expenses on a reimbursement basis, available for draws as critical Port Infrastructure Investment Plan milestones are met.

Required Base Proposal – A Proposal defined in Section 2.1.3.

Required Standalone Proposal – A Proposal defined in Section 2.1.3.

Scoring Committee – Members of NYSERDA Staff, New York State Department of Public Service Staff, and competitively-selected Independent Evaluators responsible for evaluating Proposals received through this RFP.

SDVOB – Service-Disabled Veteran Owned Businesses as defined under the Service-Disabled Veteran-Owned Business Act of New York State.

Seller – A Proposer selected by NYSERDA who has executed an Agreement to sell ORECs to NYSERDA pursuant to this RFP.

Short-Term Jobs – Jobs lasting less than three years.

Submission – Package of all files submitted by a developer in response to this RFP.

TWG – Technical Working Group.

Verified Total Dollars – The total dollar amount of Economic Benefits in Categories 1 and 2 verified by NYSERDA to have accrued to New York as a result of the development, construction, modification, interconnection, and operation of the Project and associated Port Infrastructure Investment Plans from the Award Notification Date through the end of the first three (3) Contract Years.

1 INTRODUCTION

1.1 New York's Clean Energy Standard and Offshore Wind Standard

New York State has adopted some of the most ambitious clean energy goals in the nation, with the stated goal of reducing greenhouse gas emissions by 85% by 2050.

On August 1, 2016, the Commission issued its [Order Adopting a Clean Energy Standard](#) (CES), which, based upon the recommendation and comments in a White Paper filed by NYSERDA and Department of Public Service Staff (Staff), established the 50% renewables by 2030 goal. The CES also requested that NYSERDA develop a “blueprint,” identifying the appropriate mechanisms for the Commission and the State to consider in order to maximize the potential of the burgeoning offshore wind industry.

In January 2018, NYSERDA published the [New York State Offshore Wind Master Plan](#) (Master Plan), which included more than 20 studies that gathered data on environmental, social, economic, regulatory, and infrastructure issues relevant to offshore wind energy development, and reflected the State's extensive outreach efforts with interested agencies, entities, communities, and individuals in the responsible and cost-effective development of offshore wind.

NYSERDA also filed an [Offshore Wind Policy Options Paper](#) in January 2018 that launched the regulatory proceedings that culminated in the Commission's issuance of the [Phase 1 Order](#) on July 12, 2018. In the Phase 1 Order, the Commission adopted the goal of procuring 2,400 MW of offshore wind capacity by 2030. NYSERDA launched its inaugural solicitation for offshore wind ([ORECRFP18-1](#)) on November 8, 2018.

In July 2019, Governor Andrew Cuomo signed the [Climate Leadership and Community Protection Act](#) (CLCPA). The CLCPA mandates the Green New Deal's nation-leading clean energy targets: nine gigawatts of offshore wind by 2035, six gigawatts of distributed solar by 2025, and three gigawatts of energy storage by 2030, while calling for an orderly and just transition to clean energy that creates jobs and continues fostering a green economy. The CLCPA also directs New York State agencies and authorities to collaborate with stakeholders to develop a plan to reduce greenhouse gas emissions by 85 percent from 1990 levels by 2050 and aim to invest at least 35 percent of clean energy and energy efficiency program resources to benefit Disadvantaged Communities, achieving 70 percent renewable energy by 2030 and 100 percent renewable energy by 2040. Separately, Governor Cuomo [committed the State to investing \\$200 million in port infrastructure](#) to unlock private supply chain capital and maximize the long-term economic benefits to the State from the regional development of offshore wind.

Simultaneously with signing the CLCPA, Governor Cuomo [announced](#) the single largest renewable energy procurement by any state in U.S. history—nearly 1,700 MW—with the selection of two offshore wind projects for contract awards resulting from NYSERDA's Phase 1 offshore wind solicitation. On October 23, 2019, Governor Cuomo announced that NYSERDA had finalized contracts with Equinor Wind US LLC for its 816 MW Empire Wind Project and Sunrise Wind LLC (a joint venture of Ørsted A/S and Eversource Energy) for its 880 MW Sunrise Wind Project. NYSERDA filed its comprehensive report,

["Launching New York's Offshore Wind Industry: Phase 1 Report,"](#) (Phase 1 Report) with the Commission on that same date.

On December 20, 2019 in the United States Congress, H.R. 1865, the Further Consolidated Appropriations Act of 2020, was passed into law ([Public Law no. 116-94](#)), extending the application of the 18% Investment Tax Credit to wind facilities until January 1, 2021.

In his [January 2020 State of the State address](#), Governor Cuomo called upon NYSEDA to issue a second solicitation for offshore wind, "to yield at least an additional 1,000 megawatts of clean power, and perhaps substantially more".

On April 23, 2020, the New York Public Service Commission published an [Order Authorizing Offshore Wind Solicitation in 2020](#) effectively authorizing NYSEDA to launch this request for proposals to procure, in aggregate, at least 1,000 MW of additional offshore wind capacity. In soliciting at least 1,000 MW in 2020, NYSEDA has flexibility to evaluate a range of bids that can maximize the competitive outcome, including bid(s) for up to 2,500 MW. For avoidance of doubt, NYSEDA seeks to acquire ORECs only, and will not have any claim to associated electric energy, capacity, or ancillary services associated with the ORECs.

1.2 Background on NYSEDA

NYSEDA was created in 1975 by the New York State Legislature as a public authority and public benefit corporation. The Offshore Wind Orders authorize NYSEDA to act as the central administrator of the Offshore Wind Standard program, in a manner similar to NYSEDA's role in solicitations issued under the CES and the former Renewable Portfolio Standard Main Tier.²

Pursuant to the Commission Orders regarding offshore wind, NYSEDA will purchase ORECs from the contracted Project(s) on behalf of the jurisdictional and voluntarily-complying Load Serving Entities (LSEs) in New York State within the Public Service Commission's jurisdiction, as well as the non-jurisdictional New York Power Authority and Long Island Power Authority that may opt to use NYSEDA as a purchasing entity, and will then sell the ORECs to the LSEs for compliance with the LSEs' offshore wind obligation. Each LSE will be obligated to purchase a percentage of ORECs purchased by NYSEDA in a year that represents the portion of the electric energy load served by the LSE in relation to the total electric energy load served by all LSEs operating in New York State during that period.

² Under the CES and former Renewable Portfolio Standard Main Tier, NYSEDA has supported the development of approximately 2,000 MW of operating land-based wind projects; additional renewable capacity of approximately 4,300 MW of land-based wind and solar projects are contracted and under development.

1.3 Schedule

The schedule for ORECRFP20-1 is as follows (all times ET):

RFP Release Date	July 21, 2020
Proposers' Conference (password OREC)	August 12, 2020, 10:00 a.m.
Deadline for Submission of Written Questions	August 19, 2020, 3:00 p.m.
Responses to Written Questions Posted	August 26, 2020
Deadline for Notice of Intent to Propose	September 23, 2020, 3:00 p.m.
Deadline for NYSERDA Portal Registration	October 13, 2020, 3:00 p.m.
Deadline for Submission of Proposals	October 20, 2020, 3:00 p.m.
NYSERDA Award Notification Date	Q4 2020
Contract(s) Executed	Q4 2020

Please note that the above dates are subject to change. Notification of any changes to the RFP process or documents will be posted on the [NYSERDA Offshore Wind 2020 Solicitation website](#) and sent via email to those parties who have submitted a Notice of Intent to Propose.

1.4 Notice of Intent to Propose

Prospective Proposers are encouraged to submit a Notice of Intent to Propose, which is attached as Appendix A to this RFP. NYSERDA will email updates regarding this RFP to prospective Proposers who submit a Notice of Intent to Propose. This does not relieve prospective Proposers of their responsibility to check the [NYSERDA Offshore Wind 2020 Solicitation website](#) for news and updates. Prospective Proposers who submit a Notice of Intent to Propose are not obligated to submit a Proposal, and Proposals will be accepted from parties who do not submit a Notice of Intent to Propose. The Notice of Intent to Propose form should be sent to offshorewind@nyserda.ny.gov by the date indicated in Section 1.3 using the subject line: Notice of Intent to Propose ORECRFP20-1.

1.5 Proposal Fee

Each Proposer's Submission must be accompanied by a Proposal Fee which will be used by NYSERDA to offset the cost of the evaluation of Proposals. The base Proposal Fee of \$500,000 will cover the Required Base Proposal and Required Standalone Proposal, as defined in Section 2.1.3, and up to three Port Infrastructure Investment Plans, as defined in Section 2.1.2. Each additional Port Infrastructure Investment Plan included in the Proposer's submission beyond three will require an additional \$25,000 Proposal Fee. Alternate Proposals, as also defined in Section 2.1.3, are permitted. Each Alternate Proposal that has a different Offer Capacity, transmission point of interconnection, technical configuration, pricing structure, and/or expected Commercial Operation Date(s) will require an additional \$25,000 Proposal Fee. Inclusion of a second Contract Tenor in the Required Base Proposal, Required Standalone Proposal, or an Alternate Proposal will be accepted without incurring additional Proposal Fees.

Submission Component	Proposal Fee
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Required Base Proposal (including up to three Port Infrastructure Investment Plans) and Required Standalone Proposal (including one Contract Tenor)	\$500,000
Each Alternate Proposal	\$25,000
Each Port Infrastructure Investment Plan beyond three that are included in the submission	\$25,000

The Proposal Fee will automatically be computed within the Master Offers Form. The Proposal Fee and the Contract Security amounts set forth in Article XV of the Purchase and Sale Agreement are the only fees or monetary obligations of Proposer.

Detailed instructions for the payment of the Proposal Fee will be sent from NYSERDA's finance department to Proposers who submit a Notice of Intent to Propose per Section 1.4 or on any date prior to the Deadline for NYSERDA Portal Registration per Section 1.3 by emailing offshorewind@nyserda.ny.gov with the subject line: "ORECRFP20-1 Request for Proposal Fee Payment Instructions."

The Proposal Fee is non-refundable unless NYSERDA cancels this RFP. If this RFP is canceled by NYSERDA, uncommitted Proposal Fees will be returned. **In no other event will any portion of the Proposal Fee be refunded, regardless of whether or not a Proposal(s) is (are) selected by NYSERDA.**

1.6 Proposers' Conference and Communications with NYSERDA

A Proposers Conference for interested persons will be held via [Webinar](#) (Webex meeting number: 145 860 7164, password OREC). Links can be similarly found via [NYSERDA's Offshore Wind 2020 Solicitation website](#). Proposers are encouraged to register for this event as early as possible. The purpose of Proposers Conference is to provide Proposers with the opportunity to clarify their understanding of any aspect of this RFP. Prospective Proposers may ask questions during the Proposers Conference, and NYSERDA may respond orally. However, only written answers that are provided by NYSERDA in response to questions and posted on the [NYSERDA Offshore Wind 2020 Solicitation website](#) by the deadline for responses listed in the schedule in Section 1.3 will constitute official responses.³ Questions and responses will be anonymized.

With the exception of the Proposers Conference, all pre-Proposal contacts with NYSERDA by prospective Proposers and interested parties regarding this RFP or related matters must be via email to the Designated Contacts at offshorewind@nyserda.ny.gov. Prospective Proposers are encouraged to submit written questions about this RFP with the subject line "ORECRFP20-1 Question" on or before the date indicated in Section 1.3.

1.7 Modification or Cancellation of the RFP and Solicitation Process

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

³ Questions solely regarding the calculation or payment of the Proposal Fee may be directed to the Designated Contacts at offshorewind@nyserda.ny.gov and will be answered in confidence to Proposer.

NYSERDA Consultants, or members of the Scoring Committee. Any changes to this RFP will be posted on the [NYSERDA Offshore Wind 2020 Solicitation website](#) and an email will be sent to all prospective Proposers who have submitted a Notice of Intent to Propose. Prospective Proposers are encouraged to check the website frequently to be advised of any RFP changes or other news.

1.8 Updates to Proposals

Proposers will not have an opportunity to refresh or restate Proposals after the Deadline for Submission of Proposals. If, prior to the Deadline for Submission of Proposals, a Proposer wishes to modify a Proposal that was submitted before the Deadline for Submission of Proposals, Proposer should contact NYSERDA's Designated Contacts. Otherwise, Proposers may provide new information that was not available at the time of their Proposal submission or the deadline for submission of Proposals. For example, this may include updates on the status of obtaining permits, interconnection studies, or financing. Unless the information is provided at NYSERDA's request under Section 1.9, these updates are for informational purposes only and will not be treated by the Scoring Committee as a change or revision to the terms of the Proposal. If there are any material events that affect the validity of the Proposal, Proposers must promptly notify NYSERDA in writing. NYSERDA reserves the right to consider these material changes during Proposal evaluation.

1.9 Requests for Additional Information

Following the submission of Proposals, NYSERDA and the Scoring Committee may request clarification and additional information from Proposers at any time throughout duration of the evaluation process. Such information will be subject to protection of proprietary information as described in Section 8.1, consistent with other Proposal submission materials. 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 or the Scoring Committee to allow a reasonable and appropriate evaluation.

NYSERDA also reserves the right to request clarification directly from port developers regarding Port Infrastructure Investment Plans for their ports as well as interactions between Port Infrastructure Investment Plans for the same port submitted by multiple Proposers.

1.10 Interviews with Proposers

NYSERDA may request in-person and/or videoconference interviews with any Proposer, to be scheduled at a mutually convenient time.

2 PROJECT ELIGIBILITY REQUIREMENTS

2.1 Eligibility

To participate in this RFP, all Proposals must demonstrate compliance with each of the eligibility requirements enumerated in Sections 2.1.1 through 2.1.7.

As used in this RFP, the term “Project” includes the Offshore Wind Generation Facility, along with all associated equipment, infrastructure, and support facilities necessary to develop, operate, transmit, and deliver energy from the Offshore Wind Generation Facility to the Delivery Point, and ORECs to an account designated by NYSERDA in NYGATS, excluding facilities and infrastructure associated with a Port Infrastructure Investment Plan.

2.1.1 ORECs Offered

NYSERDA is seeking to procure ORECs produced from one or more Offshore Wind Generation Facilities located in the ocean waters of the United States that become operational on or after January 1, 2015 that represent, in aggregate, at least 1,000 MW and, if the submitted Proposals justify the larger quantity, up to a maximum of 2,500 MW of total Offer Capacity.

The OREC production from the Offshore Wind Generation Facility offered to NYSERDA through this RFP, up to the Annual OREC Cap, may not be contractually committed to any other entity over the proposed Contract Delivery Term. Awardee will retain ownership and all rights to ORECs that exceed the Annual OREC Cap.

2.1.2 Port Infrastructure Investment Plans

This solicitation seeks to deliver a coordinated solution to the priorities of enabling offshore wind projects in New York and those activities, expenditures, and investments that serve to improve New York State’s offshore wind-supporting infrastructure – including, specifically, the investment of up to \$200 million in New York State Funding in port infrastructure. The New York State Funding is intended to prioritize the staging of offshore wind and/or offshore wind manufacturing and related uses. The prioritization of staging and/or manufacturing port utilization necessitates active coordination between Projects and Eligible Ports in order to create real, persistent and sustainable institutional and labor capabilities in New York State, thereby creating long-term economic opportunities and helping to lower the cost of future offshore wind projects.

New York State is offering funding in the following two discrete Funding Categories, together comprising its \$200 million total commitment:

1. Reimbursement-Based Grant Funding – up to \$100 million of grant financing for Eligible Expenses on a reimbursement basis, available for draws as critical Port Infrastructure Investment Plan milestones are met; and
2. New York State Assisted Financing – up to \$100 million of senior-secured debt financing for Eligible Expenses, available for draws as critical Port Infrastructure Investment Plan milestones are met. Pricing for this Funding Category will be competitively priced based on New York

State's evaluation of the creditworthiness of each Port Infrastructure Investment Plan, as discussed further in Section C.2.E of Appendix C.2.

Further details regarding New York State Funding and the Funding Categories are included in Appendix C.2.

Requests for New York State Funding must be matched with private capital investment in the same Eligible Port at the following levels:

- Reimbursement-Based Grant Funding must be matched \$1.25-for-\$1.00 (\$1.25 of private capital for every \$1.00 of Reimbursement-Based Grant Funding), and
- New York State Assisted Financing must be matched \$0.75-for-\$1.00 (\$0.75 of private capital for every \$1.00 of New York State Assisted Financing).

With the exception of the Required Standalone Proposal (see Section 2.1.3), to be eligible for an award, a Proposal must include at least one Port Infrastructure Investment Plan as described in Section 3.3 and Appendix C.2. For a Port Infrastructure Investment Plan to be considered for New York State Funding, the scope of any Port Infrastructure Investment Plan must be limited only to an Eligible Port.

As a matter of pre-screening the submitted Proposal, each Port Infrastructure Investment Plan will be reviewed by a Port Infrastructure Scoring Committee in order to determine whether the Port Infrastructure Investment Plan is "investment worthy" or "not investment worthy." This determination will be based on whether a Port Infrastructure Investment Plan meets the Port Infrastructure Minimum Thresholds (as further described in Appendix C.2):

1. Requests for Grant Funding must be matched \$1.25-for-\$1.00 with private capital investments in the same port facility;
2. Requests for New York State Assisted Financing must be matched \$0.75-for-\$1.00 with private capital investments; and
3. The Port Infrastructure Scoring Committee must determine that the risk-adjusted return for any requested New York State Assisted Financing is positive (internal rate of return is greater than zero).

The determination will additionally be based on the Port Infrastructure Evaluation Criteria (as further described in Appendix C.2):

1. Cost benefit analysis;
2. Port infrastructure investment plan viability
3. Market compatibility; and
4. Alignment with CLCPA objectives;

All Port Infrastructure Investment Plans submitted with a unique Proposal must be determined to be "investment worthy" in order for such Proposal to be eligible for award.

For each Port Infrastructure Investment Plan that is considered “investment worthy” in accordance with the evaluation criteria set forth above and further detailed in Appendix C.2, the associated Proposal will be evaluated for an OREC award, based upon the Commission’s evaluation criteria of 70% price, 20% economic benefits, and 10% viability, as further described in this RFP. With the exception of the Required Standalone Proposal (see Section 2.1.3), where a Proposal’s Port Infrastructure Investment Plan is considered “not investment worthy,” the associated Proposal will be deemed ineligible for an OREC contract award. To hedge against the risk of a negative determination by the Port Infrastructure Scoring Committee, that is, a determination that any single Port Infrastructure Investment Plan is found to be “not investment worthy,” Proposers are encouraged to consider submitting Alternate Proposals (see Section 2.1.3) with different included Port Infrastructure Investment Plans. These Alternate Proposals could include different options for one or more types of Port Infrastructure Investment Plans (*i.e.*, staging, manufacturing, O&M support), or different combinations of Port Infrastructure Investment Plan types. More than one Port Infrastructure Investment Plan may be submitted for a given Eligible Port, to account for different uses, different funding approaches, or any other variation in the planned development approach.

2.1.3 Required and Alternate Proposals

Each Proposal must be for ORECs delivered from an Offshore Wind Generation Facility with an Offer Capacity of at least 400 MW and up to 2,500 MW.⁴ Each Proposal, with the exception of the Required Standalone Proposal, must also seek to leverage at least \$100 million in New York State Funding for port investments through its associate Port Infrastructure Investment Plans and adhere to the Funding Category limits and requirements as noted in Section 2.1.2 and Appendix C.2.⁵

All Proposers must submit a Required Base Proposal and a Required Standalone Proposal but may also submit an uncapped number of Alternate Proposals with varied parameters as described below.

- The **Required Base Proposal** must include pricing for a 25-year Contract Tenor using either the Index OREC or Fixed OREC pricing structure and must reflect energy delivered through a direct marine cable interconnection from the Offshore Wind Generation Facility to a point in NYISO Zone J or Zone K. The Required Base Proposal must include at least one Port Infrastructure Investment Plan.
- The **Required Standalone Proposal** must request no New York State Funding, and therefore include no Port Infrastructure Investment Plans. As described in Section 5.2, the Required Standalone Proposal will only be considered for award if New York State has fulfilled its goal of port infrastructure investment through award(s) to another Proposal(s) through this Procurement. The Required Standalone Proposal must include pricing for a 25-year Contract

⁴ The Proposal Offer Capacity may reasonably deviate to within ± 5 percent of the 400 MW minimum target requirement if the design capacity of individual components of the Offshore Wind Generation Facility do not sum to exactly 400 MW, but consistent with the SGEIS that supports the Order, the Offer Capacity for any individual Proposal cannot exceed 2,500 MW.

⁵ Reimbursement-Based Grant Funding requires 1.25-for-1 matching and New York State Assisted Financing requires 0.75-for-1 matching, as specified in Appendix C.2.

Tenor using either the Index OREC or Fixed OREC pricing structure and must reflect energy delivered through a direct marine cable interconnection from the Offshore Wind Generation Facility to a point in NYISO Zone J or Zone K.

- **Alternate Proposals** may be for ORECs delivered from Offshore Wind Generation Facilities of other technical configurations or interconnection points, other Offer Capacity, other Economic Benefit packages (including other Port Infrastructure Investment Plans than those submitted in the Required Base Proposal), or other expected Commercial Operation Dates. Alternate Proposals may be for either a 20-year or 25-year Contract Tenor and must offer either a level nominal Index OREC Strike Price or Fixed OREC Price as described in Section 2.1.4.

A Proposer may not condition the acceptance of one Proposal based on the withdrawal or acceptance of other Proposals. All Proposals from a given lease area will be mutually exclusive. A Proposer's bid presupposes the ability to commit the Project wholly to New York State and bears no conditionality on the procurement activities of any other state that is presently or subsequently engaged in the procurement of offshore wind. Project eligibility requirements do not preclude the option to propose two or more interconnection points in New York City and/or Long Island as may be necessary to reasonably minimize interconnection costs. Project eligibility requirements do not preclude external points of interconnection in neighboring Control Areas, provided the Proposer submits a Transmission Plan that addresses compliance with the relevant Open Access Transmission Tariff, wheeling and delivery to NYCA, and accord with the NYGATS tracking system that records generation attribute information.

2.1.4 Pricing

Each Proposal must include a firm offer price using either the Index OREC pricing structure or the Fixed OREC pricing structure as described in Section 2.1.3. Offer prices for each Proposal are all-inclusive, that is, for all components of the Project. Under the Index OREC pricing structure, the OREC price varies monthly. It equals the Index OREC Strike Price minus the monthly Reference Price. The monthly Reference Price is the sum of the Reference Energy Price and the monthly Reference Capacity Price, as described in Section 4.1.2.

2.1.5 Site Control

Proposer must hold (a) an irrevocable right or option to develop the entire Offshore Wind Generation Facility site footprint within a federal Bureau of Ocean Energy Management (BOEM) commercial wind energy lease area; or (b) demonstrate the existence, within or as a part of the Proposal, of a fully-executed lease for the BOEM commercial wind energy lease area within which the Offshore Wind Generation Facility is to be sited; or (c) demonstrate that it is a provisional winner of a BOEM wind energy area lease sale pursuant to 30 C.F.R. 585 and is proceeding toward lease execution. Proposers must notify NYSERDA promptly upon the execution of such lease. Section 9.01(c) of the Agreement requires Seller to warrant that it "has, or reasonably expects to have prior to the time needed, all real property rights to construct, interconnect, and operate the Selected Project."

Proposers must identify the proposed interconnection point(s), describe what rights Proposer has to the interconnection point(s), and provide a detailed plan and timeline for the acquisition of any additional rights necessary for the interconnection(s) and for the right-of-way for transmission radial line to the interconnection point(s). Such rights may be held by Proposer directly or indirectly via partnership with a transmission developer. Proposers may enter into contract arrangement with a transmission developer to support evidence of site control, which NYSERDA may consider in its determination of project viability.

2.1.6 Interconnection and Delivery

Proposers must demonstrate that energy generated by the Offshore Wind Generation Facility can be delivered into the NYCA. The Required Base Proposal must incorporate a Point of Interconnection in NYISO Zone J or Zone K. Alternate Proposals may interconnect in an adjacent Control Area. Such Proposals must address how Proposers intend to fulfill the Electricity Delivery Requirements contained in Article III of the Agreement.

For the Required Base Proposal or for any Proposal including a direct interconnection to the NYCA, Proposers must have submitted a valid Large Facility Interconnection Request with NYISO. For Offshore Wind Generation Facility Proposals that would interconnect in an adjacent Control Area, Proposers must have submitted a similar interconnection request to ISO New England or PJM, as applicable.

2.1.6.1 Conformance with NYGATS Operating Rules

If awarded a contract, Proposers must obtain a valid NYGATS ID for the Offshore Wind Generation Facility and operate in conformance with the NYGATS Operating Rules. Delivery of electricity during the Contract Delivery Term that complies with the Electricity Delivery Requirement contained in Article III of the Agreement will be sufficient to support the creation of ORECs by NYGATS and the implementation of the Forward Certificate Transfer of ORECs, up to the Annual OREC Cap, into NYSERDA's NYGATS Account. NYSERDA will make payment for ORECs from the Offshore Wind Generation Facility delivered to NYSERDA's NYGATS account.

2.1.7 Contract Delivery Term

Each Proposal must specify an expected Commercial Operation Date and Contract Tenor. Proposers may elect to install the Project's Offer Capacity in phases, with each phase subject to the full Contract Tenor for the Project. For a multi-phase installation, the Proposer must specify the expected Commercial Operation Date and Offer Capacity for with each phase.

The Contract Delivery Term for each phase of the Project will commence on the first day of the month after the actual Commercial Operation Date and end after the term of the Contract Tenor or at the Outer Limit Date, whichever occurs first. If less than twenty-five percent (25%) of a phase of the Project has commenced Commercial Operation (as determined on an Operational Installed Capacity basis as compared to the Offer Capacity), Seller may elect to delay the commencement of the phase's Contract Delivery Term for a period not to exceed one year after any portion of the Project has achieved Commercial Operation.

The OREC production from the Offshore Wind Generation Facility offered to NYSDERDA through this RFP, up to the Annual OREC Cap, may not be contractually committed to any other entity over the Contract Delivery Term.

2.2 Contract Commitments Relating to Considerations Identified in the Offshore Wind Order

The Offshore Wind Orders authorize NYSDERDA to include, at its discretion, certain contract requirements in agreements resulting from this solicitation. NYSDERDA has adopted the following requirements and has incorporated them into the Agreement.

2.2.1 Prevailing Wage Requirement

Although this is not a public work covered by NYS Article 8, and unless otherwise provided in a Project Labor Agreement (PLA) covering the construction on the Project, all laborers, workmen and mechanics (within the meaning of those terms under NYS Labor Law Article 8) performing construction activities within the United States (including federal waters) with respect to the Project, including, but not limited to, the assembly, staging, installation, erection, and placement of the Project and its electrical interconnection as well as those construction activities related to start-up and commissioning of the Project, whether through long-term or short-term employment, must be paid wages and benefits in an amount not less than the Prevailing Rates (as determined under NYS Section 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 subject Project construction activities occur. Unless provided otherwise in any negotiated PLA, it is generally expected that covered construction, for these purposes, will include United States-based offsite fabrication traditionally performed on-site by construction craft when that fabrication produces items specifically designed for construction of the Project, fabrication occurs off-site for the convenience of the contractor, and the fabrication is part of a single integrated construction process. For construction activities in federal waters, the rates shall be those applicable at the location of the port or ports from which the laborers, workmen or mechanics are based for purposes of that offshore work. 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 its Proposal. See Section 18.10 of the Agreement.

2.2.2 Project Labor Agreement

The Offshore Wind Orders authorize NYSDERDA to consider the inclusion of a Project Labor Agreement (PLA) requirement in its RFP. As referenced here, a PLA refers generally to a single collective bargaining agreement (including a pre-hire agreement) covering both contractors in the construction industry working on a Project and a bona fide building and construction trade labor organization representing the craft workers on that Project.

After consideration of the potential impact of a PLA, NYSDERDA has concluded that a PLA, with appropriate terms, could serve the State's and public's interest. Accordingly, as is described more fully in Section 18.11 of the Agreement, each awardee will be required to present to NYSDERDA for its review,

within 30 days of the date of the Bureau of Ocean Energy Management's (BOEM) approval of the Construction and Operation Plan (COP) for the Project, a plan outlining its intentions with respect to the negotiation of a PLA to cover all construction activities on the Project, as defined in Section 2.2.1, within the United States (including in federal waters). NYSERDA should thereafter be kept apprised of negotiations as they proceed, and NYSERDA shall have the right to have one or more representatives attend negotiation sessions as it determines is in its best interests.

Such negotiations are to cover, at a minimum, the topics described below.

The PLA should contain:

1. Provisions that appropriately limit applicability of the PLA to United States-based (including federal waters) covered work on the Project (and not extending to any other work performed by Project contractors and subcontractors, or to the work of their affiliated entities), ensuring that Project contractors or subcontractors are not required to become a signatory to any other labor agreement, and appropriately providing for the supremacy of the PLA over any potentially conflicting labor agreements that might otherwise apply to contractors and subcontractors. The PLA must apply to all covered construction and all contractors and subcontractors, of whatever tier, performing construction work on the Project (subject to appropriate exceptions), and the PLA should be available to all contractors and subcontractors, of whatever tier, regardless of their union affiliation;
2. Provisions for appropriate union recognition and security (limited to Project work) and the referral of skilled craft workers, including provisions for staffing in the event qualified referrals are not reasonably available and for the reasonable use of a number of core employees by contractors and subcontractors (regardless of union affiliation and referral practices that might otherwise exist);
3. Comprehensive labor harmony provisions to ensure against Project disruption as a result of worksite disputes or other labor disputes of any kind;
4. Comprehensive provisions for the resolution of workplace disputes through third party resolution, including provisions for the resolution of jurisdictional disputes (without Project disruption), and appropriate provisions for labor management cooperation;
5. Appropriate provisions to allow the cost effective and efficient coordination of multiple trades and contractors and subcontractors (notwithstanding any local labor agreements that might otherwise be applicable to contractors and subcontractors), as well as other appropriate management rights (such as adequately ensuring the Contractors'/subcontractors' choice of materials, techniques, methods, technology or design, or, regardless of source or location; use and installation of equipment, machinery, package units, pre-cast, pre-fabricated, pre-finished, or pre-assembled materials, tools, or other labor-saving devices; the installation or use of materials, supplies or equipment regardless of their source (including as may be required by a

vendor and/or to ensure warranty coverage); and to perform off-site work, subject to any restrictions imposed by law);

6. Appropriate provisions promoting MWBE and SDVOB employment, as well as the employment of New York workers and low-income workers;
7. Appropriate provisions for the use of apprentices; and
8. Appropriate provisions for rules governing worksite access and conduct.

Awardees may appoint or delegate to a contractor or third party the authority to conduct such negotiations and/or to execute the PLA; however, the responsibility to deliver the PLA and to ensure its sufficiency and compliance with its terms will remain with awardee. A final PLA consistent with this Section shall be presented to NYSERDA for review and approval within 180 days of BOEM's approval of the COP for the Project. Section 18.11 of the Agreement provides further procedures should the awardee fail to reach agreement on a final PLA within that timeline.

NYSERDA's review of any agreed-upon PLA will be based on the specific terms of the negotiated PLA and will take into account the best interests of NYSERDA with respect to the Project, and the public it serves, and will include consideration of Project viability, the cost-effectiveness of the PLA, and the need for timely Project completion.

2.2.3 Consultation with New York State Agencies

Proposers must agree, if awarded a contract, to consult with certain New York State agencies during planning and development of the Offshore Wind Generation Facility, including the transmission radial line to the on-land interconnection point. The intention of these consultations is to provide the agencies with a greater understanding of the Project and inform the contract awardee about important resource considerations and the permitting approach early in the process, and to inform the approach with feedback from stakeholders and New York State agencies in an effort to reduce uncertainty, improve transparency, and minimize conflicts. Earlier, periodic informal consultations are advised to narrow issues and streamline the formal process. This requirement will be accomplished in parallel with the federal process, recognizing that the Bureau of Ocean Energy Management (BOEM) has primary jurisdiction over the offshore aspects of a Project.

At a minimum, contract awardees will be required to consult with the following agencies relating to agency goals and responsibilities on the following topics:

1. The New York State Department of State (DOS) with respect to a Project's consistency with the policies set forth in the State's Coastal Management Program;
2. The New York State Department of Environmental Conservation (DEC) with respect to assessment and mitigation of potential environmental impacts, including but not limited to, water quality, air quality, benthic communities, fish, fisheries and wildlife impacts of the Project;

3. The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) with respect to the assessment and mitigation of effects on sites of historic or archeological significance;
4. The New York State Department of Public Service (NYDPS) with respect to a Project's electrical interconnection and any applicable regulatory requirements under the Public Service Law;
5. The New York State Office of General Services (OGS) with respect to a Project's electrical interconnection involving State land; and
6. NYSERDA as a point of contact with respect to a Project's general consistency with the New York State Offshore Wind Master Plan and stakeholder feedback.

More specifically, the required consultation will consist of the following steps:

1. At the time it submits a proposed Site Assessment Plan (SAP) to BOEM, a contract awardee will also submit the proposed SAP to DOS, DEC, OPRHP, NYDPS, OGS, NYSERDA, and any other state agency that NYSERDA notifies contract awardee to include (each, a "Consulting State Agency"), so that each such Consulting State Agency may provide input on the SAP concurrently with BOEM's review. Each Consulting State Agency will provide to the contract awardee the agency's initial comments on the proposed SAP – either jointly or individually – within 60 calendar days of receipt. The contract awardee then must meet or engage with each Consulting State Agency that requests a meeting at reasonable times and intervals in an effort to attempt to resolve any issues.

If a contract awardee has already submitted its SAP to BOEM at the time of its Proposal under this RFP, the contract awardee should so state in its Proposal and propose an alternative process for consultation with the Consulting State Agencies.

2. At the time it submits a proposed Construction and Operations Plan (COP) to BOEM, a contract awardee will also submit the proposed COP to the Consulting State Agencies, so that each Consulting State Agency may provide input on the SAP concurrently with BOEM's review. Each Consulting State Agency will provide to the contract awardee that agency's initial comments on the proposed COP – jointly or individually – within 60 days of receipt. The contract awardee then must meet or engage with those Consulting State Agencies that request such a meeting, at reasonable times and intervals in order to attempt to resolve any issues. If a contract awardee has already submitted to BOEM a COP at the time of its Proposal under this RFP, the contract awardee should so state in its Proposal and propose an alternative process for consultation with the Consulting State Agencies with respect to the COP.
3. The requirements and processes set forth in paragraphs 1 and 2 above will apply to any component, or resubmittal of a SAP or a COP, respectively, that a contract awardee submits to BOEM, including, but not limited to, any required surveys or documentation required under the National Environmental Policy Act. Thus, the contract awardee will submit all SAP and COP components and revisions to the Consulting State Agencies concurrent with submission to BOEM.
4. Proposers are directed to reference Section 8.1 of this RFP, where the treatment of confidential information is discussed. The Consulting State Agencies will not disclose information generated

by those agencies (such as comments on draft materials) that they determine contains confidential trade secret information provided by a contract awardee to third parties. Notwithstanding an assertion by a contract awardee that particular information constitutes confidential trade secret information exempt from FOIL, the Consulting State Agencies will make their own determinations as to how to comply with the law and whether a FOIL exemption applies. In order to do so, the Consulting State Agencies may request further information from a contract awardee about contract awardee's asserted justification for withholding designated information. Any agreement on the part of any Consulting State Agency to exempt certain information from FOIL disclosure shall not bind any other agency and shall not diminish a contract awardee's obligation to make non-proprietary Site and Environmental Data available to the public.

5. The consultation requirements set forth above in this Section 2.2.3 do not obviate or replace the federal Coastal Zone Management Act regulatory requirement in 15 CFR Part 930 and in the event of conflicting timeframes, the federal regulations will prevail.

2.2.4 Participation in Technical Working Groups

Proposers must agree, if awarded an Agreement, to reasonably participate in the Environmental, Commercial and Recreational Fishing, Maritime, and Jobs and Supply Chain Technical Working Groups (TWGs) as directed by NYSERDA. This includes participation in TWG meetings and engaging with the relevant stakeholder groups within the TWG regarding the proposed Project.

2.2.5 Support for Monitoring Key Commercial Fish Stocks and Wildlife

Proposers must agree, if awarded an Agreement, to provide financial and technical support to regional monitoring of wildlife and key commercial fish stocks through a minimum contribution of \$10,000 per megawatt of Operational Installed Capacity. Of this, \$5,000 per megawatt of Offer Capacity must be used by the Proposer, in concurrence with NYSERDA, to support regional monitoring of key commercial fish stocks to better understand how offshore wind energy development is potentially altering the biomass and/or distribution of these stocks. Similarly, \$5,000 per megawatt of Offer Capacity must be used by the Proposer, in concurrence with NYSERDA, to support regional monitoring of wildlife to better understand how offshore wind energy development effects distribution and abundance of sensitive species. These monitoring efforts may be committed via regional monitoring organizations or independently by the Proposer (or some combination) upon NYSERDA approval but shall be used to advance the responsible development of the offshore wind energy industry, not necessarily the proposed project.

2.2.6 Site and Environmental Data Transparency

If awarded a contract, Proposers must agree to make publicly available any information or data and supporting metadata that is developed in furtherance of a Project and relates to environmental characteristics, or use by wildlife, of any offshore, nearshore or onshore areas, as well as any data sponsored or developed by a contract awardee relating to the potential impacts of the construction, operation, or decommissioning of a Project on the environment and wildlife of such areas (separately and collectively, "Site and Environmental Data"). Contract awardees will be required to provide NYSERDA, within 90 days of contract execution, a "Data Availability Plan" detailing how Site and

Environmental Data will be made available on an ongoing basis as soon after collection as is practicable for use by third parties in decision making around adaptive management. Data typically classified as proprietary, such as metocean data and geophysical/geotechnical data, will not be considered Site and Environmental Data for purposes of this requirement.

Real- or near real-time reporting of marine mammal sighting and detections may be required and the timing of the availability of other data will be determined through consultations with DOS, DEC or NYSERDA, either individually or as a group. Other environmental data must be made available as soon after collection as is reasonable, on an ongoing and routine basis as appropriate to the collection method and as discussed with DOS, DEC, NYDPS, or NYSERDA, either individually or as a group.

Contract awardees may choose to use existing publicly accessible data repositories and/or developer sponsored websites as venues to host the data and metadata. The intention of this requirement is to allow independent data users the opportunity to develop an understanding of the environmental characteristics of potential offshore wind energy development areas, including areas within which Projects may be located, and to independently assess the impacts of offshore wind energy development on those characteristics in a timely manner. Site and Environmental Data includes information that a contract awardee develops before, during, and after this RFP process, and includes, but is not limited to, information relating to the following topics:

1. Air quality and emissions
2. Water quality
3. Fish and fish habitats
4. Birds and bats
5. Marine mammals and sea turtles
6. Benthic communities

2.2.7 Lighting Controls

If awarded a contract, Proposers must agree to install lighting controls to minimize nighttime visibility. NYSERDA will require that any wind turbines installed by a contract awardee in furtherance of such Contract employ aircraft detection lighting systems (ADLS) in order to meet Federal Aviation Administration obstruction lighting requirements while minimizing lighting-related visual impact and impacts on avian species. In the event that ADLS systems do not meet Federal Aviation Administration Requirements or another technology produces a better outcome, the best available approved technology may be used upon consultation and approval of NYSERDA. Inclusion of ADLS, or an alternative approved by NYSERDA, in a contract awardee's COP submitted to BOEM will also be a requirement of any Contract.

2.2.8 Fisheries Mitigation

Proposers must submit with their Proposal, and subsequently develop and implement a Fisheries Mitigation Plan, further described in Section 6.4.13 and Appendix D.

2.2.9 Environmental Mitigation

Proposers must submit with their Proposal, and subsequently develop and implement an Environmental Mitigation Plan, further described in Section 6.4.14 and Appendix E.

2.2.10 New York State Supplier Opportunity

If awarded a contract, Proposers must agree to provide New York companies with the opportunity to offer to provide goods and services to developers and suppliers of the Project for which there is capability in New York State. Proposer must communicate all opportunities for contracts with an anticipated contract value of \$5 million or greater not already committed at the time of offer submission to New York State companies, including MWBE and SDVOB, registered to the [New York Offshore Wind Supply Chain Database](#) maintained by NYSERDA and provided to contract awardees, except for the provision of goods and services that cannot practically be performed by the New York State supply chain at this time. The opportunity may come from goods or services directly tendered by Proposers or from goods and services tendered by its Major Suppliers.

If selected for an award, Proposer will be required to report on New York State Supplier Opportunity activities as a part of the progress reports to be provided under Section 6.02 of the Agreement.

3 NON-PRICE EVALUATION

3.1 Overview

The Scoring Committee will evaluate Proposals to determine whether they meet each of the eligibility requirements defined in Section 2.1. Proposals that fail to meet these requirements will be ineligible for an award. Proposals that meet the eligibility requirements will be scored and ranked with respect to three components as defined in the Offshore Wind Orders.

NYSERDA will employ a scoring system that weights price and non-price factors, for a total of 100 points, as follow:

1. Project Viability: 10 points – Non-Price Evaluation (Section 3.2)
2. New York Economic Benefits: 20 points – Non-Price Evaluation (Section 3.3)
3. Offer Prices: 70 points – Price Evaluation (Section 4.4)

The Scoring Committee will award points for the non-price evaluation components of each Proposal (Project Viability and New York Economic Benefits).

3.2 Project Viability

The Project Viability evaluation considers a series of factors that demonstrate whether the proposed Project can reasonably be expected to be in service on or before the proposed Commercial Operation Date(s). To maximize the score received under this scoring component, Proposers must provide evidence that Project development plans are sufficiently mature, and technically and logistically feasible, that Proposers have sufficient experience, expertise, and financial resources to execute the development plans in a commercially reasonable and timely manner, and that the Project as proposed can be developed in a manner which is sensitive to ocean users and coastal communities. Consistent with the terms of the Offshore Wind Orders, receipt of a score of zero for Project Viability will render the project unviable overall and result in rejection of the bid.

Specific categories to be evaluated by the Scoring Committee include:

3.2.1 Permitting Plan and Status

Proposers must demonstrate a complete, credible and achievable plan for successfully obtaining necessary permits within the proposed Project milestones. All required federal, regional, state and local permits must be identified, and the status of each permit must be provided. Proposers must also provide information describing the extent to which support or opposition to the Project may materially affect the Project's permitting approval timelines.

3.2.2 Financing Plan

Proposers must demonstrate that they have sufficient scale, financial resources, and insurance for developing the Project, and a credit rating sufficient for Project development. Proposers must demonstrate that they have completed sufficient due diligence regarding the formulation of a credible

project financing plan. A demonstration of recent experience in successfully financing like technology of comparable size and complexity will be viewed favorably.

3.2.3 Developer Experience

Proposers must demonstrate that the development team has sufficient relevant experience and expertise to successfully finance, develop, construct, operate and maintain its Project. Financing, development, and construction experience can be established by demonstrating that principals of the development team have undertaken relevant project management responsibilities, including: (1) successful development, construction, and operation of a similar type of project within or outside of the U.S.; or (2) successful development, construction, and operation of one or more projects of similar size or complexity or requiring similar skill sets, including experience in New York State.

3.2.4 Proposed Technology

Proposers must demonstrate that the technology it proposes to use is technically viable, and that the Primary Components can be procured to meet the required development schedule. Technical viability may be demonstrated by showing that the technology is commercially available, is reasonably expected to be commercially available prior to the commencement of Project construction or has been used successfully on other similar projects in commercial operation within or outside the U.S. The Proposal must also provide a reasonable timeline and plan for procuring the Primary Components from identified suppliers.

3.2.5 Development and Logistics Plan

Proposers must demonstrate the logistical viability of the Project through a construction plan covering the necessary specialized equipment (*e.g.*, vessels), and applicable maritime law (*e.g.*, Jones Act compliance) to complete Project development. Proposer must demonstrate that it has a plan to secure marine terminal facilities necessary for staging and deployment of major components to the Project site.

3.2.6 Interconnection and Delivery

Proposer must provide a detailed plan and a reasonable timeline to complete the interconnection process with NYISO for direct interconnection(s) to the NYCA and, if applicable, for any other interconnecting authority (Regional Transmission Organization, "RTO," or Independent System Operator, "ISO") in an adjacent Control Area, *i.e.*, ISO-NE or PJM. The timeline must be consistent with meeting the overall development schedule and proposed Commercial Operation Date(s). Proposer must detail the status (and results, if applicable) of interconnection application and studies, as further described in Section 6.4.8. In order to evaluate the interconnection status and deliverability of a Project, as stated in Appendix B, Proposer must grant to NYSERDA the right to share with NYISO, adjacent RTOs, and owners of transmission facilities, as applicable, confidential information about any Proposal submitted by the Proposer. Proposer must also authorize NYISO, adjacent RTOs, and owners of transmission facilities, as applicable, to release information to NYSERDA that may otherwise be considered confidential under the relevant rules or policies of such organizations. NYSERDA understands that certain of the confidential information that may be requested from NYISO, adjacent RTOs, and owners of transmission facilities may be deemed to be Critical Energy Infrastructure Information (CEII). NYSERDA will adhere to all requirements with respect to access to and distribution of CEII information as

may be required by NYISO, adjacent RTOs, or owners of transmission facilities. Proposers may be required to cooperate with NYSERDA and to execute waivers or other documentation necessary for NYSERDA to acquire such information from the relevant RTO.

NYSERDA is seeking ORECs from Offshore Wind Generation Facilities that will deliver their energy to an identified Delivery Point within NYCA over the Contract Delivery Term, in accordance with the Electricity Delivery Requirements contained in Article III of the Agreement. Proposers are obligated to demonstrate how this requirement will be satisfied. NYSERDA will not be responsible for any wheeling charges or any other transmission or administrative related cost levied by an adjacent Control Area associated with delivery of energy to the NYCA, other than payment of the contractually determined OREC Price.

Project eligibility requirements do not preclude the option to propose multiple interconnection points in NYCA as may be necessary to reasonably minimize interconnection costs. Proposals must further provide detail regarding the available capacity, at the time of submission, of the proposed Injection Point. Proposals that demonstrate efficient interconnections and that avoid the creation of stranded assets may receive higher project viability scores.

3.2.7 Proposed Commercial Operation Date(s)

Proposer must provide a proposed Commercial Operation Date, or Commercial Operation Dates in the case of a multi-phase Project, accounting for the permitting, financing, interconnection, and other development milestones associated with the Proposal.

The Proposal must demonstrate that the Project can reasonably be permitted, developed, financed, and constructed within the proposed Project schedule. Proposers must submit reasonable milestones that are achievable, thereby placing the Project on an achievable milestone schedule to support the proposed Commercial Operation Date(s). Proposals with an earlier proposed Commercial Operation Date for the first (or only) phase of the Project may receive higher Project Viability scores so long as the Scoring Committee concludes that the proposed Commercial Operation Date is reasonable and is supported by the overall Proposal, including the Project Schedule submitted by Proposers in accordance with Section 6.4.11 of this RFP.

3.2.8 Community Engagement and Prioritizing Disadvantaged Communities

Through this solicitation, NYSERDA seeks to actively support the outcomes envisioned by New York's State's nation-leading climate legislation, the CLCPA, including its target of delivering at least 35 percent of the overall benefits from New York State's climate programs to Disadvantaged Communities. The Proposal must present a reasonable community engagement plan with a thoughtful approach to build Project support and respectfully respond to opposition. Proposers awarded a contract are encouraged to consult with NYSERDA before and during the implementation of their community engagement plans and will be required to update NYSERDA on their community engagement progress and plans in their quarterly progress reports. Thoughtful community engagement plans may include: a description and analysis of affected communities; a plan for regionally targeted education and marketing strategies that include advertisements and/or direct mailings, outreach events and activities such as exhibiting at local events, hosting open houses, and targeted engagement with local community groups. Community

engagement plans should seek to describe how the Proposal offers benefits related to economic development and the creation of local jobs, reduced energy burden, avoided health costs, added climate resiliency, avoided environmental costs/added enviro benefits, low-income and Environmental Justice population participation, avoided social costs. Community engagement plans may also comprise community benefits agreements and opportunities to build not only community opportunity and capacity in regard to the Project's development, construction, and operations but also opportunities to build community equity in a project and where all such community expenditures would constitute eligible economic benefit claims to support a project's evaluation under this RFP (see Section 3.3). Community engagement plans should also demonstrate alignment with the CLCPA and this solicitation's stated prioritization of benefits, including job creation, to Disadvantaged Communities.

3.2.9 Fisheries and Environmental Mitigation Plans

Proposers must provide a fisheries mitigation plan that demonstrates a full understanding of the potential impact of the Offshore Wind Generation Facility on commercial and recreational fishing and provides a feasible plan to mitigate such impacts. Proposers must also provide an environmental mitigation plan that demonstrates an understanding of environmental impacts during construction and operation of the Offshore Wind Generation Facility and provides a feasible plan to mitigate such impacts.

Proposals that use of acoustically "quiet" foundation design or foundation installation technology solutions that reduce acoustic stress to sensitive marine life may receive higher Project Viability scores.

Proposers with a past performance of cultivating productive relationships with stakeholders in the offshore wind industry and demonstrated excellence in development may receive higher Project Viability scores.

3.2.10 Visibility and Viewshed Impacts

Proposers must address a Project's visibility from shore as described in Section 6.4.16, with more stringent approaches expected for Projects proposed to include turbines less than 20 statute miles from the nearest shoreline point.

3.2.11 Energy Resource Assessment

The Proposal must demonstrate the credibility of the energy resource assessment and production profile, sufficient to demonstrate the Project's financeability and to support the purported environmental and reliability benefits.

3.2.12 Carbon Emissions and Embodied Carbon

Through this solicitation, NYSERDA seeks to actively support the outcomes envisioned by New York's State's nation-leading climate legislation, the CLCPA, including its target of reducing greenhouse gas emissions 80% by the year 2050. In doing so, NYSERDA requires that Proposers describe the efforts undertaken by the Proposer to better understand and consider carbon intensity in design, sourcing and construction, and the steps that have been taken to minimize embodied carbon, from the proposed Project. Further, proposals must describe the process by which the Proposer will account for embodied

carbon on an ongoing basis as the project evolves. This could include the sourcing and manufacturing of primary components such as platforms, turbines, cables, and substations, but should also consider associated activities such as construction, Operation & Maintenance (O&M), and decommissioning. This could also include, opportunities to support carbon mitigation efforts in collaboration with New York State manufacturing sources.

3.3 New York Economic Benefits

Inclusion of the New York Economic Benefits evaluation criteria reflects the importance of positive impacts of this OREC procurement on New York State's economy as well as the long-term benefits that a mature, locally-based industry can provide.

In this solicitation, New York is seeking the Incremental Economic Benefits associated with the development of a Proposed offshore wind Project. The Incremental Economic Benefits will be evaluated for purposes of allocating up to a maximum of 20 points. The instructions related to the permissible Incremental Economic Benefits, the narrative description in an Economic Benefits Plan, and quantitative summary in the Offer Data Form can be found in Appendix C.1.

In developing each Proposal's Economic Benefits Plan, Proposers are encouraged to recognize NYSERDA's support of the CLCPA commitments to prioritize benefits to Disadvantaged Communities as described in Section 3.2.8. Such CLCPA commitments to Disadvantaged Communities will therefore be weighted to reflect such prioritization.

In preparing the Economic Benefits Plan, a Proposal will be evaluated based on the Incremental Economic Benefits within the three Categories specified below (and Section 12.01(b) of the Agreement):

- Category 1: Project-specific Economic Benefits not associated with New York State Funding associated with Port Infrastructure Investment Plans;
- Category 2: Project-specific Economic Benefits associated with New York State Funding of Port Infrastructure Investment Plans; and,
- Category 3: Industry Growth Activities that provide opportunities for overall growth (vs. Project-specific expenditures) of the New York offshore wind industry (including supply chain, workforce, and research and development, or other substantive areas that relate to the emerging offshore wind industry in New York State).

For the avoidance of doubt, Proposers should note that the definitions of these Economic Benefits Categories have changed from the Category definitions used in ORECRFP18-1.

In conducting its evaluation, the Scoring Committee will consider the detailed descriptions and supporting documentation associated with each claim provided in the Economic Benefits Plan (Appendix C.1) submitted with the Proposal. For evaluation purposes, additional weight will be attributed by the Scoring Committee to those expenditures that are firm and credible and that create persistent and sustainable institutional and/or worker capabilities in New York State. The Scoring Committee will also recognize and therefore weigh those expenditures that are expected to lower the cost of future offshore wind projects in both New York State and the region.

To facilitate a standardized comparison by the Scoring Committee between Proposals with larger or smaller Offer Capacities, for Categories 1 and 2 the total of such adjusted claimed expenditures will be unitized by dividing each Proposal's eligible claims by the Offer Capacity set forth in the Proposal.

In Category 3, Proposals will be assessed on the scale of the likely impact of the proposed activities and the firmness of the commitments. Proposals will be scored on the number, range, maturity, firmness, and credibility of the commitments being made and the magnitude of the potential benefits. In awarding points in Category 3, the Scoring Committee will consider the:

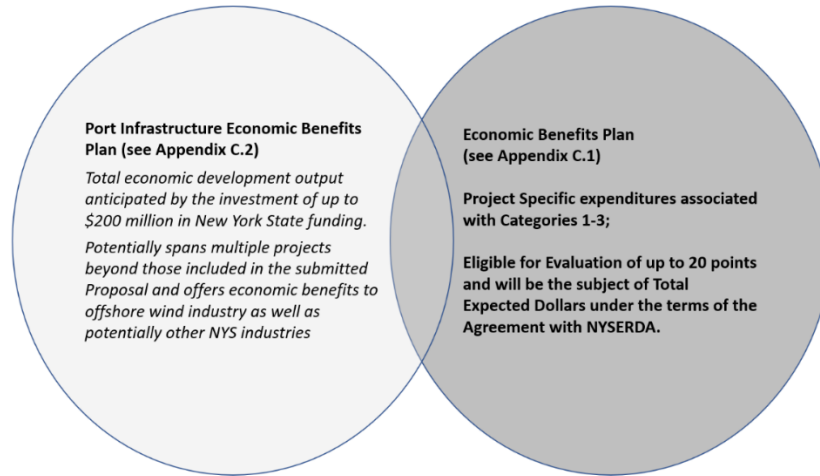
1. nature, quantity and importance of the proposed claims;
2. effectiveness of the approach to developing the proposed claims;
3. supporting documentation to substantiate the nature, firmness and maturity of the commitments, including, for example, letters of support, memoranda of understanding, letters of intent, option agreements, or binding contracts.

Consistent with the Eligibility terms described in Section 2, this solicitation seeks to incentivize key enabling investments in port infrastructure in New York State related to offshore wind. NYSERDA recognizes that a Proposer will, through direct investment, utilize the resultant port infrastructure directly in service of their proposed Project. As described in Appendix C.2, NYSERDA recognizes that the economic development potential of a port may extend beyond supporting any single Project. Similarly to the Economic Benefits categories stated above, the Incremental Economic Benefits associated with the Port Infrastructure Investment Plan are separated into two Categories:

- Category 1P: Project-specific Economic Benefits associated with New York State Funding of the Port Infrastructure Investment Plan (included within Category 2 of the Proposal's Economic Benefits Plan)
- Category 2P: Non-Project-specific Economic Benefits associated with New York State Funding of the Port Infrastructure Investment Plan

Where the Port Infrastructure Investment Plan of any Proposal reflects an Eligible Port facility's long-term value to the industry and to New York State, only those Incremental Economic Benefits associated with the proposed Project are eligible for inclusion in a Proposal's Economic Benefit Plan. For clarity sake, only the Incremental Economic Benefits of the Port Infrastructure Investment Plan that are specific to the proposed Project (Category 1P) will be considered as part of the allocation of up to 20 points in the Proposal's evaluation. Those economic benefits that may be realized from the indicated port's support of future projects (Category 2P) will not be used for the allocation of Economic Benefit points under this current RFP (see Figure 1).

Figure 1: Venn Diagram of Economic Benefits contemplated within ORECRFP20-1



4 OFFER PRICING STRUCTURE AND PRICE EVALUATION

The offer price required for each Proposal must conform to either the Index OREC or Fixed OREC pricing structure, consistent with Section 2.1.3. Under both pricing structures, the Proposer will submit a level nominal offer price.

The pricing structure offered in the Proposal, whether the Index OREC or the Fixed OREC, shall remain the Applicable OREC Price Method for the entire Contract Delivery Term unless and until such Index OREC Price is invalidated, as further described in Section 4.01 of the Agreement.

4.1 OREC Products Pricing

4.1.1 Fixed OREC Pricing

Under the Fixed OREC pricing structure, the Monthly OREC Price is equal to the Fixed OREC Price.

$$\text{Monthly OREC Price} = OP^{\text{Fixed}}$$

where:

$$OP^{\text{Fixed}} = \text{Fixed OREC Price (\$/MWh)}$$

4.1.2 Index OREC Pricing

Under the Index OREC pricing structure, the Monthly OREC Price varies monthly during the Contract Delivery Term and is calculated according the following equation:

$$\text{Monthly OREC Price} = OSP^{\text{Index}} - REP - RCP$$

where:

$$OSP^{\text{Index}} = \text{Index OREC Strike Price (\$/MWh)}$$

$$REP = \text{Reference Energy Price (\$/MWh)}$$

$$RCP = \text{Reference Capacity Price (\$/MWh)}$$

NYSERDA will calculate the Reference Energy Price and Reference Capacity Price for each month according to Section 4.03 of the Agreement. The Monthly OREC Price will be calculated during a settlement period following the conclusion of each month according to Section 4.04 of the Agreement.

The calculation of each month's Reference Capacity Price will be based on a Reference UCAP Price, as defined in Section 4.03 of the Agreement. The Reference UCAP Price is converted to its \$/MWh equivalent, the Reference Capacity Price, through the following equation:

$$RCP = \frac{RUP \times UPF \times IC \times 1,000}{MDE}$$

where:

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

UPF = UCAP Production Factor (decimal fraction)

IC = Installed capacity (ICAP) of the generator (MW)⁶

MDE = Metered delivered energy

1,000 = kW to MW conversion factor

The UCAP Production Factor multiplied by the Project's installed capacity is a proxy for the NYISO UCAP in MW. The UCAP Production Factor will be specified separately for a Winter Capability Period (November through April) and a Summer Capability Period (May through October). A default UCAP Production Factor of 38% for both capability periods may be used, consistent with current guidance from the NYISO's Installed Capacity Manual.⁷ Proposers have the option to replace these default values with Proposal-specific UCAP Production Factors that shall be constant throughout the Contract Delivery Term. Any winter and summer UCAP Production Factor values between 0 and 1 are allowed.

4.2 Settlement Mechanism

To calculate the amount payable to Seller, the Monthly OREC Price will be multiplied by the number of ORECs produced from Actual Eligible Production in the prior month and delivered into NYSERDA's NYGATS account. These payments will be calculated after the close of each calendar month during the Contract Delivery Term. During each month's settlement period, NYSERDA will only purchase ORECs such that the cumulative ORECs purchased in the active Contract Year do not exceed the Annual OREC Cap. The Annual OREC Cap is 1.1 multiplied by the P10 Annual Exceedance Estimate, which may be adjusted prior to Commercial Operation, per Section 2.01(e) of the Agreement.

In the case of a negative Monthly OREC Price, the associated payment from Seller to NYESRDA will not be cash-settled on a month-by-month basis. Instead, the amount owed from Seller to NYSERDA will accrue as a debit to be deducted from each subsequent monthly payment until fully recovered. If, due to sustained negative OREC prices, any such debit goes unrecovered for twelve months, Seller shall pay the unrecovered amount to NYSERDA in cash as described in Section 4.05 of the Agreement.

4.3 Offer Price Evaluation Metric

The offer pricing evaluation will be conducted by NYSERDA and NYSERDA Consultants. A quantitative method will be applied to all offers in order to screen and rank the pricing offers using a uniform cost metric. For evaluation purposes, each Index OREC Strike Price and Fixed OREC Price offer will be converted to a Levelized Net OREC Cost (LNOC) in base year \$/MWh. The LNOC price measure allows for an equitable comparison among Proposals with different expected OREC quantities over time.

⁶ Offer Capacity for evaluation purposes, Operational Installed Capacity for settlement purposes.

⁷ NYISO Installed Capacity Manual, published February 2020.

https://www.nyiso.com/documents/20142/2923301/icap_mnl.pdf/234db95c-9a91-66fe-7306-2900ef905338

The LNOC for Proposal p using pricing structure s is the quotient of the cumulative present value of the annual net OREC costs for each calendar year over the proposed Contract Tenor, divided by the cumulative present value of the projected annual number of ORECs produced from Actual Eligible Production over the same calendar years. The annual quantities are discounted at a real discount rate. The resulting quotient is expressed in base year dollars per OREC or MWh.

$$LNOC_p = PVNOC_p / PVOQ_p$$

where:

$PVNOC_{p,Fixed}$ = PV of Net OREC Cost for Proposal p , pricing structure Fixed (\$ PV)

$$= \sum_{y=COD_p}^{y=COD_p+CT_p} \left\{ \sum_{m=1}^{m=12} OP_{p,m,y}^{Fixed} \times OQ_{p,m,y} \right\} \div (1 + NDR)^{(y-Y_b)}$$

$PVNOC_{p,Index}$ = PV of Net OREC Cost for Proposal p , pricing structure Index (\$ PV)

$$= \sum_{y=COD_p}^{y=COD_p+CT_p} \left\{ \sum_{m=1}^{m=12} (OSP_{p,m,y}^{Index} - RPE_{m,y}^{Pred} - RPC_{m,y}^{Pred}) \times OQ_{p,m,y} \right\} \div (1 + NDR)^{(y-Y_b)}$$

$PVOQ_p$ = PV of OREC delivery quantities for Proposal p (MWh)

$$= \sum_{y=COD_p}^{y=COD_p+CT_p} \left\{ \sum_{m=1}^{m=12} OQ_{p,m,y} \right\} \div (1 + RDR)^{(y-Y_b)}$$

$OQ_{p,m,y}$ = OREC delivery quantity for Proposal p applicable to month m of calendar year y (OREC or MWh)

$RPE_{m,y}^{Pred}$ = Predicted Reference Energy Price index for month m in calendar year y (nominal \$/MWh)

$RPC_{m,y}^{Pred}$ = Predicted Reference Capacity Price index for month m in calendar year y (nominal \$/MWh)

COD_p = Calendar year associated with the expected Contract Delivery Term commencement date for Proposal p (for multi-phase Projects, this calculation will be applied to each phase)

CT_p = Contract Tenor for Proposal p

NDR = Nominal Discount Rate (decimal)

INF = Inflation Rate (decimal)

$RDR = (1 + NDR) / (1 + INF) - 1$ = Real Discount Rate

Y_b = Base year for cost and PV

A nominal discount rate of 6.14%⁸ per year and a long-term inflation rate assumption of 2.0% per year will be used in the LNOC calculation procedure.

For price evaluation purposes only, regardless of the Proposal's proposed Commercial Operation Date, all phases of all Proposals will be evaluated with a Contract Delivery Term commencement year of 2026, and therefore a COD_p of 2026.

For the Index OREC pricing structure, strike prices will be converted into expected annual OREC values by subtracting a forecast of expected Reference Energy Prices and Reference Capacity Prices from the strike prices, based on NYSERDA's forecasts of energy and capacity prices. Neither the price forecasts nor details of the modeling procedures will be disclosed to Proposers.

4.4 Offer Price Scoring

For purposes of cost containment, Benchmark LNOCs will be derived for both the Index OREC and the Fixed OREC. NYSERDA will employ Benchmark LNOCs in the offer evaluation process that support the consideration of and potential disqualification for award of all Proposals that exceed the applicable Benchmark LNOC. For purposes of this procurement, the Benchmark LNOC is synonymous with the "Maximum Acceptable Offer Price Metric" used in NYSERDA's Tier 1 RES procurements. The calculation method will materially differ, however. NYSERDA retains the right to reject any and all project Proposals that exceed the applicable Benchmark LNOC. Use of the Benchmark LNOCs will support a reasonable balance between encouraging investment in new offshore wind projects and protecting ratepayer interests from the incurrence of any deadweight costs associated with accepting a Proposal at any price.

In deriving the Benchmark LNOCs, NYSERDA will, in particular, account for the price results in recent procurements held in New England. A number of additional considerations will be factored into the derivation of the Benchmark LNOCs. Either positive or negative, such additional considerations may include: different hedge efficiency attributes related to the PPA structure used in New England versus the Index or Fixed OREC structure; geotechnical and physical considerations; local spend considerations in New York State, including labor; transmission interconnection and deliverability criteria; the market value of energy and/or capacity; environmental mitigation costs; Project size; and Project timing. In formulating benchmark prices, NYSERDA may add or subtract from the list of additional cost considerations.

Proposals with a Fixed or Index LNOC higher than the applicable Benchmark LNOC will not be eligible for an award. NYSERDA has the authority to reject any or all Proposals, at any time, taking into account not only the Benchmark LNOCs but also recent auctions and market conditions.

Eligible Proposals with a Fixed or Index LNOC below the applicable Benchmark LNOC will have their LNOC values converted into points. The Proposal with the lowest LNOC will receive the maximum 70-point score and higher LNOC offers will receive lower scores. NYSERDA will implement a method that

⁸ 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.

ensures that the scores of Proposals with higher LNOCs are sufficiently dispersed below the maximum of 70 points such that the final score that aggregates price, viability, and economic benefits retains the intended scoring emphasis on price to the maximum reasonable extent.

5 PRELIMINARY RANKING, PORTFOLIO EVALUATION, AND FINAL AWARD GROUP

5.1 Preliminary Rank Order

5.1.1 Preliminary Rank Order for Required Base Proposal and Alternate Proposals

Where the Required Base Proposal and the Alternate Proposals all must include a Port Infrastructure Investment Plan, these projects will be compared in the Preliminary Rank Order. Based upon the terms of evaluation detailed in Sections 3 and 4 of this RFP, the calculated scores for the Project Viability, New York Economic Benefits, and Offer Pricing components of the Proposal scoring system will be summed. The Proposals will then be ranked by their total scores as a preliminary step in selection.

5.1.2 Preliminary Rank Order for Required Standalone Proposal

To ensure comparison of like Proposals, NYSEDA will segregate the Required Standalone Proposal from each Proposers to comprise a secondary tier of Proposals that, as described in Section 2.1.3, will only be considered for award if New York State has fulfilled its goal of port infrastructure investment through award(s) to another Proposal(s) through this Procurement.

For clarity, the Required Standalone Proposals will be evaluated subject to the terms of Sections 3 and 4 of this RFP, excluding those elements that pertain to the evaluation of Port Infrastructure Investment Plans.

5.2 Portfolio Evaluation; Consideration of Commission Objectives

In its Offshore Wind Orders the Commission identified many potential benefits for this initiative beyond its contribution to the achievement of the CES mandate and the reduction of greenhouse gas emissions. The Offshore Wind Orders also recognize that award decisions may be influenced by portfolio considerations including but not limited to diversity, economy of scale and market competition.

Given the integrated priorities of this solicitation, namely to procure at least 1,000 MW of offshore wind capacity and to maximize port infrastructure development, the portfolio evaluation under this solicitation must seek to ensure and maximize the effective and practicable combinations of New York State Funding and project capacity to maximize the resultant economic benefits for New York State.

In optimization of these integrated goals, NYSEDA may elect to:

- i. leverage potential incremental funding beyond the \$200 million of New York State Funding in the form of NY Green Bank Financing as a supplemental source to support a Proposal's request for New York State Assisted Financing; where any NY Green Bank Financing will be evaluated in accordance with the same criteria as New York State Assisted Financing/the criteria set forth in Section C.2.E of Appendix C.2; and/or
- ii. select a supplemental generation project from the Required Standalone Proposals based upon their Preliminary Rank Order per Section 5.1.2.

In making awards NYSEDA may furthermore consider the following program policy factors:

- The efficient utilization of key transmission points of interconnection and project selections that will promote the cost-efficient integration of 9 gigawatts of offshore wind;
- Reliability and geographic benefits and/or costs in the NYCA, and the reduction of execution risk through diversity;
- Public health benefits of reducing local air contaminants by displacing fossil generation in downstate New York;
- Secondary economic benefits in addition to those represented in the quantification of Incremental Economic Benefits, including those provided by indirect jobs and new and increased tax payments;
- Potential for visual, environmental and economic impacts and benefits, including the potential for a new source of coastal tourism;
- Competitive benefits of two or more smaller Projects versus the potential scale economy anticipated with a single large Project;
- Economic and environmental tradeoffs related to accelerated fulfillment of the CLCPA's 9,000 MW offshore wind procurement goal earlier versus the potential OREC cost reduction in future procurements due to technology progress, offshore wind transmission infrastructure development, and supply chain efficiencies serving New York.

Proposers are encouraged to address the above program policy factors in their Proposals to the extent applicable.

5.3 Award Group

The initial award group will be comprised of the Proposal(s) that demonstrate the most valuable contribution(s) in achieving the stated goals of this solicitation. As granted by the Offshore Wind Orders, the portfolio, timing, and balancing of benefits considerations and the conformance of the Project(s) with the Commission's objectives will be components of NYSERDA's judgment in determining the initial award group.

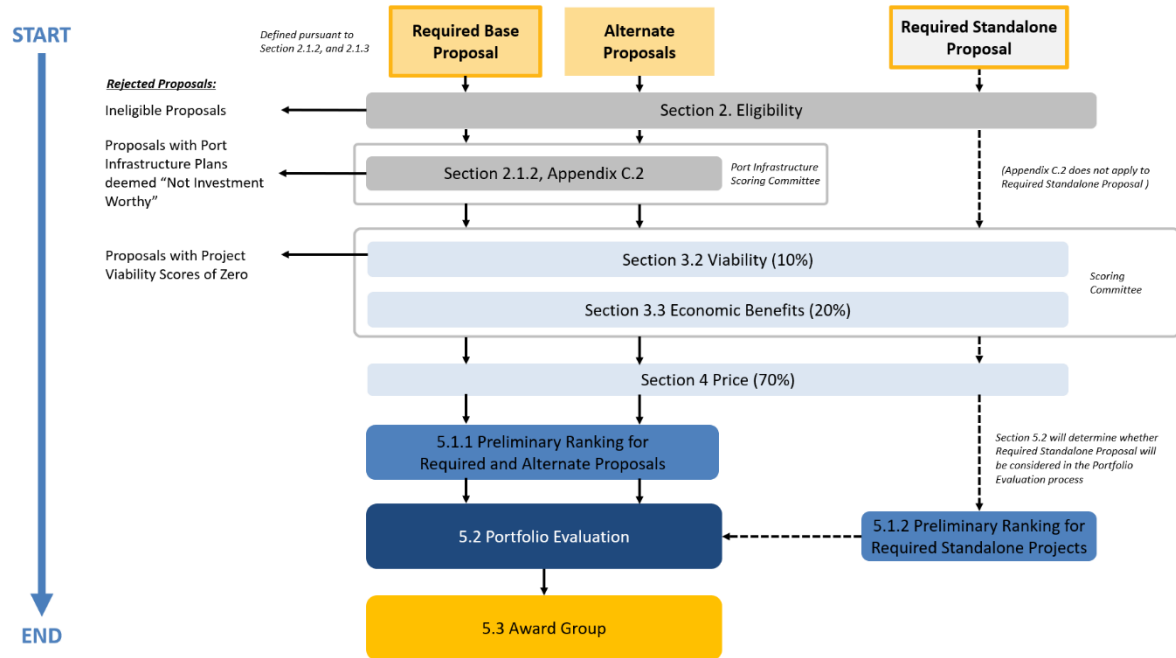
NYSERDA will notify the initial awardees by both voice and written communication. The date upon which NYSERDA provides such written notification shall be the initial Award Notification Date.

Selection for an initial award does not give the Proposer any legal right or entitlement. Once selected for initial award, Proposers must negotiate a final version of the Agreement with NYSERDA. See Sections 6.6 and 7. NYSERDA also reserves the right to solicit revised Offer Prices and/or to make counteroffers as it deems appropriate. In such case NYSERDA will provide notice by voice communication and email to Proposer's Authorized Agent(s), as identified on the Proposal. Proposer's Designated Agent(s) must be authorized to respond and to commit to counteroffers on behalf of Proposer.

NYSERDA may also establish a waitlist of Proposals beyond those Projects offered an initial award. Proposals represent offers to contract and must remain open for a period of at least 180 days from the Deadline for Submission of Proposals indicated in Section 1.3.

The foregoing evaluation process is summarized in Figure 2 below.

Figure 2: ORECRFP20-1 Evaluation Process



NYSDA RESERVES THE RIGHT TO REJECT OR ACCEPT ANY OR ALL PROPOSALS.

6 INSTRUCTIONS TO PROPOSERS

6.1 Preparation of Proposals

Each Proposer shall have sole responsibility for reviewing this RFP and all attachments hereto and for investigating and informing itself with respect to all matters pertinent to this RFP, including the [NYGATS Operating Rules](#) and NYISO's Open Access Transmission Tariff (OATT) and market rules, and those of the control area into which the Project may interconnect.

Proposers should rely only on information provided in this RFP and any associated written updates posted on the on the [NYSERDA Offshore Wind 2020 Solicitation website](#) when preparing their Proposals. Each Proposer shall be solely responsible for and shall bear all of its costs incurred in the preparation of its Proposal and/or its participation in this RFP. Submission of Proposals including confidential information shall be filed in accordance with Section 6.2.2 of this RFP.

6.2 Organization and Submission of the Proposal(s)

6.2.1 Organization of the Submission

Proposers are required to organize their Proposals consistent with the instructions provided herein. Each Submission, which includes the Required Base Proposal and any Alternate Proposals, must include the following separate files:

1. **Master Offers Form**, a provided Excel workbook template, calculates the Proposal Fee, includes framework for providing Proposal summary information and identifies mapping of submitted files to Proposals common Project descriptive information and a list of one or more Offer Data Form files. Must be submitted as a working Excel file. Only one Master Offers Form can be included in the Submission.
2. **Offer Data Form**, a provided Excel workbook template, contains pricing, technical, and operational information for the proposed Offshore Wind Generation Facility, and claimed Incremental Economic Benefits of the Project. The Offer Data Form allows separate pricing to be submitted for each of the Contract Tenors. Must be submitted as a working Excel file. At least two Offer Data Forms must be included in the Submission, one for the Required Base Proposal and one for the Required Standalone Proposal. An additional Offer Data Form must be submitted for each Alternate Proposal.
3. **Port Infrastructure Investment Plan Data Form**, a provided Excel workbook template, contains funding request / financing plan, project financial model, including sources and uses of funds, key assumptions and financial projections through a duration at least equal to the requested term of New York State Funding, proposed financing terms, budget, economic benefits, and construction schedule information for an Eligible Port in alignment with the corresponding Proposal Infrastructure Investment Plan. Must be submitted as a working Excel file. At least one Port Infrastructure Investment Plan Data Form must be included in the Submission. A Port

Infrastructure Investment Plan Data Form must be included in the Submission for each Port Infrastructure Investment Plan included in the submission.

4. **Proposal Narrative**, a description of the proposed Project including the Offshore Wind Generation Facility, information required to demonstrate the eligibility, viability, claimed Incremental Economic Benefits of the Project, and other relevant information and supporting documentation required to evaluate the Proposal. The organization and contents of the Proposal Narrative *must* be organized in the order presented in Section 6.4, with section numbers that correspond to the numeration in Section 6.4, *e.g.*, the Executive Summary must be Section 1 of the Proposal, and must include the following appendices as discrete, required files, named in accordance with the conventions established in Appendix J. Each Proposal Narrative file and attachment, unless otherwise noted, must be submitted as a fully searchable PDF file with numbered pages. Only one Proposal Narrative, inclusive of all Proposals offered, can be submitted. The Submission must include both Confidential and Public versions of the Proposal Narrative.

- 4.1. **Wind Resource Data** (see Section 6.4.5)

Must be submitted as a working Excel file. At least one Wind Resource Data attachment must be included in the Submission. Additional attachments may be provided if the Wind Resource Data varies between Proposals.

- 4.2. **Financing Plan** (see Section 6.4.7)

At least one Financing Plan attachment must be included in the Submission. Additional attachments may be provided if the Financing Plan varies between Proposals.

- 4.3. **Interconnection and Deliverability Plan** (see Section 6.4.8)

At least one Interconnection and Deliverability Plan attachment must be included in the Submission. Additional attachments may be provided if the Interconnection and Deliverability Plan varies between Proposals.

- 4.4. **Fisheries Mitigation Plan** (see Section 6.4.13 and Appendix D)

At least one Fisheries Mitigation Plan attachment must be included in the Submission. Additional attachments may be provided if the Fisheries Mitigation Plan varies between Proposals. The Submission must include both Confidential and Public versions of each Fisheries Mitigation Plan attachment.

- 4.5. **Environmental Mitigation Plan** (see Section 6.4.14 and Appendix E)

At least one Environmental Mitigation Plan attachment must be included in the Submission. Additional attachments may be provided if the Environmental Mitigation Plan varies between Proposals. The Submission must include both Confidential and Public versions of each Environmental Mitigation Plan attachment.

- 4.6. **Letters of Support for the Proposal** (see Section 6.4.15)

At least one Letters of Support for the Proposal attachment must be included in the

Submission. Additional attachments may be provided if the Letters of Support for the Proposal vary between Proposals.

4.7. Economic Benefits Plan (see Appendix C.1)

At least one Economic Benefits Plan attachment must be included in the Submission. Additional attachments may be provided if the Economic Benefits Plan varies between Proposals.

4.8. Port Infrastructure Investment Plan (see Appendix C.2)

At least one Port Infrastructure Investment Plan attachment must be included in the Submission. A Port Infrastructure Investment Plan must be included in the Submission for each Port Infrastructure Investment Plan Data Form included in the submission.

5. **Proposer Certification Form**, a form (Appendix B) that must be signed by Proposer's authorized representative to certify the validity of the offer and attest to other representations. Only one Proposer Certification Form can be included in the Submission.

Proposers may also submit an unlimited number of supporting attachments (each file size capped at 100MB) to provide information or studies related to the Proposal. Each attachment must be a fully searchable PDF file.

A separate Offer Data Form must be submitted for each Proposal. To the extent that other items from the above list of required files are different than the file submitted for the Required Base Proposal, additional versions of each should be attached. The Master Offers Form must be comprehensive of all submitted Proposals and offer insight into the organization of the entire Submission to facilitate its complete review and any distinguishing factors between individual Proposals. To the extent that a required file or attachment is applicable to more than one submitted Proposal, the Master Offers Form will allow this to be indicated in order to avoid multiple submissions of the same file. A Proposer may submit the same marked up Agreement for all Proposals, or a Proposer may submit separate marked up Agreements for each Proposal if there are reasons for material differences.

6.2.2 Submission Instructions

NYSERDA uses a secure Salesforce site to accept Proposal submissions.

To use this site, Proposers must first [register](#) to the Salesforce Portal at:

https://portal.nyserda.ny.gov/Core_Registration_Page?programName=Offshore_Wind.

For detailed instructions toward submission and interfaces with this site refer to Appendix J, Proposal Submission Guide. Proposers must submit two versions for each Proposal: a complete, unredacted version of the Proposal and a public version of the Proposal Narrative, as described below. Both versions of the Proposal must be uploaded to NYSERDA's secure Salesforce site at:

<https://portal.nyserda.ny.gov/login>.

Technical support for NYSDERDA's Salesforce application may be reached by emailing offshorewind@nyserda.ny.gov. Proposers are encouraged to submit their files as early as possible to avoid bandwidth issues with simultaneous uploads to NYSDERDA's Salesforce application.

Only fully searchable files will be accepted under this RFP.

6.2.2.1 Confidential Version of Proposals

A Proposer must submit an unredacted complete version of the Proposal(s). The confidential version of the Proposal must include the Master Offers Form, Offer Data Form and Port Infrastructure Investment Plan Data Form working Excel files, with all required information included. The Proposal Narrative and all required attachments must be submitted as searchable PDF files, with the exception of the Wind Resource Data, which must be submitted as a working Excel file. The confidential version of the Proposal will be treated as confidential and sensitive information by the Scoring Committee, subject to the treatment of confidential information discussed in Section 8.1 of this RFP.

6.2.2.2 Public Version of Proposal Narrative

The Proposal Narrative, each Fisheries Mitigation Plan, and each Environmental Mitigation Plan must be also submitted to NYSDERDA in a version that can be made publicly available as a searchable PDF file. The public version must include descriptive information on all categories described in Section 6.4, but Proposers may redact information where there is a reasonable basis to assert that Proposer would be commercially harmed as a result of the disclosure of such information. See Section 8.1.

This public versions of the Proposal Narrative, Fisheries Mitigation Plan(s) and Environmental Mitigation Plan(s) will be posted on [the NYSDERDA Offshore Wind 2020 Solicitation website](#) shortly after the Proposal submittal deadline. The file name of the submitted file should include the word "Public" as noted in Section J.4.3 of Appendix J. NYSDERDA will not further redact the public versions of Proposal Narrative and Mitigation Plans. Anything submitted in the public versions will be made available to the public.

6.3 Offer Data Forms

The Master Offers Form, Offer Data Form (ODF) and Port Infrastructure Investment Plan Data Form (PIIPDF) documents are Microsoft Excel workbooks that can be downloaded from the [NYSDERDA Offshore Wind 2020 Solicitation website](#). Each Proposer must submit a single Master Offers Form. A separate ODF is required for the Required Base Proposal, Required Standalone Proposal and each Alternate Proposal. Contract Tenor alternatives for Proposals with the same non-price aspects are included within a single ODF document. A separate PIIPDF is required for each Port Infrastructure Investment Plan. Instructions for completion are included in each form.

6.3.1 Master Offers Form

The Master Offers Form (Appendix H) has three parts, listed below, and a User Guide. If Proposer provides information within other submitted documents that conflicts with the information provided in the Master Offers Form, the ODF, Proposal Narrative, or PIIPDF shall be considered to contain the governing and binding information for both the evaluation and any resulting contract offer.

Part I Proposal Fee Calculation

Proposer name, Proposer ID, Offshore Wind Generation Facility, BOEM renewable energy lease number, list of Port Infrastructure Investment Plans included in the Submission, list of Proposals included in the Submission.

Part II Quantitative Summary of Proposals

Enter summary information about each Proposal from the Proposal Narrative (distance from shore, foundation technology, turbine model) and ODF (injection point control area, injection substation, anticipated Commercial Operation Date for the first (or only) phase, number of phases, pricing structure, offer price(s), total Economic Benefits by Category).

Part III Submission Map

List of all files included in Submission, including file category (*e.g.*, Offer Data Form, Proposal Narrative, Port Infrastructure Investment Plan, Economic Benefits Plan, Interconnection and Deliverability Plan, Fisheries Mitigation Plan, *etc.*), file name, and the Proposals to which each file applies. The Submission Map should offer clarity to NYSERDA of any individual files that service multiple Proposals (*e.g.*, a Fisheries Mitigation Plan that is common throughout) and/or where specific files are applicable only to certain Proposals. For Submission files that represent additional supporting information beyond the required file types, a description of each file is required.

6.3.2 Offer Data Form

The ODF (Appendix G) has six parts, listed below, and a User Guide. If Proposer provides information in other sections of its Proposal(s) that conflicts with the information provided in the ODF, the ODF shall be considered to contain the governing and binding information for both the evaluation and any resulting contract offer.

Part I Identification Worksheet

Proposer name, Offshore Wind Generation Facility name, BOEM renewable energy lease number, unique Proposal name (if not the Required Base Proposal or Required Standalone Proposal), pricing structure, Offer Capacity, number of phases in which Offer Capacity will enter Commercial Operation, Injection Point control area, identification of associated Port Infrastructure Investment Plans by PIIP ID, name,, and total New York State Funding (each Proposal except the Required Standalone Proposal must include \$100 million to \$200 million).

Part II Project Definition Worksheet

The expected Commercial Operation Date and capacity of each phase, the P10 Annual OREC Exceedance value, the summer and winter UCAP production factors, and Injection Point and Delivery Point descriptive information.

Part III Expected Performance Worksheet

Table III-1. P50 Generation (before outages and land-based transmission and curtailment losses) as a fraction of installed capacity by month and hour of day.

Table III-2. Delivered energy as a fraction of P50 Generation by month and calendar year.

Part IV Pricing Worksheet

Offer level nominal Strike Prices (if Index OREC) or Prices (if Fixed OREC) for each Contract Tenor selected. Up to two pricing offers can be submitted in each ODF, for the 25- and 20-year Contract Tenors. The ODF for the Required Base Proposal must include an offer for the 25-year Contract Tenor.

Part V Economic Benefits Worksheets (See 6.4.17 and Appendix C.1)

Each line item listed in Tables V-1, V-2 and V-3 must be cross-referenced in the Economic Benefits Plan using the template provided in Appendix C.1.

Table V-1. Incremental Economic Benefits Category 1, Project-specific Economic Benefits not associated with New York State Funding associated with Port Infrastructure Investment Plans. Data are entered by ID number, including Project phase (development, construction or operation), time period (through third year of Commercial Operation or remainder of Contract Delivery Period), first calendar year and last calendar year in which the benefit is expected to accrue, description, and the net expenditures (stated in nominal dollars), and/or short-term and long-term direct job creation (stated in both unique jobs and FTE-years) in New York State.

Table V-2. Incremental Economic Benefits Category 2, Project-specific Economic Benefits associated with New York State Funding of Port Infrastructure Investment Plans. Data are entered by ID number, including Project phase (development, construction or operation), time period (through third year of Commercial Operation or remainder of Contract Delivery Period), first calendar year and last calendar year in which the benefit is expected to accrue, description, and the net expenditures (stated in nominal dollars), and/or short-term and long-term direct job creation (stated in both unique jobs and FTE-years) in New York State. The entries in Table V-2 must be consistent with the entries in Table II-1P for the PIIPDFs that are applicable to the Proposal that the ODF represents.

Table V-3. Incremental Economic Benefits Category 3, Industry Growth Activities. Data are entered by ID number, including time period (through third year of Commercial Operation or remainder of Contract Delivery Period), first calendar and last calendar year in which the benefit is expected to accrue, description, Proposer's planned measurement metric and quantity of the input activity.

Part VI Summary of Annual Economic Benefits

Economic Benefits entries from Category 1 (Table V-1) and Category 2 (Table V-2) re-stated on an annual total basis based on the years in which the benefits are expected to accrue.

6.3.3 Port Infrastructure Investment Plan Data Form

Each Port Infrastructure Investment Plan must be accompanied by at least one PIIPDF (Appendix I). The PIIPDF has seven parts, listed below, and a User Guide. If the Proposer provides information in the narrative Port Infrastructure Investment Plan that conflicts with the information provided in the PIIPDF, the PIIPDF shall be considered to contain the governing and binding information for both the evaluation and any resulting contract offer. In the case of conflicting information between the ODF and PIIPDF, the ODF shall govern.

Part I Identification and Financial Model

Proposer name, Offshore Wind Generation Facility name, Eligible Port, port use (manufacturing, staging, O&M support or other), Port Infrastructure Investment Plan name, PIIP ID, and the proposed private funding sources.

Part II Economic Benefits

Each line item listed in Tables II-1P and II-2P must be cross-referenced in the Port Infrastructure Investment Plan using the template provided in Appendix C.2.

Table II-1P. Incremental Economic Benefits Category 1P, Project-specific Economic Benefits associated with New York State Funding of Port Infrastructure Investment Plan. Data are entered by ID number, including Project phase (development, construction or operation), time period (through third year of Commercial Operation or remainder of Contract Delivery Period), first calendar and last calendar year in which the benefit is expected to accrue, description, and the net expenditures (stated in nominal dollars), and/or short-term and long-term direct job creation (stated in both unique jobs and FTE-years) in New York State. The entries in Table II-1P must be consistent with the entries in Table V-2 of the ODFs for the Proposals to which the PIIPDF is applicable.

Table II-2P. Incremental Economic Benefits Category 2P, Non-Project-specific Economic Benefits associated with New York State Funding of the Port Infrastructure Investment Plan. Data are entered by ID number, including description, first calendar and last calendar year (up to 2060) in which the benefit is expected to accrue, and the net expenditures (stated in nominal dollars), and/or short-term and long-term direct job creation (stated in both unique jobs and FTE-years) in New York State.

Part III Summary of Annual Economic Benefits

Economic Benefits entries from Category 1P (Table II-1P) and Category 2P (Table II-2P) re-stated on an annual total basis based on the years in which the benefits are expected to accrue.

Part IV Budget and Identification of Eligible Expenses

Enter line items associated with capital expenditures for the proposed Port Infrastructure Investment Plan in nominal dollars in the period (calendar month) in which each expense is expected to be incurred. Operational expenses are not included.

Part V Schedule

Enter key milestones in the development and construction of the proposed Port Infrastructure.

Part VI Proposed Reimbursement-Based Grant Funding Terms

Enter requested terms for the grant funding component of the proposed Port Infrastructure Investment.

Part VII Proposed New York State Assisted Financing Terms

Enter requested terms for the New York State assisted financing component of the proposed Port Infrastructure Investment.

6.4 Proposal Narrative

Only one Proposal Narrative can be included in the Submission, with both confidential and public versions. Each section of the Proposal Narrative must therefore address all Proposals included in the Submission and the variations among them.

6.4.1 Executive Summary

Proposers are required to provide an executive summary that documents the eligibility of the proposed Offshore Wind Generation Facility, and the array of Proposals included in the Submission, including the proposed Contract Tenor(s), the overall Project schedule(s) including expected Commercial Operation Date(s), and other factors Proposers deem to be important.

6.4.2 Impacts of COVID-19 on Proposer and Project Development

Proposers are required to describe how the COVID-19 pandemic has affected their business operations, the process of developing the Project, and the content of the Submission. For the avoidance of doubt, the content of this section of the Proposal Narrative is informational only and will not affect the Project Viability scoring of any of the submitted Proposals.

6.4.3 Proposer Experience

Proposers are required to demonstrate project experience and management capability to successfully develop and operate the Project proposed. NYSERDA is interested in Project Teams that have demonstrated success in developing generating facilities of similar size and complexity and can demonstrate an ability to work together effectively to bring the Project to commercial operation in a timely fashion. Proposers are required to provide the following information with their Proposal:

1. An organizational chart for the Project that lists the Project participants and identifies the corporate structure, including general and limited partners.

2. Statements that list the specific experience of Proposers and each of the Project participants (including, when applicable, Proposers, partners, and proposed contractors), in developing, financing, owning, and operating generating and transmission facilities, other projects of similar type, size and technology, and any evidence that the Project participants have worked jointly on other projects.
3. A management chart that lists the key personnel dedicated to this Project and resumes of the key personnel. Key personnel of Proposer's development team having substantial Project management responsibilities must have:
 - a. Successfully developed and/or operated one or more projects of similar size or complexity or requiring similar skill sets; and
 - b. Experience in financing power generation projects (or have the financial means to finance the Project on Proposer's balance sheet).
4. A listing of projects the Project sponsor has successfully developed or that are currently under construction. Provide the following information for each project as part of the response:
 - a. Name of the project
 - b. Location of the project
 - c. Project type, size and technology
 - d. Commercial Operation Date
 - e. Estimated and actual capacity factor of the project for the past three years
 - f. Availability factor of the project for the past three years
 - g. References, including the names and current addresses and telephone numbers of individuals to contact for each reference.
5. With regard to Proposer's Project Team, identify and describe the entity responsible for the following, as applicable:
 - a. Construction Period Lender, if any
 - b. Operating Period Lender and/or Tax Equity Provider, as applicable
 - c. Financial Advisor
 - d. Environmental Consultant
 - e. Facility Operator and Manager
 - f. Owner's Engineer
 - g. EPC Contractor (if selected)
 - h. Transmission Consultant
 - i. Legal Counsel
6. Details of Proposer's experience in NYISO markets. With regard to Proposer's experience with NYISO markets, please indicate the entity that will assume the duties of Market Participant for your proposed Offshore Wind Generating Facility. Please provide a summary of Proposer's or Market Participant's experience with the wholesale market administered by NYISO as well as transmission services performed by Con Edison, NYPA, and PSEG-LI/LIPA.

6.4.4 Project Description and Site Control

Identify the BOEM wind energy area where the proposed Offshore Wind Generation Facility will be located. Provide documentation that Proposer has a valid lease or irrevocable lease option to develop the leased area within this wind energy area over the entire Contract Tenor.

Provide a site plan (or plans) including a map (or maps) that clearly identifies the location of the proposed Offshore Wind Generation Facility, collection facilities, offshore and onshore route of the generator lead line to the interconnection point, converter station(s), and the assumed right-of-way width. Identify the anticipated interconnection point, support facilities, and the relationship of the interconnection point to other local infrastructure, including transmission facilities, roadways, and waterways.

Identify any rights that Proposer or its development partner has at the interconnection point and for the generator lead line right of way. Provide a detailed plan and timeline for the acquisition of any additional rights necessary for interconnection and for the generator lead line right-of-way. Include these plans and the timeline in the overall Project schedule in Section 6.4.11.

In addition to providing the required map(s), provide a site layout plan that illustrates the location of all on-shore and offshore equipment and facilities and clearly delineates the perimeter of the area in which offshore wind turbines will be placed. Identify the distance in statute miles between the nearest shoreline point and the nearest Offshore Wind Generation Facility turbines.

6.4.5 Energy Resource Assessment and Plan

Provide a summary of all collected wind data for the proposed Offshore Wind Generation Facility site. Identify when and how (*e.g.*, meteorological mast or LiDAR – for “Light Detection and Ranging”) the data was collected and by whom.

Indicate where the data was collected and its proximity to the proposed Offshore Wind Generation Facility site. Include an identification of the location and height for the anemometers and/or “range gate” heights for sensing by LiDAR that were used to arrive at an assessment of the site generation capability. Describe any additional wind data collection efforts that are planned or ongoing. Provide at least one year of hourly wind resource data in a working Excel file (the required Wind Resource Data attachment). Data collected from the site is preferred, though projected data is permissible. The method of data collection must also be included.

Provide a wind resource assessment report for the Proposed Offshore Wind Generation Facility site. Include an analysis of the available wind data which addresses the relationship between wind conditions and electrical output. Provide a site-adjusted power curve. Each curve should list the elevation, temperature and air density used.

6.4.6 Operational Parameters

Provide partial and complete planned outage requirements in weeks or days for the Offshore Wind Generation Facility. Also, list the number of months required for the cycle to repeat (*e.g.*, list time interval of minor and major overhauls, and the duration of overhauls).

Provide all the expected operating constraints and operational restrictions for the Project, the reason for the limitation, and characterize any applicable range of uncertainty.

6.4.7 Business Entity and Financing Plan

Proposers are required to demonstrate the financial viability of their proposed Project. A narrative description of the financing plan should be included in the Proposal Narrative. Detailed supporting information, including financial statements and other documents, should be included in the required Financing Plan attachment. Proposers should provide the following information:

1. Submit information and documentation that demonstrates that a long-term contract resulting from this RFP process would either permit Proposers to finance Proposals that would otherwise not be financeable or assist Proposers in obtaining financing of its Proposal.
2. Describe the business entity structure of 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, and document Proposers' right to submit a binding Proposal.
3. Provide a description of the financing plan for the Project, including construction and term financing. The financing plan should address the following:
 - a. Who will finance the Project (or are being considered to finance the Project) and the related financing mechanism or mechanisms that will be used (*i.e.*, convertible debenture, equity or other) including repayment schedules and conversion features
 - b. The Project's existing initial financial structure and projected financial structure
 - c. Expected sources of debt and equity financing
 - d. Describe how any such agreements would differ, contingency on NYERDA's selecting either the Fixed OREC or Index OREC form of pricing
 - e. Estimated construction costs
 - f. The projected capital structure
 - g. Describe any agreements, both pre and post Commercial Operation Date, entered into with respect to equity ownership in the proposed Project and any other financing arrangement.
4. Provide documentation illustrating the experience of Proposer in securing financing for projects of similar size and technology. For each project previously financed provide the following information:
 - a. Project name and location
 - b. Project type and size
 - c. Date of construction and permanent financing
 - d. Form of debt and equity financing
 - e. Current status of the project

5. Provide evidence that Proposer has the financial resources and financial strength to complete and operate the Project as planned.
6. Describe the role of the Federal Production Tax Credit or Investment Tax Credit (or other incentives) on the financing of the Project, including presumed qualification year and percentage. The Proposal may not be contingent on receipt of the Production Tax Credit or Investment Tax Credit.
7. Provide complete copies of the most recent audited financial statement and annual report for each Proposer for each of the past three years; including affiliates of Proposer (if audited statements are not available, reviewed or compiled statements are to be provided). Also, provide the credit ratings 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.
8. List the board of directors, officers and trustees for the past three years and any persons who Proposer knows will become officers, board members or trustees.
9. Demonstrate Proposer's ability (and/or the ability of its credit support provider) to provide the required security, including its plan for doing so.
10. Provide 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.
11. Disclose any pending (currently or in the past three years) litigation or disputes related to projects planned, developed, owned or managed by Proposer or any of its affiliates in the United States, or related to any energy product sale agreement.
12. Provide the expected operating life of the proposed Project and the depreciation period for all substantial physical aspects of the offer, including generation facilities, generator lead lines to move power to the grid, and transmission system upgrades.
13. List all of Proposers' affiliated entities and joint ventures transacting business in the energy sector.
14. Describe any litigation, disputes, claims or complaints, or events of default or other failure to satisfy contract obligations, or failure to deliver products, involving Proposer or an affiliate, and relating to the purchase or sale of energy, capacity or RECs or other electricity products.
15. Confirm that 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).

6.4.8 Interconnection and Deliverability Plan

Proposers are required to demonstrate the Offshore Wind Generation Facility's interconnection status and deliverability capabilities. A narrative description of the interconnection and deliverability plan should be included in the Proposal Narrative. Detailed supporting information should be included in the required Interconnection and Deliverability Plan attachment. Proposers should provide the following information:

1. Provide documentation to show evidence of the interconnection request to NYISO or any neighboring control areas for Capacity Resource Interconnection Service (CRIS) or for Energy Resource Interconnection Service, or similar interconnection standards in neighboring control areas. For Proposals where capacity is to be delivered to NYCA, Proposers should describe any required transmission system upgrades and provide an estimate of the required transmission system upgrade costs under NYISO CRIS to meet deliverability requirements in NYISO. Evidence that Proposer has a pending, valid interconnection request is sufficient for eligibility under this RFP, but further detail will add to the viability of the proposed plan. Describe the status of any planned interconnection to the grid. Any interconnection studies undertaken by the applicable control area or third parties on behalf of Proposer must be provided.
2. Provide a copy of an electrical one-line diagram showing the interconnection facilities and the relevant facilities of the transmission provider.
3. Identify and provide an estimate of cost, supported by an independent third party, for all proposed or anticipated interconnection and transmission upgrades, including any transmission upgrades beyond the point of interconnection that are needed to ensure delivery of energy from the Offshore Wind Generation Facility into NYCA. Describe measures to identify and control the regulatory and operational risks related to the delivery of energy from the Offshore Wind Generation Facility.
4. Demonstrate that energy and associated ORECs generated by the facility can be delivered into the NYCA. For an Offshore Wind Generation Facility interconnecting in an adjacent Control Area, describe how Proposer intends to fulfill the External Project Delivery Requirement.
5. Provide detail regarding the available capacity, at the time of submission, of the proposed Injection Point.
6. Provide detailed maps that show the proposed off- and on-shore cable route(s) from landfall the proposed Injection Point including as much supportive detail and information of relevance for an actual or eventual Article VII filing as available at the time of submission.

6.4.9 Environmental Assessment and Permit Acquisition Plan

Proposers are required to demonstrate a plan for environmental assessment and permit acquisition for the Offshore Wind Generation Facility. Proposers should provide the following information:

1. Provide a comprehensive list of all the permits, licenses, and environmental assessments and/or environmental impact statements required to construct and operate the Project. Along with this list, identify the governmental agencies that are responsible for issuing approval of all the permits, licenses, and environmental assessments and/or environmental impact statements. If a Proposer has secured any permit or has applied for a permit, please indicate this in the response.
2. Provide the anticipated timeline for seeking and receiving the required permits, licenses, and environmental assessments and/or environmental impact statements. Include a Project approval assessment which describes, in narrative form, each segment of the process, the required permit or approval, the status of the request or application and the basis for projection of success by the milestone date. All requirements should be included on the Project schedule in as described in Section 6.4.11.
3. Provide the SAP and COP, if completed. If the SAP and/or COP are not completed, provide the status of development of these plans and a proposed plan and timeline for completion.

6.4.10 Engineering and Technology

Provide information about the specific technology or equipment including the track record of the technology and equipment and other information as necessary to demonstrate that the technology is viable.

1. Provide a preliminary engineering plan which includes at least the following enumerated information. If specific information is not known, identify manufacturers, vendors, and equipment that will be considered.
 - a. Type of foundation, Offer Capacity, and generator lead line transmission technology
 - b. Major equipment components to be used, including nacelle, hub, blade, tower, foundation, transmission structures and platforms, electrical equipment and cable)
 - c. Manufacturer of each of the equipment components as well as the location of where each component will be manufactured
 - d. Status of acquisition of the equipment components
 - e. Status of any contracts for the equipment Proposer has or Proposer's plan for securing equipment and the status of any pertinent commercial arrangements
 - f. Equipment vendors selected/considered
 - g. Track record of equipment operations
 - h. Design considerations (technology selection, layout) for climate adaptation and resiliency such as sea level rise and dynamic flooding events, potential impacts from increased frequency and severity of storms (i.e. superstorms, hurricanes), seismic activity, etc.
 - i. Design considerations that help to support responsible disposal and or recycling of components after the end of their useful life and equipment plans that generally aim to consider the precepts of the circular economy.
 - j. In the event the equipment manufacturer has not yet been selected, identify in the equipment procurement strategy the factors under consideration for selecting the

preferred equipment, including alignment with the considerations above, as well as the anticipated timing associated with the selection of the equipment manufacturer, including the timing for binding commercial agreement(s).

2. Describe the lighting controls that will be utilized on the Offshore Wind Generation Facility and explain how these controls comply with the minimum contract standards and the Offshore Wind Order.

6.4.11 Project Schedule

A Proposer must demonstrate that its Project can be developed, financed, and constructed within a commercially reasonable timeframe. Proposer is required to provide sufficient information and documentation showing that Proposer's resources, process, and schedule are adequate for the acquisition of all rights, permits, and approvals for the financing of the Project consistent with the proposed milestone dates that support the proposed Commercial Operation Date(s).

Proposers are required to provide a complete critical path schedule for the Project from the notice of award to the start of commercial operations. For each Project element listed below, provide the start and end dates:

1. Identify the elements on the critical path. The schedule should include, at a minimum, preliminary engineering, financing, acquisition of real property rights, Federal, state and/or local permits, licenses, environmental assessments and/or environmental impact statements (including anticipated permit submittal and approval dates), completion of interconnection studies and approvals culminating in the execution of the Interconnection Service Agreement, financial close, engineer/procure/construct contracts, start of construction, construction schedule, and any other requirements that could influence the Project schedule.
2. Describe the anticipated permissible offshore construction windows, and how the construction milestones will be accommodated within these windows.
3. Detail the status of all critical path items, such as receipt of all necessary siting, environmental, and NYISO approvals.

6.4.12 Construction and Logistics

This section of the Proposal addresses necessary arrangements and processes for outfitting, assembly, storage, and deployment of major Project components such as turbine nacelles, blades, towers, foundations, and transmission support structures. Please provide a construction and logistics plan that captures the following objectives:

1. List the major tasks or steps associated with deployment of the proposed Project and the necessary specialized equipment (*e.g.*, vessels, cranes).
2. Identify the marine terminals and other waterfront facilities that will be used to stage, assemble, and deploy the Project for each stage of construction.

- a. If available, evidence that Proposer or the equipment/service provider have right(s) to use a marine terminal and/or waterfront facility for construction of the Project (*e.g.*, by virtue of ownership or land development rights obtained from the owner).
 - b. If not available, describe the status of acquisition of real property rights for necessary marine terminal and/or waterfront facilities, any options in place for the exercise of these rights and describe the plan for securing the necessary real property rights, including the proposed timeline. Include these plans and the timeline in the overall Project schedule in Section 6.4.11.
 - c. Identify any joint use of existing or proposed real property rights for marine terminal or waterfront facilities.
3. Describe the proposed approach for staging and deployment of major Project components to the Project site. Include a description and discussion of the laydown facility/facilities to be used for construction, assembly, staging, storage, and deployment.
4. Indicate the number, type and size of vessels that will be used, their respective uses, and how vessels will be secured for the required construction period. Explain how Proposer's deployment strategy will conform to requirements of the Merchant Marine Act of 1920 (the Jones Act).
5. List the party or parties responsible for each deployment activity and describe the role of each party. Describe the status of Proposer's contractual agreements with third-party equipment/service providers.

6.4.13 Fisheries Mitigation Plan

Proposers must include in their Proposal a Fisheries Mitigation Plan in as much detail as possible that describes how Proposer will mitigate adverse impacts on the commercial fishing industry that may be caused by the Project. A narrative description of the Fisheries Mitigation Plan should be included in the Proposal Narrative. The Fisheries Mitigation Plan itself should be submitted as the required Fisheries Mitigation Plan attachment. Both confidential and public versions of the Fisheries Mitigation Plan must be included in the Submission. Elements of the Fisheries Mitigation Plan are described in detail in Appendix D. Proposers are advised to review the Fish and Fisheries Study prepared for the New York State Offshore Wind Master Plan with respect to the potential impacts of offshore wind energy development on the fishing industry, and also are advised to include in their mitigation plan the appropriate Best Management Practices described in the Master Plan, its supporting studies and more recent relevant work.

6.4.14 Environmental Mitigation Plan

Proposers must include in their Proposals a detailed Environmental Mitigation Plan that describes how Proposer will mitigate adverse environmental impacts that may be caused by the Project. A narrative description of the Environmental Mitigation Plan should be included in the Proposal Narrative. The Environmental Mitigation Plan itself should be submitted as the required Environmental Mitigation Plan attachment. Both confidential and public versions of the Environmental Mitigation Plan must be included in the Submission. Elements of the Environmental Mitigation Plan are described in detail in

Appendix E. Proposers are advised to review the environmental studies prepared for the New York State Offshore Wind Master Plan with respect to the potential impacts of offshore wind energy development on the environment, and also are advised to include in their mitigation plan the appropriate Best Management Practices described in the Master Plan, its supporting studies and more recent relevant work.

6.4.15 Community Engagement Plan

Provide a community engagement plan that identifies proposed stakeholder engagement activities during construction and operation of the Project. A narrative description of the community engagement plan should be included in the Proposal Narrative. Discuss the status of implementing the community engagement plan. Include information on specific localized support and/or opposition to the Project of which Proposer is aware. Detailed supporting information, including copies of any agreements with communities and other constituencies impacted by the Project, not already covered in the Fisheries Mitigation Plan or the Environmental Mitigation Plan, and documentation identifying the level of public support for the Project including letters from public officials, community and local interest groups, newspaper articles, *etc.* should be included in the required Letters of Support for the Proposal attachment.

6.4.16 Visibility and Viewshed Impacts

Proposers must address a Project's visibility from shore. If a Project is proposed to include turbines less than 20 statute miles from the nearest shoreline point of any state, Proposers must explain (i) how the Project will minimize adverse impacts related to visibility of turbines, including potential impacts on the local and state economy and historic and visual resources, such as publicly-accessible viewsheds, and (ii) how consideration of economic and environmental concerns contributed to the proposed distance from shore.

Additionally, all Proposals, regardless of distance from the nearest shoreline, must include a visibility study that presents visual simulations of the proposed Offshore Wind Generation Facility. Visibility studies must include a map or maps along with supporting GIS shape files that depict the nearest coastline, the boundary of the proposed site to be developed and any other reasonable reference points (*e.g.*, coastal cities, historic sites, other wind energy areas). Simulations must be single frame, photographic images with superimposed simulations of the proposed wind turbine technology configured to represent a commercially-scaled and technically feasible scenario that is consistent with the proposed Project including operating capacity, wind turbine size, and generic spacing and configuration. Viewing instructions must be included on each simulation.

Visual simulations must represent, at a minimum, clear, partly cloudy, and overcast conditions during early morning, mid-afternoon, and late day, as well as one simulation at night with the turbines lit under clear conditions. Visual simulations must be provided from a minimum of two representative vantage points which represent the closest points to shore from any turbine within the Offshore Wind Generation Facility and, if applicable, any sensitive or historic viewpoints within 20 statute miles of the nearest turbine. The visibility study must also include analysis of the percentage of time during which different visibility conditions are expected to occur based on past meteorological data.

The simulations must be provided in a format suitable to be printed or electronically viewed by the public and/or the Scoring Committee.

6.4.17 New York Economic Benefits

Proposers must submit their claimed Incremental Economic Benefits by category using the Offer Data Form and support these claims by submitting an Economic Benefits Plan. All claimed expenditures and investments should be provided in nominal dollars (U.S.) at the time of Proposal submission.

The Proposal Narrative should include a high-level narrative summary of the Economic Benefits Plan for each Proposal included in the Submission. The Economic Benefits Plan for each Proposal should be submitted in a separate required Economic Benefits Plan attachment.

The Economic Benefits Plan must include descriptions and supporting documentation for their Incremental Economic Benefits Claims, as described below.

The prorated portion of investments in oversized transmission and interconnection facilities not needed to support the Offshore Wind Generation Facility shall not be included as an Economic Benefit.

As this RFP seeks to deliver a coordinated solution to the priorities of enabling offshore wind projects in New York and those activities, expenditures, and investments – including specifically the investment of up to \$200 million in New York State funding in port infrastructure related to offshore wind.

Where every eligible proposal to this RFP, with the exception of the Required Standalone Proposal, must include a plan to leverage a portion, or the entirety of the available funding, the Economic Benefit Plan and associated Economic Benefit Claims made for every Proposal must be likewise supported by one or more Port Infrastructure Investment Plans as described in Appendix C.2.

6.4.17.1 Economic Benefits Plan

The purpose of the Economic Benefits Plan is (i) to allow Proposer to document its approach to fulfilling the claims that are provided in the Offer Data Form, (ii) to allow Proposer to explain and justify its Incremental Economic Benefits claims, (iii) to help NYSEDA assess the credibility of the Incremental Economic Benefits claimed in the Offer Data Form.

In the Economic Benefits Plan, Proposer must also describe the manner in which Proposer will comply with the New York State Supplier Opportunity requirement described in Section 2.2.10. The Economic Benefits Plan should:

1. Provide a description of how Proposer will evidence in post-contracting biannual reports such compliance for any package of work, on Proposer's behalf or on behalf of its Major Suppliers, with respect to information such as:
 - a. The expected scope of work;
 - b. The estimated value of the scope of work;
 - c. The names of New York companies invited to tender; and
 - d. Evidence that New York State companies have been made aware of the opportunity.

2. Identify any exceptions to providing opportunities to New York vendors for those opportunities deemed by Proposer as impractical to be serviced by the New York State supply chain at this time, along with the reason and justification for designating the contracting opportunity as an exception. There are three exceptions to providing opportunities to New York vendors:
 - a. No New York company can reasonably be expected to have the capability to deliver a scope of work in the timescale needed for the Project;
 - b. Proposer or its Major Suppliers have existing or committed contractual arrangements at the time of the offer with suppliers outside of New York; or
 - c. The selection of a New York supplier would be impractical (for example, if the customer for the scope of work is outside of New York) or if it would add significant commercial or technical risk to the Project.

6.4.17.2 Economic Benefits Category 1: Project-Specific Economic Benefits not associated with New York State Funding associated with Port Infrastructure Investment Plans

Category 1 is comprised of offshore wind Project-specific spending, investment and job creation in New York State. It includes those net expenditures by developers and their supply chains in New York State, including in-state purchases, employment, and payments/benefits to New York State government or other entities. It also includes long-term capital investments in offshore wind-enabling supply chain, infrastructure, workforce development and research and development (R&D) initiatives in the state that will have an enduring impact on the offshore wind industry and the New York State economy. The Proposal will also describe the degree to which the development and construction of the Offshore Wind Generation Facility will directly create short and long-term jobs in New York State. Induced benefits related to the expenditure of workers' and proprietors' salaries will not be considered. Expenditures and investments that are associated with New York State Funding of a Port Infrastructure Investment Plan are not to be included in Category 1.

A description of Category 1 expenditure types is provided in Appendix C.1. All Category 1 line items must be appropriately cross referenced in the Offer Data Form

6.4.17.3 Economic Benefits Category 2: Project-specific Economic Benefits associated with New York State Funding of Port Infrastructure Investment Plan(s)

Category 2 is comprised of expenditures and jobs that are specifically associated with on New York State Funding of a Port Infrastructure Investment Plan. The items in Category 2 of the Economic Benefits Plan, and the ODF, should include all Category 1P Economic Benefits associated with each of the Port Infrastructure Investment Plans included in the Proposal. All Category 2 line items must be appropriately cross referenced in the ODF.

6.4.17.4 Economic Benefits Category 3: Industry Growth Activities

Category 3 consists of activities that provide opportunities for growth in New York State's offshore wind industry such as supply chain, workforce, research and development, and efforts related to the emerging circular economy related to offshore wind. This category includes programmatic actions that will have desirable impacts on the New York State supply chain and workforce, but the value of which is

not denominated in dollars or is not expressly linked to an offshore wind project and is therefore indirectly tied to, or difficult to compare to the large expenditures grouped under Category 1 or Category 2. These Industry Growth Activities include impactful actions taken on the part of Proposer to enhance the New York offshore wind market, supply chain development, or local workforce. Expenditures associated with these actions should be included in Category 1. The actions and value of those actions and metrics by which they are to be measured should be included in Category 3.

Industry Growth Activities that have the potential to benefit New York State may include but are not limited to those actions and/or developments are delineated in Appendix C.1. Category 3 input activities are *additional* to the New York State Supplier Opportunity threshold requirement that Proposers must agree to provide companies with the opportunity to offer to provide goods and services to developers of the Project for which there is capability in New York State.

The Economic Benefit Plan must include a written description of the input activities that Proposer will take under Category 3. Where possible, Proposer should seek to quantify the input activities, and provide documentary evidence of past examples of similar activities and the impacts they had and supporting documentation from potential partners or beneficiaries. In general terms, Proposers should describe:

1. The nature of the intended commitment;
2. The timetable for undertaking the activity;
3. A discussion of any risks or uncertainties, including the degree to which it is dependent on factors outside Proposer's control, and describe what these factors are;
4. The potential impact of the activities and the factors that will influence the impact;
5. The resources Proposer will deploy (financial or manpower) to deliver the activity; and
6. The organizations with whom Proposer will work.

Proposer should summarize any engagement with third-party organizations that would be involved in the successful delivery of Proposer's commitments. The Category 3 description must also include subsections for Business and Workforce Engagement Plans. Proposer should explain the strategic importance of commitment and how it fits into overall regional offshore wind market development and identify the duration of any commitment.

All Category 3 line items must be appropriately cross referenced in the Offer Data Form.

6.4.17.5 Port Infrastructure Investment Plan(s) (See Appendix C.2)

The Port Infrastructure Investment Plan should describe plans to leverage New York State Funding to support offshore wind staging, manufacturing, and/or other miscellaneous offshore wind related uses of Eligible Ports that create real, persistent and sustainable institutional or labor capabilities in New York State, and that lower the cost of future offshore wind projects.

The Port Infrastructure Investment Plan(s) associated with the Proposal must align with the Proposer's Economic Benefit Plan(s) and associated Economic Benefit Claims as described in Appendix C.1 above; specifically, those Economic Benefit Claims associated with Category 2 that are predicated on New York State Funding. For the avoidance of doubt, New York State funds cannot themselves be counted as part

of a Proposal's Economic Benefits Plan or Claims, rather the economic outcomes that are enabled therefrom.

The Proposal Narrative should include a high-level narrative summary of each Port Infrastructure Investment Plan included in the Submission. Each Port Infrastructure Investment Plan must be submitted in a separate required Economic Benefits Plan attachment.

The organization and contents of the Port Infrastructure Investment Plan should align with the structure outlined in Appendix C.2. If a Proposer's submission includes multiple Eligible Ports, a separate Port Infrastructure Investment Plan and PIIPDF must be submitted for each Eligible Port.

6.4.18 Carbon Emissions and Embodied Carbon

Proposers are required to describe how the Project will actively support the outcomes envisioned by New York's State's nation-leading climate legislation, the CLCPA, including its target of reducing greenhouse gas emissions 80% by the year 2050. In fulfillment of which, the Proposal should demonstrate a commitment to understanding the carbon footprint of the Proposed Project overall and a description of how, by design, the Project is actively seeking opportunities to reduce the amount of embodied carbon. To begin to provide some basic accountability for embodied carbon, the Proposal must describe the efforts undertaken by the Proposer, including any tools or methodologies used, to better understand and consider carbon intensity in design, sourcing and construction, and the steps that have been taken to minimize carbon emissions, including embodied carbon, from the proposed Project. The Proposer should also propose the methodology by which such reduction activities will be considered and integrated into the Project's design as the project evolves. Finally, the Proposer should include the proposed process by which the Proposer will validate, following commissioning of the Project, a final accounting of the Project's embodied carbon, including any methodology and certifiable environmental product declarations, to promote disclosure of the Project's ultimate carbon footprint and relatedly, the Project's energy and carbon payback periods.

6.5 Proposer Certification

Proposer must complete and submit the Proposer Certification in Appendix B. The Proposer Certification must be signed by an authorized officer or other duly authorized representative of Proposer.

6.6 Exceptions to Agreement

If Proposer is proposing any exceptions to the Agreement, included as Appendix F, Proposer must provide a redlined markup of the Agreement and provide an explanation and justification for each requested change.

Note that ORECRFP20-1 is a competitive procurement. Competitive procurement rules and the Offshore Wind Order limit NYSED's ability to alter the terms of the Agreement. Should the Project receive an award, NYSED will contact Proposers to schedule a discussion regarding the terms identified in the redlined markup of the Agreement. Requested changes that recognize the limitations imposed by the competitive procurement rules and the Offshore Wind Orders will have no impact on the scoring or evaluation of the Proposal.

7 POST-AWARD PROCESS

7.1 Provision of Contract for Execution

Upon successful completion of negotiations regarding the terms and conditions, NYSERDA will prepare a conformed copy of the Agreement (Appendix F) which will be delivered to the awarded Proposer, in a manner to be agreed upon, for Proposer's execution and return. NYSERDA may rescind an award should negotiations with the Proposer fail or should such negotiations continue unsuccessfully beyond a reasonable time beyond the initial Award Notification Date.

7.2 Provision of Ports Contract for Execution

If selected for conditional award, Proposers will be expected to work with NYSERDA to incorporate material commitments from the Port Infrastructure Investment Plan into the Agreement (Section 12.11 and Exhibit L).

7.3 Provision of Contract Security

Upon successful completion of negotiations, Awardees will be required to provide Contract Security as described in Article XV of the Agreement.

8 GENERAL CONDITIONS

8.1 Proprietary Information

Consideration should be given before confidential information is submitted to NYSERDA as part of any Proposal. Proposers should consider and review whether information is critical for evaluation, and whether general, non-confidential information may be adequate for review and evaluation purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. The Public Officers Law includes exceptions to disclosure, including Section 87(2)(d) which provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Additional information submitted to NYSERDA that Proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <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 Agreement executed with any awarded Proposal.

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

NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

Proposer must certify that he/she will comply with State Finance Law sections 139-j and 139-k and a provide disclosure statement regarding whether Proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

8.3 Tax Law Section 5-a

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

contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

8.4 Omnibus Procurement Act of 1992

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

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

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

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

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

8.5 Disclosure Requirement

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.

8.6 Press Releases and Media Contact

Proposer shall not distribute any press release or contact the media until after the Agreement is executed by both parties and any New York State press releases regarding the awards have been issued. If Proposer wishes to contact the press regarding the award, Proposer must collaborate with NYSERDA's Designated Contacts and Director of Communications to prepare any press release and/or to plan for any announcement. NYSERDA reserves the right to make public, after the fifth anniversary of the Award Notification Date, the Agreement executed with any awarded Project.

8.7 Independent Entities/Limitation of Liability

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