



**Renewable Portfolio Standard (RPS)  
Customer-Sited Tier  
Regional Program  
Program Opportunity Notice (PON) 2484  
\$30,000,000 Available**

**Proposals Due: May 24, 2012 by 5:00 PM Eastern Time**

In accordance with the New York State Public Service Commission's Order Authorizing Customer-Sited Tier Program Through 2015 and Resolving Geographic Balance and Other Issues Pertaining to the RPS Program (Order), issued and effective April 2, 2010,<sup>1</sup> the New York State Energy Research and Development Authority (NYSERDA) invites proposals for the installation of customer-sited solar photovoltaic (PV) and renewable biogas fueled electric generation projects in New York Independent System Operator (NYISO) Zones G, H, I and J. NYSEDA's competitive selection will be based primarily on the proposers' Incentive Bid in \$/kWh. Available funds for the program total \$150 million for the period 2011 through 2015. Up to \$30 million in awards will be made per year; \$5 million of which is to be awarded for projects to be installed in NYISO Zones G&H, and \$25 million for projects to be installed in NYISO Zones I&J. It is anticipated that future rounds of this program opportunity notice (PON) will be offered in a similar manner through 2015.

NYSERDA will conduct a teleconference for prospective bidders on **April 25, 2012 at 11:00 a.m. EST**. On the teleconference, NYSEDA will review changes from the previous solicitation and address questions. Those who wish to participate in the teleconference must send an email indicating such to [PON2484@nyserda.org](mailto:PON2484@nyserda.org), by 12:00 noon EST on April 18, 2012, with the subject line "Bidders' Teleconference." Respondents will be provided with a teleconference dial-in number and pass code.

**Proposal Submission:** Proposers must submit 2 hard copies of each proposal with a completed and signed Proposal Checklist attached to the front of each hard copy, one of which must contain an original signature. Two hard copies of the Bid Application form, one of which must contain an original signature, shall be provided in a separate envelope and included with the proposal, along with 1 CD of the proposal (without the Bid Application form) in .pdf format, compatible with a Microsoft Windows XP® based PC. Proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, PON 2484  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact either Paul Vainauskas (Designated Contact) at (518) 862-1090, ext. 3554 or [pv2@nyserda.org](mailto:pv2@nyserda.org) or Edward Kear (Designated Contact) at (518) 862-1090, ext. 3269 or [ebk@nyserda.org](mailto:ebk@nyserda.org). If you have contractual questions concerning this solicitation, contact Nancy Marucci at (518) 862-1090, ext. 3335 or [nsm@nyserda.org](mailto:nsm@nyserda.org).

No communication intended to influence this procurement is permitted except by contacting either Paul Vainauskas (Designated Contact) at (518) 862-1090, ext. 3554 or [pv2@nyserda.org](mailto:pv2@nyserda.org) or Edward Kear (Designated Contact) at (518) 862-1090, ext. 3269 or [ebk@nyserda.org](mailto:ebk@nyserda.org). Contacting anyone other than the Designated Contacts (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offeror, and (2) may result in the proposer not being awarded a contract.

**\*Proposals must be received by NYSEDA by 5 pm Eastern Time on the Due Date.** Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSEDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSEDA's web site at [www.nyserda.gov](http://www.nyserda.gov).

<sup>1</sup> <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BC05CD0D6-8EA5-4CB9-A9FA-6ADD3AECB739%7D>

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## I. INTRODUCTION

The New York State Energy Research and Development Authority (NYSERDA) will competitively select proposals to install larger-scale (>50kW), grid-connected solar photovoltaic (PV) and high capacity factor renewable biogas fueled Electric Generation Equipment that is electrically interconnected on the customer side of the utility meter. The renewable biogas fuel can either be locally-fed to the generator or contracted for delivery through a utility's natural gas pipeline as Pipeline Directed Biogas as described below. Electric Generation Equipment must be installed at sites located in New York Independent System Operator (NYISO) Zones G, H, I and J. The site where the Electric Generation Equipment will be installed must pay the Renewable Portfolio Standard (RPS) surcharge as part of its electricity bill (referred to as "RPS" or "RPS/SBC" on utility bill) to be eligible for this solicitation. The following link shows the applicable NYISO zones: [http://www.nyiso.com/public/webdocs/market\\_data/zone\\_maps\\_graphs/nyca\\_zonemaps.pdf](http://www.nyiso.com/public/webdocs/market_data/zone_maps_graphs/nyca_zonemaps.pdf).

Available funds for the program total \$150 million for the period from 2011 through 2015 (up to \$30 million in awards per year; \$5 million of which is to be awarded to Zone Group G&H and \$25 million to Zone Group I&J). Proposals will be assessed pass/fail regarding the proposing team's demonstrated competency; proposals demonstrating competency will then be evaluated based on the requested Incentive Bid. There will be at least one competitive solicitation annually. This PON may be modified for future rounds.

### **Significant Changes from PON 2156:**

- The portion of the Capacity Block that must be identified in the proposal and supported with letters of intent has been raised from 25% to 50%.
- Eligibility for the 15% increased payment for sites in Strategic Locations is limited only to sites identified in the proposal as being within a Strategic Location.
- The Assigned Capacity Factors have been revised to 11% (.11) for solar PV and 75% (.75) for renewable biogas projects (from 15% and 85% in PON 2156).
- Eligibility requirements for submitting a proposal to this PON 2484, for Applicants previously selected for an award to PON 2156, will be based on a determination of the Applicant's good faith progress on the 2156 award.
- Requirements for Reference Letters and Letters of Intent have been revised.

**NOTE: CAPITALIZED TERMS APPEARING IN THIS PON ARE DEFINED IN SECTION VIII (DEFINITIONS). BIDDERS SHOULD REFER TO SECTION VIII WHEN READING THIS DOCUMENT. BIDDERS SHOULD READ THIS PON, INCLUDING THE DEFINITIONS, IN ITS ENTIRETY BEFORE SUBMITTING A PROPOSAL.**

## II. GENERAL INFORMATION/ELIGIBILITY

The solicitation seeks projects designed for prime power applications; systems designed primarily for back-up electric power applications are not eligible.

Funding has been allocated separately for Zone Group G&H (\$5 million per year) and Zone Group I&J (\$25 million per year). Applicants are advised to see the Commission's Order, as cited on front page of this PON, for background information. The Applicant is required to identify the Zone Group of the installation sites where equipment is to be installed as part of the Capacity Block in each proposal.

If the Applicant wishes to propose installations for both Zone Groups, separate proposals must be submitted for installations in each group; they will be evaluated separately. For example, multiple installations in Zones G and H can be combined into a single application. Conversely, a proposal for

multiple installations in Zones G and J will not be acceptable and will not be evaluated. If installations in both Zones G and J are desired, separate proposals must be submitted.

In addition, each proposal is limited to installations for either PV or Renewable Biogas projects. If an applicant would like to propose installations for more than one technology, separate proposals must be submitted.

**System Size Limitation:** Systems must be sized such that the expected annual energy produced (kWh/year) by the system will not exceed 110% of the customer's annual electric energy usage including eligible Satellite Meters; NYSERDA may further limit the size of eligible systems to prevent the obsolescence of other existing/planned on-site power production equipment.

**Eligible Applicants:** Applicants are permitted to collaborate and form teams (e.g. manufacturers, energy service companies, system installation companies, equipment distributors, financial institutions, host sites, etc.) in order to meet the eligibility requirements identified herein. Utilities are not eligible to participate; however their un-regulated affiliates are eligible to participate as Applicants or as members of an Applicant's team. Applicants must show installation experience among the team members in the technologies proposed. In addition, Applicants must show that their previous experience supports the Capacity Block proposed. For example, if an Applicant proposes to install 1 MW of PV in the commercial market, the team consisting of the Applicant and its members must demonstrate in the proposal that it has in aggregate previously installed at least 1 MW of PV in the commercial market. To prevent the arranging of teams in formats intended to circumvent program requirements, including but not limited to the \$3 million cap per "Applicant", at NYSERDA's sole discretion provisions of this PON can be applied to one or more critical members of a team in addition to the Applicant.

**Third-Party Ownership:** Under a third-party ownership scenario, contractors that meet the eligibility requirements included in this solicitation may be permitted to build, own and operate a CST-eligible technology at a customer's site if the customer pays the RPS surcharge.

**Eligible Installation Site Locations:** Installations must be at sites in Zone Group G&H or Zone Group I&J and must be grid-connected (electrically interconnected on the customer side of the utility meter) at a site that pays the Renewable Portfolio Standard (RPS) surcharge as part of their electricity bill at the site meter.

**Strategic Locations:** Within the Eligible Installation Site Locations, utilities have identified regions that would benefit from the installation of new PV and/or renewable biogas systems. For installations in these Strategic Locations, NYSERDA will pay an additional 15% above the Maximum Installation Site Incentive to the extent the \$3 million budget cap is not exceeded. This increased payment is only available for those sites identified as within a Strategic Location at the time the proposal is submitted. Applicants should consider using this added incentive as a mechanism to reduce their Incentive Bid, and thereby enhance their likelihood of being selected to receive an award. The Strategic Locations for PON 2484, as determined by the utilities and incorporated into this solicitation, are shown in Attachment D.

**Ineligible Projects and Costs:** Electric Generation Equipment funded in whole or in part with System Benefits Charge (SBC) funding is not eligible for this program. Systems installed prior to issuance by NYSERDA of a Notice to Proceed under the Standard Performance Contract Agreement, are not eligible for funding.

Projects funded by this PON are not eligible for funding for installation under other NYSERDA programs. Projects that already have a fully executed contract for Electric Generation Equipment to be funded or partially funded by NYSERDA, or any utility-funded program, are not eligible for funding under this PON.

Applicants who previously entered into a contract with NYSERDA under a different program to install equipment that would be eligible for funding under this program cannot cancel participation in that program in order to reapply to this program. If a project has been submitted to another NYSERDA program, but no contract is in place, Applicants may choose to cancel participation in that program in favor of receiving funds from this Program.

**Applicants who have Previously Received Awards under PON 2156:** NYSERDA expects that Applicants bidding in PON 2484 who have previously been selected for an award under PON 2156, will be making good faith progress on their PON 2156 award. In addition, if an Applicant under PON 2484 has one or more previously contracted Capacity Block where less than the full Capacity Block is committed, the Incentive Bid submitted as part of a PON 2484 proposal for that same Zone Group must not be greater than the Applicant's lowest uncommitted Incentive Bid for that Zone Group. To prevent the arranging of teams in formats intended to circumvent this requirement, at NYSERDA's sole discretion these and other related provisions can be applied to one or more critical members of a team in addition to the Applicant.

**Net Metering, Interconnection:** Applicants are encouraged to investigate the availability of any net metering opportunities they may qualify for, including remote net metering if applicable. To determine if your installation qualifies for net metering or remote net metering, please refer to the appropriate utility tariff using the link below.

<https://www2.dps.ny.gov/ETS/search/searchShortcutEffective.cfm?serviceType=ELECTRIC>

Applicants should be aware that by pursuing interconnection with the utility, they may incur utility fees and/or costs to upgrade portions of the local utility infrastructure. Depending upon the size, nature and location of the project, these fees may be substantial and if a utility upgrade is required, it could result in significant time delays. Applicants are strongly encouraged to contact their local utility representative as soon as possible.

**State Environmental Quality Review Act:** All installations must be found compatible with the New York State Environmental Quality Review Act (SEQRA) (<http://www.dec.ny.gov/regs/4490.html>) and relevant emissions standards, as appropriate. PV systems installed on existing buildings for installations less than 4,000 square feet (see 21 NYCRR § 503.3(a)(11)) are classified as Type II actions and will not require further environmental review.

**Renewable Portfolio Standard (RPS) Attributes:** Orders issued by the Public Service Commission provide that the RPS Program will support and promote an increase, to 30%, of the percentage of the energy consumed in New York State (NYS) that comes from renewable sources. When assessing and reporting on progress towards that goal, or on the composition of the energy generated and/or consumed in NYS, NYSERDA and the NYS Department of Public Service will include all electrical energy created by any project receiving funds through the NYS RPS Customer-Sited Tier Program, for the life of such projects, and the environmental attributes associated with such energy, whether metered or projected, as a part of any report, evaluation, or review of the RPS Program, whenever any such report, evaluation, or review may be conducted or issued, as renewable energy consumed in NYS. No party, including but not limited to owners, lessees/lessors, operators, and/or associated contractors shall agree to or enter any transaction that would or may be intended to result in the exportation or transmittal of any electrical energy created by any project receiving funds through the NYS RPS Customer-Sited Tier Program to any party or system outside of New York State.

### III. ELIGIBLE TECHNOLOGIES

Eligible technologies for this program include PV and Renewable Biogas fueled electric generation, as defined below. For all installations, the electrical output must be generated by new electric generation equipment installed after entering into a fully executed contract with NYSERDA (equipment must be new to the host site, and must be newly-manufactured/must not be refurbished), and must represent an incremental increase in electric energy production at each host site location(s) above a baseline as demonstrated by historical data or by other methods deemed acceptable to NYSERDA.

#### **Solar Photovoltaic (PV)**

For PV installations, all PV modules must be certified as meeting all applicable standards of the Institute of Electrical and Electronics Engineers (IEEE) and Underwriter's Laboratory (UL) 1703. All inverters must be certified as meeting all applicable standards of IEEE and UL and must meet the standards of the New York State Public Service Commission

([http://www3.dps.ny.gov/W/PSCWeb.nsf/96f0fec0b45a3c6485257688006a701a/dcf68efca391ad6085257687006f396b/\\$FILE/SIRDevices.pdf](http://www3.dps.ny.gov/W/PSCWeb.nsf/96f0fec0b45a3c6485257688006a701a/dcf68efca391ad6085257687006f396b/$FILE/SIRDevices.pdf)) and of the applicable distribution utility.

Metering and Data Acquisition for PV Installations: The Applicant must provide, install, and maintain an internet enabled electric meter that displays instantaneous AC power and cumulative total AC energy production and, at a minimum, can record cumulative total AC energy production of the PV system on an hourly basis, store the hourly readings for at least 7 days, and can transmit recorded readings once per day to a NYSERDA designated Data Agent via e-mail, FTP, HTTP or Modbus TCP/IP. The meter must meet ANSI C12.20, be Revenue grade with a +/-0.2% accuracy, and be properly calibrated. The meter must also have battery backup to prevent the loss of data during power outages. The Applicant must provide, and maintain, an active internet connection to the meter throughout the performance period to support daily data transmissions. Data collected from the meter will be made available to the public at <http://chp.nyserderda.org> or other similar website specified by NYSERDA, and will be used by NYSERDA to verify the Site Actual Annual Energy Production which will inform the magnitude of annual performance payments.

#### **Renewable Biogas Fueled Electric Generation**

Renewable Biogas can be used to produce electric energy at the site where the gas is generated (i.e., locally-fed), or as Pipeline Directed Biogas for sale to an end user at another location where electric energy is generated (Pipeline-Directed Biogas must originate within the Zone Group of the Electric Generation Equipment that it serves). Pipeline-Directed Biogas must originate within the Zone Group of the Electric Generation Equipment that it serves.

To produce electricity, any prime mover capable of converting Renewable Biogas (whether locally-fed or Pipeline Directed Biogas) to electricity is eligible including, but not limited to:

- Fuel cells
- Internal combustion reciprocating engines
- Micro-turbines
- Combustion gas turbines

The prime mover of all Renewable Biogas systems must meet an air emission limit of no more than 1.6 lbs of NOx per MWh. In addition, the Applicant will be required to obtain all environmental permits associated with the installation(s).

If the electric generator is fueled with a mixture of renewable biogas and other fuel, only that fraction of the electricity generated that is attributable to the renewable biogas will be credited toward this program.

A System Installation Report detailing the design of the installed system, costs associated with equipment procurement and installation, and the commissioning process, including performance data measured during commissioning, will be required.

Electric generation equipment can be configured as electric-only, or as combined heat and power (CHP). If an installation is configured as CHP, program payments will be made only for the electric production component.

Sites that pay the RPS surcharge may use Renewable Biogas created at an off-site facility, as long as the facility creating the Renewable Biogas is located within the same Zone Group (Zone Group G&H, or Zone Group I&J) as the electric generator. It is not necessary for the site generating the Renewable Biogas to pay the RPS surcharge. The ownership of the fuel source is not relevant in terms of eligibility; the Renewable Biogas may be conveyed through a private pipeline or a pipeline operated by a local gas distribution company (LDC). If the site generating the Renewable Biogas conveys the Renewable Biogas to the end-user via a privately owned or LDC operated pipeline, then the supplier and end-user will be expected to follow the procedures contained in the NYS RPS Biomass Power Guide for Renewable Pipeline Gas ([www.nyserdera.ny.gov/~media/Files/EDPPP/Energy and Environmental Markets/RPS/RPS Documents/rps-biomass-guide.ashx](http://www.nyserdera.ny.gov/~media/Files/EDPPP/Energy%20and%20Environmental%20Markets/RPS/RPS%20Documents/rps-biomass-guide.ashx)) These procedures include a requirement that a contract between the supplier and the end-user be established that includes provisions for metering gas volumes to ensure that the heat input rate associated with the renewable biogas injected into a pipeline can be readily established.

Metering and Data Acquisition for Renewable Biogas Installations: The Applicant must provide, install, and maintain an electric meter that displays instantaneous AC power and cumulative total AC energy production, and is capable of providing an output to a data logger. The electric meter shall be installed to account for all parasitic losses so that only net energy produced by the system is recorded. The electric meter must meet ANSI C12.20, be revenue grade with a +/-0.2% accuracy, and be properly calibrated.

The Applicant must provide, install, and maintain a revenue grade gas meter that records gas input into the prime mover(s) and is capable of providing an output to a data logger. The gas meter must have an accuracy of +/- 2%, be corrected to standard temperature and pressure, and be properly calibrated. A gas meter installed by the local natural gas distribution company may meet this requirement provided it is installed so that it only records gas consumed by the prime mover(s) and is capable of providing an output to a data logger.

NYSERDA will contract with a Remote Monitoring Contractor to install and maintain a data logging system at the installation site and connect such data logging system to the electric meter, gas meter, and other meters and/or sensors as applicable. The Applicant must provide NYSERDA, and NYSERDA's-designated contractors, access to facilities, equipment, data (including metering and energy management data), and personnel as necessary to facilitate Remote Monitoring/Data Acquisition (RMDA). The Applicant also must provide, and maintain, an active internet connection to the data logger throughout the performance period. Data collected by the RMDA system will be made available to the public at <http://chp.nyserdera.org> or other similar website specified by NYSERDA, and will be used by NYSERDA to verify the Site Actual Annual Energy Production which will inform the magnitude of annual performance payments.

Contracts for Pipeline Directed Biogas shall include a provision applicable to the purveyor of the biogas that requires them to comply with any auditing of the biogas that NYSERDA or NYSERDA's agent may choose to perform.

#### **IV. PREPARING AND SUBMITTING A PROPOSAL**

Proposals should be submitted requesting a total number of kW (Capacity Block), which may consist of a single or multiple installations. Each installation must have a Capacity greater than 50 kW, and must be interconnected to the customer side of a single utility meter within one of the Zone Groups.

Proposals must be **received by NYSERDA** by 5:00 pm, Eastern Time, on the due date listed on the cover page of this PON. Proposals should be submitted to:

**Roseanne Viscusi, PON 2484  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399**

#### **Proposal Outline**

The Applicant is encouraged to concisely present the information needed to fully address the evaluation criteria (see Section V). Proposals that fail to include the information requested below may be rejected as non-responsive.

- Applicants must submit two (2) hard copies and one (1) write protected digital copy on compact disc of the completed proposal. For the hard copies, a single staple in the upper left corner of each copy is preferred.
- Make sure that a completed and signed Proposal Checklist (Attachment A) is attached as the front cover of your proposal. One of the hard copies must contain an original signature.
- Do not include unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response.
- Each page of the proposal should state the name of the Applicant, "PON 2484," and the page number.
- **Late proposals, and proposals lacking the appropriate completed and signed Proposal Checklist, will be returned. Faxed or e-mailed copies will be not accepted.**

All Proposals must contain the following:

- Completed and signed Proposal Checklist (Attachment A)
- Completed and signed Disclosure of Prior Findings of Non-responsibility Form (Attachment B)
- Cover Letter
- Members of Applicant's Team, Qualifications, Experience and References
- Marketing and Sales Plan (if needed), letters of intent, Installation Site Implementation Schedule
- Other Information (if applicable)
- Bid Application Form

**Note: The Bid Application Form shall be included in a separate envelope and included as part of the proposal. The CD's must not include the Bid Application form.**

To help facilitate timely evaluation, the proposal should be organized according to the sequence above and the paper copies should be labeled with corresponding tabs.

## **1.0 Cover Letter**

The cover letter should highlight any special features of the proposal, and include the name, phone number, and email for the point of contact within the Applicant's company. The cover letter must be signed by a representative of the Applicant's company who has the authority to bind the Applicant.

## **2.0 Members of Applicant's Team, Qualifications, Experience and References**

### Team Members

- Identify the Team leader for the entire proposal, including full contact information.
- Identify the Team members (companies/individuals) responsible for each part of the project.
- Provide an organizational chart that describes the reporting relationships of all key personnel.
- Provide resumes of key personnel who will be directly involved with the implementation of the proposed project.
- Provide Company Profiles for all major Team participants that include:
  - Year founded
  - Status (private/publicly-held)
  - Number of employees
  - States and countries in which they do business
  - Target customers (residential, commercial, industrial, government, etc.)
  - Location of Offices

### Project Design and Installation Experience

Provide total and annual number of installations and aggregated capacity of previous installations performed by the team members over the last three (3) years for the technology proposed. Also identify responsibilities of the team members for the installations.

### Recent Project References

Provide at least 3 letters, each signed by a representative of the site where a system was installed or developed by a member on the Applicant's team. The installations should be for the same eligible technology as the installation(s) proposed and be comparable in size or complexity to the installations proposed. The letters must include:

- Customer name, address and contact information
- Site location
- System description
- Date installed
- System capacity rating

## **3.0 Marketing and Sales Plan; Quality Assurance Plan; Letters of Intent**

### Marketing and Sales Plan

If proposing a Capacity Block for which all the sites are not yet specified, provide a detailed and comprehensive marketing and sales plan that demonstrates how the Applicant will meet the Installation Site Implementation Schedule for the Capacity Block, including the typical type and size of end-use customer sector(s) to be targeted and the approach(s) that will be used to reach them.

### Quality Assurance Plan

Provide a description of the quality assurance plan to ensure that the installation(s) will be completed in accordance with industry standards and practices. Also include the warranties offered as part of the individual installation(s) and a detailed description of the service and maintenance capabilities of the Applicant's team.

NYSERDA, at its discretion, may inspect or have a third party inspect any individual installation for adherence to appropriate codes and professional standards pertaining to the installation(s).

### Letters of Intent

At least 50% of Capacity Block, measured in kW, must be supported by letters of intent signed by individuals having the authority to bind the customer(s) at the time the proposal is submitted. Letters must be on customer letterhead and must identify the specific site address where the installation will be located, approximate capacity of proposed system, the NYISO zone, and whether the site is in a Strategic Location.

## **4.0 Installation Site Implementation Schedule**

Regardless of whether the proposal is for a single site or a multi-site Capacity Block, Applicants must submit a detailed Installation Site Implementation Schedule (see Attachment E), which describes the plan for completing the installation(s) (expected kW milestones and timing for each installation). When developing the Installation Site Implementation Schedule, Applicants should take into consideration the time required for all outside approvals including but not limited to obtaining permits and the utility's interconnection process. The Installation Site Implementation Schedule should include, at a minimum, major development milestones in kW for each month for each installation as listed below:

- Customer agreements signed
- All permits obtained
- System installation
- Application for Interconnection submitted to the local utility
- Interconnection approval received
- Data transmittal to website

## **5.0 Bid Application Form**

Applicants must complete the Bid Application Form (Attachment C). **The Bid Application Form must not be included on the CD copy.** The Applicant is responsible for the accuracy of the information provided on this form and must sign and date the form. The form must be completed as follows:

- Identify the eligible technology
- Select one of the two eligible Zone Groups for the installation(s)
- Enter the Capacity Block in kW for either the PV or Renewable Biogas installation(s)
- Enter the Incentive Bid in \$/kWh to two decimal places only (i.e. no fractions of pennies)
- Enter the estimate for the total installed system costs for the Capacity Block
- Sign and date the completed form
- Place two copies of the signed form (one of which must be an original signature) in a separate envelope to be bundled with and transmitted with the proposal

When the Bid Application Form is completed using the electronic spreadsheet, the Total Requested Dollar Amount is auto-calculated; otherwise this value needs to be calculated manually. Note: If the Total Requested Dollar Amount exceeds \$3 million, the proposal is unacceptable from a financial standpoint and will not be funded.

**Incentive Limits: The Budget must not exceed \$3 million per Applicant for this solicitation (see additional pertinent information under “Eligible Applicants” above). In addition, the incentive (excluding any “Strategic Location” bonus) for each installation shall not exceed 50% of the total installed system costs for the installation. Applicants are required to provide an estimate for the total installed costs for the Capacity Block and show that the Total Dollar Amount is no greater than 50% of the total installed costs for the Capacity Block.**

## 6.0 Other Information

If necessary, provide additional information to assist NYSERDA in reviewing and evaluating the proposal. For Pipeline Directed Biogas proposals, the Applicant will be required to show proof that a sufficient amount of biogas is available to support the installation(s).

## V. PROPOSAL EVALUATION

Proposals will be evaluated separately for Zone Group G&H and Zone Group I&J.

Proposal evaluation will occur via a 3-step procedure: Step (1) Screening for Completeness & Conformity with Eligibility Requirements will be conducted by a team of NYSERDA staff (only those deemed responsive will proceed to the next step, all others will be rejected); Step (2) Technical Evaluation will be conducted by a Panel consisting of non-NYSERDA personnel and NYSERDA staff to ensure that all the technical criteria specified in this PON are satisfied (only those deemed responsive will proceed to the next step, all others will be rejected); and Step (3) Bid Comparison will be conducted to select projects based on price (Incentive Bid).

Proposals rejected during any step or ultimately not selected due to bid price can re-propose in subsequent rounds and/or subsequent solicitations.

**NYSERDA has determined a Maximum Acceptable Incentive Bid it is willing to accept; any request above this value will not be funded. Proposers are encouraged to offer best price bids.**

### STEP 1: Screening for Completeness & Conformity with Eligibility Requirements

SCREENING CRITERIA
<ul style="list-style-type: none"><li>• Proposal was submitted by the due date and signed by an authorized representative of the Applicant’s team.</li><li>• Bid Application Form is completed and signed.</li><li>• Proposal is for installation(s) in Zone Group G&amp;H or I&amp;J.</li><li>• Proposal is for <b>either</b> the installation of PV systems or Renewable Biogas systems.</li><li>• Incentive Bid does not exceed the Maximum Acceptable Incentive Bid.</li><li>• Total Requested Dollar Amount does not exceed \$3,000,000 per <u>Applicant</u>.</li></ul>

## STEP 2: Technical Evaluation Panel Criteria

Proposals that satisfy the requirements of the Screening Criteria will be reviewed by a Technical Evaluation Panel (TEP) to ensure that all the technical criteria are satisfied. If the TEP determines that the proposal's documentation of adequate conformance to the technical criteria is insufficient, the proposal will be rejected from further processing, regardless of the Incentive Bid.

TECHNICAL CRITERIA
<ul style="list-style-type: none"><li>• Applicant has sufficient experience in the technology for the proposed installation(s).<ol style="list-style-type: none"><li>1. Was all of the required team member information provided as listed in section 2.0?</li><li>2. Does the aggregated capacity of previous installations support the Capacity Block proposed, including consideration of the technology and the customer sector?</li></ol></li><li>• Project references are included and are associated with past installations in the proposed technology.<ol style="list-style-type: none"><li>1. Were three applicable references included in the proposal for previous installations?</li><li>2. Were these installations in the technology proposed and of comparable size and complexity as that being proposed?</li><li>3. Were the installations installed within the last three years?</li></ol></li><li>• Marketing and sales plan (if needed) adequately demonstrates the ability of the Applicant to meet the target Installation Site Implementation Schedule.<ol style="list-style-type: none"><li>1. For sites not identified, did the Applicant provide a plan to show how the balance of the Capacity Block will be secured?</li><li>2. Were letters of intent provided for installations at or above the 50% minimum?</li></ol></li><li>• Implementation Schedule is complete and reasonable.<ol style="list-style-type: none"><li>1. Does the schedule support completion of the Capacity Block within a 12 month period?</li><li>2. Is the schedule realistic given the size of the Capacity Block proposed?</li></ol></li><li>• Letters of intent signed by the prospective customer(s).<ol style="list-style-type: none"><li>1. Do the letters support at least 50% of the proposed Capacity Block?</li><li>2. Are the installations identified located in one of the eligible NYISO Zone Groups?</li></ol></li><li>• Quality assurance plan is sufficient to ensure installation(s) will be completed in accordance with industry standards and practices.<ol style="list-style-type: none"><li>1. Does the Applicant have a formal documented quality assurance plan in place?</li><li>2. Does the quality plan address items such as industry standards followed, service and maintenance capabilities, and warranties offered?</li><li>3. Are the service and maintenance capabilities sufficient to ensure continued quality operation of the installation(s)?</li></ol></li></ul>

## STEP 3: Incentive Bid Evaluation

Proposals that meet the Screening Criteria and the Technical Evaluation Panel Criteria will be ranked based on the Incentive Bid. Selection for awards will begin with the proposal with the lowest Incentive Bid, working sequentially through the next lowest Incentive Bid. Any funding not awarded will be available for subsequent solicitation.

## VI. CONTRACTING/PAYMENT

### Contracting

Upon award, contracting will be through a Standard Performance Agreement appropriate to the proposal (Attachment F, G, or H). NYSERDA reserves the right to cancel an award if the Standard Performance Agreement is not executed by Applicant within a reasonable amount of time. NYSERDA may request supplemental information as necessary to complete any contract and/or any task work order.

Reporting: Within thirty (30) days after the end of each of the three (3) annual payment periods during the Performance Period, the Applicant must provide a report containing the following as applicable to the installation(s):

- Monthly electric energy production data (in kWh) for the 12 month payment period (Site Actual Annual Energy Production),
- Monthly gas consumption data for renewable biogas installations (in cubic feet or MMBtu as appropriate),
- Documentation that a sufficient amount of biogas was supplied to the pipeline by the biogas producer for reconciliation on a calendar-month basis for Pipeline Directed Biogas installations (in cubic feet and MMBtu) for the 12 month payment period,
- Monthly measurements of the heating value of the biogas consumed by locally-feed biogas installations (in BTU/cubic feet) for the 12 month payment period.

Attachments F, G and H are Sample Standard Performance Contract Agreements which identify additional reporting requirement details.

Timely Completion of Installation(s): It is expected that the installations will be contracted and completed in a timely manner. The goal is to complete all installations and submit all applications for interconnection approval to the utility within 12 months of establishing a fully executed contract with NYSERDA. That fraction of installation sites not meeting the schedule may be canceled at NYSERDA's discretion and the Budget appropriately reduced.

Energy Assessment for Installations: If awarded a contract, the Applicant will be required to conduct an energy efficiency assessment for each installation using a "clip board" or walk-through energy audit to determine cost-effective energy efficiency measures related to electricity use. Building owners are encouraged to but will not be required to implement energy efficiency measures thus identified. Furthermore, the Applicant must inform building owners that various techniques exist for conducting more-advanced energy benchmarking, such as the USDOE/USEPA Energy Star Portfolio Manager Benchmarking Tool ([http://www.energystar.gov/index.cfm?c=evaluate\\_performance.bus\\_portfoliomanager](http://www.energystar.gov/index.cfm?c=evaluate_performance.bus_portfoliomanager)), or other equivalent tools; at the building owner's request, the Applicant will help them enter utility bill information into the Tool in order to produce an Energy Use Index (EUI) and, where applicable, an Energy Star score. NYSERDA will provide the Applicant with access to informational brochures on NYSERDA and utility energy efficiency programs. The Applicant is encouraged to provide these brochures to the building owners for information. Building owners will not be required to perform the more-advanced benchmarking or implement energy efficiency measures thus identified.

## **Payment**

The payment process is designed to encourage the installation of high performing systems. If awarded a contract, payments for each individual installation will consist of a combination of up-front payments and performance payments.

### Up-Front Payments:

The first up-front payment will be paid upon demonstration to NYSERDA that all major equipment for that installation has been procured and delivered to the installation site, all necessary permits and approvals have been acquired, and initial approval from the utility has been received. This payment will be 15% of the Maximum Installation Site Incentive for that installation.

The second up-front payment will be paid after the system has been interconnected to the grid (proof of interconnection is required via a letter or email from the local distribution utility), and has proven capable of providing data to the website specified by NYSERDA. Inspection by NYSERDA or NYSERDA's agent may also be required prior to payment. This payment will be 15% of the Maximum Installation Site Incentive for that installation.

Performance Payments: Performance payments will be paid annually for three (3) consecutive years. For each year of the three year Performance Period, a performance payment equal to 70% of the Applicant's Incentive Bid (\$/kWh) multiplied by the Site Actual Annual Energy Production (kWh) (if installation is in a Strategic Location, the Incentive Bid will be multiplied by 1.15) will be made for that installation, not to exceed the Maximum Installation Site Incentive for that installation.

For Pipeline Directed Biogas installations, payments associated with electricity generation will be conditioned on the end-user demonstrating that a sufficient quantity of renewable biogas has been purchased during each calendar month to support electricity generation in that same month.

Monthly energy production data for a period of twelve (12) months must be submitted annually with each performance payment request. Monthly gas purchase or production, and consumption data, as applicable, for a period of twelve (12) months must also be submitted for renewable biogas installations. In addition, data on the heating value and/or chemical composition of the biogas must be provided for installations directly consuming biogas (as opposed to using Pipeline Directed Biogas).

The Applicant must submit an annual report to NYSERDA identifying the Site Actual Annual Energy Production within 30 days of the conclusion of each twelve (12) month period. Full reporting requirements can be found in Attachments F, G and H, the Sample Standard Performance Contract Agreements for the various technologies.

## **VII. PAYMENT SUMMARY**

1. Contractors will contact NYSERDA when an individual installation site has been defined and will establish the Site Estimated Annual Energy Production over the 3 year period for that installation site.
2. NYSERDA will use the Incentive Bid to determine the amount of the two up-front payments.
  - Sites in Strategic Locations: First up-front payment =  $.15 \times (\text{Incentive Bid} \times 1.15) \times \text{Site Estimated Annual Energy Production} \times 3 \text{ years}$
  - Sites in Strategic Locations: Second up-front payment =  $.15 \times (\text{Incentive Bid} \times 1.15) \times \text{Site Estimated Annual Energy Production} \times 3 \text{ years}$

- Other Sites: First up-front payment =  $.15 \times \text{Incentive Bid} \times \text{Site Estimated Annual Energy Production} \times 3 \text{ years}$
  - Other Sites: Second up-front payment =  $.15 \times \text{Incentive Bid} \times \text{Site Estimated Annual Energy Production} \times 3 \text{ years}$
3. After one year of operation, the contractor will provide NYSERDA with the Site Actual Annual Energy Production for the year.
  4. NYSERDA will provide performance payments according to the following:
    - Sites in Strategic Locations: Performance payment =  $.70 \times (\text{Incentive Bid} \times 1.15) \times \text{Site Actual Annual Energy Production}$ , not to exceed the Maximum Installation Site Incentive
    - Other Sites: Performance payment =  $.70 \times \text{Incentive Bid} \times \text{Site Actual Annual Energy Production}$ , not to exceed the Maximum Installation Site Incentive
  5. Steps 3 and 4 will be repeated for two additional years to the extent the Maximum Installation Site Incentive is not exceeded.

## VIII. DEFINITIONS

**Applicant** – The entity (e.g. manufacturers, energy service companies, system installation companies, equipment distributors, financial institutions, host sites, etc.) submitting the proposal to PON 2484. The Applicant is the entity identified as the “Company,” on the Proposal Checklist (Attachment A) and the Bid Application Form (Attachment C). If selected for an award, this entity will be the “Contractor” under the Standard Performance Agreement; all payments by NYSERDA will be made to the Contractor.

**Assigned Capacity Factor** – A value, predetermined by NYSERDA for PON 2484, for use in projecting estimated energy production. The values are 11% (.11) for PV and 75% (.75) for Renewable Biogas projects. The Assigned Capacity Factor is used in determining the Site Estimated Annual Energy Production and the Total Contract Estimated Energy Production.

**Bid Application Form** – Form to be completed, signed and submitted by the Applicant, which includes the Zone Group, Applicant’s Incentive Bid and Capacity Block (Attachment C).

**Budget** – This is equal to the Total Requested Dollar Amount plus an additional 15% funds for each installation site within the Capacity Block that is identified at the time of the proposal as within a Strategic Location. The Budget cannot exceed \$3,000,000.

**Capacity** – The manufacturer’s nameplate rating of the Electric Generation Equipment. For PV, this is the total DC power rating of the PV panels in an installation. For Renewable Biogas projects, this is the AC power rating of the prime mover based on the BTU content of the fuel being used.

**Capacity Block** – Total aggregated Capacity in kilowatts (kW) the Applicant proposes to install under a Standard Performance Agreement. This could be a single installation or the aggregation of multiple installations within a given Zone Group.

**Electric Generation Equipment** – Solar photovoltaic or Renewable Biogas fueled equipment that generates electric power.

**Incentive Bid** – The Applicant’s requested incentive payment rate in \$/kWh.

**Maximum Acceptable Incentive Bid** – NYSERDA has determined a Maximum Acceptable Incentive Bid it is willing to accept; any request above this value will not be funded.

**Maximum Installation Site Incentive** - Incentive Bid x Site Estimated Annual Energy Production x 8760 hours/year x 3 years (if the installation site is identified in the proposal as being located in a Strategic Location, NYSERDA will multiply the Incentive Bid by 1.15), not to exceed \$3 million.

**Performance Period** – The period for which performance payments will be made for each system in the Capacity Block. The Performance Period for this PON is the three (3) consecutive years beginning on the first of the month following the production of electric energy of each installation site in the Capacity Block in accordance with the requirements of this program, including the approval of all necessary permits and interconnection agreements.

**Pipeline Directed Biogas** – Renewable biogas fuel that is contracted for delivery through a natural gas pipeline.

**Renewable Biogas** - For the purpose of determining eligible renewable biogas fuels, the definitions and procedures for renewable biogas contained in the NYS RPS Biomass Power Guide ([www.nyserdera.ny.gov/~media/Files/EDPPP/Energy and Environmental Markets/RPS/RPS Documents/rps-biomass-guide.ashx](http://www.nyserdera.ny.gov/~media/Files/EDPPP/Energy%20and%20Environmental%20Markets/RPS/RPS%20Documents/rps-biomass-guide.ashx)) related to anaerobic digestion will be applied. Renewable biogas is defined as fuel from the anaerobic digestion of farm, food or wastewater treatment materials that is currently not being used for the production of heat, power, or steam. Renewable feedstocks include manure, agricultural residues, high BOD industrial organic wastes (e.g. food and beverage wastes), and municipal wastewater treatment sludge. [Note: Electricity generated by landfill biogas is not eligible for this program].

**Satellite Meter** – Additional meter(s) designated by the host meter account with the same name on the account, for the application of excess net metering credits.

**Site Actual Annual Energy Production** – This is the actual, verified metered energy production in kWh of a specific installation site over the period of one year (See Section IV; Metering and Data Acquisition).

**Site Estimated Annual Energy Production** - the site identified Capacity x Assigned Capacity Factor x 8760 hours/year.

**Strategic Locations** – In accordance with the Order, the electric utilities in the Zone Groups have identified regions within their service territories where the installation of new PV and/or Renewable Biogas fueled electric power generation systems is expected to provide benefits to the electric distribution system. For PON 2484, these regions are shown in Attachment D. **Incentives for projects installed within these Strategic Locations will be paid at 115% of the Incentive Bid. This increased payment is only available for those sites identified as being within a Strategic Location at the time the proposal is submitted.**

**Total Contract Estimated Energy Production** - Capacity Block x Assigned Capacity Factor x 8760 hours/year x 3 years.

**Total Requested Dollar Amount** – The Incentive Bid multiplied by the Total Contract Estimated Energy Production. NYSERDA will set aside additional funding to allow for the added payment for installations identified in the proposal as being within Strategic Locations. The Total Requested Dollar Amount plus this

additional funding will establish the Budget should a contract be awarded. The Budget shall not exceed \$3,000,000.

**Zone Group** –The grouping of New York Independent System Operator (NYISO) designated zones (G&H) and (I&J), each of which is a Zone Group.

## IX. GENERAL CONDITIONS

**Proprietary Information:** Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2) (d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the Applicant 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 exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://nysesda.ny.gov/~media/Files/About/Contact/NYSERDARegulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

*Empire State Development*  
Division For Small Business  
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

**Limitation:** This solicitation does not commit NYSERDA to award a contract, to pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest.

**Disclosure Requirement:** The Applicant must disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When an Applicant is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the Service Provider may be subject to penalties for violation of any law which may apply in the particular

circumstances. Applicants 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.

**State Finance Law sections 139-j and 139-k:** NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>. The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

**Tax Law Section 5-a:** NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/2006/fillin/st/st220ca\\_606\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/2006/fillin/st/st220ca_606_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

**Contract Award:** NYSERDA anticipates making multiple awards under this solicitation. It may award a contract based on initial proposals without discussion, or following limited discussion or negotiations pertaining to the Sample Standard Performance Agreement. Each Proposal should be submitted using the most accurate cost and technical information available. NYSERDA may request additional data or material to support proposals. NYSERDA expects to notify Applicants in approximately 8 to 10 weeks from the Proposal due date whether each Proposal has been selected to receive an award. Contracting will be through a Standard Performance Contract Agreement (Agreement). Sample Agreements are shown as Attachments F, G and H. **NYSERDA may decline to contract with awardees who are delinquent with respect to any obligation, including required reporting, under any previous or active NYSERDA agreement.**

**Insurance:** Selected Applicants will be required to maintain or cause to be maintained throughout the term of this Agreement, commercial general liability insurance for bodily injury liability, including death, and property damage liability, incurred in connection with the performance of this Agreement, with minimum limits of \$1,000,000 in respect of claims arising out of personal injury or sickness or death of any one person, \$1,000,000 in respect of claims arising out of personal injury, sickness or death in any one accident or disaster, and \$1,000,000 in respect of claims arising out of property damage in any one accident or disaster; and (2) Commercial automobile liability insurance in respect of motor vehicles owned, licensed or hired by Applicant for bodily injury liability, including death and property damage, incurred in connection with the performance of this Agreement, with minimum limits of \$500,000 in respect of claims arising out of personal injury, or sickness or death of any one person, \$1,000,000 in respect of claims arising out of personal injury, sickness or death in any one accident or disaster, and \$500,000 in respect of claims arising out of property damage in any one accident or disaster. All such insurance shall be evidenced by insurance policies, each of which shall: **(1) name or be endorsed to cover the Applicant as the insured, and NYSERDA and the State of New York as additional insureds;** (2) provide that such policy may not be cancelled or

modified until at least 30 days after receipt by NYSERDA of written notice thereof; and (3) be reasonably satisfactory to NYSERDA in all other respects.

## **X. ATTACHMENTS**

Attachment A	Proposal Checklist
Attachment B	Disclosure of Prior Findings of Non-responsibility Form
Attachment C	Bid Application Form
Attachment D	Strategic Locations
Attachment E	Installation Site Implementation Schedule Template
Attachment F	Sample Standard Performance Agreement for Solar PV
Attachment G	Sample Standard Performance Agreement for Electric Generation using Renewable Biogas Fuel Locally-fed to the Generator
Attachment H	Sample Standard Performance Agreement for Electric Generation using Pipeline Directed Biogas