New York Sun Competitive PV Program
Program Opportunity Notice (PON) 2589
$106,900,000 Available

Proposals Due:*
December 5, 2012, by 5:00 PM Eastern Time
March 14, 2013, by 5:00 PM Eastern Time
August 29, 2013, by 5:00PM Eastern Time

The New York State Energy Research and Development Authority (NYSERDA) is pleased to announce the **New York Sun Competitive Photovoltaic (PV) Program,** an expansion of the Renewable Portfolio Standard (RPS) Customer-Sited Tier Regional Program,[1] to include Upstate New York. The New York Sun Competitive PV Program is part of the New York State (NYS) RPS Customer-Sited Tier Program. NYSERDA invites proposals for the installation of customer-sited PV projects in New York Independent System Operator (NYISO) load zones A through J and Renewable Biogas-fueled electric generation projects in NYISO load zones G through J. All systems must be greater than 50 kW. Complete proposals that demonstrate project viability and capability will be competitively selected based on their incentive bid in dollars per kilowatt hour ($/kWh). All Projects must be installed within eight (8) months of the award date.

At least $36.4 million in funding is available for proposals submitted for the December 5, 2012 due date; NYSERDA may award funding in addition to that amount depending on the depth and competitiveness of the proposals received. The balance of the $106.9 million in funding will be available for proposals received in 2013. In accordance with rules established by the NYS Public Service Commission, NYSERDA may re-allocate funds among the Zone Groups. NYSERDA anticipates that future rounds of this PON will be offered in a similar manner in 2014 and 2015.

NYSERDA will conduct teleconferences for prospective Applicants on **September 13, 2012, January 17, 2013 and May 23, 2013 at 11am EST.** On each teleconference, NYSERDA will review the PON requirements and address questions. Those who wish to participate in the teleconference must send an email indicating such to PON2589@nyserda.ny.gov, by 12:00 noon EST on September 6, 2012, January 10, 2013, and/or May 16, 2013, with the subject line "Bidders' Teleconference." Respondents will be provided with a dial-in number and pass code.

Proposal Submission:
Applicants must submit:

- Two (2) hard copies of the Applicant Qualification Package. At least one of the Proposal Checklists must contain an original signature.
- Two (2) hard copies of the Project Site Package for each Project Site.
- Two (2) hard copies of the Bid Application Form for each Project Site submitted in a sealed envelope that is bundled with the rest of the submittal. At least one of the Bid Application Forms must contain an original signature.
- One (1) compact disc (CD) compatible with Microsoft Windows XP® containing an exact digital copy of the original paper copy of the Applicant Qualification Package and each Project Site Package, in Portable Document Format (PDF).

[1] The Regional Program was previously issued under PON 2156 and PON 2484, in response to a Commission Order initiating a "Geographic Balance" component to the RPS CST Program.

Proposals must be **received by NYSERDA by 5:00 pm eastern time on or before the relevant proposal due date**, and must be clearly labeled and submitted to:

Roseanne Viscusi, PON 2589
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 at (518) 862-1090, ext. 3554 or pv2@nyserda.ny.gov, Alison Neligan at (518) 862-1090, ext. 3397 or aln@nyserda.ny.gov, or Davetta Thacher at (212) 971-5342 ext. 3603 or dmt@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Nancy Marucci at (518) 862-1090, ext. 3335 or nsm@nyserda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting Paul Vainauskas (Designated Contact) at (518) 862-1090, ext. 3554 or pv2@nyserda.ny.gov. Contacting anyone other than the Designated Contact (either directly by the Applicant or indirectly through a lobbyist or other person acting on the Applicant's behalf) in an attempt to influence this procurement may result in an Applicant being deemed non-responsible, and may result in the Applicant not being awarded a contract.

***Proposals must be <u>received</u> by NYSERDA 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 NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at www.nyserda.ny.gov.

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I. INTRODUCTION

In accordance with the New York State Public Service Commission's Orders,[2,3] NYSERDA is pleased to announce the NY-SUN Competitive PV Program, an expansion of the RPS Regional Program, to include Upstate New York. Proposals will be competitively selected for the installation of customer-sited PV projects in NYISO load zones A through J and grid-connected high capacity factor Renewable Biogas-fueled electric generation projects in NYISO load zones G through J. For Renewable Biogas projects, the biogas 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. All systems must be greater than 50 kW. All Projects must be installed within eight (8) months of the award date. The following is a link to a map of the NYISO load zones: http://www.nyiso.com/public/webdocs/market_data/zone_maps_graphs/nyca_zonemaps.pdf.

The PV or biogas-fueled Electric Generation Equipment must be electrically interconnected on the customer side of a utility meter installed at a site that pays the RPS surcharge as part of its electricity bill (referred to as "RPS" or "RPS/SBC" on utility bill). Available funds for this PON have been initially allocated, by "Zone Group," on a per-calendar-year basis through 2013, as set forth in the table below for allocations by zone and year. Proposals will be assessed for "completeness" and then on a pass/fail basis with respect to the proposing team's demonstrated competency; proposals demonstrating competency will be evaluated based exclusively on the Incentive Bid in dollars per kilowatt hour ($/kWh) for each Project Site. This PON may be modified for future rounds.

Depending on zonal demand for the program, adjustments to the initial per Zone Group allocations may occur at NYSERDA's discretion; any funds transferred would be available for PV projects only. Applicants are advised to see the Commission's Orders, as cited above, for background information.

	Zone Group A-F	Zone Group G&H	Zone Group I&J	Total
2012 Initial Allocation	$18,200,000	$3,033,333	$15,166,667	$36,400,000
2013 Initial Allocation	$20,250,000	$8,375,000	$41,875,000	$70,500,000

Depending on the depth and competitiveness of the proposals received for the December 5, 2012 due date, NYSERDA may award funding in addition to the 2012 Initial Allocation amounts. The balance of the $106.9 million in funding will be available for proposals received in 2013.

Significant Changes from PON 2484:[4]

- PV projects installed in NYISO load zones A through F (A-F) are now eligible for participation in this solicitation.
- Selection for award under this PON will be based on individual Project Sites rather than "capacity blocks."
- For each Project Site, Applicants will be required to provide Project Site-specific information as outlined in the Project Site Package section of this PON.
- Maximum award per Applicant per round has been raised to $6 million regardless of number and location of projects (the maximum incentive for an individual project remains capped at $3 million).

[2] http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BC05CD0D6-8EA5-4CB9-A9FA-6ADD3AECB739%7D
[3] http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={D0B0E857-2A37-494D-A64F-13307397AC18}
[4] See also Summary of Revisions regarding changes to this PON 2589 since Round 1 (December 5, 2012 Due Date).

NOTE: CAPITALIZED TERMS APPEARING IN THIS PON ARE DEFINED IN SECTION VIII (DEFINITIONS). APPLICANTS SHOULD REFER TO SECTION VIII WHEN READING THIS DOCUMENT. APPLICANTS SHOULD READ THIS PON, INCLUDING THE DEFINITIONS, IN ITS ENTIRETY BEFORE SUBMITTING A PROPOSAL. PARTICIPATION IN ONE OR MORE BIDDERS TELECONFERENCES IS STRONGLY ENCOURAGED.

II. GENERAL INFORMATION/ELIGIBILITY

Awards/Incentives: Proposals that demonstrate eligibility will be ranked solely on the level of incentive requested by the Applicant, lowest to highest, in dollars per kWh (Incentive Bid). Awardees will be notified in writing and will receive a conformed copy of the Standard Agreement for signature. The Agreement will provide for two up-front payments and three performance payments – one following each of the first three years of operation. The dollar value of the agreement will be calculated by multiplying the Incentive Bid by the number of kWh the project is expected to produce over three years using a capacity factor of 11% for PV or 75% for Renewable Biogas. The performance payments will be calculated and paid based on the number of verified kWh actually produced during each year of operation. If the Project Site is identified as being located in a Strategic Location, NYSERDA will multiply this amount by 1.15; total payments cannot exceed $3 million.

Eligible Applicants: Applicants are permitted and encouraged to collaborate and form teams (i.e. 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 technology proposed. In addition, Applicants must show that their team's previous experience demonstrates competency with respect to the largest and most complex installation the Applicant proposes. For example, if an Applicant proposes to install a 1 MW PV project, the Applicant Qualification Package portion of the proposal must demonstrate that the "team" has the experience and capability to install a PV project of that size and complexity (See Section IV Preparing a Proposal; 1.0 Applicant Qualification Package, Recent Project References). To prevent the arranging of teams in formats intended to circumvent various program requirements, including but not limited to the $6 million cap per "Applicant," provisions of this PON may be applied, at NYSERDA's discretion, to one or more critical members of a team in addition to the Applicant.

Eligible Project Site Locations: PV projects must be installed at sites in NYISO load zones A through J; Renewable Biogas-fueled electric generation projects must be installed in NYISO load zones G through J. All installations must be grid-connected (electrically interconnected on the customer side of the utility meter) at a Project Site that pays the RPS surcharge (referred to as "RPS" or "RPS/SBC" on utility bill) as part of their electricity bill at the site meter.

Strategic Locations: Utilities have identified regions that would benefit from the installation of new PV and/or Renewable Biogas systems. For projects in these Strategic Locations, NYSERDA will pay an additional 15% above the Project Incentive to the extent the $3 million cap is not exceeded. **This increased payment is only available for a Project Site identified by the Applicant in the Project Site Package portion of a proposal as within a Strategic Location.** 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 2589, as determined by the utilities and incorporated into this solicitation, are shown in Attachment D.

Timely Completion: All projects must be completed within eight (8) months from the date upon which the Applicant is notified in writing by NYSERDA of an award.

Substitutions: NYSERDA generally will grant a request to substitute a project of the same technology if such request is accompanied by a completed Project Site Package and the request is received by NYSERDA within the first two (2) months following notification of an award.

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

System Size Limitation: Systems must be sized such that the expected yearly energy output (Site Estimated Annual Energy Production) will not exceed 110% of the site's historical annual net grid supplied consumption (including any eligible Satellite Meters, see Net Metering, Interconnection below). NYSERDA may further limit the size of eligible systems to prevent the obsolescence of other existing/planned on-site power production equipment.

Ineligible Projects and Costs: PV or Renewable Biogas equipment funded in whole or in part with System Benefits Charge (SBC) funding is not eligible for this program. Systems installed prior to issuance of a contract by NYSERDA under the Standard Performance 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 PV or biogas 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 and/or PON 2484: NYSERDA expects that Applicants bidding in PON 2589 who have previously been selected for an award under PON 2156 and/or PON 2484 will be making good faith progress on their PON 2156/PON 2484 award(s). In addition, if an Applicant under PON 2589 has a previously contracted capacity block where less than the full capacity block is committed, any Incentive Bid submitted as part of a PON 2589 proposal for that same Zone Group must not be greater than the Applicant's previously contracted Incentive Bid for the uncommitted capacity block. 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 a Project 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.

If the intent is to pursue net metering for any Project Site, the electric utility and the specific electric utility tariff that allows the project to participate in net metering must be identified on Attachment K, Electric Utility Information. Additionally, if the intent is to pursue remote net metering, all meters that will be included for the Project Site along with the 12 month historical energy usage of each meter must be identified. Applicants who are considering projects that will take advantage of remote-net-metering must consult the host utility to insure that the project will meet the utility's system requirements. Applicants are strongly encouraged to review the utilities' tariffs prior to the submission of a bid. Electric utility tariffs can be found at: https://www2.dps.ny.gov/ETS/search/searchShortcutEffective.cfm?serviceType=ELECTRIC

State Environmental Quality Review Act: NYSERDA will conduct a project-based review in accordance with the New York State Environmental Quality Review Act (SEQRA) (http://www.dec.ny.gov/regs/4490.html) and relevant emissions standards, as appropriate. Only those projects passing this review will be allowed to proceed to contract. PV systems installed on existing buildings with an array area of less than 4,000 square feet are classified as SEQRA Type II actions and will not require further environmental review.

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 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, regardless of the percentage of the project capacity included on the Bid Application Form, 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 (in load zones, A-J) and Renewable Biogas-fueled projects (in load zones G-J only), as defined below. For all installations, the electrical output must be generated by new Electric Generation Equipment installed after the date of the fully executed Standard Performance Agreement with NYSERDA. The equipment must be new to the host site, 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.

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 for each.

Photovoltaics

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 listed on New York State Public Service Commission certified equipment listing (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 the American National Standards Institute (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.nyserda.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).

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.

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.

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.

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 (G&H, or 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.nyserda.ny.gov/~/media/Files/EDPPP/Energy and Environmental Markets/RPS/RPS Documents/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 Project 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.nyserda.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 must 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 A PROPOSAL

As is described in more detail below, each proposal will consist of three components, or "packages." The first is the Applicant Qualification Package, which will be reviewed to determine, on a pass/fail basis, whether the proposing team is capable and competent to complete the installation(s). The second

component consists of one or more Project Site Packages. Each Project Site Package must include information and documentation with respect to an individual project that will allow the evaluation panel to determine whether the project is eligible and whether it can be completed within the program Timely Completion limit of eight (8) months from award notification. The third package will consist of one or more Bid Application Forms -- one for each Project Site Package. The Bid Application Form includes information including the Incentive Bid for the project, in dollars per kWh, by which it will be ranked for consideration of an award.

Each project must have a Capacity greater than 50 kW, and must be interconnected on the customer side of a single utility meter within one of the Zone Groups. A proposal may be for a single project, or for multiple projects. If the proposal covers multiple projects, then a Project Site Package is required for each project, and each project must be for the same technology and must be located in the same Zone Group.

Proposals must be submitted to NYSERDA in accordance with the directions on the first page of this PON (see "Proposal Submission").

Applicants are 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.

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 2589," and the page number. **Proposals must be received by NYSERDA by 5:00 pm eastern time on or before the applicable proposal due date. Late proposals, and proposals lacking the appropriate completed and signed Proposal Checklist, will be returned. Faxed or e-mailed copies will be not accepted.**

Proposal Outline:

Each proposal must contain the following three (3) packages: **(1) Applicant Qualification Package; (2) Project Site Package(s); and (3) Bid Application Form(s).**

To help facilitate timely and accurate evaluation, each proposal should be organized in the sequence below, and the paper copies should be labeled with corresponding tabs. Applicants submitting multiple Project Sites for a given technology via a single proposal using the same team are permitted and encouraged to submit a single Applicant Qualification Package, which should be incorporated by reference for each Project Site package in the proposal.

1.0 Applicant Qualification Package

This package must include the following information regarding the Applicant's experience and qualifications.

- Completed and signed Proposal Checklist (Attachment A)
- Completed and signed Disclosure of Prior Findings of Non-responsibility Form (Attachment B)
- Cover Letter – The cover letter should include an executive summary and highlight any special features of the proposal or project(s)
- 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 Project Reference letters, each signed by a representative of the site where a system was installed or developed by a member on the Applicant's team, or details regarding aggregated "surrogate" project(s) in lieu of letter(s), as further described below. The installations should be for the same eligible technology as the installation proposed and be comparable in size or complexity to the largest and most complex of the installation(s) proposed. The letters must include:

- Electric customer name, address and contact information
- Name of installer and/or developer company
- Site location
- System description
- Date installed
- System Capacity rating
- Statement as to overall satisfaction

For teams that cannot provide three Project Reference letters, NYSERDA will take into consideration, in assessing the team's installation experience, the aggregate kW of commercial-scale projects installed by a member of the team under NYSERDA's Standard Offer PV Program (PON 2112 and predecessors). In such cases the aggregate kW of commercial projects installed under NYSERDA's Standard Offer programs will be divided by the number of "missing" Project Reference letters, and considered as a surrogate.[5] To exercise this option Attachment N must be completed and submitted as part of the Applicant Qualification Package. The aggregate kW (to be entered on Attachment N as a "kW" value) must be requested from NYSERDA. Please contact either: Paul Vainauskas at (518) 862-1090 x3554 PV2@nyserda.ny.gov or Davetta Thacher at (212) 971-5342 x3603 DMT@nyserda.ny.gov.

[5] For example, if an Applicant submits Attachment N, with a 200 kW value, and submits one conforming Project Reference letter, the Attachment N kW value will be divided by two, each of which will serve as a substitute, or surrogate, for a 100 kW Project Reference letter.

- Quality Assurance Plan - Provide a detailed description of the quality assurance plan to ensure that the installation will be completed in accordance with industry standards and practices. Also include the warranties offered as part of the individual installation and a detailed description of the service and maintenance capabilities of the Applicant's team. If the Applicant is awarded a contract, 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.

- 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.

2.0 Project Site Package(s)

Proposals may be submitted for a single or multiple Project Sites. A Project Site Package must be submitted for each Project Site included in the proposal. In order to ensure that the Project Site(s) identified in the proposal are at a sufficient stage of development such that the installation(s) can be completed within the Timely Completion limit of eight (8) months from the date of award notification, Applicants must submit, for each Project Site, all of the documents and information identified below:

- Completed Project Site Checklist (Attachment I)
    - NYISO load zone
    - Utility
    - County
    - Customer Contract Type (e.g. purchase, lease, power purchase)
- Completed Project Site Installation Information (Attachment L)
- If the system is to be net metered, the completed Electric Utility Information form (Attachment K)
- Estimated costs of system equipment and installation
- For roof-mounted PV systems, an assessment signed by both the site owner and project developer attesting that the roof is acceptable for installation. This assessment should show that the roof is (1) in acceptable condition, (2) structurally able to support the weight load of the system, and (3) has sufficient area to accommodate the proposed system
- A listing of all required permits and approvals
- Aerial photo for the PV Project Site including location of the proposed equipment (e.g. google maps)
- Calculations showing percentage of system losses due to shading, orientation, and tilt
- Documentation regarding the status of permitting/approval. If the system has been the subject of any local application under SEQRA, copies of associated documentation including a declaration of significance; if not, completed and signed page 1 of short (SEQRA) EAF form http://www.dec.ny.gov/docs/permits_ej_operations_pdf/shorteaf.pdf
- A letter of intent on the identified electric customer's letterhead specifying the Project Site address where the installation will be located and the Capacity of the proposed system. The letter of intent must be signed by an individual having the authority to bind the electric customer
- Electric utility bill from Project Site address showing 12 month usage history and payment into the RPS. If you are relying on remote net metering to justify the size of the system, the satellite meters must be identified on Attachment K.
- A Project Site Implementation Schedule (see Attachment E), which describes the plan for completing the installation (expected milestones and timing for the installation). When developing the Project 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 Project Site Implementation Schedule should indicate, at a minimum, anticipated dates for the accomplishment of major development milestones, as listed below:

- Signed customer agreement
- All permits obtained
- System installation
- Application for Interconnection submitted to the local utility
- Interconnection approval received
- Data transmittal to website

Applicants should review and check that all items on the Project Site Checklist above are in each Project Site package.

3.0 Bid Application Form(s)

Two (2) hard copies of the Bid Application Form for each Project Site, one of which must contain an original signature, must be submitted in a separate envelope and included in the proposal submission. If the proposal includes more than one Project Site Package, the Bid Application Forms for each Project Site can be combined into a single separate envelope to be bundled with and transmitted with the Applicant Qualification Package and the Project Site Packages. **Do not include the Bid Application Form or the bid price on the CD.**

The Applicant is responsible for the accuracy of the information provided on the Bid Application Form and must sign and date the form. Make sure that the individual project is clearly identified on the Bid Application Form. Each form must be completed as follows:

- Identify the eligible technology
- Select the eligible Zone Group for the installation
- Enter the Capacity in kW for either the PV or Renewable Biogas installation
- Enter the Incentive Bid in $/kWh
- Enter the estimate for the total installed system cost for the installation
- Sign and date the completed form (at least one copy must be have an original signature)

When the Bid Application Form is completed using the electronic spreadsheet, the Project Site Incentive is auto-calculated using the Assigned Capacity Factor: 11% (.11) for PV and 75% (.75) for Renewable Biogas projects; otherwise this value needs to be manually calculated and entered using the Assigned Capacity Factor.

Incentive Limits: The maximum incentive amount for each Project Site is $3 million. The maximum award per <u>Applicant</u> per round is $6 million regardless of the number of Project Sites (see additional pertinent information under "Eligible Applicants" above). In addition, the incentive amount (excluding any "Strategic Location" bonus) for each Project Site may 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 Project Site and show that the Project Site Incentive amount is no greater than 50% of the total installed costs for the site.

V. PROPOSAL EVALUATION

Proposal evaluation and selection will occur via a 3-step procedure:

- Step (1): Proposals will be screened for completeness and conformity with the Eligibility Requirements by a team of NYSERDA staff. Only those deemed complete and in conformance will proceed to the next step, all others will be rejected;

- Step (2): a Technical Evaluation of the Applicant Qualification Package and each Project Site Package will be conducted by a Panel consisting of non-NYSERDA personnel and NYSERDA staff to ensure that all the criteria and requirements specified in this PON are satisfied. Only those found to satisfy the technical criteria will proceed to the next step, all others will be rejected; and

- Step (3): Incentive Bids will be ranked, lowest to highest, for selection based on price.

NYSERDA has determined a Maximum Acceptable Incentive Bid it is willing to accept; any request above this value will not be evaluated or funded. Applicants are encouraged to offer best price bids. In order to inspire best available pricing from the marketplace, NYSERDA is not disclosing this Maximum Acceptable Incentive Bid.

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

STEP 1: Screening for Completeness & Conformity with Eligibility Requirements

SCREENING CRITERIA
• Proposal was submitted by the due date and signed by an authorized representative of the Applicant. • Bid Application Form(s) is completed and signed. • Proposal is for **either** the installation of a PV project in load zone A through J or Renewable Biogas project(s) in load zones G through J. • Incentive will not exceed 50% of the total installed system costs for each Project Site. • Incentive Bid(s) do not exceed the Maximum Acceptable Incentive Bid.

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 adequacy to the technical criteria detailed below is insufficient, the proposal will be rejected from further processing, regardless of the Incentive Bid.

TECHNICAL CRITERIA
• Applicant has sufficient experience in the technology for the proposed installation. 1. Was all of the required team member information provided as listed in the Applicant Qualification section? 2. Does the experience presented in the proposal support the installation proposed, including consideration of the technology and the electric customer sector? • Project references are included and are associated with past installations in the proposed technology. 1. Were three applicable references (including the furnishing of "surrogate" aggregation information via Attachment N in lieu of one or more reference, if applicable) for

previous installations that attest to the competency of the Applicant included in the proposal?
   2. Were these installations in the technology proposed and of comparable size and complexity as that being proposed?
   3. Were the installations installed within the last three years?
- Implementation Schedule is complete and reasonable.
   1. Does the schedule support completion of the installation within an 8 month period?
   2. Is the schedule realistic given the size of the installation proposed?
- Project Site Packages.
   1. Does the letter of intent support the installation?
   2. Is the other required information included?
   3. Is the required documentation included?
- Quality assurance plan is sufficient to ensure installation will be completed in accordance with industry standards and practices.
   1. Does the Applicant have a formal documented quality assurance plan in place?
   2. Does the quality plan address items such as industry standards followed, service and maintenance capabilities, and warranties offered?
   3. Are the service and maintenance capabilities sufficient to ensure continued quality operation of the installation(s)?
- Project Site Checklist has been completed and submitted along with all required documentation/information.

STEP 3: Incentive Bid Evaluation

Bid Application Forms associated with proposals that meet the Screening and TEP criteria will be ranked based on the Incentive Bid. Within a Zone Group, 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 reallocated at NYSERDA's discretion and in accordance with the Order outlined previously in the PON.

VI. CONTRACTING/PAYMENT

Contracting

Selected Applicants will be notified by NYSERDA in writing of all awards. Upon award, contracting will be through a Standard Performance Agreement appropriate to the proposal (Attachment F, G, or H), which will be delivered to the Applicant.

- **The Applicant will have thirty (30) days from notification of award to execute and return the Standard Performance Agreement to NYSERDA. NYSERDA may rescind and cancel the award if it does not receive the signed Agreement within that timeframe.**

- **The Applicant will have sixty (60) days from notification of award to provide NYSERDA's Project Manager with a copy of (1) a fully executed agreement demonstrating a binding financial commitment to install the project at the Project Site; and (2) a fully executed agreement between the Applicant and the electric customer including the terms set forth in Attachment J.**

Timely Completion of Installation: All projects must be completed within eight (8) months from the date upon which the Applicant is notified in writing by NYSERDA of an award. If the installation is not completed within this time period, funding for the project may be canceled at NYSERDA's discretion.

Energy Assessment for Installations: If awarded a contract, the Applicant will be required to conduct an ASHRAE level 1 walk through analysis to determine cost-effective energy efficiency measures related to electricity use. Should the site be located in load zone J the Applicant must submit to NYSERDA a copy of the electric customer's Energy Star score as required under PlanNYC instead of the ASHRAE level 1 audit.

Building owners should be encouraged to, but are not required to implement any energy efficiency measures 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), 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.

Upon request, 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.

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 using information extracted from NYSERDA's data management website 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 and/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 Agreements which identify additional reporting requirement details.

Payment

The payment process is designed to encourage the installation of high performing systems. If awarded a contract, payments for each 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 receipt by NYSERDA of documentation showing that all major equipment for the installation has been procured and delivered to the Project 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 Project Site Incentive.

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 Project Site Incentive.

Performance Payments: Performance payments will be paid annually for three (3) consecutive years. For each year of the three-year Performance Period, the performance payment will equal 70% of the Applicant's Incentive Bid ($/kWh) multiplied by the Site Actual Annual Energy Production (kWh). If the Project Site is in a Strategic Location, the Incentive Bid will be multiplied by 1.15. The sum of up-front payments and performance payments will not exceed the Project Site Incentive. When an Applicant's bid(s) cover multiple projects, any limitations to the strategic location bonuses will be applied in a pro-rated manner across those projects.

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 Agreements for the various technologies.

VII. PAYMENT SUMMARY

1. For each Project Site, NYSERDA will use the Incentive Bid to determine the amount of each up-front payment.
   - Each up-front payment = .15 x (Incentive Bid) x Site Estimated Annual Energy Production x 3 years
   - Sites in Strategic Locations: Each up-front payment = .15 x (Incentive Bid x 1.15) x Site Estimated Annual Energy Production x 3 years

2. For each full year of operation, the Contractor will provide NYSERDA with the Site Actual Annual Energy Production for that year. NYSERDA will provide a performance payment according to the following:

   - Performance payment = .70 x Incentive Bid x Site Actual Annual Energy Production, not to exceed the Project Site Incentive
   - Sites in Strategic Locations: Performance payment = .70 x (Incentive Bid x 1.15) x Site Actual Annual Energy Production, not to exceed the Project Site Incentive

3. Payments will be made for three years to the extent the Project 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 2589. 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 and to whom all payments by NYSERDA will be made.

Assigned Capacity Factor – A value, predetermined by NYSERDA for PON 2589, 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 (Attachment C).

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.

Electric Generation Equipment – PV or Renewable Biogas-fueled equipment that generates electric power.

Incentive Bid – The Applicant's requested incentive payment rate in $/kWh, as included on the Bid Application Form (Attachment C).

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. In order to inspire best available pricing from the marketplace, NYSERDA is not disclosing this Maximum Acceptable Incentive Bid.

Project Site – The site at which the PV system is located, where the electricity from the PV systems is used, and where the electric customer's utility meter is located.

Timely Completion – All projects must be completed within eight (8) months from the date upon which the Applicant is notified in writing by NYSERDA of an award.

Project Site Incentive - Incentive Bid x Site Estimated Annual Energy Production x 3 years (if the Project Site is identified in the proposal as being located in a Strategic Location, NYSERDA will multiply this result by 1.15), not to exceed $3 million and/or Applicant's $6 million cap.

Performance Period – The period for which performance payments will be made for each Project Site. 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 the Project Site 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.nyserda.ny.gov/~/media/Files/EDPPP/Energy and Environmental Markets/RPS/RPS Documents/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 Project Site over the period of one year (See Section III; Metering and Data Acquisition).

Site Estimated Annual Energy Production - the Project Site 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 2589, these regions are shown in Attachment D. **Incentives for projects installed within these Strategic Locations will be paid at 115% of the Incentive Bid not to exceed $3 million per Project Site and/or the Applicant's $6 million cap. This increased payment is only available for sites identified as being within a Strategic Location at the time the proposal is submitted.**

Zone Group –The grouping of New York Independent System Operator (NYISO) designated load zones (A-F) and (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://nyserda.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:	A directory of certified minority- and women-owned business enterprises is available from:

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

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 Applicant 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 Applicant 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). 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). 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. 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	Project Site Implementation Schedule Template
Attachment F	Sample Standard Performance Agreement for 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
Attachment I	Project Site Checklist
Attachment J	Addendum to the Customer Agreement
Attachment K	Electric Utility Information
Attachment L	PV Project Site Installation Information
Attachment M	Biogas Project Site Installation Information
Attachment N	Aggregated “Surrogate” Project Information in lieu of One or More Required Reference