

MEETING MATERIALS

October 6, 2020

Board Meeting – Meeting Matrix

Each meeting:

- Review and approve the Periodic Contracts Reports
- Receive a Report on NY Green Bank Status
- Receive a Report from an Authority Program or Initiative

January Meeting

- Review and approve the next fiscal year budget: from Program Planning Committee and Waste and Facilities Management Committee
- Review and approve RGGI Operating Plan/Amendments
- Review and approve the Strategic Outlook: from Program Planning

April Meeting

- Review and approve the Conflict of Interest Policy: from Governance Committee
- Review the schedule for the Independent Audit of the NYSERDA and NY Green Bank financial statements: from Audit and Finance Committee
- Review and approve
 - Board Member Evaluation Report: from Governance Committee
 - Committee Charter Amendment recommendations: from Committees
- Reappoint Members to Committees – as terms expire

June Meeting

- Review and approve:
 - Annual Financial Reports: from Audit and Finance Committee
 - Annual Investment Report and Guidelines
 - Annual OPEB Trust Investment Report and Policy Statement
 - Annual Independent Audit of NYSERDA and NY Green Bank financial statements
 - Annual Bond Sales Report
 - Appointment of Independent Auditors for next fiscal year: from Audit and Finance Committee
 - Annual Procurement Report and Guidelines
 - Annual Report on Disposition of Real and Personal Property and Review of the Guidelines
 - Real Property Acquisition Guidelines
 - Prompt Pay Annual Report
 - Operations and Accomplishments and Mission Statement and Measurements Annual Report
 - Compensation Schedule: from Governance Committee
 - Code of Conduct

October Meeting

Review as needed:

- Items presented by committees or management for review and approval

Audit and Finance Committee – Meeting Matrix

Review at each meeting:

- Recent Internal Audit Activity, subject to the issuance of audit reports by Internal Audit*

April Meeting

- Review and recommend for approval the Schedule for the Independent Audit of the NYSERDA and Green Bank financial statements
- Review and approve the Annual Internal Audit Report*
- Review and approve the Annual Internal Audit Plan*
- Review and recommend for approval the Committee Charter

June Meeting:

- Review and recommend for approval the Annual Investment Report and Guidelines
- Review and recommend for approval the Annual OPEB Trust Investment Report and Policy Statement
- Review and recommend for approval the Annual Independent Audit of NYSERDA and NY Green Bank financial statements
- Review and recommend for approval the Appointment of Independent Auditors for next fiscal year
- Review and recommend for approval the Annual Bond Sales Report

Review and recommend for approval, as needed:

- Audits by external reviewers including the New York State Comptroller*
- Review and recommend for approval any proposed bond or other debt issuances
- Review and recommend for approval the amendments to the Internal Control Manual

*These items are reviewed and approved solely by the Audit and Finance Committee and are not presented to the full Board

Governance Committee – Meeting Matrix

January Meeting

- Cancelled if no specific agenda items

April Meeting:

- Review results and make recommendations to modifications to the Self-assessment form
- Review and recommend for approval the Authority's Conflict of Interest Policy
- Review and recommend for approval the Committee Charter

June Meeting:

- Review and recommend for approval the Compensation Schedule Review and recommend for approval the Board Member Evaluation Report
- Review and recommend for approval the mission statement
- Review and recommend for approval the code of conduct/ethics

September Meeting:

- Cancelled if no specific agenda items

Review and recommend for approval, as needed:

- Guidance from Authorities Budget Office
- Member Qualifications
- Review and recommend for approval compensation / salary increases for officers
- Review and recommend for approval the NYSERDA Employee Code of Conduct
- Review and recommend for approval any specific language for Compensation, Ethics, and Whistleblower policies as needed

Program Planning Committee – Meeting Matrix

January Meeting:

- Review and recommend for approval the next fiscal year budget
- Review and recommend for approval the Strategic Outlook

April Meeting:

- Review and recommend for approval the Committee Charter

June Meeting:

- Discretionary program review

September Meeting

Review and recommend for approval, as needed:

- Cross State Air Pollution Rule (“CSAPR”, formerly CAIR) Program Plan/Amendments
- Authority programs’ performance metrics – periodic reporting
- New or ongoing program initiatives – periodic presentations

Waste and Facilities Management Committee – Meeting Matrix

Review at each meeting:

- Status of West Valley Nuclear Service Center activities

January Meeting

- Review and recommend for approval the next fiscal year budget

April Meeting:

- Review and recommend for approval the Committee Charter

September Meeting:

Review and recommend for approval, as needed:

- Status of nuclear coordination activities
- STEP-related items



NYSERDA

ANDREW M. CUOMO
Governor

RICHARD L. KAUFFMAN
Chair

DOREEN M. HARRIS
Acting President and CEO

NOTICE OF MEETING AND AGENDA

September 22, 2020

TO THE MEMBERS OF THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY:

PLEASE TAKE NOTICE that a regular (the 248th) meeting of the New York State Energy Research and Development Authority (“Authority”) will be held via video conference, on Tuesday, October 6, 2020, commencing at 2:00 p.m., for the following purposes:

I. Discussion Agenda:

1. To receive a report from the Acting President and CEO.
2. To consider and act upon a resolution approving revisions to the Authority’s FY 2020-2021 Budget.
3. To receive a report on the Authority’s Innovation and Transportation Portfolios.
4. To receive a report on NY Green Bank activities.
5. To receive a report on the Authority’s Strategic Plan.

II. Consent Agenda

1. To consider and act upon a resolution approving a periodic contracts report and ministerial amendments to the Authority’s Program and Procurement Contract Guidelines.

III. To transact such other business as may properly come before the meeting.

Members of the public may attend the meeting via the video conference which can be accessed at <https://www.nyserdera.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>. **As the Authority continues to follow the guidance for addressing the impacts of COVID-19, any changes to access the meeting will be posted to the above link as soon as practicable prior to the meeting.**

The Authority will be posting a video and a transcript of the meeting to the web as soon as practicable after the meeting. The video and transcript will be posted at <http://www.nyserdera.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>.

Peter J. Costello
Secretary

New York State Energy Research and Development Authority

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West Valley Site

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ACTING PRESIDENT'S REPORT
(Oral Report)

New York State Energy Research and Development Authority

Fiscal Year 2020-21 Budget
(Revised October 2020)

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CERTIFICATION

DRAFT

I hereby certify that, to the best of my knowledge and belief after reasonable inquiry, the budget information contained herein for the fiscal year ending March 31, 2021 has been developed based on reasonable assumptions and methods of estimation.



Doreen M. Harris
Acting President and Chief Executive Officer



Jeffrey J. Pitkin
Treasurer and Chief Financial Officer

NYSERDA
Revised Budget FY 2020-21
(Amounts in thousands)

	Approved Budget FY 2020-21	Change	Revised Budget FY 2020-21	Explanation for change
Net position beginning of year	\$ 967,847	111,284	1,079,131	Revised reflects actual balance from March 31, 2020, which differed from Budget estimates generally due to timing of revenues and expenses.
<u>Revenues:</u>				
State appropriations	33,883	-	33,883	
Third party reimbursement	33,479	(9,985)	23,494	Reflects a decrease in reimbursement funding from Con Edison due to timing of revised expenditure projections under the Indian Point Energy Center Reliability Contingency program.
Utility surcharge assessments	499,731	31,015	530,745	Primary reflects an increase in additional NY Green Bank Capital calls due to more loan commitments made than was anticipated in the original budget and from a decrease in assessments based on revised expenditure projections.
Renewable energy credit proceeds	9,096	-	9,096	
Zero emission credit payments	541,037	-	541,037	
Allowance auction proceeds	104,454	23,994	128,448	Reflects an increase in the average price per allowance based on June and September 2020 auction results.
Project repayments	385	-	385	
Federal grants	8,400	(1,499)	6,901	Reflects a slight decrease in federal grant revenue based on revised expenditure projections.
Rentals from leases	986	-	986	
Interest income	11,002	(10,318)	684	Reflects a decrease in the one year treasury rate (1.5% to .10%) given the market volatility COVID-19 has had on the economy.
Loan interest	32,016	(1,028)	30,988	Reflects a decrease in the floating rate notes loan interest due to reductions in market rate yields.
QECB interest subsidy	355	-	355	
Fees and other income	4,697	124	4,821	Reflects a slight increase in anticipated fees due to changes in portfolio composition from approved budget.
Total Revenues	1,279,521	32,303	1,311,823	
<u>Expenses:</u>				
Salaries and benefits	60,219	-	60,219	
<u>Program expenditures:</u>				
Clean Energy Standard	556,927	-	556,927	Reflects an overall decrease in anticipated program activity resulting from COVID-19 and from revised assumptions on the timing of certain program expenditures
NY-Sun	107,017	(10,415)	96,602	
West Valley	16,636	(47)	16,589	
Renewable Portfolio Standard	58,589	(188)	58,401	
Other	48,169	(1,658)	46,511	
Indian Point Energy Center	11,000	(10,000)	1,000	
Energy Storage	26,500	(18,180)	8,320	
Regional Greenhouse Gas Initiative	121,156	(27,538)	93,618	
Clean Energy Fund	289,226	(56,827)	232,399	
Program expenditures	1,235,220	(124,853)	1,110,367	
Investment related expenses	348	-	348	
Program operating costs	4,508	-	4,508	
General & administrative expenses	10,740	623	11,363	Reflects an increase in Information Technology costs for unanticipated system development upgrades and for certain telecommunication costs not originally budgeted to address organization-wide telework due to the COVID-19 pandemic.
Depreciation	3,303	-	3,303	
NYS Assessments	13,594	-	13,594	
Bond interest and fees	3,890	-	3,890	
Total Expenses	1,331,822	(124,230)	1,207,592	
Net (expense) revenue and change in net position	(52,301)		104,231	
<u>Net position end of year:</u>				
Restricted for specific programs	340,353	48,703	389,056	Primarily due to the anticipated effect of BAYG pursuant to the CEF Order. Primarily due to a higher level of capitalization through March 31, 2020 than anticipated and from an increase in revised projections for fiscal year 2020-21.
NY Green Bank Capitalization	555,603	220,605	776,208	
Net Investment in Capital Assets	14,707	(940)	13,767	
Unrestricted	4,883	(552)	4,331	Primarily due to an increase in unrestricted interest earnings through March 31, 2020, offset in part by a decrease in projected interest earnings.
Total net position end of year	\$ 915,546	267,816	1,183,362	

NYSERDA
Revised Budget FY 2020-21
(Amounts in thousands)

Functions/Programs										
	Market Development / Innovation & Research	NY Green Bank	NY-Sun	Clean Energy Standard	RGGI	Energy & Environmental Analysis	West Valley	Other	Revised Budget FY 2020-21	Approved Budget FY 2019-20
Net position, beginning of year	\$ 79,677	606,393	37,078	(7,230)	134,123	3,102	-	232,029	1,079,131	967,847
Revenues:										
State appropriations	-	-	-	-	6,169	150	18,200	9,364	33,883	33,883
Third party reimbursement	15,000	-	-	-	-	-	1,829	6,665	23,494	33,479
Utility surcharge assessments	195,798	155,534	80,933	-	-	13,031	-	85,449.46	530,745	499,731
Renewable energy credit proceeds	-	-	-	9,096	-	-	-	-	9,096	9,096
Zero emission credit payments	-	-	-	541,037	-	-	-	-	541,037	541,037
Allowance auction proceeds	-	-	-	-	128,448	-	-	-	128,448	104,454
Project repayments	-	-	-	-	-	-	-	385	385	385
Federal grants	-	-	-	-	-	2,606	-	4,295	6,901	8,400
Rentals from leases	-	-	-	-	-	-	-	986	986	986
Interest income	69	187	32	56	131	-	-	209	684	11,002
Loan interest	-	22,586	-	-	-	-	-	8,402	30,988	32,016
QECB interest subsidy	-	-	-	-	-	-	-	355	355	355
Fees and other income	-	4,624	-	-	-	-	-	197	4,821	4,697
Total Revenues	210,867	182,931	80,965	550,189	134,748	15,787	20,029	116,307	1,311,823	1,279,521
Expenses:										
Salaries and benefits	23,749	8,647	1,965	3,749	5,523	5,586	2,518	8,482	60,219	60,219
Program expenditures	232,399	120	96,602	556,927	93,618	7,950	16,589	106,162	1,110,367	1,235,220
Investment related expenses	-	348	-	-	-	-	-	-	348	348
Program operating costs	684	2,040	59	83	12	897	152	581	4,508	4,508
General & administrative expenses	4,477	1,625	369	708	1,042	1,054	484	1,604	11,363	10,740
Depreciation	1,835	189	320	210	121	123	61	444	3,303	3,303
NYS Assessments	2,996	147	1,130	6,395	1,143	178	225	1,380	13,594	13,594
Bond interest and fees	-	-	-	-	-	-	-	3,890	3,890	3,890
Total Expenses	266,140	13,116	100,445	568,072	101,459	15,788	20,029	122,543	1,207,592	1,331,822
Net sources / (uses) of net position other than transfers	(55,273)	169,815	(19,480)	(17,883)	33,289	(1)	-	(6,236)	104,231	(52,301)
Inter-program transfers	22,000	-	-	-	(34,000)	-	-	12,000	-	-
Net Investment in Capital Assets	287	-	(277)	(128)	-	-	(4)	(345)	(467)	(743)
Net Position End of Year:										
Restricted for specific programs	44,077	-	16,999	(25,210)	133,412	3,101	(203)	216,880	389,056	340,353
NY Green Bank Capitalization	-	776,208	-	-	-	-	-	-	776,208	555,603
Net Investment in Capital Assets	2,327	-	599	97	-	-	203	10,541	13,767	14,707
Unrestricted	-	-	-	-	-	-	-	4,331	4,331	4,883
Net position end of year	\$ 46,404	776,208	17,598	(25,113)	133,412	3,101	-	231,752	1,183,362	915,546

Resolution No. _____

RESOLVED, that the Fiscal Year 2020-2021 Budget and Financial Plan (Revised October 2020) submitted to the Members for consideration at this meeting, with such non-material, editorial changes and supplementary schedules as the President and CEO, in her discretion, may deem necessary or appropriate, be and it hereby is approved.

Periodic Contracts Approvals

From Date
5/16/2020

Contracts executed or modified during the period - 5/16/2020 to 8/15/2020

To Date
8/15/2020

	Count of Contracts	Committed this Period
Procurement Contracts > 1year	64	\$11.6M
Competitive Program Contracts > \$3M	15	\$569.1M
Non-competitive Program Contracts > \$1M	1	\$0.5M
Grand Total	80	\$581.2M

Contracts anticipated to be executed or modified during the period - 5/16/2020 to 8/15/2020

	Count of Contracts	Anticipated Amount
Procurement Contracts > 1year	30	\$15.7M
Competitive Program Contracts > \$3M	10	\$84.7M
Non-competitive Program Contracts > \$1M	0	\$0.0M
Grand Total	40	\$100.4M

NYSERDA PERIODIC CONTRACTS APPROVAL REPORT: Section 1
Summary - 5/16/2020 to 8/15/2020

Category	Report Type	Type	Count of Contracts	Committed this period
PCMT	Procurement	Competitive	42	\$9,747,295
		Discretionary	17	\$1,026,899
		Non-Competitive	5	\$812,771
	Total		64	\$11,586,966
PGRM	Procurement	Competitive	15	\$569,106,953
		Non-Competitive	1	\$515,000
	Total		16	\$569,621,953
Grand Total			80	\$581,208,919

NYSERDA PERIODIC CONTRACTS APPROVAL REPORT - 5/16/2020 to 8/15/2020

Category	Initiative	Type	Term > 1 Year	Contract ID	Contractor	Contract Description	Date	Committed this period	Committed to Date	Amt Paid this Period	Amt Paid to Date
PCMT		Discretionary	Y	156051	Blank Rome LLP	NYGB Legal	07/22/2020	\$50,000	\$50,000	\$5,000	\$5,000
		Discretionary	Y	156072	Pricewaterhouse Coopers, LLC	Daroga Tax Consulting Services	07/22/2020	\$10,000	\$10,000		
	Air Source Heat Pumps	Discretionary	Y	153829	Owahgena Consulting, Inc.	Heat Pump Technical Assistance	04/30/2020	\$50,000	\$50,000	\$26,031	\$26,031
	Cl Engy Siting & Soft Cost Red	Competitive	Y	154360	Brattle Group Inc.	Build Ready	05/22/2020	\$150,000	\$150,000		
	Clean Energy Communities	Non-Competiti..	Y	149636	Randstad North America, Inc.	Temp Services	12/30/2019	\$143,000	\$164,600	\$11,460	\$22,379
	CLEAN TRANSPORTATION	Competitive	Y	156628	Wendel Energy Services, LLC	NY Truck Voucher Prg. - Wendel	08/05/2020	\$20,000	\$20,000		
	Code to Zero	Competitive	Y	153604	Karpman Consulting, LLC	KARPMAN TWO#1 Training	04/20/2020	\$414,702	\$414,702		
		Discretionary	Y	155466	John Hans Lee	Support-Bldg Decarbonization	07/06/2020	\$500,000	\$500,000		
	Combined Heat and Power	Competitive	Y	122632	Energy & Resource Solutions, Inc.	RFP 3643 Tech To Market	01/16/2018	\$350,000	\$2,350,000	\$82,953	\$1,956,490
	Commercial Real Estate Ten	Competitive	Y	155547	Green Light New York, Inc.	Energy Efficiency Training TWO	07/08/2020	\$429,822	\$429,822		
	Electric Vehicles - Innovation	Non-Competiti..	Y	150855	The Cadmus Group, LLC	TWO 5 Clean Transp Roadmap	01/31/2020	\$93,592	\$1,393,592	\$360,782	\$360,782
	ENERGY ANALYSIS	Competitive	Y	154102	Randstad North America, Inc.	Payroll Services_Policy Dev	05/12/2020	\$164,600	\$164,600	\$11,713	\$11,713
		Competitive	Y	155192	Energy and Environmental Economics Inc.	TWO#23 CLCPA Techno-Economic	06/25/2020	\$652,131	\$652,131		
		Competitive	Y	156808	Abt Associates Inc.	TWO 2 formerly 30191 TWO #5	08/10/2020	\$100,000	\$100,000	\$20,329	\$20,329
		Discretionary	Y	150710	ICE Data, LP	ENERGY ANALYSIS	01/29/2020	\$480	\$20,700	\$2,960	\$2,960
	Environmental Research	Competitive	Y	154006	Ecology & Environment, Inc.	Owner's Engineering	05/05/2020	\$791,245	\$791,245		
		Competitive	Y	155697	Consensus Building Institute, Inc.	TWO #1 -Facilitator	07/13/2020	\$43,330	\$43,330		
		Competitive	Y	155698	Eastern Research Group, Inc.	TWO #2 Coordinator Assessment	07/13/2020	\$25,427	\$25,427		
		Discretionary	Y	154665	Praveen Amar	Science Advisors	06/04/2020	\$48,000	\$48,000	\$25,200	\$25,200
		Discretionary	Y	154668	American Society of Adaptation Professio	Climate Change Research	06/04/2020	\$49,500	\$49,500		
		Discretionary	Y	154671	George Hidy	Science Advisor	06/04/2020	\$48,000	\$48,000	\$1,400	\$1,400
		Discretionary	Y	154672	Daniel J Jacob	Science Advisor	06/04/2020	\$48,000	\$48,000	\$10,800	\$10,800
		Discretionary	Y	154674	Dr. Richard Schlesinger	Science Advisors	06/04/2020	\$48,000	\$48,000	\$5,700	\$5,700
	Geothermal Incentive Program	Competitive	Y	127559	L&S Energy Services, Inc.	3695 TWO Umbrella Agreement	06/04/2018	\$50,000	\$450,000	\$1,496	\$15,894
		Competitive	Y	148235	Energy & Resource Solutions, Inc.	TWO 6 - Performance Monitoring	11/27/2019	\$190,046	\$1,318,975	\$135,593	\$575,414
	Home Perf w Energy Star	Competitive	Y	107771	CLEARresult Consulting, Inc.	Centralized Services & Support	12/08/2016	\$70,000	\$8,436,854	\$431,549	\$6,499,176

NYSERDA PERIODIC CONTRACTS APPROVAL REPORT - 5/16/2020 to 8/15/2020

Category	Initiative	Type	Term > 1 Year	Contract ID	Contractor	Contract Description	Date	Committed this period	Committed to Date	Amt Paid this Period	Amt Paid to Date
PCMT	Home Perf w Energy Star	Competitive	Y	127558	Honeywell International Inc.	3695 TWO Umbrella Agreement	06/04/2018	\$651,400	\$2,531,400	\$76,359	\$1,407,959
	Low-Income Forum on Energy	Non-Competiti..	Y	116343	TRC Energy Services	LIFE Implementation Services	07/26/2017	\$34,964	\$291,075	\$48,776	\$193,474
	New Construction- Housing	Competitive	Y	117989	Arcadis of New York, Inc.	Staff Augmentation Services	09/08/2017	\$780,651	\$1,427,446	\$16,797	\$331,946
		Non-Competiti..	Y	152645	New Buildings Institute, Inc.	CNB Roadmap Writing	03/17/2020	\$359,058	\$359,058		
NEW YORK GREEN BANK		Competitive	Y	46964	Luminate, LLC	Outside Technical and Eng. Srv	09/05/2014	\$13,379	\$55,761	\$13,379	\$55,638
		Competitive	Y	98838	DealCloud Inc.	DealCloud Licensing	05/24/2016	\$216,360	\$475,465	\$108,180	\$367,285
		Competitive	Y	109917	BDO USA LLP	Background Investigation Servi	02/07/2017	\$15,100	\$54,750	\$9,600	\$49,250
		Competitive	Y	149695	Holland & Knight LLP	RFP 12 - NYGB Legal Services	12/31/2019	\$47,821	\$173,529	\$47,821	\$173,529
		Discretionary	Y	150958	PLB Oil & Gas Consult LLC	NEW YORK GREEN BANK	02/04/2020	\$50,000	\$100,000	\$43,065	\$68,110
		Discretionary	Y	155699	The Coalition for Green Capital	GBN 2020 Membership Dues	07/13/2020	\$7,000	\$7,000	\$7,000	\$7,000
NYSERDA ADMINISTRATION		Competitive	Y	62858	Marshall & Sterling, Inc.	Property Liability and Other	04/20/2015	\$4,513	\$1,119,215	\$19,814	\$1,119,215
		Competitive	Y	107299	CLEAResult Consulting, Inc.	Phone Email & Web Support	11/28/2016	\$75,198	\$513,202	\$10,342	\$434,453
		Competitive	Y	120292	GCOM Software LLC	Salesforce	11/07/2017	\$1,440,000	\$5,491,135	\$361,495	\$4,185,038
		Competitive	Y	124908	First Columbia Property Services, LLC	Property Management	03/27/2018	\$234,712	\$753,757	\$59,571	\$535,377
		Competitive	Y	133389	mindSHIFT Technologies, Inc.	RFP 3919-Sitecore CMS Admin	11/01/2018	\$500,000	\$1,300,000	\$126,188	\$608,745
		Competitive	Y	154392	Triad Technology Partners LLC	Tableau Desktop Maintenance	05/26/2020	\$70,320	\$70,320	\$70,320	\$70,320
		Competitive	Y	154398	NYS Office of Information Technology Ser	Office 365 2020 - 2021	05/26/2020	\$178,776	\$178,776	\$43,157	\$43,157
		Competitive	Y	154591	Tech Valley Talent, LLC	TWO SR. Software Engineer Anan	06/02/2020	\$173,550	\$173,550	\$7,343	\$7,343
		Competitive	Y	154815	Hewlett-Packard Enterprise Company	HPE Renewal Maintenance 1 yr.	06/11/2020	\$5,319	\$5,319		
		Competitive	Y	155467	Tech Valley Talent, LLC	TWO Software Dev. Mgr. Yates	07/06/2020	\$263,250	\$263,250		
		Competitive	Y	155975	Provantage, LLC	Lenovo Laptops - Provantage	07/20/2020	\$5,075	\$5,075		
		Competitive	Y	156012	ESRI, Incorporated	ArcGIS Desktop / Spatial 20-21	07/21/2020	\$22,200	\$22,200		
		Competitive	Y	156288	Systems Management Planning, Inc.	VMware Support for View 1yr	07/28/2020	\$35,617	\$35,617		
		Competitive	Y	156475	Center for Internet Security Inc	CIS SM Monitoring - 3yrs	07/31/2020	\$22,320	\$22,320		
Competitive	Y	156641	NYS Office of Information Technology Ser	Office 365 - Outstanding Bal.	08/06/2020	\$79,929	\$79,929				
Competitive	Y	156642	Atlantic Data Security, LLC	Checkpoint for 1333 Broadway	08/06/2020	\$89,231	\$89,231				

NYSDA PERIODIC CONTRACTS APPROVAL REPORT - 5/16/2020 to 8/15/2020

Category	Initiative	Type	Term > 1 Year	Contract ID	Contractor	Contract Description	Date	Committed this period	Committed to Date	Amt Paid this Period	Amt Paid to Date
PCMT	NYSDA ADMINISTRATION	Discretionary	Y	154099	Concur Technologies, Inc.	Concur Services 2020-2022	05/11/2020	\$40,000	\$40,000	\$1,315	\$1,315
		Discretionary	Y	154188	Systems Management Planning, Inc.	ManageEngine Desktop/ AD 1yr	05/14/2020	\$10,419	\$10,419	\$10,419	\$10,419
		Discretionary	Y	154920	Sitecore USA, Inc.	Sitecore Subscription Licensin	06/15/2020	\$49,500	\$49,500	\$49,016	\$49,016
	Pay for Performance	Competitive	Y	144450	Energy & Resource Solutions, Inc.	TWO 4 - P4P Event Evaluation	09/04/2019	\$53,716	\$213,716	\$4,750	\$4,750
	Pub Transit & Elect Rail	Competitive	Y	156476	TRC Energy Services	SA.063_TWO #22 - T2M	07/31/2020	\$265,372	\$265,372		
	Real Time Enrgy Management	Competitive	Y	117928	Allegis Group Holdings Inc	Staff Augmentation Services	09/06/2017	\$180,785	\$1,855,518	\$125,282	\$1,096,554
	REC:CES REC System Dev Costs	Competitive	Y	144446	Siemens Industry, Inc.	TWO #1: 100x40 Study	09/04/2019	\$100,000	\$900,000		\$203,917
	Subscription/Data Access	Discretionary	Y	102013	Infogroup Government Division	Infogroup	08/05/2016	\$12,500	\$512,500	\$12,500	\$412,500
	Talent Pipeline:CE and OJT	Non-Competiti..	Y	155911	Research Foundation of The City	TWO Umbrella Agreement #148934	07/17/2020	\$182,157	\$182,157		
	Technical Services	Competitive	Y	156483	Noresco LLC	IAQ - Tech Review - NORESKO	07/31/2020	\$71,400	\$71,400		
WEST VALLEY DEVELOPMENT PROGRAM	Competitive	Y	155706	Joseph R Chimera	Ops and Maintenance	07/13/2020	\$700,000	\$700,000			
	Discretionary	Y	154922	NYS Department of Health	RML Triennial Bill	06/15/2020	\$5,500	\$5,500	\$5,500	\$5,500	
PGRM	>200KW PV	Competitive	Y	155214	ESNY-IBM-Yorktown LLC	>200KW PV	06/26/2020	\$4,376,680	\$4,376,680		
		Competitive	Y	156067	Abundant Solar Power Inc.	NY Sun	07/22/2020	\$3,638,606	\$3,638,606		
	Cleantech Incubator	Competitive	Y	110469	New York University	PON3413 Clean Energy Incubator	02/17/2017	\$1,500,000	\$4,000,000		\$1,384,750
	Environmental Research	Competitive	Y	153330	Gardline Marine Sciences Inc	G&G Investigation for OSW	04/09/2020	\$6,142,402	\$6,142,402	\$1,432,500	\$1,432,500
	ESTOR:Retail Storage Incentive	Competitive	Y	155151	Agilitas Energy, LLC	Retail Storage	06/24/2020	\$4,500,000	\$4,500,000		
	FUEL NY	Non-Competiti..	Y	37615	NIC Holding Corp	NYS Strategic Gasoline Reserve	11/22/2013	\$515,000	\$13,040,708	\$125,850	\$12,552,305
	Nat'l OffShWind R&D Consortium	Competitive	Y	140398	National Wind Technology Consortium, Inc	National OSW R&D Concoritium.	05/20/2019	\$450,000	\$5,596,103	\$127,684	\$1,264,822
	REC:CES REC Contracts	Competitive	Y	121290A	Rising Solar, LLC	REC:CES REC Contracts	02/26/2019	\$17,378,550	\$17,378,550		
		Competitive	Y	135316	SED NY Holdings	SED Watkins Road Solar I	12/18/2018	\$15,457,722	\$15,457,722		
		Competitive	Y	135317	SED NY Holdings	SED Skyline Solar - RESRFP18-1	12/18/2018	\$15,759,750	\$15,759,750		
Competitive		Y	135319	SED NY Holdings	SED Dog Corners Solar	12/18/2018	\$15,913,702	\$15,913,702			
Competitive		Y	135621	Silver Lake Solar LLC	Silver Lake Solar	12/28/2018	\$19,252,800	\$19,252,800			
Competitive		Y	135627	SunEast Renewables LLC	Manchester Solar	12/28/2018	\$17,134,785	\$17,134,785			
	Competitive	Y	148792	ConnectGen Chautauqua County LLC	South Ripley - RESRFP19-1	12/11/2019	\$170,838,976	\$170,838,976			

NYSERDA PERIODIC CONTRACTS APPROVAL REPORT - 5/16/2020 to 8/15/2020

Category	Initiative	Type	Term > 1 Year	Contract ID	Contractor	Contract Description	Date	Committed this period	Committed to Date	Amt Paid this Period	Amt Paid to Date
PGRM	REC:CES REC Contracts	Competitive	Y	148793	ELP Ticonderoga Solar LLC - ELP Ticonder	ELP Ticonderoga - RESRFP19-1	12/11/2019	\$15,821,608	\$15,821,608		
		Competitive	Y	148797	Terra-Gen Power Holdings II LLC	Prattsburgh - RESRFP19-1	12/11/2019	\$260,941,372	\$260,941,372		
Grand Total								\$581,208,919	\$627,975,704	\$4,096,989	\$37,615,455

NYSERDA PERIODIC CONTRACTS APPROVAL REPORT: Contractor Addresses - 5/16/2020 to 8/15/2020

Abt Associates Inc.	6130 Executive Boulevard	Rockville	MD	20852	FSBE				
Abundant Solar Power Inc.	700 West Metro Park	Rochester	NY	14623	NYSBE				
Agilitas Energy, LLC	401 Edgewater Place, Suite 105	Wakefield	MA	01880	FSBE				
Allegis Group Holdings Inc	7301 Parkway Drive	Hanover	MD	21076	FSBE				
American Society of Adaptation Professoio	P.O. Box 980329	Ypsilanti	MI	48198	FSBE				
Arcadis of New York, Inc.	6723 Towpath Rd	Syracuse	NY	13214	NYSBE				
Atlantic Data Security, LLC	23 Shoddy Mill Road	Bolton	CT	06043	FSBE				
BDO USA LLP	PO Box 642743	Pittsburgh	PA	15264-2743	FSBE				
Blank Rome LLP	One Logan Square, 130 N. 18th Street	Philadelphia	PA	19103	FSBE				
Brattle Group Inc.	One Beacon St., Ste 2600	Boston	MA	02108	FSBE				
Center for Internet Security Inc	31 TECH VALLEY DR	EAST GREENBUSH	NY	12061	NYSBE				
CLEARresult Consulting, Inc.	4301 Westbank Dr., A-150	Austin	TX	78746	FSBE				
Concur Technologies, Inc.	601 108th Ave., NE, Ste 1000	Bellevue	WA	98004-4750	FSBE				
ConnectGen Chautauqua County LLC	South Ripley Solar and Storage	Houston	TX	77002	FSBE				
Consensus Building Institute, Inc.	100 Cambridgepark Drive	Cambridge	MA	02140	FSBE				
Daniel J Jacob	310 Mt. Washington Hotel Rd.	Bretton Woods	NH	03575	FSBE				
DealCloud Inc.	300 S. Tryon St., Suite 1200	Charlotte	NC	28202	FSBE				
Dr. Richard Schlesinger	PO Box 621	Millwood	NY	10546	NYSBE				
Eastern Research Group, Inc.	110 Hartwell Ave	Lexington	MA	02421	FSBE				
Ecology & Environment, Inc.	368 Pleasant View Dr	Lancaster	NY	14086-1397	NYSBE				
ELP Ticonderoga Solar LLC - ELP Ticonder	552 Massachusetts Ave	Cambridge	MA	02139	FSBE				
Energy & Resource Solutions, Inc.	120 Water Street, Suite 350	North Andover	MA	01845	FSBE				
Energy and Environmental Economics Inc.	2401 E Katella Ave.	Anaheim	CA	92806	FSBE				
ESNY-IBM-Yorktown LLC	805 3rd Ave Fl 20	New York	NY	10022	NYSBE				
ESRI, Incorporated	380 New York Street	Redlands	CA	92373	FSBE				
First Columbia Property Services, LLC	22 Century Hill Dr Ste 301	Latham	NY	12110-2116	NYSBE				
Gardline Marine Sciences Inc	Endeavor House	Great Yarmouth	NFK	RN30 3NG	FSBE				
GCOM Software LLC	24 Madison Ave Ext	Albany	NY	12203	NYSBE				
George Hidy	6 Evergreen Dr.	Placitas	NM	87043	FSBE				
Green Light New York, Inc.	31 Chambers St., Ste 609	New York	NY	10007	NYSBE				
Hewlett-Packard Enterprise Company	3000 Hanover Street	Palo Alto	CA	94304	FSBE				
Holland & Knight LLP	PO Box 864084	Orlando	FL	32886	FSBE				
Honeywell International Inc.	700 Airways Park Drive	East Syracuse	NY	13057	NYSBE				
ICE Data, LP	5660 New Northside Dr.	Atlanta	GA	30328	FSBE				
Infogroup Government Division	1020 East 1st St.	Papillion	NE	68046	FSBE				
John Hans Lee	DBA Distant Lands	New York	NY	10028	NYSBE				
Joseph R Chimera	d/b/a JR & Sons Excavating	Angola	NY	14006	NYSBE				
Karpman Consulting, LLC	78 Eastern Boulevard	Glastonbury	CT	06033	FSBE				
L&S Energy Services, Inc.	58 Clifton Country Road	Clifton Park	NY	12065	NYSBE				
Luminate, LLC	1801 Broadway, Ste 1620	Denver	CO	80202	FSBE				
Marshall & Sterling, Inc.	125 High Rock Ave., Ste 206	Saratoga Springs	NY	12866	NYSBE				
mindSHIFT Technologies, Inc.	500 Commack Rd., Ste 140	Commack	NY	11725	NYSBE				

NYSERDA PERIODIC CONTRACTS APPROVAL REPORT: Contractor Addresses - 5/16/2020 to 8/15/2020

National Wind Technology Consortium, Inc	1000 Innovation Rd.	Stony Brook	NY	11794	NYSBE				
New Buildings Institute, Inc.	623 SW Oak Street	Portland	OR	97205	FSBE				
New York University	740 Broadway Fl 6th	New York	NY	10003-9518	NYSBE				
NIC Holding Corp	225 Broad Hollow Rd	Melville	NY	11747	NYSBE				
Noresco LLC	510 Thornall St., Ste 170	Edison	NJ	08837	FSBE				
NYS Department of Health	Po Box 509	Albany	NY	12201-0509	NYSBE				
NYS Office of Information Technology Ser	State Capital ESP	Albany	NY	12220-0062	NYSBE				
Owahgena Consulting, Inc.	1883 Ballina Road	Cazenovia	NY	13035	NYSBE				
PLB Oil & Gas Consult LLC	2 Pinecrest Road	Riverside	CT	06878	FSBE				
Praveen Amar	119 Simonds Road	Lexington	MA	02420	FSBE				
Pricewaterhouse Coopers, LLC	4040 W. Boy Scout Boulevard	Tampa	FL	33607	FSBE				
Provantage, LLC	7576 Freedom Ave. NW	North Canton	OH	44720	FSBE				
Randstad North America, Inc.	PO Box 2084	Carol Stream	IL	60132-2084	FSBE	X			
Research Foundation of The City	University of New York	New York	NY	10036-7207	NYSBE				
Rising Solar, LLC	7650 Edinboroughway	Edina	MN	55435	FSBE				
SED NY Holdings	SunEast Dog Corners Solar LLC	West Chester	NY	19382	NYSBE				
	SunEast Skyline Solar LLC	West Chester	NY	19382	NYSBE				
	SunEast Watkins Road Solar I LLC	West Chester	NY	19382	NYSBE				
Siemens Industry, Inc.	85 Northpointe Parkway	Buffalo	NY	14228	NYSBE				
Silver Lake Solar LLC	7650 Edinborough Way	Edina	MN	55435	FSBE				
Sitecore USA, Inc.	101 California St.	San Francisco	CA	94111	FSBE				
SunEast Renewables LLC	SunEast Manchester Solar, LLC	Malvern	PA	19355	FSBE				
Systems Management Planning, Inc.	1020 John St	West Henrietta	NY	14586	NYSBE				
Tech Valley Talent, LLC	PO Box 935587	Atlanta	GA	31193-5587	FSBE	X			
Terra-Gen Power Holdings II LLC	Prattsburgh Wind LLC	New York	NY	10022	NYSBE				
The Cadmus Group, LLC	100 5th Ave., Ste 100	Waltham	MA	02451	FSBE				
The Coalition for Green Capital	1875 Connecticut Ave., NW, 10th Floor	Washington	DC	20009	FSBE				
TRC Energy Services	21 Griffin Rd North	Windsor	CT	06095	FSBE				
Triad Technology Partners LLC	7910 Woodmont Ave Suite 220	Bethesda	MD	20814	FSBE				
Wendel Energy Services, LLC	Centerpointe Corporate Park	Williamsville	NY	14221	NYSBE				

NYSDA PERIODIC CONTRACTS APPROVAL REPORT: Anticipated Contracts - 5/16/2020 to 8/15/2020

Category	Type	Term > 1 Year	Contract ID	Contractor	Contract Description	Reason	Date	Anticipated Amount	Total Contract Amount
PCMT	Competitive	Y	30191	Abt Associates Inc.	Flex Energy Tech Analysis 2	Added New Tasks	11/09/2012	\$100,000	\$970,943
	Competitive	Y	37380A	Frontier Energy, Inc.	Technical Review_Prgm Support	Added New Tasks	04/11/2018	\$15,000	\$474,891
	Competitive	Y	69939	AECOM Technical Services Inc.	Environmental Monitoring Suppo	Added New Tasks	07/28/2015	\$23,067	\$2,597,493
	Competitive	Y	85025	Tech Valley Talent, LLC	RFP3143 Umbrella Agreement	Added New Tasks	12/18/2015	\$81,938	\$7,639,070
	Competitive	Y	101128	ICF Resources, LLC	Tech Assist, REV Pool	New Agreement	07/15/2016	\$100,000	\$901,977
	Competitive	Y	104258	Sive Paget & Riesel PC	RFP 3300 & RFP 3776 Outside Co	Added New Tasks	09/27/2016	\$100,000	\$1,313,490
	Competitive	Y	107762	Rosenblum Property Services, LLC	STEP Property Mgmt Services	Added New Tasks	12/07/2016	\$21,747	\$911,322
	Competitive	Y	107771	CLEAResult Consulting, Inc.	Centralized Services & Support	Added New Tasks	12/08/2016	\$72,075	\$8,508,929
	Competitive	Y	117926	TRC Energy Services	Staff Augmentation Services	Added New Tasks	09/06/2017	\$1,866,963	\$7,942,614
	Competitive	Y	118163	D.L. English Consulting, Inc.	Indian Point Consultant	Added New Tasks	09/13/2017	\$50,000	\$406,475
	Competitive	Y	134906	New York Power Authority,	RTEM Data Store	New Agreement	12/07/2018	\$1,500,000	\$1,500,000
	Competitive	Y	137240	EME Consulting Engineering Group, LLC	SA.038A_TWO #7 - New Con	Added New Tasks	02/19/2019	\$268,938	\$798,543
	Competitive	Y	140703	Randstad North America, Inc.	Payroll Services_Web Ops	Added New Tasks	05/24/2019	\$48,165	\$102,188
	Competitive	Y	154094	Sustainable Endowment Institute	GRITS Goals Development - SEI	Added New Tasks	05/11/2020	\$50,000	\$50,000
	Competitive	Y	154265	American Solar Grazing Association, Inc.	PON 4270 PV Site Design	New Agreement	05/19/2020	\$198,000	\$198,000
	Competitive	Y	154268	DNV GL Energy USA, Inc.	PV Solar Site Design- PON 4270	New Agreement	05/19/2020	\$184,725	\$184,725
	Competitive	Y	154272	Cornell University	PON 4270 PV Site Design	New Agreement	05/19/2020	\$199,999	\$199,999
	Competitive	Y	154273	The Nature Conservancy	PV Site Design (PON 4270)	New Agreement	05/19/2020	\$198,000	\$198,000
	Competitive	Y	155231	Kelliher Samets Volk	KSV TWO 34 NYS Clean Heat	New Agreement	06/27/2020	\$9,500,000	\$9,500,000
	Competitive	Y	155978	Erdman Anthony & Associates, Inc.	Building 17 FlexTech Study TWO	Added New Tasks	07/20/2020	\$25,849	\$25,849
	Competitive	Y	156630	Tech Valley Talent, LLC	TWO QA Analyst - Beth Graves	Added New Tasks	08/05/2020	\$204,750	\$204,750
	Competitive	Y	156748	Rocky Mountain Institute	Empire Bldg. Challenge - RMI	New Agreement	08/07/2020	\$179,007	\$179,007
	Competitive	Y	156896	TRC Energy Services	SA.061_TWO#23 - Multifamily	Added New Tasks	08/12/2020	\$289,255	\$289,255
	Discretionary	Y	114800	Dowd-Witbeck Printing Corp.	NYSDA-Use Print Materials	Added New Tasks	06/13/2017	\$470	\$5,219
	Discretionary	Y	124007	Concur Technologies, Inc.	2018-2020 Concur annual cost	New Agreement	03/01/2018	\$40,000	\$79,700
	Discretionary	Y	151289	USGS National Center MS270	Biological Recovery	New Agreement	02/12/2020	\$49,600	\$49,600
	Discretionary	Y	155980	Ensava, Inc.	CEA Db&Benchmark Tool Creation	Change in Contact Terms	07/20/2020	\$49,956	\$49,956
Discretionary	Y	156841	T-REX Group, inc.	T-Rex Analytics Platform	New Agreement	08/11/2020	\$40,000	\$40,000	

NYSERDA PERIODIC CONTRACTS APPROVAL REPORT: Anticipated Contracts - 5/16/2020 to 8/15/2020

Category	Type	Term > 1 Year	Contract ID	Contractor	Contract Description	Reason	Date	Anticipated Amount	Total Contract Amount
PCMT	Discretionary	Y	156845	Ellen Lutz Consulting, LLC	ClnHeatStatewideUtilityCoMktg	New Agreement	08/11/2020	\$200,000	\$200,000
	Discretionary	Y	157019	Bynder LLC	WebDAM Photo Library	New Agreement	08/14/2020	\$26,925	\$26,925
PGRM	Competitive	Y	37382	TRC Energy Services	Technical Review and Program S	Exercising Option to Renew	11/15/2013	\$113,425	\$3,099,569
	Competitive	Y	129293	Consolidated Edison Company	P4P Con Ed MOU and NDA	New Agreement	07/26/2018	\$8,106,666	\$8,106,666
	Competitive	Y	148806	Erie Wind LLC	CESRFP1_Tier 1 RECS	Added New Tasks	12/11/2019	\$3,421,760	\$3,421,760
	Competitive	Y	148807	Canandaigia Power Partners LLC	CESRFP1_Tier 1 RECS	Exercising Option to Renew	12/11/2019	\$43,104,630	\$43,104,630
	Competitive	Y	148808	Niagara Wind Power LLC	CESRFP1_Tier 1 RECS	Exercising Option to Renew	12/11/2019	\$6,376,580	\$6,376,580
	Competitive	Y	153425	Stillwell Energy Storage, LLC	Bulk Storage Incentive	New Agreement	04/13/2020	\$4,000,000	\$4,000,000
	Competitive	Y	153428	Groundvault Energy Storage, LLC	Bulk Storage Incentive	New Agreement	04/13/2020	\$5,000,000	\$5,000,000
	Competitive	Y	153429	Cleancar Energy Storage, LLC	Bulk Storage Incentive	New Agreement	04/13/2020	\$6,000,000	\$6,000,000
	Competitive	Y	155908	Central New York Regional Planning and	Clean Energy Communities	New Agreement	07/17/2020	\$5,300,000	\$5,300,000
	Competitive	Y	156059	Abundant Solar Power Inc.	NY Sun	Added New Tasks	07/22/2020	\$3,288,740	\$3,288,740
Grand Total								\$100,396,231	\$133,246,868

NYSERDA PERIODIC CONTRACTS APPROVAL REPORT: Section 1
Summary - 5/16/2020 to 8/15/2020

Category	Report Type	Type	Count of Contracts	Committed this period
PGRM	Program	Competitive	749	\$708,260,153
		Discretionary	3	\$114,295
		Non-Competitive	5	\$1,023,000
Total			757	\$709,397,448
Grand Total			757	\$709,397,448

**NYSERDA PERIODIC CONTRACTS REPORT - Contracts Executed or Modified
For Report Periods: June 2020 Report Period and Sep 2020 Report Period
Table: All Market Focus versus Prior Periods**

MarketFocus	Previous June 2020 Report Period		Current Sep 2020 Report Period	
	Count of Contracts	Committed this period	Count of Contracts	Committed this period
Null	1	\$154,000	2	\$48,948
Administration			1	\$15,000
Agriculture	3	\$15,244	1	\$535,000
Anaerobic Digesters			4	\$2,475,529
Building Innovation	1	\$300,000	2	\$750,000
Clean Heating and Cooling	4	\$658,500	5	\$155,462
Clean Trans (Innov & Research)	5	\$1,699,465	20	\$8,899,270
Codes	1	\$31,000	4	\$85,303
Combined Heat & Power	4	\$98,700	1	\$4,500
Commercial	66	\$8,855,440	160	\$14,939,517
Communities and Local Governme	6	\$2,950,712	7	\$993,636
Energy & EnvironmentalAnalysis	2	\$317,000	3	\$573,739
Energy Storage	19	\$9,236,400	26	\$7,817,250
Energy-Rltd Environmental Res			2	\$6,145,663
Evaluation	1	\$972,473		
Fuel Cells	1	\$862,500	1	\$1,000,000
Fuel NY			1	\$515,000
Grid Modernization	6	\$5,227,313	7	\$9,180,627
Industrial	10	\$1,755,161	26	\$8,016,854
Information Brokering	2	\$96,764		
Innovation	1	\$49,000	4	\$651,205
Large Scale Renewables	8	\$877,948,590	18	\$553,189,925
LMI	23	\$2,560,929	72	\$9,860,781
Low Income	1	\$60,000	1	\$25,050
Mkt Char & Design (Mkt Dev)	2	\$20,675	5	\$215,000
Moderate Income	1	\$60,000		
Multifamily (Mkt Rate Only)	7	\$166,921	10	\$743,173
New Construction	22	\$2,168,841	29	\$3,404,386
NY-Sun	280	\$85,119,587	393	\$109,898,429
Products			5	\$314,600
Renewables Optimization	1	\$250,000	5	\$2,953,878
REV Technical Assistance	3	\$3,896,529		

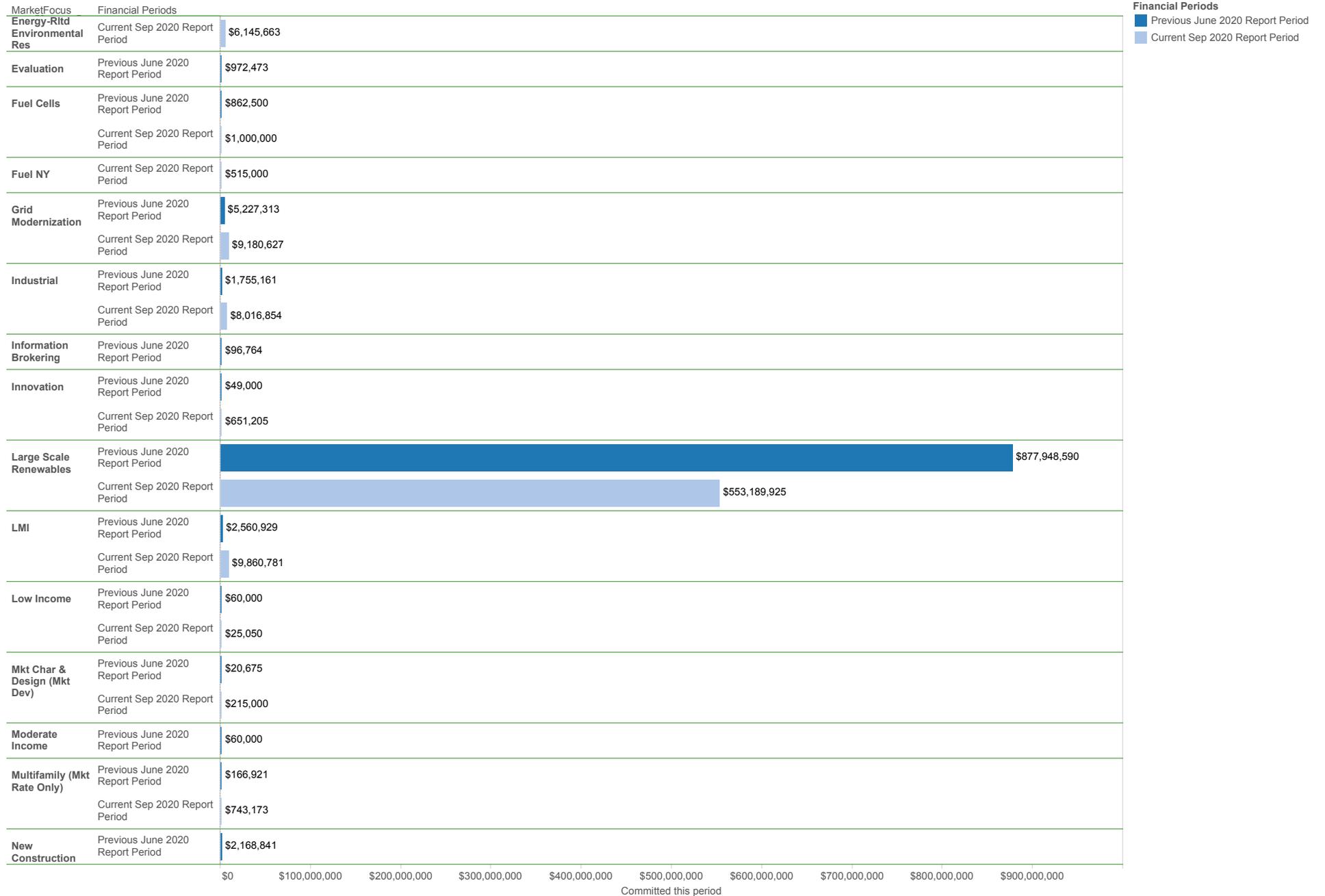
**NYSERDA PERIODIC CONTRACTS REPORT - Contracts Executed or Modified
For Report Periods: June 2020 Report Period and Sep 2020 Report Period
Table: All Market Focus versus Prior Periods**

MarketFocus	Previous June 2020 Report Period		Current Sep 2020 Report Period	
	Count of Contracts	Committed this period	Count of Contracts	Committed this period
Single Family Residential			3	\$39,500
Technology to Market	9	\$1,153,942	11	\$9,020,512
Workforce Development	25	\$699,031	61	\$901,082
Grand Total	515	\$1,007,384,717	890	\$753,368,818

**NYSDA PERIODIC CONTRACTS REPORT - Contracts Executed or Modified
For Report Periods: June 2020 Report Period and Sep 2020 Report Period
Graph: All Market Focus versus Prior Periods**



NYSDA PERIODIC CONTRACTS REPORT - Contracts Executed or Modified
For All Periods: June 2020 Report Period and Sep 2020 Report Period
Graph: All Market Focus versus Prior Periods



NYSDA PERIODIC CONTRACTS REPORT - Contracts Executed or Modified
For Report Periods: June 2020 Report Period and Sep 2020 Report Period
Graph: All Market Focus versus Prior Periods



NYSERDA PERIODIC PROGRAM REPORT

5/16/2020 to 8/15/2020

Table: All Market Focus Committed this Period

MarketFocus	Count of Contracts	Committed this period
Null	2	\$48,948
Administration	1	\$15,000
Agriculture	1	\$535,000
Anaerobic Digesters	4	\$2,475,529
Building Innovation	2	\$750,000
Clean Heating and Cooling	5	\$155,462
Clean Trans (Innov & Research)	20	\$8,899,270
Codes	4	\$85,303
Combined Heat & Power	1	\$4,500
Commercial	160	\$14,939,517
Communities and Local Governme	7	\$993,636
Energy & EnvironmentalAnalysis	3	\$573,739
Energy Storage	26	\$7,817,250
Energy-Rltd Environmental Res	2	\$6,145,663
Fuel Cells	1	\$1,000,000
Fuel NY	1	\$515,000
Grid Modernization	7	\$9,180,627
Industrial	26	\$8,016,854
Innovation	4	\$651,205
Large Scale Renewables	18	\$553,189,925
LMI	72	\$9,860,781

NYSDA PERIODIC PROGRAM REPORT

5/16/2020 to 8/15/2020

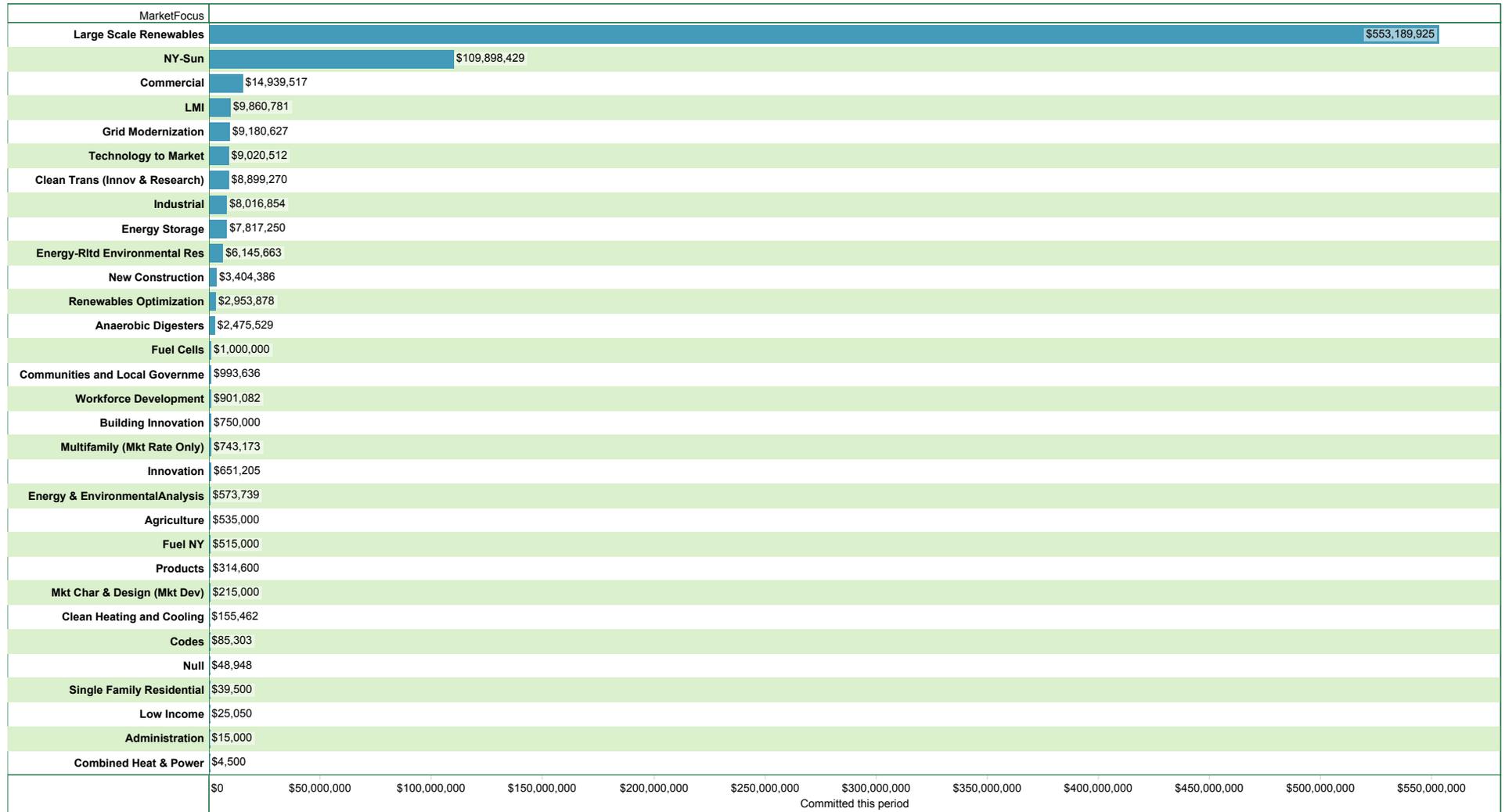
Table: All Market Focus Committed this Period

MarketFocus	Count of Contracts	Committed this period
Low Income	1	\$25,050
Mkt Char & Design (Mkt Dev)	5	\$215,000
Multifamily (Mkt Rate Only)	10	\$743,173
New Construction	29	\$3,404,386
NY-Sun	393	\$109,898,429
Products	5	\$314,600
Renewables Optimization	5	\$2,953,878
Single Family Residential	3	\$39,500
Technology to Market	11	\$9,020,512
Workforce Development	61	\$901,082
Grand Total	890	\$753,368,818

NYSDERDA PERIODIC PROGRAM REPORT

5/16/2020 to 8/15/2020

Graph: All Market Focus Committed this Period



NYSDERDA PERIODIC PROGRAM REPORT
5/16/2020 to 8/15/2020
Table: By REDC Region and County

REDC Region	County	Count of Contracts	Committed this period
Capital Region	Albany	20	\$449,469,554
	Columbia	7	\$117,642
	Greene	2	\$46,920
	Rensselaer	14	\$1,457,851
	Saratoga	9	\$1,601,454
	Schenectady	17	\$1,207,299
	Warren	2	\$13,888
	Washington	1	\$184,076
	Total	72	\$454,098,684
Central New York	Cayuga	8	\$20,413,935
	Madison	2	\$834,499
	Onondaga	22	\$10,246,830
	Oswego	9	\$5,450,774
	Wayne	1	\$16,200
	Total	42	\$36,962,238
Finger Lakes	Genesee	4	\$126,976
	Livingston	8	\$58,494
	Monroe	29	\$2,366,956
	Ontario	15	\$17,896,644
	Orleans	4	\$3,297,376
	Seneca	2	\$85,200

NYSDERDA PERIODIC PROGRAM REPORT
5/16/2020 to 8/15/2020
Table: By REDC Region and County

REDC Region	County	Count of Contracts	Committed this period
Finger Lakes	Wayne	7	\$1,697,241
	Wyoming	3	\$19,420,610
	Yates	1	\$6,720
	Total	73	\$44,956,216
Long Island	Nassau	16	\$836,850
	Suffolk	14	\$2,156,340
	Total	30	\$2,993,190
Mid-Hudson	Dutchess	13	\$777,688
	Orange	30	\$21,425,179
	Putnam	3	\$235,224
	Rockland	14	\$168,478
	Sullivan	5	\$607,238
	Ulster	21	\$2,696,584
	Westchester	55	\$11,528,400
	Total	141	\$37,438,792
Mohawk Valley	Herkimer	2	\$15,464,523
	Montgomery	3	\$1,753,801
	Oneida	19	\$23,658,388
	Otsego	3	\$37,688
	Total	27	\$40,914,400
New York City	Bronx	35	\$6,616,034

NYSERDA PERIODIC PROGRAM REPORT
5/16/2020 to 8/15/2020
Table: By REDC Region and County

REDC Region	County	Count of Contracts	Committed this period
New York City	Kings	64	\$8,215,061
	New York	188	\$12,232,263
	Queens	36	\$12,382,129
	Richmond	6	\$1,101,547
	Total	329	\$40,547,035
	North Country	Clinton	3
Essex		1	\$11,520
Jefferson		3	\$1,481,587
Lewis		4	\$1,902,815
St. Lawrence		6	\$6,770,300
Total		17	\$13,423,957
Southern Tier	Broome	8	\$238,595
	Chemung	3	\$159,347
	Chenango	1	\$5,376
	Delaware	2	\$1,672,465
	Schuyler	3	\$1,521,816
	Steuben	2	\$178,064
	Tompkins	12	\$2,118,129
	Total	31	\$5,893,792
Statewide	STATEWIDE	96	\$70,581,847
	Total	96	\$70,581,847

NYSERDA PERIODIC PROGRAM REPORT
5/16/2020 to 8/15/2020
Table: By REDC Region and County

REDC Region	County	Count of Contracts	Committed this period
Western New York	Allegany	5	\$1,232,499
	Cattaraugus	1	\$16,800
	Erie	18	\$1,407,906
	Niagara	9	\$2,901,462
	Total	33	\$5,558,666
Grand Total		891	\$753,368,818

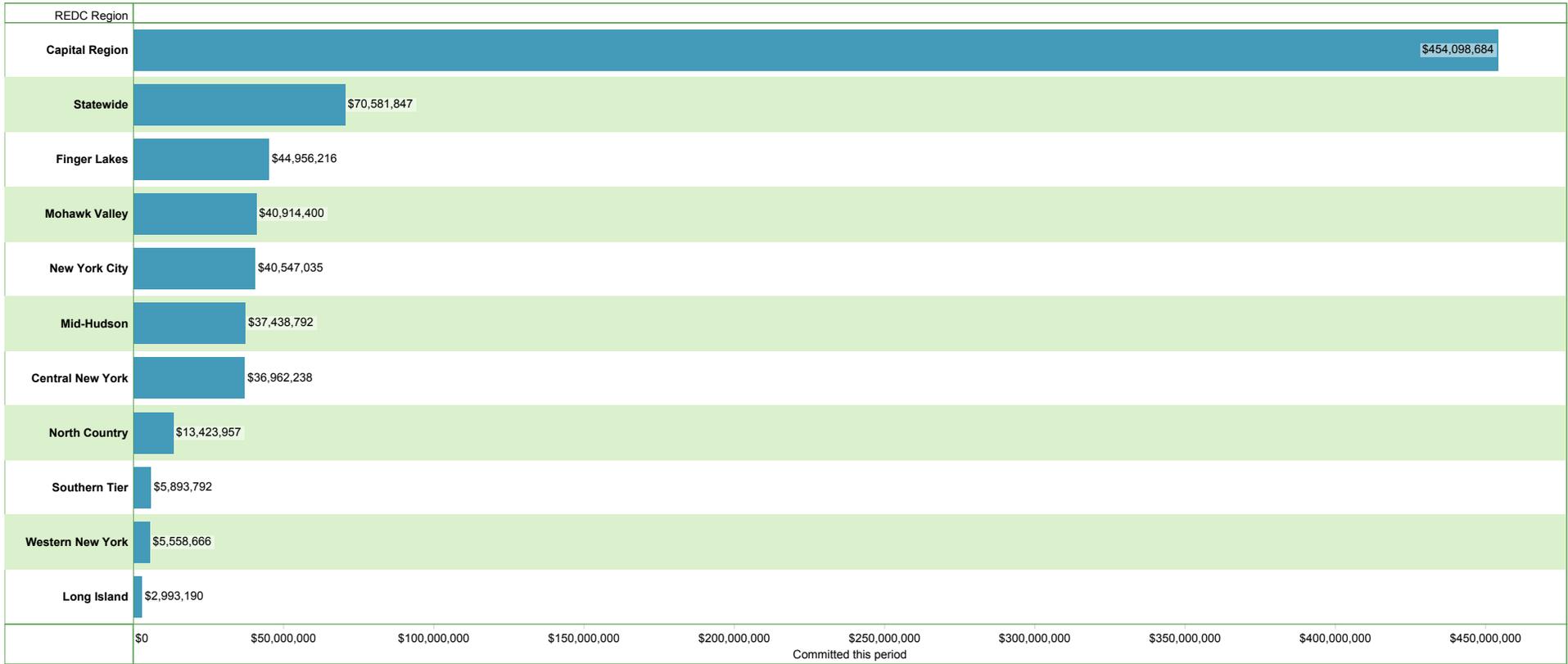
NYSDERDA PERIODIC PROGRAM REPORT
5/16/2020 to 8/15/2020
Table: By Electric Utility

Electric Utility	Count of Contracts	Committed this period
AKRON	1	\$78,840
Central Hudson Gas and Electric	47	\$3,973,557
Consolidated Edison	368	\$52,005,638
Long Island Power Authority	30	\$2,993,190
Municipal Utilities	4	\$1,530,216
National Grid	180	\$527,700,931
NYS Electric and Gas	82	\$68,200,482
Orange and Rockland Utilities	32	\$20,932,703
Rochester Gas and Electric	38	\$5,371,414
Statewide	96	\$70,581,847
Grand Total	878	\$753,368,818

NYSDA PERIODIC PROGRAM REPORT

5/16/2020 to 8/15/2020

Graph: By REDC Region



Section 1 Summary - Percentages

% Contract Counts Competitively

% of \$Committed this period Competitively

99.34%	99.86%
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NEW YORK STATE
ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

PROCUREMENT AND PROGRAM CONTRACT GUIDELINES, OPERATIVE POLICY
AND INSTRUCTIONS

September 2020

Article I. Purpose and Applicability

1.0 These Procurement and Program Contract Guidelines ("Guidelines"), adopted pursuant to Public Authorities Law Sections 1854, 1855, and 2879, set forth the operative policies of the Authority and instructions to its officers and employees regarding the use, awarding, monitoring, and reporting of Procurement and Program Contracts.

1.1 These Guidelines apply to any Procurement or Program Contract entered into after they become effective pursuant to the provisions of Section 1853 of the Public Authorities Law.

Article II. Definitions

2.0 As used in these Guidelines, "Procurement Contract" means a written agreement for the Authority's acquisition of goods or services, in the actual or estimated amount of \$5,000 or more.

2.1 As used in these Guidelines, "Program Contract" means a contract in the actual or estimated amount of \$5,000 or more that is not a Procurement Contract. Program Contracts may include but are not limited to grants, investments, awards, incentives, memberships and other arrangements by which the Authority provides financial assistance to fund a third party's performance of work in furtherance of the mission of the Authority. Program Contracts shall also include: memberships in industry groups, professional societies and similar cooperative associations, and any cooperative projects conducted or sponsored by such organizations; and direct purchase advertising with radio, television or print media regarding program activities. Loans, guarantees, letters of credit and other contractual arrangements executed by Green Bank are not Program Contracts for purposes of these Guidelines; the consideration and approval of such transactions are governed by the relevant provisions of the Authority's Internal Control Manual and by Green Bank's internal rules and guidelines. Contracts for interests in real property are governed by separate Board approved Guidelines for Real Property.

2.2 As used in these Guidelines, "Other Administrative Contracts" mean Procurement Contracts to provide services to support the Authority's administrative functions for a fee, commission, or other compensation by a person or organization that is not performing that work as an officer or employee of the Authority, another public corporation, or a state agency. Other Administrative Contracts include, but are not limited to, equipment maintenance contracts, leases, insurance, telecommunications, or other similar services, but do not include Personal Services Contracts.

2.3 As used in these Guidelines, "Contractor" means a person or organization that enters into a Procurement or Program Contract with the Authority.

2.4 As used in these Guidelines, "Minority Business Enterprise" means any business enterprise certified by the Division of Minority and Women-Owned Business Development as a Minority Business Enterprise.

2.5 As used in these Guidelines, "Women-Owned Business Enterprise" means a business enterprise certified by the Division of Minority and Women-Owned Business Development as a Women-Owned Business Enterprise.

2.6 As used in these Guidelines, "New York State Business Enterprise" means a business enterprise, including a sole proprietorship, partnership, or corporation, which offers for sale or lease or other form of exchange goods which are sought by the Authority and which are substantially manufactured, produced, or assembled in New York State or services which are sought by the Authority and which are substantially performed in New York State.

2.7 As used in these Guidelines, "New York State Small Business Enterprise" means a company that is a resident to New York State, independently owned and operated, with 100 or fewer employees, and not dominant in its field. See New York State Finance Law.

2.8 As used in these Guidelines, "Service-Disabled Veteran-Owned Business Enterprise (SDVOB)" means any business that is certified by the Office of General Services Division of Service-Disabled Veterans' Business Development as a certified service-disabled veteran-owned business enterprise.

2.9 As used in these Guidelines, a "New York State Resident" means a natural person who maintains a fixed, permanent, and principal home within New York State and to which such person, whenever temporarily located, always intends to return.

2.10 As used in these Guidelines, "Competitive Selection Method" shall include:

- i. solicitations, including program opportunity notices, requests for proposals, requests for information, requests for quotations and requests for qualifications;
- ii. subscription program offers;
- iii. for administrative purchases, if the issuance of a solicitation is reasonably expected to result in no more than nominal savings, obtaining at a minimum three (3) quotations from different providers or firms;
- iv. Procurement or Program Contracts made pursuant to centralized contracts let by other public entities pursuant to a competitive process, including those contracts of the New York State Office of General Services;
- v. procurement of commodities from a Contractor where the price to be charged by the Contractor is less than that which would be charged for the purchase substantially similar in function, form or utility made pursuant to a centralized contract let by the New York

- State Office of General Services or when other contract terms such as delivery or warranty terms are more economically beneficial;
- vi. processes to award agreements for disposition of personal or real property in accordance with the provisions of Section 1902 of Title 9-B of Article 8 of the Public Authorities Law; or
 - vii. any other competitive method of selection that is consistent with these guidelines.

Article III. Requirements Regarding Selection of Contractors

3.0 Unless otherwise directed by law or order in the form of an authorization and direction to use funds in a certain manner¹, the Authority shall use its best efforts to secure offers from Contractors by using a Competitive Selection Method and to select from such offerers the Contractor offering the most favorable terms, weighing expected ability to perform against projected costs. To this end, the Authority shall:

- (a) solicit offers in writing from several persons or organizations known, believed, or reputed to be qualified in the area of supplying the goods, personal services, Authority program work, or other administrative services to be provided or performed, except that for administrative purchases authorized by Section 2.10 (iii), such quotations may be secured by telephone solicitations where time constraints do not permit securing a written bid and for procurement of catalog and other items generally purchased in the ordinary course of business or which do not require a detailed bid or description of materials or specifications.
- (b) evaluate those offers received on the basis of such information as the Authority has received on, as may be relevant, each offerer's technical or professional qualifications, financial stability, past performance for the Authority, staff, equipment, and facilities availability, experience, reputation, and other factors bearing on expected capability and quality of performance, possible conflicts of interest, and contract price or fee structure; and
- (c) document the processes by which a Contractor is selected, by making a record summarizing the nature and scope of the goods, personal services, Authority program work, or other administrative services sought, the name of each person or organization submitting, or requested to submit, a bid or proposal, the price or fee bid, and the basis for selection of the Contractor.

3.1 In any instance, the members of the Authority may, by resolution, waive the use of the procedure for selecting Contractors outlined in Section 3.0 if they determine such waiver to be in the best interest of the Authority.

3.2 The members of the Authority, upon adoption of these Guidelines, hereby waive use of the

¹ For a avoidance of doubt, this provision is included to acknowledge that the Authority's contracting guidelines do not apply in instances where the Authority is directed by law or order to use funds in a certain manner.

procedures for selecting Contractors outlined in section 3.0 in those instances when:

- a) the goods, personal services, Authority program work, or other administrative services involved are expected to cost \$50,000 or less;
- b) the goods, personal services, or other administrative services involved are expected to cost \$500,000 or less and are procured from a Minority Business Enterprise or Women-Owned Business Enterprise; a New York State Small Business Enterprise; or a Certified Service-Disabled Veteran-Owned Business Enterprise.
- c) for any Authority program work, the contract is based upon an unsolicited proposal, submitted at the sole initiative of the offerer, not duplicating work then being performed or in the project planning request stage, and involving unique, innovative, or unusual meritorious methods or ideas;
- d) an Authority Officer or the Director of Contract Management, to the extent of each of their respective encumbrance authority pursuant to the Authority's Bylaws, determines that:
 - i. the interest of the Authority for timely obtainment of the goods, personal services, Authority program work, or other administrative services involved precludes selection of a Contractor pursuant to such procedure; or,
 - ii. even though two or more Contractors could supply the required goods, personal services, Authority program work, or other administrative service, one particular Contractor has unique or exceptionally scarce qualifications or experience, specialized equipment, or facilities not readily available from other sources, or patents, copyrights, or proprietary data; or,
 - iii. there is only one source for a required good, personal service, Authority program work, or other administrative service; or,
 - iv. the contract is for goods, personal services or other administrative services and is based upon a contract awarded by the United States government, or any state or any political subdivision thereof, in accordance with the requirements of New York State Finance Law and the criteria established by the New York State Office of General Services (aka piggybacking); or,
 - v. the contract is for a membership in an industry group, professional society, or similar cooperative association the work of which ~~has been determined by an Officer of the Authority to be~~ aligned with the strategy of the Authority and membership in which will benefit the Authority's mission; or
 - vi. the contract is for a membership in an industry group, professional society, or similar cooperative association the work of which ~~has been determined by an Officer of the~~

~~authority to be~~ aligned with the strategy of the Authority and membership in which will benefit the Authority's mission; or

- vii. processes to enter into agreements to acquire applicable personal or real property in accordance with the provisions of Section 1902 of Title 9-B of Article 8 of the Public Authorities Law,

provided, that in those instances the Authority shall nonetheless make a record summarizing the nature and scope of the goods, personal services, Authority program work, or other administrative service involved, the name of the Contractor, the contract price or fee, and the basis for waiver and selection of the Contractor.

3.3 Board Approval of Procurement and Program Contracts

- (a) Approval of the members of the Authority, either by prior action, when time permits, or by ratification at the next meeting of the Authority shall be required for any:
 - i. Procurement Contract which provides for a period of performance by the Contractor in excess of one year;
 - ii. Program Contract that is the result of a competitive process and which provides an estimated or actual amount of \$3 Million or more; and,
 - iii. Program Contract that is the result of a noncompetitive process and which provides an estimated or actual amount greater than \$1 Million.

3.4 Independent auditors for the Authority shall be retained only with the prior approval of the members of the Authority.

3.5 The Authority may use its Competitive Selection Methods to select multiple Contractors to provide goods, personal services, Authority program work, and other administrative services. Individual task work orders may be awarded to these Contractors on an as-needed basis.

Article IV. Compliance with State Finance Law Sections 139-j and 139-k in the Selection of Contractors; Contractor Responsibilities and Types of Contract Provisions

4.0 The Authority shall comply with the requirements of State Finance Law Sections 139-j and 139-k in its selection of Contractors. Solicitations shall identify NYSERDA's Designated Contacts, require bidders to disclose any prior determination of non-responsibility, and to provide the other information required by State Finance Law Sections 139-j and 139-k.

The responsibilities of a Contractor, including continuing responsibilities under State Finance Law Sections 139-j and 139-k, shall be detailed in the contract. Contract provisions shall address the nature and scope of the goods, personal services, or Authority program work to be provided; the standard for performance, if practical; the duration of the work; any relevant time requirements or deadlines; and the amount of compensation to be paid or the price, rates, or fees which will be used

to determine such compensation. Personal Services Contracts and Program Contracts shall also include provisions on monitoring of the work to be performed; provisions governing the Contractor's use of Authority supplies, facilities, or personnel, if permitted; any provisions required by applicable law; and any other provisions the Authority deems necessary or desirable.

Article V. Minority and Women-Owned Business Enterprises

5.0 It is the policy of the Authority to foster and promote participation of Minority Business Enterprises and Women-Owned Business Enterprises in its procurements and the development of such enterprises and to facilitate a fair share of the awarding of Procurement Contracts to such enterprises.

The MWBE rules and regulations apply to any procurement that conforms to the definition of State Contract as described in the rules and regulations, and as specifically applied to NYSERDA in Article 15-A of New York State Executive Law. State Contract is defined as: a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000, whereby a contracting agency is committed to expend or does expend funds in return for labor, services including but not limited to legal, financial and other professional services, commodities, supplies, equipment, materials, technology or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; a written agreement in excess of \$100,000 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; and, a written agreement in excess of \$100,000 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project. Article 15-A explicitly applies to NYSERDA only to the extent of State Contracts entered into for its own account or for the benefit of another qualifying state agency.

The Authority endeavors to promote and assist: (i) participation by certified Minority or Women-Owned Business Enterprises in applicable Authority procurement opportunities and facilitation of the award of qualified Procurement Contracts to such enterprises; (ii) the utilization of certified Minority and Women-Owned Business Enterprises as subcontractors and suppliers by entities having qualified Procurement Contracts with the Authority; and (iii) the utilization of partnerships, joint ventures or other similar arrangements between certified Minority and Women-Owned Business Enterprises and other entities having qualified Procurement Contracts with the Authority.

The Authority hereby designates the Division of Minority and Women-Owned Business Development to certify and decertify Minority Business Enterprises and Women-Owned Business Enterprises through a single process that meets applicable state and federal requirements.

On an annual basis, the Authority shall establish appropriate statewide goals for participation by Minority or Women-Owned Business Enterprises in qualified Procurement Contracts awarded by the Authority, and for the utilization of Minority and Women-Owned Business Enterprises as

subcontractors and suppliers by entities having qualified procurement contracts with the Authority pursuant to § 313(1-b) of the Executive Law. In accordance therewith, the Authority shall submit a Master Goal Plan, or Master Goal Plan update, for acceptance by the Division of Minority and Women's Business Development.

The Authority shall conduct procurements in a manner that will enable it to achieve the maximum feasible portion of the goals it establishes and that will eliminate barriers to participation by Minority and Women-Owned Business Enterprises. This includes, but is not limited to:

- (a) The Authority shall maintain measures and procedures, as detailed in the Master Goal Plan, to ensure that certified businesses shall be given the opportunity for maximum feasible participation in the performance of appropriate state contracts and to assist in the Authority's identification of those state contracts for which certified businesses may best bid to actively and affirmatively promote and assist their participation.
- (b) The Authority will consult with the Division of Minority and Women's Business Development for assistance in identifying Minority Business Enterprises or Women-Owned Business Enterprises, and refer to any known list maintained by any other State department or agency that identifies such enterprises by area of expertise.
- (c) With the assistance of the Director of Contract Management, the Authority shall maintain its own list of such enterprises, including professional firms that have expressed an interest in doing business with the Authority, and shall ensure that the list is updated regularly.
- (d) The Authority shall provide notice of procurement opportunities to professional and other organizations that serve Minority and Women-Owned Business Enterprises providing the types of services the Authority procures, and solicit or request offers from Minority and Women-Owned Businesses known to have experience in the type of goods, personal services, and other administrative services involved.
- (e) Each solicitation document for a qualified solicitation shall set forth the expected degree of Minority and Women-Owned Business Enterprise participation, and the Authority shall provide to each prospective contractor a current list of certified Minority and Women-Owned Business Enterprises. The expected degree of Minority and Women-Owned Business Enterprise participation shall be based, in part, on (i) the potential subcontract opportunities available in the prime procurement contract; and (ii) the availability of certified Minority and Women-Owned Business Enterprises to respond competitively to the potential subcontract opportunities.
- (f) Written solicitations or requests for bids or proposals for Procurement Contracts will include a statement of the Authority's affirmative action policy.
- (g) Allow bidders to count the Minority and Women-Owned Business Enterprise portion of a joint venture towards meeting its minority business enterprise goal.

- (h) For each qualified contract, the Authority shall: (i) consider, where practicable, the severability of construction projects and other bundled contracts; (ii) evaluate the appropriateness of the goal established in the Master Goal Plan; (iii) consider compliance with the requirements of any federal law concerning opportunities for Minority and Women-Owned Business Enterprises which effectuates the purpose of the Authority's policy; and (iv) consult the most recent disparity study pursuant to Article 15-A of the Executive Law.

The Authority may waive obligations of a contractor relating to Minority and Women-Owned Business Enterprise participation after a showing of good faith efforts to comply with the requirements of Article 9 of the Public Authorities Law relative to the waiver provisions contained in § 313(6) and (7) of the Executive Law. In addition, the Authority shall verify that Minority and Women-Owned Business Enterprises listed in a successful bid are actually participating to the extent listed in the project for which the bid was submitted.

The President and CEO of the Authority has general policy responsibility for the Authority's Minority and Women-Owned Business Enterprise program. The Treasurer provides executive oversight and reports to the President, is familiar with the procurement of the types of construction, financial, legal and professional services utilized by the Authority, and participates in the procurement process directly and through designees. The Director of Contract Management, who reports to the Treasurer, shall manage day-to-day responsibilities for M/WBE reporting and implementation. The Authority Counsel's Office shall be responsible for M/WBE legislation oversight and compliance.

Through its program, the Authority endeavors to promote and assist: (i) participation by certified Minority or Women-Owned Business Enterprises in applicable Authority procurement opportunities and facilitation of the award of qualified procurement contracts, as identified by the Director of Contract Management, to such enterprises; (ii) the utilization of certified Minority and Women-Owned Business Enterprises as subcontractors and suppliers by entities having qualified procurement contracts with the Authority; and (iii) the utilization of partnerships, joint ventures or other similar arrangements between certified Minority and Women-Owned Business Enterprises and other entities having qualified procurement contracts with the Authority.

Article VI. Contracts with Former Officers or Employees

6.0 Contracts with former officers or employees of the Authority shall be permitted where the goods, personal services, Authority program work, or other administrative services are to the best advantage of the Authority and the contractual relationship is not otherwise prohibited by law or Authority policy. In particular, any former officer or employee of the Authority shall be held to the restrictions set forth in Public Authorities Law Section 73(8) on receiving compensation for any services rendered with respect to specified types of cases, proceedings, applications, matters, and transactions.

Article VII. New York State Business Enterprises and New York State Residents

7.0 It is the policy of the Authority to promote participation in qualified Procurement or Program Contracts by New York State Business Enterprises and New York State Residents, by encouraging them to compete through measures including, but not limited to:

- (a) Collecting and consulting the specifications of New York State Business Enterprises in developing any specifications for any Procurement or Program Contract for the purchase of goods where possible, practicable, feasible, and consistent with open bidding, except for Procurement or Program Contracts for which the Authority would be expending funds received from another state. The Authority will, where feasible, make use of the stock order specification forms prepared by the Commissioner of General Services and, where necessary, consult with the Commissioner of General Services in developing such specifications and making such determinations.
- (b) With the cooperation of the Department of Economic Development and through cooperative efforts with Contractors, providing for the notification of New York State Business Enterprises of opportunities to participate as subcontractors and suppliers on qualified Procurement Contracts in an amount estimated to be equal to or greater than one million dollars and promulgating procedures which will assure compliance by Contractors with such notification. Once awarded the contract, such Contractors shall document their efforts to encourage the participation of New York State Business Enterprises as subcontractors and suppliers on such qualified Procurement Contracts. Documented efforts by a successful Contractor shall consist of and be limited to showing that such Contractor has (a) solicited bids, in a timely and adequate manner, from New York State Business Enterprises, including certified minority and women-owned businesses, or (b) contacted the New York State Department of Economic Development to obtain listings of New York State Business Enterprises, or (c) placed notices for subcontractors and suppliers in newspapers, journals, and other trade publications circulated in New York State, or (d) participated in bidder outreach conferences. If the Contractor determines that New York State Business Enterprises are not available to participate on the contract as subcontractors or suppliers, the Contractor shall provide a statement indicating the method by which such determination was made. If the Contractor does not intend to use subcontractors on the contract, the Contractor shall provide a statement verifying such intent.
- (c) Except for Procurement Contracts for which the Authority would be expending funds received from another state, including in all bid documents provided to potential bidders a statement that information concerning the availability of New York State subcontractors and suppliers is available from the New York State Department of Economic Development, including the directory of certified minority and women-owned businesses, and that it is the policy of New York State to encourage the use of New York State subcontractors and suppliers and to promote the participation of minority and women-owned businesses, where possible, in the procurement of goods and services.

- (d) With the cooperation of the Community Services Division of the Department of Labor and through cooperative efforts with Contractors, providing for the notification of New York State residents of employment opportunities arising in New York State out of Procurement Contracts in an amount estimated to be equal to or greater than one million dollars; and promulgating procedures that will assure compliance by Contractors with notification by requiring Contractors to submit post-award compliance reports documenting their efforts to provide such notification through listing any such positions with the Community Services Division or providing for such notification in such manner as is consistent with existing collective bargaining contracts or agreements.
- (e) Including in each set of documents soliciting bids on qualified Procurement Contracts a statement notifying potential bidders in foreign countries that the Authority may assign or otherwise transfer offset credits created by such Procurement Contract to third parties located in New York State; providing for the assignment or other form of transfer of offset credits created by such Procurement Contracts, directly or indirectly, to third parties located in New York State, in accordance with the written directions of the Commissioner of Economic Development; and providing for the Authority otherwise to cooperate with the Department of Economic Development in efforts to get foreign countries to recognize offset credits assigned or transferred to third parties located in New York State created by such Procurement Contracts.
- (f) Promulgating procedures that will assure compliance with the federal Equal Employment Opportunity Act of 1972 (Pub. L. 92-261), as amended, by Contractors.

The Authority shall notify the Commissioner of Economic Development of the expected award of any Procurement or Program Contract for the purchase of goods, personal services, Authority program work, or other administrative services from a foreign business enterprise in an amount equal to or greater than one million dollars (\$1,000,000) simultaneously with notifying the successful bidder therefor. The Authority shall not enter into the Procurement or Program Contract until at least fifteen (15) days have elapsed, except for a Procurement Contract awarded on an emergency or critical basis. The notification to the Commissioner shall include the name, address, telephone and facsimile number of the foreign business enterprise, a brief description of the goods or services to be obtained pursuant to the proposed Procurement Contract, the amount of the proposed Procurement Contract, the term of the proposed Procurement Contract, and the name of the individual at the foreign business enterprise or person acting on behalf of the same who is principally responsible for the proposed Procurement Contract. For the purposes of this subdivision, "foreign business enterprise" means a business enterprise, including a sole proprietorship, partnership or corporation, which offers for sale, lease or other form of exchange, goods which are sought by the Authority and which are substantially produced outside New York State, or services, other than construction services, sought by the Authority and which are substantially performed outside New York State. For purposes of construction services, a foreign business enterprise shall mean a business enterprise, including a sole proprietorship, partnership or corporation, which has its principal place of business outside of New York State.

Article VIII. Publication of Notice of Procurement and Program Contracts

8.0 Except as provided in Section 9.1 below, prior to awarding any Procurement or Program Contract, the Authority shall submit to the Commissioner of the Department of Economic Development information on: (i) the contract identification number; (ii) a brief description of the goods or services sought, the location where goods are to be delivered or services provided and the contract term; (iii) the address where bids or proposals are to be submitted; (iv) the date when bids or proposals are due; (v) a description of any eligibility or qualification requirement or preference; (vi) a statement as to whether the contract requirements may be fulfilled by a subcontracting, joint venture, or co-production arrangement; (vii) any other information deemed useful to potential Contractors; and (viii) the name, address, and telephone number of the person to be contacted for additional information. Such information shall be submitted in sufficient time to allow a minimum of fifteen business days between publication of such notice and the date on which a bid or proposal is due, except where a shorter period is specifically authorized by law.

8.1 The provisions of Section 9.0 shall not apply to Procurement or Program Contracts: (i) awarded on an emergency or critical basis, or on the basis that publication is otherwise not feasible, such as those described in Sections 4.2 and 2.11 (ii) - (vi) of these Guidelines; (ii) being re-bid or re-solicited for substantially the same goods or services, within forty-five business days after the date bids or proposals were originally due; or (iii) any other procurements the Commissioner of the Department of Economic Development has determined do not require publication.

Article IX. Reporting of Procurement and Program Contracts

9.0 Procurement Contracts

- (a) As required by Public Authorities Law Section 2879, the Authority shall prepare for approval by the members at their June meeting, or at least annually, a report on Procurement Contracts, for the fiscal year ending March 31 of each year, which report shall include:
- i. The Procurement Contract Guidelines;
 - ii. An explanation of the Guidelines and any amendments since the last annual report on Procurement Contracts;
 - iii. A list of all Procurement Contracts entered into and active during the reporting period. This will include identification of:
 - a. All contracts with New York business enterprises;
 - b. All contracts with foreign business enterprises;
 - c. All contracts with certified Minority or Women-Owned Business Enterprises;
 - d. All contracts with certified Service-Disabled Veteran-Owned Business Enterprises;
 - e. The subject matter and value thereof;

iv. A summary of all Procurement Contracts which were exempt from the publication requirements under article 4-c of the economic development law, the basis for any such exemption and the status of existing Procurement Contracts.

(b) The members' approval of this report, which will include a list of all Procurement Contracts entered into during the prior year which provide for a period of performance by the contractor in excess of one year or which have continued for over one year, will be the members' approval of such individual Procurement Contracts, as required by Public Authorities Law Section 2879(3)(b)(iii).

Upon approval by the members of the Authority, the Authority shall submit the annual report on Procurement Contracts to the Division of the Budget, with copies to the Senate Finance Committee, the Assembly Ways and Means Committee, the Department of Audit and Control, and the Department of Economic Development.

9.1 Program Contracts

(a) The Authority shall prepare for review by the members at their June meeting, or at least annually, a report on Program Contracts, which report shall include description of the program contracting performed by the fiscal year, broken down by portfolio and program, that is sufficient to provide to the members an accurate reflection of the kinds and level of investment made by each of the Authority's programmatic portfolios and programs. Separate from this requirement, the Authority will also make available upon request to the members, a copy of the semi-annual reports that are required to be prepared under Public Authorities Law Section 1867(7).

9.2 The Authority shall make copies of its reports on Procurement and Program Contracts available on its website.

Article X. Miscellaneous Provisions

10.0 No violation of or failure to comply with the provisions of these Guidelines shall be deemed to alter, affect the validity of, modify the terms of, or impair any Procurement or Program Contract; nor shall any provision of these Guidelines or any violation of or failure to comply with such provisions be the basis for any claim against the Authority or any member, officer, or employee of the Authority.

10.1 The members of the Authority may, from time to time, amend these Guidelines, provided that no such amendment shall be deemed to alter, affect the validity of, modify the terms of, or impair any Procurement or Program Contract.

Article XI. Service-Disabled Veteran-Owned Business Enterprises

11.0 It is the policy of the Authority to increase participation of Certified Service-Disabled Veteran-Owned Business (SDVOB) Enterprises in its procurements.

The SDVOB rules and regulations apply to any procurement that conforms to the definition of State Contract as described in the rules and regulations, and as specifically applied to NYSERDA in Article 17-B Section 369-h(6)(d) of New York State Executive Law. State Contract is defined as: a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000, whereby a contracting agency is committed to expend or does expend funds in return for labor, services including but not limited to legal, financial and other professional services, commodities, supplies, equipment, materials, technology or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; a written agreement in excess of \$100,000 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; and, a written agreement in excess of \$100,000 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project.

Article 17-A explicitly applies to NYSERDA only to the extent of State Contracts entered into for its own account or for the benefit of another qualifying state agency.

The Authority endeavors to promote and assist: (i) participation by certified SDVOB Enterprises in qualified Authority procurement opportunities and facilitation of the award of qualified Procurement Contracts to such enterprises; (ii) the utilization of certified SDVOB Enterprises as subcontractors and suppliers by entities having qualified Procurement Contracts with the Authority; and (iii) the utilization of partnerships, joint ventures or other similar arrangements between certified SDVOB Enterprises and other entities having qualified Procurement Contracts with the Authority.

The Authority hereby designates the Division of Service-Disabled Veterans' Business Development (DSDVD) within the New York State Office of General Services to certify and decertify eligible SDVOB Enterprises through a process that meets applicable state requirements.

On an annual basis, the Authority shall establish appropriate agency-specific goals for participation by SDVOB Enterprises in qualified Procurement Contracts awarded by the Authority, and for the utilization of SDVOB Enterprises as subcontractors and suppliers by entities having qualified State Contracts with the Authority pursuant to Article 17-B of the Executive Law and as specifically applied to NYSERDA in Article 17-B Section 369-h(6)(d). In accordance therewith, the Authority shall submit a Master Goal Plan, or Master Goal Plan update, for acceptance by the Division of Service-Disabled Veterans' Business Development.

The Authority shall conduct procurements in a manner that will enable it to achieve the maximum feasible portion of the goals it establishes and that will eliminate barriers to participation by

SDVOB enterprises.

The Authority has three primary options for using SDVOB Enterprises in its procurements: SDVOB Set Asides; SDVOB Contract Goal Setting; and, SDVOB Discretionary Purchasing. It is up to the Authority to determine which option, or combination of options, can best achieve the Authority goals in the Master Goal Plan.

(a) SDVOB Set Asides

- i. Set-asides permit the reservation in whole or in part of certain procurements by the Authority for SDVOBs when more than one SDVOB Enterprise is available and can provide the necessary construction, construction services, non-construction related services (including finance/bond management), technology, commodities, products and other classifications that will facilitate meeting the goal and meeting the Authority's form, function and utility.
- ii. SDVOB Contract Goal Setting
 - i. A required percentage of SDVOB participation may be placed on qualified procurements. Any contract that conforms to the definition of State Contract in Article 17-B of the Executive Law, and as specifically applied to NYSEDA in Article 17-B Section 369-h(6)(d), unless exempt or excluded, may be assessed for SDVOB participation goals.
- iii. SDVOB Discretionary Purchasing
 - i. SDVOB Enterprises may be chosen when making discretionary purchases up to \$200,000, pursuant to Section 4.2(b) of these Guidelines and State Finance Law.

(b) Waivers

- i. An SDVOB waiver is a reduction or elimination of the SDVOB goal that has been established for a qualified contract. The Authority may determine to make such a waiver in the event that it determines that such a waiver is necessary; moreover, it may grant a partial or total waiver of goal requirements established on a State Contract upon the submission of a waiver form by a contractor, documenting good faith efforts, as defined in the regulations, by the contractor to meet the goal requirements of the State Contract. The Authority shall consider the factors set out in the regulations in making its determination to grant or deny the waiver request.

The President and CEO of the Authority has general policy responsibility for the Authority's SDVOB Program. The Treasurer provides executive oversight and reports to the President, is familiar with the procurement of the types of construction, financial, legal and professional services utilized by the Authority, and participates in the procurement process directly and through designees. The Director of Contract Management, who reports to the Chief Operating Officer, shall manage day-to-day responsibilities for SDVOB reporting and implementation. The Authority Counsel's Office shall be responsible for SDVOB legislation oversight and compliance.

Resolution No. ____

RESOLVED, that the Periodic Contracts Report, covering the period May 16, 2020 through August 15, 2020, as presented at this meeting, including but not limited to the contracts identified therein which have been, or are expected to be, executed and which do have, or are expected to have, a period of performance in excess of one year, is hereby approved in accordance with Public Authorities Law Section 2879; and

BE IT FURTHER RESOLVED, that the “Procurement and Program Contract Guidelines, Operative Policy and Instructions (October 2020)” as presented at this meeting, are approved and adopted.