

T4RFP21-1

Responses to Step 2 Submitted Questions

Updated: 4/5/2021

Questions must be submitted by May 3, 2021 to res@nyserda.ny.gov. Responses to submitted questions will be posted on a rolling basis. Interested proposers should check this document for periodic updates. A notification may not be sent when new responses have been posted. NYSERDA responses to all submitted questions will be posted by May 7, 2021.

Q #	Question	Response
1	On the Tier 4, we are evaluating different projects that have asked for us to be a renewable energy supplier on their lines. At the early stage that is due next week is there negative to potentially having our name in more than one proposal?	Resources included in the Step One submittals were non-binding, and the same Resource could be included in more than one Step One submittal. The Resources included in Step One can be different from Resources proposed in the Step Two Proposals. For Step Two, the same portfolio of Resources may submit Proposals with more than one New Transmission facility. The Proposer should clarify whether the Resources may participate in multiple proposed Projects concurrently, or if the Proposals with different New Transmission facilities are mutually exclusive. If the Resources will participate in multiple proposed Projects concurrently, the Proposal should clarify how the Resources will be allocated among the different New Transmission facilities.
2	Please confirm that consistent with Proposer requirements in Section 7.6.5, NYSERDA will (1) conduct its own review and analysis to analyze anticipated impacts to the energy deliverability/dispatchability and congestion/curtailment of existing contracted renewable project in New York State caused by a proposed project's Injection Point or in combination with other proposed projects' Injection Points, and (2) consider the analysis in awarding projects that do not impact existing contracted renewable projects.	NYSERDA will award 20% of the overall score to an evaluation of Project Viability, Operational Flexibility and Peak Coincidence. As described in RFP Sections 3.2.10 and 3.2.11, NYSERDA will conduct an independent analysis of deliverability and peak coincidence focused on delivery into Zone J.

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3	Please confirm that Projects submitted by different Proposers that utilize the same Tx line can have different Bid Prices. In other words, a single Bid Price per Contract executed with NYSERDA.	Different Proposers who propose to use the same New Transmission may submit different Bid Prices with their respective Proposals.
4	Does NYSERDA prefer Proposals without contingencies on other Proposals? For example, in a situation where multiple Proposals are submitted by separate and individual Proposers utilizing the same Tx line and are identified as contingent on each other in the submission. Does the contingencies affect the overall evaluation?	NYSERDA will apply the same price and non-price evaluation components to all Proposals. Please refer to Section 7.2 of the March 29, 2021 Updated RFP regarding NYSERDA's treatment of contingent Proposals.
5	Can the same portfolio of Resources be bid into multiple Proposals? How will NYSERDA evaluate where Resources may be duplicated among Proposals? If a portfolio of Resources was awarded two separate contracts, could different Resources be added (swapped in) under one of those contracts, per the draft PSA language on added and removing Resources? Assuming those additional Resources are eligible. How does this affect the Economic Benefits claimed in the Proposals?	The same portfolio of Resources may be bid into multiple Proposals. Please see the response to Question 1. Following award and execution of a PSA, the PSA allows for adding or removing eligible Resources, with NYSERDA's approval. A change to the portfolio of Resources after award does not change the total quantity of claimed Economic Benefits that will be required to be demonstrated three years after commercial operation.
6	Section 7.6.3 Proposer Experience of the Proposal Narrative - #1 and #2 specifically state that information regarding the Tx company should be provided. Should #3 through #6 also contain responses from the Tx company?	Proposers should provide the information in items 1 through 6 for suppliers of Resources, the New Transmission developer, and any other Project team members.
7	Appendix C is not listed as a requirement in Section 7, but it appears in Appendix I in a screenshot of the uploads section (Step 3 of 5). Should Appendix C be uploaded with the Step Two Bid Submission to the Salesforce Portal?	Appendix C is part of the Step One Eligibility Application only. The Resources provided in the Step Two Proposal should be listed in the Offer Data Form, Worksheet Part II.

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8	<p>Please confirm that if a Proposer wishes to submit two portfolios of Resources, which utilize the same Tx line, that a single Master Offer Form with two Offer Data Forms should be uploaded to the portal. As well, two Resource Data files should be uploaded, one for each portfolio of Resources. Does NYSERDA have a preference if a single (confidential/public) or two separate Proposal Narratives (confidential/public) are uploaded for each portfolio of Resources? Please confirm that a single Certification Form and Redline of the PSA is acceptable. How does this change if a Proposer wishes to submit a portfolio of Resources with two separate New Transmission lines?</p>	<p>There should be one Master Offers Form and two Offer Data Forms submitted, one for each portfolio. The Proposal Fee will be assessed based on the highest Bid Quantity, as listed in the Master Offers Form. One Resource Data file as Excel Workbooks must also be submitted for each portfolio, and each Resource Data file should have a separate worksheet for each eligible Resource included in the portfolio. For clarity, two separate Narratives should be submitted. Proposer need not duplicate information that is identical between the two portfolios, but may refer to the Narrative where such information may be found. One Certification Form and redlined PSA is acceptable. If a Proposer wishes to submit a portfolio of Resources with two different New Transmission projects, these must be submitted as two separate Proposals, each with an applicable Proposal Fee.</p>
9	<p>Section 7.6.4 Resource Description and Site Control requests in #5 that the Proposer provide documentation that the Proposer owns the site, has a valid lease or irrevocable lease or purchase option to develop the site over the entire Contract Tenor. Please confirm if there is a minimum percentage of "binding" site control that is required? What other forms of site control can be provided as evidence if an executed lease is not yet available?</p>	<p>There is no minimum threshold requirement for demonstrating site control. Documentation demonstrating site control may consist of leases, purchases, options to lease or purchase, or other instruments including easements, grants of right-of-way, letters of intent, etc. The degree of control demonstrated by the documentation submitted will be evaluated as part of the viability evaluation in the non-price evaluation.</p>
10	<p>Would NYSERDA prefer a single Project Schedule or would multiple Project Schedules per Resource & New Transmission suffice?</p>	<p>A single Project Schedule that illustrates the relationship between the development of the Resources and development of the New Transmission is preferred.</p>
11	<p>Section 7.6.3 Proposer Experience requests resumes of key personnel. Please confirm if brief bios of key personnel will suffice.</p>	<p>Resumes are required for those listed as key personnel in the organizational and/or management chart. Proposer Experience will be included in the Project Viability score.</p>

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12	It appears that the Economic Benefits tab 'Part V - 2' has duplicate EB IDs in column C to the tab 'Part V - 1'. Should they be "EB2-00X"?	That is correct. A revised ODF has been posted.
13	Please clarify the difference between Table III-1 and Table III-2. Please confirm if non-Tier 4 eligible energy should/can be included in Table III-2.	Table III-1 should include only the delivery of Tier 4 RECs into Zone J. Table III-2 will differ from Table III-1 only if there is an expectation that there will be non-tier 4 energy delivered into Zone J.
14	Please advise – you note that Resources that are Renewable Energy Systems that produce electricity do qualify except – as noted below – Off-Shore wind energy systems are not eligible. Our QUESTION or POINT of CLARIFICATION is – Offshore wind energy systems are those that are jurisdictional? That have been awarded by previous NYSERDA RFP submissions and awards? Do Offshore wind energy systems in the New England Region qualify? Resources that are Renewable Energy Systems that produce electricity: 1. Offshore wind energy systems are not eligible. 2. Behind-the-meter Resources are not eligible. 3. Hydropower generation from new impoundments not already in existence or under construction as of June 18, 2020 is not eligible. 4. Non-hydropower resources must have a Commercial Operation Date on or after October 15, 2020.	Offshore wind resources are not eligible for Tier 4 RECs regardless of the location of the Resource or its injection point.
15	Whether the requirement that the energy associated with Tier 4 RECs must be delivered to Zone J "over a New Transmission interconnection" means that it must be delivered via Unforced Delivery rights aka controllable tie lines? Or is it possible to deliver them via the existing NYISO transmission congestion delivery fees?	Unforced Delivery Rights (UDRs) allow for delivery of unforced capacity. Projects under Tier 4 need only supply energy into Zone J and need not qualify as capacity resource(s) in Zone J in order to demonstrate delivery. Energy must be delivered to Zone J via New Transmission, which is defined as electrical infrastructure that allows incremental transmission capability into NYCA Zone J and electrically interconnects in Zone J after October 15, 2020. Delivery of energy to Zone J through a

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16	Are there restrictions on how a Proposer can add or remove Resources to a portfolio that was selected for award under this RFP? For clarity, are there time restrictions (how soon can Resources be added/removed?), are there limits on number/frequency of additions and removals?	financial or market mechanism that does not involve New Transmission is not eligible. There are no rules restricting the timing or frequency with which resources may be added or removed from a Tier 4 portfolio. The PSA gives NYSERDA a consent right over changes to the Tier 4 Portfolio (see definition of "Selected Project" and Exhibit E).
17	Section 7.6.16 Economic Benefits states that Resources with a Tier 1 Agreement cannot claim incremental economic benefits under the Tier 4 RFP. But then goes on to say that "Tier 1 projects that propose to convert to Tier 4 may have their Incremental Economic Benefits reclaimed under this RFP." Can NYSERDA please provide clarity under what circumstance would incremental economic benefits associated with a Tier 1 Resource be eligible under Tier 4? If a Proposer has not yet fulfilled (spent money, etc.) its incremental economic benefits for that Resource, which are post Jan 1, 2021, can those be claimed under the Tier 4 RFP?	As indicated in RFP Section 2.4, a facility that has a Tier 1 agreement may be considered as a Resource in a Tier 4 proposal. In such case, economic benefits provided by that Resource after January 1, 2021 could be claimed under the Tier 4 agreement.
18	Question Re: Incremental Economic Impact - property acquisition/leasing: Section 7.6.15 of the RFP states (p. 55) that "Eligible Incremental Economic Benefits claims for input categories 1 and 2 can include.... "6. Any premium for purchase payments and payments for leases of land in New York associated with securing rites to a Project site above market value but for use as a Project Resource site. Premia for land purchase payments will be pro-rated by the Scoring Committee for evaluation purposes to reflect the eligible time period for Economic Benefits claims." Does this mean that land purchase payments or lease payments that do not include a premium (that is, purchases or leases at or below market rates) are not eligible for consideration as incremental economic	Yes. Only the portion of the expenditure for land purchase or lease payments that is above market rates is an eligible Incremental Economic Benefit. Paying market price for purchase or lease is an exchange of money for the use of property which has market value in alternative use(s), so there is no increase in landowner's wealth and no new economic production value.

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	benefits? Only the value of any premium paid is eligible?	
19	How do I establish an account in the NYSERDA salesforce portal to upload the RFP response?	Please see Section 4.2 of Appendix I.
20	Section 7.6.7 of the RFP states that "available interconnection studies undertaken by the applicable control area or third parties on behalf of the Proposer must be provided". Please confirm that any confidential interconnection studies that have been performed for the Project may be made available to NYSERDA upon request after adhering to the Critical Energy Infrastructure Information (CEII) rules and requirements, as per section 3.2.3 of the RFP. For clarity, the Proposer will provide a list of the completed interconnection studies that can be made available.	NYSERDA understands that some interconnection studies prepared by the applicable control area or a third party may be classified as Critical Energy Infrastructure Information (CEII). If the Proposer provides a list of available interconnection studies that are classified as CEII, NYSERDA will request those which it deems necessary to complete its evaluation. Consistent with Section 3.2.2, NYSERDA will adhere to all requirements with respect to access to and distribution of CEII information as may be required by NYISO, adjacent RTOs, or owners of transmission facilities.
21	Please confirm if the Economic Benefits will be verified by category claimed or on the whole. As per Exhibit F of the draft Agreement section III. (h), please confirm if the subtotals for Disadvantaged Communities must be met separately.	The Verified Total Dollars under the PSA will be verified in aggregate as stated in Exhibit F. If selected for initial award, NYSERDA and the Proposer will incorporate agreement terms holding the Proposer to the commitments in its application with respect to Disadvantaged Community Benefits, while allowing the Proposer some flexibility to substitute different initiatives if those described in the Proposal become impracticable. These terms do not appear in the Standard Form Agreement because they will inevitably depend on the commitments in the Proposal selected for award.
22	Please confirm if Proposers are permitted to submit alternative deal and contracting structures in response to the Bid (i.e., cost recovery, cost allocation, take or pay, etc.) for consideration especially if such alternative structures can result in significant benefits to the ratepayers.	Proposers may submit alternative contract structures, but any proposal that NYSERDA deems incompatible with the October 2020 CES Order or the RFP will be disqualified without further review. Thus, NYSERDA strongly recommends that any such proposal be submitted as an alternative to a proposal that lacks the novel contracting structure. NYSERDA offers three additional points of guidance.

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		<p>First, NYSERDA will only purchase Tier 4 RECs (under either a Fixed or Index REC structure), and will not compensate Sellers for any other service or commodity. Second, NYSERDA will not entertain any cost of service contract structure. Third, any alternative structure should be narrowly tailored to mitigating a risk that falls outside the seller's control. NYSERDA is aware, for example, that NYISO currently lacks market rules for controllable transmission lines internal to the NYCA. NYSERDA would entertain alternative structures tailored to mitigating that risk, so long as the alternative structure was designed to set proposals utilizing internal controllable lines at parity with other projects, and not to provide a competitive advantage.</p>
