



T2RFP21-1

Responses to Submitted Questions

2/16/2021

Category	Q.	Question	Response
Eligibility	1	Are assets located on Long Island (PSEG-LI) eligible to participate in this RFP?	Yes.
Eligibility	2	Is there a project capacity megawatt cap?	For eligibility, there is no project capacity megawatt cap.
Eligibility	3	Is there any Tier 2 REC certification or approval needed prior to participating in the Tier 2 REC auction?	There is no pre-certification required to participate in the RFP although facilities must have a NYGATS ID to participate.
Eligibility	4	Will energy storage have the ability to provide a REC adder much like the Tier 1 LSR and OREC solicitations?	No, there is no energy storage component related to Tier 2.
Eligibility	5	How will facilities that share a meter or NYGATS ID participate?	Sections 2.07 and 2.08 of the Standard Agreement address the required metering configurations.
Eligibility	6	If we don't have a NYGATS ID yet for a facility, is it possible to apply for the number and bid in the same effort?	No, you need to register in NYGATS to receive a NYGATS ID. You will need a NYGATS ID to apply. Instructions are available here - https://www.nyserda.ny.gov/All-Programs/Programs/NYGATS .
Eligibility	7	If a facility is under a Maintenance Contract, would NYSERDA accept that we rebid under Tier 2 since realized market prices are lower than forecasted prices used in the Maintenance REC application?	No. The Commission's Order provides that the eligibility of facilities with Maintenance Contracts is limited to generation that is not included under the existing agreement.
Eligibility	8	The "Eligibility" Section of the RFP states "Facilities under an active agreement with NYSERDA, including an agreement under Tier 1 associated with a facility upgrade or under the existing Tier 2 Maintenance program, are eligible to participate in this Competitive Tier 2 Program RFP only to the extent that the Bid Facility's generation exceeds the generation committed in the existing agreement." How will that scenario function if NYSERDA is claiming all RECs as Tier 2 until the Bid Quantity is reached?	If a generator has a Tier 1 contract, it will continue to receive Tier 1 RECs. RECs will be tagged as Tier 2 afterwards.
Bids	9	Are winning bidders paid as bid or at the highest closing price of the auction?	Awarded proposers will be paid as bid.

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Bids	10	Does a single generator have to bid the same volume and price for all three years of the solicitation?	Yes, the same Bid Quantity will be applied for all three years.
Bids	11	If a facility that generates 12 GWh annually has an existing agreement that requires it to deliver 100 MWh of RECs on a monthly basis (for a total commitment of 10% of the annual volume), would such a facility be able to participate under the rules of this RFP with the remaining 90% of RECs that are not committed under an existing agreement?	The RECs will be available for sales to other parties once the Bid Quantity is achieved in each year.
Bids	12	How would NYSERDA distinguish what RECs are under a Tier 2 contract vs. not in any given account, particularly if the seller is not committing 100% of the REC output to NYSERDA?	Once awarded, RECs in the generator's NYGATS account will be marked as Tier 2. NYSERDA will review the process of how RECs will receive Tier 2 status with awardees after contracts have been awarded.
Bids	13	Given the variability of production from one year to the next, can we offer a fixed percentage of the annual production of a facility instead of a fixed quantity of RECs?	No, for this RFP a Bid Quantity with a fixed quantity of RECs will be required.
Bids	14	If a seller has RECs in their NYGATS account that are not transferred to NYSERDA under a Tier 2 contract, how will the seller transfer such RECs to a buyer other than NYSERDA if all RECs in the account are made untransferable?	Only RECs marked as Tier 2 will be non-transferrable.
Bids	15	If the bid facility generates RECs above the Annual REC Cap, will the excess RECs only be transferrable after NYSERDA has determined that the REC Cap has been reached?	Yes, any RECs above the Annual REC Cap will not be marked Tier 2 and are therefore transferrable.
Bids	16	A major maintenance has forced a prolonged reduction of generation at our facility in 2020. Can we use the data of 2017 to 2019 instead of 2018 to 2020 as a reference for the Bid Quantity?	The highest generation of the past three years of operation should be used as a reference for the Bid Quantity. Since 2020 could be ignored, the highest generation from 2018 or 2019 should be used in this instance.
Bids	17	What "related back-up documentation" is required as part of the online bid form submission? The RFP suggests there are attachments that need to be submitted, but it is not immediately clear from the bid form what those are. Can NYSERDA provide more clarity on what attachments are required?	No further attachments are required for submission. The Bid Proposal is referred to as Attachment B, but is simply an online form with a variety of required fields that must be submitted. In terms of back-up documentation, this refers to the fields in Attachment B to be completed but no further actual documents are required.
Bids	18	Is there a way for a bidder to submit two mutually exclusive bids from a same facility, with a different Bid Quantity and Bid Price? Attachment B of the RFP doesn't include a provision for that option.	No, only one bid may be entered per Bid Facility.
RECs	19	Because NYSERDA is only compensating the facility for its RECs for 3 years, will the facility	Yes, the facility will regain claim of the RECs after those 3 years are over. Please note the obligation to NYSERDA

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		regain claim of RECs after those 3 years are over?	for each year ends after the Annual Bid Quantity is reached.
RECs	20	Is the automated monthly transfer the only way to transfer certificates to NYSERDA? How will it work if <100% of the available RECs are being committed to NYSERDA? For example, if the annual Bid Quantity is set at 100 GWh and the facility is expected to generate 150 GWh, who will determine which RECs get transferred to NYSERDA? Is it the first 100 GWh of RECs that go to NYSERDA and then the remaining quantity stays with the seller?	Yes, the first 100 GWh of RECs go to NYSERDA and the remaining quantity stays with the seller.
RECs	21	If all the certificates are transferred through Forward Certificate Transfer mechanism (at a fixed %), and the whole year's generation is set to exceed the Bid Quantity, does Seller need to cancel the Forward Certificate Transfer and switch to manual transfer or will NYSERDA send back the excess amount?	The Forward Certificate Transfer should be cancelled by the Seller when the Bid Quantity is reached.
RECs	22	If the Bidder's generation exceeds the amount awarded, should the Bidder stop the Forward Certificate Transfer or would NYSERDA transfer back the excess RECs to the bidder?	Yes. The Bidder should stop the Forward Certificate Transfer. NYSERDA will not pay for RECs that exceed the Annual Bid Quantity.
RECs	23	Under Eligibility, "The RECs generated from the Bid Facility offered to NYSERDA through this RFP, up to the Annual REC Cap (defined in the Agreement), may not be contractually committed to any other entity over the Contract term of January 1, 2021 through December 31, 2023. Awardees will retain ownership and all rights to RECs generated that exceed the Annual REC Cap." Does this mean that the seller can only sell RECs to others after the Annual REC Cap has been reached? Or can NYSERDA provide sellers with the flexibility to allocate a portion of RECs to NYSERDA throughout the year that will ultimately match the annual contracted requirement, thereby accommodating purchases from existing voluntary customers?	Under this program, NYSERDA has the first position in purchasing RECs from the contracted generator. After the Annual REC Cap has been met, the RECs associated with that generator will no longer be tagged as Tier 2.
RECs	24	Some hydro plants have PPAs that start in the late 1980s, where REC is not part of the PPA term. Is the MWh recorded in NYGATS eligible for receiving the Tier 2 payment, should we be awarded a contract?	Payment will be awarded upon the transfer of RECs to NYSERDA's account, not upon the generation of a MWh. In order to participate, you must have the rights to and possession of the RECs.

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Agreement	25	In Section 6.01 of the proposed Agreement, the capitalized term Quantity Obligation is not defined. Is it the same as the term Bid Quantity?	Yes, Quantity Obligation is the same as Bid Quantity for this RFP.
Agreement	26	Can you provide a definition for the capitalized term Actual Eligible Production used in the definition of Actual Annual Production? Is it different from the definition of Actual Production?	The term Actual Eligible Production is the same as Actual Production for this RFP, as all the facility's production is eligible. Actual Production is the amount, in MWh, of the total electric energy production of the Bid Facility during any period within a Contract Year, measured at the Delivery Point.
Agreement	27	Is NYSERDA going to accept for consideration any redlines or modifications to the pro forma agreement?	No, NYSERDA will not entertain modifications to the Agreement.
Agreement	28	There appears to be a typo in the notice. "Invoices for Tier 2 RECs associated with energy generated during the last six months of 2021 may be submitted no sooner than January 15, 2021 for payment." Should it be 2022?	Yes 2022 is correct. The Agreement will be corrected.
Agreement	29	In the Standard Agreement, Exhibit A, Section 15 - Omnibus Procurement Act of 1992, within this section it references the Omnibus Procurement Act of 1992 and the requirements of contractors contained therein. Can NYSERDA confirm that, considering this procurement will result in contracts for RECs from existing facilities and therefore does not require construction, this provision does not apply?	Yes, NYSERDA confirms that Section 15 of Exhibit A does not apply.
Agreement	30	In the Standard Agreement, Exhibit A - Section 2 - Wage & Hours Provisions, the initial part of this section starts with "If this is a public work Agreement... or a building service Agreement..." Given that there is no construction or services aspect to the products being sought in this solicitation, can NYSERDA confirm that the Standard Competitive Tier 2 REC Agreement is not the type of agreement contemplated in this section that would trigger the Wage and Hours Provisions?	Yes, NYSERDA confirms that the Tier 2 program does not trigger the Labor Law wage and hour provisions.
General	31	Will the Confidential Maximum Bid Price and the Target Volume be established and known to members of DPS Staff and/or NYSERDA staff before the bids are received, and will these numbers be made public after contracts are awarded?	The Confidential Maximum Bid Price and the Target Volume will be set before the bid due date and will not be made public at any time.

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General	32	What is to be inferred by the fact that the word “majority” in the RFP is in quotation marks? Is the Target Volume more than 50% of the eligible Tier 2 RECs?	In order to preserve the competitiveness of this RFP, both the Maximum Acceptable Bid Price and the Target Volume will remain confidential. Per the CES Commission Order, the Commission provides NYSERDA with discretion to determine the specific level of generation that may participate in the overall program and to set a Maximum Acceptable Bid Price above which bids would be rejected.
General	33	If NY implements Carbon Pricing in future years, will this affect Tier 2 payments?	No, this will not affect Tier 2 payments.
General	34	Can we bid tiered quantities (MWh) at different prices for the same project? For example, could we bid the first 100,000 MWh of a project at one price, and the next 100,000 MWh at a different price? And if allowed, would NYSERDA want this to be submitted in separate Attachment B proposals?	No, tiered Bid Quantities are not permitted.
General	35	Are tiered bids permitted through the different Tier 2 RFPs? For example, could we bid 30% output in this year’s round, and another 30% in the next year’s bid?	No, this would not be allowable. Per the RFP, “Proposers may bid in partial generation from a Bid Facility. In this case, the remaining generation balance would not be available to be proposed under subsequent Competitive Tier 2 RFP’s for the same Bid Facility.”
General	36	Can the entity selling energy to a customer under a net metering contract be eligible for this procurement?	No, projects selling energy to a customer under a net metering contract are not eligible for Competitive Tier 2.
General	37	The webinar specified that VDER projects are not eligible. What about NEM/RNM projects?	See previous response. Projects that participate in NEM, RNM, or VDER are not eligible for Competitive Tier 2.
General	38	If a project is expected to achieve its maximum aggregate amount payable by NYSERDA for a Tier 1 NYSERDA contract in mid-2021, however the term goes through mid-2022, is it eligible for this solicitation for sales beginning after these contracts end in mid-2021?	No, RECs must be available as of January 2021 for this year’s solicitation.

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General	39	If a project is expected to end its Tier 1 contract mid-2021, and it has an agreement to sell the uncontracted 5% of its RECs for that same term, is it eligible for this solicitation for sales beginning after these contracts end in mid-2021?	No, RECs must be available as of January 2021 for this year's solicitation, but the facility would be potentially eligible for 2022.
General	40	Can the "proposer" be an entity other than the Bid Facility owner, provided the "proposer" has been granted agency to act on behalf of the Bid Facility owner?	Yes
