



RESRFP17-1 Frequently Asked Questions

General Questions

- 1. *Can Proposers submit two requests through our NYGATS account, for two options for the same site? Can we also submit the two options in Step 2 if they have different prices for the RECs offered?***

Yes, multiple applications may be submitted for the same site, however all proposed site variations and/or upgrades must submit individual Step One Threshold Eligibility Application Packages and individual Step Two Bid Proposals for each Step One application package. Proposers may provide alternate bids with the same NYGATS Certification and submit separate Step Two Bid Proposals for each, however each must correspond with a separate, individual Step One Threshold Eligibility Application Package.

- 2. *Is Nameplate Capacity measured in DC or AC current?***

Projects should submit their AC Nameplate capacity when registering in NYGATS.

- 3. *Is there a process to update project information if the Bid Facility changes ownership during the evaluation process?***

Proposers are responsible for promptly notifying NYSERDA of any changes to the information contained within the Step One Threshold Eligibility Application Package or the Step Two Bid Proposal, which is a legally binding offer. Please contact NYSERDA's designated contact for RESRFP17-1 in a timely manner in the event of a change of control during the procurement process.

- 4. *Please clarify the definition of Proposer - is it the proposed Bid Facility or company submitting the proposal?***

[Attachment B. Step One Threshold Eligibility Application Form](#) specifies the roles of the Proposer and the Bid Facility. The Proposer is the SPE or Company.

- 5. *Is there a carveout of MWH specified for any technology, as an example: 500,000 MWH set aside for solar?***

There are no technology specific targets for this solicitation, however NYSERDA has the limited option to apply a Portfolio Risk Assessment as defined in the RFP on the final award group. See Section IX. Step Two Bid Proposal Evaluation B.2 for further details regarding the Portfolio Risk Assessment.

- 6. *May projects withdraw from the solicitation by November 3 for any reason, even if they did not submit a NYPA/NYSERDA coordination form?***

NYPA/NYSERDA Coordination forms are required to be completed by all Proposers who submit a Step Two Bid Proposal. If the Bid Facility is qualified to participate in both solicitations,

Proposers may withdraw from NYSERDA's solicitation by November 3rd for any reason and will receive the return of their Bid Deposit.

- 7. *Since the NYSERDA solicitation and the NYPA solicitation have different due dates, is there any obligation to have the REC price portion be the same if offered to both? Will NYSERDA and NYPA be comparing these prices?***

NYSERDA and NYPA will be sharing respective Coordination Forms. These forms include the following information: Proposer Name, Project Name, Project Location, Project Size/Nameplate Capacity (MW), and an indication of dual participation. Bid prices will not be shared between NYSERDA and NYPA. Please see Section V. of the RFP as well as Appendix 4 NYSERDA and NYPA Frequently Asked Questions.

- 8. *Will NYSERDA extend their deadlines if NYPA chooses to do so?***

NYSERDA does not anticipate any schedule changes. Any changes to the RFP will be posted on NYSERDA's website and announced via the [NYSERDA renewable generators and developers distribution list](#). We encourage all proposers to sign up for the distribution list.

Eligibility/ NYGATS Tier 1 Certification Questions

- 9. *If a provisional certification is submitted for a certain Nameplate Capacity which later decreases is there a penalty?***

The provision of Tier 1 certification in NYGATS does not constitute a binding offer to NYSERDA. The Step Two Bid Proposal is a legally binding offer, and if awarded all information contained in the Bid Proposal must be reconciled with the Bid Facility's NYGATS certification before NYSERDA will execute an agreement.

- 10. *Do renewable energy projects that receive incentives through the NYSERDA NY-SUN Solar program own their RECs, or are they owned by NYSERDA in exchange for the use of the incentives? Can my solar project use the NYSERDA rebate and still sell my RECs?***

NYSERDA does not make a claim to the environmental attributes of renewable energy systems funded through our incentive programs. However, most net metered projects are not eligible under RESRFP17-1. The eligibility of distributed energy resources (DER) under Tier 1 of the RES was determined by a Public Service Commission Order issued on March 9, 2017 in Case 15-E-0082, Policies, Requirements and Conditions For Implementing a Community Net Metering Program. Please see [Appendix B of the DER order](#) and visit NYSERDA's [RES Tier 1 Eligibility website](#) for more information.

- 11. *Are RECs imported from another tracking system to NYGATS eligible for Tier 1? How would a project obtain Tier 1 certification if it is registered in another tracking system?***

Yes, imported RECs from other tracking systems can be eligible as Tier 1 RECs in New York. For imported RECs to be flagged as eligible towards Tier 1, Tier 1-certified projects located in an adjacent control area will need to continuously demonstrate the delivery of energy and RECs from that project into New York State through the requirements laid out in the [Final Phase 1 Implementation Plan](#). An import project in NYGATS, as in all tracking systems, is a reference to an approved project registration in the originating tracking system. For a project that imports energy into NYCA to be considered for Tier 1 eligibility, the project owner, or importer with the project owner's consent, must register the project as an import project in NYGATS and apply for Tier 1 certification. If the import project is deemed Tier 1 eligible, it may submit a Step One Application to proceed through NYSERDA's solicitation. If the Bid Facility receives a NYSERDA

award, certificates imported from that project that follow the Energy Scheduled and Delivered import methodology, as per the [NYGATS Operating Rules](#), will be marked as Tier 1 eligible.

12. If a new renewable facility is using all power generation on site, is it still eligible under this RFP?

No, Tier 1 eligible RECs are created by delivering electricity to the grid.

13. Is there a minimum size for projects to participate?

No.

14. What is the Tier 1 certification process for existing operational sites that are being repowered?

Repowered facilities are not eligible under RESRFP17-1 per a Public Service Commission Order issued on February 22, 2017, [Order Approving Phase 1 Implementation Plan](#).

15. What are the discrete geographic regions that projects may be located in to be eligible?

The New York Control Area (NYCA) is defined in the RES Standard Form Agreement. The adjacent control areas that are eligible for this solicitation include f ISO New England, PJM Interconnection, Ontario Independent Electric System Operator, and Hydro-Quebec TransEnergie. Please consult each organization's published control area maps to ensure that a project falls within its boundaries.

16. Given that the maximum Bid Quantity Percentage is now 100%, can projects with previous NYSERDA contracts at 95% participate with their available 5%?

Yes, subject to meeting the Tier 1 eligibility requirements, projects with RECs not currently under contract may bid into NYSERDA solicitations to sell these quantities.

Step One Questions- Site Control

17. For Site Control, does "Interconnection Right of Way Control" refer to large (probably wind) projects that are building completely new transmission lines, or do projects need to have these easements to the transmission lines in order not to get disqualified in Step 1?

For Site Control, the minimum threshold eligibility requirement does not require an easement but rather a Letter of Intent or other documentary proof that discussions are underway or a relationship has been established with the Interconnection ROW site owner.

18. Are executed Land Agreement Memos considered acceptable documentation for site control?

Yes, if executed by the land owner.

19. Will projects without 50% Land control be disqualified from the process, or will they be penalized in the scoring process?

Projects without 50% site control will not meet the minimum threshold eligibility requirements, and will not be eligible to submit a Step Two Bid Proposal.

Step One Questions- Permitting

- 20. How will Attachment D Environmental Assessment Form be used by NYSERDA for SEQR Compliance (if at all) and will there be any additional support NYSERDA needs for compliance from the bidders?**

The Attachment D Environmental Assessment Form will solely be used by NYSERDA for determining if a project meets the minimum threshold requirements of the Step One Threshold Eligibility Application Package. NYSERDA also reserves the right to request copies of any EAF forms filed with the Department of Environmental Conservation (or equivalent). Section 6.02 of the RES Standard Form Agreement requires quarterly progress reports regarding development milestones including permitting.

- 21. On page 14 of the RFP, please advise if the project requires Article 10, does the EAF/Attachment D need to be completed as well.**

All Bid Facilities must complete Attachment D- Environmental Assessment Form, regardless of Article 10 applicability.

- 22. Category 3: Permitting on page 14 of the Summary document lists that meeting the minimum threshold includes having “performed an initial review of (i) cultural, historic, archeological and natural heritage impacts, as may be required; and (ii) wetland, fish and wildlife, and other applicable environmental impacts.” However, this requirement is not listed under “Supporting Evidence Documentation Required for Permitting.” Please confirm that evidence of this step does not need to be presented at this time.**

This information should be provided as part of the Step One Threshold Eligibility Application Package in Attachment E- List of Required Permits. The aim of this minimum threshold is to ensure that proposers are aware of the full scope of permits that the project may need to acquire.

Step One Questions- Project Financing

- 23. Regarding project viability – hedge plan (category 5B), does NYSERDA require executed hedges at the time of proposal to qualify? It seems unlikely any project would execute a hedge prior to knowing if it received a NYSERDA REC award or NYPA bundled award.**

No, executed hedges are not required to be eligible to submit a Step Two Bid Proposal.

- 24. For the first bullet under the description of what information to include for Attachment G List of Project Financing Experience, what is meant by ‘experience with similar technology’? Is the proposer supposed to simply indicate whether each project is of the similar technology as the Proposed Bid Facility?**

Similar technology means the same resource and prime mover (e.g. solar or wind). It is not meant, for example, to distinguish between different solar technologies. Please see page 16 of the RFP for additional context.

- 25. In regard to Attachment G List of Project Financing Experience, is the Proposer supposed to include the identification of whose experience is being described in the input cell located beneath the heading "Relevant Entities Involved"? If a specific project is the experience of a finance professional of the Proposer and the project was owned by the Proposer, should both be indicated?**

Yes, please provide a description that will allow NYSERDA to understand whose experience is being submitted.

Step One Questions- Resource Assessment

- 26. The syntax within the Wind bullet under Category 6: Resource Assessment on page 17 of the Summary is a bit confusing. It states the following: “Wind: A P(50) annual energy production estimate based on at least 6 months of site data that has been annually and climatologically adjusted via correlations with a high quality reference station with correlation data or detailed site-specific modeling by an independent meteorologist.” Our read of the sentence is that the “independent meteorologist” applies solely to the part of the sentence that comes after “or.” Our company has developed tens of thousands of MW of wind and is extremely comfortable using in-house modeling; can you confirm that this is acceptable?**

The minimum threshold for Category 6: Resource Assessment for a wind project requires a P(50) annual production estimate, but it need not be produced by an independent third party. The P(50) annual production estimate must be produced using six months of site data, which may then be extrapolated to an annual estimate by the Proposer using correlation data, OR by detailed site-specific modeling by an independent meteorologist.

- 27. To clarify, for a Solar Bid Facility, does the standard report produced by a tool such as SAM or Helioscope sufficiently meet the requirements of a feasibility study?**

For Category 6: Resource Assessment, SAM or Helioscope would be sufficient. Please see page 17 of the RFP for specific information.

Step One Questions- Bid Deposit

- 28. In what scenario would a bid deposit be lost if the bid proposal is not selected by NYSERDA?**

All non-awarded proposals are fully refunded their Bid Deposits after awards are announced. A project would lose its Bid Deposit if it awarded by NYSERDA and the Proposer fails to execute an agreement.

- 29. Are bid deposits correlated to nameplate capacity or proposed bid capacity?**

Bid Deposits are correlated to nameplate capacity. All Bid Deposits are required, in the amounts detailed in Section XIII. of the RFP, based on the NYGATS certified nameplate capacity at the time of the application submission. Energy storage capacity is not a factor in determining the Bid Deposit amount.

Step One Questions- Energy Storage

- 30. Is there a certain percentage (or range) of solar nameplate capacity (MW) at which Proposers should size Storage other than discussed in Attachment 3?**

The only requirement for energy storage is that the project has a minimum of one effective hour of storage. Energy storage will be evaluated based on the table provided on page 68 of Appendix 3- Operational Flexibility and Peak Coincidence to the RFP.

31. As charging energy is required to be supplied by solar, is it NYSERDA's plan to keep the total nameplate capacity of the entire system at solar nameplate?

Energy storage capacity will not be included as part of the generator's nameplate capacity.

32. For inverter standard UL 1741, can Proposer use UL 62109 certification in its place?

Yes, UL 62109 certification will be accepted in place of UL 1741 certification.

33. The energy storage component of the RFP states that the configuration of the energy storage device cannot be charged using power from the grid and must co-exist with the proposed renewable energy project. How will the energy storage system then be compensated by NYSERDA through this RFP process? Will the energy storage system also receive a REC for each MWh of power injected into the grid (i.e. the renewable generator will receive 1 REC for every MWh that is injected into the grid or used to charge the energy storage system and the energy storage system will then receive 1 REC for each MWh of power injected into the grid)?

NYSERDA expects Proposers will take into account all relevant costs when submitting a Bid Proposal. Payment under the RES Standard Form Agreement is based on Delivery of RECs to NYSERDA and as such, is considered performance under the agreement. NYSERDA will only pay for RECs created in NYGATS and transferred to NYSERDA's NYGATS account. NYGATS creates RECs for generation and NYGATS does not treat energy storage as an energy generator. The energy stored and released does not qualify as renewable in NYGATS because storage can be charged from the grid with indeterminate energy resources and because storage does not create new energy. Please see [NYGATS Operating Rules](#) and the [RES Standard Form Agreement](#) for more information.

Step Two Questions

34. Can the Nameplate Capacity or maximum annual energy change from the Step One Threshold Eligibility Package to the Step Two Bid Proposal or to the executed contractual quantity?

Any changes to Nameplate Capacity or maximum annual energy in the Step Two Bid Proposal must still meet all threshold eligibility requirements that the Step One Threshold Eligibility Application Package was subject to, otherwise the Bid Proposal will not be evaluated. The quantities agreed upon in the contract must reconcile with the project's NYGATS certification at the time that the agreement is executed.

35. Would NYSERDA accept a surety bond as contract security?

No, only cash, certified funds, or a letter of credit will be accepted for contract security.

36. Will project updates submitted after September 28, 2017 be considered in the evaluation?

No, all Step Two Bid Proposals will be evaluated as received. Project updates after the Step Two Bid Proposal deadline will not be evaluated.

37. Is the maximum acceptable bid price based on the range of bids submitted in Step Two, using an established formula, or has this price already been calculated?

NYSERDA will employ a confidential maximum acceptable Bid Price Evaluation Metric, which will be established in consultation with DPS Staff prior to evaluation; NYSERDA will not award a

contract for a generation facility whose bid yields a Bid Price Evaluation Metric which is above a maximum acceptable Bid Price Evaluation Metric.

Evaluation/Award Questions

38. Will bid price evaluation be agnostic to technology or will there be any ranking by technology type?

The Bid Price evaluation will be agnostic to technology.

39. Will proposers be informed as to why they were not selected, i.e. above minimum accepted bid price, or project development?

Proposers may reach out to NYSERDA to seek clarification on any non-eligibility/non-award decisions.

40. Will awardees and bid data/information be made public after the selection?

The awardees and the average weighted awarded REC price will be announced following the solicitation's conclusion.

41. What is the contract security pledge ranking methodology, will the project that posts the highest contract security be the benchmark to which others are judged?

The highest pledge above the minimum Contract Security of \$9/MWh will receive the maximum amount of points for this category of project viability. Any other pledges above the minimum will be scaled to this amount.

42. Regarding the points systems in Project Viability Appendix, do the points apply at all to the minimum Threshold Eligibility requirements?

No, there are no points given for meeting the minimum threshold eligibility requirements.

43. In Step Two Economic Benefits Scoring Criteria, will more points be awarded to projects with a higher \$/MW ratio or overall \$?

Economic benefits points and claims will be evaluated based on the \$/MW of Bid Capacity.

44. On page 26 of the Summary, the RFP mentions specific portfolio limits to minimize technology concentration risk and counterparty risk. Do these limits take into consideration the existing generation?

The Portfolio Risk Assessment will only take into account the projects that are being evaluated in the initial award group of this solicitation, and will not reflect existing generation.

45. Will firm transmission allow an import project to receive scoring for dispatchability? As stated in Appendix 3, Category 2 – Dispatchability, Imports are not eligible for Dispatchability points in RESRFP17-1.

No, as detailed in Appendix 3- Operational Flexibility and Peak Coincidence, only projects located in the NYCA will be eligible to receive points for the Dispatchability category of Operational Flexibility and Peak Coincidence.

46. If NYISO studies haven't been completed, will independent third-party studies and analysis be considered in the evaluation process?

In the Project Viability evaluation, to receive points, a completed Feasibility Study for the Bid Facility must be submitted. Please see Appendix 2- Project Viability, Category 2: Interconnection of the RFP for more information.

Contract Questions

47. What happens in the event a project over or under delivers on generation and total RECs delivered? NYSERDA will pay for RECs in the event a project produces over 120% of the P (50) Bid Quantity?

NYSERDA will pay up to 120% of the annual Bid Quantity. Projects that under-deliver will be subject to contractual adjustment by NYSERDA as described in Section 5.02(b) of the RES Standard Form Agreement.

48. Will there be a different PPA form for imports?

No, there is one standard Agreement under RESRFP17-1.

49. If Proposer receives a NYSERDA award and pledges additional security above the \$9/MWh threshold, is this credited towards the additional Contract Security?

If additional security was pledged, the entire amount (\$9 plus the amount pledged) must be provided to NYSERDA in accordance with Section 15.01 (Contract Security) of the RES Standard Form Agreement. Contract Security pledged above the minimum will not be credited towards additional Contract Security.

Contract Questions- Adjustments

50. How will incremental economic benefit projections submitted by developers be enforced outside of the economic benefits report identified on pg. 33?

Economic benefits reporting is outlined in Section 6.03 of the RES Standard Form Agreement. Penalties due to decreases in expected economic benefits are outlined in Section 5.02(c).

51. Assuming a proposed project is qualified to enter Step Two Bid Proposal, is awarded and posts contract security: what if the project's interconnection results (which come in post contract security deposit) restrict the project size or ability to proceed either in part or as a whole? What happens to the contract security?

Please see Article V. Adjustments in the [RES Standard Form Agreement](#) and the definitions for Installed Bid Capacity and Bid Capacity in Article 1. Contract Security will be proportionately retained based on the capacity installed compared to the Bid Capacity identified in the RES Standard Form Agreement (See Sections 15.06, 15.07). Projects that need to extend their COMD will need to submit additional contract security in accordance with section 15.02 of the RES Standard Form Agreement.

Contract Questions- Commercial Operation Milestone Dates (COMD)

52. How will NYSERDA handle projects that don't come to Commercial Operation, and is there a penalty for needing to adjust the originally proposed Commercial Operation Milestone Date (COMD)?

Contract Security will be proportionately retained based on the capacity installed compared to the Bid Capacity identified in the [RES Standard Form Agreement](#) (See Sections 15.06, 15.07). Projects that need to extend their COD will need to submit additional contract security in accordance with section 15.02 of the RES Standard Form Agreement.

53. Can we bid a 2020 project, given the extension options available to bidders? Are the contract security extensions required at the time of the award or at the time of the contract extension?

Yes, when applying for Tier 1 certification in NYGATS, proposers should indicate their planned COMD in the In-Service Date field. For RESRFP17-1, the COMD is November 30, 2019 unless extended under Section 15.02. of the Standard Form Agreement. The table below summarizes available COMD extension options through November 30, 2021. Please refer to Article XV. Contract Security for more information.

Amount	Due Date	COMD
\$9.00 * Annual Bid Quantity	Within 10 days of November Award	November 30, 2019
\$6.00 * Annual Bid Quantity	November 30, 2018	November 30, 2019
Extension of Commercial Operation Milestone Dates		
\$2.00 * Annual Bid Quantity	October 30, 2019	May 31, 2020
\$2.00 * Annual Bid Quantity	April 30, 2020	November 30, 2020
\$2.00 * Annual Bid Quantity	October 30, 2020 [^]	May 31, 2021
\$2.00 * Annual Bid Quantity	April 30, 2021 [^]	November 30, 2021

[^]Section 15.03 Executed Interconnection Agreement. Seller may provide an executed Interconnection Agreement in lieu of additional Contract Security.