

# T4RFP21-1

## Responses to Step 2 Submitted Questions

Updated: 5/7/2021

Questions must be submitted by May 3, 2021 to [res@nyserda.ny.gov](mailto: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.

Q #	Question	Response
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.

Q #	Question	Response
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 an Excel Workbook 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 &amp; 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 financial or market mechanism that does not involve New Transmission is not eligible.
16	Are there restrictions on how a Proposer can add or remove Resources to a portfolio that was	There are no rules restricting the timing or frequency with which Resources may be added or

Q #	Question	Response
	<p>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?</p>	<p>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).</p>
17	<p>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?</p>	<p>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.</p>
18	<p>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 benefits? Only the value of any premium paid is eligible?</p>	<p>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.</p>

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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. 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

Q #	Question	Response
		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.

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New Questions added as of 4/30/21

Q #	Question	Response
23	<p>Reference #1: Section 7.6.15 Community Engagement Plan “The Communities Engagement Plan should describe how the Project offers benefits related to economic development and the creation of local jobs, reduced energy burden, avoided health costs, added climate resiliency, avoided environmental costs and added environmental benefits, low-income and Environmental Justice population participation, and avoided social costs.”</p> <p>Question #1 Can NYSERDA describe in greater detail what is meant by “avoided social costs”?</p>	<p>“Avoided social costs” includes reduced economic burden born by society that is not otherwise monetized, including but not limited to impacts of climate change on infrastructure and public health, and legacies of racial and ethnic discrimination.</p>
24	<p>Reference #2: T4RFP21-1 Appendix F-2 Offer Data Form Clean (3.25.21).xlsx (attached) Part V-1 &amp; Part V-2</p> <p>Question #2 Based on the F-2 Offer Data Sheet (Part V-1 &amp; Part V-2) can NYSERDA confirm that the below two categories are, or are not required: “Long-Term Direct Job Creation in NYS (Unique Jobs)” “DAC Long-Term Direct Job Creation in NYS (Unique Jobs)” The Offer Data Form does not incorporate these two</p>	<p>The two categories of Unique Jobs are not required to be submitted as part of the Offer Data Form. These factors should, however, be addressed in the narrative describing Incremental Economics Benefits Plan per Section 7.6.16.</p>

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columns, however Section 7.5.5 of the RFP “Part V - Incremental Economic Benefits Worksheets” states the following: “Sheet Part VI-1, Incremental Economic Benefits Category 1: Project-specific Expenditures. Data are entered by ID number, life-cycle phase (development, construction, or operation), time period, expenditure description, net expenditure (stated in nominal dollars) in New York State and in Disadvantaged Communities, and the numbers of Short-Term Jobs and Long-Term Jobs (stated in unique jobs and FTE-years) created in New York State and in Disadvantaged Communities.”

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| 25 | Can you please confirm projects bid into Tier 4 will not be precluded from participating in the upcoming Tier 1 solicitation?  | Resources that are included in a Tier 4 Proposal may participate in the upcoming Tier 1 solicitation. See RFP Section 2.4.  |
| 26 | Economic Benefits Category 1, item #1 - Please confirm that labor performed in New York State for the proposed project(s) is included as an eligible economic benefit claim, even if the contractor is not a New York State based or registered company. Further please confirm that the laborers do not have to be NYS residents. | Proposers should review Exhibit F to the Standard Form Purchase and Sale Agreement to understand how economic benefits will be counted and verified. Section II.a of Exhibit F states that labor expenses may be counted if the work is performed in New York State or performed within the scope of an approved project labor agreement. Labor expenses for work performed in New York State is eligible without regard to the firm's place of business or the employees' state of residence.                                  |
| 27 | Economic Benefits Category 1, item #2b - Please confirm if materials sourced from a New York State company are eligible, even if the NYS company is solely a distributor and does not perform any significant manufacturing or assembly work on the materials.   | Correct, spending on goods sourced from within New York State through a vendor that is a New York State Firm is eligible without regard to whether the New York State Firm has physically transformed the goods.  |
| 28 | Are there any actions a Proposer must take to withdraw a submitted Step One Eligibility Application if the Proposer does not intend to submit a Step Two Proposal, or if the Proposer intends to submit a Step Two Proposal with a different consortium of team members?   | The Step One Eligibility Application is non-binding, and Proposers are not obligated to submit a Step Two Proposal if a Step One Eligibility Application was submitted.<br><br>A Proposer who submits a Step One Eligibility Application may submit a Step Two Proposal with a different consortium of team members, noting though that any team members who control hydro Resources will need to have followed the Step One process for determining their Supplier GHG and Energy Baselines in order to be able to join a Step |



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Two Proposal. Hydropower owners that submitted a Step One application under one Tier 4 Proposal may subsequently switch to another Tier 4 Proposal for Step Two. Those hydropower owners may use the same Supplier GHG Baseline and Supplier Energy Baseline as determined by NYSERDA at Step One, assuming of course that there have been no other changes to information on which NYSERDA relied in making its baseline determinations or in determining the scope of resources that are included within the baseline.

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**29** The Offer Data Form Part V-1, V-2 instructions state that '0' should be inputted instead of leaving a cell blank. Where consultant(s) are included under labor-related expenditures, can a dollar amount be entered in column I and '0' be entered in columns K through P? There obviously would be some number of jobs and FTEs associated with this work, however the Proposer may not have access to the consultant's internal data (ex. labor hour rate of their employees), rather would only be able to estimate the total dollars spent on consultant(s). Please confirm that labor-related expenses can simply have a dollar amount entered into column I.

Yes, a dollar amount related to labor expenses is adequate.

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**30** How should a Proposer show additional economic benefits claims if there are more than 40 items, as per the # of rows on the Offer Data Form tab Part V-1? The excel sheet does not allow more rows to be added, however a duplicate tab could be added. Please confirm that the Proposer can include a second Part V-1 tab with additional economic benefits claims.

Yes. Please duplicate the worksheet and leave it labeled as Part V-1 (2).

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**31** Would NYSERDA deem a Proposal ineligible based on changes to the Agreement articulated in redlines and the associated memorandum?

As stated in Section 7.2 of the RFP, Proposers may indicate terms of the Agreement that they wish to further discuss by providing an attachment in the form of a memorandum. NYSERDA would not deem a Proposal ineligible on the basis of such memorandum or proposed redlines to the Agreement. As indicated in Section 5.2 of the RFP, NYSERDA may inquire as to the proposed redlines during the evaluation process. Ultimately, NYSERDA

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		will not accept any changes to the Agreement that it determines to be inconsistent with the PSC's CES Order, the RFP, or otherwise considers (commercially) unacceptable.
32	We would like to explore NYSERDA's openness to alternative bids that index the supplier node to Zone J to promote the delivery of renewables to Zone J.	Refer to Section 4.1.2 of the RFP, which explains how the Index REC pricing is indexed to NYISO Zone J energy and capacity prices.
33	Can I ask you to please let me know if the Tier 4 Step 2 application should be available to me through the NYSERDA Portal at this time. I have the NYSERDA Portal access established, but the Large-Scale Renewables Tier 4 Program is not appearing in my portal as an option.	Please see Appendix I. The Portal for Bid Submissions opened on April 30, 2021.
34	Will wind turbines deployed behind the meter within Con Edison Zone J territory qualify for Tier 4 recs? If yes, will the onsite location be able to sell those REC's if they do not have any need for them onsite?	Per the Commission's October 15, 2020 Order establishing the Tier 4 program, behind-the-meter resources are ineligible.
35	The current Index formula places risks on resources located in the NYISO's 'Rest of State' capacity zone that put them at a disadvantage relative to resources located outside of the state of New York. These in-state resources are required to manage price exposure from multiple up-state zones to confidently price supply from a generator's point of injection to a transmission line's point of withdrawal. Due to the significant changes expected in the composition of the state's generation mix over the 25-year duration of a Tier 4 contract, and the lack of market mechanisms to manage this exposure, bidders will require a significant risk premium in their offers. This market deficiency could be addressed in accordance with the critical elements of Index REC design determined by the Commission in its January 16, 2020 order if the Applicant were permitted to propose its own Reference Energy Price that established parity for non-Zone J in-state resources. With this in mind, would NYSERDA deem a Tier 4 Index REC offer to be conforming if such offer was based on a Reference Energy Price formulated to mitigate	An Index REC Price bid must conform to RFP Section 4.1.2., which defines the Reference Energy Price and the Reference Capacity Price based on NYISO Zone J market prices.

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these risks, provided that the Applicant's proposed amended Reference Energy Price otherwise complied with the critical elements of Index REC design determined by the Commission in its January 16, 2020 order?

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- 36** NYSERDA has indicated both that each offer should have a single REC price for the generation portfolio, and that offers may be conditional on one another. In the event a transmission developer is taking the lead role in gathering a generation portfolio, can this developer provide a single representative weighted average price, but have each developer sign a REC PSA with its own bid price and volume as defined in a separate Offer Data Form? This allows the transmission developer to prepare one single bid document describing the overall portfolio with all the contingent bids, simplifying the evaluation process for NYSERDA. The alternative would be multiple bid documents and fractional or duplicative economic benefits calculations that will be more challenging to evaluate.
- Yes. The Proposer in this circumstance must prepare one Offer Data Form that specifies the single portfolio REC price, total Bid Quantity, and other data applicable to the Proposal as a whole. NYSERDA will evaluate the Proposal based on these values, and the Proposal Fee will apply to the total Bid Quantity.
- NYSERDA would be willing in principle to negotiate and execute separate REC purchase and sale agreements with individual resource owners within such Tier 4 Proposal, which could therefore contain differences in contractual arrangements including Price. NYSERDA would however only agree to such differences subject to important conditions. Those conditions would include, at a minimum, (a) that the weighted-average REC price paid to the portfolio as a whole not exceed the price selected for award, and (b) that other key aspects of the Proposal, including minimum delivery requirements, economic benefits and disadvantaged community commitments among others, will continue to be satisfied at the portfolio level with adequate recourse in the event of default. Proposers contemplating such an arrangement should note their intention clearly and should explain in their Proposal how they intend to ensure that their portfolio-wide commitments may be enforced contractually.
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- 37** RFP Section 7.6.16 states that "Tier 1 projects that propose to convert to Tier 4 may have their Incremental Economic Benefits reclaimed under this RFP." Does this mean that any economic benefits for these projects occurring after January 1, 2021 can be claimed under Tier 4 even if they have previously been claimed?
- See response to Question 17.
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- 38** In the portfolio approach, are resource owners paid the counterparty's contracted Tier 4 REC price during the hours when they participate in Tier 4? Or, are the counterparties allowed to pay resource owners for RECs whatever
- Participants within a portfolio are free to enter whatever contractual arrangements among themselves they see fit. In the event that resources within a portfolio wish to contract with NYSERDA
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	rate they agree upon? Relatedly, in the portfolio approach, who pays the resource owner(s) for their RECs—the counterparty or NYSERDA?	separately, the conditions identified in response to Question 36 shall apply.
<b>39</b>	We are being asking by more than one transmission developer for letter of support. Can we submit more than 1 letter of support?	See response to Question 1.

## New Questions added as of 5/7/21

<b>Q #</b>	<b>Question</b>	<b>Response</b>
<b>40</b>	NYSERDA's response to Question 2 on Step 1 Responses, posted on February 11, stated that, "NYSERDA will conduct an independent analysis of deliverability and peak coincidence focused on delivery into Zone J." Please clarify whether NYSERDA will consider deliverability in any other NYCA Zone.	Per RFP Section 3.2.10, during the Non-Price scoring of each Proposal, the Scoring Committee will award fewer evaluation points to a Project that proposes to deliver energy to Zone J at a Delivery Point where congestion and curtailment of renewable generators is more likely to occur on a 70% renewable by 2030 electric grid compared to Projects that plan to deliver energy to Zone J at a Delivery Point where congestion and curtailment is less likely to occur. The preliminary rank order of Proposals will be based on the price and non-price scores for each Proposal. Subsequently, NYSERDA may adjust the preliminary ranking based on the application of Program Policy Factors. Deliverability of Resources throughout NYCA will be considered in order to apply the Program Policy Factors listed in RFP Section 5.4: as part of consideration of program policy factors, NYSERDA may consider the extent to which the proposed Project promotes delivery of renewable energy from upstate regions of the State into Zone J, eases the curtailment of upstate renewable resources, and optimizes deliverability of renewable resources throughout the entirety of the State.
<b>41</b>	Can a project have a Tier 4 agreement and automatically sell Tier 1 RECs to NYSERDA?	No, a project seeking to sell Tier 1 RECs to NYSERDA must proceed through a Tier 1 solicitation and secure a Tier 1 REC agreement.
<b>42</b>	A facility with a Tier 4 offtake agreement cannot be compensated under Tier 4 until the new build transmission is in place. Should that Tx never come online or fail to come online in a reasonable timeline, will a conversion to Tier 1 be possible? Previous Q&A indicated that facility can apply for a Tier 1 contract - however should the Tx line fail to materialize, will the bidder have to forgo their T4 security posted to NYSERDA?	Conversions from a Tier 4 agreement to a Tier 1 agreement will not be permitted - any Bid Facility seeking to sell RECs under a Tier 1 agreement to NYSERDA must secure a Tier 1 agreement through a competitive Tier 1 solicitation. Contract security requirements will be required independently for Tier 1 and Tier 4 awardees. For Tier 4, see Article 15 of the Standard Agreement for more information.

43	For projects that first bid into Tier 4, how would NYSERDA evaluate those same projects in Tier 1?	NYSERDA will evaluate projects consistent with the methodology detailed in the Tier 1 solicitation. NYSEDA will evaluate the Bid Proposal submitted to a Tier 1 solicitation independent from evaluation under T4RFP21-1. To be eligible for evaluation and award, the Bid Facility must meet all resource eligibility requirements and minimum threshold requirements identified in the subject Tier 1 solicitation.
44	Can you provide some clarity on economic benefits associated with an existing Tier 1 contract and how those should/can be included in a Tier 4 bid?	Sellers will need to comply with the contractual requirements in the Tier 1 agreement related to economic benefits - including verification procedures. The Tier 4 proposer may also include those same economic benefits for purposes of its own contractual obligations. NYSEDA will work the awarded Seller in the event a Bid Facility with an existing Tier 1 agreement is awarded a Tier 4 agreement to ensure that re-claimed economic benefits under the Tier 4 evaluation are only used for evaluation, and will not be duplicated for verification and compliance.
45	Transmission development is generally longer than generation development from project start to COD. Could a generation project be granted a contract for a REC price minus transmission for the period before the transmission enters COD?	See response to Question 41.
46	Will NYSEDA factor in a Tier 4 award at all in bid evaluation when considering awards for Tier 1?	See response to Question 43.
47	As NYISO has indicated there are challenges with the verification plan to Zone J, would NYSEDA consider a delay to Tier 4 to allow time for NYISO & NYSEDA to sort out these settlement provisions as proposers may worry about verification and settlement issues that arise post award.	No, NYSEDA will not delay the Tier 4 RFP. With respect to verifying delivery to Zone J for the purpose of Tier 4, that determination will be made by NYSEDA as described in the RFP Section 7.6.5. With respect to NYISO market rules for internal controllable lines, please see response to Question 22.
48	Will NYSEDA consider a technology to process waste into energy? Either MSW or organic waste?	Waste to Energy technologies are not currently a Tier 1 or Tier 4 eligible technology, and are not eligible for evaluation per the October 2020 Order Adopting Modifications to the Clean Energy Standard. Please see the Tier 1 eligibility guidelines available on NYSEDA's website for more information.
49	If a Tier 1 solar generator produced 1 MW in the morning, and transmitted 0.7 MW using the transmission line with losses to NYC in the evening. What is the Tier 4 consideration? The MW is retimed using system mixed generators	Per RFP Section 7.6.5 and consistent with the October 15, 2020 CES Order, delivery of Tier 4 RECs to Zone J must be verified by hourly matching of the quantity of energy produced by an eligible Resource and the quantity of energy delivered to Zone J. The energy from

	during evening. Solar is not generating during the evening.	an eligible Resource may be used to charge an Energy Storage facility. In this case, the discharge from the Energy Storage facility must be hourly matched with the energy delivered to Zone J. See RFP Section 2.5.
50	Bid submission practicalities: What if the upload (technical bid) is more than 100 MB, can we do multiple portions to the same upload without overriding each other?	Yes, please create multiple files that are each less than 100 MB and upload each to the document slot for the applicable upload in the Salesforce Portal. Proposers should follow the same instructions for revising files shown in Attachment I, and may use the "Attachment History" link next to the document upload slot to confirm that all files have been uploaded as intended.
51	Can you clarify how an intermittent Tier 1 resources should address the Minimum Delivery Requirements under the Tier 4 RFP? Is this requirement being viewed in the context of firming transmission that can meet the default 40% MDR or is this intended to be generation resource specific?	The Minimum Delivery Requirement is applied on a portfolio basis, not on the individual generation resource.
52	Building transmission for Tier 4 and choosing a winner will inherently change the grid in ways that could affect awarded or future tier 1 projects (by changing things like basis and project LMP)... will this be considered in evaluation?	Please see response to Question 40.
53	If a generator is awarded under both '21 Tier 4 and Tier 1 processes, will the contract security be required under both contracts?	Yes, contract security for Tier 1 and Tier 4 would be required.
54	Can a project mint Tier 4 RECs if it meets the requirements but does not receive an award to sell them to NYSERDA?	Tier 4 RECs are minted only upon verification by NYSERDA that the qualifying renewable energy has been delivered to Zone J, and has complied with the additionality requirements and other requirements of the Tier 4 program. NYSERDA will only make these determinations for Tier 4 portfolios selected for award.
55	Will the Tier 4 REC contract be with NYSERDA, or can a generator contract with the Tx owner for the RECs? I don't understand how NYSERDA can track production minimums without contracting directly with NYSERDA	NYSERDA expects to enter a Tier 4 REC purchase and sale agreement with the Tier 4 proposer, which may serve as an aggregator of a portfolio of resources. In some circumstances NYSERDA may be willing to enter agreements with individual resources within a portfolio. However, all minimum delivery requirements (and other commitments of the Tier 4 proposal) will be applied at the portfolio level. See Question 36 for additional discussion.
56	If a generation project with an existing Tier 1 contract, which was approved without a project	Having a Tier 1 agreement does not exempt a resource within a Tier 4 portfolio from complying with Section

	<p>labor agreement, participates as a Project Resource in an approved Tier 4 Project, will that generation project need to adhere to the Project Labor Agreement requirements as outlined in Section 18.11 of the Tier 4 Renewable Energy Certificate Standard From Purchase and Sale Agreement?</p>	<p>18.11 of the Tier 4 Agreement. Section 18.11 allows the parties of the PLA to determine its scope.</p>
<p><b>57</b></p> <p>If a generation project with an existing Tier 1 contract, which was approved without a prevailing wage requirement, participates as a Project Resource in an approved Tier 4 Project, will that generation project need to adhere to the Prevailing Wage requirements as outlined in Section 18.10 of the Tier 4 Renewable Energy Certificate Standard From Purchase and Sale Agreement?</p>		<p>Having a Tier 1 agreement does not exempt a resource within a Tier 4 portfolio from complying with Section 18.10 of the Tier 4 Agreement, prospective from the effective date.</p>
<p><b>58</b></p> <p>Reference: Section 7.6.10 Business Entity and Financing Plan #11 “All Proposers will disclose any pending (currently or in the past three years) litigation or disputes related to projects planned, developed, owned, or managed by Proposer or any of its affiliates in the United States, or related to any energy product sale agreement.” Question: The terms litigation and disputes are not defined and there isn’t a materiality standard identified. To avoid an overly broad interpretation, may the disclosure be limited to (i) lawsuits or regulatory enforcement actions in which the Proposer or its affiliate is a named party, and (ii) such lawsuit or regulatory enforcement action exceeds a materiality standard? In addition, there are numerous FERC and State regulatory and administrative proceedings deciding issues that do not solely concern Proposer’s projects or commercial activities, but are broadly applicable to certain industries or groups of projects. For the avoidance of doubt, could NYSERDA confirm that these proceedings are not intended to be listed?</p>		<p>NYSERDA would accept a materiality limitation, provided that the limitation is clearly disclosed and that matters below the threshold are disclosed if requested by NYSERDA. Multi-party FERC and state PUC proceedings that do not principally relate to the proposer's projects need not be disclosed.</p>
<p><b>59</b></p> <p>On the Offer Data Form, Resources Information Worksheet (Appendix F-2, Part II), is the COD requested the start of commercial operations for the generation resource or the Commercial Operation Date as defined in the RFP that</p>		<p>On the Offer Data Form, Part II - Resource Information Worksheet, Proposer should enter the commercial operation date for each Resource listed on this worksheet. The Project Commercial Operation Date, which is the date that Tier 4 RECs will first be delivered to Zone J, should be entered in Part I of the Offer Data Form.</p>

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contemplates New Transmission being energized and able to deliver energy/RECs into Zone J?

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<p><b>60</b> The RFP document states that Annual Tier 4 REC Cap for Projects that include New Transmission is calculated as “the capacity of the New Transmission in MW multiplied by 8760”. For an intermittent renewable generator resources, should this calculation reflect the portion of the capacity of the New Transmission purchased for the resource or portfolio of resources delivering via New Transmission and availability?</p>	<p>The Annual Tier 4 REC Cap is intended to represent the maximum quantity of Tier 4 RECs that a seller could deliver in a year. If a Proposer only has entitlement to a portion of the New Transmission capacity, the Annual Tier 4 REC Cap should represent the MW capacity that Proposer has an entitlement to, multiplied by 8760.</p>
<p><b>61</b> With regard to the MSG Classification of the Resources site referenced in the Resource Description and Site Control portion of Section 7.6.4 of the Proposal Narrative, should this information be presented in map format, narrative format or both? Is the proposer required to provide an approximate quantity of acreage comprised of each MSG 1-10? Is more detail required other than MSG 1-10 classification?</p>	<p>Per RFP Section 7.6.4, Proposer should provide a site plan of the Resource location, and the site plan should indicate the total acreage of the site. Proposer should identify the MSG Classification(s) for entire site. If there are multiple MSG Classifications applicable to the site, Proposer should provide a map showing the different classifications and the acreages of each. See the Agricultural Resources section at <a href="http://nyscrda.ny.gov/ces/rpf">nyscrda.ny.gov/ces/rpf</a> for additional geospatial resources to assess the site's MSG impacts.</p>
<p><b>62</b> In Section 7.6.16 on Incremental Economic benefits, the RFP document states that “projects with existing Tier 1 Agreements that propose to convert to Tier 4 Agreements...may have their Incremental Economic Benefits reclaimed under this RFP.” Does this exception apply to projects that have received awards for Tier 1 contracts but have not yet executed a contract?</p>	<p>Yes, any claimed incremental economic benefits under an executed or not yet executed Tier 1 contract may be reclaimed for evaluation purposes as part of the Tier 4 Bid Proposal incremental economic benefit claims.</p>
<p><b>63</b> The Offer Data Form Part II - Resource Information Worksheet, column "Technology Type" does not include any storage technologies. Where should storage technology be described?</p>	<p>Energy Storage should not be listed on the Offer Data Form Part II since Energy Storage is not an Eligible Resource. Information about Energy Storage should be included in the Proposal narrative, as explained in RFP Section 7.6.9. Hydropower with pondage capacity is not considered Energy Storage and is an Eligible Resource if the hydropower is otherwise eligible per RFP Section 2.1.</p>
<p><b>64</b> X Project is comprised of several ownership companies. Would it be possible to have each partner/ownership company submit their individual portion of the payment fee for the project or would NYSERDA prefer to receive one single transfer fee for the project? If NYSERDA allows multiple payments for the same proposal,</p>	<p>Yes, provided the project Bid ID is included in the individual payment fee, payments from multiple project partners is allowable (as long as the total sum meets the bid fee requirement).</p>

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	the payment fee transfer descriptions would be clear and include the project BID ID and would total to the required proposal fee.	
65	The Offer Data Form Part II - Resource Information Worksheet has a column to enter the Annual Degradation as a percentage. In some rows I am unable to enter a percentage. Please advise.	If a formatting error appears in a cell in this column, please enter the value as a decimal rather than a percentage. For example, 5% should be entered as 0.05. Other cell formatting issues may be rectified by downloading a new version of the Offer Data Form, but the Proposer may use the original or revised version.
66	For Resources with an existing Tier 1 Agreement pursuant to which security has and will be posted, will the Resource receive any credit under the Tier 4 Agreement for those Tier 1 security postings made prior to the Effective Date of the Tier 4 Agreement?	See response to Question 53.
67	If a Proposer is submitting multiple Proposals in Salesforce, should each Proposal have a different title?	Yes, please use different proposal titles for each Proposal.
68	How should the Offer Data Form for a Required Alternate Bid be named? It has the same Bid ID and therefore would have the same file name per the naming convention in Appendix I.	Please use the naming convention <b>ProposerID_OfferDataForm_BidID-RAB</b> for the Offer Data Form for a Required Alternate Bid.
69	Section 3.01 of the Agreement creates a process where the Seller must propose a Delivery Verification Plan for NYSERDA's approval within six months of the Effective Date. If a Proposer would like to avoid any uncertainty regarding NYSERDA's approval of the Delivery Verification Plan, could the Plan be resolved in the initial contract negotiation process?	Yes. NYSERDA afforded an additional six months for completion of the Delivery Verification Plan with the intention of providing additional time and flexibility to the Proposer. But if the Proposer would prefer to resolve the Delivery Verification Plan in the initial contract negotiation, NYSERDA would also support that approach. In that case, the proposed approach to the Delivery Verification Plan may be submitted as part of the Delivery Plan, which is required to be submitted with the Proposal in response to Section 7.6.5 of the RFP.