

T4RFP21-1

Responses to Submitted Questions

2/11/2021

Q.	Question	Response
1	Will the Proposer’s Conference webinar slides be posted after the webinar?	Yes, the webinar slides have been posted on the Tier 4 website in the Proposer’s Conference section. https://www.nyserdera.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/Tier-Four
2	For resources not in the same zone as the POI of the new transmission line, will the index REC be calculated of the reference zone of the Resource or the POI of the transmission line?	The Reference energy and capacity price will be calculated for NYISO Zone J in all cases.
3	We would like to support applications in the viability component. While we have reached out to at least 2 likely bidders already, is there an attendance list or means to provide our offer to bidders?	The attendance list will not be made public.
4	Will questions be answered as they are received or will they be answered as a batch after the deadline?	See Section 1.6 of the RFP. Responses will be provided on a rolling basis.
5	Would NYSERDA please set up a mechanism to respond to questions from respondents on a rolling basis from now through May? The next opportunity to submit questions to NYSERDA is May 3rd, with responses from NYSERDA posted May 7th; this only provides one additional opportunity to request guidance from NYSERDA, and it only provides respondents 5 days to adjust bid submissions in response to NYSERDA’s feedback as bids are due May 12th.	NYSERDA will respond to questions on a rolling basis.
6	Section 6.6 (Part C – Delivery Information) of the RFP states “Proposers must provide a detailed discussion of how the Project, including Energy Storage, if proposed, will fully meet the Zone J delivery requirement defined in Section 2.2.” Section 2.2 (Delivery Requirements) of the RFP states “Eligible Tier 4 Resources must be either located in NYCA Zone J, or renewable energy from the Resource must be delivered to a Delivery Point in Zone J over a New Transmission interconnection in order to be eligible and compensated under Tier 4.” Please describe what would be considered as eligible/acceptable to meet the Zone J delivery requirement for a project that does not have a co-located Injection Point and Withdrawal Point in order to meet the RFP requirement?	The Injection Point of an eligible Resource need not be co-located with the Withdrawal Point for a New Transmission facility. Proposers must describe a proposed physical or financial path from the Injection Point to the Withdrawal point, how such path will be verified and documented, and how the hourly matching requirement will be met.
7	Proposer is looking for more clarity on how Proposals could be submitted which present New York with a	A Proposer who wishes to offer Resources with more than one New Transmission facility must submit offers as separate

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	portfolio of delivered supply over more than one transmission project (which doesn't seem to be explicitly considered in the design of the Tier 4 RFP).	Proposals, each with the appropriate base Proposal Fee. See also response to Question 10.
8	Please confirm if alternate Bid Prices can be any combination of Bid Price Structure and fixed/escalating rate. For example, can one Bid Price be fixed rate and the alternate Bid Price be escalating rate (not more than 3% per year)? Additionally, can one Bid Price be Index REC structure and the alternate be Fixed REC structure?	A Bid on an Offer Data Form can include pricing as either Fixed REC or Index REC, but not both. A Proposer who wishes to offer both Bid Price Structures, must complete two Offer Data Forms and pay an additional Proposal Fee of \$25,000. A Bid on one Offer Data Form may include either escalating prices, level prices, or both, and no additional Proposal Fee is required.
9	For Proposers who are responding with a portfolio of generation (all PV), please confirm (i) the Bid Quantity is intended to be the aggregate of all PV generation; and (ii) the Bid Price would be a single priced paid for all PV generation submitted under the Tier 4 proposal.	The Bid Quantity refers to the expected quantity of Tier 4 RECs to be delivered to Zone J annually. The Bid Quantity does not need to be the aggregate of all PV generation, however it cannot exceed the annual aggregate of all PV generation All Tier 4 RECs delivered to Zone J from a portfolio of Resources will be paid the same price.
10	Please confirm if Proposers are permitted to submit more than one proposal, with varied Bid Price, Bid structure, Tx line, etc. For example, can a Proposer submit a portfolio of projects in one proposal and also submit a second proposal including a portfolio of different projects. Additionally, can a Proposer submit a portfolio of projects with one transmission line and also submit the same portfolio of projects with a different transmission line.	The base Proposal Fee ranges from \$100,000 to \$500,000 depending on the largest Bid Quantity offered. The base Proposal Fee covers one Offer Data Form (except for a Proposal that must submit a Required Alternate Bid with a New York Converter Station on a separate Offer Data Form, which does not require an additional fee.) On one Offer Data Form, a Proposer offers a single Bid Quantity, Resource Portfolio, Contract Tenor, and Pricing Structure. Proposers that wish to offer other Bid Quantities, Resource Portfolios, Contract Tenors, or Pricing Structures, must do so on additional Offer Data Forms, and each additional Offer Data Form requires an additional Proposal Fee of \$25,000. If a Proposer wishes to offer a different New Transmission facility, this is considered a separate Proposal, and requires an additional base Proposal Fee of \$100,000 to \$500,000 depending on the associated Bid Quantity.
11	If Energy Storage is included in a Proposed Portfolio, how does the capacity (MW/MWh) affect the Proposal Fee? If only MWh stored from an Eligible Resource and Delivered to Zone J are eligible for payment, does the capacity of storage not affect the Proposal Fee?	The base Proposal Fee is based only on the Bid Quantity.
12	Please confirm if a separate Proposal Fee is required for a proposal submitted by the same Proposer, but consisting of a different Bid Price, Bid Quantity, Resources, Tx line, and potentially Bid Price Structure. Or would the Proposal Fee simply increase by \$25,000 per bid regardless of differences in Bid Price, Bid Quantity, Resources, Tx line, and Bid Price Structure?	See response to Question 10.
13	Please confirm if a Proposer should submit multiple Step One applications through the online form if the Proposer is intending to submit multiple proposals for different portfolios. Currently, it appears as if only one Bid Quantity can be entered into the Step One application online form.	Yes, Proposers should submit multiple Step One Eligibility Applications corresponding to different portfolios. There is no Proposal Fee due with Step One.
14	The RFP refers to the most recent and pertinent modeling assumptions available for the scoring committee to use in the evaluation of the point of interconnection. Could NYSERDA specify what are those modeling assumptions?	Neither the price forecasts nor details of the modeling procedures will be disclosed to Proposers.

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15	Given that the Tier 4 REC solicitation is a competitive process and that the RFP does not outline any requirements regarding the manner in which Resources are selected, will the Scoring Committee or Commission require Proposers to demonstrate a competitive selection of Resources?	Proposers are free to select any eligible Resource to include in their Proposals. Proposers do not need to demonstrate that the Resources were competitively selected.
16	Can NYSERDA clarify the extent of site control that is required for Resources to qualify for the bid, and the documentation that is required? Section 7.6.4, Resource Description and Site Control, contains the following requirement: "5. Provide documentation that Proposer owns the site, has a valid lease or irrevocable lease or purchase option to develop the site over the entire Contract Tenor." The RFP language seems to contemplate a single site and single lease/purchase option, but as NYSERDA is aware, wind and solar Resources typically require many dozens of parcels and leases. Tier 1 solicitations typically set a minimum percentage of site control (e.g., 50%). Will this RFP mirror that requirement, and require similar site control documents, for each Resource included in the proposal?	T4RFP21-1 does not specify any minimum percentage of site control as a threshold condition. The non-price evaluation of the Proposal will consider the extent of site control for each Resource as one factor in the viability assessment.
17	It appears that Appendix C - Project Resources Form is a protected Excel spreadsheet, and therefore no data can be entered. Can the password or an unprotected version of the spreadsheet be provided?	A revised version of Appendix C has been posted.
18	Can Energy storage located in zone J or delivered into Zone J via a new interconnection submit a "stand alone" bid?	No. Regardless where it is located, Energy Storage must be paired with an eligible generation Resource. See Section 2.5 of T4RFP21-1.
19	Can a Proposer submit multiple bid submissions with different Resources and/or other attributes (Tx line, Bid Price, Contract Structure, etc.)? How does this affect Proposal Fee?	Yes. See response to Question 10.
20	For a proposal with a portfolio of resources, is one strike price required or multiple strike prices (one for each resource)?	See Section 2.1 of the RFP. A portfolio of Resources is treated as a single counterparty for the purposes of the Agreement, and the pricing in the Agreement applies to all Tier 4 RECs produced by those Resources.
21	Sec 7.6.8 of the RFP states that "For Resources that have not achieved Commercial Operation, the energy resource data may be based on site-specific resource measurements or an assessment report from a qualified resource assessment firm." Please clarify if a report from a qualified resource assessment firm is required only if "site-specific resource measurements" are not available, or if a qualified resource assessment firm should be used to provide the assessment report in all cases. If "site-specific resource measurements" are available, does the Proponent have the choice of generating the resource assessment report internally, as opposed to hiring an external "qualified resource assessment firm"? We recognize that this question deals with the Step 2 submission as opposed to Step 1, however there is considerable lead time involved in obtaining such reports externally and therefore we would like to receive this clarification at this time.	Proposers should provide the best energy resource data available at the time that the Step Two Proposals are due. The quality of the data will be considered as part of the Viability, OpFlex, and Peak Coincidence evaluation.

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22	<p>Section 2.2 of the Tier 4 of the RFP states: Eligible Tier 4 Resources must be either located in NYCA Zone J, or renewable energy from the Resource must be delivered to a Delivery Point in Zone J over a New Transmission interconnection in order to be eligible and compensated under Tier 4. A transmission interconnection will be considered New Transmission for purposes of Tier 4 if it electrically interconnects in Zone J after October 15, 2020.</p> <p>Would a project that included “Topology Control for Delivery of Renewable Energy” qualify, i.e., would energy deliverable through the application of Topology Control Technology be acceptable?</p>	<p>A Project that includes resources outside of NYCA Zone J must deliver energy over New Transmission. New Transmission is electrical infrastructure that allows incremental transmission capability into NYCA Zone J and electrically interconnects in Zone J after October 15, 2020. Implementing new software and/or operating procedures would not be considered electrical infrastructure.</p>
23	<p>Can NYSERDA confirm qualified resources from an adjacent Control Area as an energy only resource would qualify. The phase 1 qualification requests UDR’s for transmission would infer the use of the transmission line as a capacity resource.</p>	<p>To demonstrate deliverability to NYCA Zone J, a Resource need not be a capacity resource. The UDR value is used in the calculation of the Capacity Reference Price, as described in RFP Section 4.1.2. Proposers may specify any value for UDR, including zero.</p>
24	<p>Can developers revise, add, or remove specific projects identified in a Step One application for the Step Two application?</p>	<p>See Section 1.9 of the RFP. The Resource portfolio that is submitted with the Step One Eligibility Application is non-binding. Except for hydropower Resources that are used to derive the Supplier Energy Baseline and Supplier GHG Baseline, Proposers may submit Resources in their Step Two Proposal that are different from Step One. Per Section 9.2 of the RFP, a selected Proposer may add new eligible Resources and/or substitute eligible Resources over the Contract Delivery Term, subject to NYSERDA approval. Any approved changes to eligible Resources over the Contract will not result in a re-price of a Project.</p>
25	<p>Most of the provided Appendices are password protected and it is difficult to utilize the resources to the best of their ability. Are you able to provide a password to better use the resources provided or is the intention only to model those resources closely?</p>	<p>The intent is that Proposer should input information only in the unlocked cells of the Excel-based appendices. Rows and columns are able to be expanded as needed. If there is some information that can not be accommodated, Proposer should provide such information in a narrative section of the Proposal. Note that Appendix C has been corrected and reposted.</p>
26	<p>What are the assumptions regarding energy and capacity prices that NYSERDA will use to compare Index REC to Fixed REC bids? Note the capacity portion of the Index REC is larger (and potentially harder to project) than the capacity piece in the Tier 1 Fixed REC to Index REC conversion offered to Rest-of-State Tier 1 REC contracts. (2.8)</p>	<p>Neither the price forecasts nor details of the modeling procedures to evaluate the Bid Prices will be disclosed to Proposers. See RFP Section 4.3.</p>
27	<p>The RFP refers to the most recent and pertinent modeling assumptions available for the scoring committee to use in the evaluation of the point of interconnection. Could NYSERDA specify what are those modeling assumptions? (3.2.10)</p>	<p>As stated in RFP Section 3.2.10, NYSERDA and the Scoring Committee will use the most recent and pertinent modeling assumptions available for evaluation purposes to assess energy deliverability of Projects, including updated assumptions and outputs published by DPS, NYSERDA, NYISO, and other parties may become available during the course of this solicitation. While this information may be in the public domain, NYSERDA will not disclose the information that will be utilized in its analysis.</p>

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28	<p>Section 2.6 in the RFP identifies that the hydropower provider needs to provide the GHG baseline and the energy baseline information to NYSERDA to enable determination of qualification for Step 2. Based on the submittal need, can NYSERDA clarify the following items:</p> <ul style="list-style-type: none"> • The Hydropower supplier would like to submit the baseline information directly to NYSERDA and not through the bidding entity to maintain the confidentiality of the data. Would this be acceptable to NYSERDA? • The capacity data requested as part of Appendix D, Supplier GHG Baseline, can you clarify if the capacity information requested is the nameplate or the ICAP as bid into the NYISO. If it is nameplate, then what constitutes an addition or deduction to the GHG baseline. • In the case of HydroPower, for the Energy baseline, can NYSERDA clarify what can be excluded from the baseline. • Can the sales that are wheeled through NYCA to other areas be excluded? • Can NYSERDA confirm that energy sales that are made in NYCA but are subject to bi-lateral agreements to deliver the energy outside of NYCA can be excluded? 	<p>NYSERDA will accept submission of baseline data submitted by an entity other than the bidding entity on the bidding entity's behalf, provided the bidding entity confirms in its Step One Application that such data is submitted on its behalf and is accurate.</p> <p>Capacity information should be provided as nameplate capacity.</p> <p>In respect of the Energy Baseline, energy sold and delivered to a delivery point outside NYCA (whether originating from outside NYCA or in the form of exports from NYCA) may be excluded.</p>
29	<p>If a project with a Tier 1 PPA is awarded a Tier 4 contract, can the project decide on its own whether to earn Tier 1 or Tier 4 RECs, or must it choose set quantities for each program?</p>	<p>If a project with an effective Tier 1 REC agreement is included in a Tier 4 portfolio selected for award, the project's Tier 1 and Tier 4 REC agreements could be structured such that the project would earn Tier 4 RECs for all qualifying MWh delivered to Zone J and Tier 1 RECs for all other qualifying generation not delivered to Zone J. The project would not need to choose set quantities for each program. The seller can decide whether to sell RECs as Tier 1 or deliver the RECs to Zone J and sell them as Tier 4 RECs in any hour.</p>
30	<p>How will prevailing wage be applied to labor outside of NYS</p>	<p>Section 18.10 of the Agreement specifies the application of prevailing wage in other U.S. states: "For construction activities that occur outside of New York, the Prevailing Rates shall be determined under the prevailing wage law of the state in which the Selected Project construction activities occur that would be applicable to a public work."</p>
31	<p>A portfolio of resources is treated as a single counterparty. Can a portfolio of resources be composed by projects from different developers, independent from each other? To propose the most competitive pricing an individual transmission solution could have the revenue requirement allocated to several projects from different developers.</p>	<p>A portfolio of Resources submitted by a Proposer in a Proposal is treated as a single counterparty and all delivered Tier 4 RECs will be paid the same price, regardless of the output or ownership of the individual Resources. More than one Proposer may propose to utilize the same New Transmission facility, but each Proposer must submit a separate Proposal. In the Step Two Proposal each Proposer must describe how New Transmission capacity would be allocated among the different Proposers and Resources, priority rights, which entity will have scheduling responsibility, and any other terms of the arrangements among Proposers. Proposers must state whether their Proposal is conditional upon acceptance by</p>

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		NYSERDA of other Proposal(s) proposing to utilize the same New Transmission. See RFP Section 7.6.5.
32	If a portfolio of projects can be composed by several developments from several developers, could such portfolio of projects add or substitute resources from and to either one of the developers, under agreed conditions among the parties?	A portfolio of Resources can be composed of Resources from multiple developers. The portfolio is treated as a single counterparty regardless of the ownership of the individual Resources and may be substituted over time subject to approval by NYSERDA. See Section 9.2 of the RFP.
33	Is a project located outside of Zone J required to be paired with transmission that has been awarded UDR, or is this only a requirement to claim Zone J capacity? (4.1)	A Resource not located in Zone J must deliver energy through New Transmission to Zone J in order to be compensated under Tier 4. The New Transmission need not be awarded UDRs, and the Resource need not deliver capacity in order to demonstrate delivery or be compensated for Tier 4 RECs
34	Can a transmission project commit a MW value while being supported by a portfolio of generation that may individually have a greater nameplate to support that commitment on an 8760 hour basis? (6.5)	Yes.
35	If the "Selected Project" is a portfolio of Resources, can there be multiple Delivery Points?	The Delivery Point is a single bus or substation that must be located in Zone J.
36	<p>Is the Associated New Transmission Facility required to be a controllable transmission facility, noting the following definitions:</p> <ul style="list-style-type: none"> • Applicable Class Year: The Class Year in which the Selected Project or the Associated New Transmission Facility (in the case of a controllable transmission facility) (emphasis added) has been placed for purposes of the NYISO interconnection process. • Associated New Transmission Facility: For a Resource located outside Zone J, a new transmission facility that will first electrically interconnect to Zone J after October 15, 2020 and that thereafter delivers Qualified Renewable Energy from the Resource to the Delivery Point 	The New Transmission facility is not required to be a controllable transmission facility.
37	<p>The Bid Document (or T4RFP21-1 Request for Proposals) refers the concept of "Withdrawal Point" and defines it "the location where energy is delivered to the New Transmission for further delivery to the Delivery Point."</p> <ul style="list-style-type: none"> • This concept does not appear to be defined in the PPA; is there value to having it incorporated into the PPA? • Separately, is it possible for the Withdrawal Point be a point in the same NYISO zone as the northern terminus of the Associated New Transmission Facility (ANTF), but not be co-located with the ANTF? 	The Standard Form Purchase and Sale Agreement for Tier 4 RECs does not use the phrase "withdrawal point" and so does not define the term. Note, however, that Section 3.01 of the Agreement contemplates a Delivery Verification Plan to be agreed mutually by the parties. Depending on the configuration of the project selected for award, this Delivery Verification Plan may need to incorporate the Withdrawal Point concept as described in the RFP. If the northern terminus of the New Transmission is located in NYISO, then the Withdrawal Point is the northern terminus, and the Delivery Point is in Zone J.

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38	On labor agreement requirement, does this mean a proposer can't bid to qualified contractors post-RFP? (3.2.8)	Proposers' counsel should review Section 18.11 of the Standard Form Agreement. That Section does not require a PLA to be executed by the time of bidding. Moreover, even if a PLA is executed, a PLA is a pre-hire agreement that contemplates future hiring.
39	On labor agreement requirement, are there specific union shop affiliation requirements of any/all construction contractors? (3.2.8)	No.
40	Please provide further explanation or an example of the application of the Mitigation Factor (MF) in the calculation of the indexed price. (4.1.2)	The Capacity Reference Price is multiplied by the Mitigation Factor, such that if the Mitigation Factor is less than one, the product of the Mitigation Factor and the Capacity Reference Price will be reduced and the Monthly Tier 4 REC price will increase. For instance if the Mitigation Factor is 0.75 (reflecting that 25% of qualifying renewable energy capacity in the applicable zone and class year is subject to offer floor), and the average capacity price for the month equates to \$20/MWh, the mitigated capacity reference price will be \$15/MWh and the Monthly Tier 4 REC Price will increase by \$5/REC as compared to an alternative scenario in which the Mitigation Factor was 1. Note, that when new controllable transmission lines interconnect to a mitigated zone, such as Zone J, the NYISO applies the exemptions to buyer side mitigation to the controllable transmission facility itself. Therefore, as noted in bracketed text in the agreement, the mitigation factor for a Tier 4 seller using a controllable transmission line into Zone J would be calculated based on the actual treatment of the controllable transmission line in the NYISO class year process.
41	In the event the number of Tier 4 RECs generated by a project exceeds the Bid Quantity but is less than the annual Tier 4 REC cap, will a project be compensated for these incremental RECs over the Bid Quantity? (7.5.1)	Yes. See Article II of the Standard Form Agreement.
42	Will NYSERDA place a time limit on the Commercial Operations Date or is it defined by the Proposer?	The Commercial Operation Date will be set based on each bidder's proposal, and may be refined in the negotiation process if the proposed project is selected for award.
43	Is the requirement for PSC Approval intended to include review and approval of the Delivery Verification Plan described in 3.01? The PPA notes any generation resource that interconnects outside of Zone J will require a Delivery Verification Plan, which is the proposed methodology for crediting and verifying deliveries of Qualified Renewable Energy from the Selected Project into Zone J using the Associated New Transmission Facility.	If the Delivery Verification Plan has been finalized in time for review by the Commission it would likely be included in the package that undergoes Commission approval. If the Delivery Verification Plan has not been finalized in time for Commission review, the parties' term sheet-level understanding of delivery verification would be presented in narrative form to the Commission as part of NYSERDA's proposal.
44	The RFP requires Proposers of Projects that include hydropower Resources to submit a Step One application. Proposers that do not include hydropower Resources are not required to submit a Step One application. If a Proposer is planning to include a hydropower Resource as a balancing resource to non-hydro Renewable Resources on the transmission line, but is not seeking Tier 4 RECs for	If the Proposer is not seeking compensation as Tier 4 for energy from a hydropower resource, then the Proposer need not submit historic hydropower data in a Step One Eligibility Application, and a Step One Eligibility Application need not be submitted. All Proposers, however, are encouraged to submit a Step One Eligibility Application.

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	that hydro Resource, must a Step One application be submitted?	
45	If a project with a Tier 1 PPA is awarded a Tier 4 contract, can the project decide whether to earn Tier 1 or Tier 4 RECs in any given hour, or must it choose set quantities for each program? (2.1)	See response to Question 29.
46	Will there be the ability to negotiate the price structure from a Fixed REC to an Index REC or an escalated price to a flat price after award? (2.8)	Under the Order, NYSEDA has the authority to negotiate on price after Proposals are submitted, and such negotiations may result in changes to the Price Structure. However, Proposers will be held to the Bid Price and Price Structure that was submitted in the Step Two Proposal. Proposers who want to be considered for both Fixed and Index REC Price Structures, and for both fixed and escalating Bid Prices should submit both sets of prices with the required bid fees.
47	The RFP states that the lowest LNRC will receive the full 70 points for bid price scoring. Is there a minimum score for the bid price component of the evaluation? (4.4)	No.
48	Will NYSEDA consider changing the response date for the Step 2 questions from early May to early April? The current Step 2 Q&A schedule only provides bidders 5 days between answers being received and the bid submission date.	NYSEDA will respond to questions on a rolling basis.
49	Please confirm that a Proposer can submit a Step One application with all currently available information and that some fields may be left as "tbd". For example, details around the New Transmission that have not yet been confirmed.	See Section 1.9 of the RFP and responses to Question 24.
50	<p>Selected Project: The Resource or portfolio of Resources that delivers Qualified Renewable Energy into Zone J, that was selected for award by NYSEDA in T4RFP21-1, and as described in Exhibit E to this Agreement. Seller may, from time to time, add or remove Resources from a portfolio with NYSEDA's written consent, such consent not to be unreasonably withheld.</p> <ul style="list-style-type: none"> • What are of the anticipated examples of scenarios where the Seller may, from time to time, add or remove Resources from a portfolio of resources that comprise the Selected Project? • If the Selected Project is a single Resource, would the Seller have a similar right to add Resources or replace that Resource? 	With NYSEDA's consent, any seller may add or remove resources from a portfolio regardless of how many resources there are in the portfolio. Note, however, that such additions or removals would not change the Bid Quantity under the Agreement or other terms that reference the Bid Quantity (see Section 4.09). A seller may wish to add or remove resources for any commercial reason, including if a proposed project fails to develop, underperforms, retires, etc.
51	If the project proposal is at a stage of development in which the new transmission has been designed to deliver a specific bid quantity, but has not yet committed the resources to supply the full bid quantity, can the proposer submit a step one eligibility application form listing indicative resources that will be later updated to committed resources prior to the Step Two submission as	See response to Question 24.

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	described in item 1.9 Updates to Step One Proposal Applications of the RFP? (6.5)	
52	If the excess of OSW in NYC requires to export energy over SENY, and the new Transmission line is required to revert its normal operation, while TIER 4 energy is available in the system (and thus not being dispatched towards NYC), is NYSERDA considering that under those conditions and to recognize the value the New Transmission brings to the system the available units could still receive full TIER 4 revenues.	RECs will only be compensated as Tier 4 RECs if they are delivered to Zone J. See also responses to Questions 63 and 80.
53	Where applicable, could solar ramp revenue pricing be included in the contract?	Payment under the contract will only be for Tier 4 RECs.
54	For potential construction of new transmission and gen-tie lines, has NYSERDA and existing Transmission Owners discussed providing additional guidance about use of existing rights-of-way, including any of the following: (1) the TO's ability to allow for (or encourage) the use of existing rights-of-way, including land rights that the TO may have evaluated for development of its own transmission lines?; (2) the TO's ability to allow for (or encourage) the development of new rights-of-way using land rights that the TO owns?; or (3) the TO's ability to allow for (or encourage) the placement of new transmission lines on existing poles?	It is Proposer's responsibility to acquire all rights-of-way for developing New Transmission and any other transmission buildout.
55	<p>Based on the Tier 4 REC solicitation and the CLCPA, it states that a Bilateral Agreement; sales for electricity associated with the electricity produced by an eligible facility are permissible provided that the seller of electricity from an eligible facility can demonstrate that the purchaser of the electricity is a New York State Load Serving Entity (LSE), or one or more New York State end-users.</p> <p>That being said;</p> <ul style="list-style-type: none"> • If we have a Digester taking organic food waste and or cow manure to create Methane and the Digester enters into a Bilateral with a solar farm for the electricity to power the digester, would the methane be considered Green? • Also, if the above is accurate based on the Tier 4 REC solicitation and the CLCPA, a fuel cell could enter into a Bilateral for the same Methane (RNG) and the electricity generated from the fuel cell would be eligible for environmental attributes. <p>May you please help confirm the above two scenarios?</p>	The definition of renewable resource under Tier 4 is the CLCPA definition, which has been incorporated into the public service law at 66-p (1) (see the Commission's October 15 order in Case 15-E-0302). Note that the rules regarding bilateral transactions pertain to energy, not renewable energy credits.
56	Scoring Committee – Members of NYSERDA Staff, New York State Department of Public Service Staff, and competitively-selected Independent Evaluators responsible for evaluating Proposals received through this RFP. Has a consultant already been “competitively selected?”	Thank you for your interest. The eligible candidates to serve on the Scoring Committee have already been identified.

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57	Can projects that have expended significant development capital within New York prior to January, 2021 count these under the economic benefits section under any circumstances? For projects to be viable by the Step 2 bid submission date they need to have started development well in advance of 2021, so it seems these benefits should be counted.	As per Section 3.3 of the RFP, Proposers must demonstrate that the Incremental Economic Benefits will (1) will accrue after January 1, 2021, and (2) would not have accrued but for the award of a contract under this RFP.
58	Please confirm if NYSERDA will accept delivery of Tier 4 RECs into Zone J from newly built transmission line companies who may have a mixture of generation on their line. For example, 80% capacity is Tier 4 while 20% is non-Tier 4 eligible. Will the integration of non-Tier 4 electricity in the line limit/disqualify the balance of generation into Zone J?	Tier 4 payments will only be made for Tier 4 eligible RECs. The presence of non-Tier 4 energy delivered through the same transmission line would not disqualify the Tier 4 energy from receiving Tier 4 RECs.
59	If the PSC Approval is intended to include the Delivery Verification Plan in 3.01, are the current, proposed timelines sufficient to allow for both NYSERDA and PSC review?	It is the PSC's decision whether to address any plan; If the Delivery Verification Plan has been finalized in time for review by the Commission it would likely be included in the package that undergoes Commission approval. If the Delivery Verification Plan has not been finalized in time for Commission review, the parties' term sheet-level understanding of delivery verification would be presented in narrative form to the Commission as part of NYSERDA's proposal.
60	Please confirm that onshore wind projects undergoing repower that have existing contracts for new Tier 1 RECS, and have a repower COD after Oct 2020 are eligible resources for inclusion in the Tier 4 RFP.	For repowered resources, NYSERDA would apply the same repowering requirements as Tier 1, but the repowering must be completed on or after October 15, 2020.
61	Is NYSERDA prescribing a particular method or any specific requirements for proving deliverability to Zone J for resources located external to Zone J other than hourly matching at the injection and delivery points? If a proposer deems an approach reasonable and NYSERDA disagrees, will there be an opportunity to remedy the differences? (5.5, 7.6.5).	See Section 6.6 of the RFP. It is up to the Proposers to describe how they will demonstrate a means of delivery from the Injection Point to the Delivery Point in Zone J. If a Project is selected, the delivery requirements and how the Proposer intends to satisfy them will be subject to further assessment and negotiation.
62	What is the compensation mechanism for projects that are included in a portfolio with new transmission that DO NOT have an existing Tier 1 contract AND have a COD before the transmission system? More specifically, if the resource Project has a COD of 2023 and the transmission line that qualifies for Tier 4 has a COD of 2024, does the Project get any RECS from NYSERDA?	See Section 2.4 of the RFP. To be clear, RECs are issued not by NYSERDA but rather by NYGATS with notation as their eligibility under Tier 1. A Resource not located in Zone J would be compensated for Tier 4 RECs associated with energy that is delivered to Zone J through the New Transmission. In this example, a Resource may participate in a future Tier 1 solicitation and, if awarded a Tier 1 contract, could receive payment for Tier 1 RECs for all output before the New Transmission is in service.
63	Would NYSERDA consider the benefits of a new transmission line from an adjacent control area to NYC in addition to just Tier 4 RECS, for example when the line is not fully utilized for renewables but can be a source of lower cost energy to NYC?	As part of the Proposal evaluation, NYSERDA will not consider the direct economic value of non-Tier 4 energy that is not derived from eligible Resources but is delivered to Zone J over New Transmission. However, as part of the non-price evaluation of the Step Two Proposals, the Scoring Committee will evaluate: (1) the benefits afforded to the electric grid in Zone J by the Project if proposing with dispatchable Resources and/or Energy Storage; (2) the extent to which Project deliveries into Zone J are coincident with electric demand within Zone J and thereby reduce dispatch of fossil resource;

Q. Question	Response
	and (3) the extent to which the Project complements the foreseeable deployment of offshore wind into Zone J.
64 Has NYSERDA studied the issue of curtailments when both Tier 4 resources are injecting into NYC as well as potentially 6,000 MW of OSW into NYC, what would be the criteria for which resource gets curtailed or is just based on Security Constrained Unit Dispatch?	Proposers are encouraged to review the NYISO Open Access Transmission tariff and ongoing work to identify areas of current and future congestion on the electric grid, including the DPS and NYSERDA State Power Grid Study, inclusive of Distribution and Local Capital Plans and a Bulk Transmission Investment Plan, the NYISO 2019 CARIS 70x30 Constraint Modeling study and outputs, and other similar studies conducted by the state, NYISO, and/or the transmission owners.
65 Please describe how repowered vintage onshore wind projects that DO NOT have an existing Tier 1 RECS contracts will be eligible to participate in the Tier 4. Please specifically address: <ul style="list-style-type: none"> • Do the eligibility rules mirror Tier 1 rules for repowered facilities in that only the incremental power output from the repowering be eligible for Tier 4 RECS? • Under what conditions can repowered or partially repowered wind projects get Tier 4 RECS for all of the electricity produced post-repower? • For older projects (e.g. 10+ years) that are out of their original NYSERDA contract, are the rules any different if they are re-powered? 	Please see response to Question 60.
66 We would like clarification from NYSERDA on the eligibility of resources not located in Zone J to participate in the Tier 4 solicitation. Would NYSERDA accept bringing energy from resources outside of Zone J using advanced grid enhancing technologies to increase transfer capability of existing transmission facilities? If so, could NYSERDA provide guidance on the information that it would require in the proposal? By advanced grid-enhancing technologies, we refer to dynamic line ratings, topology optimization and power flow control devices.	Resources not located in NYCA Zone J are eligible if the energy from such Resources is delivered to Zone J over New Transmission. New Transmission is electrical infrastructure that allows incremental transmission capability into NYCA Zone J and electrically interconnects in Zone J after October 15, 2020.
67 It appears that the Appendix F-1 Master Offer Form calculates the Proposal Fee based on the first line and not based on the highest Bid Quantity entered in any line on tab "Part II".	The Instructions ask the Proposer to enter the largest Bid Quantity in the first row. The current version of the Master Offer Form now checks that the largest Bid Quantity was correctly entered on the first row on the form. A revised Master Offer Form with data validation in these fields to avoid this possible mistake has been posted on the website.
68 In its December 17, 2020 Order on Rehearing the PSC recognized the “fundamental need” to encourage delivery of Upstate renewable resources into New York City and encouraged NYSERDA “to otherwise design the Tier 4 RFP in ways that also optimize deliverability of renewable resources throughout the entirety of the State.” Upstate renewable resources seek to participate in the 2021 Tier 4 RFP but require further guidance on the solicitation’s parameters in this regard. Please list all transmission	A Project Resource that meets NYISO’s Minimum Interconnection Standard and has obtained ERIIS is eligible to participate in T4RFP21-1.

Q.	Question	Response
	<p>options available under the NYISO's tariff that NYSERDA has identified as sufficient "to demonstrate delivery from the Injection Point to the Withdrawal Point of the associated New Transmission" (see 2021 RFP, Section 6.6), and thus, as compliant with the requirements of its RFP if the resource is not physically located in New York City.</p> <p>Given that the RFP specifies that Tier 4 projects "need only supply energy into Zone J and need not qualify as capacity resource(s) in Zone J to demonstrate delivery (see 2021 RFP, Section 2.2), please confirm that a project that meets the NYISO's Minimum Interconnection Standard and obtains ERIS is eligible to participate in this 2021 Solicitation.</p>	
69	<p>Please confirm that an HVDC transmission project from an adjacent control area is not subject to the RFP Section 2.3 requirement to site a converter station in New York. If it is required to site a converter in New York, would a back-to-back HVDC from an adjacent Control Area directly connected new via AC circuit(s) to NYC fulfill the requirements of a converter station being located in NYC?</p>	<p>The requirement of RFP Section 2.3 to include in a Proposal a Bid with New York Converter Station applies to HVDC projects that traverse any portion of New York State outside of Zone J, regardless of whether the Withdrawal Point is within NYCA or in an adjacent control area. A Proposer may submit a Bid that includes New Transmission that traverses New York State outside of Zone J, but that does not include a New York Converter Station. In this case, Proposer must also submit a Required Alternate Bid that does include a New York Converter Station. The Required Alternate Bid must include a New York Converter Station and may include different Resources and other Bid information, as further discussed in RFP Section 7.5 and Section 7.7. A new AC circuit to NYC may be considered New Transmission if it is electrical infrastructure that allows incremental transmission capability into NYCA Zone J and electrically interconnects in Zone J after October 15, 2020. Proposers must describe a proposed physical or financial path from the Injection Point to the Withdrawal point, how such path will be verified and documented, and how the hourly matching requirement will be met.</p>
70	<p>Once a Step One Eligibility submission has been made can the developer modify it in their Step Two Proposal, for example modify mw-hrs from non-hydro resources?</p>	<p>See response to Question 24.</p>
71	<p>If the project consists of several elements (e.g., multiple solar installations, new transmission, etc.) with different Commercial Operation Dates, which date should be entered in the Project Commercial Operation Date field of the Bid Offer Form? (7.5.1)</p>	<p>The Commercial Operation Date should be the first day that Tier 4 RECs will be delivered to the Delivery Point in Zone J.</p>
72	<p>The interconnection request in NYISO for a DC line is not considering the optionality of a bidirectional operation in the line.</p>	<p>It is Proposer's responsibility to determine all interconnection requirements with NYISO and, if applicable, another control area.</p>
73	<p>Definition of Injection Point: For a Resource located in Zone J, the Injection Point shall be the Delivery Point. However, for a Resource located outside of Zone J, the Injection Point shall be the generator bus or location where the administrator of the local control area measures energy delivery from such Resource.</p>	<p>The administrator of the local control area measures energy delivery from a generator into the wholesale market at a revenue meter, which may be located at the generator bus or some other location on the transmission system.</p>

Q.	Question	Response
	For Resources outside of Zone J, what are some examples of when the Resource's injection point is the bus bar compared to examples of when the Resource's injection point is where the control area measures delivery?	
74	Please confirm how NYSERDA will evaluate Proposals from different Proposers that use the same New Transmission. For clarity, Proposers may be partnering with transmission line companies that could be partnering with other Proposers due to large capacity of the New Transmission.	See response to Question 31.
75	Will the negative pricing be capped at ~2.3%, i.e. quotient of dividing 200 and 8760 or will it be NCF adjusted, such as 10.4% if NCF assumption is 22%, i.e. $200 / (8760 \times 22\%)$?	Standard Form PSA Section 4.04 caps non-payment for RECs during negative LBMP hours at 200 hours per year. This cap is independent of the net capacity factor of any Resource.
76	I understand, per Governor Cuomo's State of the State address, that the state intends to accelerate the development of recently proposed transmission lines in an effort to address congestion and facilitate delivery of renewable power to NYISO Zone J. I was wondering if you could confirm that one of these lines was the 320 kV Champlain Hudson Power Express line. Proposer X is in the early states of developing 1-2 utility scale solar projects under consideration for this line. If you could please confirm that the RFP is intended to solicit proposals from projects interconnecting to a line such as this, I would greatly appreciate it	The NOIs submitted to NYSERDA are non-public. Developers are encouraged to contact transmission developers as they consider their Tier 4 bids.
77	Appendix C - Project Resources: Please confirm if Contracted Tier 1 Resources should enter project details as they appear in their contracts (ex. Schedule 1 of the contract)?	NYSERDA does not understand the question. NYSERDA presumes that Appendix C information would be consistent with the information in a Tier 1 agreement, with any discrepancies to be identified and explained by the proposer.
78	Please confirm if NYSERDA is expecting to receive Proposals only from Proposers that are generating electricity from eligible Resources. To clarify, please confirm if NYSERDA will accept Proposals from transmission line companies as the lead Proposer.	NYSERDA will accept proposals from any entity that demonstrates the capacity to perform under the terms of the RFP and the Agreement.

Q.	Question	Response
79	<p>In the event that a project is comprised of a portfolio of resources, would NYSERDA contemplate executing multiple Tier 4 REC contracts to support a single “Project” in order to mitigate issues around having an intermediary “aggregation” entity that would be positioned in between generators and NYSERDA. Specifically, multiple direct contracts from NYSERDA could potentially reduce transactions costs associated with an aggregation entity having to secure counter-party credit risk with multiple generators and with NYSERDA. Also, without contract privity between generators and NYSERDA, generators may have difficulty securing financing. Flexibility in NYSERDA’s contracting approach will be important in facilitating the overall transaction. Is NYSERDA open to novel approaches to solve these and other structuring challenges that may emerge?</p>	<p>NYSERDA would be willing to enter multiple agreements resulting from a single portfolio Proposal accepted for award. In such circumstance, each Resource would be subject to the same price terms contained in the portfolio Bid. Further, if a portfolio proposer intends to enter separate agreements for different resources in the portfolio, the proposer should make that intention clear in its Step Two application. The proposer should also make clear how responsibility for portfolio-wide commitments (e.g. economic and disadvantaged community benefits, minimum deliveries, contract security) would be guaranteed contractually across the portfolio.</p>
80	<p>The RFP documentation states that energy discharged from energy storage may provide operational flexibility benefits even if the energy dispatched is not Tier 4. Does this apply to controllable transmission as well? (3.2.1.1)</p>	<p>Yes, the benefits of the Project, including transmission will be considered.</p>
81	<p>Question re stand alone storage. If a new project is in Zone G and obtains transmission into Zone J (but it’s not “new transmission”) will that project qualify? I represent bulk storage developers with multiple sites in G and K and other non NYC zones, but not J (and there are others in the NYISO queue that are similarly situated.) If it has to be “new transmission” will there be “facilitation” of transmission bidders for bulk storage operators to reach out to?</p>	<p>A Resource not located in Zone J must deliver energy through New Transmission to Zone J in order to be compensated under Tier 4. See response to Question 18 regarding stand alone storage. See response to Question 76 regarding reaching out to transmission developers.</p>