



# ORECRFP20-1

## Responses to Written Questions

(Revised 8/27/2020 to add Q.100, 101, and 102)

Category	Q.	Question	Response
General	1	Please provide a MS Word version of OREC Agreement.	A Microsoft® Word (.docx) version of ORECRFP20-1 Appendix F – Offshore Wind Renewable Energy Certificate Standard Form Purchase and Sale Agreement is now available on NYSERDA’s <a href="https://www.nyserdera.ny.gov/offshore-wind-2020-solicitation">Offshore Wind 2020 Solicitation webpage</a> . ( <a href="https://www.nyserdera.ny.gov/offshore-wind-2020-solicitation">https://www.nyserdera.ny.gov/offshore-wind-2020-solicitation</a> ).
General	2	Given the complexity and interplay between Appendices G, H, and I, please distribute completed examples of these forms to better illustrate a compliant and complete bid package.	A Microsoft® Excel (.xlsx) package of Appendices G, H, and I for a hypothetical Submission will be available within the coming days as a reference example to Proposers on NYSERDA’s <a href="https://www.nyserdera.ny.gov/offshore-wind-2020-solicitation">Offshore Wind 2020 Solicitation webpage</a> . ( <a href="https://www.nyserdera.ny.gov/offshore-wind-2020-solicitation">https://www.nyserdera.ny.gov/offshore-wind-2020-solicitation</a> ).
General	3	Sec. 6.2.2.2 and Appendix. J.6 provides an overview of the required public attachments. The checklist indicates that the Proposal Narrative, the Fisheries Mitigation Plan, and the Environmental Mitigation Plan are the only documents to be submitted as public versions. Can NYSERDA confirm that, aside from the Fisheries Mitigation Plan and the Environmental Mitigation Plan, no other public attachments are required?	In accordance with Section 6.2 of ORECRFP20-1, the Submission must include both confidential and public versions of the Proposal Narrative in addition to the confidential and public versions of each of the Environmental and Fishing Mitigation plans.  The public versions of the Proposal Narrative, Fisheries Mitigation Plan(s) and Environmental Mitigation Plan(s) will be posted on the NYSERDA Offshore Wind 2020 Solicitation website shortly after the Proposal submittal deadline.
General	4	I am looking to find a list of disadvantaged communities in NY, has that list been compiled yet?	Per the definitions section of ORECRFP20-1, Disadvantaged Communities are identified in the CLCPA as communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic 5criteria, or comprise high-concentrations of low- and moderate- in6come households. Acknowledging that <a href="#">New York State’s Climate Action Council</a> has not yet formally defined the term Disadvantaged Communities nor compiled such lists, this RFP will rely on already-established criteria for communities that meet the spirit of the Disadvantaged Communities objectives of the CLCPA including the prioritization of benefits to communities located in low-income census tracks, <a href="#">Potential Environmental Justice Areas</a> , and <a href="#">New York Opportunity Zones</a> .

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General	5	<p>The schedule set forth in the 2020 OREC Solicitation provides for winning bidders to be announced and contracts to be awarded in Q4 2020 but also provides NYSERDA with the flexibility to forego issuing awards thereunder and further provides NYSERDA with the ability to cancel the solicitation. (See Solicitation at 10, 11.) If NYSERDA determines it cannot achieve contract execution before year end and/or the investment tax credits (ITC) that are scheduled to expire at year end cannot be accessed, will NYSERDA rescind this solicitation in favor of engaging in annual solicitations beginning in 2021 on a predefined schedule as proposed in the CES 2.0 White Paper filed by NYSERDA and the Staff of the New York Department of Public Service in NYPSC Case 15-E-0302?</p>	<p>In its January 28, 2020 Petition to the New York State Public Service Commission, NYSERDA noted that expeditiously conducting a second offshore wind procurement is consistent with the approach taken in the Offshore Wind Order, in which the Commission recognized that offshore wind procurement needs to begin immediately in order to cost effectively secure the economic and environmental benefits of this new industry.</p> <p>The <a href="#">Clean Energy Standard White Paper</a> that NYSERDA and Department of Public Service Staff filed June 18, 2020 with the New York Public Service Commission recommends that the Commission formally adopt the CLCPA’s minimum statewide goal of 9 GW of offshore by 2035 and grant NYSERDA authority to procure the remaining amount of ORECs necessary to achieve that goal. With 1,826 MW under contract statewide, approximately 7,200 MW remains to be procured to meet the CLCPA target. This remaining amount could be reduced by up to 2,500 MW depending on the outcome of NYSERDA’s 2020 solicitation, still leaving a significant amount left to meet the CLCPA’s 9 GW requirement. This White Paper proposes that NYSERDA conduct offshore wind procurements in a manner that ensures, at a minimum, cumulative contracted capacity equivalent to between roughly 750 MW and 1,000 MW per year through 2027. Completing this planned procurement schedule by 2027 will ensure adequate time to meet the 9 GW goal, including an allowance of time for any supplemental procurements that may be necessary to replace previously selected projects that have not gone forward. This White Paper proposes that NYSERDA conduct these procurements annually, but with enough flexibility in timing to respond to market and regulatory dynamics, as well as to make adjustments based on its past record of procurements. For instance, if NYSERDA selects more than one large project in a single solicitation, there may be reason to cancel or delay a later solicitation. In conducting its procurements, it is recommended that NYSERDA retain flexibility to respond to market conditions. Therefore, the White Paper proposes that NYSERDA have no minimum or maximum procurement requirements for any one solicitation. NYSERDA should be free take a long-term view and evaluate each contract award decision with focus on both ensuring CLCPA compliance and obtaining the best overall value.</p> <p>That said, the terms and conditions of this RFP may, at any time, be changed, postponed, withdrawn, and/or canceled, including any requirement, term or condition of this RFP, without any liability to NYSERDA, NYSERDA Consultants, or members of the Scoring Committee and NYSERDA has the authority to reject any or all Proposals. However, this RFP’s full execution as</p>

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			planned is consistent with the Commission’s confirmed <a href="#">April 23, 2020 Order Establishing Offshore Wind Solicitation</a> and would be furthermore consistent with the precepts of the White Paper if the proposals detailed therein are ultimately confirmed by the Commission.
General	6	Given COVID-19 limitations, European/U.S. summer vacation schedules and the need for additional due diligence of long-term investment planning risks, will there be an extension past the 90 days for the deadline?	Per Section 1.3, the RFP’s schedule supports a deadline for submission of proposals by 3 p.m. on October 20, 2020. This deadline is supportive of NYSERDA’s goal to help New York ratepayers harness the support of federal tax credits pursuant to H.R. 1865, the Further Consolidated Appropriations Act of 2020 ( <a href="#">Public Law no. 116-94</a> ), which extends the application of the 18% Investment Tax Credit to wind facilities until January 1, 2021.
General	7	Disregarding current OREC parameters and timelines; In the future, will it be possible for entities to propose a site for redevelopment to NYSERDA, a similar pre-qualification process to RFQL 4259 be carried out, and have the site added to the Eligible Ports list?	NYSERDA is not at liberty to comment on future port development opportunities or processes but will look forward to ongoing consultation with stakeholders and the offshore wind industry upon conclusion of this current solicitation.
Proposal Submission	8	Sec. 6.2.1.4 states, “[o]nly one Proposal Narrative, inclusive of all Proposals offered, can be submitted.” The definition of “Proposal” indicates that it corresponds to an “Offshore Wind Generation Facility” which is defined as, “[t]he installed wind turbine generators and all other associated offshore equipment and infrastructure located within the lease area.” As drafted, the RFP appears to contemplate that a bidder will only submit offers to supply ORECs from a single lease area. Structuring the RFP requirements in a manner that prevents bidders from submitting offers from more than one lease area may artificially limit the supply options presented to NYSERDA. If a bidder wishes to submit offers to supply ORECs from two lease areas, may the bidder submit two separate narratives? Permitting bidders submitting offers from two lease areas to develop separate narratives—one corresponding to each lease area—would help avoid the potential confusion that could result from the submission of a single narrative addressing multiple lease areas. Please clarify how bidders should calculate the Proposal Fee where offers are submitted for two lease areas (e.g., if the lease areas are combined into a single proposal).	<p>Proposers should submit its Proposal Narrative to best articulate its Submission to NYSERDA, but including the elements prescribed in Section 6.4.</p> <p>The proposed integration of the Proposal Narrative is intended to support efficiencies in a project’s characterization and evaluation, allowing for elements that are consistent across different project to be acknowledged without. Where a Proposer submits proposal(s) that materially differ in terms of lease areas, interconnection plans, economic benefits, and other technical or pricing configurations, the Proposer should ensure that each of these elements are clearly identified in the main Narrative and well substantiated through the respective appendices to the Proposal Narrative.</p> <p>In the case where a Proposer seeks to aggregates capacity between multiple lease areas within a single Proposal, the Proposal Narrative and associated evaluation components (Viability, Economic Benefits, and Price) should reflect this combined approach, recognizing that the evaluation will be of the Proposal as a unit and not its composite parts.</p> <p>Where a Proposer would also submit each lease area distinctly, this would then comprise at total of at least three (3) Proposals: the combined Project and each lease area as a Separate project. Accordingly, the proposal fees for this submission would be at least \$550,000, or more depending upon the configuration of the associated Port Infrastructure Plans.</p>

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Proposal Submission	9	Sec. 2.1.3 states, “[a] Proposer may not condition the acceptance of one Proposal based on the withdrawal or acceptance of other Proposals.” May a bidder pair proposals together? For instance, if a bidder plans to submit offers from two separate lease areas, may the bidder “package” the offers together such that the offers must be both selected (or rejected). Allowing bidders to combine capacity from two BOEM lease areas will help maximize the benefits to New York ratepayers by allowing bidders the potential to achieve economies of scale and to submit economic development packages that offer greater value to New York.	Please see the response to Q8.
Interconnection & Delivery	10	The 2020 OREC Solicitation references operating constraints and the need to demonstrate the energy from the Project is deliverable. (See Solicitation at 49-50, 52.) If a project meets the NYISO’s Minimum Interconnection Standard as defined by the NYISO’s tariffs even if it will result in its own curtailment or the curtailment of other renewable resources under certain operating conditions, will NYSERDA deem the project to be in compliance with these provisions? If not, what additional requirements will be applied to the Proposer?	Compliance and evaluation of a Proposal’s interconnection and delivery will be assessed per the terms described in ORECRFP20-1 Sections 3.2.6 and 6.4.8.
Interconnection & Delivery	11	If the project in a Required Base Proposal has alternate interconnection paths to the same point of interconnection, but otherwise is the same in all respects, would that variation result in one of the interconnection paths being an Alternate Proposal? If not, how should the Proposer submit such a proposal?	<p>Per Section 2.1.3, Alternate Proposals may be for ORECs delivered from Offshore Wind Generation Facilities of other technical configurations or <i>interconnection points [emphasis added]</i>, other Offer Capacity, other Economic Benefit packages (including other Port Infrastructure Investment Plans than those submitted in the Required Base Proposal), or other expected Commercial Operation Dates.</p> <p>Each of the Required Base Proposal, Required Standalone Proposals, and each Alternate Proposal, must each articulate a proposed point of interconnection per the interconnection and deliverability terms described in Sections 3.2.6 and 6.4.8 which is the basis for the Proposal’s viability score and should inform a Proposal’s price. These may be the same point of interconnection across each Proposal, or may be different, but the technical configuration and pricing risks should reflect the solution proposed.</p> <p>A Proposer may further opt to provide information to substantiate a “backup” point of interconnection, but this is not required and is at the discretion of the Proposer and will not be the subject of a Proposal’s evaluation.</p>

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Interconnection & Delivery	12	Please provide guidance on how to reflect multiple points of interconnection in the ODF for a given proposal. Does each point of interconnection have to be at least 400 MW, or is it acceptable that the total capacity be at least 400 MW?	Per Section 2.1.3, Each Proposal must be for ORECs delivered from an Offshore Wind Generation Facility with an Offer Capacity of at least 400 MW and up to 2,500 MW. Furthermore, Project eligibility requirements do not preclude the option to propose two or more interconnection points in New York City and/or Long Island as may be necessary to reasonably minimize interconnection costs.
Environment	13	Sec. 2.2.5 states, "Proposers must agree, if awarded an Agreement, to provide financial and technical support to regional monitoring of wildlife and key commercial fish stocks through a minimum contribution of \$10,000 per megawatt of Operational Installed Capacity." Of this amount, half is to be used in support of regional monitoring of key commercial fish stocks, and the other half is to be used in support of regional monitoring of wildlife. Is the \$10,000 per megawatt requirement in addition to any financial commitments made in a Proposer as part of its Fisheries Mitigation Plan and Environmental Mitigation Plan? Stated differently, if the financial commitments included in a selected Proposer's Fisheries Mitigation Plan and/or Environmental Mitigation Plan satisfy the dollar value requirements and subject matter requirements, to the satisfaction of NYSERDA, will these commitments count for the purposes of Sec. 2.2.5?	Yes, the financial commitments in the Proposer's Fisheries and Environmental Mitigation Plans (D4 and E4) can also satisfy the required financial and technical support in Section 2.2.5, upon NYSERDA approval. Any supplementary financial commitments (beyond those required by Section 2.2.5) made under D4 or E4 will be favorably considered under Project Viability during the Proposal review process.
Environment	14	Does NYSERDA intend the Sec. 2.2.5 \$10,000 per megawatt commitment to be a single lump-sum payment or divided into annual/monthly installments? What time period are the committed funds expected to cover?	The manner in which the financial commitment is paid is not addressed. However, per section 12.10 of the Standard Form Offshore Wind Renewable Energy Certificate Purchase and Sale Agreement: " <u>Within two years of the Effective Date, Seller shall provide financial commitment for monitoring key commercial fish stocks and wildlife of conservation concern in an amount no less than \$10,000 (ten thousand dollars) per MW of Offer Capacity.</u> "
Environment	15	Sec. 6.4.18 states, "In fulfillment of which, the Proposal should demonstrate a commitment to understanding the carbon footprint of the Proposed Project overall and a description of how, by design, the Project is actively seeking opportunities to reduce the amount of embodied carbon. To begin to provide some basic accountability for embodied carbon, the Proposal must describe the efforts undertaken by the Proposer, including any tools or methodologies used, to better understand and consider carbon intensity in design, sourcing and construction, and the	Proposers are encouraged to provide sufficient detail to fully describe their commitment to understanding the carbon footprint of their proposed project. This could, but is not required to include, quantitative analysis of all or part of the proposed project.

Category	Q.	Question	Response
		steps that have been taken to minimize carbon emissions, including embodied carbon, from the proposed Project.” Does NYSERDA expect a quantitative analysis in addition to the qualitative analysis described above for this section?	
Environment	16	For the purposes of the carbon emissions and embodied carbon section, please explain whether NYSERDA will differentiate between emissions that occur within New York and those that occur outside of the state?	For the purposes of this solicitation, in section 6.4.18, NYSERDA will not differentiate between carbon emissions occurring within and outside of New York State.
Environment	17	Section 6.4.16 of the RFP requires a visibility study that presents visual simulations of the proposed Offshore Wind Generation Facility from the nearest coastline. If other planned offshore wind projects lie along the site-line from the nearest shoreline, should they also be included in the simulations?	Section 6.4.16 states that all Proposals must include a visibility study that presents visual simulations of the proposed Offshore Wind Generation Facility. The visibility study should be configured to represent a commercially-scaled and technically feasible scenario that is consistent with the proposed Project present a representation of the proposed Offshore Wind Generation Facility at the time of operation, including all other Facilities that can reasonably be anticipated of being constructed within the viewshed prior to the proposed Project's commercial operation date.
Environment	18	Sec. 3.2.9 states, “[p]roposals that use of [sic] acoustically “quiet” foundation design or foundation installation technology solutions that reduce acoustic stress to sensitive marine life may receive higher Project Viability scores.” Sec. 6.4.18 expresses a preference for mitigating the carbon footprint of the Proposals, including embodied carbon. Given that some of the methods used to achieve acoustically “quiet” foundation designs also involve a more significant carbon footprint, including embodied carbon, how does NYSERDA plan to weigh these two considerations relative to each other?	Section 3.2, Project Viability (non-price evaluation), makes up 10 points of the overall Proposal score and considers a portfolio of factors (3.2.1-3.2.12). Any one Viability factor will be evaluated in the context of all other Project Viability factors and the overall proposed Project.
Exclusivity Provision	19	Page 16 of the RFP states, “A Proposer may not condition the acceptance of one Proposal based on the withdrawal or acceptance of other Proposals. All Proposals from a given lease area will be mutually exclusive.” Would NYSERDA give an award to two separate OSW projects from two separate OSW developers that interconnect to the same point of interconnection? If so, would a developer be able to re-price their selected project under such scenario to account for the fundamentally changed project economics?	Per the evaluation process detailed in Section 5.2 Portfolio Evaluation; Consideration of Commission Objectives, NYSERDA has the ability to consider portfolio synergies or conflicts consistent with the program policy factors listed. For this question, the relevant program policy factors include: <ul style="list-style-type: none"> <li>• The efficient utilization of key transmission points of interconnection and project selections that will promote the cost-efficient integration of 9 gigawatts of offshore wind;</li> <li>• Reliability and geographic benefits and/or costs in the NYCA, and the reduction of execution risk through diversity;</li> </ul>

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			<ul style="list-style-type: none"> <li>Public health benefits of reducing local air contaminants by displacing fossil generation in downstate New York; and</li> </ul> <p>Economic and environmental tradeoffs related to accelerated fulfillment of the CLCPA’s 9,000 MW offshore wind procurement goal earlier versus the potential OREC cost reduction in future procurements due to technology progress, offshore wind transmission infrastructure development, and supply chain efficiencies serving New York.</p>
Exclusivity Provision	20	Section 2.1.3 of the RFP states: “All Proposals from a given lease area will be mutually exclusive.” Does this mean that if a developer submits multiple Alternate Proposals from the same lease area that the developer must be able to accommodate the cumulative capacity of all Alternate Proposals in the same lease area? Or, can developers submit multiple Alternate Proposals that utilize the same or similar portions of a given lease area, but utilize different points of interconnection, economic benefits packages, and/or nameplate capacities?	The exclusivity referred to under Section 2.1.3 refers to a Proposal’s ability to wholly commit a project to New York State. A Proposer may use the same lease area and associated generation capacity with different technical and economic benefit configurations as Alternate Proposals in responding to this RFP. Similarly, a Proposer may also use other common assets, such as interconnection points or ports in submission of its Required Base and Alternate Proposals. Proposers are encouraged to clarify via the Proposal Narrative any interactions between Proposals that will render them as duplicates and the impossibility of their mutual award. NYSERDA, in conducting its Portfolio Evaluation NYSERDA will consider such compatibility – or incompatibility.
Exclusivity Provision	21	The definition of the term “Proposal” specifies that it includes an “associated Port Infrastructure Investment Plan(s).” Given that a Required Standalone Proposal, by definition, does not include a Port Infrastructure Investment Plan, please confirm the exclusivity provision does not apply to the Required Standalone Proposal (i.e., the Required Base Proposal and the Required Standalone Proposal can rely on the same MWs).	Confirmed. Please see the response to Q20.
Exclusivity Provision	22	The 2020 OREC Solicitation specifies that a Proposer may propose “two or more interconnection points in New York City and/or Long Island as may be necessary to reasonably minimize interconnection costs.” (See Solicitation at 16.) Please confirm that the exclusivity provisions do not apply to alternative interconnection proposals (i.e., bids proposing multiple interconnection points can utilize the same MWs).	Confirmed. Please see the response to Q20.

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Exclusivity Provision	23	Rather than prescribing a Proposer from conditioning its offer in response to the 2020 OREC Solicitation to account for the procurement activities of any other State that is presently, or will subsequently be, engaged in the procurement of offshore wind, did NYSERDA consider including a requirement for Proposers to list all pending or expected bid submissions thereby permitting NYSERDA to weigh this information relative to all Proposers when assessing the bids submitted?	This consideration is not featured in ORECRFP20-1. We appreciate the input and will look forward to ongoing consultation with stakeholders and the offshore wind industry upon conclusion of this current solicitation.
Eligibility	24	Planning for deployment of storage jointly with OSW can facilitate integration of OSW and reduce costs and curtailments, which would ultimately improve potential bid price. Can bidders provide Alternate Proposal that includes partnership with energy storage developers to improve bid price?	<p>ORECRFP20-1 prioritizes the deliverability of Offshore Wind Renewable Energy Certificates (ORECs) to the New York Control Area.</p> <p>Where a project can economically integrate complementary technologies, such as storage or other forms of complementary energy solutions, and satisfy sections the RFP's Interconnection and Delivery Requirements (Sections 3.2.6 and 6.4.8) such proposals are welcome to any of the Proposals made pursuant to this RFP.</p> <p>Such "value-add" proposals may also be considered by NYSERDA through the program policy factors listed in section 5.2 Portfolio Evaluation; Consideration of Commission Objectives, specifically:</p> <ul style="list-style-type: none"> <li>• The efficient utilization of key transmission points of interconnection and project selections that will promote the cost-efficient integration of 9 gigawatts of offshore wind;</li> <li>• Reliability and geographic benefits and/or costs in the NYCA, and the reduction of execution risk through diversity;</li> <li>• Public health benefits of reducing local air contaminants by displacing fossil generation in downstate New York; and</li> <li>• Economic and environmental tradeoffs related to accelerated fulfilment of the CLCPA's 9,000 MW offshore wind procurement goal earlier versus the potential OREC cost reduction in future procurements due to technology progress, offshore wind transmission infrastructure development, and supply chain efficiencies serving New York.</li> </ul> <p>Proposers seeking to integrate such solutions are encouraged to address the above program policy factors in their Proposals to the extent applicable.</p>

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Eligibility	25	NYSERDA's OREC RFP does not mention energy storage. Is there an opportunity for energy storage to be implemented using port infrastructure funds?	Please refer to the response to Q24 and further note Appendix C.2, Section C.2.D Eligible Port Expenditures for clarity on eligible types of tangible assets required for the development of port infrastructure to support the offshore wind industry for which New York State is offering funding via this RFP.
Eligibility	26	Would 'Alternate Standalone' proposals be considered eligible for an award by NYSERDA? Can Proposers submit more than one Required Standalone Proposal or offer the Required Standalone Proposal in different configurations (e.g., lower/higher nameplate capacity)?	<p>Yes. Alternate Proposals may propose alternative Port Infrastructure Investment Plans than the Required Base Proposal as well as alternate sizes or other technical configuration or economic benefits packages than the Required Standalone Proposal. In the coming days, NYSERDA will be adjusting its Master Offers Form and Offer Data Forms (Appendices G, H) to better reflect the eligibility of such (standalone) Alternate Proposals.</p> <p>Proposers are nevertheless reminded of the RFP's stated priority to deliver a coordinated solution to the priorities of enabling offshore wind projects in New York and those activities, expenditures, and investments that serve to improve New York State's offshore wind-supporting infrastructure – including, specifically, the investment of up to \$200 million in New York State Funding in port infrastructure (Section 2.1.3).</p> <p>Proposers are further referred to Section 5.1.2, which acknowledges the sequestration of the Required Standalone Proposal and confirms that such projects will only be considered for award if New York State has fulfilled its goal of port infrastructure investment through award(s) to another Proposal(s) through this Procurement.</p>
Eligibility	27	Will the Standalone and Alternates proposals be reviewed if the Port Infrastructure Investment Plan associated with the Required Base Proposal is not deemed investment worthy?	<p>The Required Standalone Proposal and Alternate Proposals will be reviewed if the Port Infrastructure Investment Plan (PIIP) associated with the Required Base Proposal is not deemed investment worthy.</p> <p>For additional clarity, any Alternate Proposal that involves a PIIP will only be reviewed if its specific PIIP is deemed investment worthy.</p>
Economic Benefits	28	Are investments committed to by third-party entities, such as suppliers or ports, that are triggered through an agreement with the Proposer as part of one or more of their Proposals that would accrue subsequent to an Award under this RFP eligible for inclusion as Incremental Economic Benefits? Or, are only those investments made directly by the Proposer eligible for inclusion?	<p>Expenditures by third-party entities, such as suppliers or ports, satisfy the RFP's definition of Incremental Economic Benefits.</p> <p>In submitting an Economic Benefits Plan, it is incumbent upon the Proposer to demonstrate compliance with the terms provided in Sections 3.3, 6.4.17, and Appendix C.1. Those claims, which are inadequately supported or otherwise fail to demonstrate full compliance, will be considered ineligible.</p>

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Economic Benefits	29	Section C.1.B of Appendix C.1 states: "For the purposes of Proposal evaluation, Proposers may additionally claim Incremental Economic Benefits that extend through the Contract Tenor, however such claims will be evaluated based upon the firmness and credibility of the representations that support the likelihood of their achievement." Are local expenditures associated with the operation and maintenance of the Project beyond the first three Contract Years eligible for inclusion as an Incremental Economic Benefit Claim?	Yes. Local expenditures associated with the operation and maintenance of the Project beyond the first three Contract Years are eligible for inclusion as an Incremental Economic Benefit Claim (see Appendix G Offer Data Form, Tabs V-1 and V-2).
Economic Benefits	30	The RFP defines Incremental Economic Benefits as "Those economic benefits within the categories specified in Appendix C.1 that a Proposer can demonstrate: (1) will accrue subsequent to an award under this RFP; (2) would not have accrued but for the award of a contract under this current RFP; (3) do not represent any economic benefits accrued pursuant to an award under any prior New York State RFP, including for the avoidance of doubt, any Contingent Economic Benefits (such term as defined in ORECRFP18-1); and (4) do not include any New York State Funding." Can Proposers claim as Incremental Economic Benefits those benefits associated with use of port facilities and/or supply chain capabilities enabled by an Award under this RFP but associated with already contracted volume?	In submitting an Economic Benefits Plan, it is incumbent upon the Proposer to demonstrate compliance with the terms provided in Sections 3.3, 6.4.17, and Appendix C.1. Those claims, which are inadequately supported or otherwise fail to demonstrate full compliance, will be considered ineligible.
Economic Benefits	31	Appx. C.2.C states, "For the avoidance of doubt, New York State funds cannot be counted as part of a Proposal's Economic Benefits Plan or Claims; however, the economic outcomes that are attributable thereto may be counted." Appx. C.2.C.4 states, "This section of the Port Infrastructure Investment Plan should also describe the Proposer's overall financing plan to support the Proposed Site Investment, including its request for New York State Funding, any other government financial support, and any private capital." Appx. C.2.C.7 states, "[m]atching private capital investments are eligible for inclusion in," Category 1P and 2P Economic Benefits. May "other government financial support" from a governmental entity other than New York State (a city, a port authority, a regional development corporation) be counted as part of a Proposal's Economic Benefits Plan?	For the purposes of private capital matching in Port Infrastructure Investment Plans, governmental funding, with the exception of New York State Agency funding, is eligible to comprise part of a Proposal's value stack.  For the purposes of the Economic Benefits Plans and Eligible Claims, no funding from any New York State government entity will be considered eligible.

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Economic Benefits	32	Are incremental firm commitments to purchase goods and services in New York State associated with existing contracted projects or future projects to be developed by the Proposer that will accrue during the Contract Tenor of the Project eligible for inclusion as an Incremental Economic Benefit Claim?	As noted in response to Q30, in submitting an Economic Benefits Plan, it is incumbent upon the Proposer to demonstrate compliance with the definitions provided in the RFP. In response to this question, compliance with (1) and (2) in this definition are particularly relevant. Those claims, which are inadequately supported or otherwise fail to demonstrate full compliance, will be considered ineligible.
Economic Benefits	33	If Proposer A has plans to make purchases or other expenditures related to a port that is receiving, or has received, support through NY State funding under a Port Infrastructure Investment Plan submitted by Proposer B, can those expenditures be included as Category 1 benefits by Proposer A?	See response to Q30. In response to this question, compliance with (1) and (2) in the RFP's definition of Incremental Economic Benefits are particularly relevant
Economic Benefits	34	How will NYSERDA separate out and account for the economic benefits associated with ports and local manufacturing that were pledged in the winning bids in response to the 2019 Solicitation as compared to proposals submitted in this solicitation?	As noted in response to Q30, in submitting an Economic Benefits Plan, it is incumbent upon the Proposer to demonstrate compliance with the definitions provided in the RFP. In response to this question, compliance with particularly item (3) in this definition is relevant. Those claims, which are inadequately supported or otherwise fail to demonstrate full compliance, will be considered ineligible.
Economic Benefits	35	Section C.2.C.7 requires that Proposers "provide an estimate of the Incremental Economic Benefits that would result from successful execution of the Proposed Site Investment and Proposed Site Activity." Can existing commitments from the projects selected under ORECRFP18-1 to utilize pre-qualified ports for project-specific activities be claimed as Incremental Economic Benefits in the Port Infrastructure Investment Plan?	Please see the responses to Q30 and Q34.
Economic Benefits	36	Appendix C.1.A Types of Eligible Economic Benefit Claims: <ul style="list-style-type: none"> <li>Category 1 – If a manufacturing facility is established at a port location for which a Port Infrastructure Investment Plan is being submitted, is it correct that these investments would NOT be considered a Category 1 economic benefit, but rather a Category 2 economic benefit? What about if the manufacturing facility purchases raw materials or equipment in New York State – are those inputs considered Category 1 economic benefits or Category 2?</li> <li>Category 2 – Is it correct that a manufacturing facility for offshore wind components that is established at a location for which a Port Infrastructure Investment Plan is being submitted</li> </ul>	<p>Eligible Economic Benefit Claims that <u>are</u> predicated upon New York State Funding of a Port Infrastructure Investment Plan are considered Category 2 economic benefits.</p> <p>Eligible Economic Benefit Claims that are <u>not</u> predicated upon New York State Funding of a Port Infrastructure Investment Plan are considered Category 1 economic benefits.</p> <p>These distinctions apply to raw materials and/or equipment. All expenditures are further subject to the response per Q37 and Proposers should be sure to demonstrate any conditionality of the economic benefit claims made upon New York State Funding of a Port Infrastructure Investment Plan in the Economic Benefit Plan as an accompaniment to the Proposal Narrative.</p>

Category	Q.	Question	Response
		would be considered a Category 2 economic benefit?	
Economic Benefits	37	What are the specific metrics by which economic benefits will be compared across applications (for example, \$/MW or \$/MWh, or perhaps based on a percentage of the total in-state spending and jobs per the total proposal expenditures)?	As stated in Section 3.3 of the RFP, to facilitate a standardized comparison by the Scoring Committee between Proposals with larger or smaller Offer Capacities, for Categories 1 and 2 the total of such adjusted claimed expenditures will be unitized by dividing each Proposal's eligible claims by the Offer Capacity set forth in the Proposal.
Economic Benefits	38	How will economic benefits be evaluated relative to the scale and total costs of the project? Will economic benefits be weighed on a cost-benefit basis so that smaller projects that deliver relatively higher economic benefits are recognized and scored accordingly?	Please see response to Q37.
Economic Benefits	39	Sec. 6.4.17 states, "The Proposal Narrative should include a high-level narrative summary of the Economic Benefits Plan for each Proposal included in the Submission. The Economic Benefits Plan for each Proposal should be submitted in a separate required Economic Benefits Plan attachment." If a Proposer holds two BOEM leases and plans to offer capacity from both lease areas into the 2020 RFP – and capture the various efficiencies gained through shared resources (O&M personnel, onshore base, port facilities, etc.), should the economic benefits be allocated between the activities associated with each lease area or calculated cumulatively?	Per the response to Q8, Proposers seeking to submit a Proposal that reflects an aggregated capacity from one or more leases, the economic benefits associated should reflect that cumulative capacity recognizing that the evaluation will be of the Proposal as a unit and not its composite parts.
Supply Chain & Procurement	40	As a Long Island based manufacturer, I am trying to find out more about how I can get my products to a port facility that will service the OSW industry. It appears that NJ and other states have a competitive edge in this regard. Is there any financial incentive packages being discussed for manufacturers like my company (we make precast concrete products) that we help us with logistics and shipping products to ports used for the OSW	As in 2018, ORECRFP20-1 continues to support supply chain localization in New York State and the procurement of goods and services from New York based suppliers through the RFP's overall weighting of 20% economic benefits that specifically support in-state expenditures.  Furthermore, the New York Supplier Opportunity (Section 2.2.10) obliges an awardee pursuant to this solicitation to provide New York companies with the

Category	Q.	Question	Response
		industry? would be able to either rent space at South Brooklyn Marine Terminal or rent space in Port Jefferson?	<p>opportunity to offer to provide goods and services to developers and suppliers of the Project for which there is capability in New York State.</p> <p>Specifically, Proposers must communicate all opportunities for contracts with an anticipated contract value of \$5 million or greater not already committed at the time of offer submission to New York State companies, including MWBE and SDVOB, registered to the <a href="#">New York Offshore Wind Supply Chain Database</a> maintained by NYSERDA and provided to contract awardees, except for the provision of goods and services that cannot practically be performed by the New York State supply chain at this time.</p> <p>In addition, Empire State Development, New York State’s economic development agency, offers many comprehensive grant and investment programs to help support local business and recognize offshore wind as a strategic program for the State.</p> <p>We appreciate the input and will look forward to ongoing consultation with stakeholders and the offshore wind industry upon conclusion of this current solicitation.</p>
Supply Chain & Procurement	41	<p>Please clarify NYSERDA’s supply chain requirements as follows:</p> <p>a. For subcontracts that are greater than \$5M USD how do we engage with sub-contractors that we have not yet pre-qualified (for things like safety, quality, financial, labor, legal and regulatory compliance etc.) under our corporate policies and which have the capabilities and experience to execute the work we are soliciting?</p> <p>b. Is the requirement to post the contract opportunities still necessary even if we are already using the contractors listed in the registry? (The subcontractors we are soliciting from are already in the NYSERDA registry and are New York based and have completed our qualification process)</p>	<p>Regarding (a.) please see response to Q40 above, noting the obligation is to offer to provide goods and services to developers and suppliers of the Project for which there is capability in New York State.</p> <p>Regarding (b.): no, if New York based contractors are already being solicited, then there is no obligation to post the work.</p>
Agreement	42	Could NYSERDA please provide an illustrative example of how the Mitigation Factor adjustment mechanism (Appx. F, Sec. 4.3(a)(iii)(D)) will be applied in practice if a selected project is subject to buyer-side mitigation?	Under Section 4.3(a)(iii)(D), the mitigation factor provision is triggered if buyer side mitigation is applied to the Applicable Zone and Applicable Class Year in a manner that has the effect of excluding one or more offshore wind generators from participating at their full capacity in the NYISO Capacity Market. Under current NYISO tariff provisions (Master Services Tariff, Att. H), such a case would only arise if the amount of capacity available under the Renewable Exemption were less than the amount of capacity submitted in that Class Year by Qualified Renewable Exemption Applicants (and would be allocated pro rata among them). For example, if the renewable exemption available in a given Class

Category	Q.	Question	Response
			Year were 800 MW and the total capacity supplied by Qualified Renewable Exemption Applicants relying on that exemption was 1,000 MW, each project relying on the Renewable Exemption would have 80% of its UCAP covered by that exemption. In such a case, the mitigation factor would be 0.8 and would have the result of diminishing the Capacity Reference Price by 20%.
Agreement	43	In the event that a bidder changes the zone to which it is interconnecting post-award/contract execution, please explain how this would be handled in calculating the reference capacity and energy prices.	The executed agreement will specify the Applicable Zone in Article I (Definitions). If the seller wishes to change the Applicable Zone, a contract modification would be required. NYSERDA understands that aspects of a project may change during the development and siting process and NYSERDA would be as accommodating as possible in such a circumstance. However, in no case would NYSERDA agree to a contract modification that increased the LNOC for the Selected Project. Therefore, were the project to move from a Delivery Point in a higher-priced zone to one in a lower-priced zone, a corresponding reduction in the Index REC Strike Price may be required.
Agreement	44	Please confirm under Section 12.11 of the OREC Agreement that there is no relief from the Expected Total Dollars commitment associated with port investment/activity in the scenario that port infrastructure is delayed and unavailable for the Proposer's OSW project.	Correct.
Agreement	45	Please confirm that if a project is phased, each phase will have a 20 or 25-year full contract term.	Correct. The Standard Form Agreement contemplates a single-phase project but would be modified accordingly if a multi-phased project were selected for award.
Agreement	46	The RFP defines the Outer Limit Date as "A backstop date upon which the Contract Delivery Term ends regardless of whether the full Contract Tenor has elapsed. If the Contract Tenor is 20 years, the Outer Limit Date is January 1, 2049. If the Contract Tenor is 25 years, the Outer Limit Date is January 1, 2054." Does this definition mean that the latest allowed Commercial Operation Date without reducing the Contract Tenor for any proposed Project is December 31, 2028?	Correct, unless the Outer Limit Date were extended under Section 12.11.

Category	Q.	Question	Response
Agreement	47	Other than as provided in Section 12.11 of the Agreement, is there any allowable reason for which the Outer Limit Date could be extended?	No.
Agreement	48	The Agreement does not appear to address potential delays to achievement of critical milestone dates, including the Commercial Operation Date. Can NYSERDA clarify how delays to the Commercial Operation Date would be handled under the Agreement? For example, if the proposed Commercial Operation Date was June 30, 2026, and at some point subsequent to Award and execution of the Agreement, delays in federal permitting delay the Commercial Operation Date by 12 months to June 30, 2027. How would this be handled under the Agreement?	The Agreement does not prescribe a Commercial Operation Date. Assuming the project had met the requirements of Sections 13.01(e)&(f), the consequence of a one-year delay would be the provision of escalating contract security per Article XV. Further, a project that is delayed beyond a certain point would face a commensurate reduction in the contract tenor by operation of the Outer Limit Date.
Agreement	49	Will the Seller receive relief under Section 12.11 or related provisions in the Standard Form PSA if there is a shortfall in awarded New York State Funding that Seller relied on and which might impact one or several ports included in its Port Infrastructure Investment Plan?	If a shortfall in public funding results in the port facilities not being available or suitable for the seller's use by the applicable date, and if such shortfall is through no fault of seller as per the terms of Section 12.11, then Seller may be excused from its obligations under Section 12.11 and Exhibit L.
Price	50	Please explain how points are awarded for the Pricing Evaluation, e.g. would a marginally higher LNOC (than the lowest bid LNOC) receive 60 points, or 65 points?	Eligible Proposals with a Fixed or Index LNOC below the applicable Benchmark LNOC will have their LNOC values converted into points. The Proposal with the lowest LNOC will receive the maximum 70- point score and higher LNOC offers will receive lower scores. NYSERDA will implement a method that ensures that the scores of Proposals with higher LNOCs are sufficiently dispersed below the maximum of 70 points such that the final score that aggregates price, viability, and economic benefits retains the intended scoring emphasis on price to the maximum reasonable extent. The distribution methodology will not be disclosed to bidders.
Price	51	Please explain the different revenue streams available to generators through this RFP?	This RFP will result in an awarded OREC contract, which will provide a long-term OREC revenue stream to the generator. The generator will also be able to earn revenue through wholesale markets or bilateral contracts, so long as the ORECs generated are transferred to NYSERDA. Common other revenue streams may include energy sales, capacity sales, and ancillary services.

Category	Q.	Question	Response
Ports	52	Are pre-qualified port facilities able to modify their footprints, relative to the as-bid footprint under RFQL 4259, for purposes of this RFP?	Pre-qualified port infrastructure facilities may expand or retract their site area from that which was proposed under RFQL 4259, so long as NYSERDA deems the as-bid site area to be, commercially and geographically, a permutation of the pre-qualified facility. If sites are uncertain about their eligibility, they should follow up with specific questions to <a href="mailto:offshorewind@nysesda.ny.gov">offshorewind@nysesda.ny.gov</a> .
Ports	53	Are Alternate Proposals that do not leverage at least \$100 million of New York State Funding eligible for an award?	Please see the response to Q26.
Ports	54	Please explain whether NYSERDA has a preference for grant funding or debt financing? Will grant and loan funding be weighted differently for purposes of evaluation?	NYSERDA does not have a preference for either form of New York State Funding beyond the evaluation mechanics described in the RFP. Due to the nature of the Cost Benefit Analysis, however, Port Infrastructure Investment Plans that request funding through New York State Assisted Financing will generally be evaluated more favorably than requests for funding for Reimbursement-Based Grant Funding. This is because, all else equal, requests for New York State Assisted Financing are generally expected to have a higher internal rate of return for New York State due to the repayment of principal and interest.
Ports	55	Will NYSERDA favor proposals that seek to leverage the full \$200 million in New York State Funding for port infrastructure over those that only seek to leverage the minimum required \$100 million?	Per Section 5.2, NYSERDA seeks to maximize the port infrastructure development in the State and to support real, persistent, and sustainable institutional and labor capabilities in New York State. A Proposal that seeks to leverage \$200 million in New York State Funding may be evaluated more favorably than a Proposal that seeks to leverage \$100 million due to increased economic benefits and an enhanced Cost Benefit Analysis.
Ports	56	At what stage will a Proposer's Required Standalone Proposal be disqualified if NYSERDA or its consultant determines that the Proposer's Required Base Proposal is deemed "Not Investment Worthy?" (See Solicitation at 38-39.)	If a Proposer's Required Base Proposal is deemed "Not Investment Worthy" due to the evaluation of the associated Port Infrastructure Investment Plan(s), that Proposal will be disqualified immediately. Please see also the response to Q27.

Category	Q.	Question	Response
Ports	57	Will NYSERDA provide bidders with notice regarding whether it intends to leverage Green Bank financing prior to the submission of bids?	NYSERDA will not notify bidders of the availability of incremental NY Green Bank Financing prior to bid submission.
Ports	58	Are the "Proposers" referred to in Appendix C.2 the pre-qualified ports or the developers submitting proposals in response to ORECRFP20-1?	"Proposer" refers to a developer submitting Proposals under ORECRFP20-1.
Ports	59	Who is applying for and receiving the New York State funding for eligible expenses from NYSERDA – the port or the developer? If it is the developer is the Proposer that is requesting the New York State funding, does NYSERDA expect the developer to be responsible for eligible expenditures and also be the entity that is reimbursed for such expenditures?	While a Proposer is responsible for compiling any Port Infrastructure Investment Plans, New York State Funding will be awarded to the entity identified in the "Proposed Site Investment" portion of the Port Infrastructure Investment Plan. As noted in Section C.2.C.4, Proposers should "clearly identify the Port Infrastructure Investment Plan's Funding Recipient. The Funding Recipient will be responsible for execution of the Proposed Site Investment."
Ports	60	How will port investments pledged in the 2020 OREC solicitation be considered in future solicitations?	NYSERDA cannot speculate about the structure of future solicitations but confirms that investment dollars cannot be counted more than once. We will look forward to ongoing consultation with stakeholders and the offshore wind industry upon conclusion of this current solicitation.
Ports	61	Will NYSERDA give preference to underdeveloped ports that can host manufacturing?	Port Infrastructure Investment Plans and Proposals will be evaluated according to the criteria noted in the RFP.
Ports	62	If a Proposer holds two BOEM leases and plans to offer capacity from both lease areas into this RFP, may a single Port Infrastructure Investment Plan be used for Proposals for each lease area? Additionally, may a single Port Infrastructure Investment Plan support the development activities associated with both lease areas, or is the development of each lease area considered a "different	Each Proposal must include its own Port Infrastructure Investment Plan(s) and cannot reference the Port Infrastructure Investment Plan(s) associated with other Proposals. However, Port Infrastructure Investment Plans may be identical between Proposals.

Category	Q.	Question	Response
		approach” requiring a separate Port Infrastructure Investment Plan for each?	
Ports	63	Will funds from a governmental entity other than New York State (a city, a port authority, a regional development corporation, etc.) be considered “private capital” for purposes of the matching calculation? Will NYSERDA clarify which types of funding (or the funding from which organizations) are considered “other government financial support”?	Please see the response to Q31.
Ports	64	Are the private capital investments that may be counted as matching funds exclusive or cumulative? As an example, please explain the total amount of private funding that would be required if an entity requests \$100 in Grant Funding and \$100 in New York State Assisted Financing.	Requirements for matching funds are specific to each funding category. Requests for Grant Funding must be matched \$1.25-for-\$1.00 with private capital investments in the same port facility; and requests for New York State Assisted Financing must be matched \$0.75-for-\$1.00 with private capital investments. If a Proposer requested \$100 million in Grant Funding and \$100 million in New York State Assisted Financing, they would be required to provide a total of \$200 million in private capital investments.
Ports	65	If market-based funding becomes available prior to the disbursement of state funding that is cheaper (i.e., has a lower interest rate) than state funding, would NYSERDA permit a proposer to use alternative debt financing in order to reduce the cost of the project?	A proposer should reflect such questions in their optional redline to the OREC Agreement and seek to discuss such treatment during the contract negotiations phase in the event that a provisional award is made.
Ports	66	May a Port Infrastructure Investment Plan only request grant or debt financing?	A Port Infrastructure Investment Plan may request Grant Funding, New York State Assisted Financing, or a combination of the two. So long as the aggregate Proposal (if it is a Required Base Proposal or an Alternate Proposal) requests at least a total of \$100 million in private capital investments.
Ports	67	Are the investments associated with "private capital investments" limited to “Eligible Expenses” or are a wider range of investments at the port permissible for matching purposes?	Required funding from private capital investments is limited only to Eligible Expenses.

Category	Q.	Question	Response
Ports	68	While the aggregate Port Infrastructure Investment Plans associated with each Proposal must request at least \$100 million of New York State Funding, may individual Port Infrastructure Investment Plans request less than \$100 million?	Individual Port Infrastructure Investment Plans may request less than \$100 million of New York State Funding so long as the aggregate Port Infrastructure Investment Plans in any single Required Base Proposal or Alternate Proposal total at least \$100 million of requested New York State Funding. There is no upper limit (beyond the 11 pre-qualified port infrastructure sites) to the number of Port Infrastructure Investment Plans submitted.
Ports	69	Appendix C.2, Section C.2.D, states, “New York State Funding will generally not be offered for other expenses (“Non-Eligible Expenses”), including but not limited to historic expenses for work already performed, financing costs, land acquisition costs, wetland mitigation, building and/or equipment costs, legal costs, and operational costs.” Given the word ‘generally’, under what scenarios would funding be eligible outside of the 8 items listed in Section C.2.D? Would any expense that is critical to the ultimate operations of the port and advances the local offshore wind supply chain be an eligible expense which could receive New York State Funding?	NYSERDA will review claimed Eligible Expenses on a case-by-case basis and will notify Proposers if any claimed Eligible Expenses are instead considered to be Non-Eligible Expenses.
Ports	70	If a Proposal spreads the required \$100 million in New York State Funding across multiple Port Infrastructure Investment Plans, i.e. multiple different ports under a single Proposal, then does the required matching of private capital need to follow the requested New York State Funding dollar for dollar at each port, or can the matching funds simply sum to the necessary value across the various ports?	As described in Section 2.1.2 of the RFP, requests for New York State Funding must be matched with private capital investment (at the levels described in that section of the RFP) in the same Eligible Port.
Ports	71	Can the Funding Recipient in Appendix C-2 differ from the Proposer? If so, what documentation will the Funding Recipient execute in connection with New York State Funding?	The Funding Recipient identified in the Port Infrastructure Investment Plan may be a different entity than the Proposer. An awarded Port Infrastructure Investment Plan will result in an agreement between the identified Funding Recipient and the New York State Funding entity.
Ports	72	Is the Proposer expected to be responsible for tracking Eligible Expenses incurred for port redevelopment?	Tracking and management of funds will be governed by the agreement entered into between the Funding Recipient and the New York State Funding entity (NYSERDA).

Category	Q.	Question	Response
Ports	73	Is the Proposer expected to be a party to and/or be responsible for definitive agreements between the port and NYSERDA for use of New York State funding?	A Proposer is not required to be party to an agreement entered into between the Funding Recipient and the New York State Funding entity (NYSERDA).
Ports	74	Can NYSERDA clarify what constitutes Final Completion of the Proposed Site Investment? Is it the date upon which a port makes the final decision to fund a proposed port redevelopment, the date upon which a proposed port redevelopment is completed, or another milestone?	The specific definition of a Proposed Site Investment's Final Completion will be negotiated during the award process. However, this milestone can generally be thought of as the "Commercial Operation Date" of the port facility.
Ports	75	Are matching private capital investments associated with a port's funding request allowed to be used for expenses not included in the eligible port expenditures such as buildings and/or equipment, or are both requested funding (regardless of funding type) and associated matching private capital limited to the eligible port expenditure categories included in Section C.2.D of Appendix C.2?	The definition of "Eligible Expenses" applies to both New York State Funding as well as private capital that is used to fulfill matching requirements.
Ports	76	What are the loan terms for NY State Assisted Financing offered to develop a Port Infrastructure Investment Plan? The RFP suggests that the interest rate will depend on a competitive evaluation of the Port Infrastructure Investment Plans submitted by proposers.	Part VII of the Port Infrastructure Investment Plan Data Form requires Proposers to provide proposed terms, including interest rate and tenor, for New York State Assisted Financing. After the Award Notification Date, the Proposer and NYSERDA may negotiate these terms based upon competitive evaluation of the Port Infrastructure Investment Plan.
Ports	77	Are manufacturing building costs (manufacturing halls, storage, office space, etc.) at port facility locations eligible for New York State Funding?	As noted in Section C.2.D of Appendix C-2, "building and/or equipment costs" are Non-Eligible Expenses under this RFP.
Ports	78	Regarding Appendix C.2.C.7 Economic Benefits, would the investment in manufacturing facilities at an Eligible Port be considered a Category 2P non-project specific economic benefit while the value of products fabricated at such a facility to supply the Project would be considered a Category 1P project specific economic benefit? Would the monetary value and job creation benefits of	Economic Benefits associated with supplying manufactured products to the project in question in the Proposal would be considered in Category 1P. Private investment in a port facility for infrastructure that will be made available for additional projects beyond the project referenced in the Proposal would be considered in Category 2P. Economic Benefits associated with supplying manufactured products to a non-NY State project would be considered in Category 2P.

Category	Q.	Question	Response
		products fabricated at such a facility and supplied to a non-NY State project also be considered a Category 2P non-project specific benefit?	
Ports	79	<p>Appendix C.2.D Eligible Port Expenditures:</p> <ul style="list-style-type: none"> <li>• Item #4 – Does this include subsurface structures and/or subgrade modifications to increase the bearing capacity as needed to construct a building, such as pilings? What about improvements to bearing capacity or surface treatments for storage purposes?</li> <li>• Item #4 – Would reinforcement of bridges or roads leading into the port for the purposes of component load-out be considered an eligible expense?</li> <li>• Item #6 – Does this include improvements to rail connectivity or rail spurs to facilitate activity at the site?</li> <li>• Item #6 – Given the improved operational safety and vessel flexibility of a mobile Roll-on/Roll-off ramp, can this type of mobile Ro-Ro solution be considered an eligible wharf structure for component load-out at the Port?</li> <li>• Item #6 – Can permanent or semi-permanent structures needed to assemble components for load-out be considered eligible wharf structures under this category?</li> <li>• Item #6 - Would utility upgrades/connections at the quayside to enable load in-load out of components be eligible expenses under this category?</li> <li>• Item #6 – Would a permanent crane used for load in/out of components be included in this category as an eligible wharf structure?</li> <li>• Item #8 – Do eligible surfaces include a pad upon which a manufacturing facility could be built? What about surface treatments for component storage areas?</li> </ul>	<p>In response to these questions:</p> <ul style="list-style-type: none"> <li>• Item #4 –Any sub-surface structures to increase bearing capacity will be deemed eligible.</li> <li>• Item #4 – Yes.</li> <li>• Item #6 – Yes.</li> <li>• Item #6 – Yes.</li> <li>• Item #6 – Permanent structures needed to assemble components for load-out will be considered eligible. Semi-permanent structures will be treated like buildings and/or equipment and will therefore not be eligible.</li> <li>• Item #6 – Yes.</li> <li>• Item #6 – Yes.</li> <li>• Item #8 – Yes, these would both qualify as eligible.</li> </ul>

Category	Q.	Question	Response
Ports	80	Will negotiations for New York State Assisted Financing terms be held between the Proposer and New York State or between the Funding Recipient and New York State?	Negotiations will take place between New York State and the Proposer. However, the Proposer may elect that the Funding Recipient participate in or lead these negotiations.
Ports	81	Will the Proposer or the Funding Recipient be evaluated for creditworthiness related to the Port Infrastructure Investment Plan?	The creditworthiness of the overall investment by New York State will be assessed. This will include a primary assessment of the Funding Recipient, but also of other counterparties (which may include the Proposer), underlying technologies, etc. as described in Section C.2.E.1 of Appendix C-2.
Ports	82	May the Proposer identify a port with one or two expected uses and commitments to funding and expenditures, but still be flexible on the Tier 1 or 2 tenants for the port?	Yes, a Port Infrastructure Investment Plan may include flexibility on final Tier 1 or Tier 1 tenants. However, this will be taken into account by New York State when evaluating the Port Infrastructure Investment Plan.
Ports	83	The following construction elements are not included in the Eligible Expenses nor explicitly excluded in the definition of Non-Eligible Expenses: Bulkheads, fendering, railings, utility Improvements (drainage, sanitary, water supply, electric), stormwater management practices, disposal of upland excavated materials, upland retaining walls, lighting, curbing, landscaping, and security fencing. Please confirm which, if any, of these can be included as Eligible Expenses.	Among these listed expenses, the following would be considered Eligible Expenses: bulkheads, fendering, railings, utility improvements, stormwater management systems, disposal of upland excavated materials, upland retaining walls, lighting, curbing, landscaping, and security fencing.
Ports	84	Please confirm whether utilities (e.g. sanitary, water, storm, electric) are included as Eligible Expenses.	Utilities, such as sanitary, water, storm, and electric, will be considered Eligible Expenses.
Ports	85	Please confirm that "private capital" can take the form of a debt or equity investment in port facility?	Yes, private capital investments can be in the form of debt or equity.

Category	Q.	Question	Response
Ports	86	Could eligible ports be combined for submissions?	A single Port Infrastructure Investment Plan may address only a single Eligible Port. However, a Proposal may include multiple Port Infrastructure Investment Plans.
Ports	87	May New York State Funding be used for more detailed planning studies and potential environmental constraints that may affect development?	No, these would be Non-Eligible Expenses.
Ports	88	Are Proposers expected to propose terms for New York State assisted financing including, the interest rate and debt term for any requested New York State Assisted Financing? If so, would requests for higher cost financing (i.e., providing New York State a greater return on its loan) receive a more favorable evaluation than requests for lower cost financing?	Proposers are required to complete the Port Infrastructure Investment Plan Data Form which includes various terms for New York State Assisted Financing. All else equal, A Port Infrastructure Investment Plan that includes a higher proposed interest rate for requested New York State Assisted Financing would be evaluated more favorably according to the Cost Benefit Analysis portion of the evaluation, per Section C.2.E.1 of Appendix C.2.
Ports	89	Are existing funding commitments for port infrastructure improvements made by the projects selected under ORECRFP18-1 eligible to be counted as matching private capital in a Port Infrastructure Investment Plan?	Existing contractual Economic Benefit commitments from awards made under ORECRFP18-1 are not eligible to also be counted as private funding commitments or as Economic Benefits under ORECRFP20-1.
Ports	90	Regarding Section C.2.E of Appendix C.2, please provide a definition of "investment worthy." Do technical factors for the port contribute to a project's investment worthiness? Or is investment worthy strictly a function of the financial criteria detailed in Section C.2.E?	Determination of a Port Infrastructure Investment Plan's investment worthiness will be determined strictly by the criteria included in Section C.2.E of Appendix C.2. This includes technical factors of the port facility, as noted in Section C.2.E.2.
Ports	91	The RFP states that port infrastructure plans "must seek to leverage at least \$100M in New York State funding" (p. 15) – is this a criterion that will be used to determine whether a port infrastructure plan is "investment worthy" or "non-investment worthy"? Does the determination of "investment worthy" apply to only the Reimbursement-Based Grant	If a Required Base Proposal or Alternate Proposal does not propose to leverage at least \$100 million in New York State Funding, that Proposal will not be eligible for an award. An individual Port Infrastructure Investment Plan may be deemed "not investment worthy" according to the terms in Appendix C.2, and this determination applies to both Reimbursement-Based Grant Funding and New York State Assisted Financing.

Category	Q.	Question	Response
		<p>funding, or also to New York State Assisted Financing?</p>	
Ports	92	<p>Can more than one proposal (in addition to the Required Standalone Proposal) be submitted without any Port Infrastructure Investment Plan? If more than one alternative standalone proposal can be submitted, i.e. multiple Standalone Proposals, then how should the Proposer set this up in the Offer Data Forms?</p>	<p>Please see the response to Q26.</p>
Ports	93	<p>Are Alternate Proposals required to include at least one Port Infrastructure Investment Plan?</p>	<p>Please see the response to Q26.</p>
Ports	94	<p>For the Required Standalone Proposal, please advise on which of the following scenarios should be assumed:</p> <ul style="list-style-type: none"> <li>a. That the suitable port(s) identified in the Required Base Proposal will be upgraded by other Proposers, and would be available</li> <li>b. That the cost of upgrading the port(s) identified in the Required Base Proposal should be fully borne by the Proposer submitting the proposal to use that port or ports</li> <li>c. That no Eligible Ports would be developed or available, and account for all costs associated with upgrading any alternative ports that are not Eligible Ports</li> </ul>	<p>The Required Standalone Proposal should not be preconditioned to any New York State Funding of any Eligible Port. For added clarity, any Eligible Ports (or Non-Eligible Ports) would need to be financed without New York State Funding.</p>
Ports	95	<p>Please confirm that Alternate Proposals and the Required Base Proposal may use the same project capacity (MWs).</p>	<p>Please see the response to Q20.</p>

Category	Q.	Question	Response
Ports	96	Can multiple Proposers include the same port in their development plans as part of their submission?	Yes, multiple Proposers can include the same Eligible Port in their Port Infrastructure Investment Plan(s).
Ports	97	Is the Proposer responsible and/or in any way legally or financially liable for ensuring that the proposed investment and redevelopment of a port associated with a Port Infrastructure Investment Plan is completed?	Please refer to Appendix F, the Offshore Wind Renewable Energy Certificate Standard Form Purchase and Sale Agreement, to review Proposer liabilities. Per Section 5.3 of the RFP, Proposers must negotiate a final version of the Agreement with NYSERDA.
Ports	98	Does NYSERDA expect developers to provide significant capital contributions for port infrastructure prior to the Project's Financial Close? Additionally, will NYSERDA favor developer capital contributions that occur earlier? Are there any requirements with respect to the timing of the application of developer capital contributions, New York State reimbursement-based grant funding, third-party contributions, and or the applicable port's own contributions?	NYSERDA requires requests for New York State Funding to including matching contributions of private capital according to the terms in Section 2.1.2 of the RFP. NYSERDA will evaluate the financing plan as part of its assessment of the viability of the Port Infrastructure Investment Plan, as described in Section C.2.E.2 of Appendix C-2. Generally, private capital contributions that occur earlier relative to other forms of funding will be evaluated more favorably as this will improve the viability of the financing plan. However, there are no requirements with respect to the timing of private capital contributions.
Ports	99	In the negotiation of the OREC Agreement and Exhibit L, who is responsible for legal fees?	Parties are responsible for their respective legal fees in support of the negotiation of the OREC Agreement and all Exhibits, including Exhibit L: Port Infrastructure Investment Plan. For additional clarity, NYSERDA and the NYS Funding parties will cover their own costs for legal support and the developer will cover their own costs for legal support. In preparing their Submission, Proposers should not build legal fees for NYSERDA and any associated legal fees for NYS Funding parties into their bid models.

Category	Q.	Question	Response
General	100	Who is responsible for the repayment of any requested assisted financing, the port or the Proposer?	The "Funding Recipient" identified in the Port Infrastructure Investment Plan will be party to the agreement with NYSERDA, who will distribute the awarded New York State Funding, and therefore will also be responsible for repayment of any New York State Funding (grant or financing).
Prevailing Wage / Project Labor Agreement (PLA)	101	Do the prevailing wage and PLA requirements under the RFP/OREC Agreement extend to the port redevelopment scope or just the offshore wind project construction activities?	The prevailing wage and PLA requirements set forth at Sections 18.10 and 18.11 of the OREC Purchase and Sale Agreement (Exhibit F) will be included in the port development agreement for any port development project that receives any portion of the \$200 million in New York State Funding identified in Section 2.1.2 of the RFP.
Prevailing Wage / Project Labor Agreement (PLA)	102	With regard to Sections 18.10 and 18.11 of Appendix F ("Prevailing Wage"), please confirm that prevailing wage and a Project Labor Agreement (PLA) would apply to major Tier 1 supply chain fabrication facilities including any such proposed in a Port Infrastructure Investment Plan? In addition, would it apply to Tier 2 suppliers in New York or other states? If not by ORECRFP20-1, are there related New York State regulations that will commit to the use of prevailing wages for new manufacturing/fabrication that receive contracts with significant New York State subsidies or related procurements?	Please see response to Q101.