

# Large Scale Renewables Request for Proposals



**NEW YORK**  
STATE OF  
OPPORTUNITY.

**NY Power  
Authority**

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# 1. Executive Summary

In support of the Climate Leadership & Community Protection Act (“CLCPA”) goal for New York State to achieve 70% renewable energy generation by 2030 and the additional expressed goal of reducing 100% of the electricity sector's greenhouse gas emissions by 2040, the New York Power Authority (the “Authority” or “NYPA”) is issuing this Request for Proposals (“RFP”) to solicit all products including Renewable Energy Credits (“RECs”), energy, and capacity from eligible large-scale renewable projects (“Projects”), as further defined in Section 3 of this RFP.

Eligible Projects include new wind or solar photovoltaic generating facilities physically interconnected into the New York Independent System Operator Zones A through K that have a Commercial Operation date on or after January 1, 2021 but prior to December 31, 2024

The products and terms being sought in this RFP will enable NYPA to meet the clean energy needs and goals of their customers in support of the CLCPA. NYPA serves a range of customers from state facilities to municipalities to large industrial businesses; accordingly, its customers have different renewable energy needs, ranging from meeting self-set goals of 100% renewable energy over the long-term to shorter-term renewable energy solutions.

Two key dates from the RFP schedule of events listed in Section 6 of this RFP are:

- **June 24, 2020 3:00 PM** a Proposers’ Webinar will be held to provide an overview of this RFP and take questions from interested parties.
- **August 17, 2020 by 4:00 PM** is the proposal due date.

As further described in Section 5 of this RFP, proposals will be evaluated on the basis of specified criteria and economic analysis. Projects offering the best value in terms of cost, revenue and quality will receive the highest consideration for selection by the Authority.

## 2. Introduction

### 2.1 NYPA BACKGROUND

The New York Power Authority is the nation's largest state-owned public power organization, operating 16 generating facilities and more than 1,400 circuit-miles of transmission lines in New York State. More than 70% of the electricity the Authority produces is clean renewable hydropower. Its lower-cost power production and electricity purchases support hundreds of thousands of jobs throughout the state. The Authority is a national leader in promoting energy efficiency, renewable energy and electric-drive vehicle technologies. Its energy services program, representing an investment of more than \$1.5 billion since the mid-1980s, has reduced energy consumption in approximately 3,800 facilities statewide.

Within New York, NYPA serves a diverse customer base including governmental entities, businesses and municipal and rural electric cooperative systems located throughout the state including the New York City Metropolitan region which represents about 50% of NYPA's total customer load. NYPA provides low cost power to hundreds of businesses throughout the state under several statutorily authorized programs, in return for significant job and capital-investment commitments. Furthermore, NYPA serves host community customers surrounding our hydro power projects including the Niagara Power Project and St. Lawrence-FDR Power Project and scores of non-profit health-care, educational and cultural institutions across the state, including museums, colleges and universities and hospitals that receive allocations of power from NYPA.

### 2.2 LARGE SCALE RENEWABLE INITIATIVE

NYPA is issuing this RFP to support the development of utility-scale renewable projects that would produce an annual output of 2,000,000 MWh or more to serve New York State's electricity demand. This RFP also seeks, but does not require, options for energy storage components to be integrated with the renewable projects in order to add market and operational value. NYPA has a long history supporting the development of the state's power infrastructure, including the development of large-scale renewable projects. In this RFP, the Authority is seeking proposals that provide low-cost renewable energy to New York State.

The CLCPA is the most ambitious clean energy legislation in the state's history. This RFP represents NYPA's support to meet the state's goal of serving 70% of electricity use with renewable energy by 2030. Through this RFP, NYPA is looking to add an additional 2,000,000 MWh of renewable energy to its portfolio

to serve customer needs. The 2,000,000 MWh goal can be served by one or multiple projects. By supporting the development of utility-scale renewables in the state through the procurement of clean energy for our customers, NYPA expects to continue to drive toward this goal in the coming years with additional solicitation(s) to meet the full 2030 goal.

# 3. Solicited Products

## 3.1 ELIGIBLE PROJECTS

To be eligible for this RFP a Project<sup>1</sup> must meet the criteria set forth in Table 1:

**Table 1 – Summary of Eligible Projects**

Item	Description
Eligible Technologies	Eligible technologies include solar photovoltaic (“PV”) (excluding concentrated solar technology) and wind. Projects may propose an option of the project to be paired with energy storage. The option with energy storage can be included in the proposal with a separate pricing sheet.
Minimum Project Size	<ul style="list-style-type: none"><li>• Project should be utility scale and can fall under either size category:<ul style="list-style-type: none"><li>○ 20MW – 25 MW</li><li>○ 100MW or greater</li></ul></li><li>• Projects cannot be interconnected behind the customer meter.</li></ul>
Project Location	<ul style="list-style-type: none"><li>• Project must be physically interconnected to NYISO Zones A-K</li></ul>
Commercial Operation Date	<ul style="list-style-type: none"><li>• New Projects with a commercial operation date on or after January 1, 2021 but prior to December 31, 2024</li></ul>

## 3.2 PRODUCTS SOUGHT

NYPA’s mission is to supply low cost, clean power to a wide variety of customers. Our customers range from state facilities to municipalities to large industrial businesses, covering a variety of business needs and interests when it comes to electricity procurement. To help our customers meet the clean energy goals of the CLCPA, NYPA is seeking to procure a variety of low-cost clean energy products.

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<sup>1</sup> A Project is defined as a development on a single site with one proposed interconnection point. Aggregation of multiple sites to reach minimum sizes is not permissible.

Through this RFP, NYPA is seeking a Power Purchase Agreement for one of the products listed in Table 2 below. Proposers are required to submit pricing for both product types. Terms of 15 and 20 years are required. Proposers may not submit pricing with an escalator.

**Table 2 – Products Sought**

Item	Description
Products	<ol style="list-style-type: none"> <li>1. Energy, Capacity and RECs</li> <li>2. RECs only</li> </ol>
Terms	<ul style="list-style-type: none"> <li>• 15 Years</li> <li>• 20 Years</li> </ul>
Commercial Operation Date	On or after January 1, 2021 but no later than December 31, 2024

### **3.3 CONTRACT STRUCTURE**

NYPA will be seeking to enter into a Power Purchase Agreement (“PPA”) for the product and term ultimately chosen. The proposer should propose a fixed price (\$/MWh) for each of the products indicated in Table 2 over the course of the term with no escalators. For the bundled product which consists of energy, capacity and RECs, it will be for energy settled against the zonal LBMP as opposed to the point of injection.

The RECs produced by the project will be part of a NYPA portfolio for our customers to meet their requirements and clean energy goals.

There is a desire to enter into contracts that would not trigger lease accounting treatments per the recently updated Governmental Accounting Standards Board (GASB) 87. The assignment of the PPA will either be with NYPA or a related entity with an equal credit rating.

Under the terms of the PPA’s, NYPA will have the option to purchase up to 100% of the assets of the Project at fair market value after the federal tax incentives (PTC or ITC and accelerated depreciation) have been monetized and fully vested. Acceptance of this term in particular is not required but will carry weight in the evaluation process.



### **3.4 TERMS AND CONDITIONS OF THE POWER PURCHASE AGREEMENTS**

A Power Purchase Agreement (PPA) with one or more successful Proposer(s) will be negotiated and executed per the evaluation process as described in Section 5 of this RFP. The PPA will be between the proposer and the Authority. The Authority, in an effort to assist Proposers to better understand the terms and conditions that it will seek, has developed a form PPA included as Appendix B of this RFP.

The Authority encourages Proposers to accept the terms of the PPA. If a Proposer submits any red-line changes, the Authority will consider the changes in the qualitative evaluation of proposals, as further described in Section 5 of this RFP. If a storage option is included in the proposal, please include an additional version which includes terms and conditions sought for the inclusion of storage into the proposed system.

To be clear, a binding commitment can only result from the execution and delivery of a definitive PPA.

## 4. Proposal Requirements

Proposers shall provide information requested in this section and structure their proposals in the order listed. Proposers must indicate if a certain section or item is not applicable to a proposal. Proposers may contact the Authority's Designated Contact Person, as identified in Section 9, with any specific questions. Proposals will be evaluated for completeness, clarity and organization as laid out below.

### 4.1 COVER LETTER

A cover letter is required and must be signed by the individual or individuals authorized to bind the Project contractually and include a demonstration of compliance with the RFP Threshold Criteria as specified in Section 5.1.

### 4.2 EXECUTIVE SUMMARY

Proposals must contain an executive summary describing the key aspects of the proposed Project.

### 4.3 DESCRIPTION OF PROJECT

A detailed description of the Project including the Project technology (e.g., wind, solar, storage), location (geography, suitability, etc.), point of interconnection, technical information, environmental impacts, and community impacts.

### 4.4 PROPOSER INFORMATION

Provide a summary of the following information:

- Company name, address and telephone number (and name, address, telephone number, and e-mail address of the contact person for Project in connection with its proposal);
- Legal name and status (e.g., corporation, partnership, limited liability company), date formed, jurisdiction of organization, and identification of any affiliates having any role in the Project (including a statement of such role);
- Parent Company (if applicable);
- Ownership status (e.g., privately held or publicly traded); and

- Regulatory status: Indicate if the proposing entity is regulated by governmental agencies, and if so, indicate the agencies and the nature of the regulation.

If the proposal is submitted by a consortium or joint venture:

- Proposers are to provide information on the legal form of the bidding entity and each of its members, and identity of the responsible lead member; and
- Complete fully the Proposer Information Datasheet (*Appendix A – Datasheet.xlsx*) for each consortium member (identify within the “Development Experience” tab the entity to which the claimed experience is ascribed).

Fully complete the Proposer Information Datasheet found in Appendix A – Datasheet.xlsx.

#### **4.5 PROPOSER EXPERIENCE**

Proposers must complete the tab titled “Development Experience” in the Excel file titled: Appendix A - Datasheet.xlsx. Under this tab, information relating to existing renewable generation facilities developed, owned and/or operated by Proposer, Joint Venture/Consortium members and its affiliates is requested.

In addition, the proposal must contain a detailed description of Proposer’s and affiliates’:

- Business history;
- Experience in developing, financing, constructing, and operating renewable generation facilities similar to those being proposed;
- Experience in evaluating, proposing and executing prepayment structures, if any and if applicable;
- Environmental permitting experience;
- Past experience of current Project management team; and
- New York State development and permitting experience.

#### **4.6 DISCLOSURE STATEMENTS**

Proposals must contain disclosure of any instances in the last five years when any of its officers, directors, partners, or any of its affiliates:

- Defaulted on, or was deemed to be in noncompliance with, any obligation related to the sale or purchase of power (capacity, energy and/or ancillary services), transmission, or natural gas, or was the

- subject of a civil proceeding for conversion, theft, fraud, business fraud, misrepresentation, false statements, unfair or deceptive business practices, anti-competitive acts or omissions, or collusive bidding or other procurement or sale related irregularities; or
- Was convicted of (i) any felony, or (ii) any crime related to the sale or purchase of electric power (capacity, energy and/or ancillary services), transmission, or natural gas, conversion, theft, fraud, business fraud, misrepresentation, false statements, unfair or deceptive business practices, anti-competitive acts or omissions, or collusive bidding or other procurement or sale-related irregularities.

#### **4.7 FINANCIAL CAPACITY TO COMPLETE AND OPERATE THE PROPOSED PROJECT**

Proposers must complete the Financing Information and Financing Experience tabs contained in Appendix A of this RFP titled: Appendix A –Datashet.xlsx which sets forth information relating to the Project’s capital structure:

1. Financing Information – Contains a general summary of the information to be contained in the financing plan noted below.
2. Financing Experience – Contains a schedule showing all major Projects developed and financed by Proposer and its affiliates.

In addition, proposals must include a “Financing Plan” to demonstrate the financial capability to complete construction by the proposed COD date and operate the proposed Project. The Financing plan shall contain:

- A detailed description of proposed construction and permanent financing arrangements. A list of all potential equity partners, sources of equity and debt, and debt structure.
- A demonstration that financial arrangements from Proposer’s parent or affiliate are sufficient to support the Project through construction and the PPA term, as applicable.
- The proposed construction and long-term capital structures for the Project.
- Description of the evolution of division between shareholder equity and debt from the development period through the construction period and through the operational period of the Project.
- Proposer should clearly show the commitments of all equity participants.
- Proposer shall provide details of the expected construction loan and/or term loan including terms of repayment, full details of the amount of the loan each lending institution is prepared to commit (subject to credit

- committee approval), their debt service requirements (interest rates, interest rate swaps, and any letters of credit or guarantees required, etc.), with all fees indicated clearly.
- Identify any financial partners that will be involved in the Project, and note whether there will be a guarantor standing behind any specific financial obligations, including security on Project milestones.
  - Proposer shall provide the anticipated source(s) of Tax Equity investors and their required rate of return. Describe in this plan all available tax credits, incentives, and subsidies that will be used to finance the Project, and how these will be utilized in the financing of the Projects.
  - Details of any events of default or other credit issues associated with all Projects in which the Proposer participated.
  - Information concerning the Proposer's financial condition and evidence of creditworthiness including:
    - Audited financial statements for its three most recent fiscal years; or
    - Audited financial statements from Proposer's parent, if Proposer does not have such financial statements; or
    - Private corporations can provide unaudited financial statements for its three most recent fiscal years; or
    - Explanation if the statements above cannot be provided and alternate information to demonstrate Proposer's financial capacity to complete and operate the proposed Project.

#### **4.8 PROPOSED DEVELOPMENT PLANS AND SCHEDULE**

Proposals must contain, as appropriate:

- Development schedule in GANTT chart format (including permitting, financing, construction, interconnection, commissioning/testing, and commercial operation);
- Timeline for award of Engineering, Procurement, and Construction ("EPC") Contract;
- Timelines for procurement of major equipment;
- Plans for construction, commercial operation and decommissioning;
  - Community outreach plans;
  - Operations and Maintenance Plan post-COD (e.g., maintenance schedule, etc.)
  - Decommissioning and site restoration plans

## **4.9 SITE CONTROL PLAN**

Proposers must provide detailed information on the status of site control. At a minimum, the following information is required:

- A description of the present status of site control;
- A map of the site location;
- If site control has been obtained, provide a site control agreement or option agreement with landowner;
- If site control has not been firmly obtained, then provide a detailed site control plan and timeline;
- Indicate the specific party that has or will be obtaining site control and its relation to the Proposer.

## **4.10 INTERCONNECTION STATUS AND PLAN**

Proposers shall provide detailed information on the current interconnection status of the proposed Project (e.g., submitted Interconnection Request to NYISO, completed System Reliability Impact Study, completed Class Year Facilities Studies, etc.) Proposers shall provide a plan and timeline to complete the NYISO interconnection process, execute the interconnection agreement (IA) and complete the interconnection itself. Proposers must demonstrate that their proposed point of delivery into the NYISO, along with their proposed interconnection and transmission upgrades, is sufficient to ensure full dispatch of the proposal's output. Proposals must include all interconnection and transmission upgrade costs required to ensure full dispatch, including transmission upgrades that may need to occur beyond the point of interconnection.

At a minimum, include the following information:

- Status of the NYISO interconnection process;
- The point of interconnection (POI) to which the Project will interconnect and the connecting transmission owner (CTO);
- Plan and timeline for the Project to complete the NYISO interconnection process;
- Plans for any necessary electric transmission facilities from the generation source to the interconnection point;
- Plans for elective system upgrade facilities (SUFs), if any, to be included as part of the Project;
- The estimate of the interconnection costs of the Project and the basis of the estimate. In addition, please describe what portion, if any, of the interconnection costs qualify for tax incentives.

If a proposal is shortlisted during the evaluation process, additional information may be requested from the proposer for purposes of more in-depth analysis. Information to be requested may include but is not limited to:

- SRIS and Facilities Study
- Steady-state model and dynamic model (PSS/E format)
- Short circuit model (ASPEN format)
- Deliverability study (if performed)

Proposer should indicate if the above information would be available if requested.

#### **4.11 PERMITTING PLAN**

Proposers must submit a detailed and complete schedule of all applicable federal, state & local permits that it must obtain in order to construct and operate the Project. Proposers must also describe, in detail, the status of permitting activities, and if permits are not complete or in-process, how it intends to secure the permits within the specified timeframe to achieve the commercial operation date.

#### **4.12 COMMUNITY SUPPORT**

Proposers shall provide a community outreach plan including a status of completed and on-going outreach activities. Evidence of community support (e.g., support letters, etc.) will receive favorable consideration in the evaluation process. Proposers shall also state any known community opposition and its plan to mitigate the concerns of community stakeholders.

#### **4.13 ECONOMIC DEVELOPMENT**

Proposers should describe the economic benefits that the proposed facility will bring to the State of New York and the local community, including, but not limited to:

- Number of direct jobs created, specifying temporary and permanent;
- Investment in the community;
- New York State sourced materials;
- Increase in tax revenue or other payments to local communities; and/or
- Indirect economic benefits.

#### **4.14 TECHNICAL FEASIBILITY**

Proposers shall provide the studies performed, 8760 performance data, resource availability reports, Project layout (including coordinates for turbine layout considered for proposed wind projects), proposed design, equipment specifications, transmission analysis and any other technical information on the Project and associated transmission to demonstrate technical feasibility and confidence that the Project will perform and deliver at the expected level. Proposers must also complete the Technical Datasheet tab found in *Appendix A – Datasheet.xlsx*.

#### **4.15 OPERATIONS AND MAINTENANCE PLAN**

Proposers shall provide a detailed plan for operation and maintenance after achieving COD in order to maintain the expected level of performance for the duration of the term. The plan shall describe how the proposer will operate the facility as well as provide timelines and maintenance milestones. Estimated costs for operation and maintenance shall be included in the proposal as well.

#### **4.16 PRICING ASSUMPTIONS**

Proposers should include information regarding key pricing assumptions used in its pricing proposal in the Financing Information tab (*Appendix A – Datasheet.xlsx*):

- Total project cost;
- Project expenses
- Annual O&M cost
- Prevailing Wage;
- Interconnection cost estimate;
- Project financing costs
- Other Project development costs
- Other

#### **4.17 ENERGY STORAGE VALUE ADD DISCUSSION**

Bidders have the option to add energy storage components to the proposed projects. Proposing an energy storage option is not required. For proposed energy storage options, NYPA is interested in a discussion of the market and other value that the proposed storage project will provide. These may include but not be limited to energy arbitrage, capacity payments, ancillary market value,



a reduction in energy generation curtailment, and value related to expedited or otherwise streamlined grid interconnection.

#### 4.18 PRICING

All proposed pricing should be contained in the Pricing Datasheet tab only (*Appendix A – Datasheet.xlsx*), as set forth in Appendix A to this RFP. Pricing for 15 and 20 year terms are required. Proposers are required to provide pricing for all product categories. Pricing with escalators are not allowed.

#### 4.19 DATASHEETS

Seven separate datasheets are provided under Appendix A and must be completed for each project. These include:

- **Project Summary** – Provide a summary and checklist of proposal requirements for each proposed project.
- **Proposer Information** – Provide primary proposal contact information and identify the Proposer and/or members of the joint venture or consortium, as applicable
- **Developer Experience** – Provide a summary of proposer development roles and experience with renewable project development
- **Financing Information** – Provide overview of proposed financing for the project
- **Financing Experience** – Provide a summary of proposer financing experience with renewable projects
- **Technical Datasheet** – A Technical Datasheet must be completed for each proposed Project, with or without the optional energy storage.
- **Pricing Datasheet** – Complete one Pricing Datasheet for each proposed Project. If proposing different interconnection points for the same renewable facility, complete a separate Pricing Datasheet for each interconnection option as it is expected that the cost associated with the interconnection facilities will differ and result in separate pricing.
  - If proposing to pair energy storage with the project, complete a separate Pricing Datasheet for that project configuration.

Please complete these datasheets fully within the Excel file, filling in all data as requested in the blue shaded input cells of each. Please submit the completed datasheet in the native Excel format.

## **4.20 PPA ACCEPTANCE OR EXCEPTIONS**

The proposer should review the form PPA included in Appendix B and provide redlines as necessary. Proposers should include the redline copy as part of their proposal. The Proposer should understand that there are additional terms and conditions that need be agreed upon in order for a PPA to be executed. If a storage option is included in the proposal, please include an additional version which includes terms and conditions sought for the inclusion of storage into the proposed system. To be clear, a binding commitment can only result from the execution and delivery of a definitive PPA.

## 5. Proposal Evaluation

The evaluation process is central to the success of the Authority's RFP. Projects will be evaluated on multiple criteria including:

1. Eligibility and threshold requirements
2. Quantitative
3. Qualitative

The evaluation process will begin with the review of threshold requirements. Once a project has met those requirements, then a qualitative and quantitative evaluation is performed in order to develop an initial shortlist of projects.

As a project progresses through the shortlist, the evaluations will become more rigorous and an interview may be conducted.

Contract negotiations will be done with finalists.

### 5.1 ELIGIBILITY AND THRESHOLD REQUIREMENTS

In the first step of the evaluation process, NYPA will review all proposals for compliance with the following threshold and eligibility requirements. If the proposal, as submitted, does not qualify under any one of the items noted below, the proposal will be rejected at this stage and will not be further evaluated. The threshold requirements under this RFP are as follows:

1. The Project technology, size and location complies with the Authority's requirements, as specified in Section 3.
2. The commercial operation date must be on or after January 1, 2021 but on or before December 31, 2024.
3. The Proposer must meet at least one of the following financial strength and experience metrics:
  - a. Previous successful US renewable energy project financing experience of more than 100MW total capacity from development to construction through COD as the primary developer;
  - b. Gross revenues in excess of \$25M or shareholder equity greater than \$50M; or
  - c. Investment grade credit rating by one of the rating agencies.

### 5.2 ECONOMIC ANALYSIS

The Authority will perform an economic analysis as part of the evaluation process. The economic analysis will determine both the Levelized Cost of

Electricity (“LCOE”) associated with each proposal as well as the Levelized Avoided Cost of Electricity (LACE)<sup>2</sup>. The LCOE & LACE will draw from the information provided on the proposal’s Pricing Datasheet (*Appendix A – Datasheet.xlsx*), which includes, but is not limited to:

- Pricing on \$/MWh basis by product and term
- The P50 energy production forecast
- The P75 energy production forecast

This economic analysis will be utilized to assess and rank proposals from least to highest cost. The economic analysis will be given significant weight in the evaluation process.

For proposals that include energy storage, the economic analysis will include an assessment of the market and operational values as discussed in the proposal.

### 5.3 EVALUATION CRITERIA

As part of the evaluation process, the Authority will evaluate the following criteria. The list below is not arranged in priority order.

- **Overall Proposal Completeness, Clarity, and Organization** – The Authority will assess whether the proposal, as submitted, contains all the requested information as set forth in Section 4 presented in a clear, concise manner, and organized in the sequence set forth in Section 4.
- **Experience of Developer** – The Authority will evaluate the Proposer’s relevant experience developing, financing and delivering renewable generating facilities of the same technology and scale as proposed.
- **Financing Plan and Financial Capability** – The Authority will evaluate whether the Proposer’s financing plan is viable and whether the Proposer demonstrates, holistically, the ability to obtain financing for the proposed project.
- **Financing Experience** – The Authority will evaluate the level of experience that the Proposer demonstrates in successfully securing financing in connection with previously developed generation facilities, especially those of the same type and scale proposed.

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<sup>2</sup> The Levelized Avoided Cost of Energy is a comparative figure that captures the temporal and locational value of energy delivered to the grid during the term of the PPA.

- **Development Plan** –The Authority will assess whether the proposal demonstrates an understanding of the requirements and timeframes necessary to achieve Project COD.
- **Technical Feasibility** – the Authority will assess the technical feasibility of the proposed Project based on the proposed design, equipment and technical information provided.
- **Site Control** – the Authority will evaluate whether site control has been established, and if not, whether the plan to obtain site control is viable.
- **Operations and Maintenance Plan** – the Authority will assess the adequacy of the Proposer’s plan, after achieving COD, to operate and maintain the renewable generating facility to the expected performance level.
- **Interconnection Status and Plan** – the Authority will evaluate the maturity and development of the interconnection plan and whether the Proposer can complete the interconnection in order to achieve the stated COD. The Authority will also evaluate feasibility in proposed interconnection point and whether the project can achieve deliverability into the NYISO.
- **Permitting** – the Authority will evaluate whether the Proposer understands the permitting process required at the local, state and federal level, the current status of permitting, and the risk that permits may impact successful Project delivery.
- **Community Support** – the Authority will consider any community outreach activities and community support that has been achieved for the Project, and the evidence of that support in addition to any plans to mitigate known opposition to the proposed project.
- **Pricing Assumptions** – the Authority will review the pricing assumptions, and any supporting information, to determine whether such assumptions are reasonable and support confidence in the pricing proposed.
- **Energy Storage Value Assumptions** – the Authority will review the proposed value assumptions for energy storage and the energy storage equipment lifecycle costs to determine if this component adds value to the overall project,
- **PPA Acceptance** – the Authority will consider the degree of the Proposer’s acceptance of the form PPA found in Appendix B. If the Proposer has taken exceptions to terms, NYPA will assess the impact

of those exceptions to the Authority to the extent that such exceptions taken shift the risk balance established under the form PPA.

- **Economic Development** – the Authority will assess whether the Project drives economic development opportunities for both the state and local communities.

## 6. Schedule

The target schedule in this RFP is as follows:

**Table 4 – RFP Schedule**

Activity	Target Date
<b>RFP issuance</b>	June 16, 2020
<b>RSVP for Proposers' Webinar</b>	June 23, 2020, 5:00PM EST
<b>Proposers' Webinar</b>	June 24, 2020 at 3:00 PM EST
<b>Last date for submittal of questions</b>	August 10, 2020
<b>Proposals due</b>	August 17 at 4:00 PM EST
<b>Evaluation</b>	August - October 2020
<b>Proposer interviews (as applicable)</b>	September 2020
<b>Negotiation and execution of agreements</b>	October 2020 – December 2021
<b>End date of firm pricing commitment</b>	February 28, 2021
<b>Commencement date of PPA(s)</b>	January 2021 – December 31, 2024

The Authority reserves the right to modify the RFP Schedule at its discretion through subsequent addenda.

## 7. Proposers' Webinar

As per the RFP schedule listed in Section 6, the Authority will host a Proposers' Webinar.

During the Proposers' Webinar, the Authority will provide an overview of the RFP, and will provide an opportunity for potential Proposers to ask questions. Answers to questions may be informally provided at the Proposers' Webinar by the Authority. Proposers will be required to confirm all their verbal questions in writing to the Authority's Designated Contact Person. Any informal verbal replies made at the Proposers' Conference are not binding and are not intended to amend this RFP.

All potential Proposers expecting to attend the Proposers' Webinar must confirm their attendance at the event by sending an RSVP via email to the Designated Contact Person by June 23, 2020, 5:00PM. Attendance at the Proposers' Webinar is not mandatory but is strongly recommended since it can affect the quality of the proposal.



## 8. Submittal of Proposals

Proposals are to be uploaded and submitted in Ariba on or before the date and time noted in the RFP Schedule in Section 6.

Proposal materials must be submitted in the following format:

- A single proposal document containing items as described in sections 4.1 through 4.17 in a single PDF format.
- Completed Appendix A: Datasheet.xls in the native Excel format
- Marked up PPA in native Word format
- Additional supporting materials may be uploaded separately

Failure to submit a proposal in Ariba on time will not be waived under any circumstances.

## 9. Communications

Any questions regarding this Request for Proposal are subject to §§ 139-J and 139-K of the State Finance Law, which requires that all questions be directed in writing/email to the Authority's Designated Contact Person, New York Power Authority, 123 Main Street, White Plains, New York 10601.

For all written questions submitted on or before the date specified in Section 6, NYPA will endeavor to provide written answers distributed as addenda to this RFP, as applicable and as appropriate.

The Authority's Designated Contact Person during the formal bid period is:

Sean Rooney

Strategic Buyer II

[Sean.Rooney@nypa.gov](mailto:Sean.Rooney@nypa.gov)

No other Authority personnel are authorized to receive, initiate, or communicate information of any kind regarding this RFP during the "Restricted Period" which is defined to be the period of time commencing with the earliest written notice, advertisement or solicitation of a request for proposal, invitation for bids or solicitation of proposals, or any other method for soliciting a response from Proposers intending to result in a procurement contract and ending with the final contact award.

Failure of prospective Proposer to fully comply with this requirement may result in the rejection of its proposal.

## 10. Disclaimers & Miscellaneous

### 10.1 NYSERDA RENEWABLE ENERGY STANDARD SOLICITATION

To meet the ambitious renewable energy goals laid out by the CLCPA, NYPA and the New York State Energy Research and Development Authority (“NYSERDA”) have developed their own separate solicitations to foster the delivery of large-scale renewable power to the people of New York State. Participation in the NYPA RFP does not preclude a proposer from participating in the NYSERDA solicitation as long as the Products (Energy, Capacity and RECs) associated with a single Project may not be divided between both solicitations. The Project(s) ultimately selected in one RFP will be withdrawn/rejected from the other.

### 10.2 INCURRING COST

Proposers are fully responsible for all costs associated with the preparation and submission of any proposal in response to this RFP. This includes any costs associated with any studies, providing additional information, attending proposers’ meetings, hosting a site visit or attending an interview.

### 10.3 FREEDOM OF INFORMATION LAW

All documents submitted by the proposer are subject to disclosure under the New York State Freedom of Information Law (Public Officers Law, Article 6). Accordingly, confidential information, trade secrets, proprietary materials or other information (“Confidential Information”), the disclosure of which would cause a substantial injury to the competitive position of a Proposer(s) must be clearly marked and identified as such in your proposal [Public Officers Law, Section 87(2)(d)].

### 10.4 OWNERSHIP OF PROPOSALS

All materials (“Material”) submitted in response to this RFP become the property of the Authority upon receipt by the Authority. It is the responsibility of the Proposer to identify in its proposal to the Authority any Material that it deems Confidential Information (See Section 11.2). Upon such designation, the Authority will use the same care to avoid disclosing the Confidential Information as it uses with respect to its own Confidential Information.

## **10.5 ADVERTISING**

No marketing, publicity, promotion or advertising regarding this RFP or any Agreement resulting from this RFP will be issued by the successful Proposer(s) without the Authority's prior written approval, and, if applicable, also with the prior written approval from the Authority's customer where the Service will be or is being performed, which approval will not be unreasonably withheld. Any responses to news media inquiries developed by the successful proposer(s), related to the Agreement resulting from this RFP, must be coordinated with the Authority for review and approval. Letters, speeches, news and/or press releases, articles for publication, etc. related to the resulting Agreement, will be coordinated with the Authority for review and approval prior to release. Any and all communications, whether verbal or written, must be submitted to the Authority's Corporate Communication Business Unit for prior review and approval.

Successful Proposer(s) must agree to abide by these terms regarding public announcements for a period of two (2) years following the expiration of any Agreement resulting from this RFP.

## **10.6 LIMITATIONS**

A response to this RFP cannot form the basis of, or constitute a binding arrangement and does not commit the Authority to award a contract, or procure or contract for product or services of any kind whatsoever. The Authority reserves the right, in its sole discretion, to accept or reject any or all responses to this RFP, to negotiate with any or all firms considered, or to cancel this RFP in whole or in part, and there is no guarantee that the RFP will result in an award or agreement(s). NYPA will not enter into any agreement unless/until cost recovery arrangements, for all costs, including costs to administer and implement this RFP, satisfactory to NYPA, in its sole discretion are in place.

## **10.7 ADDENDA: ERRORS, OMISSIONS AND NYPA'S RIGHT TO REQUEST ADDITIONAL INFORMATION**

If a Proposer discovers any ambiguity, conflict, discrepancy, omission or other error in this RFP, the Proposer should immediately notify the Authority's Designated Contact Person. If the Authority finds it necessary, modification to the RFP will be made by written addenda. Such addenda shall be made available to all Proposers in a timely fashion.

The Authority reserves the right to request additional information from any or all Proposers and to enter into discussions or interviews with one or more Proposers.

### **10.8 CONTRACT APPROVAL**

Any Agreement resulting from this RFP requires approval by NYPA's Board of Trustees.

## Appendix A. Datasheets

*Please refer to the Excel file titled “Appendix A – Datasheet.xlsx”*

## Appendix B. Form PPA Agreement

A form PPA agreement has been included as Appendix B of this RFP to provide proposers with a preview of the terms and conditions to be sought in the contract. Proposers should review and redline as necessary and include as part of their proposal. If a storage option is included in the proposal, please include an additional version which includes terms and conditions sought for the inclusion of storage into the proposed system. To be clear, a binding commitment can only result from the execution and delivery of a definitive PPA.