

**New York Sun Competitive PV Program**  
Program Opportunity Notice (PON) 2860  
**\$30,000,000 Available**

**Proposals Due:\***  
**December 30, 2013, by 5:00 PM Eastern Time**

The New York State Energy Research and Development Authority (NYSERDA) is pleased to announce the availability of \$30 million in funding under the **New York Sun Competitive Photovoltaic (PV) Program**. NYSERDA invites Applicants to submit proposals for the installation of customer-sited PV projects and Renewable Biogas-fueled electric generation projects larger than 200 kW in New York Independent System Operator (NYISO) load zones G&H and I&J. No funding is available in this round for projects in load zones A-F. Applicants whose Qualifications and proposed Project Site(s) meet or exceed minimum program requirements (as defined herein and reviewed by a Technical Evaluation Panel) will be competitively selected based on their incentive bid in dollars per kilowatt hour (\$/kWh). All projects must be installed, interconnected, and operational by April 30, 2015.

\$30 million in funding is available for proposals. NYSERDA may, at its own discretion, award funding in addition to that amount. NYSERDA anticipates that future rounds of this PON will be offered in 2014 and 2015 for NYISO load zones A through J pending future funding approval.

NYSERDA will conduct a teleconference for prospective Applicants on November 13, 2013, **at 1pm EST**. NYSERDA will review the PON requirements and address questions. Those who wish to participate in the teleconference must send an e-mail indicating their intent to participate to the following e-mail address [CompetitivePV@nyserda.ny.gov](mailto:CompetitivePV@nyserda.ny.gov), by 12:00 noon EST on November 12, 2013, with the subject line "Bidders' Teleconference."

**Proposal Submission:**

Applicants must submit:

- Two (2) hard copies of the Proposal Checklist (Attachment A) and the Disclosure of Prior Findings of Non-responsibility Form (Attachment B). At least one of the Proposal Checklists must contain an original signature. The Attachment A and B should then be followed by the items listed below.
- Two (2) hard copies of the Applicant Qualification Package.
- Two (2) hard copies of the Project Site Package for each Project Site, which includes two (2) signed copies of the Project Site Detail from Attachment C. At least one of the Project Site Detail forms must contain an original signature.
- One (1) compact disc (CD) compatible with Microsoft Windows XP® containing an exact digital copy of the original paper copy of the Applicant Qualification Package and each Project Site Package, in Portable Document Format (PDF).

Proposals must be **received by NYSERDA by 5:00 pm eastern time on December 30, 2013**, and must be clearly labeled and submitted to:

**Roseanne Viscusi, PON 2860**  
**NYS Energy Research and Development Authority**  
**17 Columbia Circle**  
**Albany, NY 12203-6399**

Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA

location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at [www.nyserda.ny.gov](http://www.nyserda.ny.gov).

If you have technical questions concerning this solicitation, contact either Alison Neligan at (518) 862-1090, ext. 3397 ([aln@nyserda.ny.gov](mailto:aln@nyserda.ny.gov)) or Paul Vainauskas at (518) 862-1090, ext. 3554 ([pv2@nyserda.ny.gov](mailto:pv2@nyserda.ny.gov)). If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 ([vwf@nyserda.ny.gov](mailto:vwf@nyserda.ny.gov)).

**NOTE: CAPITALIZED TERMS APPEARING IN THIS PON ARE DEFINED IN SECTION VIII (DEFINITIONS). APPLICANTS SHOULD REFER TO SECTION VIII WHEN READING THIS DOCUMENT. APPLICANTS SHOULD READ THIS PON, INCLUDING THE DEFINITIONS AND ATTACHMENTS, IN ITS ENTIRETY BEFORE SUBMITTING A PROPOSAL.**

No communication intended to influence this procurement is permitted except by contacting Alison Neligan (Designated Contact) at (518) 862-1090, ext. 3397 or [aln@nyserda.ny.gov](mailto:aln@nyserda.ny.gov). Contacting anyone other than the Designated Contact (either directly by the Applicant or indirectly through a lobbyist or other person acting on the Applicant's behalf) in an attempt to influence this procurement may result in an Applicant being deemed non-responsible, and may result in the Applicant not being awarded a contract.

## **Table of Contents**

I.	INTRODUCTION	1
II.	GENERAL INFORMATION/ELIGIBILITY	2
III.	ELIGIBLE TECHNOLOGIES	4
IV.	PREPARING A PROPOSAL	6
V.	PROPOSAL EVALUATION	10
VI.	CONTRACTING/PAYMENT	12
VII.	PAYMENT SUMMARY	14
VIII.	DEFINITIONS	14
IX.	GENERAL CONDITIONS	16
X.	ATTACHMENTS	18

## I. INTRODUCTION

In accordance with a series of New York State Public Service Commission Orders,<sup>1</sup> NYSDA seeks proposals under the NY-SUN Competitive PV Program. Proposals will be competitively selected for the installation of customer-sited PV and Renewable Biogas-fuel electric generation projects<sup>2</sup> in NYISO load zones G&H and I&J. All systems must be greater than 200kW. All Projects must be installed, interconnected, and operational by April 30, 2015. The following is a link to a map of the NYISO load zones: [http://www.nyiso.com/public/webdocs/market\\_data/zone\\_maps\\_graphs/nyca\\_zonemaps.pdf](http://www.nyiso.com/public/webdocs/market_data/zone_maps_graphs/nyca_zonemaps.pdf).

All PV or biogas-fueled Electric Generation Equipment must be electrically interconnected on the customer side of a utility meter installed at a site that pays the RPS surcharge as part of its electricity bill (referred to as "RPS" or "RPS/SBC" on utility bill). Proposals will be assessed first for completeness and then on a pass/fail basis with respect to the proposing team's demonstrated competency; proposals demonstrating sufficient competency will be evaluated exclusively on the Incentive Bid in dollars per kilowatt hour (\$/kWh) for each Project Site. This solicitation includes \$5 million for NYISO load zones G&H and \$25 million for NYISO load zones I&J.

### Significant Changes from PON 2589:

- All funds for projects installed in NYISO load zones A-F were exhausted under previous solicitations; projects in those zones are not eligible for participation in this solicitation. It is anticipated that subsequent solicitations will be made available for these zones, contingent upon funding becoming available.
- Applicants are **required** to make initial contact with the Utility regarding each of the proposed project site(s) and to provide a copy of such communications to and the response from the utility with their proposal for each project. For each proposed site, the Applicant's communication is reasonably expected to include: (1) identification of customer name, street location(s) and account number(s); (2) authorization from the customer for the Applicant to secure customer usage history; (3) proposed project size (kW); (4) whether the intent is to net meter; and (5) whether the site is located in a strategic location.
- The Assigned Capacity Factor for PV has been increased from 11% to 13.4%.
- The Strategic Location bonus has been increased from 15% to 25%.
- Attachment C Bid Application Form, Attachment L Project Site Information, and Attachment K Electric Utility Information have been combined into the Project Application Form; an excel document with multiple tabs.
- The Payment structure has been changed that the two Up-Front payments will be 10% and 15% of the Project Site Incentive. Each year of the three performance payments will be up to 25%, contingent upon performance.
- The time allowed for "Timely Completion" of projects selected for award is April 30, 2015.
- A template for the Letter of Intent has been created; letters of intent submitted with proposals must conform to this template.

<sup>1</sup> <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BC05CD0D6-8EA5-4CB9-A9FA-6ADD3AECB739%7D>;  
<http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={DOB0E857-2A37-494D-A64F-13307397AC18}>;  
<http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={61FFD7EA-6DC4-44AF-B094-7DDB2D0C818D}>

<sup>2</sup> For Renewable Biogas projects, the biogas can either be locally-fed to the generator or contracted for delivery through a utility's natural gas pipeline as Pipeline Directed Biogas as described below.

## II. GENERAL INFORMATION/ELIGIBILITY

**Awards/Incentives:** Proposals that demonstrate eligibility will be ranked solely on the level of incentive requested by the Applicant, lowest to highest, in dollars per kWh (Incentive Bid). Awardees will be notified in writing and will receive a conformed copy of the Standard Performance Agreement (Attachment G or H) for signature. The agreement will provide for two up-front payments and three performance payments – one following each of the first three years of operation. The maximum dollar value of the agreement will be calculated by multiplying the Incentive Bid by the number of kWh the project is expected to produce over three years using a capacity factor of 13.4% for PV or 75% for Renewable Biogas. The maximum dollar value for may not exceed \$3 million per project, excepting projects in Strategic Locations; if the Project Site is identified as being located in a Strategic Location, NYSERDA will multiply the result by 1.25. The performance payments will be calculated as the number of verified kWh actually produced during each year of operation under contract to NYSERDA.

**Eligible Applicants:** Applicants are permitted and encouraged to collaborate and form teams (i.e. manufacturers, energy service companies, system installation companies, equipment distributors, financial institutions, host sites, etc.) in order to meet the eligibility requirements identified herein. Utilities are not eligible to participate; however their un-regulated affiliates are eligible to participate as Applicants or as members of an Applicant's team. Applicants must show installation experience among the team members in the technology proposed (PV or ADG). In addition, Applicants must show that their team's previous experience demonstrates competency with respect to the largest and most complex installation the Applicant proposes. For example, if an Applicant proposes to install a 1 MW PV project, the Applicant Qualification Package portion of the proposal must demonstrate that the "team" has the experience and capability to install a PV project within a reasonable range of that size and complexity either through direct experience or through an aggregated "surrogate" project as explained elsewhere in this PON. To prevent the arranging of teams in formats intended to circumvent various program requirements, including but not limited to the \$6 million cap per "Applicant," provisions of this PON may be applied, at NYSERDA's discretion, to one or more critical members of a team in addition to the Applicant.

**Eligible Project Site Locations:** To be eligible, projects must be installed in NYISO load zone G, H, I or J. All installations must be grid-connected (electrically interconnected on the customer side of the utility meter) at a Project Site that pays the RPS surcharge (referred to as "RPS" or "RPS/SBC" on utility bill) as part of their electricity bill at the site meter.

**Strategic Locations:** Utilities have identified specific areas on the electric distribution system that would benefit from the installation of new PV and/or Renewable Biogas systems. For projects in these Strategic Locations, NYSERDA will pay an additional 25% above the Project Incentive. **This increased payment is only available for a Project Site identified by the Applicant in the Project Site Package portion of a proposal as within a Strategic Location and confirmed by the Utility.** Applicants may wish to consider using this added incentive to reduce their Incentive Bid as a means to improve competitive position. The Strategic Locations for PON 2860, as determined by the utilities and incorporated into this solicitation, are shown in Attachment D.

**Timely Completion:** All projects must be installed, interconnected, and operational by April 30, 2015.

**Substitutions:** Applicants must notify NYSERDA as soon as a Project Site Location awarded is no longer moving forward. At NYSERDA's discretion, requests to substitute a project of the same technology and

load zone group may be considered if: (1) the request is accompanied by a complete Project Site Package for the substitute; (2) the substitute's project scale and installation timeline are comparable; and (3) such requests are received by NYSERDA in writing on or before August 29, 2014. All approved substitutions must still meet the Timely Completion requirement that the system be installed, interconnected, and operational by April 30, 2015.

**Prime Power:** Projects must be designed for and operate as prime power applications; systems designed primarily for back-up electric power applications are not eligible.

**System Size Limitation:** Systems must be sized such that the expected yearly energy output (Site Estimated Annual Energy Production) will not exceed 110% of the site's historical annual net grid supplied consumption (including any eligible Satellite Meters; see Net Metering, Interconnection below). For project sites that currently include or plan to install other on-site power production equipment, the applicant must identify the size of such equipment and which meters it serves. The system size limitation may be adjusted to reflect these facts and at NYSERDA's discretion may also include conditioning PV equipment sizing to prevent or avoid obsolescence of other on-site equipment.

**Ineligible Projects and Costs:** PV or Renewable Biogas equipment funded in whole or in part with System Benefits Charge (SBC) funding is not eligible for this program. Systems installed prior to issuance of an agreement by NYSERDA are not eligible for funding.

Projects eligible under this RPS CST Program may also be eligible under the RPS Main Tier. However, once a project application or proposal has been approved by NYSERDA or becomes the subject of an award under this CST Program, for which funds are available, that project is ineligible for funding under the RPS Main Tier Program. Applicants will not be permitted to withdraw or cancel a project application or proposal, or seek to nullify a contract in order to apply or pursue an application or proposal in the RPS Main Tier for the same project (or for the same portion of the project).

**Previously Received Awards:** Applicants to this solicitation must demonstrate good faith progress on projects awarded **under previous New York Sun Competitive PV Program** solicitations. At NYSERDA's discretion, prior performance may be applied to one or more critical members of a team in addition to the Applicant.

**Net Metering, Interconnection:** Applicants are encouraged to investigate the availability of any net metering opportunities they may qualify for, including remote net metering if applicable. To determine if a project qualifies for net metering or remote net metering, please refer to the appropriate utility tariff using the link below.

<https://www2.dps.ny.gov/ETS/search/searchShortcutEffective.cfm?serviceType=ELECTRIC>

Applicants should be aware that by pursuing interconnection with the utility, they may incur utility fees and/or costs to upgrade portions of the local utility infrastructure. Depending upon the size, nature and location of the project, these fees may be substantial and if a utility upgrade is required, it could result in significant delay. Applicants must contact their local utility representative as soon as possible.

All Project Site Packages must conform with the Proposal Outline Section 2.0 below, Project Site Package(s). Additionally, if the intent is to pursue remote net metering, all meters (host and satellite) that will be included for the Project Site along with the most current 12 month historical energy usage of each meter must be identified on the Electric Utility Information tab of Attachment C. Applicants considering projects

that will take advantage of remote net-metering must consult the host utility to insure that the project will meet the utility's requirements. Applicants are strongly encouraged to review the utilities' tariffs prior to the submission of a proposal. See:

<https://www2.dps.ny.gov/ETS/search/searchShortcutEffective.cfm?serviceType=ELECTRIC>

**State Environmental Quality Review Act:** NYSERDA will conduct a project-based review in accordance with the New York State Environmental Quality Review Act (SEQRA) (<http://www.dec.ny.gov/regs/4490.html>) and relevant emissions standards, as appropriate. Only those projects passing this review will be allowed to proceed to contract. PV systems installed on existing buildings with an array area of less than 4,000 square feet are classified as SEQRA Type II actions and will not require further environmental review.

**RPS Attributes:** Orders issued by the Public Service Commission provide that the RPS Program will support and promote an increase, to 30%, of the percentage of the energy consumed in New York State that comes from renewable sources. When assessing and reporting on progress towards that goal, or on the composition of the energy generated and/or consumed in NYS, NYSERDA and the NYS Department of Public Service will include all electrical energy created by any project receiving funds through the NYS RPS Customer-Sited Tier Program, regardless of the percentage of the project capacity included on the Bid Application Form, for the life of such projects, and the environmental attributes associated with such energy, whether metered or projected, as a part of any report, evaluation, or review of the RPS Program, whenever any such report, evaluation, or review may be conducted or issued, as renewable energy consumed in NYS. No party, including but not limited to owners, lessees/lessors, operators, and/or associated contractors shall agree to or enter any transaction that would or may be intended to result in the exportation or transmittal of any electrical energy created by any project receiving funds through the NYS RPS Customer-Sited Tier Program to any party or system outside of New York State.

### III. ELIGIBLE TECHNOLOGIES

Eligible technologies for this program include PV and Renewable Biogas-fueled projects in load zones G, H, I and J as defined below. For all installations, the electrical output must be generated by new Electric Generation Equipment installed after the date of the fully executed Standard Performance Agreement with NYSERDA. The equipment must be new to the host site, must be newly-manufactured (must not be refurbished), and must represent an incremental increase in electric energy production at each host site location(s) above a baseline as demonstrated by historical data or by other methods deemed acceptable to NYSERDA.

Each proposal is limited to installations for either PV or Renewable Biogas projects. If an Applicant would like to propose installations for more than one technology, separate proposals **must** be submitted for each.

#### Photovoltaics

For PV installations, all PV modules must be certified as meeting all applicable standards of the Institute of Electrical and Electronics Engineers (IEEE) and Underwriter's Laboratory (UL) 1703. All inverters must be listed on the New York State Public Service Commission's certified equipment listing ([http://www3.dps.ny.gov/W/PSCWeb.nsf/96f0fec0b45a3c6485257688006a701a/dcf68efca391ad6085257687006f396b/\\$FILE/SIRDevices.pdf](http://www3.dps.ny.gov/W/PSCWeb.nsf/96f0fec0b45a3c6485257688006a701a/dcf68efca391ad6085257687006f396b/$FILE/SIRDevices.pdf)) and the listing of the applicable distribution utility.

**Metering and Data Acquisition for PV Installations:** The Applicant must provide, install, and maintain an internet enabled electric meter that displays instantaneous AC power and cumulative total AC energy

production and, at a minimum, can record cumulative total AC energy production of the PV system on an hourly basis, store the hourly readings for at least 7 days, and can transmit recorded readings once per day to a NYSERDA designated Data Agent via e-mail, FTP, HTTP or Modbus TCP/IP. The meter must meet the American National Standards Institute (ANSI) C12.20, be Revenue grade with a +/-0.2% accuracy, and be properly calibrated. The meter must also have battery backup to prevent the loss of data during power outages. The Applicant must provide, and maintain, an active internet connection to the meter throughout the Performance Period to support daily data transmissions. Data collected from the meter will be made available to the public at <http://chp.nyserda.ny.gov> or other similar website specified by NYSERDA, and will be used by NYSERDA to verify the Site Actual Annual Energy Production which will inform the magnitude of annual performance payments.

### **Renewable Biogas-Fueled Electric Generation**

Renewable Biogas can be used to produce electric energy at the site where the gas is generated (i.e., locally-fed), or as Pipeline Directed Biogas for sale to an end user at another location where electric energy is generated (Pipeline-Directed Biogas must originate within the Zone Group of the Electric Generation Equipment that it serves).

To produce electricity, any prime mover capable of converting Renewable Biogas (whether locally-fed or Pipeline Directed Biogas) to electricity is eligible including, but not limited to:

- Fuel cells
- Internal combustion reciprocating engines
- Micro-turbines
- Combustion gas turbines

The prime mover of all Renewable Biogas systems must meet an air emission limit of no more than 1.6 lbs of NO<sub>x</sub> per MWh. In addition, the Applicant will be required to obtain all environmental permits associated with the installation(s).

If the electric generator is fueled with a mixture of Renewable Biogas and other fuel, only that fraction of the electricity generated that is attributable to the Renewable Biogas will be credited toward this program.

Electric Generation Equipment can be configured as electric-only, or as combined heat and power (CHP). If an installation is configured as CHP, program payments will be made only for the electric production component.

A system installation report detailing the design of the installed system, costs associated with equipment procurement and installation, and the commissioning process, including performance data measured during commissioning, will be required.

Sites that pay the RPS surcharge may use Renewable Biogas created at an off-site facility, as long as the facility creating the Renewable Biogas is located within the same Zone Group (G&H, or I&J) as the electric generator. It is not necessary for the site generating the Renewable Biogas to pay the RPS surcharge. The ownership of the fuel source is not relevant in terms of eligibility; the Renewable Biogas may be conveyed through a private pipeline or a pipeline operated by a local gas distribution company (LDC). If the site generating the Renewable Biogas conveys the Renewable Biogas to the end-user via a privately owned or LDC operated pipeline, then the supplier and end-user will be expected to follow the procedures contained in the NYS RPS Biomass Power Guide for Renewable Pipeline Gas

[www.nyserdera.ny.gov/~media/Files/EDPPP/Energy and Environmental Markets/RPS/RPS Documents/rps-biomass-guide.ashx](http://www.nyserdera.ny.gov/~media/Files/EDPPP/Energy%20and%20Environmental%20Markets/RPS/RPS%20Documents/rps-biomass-guide.ashx)). These procedures include a requirement that a contract between the supplier and the end-user be established that includes provisions for metering gas volumes to ensure that the heat input rate associated with the Renewable Biogas injected into a pipeline can be readily established.

Metering and Data Acquisition for Renewable Biogas Installations: The Applicant must provide, install, and maintain an electric meter that displays instantaneous AC power and cumulative total AC energy production, and is capable of providing an output to a data logger. The electric meter shall be installed to account for all parasitic losses so that only net energy produced by the system is recorded. The electric meter must meet ANSI C12.20, be revenue grade with a +/-0.2% accuracy, and be properly calibrated.

The Applicant must provide, install, and maintain a revenue grade gas meter that records gas input into the prime mover(s) and is capable of providing an output to a data logger. The gas meter must have an accuracy of +/- 2%, be corrected to standard temperature and pressure, and be properly calibrated. A gas meter installed by the local natural gas distribution company may meet this requirement provided it is installed so that it only records gas consumed by the prime mover(s) and is capable of providing an output to a data logger.

NYSERDA will contract with a remote monitoring contractor to install and maintain a data logging system at the Project Site and connect such data logging system to the electric meter, gas meter, and other meters and/or sensors as applicable. The Applicant must provide NYSERDA, and NYSERDA's-designated contractors, access to facilities, equipment, data (including metering and energy management data), and personnel as necessary to facilitate Remote Monitoring/Data Acquisition (RMDA). The Applicant also must provide, and maintain, an active internet connection to the data logger throughout the Performance Period. Data collected by the RMDA system will be made available to the public at <http://chp.nyserdera.ny.gov> or other similar website specified by NYSERDA, and will be used by NYSERDA to verify the Site Actual Annual Energy Production which will inform the magnitude of annual performance payments.

Contracts for Pipeline Directed Biogas must include a provision applicable to the purveyor of the biogas that requires them to comply with any auditing of the biogas that NYSERDA or NYSERDA's agent may choose to perform.

#### **IV. PREPARING A PROPOSAL**

As is described in more detail below, each proposal will consist of two components, or "packages." The first is the Applicant Qualification Package, which will be reviewed to determine, on a pass/fail basis, whether the proposing team is capable and competent to complete the installation(s). The second component consists of one or more Project Site Packages. Each Project Site Package must include information and documentation with respect to an individual project that will allow the evaluation panel to determine whether the project is eligible and whether it can be completed within the program Timely Completion requirement. The Project Application Form includes information including the Incentive Bid for the project, in dollars per kWh, by which it will be ranked for consideration of an award.

Each project must have a Capacity greater than 200 kW, and must be interconnected on the customer side of a single utility meter within one of the Zone Groups. A proposal may be for a single project, or for multiple projects. If the proposal covers multiple projects, then the proposal may consist of a single Applicant Qualification Package and a Project Site Package for each individual project; each project must be for the same technology and must be located in the same Zone Group.

Proposals must be submitted to NYSERDA in accordance with the directions on the first page of this PON (see "Proposal Submission"). **Due to the large volume of proposals that are received, NYSERDA is requesting that Applicants do not send their proposals in binders.**

Applicants are encouraged to concisely present the information needed to fully address the evaluation criteria (see Section V). Proposals that fail to include the information requested below may be rejected as non-responsive.

Do not include unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response.

Each page of the proposal should state the name of the Applicant, "PON2860," and the page number. **Proposals must be received by NYSERDA's Albany office by 5:00 pm eastern time on or before December 30, 2013. Late proposals, and proposals lacking the appropriate completed and signed Proposal Checklist (Attachment A) and Disclosure of Prior Findings of Non-responsibility Form (Attachment B), will be returned. Faxed or e-mailed copies will be not accepted.**

#### **Proposal Outline:**

Each proposal must contain a Proposal Checklist (Attachment A), a Disclosure of Prior Finding of Non-responsibility Form (Attachment B), an **Applicant Qualification Package; and one or more Project Site Package(s).**

To help facilitate timely and accurate evaluation, each proposal should be organized in the sequence below, and the paper copies should be labeled with corresponding tabs. Applicants submitting multiple Project Sites for a given technology via a single proposal using the same team are permitted and encouraged to submit a single Applicant Qualification Package, which should be incorporated by reference for each Project Site package in the proposal.

#### **1.0 Applicant Qualification Package**

This package must include the following information regarding the Applicant's experience and qualifications.

- Cover Letter – The cover letter should include a summary of the applicant's qualifications and the project(s) and highlight any special features of the proposal or project(s); the cover letter **should not** include the bid price. The bid price must only be shown on the Project Application Form.
- Members of Applicant's Team, Qualifications, Experience and References

##### Team Members

Identify the Team leader for the entire proposal, including full contact information.

Identify the team members (companies/individuals) responsible for each part of the project.

Provide an organizational chart that describes the reporting relationships of all key personnel.

Provide resumes of key personnel who will be directly involved with the implementation of the proposed project.

Provide Company Profiles for all major Team participants that include:

- Year founded
- Status (private/publicly-held)

- Number of employees
- States and countries in which they do business
- Target customers (residential, commercial, industrial, government, etc.)
- Location of Offices

#### Project Design and Installation Experience

Provide total and annual number of installations and aggregated Capacity of completed installations performed by the team members over the last three (3) years for the technology proposed. Also identify the role and responsibilities of the team members for the previous installations.

#### Recent Project References

Provide at least 3 reference letters on the customer’s letterhead, each signed and dated by a representative of the site where a system was installed or developed by a member on the Applicant’s team, or details regarding aggregated “surrogate” project(s) in lieu of letter(s), as further described below. Recent reference letters will be considered more demonstrative of competence. The installations should be for the same eligible technology as the installation proposed and be comparable in size and complexity to the largest and most complex of the installation(s) proposed. The letters must include:

- Electric customer name, address and contact information
- Name of installer and/or developer company
- Site location
- System description
- Date installed
- System Capacity rating
- Statement as to overall satisfaction

For teams involving PV installers who have had positive experience with commercial-scale projects in NYSEDA’s Standard Offer PV Program (PON 2112 and predecessors) but cannot otherwise furnish three conforming letters of recent project references, in order to establish a process to aid with transition to larger projects, the aggregate of the team’s good-standing completed commercial-scale projects from NYSEDA’s Standard Offer PV Program can serve as a “surrogate” project(s) in lieu of one of the required letters for recent project references. To exercise the option for a “surrogate” project in lieu of one or more of the required letters for recent project references, Attachment J must be completed and submitted as part of the Applicant Qualification Package.

- **Quality Assurance Plan** - Provide a **detailed** and comprehensive description of the quality assurance plan to ensure that the installation will be completed in accordance with industry standards and practices. Also include the warranties offered as part of the individual installation and a detailed description of the service and maintenance capabilities of the Applicant’s team. If the Applicant receives an award, NYSEDA may at its discretion inspect or have a third party inspect any individual installation for adherence to appropriate codes and professional standards pertaining to the installation.
- **Other Information** - If necessary, provide additional information to assist NYSEDA in reviewing and evaluating the proposal. For Pipeline Directed Biogas proposals, the Applicant will be required to show proof that a sufficient amount of biogas is available to support the installation.

## 2.0 Project Site Package(s)

Proposals may be submitted for a single or multiple Project Sites. A Project Site Package must be submitted for each Project Site included in the proposal. Each Project Site Package must be labeled and include all of the documents and information identified below:

- A concise description of the project, including a summary identifying the customer, the site, the project size, the customer's annual energy usage, whether net metering/remote metering is proposed, and any other specific information that will allow the Technical Evaluation Panel to make a proper determination as to the eligibility of the project (See Section V).
- Electric utility bill from Project Site address showing the current 12 month usage history and payment into the RPS. A single copy of the bill showing payment into the RPS and a print out from the Utility with the most current 12 months is acceptable. You do not need to submit 12 separate bills, however the print out must be from the Utility and not a customer generated chart.
- A specific and complete listing of all required permits and approvals and a timeline of when these will be acquired.
- Aerial photo for the PV Project Site including location of the proposed equipment (e.g. Google maps).
- Calculations showing percentage of system losses due to shading, orientation, and tilt (for PV).
- A copy of the Applicant's communication(s) to the utility and the utility's response(s) with respect to each Project Site. For each Project Site, the Applicant's communication is reasonably expected to include: (1) identification of customer name, street location(s) and account number(s); (2) authorization from the customer for the Applicant to secure customer usage history; (3) proposed project size (kW); (4) whether the intent is to net meter; and (5) whether the site is located in a strategic location. The Utility is expected to conduct an initial review of the potential project and provide the Applicant with preliminary guidance regarding next steps. This initial utility contact by the Applicant must be made by letter or electronically no later than ten (10) business days before the proposal due date.
- Completed and signed page 1 of short (SEQRA) EAF form  
[http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/shorteaf.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/shorteaf.pdf)
- A letter of intent on the identified electric customer's letterhead specifying the Project Site address where the installation will be located and the Capacity of the proposed system. The Capacity identified in the letter of intent must match the Capacity identified on the Project Application Form. The letter of intent must have been signed no earlier than October 1, 2013 by an individual having the authority to bind the electric customer. Please refer to Attachment K, a template which identifies required language.
- A Project Site Implementation Schedule (see Attachment E), which describes the plan for completing the installation (expected milestones and timing for the installation). When developing the Project Site Implementation Schedule, Applicants should take into consideration the time required for all outside approvals including, but not limited to obtaining permits and the utility's interconnection process. The Project Site Implementation Schedule should indicate, at a minimum, anticipated dates for the accomplishment of major development milestones, as listed below:
  - Signed customer agreement
  - All permits obtained
  - System installation
  - Application for Interconnection submitted to the local utility
  - Interconnection approval received
  - Data transmittal to website

- Project Application Form for each Project Site, which contains the Project Site Checklist, Project Site Details, and Electric Utility information. The Applicant must submit two (2) hard copies of the Project Site Details which outlines the bid price. One copy must contain an original signature. For projects looking to take advantage of remote net-metering the Electric Utility information must list all accounts and satellite meters. A bill for each account showing payment into the RPS and the most current 12 month usage is required.

When the Project Application Form is completed using the electronic spreadsheet, the Project Site Incentive is auto-calculated using the Assigned Capacity Factor: 13.4% (.134) for PV and 75% (.75) for Renewable Biogas projects; otherwise this value needs to be manually calculated and entered using the Assigned Capacity Factor. **\*\*Note that the kW system size listed on the Project Application Form will be the size of the system that NYSERDA will base the contract on. It is essential that all system sizes match.**

**Incentive Limits:** The maximum incentive amount for each Project Site is \$3 million, unless the Project Site is located in a Strategic Location. The maximum award per Applicant for this solicitation is \$6 million, except if sites are in a Strategic Location, regardless of the number of Project Sites (see additional pertinent information under “Eligible Applicants” above). In addition, the incentive amount (excluding any “Strategic Location” bonus) for each Project Site may not exceed 50% of the total installed system costs for the installation. Applicants are required to provide an estimate for the total installed costs for the Project Site and show that the Project Site Incentive amount is no greater than 50% of the total installed costs for the site.

**Applicants should review and check that all items on the Project Site Checklist are in each Project Site package.**

## V. PROPOSAL EVALUATION

Proposal evaluation and selection will occur via a 3-step procedure:

- Step (1): Proposals will be screened for completeness and conformity with the Eligibility Requirements by a team of NYSERDA staff. Only those deemed complete and in conformance will proceed to the next step, all others will be rejected.
- Step (2): a Technical Evaluation of the Applicant Qualification Package and each Project Site Package will be conducted by a Panel consisting of non-NYSERDA personnel and NYSERDA staff to ensure that all the criteria and requirements specified in this PON are satisfied. Only those found to satisfy the technical criteria will proceed to the next step, all others will be rejected.
- Step (3): Incentive Bids will be ranked, lowest to highest, for selection based on price.

**NYSERDA has determined a Maximum Acceptable Incentive Bid it is willing to accept; any request above this value will not be evaluated or funded. Applicants are encouraged to offer their best price bids.**

Proposals rejected during any step or ultimately not selected due to bid price can be submitted in subsequent rounds and/or subsequent solicitations.

### STEP 1: Screening for Completeness & Conformity with Eligibility Requirements

## SCREENING CRITERIA

- Proposal was submitted by the due date and signed by an authorized representative of the Applicant.
- Project Site Details form is completed and signed.
- Proposal is for **either** the installation of a PV or Renewable Biogas project(s) in load zones G through J.
- Incentive will not exceed 50% of the total installed system costs for each Project Site.
- Incentive Bid(s) do not exceed the Maximum Acceptable Incentive Bid.

## STEP 2: Technical Evaluation Panel Criteria

Proposals that satisfy the requirements of the Screening Criteria will be reviewed by a Technical Evaluation Panel (TEP) to ensure that all the technical criteria are satisfied. If the TEP determines that the proposal's documentation of adequacy to the technical criteria detailed below is insufficient, the proposal will be rejected from further processing, regardless of the Incentive Bid.

- Applicant has sufficient experience in the technology for the proposed installation.
  1. Was sufficient team member information provided as listed in the Applicant Qualification section?
  2. Does the experience presented in the proposal support the installation proposed, including consideration of the technology and the electric customer sector?
- Project references are included and are associated with past installations in the proposed technology.
  1. Were three applicable references (including the furnishing of "surrogate" aggregation information via Attachment J in lieu of one or more reference, if applicable) for previous installations that attest to the competency of the Applicant included in the proposal?
  2. Were these installations in the technology proposed and of comparable size and complexity as that being proposed?
  3. Were the installations installed within the last three years?
- Implementation Schedule is complete and reasonable.
  1. Does the schedule clearly support completion of the installation within the required April 30, 2015 requirement?
  2. Is the schedule realistic given the scale, complexity, location and jurisdictional characteristics for the proposed installation(s)?
- Project Site Packages.
  1. Does the letter of intent support the installation?
  2. Is the other required information included?
  3. Is the required documentation included?
  4. Is the Project Application Form completed and included?
- Quality assurance plan is sufficient to ensure installation will be completed in accordance with industry standards and practices.
  1. Does the Applicant have a formal documented quality assurance plan in place?
  2. Does the quality plan address items such as industry standards followed, service and maintenance capabilities, and warranties offered?

3. Are the service and maintenance capabilities sufficient to ensure continued quality operation of the installation(s)?

### STEP 3: Incentive Bid Evaluation

Project Application Forms associated with proposals that meet the Screening and TEP criteria will be ranked based on the Incentive Bid. Within a Zone Group, selection for awards will begin with the proposal with the lowest Incentive Bid, working sequentially through the next lowest Incentive Bid. Any funding not awarded will be reallocated at NYSERDA's discretion and in accordance with Commission Orders.

## VI. CONTRACTING/PAYMENT

### Contracting

Selected Applicants will be notified by NYSERDA in writing of all awards. Upon award, contracting will be through a Standard Performance Agreement appropriate to the proposal (Attachment F, G, or H), which will be conformed to the proposal and delivered to the Applicant.

- **The Applicant will have thirty (30) days from the Effective Date noted in the first paragraph of the Agreement to execute and return the Standard Performance Agreement to NYSERDA. NYSERDA may rescind and cancel the award if it does not receive the signed Agreement within that timeframe.**
- **Applicants who intend to create a special purpose entity to contract/develop/own/lease the project should notify NYSERDA of such intention in their Proposals. Once Applicants are notified of an award the Applicant must, within ten (10) business days, notify NYSERDA whether a special purpose entity will be formed. Failure to notify NYSERDA will result in unnecessary delays that may impinge on the Applicant's ability to meet the Timely Completion of Installation requirement.**
- **On or before June 27, 2014, the Applicant must provide NYSERDA a copy of (1) a fully executed agreement demonstrating a binding commitment to install the project at the Project Site; and (2) a fully executed agreement with the electric customer, including the terms set forth in Attachment I.**
- **Applicants must provide a report outlining status of permitting, utility interconnection, and copies of applications for each, as well as updated project schedule by August 29, 2014.**

Timely Completion of Installation: All projects must be installed, interconnected, and operational by April 30, 2015. If the installation is not completed within this time period, the Agreement may be terminated and the funding for the project may be canceled at NYSERDA's discretion.

Energy Assessment for Installations: If awarded a contract, the Applicant will be required to conduct an ASHRAE level 1 walk through analysis to determine cost-effective energy efficiency measures related to electricity use. Should the site be located in load zone J the Applicant must submit to NYSERDA a copy of the electric customer's Energy Star score as required under PlanNYC instead of the ASHRAE level 1 audit.

Building owners should be encouraged to, but are not required to implement any energy efficiency measures identified.

## **Reporting**

Within thirty (30) days after the end of each of the three (3) annual payment periods during the Performance Period, the Applicant must provide a report using information extracted from NYSERDA's data management website containing the following as applicable to the installation(s):

- Monthly electric energy production data (in kWh) for the 12 month payment period (Site Actual Annual Energy Production),
- Monthly gas consumption data for Renewable Biogas installations (in cubic feet and/or MMBtu as appropriate),
- Documentation that a sufficient amount of biogas was supplied to the pipeline by the biogas producer for reconciliation on a calendar-month basis for Pipeline Directed Biogas installations (in cubic feet and MMBtu) for the 12 month payment period,
- Monthly measurements of the heating value of the biogas consumed by locally-feed biogas installations (in BTU/cubic feet) for the 12 month payment period.

Attachments F, G and H are Sample Standard Performance Agreements which identify additional reporting requirement details.

## **Payment**

The payment process is designed to encourage the installation of high performing systems. If awarded a contract, payments for each installation will consist of a combination of up-front payments and performance payments.

### Up-Front Payments:

The first up-front payment will be paid upon receipt by NYSERDA of documentation showing that all major equipment for the installation has been procured and delivered to the Project Site, all necessary permits and approvals have been acquired, and initial approval from the utility has been received. This payment will be 10% of the Project Site Incentive.

The second up-front payment will be paid after the system has been interconnected to the grid (proof of interconnection is required via a letter or email from the local distribution utility), and has proven capable of providing data to the website specified by NYSERDA. Inspection by NYSERDA or NYSERDA's agent may also be required prior to payment. This payment will be 15% of the Project Site Incentive.

Performance Payments: Performance payments will be paid annually for three (3) consecutive years. For each year of the three-year Performance Period, the performance payment will equal 75% of the Applicant's Incentive Bid (\$/kWh) multiplied by the Site Actual Annual Energy Production (kWh). If the Project Site is in a Strategic Location, the Incentive Bid will be multiplied by 1.25. The sum of up-front payments and performance payments will not exceed the Project Site Incentive.

For Pipeline-Directed Biogas installations, payments associated with electricity generation will be conditioned on the end-user demonstrating that a sufficient quantity of Renewable Biogas has been purchased during each calendar month to support electricity generation in that same month.

Monthly energy production data for a period of twelve (12) months must be submitted annually with each performance payment request. For Renewable Biogas installations, monthly gas purchase or production, and consumption data, as applicable, for a period of twelve (12) months must also be submitted. In addition, data on the heating value and/or chemical composition of the biogas must be provided for installations directly consuming biogas (as opposed to using Pipeline-Directed Biogas).

The Applicant must submit an annual report to NYSERDA identifying the Site Actual Annual Energy Production within 30 days of the conclusion of each twelve (12) month period. Full reporting requirements can be found in Attachments F, G and H, the Sample Standard Performance Agreements for the various technologies.

## VII. PAYMENT SUMMARY

1. For each Project Site, NYSERDA will use the Incentive Bid to determine the amount of each up-front payment.
  - Each up-front payment = .10 and .15, respectively, x (Incentive Bid) x Site Estimated Annual Energy Production x 3 years
  - Sites in Strategic Locations: Each up-front payment = .10 and .15 respectively x (Incentive Bid x 1.25) x Site Estimated Annual Energy Production x 3 years
2. For each full year of operation, the Contractor will provide NYSERDA with the Site Actual Annual Energy Production for that year. NYSERDA will provide a performance payment according to the following:
  - Performance payment = .75 x Incentive Bid x Site Actual Annual Energy Production, not to exceed the Project Site Incentive
  - Sites in Strategic Locations: Performance payment = .75 x (Incentive Bid x 1.25) x Site Actual Annual Energy Production, not to exceed the Project Site Incentive
3. Payments will be made for three years to the extent the Project Site Incentive is not exceeded.

## VIII. DEFINITIONS

**Applicant** – The entity (e.g. manufacturers, energy service companies, system installation companies, equipment distributors, financial institutions, host sites, etc.) submitting the proposal to PON 2860. The Applicant is the entity identified as the “Company,” on the Proposal Checklist (Attachment A) and the Bid Application Form (Attachment C). If selected for an award, this entity will be the “Contractor” under the Standard Performance Agreement and to whom all payments by NYSERDA will be made.

**Assigned Capacity Factor** – A value, predetermined by NYSERDA for PON 2860, for use in projecting estimated energy production. The values are 13.4% (.134) for PV and 75% (.75) for Renewable Biogas projects. The Assigned Capacity Factor is used in determining the Site Estimated Annual Energy Production and the Total Contract Estimated Energy Production.

**Project Application Form** – Form to be completed, signed and submitted by the Applicant, which includes the Zone Group, Applicant’s Incentive Bid and Capacity, Project Site Details, and Electric Utility Information (Attachment C).

**Capacity** – The manufacturer’s nameplate rating of the Electric Generation Equipment. For PV, this is the total DC power rating of the PV panels in an installation. For Renewable Biogas projects, this is the AC power rating of the prime mover based on the BTU content of the fuel being used.

**Electric Generation Equipment** – PV or Renewable Biogas-fueled equipment that generates electric power.

**Incentive Bid** – The Applicant’s requested incentive payment rate in \$/kWh, as included on the Project Application Form (Attachment C).

**Maximum Acceptable Incentive Bid** – NYSEDA has determined a Maximum Acceptable Incentive Bid it is willing to accept; any request above this value will not be funded. In order to inspire best available pricing from the marketplace, NYSEDA is not disclosing this Maximum Acceptable Incentive Bid.

**Project Site** – The site at which the PV system is located, and where the electric customer’s utility meter is located.

**Timely Completion** – All projects must be completed within and interconnected by April 30, 2015 from the date upon which the Applicant is notified in writing by NYSEDA of an award.

**Project Site Incentive** - Incentive Bid x Site Estimated Annual Energy Production x 3 years, not to exceed \$3 million and/or Applicant’s \$6 million cap, (if the Project Site is identified in the proposal as being located in a Strategic Location, NYSEDA will multiply this result by 1.25).

**Performance Period** – The period for which performance payments will be made for each Project Site. The Performance Period for this PON is the three (3) consecutive years beginning on the first of the month following the production of electric energy of the Project Site in accordance with the requirements of this program, including the approval of all necessary permits and interconnection agreements.

**Pipeline Directed Biogas** – Renewable Biogas fuel that is contracted for delivery through a natural gas pipeline.

**Renewable Biogas** - For the purpose of determining eligible renewable biogas fuels, the definitions and procedures for renewable biogas contained in the NYS RPS Biomass Power Guide ([www.nyserda.ny.gov/~media/Files/EDPPP/Energy and Environmental Markets/RPS/RPS Documents/rps-biomass-guide.ashx](http://www.nyserda.ny.gov/~media/Files/EDPPP/Energy%20and%20Environmental%20Markets/RPS/RPS%20Documents/rps-biomass-guide.ashx)) related to anaerobic digestion will be applied. Renewable Biogas is defined as fuel from the anaerobic digestion of farm, food or wastewater treatment materials that is currently not being used for the production of heat, power, or steam. Renewable feedstocks include manure, agricultural residues, high BOD industrial organic wastes (e.g. food and beverage wastes), and municipal wastewater treatment sludge. [Note: Electricity generated by landfill biogas is not eligible for this program].

**Satellite Meter** – Under remote net metering, additional meter(s) designated by the host meter account with the same name on the account, for the application of excess net metering credits.

**Site Actual Annual Energy Production** – This is the actual, verified metered energy production in kWh of a specific Project Site over the period of one year (See Section III; Metering and Data Acquisition).

**Site Estimated Annual Energy Production** - the Project Site Capacity x Assigned Capacity Factor x 8760 hours/year.

**Strategic Locations** – In accordance with the Order, the electric utilities in the Zone Groups have identified regions within their service territories where the installation of new PV and/or Renewable Biogas-fueled electric power generation systems is expected to provide benefits to the electric distribution system. For PON2860, these regions are shown in Attachment D. **Incentives for projects installed within these Strategic Locations will be paid at 125% of the Incentive Bid. This increased payment is only available for sites identified as being within a Strategic Location at the time the proposal is submitted.**

**Zone Group** –The grouping of New York Independent System Operator (NYISO) designated load zones (G&H) and (I&J), each of which is a Zone Group.

**IX. GENERAL CONDITIONS**

**Proprietary Information:** Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2) (d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the Applicant wishes to have treated as proprietary and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://nyserdera.ny.gov/~media/Files/About/Contact/NYSERDARegulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

**Omnibus Procurement Act Of 1992:** It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

*Empire State Development*  
Division For Small Business  
30 South Pearl Street  
Albany, NY 12245

A directory of certified minority- and women-owned business enterprises is available from:

*Empire State Development*  
Minority and Women's Business Development Division  
30 South Pearl Street  
Albany, NY 12245

**Limitation:** This solicitation does not commit NYSERDA to award a contract, to pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest.

**Disclosure Requirement:** The Applicant must disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When an Applicant is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the Service Provider may be subject to penalties for violation of any law which may apply in the particular

circumstances. Applicants must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

**State Finance Law sections 139-j and 139-k:** NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>. The attached Proposal Checklist calls for a signature certifying that the Applicant will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the Applicant has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

**Tax Law Section 5-a:** NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/2006/killin/st/st220ca\\_606\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/2006/killin/st/st220ca_606_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

**Contract Award:** NYSERDA anticipates making multiple awards under this solicitation. It may award a contract based on initial proposals without discussion, or following limited discussion or negotiations pertaining to the Sample Standard Performance Agreement. Each Proposal should be submitted using the most accurate cost and technical information available. NYSERDA may request additional data or material to support proposals. NYSERDA expects to notify Applicants in approximately 8 to 10 weeks from the Proposal due date whether each Proposal has been selected to receive an award. Contracting will be through a Standard Performance Contract Agreement (Agreement). Sample Agreements are shown as Attachments F, G and H. **NYSERDA may decline to contract with awardees who are delinquent with respect to any obligation, including required reporting, under any previous or active NYSERDA agreement.**

**Insurance:** Selected Applicants will be required to maintain or cause to be maintained throughout the term of this Agreement, commercial general liability insurance for bodily injury liability, including death, and property damage liability, incurred in connection with the performance of this Agreement, with minimum limits of \$1,000,000 in respect of claims arising out of personal injury or sickness or death of any one person, \$1,000,000 in respect of claims arising out of personal injury, sickness or death in any one accident or disaster, and \$1,000,000 in respect of claims arising out of property damage in any one accident or disaster. Such insurance shall be evidenced by insurance policies, each of which shall: **(1) name or be endorsed to cover the Applicant as the insured, and NYSERDA and the State of New York as additional insureds;** (2) provide that such policy may not be cancelled or modified until at least 30 days after receipt by NYSERDA of written notice thereof; and (3) be reasonably satisfactory to NYSERDA in all other respects.

## **X. ATTACHMENTS**

Attachment A	Proposal Checklist
Attachment B	Disclosure of Prior Findings of Non-responsibility Form
Attachment C	Project Application Form
Attachment D	Strategic Locations
Attachment E	Project Site Implementation Schedule Template
Attachment F	Sample Standard Performance Agreement for PV
Attachment G	Sample Standard Performance Agreement for Electric Generation using Renewable Biogas Fuel Locally-fed to the Generator
Attachment H	Sample Standard Performance Agreement for Electric Generation using Pipeline Directed Biogas
Attachment I	Addendum to the Customer Agreement
Attachment J	Aggregated "Surrogate" Project Information in lieu of One or More Required Reference
Attachment K	Letter of Intent Template