



NY-Sun Competitive PV Program
Program Opportunity Notice (PON) 2956
\$60,000,000 Available

Proposals Due:*
July 17 2014, by 5:00 PM Eastern Time

The New York State Energy Research and Development Authority (NYSERDA) is pleased to announce the availability of up to \$60 million in funding under the **NY-Sun Competitive Photovoltaic (PV) Program**. NYSERDA invites Applicants to submit proposals for the installation of customer-sited PV projects or Renewable Biogas-fueled electric generation (ADG) projects larger than 200 kW in New York Independent System Operator (NYISO) load zones A-F, G&H, and I&J. 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, 2016.

Up to \$60 million in funding is available. NYSERDA may, at its discretion, award funding in addition to that amount.

NYSERDA will conduct a teleconference for prospective Applicants on May 28, 2014, **at 1 pm 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, by 12:00 noon EST on May 21, 2014, with the subject line "PON 2956 Teleconference." Participants will be provided call in information on or about May 27th.

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 a 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) except for Attachments that are in excel format, those **must** be provided on the CD in excel.

Proposals must be **received by NYSERDA by 5:00 pm eastern time on July 17, 2014**, and must be clearly labeled and submitted to:

Roseanne Viscusi, PON 2956
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.

If you have technical questions concerning this solicitation, contact Alison Neligan at (518) 862-1090, ext. 3397 (aln@nyserda.ny.gov). If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 (vwf@nyserda.ny.gov).

NOTE: CAPITALIZED TERMS APPEARING IN THIS PON ARE DEFINED IN SECTION IX (DEFINITIONS). APPLICANTS SHOULD REFER TO SECTION IX 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. 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.

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I. INTRODUCTION

In accordance with a series of New York State Public Service Commission Orders,¹ NYSERDA seeks proposals under the NY-Sun Competitive PV Program. Proposals will be competitively selected for the installation of customer-sited PV² in NYISO load zones A-F, G&H, and I&J. All systems must be greater than 200 kW. All Projects must be installed, interconnected, and operational by April 30, 2016. 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.

All PV 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.

Significant Changes from PON 2860:

- The Payment structure has been changed; the two up-front payments under previous PONs will now be reduced to one up-front payment in the amount of 30% of the Project Site Incentive. **Performance payments have been reduced from three years to two years**, to total up to 70% of the Project Site Incentive, based on actual performance.
- Project and Applicant incentive caps have been removed for PV.
- Applicants may submit proposals that include projects at customer sites served by NYPA. Funding for such projects is subject to a proposal before the NYSERDA Board at its June 24th meeting.
- In the event of a bid price tie, or virtual tie (e.g. within \$0.003/kWh), the selection process may take other factors into consideration as the tie-breaker; factors such as greater likelihood of installation (e.g. signed contract in place with the customer) and/or whether the proposed project is in a strategic location.
- For project proposals that include dual axis tracker systems, the available capacity factor is now 17.5% (0.175).
- An additional \$50,000 integration incentive has been added for projects that integrate energy efficiency measures that reduce the energy use intensity (kBtu/sq. ft./year) at the customer site by a minimum of 15%, relative to the baseline energy use intensity.
- An additional \$50,000 integration incentive has been added for projects that integrate PV/energy storage at a customer site that provides a minimum of 250 kW of load management, demand management, or improved load factor.
- The time allowed for “Timely Completion” of projects selected for award is April 30, 2016.
- The template for the Letter of Intent has been updated (see Att. K); letters of intent submitted with proposals must conform to this template.
- The Template for initial contact to the Utilities has been provided (see Att. L). NYSERDA has also coordinated the utilities for a standard response to be provided back to the Applicant (see Att. L).

¹ <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}>

² 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 have been deemed technically meritorious by the Technical Evaluation Panel will be ranked 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 F, G or H) for signature if selected for an award. The agreement will provide for one up-front payment and two performance payments – one performance payment following each of the first two years of operation. The maximum dollar value of the Performance Agreement will be calculated by multiplying the individual project Incentive Bid by the number of kWh the project is projected to produce over two years using a capacity factor of 13.4% for fixed mounted PV, 17.5% for PV with dual axis tracker systems, or 75% for renewable biogas. Performance payments will be calculated based on the number of verified kWh actually produced during each of the two years of operation under contract to NYSERDA not to exceed the Project Site Incentive. The maximum dollar value for Renewable Biogas may not exceed \$3 million per project.

Eligible Applicants: Applicants may and are encouraged to collaborate and form teams (e.g. project developers, 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" as identified in Attachment J.

Eligible Project Site Locations: To be eligible, projects must be installed in NYISO load zone A-F, G&H, or I&J. All installations must be grid-connected (electrically interconnected on the customer side of a utility meter through which the Customer pays the RPS surcharge (referred to as "RPS" or "RPS/SBC" on utility bill) as part of their electricity bill. Applicants may also submit proposals that include projects at customer sites served by NYPA. Funding for such projects is subject to a proposal before the NYSERDA Board at its June 24th meeting with regards to funding for expanded statewide deployment of PV.

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 provides for an additional 25% above the Project Incentive. **This increase 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; such location must be 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 this PON, are 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, 2016.

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 NYISO 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; documentation is provided confirming communications to/from the local utility per Section V 2.0 (2); and (3) such requests are received by NYSERDA in writing on or before January 15, 2015. All approved substitutions must still meet the Timely Completion requirement that the system be installed, interconnected, and operational by April 30, 2016.

Prime Power: PV and Renewable Biogas 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 projected 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. At NYSERDA's discretion the system size limitation may be adjusted downward to prevent or avoid obsolescence of other on-site power 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 award by NYSERDA under this PON are not eligible for funding.

Project types 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, 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 or award 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). Projects less than 200 kW may be eligible under PON 2112, however Applicants are not permitted to submit proposals under both this solicitation and PON 2112. Nor are Applicants permitted to withdraw or cancel a project application or proposal, or seek to nullify a contract or award under this solicitation in order to apply or pursue an application or proposal under PON 2112 for the same project. More information on the program can be found at:

<http://www.nyserdera.ny.gov/BusinessAreas/Energy-Efficiency-and-Renewable-Programs/Renewables.aspx>

Previously Received Awards: Applicants to this solicitation must demonstrate good faith progress on projects awarded **under previous NY-Sun 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.

Interconnection; Net Metering: Applicants must consult with the interconnecting utility and receive a written response from the utility for each Project Site. For each Project Site, the Applicant's communication to the utility is reasonably expected to include, at a minimum: (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 or remote-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 within ten (10) business days of receiving a complete request. This initial contact does not replace the interconnection application process. This initial utility contact by

the Applicant must be made by letter or electronically no later than twelve (12) business days before the proposal due date in order to provide the Utility with time to review and respond. The utility will not respond to requests that do not include a letter of authorization from the customer. Applicants, who do not submit a complete and timely request to the utility may not receive a response prior to the proposal due date. The absence of a response from the utility in a site package will be looked upon negatively during the Technical Evaluation Panel's review. In order to simplify the process for both the Applicant and the utilities, NYSERDA has developed a form that Applicants must use when making initial contact with the utility. NYSERDA and the utilities have coordinated to develop a template response back to Applicants. Both forms can be found in Attachment L. **See Section V 2.0 (2).**

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>

Note that by pursuing interconnection with the utility, utility fees and/or costs to upgrade portions of the local utility infrastructure may be incurred. 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.

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.

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/docs/permits_ej_operations_pdf/shorteaf.pdf) 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. PHOTOVOLTAIC (PV) PROJECTS

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.

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.nyserderda.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. It is the Applicant's responsibility to assure that data is successfully transmitted to the website during the performance period. Should any anomalous conditions or communications gaps occur, the Applicant **must** remedy the problem immediately and inform NYSERDA within ten (10) business days.

Integration of Energy Efficiency and/or Energy Storage:

Applicants are required to conduct a clipboard audit or Energy Star Portfolio Manager benchmarking assessment for all awarded projects on the customer's behalf.

NYSERDA offers a \$50,000 integration incentive to Applicants that integrate into the awarded solar project energy efficiency measures that reduce the energy use intensity (kBtu/sq. ft./year) at the customer's site by a minimum of 15%, relative to the baseline energy use intensity for the customer.

NYSERDA offers a separate \$50,000 PV/energy storage integration incentive to Applicants that demonstrate that they have provided a minimum of 250 kW of load management, demand management, or improved load factor at the customer's site.

Applicants are eligible to receive the integration incentive(s) on the basis of projects installed and documentation of at least one year's performance provided by the Applicant no sooner than the end of the first year's performance period and no later than the end of the two-year performance period. Applicants are eligible to participate in other NYSERDA and/or Utility Programs to offset costs for the equipment installations. The \$50,000 integration incentive is to assist in the development, design, and validation of integration of energy efficiency and/or energy storage.

Energy Efficiency: To obtain the energy efficiency integration incentive, Applicants must complete an energy audit that meets, at a minimum, ASHRAE Level I standards, within 120 days of the date of the executed contract between the Applicant and the customer. The audit must, at a minimum, provide baseline information about the customer's site including:

- A site description including: the site location, area in conditioned square feet (sq. ft.), energy and fuel consumption data including a summary of one year of utility bills for all electricity and other fuels consumed at the facility. This data should be aggregated to establish a baseline annual electric consumption (kWh), electric demand (kW) and fuel consumption (mmBtu) for the site. This information should also be used to calculate the baseline energy use intensity for the site in kBtu/sq. ft./year.
- A summary of building systems including a description of all existing building systems for which the energy audit recommends energy efficiency improvements.

To be eligible to earn the integration incentive, the Applicant must provide documentation that audit identified energy efficiency measures (and or other measures) have been installed and are operational on or before April 30, 2017. Documentation must be provided, no sooner than the end of the first year's performance period and no later than the end of the two year performance period, that shows that installation of energy efficiency improvements have reduced the energy use intensity (kBtu/sq. ft./year) at the site by a minimum of 15% relative to the baseline established by the audit. Applicants should optimize the size of the PV system based on the known and expected operational parameters of the customer site, including reduced load requirements resulting from improved energy efficiency.

If an Applicant implements audit-recommended energy efficiency improvements and does not reduce the energy use intensity at the site by 15% compared to the audit-identified baseline due to unforeseen and significant operational changes (e.g. increased hours of operation, occupancy, or manufacturing), NYSERDA may, at its sole discretion, provide the energy efficiency integration incentive to the Applicant, provided that the Applicant verifies that the energy efficiency improvements made would have resulted in a minimum 15% reduction in energy use intensity at the customer site, absent energy use increases caused by significant operational changes.

Energy Storage: To eligible to earn the PV/energy storage integration incentive, the Applicant must demonstrate that they have installed an energy storage system that provides a minimum of 250 kW of load management, demand management, or improved load factor, by no later than the end of the first year's performance period. Applicants must include the following information in their proposals:

- Description of all hardware and associated control systems for the PV/energy storage system integration
- Specify how the proposed method of system integration will benefit the project site, including its minimum and maximum discharge duration and describe load management, demand management, or improved load factor opportunities based on building load shape, rate class and tariffs.

To be eligible to earn the PV/energy storage integration incentive the Applicant must provide documentation verifying that the above integration hardware and associated control systems have been installed, interconnected, and operational on or before April 30, 2017. Documentation must be provided, no later than the end of the two year performance period, that the energy storage system integration has resulted in a minimum 250 kW of load management, demand management, or improved load factor at the customer's site for a period of at least one year.

The Applicant agrees to optimize the design and size of the Energy Storage system based on the forecasted production of the integrated PV system and known or expected operational parameters of the facility. If an Applicant successfully implements the PV/energy storage integration system, and the customer is still unable to reduce their kW requirements by a minimum of 250 kW during a 12 month consecutive time period due to unforeseen and significant operational changes (e.g. increased/decreased hours of operation, occupancy, or manufacturing), NYSERDA may, at its sole discretion, still provide the additional incentive, provided that the Applicant verifies that the systems integration would have resulted in a minimum 250 kW reduction in building load at the customer site, absent unforeseen and significant operational changes.

IV. RENEWABLE BIOGAS-FUELED ELECTRIC GENERATION PROJECTS

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 (G&H or I&J) 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 and 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_x 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.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)). 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. 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.

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.nyserd.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. When the Project Application Form is completed using the electronic spreadsheet, the Project Site Incentive is auto-calculated using the Assigned Capacity Factor: 75% (.75); otherwise this value needs to be manually calculated and entered using the Assigned Capacity Factor.

Incentive Limits: The maximum incentive amount for each Renewable Biogas Project Site is \$3 million. 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. Note that NYSERDA will base the awarded contract on the kW system size listed on the Project Application Form.

V. 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's Timely Completion requirement. The Project Application Form includes 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 host utility meter within one of the identified 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 requests 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 VI). Proposals that fail to include the information requested below may be rejected as non-responsive.

Please do not include unnecessary attachments beyond those necessary to provide a complete, comprehensive, and effective response.

Each page of the proposal should state the name of the Applicant, "PON 2956," and the page number. **Proposals must be received by NYSERDA's Albany office by 5:00 pm eastern time on or before July 17, 2014. 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 **must 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
- Number of employees
- States and countries in which they do business and have offices located

- Target customers (residential, commercial, industrial, government, etc.)
- Target Project Sizes
- Identify if your business model currently includes integration of energy efficiency or energy storage technologies

Project Design and Installation Experience

Provide total and annual number of installations and aggregated Capacity of completed installations performed by each of the team members over the last three (3) years for the technology proposed. Also identify the specific role and responsibilities of each 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. Reference letters must be from customers who have had projects completed in the last 3 years. The installations should be for the same eligible technology as the installation proposed and be comparable in size to the installation(s) proposed. The letters must include:

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

Reference letters that are missing any of the information listed above will be considered invalid and may cause the Technical Evaluation Panel to view such letters as failing to meet minimum requirements.

For teams involving PV installers who have had experience with commercial-scale projects in NYSEDA's Standard Offer PV Program (PON 2112 and predecessors) but cannot otherwise furnish three letters of recent project references, 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. The Applicant **must** still provide at least 1 letter of reference for the largest project completed within the last three years.

- Quality Assurance Plan - Provide a **comprehensive** and **detailed** 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 NYSERDA and the Technical Evaluation Panel in reviewing and evaluating the teams' qualifications and ability to install the proposed project. 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, in the following order:

1. **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, if integration of energy efficiency or energy storage is planned, 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 III).
2. **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 to the Utility 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 or remote-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 within ten (10) business days of receiving a complete request. This initial utility contact by the Applicant must be made by letter or electronically **no later than twelve (12) business days before the proposal due date** in order to provide the utility with time to review and respond.

The communication to the utility must include a letter of authorization from the customer to the utility. Applicants, who do not submit their request to the utility in time, may not receive a response back. If your site package does not include the response from the utility, it will be looked upon negatively during the Technical Evaluation Panel's review. This initial contact does not replace the interconnection application process. In order to simplify the process for both the Applicant and the utilities, NYSERDA has developed a form that Applicants must use when notifying the utility. Additionally NYSERDA and the Utilities have worked together to develop a template response back to Applicants. Both forms can be found in Attachment L.

3. **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 within one year of the July 17th Proposal due date by an individual having the authority to bind the electric customer. Please refer to Attachment K, a template which identifies required language. If the Applicant has a signed contract with the customer, submitting a copy of that contract instead of a letter of intent is acceptable and will be viewed favorably by the Technical Evaluation Panel.

4. **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. **Please note that your bid price should be calculated based on a two year performance period.** One copy must contain an original signature. For projects that plan to remote net-meter 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.
5. **Electric utility bill from the Project Site** showing the **most** 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 required for each account and meter that will be off-set by the system.
6. **Aerial photo for the PV Project Site** including location of the proposed equipment (e.g. Google maps).
7. **Calculations showing percentage of system losses** due to shading, orientation, and tilt (for PV).
8. **Completed and signed short (SEQRA) EAF form:**
http://www.dec.ny.gov/docs/permits_ej_operations_pdf/shorteaf.pdf
9. **A Project Site Implementation Schedule** (see Attachment E), which describes the plan for completing the installation (including expected milestones, sequences and dates/timing). 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 must provide project date(s) for all items below:
 - Signed customer agreement
 - List of all permits required, when they will be applied for, and anticipated approval of each
 - System installation begin date and completion date
 - Application for Interconnection submitted to the local utility and estimated approval
 - Interconnection inspection requested and final approval received
 - Data transmittal to website

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% (0.134) for fixed ground or roof mounted PV systems and 17.5% (0.175) for dual axis tracking systems; otherwise this value needs to be manually calculated and entered using the Assigned Capacity Factor.

REMINDER: (1) Performance payments have been reduced from three years to two years, and awarded contracts will be based on the kW system size identified by the Applicant, as listed on the Project Application Form (Att. C), and (2) for project proposals that include dual axis tracker systems, the available capacity factor is now 17.5% (0.175).

The incentive amount (excluding any "Strategic Location, energy efficiency, and or energy storage" 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.

Maximum Acceptable Incentive Bid – NYSERDA has determined a Maximum Acceptable Incentive Bid; any request above this value will not be funded. NYSERDA is not disclosing this Maximum Acceptable Incentive Bid.

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

VI. PROPOSAL EVALUATION

As is explained below, 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 deemed ineligible. NYSERDA has determined a Maximum Acceptable Incentive Bid. Bid prices that exceed the Maximum Acceptable Incentive Bid will not be evaluated or funded.

- 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 staff and NYSERDA staff to ensure that all the criteria and requirements specified in this PON are satisfied. Only those that satisfy the technical criteria will proceed to the next step.
- Step (3): Incentive Bids will be ranked, lowest to highest, for selection based on price by each Zone Group. In the event of a bid price tie, or virtual tie (e.g. within \$0.003/kWh), the selection process may take other factors into consideration as the tie-breaker; factors such as greater likelihood of installation (e.g. has a signed contract in place with the customer) and whether the proposed project is in a strategic location.

Proposals not selected can be submitted in subsequent rounds and/or subsequent solicitations. Applicants not selected may and are encouraged to request a follow-up briefing from NYSERDA to learn about the procurement process and findings and to possibly help improve prospects for future proposals.

STEP 1: Screening for Completeness & Conformity with Eligibility Requirements

SCREENING CRITERIA
<ul style="list-style-type: none">• 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 project(s) (load zones A-J or Renewable Biogas project(s) in load zones G through J.• 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. Only proposals that are deemed satisfactory based on TEP review will proceed to step 3.

TECHNICAL CRITERIA

- 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 complexity as that being proposed?
 3. Were the installations installed within the last three years?
- 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)?
- Project Site Packages.
 1. Is the letter of intent or signed customer contract complete and signed dated by appropriate persons and does it support the installation?
 2. Is the communication to and from the Utility included?
 3. Is the required documentation as outlined in Section IV included?
 4. Is the Project Application Form completed and included?
- Implementation Schedule is complete and reasonable.
 1. Does the schedule clearly support completion of the installation within the required April 30, 2016 requirement?
 2. Is the schedule realistic given the scale, complexity, location and jurisdictional characteristics for the proposed installation(s)?
 3. Does the schedule provide information on when permits and interconnection application will be submitted and their estimated approvals?

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. In the event of a bid price tie, or virtual tie (e.g. within \$0.003/kWh), the selection process may take other factors into consideration as the tie-breaker; factors such as greater likelihood of installation (e.g. has a signed contract in place with the customer) and whether the proposed project is in a strategic location.

Any funding not awarded will be reallocated at NYSERDA’s discretion and in accordance with Commission Orders.

VII. 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; see appropriate Attachment F, G, or H

- **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 must notify NYSERDA of such intent in their Proposal(s). Once Applicants are notified of an award the Applicant must, within ten (10) business days, notify NYSERDA whether or not 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 January 15, 2015, 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 April 30, 2015.**

Timely Completion of Installation: All projects must be installed, interconnected, and operational by April 30, 2016. 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.

Reporting

Within thirty (30) days after the end of each of the two (2) 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 an up-front payment and performance payments.

Up-Front Payment:

One up-front payment will be paid upon receipt by NYSERDA of documentation showing that all necessary permits and approvals have been acquired, that all final sign offs have been received, that the system has been interconnected to the grid (proof of interconnection is required via a letter or email from the local distribution utility), that the project has proven capable of providing data to the website specified by NYSERDA, and that a copy of the clipboard audit, Energy Portfolio Manger assessment, and or audit has been provided to NYSERDA. Inspection by NYSERDA or NYSERDA's agent may also be required prior to payment. This payment will be 30% of the Project Site Incentive.

Performance Payments: Performance payments will be paid annually for two (2) consecutive years. For each year of the two-year Performance Period, the performance payment will equal 70% 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 the up-front payment and the performance payments will not exceed the Project Site Incentive.

NYSERDA will provide a \$50,000 integration incentive to Applicants that integrate energy efficiency measures into the awarded solar project that reduces the energy use intensity (kBtu/sq. ft./year) at the project site by a minimum of 15%, relative to the baseline energy use intensity for the customer and/or PV/energy storage integration incentive to Applicants that demonstrate that they have provided a minimum of 250 kW of load management, demand management, or improved load factor for the customer.

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.

VIII. PAYMENT SUMMARY

1. For each Project Site, NYSERDA will use the Incentive Bid to determine the amount the up-front payment.

- The up-front payment = $.30 \times (\text{Incentive Bid}) \times \text{Site Estimated Annual Energy Production} \times 2 \text{ years}$
 - Sites in Strategic Locations: Up-front payment = $.30 \times (\text{Incentive Bid} \times 1.25) \times \text{Site Estimated Annual Energy Production} \times 2 \text{ years}$
2. For each of the first two years of 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 = $0.70 \times \text{Incentive Bid} \times \text{Site Actual Annual Energy Production}$, not to exceed the Project Site Incentive
 - Sites in Strategic Locations: Performance payment = $.70 \times (\text{Incentive Bid} \times 1.25) \times \text{Site Actual Annual Energy Production}$, not to exceed the Project Site Incentive
3. Payments will be made for two years to the extent the Project Site Incentive is not exceeded.

IX. DEFINITIONS

Applicant – The entity (e.g. energy service companies, system installation companies, equipment distributors, financial institutions, host sites, etc.) submitting the proposal to PON 2956. The Applicant is the entity identified as the “Company,” on the Proposal Checklist (Attachment A) and the Project 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 2956, for use in projecting estimated energy production. The values are 13.4% (0.134) for fixed ground – or roof- mounted systems PV systems, 17.5% (0.175) for dual axis systems and 75% (0.75) 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 – NYSERDA 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, NYSERDA 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, 2016 from the date upon which the Applicant is notified in writing by NYSERDA of an award.

Project Site Incentive - Incentive Bid x Site Estimated Annual Energy Production x 2 years (if the Project Site is identified in the proposal as being located in a Strategic Location and confirmed by the Utility, NYSERDA will multiply this result by 1.25, or if the Project Site is identified in the proposal as incorporating Energy Efficiency or Battery Storage, NYSERDA will provide an additional \$50,000).

Performance Period – The period for which performance payments will be made for each Project Site. The Performance Period for this PON is the two (2) 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.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)) 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 PON 2956, 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 and confirmed by the Utility.**

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

X. 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://nysesda.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). 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/fillin/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.

XI. 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
Attachment L	Utility request and Utility Response templates