



**Purchase of Offshore Wind Renewable
Energy Certificates
Request for Proposals ORECRFP22-1
Release Date: July 27, 2022
Revised Date: December 23, 2022
Addendum Date: July 27, 2023**

SUMMARY OF REVISIONS

Updates to ORECRFP22-1 – July 27, 2023

Cover Page

The submission deadline has been updated to reflect August 24, 2023.

Section 1.3 (Schedule)

The schedule has been updated to reflect the submission deadline of August 24, 2023, and award announcement in Q4 of 2023.

Section 2.1.4 (Required and Alternate Proposals)

Page 27 has been clarified to read: These “Purchase Commitment Proposals” may include Incremental Economic Benefits associated with the SCIP Related Purchase(s) that are contingent on the award and realization of the associated SCIP Facility(ies). If the Purchase Commitment Proposal is awarded, the Incremental Economic Benefits associated with purchases from the awarded SCIP Facility(ies) would be included in Total Expected Dollars in the Agreement (See Definitions, Section 12.01, and Section II.a of Exhibit I). If a SCIP Facility is not included as part of an award, the contingent Incremental Economic Benefits associated with said SCIP Facility in the Purchase Commitment Proposal would not carry over into the Agreement.

Updates to ORECRFP22-1 – December 23, 2022

Section 2.1.5 (Pricing)

Footnote regarding Qualifying Federal Support has been revised to reflect a consideration related to Energy Storage.

Section 4.2.2 (Inflation Adjustment)

Table 3 has been revised to reflect the final Index_B values that will be used in the Agreement.

Appendix C.1 (Economic Benefits Claims and Verification)

Residual references to Category 2 have been removed in Sections C.1.B.1 and C.1.B.2.

Appendix I (Agreement)

See posted redline for changes.

Appendix K (Offer Data Form)

A revised form was posted on December 6, 2022, to correct inputs related to Interconnection cost sharing.

Further revisions to the form have been made to expand the number of rows on Part VI-1 to 200.

Appendix L (Master Offers Form)

A revised form was posted on December 6, 2022, that allows the inclusion of up to 30 Proposals.

Further revisions to the form have been made to correct the formulas generating Proposal IDs and to align references to the Offer Data Form and SCIP Data Form.

Appendix M (SCIP Data Form)

A revised form has been posted that allows the inclusion of up to 10 SCIP Facilities.

The threshold check for the total amount of New York State Funding (Cells D55 and E55 on Part I) has been revised to reflect that if a value greater than the threshold is intentionally entered, a justification for the request must be provided in the SCIP, in accord with the requirement for demonstration of extraordinary need as stated in Section 2.1.2 of the RFP.

Updates to ORECRFP22-1 – November 4, 2022

RFP Designated Contacts

Nate Chumley and Janna Herndon have been added as Other Designated Contacts.

List of Appendices

Appendix C.3 (Disadvantaged Community Benefits) has been added.

Appendix O (Standard Form Capital Commitment Agreement) has been added.

Acronyms and Definitions

ConEd Hub definition has been revised to provide clarification.

Disadvantaged Communities definition has been revised to clarify that the criteria are expected to be finalized at the end of 2022, that the interim criteria have been specified by NYSERDA and that commitments to a community that meets either the interim or final definition will be eligible as a Disadvantaged Community commitment under the RFP.

Expected Total Dollars definition has been revised to remove Category 2 Incremental Economic Benefits.

Incremental Economic Benefits definition has been revised to add “or an anticipation of the potential for such an award.”

Interconnection Cost Allocation definition has been revised to add “as memorialized in the Project’s interconnection agreement.”

New York Economic Benefits definition has been added.

Project Qualifying Federal Support definition has been revised.

Verified Total Dollars definition has been revised to remove Category 2 Incremental Economic Benefits.

Section 1.3 (Schedule)

NYSERDA Portal Open for Registration has been changed to November 4, 2022.

Deadline for NYSERDA Portal Registration and NYSERDA Portal Open for Submission has been changed to January 19, 2023.

Proposal Submission Deadline has been changed to January 26, 2023.

Section 1.4 (Notice of Intent to Propose)

Footnote has been added with the option for Funding Recipients to submit Executive Order No. 16 certifications directly to NYSERDA.

Section 2.1.1 (ORECs Offered)

Clarification regarding contractual commitment to another entity has been added.

Section 2.1.4 (Required and Alternate Proposals)

Requirement for Alternate Proposals that include Energy Storage to correspond to a Proposal that is consistent in all other respects, except for pricing and/or other modifications directly related to Energy Storage has been added.

Footnote has been added indicating how the Energy Storage Component Price Reduction Amount will be calculated for purposes of the Agreement.

Requirement for Alternate Proposals that include an Offshore Wind Generation Facility that is not Meshed Ready, with the exception of Upgrade Capacity, to correspond to a Proposal that is consistent in all other respects, except for pricing and/or other modifications directly related to all Offshore Wind Generation Facilities being Meshed Ready, has been added.

Locational restrictions on HVAC cables have been added.

Language around the ConEd Hub has been revised to specify that Proposals must not assume or be contingent on the ConEd Hub unless and until the Commission approves the petition to recover costs of the ConEd Hub.

Section 2.1.5 (Pricing)

Footnote has been added regarding Qualifying Federal Support.

Section 2.1.7 (Interconnection and Deliverability)

Language related to the ConEd Hub, including regarding submission of a Large Facility Interconnection Request, has been clarified.

Option to present a plan for alternate uses of a Project's electrical output in excess of the Annual OREC Cap and/or during curtailments has been added.

Locational restrictions on HVAC cables have been added.

Section 2.1.8 (Repurposing Downstate Fossil Fuel Generation Infrastructure)

Language related to Affected Resources has been revised.

Section 2.1.9 (Energy Storage)

Reference to Article 10 has been removed.

Information regarding the application of the Energy Storage Component Price Reduction Amount has been added.

Section 2.2.7 (Support for Monitoring Key Commercial Fish Stocks and Wildlife)

Requirements related to funding commitments have been revised.

Section 2.2.9 (Lighting Controls)

Clarification that lighting controls minimize nighttime visibility "from shore and risk to wildlife" has been added.

Section 2.2.10.3 (Stakeholder Engagement)

Requirements around ongoing stakeholder and community engagement if awarded a contract have been added.

Section 2.2.14 (Embodied Carbon)

New section has been added.

Section 2.2.15 (Disadvantaged Community Commitments)

New section has been added.

Section 3.2.6 (Interconnection and Deliverability)

Locational restrictions on HVAC cables have been revised.

Guidance around favorable evaluation of Interconnection and Deliverability Plans has been updated.

Section 3.2.8.3 (Disadvantaged Community Impacts)

Climate Action Council's Draft Scoping Plan has been added as a guidance document for designing Projects and associated investments to provide benefits to and reduce burdens on Disadvantaged Communities.

A reference to the new Appendix C.3 has been added.

Section 3.2.10 (Repurposing Downstate Fossil Fuel Generation Infrastructure)

Language related to consideration of how the relevant fossil fuel generation will be replaced has been moved to Section 3.2.10.1.

Section 3.2.10.1 (Repurposing Downstate Fossil Fuel Generation Infrastructure)

Language related to Affected Resources has been revised.

Language related to consideration of how the relevant fossil fuel generation will be replaced has been moved from Section 3.2.10.

Section 3.3.1 (Prioritizing Disadvantaged Communities)

A reference to the new Appendix C.3 has been added.

Section 3.3.4 (Economic Benefits Categories)

Figure 1 has been updated to show that Category 2 is now only included in the SCIP Facility Funding Agreement and not in the Agreement

Section 3.3.5 (Economic Benefits Evaluation Considerations)

Updated to reflect that only Category 1 will be normalized by Offer Capacity as part of the evaluation.

A reference to the new Appendix C.3 has been added.

A reference to Chapter 7 of the Climate Action Council's Draft Scoping Plan has been added to provide guidance on linking Economic Benefits Claims to a just workforce transition.

Figure 2 has been updated to show that for SCIP Proposals Category 2 will only be included in the scoring of up to 5 points for Economic Benefits linked to SCIPS and not in the scoring of up to 15 points for Economic Benefits.

The organization of Figure 4 has been updated to reflect the updated Category alignment but the linkages between the Jobs and Workforce Plan and Economic Benefits categories have not changed.

Section 4.1.2 (Index OREC Pricing)

The reference to potentially updating the Reference Capacity Price formula based on responses to LSRRFI22-1 has been removed. NYSERDA reserves the right to further revise the RFP and/or to provide Proposers with an opportunity to submit updated pricing if new relevant material becomes available prior to or after the Proposal Submission Deadline.

Section 4.2.2 (Inflation Adjustment)

Table 2 has been revised to add links to public sources for indices which did not previously include a link, and to provide additional links to public data sources.

Table 3 has been revised to reflect commodity inflation index values as of the issuance date of the revised RFP.

Section 4.5 (Offer Price Scoring)

Language related to Authorized Agent has been clarified.

Section 5.1.1 (Preliminary SCIP Rank Order)

Clarification that a SCIP Facility that is conditional on a minimum offtake volume will only be included in the award group if the minimum offtake volume is met has been added.

Section 6.2.1 (Organization of the Submission)

Requirement that the Submission include both Confidential and Public versions of the Jobs and Workforce Plan has been added.

Section 6.2.2 (Submission Instructions)

Dates related to the Salesforce Portal have been updated.

Alternative method for Funding Recipients to submit sensitive or confidential information directly to NYSERDA has been added.

Section 6.3.2 (Offer Data Form)

Requirements to enter the Offer Capacity for each Offshore Wind Generation Facility in the Proposal and whether each Offshore Wind Generation Facility is Meshed Ready have been added on Part I.

Requirement to enter the corresponding Proposal that is fully Meshed Ready has been added if the Proposal includes an Offshore Wind Generation Facility that is not Meshed Ready.

Requirement to enter Bid Storage Capacity values and the location of the Energy Storage for Proposals that include Energy Storage has been added on Part I.

Clarification that expenditure values for New York iron and steel and non-New York U.S. iron and steel are entered separately on Part V, Table V-1 has been added.

Table V-2 has been removed from Part V.

Table VI-2 has been removed from Part VI.

Part VI has been expanded to require the entry of FTE-Years for line items entered using the Total compensation structure.

Category 2 has been removed from Part VII.

Section 6.3.3 (Supply Chain Investment Plan Data Form)

Selection of long-term job type for each SCIP Facility has been added to Part I.

Requirement to align entries in Table II-2 of the SCIPDF with Table V-2 of the ODF has been removed from Part II.

Requirement to enter the applicable SCIP Facility for each line item has been added to Part II-5.

Requirement to align entries in Table III-2 of the SCIPDF with Table VI-2 of the ODF has been removed from Part III.

Artifact reference to Category 1 and Category 2 entries from the Offer Data Form has been removed.

Section 6.4.1 (Executive Summary)

Required forms and disclosure in accord with Section 8 of the RFP have been added to clarify where they should be addressed in the Proposal Narrative.

Section 6.4.3 (Proposer Qualifications)

Requirement to provide demographic information has been clarified.

Section 6.4.4 (Project Description and Site Control)

Language around site plan requirements has been clarified.

Section 6.4.8 (Interconnection and Deliverability Plan)

Requirement to provide a justification for exclusion from the Meshed Ready system has been added to clarify where this justification, as required in Section 2.1.4, should be included in the Proposal.

Section 6.4.18 (Disadvantaged Community Impacts)

“[t]hrough documented engagements” has been added.

A reference to the new Appendix C.3 has been added.

Section 6.4.19.1 (Economic Benefits Plan)

Reference to the description of Economic Benefits Plan supporting documentation has been corrected to point to Appendix C.1.

Section 6.4.19.3 (New York Jobs and Workforce Plan)

Requirement that the Submission include both Confidential and Public versions of the Jobs and Workforce Plan has been added.

Section 6.6 (Exceptions to Agreements)

The Capital Commitment Agreement has been added to the list of Agreements to which Proposers can submit requested changes.

Section 7.2 (Provision of Supply Chain Investment Plan Contracts for Execution)

Quarterly progress reporting requirements have been added.

Section 8.12 (Executive Order No. 192)

New section has been added.

Appendix B (Proposer Certification Form)

Signer has been clarified to be the Authorized Agent.

Language referencing the ConEd Hub Large Facility Interconnection Request has been revised.

Certification that Proposer will comply with Tax Law Section 5-a prior to contracting with NYSERDA has been added.

Appendix C.1 (Economic Benefits Claims and Verification)

Clarification for how 5 points associated with SCIPs for SCIP Proposals will be awarded has been added.

Guidance for Category 2 has been removed and a pointer to Category 2 information in Appendix C.2 has been added.

Appendix C.2 (Supply Chain Investment Plan Requirements)

Quarterly progress reporting requirements have been added.

Funding plan requirements related to federal financial support have been revised.

Clarification that the thresholds apply to each SCIP Facility has been added in Section C.2.A.1.b.

Clarification that the long-term direct jobs thresholds apply specifically to the SCIP Facility's operations phase has been added in Section C.2.A.1.b.

Clarification that jobs on vessels operating out of the port are included toward the thresholds for port infrastructure investments has been added in Section C.2.A.1.b.

The requirement for other supply chain activities to support Primary Component manufacturing has been removed from Section C.2.A.1.b.

An alternative approach to meeting the jobs threshold for SCIP Facilities with intermittent staffing requirements has been added in Section C.2.A.1.b.

A reference to the new Appendix C.3 has been added.

Relative weighting for annual average FTE equivalent jobs claims in evaluation has been added.

Requirements regarding the provision of financial statements and credit ratings for the Funding Recipient have been clarified in Section C.2.C.7.

Annual average FTE equivalents have been added as an alternative metric in Table C.2.3.

Appendix G (Meshed Ready Technical Requirements)

Clarification regarding the level of detail required at Proposal submission has been added in Section G.2.3 and Table G.2.

Appendix I (Agreement)

See posted redline for changes.

Appendix J (SCIP Facility Funding Agreement)

See posted redline for changes.

Appendix K (Offer Data Form)

User Guide has been updated to align with changes throughout the workbook and to clarify instructions for submitting Labor Expenditures on Part V-1 and Part VI-1.

Part I has been updated to add entries for whether each Offshore Wind Generation Facility is Meshed Ready.

Part I has been updated to add an entry for the corresponding fully Meshed Ready Proposal if the Proposal includes an Offshore Wind Generation Facility that is not Meshed Ready and does not represent Upgrade Capacity.

Part I has been updated to add entries for Bid Storage Capacity in MW and MWh and Energy Storage location if the Proposal includes Energy Storage.

Part V-1 has been revised to include entry of the applicable Offshore Wind Generation Facility for each line item.

Part V-2 has been removed.

Part V-3 has been revised to include entry of the applicable Offshore Wind Generation Facility for each line item.

Part VI-1 has been revised to include entry of the applicable Offshore Wind Generation Facility for each line item.

Part VI-1 has been revised to add new columns for entering FTE-Years by line item if compensation is entered on a Total basis.

Part VI-2 has been removed.

Part VII has been updated to remove Category 2.

Part VII has been updated to include separate entries for each Offshore Wind Generation Facility.

Appendix L (Master Offers Form)

New York Jobs and Workforce Plan file type has been adjusted to require both Confidential and Public versions.

Appendix M (SCIP Data Form)

User Guide has been updated to align with changes throughout the workbook and to clarify instructions for submitting Labor Expenditures on Parts II-2 and II-4 and Parts III-2 and III-4.

Part I has been updated to add the requirement to identify whether the long-term jobs for a SCIP Facility are year-round or intermittent.

Part II-5 has been updated to add a column for entry of the applicable SCIP Facility.

Part III-2 has been revised to add new columns for entering FTE-Years by line item if compensation is entered on a Total basis.

Part III-4 has been revised to add new columns for entering FTE-Years by line item if compensation is entered on a Total basis.

Part IV has been expanded to require entries by SCIP Facility.

Appendix N (Proposal Submission Guide)

Requirement that the Submission include both Confidential and Public versions of the Jobs and Workforce Plan has been added.

Other Corrections

Corrections and typos have been fixed in Sections 1.4 (“Required Alternate Proposal” replaced with “Required Standalone Proposal”), Section 2.1.7 (“Delivery” replaced with “Deliverability”), Section 2.1.9 links corrected), Section 8.1 (link corrected), Section 8.2 (link corrected), Section 8.11 (link corrected), Appendix E (heading numeration) and Appendix H (links corrected).



NYSERDA

**Purchase of Offshore Wind Renewable Energy
Certificates
Request for Proposals ORECRFP22-1
Release Date: July 27, 2022
Revised Date: December 23, 2022
Addendum Date: July 27, 2023**

The New York State Energy Research and Development Authority (NYSERDA) seeks to procure Offshore Wind Renewable Energy Certificates (ORECs)¹ as authorized by the New York State Public Service Commission's [Order Establishing Offshore Wind Standard and Framework for Phase 1 Procurement](#), issued on July 12, 2018, [Order Adopting Modifications to the Clean Energy Standard](#) issued on October 15, 2020 in Case No. 15-E-0302, and most recently in the [Order on Power Grid Study Recommendations](#) issued on January 20, 2022 in Case Nos. 20-E-0197, 18-E-0071, and 15-E-0302. All Proposers are advised to review the Orders and their Appendices before participating in this Request for Proposals (RFP).

Notices of Intent to Propose are due on December 1, 2022, by 3:00 p.m. ET.

Proposals are due on January 26, 2023, by 3:00 p.m. ET. Proposals must be held firm and valid for 180 days from January 26, 2023.

Revised Proposals in accordance with the July 27, 2023 Addendum are due on August 24, 2023, by 3:00 p.m. ET. Revised Proposals in accordance with the July 27, 2023 Addendum must be held firm and valid for 180 days from August 24, 2023.

All relevant documents pertaining to this RFP are available on NYSERDA's solicitation website at <https://www.nyserda.ny.gov/offshore-wind-2022-solicitation>. Proposers are advised to check this website regularly for updates. A [Proposers' Conference](#) will be held on August 23, 2022.

Questions about this RFP should be directed to the Primary Contacts or Other Designated Contacts listed below in writing to offshorewind@nyserda.ny.gov.

- Primary Contacts: Laila El-Ashmawy, Gregory Lampman and Alexander Stein
- Other Designated Contacts: Nate Chumley, Jessica Dealy, Doreen Harris, Janna Herndon, Thomas King, Peter Lion and Georges Sassine

No communication intended to influence this procurement is permitted except by contacting the Primary Contacts or Other Designated Contacts. Contacting anyone other than the Primary Contacts or Other Designated Contacts (either directly by Proposer or indirectly through a lobbyist or other person acting on Proposer's behalf) to influence the procurement may result in: (1) a Proposer being deemed a

¹ Please note that while the Orders use the generic term "credits," the term "certificates" is used here, as successful Proposers will be required to participate in NYGATS, and NYGATS uses the term "certificates." NYGATS Certificates are minted on a one per MWh basis. Each NYGATS OREC Certificate will include a unique serial number.

non-responsive offeror, and (2) Proposer not receiving an award. NYSERDA may contact Proposers at any stage with requests for clarifications and questions.

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ACRONYMS AND DEFINITIONS

Actual Production – The amount of electric energy production from the Project, in MWh delivered to the Injection Point, for which NYSERDA is obligated to purchase the associated ORECs under Article II of the Agreement.

Affected Resource – An electric generation resource defined in Section 2.1.8.

Agreement – Offshore Wind Renewable Energy Certificate Standard Form Purchase and Sale Agreement.

Alternate Proposal – A Proposal defined in Section 2.1.4.

Alternate SCIP Proposal – A Proposal defined in Section 2.1.4 that includes a Supply Chain Investment Plan.

Alternate Standalone Proposal – A Proposal defined in Section 2.1.4 that does not include a Supply Chain Investment Plan.

Annual OREC Cap – The amount of ORECs equal to the product of 1.1 and the P10 Annual OREC Exceedance.

Applicable OREC Price Method – The method employed by NYSERDA in each month for determining the Monthly OREC Price as determined in Section 4.01 of the Agreement.

Award Notification Date – The date upon which NYSERDA provides written confirmation to a Proposer indicating that a Proposal has been selected for contract negotiations.

Benchmark LNOC – The confidential maximum price levels for the Fixed OREC and Index OREC offers that NYSERDA will employ in its determination of potential OREC award(s).

BOEM – The Bureau of Ocean Energy Management within the U.S. Department of the Interior.

ConEd Hub – The facilities for offshore wind energy interconnection described as the “Brooklyn Clean Energy Hub” in the [Petition](#) submitted to the New York Public Service Commission (PSC) by Consolidated Edison Company of New York, Inc. for Approval to Recover Costs of Brooklyn Clean Energy Hub on April 15, 2022,(or any modification thereof approved by the PSC).**CES** – Clean Energy Standard.

Clean Electrolytic Hydrogen – Hydrogen produced from water through electrolysis, utilizing renewable electricity to electrochemically split water into hydrogen and oxygen.

Climate Act – [Climate Leadership and Community Protection Act](#).

Commercial Operation – A state of operational readiness under which (i) generating capacity is available and physically producing electric energy, and (ii) all rights, abilities, permits and approvals to schedule and deliver energy to the Injection Point have been obtained.

Commercial Operation Date – The date upon which the Project or a phase of the Project enters Commercial Operation.

Contract Delivery Term – The period of performance under the Agreement. The Contract Delivery Term for each Project phase will commence on the first day of the month after any portion of the Project phase commences Commercial Operation and end at the earlier of (i) the date upon which the Contract Tenor has elapsed, or (ii) the Outer Limit Date.

Contract Quarterly Report – Quarterly written progress reports provided by Seller to NYSERDA in accord with Section 6.02 of the Agreement.

Contract Tenor – The maximum duration of the Contract Delivery Term. The Contract Tenor shall be stated in years.

Contract Year – A 12-month period commencing with the beginning of the Contract Delivery Term and each anniversary thereof during the Contract Delivery Term. The phrase “Contract Year” followed by a number shall refer to a discrete Contract Year within the Contract Delivery Term such that “Contract Year 1” refers to the first 12-month period commencing with the beginning of the Contract Delivery Term, “Contract Year 2” refers to the second such 12-month period, and so on.

Delivery Point – For Projects that inject energy directly into the New York Control Area, the generator bus or location where (a) the administrator of the wholesale power market, or (b) the operator of the transmission/distribution utility, public authority or municipal electric company, measures, or otherwise determines, energy production from the Project. For Projects that inject energy outside of the New York Control Area, the generator bus or location where the NYISO measures energy delivery from the Project into the New York Control Area.

Disadvantaged Communities – The Climate Act directs [the Climate Justice Working Group](#) (CJWG) to establish criteria for identifying disadvantaged communities. The disadvantaged communities criteria are expected to be finalized at the end of 2022; until then, NYSERDA has specified interim criteria for disadvantaged communities, which includes two types of communities, those: (i) located within census block groups that meet the U.S. Housing and Urban Development (HUD) 50% area median income (AMI) threshold of the top quartile of census block groups in New York, ranked by the percentage of low and moderate income (LMI) households, defined as households with annual incomes at or below 50% of the AMI of the county or metro area where the census block group resides, that are also located within the [DEC Potential Environmental Justice Areas](#); or (ii) located within [New York State Opportunity Zones](#). Commitments to a community that meet the definition of Disadvantaged Community under either the interim criteria or the final criteria will be eligible as a Disadvantaged Community commitment under ORECRFP22-1 (even if a community meets either the interim or final criteria but not both). See <https://www.nyserdera.ny.gov/ny/disadvantaged-communities> for more information including updates and links to GIS maps. Projects proposed prior to the finalization of the disadvantaged communities criteria shall reference the interim criteria when considering impacts for disadvantaged communities. NYSERDA will provide updates on the status of the disadvantaged communities criteria, including when the final disadvantaged communities criteria will be adopted.

Economic Benefits Plan – A plan submitted as part of a specific Proposal, inclusive of an associated Supply Chain Investment Plan (other than in Standalone Proposals) and New York Jobs and Workforce Plan, as further described in Section C.1.B.2 of Appendix C.1.

Economic Benefits Report – An independently audited report, documenting the total dollar amount of actual Incremental Economic Benefits accrued to New York and associated activities and commitments undertaken from the Economic Benefits Start Date through the end of the first three (3) years of the Contract Delivery Term, as further described in Appendix C.1 and Section 12.01 of the Agreement.

Economic Benefits Start Date – January 1, 2022.

Eligible Expenses – Expenses which are eligible to receive New York State Funding through a Supply Chain Investment Plan, including certain types of tangible assets required for the development of infrastructure to support the offshore wind industry. Expenses eligible for funding must be critical for the Supply Chain Investment Plan, be for areas located within the Site, and should align with the categories listed in Section C.2.A.2 in Appendix C.2.

Environmental Attributes – All environmental characteristics, claims, credits, benefits, emissions reductions, offsets, allowances, allocations, howsoever characterized, denominated, measured or entitled, attributable to the generation of Actual Eligible Production by a Project, consistent with the delineation of attributes set forth in the Agreement.

Environmental Mitigation Plan – A plan submitted as part of a specific Proposal, as further described in Appendix E.

Energy Storage – A commercially available resource capable of receiving electric energy and storing that energy or a portion of that energy for later electrical discharge, regardless of where that resource is located within NYISO Zones J and K. The storage facility need not be co-located with the Offshore Wind Generation Facility's Delivery Point nor exclusively be charged by energy from the Offshore Wind Generation Facility. However, as further described in Section 2.1.9, discharged energy generates ORECs, and is able to receive OREC payments, only if the charging energy is directly from the Project. The Energy Storage must be constructed and operated in accordance with Article VI, Article VII, and Article IX of the [NYSERDA Bulk Storage Incentive Program Manual](#) except for the requirement to be physically located within New York State, as further described by the terms in Section 2.1.9.

Expected Labor Dollars – The Expected Total Dollars associated with labor expenditures described in the New York Jobs and Workforce Plan that fall into the applicable categories set forth in Appendix C.1 and Exhibit I of the Agreement. The full cost of employment contributes to Expected Labor Dollars, including benefits and payroll taxes.

Expected MWBE and SDVOB Dollars – The Expected Total Dollars expected to accrue specifically to MWBEs and SDVOBs.

Expected Total Dollars – The total dollar amount of Incremental Economic Benefits in Category 1 as presented in the Proposal and accepted by NYSERDA, expected to accrue to New York State as a result

of the development, construction, modification, interconnection, and operation of the Project, optional Energy Storage and associated Supply Chain Investment Plans from the Economic Benefits Start Date through the end of the first three (3) Contract Years.

Expected U.S. Iron and Steel Dollars – The Expected Total Dollars associated with expenditures for iron and steel manufactured in the United States.²

Financing Plan – A plan submitted as part of a specific Proposal, as further described in Section 6.4.7.

Fisheries Mitigation Plan – A plan submitted as part of a specific Proposal, as further described in Appendix D.

Fixed OREC Price – A fixed, as-offered price in dollars per OREC as described in Section 4.02 of the Agreement.

FOIL – New York’s Freedom of Information Law, Public Officers’ Law Article 6.

Fossil Repurposing Proposals – Proposals that propose to repurpose existing fossil-based electric generation infrastructure in Zones J and/or K as further described in Section 2.1.8.

Funding Recipient – An entity that receives New York State Funding, will be responsible for execution of a SCIP Facility within the Supply Chain Investment Plan and will be evaluated for creditworthiness, as described in Section C.2.B in Appendix C.2. A Funding Recipient should be the entity that will actually be responsible for execution of activities at a SCIP Facility within the Supply Chain Investment Plan, whether that is the Proposer itself, the entity that owns or operates the SCIP Facility, a manufacturer that utilizes the SCIP Facility or another entity. A Supply Chain Investment Plan can have multiple Funding Recipients.

Incremental Economic Benefits – Those financial expenditures benefiting New York State (for this purpose, expenditures for iron and steel manufactured in the United States shall be deemed to benefit New York State even if incurred outside of New York State) within the categories specified in Appendix C.1 that a Proposer can demonstrate: (1) accrue after the Economic Benefits Start Date; (2) would not have accrued but for the award of a contract under this current RFP or an anticipation of the potential for such an award; (3) do not represent any economic benefits accrued pursuant to an award under any prior New York State RFP; and (4) do not include any New York State Funding. Incremental Economic Benefits associated with Supply Chain Investment Plans shall be calculated as set forth in Appendix C.1.

Index OREC Price – An adjustable price in dollars per OREC that nets a fixed, as-offered strike price monthly against a reference price expressed in a market index as determined by NYSERDA pursuant to Section 4.03 of the Agreement.

² This amount will be based on \$114,000 per MW unless the Proposal commits to a higher amount.

Inflation Adjustment – A one-time adjustment to the Fixed OREC Price or Index OREC Strike Price as further described in and Sections 2.1.5.2 and 4.2.2 and in Section 5.03 of the Agreement.

Injection Point – For Projects that interconnect directly into the NYCA, the Injection Point is the Delivery Point. For Projects that interconnect outside of the NYCA, the Injection Point shall be the generator bus or the location where the administrator of the local Control Area measures energy delivery from the Project into the local market.

4.2.2 Interconnection and Deliverability Plan – A plan submitted as part of a specific Proposal, as further described in Section 6.4.8.

Interconnection Cost Allocation – The total costs actually allocated to and borne by a Project pursuant to NYISO interconnection requirements, as memorialized in the Project’s interconnection agreement.

Interconnection Cost Allocation Baseline – Estimated Interconnection Cost Allocation for a Project used for purposes of Interconnection Cost Sharing calculations as further described in Sections 2.1.5.1 and 4.2.1 and in Section 5.04 of the Agreement.

Interconnection Cost Sharing – A modification to the price structure that allows for the costs associated with a Project’s NYISO interconnection to be shared through an adjustment in pricing, as further described in Sections 2.1.5.1 and 4.2.1 and in Section 5.04 of the Agreement.

Interconnection Cost Sharing Adder – The adder to the Index OREC Strike Price or the Fixed Index Price that represents NYSEERDA’s share of the Interconnection Cost Allocation, applicable to Proposals that include Interconnection Cost Sharing.

Interconnection Net Savings – Difference between Interconnection Cost Allocation Baseline and final Interconnection Cost Allocation, less any costs the Project has already expended on the initial Injection Point and that the Project has incurred as a result of changing its Injection Point from that submitted in the Proposal.

Interconnection Savings Share – A means of sharing savings in the event that there are Interconnection Net Savings as described in Section 4.2.1 and in Section 5.04 of the Agreement.

Labor Peace Agreement (LPA) – An agreement between the owner of an Offshore Wind Generation Facility and a bona fide labor organization that, at a minimum, protects the State’s proprietary interests by prohibiting labor organizations and their members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the Offshore Wind Generation Facility in accordance with Public Service Law § 66-r (3).

Levelized Net OREC Cost (LNOC) – A means of comparing Proposals with different pricing structures, OREC quantity schedules, Commercial Operation Dates, and Contract Tenors, as described in Section 4.44.4.

Long-Term Jobs – Jobs lasting three or more years.

LSE – Load-serving entity.

Major Supplier – A supplier of goods and services to the Proposer with an anticipated minimum contract value of \$1 million. Proposers must utilize the New York Offshore Wind Supply Chain Database, as described in Section 2.2.13 when choosing Major Suppliers.

Maximum Project Capacity – The product of the Offer Capacity and 1.10.

Meshed Network – Offshore transmission configuration in which individual Offshore Wind Generation Facility substations are linked to one-another via HVAC lines, as defined in Appendix G.

Meshed Ready – An Offshore Wind Generation Facility which is radially connected to the New York electric grid and satisfies the requirements set forth in Appendix G, including control, interface, performance, functional and physical requirements.

Monthly OREC Price – A price in dollars per OREC determined by NYSERDA for each month of the Contract Delivery Term. If the Applicable OREC Price Method is the Fixed OREC Price, the Monthly OREC Price shall be calculated pursuant to Section 4.02 of the Agreement. If the Applicable OREC Price Method is the Index OREC Price, the Monthly OREC Price shall be calculated pursuant to Section 4.03 of the Agreement.

MWBE – Minority and/or Women-Owned Businesses, such term is as defined under New York State Law. New York State Certified MWBEs are searchable in the [MWBE Certified Database maintained by Empire State Development \(ESD\)](#).

New York Control Area (NYCA) – The geographic bounds of the electricity system that is under the control of the NYISO, which includes transmission facilities listed in the ISO/Transmission Owner Agreement Appendices A-1 and A-2, as may be amended from time to time.

New York Economic Benefits – The evaluation criterion based on Incremental Economic Benefits, as further described in Section 3.3 and Appendix C.1.

New York Generation Attribute Tracking System (NYGATS) – The tracking system that records electricity generation attribute information within New York State, and processes generation attribute information from energy imported and consumed within New York State, as a basis for creating generation attribute certificates, including ORECs. NYGATS will create exactly one OREC per MWh of generation attributable to the Project and delivered to the Delivery Point.

New York Jobs and Workforce Plan – A plan submitted as part of a specific Proposal, as further described in Appendix H.

New York State Funding – Public grant funding for Eligible Expenses associated with Supply Chain Investment Plans, available for draws as critical Supply Chain Investment Plan milestones are met.

Non-Eligible Expenses – Expenses which are not eligible to receive New York State Funding through a Supply Chain Investment Plan, including but not limited to historic expenses for work already

performed, financing costs, land acquisition costs, wetland mitigation, due diligence costs, legal costs, and operational costs.

NY Green Bank Financing – Competitively-priced, market-based debt financing issued by the NY Green Bank. NY Green Bank is a State-sponsored specialized financial entity that works with the private sector to identify, address, and alleviate market barriers preventing the widespread deployment of clean energy projects across New York State. More information on NY Green Bank can be found at <https://www.greenbank.ny.gov>.

NYISO Capacity Market – Collectively, the wholesale markets for capacity administered by NYISO.

NYISO Energy Market – Collectively, the wholesale markets for electric energy administered by NYISO.

NYSERDA Consultants – Consultants engaged by NYSERDA to assist with the evaluation of Proposals.

Offer Capacity – The electric generating capacity of the Project as submitted in the Proposal, measured as the installed (nameplate) capacity in alternating current of an Offshore Wind Generation Facility.

Offshore Wind Generation Facility – The installed wind turbine generators and all other associated offshore equipment and infrastructure located within a BOEM lease area delivering energy to a single Injection Point. Multiple Offshore Wind Generation Facilities can be located within a BOEM lease area.

Offshore Wind Orders – The New York Public Service Commission’s [Order Establishing Offshore Wind Standard and Framework for Phase 1 Procurement](#), issued and effective on July 12, 2018, the [Order Authorizing Offshore Wind Solicitation in 2020](#) issued on April 23, 2020 in Case No. 18-E-0071, the [Order Adopting Modifications to the Clean Energy Standard](#) issued on October 15, 2020 in Case No. 15-E-0302, and the [Order on Power Grid Study Recommendations](#) issued on January 20, 2022 in Case No. 20-E-0197, Case No. 18-E-0071 and Case No. 15-E-0302.

Offshore Wind Renewable Energy Certificate (OREC) – The electronic record of generation data created by NYGATS and representing all of the attributes, including all Environmental Attributes, of one MWh of electric generation from an Offshore Wind Generation Facility delivered into the New York Control Area and registered with the NYGATS tracking system. The attributes represented in each OREC include all environmental characteristics, claims, credits, benefits, emissions reductions, offsets, allowances, allocations, howsoever characterized, denominated, measured or entitled, attributable to the generation of Actual Eligible Production by a Project, including but not limited to: (i) any direct emissions or any avoided emissions of pollutants to the air, soil or water including but not limited to sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter and other pollutants; (ii) any direct or avoided emissions of carbon dioxide (CO₂), methane (CH₄) and other greenhouse gases (GHGs) that have been or may be determined by the United Nations Intergovernmental Panel on Climate Change to contribute to the actual or potential threat of altering the Earth’s climate by trapping heat in the atmosphere; (iii) all set-aside allowances and/or allocations from emissions trading programs made unnecessary for compliance in such program as a result of performance under the Agreement, including but not limited to allocations available under 6 NYCRR §§ 204, 237 and 238; and (iv) all credits,

certificates, registrations, recordations, or other memorializations of whatever type or sort, representing any of the above.

Operational Installed Capacity – The gross generating capacity, in MW, of the Selected Project that has achieved Commercial Operation and for which an Independent Engineer’s report has been submitted to NYSERDA pursuant to Section 2.01(c) of the Agreement.

OREC Scoring Committee – Members of NYSERDA Staff, New York State Department of Public Service Staff, and independent evaluators responsible for evaluating Proposals received through this RFP.

Outer Limit Date – A backstop date upon which the Contract Delivery Term ends regardless of whether the full Contract Tenor has elapsed. If the Contract Tenor is 20 years, the Outer Limit Date is January 1, 2052. If the Contract Tenor is 25 years, the Outer Limit Date is January 1, 2057.

P10 Annual OREC Exceedance – An amount of electrical energy (in MWh), such that the estimated probability in any given year that generation from the Project delivered to the Delivery Point would exceed that amount is 10 percent.

Primary Component – The main parts of an offshore wind turbine structure, including the foundation, substructure, transition piece, tower, nacelle and rotor blades, and offshore substation bottom side and topside, electrical equipment, inter array and export cables.

Project – An Offshore Wind Generation Facility and the associated equipment including Meshed Ready requirements, infrastructure, and support facilities necessary to deliver energy to the designated Injection Point, and (if applicable) subsequently to the Delivery Point if the Injection Point is outside of NYCA, excluding facilities and infrastructure associated with a Supply Chain Investment Plan, Energy Storage, or other clean energy industry or energy transition investments.

Project Labor Agreement (PLA) – A collective bargaining agreement (including a pre-hire agreement) satisfying the requirements set forth in Section 2.2.2 covering contractors in the construction industry working on the Project, and a bona fide building and construction trade labor organization representing craft workers on the Project.

Project Qualifying Federal Support – Any direct federal financial support to the Selected Project (as defined in the Agreement) in the form of renewable tax benefits (as further defined in the Agreement) or direct financial benefits expressly intended to incentivize (i) the development and operation of (x) energy infrastructure (including electrical transmission, storage and/or generation and/or the production of fuels from electrical energy) and/or (y) facilities that manufacture equipment or components used for such purposes, and (ii) which either (A) arises from a law enacted by the U.S. Congress after the Proposal Submission Deadline or (B) arises from Section 45(b)(9) , Section 45(b)(11), Section 48(a)(12) or Section 48(a)(14) of the Internal Revenue Code in existence on the Bid Submission Date. Project Qualifying Federal Support shall not include ordinary course tax deductions, federal loans, federal loan guarantees, or federal research and development grants that are awarded competitively.

Project Team – Proposer personnel and contractors who have primary responsibility for Project development.

Proposal – An offer to sell ORECs from up to three³ Offshore Wind Generation Facilities for a given Offer Capacity, Index REC or Fixed REC pricing structure, Delivery Point, associated Economic Benefit Plan and Supply Chain Investment Plan, optional Energy Storage, optional Fossil Repurposing Proposal, and other clean energy industry or energy transition investments that conforms to the requirements of this RFP. A Proposal may contain either or both 25- and 20-year Contract Tenors, each with an associated level nominal Strike Price (for Index OREC offers) or Price (for Fixed OREC offers), with the exception of the Required Base Proposal and Required Standalone Proposal, which must include a 25-year Contract Tenor.

Proposed SCIP Facility Activity – Proposed long-term use of a SCIP Facility as related to offshore wind, such as manufacturing, staging or operation and maintenance.

Proposed SCIP Facility Investment – Scope of planned development, physical upgrades, new construction or substantial renovation to enable a SCIP Facility to be used for the Proposed SCIP Facility Activity.

Proposer – The business entity that submits a Proposal in response to this RFP.

Purchase Commitment Proposal – A Standalone Proposal that includes in its Economic Benefits Plan the purchase of goods or services from a specific SCIP Facility (SCIP Related Purchases) contingent on a Supply Chain Investment Plan that includes the applicable SCIP Facility being awarded.

Reference Capacity Price – An index of NYISO Capacity Market prices as set forth in Section 4.03 of the Agreement.

Reference Energy Price – An index of zonal NYISO Energy Market prices as set forth in in Section 4.03 of the Agreement.

Required Base Proposal – A Proposal defined in Section 2.1.4.

Required Standalone Proposal – A Proposal defined in Section 2.1.4.

SDVOB – Service-Disabled Veteran Owned Businesses as defined under the Service-Disabled Veteran-Owned Business Act of New York State. New York State Certified SDVOBs are searchable in [Directory of New York State Certified Service-Disabled Veteran Owned Business \(SDVOB\)](#) maintained by the Office of General Services (OGS).

Seller – A Proposer awarded in this RFP who has executed an Agreement to sell ORECs to NYSERDA.

³ If a Proposer would like to include more than three Offshore Wind Generation Facilities in a Proposal or overall Submission, please contact offshorewind@nyserda.ny.gov.

Short-Term Jobs – Jobs lasting less than three years.

Specialist Reviewer – Any individual, third party, or entity engaged or otherwise mobilized by NYSERDA to support the evaluation of Proposals submitted in response to ORECRFP22-1 through relevant subject matter expertise.

Stakeholder Engagement Plan – A plan submitted as part of a specific Proposal, as further described in Appendix F.

Standalone Proposal – A Proposal that does not include a Supply Chain Investment Plan.

Sub-component – Articles, materials, and supplies incorporated directly into Primary Components at any level of manufacture, fabrication, or assembly.

Submission – Package of all files representing all Proposals submitted by a Proposer in response to this RFP.

Supply Chain Investment Plan (SCIP) – A plan submitted as part of the Proposal in support of the Economic Benefits Plan, as further described in Appendix C.2. A Supply Chain Investment Plan may include local manufacturing of Primary Components, Sub-components, or any additional port, manufacturing, or supply chain infrastructure in New York State that hosts any activity or combination of activities supporting offshore wind project development.

Supply Chain Investment Plan (SCIP) Facility – Port, manufacturing, or other supply chain facility that is fully located in New York State and hosts any activity or combination of activities supporting the offshore wind industry and proposed to receive New York State Funding as part of a Supply Chain Investment Plan. A SCIP Facility may be an existing facility requiring reinvestment or rehabilitation, or a new facility in New York State. A Supply Chain Investment Plan can include multiple SCIP Facilities.

Supply Chain Investment Plan (SCIP) Facility Funding Agreement – Standard Form SCIP Facility Funding Agreement.

Supply Chain Investment Plan (SCIP) Proposal – A Proposal that includes a Supply Chain Investment Plan.

Supply Chain Investment Plan (SCIP) Facility Qualifying Federal Support – Certain direct federal financial support of SCIP Facilities, as further defined in the SCIP Facility Funding Agreement.

Supply Chain Investment Plan (SCIP) Related Purchase – Any purchase of goods or services from a SCIP Facility.

Supply Chain Investment Plan (SCIP) Scoring Committee – Members of NYSERDA Staff, representatives of other New York State agencies and technical experts responsible for reviewing Supply Chain Investment Plans included with Proposals received through this RFP.

TWG – Technical Working Group.

Upgrade Capacity – Capacity that is an upgrade to an existing Offshore Wind Generation Facility, where the upgrade does not require a separate export cable from the existing facility, and the upgrade adheres to all other eligibility criteria outlined in Sections 2.1 and 2.2 and Proposal submission requirements listed in Section 6.

Verified Labor Dollars – The Verified Total Dollars associated with labor expenditures described in the New York Jobs and Workforce Plan that fall into the applicable categories set forth in Appendix C.1 and Exhibit I of the Agreement.

Verified MWBE and SDVOB Dollars – The Verified Total Dollars that accrue specifically to MWBEs and SDVOBs.

Verified Total Dollars – The total dollar amount of Incremental Economic Benefits in Category 1 verified by NYSERDA to have accrued to New York as a result of the development, construction, modification, interconnection, and operation of the Project, optional Energy Storage and associated Supply Chain Investment Plan from the Economic Benefits Start Date through the end of the first three (3) Contract Years. Depending on the nature of the Proposers' economic benefits claims, the dollars may be required to be reported based on their applicability to benefitting Disadvantaged Communities.

Verified U.S. Iron and Steel Dollars – The Verified Total Dollars associated with expenditures for iron and steel manufactured in the United States.

1 INTRODUCTION

NYSERDA is seeking to procure ORECs that constitute, in aggregate, an anticipated 2,000 MW minimum and, if the submitted Proposals justify procurement of a larger quantity, NYSERDA may procure through this solicitation up to the remaining capacity authorized by the Offshore Wind Orders and the September 17, 2020, Final Supplemental Generic Environmental Impact Statement (SGEIS) in Case No. 15-E-0302.

1.1 New York’s Clean Energy Standard and Offshore Wind Standard

Since adopting some of the most ambitious clean energy goals in the nation – reducing greenhouse gas emissions by 85% by 2050, 100% emissions free electricity generation by 2040, and net-zero emissions economy wide by 2050 – New York State has been assiduously expanding its offshore wind portfolio. Currently, New York State has the nation’s largest offshore wind goal to install 9,000 MW by 2035 and a contracted pipeline of five offshore wind projects totaling over 4,300 MW with five ports in active development. NYSERDA demonstrates unparalleled demand for clean energy and growing momentum in establishing major ecosystems for workforce development, manufacturing, and operations and maintenance to support the region’s growing pipeline of offshore wind projects and the development of a green economy. Through its competitive solicitations, NYSERDA is building a portfolio guided by principles of just energy transition and equity set forth in the Clean Energy Standard (CES) and the Climate Act.

New York’s efforts are reinforced at the federal level, where President Biden’s administration has set goals of deploying 30 GW of offshore wind in the United States by 2030 and 110 GW by 2050. In support of these historic targets, on October 13, 2021, Department of the Interior Secretary Haaland announced plans for the Bureau of Ocean Energy Management (BOEM) to hold up to seven new offshore lease sales by 2025. The first of these lease auctions occurred on February 23, 2022, for six lease areas in the New York Bight with roughly 7,000 MW of resource potential. On February 25, 2022, BOEM announced results of the auction, with the six winning bids totaling \$4.37 billion.⁴

In January 2018, NYSERDA published the [New York State Offshore Wind Master Plan](#) (Master Plan), which included more than 20 studies that gathered data on environmental, social, economic, regulatory, and infrastructure issues relevant to offshore wind energy development, and reflected the State’s extensive outreach efforts with interested agencies, entities, communities, and individuals in the responsible and cost-effective development of offshore wind.

NYSERDA also filed an [Offshore Wind Policy Options Paper](#) in January 2018 that launched the regulatory proceedings that culminated in the Commission’s issuance of the [Phase 1 Order](#) on July 12, 2018. In the Phase 1 Order, the Commission adopted the goal of procuring 2,400 MW of offshore wind capacity by

⁴ <https://www.doi.gov/pressreleases/biden-harris-administration-sets-offshore-energy-records-437-billion-winning-bids-wind>

2030. NYSERDA launched its inaugural solicitation for offshore wind ([ORECRFP18-1](#)) on November 8, 2018.

In July 2019, the Climate Act was signed into law. The Climate Act mandates the Green New Deal’s nation-leading clean energy targets: 9 GW of offshore wind by 2035, 6 GW of distributed solar by 2025, and 3 GW of energy storage by 2030. Beyond resource targets, the Climate Act calls for an orderly and just transition to clean energy that creates jobs and continues fostering a green economy. The Climate Act also directs New York State agencies and authorities to collaborate with stakeholders to develop a plan to reduce greenhouse gas emissions by 85 percent from 1990 levels by 2050 and aim to invest at least 40 percent of clean energy and energy efficiency program resources to benefit Disadvantaged Communities, achieving 70 percent renewable electricity generation by 2030, 100 percent renewable electricity by 2040, and economy wide decarbonization by 2050. To this effect, the law created the Climate Action Council, charged with developing a scoping plan of recommendations to meet these targets and place New York on a path toward carbon neutrality.

Simultaneously with enshrining the Climate Act, New York State [announced](#) the single largest renewable energy procurement by any state in U.S. history—nearly 1,700 MW—with the selection of two offshore wind projects for contract awards resulting from NYSERDA’s Phase 1 offshore wind solicitation (ORECRFP18-1). On October 23, 2019, NYSERDA finalized contracts with Equinor Wind US LLC for its 816 MW Empire Wind Project and Sunrise Wind LLC (a joint venture of Ørsted A/S and Eversource Energy) for its 880 MW Sunrise Wind Project. NYSERDA filed its comprehensive report, “[Launching New York’s Offshore Wind Industry: Phase 1 Report,](#)” (Phase 1 Report) with the Commission on that same date.

On April 23, 2020, the Commission published an [Order Authorizing Offshore Wind Solicitation in 2020](#) which instructed NYSERDA to procure at least 1,000 MW of additional offshore wind capacity. NYSERDA launched its second offshore wind solicitation (ORECRFP20-1) on July 21, 2020, to procure up to 2,500 MW of offshore wind and included a complementary multi-port infrastructure investment backed by \$200 million in New York State funding which ultimately unlocked more than \$644 million in public and private dollars for port infrastructure—the largest infrastructure commitment to offshore wind in the nation.

On October 15, 2020, the Commission issued its [Order Adopting Modifications to the Clean Energy Standard](#) (CES Modification Order) in Case 15-E-0302. In the CES Modification Order, the Commission adopted several modifications to the CES to align it with the Climate Act mandates. Modifications affecting the offshore wind solicitations included authorizing NYSERDA to issue future solicitations at its strategic discretion of timing and capacities.

An Initial [Report of the Power Grid Study](#) was published by the New York State DPS on January 19, 2021. The study sought to identify distribution upgrades, local transmission upgrades, and bulk transmission investments necessary or appropriate for the power grid for the State of New York to achieve the state’s 70 by 30 goals and beyond. Proposers are strongly encouraged to familiarize themselves with the Power Grid Study, including the “Offshore Wind Integration Study” (OSW Study) identifying possible grid

interconnection points and offshore transmission configurations and assessing onshore bulk transmission needs relating to the integration of at least 9,000 MW of offshore-wind generation.

In January 2022, NYSERDA finalized [contracts](#) with Empire Offshore Wind LLC and Beacon Wind LLC for the development of Empire Wind 2 (1,260 MW) and Beacon Wind (1,230 MW), selected through NYSERDA's second offshore wind solicitation. Upon completion, the two offshore wind farms will yield a combined 2,490 MW of carbon-free energy, bring another \$8.9 billion in investment, and create more than 5,200 jobs. The contracts include significant work to build resilient port facilities to support the industry in the state's Capital Region and Brooklyn. These investments will establish the nation's first offshore wind tower manufacturing facility to serve both offshore and onshore wind farms in the region at the Port of Albany and a cutting-edge staging facility and operations and maintenance hub at the South Brooklyn Marine Terminal.

On January 5, 2022, New York Governor Hochul announced in her first State of the State Address a nation-leading \$500 million investment proposal for offshore wind ports, manufacturing, and supply chain infrastructure with continued prioritization of benefits to Disadvantaged Communities, close relations with New York's labor force, and enabling a local supply chain that will cement New York as an offshore wind hub for the region. This funding amplifies New York's 2020 offshore wind solicitation which included \$200 million in New York State funding.

On December 20, 2021, the Climate Action Council [voted](#) to release the draft scoping plan for a 120-day public comment period, which began on January 1, 2022. The public comment period will support the Council in development and release of a final scoping plan by January 1, 2023. The draft scoping plan noted that approximately 20 GW of offshore wind may be necessary to achieve the Climate Act's greenhouse gas emissions limits and carbon neutrality goals. In line with this guidance and under Governor Hochul's leadership, the Offshore Wind Master Plan 2.0 has been initiated in 2022 to explore unlocking deepwater offshore wind resources for New York State.

On January 20 2022, the New York Public Service Commission published the [Order on Power Grid Study Recommendations](#) (Power Grid Study Order) in Case Nos. 20-E-0197, 18-E-0071, and 15-E-0302, instructing NYSERDA to procure HVDC technology for radial connections, prioritize grid benefits and advanced technologies in project evaluation, and include a carve out for storage projects to be evaluated under both economic benefits and project viability in future offshore wind procurements. The Order elaborated on the benefits of a meshed offshore grid as presented in the Power Grid Study and authorized NYSERDA to contemplate procurements that preserve the optionality for a future offshore grid, which may be necessary to reach the zero emissions goals set forth in the Climate Act.

In line with the trajectory of Commission Orders, availability of new BOEM leases, local, state and federal targets, NYSERDA is issuing this third Offshore Wind Renewable Energy Certificate (OREC) solicitation.

1.2 Background on NYSERDA

NYSERDA was created in 1975 by the New York State Legislature as a public authority and public benefit corporation. The Offshore Wind Orders authorize NYSERDA to act as the central administrator of the Offshore Wind Standard program, in a manner similar to NYSERDA's role in solicitations issued under the CES and the former Renewable Portfolio Standard Main Tier.⁵

Pursuant to the Commission Orders regarding offshore wind, NYSERDA will purchase ORECs from the contracted Project(s) on behalf of the jurisdictional and voluntarily-complying Load Serving Entities (LSEs) in New York State within the Public Service Commission's jurisdiction, as well as the non-jurisdictional New York Power Authority and Long Island Power Authority that may opt to use NYSERDA as a purchasing entity, and will then sell the ORECs to the LSEs for compliance with the LSEs' offshore wind obligations. Each LSE will be obligated to purchase a percentage of ORECs acquired by NYSERDA in a year that represents the portion of the electric energy load served by the LSE in relation to the total electric energy load served by all LSEs operating in New York State during that period.

1.3 Schedule

The schedule for ORECRFP22-1 is as follows (all times ET):

RFP Release Date	July 27, 2022
Proposers' Conference	August 23, 10:00 a.m.
Deadline for Submission of Written Questions	September 16, 2022, 3:00 p.m.
Responses to Written Questions Posted	October 7, 2022
NYSERDA Portal Open for Registration	November 4, 2022
Deadline for Notice of Intent to Propose	December 1, 2022, 3:00 p.m.
Deadline for NYSERDA Portal Registration NYSERDA Portal Open for Submissions	January 19, 2023, 3:00 p.m.
Proposal Submission Deadline	January 26, 2023, 3:00 p.m.
Addendum Deadline	August 24, 2023, 3:00 p.m.
NYSERDA Award Notification Date	Est. Q4 2023
Contract(s) Executed	Est. Q1 2024

Please note that the above dates are subject to change. Notification of any changes to the RFP process or documents will be posted on the [NYSERDA Offshore Wind 2022 Solicitation](#) website and sent via email to those parties who have submitted a Notice of Intent to Propose.

⁵ Under the CES and former Renewable Portfolio Standard Main Tier, NYSERDA has supported the development of approximately 2,000 MW of operating land-based wind projects; additional renewable capacity of approximately 8,400 MW of land-based wind and solar projects are contracted and under development.

1.4 Notice of Intent to Propose

Prospective Proposers are **required** to submit a Notice of Intent to Propose, which is attached as Appendix A to this RFP. A Certification Under Executive Order No. 16, as published by the Office of General Services and available here: <https://ogs.ny.gov/EO-16>, must be submitted for the Proposer and each Funding Recipient with the Notice of Intent to Propose.⁶ NYSERDA will email updates regarding this RFP to prospective Proposers who submit a Notice of Intent to Propose. This does not relieve prospective Proposers of their responsibility to check the [NYSERDA Offshore Wind 2022 Solicitation](#) for news and updates. Prospective Proposers who submit a Notice of Intent to Propose are not obligated to submit a Proposal.

The Notice of Intent to Propose form should be sent to offshorewind@nyserda.ny.gov by the date indicated in Section 1.3 using the subject line: Notice of Intent to Propose ORECRFP22-1.

1.5 Proposal Fee

Each Proposer's Submission must be accompanied by a Proposal Fee which will be used by NYSERDA to offset the cost of the evaluation of Proposals. The base Proposal Fee of \$500,000 will cover the Required Base Proposal and Required Standalone Proposal, as defined in Section 2.1.4, and one Supply Chain Investment Plan as further discussed in Section 2.1.2. There will be an additional \$100,000 Proposal Fee for each additional Offshore Wind Generation Facility, either from a different lease area, or delivered to a second Injection Point from the same lease area, included in the Proposer's Submission beyond the first one.⁷ Each additional Supply Chain Investment Plan included in the Proposer's Submission will require an additional \$50,000 Proposal Fee. Alternate Proposals, as defined in Section 2.1.4, are permitted. Each Alternate Proposal that has a different Offer Capacity, Delivery Point, Injection Point, technical configuration, pricing structure (such as Interconnection Cost Sharing and/or Inflation Adjustment), and/or expected Commercial Operation Date(s) will require an additional \$25,000 Proposal Fee. Inclusion of a second Contract Tenor in the Required Base Proposal, Required Standalone Proposal, or an Alternate Proposal will be accepted without incurring additional Proposal Fees. Alternate Proposals that differ from another submitted Proposal only due to the inclusion of Energy Storage will be accepted without incurring additional Proposal Fees.

⁶ Certifications for Funding Recipients can be submitted by the Proposer with the Notice of Intent to Propose or by the Funding Recipient directly to NYSERDA with a note regarding which Proposer(s) the certification applies to.

⁷ An Offshore Wind Generation Facility is limited to a single lease area and a single Injection Point. If the same Offshore Wind Generation Facility is offered with multiple Injection Point options, but each Proposal includes a single Injection Point for that Offshore Wind Generation Facility within a specific Proposal, each Injection Point option would represent an Alternate Proposal.

Submission Component	Proposal Fee
Required Base Proposal (including one Supply Chain Investment Plan) and Required Standalone Proposal, each including up to two Contract Tenors. One Offshore Wind Generation Facility (either Upgrade Capacity or a new Project) is included in the base price.	\$500,000
Each additional Offshore Wind Generation Facility (including Upgrade Capacity) in the Submission (up to total of three)	\$100,000
Each Alternate Proposal (either with a SCIP or Standalone)	\$25,000
Each additional Supply Chain Investment Plan beyond the one associated with the Required Base Proposal	\$50,000

The Proposal Fee will automatically be computed within the Master Offers Form. The Proposal Fee and the Contract Security amounts set forth in Article XV of the Agreement are the only fees or monetary obligations of the Proposer.

Detailed instructions for the payment of the Proposal Fee will be sent from NYSERDA’s finance department to Proposers who submit a Notice of Intent to Propose on any date prior to the Deadline for NYSERDA Portal Registration (see above). The instructions will also be available by emailing offshorewind@nyserda.ny.gov with the subject line: ORECRFP22-1 Request for Proposal Fee Payment Instructions.

The Proposal Fee is non-refundable unless NYSERDA cancels this RFP prior to evaluation of Proposals. If this RFP is canceled by NYSERDA prior to evaluation of Proposals, uncommitted Proposal Fees will be returned. **In no other event will any portion of the Proposal Fee be refunded, regardless of whether or not a Proposal is selected by NYSERDA.**

1.6 Proposers’ Conference and Communications with NYSERDA

A Proposers’ Conference for interested persons will be held via Webinar on August 23, 2022 at 10 am E.T. Proposers are encouraged to [register](#) for this event as early as possible. The purpose of the Proposers’ Conference is to provide Proposers with the opportunity to clarify their understanding of any aspect of this RFP. Prospective Proposers may ask questions during the Proposers Conference, and NYSERDA may respond orally. However, only written answers that are provided by NYSERDA in response to questions and posted on the [NYSERDA Offshore Wind 2022 Solicitation website](#) by the deadline for responses listed in in the schedule in Section 1.3 constitute official responses.⁸ Questions and responses will be anonymized.

With the exception of the Proposers’ Conference, all pre-Proposal contacts with NYSERDA by prospective Proposers and interested parties regarding this RFP or related matters must be the Primary

⁸ Questions solely regarding the calculation or payment of the Proposal Fee may be directed to the Designated Contacts at offshorewind@nyserda.ny.gov and will be answered confidentially to Proposer.

Contacts or Other Designated Contacts. Prospective Proposers are encouraged to submit written questions about this RFP with the subject line “ORECRFP22-1 Question” on or before the date indicated in Section 1.3.

Prospective Proposers can also submit requested changes to the Standard Form Agreement (Appendix I) and Standard Form SCIP Facility Funding Agreement (Appendix J) for NYSERDA consideration on or before the deadline for submission of written questions indicated in Section 1.3. NYSERDA will consider the requested changes and may provide feedback at its discretion about whether specific changes may or may not be acceptable through the written answers posted to the Solicitation website as noted above.

1.7 Modification or Cancellation of the RFP and Solicitation Process

The terms and conditions of this RFP may, at any time, be changed, postponed, withdrawn, and/or canceled, including any requirement, term or condition of this RFP, without any liability to NYSERDA (other than the return of uncommitted Proposal Fees if this RFP is canceled by NYSERDA prior to evaluation of Proposals, as described in Section 1.5), NYSERDA’s Consultants, Specialist Reviewers or members of the OREC Scoring Committee or SCIP Scoring Committee. Any changes to this RFP will be posted on the [NYSERDA Offshore Wind 2022 Solicitation](#) website and an email will be sent to all prospective Proposers who have submitted a Notice of Intent to Propose. Prospective Proposers are encouraged to check the website frequently to be advised of any RFP changes or other news.

1.8 Proposal Completeness and Eligibility Review

Following submission, Proposals will first be examined to determine that they meet the eligibility requirements and include all required components. To be eligible for evaluation, Projects and Proposals must meet all eligibility requirements and Proposals must be complete, *i.e.*, contain all required contents listed in Section 6. NYSERDA will contact Proposers regarding any instances where it is unclear if an eligibility requirement is met or where the Proposal contents are deficient when compared to the Submission requirements. Proposers will be provided with a short, one-time opportunity to cure the deficiency prior to removing the Proposal from consideration.

1.9 Updates to Proposals

If, prior to the Proposal Submission Deadline, a Proposer wishes to modify a Proposal that was submitted before the Proposal Submission Deadline, Proposer should contact NYSERDA’s Designated Contacts. Proposers will not have an opportunity to refresh or restate Proposals after the Proposal Submission Deadline unless requested by NYSERDA to do so. If Proposers provide new information that was not available at the time of their Proposal submission or the Proposal Submission Deadline, these updates are for informational purposes only and will not be treated by the OREC Scoring Committee or SCIP Scoring Committee as a change or revision to the terms of the Proposal unless the information is provided at NYSERDA’s request under Section 1.10. If there are any material events that affect the validity of the Proposal, Proposers must promptly notify NYSERDA in writing. NYSERDA reserves the right to consider these material events during Proposal evaluation.

1.10 Requests for Additional Information

Following the submission of Proposals, NYSERDA, the OREC Scoring Committee and the SCIP Scoring Committee may request clarification and additional information from Proposers at any time throughout the duration of the evaluation process. Such information will be subject to protection of proprietary information as described in Section 8.1, consistent with other Proposal submission materials. If the Proposer does not respond promptly to such information requests or does not provide adequate information, the affected Proposal(s) will be evaluated based on the information as originally submitted.

NYSERDA also reserves the right to request clarification directly from potential Funding Recipients regarding Supply Chain Investment Plans. To that end, Supply Chain Investment Plans must include contact information for the Funding Recipients (including any manufacturers or other proposed end-users of the site) to accommodate NYSERDA engaging in direct contact.

1.11 Interviews with Proposers

NYSERDA may request in-person and/or videoconference interviews with any Proposer or Funding Recipient, to be scheduled at a mutually convenient time.

2 PROJECT ELIGIBILITY REQUIREMENTS

2.1 Eligibility

To participate in this RFP, Proposers must submit a Notice of Intent to Propose as described in Section 1.4, pay the appropriate Proposal Fee as described in Section 1.5 and follow the instructions for Submission of Proposals as described in Appendix N. All Proposals must demonstrate compliance with each of the eligibility requirements enumerated in Sections 2.1.1 through 2.1.9 and include all contents listed in Section 6.

To be eligible for evaluation, Proposals must meet the following requirements, as described in the remainder of this Section 2:

- Located in the ocean waters of the United States (Section 2.1.1)
- Commercial Operation Date on or after January 1, 2015 (Section 2.1.1)
- Minimum Offer Capacity for each Offshore Wind Generation Facility in the Proposal is the lesser of 1,000 MW or the maximum capacity available from the Proposer's lease area (Section 2.1.1)
- Not contractually committed to any other entity and not conditional on other Proposals or solicitation outcomes, with the exception of conditions related to Supply Chain Investment Plan volumes as specifically allowed herein (Section 2.1.1)
- Include at least one Supply Chain Investment Plan that utilizes up to \$300 million in New York State Funding if localization of nacelles or blades is included, or up to \$150 million in New York State Funding if localization of nacelles or blades is not included (requirement does not apply to Proposals that include only Upgrade Capacity) (Section 2.1.2)
- HVDC and Meshed Ready for Required Base Proposal and Required Standalone Proposal (requirement does not apply to Upgrade Capacity) (Section 2.1.4)
- Demonstrate site control of Lease Area and Injection Point (Section 2.1.6)
- Deliverable into the NYCA, with a Zone J or K Injection Point for Required Base Proposal and Required Standalone Proposal (Section 2.1.4, Section 2.1.7)
- Fossil Repurposing Proposals must identify the facility to be repurposed, demonstrate usage rights and submit an implementation plan and a contingency plan (Section 2.1.8)
- Electrical Energy Storage for electrical discharge must be located in Zone J or K
- Submit a complete Proposal Narrative that addresses all required content (Section 2.1.9)
- Be free from, or commit to eliminating or preventing, conflicts of interest, in each case as determined by NYSERDA in its sole discretion (Section 2.10)

NYSERDA will review submitted Proposals to determine whether they meet each of the eligibility requirements. Proposals that fail to meet these requirements will be ineligible for an award.

2.1.1 ORECs Offered

Each Proposal must be for ORECs produced from up to three Offshore Wind Generation Facilities located in the ocean waters of the United States that become operational on or after January 1, 2015. Each Offshore Wind Generation Facility included in a Proposal must represent a minimum Offer Capacity

of either 1,000 MW or the maximum capacity available from the Proposer's lease area if less than 1,000 MW.⁹ A separate Agreement will be executed for each Offshore Wind Generation Facility. As built, the Operational Installed Capacity of each Offshore Wind Generation Facility cannot exceed the Maximum Project Capacity, calculated as the Offer Capacity multiplied by 1.10.

A Proposal may include capacity that is an upgrade to an existing Offshore Wind Generation Facility (Upgrade Capacity) if the upgrade does not require a separate export cable from the existing facility, and the upgrade adheres to all other eligibility criteria outlined in Sections 2.1 and 2.2 and Proposal submission requirements listed in Section 6, with the exception of a Supply Chain Investment Plan. Proposals for Upgrade Capacity may submit a Supply Chain Investment Plan but are not required to do so. For example, even if a Proposal includes only Upgrade Capacity, the Proposal must include a Stakeholder Engagement Plan and a New York Jobs and Workforce Plan. Upgrade Capacity can be submitted alone in a Proposal or in combination with up to two new Offshore Wind Generation Facilities. If Upgrade Capacity is submitted in combination with another Offshore Wind Generation Facility, a separate Agreement will be executed for the Upgrade Capacity. Proposals that include Upgrade Capacity will be evaluated using the same criteria and process as Proposals including only new Offshore Wind Generation Facilities.

The OREC production from an Offshore Wind Generation Facility offered to NYSERDA through this RFP, up to the Annual OREC Cap, may not be contractually committed to any other entity over the proposed Contract Delivery Term, except as described in Section 2.1.7 and in Section 3.04 of the Agreement. Awardee will retain ownership and all rights to ORECs that exceed the Annual OREC Cap. For avoidance of doubt, NYSERDA seeks to acquire ORECs only, and will not have any claim to associated electric energy, capacity, or ancillary services associated with the ORECs.

A Proposer may not condition the acceptance of one Proposal on the withdrawal or acceptance of any other Proposal, with the exception of conditions related to Supply Chain Investment Plan minimum offtake volumes. All Proposals using overlapping lease area space will be mutually exclusive: that is, NYSERDA will not award more than one Proposal from a given lease area unless the included Projects can both be accommodated within the given lease area. By submitting a Proposal, the Proposer commits the Project to this RFP, and no Proposal may be conditional on the result of offshore wind procurement activities of any other state. Project eligibility requirements do not preclude the option to propose two or more Delivery Points in New York City and/or Long Island as may be necessary to reasonably minimize the Project's Interconnection Cost Allocation. Project eligibility requirements do not preclude external Injection Points in neighboring Control Areas, provided the Proposer submits an Interconnection and Deliverability Plan that addresses compliance with the relevant Open Access Transmission Tariff, transmission from the Injection Point to the Delivery Point and delivery to NYCA at the Delivery Point, the Electricity Delivery Requirements contained in Article III of the Agreement, and accord with the NYGATS tracking system that records generation attribute information.

⁹ The Proposal Offer Capacity may reasonably deviate to within ± 5 percent of the design capacity of individual Primary Components of the Offshore Wind Generation Facility.

2.1.2 Supply Chain Investment Plans

This solicitation seeks to deliver a coordinated solution to the priorities of enabling offshore wind projects in New York and advancing those activities, expenditures, and investments that serve to improve New York State's offshore wind-supporting infrastructure – including, specifically, the investment of up to \$300 million (nominal) in New York State Funding toward New York offshore port and supply chain infrastructure. The New York State Funding is intended to prioritize the staging and/or manufacturing of offshore wind and related activities and to foster the development of a New York-based supply chain. To maximize the set of eligible investments and enable open-source infrastructure, this solicitation requires that the entity or entities responsible for execution of the development of the Supply Chain Investment Plan (e.g., the owner of the SCIP Facility or a manufacturer that intends to locate there) be designated as the Funding Recipient(s) of New York State Funding.

Proposers are prohibited from entering into any arrangement with any potential Funding Recipient that materially restricts the ability of such parties to collaborate with other Proposers in developing Supply Chain Investment Plans, and Proposers are required to certify in the Proposer Certification Form that no such arrangement exists. For further clarity:

- NYSERDA reserves the right to disqualify any arrangement that would, as determined by NYSERDA in its reasonable discretion, violate antitrust laws.
- The above-described prohibitions are not intended to prohibit Proposers from negotiating exclusive or priority financial, pricing or business arrangements with Funding Recipients that would take effect if the applicable Proposer is awarded under this solicitation so long as such arrangements do not prohibit such Funding Recipients from negotiating separate and distinct deals with other Proposers (for example, separate arrangements could be negotiated by a single Funding Recipient with multiple Proposers, each of which is contingent on the applicable Proposer's Supply Chain Investment Plan being awarded in this solicitation). However, for the avoidance of doubt, such exclusive arrangements are also not required.
- The above-described prohibitions are not intended to prohibit proposed Funding Recipients acquiring land or from negotiating exclusive options for land or locations for the facilities included in Supply Chain Investment Plans (unless such arrangements would otherwise violate antitrust laws). However, for the avoidance of doubt, such exclusive options are also not required.
- An arrangement would violate the above-described prohibition if it bars a proposed Funding Recipient from (1) seeking other state funding or grants, (2) partnering with other Proposers in the event the Proposer's bid is not selected or (3) communicating directly with NYSERDA either during or after this RFP process.
- Proposers should provide enough information about their business arrangement with proposed Funding Recipients for NYSERDA to confirm compliance with the terms of this RFP and this Section 2.1.2.

New York State is offering up to \$300 million (nominal) of New York State Funding for Eligible Expenses, available for draws as critical Supply Chain Investment Plan milestones are met. If selected for conditional award, Proposers will be expected to work with NYSERDA to enter into one or more

agreements with NYSERDA under which the Proposer will make a contractual capital commitment (which may be in the form of a cash investment, anchor order or other type of capital) to the Supply Chain Investment Plan. Simultaneously, NYSERDA will work with the Funding Recipient(s) to enter into a SCIP Facility Funding Agreement with each Funding Recipient covering the terms and conditions of the New York State Funding. Further details regarding New York State Funding are included in Appendix C.2.

Each Proposal, with the exception of (i) Proposals that include only Upgrade Capacity, (ii) the Required Standalone Proposal and (iii) any Alternate Standalone Proposals, must include a Supply Chain Investment Plan to be eligible for an award. Further details regarding Supply Chain Investment Plan eligibility are included in Appendix C.2.

- Each Supply Chain Investment Plan is limited to \$300 million in New York State Funding if the Supply Chain Investment Plan includes localizing the manufacturing of blades or nacelles, and otherwise is limited to \$150 million of New York State Funding if the Supply Chain Investment Plan does not include localizing blades or nacelles. Supply Chain Investment Plans requesting amounts outside of this range will be considered only if the Supply Chain Investment Plan demonstrates an extraordinary need for a different amount of New York State Funding. Supply Chain Investment Plans may be considered for New York State Funding at any SCIP Facility as defined and described by the Proposer.
- Each Proposal can only include one Supply Chain Investment Plan, but each Supply Chain Investment Plan may include multiple SCIP Facilities and/or multiple Funding Recipients. Alternate Proposals can include Supply Chain Investment Plans different from the one included with the Required Base Proposal.
- Supply Chain Investment Plans that utilize New York State Funding to localize blades or nacelles manufacturing will be evaluated favorably to the extent the Supply Chain Investment Plan can demonstrate follow-on local supply chain growth opportunities or other unique economic benefits to New York State. Supply Chain Investment Plans may also include other Primary Components, or other offshore wind industry activity supporting a minimum number of jobs based on the Supply Chain Investment Plan activity. See Appendix C.2 for further details on Supply Chain Investment Plans including their evaluation.
- Supply Chain Investment Plans may be conditional upon the award of one or more Purchase Commitment Proposals that comprise an aggregate minimum total offtake quantity. Proposers will indicate in the SCIP Data Form whether the Supply Chain Investment Plan is conditional on the award of any Purchase Commitment Proposals and what the minimum required offtake represented by SCIP Related Purchases in awarded Purchase Commitment Proposals would need to be in order for the Supply Chain Investment Plan to be selected. Proposals with conditional Supply Chain Investment Plans will be eligible for selection only if the conditions are met through the selection of other Proposals in this solicitation. See Appendix C.2 for additional information.

- Requests for New York State Funding must be matched with non-New York State Funding investment in the same SCIP Facilities at the highest level of non-New York State Funding investment possible. At a minimum, for the Supply Chain Investment Plan as a whole, New York State Funding must be matched by at least \$2.00-for-\$1.00 (\$2.00 of non-New York State Funding for every \$1.00 of New York State Funding).
- As described in Section 5.1.2, Proposals that do not include Supply Chain Investment Plans (*i.e.*, Standalone Proposals) will be considered for award once NYSERDA has concluded its selection of Proposals that include a Supply Chain Investment Plan or decided at its sole discretion not to award any Proposals with Supply Chain Investment Plans.

Each Supply Chain Investment Plan will be reviewed by the SCIP Scoring Committee to determine whether the Supply Chain Investment Plan is “fundable” or “not fundable.” This determination will be based on whether a Supply Chain Investment Plan meets the eligibility criteria and performs well under the evaluation criteria further described in Appendix C.2.

The Supply Chain Investment Plan included in a particular Proposal must be determined to be “fundable” in order for that Proposal to be eligible for award.

Proposals for which the included Supply Chain Investment Plan is considered “fundable” in accordance with the evaluation criteria detailed in Appendix C.2 will be evaluated for an OREC award, based upon the Commission’s evaluation criteria of 70% price, 20% economic benefits, and 10% viability, as further described in this RFP. If a Supply Chain Investment Plan is considered “not fundable,” the associated Proposal(s) will be deemed ineligible for an OREC contract award.

For Supply Chain Investment Plans that include multiple SCIP Facilities, each SCIP Facility will be determined to be “fundable” or “not fundable.” Any SCIP Facility that is determined to be “not fundable” will be removed from the Supply Chain Investment Plan.

If after such removal of the SCIP Facility, the Supply Chain Investment Plan still meets the threshold requirements listed in Section C.2.A of Appendix C.2 (including the minimum aggregate investment amount), NYSERDA will provide the Proposer a short, one-time opportunity to provide an updated Index OREC Strike Price or Fixed OREC Price that reflects such removal. If an awarded Proposal includes a Supply Chain Investment Plan with one or more SCIP Facilities that are ultimately not realized, NYSERDA may request that the Seller incorporate an alternate SCIP Facility that was deemed fundable by the SCIP Scoring Committee or otherwise approved by NYSERDA.

NYSERDA plans to fully leverage Governor Hochul’s \$500 million offshore wind supply chain commitment through this RFP and subsequent supply chain procurement rounds. Supply Chain Investment Plans not selected under this ORECRFP may be eligible for other New York State funding through those other processes. New York State Funding not awarded through this RFP is intended to be reallocated and available through the subsequent supply chain solicitations.

Proposers are also encouraged to seek NY Green Bank Financing in connection with their Supply Chain Investment Plan(s). NY Green Bank is a State-sponsored specialized financial entity that works with the private sector to identify, address, and alleviate market barriers preventing the widespread deployment of clean energy projects across New York State. NY Green Bank is generally able to make competitively-priced, market-based debt financing available to offshore wind supply chain projects in New York State in an amount of approximately \$25 million to \$100 million per project. More information on NY Green Bank can be found at <https://www.greenbank.ny.gov>.

2.1.3 Contract Delivery Term

Each Proposal must specify an expected Commercial Operation Date and Contract Tenor. Proposers may elect to divide Project Offer Capacity into multiple phases, with each phase subject to a Contract Delivery Term specific to that phase as further described below. For a multi-phase Proposal, the Proposer must specify the expected Commercial Operation Date and Offer Capacity of each phase.

The Contract Delivery Term for each phase of a Project will commence on the first day of the month after the actual Commercial Operation Date for the phase and end at the date upon which the Contract Tenor has elapsed for the phase or at the Outer Limit Date, whichever occurs first. If less than twenty-five percent (25%) of a phase of the Project has commenced Commercial Operation (as determined on an Operational Installed Capacity basis as compared to the Offer Capacity), Seller may elect to delay the commencement of the phase's Contract Delivery Term for a period not to exceed one year after any portion of the Project has achieved Commercial Operation.

2.1.4 Required and Alternate Proposals

All Proposers must submit a Required Base Proposal and a Required Standalone Proposal but may also submit an uncapped number of Alternate Proposals with varied parameters as described below.

- The **Required Base Proposal** may use either the Index OREC or Fixed OREC pricing structure, must include pricing for a 25-year Contract Tenor, and may additionally include pricing for a 20-year Contract Tenor, must reflect energy delivered through a direct HVDC marine cable interconnection from each Offshore Wind Generation Facility to an Injection Point in NYISO Zone J or K, and must be Meshed Ready per the specifications in Appendix G. Only Required Base Proposals for Upgrade Capacity are not required to be Meshed Ready. The Required Base Proposal must include a Supply Chain Investment Plan unless it is a Proposal that includes only Upgrade Capacity. The Required Base Proposal must include pricing without Energy Storage, Interconnection Cost Sharing, or Inflation Adjustment.
- The **Required Standalone Proposal** must not include a Supply Chain Investment Plan. As described in Section 5.1, Required Standalone Proposals will be considered once NYSERDA has concluded its selection of Proposals that include a Supply Chain Investment Plan. In all other respects the Required Standalone Proposal is subject to the same requirements as the Required Base Proposal, as set out above.

- **Alternate Proposals** may be for ORECs delivered from Offshore Wind Generation Facilities of other technical configurations, other Offer Capacity, other Injection Point(s) and/or Delivery Point(s), other economic benefit packages (including Supply Chain Investment Plans different from the one submitted in the Required Base Proposal), or other expected Commercial Operation Dates. Alternate Proposals may be for either a 20-year or 25-year Contract Tenor (or both Contract Tenors) and must offer either an Index OREC Strike Price or a Fixed OREC Price as described in Section 2.1.5.

Any Alternate Proposal with Energy Storage, Interconnection Cost Sharing and/or Inflation Adjustment must correspond to a Proposal without Energy Storage, Interconnection Cost Sharing or Inflation Adjustment that is consistent in all other respects, except for pricing and/or other modifications directly related to Energy Storage, Interconnection Cost Sharing and/or Inflation Adjustment. Each Alternate Proposal with Energy Storage must correspond to a Proposal that is consistent in all other respects, except for pricing and/or other modifications directly related to Energy Storage.¹⁰ However, there is no requirement to submit additional Alternate Proposals with only Interconnection Cost Sharing and only Inflation Adjustment.

Alternate Proposals that consider deviation from the HVDC and Meshed Ready configuration described in the Required Base Proposal and Required Standalone Proposal must (i) show that the undersea radial cable route from the Offshore Wind Generation Facility to shore does not cross the Lower Bay, Raritan Bay, Arthur Kill, the Narrows, the Upper Bay (New York Harbor), the East or Hudson Rivers, Block Island Sound or the Long Island Sound (collectively, the “Constrained Areas”); and (ii) provide a justification for the exclusion from the Meshed Ready system. Each Alternate Proposal that includes an Offshore Wind Generation Facility that is not Meshed Ready, with the exception of Upgrade Capacity, must correspond to a Proposal that is consistent in all other respects, except for pricing and/or other modifications directly to all Offshore Wind Generation Facilities in the Proposal being Meshed Ready.

All Required and Alternate Proposals are prohibited from siting HVAC cables of any kind whatsoever (including connecting a converter station to a point of interconnection) through the Narrows, in the East River between the Brooklyn and Throgs Neck Bridges, and in the Hudson River north of Battery Park (the “Prohibited Areas”). Proposals that contemplate siting any HVAC cables (connecting a converter station to a point of interconnection) in any Constrained Areas other than the Prohibited Areas must demonstrate that there is adequate remaining right of way to install at least two additional marine HVDC cables, beyond any cabling already planned under existing contracts to NYSERDA, in the same location(s) as the proposed HVAC cable(s).

It is possible that more than one Proposer may select the same Delivery Point, resulting in (i) increased costs of interconnection to accommodate both Proposals or (ii) mutually exclusive

¹⁰ The Energy Storage Component Price Reduction Amount entered in the Agreement will be calculated as the difference between the Index OREC Strike Prices or Fixed OREC Prices for the Proposals with and without Energy Storage.

Proposals if the Delivery Point cannot accommodate both Proposals. Accordingly, NYSERDA encourages Proposers to submit at least one Alternate Proposal that reflects an alternative Delivery Point and at least one Alternate Proposal that includes Interconnection Cost Sharing.

In light of Consolidated Edison Company of New York, Inc.'s Petition filing, it is possible that Offshore Wind Generation Facilities included in Proposals submitted in response to this RFP may be able to utilize Injection Points made available through the ConEd Hub. However, unless and until the Commission approves the petition to recover costs of the ConEd Hub, Proposals must not assume or be contingent upon interconnection costs being covered by New York State except as provided in an Interconnection Cost Sharing Proposal as further described in Section 2.1.5.1. NYSERDA may make revisions to the RFP if needed to accommodate future Commission Orders.

Proposers may submit Alternate Standalone or Required Standalone Proposals that contemplate the purchase of goods or services from specific SCIP Facilities (SCIP Related Purchases). These "Purchase Commitment Proposals" may include Incremental Economic Benefits associated with the SCIP Related Purchase(s) that are contingent on the award and realization of the associated SCIP Facility(ies). If the Purchase Commitment Proposal is awarded, the Incremental Economic Benefits associated with the awarded SCIP Facility(ies) would be included in Total Expected Dollars in the Agreement (See Definitions, Section 12.01, and Section II.a of Exhibit I). If a SCIP Facility is not included as part of an award, the contingent Incremental Economic Benefits associated with said SCIP Facility in the Purchase Commitment Proposal would not carry over into the Agreement.

Purchase Commitment Proposals should also indicate the date by which the applicable SCIP Facilities would need to be available for the Proposer to make SCIP Related Purchases. In the event that the SCIP Related Purchases in a Purchase Commitment Proposal cannot be realized due to the applicable SCIP Facilities not being available by such date for reasons wholly beyond the control of the Seller and its affiliates, the Expected Total Dollars would be reduced by the amount of the applicable SCIP Related Purchases that can no longer be realized as described in Section 12.01(e) of the Agreement. Due to this conditional nature of Incremental Economic Benefits associated with SCIP Related Purchases in Purchase Commitment Proposals, such Incremental Economic Benefits will be given a lower weight in scoring. Each Purchase Commitment Proposal must expressly indicate in the Economic Benefits Plan narrative and in the description field of the Offer Data Form whether the entire Purchase Commitment Proposal, or only a portion of the Incremental Economic Benefits claimed therein, is conditional on award of a particular SCIP Facility through a SCIP. Treatment of SCIP Related Purchases is further explained in Section 3.3.5.

2.1.5 Pricing

Each Proposal must include a firm offer price using either the Index OREC pricing structure or the Fixed OREC pricing structure as described in Section 4.1. If a Proposal includes multiple Offshore Wind

Generation Facilities that have different Delivery Points, separate pricing may be submitted for each. Offer prices for each Proposal are all-inclusive, that is, for all components of the Project, optional Energy Storage, and any Proposer costs related to the implementation of the associated Supply Chain Investment Plan (if applicable). Under the Index OREC pricing structure, the OREC price varies monthly. It equals the Index OREC Strike Price minus the monthly Reference Price. The monthly Reference Price is the sum of the Reference Energy Price and the monthly Reference Capacity Price, as described in Section 4.1.2.

Each Proposal should be priced assuming that the Project will operate in a dedicated radial configuration. Section 4.3.1 describes modifications to be made to the Agreement if and when a Meshed Network is implemented.

If a Project becomes eligible for and obtains Project Qualifying Federal Support, there will be an adjustment to the Fixed OREC Price or to the Index OREC Strike Price, as appropriate, to provide for a sharing of the Project Qualifying Federal Support between NYSEERDA and Seller. The price adjustment will be computed as described in Section 5.07 of the Agreement such that 75%¹¹ of the net benefit of the Project Qualifying Federal Support would be applied to a reduction in the Fixed OREC Price or the Index OREC Strike Price, as appropriate. The net benefit of the Project Qualifying Federal Support will account for increased costs related to development, construction or operation that the Project must incur in order to qualify for a higher level of Project Qualifying Federal Support, including costs related to new U.S. content or similar sourcing requirements, prevailing wage requirements or apprenticeship requirements.

For all Projects, in the event that the Interconnection Cost Allocation that is ultimately assigned to the Project is lower than the Interconnection Cost Allocation Baseline as submitted in the Offer Data Form or as adjusted by NYSEERDA during the Proposal evaluation process, 80% of the Interconnection Net Savings or the Interconnection Net Savings less \$50 million (whichever is greater) will be applied to a reduction in the Index OREC Strike Price or Fixed OREC Price. Additional details on this adjustment mechanism are provided in Section 4.2.1 and in Section 5.04 of the Agreement.

2.1.5.1 Interconnection Cost Sharing (optional)

Alternate Proposals may include a price structure that contemplates an Interconnection Cost Sharing approach wherein the Interconnection Cost Allocation would be absorbed fully by the Proposer up to a

¹¹ With respect to Qualifying Federal Support that arises from Section 45(b)(9), Section 45(b)(11), Section 48(a)(12) or Section 48(a)(14) of the Internal Revenue Code in existence on the Proposal Submission Deadline and is realized other than through, for domestic content requirements, a waiver process as described in 49 C.F.R. § 661.7 (or similar process) offered by the U.S. Department of Treasury, the Internal Revenue Service or other federal authority under which the steel, iron, or manufactured products of the Selected Project were not produced in the United States and did not meet the requirements of 49 C.F.R. § 661.5(b)-(d), or for energy communities, a waiver or exception process, 75% will be replaced with 50%. The reduction in the Fixed OREC Price or the Index OREC Strike Price attributable to Qualifying Federal Support for the Energy Storage Component shall in no case be greater than the Energy Storage Component Price Reduction Amount.

certain level, but above that level incremental Interconnection Cost Allocations would be shared between the Proposer and NYSERDA (with NYSERDA's cost share to be added to the Index OREC Strike Price or Fixed OREC Price). Additional details on this adjustment mechanism are provided in Section 4.2.1 and in Section 5.04 of the Agreement. Proposals that include this adjustment will be evaluated using a risk-adjusted price adder as further described in Section 4.4.

4.4 If Interconnection Cost Sharing is proposed in combination with Energy Storage, the Interconnection Cost Sharing applies only to the interconnection of the Project, unless the Energy Storage is included in the Project's Large Facility Interconnection Request to NYISO. If the Energy Storage has a different point of interconnection or has a separate interconnection request to connect at the Delivery Point, its interconnection costs cannot be included in the Interconnection Cost Sharing mechanism.

2.1.5.2 Inflation Adjustment (optional)

Alternate Proposals may include a price structure where the Index OREC Strike Price or Fixed OREC Price would be subject to a one-time adjustment to reflect changes in certain price indices subsequent to the Proposal Submission Deadline. Additional details on this adjustment mechanism are provided in Section 4.2.2 and in Section 5.03 of the Agreement. Proposals that include this adjustment will be evaluated using a price adder reflecting NYSERDA's inflation expectation as further described in Section 4.4.

2.1.6 Site Control

Proposer must hold (a) an irrevocable right or option to develop the entire Offshore Wind Generation Facility site footprint within a federal BOEM commercial wind energy lease area; or (b) demonstrate the existence, within or as a part of the Proposal, of a fully-executed lease for the BOEM commercial wind energy lease area within which the Offshore Wind Generation Facility is to be sited; or (c) demonstrate that it is a provisional winner of a BOEM wind energy area lease sale pursuant to 30 C.F.R. 585 and is proceeding toward lease execution. Proposers must notify NYSERDA promptly upon the execution of such lease. Section 9.01(c) of the Agreement requires Seller to warrant that it "has, or reasonably expects to have prior to the time needed, all real property rights to construct, interconnect, and operate the Selected Project."

Proposers must identify the proposed Delivery Point(s), and, if interconnecting to another Control Area, Injection Point(s), describe what rights Proposer has to the Injection Point(s), and provide a detailed plan and timeline for the acquisition of any additional rights necessary for the interconnection(s) and for the right-of-way for transmission radial line to the Injection Point(s) and (if applicable) transmission from the Injection Point to the Delivery Point. Such rights may be held by Proposer directly or indirectly via partnership with a transmission developer. Proposers may enter into contract arrangement with a transmission developer to support evidence of site control, which NYSERDA may consider in its evaluation of Project Viability.

2.1.7 Interconnection and Deliverability

Proposers must demonstrate that energy generated by the Offshore Wind Generation Facility can be delivered into the NYCA. The Required Base Proposal and Required Standalone Proposal must incorporate an Injection Point in NYISO Zone J or K. Project eligibility requirements do not preclude the

option to propose multiple Injection Points in NYCA as may be necessary to reasonably minimize interconnection costs.

Alternate Proposals may interconnect in an adjacent Control Area. Such Proposals must demonstrate that the Project will fulfill the Electricity Delivery Requirements contained in Article III of the Agreement. NYSERDA will not be responsible for any wheeling charges or any other transmission or administrative related cost levied by an adjacent Control Area associated with delivery of energy to the NYCA at the Delivery Point, other than payment of the contractually determined OREC Price.

For the Required Base Proposal, Required Standalone Proposal and for any Proposal including a direct interconnection to the NYCA, Proposers must have submitted a valid Large Facility Interconnection Request with the NYISO. Alternate Proposals using the ConEd Hub must certify that they would submit the Large Facility Interconnection Request with the NYISO promptly upon the ConEd Hub becoming available through the NYISO interconnection process. For Offshore Wind Generation Facility Proposals that would interconnect in an adjacent Control Area, Proposers must have submitted a similar interconnection request to ISO New England or PJM, as applicable. By submitting this RFP with such interconnection request, the Proposer agrees that NYSERDA is authorized to solicit and receive status and other technical details of the Proposer's interconnection request from the relevant Control Area. Proposer agrees to execute such authorizations and documentation as may be required to allow NYSERDA access so such information.

Proposals may present a plan for alternate uses of a Project's electric output (i) in excess of the Annual OREC Cap or (ii) generated at times during which the delivery and sale of such electrical output at the Delivery Point is not possible due to curtailment of the Project by the NYISO. For example, the Interconnection and Deliverability Plan may propose to use curtailed electricity to serve an adjacent facility which produces Clean Electrolytic Hydrogen. Any such plan must include specific mechanisms for measuring and allocating electric output to ensure that the alternate use is associated only with electric output falling within the two categories referenced in this paragraph and shall be subject to NYSERDA's approval or denial in NYSERDA's reasonable discretion.

The Required Base Proposal and Required Standalone Proposal are required to utilize HVDC radial export cable design, except for Proposals for Upgrade Capacity from Offshore Wind Generation Facilities with radial export cables using HVAC technology. Alternate Proposals that include undersea cable routes through the Lower Bay, Raritan Bay, Arthur Kill, the Narrows, the Upper Bay (New York Harbor), the East or Hudson Rivers, Block Island Sound or the Long Island Sound are required to utilize HVDC radial design, pursuant to the PSC Order on Power Grid Study Recommendations.

All Required and Alternate Proposals are prohibited from siting HVAC cables of any kind whatsoever (including connecting a converter station to a point of interconnection) through the Prohibited Areas, as described in Section 2.1.4. Proposals that contemplate siting any HVAC cables (connecting a converter station to a point of interconnection) in any Constrained Areas (as described in Section 2.1.4) other than the Prohibited Areas must demonstrate that there is adequate remaining right of way to install at least

two additional marine HVDC cables, beyond any cabling already planned under existing contracts to NYSERDA, in the same location(s) as the proposed HVAC cable(s).

All Projects with export cables using HVDC technology, excluding Proposals for Upgrade Capacity, must be built Meshed Ready in accordance with the specifications prescribed in Appendix G.

In further support of the eventual delivery of at least 6,000 MW of offshore wind into New York City in alignment with Power Grid Study findings, the sum capacity of projects awarded through this RFP, with Zone K Injection Points, will not exceed 1,330 MW, equating to a New York State contracted portfolio totaling 3,600 MW which allows for a 20% margin of increased delivery to Zone K beyond the 3,000 MW identified in the Power Grid Study.

To evaluate the interconnection status and deliverability of a Project, as stated in Appendix B, Proposer must grant to NYSERDA the right to share with NYISO, adjacent RTOs, and owners of transmission facilities, as applicable, confidential information about any Proposal submitted by the Proposer. Proposer must also authorize NYISO, adjacent RTOs, and owners of transmission facilities, as applicable, to release information to NYSERDA that may otherwise be considered confidential under the relevant rules or policies of such organizations. NYSERDA understands that certain aspects of the confidential information that may be requested from NYISO, adjacent RTOs, and owners of transmission facilities may be deemed to be Critical Energy Infrastructure Information (CEII). NYSERDA will adhere to all requirements with respect to access to and distribution of CEII information as may be required by NYISO, adjacent RTOs, or owners of transmission facilities. Proposers may be required to cooperate with NYSERDA and to execute waivers or other documentation necessary for NYSERDA to acquire such information from the relevant RTO. In submitting a Proposal via this RFP, the proposer affirms NYSERDA's right to engage with the NYISO, adjacent RTOs and owners of transmission facilities, as applicable to support the evaluation of its Proposal.

2.1.8 Repurposing Downstate Fossil Fuel Generation Infrastructure (optional)

Proposals are not required to include a proposal to repurpose existing downstate (*i.e.*, Zones J and K) fossil-based electric generation infrastructure for use by the Project ("Fossil Repurposing Proposal"). However, Proposals that include a Fossil Repurposing Proposal must: (i) identify the specific facility or asset(s) within a facility proposed to be repurposed, (ii) demonstrate usage rights and authority to carry out such a repurposing, (iii) submit a plan for implementing the Fossil Repurposing Proposal, including obtaining regulatory approvals, prior to the Project's commencement of operations, and (iv) submit a contingency plan in case some or all of the Fossil Repurposing Proposal is delayed or unable to be completed prior to the Project's commencement of operations.

In addition, as set forth in Section 12.16 of the Agreement, as a condition to NYSERDA's commitment to purchase ORECs from any Project that contemplates a Fossil Repurposing Proposal that would cause changes in the operations or deactivation of any fossil-based electric generation resource ("Affected Resource"), the owner(s) of the Affected Resource must contractually commit to continuing to operate the Affected Resource in compliance with all applicable laws and regulations, including NYISO tariffs, until such time that (i) a determination has been made by NYISO, the applicable local transmission

operator(s) and any other relevant regulatory authorities that the change in generation profile or deactivation will not lead to a violation of the Reliability Rules as defined in the NYISO tariff, or any other reliability, wholesale market, or other applicable criteria, standards, laws or rules (“Generation Rules”) and (ii) such deactivation or change in generation profile will not cause a net increase in air pollutant emissions.

Fossil Repurposing Proposals may, but are not required to, be linked to the Project’s interconnection plan. For example, a Fossil Repurposing Proposal could propose to repurpose available space at a downstate fossil-based electric generation facility for siting energy transition activities that do not interact with the electric grid such as O&M activities, offices, or training facilities.

NYSERDA encourages Proposers with a Required Base Proposal and/or Required Standalone Proposal that includes a Fossil Repurposing Proposal to consider submission of an Alternate Proposal which does not include a Fossil Repurposing Proposal.

2.1.9 Energy Storage (optional)

Proposals do not need to include Energy Storage to be eligible. However, for a Proposal that includes Energy Storage to be eligible for favorable evaluation under Project Viability and Economic Benefits, the Energy Storage must meet the eligibility requirements described in this section. Any Proposal that includes Energy Storage must be submitted as an Alternate Proposal that corresponds to another Proposal without Energy Storage. The Proposer can own the Energy Storage or partner with the developer who will own the Energy Storage. Adding Energy Storage to a previously selected Offshore Wind Generation Facility would not represent Upgrade Capacity, and Energy Storage capacity does not contribute to the 1,000 MW minimum Offer Capacity.

Other energy storage applications not covered in the Energy Storage definition of this RFP, such as Clean Electrolytic Hydrogen production, may be included in the Proposal as decarbonization, clean energy industry or energy transition investments and will be evaluated as New York Economic Benefits as further described in Section 3.3 and Appendix C.1. New storage technologies using Clean Electrolytic Hydrogen production making use of offshore wind generation will not be subject to Energy Storage eligibility and viability criteria as described below or in Section 3.2.11.

Energy Storage facilities do not need to be registered in NYGATS. All Energy Storage facilities must be electrically located in NYISO Zone J or K and have a minimum capacity of 20 MW and a minimum duration of 4 hours.

To be eligible, the Energy Storage must be constructed consistent with Section VI, “Quality Assurance” (including the [Battery Energy Storage System Guidebook](#) referenced therein), Section VII, “Measurement and Verification,” and Section IX, “Technical Requirements” of NYSERDA’s [Bulk Storage Incentive Program Manual](#), including any changes to the Technical Requirements, which are expected to evolve as the industry develops. Notwithstanding this requirement, the Energy Storage need not be physically located in New York State so long as it adheres to the electrical location requirements described below.

Energy Storage must adhere to NYISO's definitions per the latest NYISO OATT and may be either:

1. Electrically located in Zone J or K adjacent to the Project's Delivery Point or the onshore route of the generator lead line to the Project's Delivery Point and behind the Project's wholesale or retail meter
2. Electrically located in Zone J or K adjacent to the Project's Delivery Point or the onshore route of the generator lead line to the Project's Delivery Point and behind a separate wholesale or retail meter, or
3. Electrically located in Zone J or K separately from the Project's Delivery Point.

In addition:

- The Energy Storage equipment must consist of commercial products carrying a manufacturer's warranty. The warranty must cover the entire energy storage system including ancillary equipment and power electronics. Experimental, beta, or prototype equipment is not eligible.
- The Energy Storage system must be certified to meet minimum safety requirements by a Nationally Recognized Testing Laboratory as evidenced by specific UL listings defined in the Program Manual. These will evolve to meet current best practices in the storage industry. These UL listings must be received by the time that the system enters commercial operation.
- Energy Storage systems and components must comply with all manufacturers' installation requirements, applicable laws, regulations, codes, licensing, and permit requirements. This includes, but is not limited to, SEQRA; the Accelerated Renewables Act, the International Building Code Series as amended by the New York State Uniform Code Supplement; the National Electric Code; New York State's Standard Interconnection Requirements; and all applicable State, city, town, or local ordinances or permit requirements, and any additional requirements of the local authority having jurisdiction (AHJ), and demonstrate compliance with the requirements in the [New York Battery Energy Storage System Guidebook](#).
- Energy Storage systems must be installed as proposed and remain in place for at least 10 years. Successful Proposers must, prior to the commencement of construction, provide an executed Energy Storage operations and maintenance agreement for a term which is greater than or equal to the proposed Energy Storage term.

Note that, under the Agreement, NYSERDA will make payment only for ORECs delivered to NYSERDA's NYGATS Account, which requires that the energy associated with such ORECs be delivered to the grid. If the Energy Storage is charged from an electrically co-located Offshore Wind Generation Facility, the energy discharged from the Energy Storage onto the grid will generate ORECs that will be eligible for payment under the Agreement. Should a Proposal with electrically co-located Energy Storage receive an award, the Proposer will be required, at the time of contracting, to demonstrate to NYSERDA's satisfaction that the Project and Energy Storage will be configured and metered in a way that will ensure that ORECs are created only based on energy generated by the Offshore Wind Generation Facility. Energy Storage facilities that are not electrically co-located with the Offshore Wind Generation Facility may store energy from the grid but will not create ORECs and therefore the associated stored energy will not be eligible for payment under the Agreement.

Awarded Proposers not including Energy Storage in the selected Proposal may add an Energy Storage facility in the future, subject to fulfilling all existing terms of the Agreement. However, the addition of an Energy Storage component will not be used to re-price a Project that initially lacks Energy Storage. Energy storage advanced after the time of an award may participate in other NYSERDA incentive programs or competitive procurements run by New York State utilities.

If a Proposal includes Energy Storage, and the Energy Storage has not reached commercial operation at the full capacity in MWh on or before the Project's first Commercial Operation Date, the Index OREC Strike Price or Fixed OREC Price will be reduced by the Energy Storage Component Price Reduction Amount. If the Energy Storage subsequently reaches commercial operation at the full capacity, the Index OREC Strike Price or Fixed OREC Price will revert to its original value. See Section 5.05 of the Agreement. This clause will also apply if the Energy Storage becomes Ineligible Energy Storage (as defined in the Agreement).

The following Energy Storage projects are not eligible for an award under this solicitation:

- An Energy Storage project that is owned by a regulated utility, the New York Power Authority, or the Long Island Power Authority;
- An Energy Storage project that has been awarded a utility Bulk Dispatch Rights Contract;
- An Energy Storage project that receives a NYSERDA Retail Storage Incentive, or a NYSERDA Bulk Storage Incentive;
- An Energy Storage project electrically located outside of NYCA Zones J or K;
- An Energy Storage project subject to a previous NYSERDA award or contract;
- Pumped hydroelectric storage.

Energy Storage projects participating in a utility Bulk Dispatch Rights solicitation or other utility-managed competitive offer are eligible to participate in ORECRFP22-1; however, no facility is eligible for award under ORECRFP22-1 if it is selected by a utility-managed solicitation or other competitive offer. NYSERDA will coordinate with the manager of any other active solicitation prior to issuing final awards under ORECRFP22-1 to ensure that projects participating in multiple offers are not prematurely deemed ineligible.

2.1.10 Conflicts of Interest

Proposers must be free from, or commit to eliminating or preventing, conflicts of interest, in each case as determined by NYSERDA in its sole discretion, in accord with Section 8.8.

2.2 Contract Commitments Relating to Considerations Identified in the Offshore Wind Orders and New York State Public Service Law

The Offshore Wind Orders authorize NYSERDA to include, at its discretion, certain contract requirements in agreements resulting from this solicitation. The following sections highlight selected requirements that NYSERDA has adopted and incorporated into the Agreement. Proposers should carefully review the Agreement to gain a full understanding of all contractual commitments.

2.2.1 Prevailing Wage Requirement

In accordance with Labor Law § 224-d(2), and NYSERDA's requirements as contained in the Agreement or any agreement for New York State Funding, and unless otherwise provided in a Project Labor Agreement (PLA) covering the construction of the Project, or any facilities constructed in whole or in part with New York State Funding, all laborers, workmen and mechanics (within the meaning of those terms under NYS Labor Law Article 8) performing construction activities within the United States (including federal waters) with respect to the Project, including, but not limited to, the assembly, staging, installation, erection, and placement of the Project and its electrical interconnection as well as those construction activities related to start-up and commissioning of the Project, whether through long-term or short-term employment, must be paid wages and benefits in an amount not less than the Prevailing Rates (as determined under NYS Labor Law Section 220 for construction activities in New York, or pursuant to the Agreement for construction activities elsewhere as determined by analogous state law) that would be applicable to a public work in the area where the subject Project construction activities occur. Unless provided otherwise in any negotiated PLA, it is generally expected that that covered construction, for these purposes, will include United States-based offsite fabrication traditionally performed on-site by construction craft when that fabrication produces items specifically designed for construction of the Project, fabrication occurs off-site for the convenience of the contractor, and the fabrication is part of a single integrated construction process. For construction activities in federal waters, the rates shall be those applicable at the location of the port or ports from which the laborers, workmen or mechanics are based for purposes of that offshore work. In the event that workers for a Project are based from multiple ports, Sellers must come to agreement with NYSERDA on uniform rates to apply to the Project. For the avoidance of doubt, in the event that Labor Law § 224-d(2) does not apply as a matter of law to work performed in federal waters, NYSERDA nonetheless requires the payment of Prevailing Rates as a matter of contract. This requirement applies: (1) to all laborers, workmen and mechanics performing construction activities, whether direct employees of the Seller or of Seller's subcontractor(s), and (2) regardless of whether or not such employment was claimed as an Incremental Economic Benefit in its Proposal. No less than six months prior to the start of Construction, Seller must notify NYSERDA of its intent to commence construction activities, and in cooperation with the New York State Department of Labor, generate a prevailing wage determination for the Project, as will be updated from time to time. Unless relieved of such requirements by entering into a duly executed PLA in accordance with NYS Labor Law § 222, Seller will be responsible for complying with all prevailing wage requirements (including but not limited to reporting requirements) under New York State Labor Law §§ 220, 220-b, and 224-d. In addition, Seller may be called upon to report compliance with the Prevailing Wage Requirement throughout the Term of the Agreement. See Section 18.10 of the Agreement.

2.2.2 Project Labor Agreement

As referenced herein, a PLA refers generally to a single collective bargaining agreement (including a pre-hire agreement) covering both contractors in the construction industry working on a Project and a bona fide building and construction trade labor organization representing the craft workers on that Project.

After consideration of the potential impact of a PLA, NYSERDA has concluded that a PLA, with appropriate terms, could serve the State's and public's interest. Accordingly, as is described more fully in Section 18.11 of the Agreement, each awardee will be required to present to NYSERDA for its review a plan outlining its intentions with respect to the negotiation of one or more PLAs to cover all construction activities on the Project, as defined in Section 2.2.1, within the United States (including in federal waters). NYSERDA should thereafter be kept apprised of negotiations as they proceed, and NYSERDA shall have the right to have one or more representatives attend negotiation sessions as it determines is in its best interests. Additional guidance regarding PLAs and how they should be represented in New York Jobs and Workforce Plans is described in Appendix H.

Such negotiations are to cover, at a minimum, the topics described below.

Each PLA should contain:

1. Provisions that appropriately limit applicability of the PLA to United States-based (including federal waters) covered work on the Project (and not extending to any other work performed by Project contractors and subcontractors, or to the work of their affiliated entities), ensuring that Project contractors or subcontractors are not required to become a signatory to any other labor agreement, and appropriately providing for the supremacy of the PLA over any potentially conflicting labor agreements that might otherwise apply to contractors and subcontractors. The PLA must apply to all covered construction and all contractors and subcontractors, of whatever tier, performing construction work on the Project (subject to appropriate exceptions), and the PLA should be available to all contractors and subcontractors, of whatever tier, regardless of their union affiliation;
2. Provisions for appropriate union recognition and security (limited to Project work) and the referral of skilled craft workers, including provisions for staffing in the event qualified referrals are not reasonably available and for the reasonable use of a number of core employees by contractors and subcontractors (regardless of union affiliation and referral practices that might otherwise exist);
3. Comprehensive labor harmony provisions to ensure against Project disruption as a result of worksite disputes or other labor disputes of any kind;
4. Comprehensive provisions for the resolution of workplace disputes through third party resolution, including provisions for the resolution of jurisdictional disputes (without Project disruption), and appropriate provisions for labor management cooperation;
5. Appropriate provisions to allow the cost effective and efficient coordination of multiple trades and contractors and subcontractors (notwithstanding any local labor agreements that might otherwise be applicable to contractors and subcontractors), as well as other appropriate management rights (such as adequately ensuring the Contractors'/subcontractors' choice of materials, techniques, methods, technology or design, or, regardless of source or location; use and installation of equipment, machinery, package units, pre-cast, pre-fabricated, pre-finished, or pre-assembled materials, tools, or other labor-saving devices; the installation or use of materials, supplies or equipment regardless of their source (including as may be required by a

vendor and/or to ensure warranty coverage); and to perform off-site work, subject to any restrictions imposed by law);

6. Appropriate provisions promoting MWBE and SDVOB employment, as well as the employment of New York workers and low-income workers;
7. Appropriate provisions for the use of apprentices; and
8. Appropriate provisions for rules governing worksite access and conduct.

Awardees may appoint or delegate to a contractor or third party the authority to conduct such negotiations and/or to execute the PLA(s); however, the responsibility to deliver the PLA(s) and to ensure its sufficiency and compliance with its terms will remain with awardee. Each final PLA consistent with this section shall be presented to NYSERDA for review and approval within 180 days of BOEM's approval of the COP for the Project. Seller will be required to address all eight items required in the PLA in their Contract Quarterly Reports, such as number of in-state jobs provided, MWBE and SDVOB employment statistics, education and apprenticeship programs, quantitative and qualitative data regarding engagement with New York labor groups, among others as outlined in the Agreement and reflective of ongoing compliance with the PLA. Section 18.11 of the Agreement provides further procedures should the awardee fail to reach agreement on a final PLA within that timeline.

NYSERDA's review of any agreed-upon PLA will be based on the specific terms of the negotiated PLA and will take into account the best interests of NYSERDA and the public it serves with respect to the Project, and will include consideration of Project viability, the cost-effectiveness of the PLA, and the need for timely Project completion.

SCIP Facilities that receive New York State Funding pursuant to this RFP will enter a separate Funding Agreement with NYSERDA (SCIP Facility Funding Agreement). In light of the State's interest in timely and cost-effective completion of both the development of SCIP Facilities and the Offshore Wind Generation Facility, any such separate SCIP Facility Funding Agreement will include provisions that mirror Sections 18.10 and 18.11 of the Agreement and that would apply to construction work on the SCIP Facilities. Each such separate SCIP Facility will include a timing requirement that will require adherence to a PLA negotiation schedule, with milestones and requirements similar to those listed above related to the construction of the Project, commencing upon execution, or prior to execution, of the separate SCIP Facility Funding Agreement. For public entities awarded New York State Funding, the public entities must initiate a PLA feasibility study upon execution, or prior to execution, of the separate SCIP Facility Funding Agreement; such PLA feasibility study will be conducted in cooperation with NYSERDA, and pursuant to the terms of the separate SCIP Facility Funding Agreement. Proposers are advised that efforts to ensure the timely completion of development work, costs savings from use of a PLA, and the commitment to avoid labor strife through a PLA will be considered factors that mitigate project-on-project risk.

2.2.3 Labor Peace Agreement

New York State Public Service Law 66-r (3) requires that the Agreement include a stipulation that the owner of the Project, or a third party acting on the owner's behalf, stipulate to entering into a Labor Peace Agreement (LPA) with a bona fide labor organization representing, or attempting to represent,

employees providing operations and maintenance services for the Project. As described more fully in Section 18.11-a of the Agreement, pursuant to and to the extent legally required by New York State Public Service Law 66-r(3), the maintenance of such an LPA shall be an ongoing material condition of any continuation of payments under the Agreement.

2.2.4 U. S. Iron and Steel (Buy-American)

New York State Public Service Law (PSL) § 66-r (4) (a) (the Buy-American Act) requires public entities to include within the terms and conditions of any covered contracts a contractual requirement that “iron and structural steel used or supplied in the performance of the Contract or any subcontract thereto[,] and that is permanently incorporated into the public work, [be] produced or made in whole or substantial part in the United States, its territories or possessions.” However, PSL § 66-r (4) (b) provides that the Buy-American requirement “shall not apply if the head of the department or agency constructing the public works, in his or her sole discretion, determines that the provisions would not be in the public interest, would result in unreasonable costs, or that obtaining such steel or iron in the United States would increase the cost of the contract by an unreasonable amount, or such iron or steel, including without limitation structural iron and structural steel cannot be produced or made in the United States in sufficient and reasonably available quantities and of satisfactory quality.” The Buy-American Act requires the soliciting agency to make such determination in each RFP.

For this RFP (ORECRFP22-1), NYSERDA has determined that “structural” iron or steel components are load bearing, necessary to create the structure of the installation, are comprised of steel or iron, and do not include components that are core to the function of producing electricity (i.e., wind turbine nacelle and internal components. These structural components that are “permanently incorporated” into the Project (“Covered Components”) include: (1) the tower supporting the turbine, inclusive of any platforms, transition pieces, or other similar structural elements permanently affixed to the tower; (2) elements incorporated into or comprising the foundation supporting the tower, including a steel monopile or reinforcing iron or steel; (3) reinforcing iron or steel incorporated into or supporting the foundation of any offshore substation; and (4) reinforcing iron or steel incorporated into the offshore substation topside which houses the electrical equipment.

NYSERDA has determined that the following components are operational by nature and are **NOT** “structural” iron or steel components that are “permanently incorporated” into the Project, and therefore are **NOT** “Covered Components” subject to the Buy-American Act: (1) rotor hub; (2) main shaft; (3) main frame (transition from nacelle to tower; (4) yaw system; (5) rotor blades; (6) rotor bearings; (7) gearbox; (8) generator; (9) pitch system; (10) power converter (11) transformer; (12) brake system; (13) nacelle housing; (14) electrical equipment; and (15) cables, screws, and other fasteners.

In accordance with the objectives of the Buy-American Act, NYSERDA has undertaken a study to examine the implications of the Buy-American Act as applied to the Offshore Wind Generation Facilities and associated Project components anticipated to be the subject of Proposals submitted in response to this RFP (ORECRFP22-1). On the basis of this study, and in consideration of the factors set forth in the Buy-American Act, NYSERDA has determined that steel plate with the necessary thickness, dimension, and strength properties used to manufacture monopile foundations cannot be produced or made in the

United States in sufficient and reasonably available quantities without incurring unreasonable expense. Furthermore, for other Covered Components, NYSERDA has determined that requiring all structural iron or steel to be sourced domestically would not be in the public interest, as it may result in unreasonable increased costs and schedule delays, and the limited availability of large-dimensioned (length, width, and thickness) heavy steel plate and may negatively impact Project cost and schedule. The study also examined the feasibility of a contractual requirement to use domestic structural iron and steel. The study found that a contractual requirement for reasonable minimum amount of U.S. iron and steel to be used in each Project would align with New York State's policy goals to incentivize utilization and growth of the offshore wind supply chain, including the U.S. steel industry that supports it, and reduce embodied carbon.

For this RFP (ORECRFP22-1), and in accordance with the Buy-American Act, the President and CEO of NYSERDA has determined that requiring all structural iron or steel to be produced in the United States would not be in the public interest for the reasons stated above; however, use of iron and steel that is produced in New York, and in the United States, is valued by NYSERDA. Accordingly, as a matter of procurement policy in promoting the intent of the New York Buy American Act, any Project awarded a contract in ORECRFP22-1 is required to establish that it procures a minimum of \$114,000 per MW of Offer Capacity of steel components that are manufactured with U.S. iron and steel for use in the Project. In addition to the minimum requirement of \$114,000/MW of Offer Capacity to be spent on U.S. iron and steel components, Proposers who commit to additional U.S. iron and steel spending will be evaluated favorably in the Economic Benefits evaluation, as described in Section 3.3.5. Claimed expenditures associated with purchasing commitments for U.S. Iron and Steel will be entered in the Agreement as Expected U.S. Iron and Steel Dollars.

To the extent a Project falls short of the minimum dollar requirement determined for the project, any shortfall will be addressed through the remedy provided in Section 12.02 of the Agreement. For more information on U.S. Iron and Steel commitments, please see Sections 12.02 and 12.11 of the Agreement.

Proposers must commit to consultation with the U.S. Steel Industry and include a description of proposed engagement as part of the Stakeholder Engagement Plan in Appendix F, and if awarded a contract, Proposers must agree to provide U.S. iron and steel component manufacturers the opportunity to supply the Project and use the New York Offshore Wind Supply Chain Database as further described in Section 2.2.13.

2.2.5 Consultation with New York State Agencies

Proposers must agree, if awarded a contract, to consult with certain New York State agencies during planning and development of the Offshore Wind Generation Facility, including the transmission radial line to the on-land Injection Point, and the Energy Storage, if included. The intention of these consultations is to provide the agencies with a greater understanding of the Project and inform the contract awardee about important resource considerations and the permitting approach early in the process, and to inform the approach with feedback from stakeholders and New York State agencies in an effort to reduce uncertainty, improve transparency, and minimize conflicts. Earlier, periodic informal consultations are advised to narrow issues and streamline the formal process. This requirement will be

accomplished in parallel with the federal process, recognizing that BOEM has primary jurisdiction over the offshore aspects of a Project.

At a minimum, contract awardees will be required to consult with the following agencies relating to agency goals and responsibilities on the following topics:

1. The New York State Department of State (DOS) with respect to a Project's consistency with the policies set forth in the State's Coastal Management Program;
2. The New York State Department of Environmental Conservation (DEC) with respect to assessment and mitigation of potential environmental impacts, including but not limited to, water quality, air quality, benthic communities, fish, fisheries and wildlife impacts of the Project;
3. The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) with respect to the assessment and mitigation of effects on sites of historic or archeological significance;
4. The New York State Department of Public Service (NYDPS) with respect to a Project's electrical interconnection and any applicable regulatory requirements under the Public Service Law;
5. The New York State Office of General Services (OGS) with respect to a Project's electrical interconnection involving State land;
6. NYSERDA as a point of contact with respect to a Project's general consistency with the New York State Offshore Wind Master Plan and stakeholder feedback; and
7. NYSERDA with respect to identifying and delivering benefits to Disadvantaged Communities.

More specifically, the required consultation will consist of the following steps:

1. At the time it submits a proposed Site Assessment Plan (SAP) to BOEM, a contract awardee will also submit the proposed SAP to DOS, DEC, OPRHP, NYDPS, OGS, NYSERDA, and any other state agency that NYSERDA notifies contract awardee to include (each, a "Consulting State Agency"), so that each such Consulting State Agency may provide input on the SAP concurrently with BOEM's review. Each Consulting State Agency will provide to the contract awardee the agency's initial comments on the proposed SAP – either jointly or individually – within 60 calendar days of receipt. The contract awardee then must meet or engage with each Consulting State Agency that requests a meeting at reasonable times and intervals in an effort to attempt to resolve any issues.

If a contract awardee has already submitted its SAP to BOEM at the time of its Proposal under this RFP, the contract awardee should so state in its Proposal and propose an alternative process for consultation with the Consulting State Agencies.

2. At the time it submits a proposed COP to BOEM, a contract awardee will also submit the proposed COP to the Consulting State Agencies, so that each Consulting State Agency may provide input on the SAP concurrently with BOEM's review. Each Consulting State Agency will provide to the contract awardee that agency's initial comments on the proposed COP – jointly or individually – within 60 days of receipt. The contract awardee then must meet or engage with those Consulting State Agencies that request such a meeting, at reasonable times and intervals

in order to attempt to resolve any issues. If a contract awardee has already submitted to BOEM a COP at the time of its Proposal under this RFP, the contract awardee should so state in its Proposal and propose an alternative process for consultation with the Consulting State Agencies with respect to the COP.

3. The requirements and processes set forth in paragraphs 1 and 2 above will apply to any component, or resubmittal of a SAP or a COP, respectively, that a contract awardee submits to BOEM, including, but not limited to, any required surveys or documentation required under the National Environmental Policy Act. Thus, the contract awardee will submit all SAP and COP components and revisions to the Consulting State Agencies concurrent with submission to BOEM.
4. Proposers are directed to reference Section 8.1, where the treatment of confidential information is discussed. The Consulting State Agencies will not disclose information generated by those agencies (such as comments on draft materials) that they determine contains confidential trade secret information provided by a contract awardee to third parties. Notwithstanding an assertion by a contract awardee that particular information constitutes confidential trade secret information exempt from FOIL, the Consulting State Agencies will make their own determinations as to how to comply with the law and whether a FOIL exemption applies. In order to do so, the Consulting State Agencies may request further information from a contract awardee about contract awardee's asserted justification for withholding designated information. Any agreement on the part of any Consulting State Agency to exempt certain information from FOIL disclosure shall not bind any other agency and shall not diminish a contract awardee's obligation to make non-proprietary Site and Environmental Data available to the public.
5. The consultation requirements set forth above in this Section 2.2.5 do not obviate or replace the federal Coastal Zone Management Act regulatory requirement in 15 CFR Part 930 and in the event of conflicting timeframes, the federal regulations will prevail.
6. Contract awardees will provide NYSERDA updates on these consultations in their Contract Quarterly Reports. More details on reporting requirements are set forth in Section 6.4.16 (Stakeholder Engagement Plan).

2.2.6 Participation in Technical Working Groups

Proposers must agree, if awarded an Agreement, to reasonably participate in the Environmental, Commercial and Recreational Fishing, Maritime, and Jobs and Supply Chain Technical Working Groups (TWGs), as well as any other TWGs formed in the future covering other topics relevant to this RFP such as a Transmission, Energy Storage, or Environmental Justice TWG, in each case as directed by NYSERDA. This includes participation in TWG meetings and engaging with the relevant stakeholder groups within the TWG regarding the proposed Project.

2.2.7 Support for Monitoring Key Commercial Fish Stocks and Wildlife

Proposers must agree, if awarded an Agreement, to provide financial and technical support to regional monitoring of wildlife and fish and invertebrates that support economically important fisheries through a minimum contribution of \$10,000 per MW of Offer Capacity. Within one year of the Effective Date, Proposer will provide a plan for the commitment of the funding (“Monitoring Plan”). The Monitoring Plan shall require the commitment of fifty percent of the funding within two years of the award, and the remaining fifty percent within three years of the award. Of that amount, no less than five thousand dollars (\$5,000) per MW of Offer Capacity shall be allocated to support regional monitoring of fish and invertebrates that support economically important fisheries to better understand how offshore wind energy development is potentially altering the biomass and/or distribution of these stocks, and no less than five thousand dollars (\$5,000) per MW of Offer Capacity shall be allocated to support regional monitoring of wildlife of conservation concern to better understand how offshore wind energy development effects distribution and abundance of sensitive species. These monitoring efforts may be committed via regional monitoring organizations (*e.g.*, Regional Wildlife Science Collaborative for Offshore Wind or Responsible Offshore Science Alliance) or independently by the Proposer (or some combination) upon NYSERDA approval. In any case, such funding shall be directed to advance the responsible development of the offshore wind energy industry, and not limited exclusively to the Project. The financial support required by this Section 2.2.7 may be provided by any combination of (i) disbursement to a not-for-profit organization with the capacity for undertaking the monitoring work described herein, and (ii) direct expenditure to finance the monitoring work described. Seller will report the specific spending activity, including amount, purpose and result of investment, in their quarterly progress reports required by Section 6.02 of the Agreement.

2.2.8 Site and Environmental Data Transparency

If awarded a contract, Proposers must agree to make publicly available any information or data and supporting metadata that is developed in furtherance of a Project and relates to environmental characteristics, or use by wildlife, of any offshore, nearshore or onshore areas, as well as any data sponsored or developed by a contract awardee relating to the potential impacts of the construction, operation, or decommissioning of a Project on the environment and wildlife of such areas (separately and collectively, “Site and Environmental Data”). Contract awardees will be required to provide NYSERDA, within 90 days of contract execution, a “Data Management and Availability Plan” detailing how Site and Environmental Data will be made available on an ongoing basis as soon after collection as is practicable for use by third parties in decision making around adaptive management. The “Data Availability Plan” must follow the guidelines in [Wildlife Data Standardization and Sharing: Environmental Data Transparency for New York State Offshore Wind Development](#). The Plan must include a list of relevant data expected to be collected with commitments to submit raw data to appropriate database(s) as soon as feasible, but not more than two years, after internal QA/QC. All data should include comprehensive metadata using Federal Geographic Data Committee standards, or others, as appropriate. After consultation with NYSERDA, updates to the Plan should be submitted with Quarterly Reports. Data typically classified as proprietary, such as met-ocean data and geophysical/geotechnical data, will not be considered Site and Environmental Data for purposes of this requirement.

Real- or near real-time reporting of marine mammal sighting and detections may be required and the timing of the availability of other data will be determined through consultations with DOS, DEC or NYSERDA, either individually or as a group. Other environmental data must be made available as soon after collection as is reasonable, on an ongoing and routine basis as appropriate to the collection method and as discussed with DOS, DEC, NYDPS, or NYSERDA, either individually or as a group.

Contract awardees may choose to use existing publicly accessible data repositories and/or developer sponsored websites as venues to host the data and metadata. The intention of this requirement is to allow independent data users the opportunity to develop an understanding of the environmental characteristics of potential offshore wind energy development areas, including areas within which Projects may be located, and to independently assess the impacts of offshore wind energy development on those characteristics in a timely manner. Site and Environmental Data includes information that a contract awardee develops before, during, and after this RFP process, and includes, but is not limited to, information relating to the following topics:

1. Air quality and emissions
2. Water quality
3. Fish and fish habitats
4. Birds and bats
5. Marine mammals and sea turtles
6. Benthic communities

Proposers must agree, if awarded an Agreement, to (i) not unreasonably withhold site accessibility (including vessels buoys and other structures) for the advancement of third-party scientific and technological study, including installation of cellular capabilities, near-real time data sharing functionality, power sources for platform or benthic monitoring equipment, weather reporting equipment for increased navigational safety, use of other navigational aids beyond current regulations (such as AIS) and environmental sensors and (ii) work with state, federal and other stakeholders to assess the most appropriate means of third-party scientific monitoring plan development and implementation including addressing potential health and safety requirements.

2.2.9 Lighting Controls

If awarded a contract, Proposers must agree to install lighting controls to minimize nighttime visibility from shore and risk to wildlife. NYSERDA will require that any wind turbines installed by a contract awardee in furtherance of such Contract employ aircraft detection lighting systems (ADLS) in order to meet Federal Aviation Administration obstruction lighting requirements while minimizing lighting-related visual impact and impacts on avian species. In the event that ADLS systems do not meet Federal Aviation Administration Requirements, or another technology produces a better outcome, the best available approved technology may be used upon consultation and approval of NYSERDA. Inclusion of ADLS, or an alternative approved by NYSERDA, in a contract awardee's COP submitted to BOEM will also be a requirement of any Contract.

2.2.10 Required Plans

The Standardized Components of the following plans will be appended to the executed Agreements of awarded Projects. Proposers awarded a contract must consult with NYSERDA before and during the implementation of these plans and will be required to update NYSERDA on their progress and plans in their Contract Quarterly Reports. Separate versions of Required Plans should be included in the Supply Chain Investment Plans where noted in Appendix C.2 or otherwise applicable to the SCIP Facility Funding Agreement.

2.2.10.1 Fisheries Mitigation

Proposers must submit with their Proposal, and subsequently develop and implement a Fisheries Mitigation Plan, further described in Section 6.4.14 and Appendix D.

2.2.10.2 Environmental Mitigation

Proposers must submit with their Proposal, and subsequently develop and implement an Environmental Mitigation Plan, further described in Section 6.4.15 and Appendix E. A separate Environmental Mitigation Plan must be submitted for consideration under the Supply Chain Investment Plan and as described in Appendix C.2.

2.2.10.3 Stakeholder Engagement

Proposers must submit with their Proposal, and subsequently further develop and implement a Stakeholder Engagement Plan, as further described in Section 6.4.16 and Appendix F. Proposers are strongly encouraged to reference the [Guiding Principles for Offshore Wind Stakeholder Engagement](#) published by NYSERDA. In coordination with BOEM lease stipulations, Proposers must also submit an Agency Communication Plan, as further described in Section 6.4.16 and Appendix F. A separate Stakeholder Engagement Plan must be submitted for consideration under the Supply Chain Investment Plan and as described in Appendix C.2.

If awarded a contract, Proposers must agree to conduct ongoing stakeholder and community engagement to inform the public about activities being undertaken by the Proposer, gain community and stakeholder input on how these activities can benefit communities, and connect residents and communities to these benefits. These engagement activities will be focused on Disadvantaged Communities and other communities directly affected by the Project and will include, but not necessarily be limited to:

- Convening of regular and ongoing stakeholder meetings and regular and ongoing engagement and participation in public meetings and briefings of local officials and stakeholders to keep communities and residents apprised of the Project's progress; to identify opportunities for Disadvantaged Communities and other affected communities and residents to benefit from activities being undertaken by the Proposer;
- Formation of one or more advisory or working groups with representation from Disadvantaged Communities and other affected communities to inform community benefit investments, including workforce development activities, made as part of the Project;

- Maintenance of a website and social media channels through which residents and communities may stay apprised of the Project’s progress and submit questions and comments during the development, construction, and operation of the Project;
- Making reasonable efforts to hire from within communities directly affected by the Project, including through the publicizing of job opportunities within Disadvantaged Communities and other affected communities;
- Coordinating closely with NYSERDA prior to scheduling public events to avoid redundancy and facilitate appropriate outreach; and
- Documenting the input and feedback received from stakeholder and community engagement activities and making reasonable attempts to address feedback received through these activities.

2.2.10.4 New York Jobs and Workforce

Proposers must submit with their Proposal, and subsequently further develop and implement a New York Jobs and Workforce Plan, as further described in Section 6.4.19.3 and Appendix H. Proposers are strongly encouraged to review the latest New York Clean Energy Industry Report in conjunction with preparing the New York Jobs and Workforce Plan. A separate New York Jobs and Workforce Plan must be submitted for consideration under the Supply Chain Investment Plan and as described in Appendix C.2.

2.2.11 Specific Fisheries and Environmental Mitigation Measures

- Fisheries Compensation.* Proposers must agree, if awarded an Agreement, to follow the guidance developed by BOEM for the mitigation of impacts from offshore wind energy projects on commercial and recreational fishing communities as further described in its November 22, 2021 Request for Information on Reducing or Avoiding Impacts of Offshore Wind Energy on Fisheries (<https://www.boem.gov/renewable-energy/request-information-reducing-or-avoiding-impacts-offshore-wind-energy-fisheries>).
- Responsible Offshore Science Alliance and Regional Wildlife Science Collaborative Membership.* Each Proposer must agree, if awarded an Agreement, to become an active Advisory Council Member of Responsible Offshore Science Alliance and an active Caucus Member of the Regional Wildlife Science Collaborative in good financial standing. The Seller may change or opt out of these memberships only with the prior approval of NYSERDA.
- Noise Mitigation.* Each Proposer must agree, if awarded an Agreement, that the Project shall not commence activities that generate significant noise, including geophysical survey work and impact pile driving, during poor visibility conditions such as darkness, fog, and heavy rain, unless an alternative mitigation monitoring plan that does not rely on visual observation has been determined to be effective, to the extent compatible with practicability and worker safety.
- Monitoring Acoustic Attenuation.* If awarded a contract, Proposers that use pile driving or other methods of installation that result in high underwater noise levels, must agree to monitor underwater acoustics during foundation installation in order to: 1) measure changes in sound pressure levels (SPLs); 2) record sound levels in the water column and vibrations in the sediment; 3) detect particle motion; and 4) assess the effectiveness of a noise mitigation system

to reduce underwater noise generated during pile installation. Contract awardees will be required to provide NYSEDA, six (6) months prior to Construction and Operation Plan submission, a “Underwater Acoustic Monitoring Plan” detailing how data will be collected to and made available as soon after collection as is practicable for use by third parties. The Plan must include commitments to allow raw and metadata to be publicly available no more than six months after installation completion.

- E. *Commercial Fishing Gear Loss*. The Proposer shall report the number and value of claims submitted, number and value of claims paid, and a general description of each incident and resolution in the Contract Quarterly Report.
- F. *Regional Collaboration*. Proposers must agree, if awarded an Agreement and requested by NYSEDA, to participate with NYSEDA in any multi-state or regional coordination and/or collaboration efforts.

2.2.12 Conformance with NYGATS Operating Rules

If awarded a contract, Proposers must obtain a valid NYGATS ID for the Offshore Wind Generation Facility and operate in conformance with the NYGATS Operating Rules. Delivery of electricity during the Contract Delivery Term that complies with the Electricity Delivery Requirement contained in Article III of the Agreement will be sufficient to support the creation of ORECs by NYGATS and the implementation of the Forward Certificate Transfer of ORECs, up to the Annual OREC Cap, into NYSEDA’s NYGATS Account. NYSEDA will make payment for ORECs from the Offshore Wind Generation Facility delivered to NYSEDA’s NYGATS account.

2.2.13 New York State Supplier Opportunities

If awarded a contract, Proposers must agree to provide New York companies with the opportunity to offer to provide goods and services for which there is capability in New York State to developers, their contractors and other suppliers of the Project and optional Energy Storage. Proposer must communicate all opportunities for supplier contracts for the Project with an anticipated contract value of \$1 million or greater not already committed at the time of offer submission to New York State companies through using the [New York Offshore Wind Supply Chain Database](#) maintained by NYSEDA and provided to contract awardees, except for the provision of goods and services that cannot practically be performed by the New York State supply chain at such time. Developers, their contractors and other suppliers are encouraged to reference and review this database regardless of the contract value.

If selected for an award, Proposer will be required to report on New York State Supplier Opportunity activities for direct contracts and for sub-contracts associated with the Project as a part of the progress reports to be provided under Section 6.02 of the Agreement. The Proposer shall agree to utilize the New York Offshore Wind Supply Chain Database as maintained by NYSEDA or its designee on an ongoing basis and as it may be updated periodically. Reporting would cover the opportunity and associated marketing through the Supply Chain Database.

Proposers must also utilize the New York Offshore wind Supply Chain Database for enabling domestic U.S. Iron and Steel supplier contracts.

To help facilitate U.S. Iron and Steel (Buy American) requirements outlined in Section 2.2.4, the NYSERDA Offshore Wind Supply Chain Database has incorporated additional “opportunity types,” “good and services,” and an enabling self-certification that a supplier can use to fulfill the NYSERDA Buy American certification. The inclusion of these new fields for a supplier to self-certify domestic steel fabrication will act as a resource to proposers and suppliers to identify opportunities that help fulfill project requirements related to steel components that are manufactured with U.S. iron and steel for use in the Project. In utilizing the Offshore Wind Supply Chain Database, an entity searching for iron or steel (*i.e.*, plate steel, bar stock, channel) material that is that is manufactured in the United States should search for supply chain partners located anywhere in the United States. Primary Components or Sub-components (towers, secondary steel items, etc.) that are fabricated with iron or steel manufactured in the United States should search for supply chain partners located in New York. All Verified U.S. Iron and Steel Dollars will require and independent manufacturing certification for the particular components furnished to the Seller on the certification form provided in the U.S. Iron and Steel Certification Form in Exhibit O of the Agreement.

The Proposer, and any Major Suppliers, must agree to communicate supplier opportunities to MWBE and SDVOB using the [MWBE Certified Database maintained by Empire State Development \(ESD\)](#) and the [Directory of New York State Certified Service-Disabled Veteran Owned Business \(SDVOB\)](#) maintained by the Office of General Services (OGS) for goods with anticipated contract value of over \$250,000, and for services with contract value expected over \$100,000.

Proposer must agree to consult the New York Offshore Wind Supply Chain Database, the ESD MWBE Database, and the OGS SDVOB Database for sub-contracting goods and services associated with Project development, manufacturing, construction, maintenance and operations as described in Sections 12.11 and 12.17 of the Agreement. Proposers must agree to undertake efforts to maximize contract and subcontract opportunities for MWBEs and SDVOBs. Proposers shall include within their Stakeholder Engagement Plan a section outlining their outreach efforts and their strategy to enhance the participation of New York companies, including MWBE and SDVOB firms in the renewable energy sector. Proposers must agree to report commitments and expenditures to MWBE and SDVOB firms as part of the Contract Quarterly Report in an electronic format designated by NYSERDA.

2.2.14 Embodied Carbon

Upon commissioning of the Selected Project, Proposer will agree to make commercially reasonable efforts to work with NYSERDA to validate a final accounting of the Selected Project’s (i) carbon footprint and (ii) energy and carbon payback periods. Proposer will further agree to public disclosure of NYSERDA's determination of the Selected Project's carbon footprint, and energy and carbon payback periods. These requirements are found in Section 12.07(f) of the Agreement.

2.2.15 Disadvantaged Community Commitments

Proposers must include in their proposal specific, quantifiable commitments to providing benefits to Disadvantaged Communities. These commitments will be included in Section 6.05 of the Agreement. Proposers should refer to Appendix C.3 for a description of categories of benefits to Disadvantaged Communities.

If awarded a contract, Proposers must agree to coordinate with NYSERDA throughout implementation of the Project to reasonably align the investments and associated benefits claimed with NYSERDA's broader approach for the delivery, measurement, tracking, and reporting of benefits to Disadvantaged Communities, pursuant to the provisions of the Climate Act.

3 NON-PRICE EVALUATION

3.1 Overview

Proposals that meet the eligibility requirements will be scored and ranked with respect to three components as defined in the Offshore Wind Orders.

This RFP employs a scoring system that weights price and non-price factors, for a total of 100 points, as follows:

1. Project Viability: 10 points – Non-Price Evaluation (Section 3.2)
2. New York Economic Benefits: 20 points – Non-Price Evaluation (Section 3.3)
3. Offer Prices: 70 points – Price Evaluation (Section 4.5)

The OREC Scoring Committee will award points for the non-price evaluation components of each Proposal (Project Viability and New York Economic). In conducting this evaluation, NYSERDA and the OREC Scoring Committee will consult with Specialist Reviewers, including representatives of other New York State agencies.

3.2 Project Viability

The Project Viability evaluation considers a series of factors that demonstrate whether each proposed Project(s) can reasonably be expected to be in service on or before the proposed Commercial Operation Date(s) and continue to operate effectively and reliably through the Contract Delivery Term.

To maximize the score received under this scoring component, Proposers must provide evidence that Project development plans are sufficiently mature, technically and logistically feasible, that Proposers have sufficient experience, expertise, and financial resources to execute the development plans in a commercially reasonable and timely manner, that the proposed Project can be developed in a responsible manner, and that Project design considers the goals of New York’s Offshore Wind Standard program as prescribed in Sections 3.2.1 through 3.2.11. Consistent with the terms of the Offshore Wind Orders, receipt of a raw score of zero for Project Viability will render the Project unviable overall and result in rejection of the Proposal. Viability concerns raised by the OREC Scoring Committee may be the subject of counteroffers by NYSERDA proposing modifications to a Proposal in order for the Proposal to avoid a zero score.

Specific categories to be evaluated by the OREC Scoring Committee are described in the following sections. Each Proposal will be scored under each criterion and these scores will be used to assign up to 10 Project Viability points to each Proposal.

3.2.1 Permitting Plan and Status

Proposers must demonstrate a complete, credible and achievable plan for successfully obtaining necessary permits within the proposed Project milestones. All required federal, regional, state and local permits and approvals must be identified, and the status of each permit or approval must be provided.

Proposers must also describe the extent to which support or opposition to the Project may materially affect the Project's permitting approval timelines.

Proposals will be evaluated based on the degree of certainty offered by the Proposer in securing the necessary permits and approvals, the comprehensiveness of their plan and the reasonableness of the timeline for securing permits and approvals. Projects that already have permits and approvals in hand or have applied for major permits or approvals or have otherwise begun the regulatory filings will be evaluated favorably.

3.2.2 Financing Plan

Proposers must submit a financing plan that demonstrates that they have sufficient scale, financial resources, and insurance for developing the Project, and a credit rating sufficient for Project development. Proposers must demonstrate that they have completed sufficient due diligence regarding the formulation of a credible Financing Plan.

Proposals will be evaluated based on the feasibility and conformance of the Financing Plan to the realities of the current market and whether the Proposer has a debt and equity financing commitment for the Project that will be provided by a creditworthy entity that is likely to be acceptable in form and substance to NYSERDA. A demonstration of recent experience in successfully financing like technology of comparable size and complexity will be evaluated favorably.

3.2.3 Developer Qualifications

The Proposal should describe the Project Team's experience in developing generation and transmission facilities of similar size, technology and complexity and ability to work together effectively to bring the Project to commercial operation in a timely fashion. Proposers must demonstrate that the development team, including the management team, staff, consultants, lawyers, financial advisors and any other named parties that have been retained to develop the project, has sufficient relevant experience and expertise to successfully finance, develop, construct, operate and maintain the Project.

Proposals will be evaluated based on the degree to which the Proposer and principals of the development team have undertaken relevant project management responsibilities, including: (1) successful development, construction, and operation of a similar type of project within or outside of the U.S.; or (2) successful development, construction, and operation of one or more projects of similar size or complexity or requiring similar skill sets, including experience in New York State and experience with development of HVDC transmission. Proposers with more demonstrated experience in these areas will be evaluated favorably.

3.2.4 Proposed Technology

Proposers must demonstrate that the proposed technology is technically viable, and that the Primary Components can be procured to meet the required development schedule. Technical viability may be demonstrated by showing that the technology is commercially available, is reasonably expected to be commercially available prior to the commencement of Project construction or has been used successfully on other similar projects in commercial operation within or outside the U.S. The Proposal

must also provide a reasonable timeline and plan for procuring the Primary Components from identified suppliers.

Proposals that demonstrate how climate impact assumptions, including both direct and indirect impacts, have been used to inform the selected technologies, designs, construction and operational features of the Project, including both offshore and onshore assets, will be evaluated favorably. This could include use of scenario exercises to identify potential system weaknesses that could result in cascading negative impacts. Proposers should clarify how specific features strengthen any or all of the following attributes of resilience: robust, integrated, redundancy and flexibility. Proposers may also demonstrate how selected resilience features provide value to the Project. Proposers are encouraged to reference the [Offshore Wind Climate Adaptation and Resiliency Study](#).

3.2.5 Development and Logistics Plan

Proposers must demonstrate the logistical viability of the Project through a construction plan covering the necessary specialized construction equipment (e.g., vessels), and applicable maritime law (e.g., Jones Act compliance) to complete Project development. Proposer must demonstrate that it has a plan to secure marine terminal facilities necessary for staging and deployment of Primary Components to the Project site.

Proposals that include more detail, including identification and contracting status of vendors, marine terminal facilities and specialized vessels, will be evaluated favorably.

3.2.6 Interconnection and Deliverability

Proposers must demonstrate that the proposed interconnection plan is technically viable and can be implemented on a timeline that is consistent with meeting the overall development schedule and proposed Commercial Operation Date(s). Proposals that have a more advanced interconnection status will be evaluated favorably.

NYSERDA requires HVDC and Meshed Ready Proposals for the value of future optionality and grid flexibility as described in Appendix G and further elaborated on in the PSC Order on Power Grid Study Recommendations. Alternate Proposals that utilize these design elements even when not required due to cable routing (as described in Section 2.1.7) will be evaluated favorably. All Required and Alternate Proposals are prohibited from using HVAC cables of any kind whatsoever, including connecting a converter station to a point of interconnection through the Narrows. HVAC cables of any kind, including connecting a converter station to a point of interconnection are prohibited in the section of the East River between the Brooklyn and Throgs Neck Bridges, and the section of the Hudson River north of Battery Park, except in cases where the Proposer demonstrates that there is adequate remaining right of way to install at least two more marine OSW HVDC cables, beyond those already planned under existing NYSERDA contracts at the time of Proposal submission, in the same restricted areas as the proposed HVAC cable.

To enable the evaluation of the Interconnection and Deliverability Plan, as stated in Appendix B, Proposer must grant to NYSERDA the right to share with NYISO, adjacent RTOs, and owners of transmission facilities, as applicable, confidential information about any Proposal submitted by the

Proposer. Proposer must also authorize NYISO, adjacent RTOs, and owners of transmission facilities, as applicable, to release information to NYSERDA that may otherwise be considered confidential under the relevant rules or policies of such organizations. NYSERDA understands that certain aspects of the confidential information that may be requested from NYISO, adjacent RTOs, and owners of transmission facilities may be deemed to be Critical Energy Infrastructure Information (CEII). NYSERDA will adhere to all requirements with respect to access to and distribution of CEII information as may be required by NYISO, adjacent RTOs, or owners of transmission facilities. Proposers may be required to cooperate with NYSERDA and to execute waivers or other documentation necessary for NYSERDA to acquire such information from the relevant RTO. In submitting a Proposal via this RFP, the proposer affirms NYSERDA's right to engage with the NYISO, adjacent RTOs and owners of transmission facilities, as applicable to support the evaluation of its Proposal.

In support of the State's goals to minimize project-on-project risk and achieve the broader Climate Act goals including 100% clean electricity by 2040 and economy-wide decarbonization by 2050, the following elements of Interconnection and Deliverability Plans will be evaluated favorably (where applicable):

- Cable routing and the associated underwater and overland footprint of the radial export cable and cabling between convertor stations and points of interconnection that minimizes risks and impacts in support of the eventual delivery of at least 6,000 MW of wind into New York City,
- Implementation of advanced technologies mentioned in the Power Grid Study,
- Maximizing the carrying capacity of each cable routed through constrained areas, and designing cable routing to encourage or not preclude future cabling options,
- Choosing interconnection points that do not exacerbate existing congestion,
- Displacing a higher proportion of emissions due to the proximity to large fossil fuel generators,
- Incorporating Energy Storage, and
- Avoiding onshore cable routing through Disadvantaged Communities.

3.2.7 Proposed Commercial Operation Date(s)

The Proposal must demonstrate that the Project can reasonably be permitted, developed, financed, and constructed within the proposed Project schedule. Proposers must submit reasonable milestones that are achievable, thereby placing the Project on an achievable milestone schedule to support the proposed Commercial Operation Date(s).

Proposals with an earlier proposed Commercial Operation Date for the first (or only) phase of the Project will be evaluated favorably, as long as the proposed Commercial Operation Date is determined to be reasonable and is supported by the overall Proposal, including the Project Schedule submitted by Proposers in accordance with Section 6.4.12.

3.2.8 Responsible Development and Stakeholder Engagement

Proposers must demonstrate a full understanding of the potential impact of the Project on affected stakeholders and present plans to mitigate such impacts.

3.2.8.1 Fisheries and Environmental Mitigation

Proposals will be evaluated based on the completeness of the Fisheries and Environmental Mitigation Plans, the degree to which the Plans demonstrate an understanding of the potential adverse impacts on commercial and recreational fishing and the environment during construction and operation of the Project and how the Plans incorporate best management practices.

Proposals that commit to the use of acoustically “quiet” foundation design or foundation installation technology solutions that reduce acoustic stress to sensitive marine life, beyond the current regulatory standards, will be evaluated favorably.

Proposers with a past performance of superior stewardship with respect to environmental and/or fisheries resources affected by offshore wind development or development of other projects with similar environmental and/or fisheries impacts will be evaluated favorably.

3.2.8.2 Stakeholder Engagement

Proposers must demonstrate, to the extent practical, that they will take specific measures to foster collaboration and cooperation among Project developers, contractors and suppliers, impacted communities, marine users, labor organizations, State and local officials and other stakeholders.

Proposers with a past performance of cultivating productive relationships with stakeholders in the offshore wind industry or industries with similar types of stakeholders and demonstrated excellence in stakeholder reputation, in New York or in other markets, will be evaluated favorably. Proposers who have already conducted stakeholder outreach in regard to the Project will be evaluated favorably.

3.2.8.3 Disadvantaged Community Impacts

Proposers must demonstrate a detailed understanding of the benefits and burdens associated with the Project's development on any hosting and/or proximate Disadvantaged Communities, as identified through engagement with Disadvantaged Communities, and in accordance with the most recent relevant guidance per the [Climate Action Council](#) and [Climate Justice Working Group](#). All Proposers are expected to explore how they can design their Project and associated investments to provide benefits to and reduce burdens on Disadvantaged Communities in accordance with the 2020 CES Modification Order and the Climate Action Council's [Draft Scoping Plan](#).

Proposals will be evaluated based on the level of understanding of impacts on Disadvantaged Communities and the Proposer's approach to minimizing impacts and delivering benefits to Disadvantaged Communities.

Proposers are encouraged to reference Appendix C.3, which describes categories of benefits to Disadvantaged Communities.

3.2.8.4 Visibility and Viewshed Impacts

Proposers must demonstrate an understanding of the Project's visibility from shore and how potential adverse effects on local stakeholders will be addressed, with more stringent approaches expected for Projects proposed to include turbines less than 20 statute miles from the nearest shoreline point.

Proposals that do not include turbines less than 20 statute miles from shore or that provide more comprehensive mitigation of adverse effects will be evaluated favorably.

3.2.9 Energy Resource Assessment

The Proposal must demonstrate the credibility of the energy resource assessment and production and delivery profiles, sufficient to demonstrate the Project's financeability and to support the purported environmental and reliability benefits.

Proposals will be evaluated based on the methodology for collection of the wind data, the completeness of the data, and the consistency with the proposed energy production profile.

3.2.10 Repurposing Downstate Fossil Fuel Generation Infrastructure

Fossil Repurposing Proposals must demonstrate that they can be implemented, including obtaining any applicable regulatory approvals, on the proposed timeline. Fossil Repurposing Proposals must demonstrate how the repurposing improves the timeline, costs, performance, or technical viability of the Proposal as a whole (compared to reasonably available alternative approaches) and aligns with the Project's Commercial Operation Date. The inclusion of a Fossil Repurposing Proposal will impact how Proposals are scored across the Project Viability subcategories, but the Fossil Repurposing Proposal will not be directly scored as its own subcategory.

The Fossil Repurposing Proposal will be evaluated by the OREC Scoring Committee, taking into account analysis that may be conducted by the OREC Scoring Committee, Specialist Reviewers and/or NYSERDA Consultants.

The required Fossil Repurposing Proposal contingency plans will also contribute to scoring, in case some or all of the Fossil Repurposing Proposal is delayed or unable to be completed prior to the Project's commencement of operations (for example, if regulatory approvals are not obtained by such time).

3.2.10.1 Fossil Repurposing Proposals that Include Affected Resources

Any Fossil Repurposing Proposal that includes an Affected Resource must demonstrate that the timeline of the proposed change in generation operations or deactivation is reasonable and aligns with the expected timeline of implementing the Proposal as a whole. For Proposals that rely on such changes or deactivations as a critical element of achieving the overall Proposal timeline, the reasonableness of the proposed timeline for any such changes or deactivations will be closely scrutinized.

As noted in Section 2.1.8, implementation of any Fossil Repurposing Proposal that includes an Affected Resource will be subject to determination by NYISO, the applicable local transmission operator(s) and any other applicable regulatory authorities that the change in generation profile or deactivation does not (i) lead to a violation of the Reliability Rules as defined in the NYISO tariff or other Generation Rules or (ii) cause a net increase in air pollutant emissions, as set forth in Section 12.16 of the Agreement. Accordingly, evaluation of any Fossil Repurposing Proposal that includes an Affected Resource will consider the reasonableness of the timeline for obtaining these determinations from applicable regulatory authorities and the ability to ensure that the repurposing will not cause a net increase in air pollutant emissions.

Any Fossil Repurposing Proposal that includes an Affected Resource will be considered in the context of how the relevant fossil fuel generation is reasonably expected to be replaced. For example, if the repurposing of a fossil fuel plant is reasonably expected to result in additional demand on other downstate fossil generators, Project Viability scoring may be impacted unfavorably.

In the context of rapidly evolving energy infrastructure and technology, it is impossible to predict with certainty what the state of the electric system will be at the time the Fossil Repurposing Proposal is scheduled to be implemented and whether or not the Generation Rules in place at such time will allow an Affected Resource to change its operational profile or deactivate at the time contemplated in the Proposal. Recognizing this uncertainty, and in order to assess the reasonableness of proposed timelines to implement changes in operational profile and deactivation in different Proposals on the same basis, the evaluation will be based on uniform assumptions about the future state of the electric system based on a reasonable assessment of the likely development timelines for new large scale renewable energy generation and storage projects contracted with NYSERDA and other New York State entities and relevant electric transmission and distribution system upgrades.

3.2.11 Energy Storage

As authorized by the Public Service Commission in its Order on Power Grid Study Recommendations, the inclusion of electrical Energy Storage for electrical discharge located in Zone J or K will enable a Proposal to receive additional Project Viability points.

Energy Storage that, through strategic siting and grid location in Zone J or K, provides reliability, resilience, economic, or decarbonization benefits to the electric grid, or improves the utilization of the Project will be evaluated favorably.

3.3 New York Economic Benefits

The New York Economic Benefits evaluation criterion reflects the importance of positive impacts of this OREC procurement on New York State's economy as well as the long-term benefits that a mature, locally-based industry can provide.

This solicitation seeks Incremental Economic Benefits associated with the development of a proposed Project, offshore wind industry activities, optional Energy Storage, and other clean energy and decarbonization investments, as further described in Appendix C.1. Investments may include pilot and demonstration projects that complement proposed offshore wind Projects, including innovative storage projects that are not otherwise eligible as Energy Storage. Specifically, NYSERDA encourages Proposals that provide economic benefits from Clean Electrolytic Hydrogen and play a role in achieving New York's Climate Act obligations.

NYSERDA encourages Proposers to invest in programs that support the development of local businesses and provide quantifiable metrics to assess the Proposer's capacity building efforts, including number and value of contracts completed, number of employees, wages/salaries paid, increase in trade specialties, customer base, and increased revenue.

Economic benefits will be evaluated for purposes of allocating up to a maximum of 20 points. Further detail regarding Economic Benefits Plan submission and evaluation is set forth below and in Appendix C.1.

3.3.1 Prioritizing Disadvantaged Communities

Through this solicitation, NYSERDA seeks to actively support designing the relevant investments made as a result of the awarded Project(s) to provide benefits to and reduce burdens on Disadvantaged Communities in accordance with the 2020 CES Modification Order.

Economic benefits associated with Disadvantaged Communities will receive greater weight in scoring, as described in Section 3.3.5, particularly to the extent that they are included in the Disadvantaged Community Commitments that will be recorded in Section 6.05 of the Agreement. Proposers are encouraged to consult Appendix C.3, which describes categories of benefits to Disadvantaged Communities.

3.3.2 Prioritizing MWBE and SDVOB Partnerships

Proposers are encouraged to recognize NYSERDA's commitment to foster the economic development of New York MWBE and SDVOB suppliers or service providers in the renewable energy industry and clean energy economy.

Economic benefits associated with MWBEs and SDVOBs will receive greater weight in scoring, as described in Section 3.3.5, particularly to the extent that they occur prior to the end of the third year of Project operation and thus are included in the Agreement.

3.3.3 New York Jobs and Workforce Plan

Proposers are encouraged to source labor and build clear career pipelines for job growth in New York State, as well as identify partnerships with workforce partners such as labor unions and labor-management joint training programs.

Economic benefits associated with labor will receive greater weight in scoring, as described in Section 3.3.5, particularly to the extent that they occur prior to the end of the third year of Project operation and thus are included in the Agreement.

3.3.4 Economic Benefits Categories

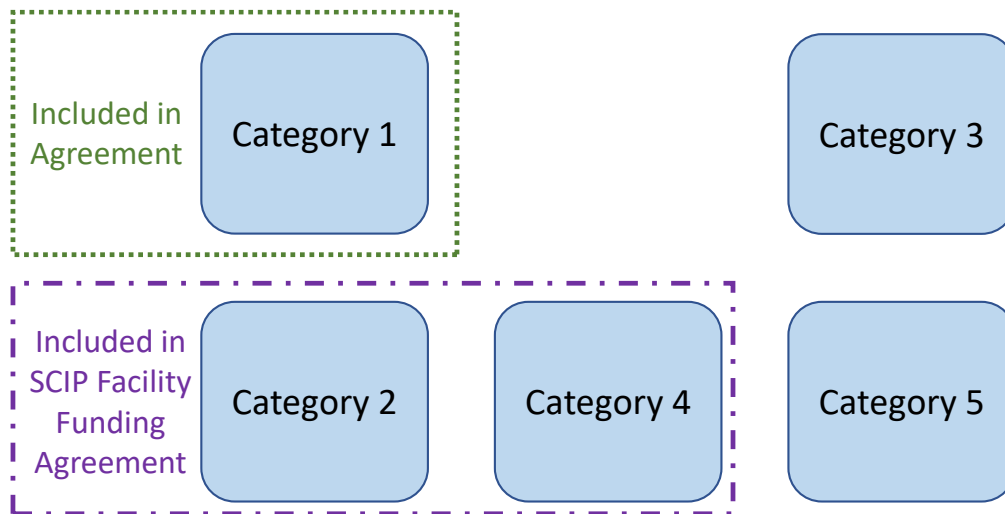
Each Proposal's Economic Benefits Plan will be evaluated for Economic Benefits scoring purposes based on the Economic Benefits within the following categories:

- Category 1: Incremental Economic Benefits associated with Offshore Wind Generation Facilities (including SCIP Related Purchases) and any associated investments (such as Energy Storage) other than capital investments in SCIP Facilities;
- Category 2: Incremental Economic Benefits associated with development and construction of SCIP Facilities; and

- Category 3: Other Economic Benefits not associated with Supply Chain Investment Plans that the Proposer reasonably expects to accrue but does not include in Category 1 and therefore are not included as contractual commitments in the Agreement.
- Category 4: Incremental Economic Benefits associated with operation and maintenance of SCIP Facilities (this category shall be incorporated in the SCIP Facility Funding Agreement(s) but not the Agreement); and
- Category 5: Other Economic Benefits that the Proposer reasonably expects to accrue in connection with the Supply Chain Investment Plan but are not included in Category 2 or Category 4 and therefore are not included as contractual commitments in the SCIP Facility Funding Agreement(s).

Figure 1 illustrates how the Economic Benefits Categories will be incorporated in the Agreement and SCIP Facility Funding Agreements, and the metrics that will form the basis of commitments in each contract. Evaluation of the economic benefits categories is discussed in Section 3.3.5.

Figure 1: Contracting of Economic Benefits Categories



Proposers should note that the definitions of these Economic Benefits Categories have changed from the Category definitions used in ORECRFP20-1.

3.3.5 Economic Benefits Evaluation Considerations

In conducting its evaluation, the OREC Scoring Committee will consider the detailed descriptions and supporting documentation associated with each claim provided in the Economic Benefits Plan submitted with the Proposal. For evaluation purposes, the OREC Scoring Committee will view favorably those expenditures that are firm, credible and that create persistent and sustainable institutional and/or worker capabilities in New York State.

To facilitate a standardized comparison by the OREC Scoring Committee among Proposals with larger or smaller Offer Capacities, for Category 1 the total of such adjusted claimed expenditures will be unitized by dividing each Proposal’s eligible claims by the Offer Capacity set forth in the Proposal.

For this RFP (ORECRFP22-1), as discussed in Section 2.2.4, NYSDERDA requires a minimum of \$114,000/MW of Offer Capacity worth of iron or steel purchased for the Project to be manufactured in the United States. Accordingly, the minimum amount of Expected U.S. Iron and Steel Dollars that will be entered in the Agreement will be calculated based on \$114,000/MW of Offer Capacity. Commitments to utilize domestic (but not necessarily New York) iron or steel above this minimum will also receive New York Economic Benefits scoring credit.

Claims associated with iron and steel manufactured elsewhere in the United States are the only non-New York economic benefits that will be included in scoring. Claims associated with labor, MWBE and SDVOBs and iron and steel manufactured in New York State will receive greater weight in scoring than claims that do not fall in these subcategories. Claims associated with Disadvantaged Communities will also receive greater weight in scoring, particularly to the extent that they are included in the Disadvantaged Community Commitments that will be recorded in Section 6.05 of the Agreement. Proposers are encouraged to consult Appendix C.3, which describes categories of benefits to Disadvantaged Communities. Claims associated Energy Storage will also receive greater weight in scoring.

Claims that enable job creation and job retention in existing manufacturing, supply chain or associated industries that can support offshore wind or clean energy transition activities will receive greater weight in scoring. Claims that contribute to a just workforce transition should be explicitly identified in the Economic Benefits Plan, New York Jobs and Workforce Plan and Offer Data Form. Proposers should specifically describe commitments to existing workforce retraining, and engagement of New York's skilled labor force in accord with Appendix H. Proposers are encouraged to link support for just workforce transition Economic Benefits Claims with strategies listed in Chapter 7, sections 7.1 and 7.2 of the Climate Action Council's [Draft Scoping Plan](#). Proposals that offer Incremental Economic Benefits ascribable to a Fossil Repurposing Proposal may qualify as part of the just workforce transition. In order to be considered to receive greater weight in scoring, the Fossil Repurposing Proposal must demonstrate the ability to maintain or augment economic benefits otherwise lost due to the Fossil Repurposing Proposal. Such demonstration must address supporting the transition of existing plant workers through retraining and/or retention as further described in Appendix H and may also address preservation of all or a portion of existing PILOT agreements over the Contract Tenor.

Lower scoring weight will be given to claims in Categories 3 and 5 and those occurring after the third year of the Contract Delivery Term, and thus not memorialized in the Agreement as Expected Labor Dollars, Expected MWBE and SDVOD Dollars and Expected U.S. Iron and Steel Dollars. As further described in Section 2.1.4, SCIP Related Purchase claims in Purchase Commitment Proposals will be given a lower weight in scoring because of their conditional nature in the event that an awarded SCIP Facility is ultimately not realized. Each Proposal must indicate if any claims are conditional, or if the Proposer will contractually commit to the associated dollars even if the awarded SCIP Facility is ultimately not realized, in which case the claims will receive full scoring credit.

Table 1 summarizes the types of economic benefits claims which will receive greater or lower scoring weight. All other New York Economic Benefits and U.S. Iron and Steel will receive a baseline scoring

weight. If a specific claim falls under multiple criteria, such as a labor claim benefitting a Disadvantaged Community or a MWBE and SDVOB claim occurring after the third year of the Contract Delivery Term, both weights will be applied.

Table 1: Economic Benefits Scoring Hierarchy

Greater Scoring Weight	Lower Scoring Weight
Labor	Not Contractually Committed <ul style="list-style-type: none"> • After third year of Contract Delivery Term or after fifth year of SCIP Facility operation • Conditional SCIP Related Purchases in Purchase Commitment Proposals • Category 3 or Category 5
MWBEs and SDVOBs	
New York Iron and Steel	
Disadvantaged Communities	
Energy Storage	
Support for Just Workforce Transition	

In Categories 3 and 5, Proposals will be assessed on the scale of the likely impact of the proposed activities and the firmness of the commitments. The OREC Scoring Committee will also recognize and weigh benefits which have long term impacts to reduce cost of electricity to ratepayers or offer decarbonization benefits, particularly in communities disproportionately affected by adverse effects of fossil fuel generation. In evaluating Categories 3 and 5, the OREC Scoring Committee will consider the:

1. nature, quantity and importance of the proposed claims;
2. effectiveness of the approach to developing the proposed claims;
3. supporting documentation to substantiate the nature, firmness and maturity of the commitments;
4. magnitude of potential benefits of proposed claims on a protracted time frame.

For SCIP Proposals, up to 5 out of the 20 Economic Benefits points will be awarded based on the overall strength of the Supply Chain Infrastructure Plan, evaluated as described in Section C.2.B of Appendix C.2, with an emphasis on economic benefits.

Figure 2 and Figure 4 illustrate how the Economic Benefits Categories are incorporated in scoring to award up to 20 New York Economic Benefits points to each Proposal.

Figure 2: Scoring Contribution of Economic Benefits Categories for SCIP Proposals

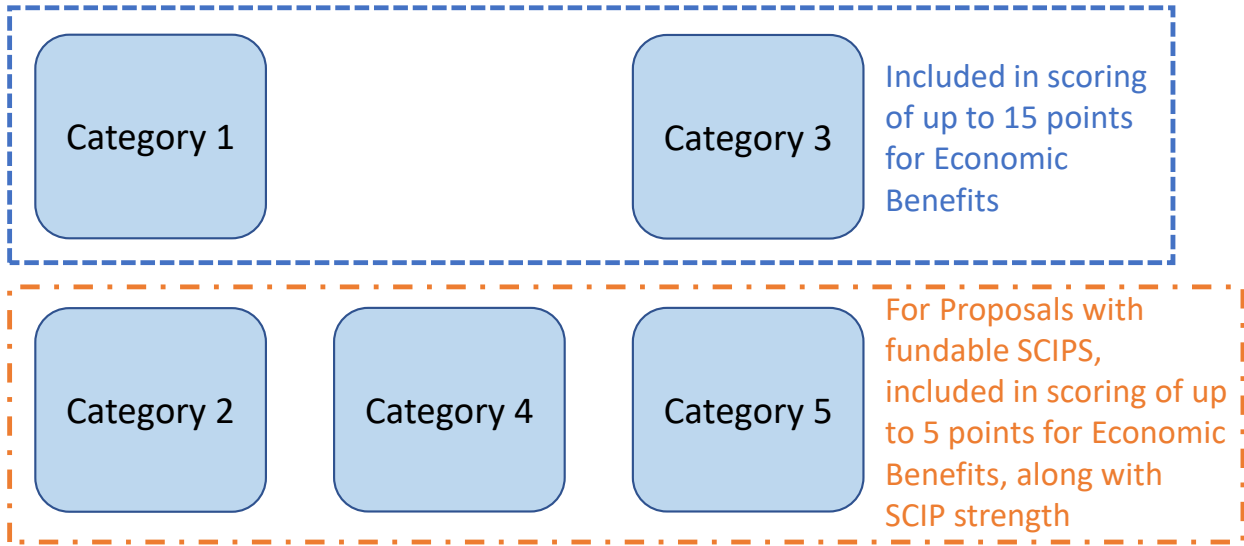


Figure 3: Scoring Contribution of Economic Benefits Categories for Standalone Proposals

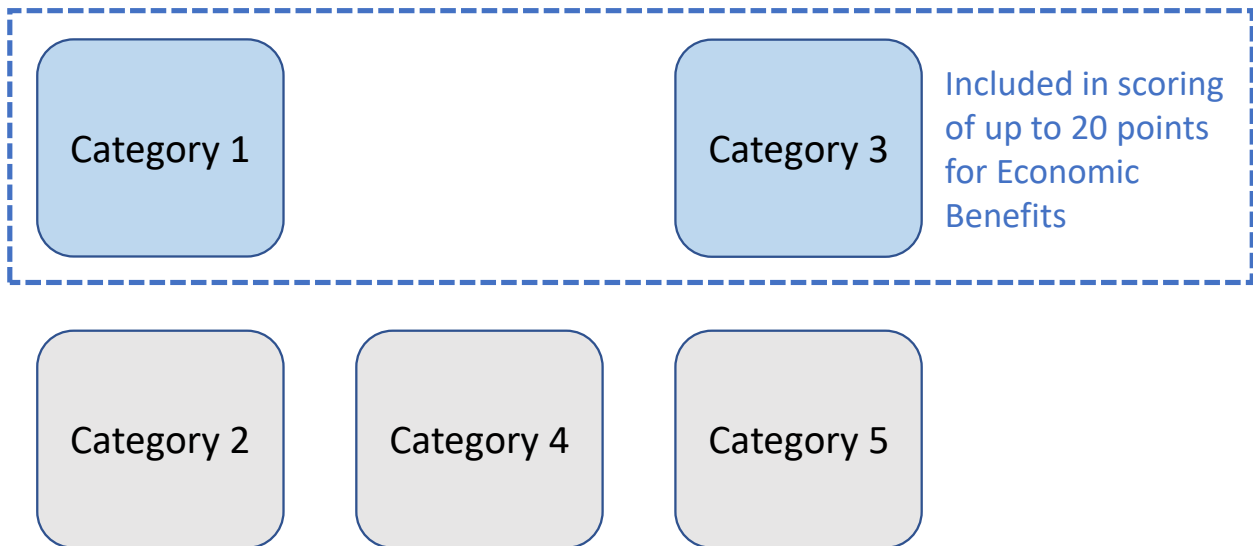
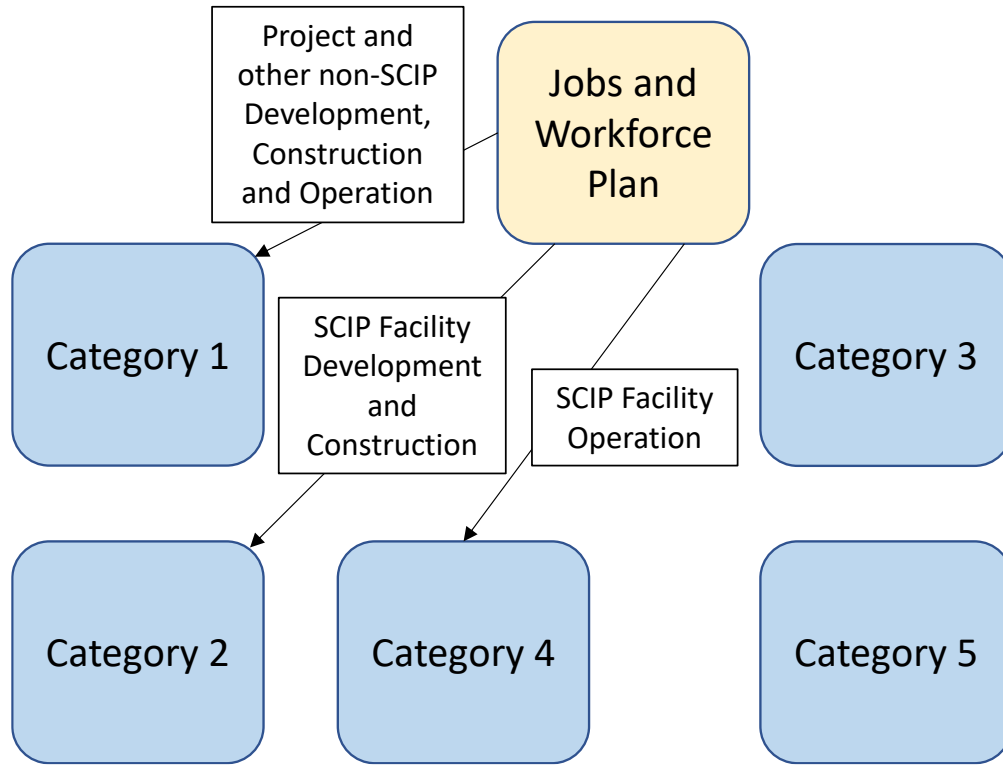


Figure 4: Jobs and Workforce Plan Inclusion in Economic Benefits Categories for SCIP Proposals



4 OFFER PRICING STRUCTURE AND PRICE EVALUATION

The offer price required for each Proposal must conform to either the Index OREC or Fixed OREC pricing structure, consistent with Section 2.1.5. Under both pricing structures, the Proposer will submit a level nominal offer price for each Contract Tenor offered. If a Proposal includes multiple Offshore Wind Generation Facilities with different Delivery Points, a separate Index OREC Strike Price or Fixed OREC Price must be submitted for each.

The pricing structure offered in the Proposal, whether the Index OREC or the Fixed OREC, shall remain the Applicable OREC Price Method for the entire Contract Delivery Term, subject to any adjustments provided for in the Agreement.

4.1 OREC Products Pricing

4.1.1 Fixed OREC Pricing

Under the Fixed OREC pricing structure, the Monthly OREC Price is equal to the Fixed OREC Price.

$$\text{Monthly OREC Price} = OP^{\text{Fixed}}$$

where:

$$OP^{\text{Fixed}} = \text{Fixed OREC Price (\$/MWh)}$$

4.1.2 Index OREC Pricing

Under the Index OREC pricing structure, the Monthly OREC Price varies monthly during the Contract Delivery Term and is calculated according to the following equation:

$$\text{Monthly OREC Price} = OSP^{\text{Index}} - REP - (RCP \times MF)$$

where:

$$OSP^{\text{Index}} = \text{Index OREC Strike Price (\$/MWh)}$$

$$REP = \text{Reference Energy Price (\$/MWh)}$$

$$RCP = \text{Reference Capacity Price (\$/MWh)}$$

$$MF = \text{Mitigation Factor (\%), defined in Section 4.03 of the Agreement}$$

NYSDA will calculate the Reference Energy Price and Reference Capacity Price for each month according to Section 4.03 of the Agreement. The Monthly OREC Price will be calculated during a settlement period following the conclusion of each month according to Section 4.04 of the Agreement.

The calculation of each month's Reference Capacity Price will be based on a Reference UCAP Price, as defined in Section 4.03 of the Agreement. The Reference UCAP Price is converted to its \$/MWh equivalent, the Reference Capacity Price, through the following equation:

$$RCP = \frac{RUP \times UPF \times IC \times 1,000}{MDE} \times \frac{CAF}{\text{Average PLW Capacity Factor of Representative Unit}}$$

where:

RUP = Reference UCAP Price (\$/kW-month)

UPF = UCAP Production Factor (decimal fraction)

IC = Installed capacity (ICAP) of the generator (MW)¹²

MDE = Metered delivered energy

1,000 = kW to MW conversion factor

CAF = Capacity Accreditation Factor for the resource's Capacity Accreditation Resource Class

Average PLW Capacity Factor of Representative Unit = Capacity Factor during Capability Period Peak Load Window hours of the Representative Unit for the Project's Capacity Accreditation Resource Class

The UCAP Production Factor multiplied by the Project's installed capacity and the ratio of the Capacity Accreditation Factor to the Peak Load Window capacity factor of the Representative Unit in the Project's Capacity Accreditation Resource Class is a proxy for the NYISO UCAP in MW. The Capacity Accreditation Factor(s) and the Representative Unit Peak Load Window Capacity Factor(s) will be specified annually by NYISO over the contract term. The UCAP Production Factor will be specified separately for a Winter Capability Period (November through April) and a Summer Capability Period (May through October). These fixed seasonal UCAP Production Factors will be utilized for the duration of the contract tenor. Any winter and summer UCAP Production Factor values between 0 and 1 are allowed.

NYSERDA is actively monitoring NYISO's implementation of the capacity accreditation rules described in the petition filed with the Federal Energy Regulatory Commission on January 5, 2022 (Docket No. ER22-772) and approved on May 10, 2022. NYSERDA's approach to implementation of NYISO's new capacity accreditation rules, which will go into effect on May 1, 2024, is reflected in the Reference Capacity Price formula presented above and included in the Agreement, the rationale for which is described in Request for Information [LSRRFI22-1](#). However, NYSERDA reserves the right to revise ORECRFP22-1 and/or to provide Proposers with an opportunity to submit updated pricing if new relevant material information becomes available prior to or after the Proposal Submission Deadline.

¹² Offer Capacity for evaluation purposes, Operational Installed Capacity for settlement purposes.

4.2 Price Adjustments

Section 5 of the Agreement describes a number of potential adjustments to the Index OREC Strike Price or the Fixed OREC Price. This section describes the adjustments that will be reflected in the price evaluation of submitted Proposals.

4.2.1 Interconnection Cost Adjustment

There are two components to the adjustment of the Index OREC Strike Price or the Fixed OREC Price related to interconnection costs: savings sharing and cost sharing.

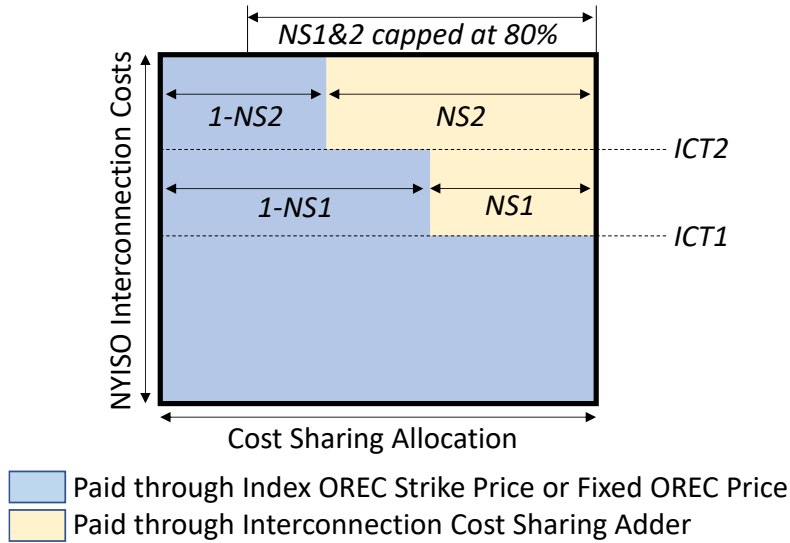
The value for the Interconnection Cost Allocation Baseline that will be reflected in Section 5.04 of the Agreement will be the estimated expected value for the NYISO Interconnection Cost Allocation submitted by the Proposer for the Project as entered in the Offer Data Form, unless modified as further described below.

NYSERDA's Specialist Reviewers and subject matter experts will review the submitted value, associated confidence intervals and any supporting information regarding the derivation of those values in conjunction with other available information. NYSERDA may modify the Interconnection Cost Allocation Baseline value based on the results of this review. In such case, NYSERDA will inform the Proposer of the revised Interconnection Cost Allocation Baseline value that will be reflected in Section 5.04 of the Agreement, and the Proposer will have a one-time opportunity to update its Index OREC Strike Price or Fixed OREC Price in accord with the final Interconnection Cost Allocation Baseline value.

All Proposals are subject to Interconnection Savings Sharing in the event that Interconnection Net Savings occur as further described in Section 5.04 of the Agreement. Interconnection Net Savings are calculated as the difference between the Interconnection Cost Allocation Baseline and the Interconnection Cost Allocation, less any costs the Project has already expended on the initial Injection Point and that the Project has incurred as a result of changing its Injection Point from that submitted in the Proposal. The Index OREC Strike Price or Fixed OREC Price will be reduced based on unitization of NYSERDA's Interconnection Savings Share, calculated as the greater of (i) 80% of the Interconnection Net Savings and (ii) Interconnection Net Savings minus \$50,000,000. This adjustment will be applied only following the finalization of the Project's Interconnection Cost Allocation; it is not relevant for evaluation purposes.

For Alternate Proposals in which Proposers opt to include Interconnection Cost Sharing, the Index OREC Strike Price or Fixed OREC Price will be increased to account for NYSERDA's Interconnection Cost Share as determined by applying the Interconnection Cost Sharing inputs selected by the Proposer in the Offer Data Form to the Interconnection Cost Allocation. Proposers will select two Interconnection Cost Threshold values (ICT1 and ICT2) and two NYSERDA Share values (NS1 and NS2), as illustrated in Figure 5.

Figure 5: Interconnection Cost Sharing Illustration



The adder to the Index OREC Strike Price or the Fixed Index Price will be calculated as follows:

ICSA = Interconnection Cost Sharing Adder (Nominal \$/MWh)

$$= \frac{AICSR}{AOQ_{P50}}$$

AOQ_{P50} = P50 Annual OREC Exceedance (MWh/year)

AICSR = Annual Interconnection Cost Sharing Recovery (Nominal \$/year)

$$= NSIC \times AF(DR, CT)$$

AF(DR,CT) = Annuity factor using the DDR (5.98%, nominal) for the Contract Tenor

NSIC = NYSERDA Share of Interconnection Cost paid through the ICSA (Nominal \$)

$$= \min(\max(0, IC - ICT1), ICT2 - ICT1) \times NS1 \\ + \max(0, IC - ICT2) \times NS2$$

IC = Interconnection Cost Allocation (Nominal \$)

ICT1 = Interconnection Cost Threshold 1 (Nominal \$, up to which Proposer absorbs 100% and NYSERDA absorbs 0% of the interconnection cost up to this value)

ICT2 = Interconnection Cost Threshold 2 (Nominal \$, Proposer absorbs (1-NS1) and NYSERDA absorbs NS1 of the interconnection cost greater than ICT1 up to this value, Proposer absorbs (1-NS2) and NYSERDA absorbs NS2 of the interconnection cost greater than this value)

NS1 = NYSERDA Share (via the ICOSA) of interconnection cost between ICT1 and ICT2 (capped at 80%)

NS2 = NYSERDA Share (via the ICOSA) of interconnection cost greater than ICT2 (capped at 80%)

4.2.2 Inflation Adjustment

For Alternate Proposals in which Proposers opt to include Inflation Adjustment, the Index OREC Strike Price or Fixed OREC Price will be adjusted to account for inflation between the Proposal Submission Deadline and BOEM approval of the Project’s Construction and Operations Plan (COP). The adjustment, governed by Section 5.03 and Exhibit Q of the Agreement, will be based on a composite index comprised of values for labor, fabrication materials, steel, fuel and copper. The weighting for each commodity or component in the composite index is fixed and cannot be adjusted by the Proposer. The Index OREC Strike Price or Fixed OREC Price for the Inflation Adjusted Proposal will be calculated as:

$$\begin{aligned}
 OREC_{adj} = OREC_{bid} & \\
 & \times \left(0.2 + 0.3 \times \frac{Index_{T,Labor}}{Index_{B,Labor}} + 0.25 \times \frac{Index_{T,Fabrication}}{Index_{B,Fabrication}} \right. \\
 & \left. + 0.10 \times \frac{Index_{T,Steel}}{Index_{B,Steel}} + 0.10 \times \frac{Index_{T,ULSD}}{Index_{B,ULSD}} + 0.05 \times \frac{Index_{T,Copper}}{Index_{B,Copper}} \right)
 \end{aligned}$$

where:

$OREC_{adj}$ is the Index OREC Strike Price or Fixed OREC Price after adjustment

$OREC_{bid}$ is the Index OREC Strike Price or Fixed OREC Price as submitted with the Proposal

$Index_B$ (for each commodity or component) is the price or unitless index at the time of the Proposal Submission Deadline

$Index_T$ (for each commodity or component) is the price or unitless index at the time of the Project’s COP approval

Table 2 identifies the publicly available US Bureau of Labor Statistics (BLS) Producer Price Index (PPI), Employment Cost Trend Index, or transparent market price that will be used for each commodity or component.

Table 2: Indices Used in Inflation Adjustment

Commodity or Component	Units, Frequency	Data Source
Labor	Unitless index, quarterly	U.S. BLS, Employment Cost Trends, Data Series CIU2020000000000I, Wages and salaries for Private industry workers in All industries and occupations, Index, not seasonally adjusted https://beta.bls.gov/dataViewer/view/timeseries/CIU2020000000000I
Fabrication and machinery materials	Unitless index, monthly	U.S. BLS, PPI, Data Series PCU811310811310, Commercial machinery repair and maintenance https://beta.bls.gov/dataViewer/view/timeseries/PCU811310811310
Steel	Unitless index, monthly	U.S. BLS PPI, Data Series PCU331110331110, Iron and steel mills and ferroalloy mfg, not seasonally adjusted https://beta.bls.gov/dataViewer/view/timeseries/PCU331110331110
New York Harbor Ultra-Low Sulfur No 2 Diesel Spot Price	\$/gal, daily	U.S. Energy Information Administration, Petroleum & Other Liquids Data https://www.eia.gov/dnav/pet/PET_PRI_SPT_S1_D.htm , daily price for last trading day of the month
Copper	Cents per lb, daily	COMEX, spot price on last trading day of month for prompt month https://comexlive.org/copper/

For each commodity or component, $Index_B$ is the average of the last six months or two quarters of published data available as of the final RFP revision prior to the Proposal Submission Deadline. The final $Index_B$ values that will be used in the Agreement are shown in Table 3.

Table 3: Commodity Inflation Indices as of ORECRFP22-1 Revised Issuance Date

Commodity Index	Value
$Index_{B,Labor}$	155.090
$Index_{B,Fabrication}$	173.244
$Index_{B,Steel}$	332.072
$Index_{B,ULSD}$	3.799
$Index_{B,Copper}$	355.975

$Index_T$ for each commodity or component will be calculated as the average of the monthly or quarterly values for the six-month period comprising the three months prior to and following the COP Approval.

OREC_{adj} will therefore be calculated when the published monthly prices or indices become available, but no earlier than 6 months after the selected Proposer's receipt of COP Approval.¹³

4.3 Settlement Mechanism

To calculate the amount payable to Seller, the Monthly OREC Price will be multiplied by the number of ORECs produced from Actual Eligible Production in the prior month and delivered into NYSERDA's NYGATS account. These payments will be calculated after the close of each calendar month during the Contract Delivery Term. During each month's settlement period, NYSERDA will only purchase ORECs such that the cumulative ORECs purchased in the active Contract Year do not exceed the Annual OREC Cap. The Annual OREC Cap is 1.1 multiplied by the P10 Annual Exceedance Estimate, which may be adjusted prior to Commercial Operation, per Section 2.01(e) of the Agreement.

In the case of a negative Monthly OREC Price, the associated payment from Seller to NYESRDA will not be cash-settled on a month-by-month basis. Instead, the amount owed from Seller to NYSERDA will accrue as a debit to be deducted from each subsequent monthly payment until fully recovered. If, due to sustained negative OREC prices, any such debit goes unrecovered for twelve months, Seller shall pay the unrecovered amount to NYSERDA in cash as described in Section 4.05 of the Agreement.

4.3.1 Meshed Network Integration and Adjustment

OREC pricing and contract terms for this solicitation are based on a singular Delivery Point for Projects designed with radial interconnection and a Meshed Ready design. NYSERDA acknowledges the potential need for changes to the existing OREC settlement mechanism as a result of a Project being recommended for Meshed Network interconnection by the New York State Public Service Commission. NYSERDA agrees to implement changes to the Agreement if and when such interconnections are confirmed. Projects awarded in this solicitation will be part of New York's growing portfolio and will inevitably be part of an evolving transmission system, including the option to integrate offshore wind projects into a Meshed Network or other transmission system that supports potential multiple injections.

As set forth in Section 5.06 of the Agreement, prior to a Project being connected to a Meshed Network, NYSERDA and the Proposer shall negotiate to amend the pricing provisions of the Agreement to ensure that the Project's economic value is not reduced for reasons attributable to the implementation of the Meshed Network and that any additional economic value that accrues from Meshed Network implementation are passed through to ratepayers. Section 5.06 of the Agreement also includes provisions related to: (1) schedule and/or pricing changes to account for delays or reasonably expected increases or decreases in Project cost due to design changes determined to be necessary by NYSERDA, (2) extension of the Outer Limit Date if commencement of Project operation is delayed by Meshed

¹³ There is a lag of two months or more from the end of a month to the issuance of a BLS PPI index. The PPI indices are considered preliminary and may be updated by BLS up to four months after publication. The adjusted Index OREC Strike Price or Fixed OREC Price will not be finalized until the final PPI values are published by BLS.

Network implementation, and (3) compensation for downtime resulting from Meshed Network implementation.

4.4 Offer Price Evaluation Metric

The offer pricing evaluation will be conducted by NYSDERDA and NYSDERDA Consultants. A quantitative method will be applied to all offers in order to screen and rank the pricing offers using a uniform cost metric. For evaluation purposes, each Index OREC Strike Price and Fixed OREC Price offer will be converted to a Levelized Net OREC Cost (LNOC) in base year \$/MWh. The LNOC price measure allows for an equitable comparison among Proposals with different expected OREC quantities over time.

The LNOC for Proposal p using pricing structure s is the quotient of the cumulative present value of the annual net OREC costs for each calendar year over the proposed Contract Tenor, divided by the cumulative present value of the projected annual number of ORECs produced from Actual Eligible Production over the same calendar years. The annual quantities are discounted at a real discount rate. The resulting quotient is expressed in base year dollars per OREC or MWh.

$$LNOC_p = PVNOC_p / PVOQ_p$$

where:

$PVNOC_{p,Fixed}$ = PV of Net OREC Cost for Proposal p , pricing structure Fixed (\$ PV)

$$= \sum_{y=COD_p}^{y=COD_p+CT_p} \left\{ \sum_{m=1}^{m=12} OP_{p,m,y}^{Fixed} \times OQ_{p,m,y} \right\} \div (1 + NDR)^{(y-Y_b)}$$

$PVNOC_{p,Index}$ = PV of Net OREC Cost for Proposal p , pricing structure Index (\$ PV)

$$= \sum_{y=COD_p}^{y=COD_p+CT_p} \left\{ \sum_{m=1}^{m=12} (OSP_{p,m,y}^{Index} - RPE_{m,y}^{Pred} - RPC_{m,y}^{Pred}) \times OQ_{p,m,y} \right\} \div (1 + NDR)^{(y-Y_b)}$$

$PVOQ_p$ = PV of OREC delivery quantities for Proposal p (MWh)

$$= \sum_{y=COD_p}^{y=COD_p+CT_p} \left\{ \sum_{m=1}^{m=12} OQ_{p,m,y} \right\} \div (1 + RDR)^{(y-Y_b)}$$

$OQ_{p,m,y}$ = OREC delivery quantity for Proposal p applicable to month m of calendar year y (OREC or MWh)

$RPE_{m,y}^{Pred}$ = Predicted Reference Energy Price index for month m in calendar year y (nominal \$/MWh)

$RPC_{m,y}^{Pred}$ = Predicted Reference Capacity Price index for month m in calendar year y (nominal \$/MWh)

COD_p = Calendar year associated with the expected Contract Delivery Term commencement date for Proposal p (for multi-phase Projects, this calculation will be applied to each phase)

CT_p = Contract Tenor for Proposal p

NDR = Nominal Discount Rate (decimal)

INF = Inflation Rate (decimal)

$RDR = (1 + NDR) / (1 + INF) - 1$ = Real Discount Rate

Y_b = Base year for cost and PV

A nominal discount rate of 5.98%¹⁴ per year and a long-term inflation rate assumption of 2.40% per year will be used in the LNOC calculation procedure.

For price evaluation purposes only, regardless of the Proposal's proposed Commercial Operation Date, all phases of all Proposals will be evaluated with a Contract Delivery Term commencement year of 2028, and therefore a COD_p of 2028. For purposes of the price evaluation, the MF value is assumed to be 100%. If a Proposal includes multiple Offshore Wind Generation Facilities with separate prices, the LNOC will be calculated based on the combined PVNOC and PVOQ.

For the Index OREC pricing structure, Index OREC Strike Prices will be converted into expected annual OREC values by subtracting a forecast of expected Reference Energy Prices and Reference Capacity Prices from the strike prices, based on NYSERDA's forecasts of energy and capacity prices. Neither the price forecasts nor details of the modeling procedures will be disclosed to Proposers.

For evaluation of Alternate Proposals that include Interconnection Cost Sharing, the Proposer's Interconnection Cost Sharing parameters and other information available to NYSERDA will be used to determine a risk-adjusted estimate of the Project's Interconnection Cost Allocation that will result in an adder to the Index OREC Strike Price or Fixed OREC Price. This risk-adjusted estimate will be determined by NYSERDA based on the estimate of expected NYISO Interconnection Cost Allocation and confidence intervals submitted by the Proposer and associated Specialist Reviewer evaluation, and the expected Interconnection Cost Allocation for purposes of Proposal evaluation may not be the same as the Interconnection Cost Allocation Baseline value.

For evaluation of Alternate Proposals that include Inflation Adjustment, a multiplier representing NYSERDA's expectation of the inflation for the identified indices between the Proposal Submission Deadline and the estimated date of COP Approval for a Project with a COD_p of 2028 will be applied to the Index OREC Strike Price or Fixed OREC Price to determine the total price used in the evaluation.

¹⁴ The discount rate for Offer Price evaluation (DISCO Discount Rate or DDR) was established by the New York State Department of Public Service Office of Accounting, Audits and Finance, revised February 8, 2022.

If a Proposal includes both Interconnection Cost Sharing and Inflation Adjustment, the Inflation Adjustment multiplier will be applied before the Interconnection Cost Sharing Adder to determine the total price used in the evaluation.

4.5 Offer Price Scoring

For purposes of cost containment, Benchmark LNOCs will be derived for both the Index OREC and the Fixed OREC. NYSERDA will employ Benchmark LNOCs in the offer evaluation process that support the consideration of and potential disqualification for award of all Proposals that exceed the applicable Benchmark LNOC. For purposes of this procurement, the Benchmark LNOC is synonymous with the “Maximum Acceptable Offer Price Metric” used in NYSERDA’s Tier 1 procurements. The calculation method will materially differ, however. NYSERDA retains the right to reject any and all Proposals that exceed the applicable Benchmark LNOC. Use of the Benchmark LNOCs will support a reasonable balance between encouraging investment in new offshore wind projects and protecting ratepayer interests from the incurrence of any deadweight costs associated with accepting a Proposal at any price.

In deriving the Benchmark LNOC, NYSERDA will consider a number of factors, both positive and negative, which may include: different hedge efficiency attributes related to the PPA structure used in New England versus the Index or Fixed OREC structure; geotechnical and physical considerations; local spend considerations in New York State, including labor; transmission interconnection and deliverability criteria; the market value of energy and/or capacity; environmental mitigation costs; Project size; and Project timing. In formulating benchmark prices, NYSERDA may add or subtract from the list of additional cost considerations.

Proposals with a Fixed or Index LNOC higher than the applicable Benchmark LNOC will not be eligible for an award. NYSERDA has the authority to reject any or all Proposals, at any time, taking into account not only the Benchmark LNOCs but also recent auctions and market conditions.

Eligible Proposals with a Fixed or Index LNOC below the applicable Benchmark LNOC will have their LNOC values converted into points. The Proposal with the lowest LNOC will receive the maximum 70-point score and higher LNOC offers will receive lower scores. NYSERDA will implement a method designed to cause the scores of Proposals with higher LNOCs to be sufficiently dispersed below the maximum of 70 points such that the final score that aggregates price, viability, and economic benefits retains the intended scoring emphasis on price to a reasonable extent.

NYSERDA also reserves the right to solicit revised Offer Prices and/or to make counteroffers as it deems appropriate. In such case, NYSERDA will provide written notice to Proposer’s Authorized Agent(s), as identified in the Proposal and Appendix B, Proposer Certification Form. Proposer’s Authorized Agent(s) must have executed the Proposer Certification Form to respond and to commit to counteroffers on behalf of Proposer.

5 PRELIMINARY RANKING, PORTFOLIO EVALUATION, AND FINAL AWARD GROUP

5.1 Preliminary Rank Order

Proposals will be separated into two groups, based on whether or not each Proposal includes a Supply Chain Investment Plan. Proposals that consist only of Upgrade Capacity will be included in the same two groups, depending on whether they do or do not include a SCIP, and considered on the same basis as Proposals that include new Projects.

5.1.1 Preliminary Rank Order for Required Base Proposal and Alternate SCIP Proposals (Preliminary SCIP Rank Order)

All SCIP Proposals will be compared in the Preliminary SCIP Rank Order.

Any Proposal for which the associated Supply Chain Investment Plan is determined to be “not fundable” will be deemed ineligible for an OREC contract award and not included in the Preliminary SCIP Rank Order. Based upon the terms of evaluation detailed in Sections 3 and 4, the calculated scores for the Project Viability, New York Economic Benefits, and Offer Pricing components of the Proposal scoring system will be summed. The Proposals will then be ranked by their total scores as a preliminary step in selection. NYSERDA expects that one Proposal will be selected for award from the Preliminary SCIP Rank Order, as described in Sections 2.1.2 and 2.1.4. NYSERDA may conclude, however, in its sole discretion, that awarding a Proposal that includes a Supply Chain Investment Plan submitted through this RFP is not the preferred way for New York State to meet its supply chain investment targets, or that selection of more than one Supply Chain Investment Plan through this RFP is the preferred way to meet New York State’s supply chain investment needs. If two or more Proposals in the Preliminary SCIP Rank Order are mutually exclusive, for example because they include overlapping lease area space or have the same Injection Point and/or Delivery Point which cannot accommodate both Proposals, the lower ranking Proposal will be removed from consideration, subject to Section 5.2.

If a SCIP Proposal selected for award includes a SCIP Facility that is conditional on a minimum offtake volume and the minimum offtake volume is not met after Proposals are selected from the Preliminary Standalone Rank Order (see Section 5.1.2), the conditional SCIP Proposal will be removed from the award group.

5.1.2 Preliminary Rank Order for Required Standalone Proposal and Alternate Standalone Proposals (Preliminary Standalone Rank Order)

Standalone Proposals will be compared in the Preliminary Standalone Rank Order that will be considered for award after, as described in Section 5.1.1, NYSERDA has concluded its selection of Proposals that include a Supply Chain Investment Plan or NYSERDA concludes, in its sole discretion, that awarding a Proposal that includes a Supply Chain Investment Plan submitted through this RFP is not the preferred way for New York State to meet its supply chain investment targets.

Only those Purchase Commitment Proposals that align with the attributes of SCIP Facilities that are included in an awarded SCIP Proposal (whether specific SCIP Facilities or SCIP Facilities with specific Proposed SCIP Facility Activities) will be considered for award.

For clarity, the Standalone Proposals will be evaluated subject to the terms of Sections 3 and 4, excluding those elements that pertain to the evaluation of Supply Chain Investment Plans.

If a Standalone Proposal is mutually exclusive with either (i) a SCIP Proposal included in the Preliminary SCIP Award Group or (ii) a higher-ranking Standalone Proposal, for example because they include overlapping lease area space or have the same Injection Point and/or Delivery Point which cannot accommodate both Proposals, the Standalone Proposal that conflicts with the SCIP Proposal or higher-ranked Standalone Proposal will be removed from consideration, subject to Section 5.2.

Proposals selected for award from the Preliminary SCIP Rank Order and the Preliminary Standalone Rank Order shall constitute the Preliminary Award Group. NYSERDA reserves the right to determine the size of the Preliminary Award Group in its sole discretion.

5.2 Consideration of Commission and New York State Guidance and Policy

NYSERDA may elect to modify the Preliminary Award Group in the event that the makeup of the Preliminary Award Group is materially inconsistent with Commission or other New York State guidance or policy (such as the New York State Power Grid Study's Offshore Wind Study and Zero Emissions Study) published prior to the receipt of bids regarding the following program policy factors:

- The efficient utilization of transmission points of interconnection and Project selections that will promote the cost-efficient integration of at least 9 GW of offshore wind;
- Preservation of future pathways to integrate at least 9 GW of offshore wind with efficient use of limited ocean rights of way;
- Reduction of execution risk through portfolio diversity;
- System benefits with respect to grid reliability and optimization.

Proposers are encouraged to address the above program policy factors in their Proposals to the extent applicable. NYSERDA reserves the right, at its discretion, to contact Proposers regarding the above program policy factors and to potentially seek clarifications and/or adjustments to Proposals that would avoid removing a Proposal from the award group on this basis.

5.3 Award Group

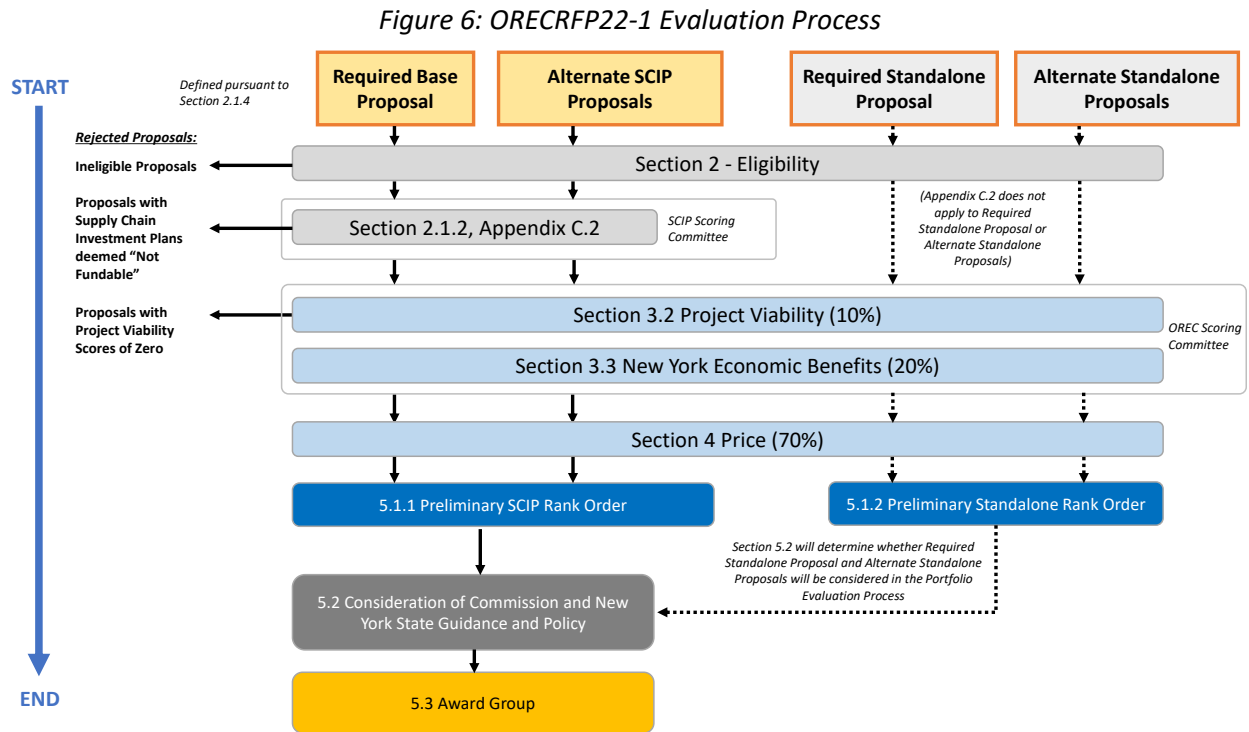
The initial award group will be comprised of the Preliminary Award Group determined in accordance with Section 5.1 as modified (if at all) in accordance with Section 5.2. NYSERDA reserves the right to determine the size of the award group in its sole discretion.

NYSERDA will notify the initial awardees in writing and may also provide notification via phone call or videoconference. The date upon which NYSERDA provides such written notification shall be the initial Award Notification Date.

Selection for an initial award does not give the Proposer any legal right or entitlement. Once selected for initial award, Proposers must negotiate a final version of the Agreement with NYSERDA. See Sections 6.6 and 7.

NYSERDA may also establish a waitlist of Proposals beyond those Proposals offered an initial award. Proposals represent offers to contract and must remain open for a period of at least 180 days from the Proposal Submission Deadline indicated in Section 1.3.

The foregoing evaluation process is summarized in Figure 6 below.



NYSERDA RESERVES THE RIGHT TO REJECT OR ACCEPT ANY OR ALL PROPOSALS.

6 INSTRUCTIONS TO PROPOSERS

6.1 Preparation of Proposals

Each Proposer shall have sole responsibility for reviewing this RFP and all attachments hereto and for investigating and informing itself with respect to all matters pertinent to this RFP, including the [NYGATS Operating Rules](#) and NYISO's Open Access Transmission Tariff (OATT) and market rules, and those of the Control Area into which the Project may interconnect.

Proposers should rely only on information provided in this RFP and any associated written updates posted on the on the [NYSERDA Offshore Wind 2022 Solicitation website](#) when preparing their Proposals. Each Proposer shall be solely responsible for and shall bear all of its costs incurred in the preparation of its Proposal and/or its participation in this RFP. Submission of Proposals including confidential information shall be treated in accordance with Section 8.1.

6.2 Organization and Submission of the Proposals

6.2.1 Organization of the Submission

Proposers are required to organize their Proposals consistent with the instructions provided herein. Each Submission, which includes the Required Base Proposal, Required Standalone Proposal and any Alternate Proposals, must include the following separate files:

1. **Master Offers Form**, a provided Excel workbook template, calculates the Proposal Fee, includes framework for providing Proposal summary information and identifies mapping of submitted files to Proposals, common Project descriptive information and a listing of Offer Data Form files. The Master Offers Form must be submitted as a working Excel file. Only one Master Offers Form can be included in the Submission.
2. **Offer Data Form**, a provided Excel workbook template, contains pricing, technical, and operational information for the proposed Offshore Wind Generation Facility and optional Energy Storage, and claimed Incremental Economic Benefits of the Project. The Offer Data Form allows separate pricing to be submitted for each of up to two Contract Tenors. Each Offer Data Form must be submitted as a working Excel file. At least two Offer Data Forms must be included in the Submission: one for the Required Base Proposal and one for the Required Standalone Proposal. An additional Offer Data Form must be submitted for each Alternate Proposal.
3. **SCIP Data Form**, a provided Excel workbook template, contains funding request / financing plan, financial model, including sources and uses of funds, key assumptions and financial projections through a duration at least equal to the requested term of New York State Funding, proposed financing terms, budget, economic benefits, and construction schedule information for Infrastructure Sites or facilities in alignment with the corresponding Supply Chain Investment Plan. Each SCIP Data Form must be submitted as a working Excel file. At least one SCIP Data Form must be included in the Submission. A SCIP Data Form must be included in the Submission for each Supply Chain Investment Plan in the Submission.

4. **Proposal Narrative**, a description of the proposed Project including the Offshore Wind Generation Facility or Facilities and optional Energy Storage, information required to demonstrate the eligibility, viability, claimed Incremental Economic Benefits of the Project, and other relevant information and supporting documentation required to evaluate the Proposal. The organization and contents of the Proposal Narrative *must* be organized in the order presented in Section 6.4, with section numbers that correspond to the numeration in Section 6.4, e.g., the Executive Summary must be Section 1 of the Proposal, and must include the following appendices as discrete, required files, named in accordance with the conventions established in Appendix N. If a Proposal does not include an optional Fossil Repurposing Plan or optional Energy Storage, the corresponding numbered section of the Proposal Narrative should simply be left blank or with a note that the section is not applicable. Each Proposal Narrative file and attachment, unless otherwise noted, must be submitted as a fully searchable PDF file with numbered pages. Only one Proposal Narrative, inclusive of all Proposals offered, can be submitted. The Submission must include both Confidential and Public versions of the Proposal Narrative. If a Proposal includes multiple Offshore Wind Generation Facilities, the required information must be provided for each and clearly delineated by Facility.
 - 4.1. **Wind Resource Data** (see Section 0)

Must be submitted as a working Excel file. At least one Wind Resource Data attachment must be included in the Submission. If the Wind Resource Data varies among Proposals, the additional information may be provided in the same file, as long as the datasets are clearly labeled for Proposal correspondence, or in separate files.
 - 4.2. **Financing Plan** (see Section 6.4.7)

At least one Financing Plan attachment must be included in the Submission. If the Financing Plan varies among Proposals, the additional information may be provided in the same file, as long as the variances are clearly labeled for Proposal correspondence, or in separate files.
 - 4.3. **Interconnection and Deliverability Plan** (see Section 6.4.8)

At least one Interconnection and Deliverability Plan attachment must be included in the Submission. If the Interconnection and Deliverability Plan varies among Proposals, the additional information may be provided in the same file, as long as the variances are clearly labeled for Proposal correspondence, or in separate files.
 - 4.4. **Fossil Repurposing Proposal** (see Section 10)

If applicable, the Fossil Repurposing Proposal must be included as a separate document within the Submission. If more than one Fossil Repurposing Proposal is included in the Submission the additional information can be included in the same file, as long as the variances are clearly labeled for Proposal correspondence, or in separate files.
 - 4.5. **Project Schedule** (see Section 6.4.12)

At least one Project Schedule attachment must be included in the Submission in the form

of a Gantt chart equivalent in a working Excel file. If the Project Schedule varies among Proposals, the additional information may be provided in the same file, as long as the variances are clearly labeled for Proposal correspondence, or in separate files.

4.6. **Fisheries Mitigation Plan** (see Section 6.4.14 and Appendix D)

At least one Fisheries Mitigation Plan attachment must be included in the Submission. If the Fisheries Mitigation Plan varies among Proposals, the additional information may be provided in the same file, as long as the variances are clearly labeled for Proposal correspondence, or in separate files. The Submission must include both Confidential and Public versions of each Fisheries Mitigation Plan attachment.

4.7. **Environmental Mitigation Plan** (see Section 6.4.15 and Appendix E)

At least one Environmental Mitigation Plan attachment must be included in the Submission. If the Environmental Mitigation Plan varies among Proposals, the additional information may be provided in the same file, as long as the variances are clearly labeled for Proposal correspondence, or in separate files. The Submission must include both Confidential and Public versions of each Environmental Mitigation Plan attachment. A separate Environmental Mitigation Plan is required for the Supply Chain Investment Plan as described in Appendix C.2.

4.8. **Stakeholder Engagement Plan** (see Section 6.4.16 and Appendix F) At least one Stakeholder Engagement Plan attachment must be included in the Submission. If the Stakeholder Engagement Plan varies among Proposals, the additional information may be provided in the same file, as long as the variances are clearly labeled for Proposal correspondence, or in separate files. The submission must include both Confidential and Public Versions of each Stakeholder Engagement Plan attachment. A separate Stakeholder Engagement Plan is required for the Supply Chain Investment Plan as described in Appendix C.2.

4.9. **Letters of Support for the Proposal** (see Section 6.4.16)

At least one attachment with Letters of Support for the Proposal must be included in the Submission. If the Letters of Support for the Proposal vary among Proposals, the additional information may be provided in the same file, as long as the variances are clearly labeled for Proposal correspondence, or in separate files.

4.10. **Economic Benefits Plan** (see Appendix C.1)

At least one Economic Benefits Plan attachment must be included in the Submission. If the Economic Benefits Plan varies among Proposals, the additional information may be provided in the same file, as long as the variances are clearly labeled for Proposal correspondence, or in separate files.

4.11. **New York Jobs and Workforce Plan** (see Appendix H)

At least one New York Jobs and Workforce Plan attachment must be included in the Submission. If the New York Jobs and Workforce Plan varies among Proposals, the

additional information may be provided in the same file, as long as the variances are clearly labeled for Proposal correspondence, or in separate files. The Submission must include both Confidential and Public versions of each New York Jobs and Workforce Plan attachment. A separate New York Jobs and Workforce Plan is required for the Supply Chain Investment Plan as described in Appendix C.2.

4.12. Supply Chain Investment Plan(s) (see Appendix C.2)

At least one Supply Chain Investment Plan attachment must be included in the Submission. A Supply Chain Investment Plan must be included in the Submission for each SCIP Data Form included in the submission.

5. **Proposer Certification Form**, the form in Appendix B, must be signed by Proposer's authorized representative to certify the validity of the offer and attest to other representations. Only one Proposer Certification Form can be included in the Submission.

Proposers may also submit an unlimited number of supporting attachments (each file size capped at 100MB) to provide information or studies related to the Proposal. Each supporting attachment must be a fully searchable PDF file, unless a different file type such as Excel is necessary for presentation of the information.

A separate Offer Data Form must be submitted for each Proposal. To the extent that other items from the above list of required files are different than the file submitted for the Required Base Proposal, additional versions of each should be attached, or if the information should be clearly labeled by Proposal, if included within a single file. The Master Offers Form must be comprehensive of all submitted Proposals and offer insight into the organization of the entire Submission to facilitate its complete review and any distinguishing factors among individual Proposals. To the extent that a required file or attachment is applicable to more than one submitted Proposal, the Master Offers Form will allow this to be indicated in order to avoid multiple submissions of the same file. A Proposer may submit the same marked up Agreement for all Proposals, or a Proposer may submit separate marked up Agreements for each Proposal if there are reasons for material differences.

6.2.2 Submission Instructions

NYSERDA uses a secure Salesforce site to accept Proposal submissions. The Salesforce Portal will open for registration on **November 1, 2022**, and close for registration on **January 19, 2023 at 3:00 PM ET**.

For detailed instructions toward submission and interfaces with this site refer to Appendix N, Proposal Submission Guide. Proposers must submit two versions for each Proposal: a complete, unredacted version of the Proposal and a public version of the Proposal Narrative, as described below. Both versions of the Proposal must be uploaded to NYSERDA's secure Salesforce site which will open for Proposal submission on **January 19, 2023**.

Links will be available on the above-mentioned dates.

Technical support for NYSERDA's Salesforce application may be reached by emailing offshorewind@nyserda.ny.gov. Proposers are encouraged to submit their files as early as possible to avoid bandwidth issues with simultaneous uploads to NYSERDA's Salesforce application.

Only fully searchable files will be accepted under this RFP.

Funding Recipients that have sensitive or confidential information that cannot be shared with Proposers, and thus cannot be included in the Submission uploaded through Salesforce, should email offshorewind@nyserda.ny.gov to request a secure upload link as an alternative submission pathway. Information submitted through this method should be limited in scope to the extent possible, must be clearly marked with the Proposal and SCIP IDs to which it applies and must be submitted prior to the Proposal Submission Deadline indicated in Section 1.3.

6.2.2.1 Confidential Version of Proposals

A Proposer must submit an unredacted complete version of the Proposals. The confidential version of the Submission must include the Master Offers Form, Offer Data Forms and SCIP Data Form(s) as working Excel files, with all required information included. The Proposal Narrative and all required attachments must be submitted as searchable PDF files, with the exception of the Wind Resource Data and Project Schedule, which must be submitted as working Excel files. The confidential version of the Proposal will be treated as confidential and sensitive information, **subject to the treatment of confidential information discussed in Section 8.1.**

6.2.2.2 Public Version of Proposal Narrative

The Proposal Narrative, each Fisheries Mitigation Plan, Environmental Mitigation Plan, and Stakeholder Engagement Plan must be also submitted to NYSERDA in a version that can be made publicly available as a searchable PDF file. The public version must include descriptive information on all categories described in Section 6.4, but Proposers may redact information where there is a reasonable basis to assert that the information constitutes trade secrets or if disclosed would cause substantial injury to the competitive position of the Proposer or other commercial enterprise from which the information was derived. See Section 8.1.

This public versions of the Proposal Narrative, Fisheries Mitigation Plan(s), Environmental Mitigation Plan(s), and Stakeholder Engagement Plan(s) will be posted on the [NYSERDA Offshore Wind 2022 Solicitation website](#) shortly after the Proposal Submission Deadline. The file name of the submitted file should include the word "Public" as noted in Section N.3.3 of Appendix N. NYSERDA will not further redact the public versions of Proposal Narrative and associated attachments. Anything submitted in the public versions will be made available to the public.

6.3 Offer Data Forms

The Master Offers Form, Offer Data Form (ODF) and SCIP Data Form (SCIPDF) documents are Microsoft Excel workbooks that can be downloaded from the [NYSERDA Offshore Wind 2022 Solicitation website](#). Each Proposer must submit a single Master Offers Form. A separate ODF is required for the Required Base Proposal, Required Standalone Proposal and each Alternate Proposal. Up to two Contract Tenors

for Proposals with the same non-price aspects are included within a single ODF document. A separate SCIPDF is required for each Supply Chain Investment Plan. Instructions for completion are included in each form.

6.3.1 Master Offers Form

The Master Offers Form (Appendix L) has three parts, listed below, and a User Guide. If Proposer provides information in the Master Offers Form that conflicts with the information provided within other submitted documents, the Proposal Narrative, ODF, or SCIPDF shall be considered to contain the governing and binding information.

Part I Proposal Fee Calculation

Proposer name, Proposer ID, number of Offshore Wind Generation Facilities included in the Submission, Offshore Wind Generation Facility name(s), BOEM renewable energy lease number(s), list of Supply Chain Investment Plans included in the Submission, list of Proposals included in the Submission, Offer Capacity for each Proposal,, whether each Proposal is Standalone and the applicable Supply Chain Investment Plan(s), whether each Alternate Proposal includes Energy Storage, Interconnection Cost Sharing or Inflation Adjustment, and if so, which Proposal without Energy Storage, without Interconnection Cost Sharing or without Inflation Adjustment such Proposals correspond to.

Part II Quantitative Summary of Proposals

Enter summary information about each Proposal from the Proposal Narrative (e.g., distance from shore, foundation technology, turbine model, inclusion of a Fossil Repurposing Proposal).

Part III Submission Map

List of all files included in Submission, including file category (e.g., Offer Data Form, Proposal Narrative, Supply Chain Investment Plan, Economic Benefits Plan, Interconnection and Deliverability Plan, Fisheries Mitigation Plan, Stakeholder Engagement Plan, etc.), file name, and the Proposals to which each file applies. The Submission Map should offer clarity to NYSERDA of any individual files that service multiple Proposals (e.g., a Fisheries Mitigation Plan that is common throughout) and/or where specific files are applicable only to certain Proposals. For Submission files that represent additional supporting information beyond the required file types, a description of each file is required.

6.3.2 Offer Data Form

The ODF (Appendix K) has seven parts, listed below, and a User Guide. If Proposer provides information in other sections of its Proposal(s) that conflicts with the information provided in the ODF, the ODF shall be considered to contain the governing and binding information for both the evaluation and any resulting Agreement.

Part I Identification Worksheet

Proposer name, number of Offshore Wind Generation Facilities included in Proposal, Offshore Wind Generation Facility name(s), BOEM renewable energy lease number(s), whether each Offshore Wind Generation Facility represents Upgrade Capacity, available lease area capacity, Offer Capacity for each Offshore Wind Generation Facility, whether each Offshore Wind Generation Facility is Meshed Ready, total Offer Capacity, number of phases in which Offer Capacity will enter Commercial Operation, Proposal type, whether the Proposal is Standalone (if an Alternate Proposal), the applicable Supply Chain Investment Plan, whether the Proposal is a Purchase Commitment Proposal, unique Proposal name (if not the Required Base Proposal or Required Standalone Proposal), Proposal Code (from the Master Offers Form), pricing structure, contract tenor(s), whether the Proposal includes Energy Storage, Interconnection Cost Sharing or Inflation Adjustment, and if so, which Proposal without Energy Storage, without Interconnection Cost Sharing or without Inflation Adjustment the Proposal corresponds to. If the Proposal includes Energy Storage, the Bid Storage Capacity in MW and MWh and location of the Energy Storage (co-located or not co-located) are entered. If the Proposal includes an Offshore Wind Generation Facility that is not Meshed Ready, the corresponding Proposal that is fully Meshed Ready is entered.

Part II Project Definition Worksheet

The expected Commercial Operation Date and capacity of each phase, the P10 Annual OREC Exceedance value(s), the summer and winter UCAP Production Factors (if Proposal uses the Index OREC pricing structure), and Injection Point and Delivery Point descriptive information.

Part III Expected Performance Worksheet

Table III-1. P50 Generation (before outages and land-based transmission and curtailment losses) as a fraction of installed capacity by month and hour of day. For Alternate Proposals with co-located Energy Storage, this Table should reflect Energy Storage deployment if that changes the delivery profile.

Table III-2. Delivered energy as a fraction of P50 Generation by month and calendar year.

A separate Part III must be filled out for each Offshore Wind Generation Facility in the Proposal.

Part IV Pricing Worksheet

Indicate whether a Proposal with multiple Offshore Wind Generation Facilities has separate pricing for each Facility and enter Offer level nominal Strike Prices (if Index OREC) or Prices (if Fixed OREC) for each Contract Tenor selected. Up to two pricing offers can be submitted in each ODF, for the 25- and 20-year Contract Tenors. The ODFs

for the Required Base Proposal and Required Standalone Proposal must include an offer for the 25-year Contract Tenor.

NYISO Interconnection Cost Allocation parameters are entered, including an estimate of the expected value and confidence intervals. If the Proposal includes Interconnection Cost Sharing, indicate whether each Offshore Wind Generation Facility will include Interconnection Cost Sharing. If Interconnection Cost Sharing is included, identification of the interconnection cost level up to which the Proposer will absorb 100% of the interconnection cost in the Index OREC Strike Price of Fixed OREC Price, and two additional interconnection cost levels with percentages allocable to NYSERDA within the Interconnection Cost Sharing Adder is required.

Part V Economic Benefits Worksheets (See 6.4.19 and Appendix C.1)

Each line item listed in Tables V-1, V-2 and V-3 must be cross-referenced in the Economic Benefits Plan using the template provided in Appendix C.1.

Table V-1. Category 1, Incremental Economic Benefits associated with Offshore Wind Generation Facilities and associated investments other than in SCIP Facilities. Data are entered by ID number, including Project phase, time period, first calendar year and last calendar year in which the benefit is expected to accrue, description, and the net expenditures (stated in nominal dollars). Net expenditures associated with Labor, Disadvantaged Communities, MWBEs and SDVOBs, New York iron and steel and non-New York U.S. iron and steel can be entered where applicable. Net expenditures associated with SCIP Related Purchases, whether associated with an included SCIP or a Purchase Commitment Proposal, must be clearly indicated in the description field. Net expenditures associated with the Jobs and Workforce data entered in Table VI-1 will be automatically populated in Table V-1.

Table V-3. Category 3, Other Economic Benefits. Data are entered by ID number, first calendar and last calendar year in which the benefit is expected to accrue, description, Proposer's planned measurement metric and quantity of the input activity or benefit.

Part VI Jobs and Workforce Worksheets (See 6.4.19.3 and Appendix H)

Each line item listed in Tables VI-1 and VI-2 must be cross-referenced in the New York Jobs and Workforce Plan using the template provided in Appendix H.

Table VI-1. Category 1 Jobs and Workforce Data associated with Offshore Wind Generation Facilities and associated investments other than in SCIP Facilities. Data for labor-related claims are entered by ID number including Project phase, time period, industry code, location, job category, job description, start date, end date, total positions and compensation structure. For jobs with an hourly compensation structure,

data are entered for new hire hours,¹⁵ incumbent worker hours,¹⁶ regular pay rate, fringe benefits rate, overtime hours and overtime pay rate. For jobs with a total compensation structure (or jobs with an hourly compensation structure through a subcontractor where sufficiently granular data is not available), total FTE-Years and compensation are required. Total training cost for each job is also required, regardless of compensation structure. The total claims will be populated in Table V-1. Jobs commitments allocable to Disadvantaged Communities and MWBEs and SDVOBs can also be entered if applicable.

Part VII Summary of Annual Economic Benefits

Incremental Economic Benefits entries from Category 1 (Table V-1 and Table VI-1) restated on an annual total basis based on the years in which the benefits are expected to accrue.

6.3.3 Supply Chain Investment Plan Data Form

Each Supply Chain Investment Plan must be accompanied by a Supply Chain Investment Plan Data Form (SCIPDF) (Appendix M). The SCIPDF has six parts, listed below, and a User Guide. If the Proposer provides information in the narrative Supply Chain Investment Plan that conflicts with the information provided in the SCIPDF, the SCIPDF shall be considered to contain the governing and binding information for both the evaluation and any resulting Agreement and SCIP Facility Funding Agreement. In the case of conflicting information between the ODF and SCIPDF, the ODF shall govern.

Part I Identification and Financial Model Worksheet

Proposer name, Supply Chain Investment Plan name, Supply Chain Investment Plan ID, number of SCIP Facilities, SCIP Facility name(s), Proposed SCIP Facility Activity for each SCIP Facility, conditionality around minimum offtake volumes, type of long-term jobs, New York State Funding amount(s) and the proposed non-New York State Funding investment sources for each SCIP Facility.

Part II Economic Benefits Worksheets

Each line item listed in Tables II-2 and II-4 must be cross-referenced in the Supply Chain Investment Plan using the template provided in Appendix C.2.

Table II-2. Category 2, Incremental Economic Benefits associated with development and construction of SCIP Facilities. Data are entered by ID number, SCIP Facility, SCIP Facility phase, time period, first calendar year and last calendar year in which the benefit is expected to accrue, description, and the net expenditures (stated in nominal dollars). Net expenditures associated with Labor, Disadvantaged Communities and MWBEs and SDVOBs can be entered where applicable. Net expenditures associated with

¹⁵ New hires are employees whose first day of employment is on or after January 1, 2022.

¹⁶ Incumbent workers can include jobs retained through training programs.

the Jobs and Workforce data entered in Table III-2 will be automatically populated in Table II-2.

Table II-4. Category 4, Incremental Economic Benefits associated with operation and maintenance of SCIP Facilities. Data are entered by ID number, SCIP Facility, Operation Phase Period, first calendar and last calendar year in which the benefit is expected to accrue, description and the net expenditures (stated in nominal dollars). Net expenditures associated with Labor, Disadvantaged Communities and MWBEs and SDVOBs can be entered where applicable. Net expenditures associated with the Jobs and Workforce data entered in Table III-4 will be automatically populated in Table II-4.

Table II-5. Category 5, Other economic benefits that are reasonably expected to accrue in connection with New York State Funding of SCIP Facilities. Data are entered by ID number, first and last calendar year in which the benefit is expected to accrue, description, Proposer's planned measurement metric and quantity of the input activity or benefit.

Part III Jobs and Workforce Worksheets

Each line item listed in Table III-2 must be cross-referenced in the New York Jobs and Workforce Plan using the template provided in Appendix H.

Table III-2. Category 2 Jobs and Workforce Data associated with development and construction of SCIP Facilities. Data for labor-related claims are entered by ID number including SCIP Facility, SCIP Facility phase, industry code, location, job category job description, start date, end date, total positions and compensation structure. For jobs with an hourly compensation structure, data are entered for new hire hours, incumbent worker hours, regular pay rate, fringe benefits rate, overtime hours and overtime pay rate. For jobs with a total compensation structure (or jobs with an hourly compensation structure through a subcontractor where sufficiently granular data is not available), total FTE-Years and compensation are required. Total training cost for each job is also required, regardless of compensation structure. The total claims will be populated in Table II-2. Jobs commitments allocable to Disadvantaged Communities and MWBEs and SDVOBs can also be entered if applicable.

Table III-4. Category 4 Jobs and Workforce Data associated with operation and maintenance of SCIP Facilities. Data for labor-related claims are entered by ID number including SCIP Facility, Operation Phase Period, industry code, location, job category, job description, start date, end date, total positions and compensation structure. For jobs with an hourly compensation structure, data are entered for new hire hours, incumbent worker hours, regular pay rate, fringe benefits rate, overtime hours and overtime pay rate. For jobs with a total compensation structure (or jobs with an hourly compensation structure through a subcontractor where sufficiently granular data is not available), total FTE-Years and compensation are required. Total training cost for each job is also

required, regardless of compensation structure. The total claims will be populated in Table II-4. Jobs commitments allocable to Disadvantaged Communities and MWBEs and SDVOBs can also be entered if applicable.

Part IV Summary of Annual Economic Benefits Worksheet

Economic benefits entries from Category 2 (Table II-2 and Table III-2) and Category 4 (Table II-4 and Table III-4) re-stated on an annual total basis based on the years in which the benefits are expected to accrue for each SCIP Facility.

Part V Budget and Identification of Eligible Expenses Worksheet

Enter line items associated with capital expenditures for each proposed SCIP Facility in nominal dollars in the period (calendar month) in which each expense is expected to be incurred. Operational expenses are not included.

Part VI Schedule Worksheet

Enter key milestones in the development and construction of each proposed SCIP Facility.

6.4 Proposal Narrative

Only one Proposal Narrative can be included in the Submission, with both confidential and public versions. Each section of the Proposal Narrative must therefore address all Proposals included in the Submission and the variations among them. The role of each Proposal Narrative section in the evaluation is summarized in Table 4.

Table 4: Proposal Narrative Sections Use in Evaluation

Narrative Section	Use in Evaluation
1. Executive Summary	Eligibility
2. Impacts of COVID-19 on Proposer and Project Development	Informational
3. Proposer Qualifications	Project Viability – Developer Qualifications
4. Project Description and Site Control	Eligibility
5. Energy Resource Assessment and Plan	Project Viability – Energy Resource Assessment
6. Operational Parameters	Informational
7. Business Entity and Financing Plan	Project Viability – Financing Plan
8. Interconnection and Deliverability Plan	Project Viability – Interconnection and Deliverability
9. Fossil Repurposing Proposal	Project Viability – Repurposing Downstate Fossil Fuel Generation Infrastructure
10. Environmental Assessment and Permit Acquisition Plan	Project Viability – Permitting Plan and Status
11. Engineering and Technology	Project Viability – Proposed Technology
12. Project Schedule	Project Viability – Proposed Commercial Operation Date(s)
13. Construction and Logistics	Project Viability – Development and Logistics Plan
14. Fisheries Mitigation Plan	Project Viability – Responsible Development and Stakeholder Engagement
15. Environmental Mitigation Plan	Project Viability – Responsible Development and Stakeholder Engagement
16. Stakeholder Engagement Plan	Project Viability – Responsible Development and Stakeholder Engagement
17. Visibility and Viewshed Impacts	Project Viability – Responsible Development and Stakeholder Engagement
18. Disadvantaged Community Impacts	Project Viability – Responsible Development and Stakeholder Engagement New York Economic Benefits
19.1 Economic Benefits Plan	New York Economic Benefits
19.2 Supply Chain Investment Plan	Supply Chain Investment Plan Fundability New York Economic Benefits
19.3 Jobs and Workforce Plan	Eligibility New York Economic Benefits
20. Energy Storage Reducing Carbon Emissions and Embodied Carbon	Project Viability – Energy Storage
21. Reducing Carbon Emissions and Embodied Carbon	Informational

6.4.1 Executive Summary

Proposers are required to provide an executive summary that documents the eligibility of the proposed Offshore Wind Generation Facility, and the array of Proposals included in the Submission, including the proposed Contract Tenor(s), the overall Project schedule(s) including expected Commercial Operation Date(s), and other factors Proposers deem to be important.

A disclosure statement regarding whether the Proposer has been found non-responsible under Section 139-j of the State Finance Law within the previous four years must be provided (see Section 8.2).

If Proposer has any required disclosures, in accord with Section 8.5, they should be stated in this section. If Proposer has no required disclosures, that should be stated.

If Proposer has any conflicts of interest, in accord with Section 8.8, they should be disclosed in this section. If Proposer has no conflicts of interest, that should be stated.

A completed Vendor Responsibility Checklist must be submitted with the Proposal for the Proposer and each Funding Recipient, in accord with Section 8.12.

6.4.2 Impacts of COVID-19 on Proposer and Project Development

Proposers are required to describe how the ongoing COVID-19 pandemic has affected and/or continues to affect their business operations, the process of developing the Project, and the content of the Submission. For the avoidance of doubt, the content of this section of the Proposal Narrative is informational only and will not affect the Project Viability scoring of any of the submitted Proposals.

6.4.3 Proposer Qualifications

Proposers are required to provide the following information with their Proposal:

1. Describe the business entity structure of Proposers' organization from a financial and legal perspective, including all general and limited partners, officers, directors, managers, members and shareholders and any persons who the Proposer knows will become officers, board members or trustees, and involvement of any subsidiaries supporting the Project. Provide any Diversity, Equity, and Inclusion plan to be used in selecting new officers, board members or trustees.
2. An organizational chart for the Project that lists the Project participants, including parent companies and joint ventures transacting business in the energy sector, identifies the corporate structure, including general and limited partners, and shows the relationship among the different Project participants.
3. For joint ventures, identify all owners and their respective interests and document Proposer's right to submit a binding Proposal.
4. For all Proposers, provide the race and gender of the members of the governing body of the Proposer and its owner(s).
5. Statements that list the specific experience each of the Project participants (Proposer and any development partners) in developing, financing, owning, and operating generation and transmission facilities, other projects of similar type, size and technology, and any evidence that the Project participants have worked jointly on other projects.
6. A listing of projects the Project sponsor has successfully developed or that are currently under construction, or that the Proposer has secured financing for. Provide the following information for each project as part of the response:

- a. Name of the project
 - b. Location of the project
 - c. Project type, size and technology
 - d. Date of construction and permanent financing
 - e. Form of debt and equity financing
 - f. Current status of the project
 - g. Commercial Operation Date
 - h. Estimated and actual capacity factor of the project for the past three years
 - i. Availability factor of the project for the past three years
 - j. References, including the names and current addresses and telephone numbers of individuals to contact for each reference
 - k. Specific members of the Project team that worked on the project
7. A management chart that lists the key personnel dedicated to this Project, and resumes of the key personnel, and a description of key personnel experience successfully developing and/or operating one or more projects of similar size or complexity or requiring similar skill sets.
8. With regard to Proposer's Project Team, identify and describe, including relevant experience, the entity responsible for the following, as applicable:
- a. Construction Period Lender, if any
 - b. Diversity, Equity, and Inclusion Officer
 - c. Environmental Consultant
 - d. EPC Contractor (if selected)
 - e. Facility Operator and Manager
 - f. Financial Advisor
 - g. Labor Liaison
 - h. Legal Counsel
 - i. Operating Period Lender and/or Tax Equity Provider, as applicable
 - j. Owner's Engineer
 - k. Transmission Consultant
9. Identify the entity that will assume the duties of NYISO Market Participant for your proposed Offshore Wind Generating Facility. Provide a summary of Proposer's or Market Participant's experience with the wholesale market administered by NYISO as well as transmission services performed by Con Edison, NYPA, and PSEG-LI/LIPA.
10. Disclose any pending (currently or in the past three years) litigation or disputes related to projects planned, developed, owned or managed by Proposer or parent companies in the United States, or related to any energy product sale agreement.
11. Describe any material litigation, disputes, claims or complaints, or events of default or other failure to satisfy contract obligations, or failure to deliver products, involving Proposer or a

parent company, and relating to the purchase or sale of energy, capacity or RECs or other electricity products.

12. Confirm that Proposer, and the directors, employees and agents of Proposer and any parent company of Proposer are not currently under investigation by any governmental agency and have not in the last four years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction involving conspiracy, collusion or other impropriety with respect to offering on any contract or have been the subject of any debarment action (detail any exceptions).

6.4.4 Project Description and Site Control

Identify the BOEM wind energy area where the proposed Offshore Wind Generation Facility will be located. Provide documentation that Proposer has a valid lease or irrevocable lease option to develop the leased area within this wind energy area over the entire Contract Tenor.

Provide a site plan (or plans) including a map (or maps) that clearly identifies the location of the proposed Offshore Wind Generation Facility, collection facilities, offshore substation and Meshed Ready facilities, offshore and onshore route of the generator lead line to the interconnection point, converter station(s), and the assumed right-of-way width. Identify the anticipated Injection and Delivery Point(s), support facilities, and the relationship of the Injection and Delivery Point(s) to other local infrastructure, including transmission facilities, roadways, and waterways.

Identify any rights that Proposer or its development partner has at the Injection and Delivery Point(s) and for the generator lead line right of way. Identify any additional rights that are necessary for interconnection and for the generator lead line right-of-way.

The site plan should also illustrate the location of all onshore and offshore equipment and facilities and clearly delineates the turbine array and perimeter of the area in which offshore wind turbines will be placed.

For Offshore Wind Generation Facilities that contribute less than 1,000 MW to the Proposal's Offer Capacity, provide the turbine capacity density assumptions used to arrive at the Offer Capacity as representing the maximum available capacity from the lease area.

6.4.5 Energy Resource Assessment and Plan

Provide a summary of all collected wind data for the proposed Offshore Wind Generation Facility site. Identify when and how (e.g., meteorological mast or LiDAR – for "Light Detection and Ranging") the data was collected and by whom.

Indicate where the data was collected and its proximity to the proposed Offshore Wind Generation Facility site. Include an identification of the location and height for the anemometers and/or "range gate" heights for sensing by LiDAR that were used to arrive at an assessment of the site generation capability. Describe any additional wind data collection efforts that are planned or ongoing. Provide at least one year of hourly wind resource data in a working Excel file (the required Wind Resource Data

attachment). Data collected from the site is preferred, though projected data is permissible. The method of data collection must also be included.

Provide a wind resource assessment report for the Proposed Offshore Wind Generation Facility site. Include an analysis of the available wind data which addresses the relationship between wind conditions and electrical output. Provide a site-adjusted power curve. Each curve should list the elevation, temperature and air density used.

Provide a justification for the selected P10 Annual OREC Exceedance value based in the Wind Resource Data for the Project. Provide the basis for the delivered energy profile presented in Part III of the Offer Data Form relative to the P50 generation profile, including a reasonable assessment of potential/expected curtailment in addition to losses. Describe measures to identify and control the regulatory and operational risks related to the delivery of energy from the Offshore Wind Generation Facility.

6.4.6 Operational Parameters

Provide partial and complete planned outage requirements in weeks or days for the Offshore Wind Generation Facility. Also, list the number of months required for the cycle to repeat (e.g., list time interval of minor and major overhauls, and the duration of overhauls).

Provide all the expected operating constraints and operational restrictions for the Project, the reason for the limitation, and characterize any applicable range of uncertainty.

6.4.7 Business Entity and Financing Plan

Proposers are required to demonstrate the financial viability of their proposed Project. A narrative description of the financing plan should be included in the Proposal Narrative. Detailed supporting information, including financial statements and other documents, should be included in the required Financing Plan attachment.

Proposers should provide the following information in the Financing Plan:

1. Submit information and documentation that demonstrates that a long-term contract resulting from this RFP process would either permit Proposers to finance Proposals that would otherwise not be financeable or assist Proposers in obtaining financing of its Proposal.
2. Provide a description of the Financing Plan for the Project, including construction and term financing. The Financing Plan should address the following:
 - a. Who will finance the Project (or are being considered to finance the Project) and the related financing mechanism or mechanisms that will be used (i.e., convertible debenture, tax or contingent equity, other) including repayment schedules and conversion features
 - b. Project's existing initial financial structure and projected financial structure
 - c. Expected sources of debt and equity financing

- d. Describe how any such agreements would differ, contingent on NYERDA's selection of a specific Proposal (e.g., Fixed OREC vs. Index OREC, SCIP or Standalone, Inflation Adjusted or not Inflation Adjusted)
 - e. Estimated construction costs, including identification of the costs associated with Meshed Ready design, and identification of costs associated with transmission
 - f. Projected capital structure during construction and operation
 - g. Describe any agreements, both pre and post Commercial Operation Date, entered into with respect to equity ownership in the proposed Project and any other financing arrangement.
3. Provide evidence that Proposer has the financial resources and financial strength to complete and operate the Project as planned.
4. Describe the planned insurance program, including how climate-related physical risks are factored into the insurance deductible and if added resilience measures or design and construction features taken to strengthen the ability of the Project to handle climate shocks or stresses may act to lower insurance premiums or deductibles.
5. Proposer's estimate of inflation using an index or indices that are relevant to the Project's construction and operations costs.
6. Describe the role of the Federal Production Tax Credit or Investment Tax Credit (or other incentives) on the financing of the Project, including presumed qualification year and percentage and estimated eligible capital expenditures. Provide an explanation for the assumed ability or inability to qualify for the Federal Production Tax Credit or Investment Tax Credit. The Proposal may not be contingent on receipt of the Production Tax Credit or Investment Tax Credit. Refer to Section 2.1.5 and to Section 5.07 of the Agreement for the Bid Price adjustment related to receipt of Project Qualifying Federal Support.
7. Provide complete copies of the most recent audited financial statement and annual report for each Proposer for each of the past three years; including parent companies of Proposer (if audited statements are not available, reviewed or compiled statements are to be provided). Also, provide the credit ratings from Standard & Poor's and Moody's (the senior unsecured long-term debt rating or, if not available, the corporate rating) of Proposer and any parent companies and development partners.
8. Demonstrate Proposer's ability (and/or the ability of its credit support provider) to provide the required security, including its plan for doing so.
9. Provide a description of any current or recent credit issues/ credit rating downgrade events regarding Proposer or parent companies raised by rating agencies, banks, or accounting firms. Provide information regarding any exposure of the Proposer and/or parent companies including joint ventures to adverse events related to investments and other activities in Russia. Discuss corporate withdrawals from investments in Russia, the impact of write-offs, write-downs and/or

related impairment charges and government sanctions arising from the conflict in Ukraine affecting the Proposer, parent companies and/or joint venture participants, including limited liability corporations.

10. Provide the expected operating life of the proposed Project and the depreciation period for all substantial physical aspects of the offer, including generation facilities, generator lead lines to move power to the grid, and transmission system upgrades.
11. Details of any events of default or other credit/financial issues associated with all energy projects (other than those under contract with NYSERDA) in which the Proposer (and other equity partners), its parent companies, and directors, officers, and senior managers of those entities, participated over the past three years.

6.4.8 Interconnection and Deliverability Plan

Proposers are required to demonstrate the Offshore Wind Generation Facility's interconnection status and deliverability capabilities. A narrative description of the Interconnection and Deliverability Plan should be included in the Proposal Narrative. Detailed supporting information should be included in the required Interconnection and Deliverability Plan attachment.

Proposers should provide the following information in the Interconnection and Deliverability Plan:

1. Provide documentation to show evidence of the interconnection request to NYISO or any neighboring Control Area for Capacity Resource Interconnection Service (CRIS) or for Energy Resource Interconnection Service, or similar interconnection standards in the neighboring Control Areas. Evidence that Proposer has a pending, valid interconnection request is sufficient for eligibility under this RFP, but further detail will add to the viability of the proposed plan. Describe the status of any planned interconnection to the grid.
2. Proposer must provide a detailed plan and a reasonable timeline to complete the interconnection process with NYISO for direct interconnection(s) to the NYCA and, if applicable, for any other interconnecting authority (Regional Transmission Organization, "RTO," or Independent System Operator, "ISO") in an adjacent Control Area, i.e., ISO-NE or PJM. The timeline must be consistent with meeting the overall development schedule and proposed Commercial Operation Date(s).
3. Provide a copy of an electrical one-line diagram showing the interconnection facilities and the relevant facilities of the transmission provider.
4. Identify and provide an estimate of the expected NYISO Interconnection Cost Allocation, which will be used as the Interconnection Cost Allocation Baseline in Section 5.04 of the Agreement unless revised by NYSERDA as described in Section 4.2.1, and associated confidence intervals for all proposed or anticipated interconnection and transmission system upgrades, including any transmission system upgrades beyond the point of interconnection that are needed to ensure delivery of energy from the Offshore Wind Generation Facility into NYCA. Provide an

explanation of how these values were developed, along with any available supporting information. NYSERDA understands that these values will be imperfect and seeks to understand the Proposer's view on interconnection risks. Any additional information that will support this review will be accepted, including further narrative information describing a range of estimates, confidence intervals, or scenarios.

5. For an Offshore Wind Generation Facility interconnecting in an adjacent Control Area, describe how Proposer intends to fulfill the Electricity Delivery Requirements contained in Article III of the Agreement.
6. Proposals must provide any information they are aware of regarding the available capacity, at the time of submission, of the proposed Injection Point(s), such as through the [Utilities' Revised Headroom Calculations](#) as filed with the PSC.
7. Provide detailed maps that show the proposed off- and on-shore cable route(s) from the offshore project to the proposed Injection Point including (if applicable) the converter station location and landfall point(s). Include as much supportive detail and information of relevance for an actual or eventual Article VII filing as available at the time of submission.
8. Describe any specific power grid benefits brought by the selection of the interconnection and delivery points such as reduced curtailments, congestion relief, or ability to integrate Energy Storage capacity.
9. Describe any Alternate Proposals which contemplate different Delivery Points. Give details on relative merits of each considering cable routing, interconnection cost, local system upgrades, or other benefits or burdens associated with siting the Project.
10. Describe the components that will be installed to meet the Meshed Ready requirements set forth in Appendix G and enable future operability if recommended by the New York State Public Service Commission for interconnection to the Meshed Network.
11. Provide drafts of the required Meshed Ready deliverables listed in Section G.2.3 of Appendix G.
12. For any Alternate Proposals that will be excluded from the Meshed Ready system, provide a clear and detailed justification for the exclusion.

6.4.9 Fossil Repurposing Proposal

Fossil Repurposing Proposals must demonstrate usage rights and authority to carry out such a repurposing as further described in Section 2.1.8. A narrative description of the Fossil Repurposing Proposal should be included in the Proposal Narrative. Proposers are required to submit a plan for conversion of the existing facility explaining what the new purpose or function of the infrastructure would be as a separate file.

To demonstrate usage rights and authority to carry out the repurposing, the Proposer of any Fossil Repurposing Proposal must provide an executed agreement or letter of intent with the owner(s) of the relevant fossil-based electric generation infrastructure.

The Fossil Repurposing Proposal must lay out a clear plan and timeline for implementation, including obtaining regulatory approvals, prior to the Project's commencement of operations. Given uncertainties with respect to the rapidly evolving energy industry and regulatory environment, as further described in Section 3.2.10, NYSERDA requires Proposers to include contingency plans in the event that the proposed Affected Resource is retained for reliability needs or any of the Fossil Repurposing Proposal is delayed or unable to be completed prior to the Project's commencement of operations (for example, if regulatory approvals are not obtained by such time). Contingency plans for Fossil Repurposing Proposals should include a clear plan and timeline, including obtaining regulatory approvals. Due to the complexities and uncertainties around Affected Resources, Proposers are encouraged to submit an Alternate Proposal which does not include a Fossil Repurposing Proposal.

Proposers should consider and explain the impact of state and federal interconnection requirements on their proposal, including applicable generator interconnection requirements contained in the NYISO's tariffs and PSC regulations (including, to the extent applicable, Attachments P S, X and Z of the NYISO Open Access Tariff and the Transmission Expansion and Interconnection Manual).

To facilitate evaluation, any Fossil Repurposing Proposal that includes an Affected Resource should:

1. Provide a detailed and specific description of and timeline for the repurposing of the Affected Resource, including any expected conditions precedent to implementation.
2. Identify whether the Affected Resource is subject to the DEC Peaker Rule. If it is, the Fossil Repurposing Proposal should demonstrate how the timeline for implementation is consistent with DEC Peaker Rule requirements. If it is not, the Fossil Repurposing Proposal should include an expected timeline for obtaining reviews and approvals from any applicable NYISO and PSC processes and any other applicable regulatory authorities for the proposed change to operating profile or deactivation. Proposers are encouraged to reference [the NYISO Reliability Planning Process Manual](#).
3. Include any electric system studies or assumptions relied on in developing the timeline for the repurposing of the Affected Resource, including consideration of the potential for reliability mitigation measures to be required. Proposers are encouraged to reference the [New York State Power Grid Study](#), [the NYISO Gold Book](#) and Proposed Generator Status Changes to comply with the DEC Peaker Rule.

Further information regarding the required contents of Fossil Repurposing Proposals is set forth in Sections 2.1.82.1.8 and 3.2.10 and Section 12.16 of the Agreement.

6.4.10 Environmental Assessment and Permit Acquisition Plan

Proposers are required to demonstrate a plan for environmental assessment and permit acquisition for the Offshore Wind Generation Facility. Proposers should provide the following information:

1. Provide a comprehensive list of all the permits, licenses, and environmental assessments and/or environmental impact statements required to construct and operate the Project. Along with this list, identify the governmental agencies that are responsible for issuing approval of all the permits, licenses, and environmental assessments and/or environmental impact statements. If a Proposer has secured any permit or has applied for a permit, please indicate this in the response.
2. Provide the anticipated timeline for seeking and receiving the required permits, licenses, and environmental assessments and/or environmental impact statements. Include a Project approval assessment which describes, in narrative form, each segment of the process, the required permit or approval, the status of the request or application and the basis for projection of success by the milestone date. All requirements should be included on the Project Schedule as described in Section 6.4.12.
3. Provide the SAP and COP, if completed. If the SAP and/or COP are not completed, provide the status of development of these plans and a proposed plan and timeline for completion.

6.4.11 Engineering and Technology

Provide information about the specific technology or equipment including the track record of the technology and equipment and other information as necessary to demonstrate that the technology is viable.

1. Provide a preliminary engineering plan which includes at least the following enumerated information. If specific information is not known, identify manufacturers, vendors, and equipment that will be considered.
 - a. Type of foundation, Offer Capacity, and generator lead line transmission technology
 - b. Primary Components to be used
 - c. Manufacturer of each of the Primary Components as well as the location where each Primary Component will be manufactured
 - d. Status of acquisition of the Primary Components
 - e. Status of any contracts for the Primary Components that Proposer has secured or Proposer's plan for securing equipment and the status of any pertinent commercial arrangements
 - f. Equipment vendors selected/considered
 - g. Track record of equipment operations
 - h. How climate-related physical risks across the different components and asset classes of the Project have been considered
 - i. Design considerations (technology selection, layout) for climate adaptation and resiliency such as sea level rise and dynamic flooding events, potential impacts from increased frequency and severity of storms (e.g., superstorms, hurricanes, seismic

activity, etc.) and features that will strengthen the Project's ability to handle shocks and stresses

- j. Design considerations that help to support responsible disposal and or recycling of Primary Components after the end of their useful life and equipment plans that generally aim to consider the precepts of the circular economy.
 - k. In the event the Primary Components or Sub-component manufacturers have not yet been selected, identify in the equipment procurement strategy the factors under consideration for selecting the preferred equipment, including alignment with the considerations above, as well as the anticipated timing associated with the selection of the equipment manufacturer, including the timing for binding commercial agreement(s).
2. Describe the lighting controls that will be utilized on the Offshore Wind Generation Facility and explain how these controls comply with the minimum contract standards and the Offshore Wind Orders.

6.4.12 Project Schedule

A Proposer must demonstrate that its Project can be developed, financed, and constructed within a commercially reasonable timeframe. Proposer is required to provide sufficient information and documentation showing that Proposer's resources, process, and schedule are adequate for the acquisition of all rights, permits, and approvals for the financing of the Project consistent with the proposed milestone dates that support the proposed Commercial Operation Date(s).

Proposers are required to provide a complete critical path schedule for the Project from the notice of award to the start of commercial operations. Provide a detailed Gantt chart equivalent in a working Excel file (the required Project Schedule attachment) For each Project element listed below, provide the start and end dates:

1. Identify the elements on the critical path. The schedule should include, at a minimum, preliminary engineering, financing, acquisition of real property rights, Federal, state and/or local permits, licenses, environmental assessments and/or environmental impact statements (including anticipated permit submittal and approval dates), completion of interconnection studies and approvals culminating in the execution of the NYISO Interconnection Service Agreement, financial close, engineer/procure/construct contracts, start of construction, construction schedule, and any other requirements that could influence the Project schedule.
2. Describe the anticipated permissible offshore construction windows, and how the construction milestones will be accommodated within these windows.
3. Detail the status of all critical path items, such as receipt of all necessary siting, environmental, and NYISO approvals.

Provide a detailed plan and timeline for the acquisition of any additional rights necessary for interconnection and for the generator lead line right-of-way.

6.4.13 Construction and Logistics

This section of the Proposal addresses necessary arrangements and processes for outfitting, assembly, storage, and deployment of Primary Components. Please provide a construction and logistics plan that captures the following objectives:

1. List the major tasks or steps associated with deployment of the proposed Project and the necessary specialized equipment (e.g., vessels, cranes).
2. List the party or parties responsible for each deployment activity and describe the role of each party. Describe the status of Proposer's contractual agreements with third-party equipment/service providers.
3. Identify the marine terminals and other waterfront facilities that will be used to stage, assemble, and deploy the Project for each stage of construction.
 - a. If available, evidence that Proposer or the equipment/service provider have right(s) to use a marine terminal and/or waterfront facility for construction of the Project (e.g., by virtue of ownership or land development rights obtained from the owner).
 - b. If not available, describe the status of acquisition of real property rights for necessary marine terminal and/or waterfront facilities, any options in place for the exercise of these rights and describe the plan for securing the necessary real property rights, including the proposed timeline. Include these plans and the timeline in the overall Project Schedule in Section 6.4.12.
 - c. Identify any joint use of existing or proposed real property rights for marine terminal or waterfront facilities.
4. Describe the proposed approach for staging and deployment of Primary Components to the Project site. Include a description and discussion of the laydown facility/facilities to be used for construction, assembly, staging, storage, and deployment.
5. Indicate the number, type and size of vessels that will be used, their respective uses, and how vessels will be secured for the required construction period. Explain how Proposer's deployment strategy will conform to requirements of the Merchant Marine Act of 1920 (the Jones Act).

6.4.14 Fisheries Mitigation Plan (See Appendix D)

Proposers must include in their Proposal a Fisheries Mitigation Plan in as much detail as possible that describes how Proposer will mitigate adverse impacts on the commercial fishing industry that may be caused by the Project. A narrative description of the Fisheries Mitigation Plan should be included in the Proposal Narrative. The Elements of the Fisheries Mitigation Plan should be submitted as the required Fisheries Mitigation Plan attachment. Both confidential and public versions of the Fisheries Mitigation Plan must be included in the Submission. The public version of each Fisheries Mitigation Plan will be made publicly available upon Proposal submission and should therefore utilize language accessible to the public that demonstrates an understanding of New York's diverse stakeholders, unique coastal and marine resources, and local communities.

Elements of the Fisheries Mitigation Plan are described in detail in Appendix D. Proposers are advised to review the Fish and Fisheries Study prepared for the New York State Offshore Wind Master Plan with respect to the potential impacts of offshore wind energy development on the fishing industry, and also are advised to include in their mitigation plan the appropriate Best Management Practices described in the Master Plan, its supporting studies and more recent relevant work. NYSERDA recognizes that after submission to the agency, the Proposer may change and update the Fisheries Mitigation Plan to reflect findings during the environmental reviews conducted by BOEM or New York State.

6.4.15 Environmental Mitigation Plan (See Appendix E)

Proposers must include in their Proposals a detailed Environmental Mitigation Plan that describes how Proposer will mitigate adverse environmental impacts that may be caused by the Project. A narrative description of the Environmental Mitigation Plan should be included in the Proposal Narrative. The Elements of the Environmental Mitigation Plan should be submitted as the required Environmental Mitigation Plan attachment. Both confidential and public versions of the Environmental Mitigation Plan must be included in the Submission. The public version of each Environmental Mitigation Plan will be made publicly available upon Proposal submission and should therefore utilize language accessible to the public that demonstrates an understanding of New York's diverse stakeholders, unique coastal and marine resources, and local communities.

Elements of the Environmental Mitigation Plan are described in detail in Appendix E. Proposers are advised to review the environmental studies prepared for the New York State Offshore Wind Master Plan with respect to the potential impacts of offshore wind energy development on the environment, and also are advised to include in their mitigation plan the appropriate Best Management Practices described in the Master Plan, its supporting studies and more recent relevant work. As with the Fisheries Mitigation Plan, NYSERDA recognizes that after submission to the agency, the Proposer may change and update the Environmental Mitigation Plan to reflect findings during the environmental reviews conducted by BOEM or New York State. NYSERDA encourages Proposers to consider mitigation measures beyond those that may be legally required by environmental reviews completed under NEPA, SEQRA or other review laws.

6.4.16 Stakeholder Engagement Plan (See Appendix F)

Proposers must include in their Proposals a detailed Stakeholder Engagement Plan that describes stakeholder engagement activities and commitments during the planning, construction, operation, and decommissioning phases of the Project and associated investments (except for SCIP Facilities, which will be included in the Supply Chain Investment Plan Stakeholder Engagement Plan). A narrative description of the Stakeholder Engagement Plan should be included in the Proposal Narrative. The Stakeholder Engagement Plan itself should be submitted as the required Stakeholder Engagement Plan attachment. Both confidential and public versions of the Stakeholder Engagement Plan must be included in the Submission. The public version of each Stakeholder Engagement Plan will be made publicly available upon Proposal submission and should therefore utilize language accessible to the public that demonstrates an understanding of New York's diverse stakeholders, unique coastal and marine resources, and local communities.

Elements of the Stakeholder Engagement Plan are described in detail in Appendix F.

6.4.17 Visibility and Viewshed Impacts

Proposers must address a Project's visibility from shore. Identify the distance in statute miles between the nearest shoreline point and the nearest Offshore Wind Generation Facility turbines. If a Project is proposed to include turbines less than 20 statute miles from the nearest shoreline point of any state, Proposers must explain (i) how the Project will minimize adverse impacts related to visibility of turbines, including potential impacts on the local and state economy and historic and visual resources, such as publicly-accessible viewsheds, and (ii) how consideration of economic and environmental concerns contributed to the proposed distance from shore.

Additionally, all Proposals, regardless of distance from the nearest shoreline, must include a visibility study that presents visual simulations of the proposed Offshore Wind Generation Facility. Visibility studies must include a map or maps along with supporting GIS shape files that depict the nearest coastline, the boundary of the proposed site to be developed and any other reasonable reference points (e.g., coastal cities, historic sites, other wind energy areas). Simulations must be single frame, photographic images with superimposed simulations of the proposed wind turbine technology configured to represent a commercially-scaled and technically feasible scenario that is consistent with the proposed Project including operating capacity, wind turbine size, and generic spacing and configuration. Viewing instructions must be included on each simulation.

Visual simulations must represent, at a minimum, clear, partly cloudy, and overcast conditions during early morning, mid-afternoon, and late day, as well as one simulation at night with the turbines lit under clear conditions. Visual simulations must be provided from a minimum of two representative vantage points which represent the closest points to shore from any turbine within the Offshore Wind Generation Facility and, if applicable, any sensitive or historic viewpoints within 20 statute miles of the nearest turbine. The visibility study must also include analysis of the percentage of time during which different visibility conditions are expected to occur based on past meteorological data.

The simulations must be provided in a format suitable to be printed or electronically viewed by the public and/or the OREC Scoring Committee.

6.4.18 Disadvantaged Community Impacts

All Proposers are required to fully detail the benefits and burdens associated with the impacts of the Project's development on any hosting and/or proximate Disadvantaged Communities, as identified through engagement with Disadvantaged Communities, and in accordance with the most recent relevant guidance per the [Climate Action Council](#) and [Climate Justice Working Group](#). Benefits of project development may include establishment of education and training opportunities for members of Disadvantaged Communities, the hiring of residents from Disadvantaged Communities, or other investments identified as priorities for the community through documented engagements.

All Proposers are expected to explore how they can design their investments to provide benefits to and reduce burdens on Disadvantaged Communities in accordance with the 2020 CES Modification Order.

Commitments to Disadvantaged Communities must be described explicitly and will be incorporated in Section 6.05 of the Agreement. Proposers are encouraged to reference Appendix C.3, which describes categories of benefits to Disadvantaged Communities.

6.4.19 New York Economic Benefits

The Proposal Narrative should include a high-level summary of the Economic Benefits Plan for each Proposal included in the Submission, each Supply Chain Investment Plan included in the Submission, and the New York Jobs and Workforce Plan.

6.4.19.1 Economic Benefits Plan (See Appendix C.1)

The purpose of the Economic Benefits Plan is (i) to allow Proposer to document its approach to fulfilling the claims that are provided in the Offer Data Form, (ii) to allow Proposer to explain and justify its Incremental Economic Benefits claims, (iii) to help NYSERDA assess the credibility of the Incremental Economic Benefits claimed in the Offer Data Form, and (iv) to allow the Proposer to capture and explain perceived broader impacts and causal sequence of economic benefits that are otherwise not captured in the Offer Data Form.

The Economic Benefits Plan for each Proposal should be submitted in a separate required Economic Benefits Plan attachment. The Economic Benefits Plan attachments must include descriptions and supporting documentation for the included Incremental Economic Benefits claims, as described in provided in Appendix C.1, specifically Section C.1.B.2.

6.4.19.2 Supply Chain Investment Plan(s) (See Appendix C.2)

The Supply Chain Investment Plan should describe plans to leverage New York State Funding to support offshore wind staging, manufacturing, and/or other miscellaneous offshore wind related uses of port or manufacturing facilities that create real, persistent and sustainable institutional or labor capabilities in New York State, and that lower the cost of future offshore wind projects.

The Supply Chain Investment Plan(s) included in the Submission must align with the Proposer's Economic Benefit Plan(s) and associated claims of Incremental Economic Benefits in each Proposal as described in Appendix C.1 above; specifically, those claimed Incremental Economic Benefits associated with Category 2 that are predicated on New York State Funding. For the avoidance of doubt, New York State funds cannot themselves be counted as part of a Proposal's Incremental Economic Benefits.

Each Supply Chain Investment Plan must be submitted in a separate required Supply Chain Investment Plan attachment. The organization and contents of the Supply Chain Investment Plan should align with the structure outlined in Appendix C.2. If a Proposer's submission includes multiple Supply Chain Investment Plans, a separate SCIPDF must be submitted for each Supply Chain Investment Plan.

6.4.19.3 New York Jobs and Workforce Plan (See Appendix H)

Proposers must include a detailed New York Jobs and Workforce Plan that describes the Project's impact and benefit to New York's offshore wind workforce with specific focus on recruiting and collaborating with skilled trades / labor unions, members of Disadvantaged Communities, MWBEs and SDVOBs.

The New York Jobs and Workforce Plan itself should be submitted as the required New York Jobs and Workforce Plan attachment. Elements of the New York Jobs and Workforce Plan are described in detail in Appendix H. Both confidential and public versions of the New York Jobs and Workforce Plan must be included in the Submission. The public version of each New York Jobs and Workforce Plan will be made publicly available upon Proposal submission. It is strongly encouraged that Proposers review the latest [New York Clean Energy Industry Report](#).

6.4.19.4 MWBE and SDVOB Economic Benefits

Proposals will be required to state the amount of Incremental Economic Benefits that will accrue to MWBE and SDVOB contractors and subcontractors. These values will be indicated in the Offer Data Form and SCIPDF and should also be noted in the narrative Economic Benefits Plan. These Incremental Economic Benefits will receive greater weight in scoring and will be included in the Agreement as further described in Appendix C.1.

6.4.20 Energy Storage

For Proposals that include Energy Storage, the Proposer must provide a complete description and overview of the Energy Storage, describing the area included in and surrounding the Energy Storage site, local zoning, other applicable ordinances and municipal laws, the existing land use (e.g., woodlands, brownfield, agriculture, other) and setting (e.g., rural, urban, suburban, other) and what the Energy Storage site has been used for in the recent past. Provide a map indicating the proposed location of the Energy Storage. Describe how the Proposer or Energy Storage developer has or will have obtained site control for the proposed Energy Storage location.

The Proposer must identify the proposed Energy Storage interconnection point, and if different than the Offshore Wind Generation Facility Injection Point(s), describe what rights the Proposer or Energy Storage developer partner has to the Energy Storage interconnection point and provide a detailed plan and timeline for the acquisition of any additional rights necessary to utilize the Energy Storage interconnection point. If the Energy Storage has a separate NYISO interconnection request from the Project, the Proposer must provide a detailed plan and a reasonable timeline to complete the Energy Storage interconnection process with NYISO.

Describe the Proposer's or Energy Storage developer's prior experience with Energy Storage development. Describe any community engagement that the Proposer or Energy Storage developer has undertaken related to the Energy Storage. The Proposer must provide a complete description of the benefits and burdens associated with the development of the Energy Storage on any host communities or proximate communities designated as Disadvantaged Communities.

Include and describe the status and development stage of Energy Storage (development, construction, or operation). Describe the financing plan for the Energy Storage. Identify the required permits and plan to acquire them and provide a development schedule. Include information about the specific technology or equipment considered or selected, major equipment to be used, manufacturer or vendors considered or selected, equipment acquisition status, and equipment contract/agreement status.

Confirm that the Energy Storage will be included in the carbon accounting and treatment of embodied carbon utilized for the Project, or describe the different approach to carbon to be utilized for the Energy Storage.

The Proposer must provide a complete description and overview of the planned interconnection of the Energy Storage, including how the Proposer or Energy Storage developer plans to gain interconnection site control and any rights that must be obtained by the Proposer or interconnecting utility for the Energy Storage interconnection and a timeline for acquiring such rights. If applicable, fully describe the relationship of the site to other adjacent infrastructure, including planned or alternate points of interconnection. If the Proposer is planning on using an adjacent parcel or if the right of way is controlled by or assignable to the interconnecting utility that will own the interconnection facilities, clearly explain this in the narrative. Specify and describe the current or new interconnection facilities (lines, transformers, switching equipment, system control protection, etc.) that the Proposer owns or is intending to construct or have constructed.

Provide all assumptions used in preparing the energy profile provided in Part III of the Offer Data Form, and explain how the energy profile relates to the intended deployment strategy. The Proposer must provide the following:

1. System operating parameters
 - Manufacturer and model for major components (battery and inverter units, etc.), if known
 - Maximum continuous power (MW or kW, AC)
 - Total energy (MWh or kWh, AC)
 - Duration (hours)
 - Round trip efficiency (%)
2. Available specification sheets from manufacturer
3. Expected system degradation over the proposed operating period, schedule for re-racking if applicable, and expected useful life (must be at least 10 years)
4. If Energy Storage will be located at the Offshore Wind Generating Facility's Delivery Point, provide a diagram showing the arrangement of storage unit(s), inverter(s), meter(s), and interconnection.

Proposers should describe how the placement of the Energy Storage contributes to reducing carbon emissions through displacing fossil fuel generation. Proposer must fully describe the intended deployment and dispatch of the storage system over the contract term, and how the deployment will provide benefits to the downstate electric grid, including advancement of New York State's decarbonization goals. Example deployments may include:

- Dispatched to provide renewable integration and firm up a variable renewable energy resource
- Dispatched dynamically to reduce system peak demand or energy cost to load
- Available to provide ancillary services, e.g., reserves, voltage control, frequency regulation
- Available to provide distribution system support

Proposers should provide information that demonstrates the reliability, resilience, economic, and decarbonization benefits to the electric grid of including Energy Storage in the Proposal. Proposers are strongly encouraged to provide an assessment of the Energy Storage's impacts on regional transmission constraints and any benefits to local congestion and/or curtailment that is observed today or estimated due to the operation of future proposed generators. Proposers should also describe how the Energy Storage will improve utilization of the Project if applicable.

If an award includes Energy Storage, the Proposer must agree to reasonably participate in an Energy Storage Technical Working Group (ES TWG) and its associated activities.

6.4.21 Reducing Carbon Emissions and Embodied Carbon

Proposals should discuss how the Project will offset emissions in further contribution toward New York State's decarbonization goals, whether through Fossil Repurposing Proposals, integration of Energy Storage in strategic grid locations that support system reliability, or otherwise. The Proposal should demonstrate a commitment to understanding the carbon footprint of the Project overall and a description of how, by design, the Project is actively seeking opportunities to reduce the amount of embodied carbon.

To begin to provide some basic accountability for embodied carbon, the Proposal must describe the efforts undertaken by the Proposer, including any tools or methodologies used, to better understand and consider carbon intensity in design, sourcing and construction, and the steps that have been taken to minimize carbon emissions, including embodied carbon, from the proposed Project. The Proposer should also propose the methodology by which such reduction activities will be considered and integrated into the Project's design as the project evolves. Finally, the Proposer should include the proposed process by which the Proposer will validate, following commissioning of the Project, a final accounting of the Project's embodied carbon, including any methodology and certifiable environmental product declarations, to promote disclosure of the Project's ultimate carbon footprint and relatedly, the Project's energy and carbon payback periods.

NYSERDA requires that Proposers describe the efforts undertaken by the Proposer to better understand and consider carbon intensity in design, sourcing and construction, and the steps that have been taken to minimize embodied carbon, from the proposed Project. Proposals must also describe the process by which the Proposer will account for embodied carbon on an ongoing basis as the Project evolves. This could include the sourcing and manufacturing of Primary Components such as platforms, turbines, cables, and substations, but should also consider associated activities such as construction, operation & maintenance, and decommissioning. This could also include opportunities to support carbon mitigation efforts in collaboration with New York State manufacturing sources.

6.5 Proposer Certification

Proposer must complete and submit the Proposer Certification Form in Appendix B. The Proposer Certification Form must be signed by an authorized officer or other duly authorized representative of Proposer.

6.6 Exceptions to Agreement, SCIP Facility Funding Agreement and Capital Commitment Agreement

If Proposer is proposing any exceptions to the Agreement, included as Appendix I, the SCIP Facility Funding Agreement, included as Appendix J, and/or the Capital Commitment Agreement, included as Appendix O, Proposer must provide a redlined markup of the Agreement, SCIP Facility Funding Agreement and/or Capital Commitment Agreement and provide an explanation and justification for each requested change. Proposers are encouraged to submit a description of any potential proposed exceptions in written questions as further described in Section 1.6.

Note that ORECRFP22-1 is a competitive procurement. Competitive procurement rules and the Offshore Wind Orders limit NYSERDA's ability to alter the terms of the Agreement, SCIP Facility Funding Agreement and Capital Commitment Agreement. Should the Project receive an award, NYSERDA will contact the Proposer to schedule a discussion regarding the terms identified in the redlined markup of the Agreement and/or Capital Commitment Agreement. Should a selected Project include a Supply Chain Investment Plan, NYSERDA will contact the Proposer and Funding Recipient(s) to schedule a discussion regarding the terms identified in the redlined markup of the SCIP Facility Funding Agreement.

7 POST-AWARD PROCESS

7.1 Provision of Contract for Execution

Upon successful completion of negotiations regarding the terms and conditions, NYSERDA will prepare a conformed copy of the Agreement (Appendix I) which will be delivered to the awarded Proposer, in a manner to be agreed upon, for Proposer's execution and return. NYSERDA may rescind an award should negotiations with the Proposer fail or should such negotiations continue unsuccessfully beyond a reasonable time, in NYSERDA's discretion, beyond the initial Award Notification Date.

7.2 Provision of Supply Chain Investment Plan Contracts for Execution

If selected for conditional award, Proposers will be expected to work with NYSERDA to enter into one or more agreements with NYSERDA under which Proposer or its affiliate will make a contractual capital commitment (which may be in the form of a cash investment, anchor order or other type of capital depending on the approach taken in the Proposal) to the Supply Chain Investment Plan. This contractual commitment by the Proposer will be unconditional and will provide that to the extent the applicable Supply Chain Investment Plan is not available due to reasons beyond the Proposer's control, the Proposer will be required to make an alternative investment of equal or greater value reasonably acceptable to NYSERDA. If the counterparty to the Capital Commitment Agreement is not an Acceptable Guarantor (as defined in the Agreement), a letter of credit meeting the requirements described in the Agreement in the amount of the commitment must be provided.

Simultaneously, NYSERDA will work with the Funding Recipient(s) to finalize the form of a SCIP Facility Funding Agreement for each SCIP Facility covering the terms and conditions of the New York State Funding, based on the form of the SCIP Facility Funding Agreement attached hereto as Appendix J. Quarterly progress reporting is required during the design and construction phases of the SCIP Facility as described in Section V of the SCIP Facility Funding Agreement. If selected for award, Funding Recipients will be expected to provide preliminary quarterly reports prior to the execution of the SCIP Facility Funding Agreement.

7.3 Provision of Contract Security

Upon successful completion of negotiations, Awardees will be required to provide Contract Security as described in Article XV of the Agreement.

If a SCIP is awarded, each Funding Recipient associated with a SCIP Facility included in that SCIP must, within 10 business days, issue "SCIP Award Security" to NYSERDA in the form of a letter of credit for an amount equal to 2% of the New York State Funding awarded to that Funding Recipient. For example, if a Funding Recipient is awarded \$100 million of New York State Funding, the SCIP Award Security for that Funding Recipient would be for \$2 million.

The SCIP Award Security letter of credit must be unconditional and provide that it can be drawn by NYSERDA if the SCIP Facility Funding Agreement is not executed on or before the date that is 30 calendar days following the date stated in the SCIP as the latest expected time of completion of the State Environmental Quality Review Act permitting for the SCIP Facility, unless (i) such deadline is

extended by NYSERDA in its sole discretion, (ii) there is a delay in execution of the SCIP Facility Funding Agreement that is solely attributable to NYSERDA or (iii) there is a delay in the execution of the SCIP Facility Funding Agreement caused by a Force Majeure (as such term is defined in the Agreement). Upon execution of the SCIP Facility Funding Agreement, (i) the SCIP Award Security will be released and (ii) the Funding Recipient will be required to provide "SCIP Contract Security" in the form of a letter of credit for an amount equal to 4% of the New York State Funding awarded to that Funding Recipient, as further described in the SCIP Facility Funding Agreement. The SCIP Contract Security will be released upon commencement of construction of the SCIP Facility.

8 GENERAL CONDITIONS

8.1 Proprietary Information

Consideration should be given before confidential information is submitted to NYSERDA as part of any Proposal. Proposers should consider and review whether information is critical for evaluation, and whether general, non-confidential information may be adequate for review and evaluation purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. The Public Officers Law includes exceptions to disclosure, including Section 87(2)(d) which 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." Additional information submitted to NYSERDA that Proposer 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 (<https://www.nyserda.ny.gov/about/new-york-state-regulations>).

However, NYSERDA cannot guarantee the confidentiality of any information submitted. NYSERDA reserves the right to make public, after the fifth anniversary of the award date, the Agreement executed with any awarded Proposal.

8.2 State Finance Law Sections 139-j & 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 <https://ogs.ny.gov/acpl>

Proposer must certify that he/she will comply with State Finance Law Sections 139-j and 139-k and provide a disclosure statement regarding whether Proposer has been found non-responsible under Section 139-j of the State Finance Law within the previous four years.

8.3 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 contracting and filed with NYSERDA. See, ST-220-CA (available at

http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

8.4 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 Proposers, 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

8.5 Disclosure Requirement

Proposer shall disclose any indictment for any 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 a Proposer 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, investigation, enforcement proceeding, 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 contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers 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.

8.6 Press Releases and Media Contact

Proposer shall not distribute any press release or contact the media until after the Agreement is executed by both parties and any New York State press releases regarding the awards have been issued. If Proposer wishes to contact the press regarding the award, Proposer must collaborate with NYSERDA's Designated Contacts and Director of Communications to prepare any press release and/or to plan for any announcement. NYSERDA reserves the right to make public, after the fifth anniversary of the Award Notification Date, the Agreement executed with any awarded Project.

8.7 Independent Entities/Limitation of Liability

Neither this RFP nor any other aspect of this solicitation shall create an agency, partnership, joint venture, or co-tenancy relationship among the members of the Evaluation Team or any other individuals or entities involved in the development or administration of this RFP (collectively, the “RFP Parties”), nor any other relationship or liability beyond those (if any) explicitly adopted in writing and executed by authorized representatives of the applicable RFP Parties. None of the RFP Parties shall be liable for any act or omission of any other RFP Party. Neither this RFP nor any other aspect of this solicitation creates or is intended to create third-party beneficiaries hereunder. In no event will an RFP Party be liable to any person for special, incidental, punitive, exemplary, indirect or consequential damages or lost profits, whether by statute, in tort or contract or otherwise.

8.8 Vendor Assurance of No Conflict of Interest or Detrimental Effect

The proposer shall disclose any existing or contemplated relationship with any other person or entity, including any known relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the proposer or former officers and employees of NYSERDA, in connection with proposer’s rendering services as proposed. If a conflict does or might exist, please describe how your company would eliminate or prevent it. Indicate what procedures will be followed to detect, notify NYSERDA of, and resolve any such conflicts.

The proposer must disclose whether it, or any of its members, or, to the best of its knowledge, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, the “Commission on Public Integrity”), and if so, a brief description must be included indicating how any matter before the Commission on Public Integrity was resolved or whether it remains unresolved.

8.9 Public Officers Law

For any resulting awards, the Contractor and its subcontractors shall not engage any person who is, or has been at any time, in the employ of the State to perform services in violation of the provisions of the New York Public Officers Law, other laws applicable to the service of State employees, and the rules, regulations, opinions, guidelines or policies promulgated or issued by the New York State Joint Commission on Public Ethics, or its predecessors (collectively, the “Ethics Requirements”). Proposers are reminded of the following Public Officers Law provision: contractors, consultants, vendors, and subcontractors may hire former NYSERDA employees. However, as a general rule and in accordance with New York Public Officers Law, former employees of NYSERDA may neither appear nor practice before NYSERDA, nor receive compensation for services rendered on a matter before NYSERDA, for a period of two years following their separation from NYSERDA service. In addition, former NYSERDA employees are subject to a “lifetime bar” from appearing before any state agency or authority or receiving compensation for services regarding any transaction in which they personally participated, or which was under their active consideration during their tenure with NYSERDA.

Any awardee will be required to certify that all of its employees, as well as employees of any subcontractor, whose subcontract is valued at \$100,000 or more who are former employees of the State and who are assigned to perform services under the resulting contract, shall be assigned in accordance with all Ethics Requirements. During the term of any agreement, no person who is employed by the contractor or its subcontractors and who is disqualified from providing services under the contract pursuant to any Ethics Requirements may share in any net revenues of the contractor or its subcontractors derived from the contract. NYSERDA may request that contractors provide it with whatever information the State deems appropriate about each such person's engagement, work cooperatively with the State to solicit advice from the New York State Joint Commission on Public Ethics, and, if deemed appropriate by the State, instruct any such person to seek the opinion of the New York State Joint Commission on Public Ethics. NYSERDA shall have the right to withdraw or withhold approval of any subcontractor if utilizing such subcontractor for any work performed would be in conflict with any of the Ethics Requirements. NYSERDA shall have the right to terminate any contract at any time if any work performed is in conflict with any of the Ethics Requirements.

8.10 Due Diligence

NYSERDA, at its discretion, may conduct broad due diligence to validate any or all elements of an application and to assess applicants' prospects of success, including gathering information to assess a proposal relative to any of the topics listed in evaluation criteria, whether or not such topic is explicitly addressed in a proposal. NYSERDA may conduct due diligence on some or all proposals based on NYSERDA's current guidelines at the time of a review. NYSERDA Staff may follow up with proposers to request additional information or clarification regarding applicant's proposal, including questions regarding applicant's business prospects and resources, whether or not those questions are specifically related to the elements of the proposal. Additionally, customized due diligence may be conducted by internal or external staff or contractors based on questions on any Proposal raised by NYSERDA Staff, the OREC Scoring Committee and/or the SCIP Scoring Committee. Due diligence may include (but is not limited to): interviews of independent references and background checks of team members; assessment of prior business experience of any team member associated with a proposal; research on intellectual property claims; customer and partner reference checks; market research on the applicants' target market and any other related or possibly competitive technology or market area; research to validate any assumptions on current or future revenues, costs, capital needs, and financing prospects for proposers' business, including similar (or unrelated) technologies, processes, or competitive solutions; or any other research that could reasonably inform the evaluation of a proposal, or the prospects for commercial success of the proposers' business (whether directly related to, or unrelated to the specific elements in a proposal). Due diligence may include discussions with proposers' former and current business partners, employees, investors, customers, and competitors. Due diligence may be conducted by NYSERDA personnel or contractors including members of the OREC Scoring Committee and/or the SCIP Scoring Committee, before, during, or after a scoring process, and prior to finalization of a contract award, any information gleaned in diligence may be used to score or re-score a proposal or apply a program policy factor.

8.11 Executive Order No. 16

Pursuant to Executive Order No. 16 issued on March 17, 2022, all vendors responding to bids or contracting with New York State must certify, using the form noted in Section 1.4 and in Appendix A, their status with regard to conducting business operations in Russia, and that any such business operations in Russia conducted on behalf of the vendor are determined to be permitted under any of the allowable exemptions. The term vendor is intended to encompass bidders prior to contract award, contractors who have received a contract award, contract assignees, or contractors for whom an extension to an existing contract is being pursued. Exemption decisions are in NYSERDA's sole discretion and are final decisions. NYSERDA reserves the right to solicit additional materials or information regarding the responses or materials provided by a vendor.

Pursuant to Executive Order No. 16, all vendors will be vetted to ensure that they are not on the federal sanctions list at <https://sanctionssearch.ofac.treas.gov/>. There is no waiver or exemption process for vendors appearing on the federal sanctions list.

The Executive Order remains in effect while sanctions imposed by the federal government are in effect. Accordingly, vendors who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case sanctions are lifted during a solicitation, or after award in the case of some solicitations.

8.12 Executive Order No. 192

As per Executive Order 192, NYSERDA is required to do business only with responsible entities. As a result, a Vendor Responsibility Review will be conducted for all ORECRFP22-1 Proposers. Proposers and Funding Recipients are required to complete the [Vendor Responsibility Checklist](#) and submit it with the Proposal. The Vendor Responsibility Checklist requires that the entity answer a series of questions regarding the entity, and the directors, employees and agents of the entity and any affiliate of the entity with respect to: (1) current investigation(s) by any governmental agency; (2) convictions or established liability for any act prohibited by State or Federal law in any jurisdiction involving conspiracy, collusion or other impropriety with respect to offering on any contract; or (3) any debarment action (detail any exceptions), within the last 4 years.

The Vendor Responsibility Checklist will also include the Proposer's or Funding Recipient's attestation regarding the accuracy and truthfulness of the information and documentation provided. NYSERDA will review the responses to the Vendor Responsibility Checklist and reserves the right to make a determination of vendor responsibility if a non-responsibility concern is noted.