

Competitive Tier 2 (T2RFP21-2) Responses to Submitted Questions

9/8/2021

Category	Q.	Question	Response
RFP	1	Is any information regarding the first RFP (T2RFP21-1) outcome available?	Yes. Information regarding the T2RFP21-1 awards is available on NYSERDA's Competitive Tier 2 website (https://www.nyserdera.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/Tier-Two-Competitive-Program) and also on Open NY (https://data.ny.gov/Energy-Environment/Large-scale-Renewable-Projects-Reported-by-NYSERDA/dprp-55ye).
RFP	2	Can NYSERDA summarize what changes have been made to the RFP when compared to the RFP issued earlier this year (T2RFP21-1)?	New requirements for hydroelectric bid facilities have been added, see the heading "Hydroelectric Bid Facilities" in the RFP summary document. Other minor clarifications were made throughout the RFP but no major changes.
Agreement	3	What changes have been made in the Agreement from the first solicitation?	No significant changes were made to the Agreement as compared to the first-round solicitation (T2RFP21-1).
Agreement	4	According to Exhibit A Section 2 of the Agreement, the Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Who do you expect to be paid the prevailing wage at the site?	The Tier 2 program does not trigger the Labor Law wage and hour provisions.
RECs	5	Does NYSERDA get first access to RECs for the whole year until the Bid Quantity is hit?	Yes, that is correct.
RECs	6	Can projects have existing REC sales, or has that requirement been removed?	Under this program, NYSERDA has the first position in purchasing RECs from the contracted generator. After the Annual REC Cap has been met, the RECs associated with that generator will no longer be tagged as Tier 2.
General	7	Given that NYSERDA only received bids from a fraction of the eligible class of projects in the first RFP, has NYSERDA done or do they plan to do any feedback sessions with project owners to find out what held the vast majority of MW back from participating in the first solicitation?	NYSERDA did solicit feedback from ACE-NY, one of its members, and Community Choice Aggregators following the conclusion of the first Tier 2 RFP. However, NYSERDA is always open to other feedback and would encourage any other stakeholders that are interested in sharing feedback to email res@nyserdera.ny.gov to set up a time to discuss.
Hydro Facilities	8	What is NYSERDA's rationale and justification for the new requirement that hydro facilities be licensed by FERC and disclose the date of	NYSERDA added the new provisions to this year's RFP to better ascertain potential licensing or safety issues of projects that might receive an award. NYSERDA will be

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		the last dam safety inspection and any material findings? Will NYSERDA be using this information in determining whether a facility should be awarded a contract? If so, how will such information be used?	incorporating this information in an eligibility check. Per the RFP, NYSERDA will reach out to the Proposer where unresolved issues are identified to understand the specific factors on a case-by-case basis.
Hydro Facilities	9	What is the rationale for restricting participation of hydro facilities that are not FERC jurisdictional (i.e. facilities that do not have a license and are not FERC exempt)? There are several facilities in NY that are not licensed by FERC, but are still covered by the NY DEC's dam safety program and have been inspected by the DEC. Some of these facilities were also offered into the RFP last year without issue. What has changed?	The Tier 2 RFP includes a statement requiring all hydroelectric bid facilities to have an active FERC license. For clarity, this requirement does not apply to facilities that do not fall under FERC jurisdiction and therefore do not need a FERC license to operate. In Attachment B, please indicate this by selecting, "The Bid Facility does not have an active FERC license or exemption."