

OVERVIEW OF REQUEST

The New York Power Authority (“NYPA” or “Authority”) is hereby issuing a request for bids for the purchase of Environmental Attributes (also known as Renewable Energy Attributes or RECs) (hereinafter, “Attributes”) for itself and/or resale to its customers. The Authority will be purchasing Attributes for the period January through March of 2011. Quantities and terms are shown on [Attachment A](#) hereto. All purchases will be in the Authority’s name.

BIDS ARE TO BE SUBMITTED VIA EMAIL TO CHRISTOPHER.FRY@NYPA.GOV BY CLOSE OF BUSINESS FEBRUARY 22, 2011.

GOAL OF RENEWABLE PURCHASES

Compliance with New York State Executive Order 111:

Attributes will be purchased for compliance with New York State Executive Order 111 dated June 10, 2001 (hereinafter, “EO 111”). Potential suppliers are referred to the Guidelines for Executive Order III, Section 5, Requirements for the Purchase of Renewable Power, for a description of the products sought under this solicitation. Please see the link to the Guidelines to the Executive Order, shown below.

(http://www.nyserda.org/programs/State_Government/exorder111guidelines.pdf.)

EO 111 Eligible Resource Types

For compliance with EO 111, eligible resource types are defined as those facilities generating energy from the following technologies:

- Wind
- Solar thermal
- Photovoltaics
- Sustainable managed biomass, which for these purposes shall include all wood resources, with the exception of contaminated waste wood, and shall exclude utility-scale facilities that co-fire with coal
- Tidal
- Geothermal
- Methane waste (from landfills or anaerobic digesters)
- Fuel cells

Hydro production will not be considered for EO 111 compliance purchases.

For purposes of this procurement, supplier is responsible for providing warranty that the attributes bid meet EO111 eligibility requirements.

REQUIREMENTS FOR ALL PURCHASES

New York State Environmental Disclosure Program

The successful bidder(s) must satisfy the requirements of the Environmental Disclosure Program Rules and Procedures for Conversion Transactions, or any successor rules, established by the New York State Public Service Commission (“NYS PSC”). A Conversion Transaction occurs when an entity that sold energy into the New York Independent System Operator (“NYISO”) Spot Market and an entity that purchased a like amount of energy out of the NYISO Spot Market during the same settlement period jointly identify for the Administrator

of the Environmental Disclosure Program such packet of energy such that it can be disaggregated, for environmental disclosure purposes, from the residual pool of Spot Market energy. Conversion Transaction procedures are described in more detail on the Department of Public Service website at: www.dps.state.ny.us/EnvDisclosureLabel.html.

In accordance with this requirement, the Attributes must be associated with electrical energy delivered into the New York Independent System Operator (NYISO) spot market directly from a supplier and/or marketer.

Potential suppliers may also be asked to furnish proof of prior or current contracts for the commodity stated herein to demonstrate their ability to satisfactorily operate in the renewable energy market in New York State.

FOLLOWING SUPPLIER SELECTION AND CONTRACT AWARD:

Verification of Rights to Attributes

Throughout the contract term, NYPA will require certification/ verification of delivery of all rights to the Attributes purchased by NYPA as follows:

- Each invoice submitted by the successful bidder requesting payment must be accompanied by an appropriate Certification, which will identify the number and vintage of all Attributes for which payment is requested, bear an appropriate certification as to the eligibility of such Attributes and transfer all rights and assignments to NYPA.
- In the event the NYS PSC solely or in conjunction with others, creates, sanctions, adopts or begins participation in a Generation Tracking System in the New York Control Area ("NYCA") during the term of the agreement contemplated in this bid solicitation, each Attribute associated with fulfillment of the selected bidder's requirements must be transferred to an account designated by NYPA.
- Facilities providing products that are not located in the NYCA, but are located in a control area with a compatible generation tracking system at the time of submittal of the Bid Proposal, must deliver RECs associated with the Attributes to an account designated by NYPA. For example, the NEPOOL Generation Information System and the PJM Generation Attribute Tracking System are deemed compatible systems by the administrator of the NYS Environmental Disclosure Program.
- For facilities outside the NYCA, the NYS PSC may require verification of delivery of the electricity associated with the Attributes into the NYISO Spot Market.

No Double Counting

In no event shall the Attributes of the generation associated with NYPA's contract(s) under this solicitation be assigned or sold by the seller in another transaction. Any assignment or application by the seller of the Attributes associated with a contract with NYPA under this solicitation to any other entity, program or jurisdiction, whether associated with a publicly administered program or a voluntary transaction, is strictly prohibited.

SUBMISSION OF BID PROPOSALS

BIDS ARE TO BE SUBMITTED VIA EMAIL TO CHRISTOPHER.FRY@NYPA.GOV BY CLOSE OF BUSINESS FEBRUARY 22, 2011.

- Suppliers should use the form of [Attachment B](#) included herein, or provide substantially similar information.
- Suppliers may provide quotations for any or all of the quantities and products.
- Suppliers may provide multiple options for the products and quantities requested.

Bidder shall provide, along with pricing for Attributes, location and name of associated facility(ies) and a full description of the eligible resource type for Attributes bid. Bidder shall specify the eligibility of products bid for compliance with EO111. Bidder shall indicate the expiration date of the bid submitted. In addition, Bidder shall provide a brief description of its business organization, history, and financial condition.

Required Contract Agreement

Selected suppliers shall be required to execute a contract substantially similar to the contract set forth in [Attachment C hereto](#). No material changes to this contract will be accepted.

Evaluation process and Criteria

Proposals must be complete, in conformance with the specifications and other requirements of this solicitation, and must include all documentation, evidence or verification requested. Submittals will be evaluated primarily according to price, with consideration given to the creditworthiness of the bidder. Preference may be given to products generated in New York State and products which meet the eligibility requirements of Green-e Energy.

Basis for Disqualification

A bidder may be disqualified and the bid not considered for reasons including, but not limited to, the following:

- receipt of the bid after the deadline for submission;
- failure to meet all eligibility requirements;
- incomplete bid;
- willful misrepresentations in the bid;
- illegal or undue attempts to influence the bid review process;
- a determination by NYPA, in its discretion, that some or all bids should be rejected.

The Authority reserves the right, in its sole discretion, to withdraw or modify this solicitation at any time, to reject any or all bids for any reason, or no reason, and to enter into further discussions or interviews with any one or more Bidders. Awards may be made to more than one Bidder.

COMMUNICATION DURING THE SOLICITATION PROCESS

NYPA's contact for this solicitation is:

Christopher Fry, Power Resource Planning and Acquisition

Telephone: 914-287-3435

Email: christopher.fry@nypa.gov