May 9, 2016

SUBJECT: MODIFICATION NO. 2 TO REQUEST FOR PROPOSALS – SOLAR HIGHWAY INITIATIVE SERVICES FOR NYSDOT AND NYSTA Contract # C031426

Dear Interested Party:

Reference is made to the subject solicitation wherein the following formal changes are hereby incorporated:

1. For section 7.8, delete the complete clause, and substitute the following:

   The Department will attempt to adhere to the following tentative schedule:

   - RFP Release Date: April 15, 2016
   - Question Submittal Deadline: May 6, 2016
   - Proposed changes to PPA: May 12, 2016
   - NYSDOT Response to PPA suggestions: May 18, 2016
   - Proposals Due: May 25, 2016, 12 noon Eastern Time
   - Recommendation & Designation: Approximately mid June, 2016
   - Agreement Finalizing: Two weeks
   - Agreement Award: 4–6 weeks after completion of Agreement finalizing


3. An Appendix 2: Revised Sample Solar Facility has been posted to the project web site at: https://www.dot.ny.gov/portal/page/portal/doing-business/opportunities/consult-opportunities#c2305. Please disregard the Appendix 2 initially posted.

No other provision of the solicitation is otherwise changed or modified. Bidders must acknowledge receipt of Modification #2 using Form AOR.
Attachment 13: Questions and Answers

1. Clarify the project’s intent is five (5) x two (2) year extensions
   **Answer:** As stated in section 2.1 of the PPA, “The term of the Agreement shall commence on the Effective Date and shall continue for fifteen (15) years from the Commercial Operations Date (“Initial Term”), unless and until terminated earlier pursuant to the provisions of the Agreement. After the Initial Term, the Agreement may be renewed at the Department’s /Authority’s sole discretion, under the same terms and conditions, for up to five additional two (2) year terms (a “Renewal Term”), subject to approval by the NY State Comptroller.”

2. For bid scoring, can you clarify what is meant by the regression model?
   **Answer:** In this case, “regression” is the same as “pro-rated”. The formula in section 6.4 details how the cost submission will be scored.

3. When calculating the provider price/bundle, does the Provider Price = Base Price + All listed CO values, even if they will not be applied during construction?
   **Answer:** As stated in section 4.2.2 (7th paragraph), all Change Order (CO) Adjustment Factors will be evaluated as part of the Provider’s cost proposal.

4. Regarding the +/- 20%

   “In addition, Proposers should note that with respect to any specific power production level required to be built, provided and maintained for each load zone the Department and NYSTA reserve the right, in the Department’s and NYSTA’s sole discretion, to order up to twenty percent more or less (± 20%) than the specified power production level quantity. Proposer’s bid price, as expressed in a cost per kilowatt-hour, must remain firm within such plus or minus twenty percent (± 20%) for the applicable load zone.”

   **Are you able to clarify this language?**
   **Answer:** At NYSDOT’s / NYSTA’s discretion, before construction is to start, the power requirement for any specific load zone can be increased or decreased by up to 20% without any change in the bid price.

5. Will the order from the NYDOT / NYTSA be prior to project development? Or can this request be made at any time throughout the PPA agreement?
   **Answer:** See the answer for question #4.

6. Technically, are projects intended to be designed to operate at 80% of their production capacity in the event that an additional 20% is required? From our point of view, it would be unfeasible to add 20% to an operating project as we would intend to use all of the available land for the array, and significantly costly to curtail an operating projects output
by 20%  
**Answer:** See question #4. Projects are to operate at 100% of capacity.

7. Does the producer price index table linked in the RFP show rates in $/MWh?  
**Answer:** No. The table is composed of index numbers generated by the Bureau of Labor Statistics (BLS) to determine overall industry price trends. See the BLS web site for more information.

8. Do you require a separate drawing for each bundle site of interest or just a representative drawing?  
**Answer:** For purposes of the proposal, the only required drawing is for the Sample Solar Facility (section 5.1.4.2) as described in the Revised Appendix 2.

9. Confirm we are not able to propose modifications to the form of agreement. We would like to propose some minimal changes in the form of agreement but do not want to be disqualified.  
**Answer:** Potential bidders may identify changes to the PPA, and provide suggested language. These must be submitted no later than May 12, 2016. The Department will respond no later than May 18. When submitting a proposal, the Proposer must accept all terms and conditions of the PPA by signing Section III of Attachment 2: Consultant Information and Certifications.