



The State University
of New York

Office for Capital Facilities Guidance Document

ENG-03

March 13, 2019

OGS Solar Power Purchase Agreement and NYPA Solar Advisory Services

An introduction to NYPA Solar Advisory
Services in conjunction with OGS Contract
“Group 05302 - Solar Power Purchase
Agreement”

1. What is the OGS Contract “Group 05302 - Solar Power Purchase Agreement”?

This OGS centralized agreement establishes backdrop contracts for Solar Power Purchase Agreements in various regions across the state. It allows Authorized Users, including SUNY campuses, to have solar panels installed on the campus property at no upfront cost, and to purchase only the solar generated electricity through a Power Purchase Agreement (“PPA”). The OGS agreement serves as a backdrop contract, with prequalified contractors who can bid on specific projects let by the campus through the use of a Best Value Mini-bid Request for Proposals (Mini-Bid RFP).

- For more information on how to use the agreement, see [Appendix E – How to Use This Contract](#)
- The agreement and additional information are available at the [OGS website](#)

2. How can the campus contract with NYPA for assistance in development, distribution and evaluation of the best value Mini-Bid RFP?

The New York Power Authority (“NYPA”) has worked closely, in partnership with OGS, to assist in the production of the Solicitation and resulting Centralized Contracts. NYPA has been tasked with executing Governor Cuomo’s Executive Order 88, requiring all State Agencies to reduce their energy usage by 20% by 2020. NYPA has had extensive experience in developing and administering Mini-Bid processes for public entities implementing solar installations and has delivered significant value to those projects. NYPA has established streamlined processes, created precedential Mini-Bid documents including industry acceptable Power Purchase Agreements and Performance Guarantee Agreements that protect customers, developed relationships with the solar industry, and established an understanding of the practical nuances of developing solar projects.

Under the authority granted by Executive Order 88, Section III.A(1), all Affected State Entities, as defined in the Order, must utilize NYPA when conducting the Mini-Bid process. For all other Authorized Users, it is highly recommended that NYPA be utilized for the Mini-Bid process, given NYPA’s level of expertise and experience in the solar industry. SUNY is an Authorized User under Executive Order 88, and therefore it is recommended that SUNY utilize NYPA, but not required.

3. How does a campus contract with NYPA for solar advisory services?

The attached Solar Advisory Services Agreement template has been reviewed and approved by both NYPA and SUNY Counsel. Campuses may use this agreement template to establish an agreement with NYPA for Advisory Services in connection with the OGS “Group 05302 - Solar Power Purchase Agreement”. The Solar Advisory Services Agreement is executed with NYPA at the initial stages of a project, and it allows NYPA to be reimbursed for the Advisory Services NYPA provides under one of the two scenarios described below.

- 1) If a project moves forward to a signed PPA and is operational, NYPA is reimbursed for its Advisory Services directly by the solar contractor, under the PPA, at the various milestones specified in the PPA..
- 2) If a project does not move forward, a PPA; if it is not completed within 18 months of the signed PPA initiation; if the Campus decides not to proceed with the project after development; or if NYPA is unable to recover its costs thru the PPA, then the Campus will reimburse NYPA directly for its Solar Advisory Services under the terms of the Solar Advisory Services Agreement. More simply put, the Solar Advisory Services Agreement is a mechanism for NYPA to be

reimbursed for the Solar Advisory Services that it provides to a campus, up to a maximum of \$125,000, in the event the project does not advance to a PPA.

4. Contract Limits and Approvals

This contract template has been approved by SUNY Counsel for use as services contract under the discretionary threshold set forth in [Procedure 7553](#), for which the value cannot exceed \$125,000.

5. Contact Information

To request assistance/advisory services from NYPA, please contact: Christina Iwaniw at 914-390-8031 or Christina.Iwaniw@nypa.gov For additional information on EO88, contact SUNY Energy Manager Eric Mazzone at Eric.Mazzone@suny.edu or 518-320-1127.