

2023 Bulk Power Energy Storage Request for Proposals

APPENDIX D3 – Agreement Issues Matrix 1
 Instructions 1
 Table for Proposed Changes to the ESSA..... 1

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APPENDIX D3 – ESSA Agreement Issues Matrix

Instructions

NYSEG and RG&E expect that bidders will submit commercially viable bids on the basis of terms and conditions substantially the same as those reflected in the Energy Storage Services Agreement (ESSA) on September 1, 2023.

Indication of Changes. If bidder determines that changes to the form of the ESSA are necessary to give effect to bidder’s proposal, then the bidder shall provide:

- (1) a mark-up of the form of agreement to indicate proposed changes, with specific additions **(bold and underlined)** and deletions **(strike-through)** marked, and
- (2) a separate document with a table in the format provided below explaining each change bidder included in its mark-up of the form of ESSA.

Any revisions in a mark-up of the form of ESSA not explained in the table to be provided by bidder may be disregarded by NYSEG and RG&E.

Any proposed changes, especially changes to material terms, may negatively impact the competitiveness of a bid. Changes to material terms are changes that would affect the value of bidder’s proposal, modify the risks and benefits provided for in the form of the ESSA, or are commercially or legally unacceptable in the sole judgment of NYSEG and RG&E.

Table for Proposed Changes to the ESSA

Section / Exhibit	Change Proposed	Explanation for Change