

Bulk Power Energy Storage Scheduling and Dispatch Rights Request for Proposals

APPENDIX D3

Instructions

The form of Energy Storage Services Agreement provided as part of the Request for Proposals made by Con Edison and Orange & Rockland reflects comments made by interested parties to the draft terms and conditions posted by Con Edison and Orange & Rockland on May 31, 2019. Con Edison and Orange & Rockland expect that bidders will submit commercially viable bids on the basis of terms and conditions substantially the same as those reflected in the form.

Indication of Changes. If bidder determines that changes to the form of Energy Storage Services Agreement 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 Energy Storage Services Agreement.

Any revisions in a mark-up of the form of Energy Storage Services Agreement not explained in the table to be provided by bidder may be disregarded by Con Edison and Orange & Rockland.

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 Energy Storage Services Agreement, or are commercially or legally unacceptable in the sole judgment of Con Edison and Orange & Rockland.

Table. Proposed Changes to the form of Energy Storage Services Agreement

Section/ Exhibit	Change proposed	Explanation for change

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