



Commercial Implementation Assistance Program Program Opportunity Notice (PON) 3261 \$11 Million Available in Incentives

Eligible Applications will be accepted on a first-come, first-served basis until December 31, 2016

or until funds are exhausted, whichever comes first

**** Updated September 9, 2016 ****

The Commercial Implementation Assistance Program (Program) seeks to offer cost-sharing to eligible energy-efficiency projects. Applicants are not eligible to receive incentives from another NYSERDA or utility program for the same measure. Eligible measure categories include:

- Advanced Lighting.
- Deep Energy Retrofit Projects.
- Advanced Monitoring and Control Systems.
- Oil Space Heating Efficiency Upgrades.
- Advanced Technologies that are submitted with a Utility Referral requesting that NYSERDA consider funding the measure(s).

The Program offers cost-sharing, up to 50% of the eligible costs of eligible measures. Minimum project cost to be eligible is \$50,000 and the incentive is capped at the lesser of \$150,000 per project or at \$10/MMBtu for measures deemed by NYSERDA to primarily reduce fossil fuel consumption. Only those measures listed above or submitted to NYSERDA via a utility referral and meeting all Program requirements contained herein will be eligible for financial support.

Application Submission: Applicants should visit the [NYSERDA Consolidated Funding Application \(CFA\)](#) page to complete the CFA online form. If you have questions about completing the CFA, please email cfa@nyserda.ny.gov.

Additional Documents:

1. Applicants must submit the following within 30 days of CFA submission:
 - ✓ W-9 tax form: Applicants should only submit Federal Tax ID electronically. If an Applicant is submitting the W-9 using an individual's Social Security Number, then the W9 should be mailed to NYSERDA at 17 Columbia Circle Albany, NY 12203, Attn: Commercial Implementation Assistance Program).
 - ✓ A copy of a current and complete electric utility bill for the site receiving the benefits provided by the Program to verify SBC payment and eligibility.
 - ✓ Proposed Scope of Work Form (Attachment A-1).

NYSERDA evaluates the Project based on the submitted documentation. NYSERDA may request additional information and may coordinate projects with the Applicant's electric utility provider, including but not limited to sharing scopes of work, measure savings and project cost information. If

Applicants are unresponsive or do not provide sufficient documentation at any point in the project, NYSERDA reserves the right to cancel the Application at its sole discretion.

All Program questions should be directed to: Peter Hoffman
866-NYSERDA ext. 3585
commercialprograms@nyserda.ny.gov

All Contractual questions should be directed to: Venice Forbes
866-NYSERDA ext. 3507
Venice.Forbes@nyserda.ny.gov

**** If changes are made to this solicitation, notification will be posted on NYSERDA's website at www.nyserda.ny.gov**

INTRODUCTION

This solicitation is divided into the following components:

- Section II: Eligibility
- Section III: Participation Process
- Section IV: Project Payment
- Section V: General Conditions
- Section V: Attachments

All eligible Applications will be reviewed on a first-come, first-served basis dependent on funding availability.

II. ELIGIBILITY

Commercial Spaces: Eligible end-use customer space building types include commercial facilities located in New York State that include, but are not limited to: office buildings, retail, colleges and universities, health care facilities, state and local governments, not-for-profit and private institutions, and public and private K-12 schools. Some measure categories have additional restrictions. Commercial spaces not specifically listed above should contact NYSERDA regarding potential eligibility. Please note that some eligible measure categories are only offered for certain space use types and may have size restrictions.

System Benefits Charge (SBC): The site that is installing the measures being funded by the Program must be located in New York State in one of the six (6) investor owned utility territories listed below. Applicants must provide proof of payment into the SBC at the site receiving the benefit from the Program. A current and complete copy of a utility bill will be required to verify the Facility's SBC contribution. The six investor owned utilities are:

- Central Hudson Gas & Electric Corporation
- Consolidated Edison Company of New York, Inc.
- National Grid Generation d/b/a National Grid

- New York State Electric & Gas Corporation
- Orange and Rockland Utilities, Inc.
- Rochester Gas and Electric Corporation

Eligible Measure Categories: The following measures categories are eligible for funding in the Program:

- **Advanced Lighting:**
 - Only commercial office space is eligible to apply to the Advanced Lighting measure category.
 - Only two measures are eligible:
 - Full replacement of interior fluorescent fixtures with all new interior LED lighting fixtures. Entire fixture must be new and be listed by the DesignLights Consortium (DLC). Each individual fixture must have integrated daylight and occupancy sensors. Fixtures with retro-fit kits or LED replacement bulbs are not eligible.
 - A networked interior lighting controls system. The networked control system shall be listed by the DLC. Each project shall control a minimum of 25,000 sq. ft. of office space. The networked control system must control 150 or more lighting interior and exterior fixtures. The retrofit baseline to be used shall be IECC 2012 as modified by ECCCNY 2014 for lighting and controls. Energy usage reports generated from the networked control system shall be supplied to verify savings. The fixtures being controlled must be dimmable LED fixtures. Control of fixtures that had LED bulb replacement only are not eligible. Control of non-LED fixtures are not eligible.

- **Deep Energy Retrofit Projects:**
 - Only office and retail spaces are eligible to apply to the Deep Energy Retrofit measure category.
 - Total building size must be less than 200,000 square feet.
 - Projects must be designed to achieve at least 40% or more annual energy savings (Source Btus/square foot) from current annual energy consumption as a baseline. At a minimum, savings must be achieved in at least two of the following measure categories, and no single measure category can achieve 75% or more of the total project savings:
 - Lighting and Lighting Controls,
 - HVAC and HVAC controls,
 - Building Envelope,
 - Building Management System,
 - Kitchen Equipment,
 - Domestic Hot Water, and
 - Green/Cool Roofs.

Note: See list below for measures that are not eligible for funding. Ineligible measures cannot contribute to the 40% savings reduction goal or receive funding from this Program, but shall be included in the baseline calculations.

- **Advanced Controls and Monitoring Systems:**
 - Only office and retail spaces are eligible to apply to the Advanced Controls and Monitoring Systems measure category.

- Total building size must be less than 100,000 square feet, and cannot have an existing Building Management System in place.
- Eligible systems must enable remote, real-time control of primary HVAC equipment and lighting at a minimum. Systems should be able to link controls to occupancy schedules, or occupancy indicators (such as but not limited to demand control ventilation or electronic access cards). Additional building systems, and peak load reduction capabilities is strongly encouraged. Additional building control features can include, but are not limited: to refrigeration systems, or allowing customers to respond to demand response signals or price responsive controls for Time of Use rate classes. The integrated monitoring system must at a minimum break out all primary building system consumption in 15 minute intervals and include a dashboard that is capable of trending and comparison reporting. Savings calculations must be provided and must include specific expected condition changes, such as but not limited to:
 - Improved shut down for evenings, weekends and holidays;
 - Ability to manage individual equipment due to occupancy; or
 - Ability to reduce load (e.g. lighting levels or modify temperature set points) in response to price or demand signals.
- Oil Space Heating Efficiency Upgrades:
 - Upgrades must be primary oil heating components or control systems for primary oil heating systems.
 - Building envelope improvements are not eligible as part of this measure category.
- Measures that are submitted with a Utility Referral requesting that NYSERDA consider funding the measure:
 - Individual measures cannot be co-funded with utilities.
 - Each measure must have less than a 14-year simple payback with an expected measure life that exceeds the simple payback in years.
 - The Utility must indicate in their referral that they have interest in evaluating the measure category for future program or rate models under the Reforming the Energy Vision (REV), or other reason for referral.
 - Minimum code compliant measures are not eligible.
 - If the utility has a program available to fund the measure, the measure cannot be referred to NYSERDA on the basis that the NYSERDA incentive would be greater than the utility incentive.

Cost Share and Incentive Caps: The Program offers cost-sharing, up to 50% of the eligible costs of eligible measures. Minimum project cost to be eligible is \$50,000 and the incentive is capped at the lesser of \$150,000 per project or at \$10/MMBtu for measures deemed by NYSERDA to primarily reduce fossil fuel consumption. Only those measures listed above or submitted to NYSERDA via a utility referral and meeting all Program requirements contained herein will be eligible for financial support.

Measurement and Verification: NYSERDA may require the development and execution of a Measurement & Verification (M&V) plan for:

- Deep Energy Retrofit Projects, Advanced Lighting Projects and Advanced Monitoring and Controls Projects.
- Electric efficiency projects saving more than 500,000 kWh annually.
- Fossil fuel efficiency projects saving more than 10,000 MMBtu annually.

- At NYSERDA’s discretion, M&V may be required or waived for any project.
 - If required, NYSERDA’s Technical Reviewer will develop an M&V plan in collaboration with the Applicant. NYSERDA will pay up to 60% of the incentive upon installation. The balance, up to 100% of the PO, will be issued after NYSERDA receives and approves the final M&V report and verifies project costs.

Ineligible Measures:

- The following measures are not eligible for funding under this program offering:
 - On-site and renewable generation. Please visit <http://www.nyserda.ny.gov/> for information on potential funding.
 - Steam Trap replacements.
 - Operations and Maintenance measures.
 - Behavioral change measures.
 - Power quality, and power factor improvements.
 - Plug load measures.
 - Non-regulated load measures.
 - Industrial and process measures.
 - Data center measures.
 - Liquid additives.

Additional Eligibility Requirements and Limitations:

- Applicants are not eligible to receive incentives from another NYSERDA program or a utility program for the same measure.
- Eligible measures must have a simple payback period that is greater than or equal to four years, AND less than or equal to fourteen years. as documented in the Scope of Work Form (Attachment A-2). NYSERDA incentives may not be included in the payback period. Please see the equation below for your reference:

$SPB = \frac{PC}{ACS}$ <ul style="list-style-type: none"> ● SPB = Simple Payback ● PC = Project Cost ● ACS = Annual Cost Savings (energy only)
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- Applicants may select their own third party/service provider to perform the energy savings calculations and installation or complete the calculations and installations themselves. In-kind costs are not eligible for reimbursement.
- The entirety of the customer’s portion of the cost-share must be a cash contribution. In-kind contributions of any type are not allowed as matching funds. The total NYSERDA cost-share is capped at the lesser of either \$150,000 or fifty percent (50%) of the project cost. Measures related to fossil fuel savings shall have an additional funding cap not to exceed \$10/MMBtu. Project cost may include: demolition, equipment, external labor, and engineering or other design

expenses. Facility in-kind labor costs are not an eligible project cost. If multiple measures are being applied for, costs must be broken out at the measure level.

- Only one site is allowed per Application. Master-metered campuses will be reviewed for possible eligibility on a case-by-case basis.
- No single entity (e.g. Applicant, service provider, building owner, etc.) can apply for more than \$1,000,000 in available incentives.
- Applicants are encouraged to wait to commence work until after NYSERDA has issued a Purchase Order (PO). Commencement of projects prior to the issuance of a PO is at their own risk and may effect Program eligibility.
- NYSERDA is not committed to any cost-shared amount until a PO is issued.
- New facilities, those that have undergone substantial renovations, or change of use, must be occupied for more than one year in its current use to be eligible for this Program. Major renovation projects eligible under the New Construction Program should apply for funding under the New Construction Program: [New Construction Program - NYSERDA](#).
- Fuel switching is not eligible.
- If a measure is replacing a piece of equipment that is past its expected useful life, energy savings will be calculated from a baseline New York State Energy Conservation Construction Code requirements, not current energy consumption.
- Measures that minimally comply with New York Energy Conservation Construction Code are not eligible.
- Measures must be commercially available.
- Applicants must submit a construction schedule with their Application and show progress within 3 months of receipt of PO issuance. Projects must have all construction and final customer acceptance of all measures completed within 4 years of PO issuance. The Applicant's inability to complete projects in a timely manner or according to project schedules may result in NYSERDA limiting the number of new applications by the Applicant accepted into the Program and may result in termination of a project by NYSERDA.

III. PARTICIPATION PROCESS

1. Customer or Third Party Service Provider submits:
 - a. Consolidated Funding Application (CFA): [NYSERDA Consolidated Funding Application \(CFA\)](#)
2. Applicants must complete the following within 30 days of CFA submission:
 - a. Submit a W-9 tax form (only submit Federal Tax ID electronically; any Individual's Social Security Number on a W9 should be mailed to NYSERDA at 17 Columbia Circle Albany, NY 12203, Attn: Commercial Implementation Assistance Program);

- b. A copy of a current and complete electric utility bill verifying SBC payment;
 - c. Proposed Scope of Work Form (Attachment A-1)
2. NYSERDA reviews the project documentation to verify it meets the requirements of this solicitation and places an introductory phone call to the customer verifying Program interest and contact information.
3. NYSERDA may review the Application with the appropriate utility company representatives.
4. If the project is determined to meet all program requirements at the time of Application, NYSERDA assigns a Project Manager for continued review and final acceptance/rejection to the Program.
 - a. A pre-site inspection may be requested at this time and additional information may be required.
5. The Applicant must submit revised or additional project information as requested within 30 days to commercialprograms@nyserdera.ny.gov and their assigned NYSERDA Project Manager, if requested.
 - a. Failure to submit all required documentation in this timeframe may result in Application cancellation.
6. A NYSERDA Technical Reviewer, under contract to NYSERDA, will then be assigned to review all documentation and confirm final project eligibility.
7. NYSERDA issues approval of the project and a Purchase Order for the project. * *Cost-share amounts are not set-aside until a Purchase Order is issued.*
8. The Applicant must submit deliverables according to the project schedule.
9. NYSERDA Reviews the deliverables and will issue comments or request additional information within 30 days.
 - a. The NYSERDA Technical Reviewer, will assist with review and comments. A post-site inspection may be requested at this time.
10. After installation, the Applicant submits final documentation and notifies NYSERDA of project completion.
11. The NYSERDA Technical Reviewer will confirm installation of all measures, energy savings, and proof of payment by the facility. Additional documentation may be required.
12. NYSERDA issues approval of the project and payment.
 - a. Note: Projects that require M&V may require additional site visits and multiple payments.

IV. PROJECT PAYMENT

Upon approval of all required deliverables, NYSERDA will provide payment (full payment for Projects not requiring M&V and partial payment for Projects requiring M&V). Projects requiring M&V must complete M&V in accordance with the M&V plan in the approved Engineering Analysis. When the M&V is completed, NYSERDA will review the results and release any remaining funds (which may be adjusted, based upon the M&V results). Incentive payment may be reduced if final projects costs are less than estimated at the time of issuance of the Purchase Order. NYSERDA is not responsible for scope expansions, or cost overruns during construction.

The Applicant shall provide NYSERDA copies of all invoices (including all materials, labor, and equipment discounts) reflecting the costs of purchasing and installing the Project. The invoices shall include a breakdown of all equipment purchased for installation under this Agreement (the application and these

Terms and Conditions). In addition, NYSERDA may request any other reasonable documentation or verification of the cost to the Applicant of purchasing and installing the equipment.

VI. GENERAL CONDITIONS

PROPRIETARY INFORMATION

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes.

The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

Omnibus Procurement Act of 1992 - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development
Division For Small Business
625 Broadway
Albany, NY 12207

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development
Minority and Women's Business Development Division
625 Broadway
Albany, NY 12207

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain new procurement lobbying requirements which can be found at

<http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form

includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. *See*, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a perspective contractor prior to contacting and filed with NYSERDA. *See*, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Limitation - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest.

Disclosure Requirement - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

CONTRACT AWARDS

NYSERDA may request additional data or material to support before issuing a Purchase Order. Each application should be submitted using the most favorable cost and technical terms. NYSERDA will use the Terms and Conditions found in the Commercial Facilities Program Terms and Conditions, Attachment 2, to contract successful applications. A sample Purchase Order is available on request. NYSERDA expects to notify customers in approximately three (3) weeks from the receipt of a complete project package whether the submission has been selected to receive an award.

VII. ATTACHMENTS

- Attachment 1: Proposed Scope of Work Form
- Attachment 2: Terms and Conditions