

**New York State Energy Research and Development Authority (NYSERDA)  
RFP 1613: Project Implementation Funding for the State Energy Program**

Frequently Asked Questions

- 1. Is the due date of April 7 the delivered date or the postmark date?**  
*Applications must be received by NYSEDA by 5pm on April 7, 2010.*
- 2. Will there be an extension to Round 3?**  
*There is no anticipated extension to Round 3.*
- 3. Where can I find Round 2 funding awards?**  
*Round 2 funding awards can be found on NYSEDA's website at <http://www.nyserda.org/economicrecovery/awarded.asp>.*
- 4. If I did not receive funding in Round 2, how can I get a "debrief"?**  
*You may contact Ben Fox at 866-NYSEDA x3444 or [bf2@nyserda.org](mailto:bf2@nyserda.org) or Matt Brown at 866-NYSEDA x3336 or [mcb@nyserda.org](mailto:mcb@nyserda.org) for a debriefing on your application.*
- 5. How long will it take to enter into a contract if an award is made?**  
*This cannot be answered until all accepted applications are known.*
- 6. Have any of the Round 3 application forms changed from Round 2?**  
*The forms have not changed; however NYSEDA is not requiring Appendix D to be signed as part of the application, and has posted "fill-able" PDF files for each of the appendices at <http://www.nyserda.org/funding/1613rfp.asp>.*
- 7. Why is funding limited to Region 1 and Region 7 in this round?**  
*The funds allocated to the other Regions were exhausted after Round 2.*
- 8. Will there be a Round 4?**  
*NYSEDA may offer an additional round depending on the funding remaining after Round 3. Applicants are encouraged to submit to Round 3 since an additional round is not guaranteed.*
- 9. What are the statistics regarding the types of projects NYSEDA is funding?**  
*There is a list of successful Round 1 and Round 2 projects on NYSEDA's website at <http://www.nyserda.org/economicrecovery/awarded.asp>. Each project is scored based on the evaluation criteria listed in the appendices and then ranked against other proposers in the sector within the region. Projects that had very good cost-effectiveness and were able to clearly demonstrate compliance with the other selection criteria did much better in the evaluation process.*
- 10. How does NYSEDA recommend applicants go about looking for a contractor to determine energy savings for a specific energy conservation system they have in mind, given that they have not selected a vendor?**  
*Applicants can utilize a NYSEDA FlexTech contractor to perform an energy study. Information on the FlexTech program, and the listing of Flex Tech contractors, is available online at <http://www.nyserda.org/programs/flextech.asp>*

**11. Can we bundle a combination of energy efficiency, renewable energy and/or clean fleet projects to optimize cost savings?**

*No. Energy efficiency, renewable energy and clean fleet projects must be submitted as separate applications.*

**12. If an applicant submits multiple proposals, will NYSERDA prioritize the proposals for award if all of them are qualified for funding?**

*No. This is an open solicitation; funds are awarded on a competitive basis.*

**13. Tax Law Section 5-a does not apply if projects are under \$100,000?**

*Projects under \$100,000 are not required to comply with the provisions of Tax Law Section 5-1. It is recommended that you consult with NYS Tax and Finance or your Tax Attorney.*

**14. A municipality owns a building and is planning to lease to a non-profit (no lease currently in place). They are planning to implement energy conservation projects through a partnership. Should the municipality be the lead applicant or the non-profit? Does a lease have to be already in place for the project to be eligible?**

*Eligible facilities and eligible locations for Energy Efficiency Projects and Renewable Energy Projects include facilities and property owned or leased by the Proposer. If the facility or property is leased, the Proposer must be authorized to implement the Project, and the Project must pay for itself within the remaining term of the lease.*

**15. Our municipality plans to submit this application as a partnership with a non-profit that owns the property to be amended through the grant. Will this be a problem?**

*No, as long as the municipality, the non-profit and the property to be amended are all located in an eligible region (Region 1 or Region 7).*

**16. What are some specific examples of non-facility efficiency measures?**

*Street lighting is an example of a non-facility energy efficiency measure.*

**17. Are recreational buildings on golf courses eligible?**

*Projects to be completed for golf courses are not eligible for funding under RFP 1613.*

**18. Are recreation/community centers with a pool eligible?**

*Projects to be completed for swimming pools are not eligible for funding under RFP 1613.*

**19. Are fuel cells eligible?**

*Yes, fuel cells are eligible.*

**20. Are design and construction costs eligible?**

*Yes, design and construction costs are eligible under this RFP 1613 solicitation.*

**21. What is Appendix D (Agreement)? Is this required as part of the application?**

*Appendix D is not required as part of your application. It is included as a sample agreement for your review. If your project is selected for funding, then the applicant would then sign and notarize the pages as required in Appendix D. NYSERDA will work with the applicant to develop a Statement of Work which will be attached as Exhibit A and constitute the final Agreement.*

**22. Is Appendix E – the Project Description – to be inserted between Appendix D and F or after all the required appendix forms?**

*Appendix E should be inserted between Appendix D and Appendix F.*

- 23. If page numbers for the entire package are to be in numerical sequence, not each section separately, can I hand write the page numbers in the upper right?**  
*Yes, you can legibly hand write the page numbers. Each page of the proposal should state the name of the Proposer, the number of this RFP (RFP 1613) and the page number.*
- 24. If an applicant submits multiple proposals, will NYSEDA prioritize the proposals for award if all of them are qualified for funding?**  
*No. This is an open solicitation; funds are awarded on a competitive basis.*
- 25. If all the applicant has is a 5-year-old energy audit, should we still include that as an attachment?**  
*If the applicant is using that energy audit information to complete the application to RFP 1613, then yes, that audit should be included as an attachment. However, it is recommended that the applicant obtain updated project cost information that complies with the Buy American and Davis-Bacon federal requirements.*
- 26. How do I calculate the mmBTUs?**  
*Appendix N has a list of conversion factors.*
- 27. Are the mmBTUs based on annual or life cycle energy savings?**  
*The mmBTUs are based on annual energy savings.*
- 28. Are cost savings per source mmBTU based on total project cost or the amount of funding requested by the applicant?**  
*Cost savings are based on total project cost.*
- 29. Will Energy Efficiency projects that exceed \$900 per 10 million BTU result in automatic rejection, or can we request the \$900 level and self-fund the extra cost?**  
*Energy Efficiency projects that exceed \$900 per 10 million BTU so result in automatic rejection. The total project cost must be below that threshold.*
- 30. Is cost sharing a requirement?**  
*Clean Fleet projects require a 25% cost share. Cost share is not a requirement for Energy Efficiency or Renewable Energy projects. However, this is an open solicitation and funds are awarded on a competitive basis; it is important to note that the Technical Evaluation Panel (TEP) may award points to Energy Efficiency and Renewable Energy applications which include a cost share. Applicants should consider including a cost share to earn more points during the evaluation, which will make their application more competitive. The use of other Federal funds, including other ARRA grants, will not be considered as eligible cost sharing.*
- 31. Can the applicant submit a proposed cost sharing range with the hope that NYSEDA will grant the award and pick the smaller cost share?**  
*The cost share amount should be a firm number.*
- 32. Are Davis Bacon prevailing wages and State prevailing wages the same?**  
*No, they are not the same. In most cases, New York State prevailing wages are higher, but for every job, the Proposer must review both the Davis Bacon prevailing wage and the NYS prevailing wage and go with the higher benefit/wage.*
- 33. How can you demonstrate meeting Davis Bacon requirements?**

*One way applicants can demonstrate their understanding of and compliance with Davis Bacon requirements is by including statements such as “The prevailing wage for this project will be \$XX, which is within the Davis Bacon prevailing wage requirements.” In addition, total project costs are a good indicator that you are meeting prevailing wages.*

**34. Where can I get more information on the “Buy American” requirements?**

*Information on the “Buy American” requirement can be found in RFP 1613. Additional information can also be found at <http://www.recovery.gov>.*

**35. Are there any resources that provide guidance on legal questions related to the ARRA funding?**

*The U.S. Department of Energy’s Office of General Counsel will provide guidance for state, county, municipal and tribal governments on legal questions related to the ARRA funding through an email hotline. More information on this service is available at <http://www.gc.energy.gov/GCHotlineFAQ%20.htm>. Additionally, this website provides FAQs on topics including Davis-Bacon, Buy American, eligibility determinations and procurement.*

**36. What do we need to do to demonstrate compliance with ASHRAE 90.1-2007?**

*Proposers are encouraged to develop a scope of work and propose Projects that would meet the requirements of these advanced codes, as appropriate. Meeting these codes is part of the selection criteria for obtaining funding under this RFP for project implementation, but is not required. For projects that will meet ASHRAE 90.1 -2007, include with the proposal a signed statement from the professional engineer on the project team stating the project will be designed to meet or exceed relevant ASHRAE 90.1 -2007 requirements.*

*Engineer Certification language: “I, [name of registered professional engineer] certify that the subject Proposal is being designed to meet relevant requirements of ASHRAE 90.1 -2007.”  
Engineer must include registration number.*

**37. Which types of costs can be included in self-implemented projects?**

*Under this RFP 1613 solicitation, projects can be self-implemented. However, for all self-implemented projects, the staff time for developing, designing, or implementing the Project is not eligible for funding. This RFP only covers material costs for self-implemented projects.*

**38. One of our proposals is for a project that we will self-implement. Project costs are only for materials/equipment. Does Davis-Bacon apply in this scenario?**

*Davis-Bacon prevailing wage requirements apply to self-implemented projects under this RFP, with the exception of public employees. For more information on Davis-Bacon, see [http://apps1.eere.energy.gov/state\\_energy\\_program/davis\\_bacon\\_faqs.cfm](http://apps1.eere.energy.gov/state_energy_program/davis_bacon_faqs.cfm)*

**39. Is bidding a requirement?**

*Applicants must follow competitive bid procedures and all procurement rules. Using ARRA funds does not waive any bid process.*

**40. We are to submit monthly energy/fuel use and costs. Does this refer to the energy relevant to the project (e.g. electricity for a lighting retrofit) or do you want this for all aspects of the facility?**

*You should include the breakout of energy usage for the proposed project, but also put together the entire facility. If you do not have energy use/cost information pertinent to only the proposed project, you may be able to obtain this information from your utility company.*

**41. How do we benchmark using EPA ENERGY STAR® Portfolio Manager?**

*Go to*

*[www.energystar.gov/index.cfm?c=evaluate\\_performance.bus\\_portfoliomanager\\_benchmarking](http://www.energystar.gov/index.cfm?c=evaluate_performance.bus_portfoliomanager_benchmarking), create a login account and input 12 months of building energy usage (including electricity, natural gas, oil, propane, etc.). The website will then present a score on the building energy usage relative to the benchmark. Attach the EPA ENERGY STAR® printouts along with your application as part of supporting documentation. If your project has unsupported building types, input the data into the EPA ENERGY STAR® Portfolio Manager as best as possible.*

**42. How can I find out if there is a potential environmental justice area in my municipality?**

*You can obtain this information from the NYS Department of Environmental Conservation website at [www.dec.ny.gov/public/899.html](http://www.dec.ny.gov/public/899.html)*

**43. How do I know if my proposed project is located in an economic distress zone?**

*You can obtain this information from the NYS Department of Transportation website at [www.nysdot.gov/recovery/goals/distressed](http://www.nysdot.gov/recovery/goals/distressed).*

**44. How do I know if my proposed project is located in a Clean Air Act non-attainment county?**

*You can obtain this information from the U.S. Environmental Protection Agency website at <http://www.epa.gov/air/oaqps/greenbk/ancl.html#NEW%20YORK>.*

**45. If a utility provides partial funding upfront, will the project be eligible?**

*No, the project will not be eligible if any other NYSEDA or utility funding is provided at any point of project implementation (prior to or after ARRA funding is awarded.) If other NYSEDA or utility funding is used, the ARRA funding will be rescinded and there are no exceptions. However, please note that audits or studies used to identify the project (prior to application) that were completed using NYSEDA or other utility funding may be used and will not affect ARRA funding.*

**46. Can a municipality apply for utility funding for the balance of the project cost after they received RFP 1613 funding?**

*No. If at any time utility or other NYSEDA incentives are used, the ARRA contract is automatically canceled.*

**47. Is supplemental funding allowed?**

*Some Proposers may also be eligible to apply for the Energy Efficiency and Conservation Block Grant directly from the Department of Energy to fund their project. Receipt of ARRA funding for the project being proposed to NYSEDA under other programs may result in a reduction in NYSEDA's incentive so that total grants and incentives of a proposed project do not exceed the cost of the project. Proposers must also provide a complete listing of any other ARRA grants their organization is using for any energy projects.*

**48. For lower cost projects, does a non-profit have to check all the contractors? Can we just state legal workers and State laws apply? We tend not to have all that legal capability.**

*Non-profits need to check with contractors to ensure their compliance with Buy American and Davis Bacon prevailing wage requirements.*

**49. What are retro-commissioning projects?**

*Retro-commissioning generally refers to projects where installed equipment that is not performing to its expected (optimal) performance is commissioned (improved) to bring it back up to its expected (optimal) performance.*

**50. Under retro-commissioning, can we submit finished projects with all documentation and energy history showing positive results?**

*Project costs incurred and equipment installed prior to having a signed agreement in place with NYSERDA are not eligible for reimbursement under this program.*

**51. Are there any Minority/Small/Women Business Enterprises (M/S/WBE) requirements?**

*No, there are no such requirements under this RFP 1613 solicitation.*

**52. How are project overruns handled?**

*If a proposal is selected by NYSERDA, and at any time the scope of work, schedule or budget changes, the Proposer must contact the NYSERDA project manager immediately. Changes in project scope, schedule or budget may change the amount of funds awarded by NYSERDA.*

**53. Since local governments have to adhere to competitive procurement guidelines, are they still eligible if they have not selected a vendor?**

*Applicants with or without a selected vendor are eligible. There is no requirement for a selected vendor under this RFP 1613 solicitation.*

**54. If a municipality has a signed contract with a vendor, can it still apply for RFP 1613?**

*Yes, the municipality will still be able to apply for the funding through RFP 1613 even though they already have a signed contract with a vendor. There is no guarantee that the proposal will be selected and funded. But if they show proof of a contract in place, the TEP may rate them higher. However, if they have already spent money, none of those costs are reimbursable. They would probably also need to provide additional documentation on the Buy American and Davis Bacon requirements.*

**55. Must we have already contracted with the selected bidder, or can we wait for the proposal results?**

*You do not have to have a contract in place at the time of submitting your proposal, but if you do, the TEP may choose to view your project more favorably in the scoring process. However, it is important to note that any costs incurred prior to having a signed agreement in place with NYSERDA are not eligible for reimbursement.*

**56. Where can I find a list of all consultants that are doing outreach application assistance?**

*The municipal sector may contact Amy Santos at [santosa@pirnie.com](mailto:santosa@pirnie.com).*

*The K-12 public schools and BOCES sector may contact Kristin Bahny at [kbahny@trcsolutions.com](mailto:kbahny@trcsolutions.com).*

*The public colleges and universities (including CUNY and SUNY) sector may contact Elliot Easton at [eeaston@eypae.com](mailto:eeaston@eypae.com).*

*The private and public hospitals and non-profit sector may contact Nat DiDonato at [ndidonato@luthin.com](mailto:ndidonato@luthin.com).*