



**New York State Energy Research
and Development Authority**

**Energy Conservation Study
ARRA Assistance
Program Opportunity Notice (PON) 0004
\$5 Million Available**

**Applications accepted on a first-come, first-served
basis through March 15, 2010 5pm EST**

I. Program Summary:

This Program Opportunity Notice (PON) provides funding to complete Energy Conservation Studies, which can be used to support applications to upcoming project implementation funding opportunities through NYSERDA's administration of American Recovery and Reinvestment Act (ARRA) funds. Eligible participants include: municipal governments, public K-12 schools, public universities or colleges (including SUNY, SUNY community colleges, CUNY, CUNY community colleges), hospitals, and not-for-profits (defined as 501(c)(3)).

Funding for this program is being provided under the American Recovery and Reinvestment Act (ARRA). If your organization receives funding under this PON, it may be subject to special terms and conditions, including but not limited to: detailed reporting requirements; audit of your use of ARRA funds; Buy American; and Davis-Bacon prevailing wage requirements for construction activities. Your organization will be required to provide certain information in a timely manner to meet ARRA requirements. See attachments for a list of special terms and conditions. Failure to comply may result in the loss of Federal grant funding.

APPLICATION SUBMISSION: All Applications should be clearly labeled and sent to:

NYS Energy Research and Development Authority
Attn: Manager, Energy Conservation Study ARRA Assistance PON 0004
17 Columbia Circle
Albany, New York 12203-6399

All program questions should be directed to Ben Fox, 866-NYSERDA (866-697-3732), ext. 3444, bf2@nyserda.org. All Contractual questions should be directed to Venice Forbes, 866-NYSERDA (866-697-3732), ext. 3507, vwf@nyserda.org.

*Late, incomplete, or unsigned applications will be returned. Faxed or e-mailed applications will not be accepted. Applications will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's website at www.nyserda.org.

The New York State Energy Research and Development Authority (NYSERDA) is New York State’s administrator of the Federal ARRA funds provided from State Energy Program (SEP) Formula Grants and Energy Efficiency and Conservation Block Grants (EECBG). The funding source of SEP and EECBG is the Federal government, and all projects funded must comply with all required Federal and State requirements for use of the funds. Pursuant to Plans submitted to the U.S. Department of Energy for use of the SEP and EECBG funds in New York, NYSERDA intends to issue two competitive solicitations for project implements grants. The follow table describes the anticipated time frame for release of the first project implementation solicitations and deadline for submission. Note: All projects for which ARRA funds are requested for eligible energy projects must be submitted by an eligible Applicant in response to one of these upcoming competitive solicitations noted in the Table below, regardless of whether the project was submitted previously to the Governor’s Office.

Funds available	Eligibility	Anticipated Issue Date	Anticipated Close Date
\$74,000,000	Municipalities, Universities, Schools, Hospitals, and Not-for-Profits [501(c)(3)]	July 27, 2009	Round 1: 8/24/09 Additional rounds may be held in the future, depending on the availability of funds.
\$24,069,789*	Small Municipalities	August 2009	November 2009
*Pending Department of Energy approval			

Applicants for project implementation funds through the SEP and EECBG competitive solicitations noted above will be required to supply technical information to document energy savings and costs of proposed projects. This PON offers funding for eligible participants as defined above to conduct Energy Conservation Studies, which can be used to support applications for future SEP and EECBG project implementation opportunities being administered by NYSERDA. Note that participation in this Program is not a prerequisite for applying for the SEP and EECBG project implementation funds. Receiving funding through this Program for an Energy Conservation Study does not automatically qualify the Applicant for future SEP or EECBG project implementation funding opportunities. Furthermore, participation in this Program does not give the Applicant preferential treatment when applying for future SEP or EECBG project implementation funding.

For all eligible Applicants, Energy Conservation Studies funded by this Program can address the following topics (see the program rules in Section II for specific eligible measures categories):

- Energy efficiency
- Renewable energy (Solar thermal, biomass, fuel cells, and small wind)
- Vehicles

Small municipalities (as defined by Appendix F) may also apply for funds to study the following topics (see the program rules in Section II for specific eligible measures categories):

- Energy management personnel
- Material conservation
- Transportation

Under this Program, each Applicant may apply for funding up to the lesser of: \$30,000, or 100% of the cost of the study, or 25% of the annual energy cost of studied buildings (electricity, heating fuel), or vehicle fleets (vehicle fuel).

Program Steps

1. The Applicant creates a Scope of Work, selects a Service Provider (as defined in Section II), and submits a program Application (Appendix A) together with the Scope of Work (each Scope of Work must comply with the requirements of Appendix B) to NYSERDA.
2. NYSERDA reviews the Application. If the Application is approved, NYSERDA reserves funds and issues a purchase order to the Applicant.
3. The Applicant's Service Provider performs the Energy Conservation Study.
4. The Applicant submits a copy of the completed Energy Conservation Study Final Report, a Project Summary (see Appendix D), a Project Metric Descriptions (Appendix E) and invoices to NYSERDA.
5. Upon approval, NYSERDA releases funds to the Applicant.

The Applicant is encouraged to apply for either SEP or EECSBG project implementation funds from NYSERDA under soon-to-be-released solicitations.

Funding available in this program will be reserved for Applicants on a first-come, first-served basis, upon receipt and review of a complete Application.

Costs incurred and work conducted prior to authorization from NYSERDA (in the form of a NYSERDA issued Purchase Order), are not eligible for funding. Detailed engineering design is considered an implementation effort and is not eligible for funding through this program.

II. Program Rules

Service Provider Selection

An independent third-party Service Provider is required for all projects. Funding cannot be used for self-prepared studies. Program participants choose their own Service Provider to perform the energy conservation study. Potential Service Providers include, but are not limited to; energy service companies (ESCOs), energy consultants, engineering firms, and utility companies.

Eligible Applicant

Eligible Applicants are all New York municipal governments, public K-12 schools, public universities or colleges (including SUNY, SUNY community colleges, CUNY, CUNY community colleges), hospitals, or not-for-profits (defined as 501(c)(3)). Municipal governments must be included in the latest available Census of Governments as a currently incorporated government, the municipality must have a governance structure with an elected official and governing body, and the municipality must have the authority to implement the eligible activities. Sewer districts, water and wastewater treatment plants, and other sub-components of eligible villages, towns, cities and counties are not eligible. Each eligible Applicant may apply for multiple Energy Conservation Studies, however, the total amount per eligible Applicant under this PON may not exceed \$30,000.

Eligible Measures

All eligible Applicants may apply for Energy Conservation Studies for the following measure categories:

- Energy Efficiency
 - Facility and non-facility integrated measures are fundable. Measures include but are not limited to lighting, cooling, heating, motors, building envelope, building or facility optimization, combined heat and power, geothermal systems, other energy-efficiency technologies.
 - Retro-commissioning services are eligible, but must be specifically focused on energy efficiency. Retro-commissioning studies without the potential for significant energy savings are not eligible for funding.

Renewable Energy

- Solar Thermal (studies of solar electric systems are not eligible*), biomass, fuel cells, and small wind.

*Note: Photovoltaic projects may be funded through upcoming project implementation funding programs, but are not eligible to be studied under this Energy Conservation Study Program. Photovoltaic projects may instead be evaluated using NYSERDA's free on-line tool located at: www.powernaturally.org.

- Eligible biomass technology is for high-efficiency indoor boiler applications, which use wood pellets, wood chips, or firewood. A minimum thermal efficiency of 83% will be required when applying for future SEP or EECBG project implementation funding. Wood-fired boilers should measure thermal efficiency using either the EN 303-5 or ASHRAE 155P methods and use the lower heating value of wood.
- Eligible fuel cells are those commonly described as “behind the meter” generation, and refer to generation that is sited at the electric customer’s location and used primarily to serve the electric customer’s load (i.e., not primarily exported to the utility grid).
- Eligible wind power projects are those commonly described as “behind the meter” generation, and refer to generation that is sited at the electric customer’s location and used primarily to serve the electric customer’s load (i.e., not primarily exported to the utility grid). Wind turbine size is limited to be under 50 kW.

Vehicles

- Alternative fuel vehicles (light, medium, and heavy duty). Alternative fuel refers to natural gas, propane, hydrogen, or electricity.
- Hybrid electric medium- and heavy-duty vehicles. Light-duty, hybrid-electric vehicles that are plug-in hybrid electric are also eligible.
- Refueling and recharging equipment for alternative fuel vehicles.
- Anti-idling equipment.

Small municipalities (as defined by Appendix F) may also apply for Energy Conservation Studies for the following measure categories:

Energy Management Personnel

- Studies on the need for and benefits of hiring: certified energy managers, regional planners, and code enforcers.

- Material Conservation
 - Alternative collection programs, such as volume-based pricing or single-stream recycling.
 - New recycling capacity.
 - Source reduction strategies.
 - Methods to divert organic waste from landfills.
 - Recycled content procurement programs.
- Transportation
 - Traffic signal timing and other intelligent transportation system projects.
 - Programs to reduce vehicle miles traveled, such as ridesharing or telecommuting.
 - Bike and pedestrian paths where a reduction in automobile travel can be demonstrated.

Work that is Not Eligible for Energy Conservation Studies

The following types of activities are not eligible for funding under this Program:

- Detailed engineering and architectural design work.
- New construction energy modeling and commissioning.
- Power quality, power factor, and power conditioning studies.

Note: Equipment purchases are not eligible for funding under this Program, except for metering equipment representing less than 50% of the amount provided by NYSERDA through this program. To be eligible for funding, the metering equipment must be a necessary component of the Energy Conservation Study.

Eligible Facilities and Vehicles

Eligible facilities and vehicles include existing facilities and vehicles owned or leased by the Applicant. New facilities, or those that have undergone substantial renovations, must have been occupied for more than one year at the time of Application to this Program to be eligible for funding under this solicitation.

Available Funds

Each Applicant may apply for funding through this Program up to the lesser of: \$30,000, or 100% of the cost of the study, or 25% of the annual energy cost of a studied building(s) (electricity, heating fuel) or vehicle fleets (vehicle fuel). No Service Provider can receive more than 25% of the total funds available under this Program. Funding through this Program will be awarded on a first-come, first-served basis through March 15, 2010 prior to 5 PM EST, or until the available funding of \$5 million is exhausted.

Costs incurred and work conducted prior to authorization from NYSERDA (in the form of a NYSERDA issued Purchase Order), are not eligible for funding.

Once an Application is approved by NYSERDA, NYSERDA will issue a Purchase Order to the Applicant. Incomplete Applications will be returned to the Applicant.

Project Payments

To receive payment, the following shall be submitted to NYSERDA:

- The Energy Conservation Study Final Report complying with the requirements of Appendix C and consistent with the approved Scope of Work.
- A Project Summary as described in Appendix D and a Project Metric Descriptions (Appendix E).
- A copy of the Service Provider's invoice(s) to the Applicant indicating the total energy conservation study cost.
- An invoice from the Applicant to NYSERDA.

Materials must be sent to NYSERDA to the attention of Manager, Energy Conservation Study ARRA Assistance PON 0004 at the address listed at the beginning of this PON.

Quality Assurance

The quality and accuracy of the energy conservation study is the sole responsibility of the Applicant and its Service Provider. NYSERDA is not responsible for any representations made by the Applicant's Service Provider.

Future Funds

Participation in this program does not automatically qualify the Applicant for future SEP or EECBG project implementation funding. Participation in this program does not give the Applicant preferential treatment when applying for future SEP or EECBG project implementation funding.

Matching Contributions

Matching contributions or cost-sharing is not required for this Program. The Applicant may choose to spend more for an Energy Conservation Study than the funding amount provided through this program. The amount NYSERDA will award will not exceed the amount stated in the purchase order.

Energy Conservation Study Final Report

The Energy Conservation Study Final Report funded under this Program must be completed and submitted to NYSERDA by May 15, 2010, 5:00PM. The Energy Conservation Study Final Report must comply with the requirements in Appendix C and include a completed copy of Appendices D and E.

EPA ENERGY STAR® Portfolio Manager

Energy Conservation Studies that include building energy-efficiency measures are strongly encouraged to benchmark the buildings using EPA ENERGY STAR® Portfolio Manager at www.energystar.gov. Benchmarking may be part of the selection criteria for future ARRA funding opportunities.

Energy Conservation Construction Code

Governor David A. Paterson is currently advancing legislation to amend the existing Energy Conservation Construction Code of New York State to meet or exceed the commercial building requirements of ASHRAE 90.1 -2007, and the residential requirements of the International Energy Conservation Code (IECC) 2009, as required by ARRA. Applicants are encouraged to design their Scope of Work to meet these codes' requirements. Meeting these codes may be part of the selection criteria to obtain future ARRA project implementation funding. Thermal efficiency for wood-fired boilers should be measured using either the EN 303-5 or ASHRAE 155P methods and use the lower heating value of wood.

Submitting an Application

Applications will be accepted until 5:00 pm EST on March 15, 2010, or until funds are exhausted. Applications must contain original signatures. Faxed or e-mailed copies will not be accepted. Late, incomplete, or unsigned Applications will be returned.

To apply, send the completed Application (Appendix A) and a complete Scope of Work (see guidelines in Appendix B) to the attention of Manager, Energy Conservation Study ARRA Assistance PON 0004, at the address listed at the beginning of this PON.

Other NYSERDA Programs and Utility Programs

Energy Conservation Studies funded by this Program are not eligible for additional funding under NYSERDA's Technical Assistance or FlexTech programs, or any utility funded program.

III. GENERAL CONDITIONS

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 Applicant 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 www.nyserda.org/nyserda.regulations.pdf. 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
30 South Pearl Street
Albany, NY 12245

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

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street
Albany, NY 12245

Limitation

This solicitation does not commit NYSERDA to award a Purchase Order, pay any costs incurred in preparing an application, 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 Applicant 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 an Applicant 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 Service Provider may be subject to penalties for violation of any law which may apply in the particular circumstances. Applicants shall 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 Award

NYSERDA may issue a Purchase Order based on applications without discussion, or following limited discussion, Scope of Work modifications or negotiations. NYSERDA may request additional data or material to support applications. NYSERDA expects to issue purchase orders approximately three (3) weeks from the receipt of a complete application.