



ENHANCED COMMERCIAL AND INDUSTRIAL PERFORMANCE PROGRAM

Program Opportunity Notice (PON) No. 1101
Revised March 31, 2008

Total Program Funding up to \$45.7 million

Up to \$34.2 million is available for eligible energy efficiency projects. Of the \$34.2 million, up to \$1.2 million is available for gas efficiency measures for eligible National Fuel Gas customers, up to \$4 million is available for gas efficiency measures for eligible Con Edison gas customers, and up to \$29 million is available for electric efficiency measures for eligible customers. Additionally, up to \$11.5 million in funding is available for the installation of eligible combined heat and power (CHP) systems in the Con Edison electric service territory. Funding for all energy projects is on a first-come, first-served basis until funds are fully committed or June 30, 2008, whichever comes first.

The New York State Energy Research and Development Authority (NYSERDA), as administrator of the **New York Energy SmartSM** program, requests applications to receive financial incentives for the installation of energy efficiency projects.

- Eligible customers for electrical efficiency incentives are electricity distribution customers of Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation who pay the System Benefits Charge (SBC) or Con Edison electrical distribution customers who pay the Monthly Adjustment Clause (MAC).
- Eligible customers for gas efficiency incentives are Con Edison gas commercial customers who pay the Monthly Rate Adjustment (MRA) and National Fuel Gas commercial customers who use less than 12,000 Mcf per year.
- Eligible customers for the installation of CHP Systems are Con Edison electrical distribution customers who pay the Monthly Adjustment Clause (MAC) or the System Benefits Charge (SBC).

The program offers three tiers to obtain financial incentives for energy efficiency projects. The first tier (formerly Smart Equipment Choices) offers eligible customers flat-rate financial incentives for the purchase and installation of pre-qualified electric and gas energy efficiency measures. The second tier offers eligible customers fixed amount per unit of them or kWh saved financial incentives for energy efficiency improvements based upon a technical engineering analysis. The third tier (formerly Commercial/Industrial Performance Program) offers performance-based incentives to contractors for energy efficiency projects in eligible utility service territories (see above), and for CHP Systems in the Consolidated Edison Company of New York, Inc, electric service territory. Third tier incentives are based on performance and are provided through a Standard Performance Contract (SPC) between NYSEERDA and the Applicant.

APPLICATION SUBMISSION: Applications must be clearly labeled and mailed to:

Enhanced C/I Performance Program Administrator
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

All program questions should be directed to Eric Mazzone at (866) 697-3732, ext. 3371 or efm@nyserda.org. CHP system questions should be directed to Jaime Ritchey (866) 697-3721, ext. 3517 or jrr@nyserda.org. Contractual questions should be directed to Doreen Darling at (866) 697-3732, ext. 3216 or djd@nyserda.org.

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I. INTRODUCTION

A. OBJECTIVE

PON 1101 summarizes procedures for participating in the *Enhanced Commercial / Industrial (C/I) Performance Program*. The program seeks to promote:

- Energy efficiency improvement projects and measures that provide summer on-peak demand reduction in the commercial, industrial, institutional, and governmental sectors;
- Gas efficiency projects for Con Edison's gas commercial customers
- Tier II gas efficiency projects for National Fuel Gas commercial customers who use less than 12,000 Mcf per year.
- Clean, efficient, and commercially available Combined Heat and Power (CHP) Systems in Con Edison's electric service territory.

B. AVAILABLE FUNDS

NYSERDA has up to \$34.2 million available for eligible electric and gas energy efficiency projects and \$11.5 million available for CHP Systems. Of the \$34.2 million, up to \$4 million is available for gas efficiency measures for Con Edison gas commercial customers and up to \$1.2 million is available for gas efficiency measures for National Fuel Gas commercial customers who use less than 12,000 Mcf per year. Funding for all energy projects or CHP Systems is on a first-come, first-served basis until funds are fully committed or June 30, 2008, whichever comes first. It is possible that funding for a particular category may become fully committed prior to the scheduled end date; should this occur, NYSERDA reserves the right to deny acceptance of any more applications within that category. The Enhanced C/I Performance Program website page provides up-to-date information on the balance of incentive funding available. Please refer to <http://www.nyserdera.org/funding/funding.asp>, under the link for PON 1101.

C. PROGRAM TIERS I, II, & III INCENTIVES

There are different incentive rates, eligibility requirements, and customer and application caps that apply to each tier in the program. For a given energy efficiency measure, NYSERDA will provide an incentive under only one tier of the applicant's choice. In addition, measures approved for funding by the New Construction Program, Peak Load Reduction Program or other NYSERDA SBC-funded load management programs, NYSERDA Con Edison System-Wide Demand Reduction Programs, Con Edison (utility-sponsored) or National Fuel Gas demand or rebate programs are ineligible for funding under this PON with the exception of the Loan Fund and Technical Assistance Programs.

Tier I: Prescriptive Incentives for Pre-qualified Measures

(Formerly Smart Equipment Choices)

The Tier I Prescriptive Incentive for Pre-qualified Measures will produce permanent improvement in equipment by encouraging the purchase and installation of more energy-efficient equipment which will help accelerate their incorporation into the marketplace. Tier I provides eligible customers an opportunity to obtain flat-rate incentives for purchase and installation of pre-qualified electric efficiency equipment and gas efficiency equipment. Only Con Edison gas commercial customers are eligible for gas efficiency incentives under Tier I.

Incentive levels for pre-qualified equipment are identified on the measure worksheets (see Appendix A-1). If the measure does not fit into one of the already defined categories, it is not eligible for funding as a pre-qualified measure. On certain specified measures, incentives may be greater for Con Edison customers who pay the Monthly Adjustment Clause.

Table 1

Specific Incentive by Measure	See Appendix A-1
Maximum Applicant Incentive for Non-Con Edison Service Territory	\$10,000
Maximum Applicant Incentive for Con Edison Service Territory	\$25,000

See **Appendix A**, “Prescriptive Incentives For Pre-qualified Measures” and **Appendix A-1**, “Energy Efficiency Measure Worksheets” for detailed instruction on participating in this Tier.

Tier II: Custom Path - Technical Study

The custom path enables eligible customers to receive incentives based upon kWh saved or therms/Mcf saved for the installation of energy efficiency measures after performing a technical study of the electric or gas energy savings for their energy project. Studies completed under NYSERDA’s Energy Audit Program, FlexTech or Technical Assistance Program may be submitted as the required Technical Study. Alternatively, the customer may complete their own study. Only Con Edison and National Fuel Gas commercial customers are eligible for gas efficiency incentives under this Tier II. Please note, up to \$500,000 are available for efficiency improvements to an existing CHP System, located at a Con Edison gas commercial customer site, through Tier II. Pre-approval of the application is required before the purchase and installation of the energy efficiency measures.

Table 2

Measure Type	Incentive Rates
Electric Efficiency Measures	\$0.02 per kWh saved
Gas Efficiency Measures (for Con Edison Gas Customers Only)	\$1.50 per therm saved
Gas Efficiency Measures (for National Fuel Gas Customers who use less than 12,000 Mcf per year)	\$40 per Mcf saved Maximum of \$25,000 per project cost or 50% of project cost, whichever is less
Maximum Applicant Electric Incentives	\$100,000 or 75% of project cost whichever is less
Maximum Applicant Gas Incentives	\$500,000 or 75% of project cost whichever is less

See **Appendix B**, “Custom Path - Technical Study Application” and **Appendix B-1**, “Technical Study Guidelines”, for detailed instructions on participating in this Tier.

Tier III: Performance-based Incentives for Energy Efficiency

(Formerly Commercial/Industrial Performance Program)

The performance-based incentives are available to energy service companies for implementing cost-effective electrical energy efficiency measures Statewide and gas efficiency improvements at commercial facilities for customers using only Con Edison gas that deliver verifiable energy and demand savings through measurement and verification.

Table 3

Measures/Technologies	Incentive Rates	Summer On-Peak Demand Reductions - Con Edison Customers Only
Lighting	\$0.05 per kWh saved	\$200/kW
Motors & Other Pre-approved Measures	\$0.10 per kWh saved	Not Available
Cooling	\$0.20 per kWh saved	\$500/kW
Con Edison Gas Measures only	\$2.00 per therm saved	Not Available
ESCO limit - Energy Efficiency	\$5,000,000	
Customer limit - Energy Efficiency	\$1,000,000	
Maximum Incentive per Energy Efficiency project	30% of project cost	

See **Appendix C**, “Performance-based Incentives for Energy Efficiency”, for detailed instructions on participating in this Tier.

Tier III: Performance-based Incentives for CHP Systems
(Formerly Commercial/Industrial Performance Program)

CHP Performance-based incentives are available to any party willing to guarantee the CHP system performance (i.e. customer, developer or contractor).

Applicants are limited to three signed CHP System SPC Agreements at any one time, regardless of the PON they were offered under (i.e. if an Applicant already has three signed CHP System SPC Agreements from PON 984 they are not eligible to apply to this PON). Under Tier III, an Applicant may receive up to \$2,000,000 for installation and performance of a new CHP System of at least 500 kW installed capacity or installation and performance of additional capacity to an existing CHP System resulting in an increase of at least 500 kW of demand reduction from the grid, located in the Con Edison electric service territory. Please note, up to \$500,000 are available for efficiency improvements to an existing CHP System, located at a Con Edison gas commercial customer site, through Tier II.

Table 4

	Incentive Rates
Electricity Generation	\$0.10 x kWh _a
Peak Demand Reduction	\$600 x kW _p x [PR ² or 1, whichever is less]
Incentive Cap per Application - The total contracted project incentive paid to an Applicant may not exceed \$750/kW nameplate, or \$900/kW nameplate for those systems with NO _x emissions of 0.6 LB/MWh or less.	
Application Cap - \$2,000,000 per CHP project.	

kWh_a - Total electricity generated by the CHP system in a 12 month period net of parasitic electricity use. NYSERDA’s incentive will not be paid for electricity generated beyond on-site electricity usage. The comparison between the electricity generated by the CHP System and that used on-site will be assessed on an hourly basis.

kW_p - Average power produced by the CHP system during the summer capability period, net of parasitic electricity use. Electricity generated beyond on-site electricity usage will not be included in the calculation of kW_p. The comparison between the electricity generated by the CHP System and that used on-site will be assessed on an hourly basis.

PR - Power ratio. $PR = kW_p / kW_{SPC}$. PR must equal or exceed 0.6 to receive an incentive.

kW_{SPC} - The contracted peak demand reduction, as agreed to between the applicant and NYSERDA in the SPC agreement.

See **Appendix D**, “Performance-based Incentives for CHP Systems” for detailed instructions on participating in this Tier.

II. PROGRAM REQUIREMENTS

A. COMPLETING YOUR APPLICATION

To download the appropriate application, refer to NYSERDA's web site <http://www.nyserda.org/funding/funding.asp>, under the link for PON 1101. Applications may also be requested from NYSERDA toll-free at 1-866-NYSERDA or e-mail at info@nyserda.org.

NYSERDA must receive the original Application with signatures.

Applications for energy efficiency measures and CHP Systems must be postmarked on or before June 30, 2008. Applications hand-delivered to NYSERDA will be stamped on the date received by NYSERDA.

No applications will be accepted after June 30, 2008. Completed applications must be signed and dated, and if applicable, forwarded along with the measure worksheets, supporting invoices, and manufacturer's technical data sheets mailed to the following address:

NYSERDA

Attn: Enhanced Commercial/Industrial Performance Program Administrator

17 Columbia Circle

Albany, NY 12203-6399

B. SUBMITTING APPLICATIONS

TIER I- PRESCRIPTIVE INCENTIVES FOR PRE-QUALIFIED MEASURES

Applicants may submit applications for reimbursement for work that has already been completed as long as the equipment was purchased and installed on or after September 1, 2006 and before June 30, 2008 for energy efficiency measures.

If a substantial amount of the available funds are committed prior to June 30, 2008, NYSERDA reserves the right to only accept applications for pre-approval, and may cease accepting applications even if the measures were purchased or installed before submission of the application.

To see remaining funding, please refer to NYSERDA's web site at <http://www.nyserda.org/funding/funding.asp>, under the link for PON 1101.

Pre-approval *is not required* for prescriptive incentives for pre-qualified electric or gas measures. However, NYSERDA encourages applicants to have their applications and selected measures reviewed prior to purchase or installation. This pre-approval service will be completed by NYSERDA at no cost to the applicant. Upon review and approval of the application, a letter of commitment will be issued to the applicant. This letter of commitment will identify an incentive amount that will be paid to the applicant upon satisfactory installation and inspection of the equipment specified in the approved application. Any change from what was pre-approved will require further NYSERDA review, and the incentive amount may be reduced to reflect changes made by the applicant.

All applications for pre-approval must include appropriate technical specification sheets (cut-sheets), demonstrating that the equipment meets the required minimum efficiency standards. Applications submitted for pre-approval must be postmarked on or before January 1, 2008. Energy efficient equipment that is pre-approved under this PON must be installed prior to June 30, 2008.

TIER II- CUSTOM PATH TECHNICAL STUDY

For Custom Path-Technical Study projects, a technical study must be submitted along with the Application as supporting documentation to substantiate the potential energy savings and estimated NYSERDA incentive for the energy efficiency project.

All applications in the Custom Path-Technical Study must include appropriate equipment cost estimates and technical specification sheets (cut-sheets), demonstrating that the energy efficiency equipment exceed both standard practice and the minimum requirements of the current Energy Conservation Construction Code of New York. NYSERDA will review and approve the application with an estimated incentive. NYSERDA will issue a letter of commitment to the applicant. This letter of commitment will identify an incentive amount that will be paid to the applicant upon satisfactory installation and inspection of the equipment specified in the approved application. Any change from what was pre-approved will require further NYSERDA review, and the incentive amount may be reduced to reflect changes made by the applicant.

Applicants under Tier II **must** submit applications prior to equipment purchase for electrical efficiency improvements. For gas efficiency improvements equipment applicants may submit applications for reimbursement for work as long as the equipment was purchased and installed on or after September 1, 2006 for Con Edison gas commercial customers and November 1, 2007 for eligible National Fuel Gas commercial customers.

TIER III- PERFORMANCE-BASED INCENTIVES FOR ENERGY EFFICIENCY AND CHP SYSTEMS

Applications for Tier III energy efficiency projects must be submitted before equipment purchase. See Appendix C for detailed instructions and application requirements.

Applications for Tier III CHP Systems must be submitted for projects that have purchased equipment on or after December 22, 2006. See Appendix D for detailed instructions and application requirements.

C. ELIGIBILITY

For Electric Efficiency Projects

To be eligible, applicants/customers must have: (1) legal authority to make energy efficiency improvements to the property; and (2) pay the System Benefits Charge and/or Con Edison's Monthly Adjustment Clause (MAC) as electricity distribution customers of one of the following utilities: Central Hudson Gas & Electric Corporation, National Grid, Consolidated Edison Company of New York, Inc., Orange and, Rockland Utilities, Inc., New York State Gas & Electric Corporation or Rochester Gas and Electric Corporation.

For Gas Efficiency Projects

To be eligible applicants/customers must: (1) have legal authority to make energy efficiency improvements to the property; (2) be assessed the Monthly Rate Adjustment (MRA) applicable to Con Edison gas customers if a Con Edison gas customer and (3) use less than 12,000 Mcf per year, if a National Fuel Gas commercial customer. Multifamily buildings are ineligible for Con Edison gas incentives under this program and are encouraged to seek opportunities under NYSERDA's Residential Energy Affordability Program (REAP).

For CHP Systems -Tier III Performance-based Incentives

To be eligible the host site must pay the System Benefits Charge and/or Con Edison's Monthly Adjustment Clause (MAC) as electricity distribution customers of Consolidated Edison Company of New York, Inc.. The MAC tariff is paid by customers served under the Full Service Schedule, except for SC 11, and by customers served under the Retail Access Rate Schedule, except for SC 15-RA.

ELIGIBLE APPLICANT

For both:

TIER I- PRESCRIPTIVE INCENTIVES FOR PRE-QUALIFIED MEASURES, and TIER II- CUSTOM PATH TECHNICAL STUDY

An applicant is defined as a person or entity seeking incentives for the installation of energy-efficient equipment. Applicants for prescriptive incentives may be the owner or tenant/leaseholder of the property. Applicants for one- to four-family dwellings are not eligible. In no case will incentives under this program be paid to more than one applicant for the same measure. For the purposes of determining the maximum incentive, an applicant is further defined to include any and all entities of which the applicant has a 10% or more interest in ownership or control. National or chain accounts are considered a single "applicant" and subject to the maximum incentive per applicant. The lessor of qualified commercial clothes washers (route operator) for machines placed in service for a minimum three year duration under leasing contract is also eligible. In addition, lessors of qualified commercial kitchen equipment are eligible for incentives.

TIER III- PERFORMANCE- BASED INCENTIVES FOR ENERGY EFFICIENCY AND CHP SYSTEMS

An applicant for an energy efficiency projects must be a contractor/energy service company (ESCO) and an applicant for a CHP project is any party willing to guarantee the CHP system performance (i.e. customer site, developer or other contractor).

D. ELIGIBLE PROJECTS

TIER I- PRESCRIPTIVE INCENTIVES FOR PRE-QUALIFIED MEASURES

Applicants may submit applications for work that has already been completed as long as the equipment was purchased and installed on or after September 1, 2006, and before June 30, 2008 for energy efficient measures.

Eligible projects include replacement of existing energy equipment in buildings, or installation of

equipment as part of a building renovation of an existing and occupied structure or of a vacant structure, or installation of equipment in a new building or addition. See Appendix A-1 for eligible measures.

TIER II- CUSTOM PATH TECHNICAL STUDY

Eligible projects include replacement of existing energy equipment in existing buildings. Improvements to existing CHP Systems may be eligible for gas efficiency incentives for Con Edison gas commercial customers only.

TIER III- PERFORMANCE- BASED INCENTIVES FOR ENERGY EFFICIENCY AND CHP SYSTEMS

Eligible projects include replacement of existing energy equipment in existing buildings. Eligible projects also include:

- Installation and performance of a new CHP System of at least 500 kW installed capacity; and
- Installation and performance of additional capacity to an existing CHP System resulting in an increase of at least 500 kW of demand reduction from the grid.

E. INELIGIBLE PROJECTS

Measures approved for funding by the New Construction Program, Peak Load Reduction Program or other NYSERDA SBC-funded load management programs, NYSERDA Con Edison System-Wide Demand Reduction Programs, or Con Edison (utility-sponsored) Demand Programs are ineligible for funding under this PON with the exception of the NYSERDA Loan Fund and NYSERDA Technical Assistance Programs.

Tier II and III projects involving a new building are not eligible. Fuel cells, microturbines, and multi-family facilities are not eligible for CHP System incentives.

ELIGIBLE EQUIPMENT AND ELIGIBLE COST LIMITATIONS

TIER I- PRESCRIPTIVE INCENTIVES FOR PRE-QUALIFIED MEASURES

Incentives cover a portion of the incremental capital cost to purchase and install eligible measures. Other costs associated with the installation of measures (such as labor, shipping and handling, etc.) are not eligible for reimbursement. In no case will NYSERDA pay more than 100% of the cost of a measure.

Pre-qualified Electric and Gas Measures

Pre-qualified electric and gas measures and incentive amounts are listed in Appendix A-1. Specific incentive levels for pre-qualified equipment are identified on the measure worksheets. If the measure does not fit into one of the already defined categories, it is not eligible for funding under this Tier I.

During the course of this program NYSERDA may add measures, and may remove measures to reflect changes in energy code requirements or standard practice. Incentives will not be paid for measures if the application is received subsequent to the date the measure(s) was removed from the list of eligible measures. If changes are made to the list of eligible measures or program terms, a notification will be posted on NYSERDA's website and the application forms will be updated (www.nyserda.org). No additional notice will be provided. However, applications will be approved under the terms of the program in effect as of the application postmark date.

TIER II- CUSTOM PATH TECHNICAL STUDY

For Custom Path-Technical Study projects, a technical study must be submitted, along with the application, as supporting documentation to substantiate the potential energy savings and estimated NYSERDA incentive for the energy efficiency project.

TIER III- PERFORMANCE- BASED INCENTIVES FOR ENERGY EFFICIENCY AND CHP SYSTEMS

See Appendix C for details on energy efficiency measure eligibility and Appendix D for details on CHP System eligibility through Tier III.

III. DISCLAIMER

NYSERDA's receipt and acceptance of a Technical Study under Tier II shall not constitute any representation by NYSERDA as to the economic or technical feasibility, operation capability, or reliability of the information contained in the Technical Assessment. NYSERDA's payment of any incentive shall in no way represent endorsement by NYSERDA of any findings or recommendations contained in any such Technical Study.

IV. INCENTIVES AND DELIVERABLES

NYSERDA may choose to inspect projects to verify satisfactory completion of the projects, and to measure and verify energy savings. Such inspections will be made at a time convenient to the applicant, with advance notice given to the applicant. All costs associated with verifying the applicant's eligibility, the measures' eligibility and any pre- and post-installation inspections of the project are the responsibility of NYSERDA. Misrepresentation of the project or measure eligibility may result in forfeiture of the incentive award. If the program eligibility criteria is not met, NYSERDA reserves the right to rescind an incentive award at the sole discretion of the NYSERDA project manager at any time.

V. GENERAL CONDITIONS

PROPRIETARY INFORMATION - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your application. The applicant should determine whether the information is critical for evaluating an application or whether general, non-confidential information, may be adequate for review purposes. The New York State 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, including 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. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

**MINORITY AND WOMEN-OWNED BUSINESS POLICY 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

CONTRACT AWARDS - Applications will be processed on a first-come, first-served basis for energy efficiency projects until June 30, 2008, or until funds are committed, whichever occurs first. NYSERDA may request additional data or material to support applications including, but not limited to, measure worksheets, supporting invoices, and manufacturer's technical data sheets. NYSERDA may elect to inspect any and all projects prior to final approval. There is no payment to third parties. NYSERDA expects to notify applicants in approximately four weeks from the date of receipt of a completed application whether an application has been selected to receive an incentive.

LIMITATIONS - 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 an 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.