



**On-Site Wind Turbine Incentive Program
Program Opportunity Notice (PON) 2097
\$4,600,000 Available**

Summary of Revisions

- 1. Equipment Size:** The maximum equipment size will be 2 MW; however, the maximum incentive available will remain at \$400,000 per site/customer. **(See Pg. 3, Section D – paragraph 1)**
- 2. Remote Net Metering:** Any customer eligible for remote net metering under the conditions of their utility's tariff, may submit information on their satellite accounts for purposes of increasing the size of the turbine(s) that may be installed, funded, and interconnected through their host account. **(See Pg. 3, Section D – paragraph 2)**
- 3. Turbine Certification:** In the likely event this program is extended beyond 12/31/2011, please note that after September 30, 2012, any turbine to which the AWEA Small Wind Turbine Performance and Safety Standard applies, must be certified to that standard by a recognized Accredited Certification Organization to be eligible for funding under NYSEERDA On-Site Wind Turbine Incentive Program. **(See Pg. 10, Section VI – last paragraph)**
- 4. Turbine Certification:** A turbine will be considered eligible for funding under this program if documents are provided that show evidence that the turbine will meet the requirements of the most current version of the UK Medium Turbine Recommended Guidelines. **(See Attachment I)**



On-Site Wind Turbine Incentive Program Program Opportunity Notice (PON) 2097 \$4,600,000 Available

Applications accepted from October 4, 2010 through December 31, 2011 by 5:00 PM Eastern Time

NYSERDA announces the availability of approximately \$4.6 million in incentives to encourage the installation of end-use wind energy systems for residential, commercial, institutional or government use. The incentives, of up to \$400,000 per site/customer, will be paid to Eligible Installers who install approved new grid-connected wind energy systems using qualified equipment, in accordance with the eligibility requirements described below. The maximum equipment size shall be 2 MW (2,000 kW) per site/customer. NYSERDA's incentive shall not exceed 50% of the total installed cost of the system. The program will continue through December 31, 2011 or until funds are fully committed, whichever comes first.

Incentives are intended to benefit both the installer for business development, and the wind energy system owner, where generated power offsets the customer's utility power purchases. Eligible Installers must pass through incentives, in their entirety, directly to their customers. Incentives will be based on the predicted annual output of the wind turbine, on the proposed tower, at the proposed site, as determined by the New York State Small windExplorer (<http://nyswe.awstruepower.com/>). System designs and annual energy estimates will be reviewed prior to the approval of incentive applications, and systems may be inspected during and following installations. Incentives will not be approved for wind energy systems that are already completely or partially installed at the time the proposal is submitted.

Installers are encouraged to apply for eligibility before September 30, 2011 and must be approved by NYSERDA before they may submit an application on behalf of a customer. Installer eligibility will be determined for specific equipment and based on professional experience, company history, and installer credentialing. A list of Eligible Installers is posted on www.PowerNaturally.org. All Eligible Installers receive a letter from NYSERDA that attests to their eligibility to participate in this program.

Individual or organizations interested in purchasing a wind energy system should first visit the New York State Small windExplorer (<http://nyswe.awstruepower.com/>) to see the wind energy potential at their site. Enter an address into the "Enter Location" box and click "Go." (The pin may be moved to the exact location of the wind energy system.) Next click "Generate Report" and follow the instructions to produce a Customer Report. Generally, NYSERDA does not recommend wind systems for sites as to which the "Wind Energy Potential," as shown on the Customer Report, is "Very Poor."

The application forms for this program are available directly from NYSERDA at <http://www.nyserda.org/funding/2097pon.asp>, by contacting NYSERDA at 1-866-NYSERDA, or at info@nyserda.org. Completed application forms for incentives for specific installations by Eligible Installers will be processed and approved, until funds are fully committed, under the conditions outlined below. Completed application forms for eligibility as an installer will not be accepted after September 30, 2011. Applications for the qualification of wind turbines will be accepted at any time throughout the duration of this program.

Application Submission: Completed application forms must be clearly labeled, contain all required information, have original signatures, and be mailed to:

New York State Energy Research and Development Authority
PON 2097 Wind
17 Columbia Circle
Albany, NY 12203-6399

Envelopes must be addressed as indicated above or processing may be delayed.

Installers may direct any questions to 1-866-NYSERDA, 518-862-1090 or smallwind@nyserda.org. Please indicate that you are calling in reference to PON 2097.

*Late, incomplete, or unsigned applications will be returned. Faxed applications will not be accepted. Applications to become an Eligible Installer or to have a wind turbine listed for funding, may be e-mailed. 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.

I. INTRODUCTION

Wind energy contributes to the public benefit by enhancing the reliability of the grid, reducing peak demand, increasing in-state electricity generation, increasing the diversity of the state's energy supply portfolio, and making the electric supply market more competitive by promoting consumer choice. A customer-sited wind energy system is connected on the customer's side of the electric meter and electricity generated by the system offsets the customer's electricity purchases.

This program provides incentives to Eligible Installers who install approved, grid-connected, customer-sited wind energy systems. Incentives must be passed on to the customer. Once eligible, installers may reserve incentives for approved wind energy systems, for specific customers, for as long as funds are available. The program will accept applications for eligibility from installers who would like to participate in the program, until September 30, 2011, and will accept applications continuously from wind turbine manufacturers who would like to have their turbines listed as eligible to receive funding.

NYSERDA provides complementary programs that encourage companies, organizations, and individuals to enter or improve their position in the sustainable marketplace. Visit the Funding Opportunities page on NYSERDA's web-site (www.nyserdera.org) or call 866-NYSERDA for more information. NYSERDA has developed installer training programs to educate and expand New York's wind installer community. Training opportunities will be posted at: www.nyserdera.org.

To be eligible to install wind energy systems under this program, installers must demonstrate that they have adequate training **and** experience installing wind energy systems, including turbines and towers, and must be an authorized dealer of an Eligible Turbine Manufacturer.

Individuals, companies, or organizations interested in purchasing a wind turbine should first visit the New York State Small windExplorer (<http://nyswe.awstruepower.com/>) to see the wind energy potential at the site. Enter your address into the "Enter Location" box and click "Go." (The pin may be moved to the exact location of the wind energy system.) Next click "Generate Report" and follow the instructions to produce a Customer Report. If the Wind Energy Potential is Very Poor, a wind energy system is not recommended for this location.

II. FUNDING, ELIGIBLE CUSTOMERS, INCENTIVES, LIMITATIONS

A. Program Funding

In an Order issued on April 2, 2010, the NYS Public Service Commission authorized and provided funding for the continuation of the Renewable Portfolio Standard (RPS) Program's Customer-Sited Tier (CST), including the "small wind" program, through 2015. The Order required NYSERDA to develop, in consultation with Department of Public Service (DPS) Staff, a revised CST Operating Plan reflecting various program provisions as described by the Commission. The CST Plan was approved by DPS on June 30, 2010. This program has been structured to conform to the Order, as well as to the CST Plan.

Approximately \$4.6 million is available for incentives to install approved wind energy systems for Eligible Customers as defined below. Incentives are expected to be available through December 31, 2011 or until funds are fully committed, whichever comes first.

B. Eligible Customers

Financial incentives for the installation of wind energy systems are available for all sectors including, but not limited to, residential, commercial, industrial, agricultural, institutional, educational, not-for-profit, and government-owned facilities. Projects that are funded or partially funded by other NYSERDA programs are not eligible for funding under this PON. To be eligible, the installation site owner must be an electricity distribution customer 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. or Rochester Gas and Electric Corporation, who pays the Renewable Portfolio Standard surcharge. This charge typically appears as an itemized charge on the electric utility bill, with a reference to RPS or SBC/RPS.

Wind energy systems owned by third-parties may be eligible for funding under this program, provided that the site host (customer) pays the RPS surcharge, and that the contractual relationship between the customer and the installer provides that the entire incentive payment is being passed on to the customer, and that the program requirements required of Eligible Installers are provided to the customer by an Eligible Installer company.

C. Incentive Levels

The NYSERDA incentive will be based on the expected annual energy output (AEO) of the proposed wind energy system, as calculated by the *Wind Professional Wind Resource Report* determined from the New York State Small windExplorer. The use of this tool is further explained in Section IV. A. - Wind Site Assessment. If the AEO is 10,000 kWh or less, than the NYSERDA incentive is \$3.50 per kWh.

*Example: If the AEO of the turbine is 7,400 kWh, the NYSERDA incentive is \$25,900.
[7,400 kWh x \$3.50/kWh]*

If the AEO is greater than 10,000 kWh, but not greater than 125,000 kWh, than the NYSERDA incentive is \$35,000 plus \$1.00 per kWh for every kWh greater than 10,000 kWh.

*Example: If the AEO of the turbine is 32,500 kWh, the NYSERDA incentive is \$57,500.
[\$35,000 + (22,500 kWh x \$1.00/kWh)]*

If the AEO is greater than 125,000 kWh, than the NYSERDA incentive is \$150,000 plus \$.30 per kWh for every kWh greater than 125,000 kWh.

*Example: If the AEO of the turbine is 200,000 kWh, the NYSERDA incentive is \$172,500.
[\$150,000 + (75,000 kWh x \$.30/kWh)]*

Only the New York State Small windExplorer (<http://nyswe.awstruepower.com>) may be used to determine average annual wind speed and estimated annual energy output. However, this tool is not appropriate for building-mounted turbines, for turbines to be installed in an urban environment, or for turbines installed on towers taller than 140 feet. Potential installers of these systems must provide a detailed analysis of their methodology for determining average annual wind speed and estimated annual energy output.

D. Limitations.

The maximum incentive available is \$400,000 per site/customer. The maximum equipment size is 2 MW (2,000 kW) per site/customer. The NYSERDA incentive will not exceed 50% of the total installed cost of the wind energy system.

The AEO may not exceed 110% of the historic annual electric needs (kWh) of an individual site that is served by an individual utility meter. For sites that do not have 12 months of electric consumption or that are increasing their electric use, an estimated energy use analysis may be used to predict that usage. The purpose of these installations should be the production of electricity for use at the site where it is generated. Any customer eligible for remote net metering under the conditions of their utility's tariff, may submit information on their satellite

accounts for purposes of increasing the size of the turbine(s) that may be installed, funded, and interconnected through their host account.

If multiple turbines are installed at a site, the NYSERDA incentive is based on the AEO of all turbines combined and is not based on the AEO of each individual turbine. For example: If two turbines are installed and the AEO for each turbine is 10,000 kWh, the NYSERDA incentive will be \$45,000 (\$35,000 + \$10,000) and not \$70,000 (\$35,000 + \$35,000).

Applications will be accepted for review in accordance with the following limitations:

- Applications submitted and approved under completed PON 1098 will not be eligible for funding under PON 2097.
- Eligible Installation companies are limited to a maximum of ten open projects at any one time under this and previous programs. A project is considered open from the time of the application for an incentive is submitted until the final invoice is approved by NYSERDA.
- Eligible Installation Companies may submit an additional ten applications, only if these applications are also seeking funding through a competitive federal grant (e.g. USDA- REAP grant) as part of their overall financial structure and less than 100 kW each. The Installer must submit proof that the application was actually submitted for federal funding, within two weeks after the federal program’s application due date. After this date, NYSERDA will not accept additional applications until the total number of an installation company’s open projects are below ten.
- Eligible Installation companies are limited to a maximum of two open projects where the size of the turbine is greater than 100 kW.
- The first application submitted by an Installer must be approved by NYSERDA before any additional applications may be submitted.

Incentives are only available for the installation of new equipment and wind energy systems that have not been installed (partially or completely) prior to NYSERDA approval of an incentive application submitted in accordance with the terms and conditions of this PON. Incentives are only available to Eligible Installers and incentives must be passed on to customers. Incentives will not be provided directly to customers who purchase and install their own wind energy systems.

Changes in Incentive Level - Although incentives are expected to stay at these levels, incentives may be changed at any given time during the program, for any reason. Eligible Installers will be notified of any program changes via e-mail and the changes will also be posted on NYSERDA’s web site. Applications that are complete when received by NYSERDA will not be subject to subsequent changes in incentive levels.

E. Incentive Payment Schedule

Incentives will be paid to Eligible Installers in two increments and will be tied to specific installation milestones. The first incentive payment, which is 65% of the total incentive amount approved by NYSERDA, will be paid upon demonstration that all wind energy system components have been delivered to the customer’s site. Attachment D must be completed and submitted, along with all supporting documentation, to be approved by NYSERDA. The second incentive payment, which is the remaining 35% of the total incentive amount approved by NYSERDA, will be paid upon demonstration that the wind energy system has been connected to the utility grid, inspected by all authorities having jurisdiction, and/or inspected by NYSERDA or its representatives and Attachment E has been completed, submitted and approved by NYSERDA. Documentation for all applicable utility, state, city, town, and other inspections and approvals must be attached to Attachment E.

F. Application Approval Timing

Complete, accurate, and legible incentive applications will help facilitate a quick review. NYSERDA will not consider or process applications that are not complete. Applications that are not complete and signed by the Eligible Installer when submitted will be rejected and returned.

Incentive Application Form Part 1 (Attachment A) will be reviewed and installers notified within 30 days of NYSERDA's receipt of the completed application. Applications for proposed installations that (1) do not meet the requirements of PON 2097, (2) have installation and interconnection schedules in the customer purchase agreement that are not reasonable, and/or (3) indicate that the proposed wind energy system has been installed (partially or completely) before NYSERDA approval, will be rejected and returned.

Incentive Application Form Part 2 (Attachment B) will be reviewed and, for situations where the Town or other permit-granting body has completed requirements of the State Environmental Quality Review Act (SEQR) (http://www.dec.state.ny.us/website/dcs/seqr/seqr_1.html), installers will be notified within 30 days of receipt of the application. If no zoning, land-use or other permit-granting body has jurisdiction, an additional 30 days will be necessary.

Upon NYSERDA's approval, the installer will receive an approval letter with a Purchase Order attached. The date on the Purchase Order shall serve as the starting date of the project. If all the wind energy system components are not delivered to the customer's site within 120 days of this starting date, the reservation will become void. Exceptions may be made on a limited, case-by-case basis. When all deliverables have been met, incentives for approved wind energy systems will be paid under the terms of NYSERDA's prompt payment policy (<http://www.nyserda.org/exhibitd.pdf>).

III. WIND ENERGY SYSTEM AND SITE REQUIREMENTS

A. Wind Energy Systems and Components

Systems must be for grid-connected, customer-sited applications to be eligible for an incentive. Customer-sited wind energy systems are those connected on the customer's side of the electric meter; the electricity generated by the wind energy system must offset the customer's utility electricity purchases. All components of wind energy systems installed under this program must be new equipment. **Incentives are only available for wind energy systems that have not been installed (partially or completely) prior to NYSERDA approval of an incentive application submitted in accordance with the terms and conditions of this PON.** Construction or partial construction of the foundation is considered partial installation of the wind energy system and shall not occur prior to NYSERDA's approval of an incentive application.

Wind Turbines - Only wind turbines that have been pre-approved by NYSERDA are eligible for funding under this program. A list of Eligible Wind Turbines is available at www.PowerNaturally.org.

Towers - Wind turbines must be mounted on an appropriate tower and the towers must be designed to accommodate the proposed wind turbine. It is recommended that towers be at least 60 feet in height. NYSERDA reserves the right to consider installations on a case-by-case basis.

Building-Mounted Turbines - Wind turbines may be mounted on a pre-existing structure such as a building or another type of structure. For turbines mounted on a pre-existing structure, a structural analysis must be provided demonstrating sufficient structural integrity. NYSERDA reserves the right to approve applications on a case-by-case basis.

Inverters and Interconnection - Inverters and interconnection devices must be listed on the New York State Department of Public Service's list of Certified Interconnection Equipment (<http://www.dps.state.ny.us/08E1018/SIRDevices.pdf>) or the interconnection must be in agreement with the most current version of the Public Service Commission's Standardized Interconnection Requirements.

All wind energy systems must have an appropriate interconnection agreement with the utility and the wind energy system must be installed in compliance with that agreement.

Other Electrical Components - All other electrical components of the wind energy systems such as charge controllers, batteries, wiring, and metering equipment must be certified as meeting the requirements of any relevant national and state codes and standards.

Monitoring Equipment - Each wind energy system must include, at a minimum, a cyclometer register kilowatt-hour meter (or a meter that can be read numerically by a customer or an "easy read meter") to read total energy output. The energy metering data must be automatically stored independently of the inverter display. In lieu of a meter, a data acquisition system (DAS) capable of transmitting and storing data off-site may be used. The meter must have an accuracy of within $\pm 5\%$ and include a certificate of compliance from the manufacturer. Energy production (including the date of the meter reading) must be collected by the installer or customer at least once per month and the installer must submit this data to NYSERDA twice per year for two years following interconnection of the wind energy system. A DAS does not alleviate the installer's responsibility to submit timely data to NYSERDA. At NYSERDA's cost, NYSERDA may require that additional monitoring equipment be installed.

B. Siting Considerations

Under the provisions of the State Environmental Quality Review Act (SEQR), NYSERDA must determine if the funding of any action may have a significant impact on the environment. Attachment B, Permitting and SEQR Information, provides a list of the steps and supporting documents that are necessary for approval of NYSERDA funding. All wind installations must meet the requirements of the local zoning ordinances.

In addition, the following general criteria will apply:

- The minimum work zone distance between the tower base, and a property line or power line is the height of the wind energy system, above ground level, including the blades, plus 10%. (i.e., 1.1 times the total height of the wind energy system)
 - o Applicants may apply for an exemption with written permission from the neighbor and an indication from the neighbor that the use of land in the vicinity is consistent with the proposed wind energy system. There is no exemption for power lines.
- The minimum setback distance between the tower base and a non-customer, human-occupied building is ten times the rotor diameter.
 - o Applicants may apply in writing for an exemption from this minimum distance; however, the applicant must demonstrate that the possible problems of locating the wind energy system less than the requested distance from the building have been addressed.
- For building-mounted applications, if the local municipality has an ordinance that stipulates the criteria for building-mounted wind turbines, then building-mounted wind turbines may be eligible for funding under this program, provided all other program requirements are met. If the local municipality does not have an ordinance that stipulates the criteria for building-mounted wind turbines, then a building-mounted wind turbine is not eligible for funding under this program.
- If multiple turbines are proposed for a site, there must be a distance of at least ten times the rotor diameter between the tower bases.

- The bottom of the rotor must be at least 30 feet above any obstacle, in any direction, within 500' of the turbine.

IV. REQUIRED DOCUMENTATION FOR CUSTOMER INCENTIVE APPLICATIONS

There are two parts to the incentive application: Attachment A, 'Installation Information', and Attachment B, "Permitting and SEQR Information." Installers may submit Attachment A prior to obtaining permits for the wind energy system as it is possible that the review of Attachment A could result in recommendations to make changes to the wind energy system location or tower height. Both Attachments A and B include lists of supporting documentation that must be provided. Only after Attachments A and B and all supporting documents are provided will NYSERDA reserve funding for the application.

A. Attachment A

Attachment A describes the site and the wind energy system that will be erected. Installers must supply all of the information requested in Attachment A, "Installation Information." Applications that do not include all of the information requested will be returned.

Wind Site Assessment - A wind site assessment provides customers with site-specific information and will be the basis for determining the NYSERDA incentive. This assessment shall include:

- An evaluation of the wind resource at the potential location of the turbine and at hub height. This will be the Small windExplorer Wind Professional Wind Resource Report.*
- Eight photographs taken from the proposed wind energy system location looking in the following directions: N, NE, E, SE, S, SW, W, NW.
- Site contour map.
- Demonstrated historic annual site electric use (kWh). For sites that do not have 12 months of electric consumption or that are increasing their electric use, an energy-use analysis may be used to predict that usage.
- Details about the proposed turbine, including manufacturer and model, rotor diameter, tower height, tower type. For the purposes of this program, a Customer-Sited Wind Turbine shall be defined as a turbine sized to meet less than 110% of the historic annual electric use of an individual site that is served by an individual utility meter.
- A description of potential obstructions that may affect the proposed turbine's AEO. Additional turbulence losses may be applied when the turbine site does not meet this recommendation. When the obstacles are trees, their mature height must be used to determine minimum turbine height.
- Aerial photos or images of the potential wind site.
- Elevation of the site (feet about sea level).
- A plot plan, on 8-1/2" x 11" paper, (multiple plans may be submitted, if scaling is an issue.) which includes the following:
 - o Property lines and physical dimensions of the property
 - o Location, dimensions, and types of existing major structures on the property

- o Location of the proposed wind system tower
 - o The right-of-way of any public road that is contiguous with the property;
 - o Location of any overhead utility lines;
 - o Location of utility meter; and
 - o Electrical interconnection location.
- Estimated annual energy output (AEO) of the proposed turbine.

The New York State Small windExplorer (<http://nyswe.awstruepower.com/>) Wind Professional Wind Resource Report must be used to determine average annual wind speed and estimated AEO. The Medium Estimate (including losses), listed under ‘Gross Energy’ at the bottom of the Report (i.e. the Net Energy Medium Estimate) will be used for determining AEO. A 2% Availability Loss must be included in the analysis. The terrain descriptions entered as part of the Wind Professional Report Data Entry must be able to be substantiated by the supporting documentation.

*The Small windExplorer is not appropriate for building-mounted turbines, towers less than 60 feet tall, towers greater than 140’ tall, or for turbines to be installed in an urban environment. For these systems, additional site assessment procedures will be required in order to validate the wind resource available to the turbine. The information provided by the installer will be reviewed on a case-by-case basis.

One-Line Diagram - A legible diagram using unique line characteristics and standard symbols to clearly describe the wind energy system as it will be installed. The One-Line Diagram must show all major system components from the wind turbine to the utility meter. Each conductor’s size and type is to be shown, as well as the relevant conduit characteristics (i.e. size and type, and length, if greater than 20’). The make, model, and voltage and amperage ratings of all overcurrent devices, switches, inverters, batteries and other relevant equipment are to be shown, as applicable. The Diagram should also make clear whether the system will be connected via a line-side tap or if it will be back-fed through a circuit breaker in the main service panel.

System designs must be in accordance with applicable local, State, and national codes and regulations, including Article 694, Small Wind Electric Systems, of the 2011 National Electrical Code.

Installation Drawings - Provide copies of any tower foundation blueprints or drawings, tower blueprint or drawing, and any other documentation required by the Authority Having Jurisdiction (AHJ).

B. Attachment B

Installers must obtain all necessary permits, approvals, certificates, etc., including SEQR, from all authorities having jurisdiction. Copies of all necessary permits, approvals, certificates, as well as information requested on Attachment B must be attached to Attachment B, ”Permitting and SEQR Information.”

Under the provisions of the State Environmental Quality Review Act (SEQR), NYSERDA must determine if the funding of any action may have a significant impact on the environment, regardless of any other authority’s determination. The issuance of a Negative Declaration by any authority having approval authority will be considered by NYSERDA in its determination. If no local authority has SEQR jurisdiction, a completed SEQR “Short Form” Environmental Assessment Form (“EAF”) and Appendix B, The Visual EAF Addendum, must be provided. Additional documentation may also be required at NYSERDA’s sole discretion.

Installers are encouraged to obtain all necessary pre-construction permits, approvals, certificates, etc. from each AHJ prior to ordering equipment. NYSERDA will not approve an application nor process any payments without proof that all necessary permits and approvals have been obtained.

V. INSTALLER ELIGIBILITY

To apply for status as an Eligible Installer, an individual must complete and submit Attachment F, "Installer Eligibility Application Form," along with the required supporting documentation. Since the incentives offered under this program will close on December 31, 2011, installer eligibility applications will only be accepted until September 30, 2011. An applicant's eligibility will be determined and maintained for specific wind turbines depending on the types of wind energy systems the applicant has experience installing. A letter from the manufacturer stating that the installer is an authorized dealer of their product, listing the specific products, and the statement that in the event of a dealer default, the manufacturer will honor the NYSERDA full warranty, as stated in Attachment C - Addendum to Customer Purchase Agreement, must be provided.

Determinations of eligibility will be based on factors such as acceptance of all program terms and conditions, training, extent and type of installation experience, customer references, and proof that an applicant may purchase at least one of NYSERDA's Eligible Wind Turbines. Site assessment skills, wind resource and energy estimation skills, and professionalism will also be evaluated. Past performance under NYSERDA programs is a critical criterion for determining eligibility and the conditions of eligibility under this solicitation. To become eligible, applicants will be required to sign and comply with the Standard Terms and Conditions (Attachment G). If an Eligible Installer, Installation Company employees, or subcontractors do not meet all program terms and conditions or program requirements, the Eligible Installer will be subject to termination or suspension actions as described in Attachment G, "Standard Terms and Conditions."

Installers must meet all insurance requirements (both commercial general liability and commercial automobile liability insurance) as specified under Section 10 of Standard Terms and Conditions (Attachment G). Each insurance certificate must name NYSERDA and the State of New York as additional insureds. Proof of insurance must be provided to NYSERDA and submitted with the signed copy of the Standard Terms and Conditions.

Installers must demonstrate adequate competency installing wind energy systems. In order to obtain and retain eligibility in this program, installers must demonstrate that they have installed a wind energy system or participated in hands-on training for the installation of a wind energy system within the previous two years. Installers approved under PON 1098 are eligible for this program, providing their insurance is current and there have been no substantial changes that could affect their program eligibility. NYSERDA may refuse to grant eligibility for any reason.

Once notified of eligibility in writing by NYSERDA, an Eligible Installer may then submit applications for incentives for specific customers, under the terms and conditions described in PON 2097. Review of Eligible Installer Applications may take up to 30 days.

NYSERDA's Rights and Limitations - NYSERDA may deny or revoke eligibility for any reason, including, but not limited to: inadequate training, inadequate experience, poor references, failure to act professionally, fairly, and in good faith with NYSERDA or customers, providing false information to NYSERDA or customers, poor performance in previous NYSERDA programs, and committing actions that would be subject to disciplinary actions under Section 3(b) of Attachment G, "Standard Terms and Conditions."

Neither NYSERDA nor the State of New York endorses any Eligible Installer, Installation Company, or Eligible Wind Turbine. In addition, NYSERDA and the State of New York does not guarantee, warrant, or in any way represent or assume liability for any work proposed or carried out by an Eligible Installer or Installation Company. NYSERDA is not responsible for assuring that the design, engineering, or construction of the project or installation of any wind energy system is proper or complies with any particular laws, regulations, codes, licensing, certification and permit requirements, or industry standards. NYSERDA does not make any representations of any kind regarding the results to be achieved by the wind energy systems or the adequacy or safety of such measures.

VI. ELIGIBLE WIND TURBINES

Only commercially available wind turbines with a proven record for power performance, reliability, safety, and acoustics will be considered for funding. To gain eligibility for a wind turbine to receive funding under this program, a manufacturer or dealer must complete and submit Attachment H, Eligible Wind Turbine Application Form, with all of the information requested.

NYSERDA requires that manufacturers or dealers of wind turbine provide one of the following:

1. Evidence that an international organization, accredited to EN45011, has certified that the turbine meets the appropriate sections of IEC 61400 for acoustics, durability, safety, and performance standards (For small turbines, this includes IEC 61400-2, IEC 61400-11, and IEC 61400-12).
2. Evidence that a recognized Accredited Certification Organization or the Small Wind Certification Council (SWCC) has certified that the turbine meets the requirements of the AWEA Small Wind Turbine Performance and Safety Standard, AWEA 9.1 – 2009.
3. If the turbine is too large to be compliant with AWEA 9.1 - 2009, then the procedures outlined in Attachment I must be followed.

In addition, the manufacturer or dealer must submit the technical specifications on the wind turbine, inverter, and tower, as well as the power curve in graphic and table form, from IEC 61400-12-1.

NYSERDA reserves the right to deny eligibility of any wind turbine for any reason including but not limited to: poor performance, concerns about wind turbine's design, concerns about the quality of data presented, or lack of manufacturer support for maintenance and warranties. Review of Wind Turbine Applications may take up to 60 days. Turbines eligible for funding under PON 1098 will remain eligible under PON 2097.

In the likely event this program is extended beyond 12/31/2011, after September 30, 2012, any turbine to which the AWEA Small Wind Turbine Performance and Safety Standard applies, must be certified to that standard or IEC-61400-2, by a recognized Accredited Certification Organization to be eligible for funding under NYSERDA On-Site Wind Turbine Incentive Program.

VII. 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 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

www.nyserda.org/about/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

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.state.ny.us/pdf/2006/killin/st/st220td_606_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.state.ny.us/pdf/2006/killin/st/st220ca_606_fill_in.pdf). The Department has developed guidance for contractors which is available at http://www.tax.state.ny.us/pdf/publications/sales/pub223_606.pdf.

Contract Award - NYSERDA anticipates having multiple Eligible Installers under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each application should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Terms and Conditions (Attachment G) to contract with successful applications.

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.

VIII. ATTACHMENTS

Attachment A - Customer Incentive Application Form

Attachment B - Permitting and SEQR Information

Attachment C - Addendum to the Customer Purchase Agreement - Standard Terms and Conditions

Attachment D - Initial Incentive Payment Form (65% of Approved Incentive)

Attachment E - Final Incentive Payment Form (35% of Approved Incentive)

Attachment F – Installer Eligibility Application Form

Attachment G - Eligible Installer Agreement - Standard Terms and Conditions

Attachment H - Eligible Wind Turbine Application Form

Attachment I - Eligibility Requirements for Midsize Turbines