

**Applications accepted on a continuous basis, as long as funds are available,
until February 29, 2016, 5:00 PM Eastern Time**

Program Summary

The New York State Energy Research and Development Authority (NYSERDA) is seeking proposals to advance the goals of the System Benefits Charge (SBC) Program by developing a workforce equipped to implement emerging and underutilized technologies including solar thermal, heat pump and biomass system design and installation. Effective January 1, 2015 the program focus is on new hires necessary to foster the use of these emerging and underutilized technologies. NYSERDA’s Workforce Development initiatives are designed to advance the skills of new workers, provide job-related experience, and connect new workers to employers.

NYSERDA is requesting applications from eligible businesses seeking incentives to hire and provide on-the-job training (OJT) for workers to advance the goals of the SBC. Applicants will be required to provide a 50 percent cost share as detailed below.

This Program Opportunity Notice (PON) will provide up to a total of up to \$200,000 to advance skills related to the specified clean energy technologies identified above.

PON 2033 application begins with the submission of a notice of “Intent to Apply” via e-mail to NYSERDA (PON2033@nyserda.ny.gov). Please see details within.

All program questions should be directed to: Rebecca Sterling Hughes (Designated Contact), (518) 862-1090, ext. 3618, rebecca.hughes@nyserda.ny.gov. All contractual questions should be directed to: Elsyda Ahmed at (518) 862-1090, ext. 3232 or elsyda.ahmed@nyserda.ny.gov.

INTRODUCTION

The New York State Energy Research and Development Authority (NYSERDA) is seeking proposals to advance the goals of the System Benefits Charge (SBC) Program by developing a workforce equipped to implement emerging and underutilized technologies including solar thermal, heat pump and biomass system design and installation. Effective January 1, 2015 the program focus is on new hires necessary to foster the use of these emerging and underutilized technologies. Additional technologies may be added in the future with notice in the New York Contract Reporter and also posted on NYSEDA's web site (<http://www.nyserda.ny.gov>). NYSEDA's Workforce Development program is designed to advance the skills of new workers, provide job-related experience, and help connect new workers to employers.

NYSERDA is requesting applications from eligible businesses seeking incentives to hire and provide on-the-job training (OJT) for workers to advance the goals of the SBC.

The goals of this solicitation include:

- Advancing the occupational skills of workers through OJT without undermining pay structures for skilled workers and the budget constraints of businesses;
- Increasing the numbers of skilled workers qualified to design and install identified clean energy technologies;
- Connecting trained workers to jobs in the labor market; and,
- Facilitating worker recruitment and hiring of entry-level workers by providing OJT incentives to employers.

Applications will be accepted on a continuous first-come, first-served basis until funds are expended. Applicants will be required to provide a 50 percent cost share and funding is capped at \$75,000 per business. The funding cap will begin with funds awarded after January 1, 2015 and will not include awards made under previous iterations of the solicitation.

PROGRAM DETAILS

NYSERDA is working closely with the New York State Department of Labor (NYSDOL) to encourage businesses participating in SBC programs to hire new workers and provide OJT so that these workers can develop skills necessary for clean energy careers.

NYSDOL will assist employers who participate in this program with developing OJT plans, as well as assessing worker skills needed and identifying qualified individuals that match those skills. The goals of this PON are to advance the occupational skills of workers through OJT without undermining pay structures for skilled workers. This OJT program could be combined with additional opportunities for employers to receive assistance from NYSDOL.

For the purposes of this solicitation, OJT is defined as training provided by an eligible business (businesses are "Applicants") to an employee while the employee is engaged in productive work in a job.

The primary purpose of OJT funding is to train new hires for entry-level work.

New Hires

Under this initiative, support will be provided to businesses that hire new workers for OJT. The maximum NYSEDA OJT award or wage subsidy for a newly hired employee is 50 percent of the

employee's wage for a maximum of 6 months, capped at \$10,000 per employee and up to \$75,000 total per business. Applicants will be required to provide a 50 percent cost share and OJT awards for multiple employees are allowed. For a new hire, an individual's skills are assessed (with the assistance of NYSDOL's Business Services Representatives, as described below) **prior to employment**, and the gap between their skills and those required to perform the full job duties is identified. Working with the NYSDOL, a training plan is developed to address this skills gap.

The candidates for hire under this OJT program will be drawn from NYSDOL's population of individuals registered with the NYS Career Centers using advanced skills matching technology known as Skills Matching and Referral Technology (SMART). OJT, for the purposes of this solicitation, must teach the trainee **technical** occupational skills (skills that apply to the specific technical job the trainee is entering, such as design or installation of solar hot water or biomass boiler systems or drilling geothermal wells). "Soft" skills, "worker readiness" skills, and "employability" skills are not allowable for OJT funded under this PON. OJT candidate job descriptions must be directly related to technical training for technologies including solar thermal, heat pump, or biomass.

Marketing, sales, administrative and outreach positions are not allowable for funding.

NYSERDA has funded a network of clean energy training providers across the state that offer a range of training in clean energy technology areas with reduced tuition costs. If OJT employees should require offsite training, NYSERDA recommends that employers consult the training map on NYSERDA's website for course offerings: <http://www.nyserda.ny.gov/Contractors/Find-a-Contractor/Training-Partners.aspx>.

ELIGIBILITY

To be eligible to apply for funding, Applicants must be a business (public or private, for-profit or not-for-profit) that has a current Partnership Agreement or contract agreement with NYSERDA, (for example, Home Performance Program Contractors, FlexTech contractors, Multifamily Performance Program Partners, EmPower Contractors, Solar Thermal or Biomass Installers, Clean Energy Training Partners, etc.), or a business (public or private, for-profit or not-for-profit) that has a current contract or an agreement with a New York investor-owned utility that is participating in an Energy Efficiency Portfolio Standard program, and whose partnership/contract status is in good standing.

All Applicants must meet these additional basic requirements:

1. Businesses must be located in SBC territory to participate. The Applicant must have at least one physical business location in New York State (NYS) at the time of application.
2. The Applicant must be conducting OJT at a NYS job location and must be able to demonstrate that the OJT is related to the SBC program goals and objectives.
3. The Applicant must not have failed to meet or complete deliverables under prior NYSERDA contracts or NYSDOL grants.
4. The Applicant must provide all information requested in the Application Process outlined in this PON, have clearly set objectives for the use of funds, and demonstrate how the OJT supports the ratepayer funded program.

5. The Applicant who enters into an OJT agreement must attest to compliance with all applicable labor laws, and also that it has not failed to file any applicable local, state or federal tax returns, and has not failed to pay New York State Unemployment Insurance. The NYSDOL will conduct a due diligence search to confirm this information.
6. The candidate being hired under the incentive must reside in New York State.

For businesses participating in EEPS programs managed by the state's investor owned utilities:

7. A letter from the utility company stating that the contractor participates in their program and is in good standing.
8. A letter of attestation from the accrediting body that the contractor has a current third party accreditation which could include, but is not limited to, Building Performance Institute (BPI) accreditation for energy efficiency, NABCEP for PV Company Accreditation, etc.
9. Copy of the company's W9 form (required to create a vendor ID number)

FUNDING

Up to \$200,000 is available to advance worker skills through OJT by facilitating worker recruitment and hiring of entry-level workers.

The maximum NYSERDA OJT award amount for a newly hired employee is 50 percent of the OJT worker's wage for a maximum of \$10,000 per employee and up to \$75,000 per business. OJT awards for multiple employees are allowed and there is no minimum award amount per Applicant. The maximum duration of an OJT award is six months for each trainee.

Applicants may apply for funding more than once in order to add OJT positions. An additional award will be made subject to funding availability on a first-come, first-served basis. The term "Applicant" includes any and all entities of which the Applicant has a 10% or more interest in ownership or control. Applicants with multiple branches, locations and/or related companies under separate names with unique Federal Employer Identification Numbers (FEINs) may be considered a single applicant at the sole discretion of NYSERDA. National or chain accounts are considered a single "Applicant" and subject to the maximum incentive per Applicant. The funding cap will begin with funds awarded after January 1, 2015 and will not include awards made under previous iterations of the solicitation.

Businesses must be located in SBC territory to participate. Eligible occupations include solar thermal, heat pump, and biomass system designers and installation and maintenance technicians. Additionally, individuals who manufacture solar thermal, heat pump, or biomass systems or components are eligible as hires under this program.

Contract payment to Applicants will be on a reimbursable basis (i.e., the employee must be paid full wages before the Applicant requests an allowable reimbursement payment from NYSERDA). The Applicant must submit requests for reimbursement of wages that have been paid in accordance with the approved contract budget.

Please note: If funding becomes limited, if interest is limited as evidenced by lack of response to this PON, or if there is no longer a valid need for the services, the program will be suspended with notice in the New York Contract Reporter and also posted on NYSERDA's web site (<http://www.nyserda.ny.gov>). Those applications that are received after the suspension date will not be given funding consideration.

Application and Evaluation Process

PON 2033 application begins with the submission of an "Intent to Apply" via e-mail to NYSERDA and then requires the submission of a detailed application which will be prepared with assistance from a NYSDOL Business Services Representative. **The resulting OJT contract will be between NYSERDA and the Applicant.**

To submit an "Intent to Apply" under this solicitation, the Applicant must send an e-mail to PON2033@nyserda.ny.gov. Please write "**PON 2033 Intent to Apply**" in the subject line and include the following information in the body of the e-mail:

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- Applicant name
 - Address
 - Federal Employer Identification Numbers (FEIN)
 - Existing NYSERDA partnership agreement or contract; **OR**
 - **For businesses participating in EEPS programs managed by the state's investor owned utilities:**
 - **A letter from the utility company stating that the contractor participates in their program and is in good standing.**
 - **A letter of attestation from an accrediting body that the contractor has a current third party accreditation which could include, but is not limited to, Building Performance Institute (BPI) accreditation for energy efficiency, NABCEP for PV Company Accreditation, etc.**
 - Contact Person:
 - Name;
 - Title;
 - Phone Number;
 - E-mail Address.
 - Title and salary range for each anticipated new position.
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1. **Preliminary Evaluation by NYSERDA** – Upon receipt of the "Intent to Apply" email, the Applicant will be screened by NYSERDA to ensure that the Applicant has a current Partnership Agreement or contract agreement with NYSERDA or an investor owned utility participating in EEPS and is in good standing.

“Intent to Apply” e-mails will be accepted on a continuous basis until all funds for this initiative have been obligated or until February 29, 2016. Application reviews and award decisions will be made on an ongoing basis until all funds available for this initiative have been fully obligated, or the deadline date of February 29, 2016 has been reached, whichever comes first. Unsuccessful applicants will be notified of their application’s status along with reasons for the decision.

2. **Contact and Evaluation by NYSDOL** – For Applicants who meet eligibility criteria or resolve unmet eligibility criteria, NYSERDA will forward the “Intent to Apply” information to NYSDOL for further processing. The Applicant will then be contacted by a NYSDOL Business Services Representative. **The NYSDOL Business Services Representative will work with the Applicant on recruitment, skills assessment and the application process, described below.**
3. **The Responsibility Questionnaire** (Attachment A) and Application for Certification form will be provided to the Applicant for completion.
4. **Identify List of Candidates** – The Business Services Representative will identify a list of candidates to meet each Applicant’s hiring needs. **The candidates will be drawn from NYSDOL’s population of jobseekers registered with NYS Career Center System using advanced skills matching technology (SMART).** The Business Services Representative will share the list of candidates with the Applicant, schedule an in-person meeting with the Applicant to discuss desired candidates to be interviewed, and review the interview schedule. The meeting will also include an assessment of the potential OJT needs of the candidates, and applicable benefits available to the business through Work Opportunity Tax Credits and other available hiring benefits. Funds cannot be used to hire employees working under an H1-B visa. **Family members of Applicants are not eligible for this program.**
5. **Interviewing and Identification of Desired Candidates** – Applicants will conduct interviews and determine the candidate(s) they are interested in hiring.
6. **Application Development** – The Business Services Representative will work closely with the Applicant to develop OJT applications for desired candidate(s). **The application is not completed until a candidate is chosen for hire.**
 - a. Applicants will work with NYSDOL to design and describe an OJT program to teach workers the technical skills needed to perform solar thermal, heat pump, or biomass work effectively.
 - b. The final application will require original signatures on all documents (copies will be made by the Business Services Representative). Electronic signatures are not accepted.
7. **Application Review and Contract Development** – Once the application is complete, the application is reviewed and approved by NYSDOL and then submitted to NYSERDA for final review.
 - If approved, an award letter will be issued and a contract between the Applicant and NYSERDA will be sent for review and signature. The approved application will be used as the basis for the contract.

- If not approved, the Applicant will receive a letter of explanation. OJT applicants will be referred to the Business Services Representative for additional assistance.
8. **Hiring of Desired Candidate** – The desired candidate may begin his or her employment at any time after the date of the award letter from NYSERDA is issued to the business. The Applicant must submit reimbursement requests to NYSERDA for any wage reimbursements per the terms of the contract.
 9. **Documentation of OJT Activity**- Applicants must provide documentation of OJT activities within the first four (4) weeks of executing a contract. NYSERDA reserves the right, in its sole discretion, to terminate any agreement with an entity that does not meet this obligation, in accordance with Section 12.02 of the attached Sample Agreement.
 10. **Follow-up and Monitoring** – The Contractor will be required to sign a document that acknowledges that on-site fiscal and programmatic monitoring of contract activities will take place at regular intervals during the course of the contract. Requested records must be made available to Department of Labor or NYSERDA representatives during these monitoring visits.

Requirements and Assurances

1. The Applicant must have the legal authority to hire employees and conduct business in New York State.
2. The OJT must occur at a physical business location in New York State. The maximum duration of OJT is six months.
3. The OJT must be for a full-time job opportunity (defined as 35 hours or more per week).
4. **Wage calculations to determine OJT reimbursement may not include payment for holiday or overtime hours worked.**
5. The hires must be employees of the Applicant, and not independent contractors or contract employees.
6. The hires must be residents of New York State.
7. The Applicant may not apply for positions based on the addition of commission or tips to a sub-minimum wage base salary.
8. The Applicant receiving OJT funds must be in good standing regarding: the Responsibility Questionnaire (Attachment A); Unemployment Insurance records; WARN notices¹; ongoing investigations with NYSDOL's Public Works, Labor Standards and/or Safety and Health Divisions; registration with the NYS Department of State's Division of Corporations; Workers Compensation Insurance and Disability Insurance coverage; federal OSHA records; and contracts/agreements from NYSDOL and NYSERDA received during the past three years.

¹ Information on WARN notices can be found here:
<http://www.labor.ny.gov/workforcenypartners/warn/warnportal.shtm>.

The Applicant must be willing to assure the following:

1. The intention in participating is for the newly hired employee to remain employed with the business upon completion of the OJT.
2. OJT will take place during the employee's work hours (i.e., during the shift/hours for which the worker was hired), and the employee will be compensated at no less than their normal rate of pay.
3. No currently employed worker shall be displaced by the OJT employee, including a partial displacement such as a reduction in the hours, wages, or employment benefits.
4. If the Applicant agrees to abide by a set of community benefit standards under an Aggregation Participation Agreement associated with GJGNY, employees must be paid at least the amount outlined under the standard.
5. The business will comply with New York State labor law and federal law for the protection of workers.

REPORTING

If an Applicant is awarded a contract, it becomes the "Contractor." The Contractor must agree to the following terms and conditions regarding OJT expenses:

- a) The Contractor must maintain a copy of all applications/OJT Outlines applicable to this contract for a minimum duration of the period of employment, and must make the agreements/training plans available to NYSERDA upon request.
- b) The Contractor must keep records of the trainee's progress according to the application/OJT Outline, and must make these records available upon request.
- c) The Contractor must acknowledge that failure to maintain the required OJT records will result in disallowance of those costs.

The Contractor also must acknowledge that on site fiscal and programmatic monitoring of contract activities will take place at regular intervals during the course of the contract by either NYSERDA or NYSDOL staff. Requested records must be made available to representatives during these monitoring visits.

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 <http://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx..> However, NYSERDA cannot guarantee the confidentiality of any information submitted.

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

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

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

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

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

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain new procurement lobbying requirements which can be found at <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html> The attached Proposal Checklist calls for a signature certifying that the Applicant will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the Applicant has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

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

Contract Award - NYSERDA anticipates making multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each offer 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 Sample Agreement to contract successful proposals.

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 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 contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Applicant s 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.

ATTACHMENTS

Attachment A: Responsibility Questionnaire

Attachment B: Sample Agreement

Attachment C: Clean Energy Skills, Training, and Career Steps