



## FlexTech Program Opportunity Notice (PON) 1746

**Applications accepted on a first-come, first-serve basis through  
December 30, 2015 by 5:00 PM Eastern Time**

### **PROGRAM SUMMARY:**

The FlexTech Program Opportunity Notice (PON) 1746 was formerly known as the Technical Assistance Program PON 1197. The FlexTech Program seeks customers interested in receiving cost-shared analysis of energy efficiency technical evaluations, process improvement analysis, peak-load reduction studies, energy procurement analysis, and development of peak-load curtailment plans (PLCPs) of their existing facilities as well as combined heat & power (CHP) and renewable generation feasibility studies for implementation within existing facilities. This solicitation is divided into three (3) separate components: 1) Energy Efficiency; 2) CHP and Renewable Generation; and 3) PLCPs.

For eligible Energy Efficiency and CHP and Renewable Generation studies, NYSERDA will cost-share up to \$1,000,000 on selected studies as described herein. For PCLP development, NYSERDA will provide \$2/kW of the facility's peak summer (May-October) electrical demand up to \$8,000 directly to Independent Service Providers.

Service Providers, not under contract to NYSERDA as FlexTech Consultants, with interested customers should utilize this document along with the Consolidated Funding Application (CFA) to apply for project funding. A complete project package is comprised of a Scope of Work developed according to the appropriate Appendix (B-D), a signed Terms & Conditions sheet (Appendix A1 or Appendix A2) and the CFA.

### **SCOPE OF WORK AND TERMS & CONDITIONS SUBMISSION:**

**Scanned electronic copies of the Scope of Work and signed Terms & Conditions sheet should be sent to Mary Sauvie, [mks@nyserdera.org](mailto:mks@nyserdera.org).** Include FlexTech PON1746 in the subject line. Please include the CFA number if available at the time of submission. Alternatively, submit hard copy to:

**Mary Sauvie, PON 1746  
NYS Energy Research and Development Authority  
17 Columbia Circle  
Albany, New York 12203-6399**

The CFA may be accessed through the following webpage: <http://nyworks.ny.gov/>

Customers, Service Providers, or FlexTech Consultants with FlexTech Program questions should contact:  
Joanna Moore (866-NYSERDA ext. 3220, [jm1@nyserdera.org](mailto:jm1@nyserdera.org))

All contractual questions should be directed to Venice Forbes (866-NYSERDA ext. 3507, [vwf@nyserdera.org](mailto:vwf@nyserdera.org)).

Complete project packages will be accepted until 5:00 PM on December 30, 2015. Late or incomplete project packages will be returned. Submissions will not be accepted at any other NYSERDA location other than the address specified above.

## **I. INTRODUCTION**

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NYSERDA's FlexTech Program provides New York State commercial, industrial, institutional, government, and not-for-profit sectors with objective and customized information to help customers make informed energy decisions. FlexTech's goal is to increase productivity and economic competitiveness of participating facilities by identifying and encouraging the implementation of cost-effective energy efficiency, carbon reduction measures, peak-load curtailment, and CHP and renewable generation projects.

This solicitation is divided into three (3) separate components: 1) Energy Efficiency; 2) CHP and Renewable Generation; and, 3) PLCPs.

All three components will be reviewed for funding on a first-come, first-served basis. Participants may choose to submit to any or all components. Separate submissions for each component are not required but a submission for both energy efficiency and CHP and renewable generation measures will be accepted to the CHP and renewable generation component and reviewed as such (see Appendix C for review guidelines). General classifications are defined below.

### **ELIGIBLE PARTICIPANTS**

Eligible participants include: NYS industrial and commercial facilities, state and local governments, not-for-profit and private institutions, public and private K-12 schools, colleges and universities, and health care facilities. NYSERDA is particularly interested in working with NYS electric distribution system customers of Central Hudson Gas & Electric Corporation, Consolidated Edison, New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.

The FlexTech Audit Program provides free and low cost energy audits to non-residential facilities with an average electric demand of 100kW or less. Small businesses and not-for-profits are eligible for a free audit and state and local governments are eligible for a cost-shared audit, with a fee that is determined by the number of employees.

For more information on the FlexTech Audit Program please contact Tim Gilroy (866-NYSERDA ext. 3445, [tg2@nyserda.org](mailto:tg2@nyserda.org)).

### **SERVICE PROVIDER SELECTION**

Customers may select their own service provider. Potential service providers include, but are not limited to: Energy Service Companies (ESCOs), energy consultants, and engineering companies.

Customers who are in need of a service provider may choose from NYSERDA's FlexTech Consultant list comprised of firms under NYSERDA contract who have been competitively selected to provide a statewide geographic distribution of needed technical services. Please contact Joanna Moore (866-NYSERDA ext. 3220, [jm1@nyserda.org](mailto:jm1@nyserda.org)) for further assistance.

### **ENERGY EFFICIENCY PROJECT CLASSIFICATIONS**

Eligible participants may propose energy studies in the following energy efficiency project categories, but are not limited to:

#### **General Energy Feasibility Studies and Technical Support**

Feasibility studies aim to assist customers in making more informed energy decisions at their facilities. This service may include equipment replacement or upgrade recommendations, comprehensive energy analysis in campus-type settings, energy-related design assistance through computer-assisted building modeling, or engineering support and other analysis requested by the customer and approved by NYSERDA. Although detailed design services are not eligible, a feasibility study may require some conceptual design to determine the feasibility of potential improvements.

## **Peak-Load Reduction and Load Management**

These studies may evaluate the peak demand impacts of study recommendations. Electric grid reliability and availability of demand response or demand reduction initiatives during summer peak periods is especially critical and particular focus should be paid to calculating this impact in addition to the customer billing impact. The historic peak load occurs between May 1 and October 31, during the hours of 11:00 A.M. to 6:00 P.M., with the exception of some night peaking load pockets. Studies will need to provide analysis showing how the study measures coincide with or impact the system electric summer peak. Both short-term load management and long term permanent load reduction opportunities may be investigated.

These studies may investigate the economics of participating in a Mandatory Hourly Pricing Program (MHP) to evaluate the purchase of electricity based on time-differentiated pricing and provide review of real-time metering information and the benefits to facilities interested in participating in load curtailment programs or in tracking daily load profiles to monitor the effects of energy consuming systems. This service may help customers identify their ability to, and the financial benefit from, participating in such programs and the associated energy savings from installing real-time metering or web-enabled metering when it is used to curtail or shift loads at their facility. Consultants will be asked to identify and analyze opportunities for customers to participate in load curtailment activities of the New York Independent Systems Operator (NYISO) such as Installed Capacity Special Case Resources (ICAP/SCR), a Time of Use (TOU), or Real Time Pricing (RTP) Program.

## **Industrial and Process Efficiency Analysis**

Industrial facilities and processes require customized approaches to energy efficiency. Production lines and processes often have unique characteristics and functions. Studies may also focus on increasing productivity, improving environmental performance, or minimizing waste. Analyses should predominantly focus on defining and reducing energy use per unit of production.

## **Data Centers**

Data center energy analysis assistance will assess energy efficiency and carbon reduction potential of data center support systems and information technology (“IT”) equipment. Strategies can include, but are not limited to: cooling/IT equipment replacement or upgrade recommendations, server virtualization, redundancy optimization, temperature set point investigations, etc. Analyses should predominantly focus on defining and reducing energy cost per unit of productive data throughput.

## **Energy Procurement**

Energy planning and purchasing support in response to the changing energy marketplace are included in this service. The goal is to help customers become more energy efficient, and obtain a better understanding of their energy consumption, time of use, and purchase options through cost-effective procurement practices through analysis of their energy rates, load shapes, energy consumption, and energy service aggregation opportunities. Additional eligible projects include: analyzing customer baselines/loads; obtaining technical assistance to help customers to prepare Requests for Proposals (RFPs), review proposals, and prepare for negotiations with power marketers; obtaining advice on load aggregation and energy efficiency projects from ESCOs with respect to potential performance contracting opportunities; aggregating customers to purchase energy; and an economic analysis to evaluate the impact of participation in a MHP Program.

## **Energy Efficiency Retro-Commissioning**

Retro-commissioning is the systematic process of verifying that all building systems perform interactively according to design intent, that they meet the operational needs of the owners and occupants, and that staff responsible for operation and maintenance are sufficiently trained. The goal of this service is to improve system performance, operation and maintenance, energy efficiency, occupant comfort, and indoor environmental quality. Retro-commissioning studies will need to focus specifically on energy efficiency. In general, NYSERDA’s FlexTech Program allows retro-commissioning

on facilities and equipment that have been in use for at least one year. Retro-commissioning does not include replacement of significant HVAC or other building components, but rather focuses on the verification and identification of proper control strategies, sequence of operations, operations and maintenance plans, and other building or system optimization strategies. Projects defined as Energy Efficiency Retro-Commissioning (RCx) must also complete one NYSERDA RCx Deficiency Worksheet for each deficiency found (Appendix B-4). Each NYSERDA RCx Deficiency Worksheet must have a corresponding line on the Project Summary Sheet.

### **Long-Term Energy and Carbon Management**

Commercial and industrial customers can apply to the FlexTech Program for long-term energy and carbon related services. The service provider should act as a member of the customer team to provide long-term support on energy and carbon management issues, actively identifying opportunities and performing analyses with the customer's and NYSERDA's approval. Services may include, but are not limited to: screening level energy evaluation of campuses, providing detailed technical support for decisions regarding the purchase of energy-efficient equipment, preparing bid documents for the purchase and installation of equipment, preparing RFPs, reviewing ESCO proposals, developing scopes-of-work for comprehensive energy audits conducted by a selected ESCO, reviewing comprehensive energy audits, reviewing proposed energy performance contracts, performing design assistance, performing independent verification that equipment and installations are as specified, reviewing annual savings reports from ESCOs during the guarantee period, and assisting with planning and implementation of strategies to reduce energy and environmental footprints. These studies may also be used to develop long-term capital budget strategies for the systematic replacement or upgrade of energy consuming and capital intensive systems. These studies may include evaluation of the current condition of the existing equipment, its expected useful life, and recommendations of energy-efficient replacement alternatives as a basis for a long-term capital budget strategy.

### **CHP & RENEWABLE GENERATION PROJECT CLASSIFICATIONS**

Applicants may propose to undertake one of the following electric generation project classifications:

- **Combined Heat & Power** studies that will investigate the site-specific technical and economic feasibility of installing CHP. All applications must identify the specific uses for the recovered heat. See Appendix C-1 for a description of eligible CHP projects.
- **Renewable Generation** studies that will investigate the site-specific technical and economic feasibility of installing electric generation capacity fueled by renewable resources. See Appendix C-1 for a definition of eligible renewable generation projects.

### **PEAK-LOAD CURTAILMENT PLAN (PLCP) CLASSIFICATIONS**

Service providers may submit an application for funds for the development of a PLCP. The purpose of this component is to encourage service providers to develop comprehensive protocols which allow their customers to respond to load curtailment calls from the NYISO during periods of New York electrical system capacity constraints. Proof of customer registration in the NYISO ICAP/SCR is required. This "proof" can be in the form of a forwarded email from the NYISO providing the qualified load. Prior registration of curtailable load with the NYISO must have occurred within 90 days of project package receipt.

### **NYSERDA PAYMENT**

NYSERDA will reimburse the Applicant the percentage of the actual FlexTech study as provided in the issued Purchase Order and documented by invoices, cancelled checks, etc proving full study cost payment to their service provider. When appropriate, NYSERDA may issue progress payments based on documented work delivered, up to the allowable percentage of the study cost, not-to-exceed 50% of NYSERDA's total financial commitment. Please refer to section IV for PLCP payment process.

## **II. PROGRAM REQUIREMENTS AND LIMITATIONS**

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### **MATCHING CONTRIBUTIONS/FUNDING LIMITS**

With the exception of PLCP, all projects must include cost-sharing in the form of matching cash support from the customer. An independent third-party consultant is required for all projects. In-kind contributions of any type are not allowed as matching funds. For most applications, NYSERDA will contribute fifty percent (50%) of the eligible study costs, up to the lesser of either \$1,000,000 or ten percent (10%) of the participating facility's annual energy costs, based on an approved Scope of Work.

The intent for individual studies approaching the \$1,000,000 cost-share amount is for long-term energy studies continuing for at least a three (3) year time-frame.

For PLCP assistance, NYSERDA will provide \$2/kW of the facilities peak summer (defined as May-October) demand, up to \$8,000 directly to the service provider. To be eligible, registered load must be equal to or greater than 10% of the facility's peak summer demand and must exceed 100kW.

### **OVERALL FLEXTech PROGRAM LIMITATIONS/REQUIREMENTS**

- Electric customers of the New York Power Authority (NYPA) or the Long Island Power Authority (LIPA) are not eligible for funding under this solicitation. These customers are encouraged to contact their local Utility Customer Service Representative about energy efficiency.
- A scope of work requesting funding for both Energy Efficiency and CHP & Renewable Generation will only be reviewed through the CHP & Renewable Generation component of the Program. CHP & Renewable Generation studies will under-go review by an independent panel to determine eligibility for acceptance into this solicitation. See Appendix C-5 for Evaluation Criteria for the proposals submitted to the program. In general, these minimum criteria must be met in order to have the project accepted into NYSERDA's Program.
- With the exception of those applications in the CHP and Renewable Generation component needing independent panel review, upon NYSERDA's receipt of the signed Terms & Conditions and Scope of Work, applicants are allowed to commence their studies at their own risk.
- Benchmarking may be allowed as part of a larger Scope of Work, such as one that includes identification of energy efficiency measures or retro-commissioning.
- New facilities, or those that have undergone substantial renovations, must be occupied for more than one year to be eligible for funding under this solicitation.
- Whole building or new construction commissioning is not eligible for funding under this program. Commissioning of new equipment or systems within an existing building is eligible, but must focus on the energy aspects of proper operating parameters. Calculations demonstrating the potential energy impacts from repairing each deficiency are required.
- Detailed engineering design is considered an implementation effort under this solicitation and is not eligible for funding under this program.
- NYSERDA's funding under this program is limited to 10% of the participating facility's annual energy cost.
- Customers and service providers are limited to ten (10) open projects in this Program offering or the program formally known as the Technical Assistance Program at any given time.
- Unless otherwise negotiated, all work funded under this program must be completed within two (2) years of issuance

of the Purchase Order.

- Service provider travel costs are limited to 3% of the total project cost.
- Scopes of Work seeking funding for single, multifamily, or Publicly Assisted Housing are not eligible under this program, but may apply under NYSERDA's Residential Energy Affordability programs. Information is available by calling toll-free 1-866-NYSERDA or at [www.GetEnergySmart.org](http://www.GetEnergySmart.org).
- Scopes of Work seeking funds to support the sale or distribution of energy are not eligible for funding under this program except as defined in Appendix C-1.
- Equipment purchases are not eligible for funding under this program, except for metering equipment, software costs, and other data collection hard costs. These hard costs may be eligible for funding where the added expense is justified through increases in the overall effectiveness of the technical evaluation; the equipment must be a necessary component of the funded study and collected data must be an integral component of the study's engineering analysis. The purpose and type of metering equipment, use of trend data, and installation locations must be detailed in the scope of work. Interval meters must be capable of capturing time sensitive data no less frequently than once-per-hour; interval meter data must be accessible no less than once-per-day. Requested funds for these costs cannot exceed 50% of the eligible FlexTech project costs. NYSERDA reserves the right to reduce the allowable metering costs in a study below 50%.
- No service provider may apply for more than 25% of the funds available under this program.
- Power quality, power factor, and power conditioning studies are not eligible for funding under this program.
- Utility billing error analysis is not eligible for funding under this program.

#### **ADDITIONAL ENERGY EFFICIENCY COMPONENT REQUIREMENTS/LIMITATIONS**

- Retro-commissioning services funded under this component of the program must be specifically focused on energy efficiency. Retro-commissioning studies without the potential for significant energy savings are not eligible for funding. Study costs may be prorated at NYSERDA's discretion with NYSERDA cost-sharing only the energy efficiency components. Funds may be used for evaluation of facilities only and may not be used to correct deficiencies found. Calculations demonstrating the potential energy impacts from repairing each deficiency are required. NYSERDA reserves the right to determine which projects are classified as retro-commissioning.

NYSERDA may also require that the Scope of Work include a list of the components contained within the system being retro-commissioned. This could include identifying the size, type, age and location of all air handlers, pumps, chillers, control points, etc.

- Organizations which generate, transmit, or distribute energy for sale are not eligible for funding under this component of the program.

#### **ADDITIONAL CHP & RENEWABLE GENERATION REQUIREMENTS/LIMITATIONS**

- For renewable projects, the quantity and quality of the renewable energy resource should be determined before applying to this component. Any costs related to resource characterization should represent a small percentage of funds requested through this program. Customers interested in renewable projects are strongly encouraged to visit <http://www.powernaturally.org/> for more information.

## **CHP & RENEWABLE GENERATION COMPONENT INELIGIBLE PROJECTS**

- Proposals for studies of non-renewable generation without a heat recovery component are not eligible for funding.
- Proposals seeking assistance with evaluating systems where the potential renewable generation capacity would be larger than 5 MW are not eligible for funding.
- Proposals seeking assistance with evaluating CHP systems for which the potential generation capacity would be larger than 50 MW or mechanical equivalent in total prime mover capacity, including back up, are not eligible for funding.
- Proposals seeking assistance with evaluating CHP systems for which less than 75% of the electricity generated would be used on-site are not eligible for funding.

## **ADDITIONAL PLCP REQUIREMENTS/LIMITATIONS**

- Industrial facilities must have a peak summer demand (defined as May-October) exceeding 400 kW. Other facilities must have a peak summer demand exceeding 1000 kW.
- To be eligible for funding, projects must not have sold the capacity identified in the PLCP into the NYISO Demand Response Program ICAP/SCR more than 90 days prior to project proposal package receipt. The sold date refers to the day in which the load becomes eligible for payment from the NYISO or Con Edison.
- PLCPs must demonstrate that the full registered load is technically capable of being curtailed. For all projects, facility-specific loads must be identified for curtailment.
- The facility's registered load must be equal to or greater than 10% of the facility's peak summer demand and must exceed 100kW.
- Generator projects must be located within Con Edison territory and are limited to existing emergency/back-up generators. Emissions must be less than 7.5 grams per brake horsepower (g/bhp-h)- of NO<sub>x</sub> or Department of Environmental Conservation (DEC) regulations if stricter than 7.5 g/bhp-h.
- A facility needs to provide data access instructions for NYSERDA to access interval meter information. The facility should provide the URL, username and password for the interval meter or a print-out of interval meter data by hour for at least 5 weekdays.

### III. SUBMISSIONS

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Complete project packages will be accepted until 5:00 pm December 30, 2015. Late or incomplete submissions will be returned. Customers or their selected service providers may submit projects for the Energy Efficiency or CHP and Renewable Generation components of this PON; only service providers may submit for the PLCP component.

Customers, Service Providers, or FlexTech Consultants with questions about the FlexTech Program should contact: Joanna Moore (866-NYSERDA ext. 3220, [jm1@nyserda.org](mailto:jm1@nyserda.org)).

All contractual questions should be directed to Venice Forbes (866-NYSERDA ext. 3507).

To submit to the **ENERGY EFFICIENCY** component of this solicitation:

- Send a complete Scope of Work (as defined in Appendix B-1) and signed Terms & Conditions (Appendix A-1) to the attention of Mary Sauvie at the email address or building address at the beginning of this PON.
- Complete the CFA located at <http://nyworks.ny.gov/>
- A complete project package is comprised of Appendix A-1, a complete Scope of Work and the CFA.

To submit to the **CHP AND RENEWABLE GENERATION** component of this solicitation:

- Send a complete Scope of Work (as defined in Appendix B-1) and signed Terms & Conditions (Appendix A-1) to the attention of Mary Sauvie at the email address or building address at the beginning of this PON.
- Complete the CFA located at <http://nyworks.ny.gov/>
- A complete project package is comprised of Appendix A-1, a complete Scope of Work with an attached detailed budget for the study to be conducted, and a two page list of the service provider's relevant project experience. Project proposals containing scopes of work that do not expand upon the requirements in Appendix C-2 or C-3 (as appropriate), to include site and project specific issues, will not be favorably reviewed.

To submit for the **PLCP** component of this solicitation:

- Send the signed Terms & Conditions sheet (Appendix A-2), along with a PLCP for each facility (as outlined in Appendix D) and copies of one year of electricity bills to the attention of Mary Sauvie at the email address or building address at the beginning of this PON.
- Complete the CFA located at <http://nyworks.ny.gov/>
- A complete project package is comprised of Appendix A-2, PLCP and the CFA.

## **IV. AWARDS**

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### **ENERGY EFFICIENCY PROJECTS**

When NYSERDA receives a completed Scope of Work as defined in Appendix B-1, the project scope will be reviewed to verify that it meets the requirements of this solicitation and the format set forth in the Guidelines for Scopes of Work (Appendix B-1). NYSERDA will assign a NYSERDA Project Manager and a Technical Reviewer under contract to NYSERDA to issue comments to the customer and service provider requesting revisions and clarification of the Scope of Work as necessary. Comments will also address missing project package components, such as a signed Terms & Conditions page and CFA if such components are not submitted simultaneously with the Scope of Work.

Upon approval of a Scope of Work and receipt of the signed Terms & Conditions and CFA, NYSERDA will issue a Purchase Order for the project. Customers and their service providers may begin study execution upon NYSERDA's receipt of the Scope of Work at their own risk. Cost-share amounts are not encumbered until a Purchase Order is issued.

Final reports must comply with the requirements in Appendix B-2. Upon receipt of two copies of the draft report, the assigned Technical Reviewer will issue comments to be addressed in the Final Report as necessary. Upon receipt and approval of a hard copy and electronic copy of the Final Report, NYSERDA will require a copy of the service provider's invoice(s) to the customer indicating the total study cost, a copy of the metering equipment/software invoice(s), if applicable, and an invoice from the customer to NYSERDA. The service provider's invoice(s) should be broken out by non-labor costs, individuals, titles, hourly rates, dates and hours worked on each task. In addition, if applicable, NYSERDA may also require a copy of the customer's canceled check paying the total study cost to the service provider. At NYSERDA's discretion, a copy of the canceled check(s) from the customer to the service provider showing the total study cost and a copy of the lump-sum invoice may be accepted in lieu of a detailed invoice. All invoices and other reimbursement documentation must be sent to [invoices@nyserda.org](mailto:invoices@nyserda.org). NYSERDA will reimburse the customer the percentage of the actual study cost incurred, subject to the maximum dollar amount as provided in the issued Purchase Order. When appropriate, NYSERDA may issue progress payments up to the allowable percentage of the study cost, not-to-exceed 50% of NYSERDA's total financial commitment.

### **CHP AND RENEWABLE GENERATION PROJECTS**

CHP and renewable generation studies will be evaluated by NYSERDA staff members and outside technical experts on a first-come first-served basis. The review will involve a comparative evaluation of the applicable criteria in Appendix C. Customers will be notified of the funding decisions approximately three (3) weeks after submission.

Upon approval, NYSERDA will assign a Project Manager who will issue comments to the customer requesting revisions and clarification of the Scope of Work as necessary. Upon approval of a Scope of Work and receipt of the signed Terms & Conditions and CFA, NYSERDA will issue a Purchase Order. Customers and their service providers may begin CHP and Renewable Generation study execution upon NYSERDA's receipt of the Scope of Work at their own risk. Cost-share amounts are not encumbered until the Scope of Work is approved, the signed Terms & Conditions and CFA have been received and a Purchase Order is issued.

Final reports must comply with the requirements in Appendix B-2 and the applicable requirements in Appendix C. Upon receipt of two copies of the Draft Report, NYSERDA will issue comments to be addressed in the Final Report. Upon receipt and approval of a hard copy and electronic copy of the Final Report, NYSERDA will require a copy of the service provider's invoice to the customer showing the total study cost and an invoice from the customer to NYSERDA. The service provider's invoice(s) must be broken out by non-labor costs, individuals, titles, hourly rates, dates and hours worked on each task. In addition, if applicable, NYSERDA may also require a copy of the customer's canceled check paying the total study cost to the service provider. At NYSERDA's discretion, a copy of the canceled check(s) from the

customer to the service provider showing the total study cost and a copy of the lump-sum invoice may be accepted in lieu of a detailed invoice. All invoices and other reimbursement documentation must be sent to [invoices@nyserda.org](mailto:invoices@nyserda.org). NYSERDA will reimburse the customer the percentage of the actual CHP and Renewable Generation study cost incurred, subject to the maximum dollar amount as provided in the issued Purchase Order. When appropriate, NYSERDA may issue progress payments up to the allowable percentage of the study cost, not-to-exceed 50% of NYSERDA's total financial commitment.

## **PLCP**

When NYSERDA receives a completed PLCP, as defined in Appendix D, the PLCP will be reviewed to verify that it meets the program requirements. NYSERDA will assign a NYSERDA Project Manager and a Technical Reviewer under contract to NYSERDA to issue comments to the service provider requesting revisions and clarification as necessary. Comments will also address missing project package components, such as a signed Terms & Conditions page and CFA if such components are not submitted simultaneously with the PLCP.

Once the PLCP is approved and the signed Terms & Conditions and CFA have been received, a Purchase Order will be issued. NYSERDA will provide \$2/kW of the facilities peak summer (defined as May-October) demand, up to \$8,000 directly to the service provider.

Service providers must submit an invoice to NYSERDA for the approved dollar amount as provided in the issued Purchase Order. All invoices must be submitted to [invoices@nyserda.org](mailto:invoices@nyserda.org).

## **V. REPORTING**

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A goal of this program is to share project successes with others who may gain from the transfer of technical information. In order to receive reimbursement, applicants awarded funding will be required to provide a Final Report or Peak-Load Curtailment Plan to NYSERDA. These reports must meet the requirements in Appendix B-2 or Appendix D as appropriate. A required one-page project summary sheet (Appendix B-3) will be provided by NYSERDA with the Purchase Order and must be completed for all projects. A case study must also be submitted for all projects, along with copyright permissions for the pictures used in the project case study.

Projects defined as Energy Efficiency Retro-commissioning (RCx) must also complete one NYSERDA RCx Deficiency Worksheet for each deficiency found (Appendix B-4). Each NYSERDA RCx Deficiency Worksheet must have a corresponding line on the Project Summary Sheet.

## **VI. GENERAL CONDITIONS**

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### **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/nyserda.regulations.pdf](http://www.nyserda.org/nyserda.regulations.pdf). However, NYSERDA cannot guarantee the confidentiality of any information submitted.

## **OMNIBUS PROCUREMENT ACT OF 1992**

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

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

Empire State Development  
Division For Small Business  
30 South Pearl Street  
Albany, NY 12245

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

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

## **LIMITATION**

This solicitation does not commit NYSERDA to award a Purchase Order, pay any costs incurred in preparing a project package, 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.

## **CONTRACT AWARD FOR ENERGY EFFICIENCY PROJECTS**

NYSERDA may request additional data or material to support submissions including scope of work modifications or negotiations before issuing a Purchase Order. A sample Purchase Order is available on request. NYSERDA expects to notify customers in approximately three (3) weeks from the receipt of a complete project package whether the submission has been selected to receive an award.

## **CONTRACT AWARD FOR CHP AND RENEWABLE GENERATION PROJECTS**

NYSERDA anticipates making multiple awards under this solicitation. It may award a Purchase Order on initial project packages 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 submissions. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA expects to notify customers in approximately three (3) weeks from the receipt of a complete project package

whether the submission has been selected to receive an award.

## **CONTRACT AWARD FOR PEAK-LOAD CURTAILMENT PLAN TECHNICAL ASSISTANCE**

NYSERDA may award a Purchase Order based on applications without discussion, or following limited discussion, application modifications or negotiations. NYSERDA may request additional data or material to support applications. A sample Purchase Order is available on request. NYSERDA expects to notify service providers in approximately three (3) weeks from the receipt of a complete project package whether the submission has been selected to receive an award.

### **PROJECT PAYMENTS**

NYSERDA will reimburse successful customers using independent service providers for NYSERDA's share of the actual FlexTech study cost provided in the issued Purchase Order at the conclusion of the FlexTech project and upon receipt of the required documentation as outlined in Section IV and Section V of this PON. Reimbursement will be based on services actually provided as defined in the Scope of Work and as documented by the approved final report, invoices and other documentation deemed necessary by NYSERDA. Progress payments are available at the discretion of the assigned NYSERDA Project Manager.

For customers using a NYSERDA FlexTech Consultant, NYSERDA will contribute up to 50% towards the allowable NYSERDA Consultant fees for energy feasibility studies. Successful applicants will pay the remaining balance of the NYSERDA Consultant fees directly to the NYSERDA Consultant under the terms and conditions to be negotiated by the applicant and NYSERDA Consultant. Progress payments are available at the discretion of the assigned NYSERDA Project Manager.

### **PLCP PAYMENTS**

NYSERDA will provide an incentive of \$2/kW upon approval of the PLCP as outlined in Section IV.

## **VII. OTHER OPPORTUNITIES**

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NYSERDA has a number of programs available to New York State businesses and industries. These include implementation assistance programs, as well as many others. More information can be found on our website at [www.nyserda.ny.gov](http://www.nyserda.ny.gov), by e-mailing [info@nyserda.org](mailto:info@nyserda.org) or by calling toll free 1-866-NYSERDA.

## **VIII. ATTACHMENTS**

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Included:

- Appendix A-1: Energy Efficiency, CHP & Renewable Generation Terms & Conditions
- Appendix A-2: Peak-Load Curtailment Plan Terms & Conditions
- Appendix B-1: How to Create a Scope of Work
- Appendix B-2: Final Report Requirements
- Appendix B-3: Project Summary Sheet
- Appendix B-4: NYSERDA RCx Deficiency Worksheet (Filled in Example)
- Appendix C-1: CHP & Renewable Generation Eligible Projects
- Appendix C-2: Required information in a detailed CHP study (costing greater than \$20,000)
- Appendix C-3: Required information in a preliminary CHP study (costing less than \$20,000)
- Appendix C-4: Required information in a renewable generation study
- Appendix C-5: CHP & Renewable Generation Evaluation Criteria
- Appendix D: Peak-Load Curtailment Plan Requirements

**Appendix A-1**

**Energy Efficiency, CHP & Renewable Generation Terms & Conditions**

**APPLICANT CERTIFICATION. *Please check the appropriate box***

**Terms for applicants using a service provider not under contract to NYSERDA:**

I, the Applicant, certify that the facility or lead facility named in the scope of work is interested in technical assistance and is requesting that NYSERDA set aside funds to reimburse the facility for certain eligible costs, as outlined in the scope of work, in pursuing a FlexTech project. I certify that the information provided is true to the best of my knowledge

As part of this project, NYSERDA will oversee the Service Provider's progress and results in completing the scope of work, provide technical review of any applicable report, and be available to address any questions or concerns which arise during the conduct of this project.

**Terms for applicants using a NYSERDA FlexTech Consultant:**

I, the Applicant, certify that the facility or lead facility named in the scope of work is interested in technical assistance and request that NYSERDA set aside funds to contribute towards the allowable NYSERDA Consultant fees, as outlined in the scope of work. The Applicant will pay the remaining Consultant fees directly to the Consultant under terms and conditions to be negotiated by the Applicant and the Consultant. NYSERDA's contribution will be paid directly to the Consultant, provided the work is acceptable to the Applicant and NYSERDA.

As part of this project, NYSERDA will oversee the NYSERDA Consultant's progress and results in completing the scope of work, provide technical review of any applicable report, and be available to address any questions or concerns which arise during the conduct of this project.

I, the Applicant, also certify that NYSERDA does not provide any endorsement of the Consultant's capabilities to provide services outside of the Scope of Work to be conducted pursuant to this agreement. The Customer acknowledges that neither NYSERDA nor its consultant is responsible for assuring that the design; engineering or installation of any recommendation of the technical service is proper or complies with any particular laws (including patent laws), codes, or industry standards.

**Overall**

NYSERDA does not make any representations of any kind regarding the results to be achieved or the adequacy or safety of any recommendation. NYSERDA does not endorse, guarantee, or warrant any particular manufacturer or product, and NYSERDA provides no warranties, expressed or implied for any product of service.

I, the Applicant, certify the number provided is my correct taxpayer identification number (or I am waiting for a number to be issued to me); I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and I am a U.S. citizen or other U.S. person (as defined in IRS Form W-9).

**AUTHORIZED APPLICANT**

SIGNATURE: \_\_\_\_\_

NAME AND TITLE: \_\_\_\_\_

ORGANIZATION AND PHONE: \_\_\_\_\_

FEDERAL ID<sup>1</sup>: \_\_\_\_\_

<sup>1</sup> Federal ID # should match company/organization paying for energy study services