



REAL TIME ENERGY MANAGEMENT (RTEM)
Program Opportunity Notice (PON) 3309
\$30 Million available

Applications accepted on a first-come, first-served basis dependent on funding availability until June 30, 2021 by 5:00 PM Eastern Time

The New York State Energy Research and Development Authority (NYSERDA) Real Time Energy Management (“RTEM”) Program (the “Program”) seeks to achieve deep energy savings through the collection and analysis of energy usage data from buildings at a system level. To accelerate the adoption of RTEM practices, NYSEDA is offering cost-shared support for integrating RTEM systems and services into existing facilities. This Program works in conjunction with NYSEDA RFQ 3164 Real Time Energy Management Qualified Vendor, launched in April 2016. Applicants must be qualified as a NYSEDA RTEM Qualified Vendor to apply to this Program.

Real Time Energy Management (RTEM) technology is the combination of building data collection systems (sensors, meters, equipment feeds) with data analytics and building data information services that are able to show building management the actual state of building performance at any point in time. Service providers then capture the discreet data such as set points, power loads, flow rates, temperature and humidity, and feed the information back to building operators with key insights about operations and systems that they then use to fine-tune the building and identify capital projects.

NYSERDA’s RTEM Qualified Vendor list consists of both RTEM System Providers and RTEM Service Providers. RTEM System Providers are defined as providers of the monitoring hardware and software used to extract, process, and store energy usage data. RTEM Service Providers are defined as consulting services that customers contract with to analyze the data from the RTEM system installation and provide, enable, and/or implement energy savings measures based on the data.

RTEM System Providers and RTEM Service Providers who are listed on NYSEDA’s RTEM Qualified Vendor list are eligible Applicants.

The Program offers cost-sharing for RTEM system implementation and services for up to five (5) years (see Table 1: Incentive Levels).

How to Apply:

RTEM Qualified Vendors with eligible projects can log on to <https://nyserda-portal.force.com/login> to complete an Application.

Building Owners and Managers in need of an RTEM Qualified Vendor can visit the NYSEDA list at <http://www.nyserda.ny.gov/Contractors/Find-a-Contractor/RTEM-Qualified-Vendors>.

Program questions should be directed to commercialprograms@nyserda.ny.gov or Joshua Clyburn (866-NYSERDA, ext. 3071). All Contractual questions should be directed to Nancy Marucci (866-NYSERDA, ext. 3335) or nancy.marucci@nyserda.ny.gov.



*Incomplete or unsigned applications will be returned. NYSERDA reserves the right to close or extend the Solicitation at any time and/or add funding to the Solicitation should other program funding sources become available. If changes are made to this solicitation, notification will be posted on NYSERDA's website at www.nyserda.ny.gov



I. INTRODUCTION

NYSERDA's RTEM Program is designed to accelerate market adoption of RTEM systems and services over the next five years. Furthermore, the Program will identify and expand the industry's best practices for leveraging RTEM technologies. The Program will focus on how to efficiently extract and analyze data that enables customers to receive the full potential of RTEM benefits.

Research shows that customers who unlock their building's energy data, at the system level, make better energy related decisions than if they were to use only monthly utility bills. NYSERDA seeks to demonstrate the value of comprehensive monitoring and metering analytics, and the advantages gained by obtaining system level energy usage data. The Program seeks to illustrate how customers can use RTEM to maximize energy performance, improve equipment/building optimization, and provide better informed capital investment recommendations.

This solicitation is divided into the following components:

Section II: Eligibility

Section III: Program Incentives

Section IV: Application Requirements & Approval Process Overview

Section V: Program Conditions & Limitations

Section VI: General Conditions

Section VII: List of Attachments



II. ELIGIBILITY

ELIGIBLE APPLICANTS

NYSEERDA intends for RTEM Qualified Vendors to apply to the Program with eligible participant site(s). Sites must work with an RTEM Qualified Vendor to receive project funding. To become an RTEM Qualified Vendor (RFQ 3164) apply on-line at http://nyserda-site.force.com/CORE_CONAPP_Program_Page.

If a provider is not already on NYSEERDA's RTEM Qualified Vendor List, they are required to apply to RFQ 3164: RTEM Qualified Vendor. Applications to this Program from providers that are not on the RTEM Qualified Vendor List will not be approved until such time that the provider is accepted or rejected. If the provider is rejected, the project application will be rejected. NYSEERDA will make all System Installation and Service Cost-Share payments in this Program directly to the RTEM Service Provider. If the RTEM System Provider is different from the RTEM Service Provider, then the RTEM Service Provider and the RTEM System Provider will be responsible for establishing their own payment arrangements.

Building Owners and Managers seeking NYSEERDA funding for their sites must choose from NYSEERDA's RTEM Qualified Vendor List. Firms interested in applying to be on the NYSEERDA RTEM Qualified Vendor List may include, but are not limited to: energy management system providers, Energy Service Companies (ESCOs), energy consultants, and engineering companies. Providers that fail to qualify for the list will not be eligible to submit applications to this Program.

ELIGIBLE PARTICIPANT SITES

Eligible participant sites include: New York State commercial facilities which include, but are not limited to, office buildings, retail, colleges and universities, health care facilities, state and local governments, not-for-profit and private institutions, and public and private K-12 schools that are New York State electricity distribution customers of a participating utility company that pays into the System Benefits Charge (SBC) (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).

- Sites must choose from NYSEERDA's RTEM Qualified Vendor List. Please visit the website at: <http://www.nyserda.ny.gov/Contractors/Find-a-Contractor/RTEM-Qualified-Vendors> for the current listing of RTEM Qualified Vendors.
- Sites may select providers that are not on the RTEM Qualified Vendor List. However, the provider must apply and be approved as an RTEM Qualified Vendor (as detailed above in this Section II). If the provider fails to qualify, the project will be cancelled and the site will have to enlist a different provider.



ELIGIBLE PROJECTS

Eligible project requirements:

Awarded projects must be installed and commissioned within one year of receiving a NYSERDA Purchase Order (“PO”). A one-time extension of up to twelve months may be requested. Failure to install within the one-year timeframe or the approved extension timeframe will result in project cancellation.

RTEM systems that are installed prior to the launch of this Program are not eligible to receive a System Installation Cost-Share (as defined in Section III below).

Existing operational RTEM systems and service agreements are eligible for service cost-share (as defined in Section III below) provided all other Program requirements are met.

Monitoring requirements:

Projects must monitor energy usage at levels more granular than the whole-building, or whole-space for tenant applicants. The time frequency of monitoring must be at least hourly, or more frequent. Monitoring hardware must be permanently installed, and not intended for temporary use.

III: PROGRAM INCENTIVES

All projects must include cost-sharing in the form of matching cash support from the site(s). NYSERDA will issue a single PO with a maximum incentive of \$155,000 to include as follows per site:

For RTEM System Installations:

- NYSERDA System Installation Cost-Shares are provided per TABLE 1. The higher cost-share in the first two years of the Program is intended to encourage early adoption of the technology.

For RTEM Services (1-5 years eligible):

- NYSERDA Service Cost-Shares are provided per TABLE 1. The higher cost-share in the first two years of the Program is to encourage early adoption of the technology.
- Additionally, those Applicants submitting for more than three years of service length will receive a reduced cost share in the fourth and fifth year of service

There are two cost-share incentive options available from which to choose. RTEM Applicants will be able to select, on project-by-project basis, either Option A or Option B, as seen below. It is important to note, system and service costs must be disclosed to



NYSERDA, regardless of the payment option chosen. Additionally, for both options, payments will only be made to the RTEM service provider.

Incentive Levels

Option A: available for when customers pay upfront costs for RTEM System installations

Types of Incentives	Applications received 6/14/16 – 6/30/18		Applications received 7/1/18-6/30/21	
	NYSERDA Cost-Share	Cap per Project per year	NYSERDA Cost-Share	Cap per Project per year
System Installation	30%	\$75,000	20%	\$50,000
Service Years 1-3	30%	\$20,000	20%	\$15,000
Service Years 4-5	20%	\$10,000	15%	\$10,000

Option B: available when the RTEM System costs are embedded in the RTEM Services costs, and the customer pays little or no upfront costs, allowing both the system and service costs-sharing structure to be stretched over a five-year period.

Types of Incentives	Applications received 6/14/16 – 6/30/18		Applications received 7/1/18-6/30/21	
	NYSERDA Cost-Share	Cap per Project per year	NYSERDA Cost-Share	Cap per Project per year
Years 1-3	30%	\$35,000	20%	\$30,000
Years 4-5	20%	\$25,000	15%	\$25,000

Additional requirements

- NYSERDA will issue a maximum of 5 years of payments regardless of contract length (i.e. system or service costs that extend past 5 years will not be eligible for cost-sharing).
- If the RTEM system costs are embedded into the RTEM services costs, the incentive structure will provide cost sharing for the RTEM service, as well as a weighted portion of the systems costs. The system cost-sharing shall not exceed the length of the RTEM contract, nor the 5-year requirement mentioned above. The RTEM vendor will indicate, to the extent possible, the expected costs of the RTEM Systems and RTEM Services payments in the contract.

FUNDING LIMITATIONS

Site Cap



Each qualifying project site is limited to receiving \$155,000 of program funding.

Provider Cap

Each Applicant (RTEM Service Provider) is limited to receiving \$6 million in total program funding.

Portfolio Expansion Cap

A portfolio of sites submitted as an aggregated project (per the Multiple Sites Template) or as separate Applications having the same ownership or management capable of authorizing the installation of and acting upon information from an RTEM system are limited to receiving funding for ten (10) sites in the portfolio, or campus.

Sites already receiving financial assistance in the form of grants through NYPA for compliance with Executive Order 88, or programs offered by their local utilities, are not eligible to receive incentives for the same activities under this Program. (Financing from NYPA or NY Green Bank is allowable in combination with cost-share from this Solicitation).

IV: APPLICATION REQUIREMENTS AND APPROVAL PROCESS OVERVIEW

APPLICANT:

The Applicant will apply on-line through a NYSERDA portal. The following information will be requested:

1. RTEM Project Application (Attachment A-1)
2. Current, complete utility bill of each site documenting the SBC payment.
3. For projects containing multiple sites, a completed Multiple Site Template (Attachment A-2)
4. A copy of the signed agreement between RTEM Vendor(s) and the site(s) installing and committing to services. The agreement(s) should specify the dollar amount and length of service years.
5. Applicants must also work with an assigned RTEM Advisor (a NYSERDA contracted Consultant) to assist in their submittal of a project summary report

NYSERDA evaluates the project based on the above submitted information. All Applications will be reviewed on a first-come, first-served basis until funds are fully committed.

After the Applicant submits the Application, NYSERDA and the RTEM Advisor will review the application in its entirety, and evaluate the RTEM System specifications and RTEM Services offered. NYSERDA's RTEM Advisor will conduct a pre-installation site visit on at least the first two projects for all new Applicants. Applicants are encouraged to continuously engage with the RTEM Advisor as they submit more projects for funding. Upon review and approval of the Application information and completion of the pre-installation site visit (if required), NYSERDA will notify the Applicant and site contact(s) that the Application is approved. NYSERDA will then issue a PO committing the system installation cost-share and a full five years of eligible



cost-sharing services. After installation, the RTEM Advisor will conduct a post-installation site visit.

Note: An Applicant proceeding with project demolition or installation prior to the NYSERDA conducted pre-installation site visit and approval will not receive a system installation cost-share. NYSERDA is not committed to cost-sharing a project until a PO is issued.

If at any time the project, RTEM system, or services do not meet the minimum requirements established by the Program, the Applicant will not be eligible to receive funds and the project will be cancelled.

PROGRAM DELIVERABLES:

Participation in the Program requires the Applicant to work with the RTEM Advisor to develop a plan to collect and submit the following deliverables to NYSERDA during the course of the project:

1. Project Summary Report – As stated above, prior to receiving a PO from NYSERDA.
The Applicant will provide information and supporting documentation to the RTEM Advisor to help summarize the projects scope of work and to ensure it meets the intent of the Program.
2. Installation and Commissioning Report – Prior to receiving the system cost-share from NYSERDA.
The Applicant will provide information and supporting documentation to the RTEM Advisor to help summarize the completion of installing the RTEM System and to explain the roles and responsibilities of project participants.
3. Services Quarterly Report
The Applicant will provide information and supporting documentation to the RTEM Advisor to help summarize the performance of the project on a quarterly basis. This includes providing a list of recommended energy saving measures that may be operational improvements or capital upgrades. The list shall also specify the expected energy savings and installation cost from each measure.

PROJECT PAYMENTS:

NYSERDA intends to issue progress payments based on the following:

1. System installation cost-share will be issued to the Applicant upon review and approval of installation and commissioning of the RTEM system. The RTEM Advisor will authorize NYSERDA to issue the payment after the post-installation site visit and approval of required documents needed to prepare the Installation and Commissioning report. Failure to provide documents needed to complete the Installation and Commissioning report within 30 days after the commissioning date may forfeit funding from this Program.
2. Service cost-share will be provided annually, after review and approval of the first Services Quarterly Report. (Example: RTEM services begin in September 2016. The Applicant submits December 2016 quarterly reporting. NYSERDA reviews and



approves. NYSERDA issues funding for the September 2016- September 2017 reporting period). This process will repeat each following year. If reporting is not received within the first six months after commissioning, and quarterly thereafter, Applicants may forfeit project funding from the Program.

V: PROGRAM CONDITIONS & LIMITATIONS

CONDITIONS

- RTEM services cannot solely consist of software as a service (SaaS). RTEM services can incorporate SaaS in to the services contract to use as a tool to provide, enable, and/or implement energy savings measures.
 - RTEM systems are the monitoring hardware and software used to extract, process, and store energy usage data.
 - RTEM services are consulting services that customers contract with to analyze energy usage data and provide, enable, and/or implement energy savings measures, such as energy efficiency or renewable energy, based on the data.
- RTEM services must initially occur for at least 1 year. Projects are encouraged to participate for the full five (5) years of the Program cycle.
- Applicants must provide proof of payment for the RTEM systems and service by the site(s) in order to receive payment from NYSERDA. Documentation can include, but is not limited to, invoices and proof of purchase.
- RTEM Systems installed prior to submitting a project application are not eligible for a system cost share.
- Awarded projects must be installed and commissioned within one year of receiving a NYSERDA PO. A one-time extension for up to twelve additional months may be requested. Failure to install within the one-year timeframe or approved extension timeframe will result in project cancellation.
- Applicants must submit project level information to receive Program incentives.
- Project information, in addition to requirements listed in the Program Deliverables section above, shall be submitted to comply with project evaluation. Project information includes, but is not limited to, building profile, catalogue of facility's equipment profile, occupation and facility use, installed monitoring points, hardware/software/network specifications, incremental energy usage, measurement and verification data on implemented energy related projects such as energy efficiency or distributed energy resource installations, benchmarking data, and utility billing data.

LIMITATIONS

This PON 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. Applicants are limited to 20% (\$6 million) of total program funding. NYSERDA reserves the right to accept or reject any or all applications received, to negotiate with all qualified sources, or to cancel in part or in its entirety the PON when it is in NYSERDA's best interest.

NYSERDA may award a PO based on applications without discussion, or following limited discussion. NYSERDA may request additional data or material to support applications. A sample



PO is available on request. NYSERDA will notify Applicants whether the application has been selected to receive an award.

Inability to complete project installation in a timely manner or adhere to the project schedule may result in project cancellation by NYSERDA.

NYSERDA does not guarantee work to RTEM Qualified Vendors. NYSERDA is not responsible for the relationship between customers and RTEM Vendor(s). NYSERDA is not liable for damages caused by RTEM Vendors.

The following are ineligible for funding:

- Whole-building monitoring or the installation of sub-meters in tenant spaces. Tenant-only projects may not receive NYSERDA cost-sharing for whole-space monitoring.
- Building Management Systems or Building Automation Systems, or other systems designed to control equipment or components.
- 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.

VI: 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 <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

If State Finance Law lobbying amendment and Tax Law 5-a provisions apply, include the following two sections:

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 proposer 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 proposer 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 https://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. NYSERDA may request additional data or material to support submissions including scope of work modifications or negotiations before issuing a Purchase Order. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. 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.

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.

VII: ATTACHEMENTS FOR REFERENCE

- Attachment A-1 - RTEM Application
- Attachment A-2 - Multiple Sites Template
- Attachment A-3 - Terms and Conditions