

**Applications accepted 5/10/13 through 5/11/2015 by 5:00 PM Eastern Time**

**PROGRAM SUMMARY**

The New York State Energy Research and Development Authority (NYSERDA) is seeking applications for the Gas Station Back-Up Power Program (Back-Up Power Program). Eligible Applicants can apply for a project grant to help offset the implementation costs associated with the installation of a transfer switch and associated electrical modifications needed to accept a portable emergency generator or the electrical modifications and installation of a permanent emergency generator as required to comply with Section 192-h of the New York State (NYS) Agriculture and Markets Law, Alternate Generated Power Source at Retail Gasoline Outlets.

**GRANT AMOUNTS**

Installation of transfer switch to accept a portable emergency generator for stations located within ½ mile of an exit on a controlled access highway or from a designated evacuation route	<b>Up to \$10,000 Per Gas Station</b>
Installation of transfer switch and permanent emergency generator for stations located within ½ mile of an exit on a controlled access highway or from a designated evacuation route	<b>Up to \$13,000 Per Gas Station</b>
Installation of transfer switch and/or permanent emergency generator for stations not within the ½ mile limit but that must be pre-wired due to being part of a chain	<b>Up to \$10,000 Per Gas Station</b>

**CONTACT INFORMATION**

For technical questions please contact:

NYS Energy Research and Development Authority  
PON 2758 Administrator  
C/O Arcadis  
855 Route 146, Suite 210  
Clifton Park, NY 12065

Phone: Toll free 855-323-3030  
Email: [GasStationGrants@nyserda.ny.gov](mailto:GasStationGrants@nyserda.ny.gov)

For contractual questions please contact: Venice Forbes, Contracts Department (518) 862-1090 x3507 or [venice.forbes@nyserda.ny.gov](mailto:venice.forbes@nyserda.ny.gov)

**APPLICATION SUBMISSION**

Applications are accepted online [here](#). For assistance, please call 855-323-3030.

\*Incomplete or inaccurate applications will not be accepted. Faxed applications will not be accepted. If changes are made to this solicitation, a notification will be posted on NYSERDA's website at [www.nyserda.ny.gov](http://www.nyserda.ny.gov)

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## I. INTRODUCTION

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Many retail gasoline outlets (gas stations) in the downstate area lost electric power as a result of damage caused by Superstorm Sandy. This loss of power contributed to widespread disruptions in the gasoline supply that impacted public safety and well-being as well as economic activity in the downstate region. In response to this problem, Governor Cuomo signed legislation requiring certain gas stations in the downstate region to install wiring and a transfer switch to enable the use of backup generators and to develop a plan to secure an emergency generator within a set period of time following an emergency declaration. New York State enacted the legislation as an amendment to the Agriculture and Markets law by adding Section 192-h, entitled, *Alternate Generated Power Source at Retail Gasoline Outlets* (See Attachment A). In addition to establishing requirements for affected gas stations, the legislation also authorized NYSERDA to assist gas stations owners with implementing these requirements.

### AVAILABLE FUNDS

Up to \$17,000,000 in funds are available. NYSERDA may increase the total available funding, if necessary, and contingent on available funding.

## II. BACK-UP POWER PROGRAM

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### PROGRAM OVERVIEW

The Back-Up Power Program provides grants to help offset an eligible owner's cost of wiring gas stations to accept emergency generators. The wiring must be capable of accepting an emergency generator that is of sufficient capacity to provide power to operate all dispensers and dispensing equipment, life safety systems, environmental monitoring systems, payment-acceptance equipment, and other systems necessary to ensure that such gas stations can continue safe fuel sales operations during an electricity outage. At the Applicant's discretion, additional systems such as convenience store electrical loads may be included in the sizing of the system. The installation of a permanent emergency generator with a transfer switch is also eligible for a grant under this Back-Up Power Program.

### APPLICANT ELIGIBILITY REQUIREMENTS

The New York State Department of Agriculture and Markets (Ag & Markets) has identified and notified eligible gas stations that are known to be required to comply with the recently enacted legislation. Please visit <http://nysandyhelp.ny.gov/fuel-ny> to see if your gas station is located in a designated strategic area.

Eligible retail gas stations are located in the downstate region (including Nassau, Suffolk, Rockland, Westchester, Bronx, Kings, Queens, Richmond, and New York counties); and meet the following criteria:

- Each gas station in the downstate region located within ½ mile of an exit on a controlled access highway or from a designated evacuation route (these gas stations must comply with the legislation by April 1, 2014);
- In addition, 30% of gas stations that are part of a "Chain of Retail Outlets," exclusive of those within the ½ mile limit described above (these gas stations must comply with the legislation by August 1, 2015);
  - "Chain of Retail Outlets" means a network of subsidiaries or affiliates, under direct or indirect common control, that operate ten (10) or more gas stations located in a single downstate region; provided, however that this term does not include any franchisor of the brand or motor fuel being sold at such outlet, except if such franchisor owns such outlet.

- For Example: A chain of (15) gas stations in a single downstate region has (5) stations within the ½ mile limit. The chain must wire those (5) plus (3) others for a total of (8).
- Eligible equipment may be installed no earlier than July 26, 2013

Applicants are limited to the owner or franchisee, or a duly authorized representative that has responsibility for regulatory and legislative compliance and has the authority to complete the needed improvements required by this Back-Up Power Program.

**GRANT AMOUNTS**

Installation of transfer switch to accept a portable emergency generator for stations located within ½ mile of an exit on a controlled access highway or from a designated evacuation route	<b>Up to \$10,000 Per Gas Station</b>
Installation of transfer switch and permanent emergency generator for stations located within ½ mile of an exit on a controlled access highway or from a designated evacuation route	<b>Up to \$13,000 Per Gas Station</b>
Installation of transfer switch and/or permanent emergency generator for stations not within the ½ mile limit but that must be pre-wired due to being part of a chain	<b>Up to \$10,000 Per Gas Station</b>

Applicants are not authorized to start work until a signed Grant Agreement is received from NYSERDA.

**GRANT PAYMENT**

Payment will be made after installation of the project is completed. No progress payments will be made. A single payment for reasonable, eligible costs will be issued upon receipt and review of necessary documentation. Eligible costs include documented and verified reasonable labor; equipment and materials costs incurred to wire and install a transfer switch to allow use of a temporary emergency generator. Installation of a permanent emergency generator is also an eligible cost. A Payment Request Form and list of required documentation will be sent to the Applicant after they have been accepted into the Back-Up Power Program.

Work must be completed and properly documented with the Payment Request Form submittal. The grant amount does not have to be paid prior to submitting the Payment Request Form. NYSERDA will issue payment within thirty (30) days of receiving a complete and accurate Payment Request Form.

NYSERDA will conduct a site inspection for grant payment verification only.

**FUNDING DETERMINATION**

The funding for this program will be from one of several sources, depending on eligibility based on the characteristics of the individual gas station.

Depending on the funding source, certain federal requirements may apply such as placement of equipment above the 500 year floodplain (only for the limited number of stations located in the 500 year floodplain), or maintenance of flood insurance (only for gas stations located in the 100 year floodplain).

Please visit <http://nysandyhelp.ny.gov/fuel-ny> to see if your gas station is located in a 100 year or 500 year flood plain.

The applicant will be informed of the project funding source or sources and all applicable requirements when NYSERDA determines that your project is eligible. NYSERDA will then provide a grant agreement containing all applicable terms and conditions.

### III. PROGRAM PARTICIPATION

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The following describes the process that will be followed by all parties for program participation:

1. Applicant must have or obtain a Data Universal Numbering System (DUNS) registration. Information on DUNS registration can be found at <http://www.dnb.com/>.
2. Applicant must complete the Application Form available [here](#).
  - a. Incomplete or inaccurate applications will not be accepted.
3. NYSERDA or its Contractor reviews application for completeness and verifies D-U-N-S and remaining required information.
4. NYSERDA or its Contractor sends grant agreement to Applicant for signature.
5. Applicant sends signed grant agreement to NYSERDA or its Contractor.
6. NYSERDA countersigns grant agreement and mails executed contract and Payment Request Form (see Attachment B) to Applicant.
  - a. This will generally occur within twenty (20) days of NYSERDA receiving a complete, accurate and signed grant agreement.
7. Applicant starts work after receipt of executed contract.
8. Applicant completes project.
9. Applicant informs NYSERDA that work is ready for final site inspection by NYSERDA or its contractor.
  - a. Site inspection must be completed prior to NYSERDA issuing payment.
10. Applicant submits completed Payment Request Form to NYSERDA or its Contractor.
11. NYSERDA or its Contractor reviews Payment Request Form.
  - a. NYSERDA issues payment within thirty (30) days of receiving a complete and accurate Payment Request Form including the required documentation.

NYSERDA reserves the right to inspect any installation, during regular business hours, to verify the Applicant's compliance with the requirements of this program.

### IV. GENERAL CONDITIONS

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#### 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 exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://nyserdera.ny.gov/~media/Files/About/Contact/NYSERDAREgulations.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 State subcontractors and suppliers is available from:

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

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

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

**Contract Award** - NYSERDA anticipates making multiple awards under this PON. 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.

**Limitation** - 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. 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 (5) 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 Applicant may be subject to penalties for violation of any law which may apply in the particular circumstances. Applicants must also disclose if they have ever been debarred or suspended by any agency of the United States Government or the New York State Department of Labor.

## **V. ATTACHMENTS**

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Attachment A: Amendment to Part 192-h Legislation

Attachment B: Payment Request Form