



**Applications accepted on a first-come, first-serve basis dependent on funding availability**

The New York State Energy Research and Development Authority (NYSERDA), through its Existing Facilities Program, offers incentives for the installation of Performance-Based electric efficiency system improvements. Facilities applying for electrical energy efficiency projects must have at least 12 months of utility billing history to participate. Buildings that are undergoing a change of use are ineligible for electrical energy efficiency incentives. Incentives will be reserved on a first-come, first-serve basis until funds are exhausted. Funding is limited and is not guaranteed. The total amount of incentives that are available is subject to change. NYSEDA, at its sole discretion, will cancel applications if Customer or Applicant responses to information requests are not timely.

**Application Submission:** Applicants should visit the [NYSEDA Consolidated Funding Application \(CFA\)](#) page to complete the CFA online form. If you have questions about completing the CFA, please email [cfa@nyserda.ny.gov](mailto:cfa@nyserda.ny.gov).

All Program questions should be directed to: Peter F. Hoffman, 866-NYSERDA ext. 3585, [Peter.Hoffman@nyserda.ny.gov](mailto:Peter.Hoffman@nyserda.ny.gov)

All Contractual questions should be directed to: Venice Forbes, 866-NYSERDA ext. 3507, [Venice.Forbes@nyserda.ny.gov](mailto:Venice.Forbes@nyserda.ny.gov).

\*Late, incomplete, or unsigned applications will be returned. Faxed or e-mailed applications will not be accepted. Applications will not be accepted other than through the CFA. If changes are made to this solicitation, notification will be posted on NYSEDA's website at [www.nyserda.ny.gov](http://www.nyserda.ny.gov).

## I. Introduction

Incentives through the Existing Facilities Program are available for Performance-Based electric efficiency improvements. Performance-Based incentives are calculated based on verified annual energy savings and must have at least 12 months of the most recent utility billing history to participate. Buildings that are undergoing a change of use are ineligible for electric energy efficiency incentives.

### Definitions

Applicant: The entity receiving the approved incentive amount upon Project completion, and who will be responsible for delivering the energy savings. Applicants can include third parties such as Energy Service Companies (ESCOs), Facility owners, management companies, and/or tenants with the authority to make improvements.

Customer: The owner/operator/tenant of the Facility or space where the Project will be implemented.

Facility: The building or structure where the energy-efficient measures are being implemented.

Project: Upgrades to equipment or systems within the Facility, involving at least two measure categories. Only one Facility is allowed per Application. Master metered campuses will be reviewed for possible eligibility on a case-by-case basis.

Measurement and Verification (M&V): A process of ensuring energy savings pre- or post-installation as approved by NYSERDA.

**Performance-Based Electric Efficiency Incentives** – Incentives are offered for cost-effective energy efficiency improvements that deliver verifiable annual electric energy savings. Projects must involve at least two measure categories as defined below, and must save at least 250,000 kWh per year, per site. No individual measure category may account for more than 75% of total Project savings. Electric measure categories include, but are not limited to:

- Lighting and Lighting Controls
- HVAC and HVAC Controls (including Chillers)
- Motors and Variable Frequency Drives (VFD) that are not part of the HVAC system
- Monitoring Based Commissioning (*please see the MBCx section below for further details*)
- Building Envelope Improvements
- Energy Management Advanced Controls Systems (EMS)
- Elevators

**MBCx** – Performance-Based incentives are offered for cost-effective energy efficiency Projects that deliver verifiable annual energy savings resulting from the installation of information gathering technologies that provide critical data to monitor and alter building operations. Additionally, NYSERDA seeks to promote clear communication of energy usage to the occupants of commercial and institutional spaces, thereby facilitating a coordinated means to reduce consumption and lower costs.

MBCx incentive payments are intended to cover the materials and engineering costs associated with upgrading energy data collection hardware and the cost of energy management services needed to achieve energy savings.

**Persistence** – MBCx incentives are offered for upgrades and initiatives that generate energy savings based upon improved operation. Eligible savings must be quantified by an Engineering Analysis and a commissioning plan designed to ensure the persistent realization of energy efficiency based upon operational changes for a period of at least five years.

Persistence must be demonstrated through externally contracted monitoring services or scheduled in-house staff training. Documentation of persistence may include invoices, scopes of services, and training materials. Incentive Applications missing, in whole or in part, an initial scope targeting the monitoring, isolation and assurance of claimed energy savings may be rejected at NYSERDA's sole discretion.

**M&V** – All Projects that include MBCx measures must provide, to NYSERDA, ongoing access to the Project’s energy data. The Applicant must perform M&V for a period up to two years. MBCx Projects will be subject to a 40% withholding of the total incentive, which is payable to the Applicant after NYSERDA receives and approves the final M&V report. Further details appear in Section II: Program Requirements.

**Ineligible activities** include, but are not limited to, occupant behavior-based initiatives such as turning off lighting or closing blinds to reduce internal heat gain and operational improvements without continuous enhanced monitoring capability.

Ineligible measures include, but are not limited to, fluorescent lighting, power quality improvements, and power factor improvements. Fuel switching is only permitted under the Renewable Heat NY component.

## II. Program Requirements

### Available Funds

Incentives are available through this Existing Facilities Program PON and approved incentives will be reserved on a first-come, first-serve basis.

### Existing Facilities Program Incentives

The Existing Facilities Program offers Performance-Based electric efficiency system improvements. Each site must submit an individual Application. Master metered campuses will be reviewed for possible eligibility on a case-by-case basis.

**Performance-Based Electric Efficiency Incentives** are offered to encourage Applicants to implement cost-effective energy efficiency Projects that deliver verifiable annual energy savings. Incentives are based on one year’s energy savings from installed Projects. Projects must save at least 250,000 kWh per year, per site to be eligible for Performance-Based incentives. Incentives are capped at the lesser of:

- 50% of project cost
- One (1) year simple payback (Incentives will not be provided that bring the simple payback below 1 year)
- \$500,000

Incentives will be provided based upon a tier-based system as described in the table below:

<b>Performance-Based Electric Efficiency Incentives</b>		
<i>Tier</i>	<i>Description</i>	<i>Incentive Rate</i>
1	The electric efficiency improvements cause annual kWh reductions less than or equal to 30% of current annual usage at the Facility.	\$0.10/kWh
2	The electric efficiency improvements cause annual kWh reductions greater than 30% but less than or equal to 50% of current annual usage at the Facility.	\$0.12/kWh
3	The electric efficiency improvements cause annual kWh reductions greater than 50% of current annual usage at the Facility.	\$0.15/kWh

### NYSERDA Payment

Upon approval of all final deliverables, as outlined in Section III: Application Requirements, NYSERDA will provide payment (full payment for Projects not requiring M&V and partial payment for Projects requiring M&V). Projects requiring M&V must complete M&V in accordance with the M&V plan in the approved Engineering Analysis. When

the M&V is completed, NYSERDA will review the results and release any remaining funds (which may be adjusted, based upon the M&V results).

The Existing Facilities Program is available to existing commercial and institutional buildings in New York State. To be eligible for electric efficiency incentives a Facility must pay into the System Benefits Charge (SBC) on their electric bill through one of the utility companies in the table below:

	Utility Company	Electric
<b>Downstate</b>	Consolidated Edison Company of New York, Inc.	<b>X</b>
<b>Upstate</b>	Central Hudson Gas & Electric Corporation	<b>X</b>
	National Grid Generation d/b/a National Grid	<b>X</b>
	New York State Electric & Gas Corporation	<b>X</b>
	Orange and Rockland Utilities, Inc.	<b>X</b>
	Rochester Gas and Electric Corporation	<b>X</b>

*Note: Only certain service rate classes are eligible. Please check the Facility's current utility bill.*

**Important Program Notes**

- Only one site is allowed per Application. Master metered campuses will be reviewed for possible eligibility on a case-by-case basis.
- 12 months of utility bills will be required to verify the Facility's SBC contribution and annual energy use.
- Projects with simple payback periods greater than 18 years (excluding NYSERDA incentives) are ineligible.
- Buildings that are undergoing a change of use are ineligible for electrical energy efficiency Projects. Major renovation Projects eligible under the New Construction Program should apply for funding under the New Construction Program: [New Construction Program - NYSERDA](#).
- Projects must pass the Total Resource Cost test to be eligible.
- Incentives will not be provided that bring the simple payback below one year. Instead, incentives will be capped when the simple payback reaches one year. Please see the equation below for your reference:

$SPB = \frac{PC}{ACS + I}$ <ul style="list-style-type: none"> <li>• SPB = Simple Payback</li> <li>• PC = Project Cost</li> <li>• ACS = Annual Cost Savings</li> <li>• I = Incentives</li> </ul>
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- The total incentive cannot exceed 50% of the project cost. Project cost may include equipment, labor, and engineering expenses.
- All energy efficiency measures must achieve savings for at least five (5) years unless otherwise approved by NYSERDA, Performance-Based energy efficiency Projects must save at least 250,000 kWh per year, per site.
- All Projects must include multiple measures, covering at least two different measure categories.
- No individual measure category may account for more than 75% of the Project's energy savings.
- Similarly, an Applicant or Facility may receive an incentive for a specific energy efficiency measure either through NYSERDA or a utility company incentive program, but not both.

- All Applications will be reviewed and accepted or rejected at NYSERDA's discretion. Applicants may be required to provide NYSERDA, in a timely manner, with additional information necessary to complete the evaluation of the Application.

### **M&V**

Performance-Based Projects require an Engineering Analysis to substantiate energy savings and may be subject to M&V. M&V is required for:

- Lighting and Lighting Control systems saving more than 1,000,000 kWh annually.
- All other electric efficiency measures saving more than 500,000 kWh annually in a single category.
- All Projects that include MBCx.
- All Projects exceeding 30% savings.

At NYSERDA's sole discretion, M&V may be required or waived for any Project.

NYSERDA's Technical Reviewer will develop an M&V plan in collaboration with the Applicant. NYSERDA will pay up to 60% of the incentive upon installation and the balance after NYSERDA receives and approves the final M&V report. The final incentive will be adjusted based on the M&V results. Projects failing to perform to savings estimates may be required to reimburse NYSERDA for any overpayment.

### III. Application Requirements

All Applications must initially be submitted through the *Consolidated Funding Application (CFA)*: [NYSERDA Consolidated Funding Application \(CFA\)](#)

Please note that all documentation should be submitted in a manner that is sensitive to the security of the data. If there are any questions regarding how to submit documentation, please contact: Peter F. Hoffman, 866-NYSERDA ext. 3585, [Peter.Hoffman@nyserda.ny.gov](mailto:Peter.Hoffman@nyserda.ny.gov).

The Applicant must complete and submit the following documentation before or within 90 days of Project contracting, and prior to any demolition or removal of existing equipment or installation of new equipment for the Project:

- a. Contractual Agreement, with all signatures;
- b. W-9 tax form (only submit Federal Tax ID electronically; any Individual's Social Security Number on a W9 should be mailed to NYSEERDA at 17 Columbia Circle Albany, NY 12203, Attn: EFP);
- c. Complete 12 months of most recent Utility Bills with Account Number;
- d. Proposed Scope of Work Form that includes expected Project Timeline;
- e. For lighting Projects, a completed [Existing Facilities Program Lighting Form](#);
- f. [Project Data Breakout Form](#) (located on Existing Facilities Program webpage under Tools and Resources).

NYSEERDA evaluates the Project based on the submitted documentation. NYSEERDA may request further documentation. If Applicants are unresponsive or do not provide sufficient documentation at any point in the Project, NYSEERDA reserves the right to cancel the Application at its sole discretion.

Once funds are encumbered for a Project, NYSEERDA will issue a Purchase Order and NYSEERDA will notify the Applicant and Facility contact(s) that Project implementation can begin. An Applicant proceeding with Project demolition or installation prior to the NYSEERDA conducted pre-installation inspection(s), Engineering Analysis approval, and Purchase Order issuance does so at their own risk and may jeopardize their incentive. If demolition or installation occurs prior to official confirmation of the approved incentive amount, the Applicant assumes the financial risk that the Project may or may not be approved for incentives at the anticipated amount.

Upon approval of all final deliverables, NYSEERDA issues the full incentive payment for Projects not requiring M&V to the Applicant, and partial incentive payment for Projects requiring M&V. Those Projects requiring M&V must complete the M&V Plan in accordance with the approved Engineering Analysis. When the M&V is complete, NYSEERDA reviews the results and releases the remaining incentive funds. The final incentive payment may be adjusted based on data gathered during post-installation inspection and/or from the M&V results.

#### IV. 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 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://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 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](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](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 may award a Purchase Order based on applications without discussion, or following limited discussion. NYSERDA may request additional data or material to support applications. A sample Purchase Order is available on request. NYSERDA will notify Applicants whether the application has been selected to receive an award.

**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 PON 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.

**V. Attachments:**

Attachment A - Terms and Conditions and Prompt Payment Policy Statement