

**CLEAN HEATING & COOLING**  
Renewable Heat NY Programs



New York State Energy Research and Development Authority

Dear Participating Contractors,

As New York begins to reopen under New York Forward, Participating Contractors and Appliance Vendors (collectively NYSEDA contractors) must comply with the Executive Order addressing COVID-19 as it related to construction activity that can resume in the regions of that state that are reopening under the approved Phases. Additionally, NYSEDA contractors are expected to comply with all relevant State, Federal, and local rules and state-issued return-to-work guidance.

Please note that the Renewable Heat NY (RHNY) Residential Pellet Stove and Small Biomass Boiler Participation Agreements have been updated with the following changes effective immediately:

1. NYSEDA contractors must comply with the Additional COVID-19 Terms and Conditions for All NYSEDA Agreements (Terms and Conditions). This attachment provides pertinent COVID-19 related guidance for all contractors participating in NYSEDA's RHNY Residential Pellet Stove and Small Biomass Boiler programs and is now added as Exhibit C in the RHNY Residential Pellet Stove and Biomass Boiler Program Contractor Participation Agreements and is in effect immediately for all pre-existing RHNY Contractor Participation Agreements. All NYSEDA contractors are also accountable for staying current with updates to these requirements. All documentation referenced below is now available on the [RHNY Solicitation Detail Page](#). Additional COVID-19 related guidance and references can be found on [NYSEDA's website](#), and is hereby deemed incorporated herein, and may be updated from time to time.

2. The following attestation must be submitted with all project completion documentation:  
"By submitting the completion documents for this project, the contractor attests that all work was completed in compliance with COVID-19 requirements."

3. NYSEDA is further adding the following language as Article 1 - Section 8, and Article 2 Section 5 in the *RHNY Residential Pellet Stove Participation Agreement* and the *RHNY Small Biomass Boiler Contractor Participation Agreement*, respectively:

**A.** NYSERDA may at any time, by written Order to the Participating Contractor/Vendor, require the Participating Contractor/Vendor to stop all or any part of the Work called for by this Agreement for a period of up to ninety (90) days after the Stop Work Order is delivered to the Participating Contractor/Vendor, and for any further period to which the parties may agree. Any such order shall be specifically identified as a Stop Work Order issued pursuant to this Section. Upon receipt of such an Order, the Participating Contractor/Vendor shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the Work covered by the Order during the period of work stoppage consistent with public health and safety. Within a period of ninety (90) days after a Stop Work Order is delivered to the Participating Contractor/Vendor, or within any extension of that period to which the parties shall have agreed, NYSERDA shall either:

1. by written notice to the Participating Contractor/Vendor, cancel the Stop Work Order, which shall be effective as provided in such cancellation notice, or if not specified therein, upon receipt by the Participating Contractor/Vendor, or
2. terminate the Work covered by such order

**B.** If a Stop Work Order issued under this section is canceled or the period of the Order or any extension thereof expires, the Participating Contractor/Vendor shall resume Work. An equitable adjustment shall be made in the delivery schedule and or the fee, if any, and in any other provisions of the Agreement that may be affected, and the Agreement shall be modified in writing accordingly, if:

1. the Stop Work Order results in an increase in the time required for, or in the Participating Contractor/Vendor's cost properly allocable to, the performance of any part of this Agreement, and
2. the Participating Contractor/Vendor asserts a claim for such adjustments within 30 days after the end of the period of Work stoppage; provided that, if NYSERDA decides the facts justify such action, NYSERDA may receive and act upon any such claim asserted at any time prior to final payment under this Agreement.

If a Stop Work Order is not canceled and the Work covered by such Order is terminated, the reasonable costs resulting from the Stop Work Order shall be allowed by equitable adjustment or otherwise.

Notwithstanding the provisions of this section, the maximum amount payable by NYSERDA to the Provider shall not be increased or deemed to be increased except by specific written amendment hereto.

All NYSERDA contractors are expected to immediately comply with the above Program updates. In the event a NYSERDA contractor feels they cannot comply with any of these Program updates, they must opt-out of the program in its entirety by notifying Program staff via email at [rhny@nyserdera.ny.gov](mailto:rhny@nyserdera.ny.gov) no later than COB on Wednesday, June 24, 2020.

An update will be provided if there is a change to this guidance and as always, please reach out to us with any questions or concerns.

Sincerely,

NYSERDA's Renewable Heat NY Program Team

---

**CONNECT WITH US**



**About NYSERDA**

NYSERDA, a public benefit corporation, offers objective information and analysis, innovative programs, technical expertise, and support to help New Yorkers increase energy efficiency, save money, use renewable energy, and reduce reliance on fossil fuels. NYSERDA professionals work to protect the environment and create clean energy jobs. NYSERDA has been developing partnerships to advance innovative energy solutions in New York State since 1975. To learn more about NYSERDA's programs, visit [nyserdera.ny.gov](http://nyserdera.ny.gov) or follow us on [Twitter](#), [Facebook](#), [YouTube](#), or [Instagram](#).

---

---

1-866-NYSERDA | [info@nyserdera.ny.gov](mailto:info@nyserdera.ny.gov) | 17 Columbia Circle, Albany, NY 12203

To stop receiving email messages from NYSERDA related to this topic, you may [unsubscribe](#).