



Updated NYSERDA Contractor and Construction Guidance 3/31/20

The New York State Energy Research and Development Authority (NYSERDA) would like to take this opportunity to provide you with an update on New York State’s response to the COVID-19 outbreak as it relates to our clean energy programs. This situation is rapidly changing, and this guidance may be updated at any time.

On March 20, Governor Cuomo through the [New York State on PAUSE Executive Order](#) issued a directive that 100 percent of non-essential workforce must stay home as part of the state’s ongoing effort to stop the spread of COVID-19. Following this directive, which places the priority on the safety and health of every New Yorker, NYSERDA issued a temporary pause for all site work by contractors participating in NYSERDA’s clean energy programs, with the exception of certain named programs.

On March 30, Governor Cuomo issued [Executive Order 202.13](#) clarifying that only certain construction constitutes essential construction, and authorized the Empire State Development (“ESD”) to determine which construction is essential and thereby exempt from the in-person workforce prohibition. ESD has posted Essential Construction Guidance and [Frequently Asked Questions](#) for the energy industry, which defines for the energy industry what construction activity qualifies as essential or emergency-related. Accordingly, as set forth in Executive Order 202.13 and the Essential Construction Guidance, **all program activity requiring in-person presence at a project site** that is not defined as either essential or emergency-related shall pause until April 15, unless extended by future Executive Orders. We encourage you to review the Essential Construction Guidance, including with respect to the directive that all activities that do continue in compliance with the Essential Construction Guidance and must maintain a clean and safe working environmental, as well as appropriate social distancing, in accordance with [guidance](#) issued by the NYS Department of Health.

Please note this NYSERDA guidance applies to **ALL NYSERDA programs**, is effective immediately, supersedes all previously issued guidance, and modifies any applicable provisions in any NYSERDA contract, program rule, guideline, manual, solicitation or other applicable document or agreement.

We recognize the significant and difficult challenges your business is facing right now. As such, to assist you, NYSERDA is implementing the following:

- NYSERDA will provide additional flexibility regarding contract timelines, extensions, and partial payments for work completed to date.
- NYSERDA continues to accept project applications and deliverables; and will also continue to commit funding and make payments for completed work.

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- If there are milestones that are problematic to complete during this time period, please reach out to your NYSERDA Program Manager to discuss options for keeping projects moving forward.
- NYSERDA encourages the increased use of technology (teleconference, videoconference, webinars, etc.) to engage audiences in your target community, as appropriate, and will support changes in scope and work plans to accommodate this.
- NYSERDA will be providing further guidance regarding quality assurance, site inspections and other process changes.
- NYSERDA is assessing ways to provide training support and capacity building to support a robust clean energy market in the months ahead. We welcome your input on other ways we can support your business and pursue our shared clean energy goals. We will be organizing a series of stakeholder input sessions shortly to identify ways to support the clean energy industry during and after this crisis.

NYSERDA's response to the COVID-19 outbreak has been and will continue to be updated frequently. NYSERDA may update this guidance based on any changes to law, rules and regulations, Executive Orders or the impact of COVID-19 on the State of New York. Directions on how our programs will operate after April 15, 2020 will be forthcoming upon evaluation of the State's response at that time.

We also recognize during this challenging time you have many questions and concerns. NYSERDA remains open with all our employees available remotely via email or phone. We want to underscore that our program teams remain available to help you navigate changes to any of our programs and/or guidance and we will endeavor to respond as quickly as possible.

Please do not hesitate to contact your NYSERDA Program Manager so that we may assist you. Your continued partnership and work are critical to New York meeting its ambitious clean energy goals.