



New Construction - Commercial Program Opportunity Notice (PON) 3609 \$14,135,940

NYSERDA reserves the right to extend and/or add funding to the Solicitation should other program funding sources become available.

Applications accepted 02/01/2022 through 02/15/2023 by 3:00 PM Eastern Time* or until funds are fully committed, whichever occurs first*.

Program Summary:

The New Construction – Commercial (NC-Commercial) Program supports the design, development, and construction of carbon neutral buildings, reducing their energy consumption and per capita carbon emissions while ensuring the buildings are more resilient. Through NC-Commercial, NYSERDA offers technical support and financial incentives to Applicants and their design teams to identify and install energy efficiency, electrification, and carbon reduction opportunities to achieve **Carbon Neutral-ready** levels of performance in non-residential and mixed-use new construction, adaptive reuse, change of use, and substantial renovations to existing buildings. Applicants may select a Primary Energy Consultant from a list maintained by NYSERDA or may use the services of a provider of their choice, subject to NYSERDA approval. NC-Commercial also offers **Carbon Neutral Portfolio Support** through this funding opportunity.

Applicants whose projects are in a Potential Environmental Justice Area may be eligible for additional technical support under Support Level 2 for additional modeling and/or design support to meet 3rd party standards to enhance the health, comfort, and safety of building occupants. Refer to NYSERDA's Disadvantaged Communities webpage to determine eligibility at: <https://www.nyserda.ny.gov/ny/disadvantaged-communities>

Application Submission:

Applicants must complete the Consolidated Funding Application (CFA) online at: <http://www.nyserda.ny.gov/Funding-Opportunities/Consolidated-Funding-Application.aspx>.

Assistance to answer questions on the Consolidated Funding Application is available at 1-866-NYSERDA (toll free), or via email at cfa@nyserda.ny.gov. Please reference Consolidated Funding Application for the New Construction - Commercial Program.

No communication intended to influence this procurement is permitted except by contacting Michelle Fiano (Designated Contact) at (518) 862-1090, ext. 3254 or by e-mail MichelleNC@nyserda.ny.gov (for technical questions). If you have contractual questions concerning this solicitation, contact Venice Forbes (Designated Contact) at (518) 862-1090, ext. 3507 or VeniceSolicitations@nyserda.ny.gov. Contacting anyone other than the Designated Contacts (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

*** All applications must be received by 3:00 PM Eastern Time on the date noted above. Late, faxed, or emailed proposals will not be accepted.** Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all pages have been completed/included in the application. Please note: for online submission, there are required questions that you will have to answer in addition to uploading attachments and you should allot at least 60 minutes to enter/submit applications. The online application system closes promptly at 5pm, files in process or attempted edits or submission after 3:00 PM Eastern Time on the date above, will not be accepted. If changes are made to this solicitation, notification will be posted on the "Current Opportunities" section of NYSERDA's website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>).

1. Introduction

The NC-Commercial Program supports the design, development, and construction of carbon neutral buildings, reducing their energy consumption and per capita carbon emissions while ensuring the buildings are more resilient. The NC-Commercial Program offers technical and financial support to Applicants and their design teams to identify and install energy efficiency, electrification, and carbon reduction opportunities to achieve **Carbon Neutral-ready** levels of performance in non-residential and mixed-use new construction, gut rehabilitation, or adaptive re-use of existing buildings. Applicants may select a Primary Energy Consultant from a list maintained by NYSERDA or may use the services of a provider of their choice, subject to NYSERDA approval.

NC-Commercial offers **Carbon Neutral Portfolio Support** as a separate and non-project specific track. This track is appropriate for owners and developers of real estate portfolios, municipalities & government agencies, non-profit organizations, educational institutions, tract home developers, manufacturers of modular or prefabricated homes, and other entities who require support to enable scaled up low carbon building design, construction, renovation, and operation for commercial buildings. NYSERDA seeks businesses and institutions willing to take the lead in driving increased uptake of carbon neutral buildings in New York State and offers financial support to allow the Applicant to procure technical, design, and change management services targeting the future construction of low carbon or carbon neutral projects.

Applicants whose projects are in a Disadvantaged Community may be eligible for additional technical support up to \$25,000 for additional modeling and/or design support to meet 3rd party standards to enhance the health, comfort, and safety of building occupants delivered under Support Level 2. Refer to the NYSERDA's Disadvantaged Communities webpage to determine eligibility at: <https://www.nysERDA.ny.gov/ny/disadvantaged-communities>.

Technical support is offered on a first-come, first-served basis, subject to funding availability. Financial support is formally committed at the time NYSERDA issues a written pre-approval of the financial offer.

Sectional Outline:

- [Section 2 – Glossary of Terms](#)
- [Section 3 – Program Eligibility](#)
- [Section 4 – Support Levels](#)
- [Section 5 – Carbon Neutral Portfolio Support](#)
- [Section 6 – General Conditions](#)
- [Section 7 – Attachments](#)

2. Glossary of Terms

- **Applicant** – The owner, developer, or builder responsible for the management and construction of a project seeking access to NYSERDA’s support and incentives; or the entity requesting Carbon Neutral Portfolio Support.
- **Carbon Neutral-ready (carbon neutral)** – A highly-efficient project that excludes all fossil fuels from the building systems and equipment may qualify as carbon neutral. Building systems and equipment at a minimum refers to building heating, ventilating and air conditioning (HVAC), domestic hot water (DHW), kitchen, laundry, and other appliances. Projects that rely on a fossil fuel-fired generator for emergency use only, or projects which are served by a fossil fuel-fired central energy plant, may at NYSERDA’s sole discretion also qualify as carbon neutral if fossil fuel use is excluded from all other building systems and equipment. NYSERDA, at its sole discretion, will consider exemptions to the Carbon Neutral-Ready rule for process and other unregulated loads on the site on a case-by-case basis.
- **90.1 Section 11 and Appendix G Compliance Form (Compliance Form)** – The Appendix G Compliance Form is a comprehensive reporting workbook populated and submitted by the Applicant and Design Team or PEC to NYSERDA. The purpose of completing this form is to help the modeler establish simulation inputs from the baseline and proposed design models and achievement of the performance threshold. The Compliance Form is a spreadsheet-based workbook that meets the documentation requirements for ASHRAE Standards 90.1-2016 and 2019 Section 11 Energy Cost Budget Method and Appendix G Performance Rating Method. Instructions within that workbook provide further information. The Compliance Form must be used and can be obtained from the Department of Energy Office of Energy Efficiency and Renewable Energy website to ensure the most recent version of the form is being used. Projects must use the applicable version of the Compliance Form required by the NC-Commercial program. NYSERDA, at its sole discretion, may require project teams to submit additional reports and tools associated with the Compliance Form.

In lieu of using the default “Source-Site Ratio,” all projects shall convert the site energy consumption to source energy consumption by entering the appropriate source-to-site conversion factor shown below in the Energy Sources tab of the Compliance Form.

Energy Type	Source-to-Site Ratio
Electricity (grid purchase)	2.55

- **Designated Baseline** – For new construction buildings under Support Level 2 Compliance Paths A and B, the baseline is the version of the Energy Conservation Construction Code of New York State applicable to the building. For new construction buildings under Support Level 2 Compliance Paths C and D, the baseline is the version of NYStretch-2020 applicable to the building. If a project following Compliance Path D is complying with a prior version of code from when NYStretch-2020 did not exist, the Applicant may work with NYSERDA to establish an alternative compliance baseline and performance threshold, however, the project must still demonstrate efficiency beyond the version of energy code applicable to the project and must also meet the definition of Carbon Neutral-ready. For adaptive re-use and historic renovation(s), NYSERDA may at its sole discretion, approve an alternate baseline. Buildings that include unregulated loads, NYSERDA may at its sole discretion consider an alternate accommodation. NYSERDA may allow a project team to use exceptional calculations provided in ASHRAE 90.1 or to model savings for unregulated loads.
- **Disadvantaged Communities (DAC)** – A project site located in a Disadvantaged Community as shown on NYSERDA’s Disadvantaged Communities webpage: <https://www.nysERDA.ny.gov/ny/disadvantaged-communities>

- **Grid Interactive Building** – An energy-efficient building that uses smart technologies and on-site distributed energy resources (DERs) to provide demand flexibility while co-optimizing for energy cost, grid services, and occupant needs and preferences in a continuous and integrated way.

NYSERDA offers a separate opportunity for Real Time Energy Management (RTEM) through Program Opportunity Notice [PON 3689](#). Applicants planning to participate in the RTEM opportunity should confirm that their proposed equipment and systems will meet the RTEM program requirements.

- **Integrated Project Delivery (IPD)** – A project delivery approach that integrates people, systems, business structures and practices into a process that collaboratively harnesses the talents and insights of all participants to reduce waste and optimize efficiency through all phases of design, fabrication, and construction.

Refer to: *Integrated Project Delivery: An Updated Working Definition, Version 3 Updated 7/15/14*, published by the American Institute of Architects California Council (AIA|CC). Copies are available through AIA|CC at https://aiacalifornia.org/wp-content/uploads/2014/08/AIACA_IPD.pdf

- **NYStretch Energy Code (NYStretch Code)** – NYStretch Code - 2020* Version 1.0 (NYStretch-2020) is a supplemental code document that modifies certain provisions of the 2018 International Energy Conservation Code and ASHRAE 90.1-2016, which if adopted, are deemed to modify the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY). NYSERDA developed NYStretch-2020 for voluntary adoption by local governments as a more stringent local energy code that is the ECCCNY-2020 as modified by NYStretch-2020. On average, the NYStretch-2020 supplement improves the 2020 ECCCNY's efficacy by roughly 10% and is a model for New York jurisdictions to use to meet their energy and climate goals by accelerating the savings obtained through their local building energy codes.
- **Primary Energy Consultant (PEC)** – Firms or individuals who have successfully responded to NYSERDA's Request for Proposal (RFP) 3771 and have been qualified by NYSERDA to support Applicants who participate in NYSERDA's new construction programs and initiatives. The PEC will deliver energy consulting services to building owners, developers, and leaseholders. NYSERDA will cover the cost of technical support as outlined in PON 3609.

3. Program Eligibility

3.1 Eligibility Requirements

State, federal, and local governments, businesses, not-for-profit and private institutions, public and private schools, colleges and universities and health care facilities must be, or be capable of and intend to be, a New York State electricity distribution customer of a participating utility company that pays into the System Benefits Charge.

Customers whose projects are located in a Disadvantaged Community may be eligible for additional technical support up to \$25,000 for additional modeling and/or design support to meet 3rd party standards to enhance the health, comfort, and safety of building occupants delivered under Support Level 2. Refer to NYSERDA's Disadvantaged Communities webpage to determine eligibility at: <https://www.nyserdera.ny.gov/ny/disadvantaged-communities>.

To ensure eligibility to participate in Compliance Path A and Compliance Path C, NYSERDA requests that applications be submitted at the schematic design phase or earlier. Projects that have completed schematic design may still be eligible for incentives, please refer to Compliance Path B or Compliance Path D for additional project eligibility information.

Applicants may not obtain financial support for the same energy efficiency measure through other NYSERDA programs or from programs offered by their local utility. Please Note: Applicants may participate in the New York State Heat Pump Program (NYS Clean Heat) and NYSERDA's NC-Commercial Program.

Applicants who applied to a previous version of PON 3609 but have not yet received an incentive offer from NYSERDA may request their application and participation be transferred into this updated version of PON 3609. At NYSERDA's sole discretion, projects who have already received an incentive offer and meet current program requirements may be evaluated on a case-by-case basis to transfer to this version of the Program. To be eligible for NYSERDA's consideration, all such requests must be submitted to NYSERDA in writing, email preferred. NYSERDA has the sole discretion for determining an Applicant's eligibility to participate in the NC-Commercial program or transfer an application from a prior program to this program version for participation, and all such requests will be considered on a case-by-case basis. Applicants must execute the current Terms and Conditions (Attachment A) with NYSERDA and will be required to deliver completed projects that meet the requirements as detailed in this PON 3609 Summary and its Attachments.

3.2 Eligible Types of Construction

NC-Commercial is available for eligible Applicants to design and build projects that achieve Carbon Neutral-ready levels of performance in new construction, gut rehabilitation, and adaptive re-use for commercial, industrial, and institutional buildings in New York State.

New Construction: A new building, buildings, or an addition, where a licensed professional architect or engineer has prepared and certified the building plans.

Adaptive Re-use or Gut Rehabilitation: Substantial renovation for one of the following types of projects where a licensed professional architect or engineer has prepared and certified the building plans:

- Change of use and reconstruction of an existing building, buildings, or space within.
- Construction work of a nature requiring that the building, buildings, or space(s) within to be out of service during construction.
- Reconstruction of a vacant structure, or structures, or space within.
- The addition to or expansion of a building, in combination with any of the above.

4. Support Levels

Support levels are categorized according to project status, size, technical support provided, and whether it is located in a Disadvantaged Community. See the descriptions and opportunities associated with each support level listed below.

4.1 Application Management

At no cost to the Applicant, a NYSERDA Project Manager will be assigned to the project to assist Applicants. The Project Manager will attend the scoping session, interface with the Primary Energy Consultant, review scopes of work, and be available to answer questions from the Applicant.

4.2 Technical Support

NYSERDA provides technical support to help Applicants and their design teams assess and determine appropriate Carbon Neutral-ready, energy efficiency and electrification opportunities for the building through energy modeling, analysis, and reporting. Applicants may select a [Primary Energy Consultant](#) from a list maintained by NYSERDA or may utilize the services of a provider of their choice, subject to NYSERDA approval. Additional technical support is available for Applicants participating in Compliance

Paths A and C who incorporate Integrated Project Delivery, grid interactive buildings, and embodied carbon features and systems in the project design and construction.

4.3 Financial Support

NYSERDA may provide financial support for Carbon Neutral-ready projects. Financial support is based upon the project meeting the definition of Carbon Neutral-ready and achieving anticipated energy performance relative to the designated baseline.

NYSERDA will provide written pre-approval of projects achieving Carbon Neutral-ready level of performance if qualified for financial support prior to measure installation and have not received an incentive payment. The pre-approval will be in the form of an Offer Letter. NYSERDA will not provide financial support if installation of the measures achieving the energy performance for the incentive are installed prior to NYSERDA issuance of the Offer Letter. Upon NYSERDA review and approval of the completed installation and supporting documents, a check or electronic transfer will be issued to the Applicant. Upon completion of technical support, any project that does not meet the definition of Carbon Neutral-ready and the performance threshold will not be eligible for incentives.

4.4 Support Level 1 – First Look

Carbon Neutral-ready projects of any square footage and at any design phase prior to construction are eligible for Support Level 1 – First Look.

Projects that qualify may transition to Support Level 2 upon completion of the First Look, provided the Applicant commits to a **Carbon Neutral-ready** design.

4.4.1 Technical Support provided by a NYSERDA-approved Primary Energy Consultant:

The PEC will meet with the Applicant to review design phase plans or proposed equipment selections.

Deliverable: Summary of energy savings suggestions.

4.4.2 NYSERDA contribution for Support Level 1:

Technical Support provided by a NYSERDA-approved PEC is at no cost to the Applicant.

Table 1. Fixed fee schedule for Support Level 1

Support Level 1 - First Look	
<i>Project Square Footage</i>	<i>Maximum</i>
Projects up to 10,000 sf	\$1,500
Projects 10,001 - 30,000 sf	\$3,000
Project over 30,000 sf	\$5,000

4.5 Support Level 2 – Carbon Neutral-ready

For [Carbon Neutral-ready](#) projects: Applicants may receive a First Look prior to committing to Support Level 2 subject to NYSERDA approval, or they may participate directly in Support Level 2.

4.5.1 Compliance Paths

Compliance Path A: Pre-Schematic/Schematic Design Phase

- To be eligible projects for Compliance Path A, projects must still be in the Pre-Schematic or Schematic design phase and be a minimum of 5,000 square feet.
- Applicant partners with NYSERDA and receives funding for a Primary Energy Consultant to complete an energy model documenting that the project is able to meet or exceed the energy performance of 15% more efficient than the version of the ECCC of NYS applicable to the building and meets the definition of Carbon Neutral-ready. Energy modeling includes completing the [Compliance Form](#). NYSERDA, at its sole discretion, may consider an alternate accommodation for buildings that include unregulated loads. NYSERDA may allow a project team to use an exceptional calculation method as defined in ASHRAE 90.1 or to model savings for unregulated loads.
- **Deliverables:** Applicant and Design Team will be required to share the energy modeling files, Compliance Form, and any other information requested and deemed as necessary by NYSERDA.
- NYSERDA will pay for the energy model as outlined in [section 4.5.3](#).

Compliance Path B: Construction Documents phase (CDs) or later, but prior to receiving the Certificate of Occupancy

- To be eligible for Compliance Path B, project cannot have received the Certificate of Occupancy. Projects can be of any square footage.
- Applicant submits to NYSERDA for review: an already completed energy model documenting that the project is designed to meet or exceed the energy performance of 15% more efficient than the version of ECCC of NYS applicable to the building and meets the definition of Carbon Neutral-ready. Energy modeling includes completing the Compliance Form.
- NYSERDA, at its sole discretion, may consider an alternate accommodation for buildings with unregulated loads. NYSERDA may allow a project team to use an exceptional calculation method as defined in ASHRAE 90.1 or to model savings for unregulated loads. NYSERDA review of completed energy model and associated deliverables is required to confirmed achievement of Compliance Path requirements.
- Projects must be designed and constructed to meet or exceed the energy performance of 15% more efficient than the version of ECCC of NYS applicable to the building and meets the definition of Carbon Neutral-ready.
- Projects less than 5,000 square feet can either:
 - Complete a First Look to confirmed achievement of Compliance Path requirements and then participate in Support Level 2 Compliance Path B, or
 - Participate directly in Support Level 2 Compliance Path B.
- **Deliverables:** Applicant and Design Team will be required to share the energy modeling files, Compliance Form, and any other information requested and deemed as necessary by NYSERDA.
- A Model Reviewer and/or PEC will be assigned to review modeling inputs/outputs.
- NYSERDA will pay for the model review as outlined in [section 4.5.3](#).

Compliance Path C: Pre-Schematic/Schematic Design Phase

- To be eligible projects for Compliance Path C, projects must still be in the Pre-Schematic or Schematic design phase and be a minimum of 5,000 square feet.
- Applicant partners with NYSERDA and receives funding for a Primary Energy Consultant to complete an energy model documenting that the project is able to meet or exceed the energy performance of NYStretch-2020 and meets the definition of Carbon Neutral-ready. Energy modeling includes completing the Compliance Form.

- NYSERDA, at its sole discretion, may consider an alternate accommodation for buildings that include unregulated loads. NYSERDA may allow a project team to use exceptional calculations provided in ASHRAE 90.1 or to model savings for unregulated loads.
- **Deliverables:** Applicant and Design Team will be required to share the energy modeling files, Compliance Form, and any other information requested and deemed as necessary by NYSERDA.
- NYSERDA will pay for the energy model as outlined in [section 4.5.3](#).

Compliance Path D: Construction Documents phase (CDs) or later, but prior to receiving the Certificate of Occupancy

- To be eligible for Compliance Path D, project cannot have received the Certificate of Occupancy. Projects can be of any square footage.
- Applicant submits to NYSERDA for review: an already completed energy model documenting that the project is designed to meet or exceed the energy performance of NYStretch-2020 and meets the definition of Carbon Neutral-ready. Energy modeling includes completing the Compliance Form. NYSERDA review of completed energy model and associated deliverables is required to confirmed achievement of Compliance Path requirements.
- Projects must be designed and constructed to meet or exceed the energy performance of NYStretch-2020 and meets the definition of Carbon Neutral-ready. If the project is complying with a prior version of code from when NYStretch-2020 did not exist, the Applicant may work with NYSERDA to establish an alternative compliance baseline and performance threshold, however, the project must still demonstrate efficiency beyond code and must meet the definition of Carbon Neutral-ready.
- NYSERDA, at its sole discretion, may consider an alternate accommodation for buildings that include unregulated loads. NYSERDA may allow a project team to use exceptional calculations provided in ASHRAE 90.1 or to model savings for unregulated loads.
- **Deliverables:** Applicant and Design Team will be required to share the energy modeling files, Compliance Form, and any other information requested and deemed as necessary by NYSERDA.
- A Model Reviewer and/or PEC will be assigned to review modeling inputs/outputs
- NYSERDA will pay for the model review as outlined in [section 4.5.3](#).

4.5.2 Technical Support provided by a NYSERDA-approved Primary Energy Consultant:

Compliance Path A & C:

- **Energy Modeling, Analysis and Report:** Engage with the Applicant and project design team to identify, model and analyze potential energy savings and electrification opportunities. Includes analysis of ventilation and related building envelope and HVAC system needs to optimize buildings to meet COVID-19 related health and safety guidance.
- **Integrated Project Delivery:** Provide additional technical support for Applicants who incorporate and execute Integrated Project Delivery in the project design.
- **Grid interactive buildings:** Provide additional technical support for Applicants who incorporate and execute smart technologies and on-site distributed energy resources (DERs) to provide demand flexibility with co-optimizing for energy cost, grid services, and occupant needs and preferences in a continuous and integrated way in the project design and construction.
- **Embodied Carbon:** Suggest, evaluate, and quantify embodied carbon reduction opportunities. Prepare and submit a separate report of the embodied carbon analysis to the Applicant and NYSERDA.

Compliance Path B & D:

- Review of model inputs and outputs. Applicant and Design Team will be required to share models, supporting information related to model as deemed necessary by NYSERDA and/or Primary Energy Consultant. Model Reviewer/PEC will provide memo to NYSERDA confirming the energy savings are reasonable based on the PEC's review of the Applicant's model and information provided.

4.5.3 NYSERDA energy model contribution for Support Level 2:

Technical Support for Support Level 2 for Compliance Path A & C:

Table 2. Technical Support for Support Level 2 Compliance Paths A & C

Support Level 2 - Carbon Neutral-ready Technical Support * Compliance Paths A & C (preschematic to schematic)		
<i>Project Square Footage</i>	<i>% of Technical Support Costs</i>	<i>Maximum</i>
Projects 5,000 - 25,000 sf	100%	\$1.00/sf
Projects over 25,000	100%	\$200,000
Embodied Carbon Tech Support **	10%	NA

* Applicants whose projects are in a Disadvantaged Community may be eligible for additional technical support up to \$25,000 for additional modeling and/or design support to meet 3rd party standards to enhance the health, comfort, and safety of building occupants.

** For projects seeking to reduce embodied carbon by at least 20%, NYSERDA will pay an additional 10% of the Technical Support costs to identify and quantify strategies that reduce embodied carbon.

Technical Support for Support Level 2 for Compliance Path B & D:

Technical support is provided at no cost to the Applicant.

Table 3. Technical Support for Support Level 2 Compliance Paths B & D

Support Level 2 - Carbon Neutral-ready Technical Support * Compliance Paths B & D (CDs to construction) **	
<i>Project Square Footage</i>	<i>Maximum</i>
Projects up to 5,000 sf	\$5,000
Projects 5,001 - 10,000 sf	\$10,000
Projects 10,001 - 30,000 sf	\$15,000
Projects over 30,000 sf	\$20,000

* Applicants whose projects are in a Disadvantaged Community may be eligible for additional technical support up to \$25,000 for additional modeling and/or design support to meet 3rd party standards to enhance the health, comfort, and safety of building occupants.

** NYSERDA may approve at its sole discretion, a higher fee for large and complex projects.

Financial Support:

Financial support is limited to projects that NYSERDA has reviewed and confirmed achievement of Compliance Path requirements.

Table 4. Financial Support for Support Level 2 – Energy Performance Incentive

Support Level 2 - Carbon Neutral-ready Financial Support - Energy Performance Incentive			
Compliance Path	Compliance Path Requirements	\$/sf	Maximum
Compliance Path A	15% source energy savings and Carbon Neutral-ready	\$2.00	\$750,000
	15% source energy savings and Carbon Neutral-ready and located in a DAC	\$2.00	\$800,000
Compliance Path B	15% source energy savings and Carbon Neutral-ready	\$2.00	\$750,000
	15% source energy savings and Carbon Neutral-ready and located in a DAC	\$2.00	\$800,000
Compliance Path C	NYStretch-2020 and Carbon Neutral-ready	\$1.50	\$750,000
	NYStretch-2020 and Carbon Neutral-ready and located in a DAC	\$1.50	\$800,000
Compliance Path D*	NYStretch-2020 and Carbon Neutral-ready	\$1.50	\$750,000
	NYStretch-2020 and Carbon Neutral-ready and located in a DAC	\$1.50	\$800,000

*Projects must be designed and constructed to meet or exceed the energy performance of NYStretch-2020 and meets the definition of Carbon Neutral-ready. If the project is complying with a prior version of code from when NYStretch-2020 did not exist, the Applicant may work with NYSERDA to establish an alternative compliance baseline and performance threshold, however, the project must still demonstrate efficiency beyond code and must meet the definition of Carbon Neutral-ready.

4.6 Support Level 3 – Carbon Neutral Portfolio Support

Applicants may choose to participate in Carbon Neutral Portfolio Support. Carbon Neutral Portfolio Support is available for technical, design, and change management support for entities positioned to influence a large volume of building projects to carbon neutrality. Applicants eligible for Support Level 3 must submit a separate application from any application for support of an individual building.

NYSERDA Support and Contribution: Refer to Carbon Neutral Portfolio Support eligibility, description and opportunities as outlined below in the PON 3609 Solicitation and refer to Attachment B and Attachment C for a TWO Template example and the Cost-Related Workbook sample.

4.7 Project Inspection, Measurement and Verification

For projects receiving financial support, upon project completion NYSERDA may require materials or information to document the project’s performance or building components, including but not limited to photographic documentation, access to or outputs from Building Management Systems, copies of submittals and/or a field visit to confirm installation of the decarbonization measures. All Applicants must provide site access to NYSERDA staff or its contractors after project completion for the measurement and verification.

Financial support payments may be adjusted if Carbon Neutral-ready and energy performance measures were not installed or were installed in a way where predicted performance targets will not be achieved, or if project designs do not achieve stipulated performance targets.

5. Carbon Neutral Portfolio Support

Applicants may choose to participate in the **Carbon Neutral Portfolio Support** track. This track is available for technical, design, and change management support for entities positioned to influence a large volume of building projects to carbon neutrality. NYSERDA’s assistance may support the development of institutional protocols, guidance documents, employee and contractor training procedures, peer design reviews, performance standards, procurement standards, change management strategies, portfolio evaluation/benchmarking tools and protocols, or standardized designs, details, and specifications. Accepted Applicants must work with a NYSERDA-approved Primary Energy Consultant, who will be the recipient of NYSERDA’s technical support funding. Support offered under this track cannot go toward activities that directly contribute to the evaluation, engineering, planning, or design of a specific building project except in cases where that information is required to support approved activities. NYSERDA may consider additional tasks at its sole discretion, that it determines are consistent with the intent of this offering.

This track is appropriate for owners and developers of real estate portfolios, municipalities & government agencies, non-profit organizations, educational institutions, tract home developers, manufacturers of modular or prefabricated homes, and other entities who require support to enable scaled up low carbon building design, construction, renovation, and operation. Through this track, NYSERDA will work with businesses and institutions who take the lead in driving increased uptake of carbon neutral buildings in New York State. In the following description, real estate portfolio owners, developers, and modular building manufacturers serve as examples of appropriate applicant types; however, other entity types may be considered eligible by NYSERDA on a case-by-case basis.

For the purpose of this solicitation, “portfolio” and “standardized design” are defined as follows:

- **Portfolio** – A set of existing and/or planned buildings owned and/or operated or funded by a single entity, whether occupying a contiguous parcel(s) of land or otherwise.
- **Standardized Design** – A pre-established and repeatable building design system that may be offered to customers as a catalogue offering product line, as opposed to a custom designed building.

Entities receiving **Carbon Neutral Portfolio Support** must establish an institutional definition of Carbon Neutral Buildings and must publicly commit to this performance level for future design, construction, renovation, and operation, for all future projects or a clearly defined subset thereof. Applicant entities are responsible for identifying their particular need(s) for NYSERDA’s technical assistance in a proposed scope of work. Assistance will be provided to eligible Applicants by a Primary Energy Consultant (PEC) approved through NYSERDA’s RFP 3771. It is expected that the NYSERDA team will work closely with the Applicant’s team.

Through this offering, NYSERDA may provide up to one hundred percent of the cost of consulting services, up to a maximum amount of \$250,000 per approved Applicant on a first-come, first-served basis. Funding available to Applicants under this program is summarized below.

Support Type	Maximum PEC Funding Available
Portfolio Support – thresholds identified below include all buildings in submitted pipeline	
<1 Million sq. ft portfolio	Up to \$100,000
1 Million - 1.5 Million sq. ft portfolio	Up to \$150,000
1.5 Million-2.5 Million sq. ft portfolio	Up to \$200,000
>2.5 Million sq. ft portfolio	Up to \$250,000
Standardized Design Support – funding is available for up to 5 designs	
1 st enrolled design	Up to \$30,000
2 nd - 5 th enrolled designs	Up to \$10,000 per design

The **Carbon Neutral Portfolio Support** track will **not** support:

- The design, construction, renovation, and operation of specific buildings
- Data collection or modeling of specific buildings, projects, energy production, distribution, or storage systems

- Portfolio wide energy planning and management, including the collection of energy use data from existing buildings
- Applicant staff time spent in, or travel costs incurred for, trainings or conferences
- Multiple standardized designs that NYSERDA determines are largely similar or otherwise redundant

Activities undertaken with NYSERDA support through this PON are expected to be completed within eighteen (18) months of the issuance of an approved Task Work Order (TWO). Program engagements may be extended for up to twelve (12) additional months at NYSERDA's discretion, to complete the work. Deliverables developed pursuant to this track may be made publicly available by NYSERDA.

A single Applicant may not enroll more than once into the **Carbon Neutral Portfolio Support** track. A previously approved Applicant may request a scope modification by submitting such a request in writing to NYSERDA. NYSERDA may grant such a modification at its sole discretion, subject to funding availability.

5.1 Defining and Committing to a Policy for Carbon Neutral Buildings

Applicants to this track must propose in their application, and work with NYSERDA to develop, an institutional definition of and policy regarding Carbon Neutral Buildings. An individual authorized to contract on behalf of the Applicant entity must publicly commit the entity to this performance level for future design, construction, renovation, and operation, for all future projects or a clearly defined subset thereof.

Definitions may include:

- **Carbon Neutral:** a building that uses passive design strategies to minimize energy demand, whose systems are highly energy efficient, that meets its energy needs by producing onsite or procuring emissions-free electricity and using carbon-free fuels for combustion needs, that is responsive to electricity grid conditions, and that uses low-embodied carbon materials and construction techniques and low greenhouse warming potential refrigerants
- **Low Carbon:** A highly energy efficient building with low loads and zero onsite fossil fuel usage, that produces on-site, or procures, enough carbon-free renewable energy to meet building operations energy consumption annually
- **Fully Electric & Efficient:** A highly efficient building served entirely by electricity, with the sole exception of emergency power generation.
- **Net zero energy:** A building or project where the total amount of energy used annually is roughly equal to the annual amount of renewable energy generated or produced on the site.
- **Carbon Neutral-ready:** A highly efficient building that, with the addition of renewable energy systems on site or the purchase of renewable power, would be zero carbon.

Where applicable, the definitional boundary may go beyond a single building to encompass a group of buildings that share energy services, such as a shared thermal loop. NYSERDA may consider, at its sole discretion, another definition consistent with the above. When selecting a definition and any detailed performance criteria, enrollees are encouraged to review other NYSERDA programs to ensure that designs are compatible with enrollment into those offerings.

For the purposes of this solicitation, "Carbon Neutral Buildings" is used to denote any of the above definitions.

The policy must define a clear scope for future Carbon Neutral Building projects, whether applicable to all projects under the Applicant's responsibility, or to some clearly defined subset, such as by building type or by construction type, or by product line. At a minimum, the general policy must ensure that buildings be designed to be Carbon Neutral-ready and be predicted to use 15% less source energy than the applicable Energy Conservation Construction Code (ECCC) of NYS. Variances to this minimum level may be reviewed and approved for portfolios with high plug or process loads, historic preservation considerations, and/or other special considerations. These variances must be specifically identified and justified by the applicant and approved by NYSERDA prior to issuance of the TWO.

For Applicants who own, control, or design buildings outside of New York State: all program eligibility requirements, participation requirements, and NYSERDA support are intended to apply only to Applicant's buildings and projects in New York State.

5.2 Eligible Activities

The following activities will be supported by NYSERDA under this Track. NYSERDA funding will be provided to the Applicant's selected PEC to provide services to the Applicant for the tasks identified in the NYSERDA-approved Task Work Order. NYSERDA will not provide these services directly. This list should not be considered exhaustive, and NYSERDA may consider other proposed activities at its sole discretion, that it determines are consistent with the intent of this offering.

- a. Review current standard designs to identify the changes needed to cost effectively achieve Carbon Neutral performance with a standardized design offering while meeting the required programming. This program will support the consulting services required to develop design documents detailed in appendix D for the enrolled design.
- b. Funding to PEC to establish or update standards, protocols, procedures, or guidance documents for building design, construction, and operations, which may include any of the following:
 - i. Defining qualifications for design and construction teams and the expertise that the Applicant needs to have on staff or by contract.
 - ii. Establishing efficiency or low carbon standards and strategies to be utilized on all projects.
 - iii. Establishing climate resiliency standards and strategies to be utilized on all projects.
 - iv. Developing cost/benefit (payback) analyses and tool(s) to account for incremental costs of measures identified in the standards/standardized, and the projected operational savings
 - v. Developing comprehensive standards, specifications, and/or details that are required or recommended. Standards, details, and specifications could include but are not limited to the following systems or sub-systems: building envelope assemblies, HVAC, lighting, domestic hot water, appliances, data centers, sensors, controls, and data loggers, miscellaneous equipment, renewable energy and energy storage, and space planning standards and space utilization programs. Special attention should be paid to systems that typically burn fuel on site, that are intended to become all-electric.
 - vi. Developing benchmarking/evaluation tools and protocols. This process may include a first pass portfolio evaluation to validate and optimize tools and protocols.

For portfolios with varied building types (such as universities with labs, classrooms, sports facilities, etc.): such standards, tools, and protocols should reference the specific applicable building types from among the different types contained within the portfolio.

- c. Establishing design-phase protocols to ensure projects are designed to carbon neutrality. This may include: integrated design protocols; template RFP requirements or contract language; space utilization planning; early phase goal-setting charrette(s); design-phase input from construction experts and building operators; and regular reviews during design to ensure the performance goals and budget requirements are being met, including peer review.
- d. Establishing construction-phase protocols to ensure that projects meet their design objectives, which may include standard contract language/requirements; identifying required training for construction teams or personnel; progress inspection protocols; and as-built drawings and energy models capturing changes during construction.
- e. Establishing protocols to ensure post-construction performance, which may include standard requirements for: commissioning, operations and maintenance; training of building operators; performance monitoring and real-time energy management; space-utilization planning and scheduling; and the potential to reduce energy use through occupant behavior. These protocols should identify what data is to be collected,

audiences for the data, data presentation platforms, and data analysis and report methodologies.

- f. Assessing and developing strategies and protocols for special carbon considerations, including but not limited to:
 - i. Procurement standards related to energy and carbon impacts;
 - ii. Reducing the embodied carbon of projects;
 - iii. Improving the refrigerant management strategies;
 - iv. Reducing the carbon emissions from transportation and waste during building operation.
- g. Guidance documents for sequencing the electrification of building systems, for existing buildings;
- h. Support for change management within Applicant organization, which may include support for trainings of staff, at NYSERDA's discretion.

Deliverables developed pursuant to this initiative may be made publicly available by NYSERDA.

5.3 Applicant Eligibility

Support is available for all building types. Applicants to the **Carbon Neutral Portfolio Support** track must meet the following criteria:

- a. Applicant is an owner/developer of real estate portfolios, municipality/government agency, non-profit organization, manufacturer of modular or prefabricated buildings, or other entity with direct influence over the design, construction, and operation of a large quantity of NYS buildings as detailed below.
- b. Applicant must own and operate or have constructed New York State buildings that pay the System Benefit Charge that meet one or more of the following criteria:
 - i. One million sq. ft. of gross floor area across two or more buildings;
 - ii. Twenty or more individual buildings (multiple buildings may occupy the same site);
 - iii. In exceptional cases, NYSERDA may consider an Applicant eligible, where the Applicant entity acts as an aggregator of multiple organizations or buildings to meet the above-detailed size threshold.
 - iv. In the case of government affordable housing agencies, the ownership requirement may be waived at NYSERDA's discretion;
- c. Applicant has publicly committed, or will commit, to designing, constructing, and operating newly built or renovated space under their control or in a clearly defined subset thereof, to meet Carbon Neutral performance.
 - i. Public commitments may be made through a NYSERDA press release and posting to a list of Carbon Neutral Influencers on NYSERDA's website; or through another mechanism of Applicant's choosing, subject to NYSERDA approval. The public commitment must be made by an individual authorized to contract on behalf of the Applicant and must be made before NYSERDA commits any funding and issues the Notice to Proceed to the Applicant's selected PEC.
- d. Applicant must provide documentation showing that they have built or have under construction at least one project that meets high efficiency standards and has been designed be:
 - ii. Carbon Neutral-ready, and be predicted to use 15% less source energy than the applicable Energy Conservation Construction Code (ECCC) of NYS;
 - iii. At the performance level identified in the policy commitment;
 - iv. At an industry recognized exceptional energy or emissions performance level (e.g., PHIUS or Passive House certification)
- e. Applicants enrolling in portfolio support must provide their 2015-2025 project pipeline showing plans to construct or renovate projects in New York State that total at least 30% of total their total portfolio by square footage or one million sq. ft. of gross floor area. For owners electing a carbon neutral standard for a subset of their portfolio/area of influence, this size threshold would apply to the subset.

- f. Applicants enrolling in standardized design support must provide 2015-2025 pipeline projections showing plans to construct 20 projects similar to the base level submitted design.

For Applicants whose area of influence includes buildings outside of New York State: all program eligibility requirements, participation requirements, and NYSERDA support are intended to apply only to the New York State portion of their area of influence.

5.4 Application Process

The Application package consists of the following:

- a. Application form via the NYS [Consolidated Funding Application](#) and online NYSERDA portal
- b. Proof of past, current, and future project pipeline
- c. Proof of past completion of one high performance project
- d. Proposed definition of Carbon Neutrality,
- e. Proposed Scope of Work (Attachment C page 1)
- f. Pre-existing Carbon Neutral commitment, if applicable
- g. If enrolling a standardized design, the building package for code level design baseline building shall be included with application, and include the following:
 - Building specifications,
 - Building drawings,
 - Component quotes,
 - Component specifications,
 - Marketing flyer,
 - Expected market value of building, project, or product,
 - Cost-Related Workbook using the template provided by NYSERDA. A sample workbook is provided for reference as Attachment C.

Applications will be reviewed in the order that they are received. Applicants will be notified of acceptance or rejections within six (6) weeks after a complete application is received. Any clarification required by NYSERDA review staff will be communicated to the Applicant via written comments. Applicants will be required to respond to comments in a timely fashion. If there is a significant delay in Applicant's response to NYSERDA comments, NYSERDA reserves the right to disqualify or reject the application.

5.5 Program Participation Process

Applicants who meet the minimum eligibility requirements will be accepted into the program on a first-come, first-served basis. After NYSERDA's review of an application determines an Applicant is eligible to receive support, program participation proceeds as follows:

- a. Applicant will select a PEC approved under the Advanced Clean Energy Buildings Facilitation service category through NYSERDA RFP 3771. PEC selection for Applicants that are public sector entities must follow the Applicant's institutional procurement requirements.
- b. Applicant will hold a 1-hour long scoping meeting with NYSERDA and selected PEC.
- c. Applicant will work with selected PEC and with NYSERDA to develop, refine, and finalize the Scope of Work proposal.
- d. PEC will submit final Task Work Order (TWO) Scope and Budget proposal to NYSERDA for approval.
- e. Applicant will publicly commit, if they have not done so already, to Carbon Neutral policy as defined in the TWO, through a NYSERDA press release or through another mechanism of Applicant's choosing, subject to NYSERDA approval.
- f. NYSERDA will issue Notice to Proceed to Applicant's PEC.
- g. PEC and Applicant will carry out the work and submit milestone and final deliverables, subject to NYSERDA review and approval, and as defined in the TWO.

- h. If enrolling a standardized design, the building package for the resultant standardized building shall be included with the application, and include the following:
- Building specifications,
 - Building drawings,
 - Component quotes,
 - Component specifications,
 - Marketing flyer,
 - Expected market value of building, project, or product,
 - Cost-Related Workbook using the template provided by NYSERDA. A sample workbook is provided for reference as Attachment C.

NYSERDA may elect to make publicly available the approved final deliverable(s) developed with the support of this initiative, excluding detailed design documents and any other proprietary information.

6. General Conditions

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your application. Review should include whether it is critical for evaluating an application, 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 <https://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 procurement lobbying requirements which can be found at <https://online.ogs.ny.gov/legal/lobbyinglawfaq/default.aspx>. Proposers are required to answer questions during proposal submission, which will include making required certification under the State Finance Law and to disclose

any Prior Findings of Non-Responsibility (this 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 - NYSEDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSEDA 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 NYSEDA, the prospective contractor must also certify to NYSEDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSEDA. See, ST-220-CA (available at 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 - NYSEDA anticipates making multiple awards under this solicitation. NYSEDA anticipates a contract duration of two years with options to renew unless NYSEDA management determines a different structure is more efficient based upon proposals received. A contract may be awarded based on initial applications without discussion or following limited discussion or negotiations pertaining to the Statement of Work. Each application should be submitted using the most favorable cost and technical terms. NYSEDA may request additional data or material to support applications. NYSEDA will use the Sample Agreement to contract successful proposals. NYSEDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSEDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement (attached to this solicitation as Attachment A, B and C collectively) to those specifically identified in the checklist questions. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSEDA expects to notify Applicants in approximately (30) weeks from the receipt of an application whether your application has been selected to receive an award. NYSEDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSEDA agreement.

Accessibility Requirements - If awardees from this solicitation will be posting anything on the web, or if the awardee will produce a final report that NYSEDA will post to the web, the following language must be included. NYSEDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.), video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see [NYSEDA's Accessibility Requirements](#).

Limitation - This solicitation does not commit NYSEDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSEDA 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 NYSEDA's best interest. NYSEDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement (attached to this solicitation as Attachment A, B and C collectively). NYSEDA reserves the right to disqualify proposers based upon the results of a background check into publicly available information and the presence of a material possibility of any reputational or legal risk in making of the award.

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 NYSEDA after the award of a contract, NYSEDA 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.

7. Attachments

- Attachment A – Terms and Conditions
- Attachment B – Sample Task Work Order and Scope (Carbon Neutral Portfolio Support)
- Attachment C – Sample Cost-Related Workbook Template (Carbon Neutral Portfolio Support)
- Attachment D - Owner Data Release Authorization Form
- Attachment E - Tenant Data Release Authorization Form