

**Cooperative Advertising and Training for Clean Heating and Cooling Partners
Program Opportunity Notice (PON) 3694**

\$2.0 Million

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

Applications will be accepted on a first-come, first-served basis and are due the last Monday of each month dependent on funding availability through December 31, 2020 or until all funds are committed.

NYSERDA has \$2 million available to provide cost-share on advertising, special promotions, and/or events, including training, for eligible HVAC technologies. NYSERDA's Cooperative Advertising and Training Program for Clean Heating and Cooling Partners offers incentives up to 50 percent of the total cost for educational and marketing promotion opportunities to eligible HVAC partners. HVAC partners can include: distributors or vendors of eligible cold-climate air-source heat pumps (ASHPs), ground-source heat pumps (GSHPs), or high-efficiency low-emission wood heating systems serving the New York HVAC industry, contractors/installers who have an executed partnership agreement through the [Air-source Heat Pump Program \(PON 3653\)](#), [Ground-source Heat Pump Rebate \(PON 3620\)](#), or [Renewable Heat New York](#).

These activities must promote eligible [cold-climate air-source heat pumps \(ASHPs\)](#), [ground-source heat pumps](#) (GSHPs), or high-efficiency low-emission wood heating systems and convey the related benefits of these technologies through advertisements (TV, print, online, etc.); marketing materials; and special promotions, events, or clean HVAC related trainings. All activities must be pre-approved by NYSERDA to receive the 50 percent reimbursement. The annual maximum cap is \$50,000 per eligible participant. Funding is available on a first-come, first-served basis until December 31, 2020, or until all funds are committed, whichever comes first.

Application Submission: Eligible HVAC partners must complete and submit the [Cooperative Advertising and Training Application](#) with related back-up documentation to be considered for co-op funding.

Application submissions will be evaluated within 10 business days. Incomplete or insufficient applications will be rejected. However, applicants have the option to revise and resubmit them.

No communication intended to influence this procurement is permitted except by contacting (project manager name – Scott Smith (Designated Contact) at (518) 862-1090, ext. 3344 or by e-mail products@nyserda.ny.gov or Kerry Hogan – secondary contact) at (518) 862-1090, ext.3509 or by e-mail products@nyserda.ny.gov (for technical questions). If you have contractual questions concerning this solicitation, contact Nancy Marucci (Designated Contact) at (518) 862-1090, ext. 3335 or Nancy.marucci@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.

*Faxed or e-mailed applications will not be accepted. Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all required documents have been

included in the proposal. If changes are made to this solicitation, notification will be posted on NYSERDA's [Cooperative Advertising and Training for Clean Heating and Cooling Partners web page](#).

I. Program Summary

NYSERDA will provide up to 50 percent of the total cost of eligible advertising and marketing activities that promote the installation of [cold-climate air-source heat pumps \(ASHPs\)](#) , [ground-source heat pumps \(GSHPs\)](#), or high-efficiency low-emission wood heating systems that are eligible under the *Air-Source Heat Pump Program (PON 3653)*, *Ground Source Heat Pump Rebate (PON 3620)*, or *Renewable Heat New York programs*. The incentives can also be used for promotion of related sales, design and/or installation training. The main objective of PON 3694 is to educate HVAC stakeholders, specifically contractors and end-use customers, on the benefits of eligible ASHPs, GSHPs, and high-efficiency low-emission wood heating systems to help spur widespread adoption of clean HVAC. The activities to be supported under this PON are intended to complement the *Air-Source Heat Pump Program (PON 3653)*, *Ground Source Heat Pump Rebate (PON 3620)*, and *Renewable Heat New York*.

Participants must read and agree to be bound by the terms of the Co-op Advertising and Training Program Manual (Program Manual), including the Terms and Conditions attached thereto. This Manual provides additional details regarding eligible co-op activities, submission requirements, and reimbursement process.

II. Eligibility Criteria

NYSERDA will pay up to a 50 percent maximum cost-share for qualified marketing, promotions, advertising, and or trainings that meet the guidelines and requirements described in the Program Manual. HVAC distributors and vendors of eligible [cold-climate air-source heat pumps \(ASHPs\)](#), [ground-source heat pumps \(GSHPs\)](#), high-efficiency low-emission wood heating systems, as well as contractors/installers who have an executed partnership agreement through the *Air-source Heat Pump Program (PON 3653)*, *Ground-source Heat Pump Rebate (PON 3620)*, and *Renewable Heat New York* and are in good standing with the Program can qualify for Cooperative Advertising and Training Incentives advertising, marketing, and training activities. To be eligible for reimbursement of co-op activities, HVAC partners must meet the requirements outlined in the Cooperative Advertising and Training Program Manual. Eligible HVAC manufacturers, who sell qualified ASHPs, GSHPs, high-efficiency low-emission wood heating systems can only apply for incentives for training-related activities. HVAC manufacturers, distributors, and/or vendors must demonstrate that they make available for sale program-qualified clean HVAC technologies in New York State, specifically in the System Benefits Charge (SBC) service territories. In general, the SBC service territory covers customers of New York's six investor-owned utilities, which includes Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Orange & Rockland Utilities, Inc., National Grid, Rochester Gas and Electric Corporation, and New York State Electric & Gas (NYSEG) Corporation.

III. Cooperative Advertising and Training Incentive Structure

NYSERDA will pay up to 50 percent of the cost of approved advertising, promotion or training activities with an annual maximum cap of \$50,000 for each eligible participant. Annual caps are renewed each calendar year (January 1st) and any unused/remaining incentives cannot be carried over from the previous year.

IV. How to Apply

Eligible participants can apply for incentives by completing the [Co-op Advertising and Training Incentive Application](#) (including uploading any related attachments and documents). Participants must electronically sign each Application and agree to abide by the terms and guidelines in the Program Manual. Incomplete or inaccurate applications will not be accepted. To be eligible for reimbursement, all cooperative advertising, promotions, and/or training activities must be approved by NYSERDA before execution except for high-efficiency, low-emissions biomass related activities executed between January 1, 2018 and the release of this solicitation modification.

Where possible, notification of approval or of necessary changes required in order to receive approval will be provided within 10 business days. It is highly recommended that you submit applications well in advance to allow enough time for any NYSERDA-related changes, or revisions before the activity is implemented. Applications should include sufficient back-up documentation for each co-op activity to help demonstrate the cost effectiveness, reach/impact, and educational content of the proposed activity. For more information on eligible co-op activities and related requirements, refer to the Program Manual.

V. Evaluation Process

Through this Program, NYSERDA is seeking educational and marketing efforts that are highly informative, impactful, and cost-effective. NYSERDA will review and evaluate all applications received on the cost-effectiveness, reach and/or impact, and content of the ad, promotion, and/or training. For reach/impact, this means that each co-op activity application should provide a realistic number of people that will see or interact with the co-op activity. For cost-effectiveness, the co-op activity will be evaluated based on the overall cost in relation to the number of people that will be targeted through the co-op activity. For instance, if you are applying for co-op incentives to cost share a \$50,000 newspaper ad, but if the newspaper has a circulation of only 3,000 subscribers, this would not be considered cost-effective. NYSERDA will also review the educational content of the activity to ensure the messaging educates and raises awareness of eligible clean HVAC technologies. Each application will be reviewed by an internal evaluation panel made up of marketing and program experts to ensure each co-op activity sufficiently meets the evaluation criteria. NYSERDA may reject any application for any reason, but generally, NYSERDA will provide feedback within 10 business days on the weaknesses and if those applicants can rectify or improve the proposal, they will be encouraged to revise the proposal and re-apply.



All co-op activities proposed should reflect 50 percent cost-share on the part of the applicant and complement the objectives of the *Air-Source Heat Pump Program (PON 3653)*, *Ground Source Heat Pump Rebate (PON 3620)*, and *Renewable Heat New York*. NYSERDA reserves the right to provide less than 50 percent of cost-share based on the reach/impact or educational content of the proposed co-op activity. NYSERDA also reserves the right to make changes to the cost-share incentive structure at any time. These changes will be posted on NYSERDA's [Cooperative Advertising and Training for Clean Heating and Cooling Partners web page](#).

Participants will also be informed of any changes via email. All [Cooperative Advertising and Training Applications](#) submitted to the Program will be eligible for the incentive level in place at the time that the completed application is received by NYSERDA. Applicants are prohibited from cancelling submitted applications and re-applying if the new incentive structure would result in a higher incentive.

VI. Invoicing and Reimbursement Requirements

To be eligible for reimbursement of co-op activities, HVAC partners must meet the requirements outlined in the Cooperative Advertising and Training Program Manual. Once the approved co-op activity is implemented/executed, the Partner must submit back-up documentation including an itemized billing statement or invoice for the activity and must do so within 60 days of completion of the advertising/training/promotion. Failure to comply with this program requirement may result in ineligibility of costs for reimbursements. NYSERDA reserves the right to withhold the reimbursement until all required/requested documents are received.

VII. General Conditions

Proprietary Information – Careful consideration should be given before confidential information is submitted to NYSERDA as part of your application/proposal. Review should include whether it is critical for evaluating a proposal, and whether general, nonconfidential 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 except it from disclosure, including a written statement of the reasons why the information should be excepted. 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 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 NonResponsibility (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 - 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). 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). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Contract Award - NYSERDA anticipates making multiple awards under this solicitation. 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 solicitation 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. NYSERDA 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 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.

VII. Attachments:

Cooperative Advertising and Training for Clean Heating and Cooling Partners Program Manual