



## P-12 Schools: Green and Clean Energy Solutions

Program Opportunity Notice (PON) 4157

**\$4,000,000 Available**

*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 dependent on resource availability until December 30, 2022 by 3:00 PM Eastern Time\*

The goal of NYSERDA's Pre-Kindergarten through Grade 12 (P-12) Schools – Green and Clean Energy Solutions (“the Program”) is to reduce school energy loads and assist in the conversion to carbon free fuels.

**Funding:** The Program provides cost-sharing for **Energy Studies** to assist schools with analyzing energy load reduction measures, conversion to carbon free fuels, cost-sharing for **Clean Heating and Cooling and Net Zero Design**, and **Direct Incentives** for eligible energy load reduction projects. The Program will also provide complimentary services such as free **Clean Heating and Cooling Technology Screenings** and free **Benchmarking**.

**Eligibility:** Eligible project sites include publicly or privately-owned buildings that provide P-12 education. All space within the buildings must be solely occupied by P-12 students and staff. Buildings must be located in New York State and pay into the Systems Benefit Charge (SBC) on their electric utility bill.

**Application Submission:** Completed application packages will be accepted via email to [P12Schools@nyserda.ny.gov](mailto:P12Schools@nyserda.ny.gov) through December 30<sup>th</sup>, 2022 or until funds are fully committed. For ease of identification, all electronic files should be named using the applicant's name in the title of the document. Application PDFs should be searchable. Files should not be scanned. NYSERDA will also accept Applications by mail or hand-delivery if online submission is not possible.

Schools may contact a pre-approved NYSERDA Consultant to help prepare a Green and Clean Energy Solutions Application on their behalf. These P-12 Benchmarking Consultants are regionally assigned and can be found on the [P-12 Webpage](#).

**Questions:** For program questions, please contact [P12Schools@nyserda.ny.gov](mailto:P12Schools@nyserda.ny.gov). No communication intended to influence this procurement is permitted except by contacting [P12Schools@nyserda.ny.gov](mailto:P12Schools@nyserda.ny.gov). If you have contractual questions concerning this solicitation, contact Elsyda Sheldon at (518) 862-1090, ext. 3232 or [ElsydaSolicitations@nyserda.ny.gov](mailto:ElsydaSolicitations@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 p.m. Eastern Time on the date noted above. Late or faxed Applications will not be accepted.** Incomplete Applications may be subject to disqualification. It is the proposer's responsibility to ensure that all pages have been included in the Application. 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>).

## I. INTRODUCTION

NYSERDA's [P-12 Schools Initiative](#) promotes clean energy efforts by educating, guiding, and assisting school staff with clean energy projects and encouraging sustainability principles at facilities and in classrooms. As part of the P-12 Schools Initiative, this Program provides cost-sharing for energy studies to assist schools with analyzing energy load reduction measures and conversion to carbon free fuels, cost-sharing for clean heating and cooling and net zero design, and direct incentives for eligible energy load reduction projects. The Program will also provide complimentary services that include free clean heating and cooling technology screenings and registration for free [benchmarking through the P-12 Benchmarking Program](#).

### ***Complimentary Services***

#### Clean Heating and Cooling Technology Screenings

Schools will receive a free clean heating and cooling technology screening to evaluate the installation of ground source heat pumps (GSHP), air source heat pumps (ASHP), and variable refrigerant flow (VRF) systems. These screenings will help schools make intelligent, fact-based decisions on if, how, and where to take next steps to pursue GSHP, ASHP, and VRF investments. The screenings will outline the benefits and potential savings of installing clean energy systems. Upon submission of a Program Application (Attachment A), schools will be contacted by a consultant under contract to NYSERDA to provide a free Clean Heating and Cooling (CHC) Technology Screening.

#### Benchmarking

Schools will be registered to receive free benchmarking through NYSERDA's P-12 Schools Initiative Benchmarking Program ([PON 3908](#)). Benchmarking serves as a mechanism to stimulate demand for investments in clean energy improvements and allow schools to gain positive public recognition for the impact of their clean energy projects. Participating schools can also receive an optional Operational Assessment which provides building-specific energy and cost-saving recommendations. Energy and cost savings from measures implemented through the Green and Clean Energy Solutions Program can be tracked through this free benchmarking service. Schools will be contacted by a consultant under contract to NYSERDA upon submission of a Program Application (Attachment A).

### ***Cost-Sharing***

NYSERDA will cost-share eligible [Energy and Carbon Saving Studies](#) as well as [Clean Heating and Cooling and Net Zero Design](#) projects up to 75%. Schools categorized as High-Need<sup>1</sup> may receive up to 100%. For full project eligibility requirements, please see [Section IV. Cost-Sharing](#). Cost-sharing for each of these efforts is capped at \$250,000 per project.

### ***Direct Incentives***

A list of pre-qualified [Direct Incentives](#) is available on NYSERDA's [P-12 website](#). NYSERDA will provide Direct Incentives for energy savings associated with installed projects that result in an energy load reduction through mechanical, equipment, and building envelope efficiency efforts. Eligible Direct Incentive projects are listed on the pre-qualified measure list and include, but are not limited to, building envelope, controls, and operation and maintenance, and energy load reduction. For projects with measures not included in the pre-qualified measure list, a custom incentive may be available. Projects eligible for existing investor owned utility incentives are ineligible for incentives through the Program. For full project eligibility requirements, please see [Section V. Direct Incentives](#).

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<sup>1</sup> For the Program definition of High-Need please see section II. Program Definitions.

## II. PROGRAM DEFINITIONS

- **Applicant** - A school, school district, or representative authorized to act on behalf of the school.
- **Pre-kindergarten** - Pre-kindergarten level education serves three to five-year-old students.
- **Net Zero Energy** - Where energy efficient design paired with energy generated by on-site renewables or distributed generation resources matches a building's energy consumption.
- **Clean Heating and Cooling Technologies** - Clean heating and cooling technologies produce space and/or water heating or cooling without the use of fossil fuels and include, but are not limited to:
  - **Ground Source Heat Pump System (GSHP)** - Ground-source heat pump systems (also referred to as geothermal heat pumps) provide space heating and cooling, as well as hot water in some cases. The indoor heat pump unit and underground (or underwater) heat exchanging loop transfers thermal energy between and amongst the ground and the building.
  - **Air Source Heat Pump System (ASHP)** - Air source heat pumps transfer heat between inside and outside air while creating a more comfortable indoor environment.
  - **Variable Refrigerant Flow System (VRF)** - Variable refrigerant flow heat pump systems modulate refrigerant flow as needed to maximize compressor efficiency. Where an ASHP systems requires separate refrigerant lines for each indoor unit, VRF systems allows multiple indoor units to connect to a single compressor.
- **Energy Load Reduction** - Energy load reduction refers to reducing the base amount of energy required for regular operation of a facility to meet occupant needs. A focus on energy load reduction serves as a precursor to cost-effective decarbonization.
- **High-Need** - [New York State Education Department](#) categorization of school districts using a need-to-resource capacity (N/RC) index. The N/RC index is a measure of a school district's ability to meet the needs of its students with local resources, based on a ratio of the estimated poverty percentage to the combined wealth ratio. High-Need categories include High N/RC: Large City Districts, High N/RC: Urban-Suburban Districts, and High N/RC: Rural Districts.

## III. PROGRAM ELIGIBILITY

Eligible project sites include publicly or privately-owned buildings that provide P-12 education. All space within the buildings must be solely occupied by P-12 students and staff. Buildings must be located in New York State and pay into the Systems Benefit Charge (SBC) on their electric utility bill.

## IV. COST-SHARING

### ***Energy Studies***

The Program provides cost-sharing to assist with covering eligible study costs for schools working with a third-party consultant to complete energy study projects. Eligible studies will focus on energy and carbon savings through load reduction, load shifting, and opportunities for conversion to carbon free fuels.

Eligible studies include, but are not limited to, evaluation of energy efficiency measures, central heating and cooling systems for conversion to carbon free fuels, clean energy projects, load shedding and shifting, renewable generation, retro-commissioning, and strategic planning to reduce carbon footprint.

## Incentive

Studies may receive a cost-share of up to 75% of eligible study costs. Schools categorized as High-Need may receive up to 100% cost-sharing of eligible study costs. Cost-sharing is capped at \$250,000 per project.

## Consultant Requirements

Customers may select their own consultant to perform energy studies. Customers in need of a consultant may choose from NYSERDA's FlexTech Consultant list on the FlexTech Program [website](#). Energy consultants, engineering companies, energy service companies (ESCOs), and other eligible firms interested in becoming a NYSERDA FlexTech Consultant should refer to [RFP 3628](#).

## Scope of Work Requirements

The Scope of Work for energy studies shall include the following:

- *Goal of Study*
- *Consultant Information*
- *Tasks and Deliverables*
  - *Building(s) included*
  - *Equipment to be reviewed*
  - *Method and type of data collected*
    - *Number and access needed for site visits*
  - *Method of analysis*
  - *Interim deliverables (if applicable)*
  - *Draft deliverables*
  - *Final deliverables*
- *Assumptions/Responsibilities of each party*
- *Itemized Schedule (by task)*
- *Itemized Budget (by task)*

## Deliverable Requirements

The energy study final deliverable shall include the following:

- *Concise summary of measures evaluated*
- *Brief overview of study*
- *Background*
- *Study description*
- *Study results and recommendations*
  - *Indicate reasoning for recommendations*
  - *Economic analysis*
  - *Additional benefits of recommendations*
- *Appendices*
  - *Historic energy usage and costs (12 months minimum)*
  - *Calculations for all studied measures and/or retro-commissioning deficiencies. For software modeling, include software type, inputs, and outputs of analysis.*
- *Itemized project implementation costs (at minimum material and labor costs associated with each measure with sources of cost estimates and/or vendor quotes as applicable)*

The *concise summary of measures evaluated* shall include recommendation status, an overview of payback, costs, and savings in dollars, MMBtus, and kWh, and kW where appropriate. An example summary has been provided for reference on NYSERDA's [P-12 website](#).

The *brief overview of study* shall include intent, findings, recommendations, and the economics of the recommendations. Final deliverables shall include analysis for projects evaluated and not recommended including

quantified estimated energy savings expected for all analyzed measures. The Program supports site-specific analysis and therefore, rule of thumb assumptions and percentage savings calculations are not acceptable.

### ***Clean Heating and Cooling and Net Zero Design***

The Program provides cost-sharing to assist with covering eligible design costs for schools working with a third-party consultant for Clean Heating and Cooling and/or Net Zero design.

Eligible Clean Heating and Cooling design projects include, but are not limited to, GSHP, ASHP, and VRF system designs. Other projects demonstrating space and/or water heating or cooling without the use of fossil fuels may be eligible. Eligible project activities include, but are not limited to, the development of heating and cooling load calculations, equipment schedules, drawings, mechanical plans, and test boreholes.

Eligible Net Zero design projects must evaluate reduced energy use of 20% better than current New York State Energy Code and estimate the impact of the design against the school's net zero energy potential. Eligible Net Zero design costs include, but are not limited to, design of clean energy and energy efficiency improvements, energy modeling and analysis, and integrated project delivery. Provided the design scope of work includes tasks supporting major components of moving towards Net Zero, on-site renewable energy (PV, wind, solar thermal) and battery storage may also be included. Cost-sharing is also available for an initial Net Zero design charrette.

If the Applicant intends to seek funding for project installation through other NYSERDA or utility programs, Applicants are recommended to verify specific technology and program requirements. Compliance with this Program does not necessitate compliance for local codes and regulations, nor program requirements of other NYSERDA or utility programs.

### **Incentive**

Eligible projects may receive a cost share of up to 75% of eligible design costs. Schools categorized as High-Need may receive up to 100% cost-sharing of eligible design costs. Cost-sharing is capped at \$250,000 per project.

### **Consultant Requirements**

Customers may select their own qualified consultant to perform design development. Consultant qualification must be demonstrated through one of the following:

- Enrollment in NYSERDA's FlexTech Consultant [list](#) with indication of appropriate specialties. Energy consultants, engineering companies, energy service companies (ESCOs), and other eligible firms interested in becoming a NYSERDA FlexTech Consultant should refer to [RFP 3628](#).
- For GSHP designs, demonstration may include enrollment in NYSERDA or utility GSHP designer lists.
- Other qualified NYSERDA and utility consultant lists may be eligible.
- Consultants not currently listed under approved NYSERDA programs will be required to submit examples of two previous successful designs of similar scope as part of the Scope of Work.
- Qualification may be demonstrated through industry accepted credentials specific to appropriate design technologies as approved by NYSERDA on a case by case basis.

Please contact the [P12Schools@nyserda.ny.gov](mailto:P12Schools@nyserda.ny.gov) with specific consultant qualification questions.

### **Scope of Work Requirements**

The Scope of Work for design cost-sharing shall include the following:

- *Goal of design*
  - *For Net Zero design:*
    - *Discussion of the long-term plan to achieve Net Zero*
- *Consultant Information*
  - *Demonstration of qualifications (see Consultant Requirements)*

- *Tasks and Deliverables*
  - *Building(s) included*
  - *Technologies to be designed*
  - *Method and type of data collected*
    - *Number and access needed for site visits*
  - *Method of analysis and design*
  - *Interim deliverables (if applicable)*
  - *Draft deliverables*
  - *Final deliverables*
- *Assumptions/Responsibilities of each party*
- *Itemized Schedule (by task)*
- *Itemized Budget (by task)*

### Deliverable Requirements

Design deliverables must communicate type and quality of Clean Heating and Cooling and/or Net Zero designs for technical review. Design must demonstrate compliance with applicable local codes and regulations. NYSERDA reserves the right to request additional documentation as needed.

The design final deliverables shall include, but not be limited to, the following:

- *Concise summary of recommended next steps*
- *Brief overview of design work*
- *Background*
- *Design description*
- *Design results and recommendations*
  - *Indicate reasoning for recommendations*
  - *For Net Zero design:*
    - *Review of remaining Net Zero potential: estimated impact of project savings against remaining opportunities for energy load reduction on the path towards Net Zero.*
  - *Analysis*
- *Detailed schedules*
- *Layouts/drawing/plans*
- *Appendices*
  - *Historic energy usage and costs (12 months minimum)*
  - *Load calculations*
  - *Refined and itemized project implementation costs (with sources of cost estimates and/or vendor quotes as applicable)*

### **Application Requirements**

In addition to the Program Application (Attachment A), a Scope of Work, project schedule, and itemized budget must be provided for cost-sharing projects. The Scope of Work must provide justification for the cost-share request based on site-specific descriptions and a clear account of potential solutions that will be evaluated. Multiple sites, studies, and/or technologies may be included in one Scope of Work if objectives and site differences are clearly accounted for. Applicants are encouraged to streamline work processes by developing one Scope of Work for client and NYSERDA review. A sample Scope of Work template has been provided for reference on NYSERDA's [P-12 website](#).

### **Deliverables Submission**

Submit draft and final deliverables as attachments to [P12Schools@nyserda.ny.gov](mailto:P12Schools@nyserda.ny.gov). For ease of identification, all electronic files should be named using the applicant's name in the title of the document. Do not include utility account numbers within or attached to email submission. NYSERDA reserves the right to perform technical review on all submittals. Deliverables found by NYSERDA to not fulfill deliverable requirements may receive a reduced cost-share or may not be reimbursed by NYSERDA. Applicants are encouraged to streamline work processes by developing one deliverable for client and NYSERDA review.



## ***Payment***

Program incentives will be distributed to the Applicant based on time and material invoices. Applicants will work with their designated NYSERDA Project Manager to approve interim payments. Interim payment requests may be made in accordance to approved budget and timeline outlined in the NYSERDA approved Scope of Work. Interim payments are capped at 50% of final cost-share amount.

Upon approval of final deliverables, the Applicant will submit an invoice from the Applicant to NYSERDA, including a copy of the third-party consultant's invoice(s) to the applicant indicating the total study cost and a copy of metering equipment invoice(s), if applicable. The third-party consultant's invoice(s) will include labor and non-labor costs, staff titles, hourly rates, dates and hours for each task. All invoices including reimbursement documentation must be submitted through <https://services.nyserda.ny.gov/Invoices/>.

## ***Eligibility***

Applicants enrolling in programs for the same analysis through their investor owned utility are ineligible. Work completed prior to NYSERDA's receipt of a completed Application package is ineligible. NYSERDA is not committed to cost-sharing an Application until a Purchase Order (PO) is issued. Applicants and consultants are encouraged to commence work after NYSERDA issues a PO. Commencement of work prior to receiving a PO is at their own risk.

Funds may be used for studies or design development only and may not be used toward implementation or equipment purchase, with the exception of permanent meters or permanent sub-meters as a component of a larger project to inform results. Travel costs are limited to 3% of the total project cost. At its sole discretion, NYSERDA may limit the cost-share.

## **V. DIRECT INCENTIVES**

A list of pre-qualified Direct Incentives is available on NYSERDA's [P-12 website](#). NYSERDA will provide Direct Incentives for the installation of measures that result in an energy load reduction through mechanical, equipment, and building envelope efficiency efforts. Direct Incentive projects include, but are not limited to, eligible building envelope, controls, operation and maintenance, and energy load reduction projects.

### ***Incentive***

All pre-qualified measures have a fixed incentive. For measures not included in the pre-qualified measure list, a custom incentive may be available. All measure incentive values are calculated based on industry-deemed savings, up to \$50 per MMBtu, not to exceed 50% of project costs based on industry standards.

### ***Application Requirements***

A complete application package for direct incentives includes the Program Application (Attachment A), indication of which [Direct Incentives](#) the Applicant is applying (ex. measure number), specification sheets showing manufacturer and model number, and proof of purchase. For custom incentives, an application package shall include supplemental attachments outlining building description, general description of existing related equipment, and specification sheets of new equipment to be installed. Calculations are not required for custom measure submissions.

Proof of purchase may include, but not be limited to, a copy of a paid in full dated work order, invoice, or receipt including equipment or measures installed, material costs, paid in full or zero balance, quantity installed, manufacturer, installer name (if contractor installed), labor costs, and model number. NYSERDA reserves the right to request additional documentation as needed.

## ***Payment***

Program incentives will be distributed to the Applicant. Direct deposits or checks may be processed within 2 weeks of Application approval. If necessary, a copy of the Applicant's W-9 may be requested for payment.

## ***Project Eligibility***

Fossil fuel-based efficiency projects must be performed on systems with a remaining useful life of at least 6 years. System conversion to natural gas is ineligible. Full system replacements to new fossil fuel-based systems are ineligible. Measures with available investor owned utility incentives are ineligible. Projects that have been installed prior to Program launch are ineligible. Further measure specific eligibility requirements are found on the list of pre-qualified measures available on NYSERDA's [P-12 website](#).

## **VI. PARTICIPATION PROCESS**

### ***Application***

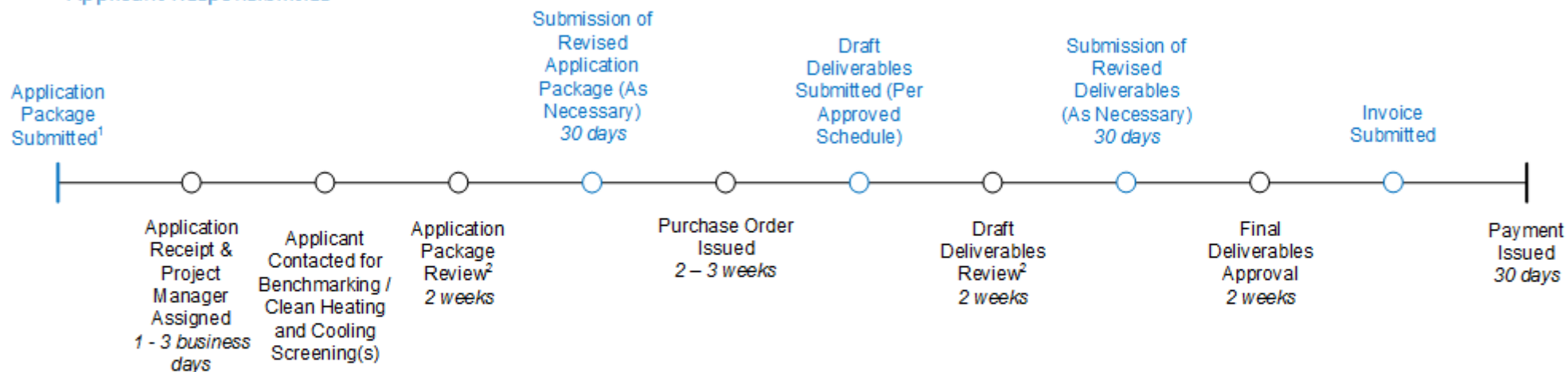
- Submit complete application packages, as defined per the Application requirements outlined in [Section IV: Cost-Sharing](#) and [Section V: Direct Incentives](#), as attachments to [P12Schools@nyserda.ny.gov](mailto:P12Schools@nyserda.ny.gov). For ease of identification, all electronic files should be named using the applicant's name in the title of the document. NYSERDA will also accept Applications by mail or hand-delivery if online e-mail submission is not possible.
- Applications may be submitted by the school, school district, or by a representative authorized by the school.
- Schools may contact a pre-approved NYSERDA Consultant to help prepare a Green and Clean Energy Solutions Application on their behalf. These P-12 Benchmarking Consultants are regionally assigned and can be found on the [P-12 website](#).
- Applicants may submit one Application on behalf of multiple school buildings within a district.
- Simultaneous enrollment in multiple Program offerings is allowed.
- Applicants are approved on a first-come, first-served basis.



## Participation Process and Timeline:

### Energy Studies and Design Cost-Sharing

#### Applicant Responsibilities

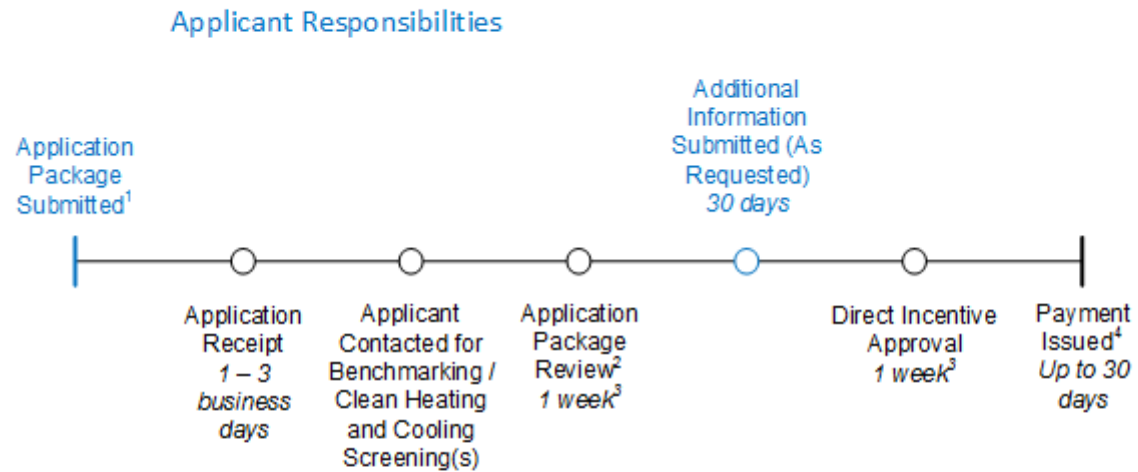


#### NYSERDA Responsibilities

##### Footnotes:

1. Schools may email the P-12 Schools email to request a Benchmarking Consultant to prepare an application on their behalf.
2. NYSERDA may require more than one round of comments.

## Direct Incentive Participation Timeline



## NYSERDA Responsibilities

### Footnotes:

1. Schools may email the P-12 Schools email to request a Benchmarking Consultant to prepare an application on their behalf.
2. NYSERDA may require more than one round of additional information.
3. Custom measures may require 2 – 3 weeks of review.
4. Payment time is dependent on form of payment.

## VII. 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 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 <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 Application 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** - 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 prospective 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 anticipates making multiple awards under this solicitation. NYSERDA anticipates a contract duration of four years, unless NYSERDA management determines a different structure is more efficient based upon

Applications 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. NYSEERDA may request additional data or material to support Applications. NYSEERDA will use the Sample Agreement to contract successful Applications. NYSEERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSEERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement 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. NYSEERDA expects to notify applicants in approximately 2 weeks from the receipt of an Application whether your Application has been selected to receive an award. NYSEERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSEERDA agreement.

**Limitation** - This solicitation does not commit NYSEERDA to award a contract, pay any costs incurred in preparing a Application, or to procure or contract for services or supplies. NYSEERDA reserves the right to accept or reject any or all Applications received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSEERDA's best interest. NYSEERDA reserves the right to reject Applications based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement. NYSEERDA 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 NYSEERDA after the award of a contract, NYSEERDA 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.

## **VIII. LIST OF ATTACHMENTS**

- Attachment A) Program Application
- Attachment B) Terms and Conditions