



**ANDREW M. CUOMO**  
Governor

**NYSERDA**

**RICHARD L. KAUFFMAN**  
Chair

**ALICIA BARTON**  
President and CEO

**On-the-job Training for Energy Efficiency and Clean Technology  
Program Opportunity Notice (PON) 3982  
\$14 Million Available**  
*NYSERDA reserves the right to extend and/or add funding to the  
Solicitation should other program funding sources become available*

**Applications accepted through October 31, 2023 by 3:00 PM Eastern Time.  
All incentives, maximum funding amounts (i.e., caps), and COVID-19 specific provisions are  
subject to change on 12/31/20.**

**PROGRAM SUMMARY**

The New York State Energy Research and Development Authority (NYSERDA) is seeking applications to advance the goals of the Clean Energy Fund (CEF) by developing a workforce equipped to perform jobs in energy efficiency and clean technology. NYSERDA will provide incentives to eligible energy efficiency and clean technology businesses throughout the supply chain to hire and provide on-the-job training for new workers.

For the purposes of this solicitation “eligible businesses” include those providing services in the following areas: high efficiency heating, ventilation, and air conditioning (HVAC); renewable heating and cooling; high efficiency water heating; insulation and air sealing; high efficiency lighting and controls; building automation and controls; smart grid; energy storage; solar electric; and related areas.

“Workers” include those individuals who design, manufacture, specify, sell/distribute, install, operate, maintain, repair, audit, inspect, and train people on energy efficiency and clean energy technologies and systems.

Additional incentives are available for potential hires from the following “priority populations”: Veterans, Native Americans, individuals with disabilities, low-income individuals at or below 60% of State median income, unemployed power plant worker, previously incarcerated individuals, 18- to 24-year-olds participating in work preparedness training programs, that include energy related technical training, such as BOCES, technical high schools, Conservation Corps, Youthbuild, AmeriCorps, etc.; and individuals residing in Potential Environmental Justice Areas as defined by the New York State Department of Environmental Conservation (NYSDEC)<sup>1</sup>.

Applications begin with the submission of a notice of “Intent to Apply” by the eligible business via email to NYSERDA ([PONOJT@nyserda.ny.gov](mailto:PONOJT@nyserda.ny.gov)). Please see application details within. NYSERDA and the New York State Department of Labor (NYSDOL) will work with the eligible business on applications, training plans and program monitoring.

<sup>1</sup> As established in [DEC Commissioner Policy 29 on Environmental Justice and Permitting](#) (CP-29), Potential EJ Areas are U.S. Census block groups of 250 to 500 households each that, in the Census, had populations that met or exceeded at least one of the following statistical thresholds: (1) At least 51.1% of the population in an urban area reported themselves to be members of minority groups; or (2) At least 33.8% of the population in a rural area reported themselves to be members of minority groups; or (3) At least 23.59% of the population in an urban or rural area had household incomes below the federal poverty level. See <https://www.dec.ny.gov/public/911.html>.

## INTRODUCTION

NYSERDA's On-the-Job Training (OJT) for Energy Efficiency and Clean Technology program will provide wage subsidies to eligible businesses to help reduce the financial risk of hiring and training new workers. This program is intended to advance the goals of the Clean Energy Fund (CEF) by developing a workforce equipped to perform jobs in energy efficiency and clean technology, including providing workers with skills and credentials to design, manufacture, specify, sell/distribute, install, operate, maintain, repair, inspect, and train on clean energy technology and systems.

NYSERDA is working closely with the NYSDOL to deliver this OJT program and help develop job skills for new workers in energy efficiency and clean technology businesses. The NYSDOL will assist eligible businesses with developing OJT training plans as well as assessing necessary skills and available workers that match those skills. OJT initiatives that advance the goals of the CEF by developing a workforce equipped to implement energy efficiency and clean technology jobs are eligible for funding. For the purposes of this solicitation, OJT is defined as training provided by an eligible business to a new employee while the employee is engaged in productive work in a job. **The primary purpose of OJT funding is to train new hires for clean energy work.**

All program questions should be directed to Darina Mayfield, [PONOJT@nysesda.ny.gov](mailto:PONOJT@nysesda.ny.gov), (518) 862-1090, ext. 3672, or Vicki Colello, (518) 862-1090 ext. 3273, or Adele Ferranti, (518) 862-1090, ext. 3206. All contractual questions should be directed to Nancy Marucci at (518) 862-1090, ext. 3335 or [NancySolicitations@nysesda.ny.gov](mailto:NancySolicitations@nysesda.ny.gov). Program requirements contained in this PON may change at any time and notification will be sent to all businesses under contract with NYSERDA to inform them of any changes that will apply to their agreement.

## FUNDING

Up to \$14 million is being made available to advance worker skills through OJT by facilitating worker recruitment, hiring and on-the-job training of clean energy workers, including priority populations as described in the Program Summary. NYSERDA reserves the right to extend and/or add funding should other program funding sources become available.

### Eligible energy efficiency and clean technology businesses:

- **With 100 employees or less**, NYSERDA will pay 50 percent of a new employee's hourly wage for 16 weeks (4 months). If the employer hires an employee from one of the priority populations defined above, NYSERDA will pay 50 percent of a new employee's hourly wage for 24 weeks (6 months).
- **With 101 employees or more** are eligible for OJT incentives only for an individual in a priority population, at 50 percent of a new employee's hourly wage for 24 weeks.
- **Seeking to hire workers related to heat pump installation**, regardless of the number of employees, are eligible for OJT incentives at 75 percent of a new employee's hourly wage for 16 weeks or 24 weeks if the employee is from a priority population.
- **Seeking to hire workers related to solar electric technology (e.g., solar photovoltaics)**, regardless of the number of employees, are eligible for OJT incentives for an individual in a priority population only, at 50 percent of a new employee's hourly wage for 24 weeks.

Businesses will be required to provide 25 to 50 percent cost share for all wage subsidies. NYSERDA's cost share is capped at a maximum of \$16 per hour for each hire. For businesses with 100 employees or less, NYSERDA funding is capped at \$150,000 per business for traditional workers. There is no maximum cap for any size firm for hiring priority populations. For example, firms with 100 employees or less can hire an unlimited number of priority populations, even after they meet the \$150,000 cap for traditional hires.

For businesses over 100 employees, incentives are only available to hire priority populations, with no cap on the number of individuals from priority populations that they can hire. Eligible businesses may apply for funding more than once to add OJT positions. However, NYSERDA retains the right to limit participation in this program, including but not limited to limiting the number of hires at any time, for any reason. All awards will be made on a first-come first-served basis and are subject to funding availability.

For the purposes of determining the total number of employees, the term “eligible business” includes all entities in which the eligible business has a 10 percent or greater interest in ownership or control. Eligible businesses with multiple branches, locations and/or related companies under separate names with unique Federal Employer Identification Numbers (FEINs) will generally be considered separate eligible businesses but may be considered a single eligible business at the sole discretion of NYSERDA. National or chain accounts are considered a single “eligible business.”

Contract payments will be made to the eligible business only and will be on a reimbursable basis (i.e., the employee must be paid full wages before the business requests an allowable reimbursement payment from NYSERDA). The eligible business must submit requests for reimbursement of wages that have been paid in accordance with the approved contract budget.

Please note: If funding becomes limited, if interest is limited as evidenced by lack of response to this PON, or if there is no longer a valid need for the services, the program will be suspended with notice in the New York Contract Reporter and posted on NYSERDA’s web site:

<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities>. Applications received after the suspension date will not be considered for funding.

## **ELIGIBILITY**

Eligible businesses must:

1. Be an energy efficiency and clean technology business, training provider, start-up, or labor management organization working on behalf of energy efficiency or clean technology businesses located in New York State (NYS).
2. Provide services in one of the following areas: high efficiency heating, ventilation, and air conditioning (HVAC); renewable heating and cooling; high efficiency water heating; insulation and air sealing; high efficiency lighting and controls; building automation and controls; smart grid; energy storage; solar electric; and related areas. Additional targeted areas related to energy efficiency and clean technology may be considered.
3. Have the legal authority to hire employees and conduct business in NYS.
4. Have at least one physical business location in NYS at the time of application.
5. Have met and continue to meet all requirements and deliverables under any prior or existing NYSERDA contract or NYSDOL grant.
6. Provide all information requested in the Application Process outlined in this PON and have clearly set objectives for the use of funds.
7. Attest to compliance with all applicable labor laws, and not have failed to file any applicable local, state or federal tax returns, nor failed to pay New York State Unemployment Insurance. NYSDOL will conduct a due diligence search to confirm this information.
8. Have at least two or more employees or the equivalent of two full-time employees. Principals of corporations and owners of businesses such as sole proprietors or partners are not considered to be employees for this eligibility requirement. If the applicant has no employees or if the workers are independent contractors, subcontractors or contract employees, they are not eligible.
9. Eligible businesses that are training entities must be a private for-profit business (including LLPs and LLCs), a private not-for-profit business, or a private for-profit or private not-for-profit training provider (including private colleges and universities).

Eligible candidates for hire must:

1. Be hired to design, manufacture, specify, sell/distribute, install, operate, maintain, repair, audit, inspect, and/or train people on energy efficiency and clean energy technologies and systems.
2. Reside in NYS.
3. Be a new hire, not a previous employee or contractor. Furloughed or laid-off employees not participating in the OJT program prior to the Covid-19 workforce reduction are not eligible to be rehired under the OJT program.

## APPLICATION & EVALUATION PROCESS

The OJT program application begins with the submission of an “Intent to Apply” via e-mail to NYSERDA to [PONOJT@nyserda.ny.gov](mailto:PONOJT@nyserda.ny.gov) and then requires the submission of a detailed Business Application, which will be prepared with assistance from a NYSDOL Business Services Representative. The resulting OJT contract, which will include the Business Application and training plan will be between NYSERDA and the business.

“Intent to Apply” e-mails will be accepted on a continuous basis until all funds for this program have been committed. Unsuccessful businesses will be notified of their application status along with reasons for the decision. Businesses will be able to address deficiencies and reapply. The application and evaluation process are detailed in the following steps:

### Step 1

Businesses submit an “Intent to Apply” e-mail to [PONOJT@nyserda.ny.gov](mailto:PONOJT@nyserda.ny.gov). Please include in the subject line “PONOJT Intent to Apply” and provide the following information in the body of the e-mail:

- Business Name
- Business Utility Service Provider
- Business Address
- Federal Employer Identification Number (FEIN). Your FEIN is NOT your Social Security Number (SSN). Do NOT submit an SSN to NYSERDA via email. If you do not have a FEIN, or if you think your FEIN is an SSN, please submit all other information requested except for the FEIN and call Kelli Herndon at 518-862-1090, ext. 3392 for alternative options.
- Existing NYSERDA partnership agreement or contract (if applicable)
- Business Contact Person:
  - Name
  - Title
  - Phone Number
  - E-mail Address
- Current number of full-time employees (do not include company owners/principals)
- Job title, job description/list of job duties, and hourly salary range for each anticipated position

### Step 2

Upon receipt of the “Intent to Apply” email, businesses who meet eligibility criteria or resolve unmet eligibility criteria, will have their “Intent to Apply” information forwarded to the NYSDOL for a due diligence review. This process will include a review of the business’ Unemployment Insurance records; WARN notices<sup>2</sup>; ongoing investigations with NYSDOL’s Public Works, Labor Standards and/or Safety and Health Divisions; registration with the NYS Department of State’s Division of Corporations; Workers Compensation Insurance and Disability Insurance coverage; federal OSHA records; and contracts/agreements from NYSDOL received during the past three years. Businesses will be notified if they passed the NYSDOL due diligence review or how to resolve issues found during the review.

### Step 3

Businesses who pass the NYSDOL due diligence review or resolve pending issues will be contacted by a NYSDOL Business Services Representative (BSR). The NYSDOL BSR will work with the business on recruitment, skills assessment and completing the Business Application and training plan. The resulting OJT contract, which will include the Business Application and training plan, will be between NYSERDA and the business. A detailed breakdown of this step below.

- a. Identify List of Candidates – The BSR will identify a list of candidates to meet each business’ hiring needs. The BSR will share the list of candidates with the business, schedule an in-person meeting with the

---

<sup>2</sup> Information on WARN notices can be found here:  
<http://www.labor.ny.gov/workforcenypartners/warn/warnportal.shtm>.

business to discuss desired candidates to be interviewed, and review the interview schedule. The meeting will also include an assessment of the potential OJT needs of the candidates, and applicable benefits available to the business through Work Opportunity Tax Credits and other available hiring benefits.

- b. Interviewing and Identification of Desired Candidates – The business will conduct interviews and determine the candidate(s) they are interested in hiring.
- c. Business Application Development – The BSR will work closely with the business to complete the Business Application for desired candidates, including designing an on-the-job training plan to teach workers the skills needed to perform clean energy/energy services work effectively. The Business Application will require original signatures on all documents (copies will be made by the BSR).
- d. Application Review and Contract Development – Once the Business Application is complete, the BSR will submit the application to NYSERDA review and approval. If approved, an award letter and accompanying contract between the business and NYSERDA will be issued. The approved Business Application will be used as the basis for the contract. If not approved, the business will receive a letter of explanation and will be referred to the BSR for additional assistance in resubmitting an application.
- e. Hiring of Desired Candidate – The new hire may begin their employment at any time after the date the award letter is issued to the business. The business must submit reimbursement requests to NYSERDA for wage reimbursements per the terms of the contract.
- f. Documentation of OJT Activity – Businesses must provide documentation of OJT activities within the first four (4) weeks of executing a contract. NYSERDA reserves the right, in its sole discretion, to terminate any agreement with a business that does not meet this obligation, in accordance with the terms of the attached Sample Agreement. The business can invoice for reimbursement four weeks after the new employee's start date.
- g. Follow-up and Monitoring – NYSERDA and NYSDOL will conduct monitoring over the term of the contract.

#### **REQUIREMENTS & ASSURANCES**

1. The on-the-job training must occur at a physical business location in NYS.
2. The business must be able to demonstrate that the on-the-job training is related to CEF goals of increasing energy efficiency and the use of clean energy technologies and decreasing greenhouse gas emissions.
3. The maximum duration of OJT is four or six months depending on eligibility.
4. The on-the-job training must be for a new full-time job (defined as 35 hours or more per week), unless otherwise approved by the NYSERDA Project Manager. Businesses investigating Shared Work options with the NYSDOL may be eligible to receive OJT reimbursement for part-time positions. The specifics of Shared Work can be found at: <https://labor.ny.gov/ui/employerinfo/shared-work-program.shtm>
5. Wage calculations to determine OJT reimbursement cannot include payment for holiday or overtime hours worked.
6. New hires must become employees of the business and not independent contractors or contract employees.
7. The business may not apply for positions based on the addition of commission or tips to a sub-minimum wage base salary.
8. The business receiving OJT funds must be and remain in good standing regarding the following for the duration of their participating in the program: Unemployment Insurance records; WARN notices<sup>3</sup>; ongoing investigations with NYSDOL's Public Works, Labor Standards and/or Safety and Health Divisions; registration with the NYS Department of State's Division of Corporations; Workers Compensation Insurance and Disability Insurance coverage; federal OSHA records; and contracts/agreements from

---

<sup>3</sup> Information on WARN notices can be found here:  
<http://www.labor.ny.gov/workforcenypartners/warn/warnportal.shtm>.

NYSDOL and NYSERDA received during the past three years. Applicants that are on probation in other NYSERDA programs are not eligible to participate in the program while on probation.

The business must be willing to assure the following:

1. The business' intention in participating is for the newly hired employee to remain employed with the business upon completion of the OJT.
2. On-the-job training will take place during the new employee's work hours (i.e., during the shift/hours for which the worker was hired), and the employee will be compensated at no less than their normal rate of pay.
3. No worker shall be displaced by the OJT employee, including a partial displacement such as a reduction in hours, wages, or employment benefits.
4. The business will comply with New York State labor law and federal law for the protection of workers.

## **REPORTING**

If a business is awarded a contract, it becomes the "Contractor." The Contractor must agree to the following terms and conditions regarding OJT reporting and reimbursement:

1. The Contractor must maintain a copy of all applications/training plans applicable to this contract and must make the agreements/training plans available to NYSERDA upon request.
2. The Contractor must keep records of the trainee's progress according to the application/training plan and must make these records available to NYSERDA and NYSDOL upon request.
3. The Contractor must acknowledge that failure to maintain the required OJT records will result in disallowance of OJT costs.
4. The Contractor also must acknowledge that on-site fiscal and programmatic monitoring of contract activities will take place at regular intervals during the contract by either NYSERDA or NYSDOL staff. Requested records must be made available to representatives during these monitoring visits.
5. The Contractor must complete and submit mid-point and final evaluations of each OJT hire to NYSERDA and NYSDOL. Failure to submit completed evaluations in a timely manner may result in disallowance of OJT funds.
6. The Contractor must notify NYSERDA, in writing, if any approved OJT candidate is terminated or quits, within two weeks of the change in employment status.
7. If a Contractor does not invoice NYSERDA within ten weeks after a candidate starts, the agreement can be terminated. The OJT hire must complete four weeks of work before the Contractor can invoice. The Contractor will be given 30 days after the contracted OJT end date to invoice for the remaining awarded amount. After the 30 days, NYSERDA reserves the right to terminate or close the agreement and release any remaining funds back into the program budget.
8. Based on past experience with OJT programs, NYSERDA anticipates job retention rates for new hires to be 70 to 80 percent. Contractors that are unable to retain a minimum of 70 percent of their new hires may be terminated from the program or subject to additional requirements related to reporting, monitoring, and minimum employment periods before wages will be reimbursed.
9. Contractors that are placed on probation in other NYSERDA programs may not be eligible to participate in the program while on probation.

## **SPECIAL CONSIDERATIONS**

**On a case-by-case basis special considerations may be reviewed and approved by the NYSERDA Project Manager for Contractors impacted by COVID-19.** Special considerations may include but are not limited to:

- Full-time OJT hires that transitioned to part-time status may be eligible to continue receiving OJT reimbursement.
- Contractors may be eligible to rehire OJT hires laid off to complete their OJT contract.
- Contractors may be eligible to invoice for reimbursement at any time once a person is hired.
- Contractors may be eligible to hire independent contractors as direct employees under OJT and receive reimbursement.



## GENERAL CONDITIONS

**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, 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** - 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 award(s) under this solicitation. NYSERDA anticipates a contract duration of up to six months, 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. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSERDA 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. NYSERDA expects to notify applicants in approximately four weeks from the receipt of an application whether your application has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA 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 NYSERDA will post to the web, the following language must be included. NYSERDA 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 [NYSERDA's Accessibility Requirements](#).

**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 reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement. 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 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.

**Attachments:**

Attachment A: Business Application

Attachment B: Sample Agreement