



**Charge Ready NY Program
Program Opportunity Notice (PON) 3923**

IMPLEMENTATION MANUAL

Last Updated: December 10, 2020

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1.0 BACKGROUND

The **Charge Ready NY Program** (Program) is an incentive program designed to accelerate the deployment of electric vehicle charging equipment in New York State. By increasing the use of electric vehicles and electric vehicle charging stations, this program benefits New York State by reducing harmful emissions and the transportation sector's dependence on petroleum. The New York State Energy Research and Development Authority (NYSERDA) developed the Program to provide incentives that reduce the cost of purchasing and installing qualified Level 2 charging equipment for use in New York State.

Note to Applicants: At the time an Equipment Owner's pre-application or application is approved, the most current version of the Implementation Manual and the Terms and Conditions signed by the Equipment Owner will apply.

This document, including Appendix A and Appendix B, constitutes the Implementation Manual for the Program. Definitions of key program parameters are located in the next section of the Manual.

1.1 PROGRAM OVERVIEW

The Program is an incentive program that reduces the cost of purchasing and installing qualified Level 2 charging equipment at a New York State location that provides public charging, workplace charging, or charging at a multi-unit dwelling (MUD). Public and private (both for-profit and not-for-profit) entities may participate in the Program. NYSERDA intends to provide incentives of \$4,000 per charging port installed upon completion of the installation of charging equipment and the provision of appropriate documentation. An additional incentive of \$500 per port may be awarded for eligible Level 2 charging equipment installed on or after December 10, 2020 within a [Disadvantaged Community](#). Applicants replacing existing charging equipment with new charging equipment are eligible to receive \$1,500 per charging port replaced. Equipment owners must install a minimum of two (2) charging ports at each site.

The Program is offering \$17 million in funding for incentives and **will accept applications until December 31, 2021 or until the program runs out of funds, whichever comes first.**

Additional information about the program, current lists of qualified charging equipment and networks, and the current amount of funding remaining in the program can be found on NYSERDA's website, www.nyserda.ny.gov/charge-ready-ny. Charging equipment and network service eligibility rules are defined in Section 3.1 of this Manual.

The Program allows Equipment Owners to participate in one of two ways:

1. Equipment Owners can apply for pre-approval of an incentive payment for the purchase and installation of qualified charging equipment, which reserves funding for their charging equipment. They then must complete their installations and submit required documentation within one-hundred eighty (180) calendar days of the pre-approval date. Upon approval of all documentation (see Section 7), NYSERDA will issue an incentive payment directly to the Equipment Owner in the form of a paper check or by electronic payment.

2. Equipment Owners can apply for an incentive payment for the purchase and installation of qualified charging equipment after the installation is completed, as long as the installation was completed after the Program Effective Date and the application is submitted within 90 days of the Installation Date. As part of their application, they must submit all required documentation. Upon approval of all documentation, NYSERDA will issue an incentive payment directly to the Equipment Owner in the form of a paper check or by electronic payment.

Important: Program requirements are determined by NYSERDA which, in its sole discretion reserves the right to make changes to Program elements such as, but not limited to, eligible equipment and networks, incentive amounts, and Equipment Owner requirements.

1.2 PROGRAM CONTACTS

All Program questions should be directed to the Center for Sustainable Energy (CSE), the Program administrator:

Center for Sustainable Energy
109 S. 5th Street
Brooklyn, NY 11249
Phone: 866-595-7917
Email: ChargeReadyNY@energycenter.org

If CSE program staff are unable to resolve your issue and you need to speak with someone at NYSERDA, please contact the NYSERDA Project Manager:

David McCabe
Project Manager
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, New York 12203
(518) 862-1090 ext. 3281
(518) 862-1091 FAX
david.mccabe@nyserda.ny.gov
www.nyserda.ny.gov

2.0 DEFINITIONS

Charge Ready NY Program (Program) is a program that provides incentives for the purchase and installation of electric vehicle charging equipment in New York State. It is run by NYSERDA and administered by CSE.

Charging Equipment Vendor is a provider of qualified Charging Equipment. The Charging Equipment Vendor must qualify its Charging Equipment through RFQL 3902 to be eligible to participate in the Program.

Disadvantaged Community covers projects located in census blocks that:

- Are in the top quartile of the housing and urban development (HUD) 50% area medium income (AMI) thresholds, and that are also located within DEC Potential Environmental Justice Areas.
- Are located in New York State [Opportunity Zones](#)

A searchable map of communities that meets this definition can be found at

<https://nyserda.ny.gov/ny/disadvantaged-communities>

Electric Vehicle (EV) is a four-wheel light duty vehicle capable of highway speeds that is powered fully or in part by an electric motor and is rechargeable from an external connection to an off-board electrical source.

Electric Vehicle Charging Equipment (Charging Equipment) is a Level 2 electric vehicle charging station that meets all requirements of RFQL 3902 (see also Qualified Charging Equipment).

Equipment Owner is the entity that purchases the Charging Equipment. The Equipment Owner is also the recipient of the incentive payment.

Installation Date is the date on which the Charging Equipment is affixed to its permanent location, connected to the electrical source, and ready for use (including connected to a network for networked Charging Equipment).

Installer is the entity that installs the Charging Equipment. The Installer may or may not be the same as the Equipment Owner.

Network Services Vendor is a provider of network services for qualified Charging Equipment. The Network Services Vendor must qualify its network through RFQL 3902 to be eligible to participate in the Program.

New York State Energy Research and Development Authority (NYSERDA) promotes energy efficiency and the use of renewable energy sources. NYSERDA advances innovative energy solutions in ways that improve New York's economy and environment. NYSERDA is the state Authority in charge of the Program.

Potential Environmental Justice Areas (PEJAs) 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:

- At least 52.42% of the population in an urban area reported themselves to be members of minority groups; or
- At least 26.8% of the population in a rural area reported themselves to be members of minority groups; or
- At least 22.82% of the population in an urban or rural area had household incomes below the federal poverty level.

The federal poverty level and urban/rural designations for census block groups are established by the U.S. Census Bureau. Maps of PEJAs by county in New York State can be found at

<https://www.dec.ny.gov/public/911.html>.

Pre-Approval Date is the date that NYSERDA approves the Equipment Owner's application for pre-approval for a Charge Ready NY incentive.

Program Administrator is the Center for Sustainable Energy or other NYSERDA designee responsible for receiving and reviewing applications to the Program, responding to questions from Program participants, and conducting other administrative tasks related to the Program.

Program Effective Date is September 18, 2018. This is the date the Charge Ready NY program launched.

Qualified Charging Equipment is Charging Equipment that has been approved for use in the Program. The offering Charging Equipment Vendor must apply for and receive approval through RFQL 3902 to qualify for the Program.

Qualified Network Services are network services that have been approved for use in the Program. The offering Network Services Vendor must apply for and receive approval through RFQL 3902 to qualify for the Program.

Replacement Charging Equipment is new Qualified Charging Equipment that replaces existing charging equipment that is more than five (5) years old. Replacement Charging Equipment must replace the entire existing Charging Equipment beyond the electrical stub and wall mount or pedestal base. New replacement parts installed on existing Charging Equipment are not considered to be Replacement Charging Equipment.

RFQL 3902 refers to NYSERDA's Charge Ready NY Equipment and Network Qualification Process solicitation, through which NYSERDA qualifies charging equipment and network services for eligibility in the Program.

Site Owner is the owner of the site at which the Charging Equipment is installed. The Site Owner may or may not be the same as the Equipment Owner.

3.0 PROGRAM ELIGIBILITY

3.1 CHARGING EQUIPMENT AND NETWORK SERVICE ELIGIBILITY

To receive an incentive payment through the Program, Equipment Owners must purchase and install one or more units of Qualified Charging Equipment that include two or more total charging ports. To qualify their equipment for the Program, Charging Equipment Vendors and Network Services Vendors must submit an application to RFQL 3902, Charge Ready NY Equipment and Network Qualification Process, and NYSERDA must confirm that the equipment meets all requirements for qualified charging equipment described in RFQL 3902. Qualified charging equipment will be listed on NYSERDA's website and updated as needed. Charging Equipment Vendors and Network Services Vendors may submit new applications or update information about existing qualified equipment throughout the time that the Program is active, no more than once every three months.

As part of the equipment and network qualification process, Charging Equipment Vendors and Network Services Vendors will provide technical information about the qualified equipment and networks and will provide a list of distributors and vendors who sell the equipment and networks in New York State, with contact information so Equipment Owners can contact these entities to request quotes. Charging Equipment Vendors and Network Services Vendors must agree to the terms and conditions required for participating in the Program. Charging Equipment Vendors and Network Services Vendors are encouraged to attend an available training on how the Program works. A recording of the trainings will be posted on the Charge Ready NY website.

3.2 EQUIPMENT OWNER ELIGIBILITY

To be eligible for a Program incentive payment, an Equipment Owner must meet the following conditions:

1. Be licensed to do business in New York State, including not-for-profit corporations; a State agency or political subdivision of the State, including municipalities, school districts, and other local government entities.
2. Be an organization with an Employer Identification Number (EIN).
3. Purchase and install new qualified charging equipment at a site in New York State that meets site eligibility requirements (see Section 3.3).
4. Projects that have received funding for charging equipment from any of the below programs are ineligible for Charge Ready NY.
 - a. NYSDEC's Municipal Zero-Emission Vehicle (ZEV) and ZEV Infrastructure Rebate Program
 - b. Community-based EV Charging and EV Rebate Program administered by EV Connect
 - c. CALSTART/ChargePoint's Charge to Work NY Program
 - d. NYPA's ReCharge NY Workplace Charging Program
 - e. Any other NYSERDA initiatives that provide incentives for installing charging equipment, such as the Clean Energy Communities program.

Projects participating in Charge Ready NY may also claim the New York State tax credit for installing charging stations (more information at https://www.tax.ny.gov/pit/credits/alt_fuels_elec_vehicles.htm). The tax credit is applied after taking out the amount received from NYSERDA.

5. Charging Equipment funded entirely by third parties is not eligible to receive a rebate. This includes Charging Equipment provided to the Equipment Owner by automakers, Electrify America, and other entities.
6. Charging stations reserved for fleet vehicles are not eligible.

3.3 SITE ELIGIBILITY RULES

Equipment Owners must install charging equipment at one of the following types of sites:

Publicly Available Site: Publicly available means a parking space that has been designated by a property owner or lessee to be available to and accessible by the public. It may include on-street parking spaces or parking spaces in surface lots or parking garages. A publicly available parking space shall not include a parking space that is associated with a private residence or a parking space that is reserved for the exclusive use of an individual driver or group of drivers. A public site is a parking facility with at least ten (10) parking spaces that is open to the general

public at least twelve (12) hours per day, at least five (5) days per week. Examples of public sites include municipal or privately operated parking lots or garages, parking at retail locations, restaurants, parks, transit stations, schools, destination locations, motels/hotels, etc. Charging Equipment at public sites may be intended primarily for patrons but should be available to any visitor to use. Charging Equipment installed at public sites must be networked charging equipment.

Workplace Site: A workplace site is a parking facility with at least ten (10) parking spaces that primarily serves employees who work at or nearby the facility. Workplace sites must have a minimum of 15 employees regularly working at the site. The Charging Equipment must either be installed at parking spaces reserved for employees or be installed in a general use parking facility at which at least 50 percent of people parking at a workplace site on a typical business day are employees of an organization doing business on or adjacent to the premises. Charging stations in assigned parking spaces reserved for the exclusive use of an individual driver are not eligible. Workplace sites may be employee-only parking lots or parking areas. Charging Equipment at workplace sites may be restricted to use by employees only or may be open to a broader user group. Examples of workplace sites include office buildings, universities, schools, hospitals, and other similar facilities. Charging Equipment installed at workplace sites must be networked charging equipment.

Multi-Unit Dwelling (MUD) Site: A MUD site is a parking facility with at least eight (8) parking spaces that primarily serves a MUD with five (5) or more housing units. More than 50 percent of vehicles regularly parked at a MUD site between 7 PM and 7 AM must be resident-owned. Examples of MUD sites include apartment buildings, condominiums, and co-ops. Motels/hotels are public locations and will not be considered a MUD site. Individual residents or tenants who are not the building owner may not be the Equipment Owner at a MUD site. Charging Equipment at MUD sites may be restricted to use by residents only or may be open to a broader user group. Charging Equipment installed at MUD sites may be either networked or non-networked charging equipment.

4. INCENTIVE AMOUNTS

Equipment Owners may receive an incentive payment of \$4,000 per charging port installed. Charging equipment with a single charging port is eligible for an incentive of \$4,000. Charging equipment with two charging ports (a dual charging station) is eligible for an incentive of \$8,000. Equipment owners must install a minimum of two (2) charging ports at each site.

An additional incentive of \$500 per port may be awarded for eligible charging equipment installed after December 10, 2020 within a disadvantaged community. A searchable map of disadvantaged communities in New York State can be found on NYSERDA's website at <https://nyserda.ny.gov/ny/disadvantaged-communities>. NYSERDA will determine whether an installation qualifies for this additional incentive as part of the application process.

Equipment Owners who are replacing existing charging equipment that is more than five (5) years old with new Qualified Charging Equipment may receive an incentive payment of \$1,500

per existing charging port replaced with new Qualified Charging Equipment. Replacement charging equipment does not qualify for the additional incentive available for installations in disadvantaged communities.

Equipment Owners may apply for a maximum of 20 charging ports per site. Any request for more than 10 charging ports per site will be reviewed by NYSERDA to determine if the number of charging ports is appropriate for the site, based on the site size, usage, and number of current and prospective EV drivers. NYSERDA reserves the right to limit the number of charging ports for a specific site at its own discretion. No entity may receive more than \$200,000 in Charge Ready NY incentives in a single calendar year. NYSERDA may choose to limit rebates to companies owned by or affiliated with the same entity to \$200,000 per year.

Note: Incentive amounts and the criteria used to determine them are subject to change at NYSERDA's sole discretion. NYSERDA will provide at least 10 days' notice to all program participants before new incentive amounts take effect.

5. INCENTIVE APPLICATION PROCESS

The incentive application process is described in a flow diagram in Appendix A.

NYSERDA will pay the Incentive once the Equipment Owner has met the requirements of the Program as described in the Manual. This includes but is not limited to (1) Agreeing to all Program requirements, (2) Installing all Qualified Charging Equipment in accordance with program rules and all applicable federal, state, and local rules and regulations, and (3) Providing accurate and complete documentation of the Qualified Charging Equipment purchase and installation to NYSERDA.

To qualify for an incentive, Equipment Owners may either pre-apply for incentives or apply for incentives within 90 days after the Installation Date, as described below. Incentives are available on a first-come, first-served basis. Equipment Owners must complete and submit their own contractor, pre-approval, and rebate applications. Installers may not complete these applications on behalf of the Equipment Owners. Installers who violate this rule may be suspended or barred from participating in the Program per NYSERDA's discretion. An Equipment Owner may permit an Installer to communicate with NYSERDA or its contractor about an incentive application on the Equipment Owner's behalf by sending an email to ChargeReadyNY@energycenter.org. The email must come from the Equipment Owner and clearly state that the Installer is authorized to send communications related to the incentive application(s). The Equipment Owner will be copied on all emails between the Installer and Program staff.

To participate in the Program, the Equipment Owner must first complete a Contractor Application, which can be completed at http://portal.nyserdera.ny.gov/CORE_CONAPP_Program_Page?programFamily=Innovation&programName=Public_Electric_Vehicle_Supply_Equipment. The Program Administrator shall review contractor applications for completeness and eligibility and respond to applicants within five (5) business days. Upon approval of the contractor application, the Equipment Owner will receive a link to log into the NYSERDA Portal. The first time the Equipment Owner logs into the

NYSERDA Portal, they will be prompted to update their password. The Equipment Owner can then proceed to complete the incentive application, either as a pre-approval or post-installation approval.

If Equipment Owners pre-apply for incentive approval, NYSERDA will reserve program funds for the Equipment Owner upon successful review by the Program Administrator and NYSERDA of the Equipment Owner's pre-approval application. The Equipment Owner shall have one-hundred eighty (180) calendar days from the Pre-Approval Date to submit final documentation for their incentive. If final documentation is not received within one-hundred eighty (180) calendar days after the Pre-Approval Date, the pre-approval will be cancelled, the reserved funds will be released, and the Equipment Owner must reapply. The Equipment Owner will be notified of the cancellation via email. Equipment Owners who initially receive a pre-approval that is cancelled may apply again for pre-approval if their Charging Equipment is not yet installed or may apply for incentive approval after completion of their installation, if they meet the requirements for post-installation applications. Pre-approval does not guarantee an Equipment Owner will receive any funds from the Program. Pre-approval only reserves funds in the Program budget for the Equipment Owner, who can receive them contingent upon completing the pre-approved Charging Equipment installation, completing all Program requirements, and submitting all required documentation. If an Applicant reaches the end of its 180-day installation window twice for the same installation site without completing the installation, it may not reapply for that site but may still apply for other sites.

If an Equipment Owner decides to purchase different charging equipment from the make and model initially selected in the pre-application, the approved pre-application will be cancelled and the Equipment Owner must reapply. The Equipment Owner may change installers after applying for pre-approval without having to reapply. If an Equipment Owner decides to install charging equipment at a location other than the one listed in their application, the application will be cancelled and the Equipment Owner must reapply.

Equipment Owners who choose to apply for incentive approval after they complete their installations shall have ninety (90) calendar days from the Installation Date to submit final documentation for their incentive. Charging Equipment with an Installation Date prior to the Program Effective Date are not eligible for an incentive.

Equipment Owners shall submit incentive applications through NYSERDA's web portal ([nyserda-portal.force.com](https://portal.force.com)).

The Program Administrator shall have ten (10) calendar days to review submitted incentive applications. Submitted applications that are complete and accurate and include all required documents will be approved.

If an application or its required documents are determined to be incomplete, illegible, or missing required information, the Equipment Owner will be notified of the error via email and shall have fifteen (15) calendar days from the date of notification to correct any errors. If the errors are not corrected within fifteen (15) calendar days, the application will be cancelled and the reserved

funds will be released. If an application is submitted but determined to be ineligible, it will be cancelled, the reserved funds will be released, and the Equipment Owner will be notified via email.

If an incentive application is cancelled, Equipment Owners can reapply for an incentive for that Charging Equipment as long as it is still within ninety (90) calendar days of the Installation Date.

Participation in the Program does NOT constitute a competitive bid process in place of an Equipment Owner's required competitive bid processes. Equipment Owners must follow their own procurement rules for selecting a vendor for charging equipment, if applicable. Other competitive bid processes, such as state procurement contracts, may be available for Equipment Owners to use. Contact the Program Administrator for more information.

6. EQUIPMENT OWNER PROGRAM REQUIREMENTS

To participate in the Program, Equipment Owners must meet or agree to the following conditions:

1. Sign and agree to the Equipment Owner Agreement
2. Provide all required documentation about the charging equipment and installation to NYSERDA.
3. Install at least two (2) charging ports at each site.
4. Operate the charging equipment for at least five (5) years from the Installation Date. Charging equipment must remain at the location listed in the application for the entire five (5) year period.
5. If the installed charging equipment is networked, the Equipment Owner must purchase at least one (1) year of network service provision at the time of installation. The Equipment Owner can change network providers at a later date but must provide NYSERDA access to charging data through a Network Services Vendor for five (5) years of operation. The Equipment Owner must add NYSERDA to its network account as an administrator with limited rights to access charging data (preferred) or establish regular recurring data transfers to NYSERDA for the duration of the five (5) years, as described in Section 7.
6. Allow NYSERDA to share the charging equipment information, Equipment Owner contact information, and the installation address with the electric distribution utility serving that location, for the purpose of informing the utilities' system planning efforts, and with the U.S. Department of Energy, which compiles information about charging equipment to share with EV drivers through the Alternative Fuels Data Center (AFDC).
7. Agree to participate in online surveys and other research efforts that support Program goals.
8. Replacement Charging Equipment must replace the entire existing Charging Equipment beyond the electrical stub and wall mount or pedestal base. New replacement parts installed on existing Charging Equipment do not qualify for the rebate.
9. Funded Charging Equipment taken out-of-service, relocated, or determined to be inoperable prior to completing the minimum 5-year in-service requirement are subject to prorated reimbursement penalty of 1.667% per month. For example, Charging Equipment retired or relocated after 30 months would have 30 months remaining. The early retirement penalty would equal 50% of the Charge Ready NY incentive. The Equipment Owner must repay this early retirement penalty to NYSERDA within 60

days of the retirement or relocation of the Charging Equipment. Charging Equipment not in-service for 90 consecutive days due to a malfunction, or other operational issues, may be deemed inoperable and potentially in violation of the 5-year in-service requirement. If NYSEERDA finds that there has been no usage on Charging Equipment for 90 days, it may request information from the Equipment Owner regarding the Charging Equipment's maintenance status to determine if the Equipment Owner is subject to repayment of funds.

10. During the entire five (5) year operating period, Equipment Owners must initiate the process for making any needed repairs to the Charging Equipment within 24 hours following notice of a malfunction or other operational issue.
11. Equipment Owners must provide a customer support service number that is readily accessible to customers during hours of operation by a toll-free telephone number that is clearly visible and posted on or near the charging equipment to assist customers with difficulties accessing or operating the Charging Equipment.
12. Publicly available Charging Equipment must display pricing information, either through a digital display on the Charging Equipment or appropriate signage. For publicly available Charging Equipment that require payment, the Equipment Owner must make the following pricing information available to drivers in advance of each charging session either through a user interface that is legible both at night and in direct sunlight, or through another form of display on the charging station: the unit of sale (free, kWh, time, etc.), pricing per unit, any additional fees that may be assessed (e.g., fees associated with parking, dwell time surcharges, etc.). Any limitations on extended EV parking after a charging session is completed should be clearly indicated on parking space signage.
13. Equipment Owners must provide onsite signage or pavement markings that clearly indicates that the adjacent parking space(s) is reserved for electric vehicles only. Stenciled graphics on the parking pad indicating parking only for electric vehicle parking are recommended. It is recommended that signage clearly indicate that non-EVs parking in spaces designated as EV parking only may be towed at vehicle owner's expense. It is recommended that the Equipment Owner protect the Charging Equipment from vehicles by installing bollards or other protective equipment and that the parking spaces be well-lit during the hours between dusk and dawn.

Equipment Owners must be familiar with and comply with all general and special Federal, State, municipal and local laws, ordinances and regulations, if any, that may in any way affect the performance of this Agreement.

7. REQUIRED DOCUMENTS

Equipment Owners must submit required documents for each incentive application. To receive pre-approval for an incentive application, Equipment Owners must submit:

- Completed application form (completed online)
- **Copy of Permit:** Scan of building permit to install charging equipment or note from the authority having jurisdiction (AHJ) that no building permit is required
- **Site Host Agreement:** Scan of signed Site Host Agreement
- Scan of quote(s) from installers for the installation of Charging Equipment

Following charging equipment installation, all Equipment Owners must submit the following required documents, at a minimum, to receive their incentive payment:

- Completed application form (completed online)
- Serial numbers and GPS coordinates for all charging equipment (submitted as part of completed application)
- **Copy of Permit:** Scan of building permit to install charging equipment or note from the authority having jurisdiction (AHJ) that no building permit is required
- **Installed Site Photo:** Photo of the charging equipment installed so the equipment is visible at its site. Onsite signage or pavement markings must also be visible in the photo
- **Serial Number Photo:** Photo of the serial number on each piece of charging equipment
- **Customer Support Number Photo:** Photo of customer support service number posted on or near the charging equipment
- **Public Charging Equipment Pricing Photo:** Photo of pricing display on or near the charging equipment
- **Charging Equipment Installer Certification:** Scan of signed Charging Equipment Installer Certification. If the Equipment Owner self-installed the Charging Equipment, the Owner must still complete this form.
- **Site Host Agreement:** Scan of signed Site Host Agreement. If the Equipment Owner is also the property owner of the installation site, the Owner must still complete this form.
- **Network Service Agreement:** Scan of proof of payment for one (1) year of network services (where applicable). (EVSE must remain networked for the entire 5-year period)
- **Proof of payment for equipment:** Scan of proof of payment for Qualified Charging Equipment. The proof of payment for the equipment should list information about the vendor (name, company, contact information), and include an itemized invoice that clearly breaks out the following:
 1. Make and model name of the specific equipment purchased with per-unit costs
 2. Networking fees (if applicable)
 3. Other fees, such as provisioning fees (if applicable)
- **Proof of payment for installation services:** Scan of proof of payment from installer for the installation of Qualified Charging Equipment. The proof of payment should include information about the installer (name, company, contact information), and include an itemized invoice that clearly breaks out the following (if applicable):
 1. Labor associated with the installation of EVSE (hourly rates and number of hours at each rate). Labor associated with electric service upgrades listed separately
 2. Materials and hardware other than the EVSE, such as electrical conduit (linear feet), wiring, post or bollards for EVSE protection, etc. (please list out)
 3. Electric service upgrades
 4. Directly related site work such as patching pavement that had to be torn up to install conduit and concrete slabs for EVSE installation
 5. Permitting fees
 6. Other project management costs
 7. Land acquisition or leasing costs

Equipment Owners must submit scanned versions of the documents through the NYSERDA web portal, which can be found at nyserderda-portal.force.com. NYSERDA reserves the right to require additional documentation if needed for verification of any element of incentive eligibility.

8. OPERATION OF EQUIPMENT AND DATA PROVISION

Equipment Owners must continue to own and operate the Charging Equipment at the same location listed on the application for a period of no less than five (5) years from the date of installation. If the Equipment Owner ceases to operate the charging equipment before the end of this term, NYSERDA may require repayment of a portion of the incentive payment proportional to the amount of time the equipment was not in operation compared to the required period of operation unless the equipment is sold to a buyer who commits to operating the equipment at the same location for the full five-year term and maintaining reporting requirements. For instance, if the equipment was in operation for only thirty months, NYSERDA may require repayment of 50 percent of the incentive payment.

As part of the operation of equipment, the Equipment Owner must provide all data requested to NYSERDA on a regular basis. The data requested includes but is not limited to Installation Date; number of charging events; duration of each charging event; total kWh provided; and percent usage. For networked stations, the Equipment Owner must set up access to usage data through the Network Services Vendor, either by providing NYSERDA with limited administrative access to the network data (preferred) or by establishing regular recurring data transfers to NYSERDA for the duration of the five (5) years, no less than quarterly. Network Service Vendors, NYSERDA, or the Program Administrator will be able to provide instructions for establishing NYSERDA as an administrator with data access. For non-networked stations, the Equipment Owner must provide NYSERDA with regular data reporting on electricity use and number of regular users, to the best extent possible. NYSERDA may, on an annual basis, survey Equipment Owners to obtain information about operating Charging Equipment and any problems encountered including, but not limited to, parts availability, warranty service, maintenance and repair issues.

9. INCENTIVE DISTRIBUTION PROCESS

Incentives will be issued to Equipment Owners via a paper check or by electronic payment. Equipment Owners may select the payment option they prefer in the NYSERDA web portal. Per New York State's prompt payment policy, payments to Equipment Owners can be expected within 30 days of application approval.

10. TERMINATION

An Equipment Owner may be terminated from the Program for reasons including, but not limited to, if they:

- Submit falsified documents or unauthorized signatures to the Program.
- Repeatedly invoice for uninstalled measures.
- Are in violation of Program rules or the Equipment Owner Agreement.
- Commit illegal actions, or has principal who commits illegal actions, while participating in the Program.

Equipment Owners in terminated status are prohibited from participation in this or other NYSERDA programs. Equipment Owners with incomplete projects will be notified of the termination and may be offered such remedies as NYSERDA deems appropriate. NYSERDA may, if appropriate, notify the New York State Attorney General, the New York State Department of Labor, the Better Business Bureau, or others, of the decision to terminate the Equipment Owner from the program. Nothing in this process relieves the Equipment Owner of the responsibility to fulfill any remaining obligation to the Program or its customers.

11. APPEALS PROCESS

NYSERDA will consider appeals to the denial of an incentive application or to a termination decision which will be decided on a case-by-case basis. To submit an appeal, contact the Program Administrator.

12. RESEARCH PARTICIPATION

NYSERDA may require Equipment Owners to participate in surveys and may request participation from Equipment Owners in other research efforts that support Program goals.

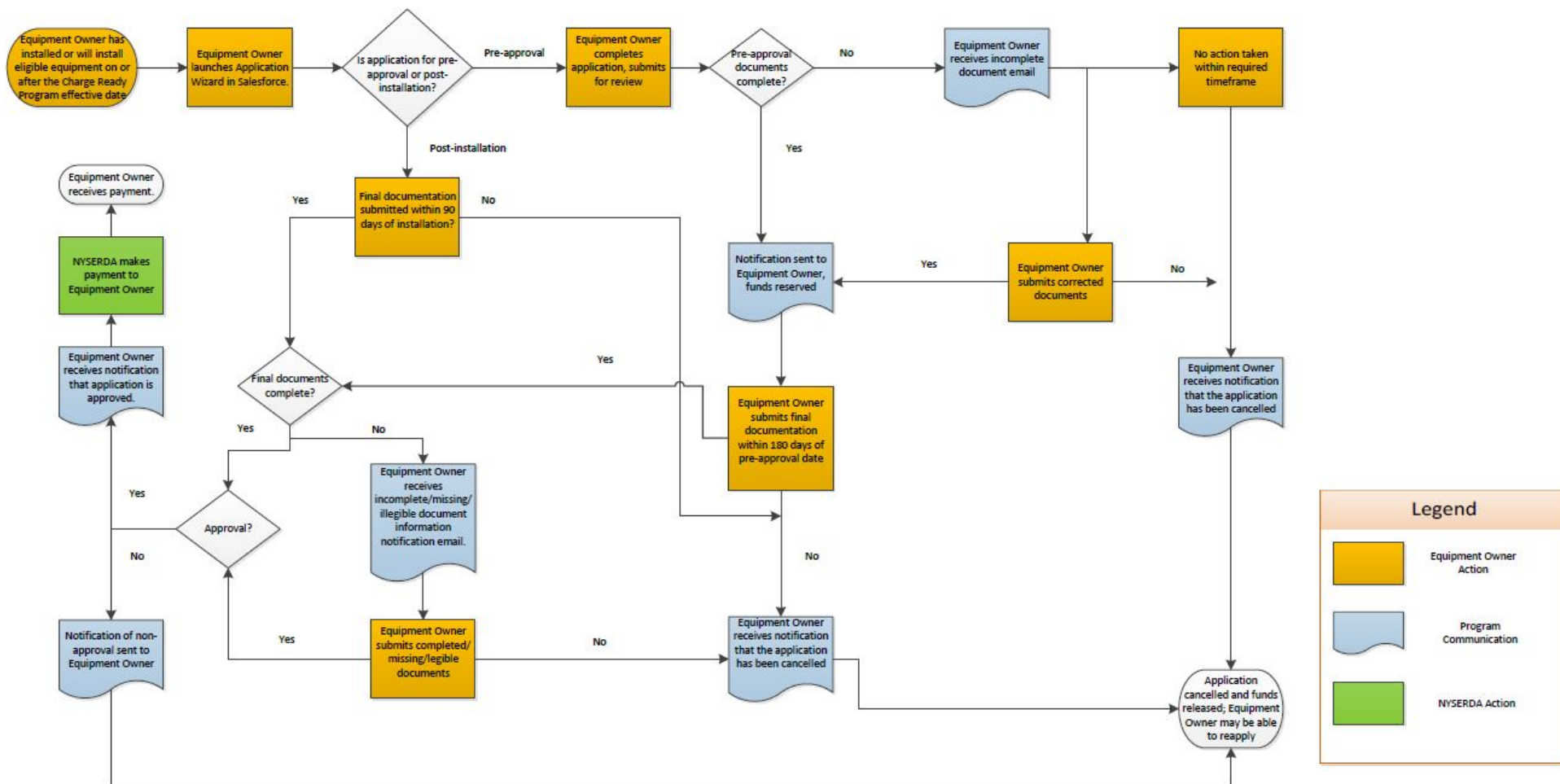
13. PUBLICITY

The Equipment Owner shall collaborate with NYSERDA's Assistant Director of Corp. Communications and Marketing to prepare any press release and to plan for any news conference concerning work related to the Program. In addition, the Equipment Owner shall notify NYSERDA's Assistant Director of Corp. Communications and Marketing regarding any media interview in which work related to this Program is referred to or discussed.

The Equipment Owner shall not use NYSERDA's corporate name, logo, identity, any affiliation, or any related logo, without NYSERDA's prior written consent.

Appendix A

Incentive Application Process Flow Chart



Appendix B (5/26/20)

ADDITIONAL COVID-19 TERMS AND CONDITIONS FOR ALL NYSERDA AGREEMENTS

In response to the ongoing COVID-19 pandemic, beginning in March 2020, Governor Cuomo issued a series of Executive Orders addressing various categories of business activities, including, but not limited to, construction, manufacturing, administrative, and professional services. In addition, Empire State Development (ESD) was authorized to develop *Guidance for Determining Whether a Business Enterprise is Subject to a Workforce Reduction Under Recent Executive Orders*. Although much of NYSERDA's clean energy efforts involve construction activity, NYSERDA engages in many other activities that are affected by State COVID-19 directives and requirements.

The State has also established a series of metrics required to begin a phased reopening plan. The phase-in plan prioritizes businesses considered to have a greater economic impact and inherently low risks of infection for the workers and customers, followed by other businesses considered to have less economic impact, and those that present a higher risk of infection spread.¹ Pursuant to Executive Order 202.31 and "NY Forward," New York will reopen on a regional basis as each region meets the criteria necessary to protect public health.

For New York State regions and approved activities that have been deemed reopened pursuant to the State's Regional Monitoring Dashboard, and in light of the paramount importance placed on health and safety at this time, NYSERDA hereby directs and requires that NYSERDA contractors performing clean energy activity pursuant to a NYSERDA contract or program to comply with all Executive Orders addressing the COVID-19 pandemic, and in all events, NYSERDA contractors are expected to continue to comply with all relevant State, federal and local rules. All contractors are also accountable for staying current with any updates to these requirements. COVID-19 related guidance and references can be found on NYSERDA's website at: <https://www.nyserda.ny.gov/ny/COVID-19-Response>, and is hereby deemed incorporated herein, as may be updated from time to time.

Phase I of reopening does include all construction activity. All NYSERDA contractors specifically engaging in construction activity are required to, without limitation, adhere to and

¹ In accordance with ESD's current Essential Business Guidance and subject to all relevant health and safety requirements, NYSERDA is hereby allowing its contractors performing program work pursuant to a NYSERDA contract or program to undertake the following activities on a Statewide basis:

- electric power generation and storage-related development, construction, operation or maintenance, except with respect to new solar projects on residential sites (which residential projects must continue to follow the regional reopening);
- electric vehicle (EV) charging station installation, operation and maintenance at commercial and government sites; and
- activity by a single worker who is the sole worker on a project site.

attest to the New York State Department of Health (NYS DOH) *Interim Guidance for Construction Activities During the COVID-19 Public Health Emergency* prior to commencing work on NYSERDA clean energy construction projects. The attestation is embedded within the Guidance Document and NYSERDA advises that contractors maintain a copy of such attestation for their records. Also, as included in the NYS DOH Construction Guidance, for all contractors performing construction activities, completed safety plans must be conspicuously posted on a project site. The State has provided a template to assist in developing Business Safety Plans, which is available through the NY Forward website as well as NYSERDA's COVID-19 webpage. While these plans are not required to be submitted to NYSERDA or a State agency for approval, they must be retained on the premises of the business or construction site and must be made available to the NYS DOH or local health or safety authorities in the event of an inspection.

In accordance with Executive Order 202.31, business activities may only commence for New York State regions that have been deemed reopened and is limited to only those activities approved for reopening. For state regions and activities that remain on PAUSE, or for reopened areas that revert back to PAUSE, NYSERDA continues to direct a pause in work until that region is re-opened for all NYSERDA contractors performing program activity pursuant to a NYSERDA contract or program, requiring in-person presence at a project site, that is not explicitly permitted under State directives or guidance.

During this time of uncertainty, NYSERDA is committed to working collaboratively with its Contractors to address contractual obligations when performance under the contract may be suspended or delayed due to COVID-19-related limitations in business activity that are beyond the reasonable control of either NYSERDA or the Contractor.

NYSERDA takes health and safety issues of its contractors and program participants very seriously and will strictly enforce compliance with Executive Order 202.31, and any relevant subsequent Executive Orders, and this guidance, as well as existing contractual obligations that require NYSERDA's contractors to comply with all general and special Federal, State, municipal and local laws, ordinances and regulations that may in any way affect the performance of agreements executed with NYSERDA. Accordingly, non-compliance may give rise to disciplinary action, which may include, without limitation:

- orders to stop work;
- immediate termination of the Agreement;
- a determination of ineligibility to participate in one or more NYSERDA program efforts, on either a temporary or permanent basis;
- reporting of non-compliant activity to enforcement authorities, including but not limited to the NY Forward online complaint submission form, which will result in investigation and, if credible, enforcement.

This guidance supersedes all previously issued guidance and shall be deemed to modify any applicable provisions in any NYSERDA contract, program rule, guideline, manual, solicitation or other applicable document or agreement.