



**NYSERDA**

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**On-the-Job Training for Energy Efficiency and Clean Technology  
Program Opportunity Notice (PON) 3982**

**\$12.5 Million Available**

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

**Applications accepted through October 31, 2023 by 3:00 PM Eastern Time.**

**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. Through the On-the-Job Training (OJT) Program, 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:

1. **“On-the-job-training”** is defined as training provided by an eligible business to a new employee while the employee is engaged in full-time, productive work in a job in New York state.
2. **“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/or air sealing
  - High efficiency lighting and controls
  - Building automation and controls
  - Smart grid
  - Energy storage
  - Solar electric and/or related areas
  - Additional areas related to energy efficiency and clean technology may be consideredSee the Eligibility section below for a complete list of requirements to be considered an eligible business.
3. **“Worker”** includes 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.
4. Additional incentives are available for businesses:
  - Hiring from **“Priority Populations”**. To see all priority populations please visit the following link: <https://www.nyserdera.ny.gov/All-Programs/Programs/Clean-Energy-Workforce-Development/Definitions>
  - Hiring individuals from **Disadvantaged Communities**, or communities that bear burdens of negative public-health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high concentrations of low- and moderate-income households. Members of Disadvantaged Communities include individuals from either of the following groups:
    1. Individuals residing in communities that meet both of the following criteria:
      - a. Census block groups that are in the top quartile of HUD census tracts meeting the annual income threshold of 50% Area Median Income, and
      - b. Location identified as a [Potential Environmental Justice Area](#), as defined by the New York State Department of Environmental Conservation; or

2. Individuals residing in a [New York State Opportunity Zone](#).
- Hiring new employees working on **heat pumps** (design, installation, sales, etc.)
  - Registered as a **minority-owned, women-owned, and/or service-disabled veteran owned** business

Registering for the OJT program consists of a two-step process. First, a business must register to participate in the OJT program by completing the online [Business Registration Form](#). Once the business passes the eligibility review and is successfully registered for the program, the business submits individual applications to hire each new employee through the OJT program. NYSERDA and the New York State Department of Labor work with participating businesses on new hire applications and training plans.

## INTRODUCTION

NYSERDA's 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 enables New York State to meet the objectives of the Clean Energy Fund and advance the climate equity and just transition goals of New York's Climate Leadership and Community Protection Act (CLCPA) by developing a workforce equipped to perform jobs in energy efficiency and clean technology, and supporting disadvantaged communities and priority populations as defined above.

NYSERDA is working closely with the New York State Department of Labor (NYSDOL) to deliver the OJT program and help develop job skills for new workers in energy efficiency and clean technology businesses. The NYSDOL assists participating businesses with developing OJT training plans as well as assessing necessary skills and identifying available workers that match those skills. **The primary purpose of OJT funding is to train new hires for clean energy work.** The program cannot support workers hired by businesses prior to approval of an application to participate in the program and hire a new worker.

All program questions should be directed to Peter Tompkins at [PONOJT@nyserda.ny.gov](mailto:PONOJT@nyserda.ny.gov). All contractual questions should be directed to Nancy Marucci at (518) 862-1090, ext. 3335 or [NancySolicitations@nyserda.ny.gov](mailto:NancySolicitations@nyserda.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, FUNDING LIMITS, AND PAYMENTS

### I. Funding

Up to \$12.5 million is being made available to advance worker skills through OJT. Funding and program services facilitate worker recruitment, hiring and on-the-job training of clean energy workers, including individuals from Disadvantaged Communities and 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.

For eligible workers hired through the program, NYSERDA pays a percentage of that new hire's hourly wage for the eligible OJT period as a reimbursement to the business. The eligible reimbursement rate and reimbursement period per worker are based on 1) the technology area of focus for the new hire, 2) the business classification, 3) the business size, and 4) the worker classification. The following table summarizes the reimbursement rates and durations offered for each category. Businesses must have a current registration with New York State as an eligible Minority-Owned Business Enterprise (MBE), Women-Owned Business Enterprise (WBE), and/or Service-Disabled Veteran-Owned Business (SDVOB) to qualify for the higher reimbursement rates under the Business Classification category.

Position Type	Business Classification	Business Size	Reimbursement Rate	Reimbursement Period	
				Non-Disadvantaged Community/Priority Population Worker	Disadvantaged Community/Priority Population Worker
General Clean Energy	Business not registered as MBE/WBE/SDVOB	2 – 100 employees	50%	16 Weeks	24 Weeks
		101 or more employees	50%	Not Eligible	24 Weeks
	Business registered as MBE/WBE/SDVOB	2 or more employees	75%	16 Weeks	24 Weeks
Solar Electric	Business not registered as MBE/WBE/SDVOB	2 employees or more	50%	Not Eligible	24 Weeks
	Business registered as MBE/WBE/SDVOB	2 employees or more	75%	16 Weeks	24 Weeks
Heat Pumps	Any business classification	2 employees or more	75%	16 Weeks	24 Weeks

## II. Funding Limits

NYSERDA issues reimbursement on the specified portion of worker wages per the contract established between the participating business and NYSERDA, and all businesses, regardless of size, classification, or worker technology type, are required to provide a cost share for all wage subsidies. NYSERDA's cost share is capped at a maximum of \$16 per hour for each hire.

- NYSERDA funding through the OJT program is capped at \$150,000 per business for traditional workers (those that are not members of a Disadvantaged Community or Priority Population).
- Reimbursements for Disadvantaged Community and Priority Population hires are not counted toward the \$150,000 cap.
- For businesses with 101 or more employees that are not registered as an MBE/WBE/SDVOB, incentives are only available to hire members from Disadvantaged Communities and Priority Populations.
- Businesses hiring workers related to solar electric technology (e.g., solar photovoltaics) can receive incentives only for hiring members from Disadvantaged Communities and Priority Populations, unless the business is a registered MBE/WBE/SDVOB business.
- There is no maximum cap for any size business when hiring members from Disadvantaged Communities and Priority Populations.

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.

## III. Payments

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.

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

### I. Business Eligibility

Businesses must:

1. Be an energy efficiency and clean technology business, training provider, or labor management organization working on behalf of energy efficiency or clean technology businesses.
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;
  - operations and maintenance;
  - 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.
5. 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 business has no employees or if the workers are independent contractors, subcontractors or contract employees, then the business is not eligible.
6. Have met and continue to meet all requirements and deliverables under any prior or existing NYSERDA contract or NYSDOL grant.
7. Provide all information requested in the Business Registration process outlined in this PON and have clearly set objectives for the use of funds.
8. 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.
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).

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."

### II. Worker Eligibility

Worker candidates 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. General administration and driving positions are not eligible for reimbursement.

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. Individuals who worked as interns for a business previously under NYSERDA's PON 4000 may be hired under the OJT program, however they cannot start work as a full-time direct employee prior to being approved through the OJT program application process.
4. Not be a relative of business owners, principals, or hiring managers. "Relative" shall include the following relationships: relationships established by blood, marriage, or legal action. Examples include: spouse, mother, father, son, daughter, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, aunt, uncle, nephew, niece, grandparent, grandchild, or cousin. The term also includes domestic partners (a person with whom the employee's life is interdependent and who shares a common residence) and a daughter or son of an employee's domestic partner.

## **PROGRAM PROCESS**

### **I. Business Registration and New Hire Application**

There is a two-step process to reserve funds for a new hire through the OJT Program:

*Step 1 - Business Registration (completed one time per business)*

*Step 2 - New Hire Application (completed for each new hire a business brings through the program).*

The OJT program process begins with a business submitting the Business Registration. NYSERDA will accept Business Registration forms on a continuous basis until all funds for this program have been committed. Once NYSERDA approves a Business Registration, the business is eligible to hire employees through the OJT program. Businesses must submit individual New Hire applications for each new hire.

The application and evaluation process are detailed in the following steps:

#### *Step 1 – Business Registration*

Businesses submit their business registration by completing the online form found here: [Business Registration Form](#). For businesses who meet eligibility criteria, NYSERDA forwards their business registration information to the NYSDOL for a due diligence review.

If a business does not meet program eligibility requirements based on their Business Registration form, and the registration must be rejected, NYSERDA will notify the business of their registration status along with reasons for the decision. Businesses are able to address deficiencies and reapply.

The NYSDOL due diligence review process will include a review of the business' Unemployment Insurance records; WARN notices<sup>1</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.

NYSERDA notifies businesses if the business passes the NYSDOL due diligence review, or the NYSDOL directs the business how to resolve issues found during the review. Once a business passes the due diligence review, either at the time of initial review or after resolving deficiencies, the business is registered to participate in the OJT Program.

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<sup>1</sup> Information on WARN notices can be found here: <http://www.labor.ny.gov/workforcenypartners/warn/warnportal.shtm>.

## *Step 2 – New Hire Application*

Businesses must submit a New Hire Application for each individual worker they seek to bring into the OJT program. The entire New Hire Application process must be completed before the employee starts work. Businesses work with their assigned NYSDOL Business Service Representative (BSR) to complete each New Hire Application.

New Hire Application steps include:

- a. Identify List of Candidates (if necessary) – If the business already has candidate in mind, the BSR will help them fill out a New Hire application for that person. If the business does not have a candidate in mind, the BSR will identify a list of candidates to meet the business’ hiring needs. The BSR will share the list of candidates with the business, schedule an in-person meeting with the 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 (if candidate not already selected).
- c. New Hire Application Development – The business will work closely with their assigned BSR will work closely with the business to complete the New Hire Application for desired candidates. This includes conducting a skills assessment of the candidate and designing an OJT plan to teach the worker the skills needed to perform their job responsibilities effectively. Once the New Hire Application is complete, it will need to be signed by both an authorized representative of the business and the candidate to be hired.
- d. Application Review and Contract Development – Once the New Hire Application is complete and signed, the BSR will submit the application to NYSERDA for review and approval. If approved, NYSERDA issues an award letter and accompanying contract between the business and NYSERDA. The New Hire Application will be used as the basis for the contract. If not approved, NYSERDA will send the business a letter of explanation and refer the business to their BSR for additional assistance in resubmitting an application.

## II. Employment and Reimbursement

The new hire can only begin their employment and implementation of the OJT training plan after approval from the New York State Department of Labor and NYSERDA has been received. New hires that begin employment before approvals are received are NOT eligible.

Businesses must provide documentation of OJT activities, such as a progress update, within the first four (4) weeks of the employees’ start date. 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 must submit invoices to NYSERDA for wage reimbursements per the terms of the contract. To be eligible for reimbursement the OJT hire must complete a minimum of 5 days on the job. The business may begin invoicing NYSERDA for reimbursement after 4 weeks on the job. Businesses are only allowed to invoice once a month for each hire. If a participating business does not invoice NYSERDA within ten weeks after a candidate starts, the agreement can be terminated. The participating business has 60 days after the contracted OJT end date to invoice for the remaining awarded amount. After the 60 days, NYSERDA reserves the right to terminate or close the agreement and release any remaining funds back into the program budget.

NYSERDA and NYSDOL will conduct monitoring over the term of the contract. See reporting requirements below.

## **REPORTING**

When a business is awarded a contract with NYSERDA, the business becomes the “Contractor.” The Contractor must agree to the following terms and conditions regarding OJT reporting and reimbursement:

1. 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.
2. The Contractor must acknowledge that failure to maintain the required OJT records will result in disallowance of OJT costs.
3. The Contractor also must acknowledge that on-site and/or remote 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.
4. The Contractor must complete and submit mid-point and final evaluations of each OJT hire to NYSERDA and NYSDOL following guidance provided by NYSDOL. Failure to submit completed evaluations in a timely manner may result in disallowance of OJT funds.
5. The Contractor must notify NYSERDA in writing if any approved OJT candidate is terminated or quits. This notification must be made within two weeks of the change in employment status.
6. 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. NYSERDA reserves the right to terminate Contractors from the program who receive complaints or other serious charges from employees or new hires.

## **REQUIREMENTS & ASSURANCES**

### **I. Requirements**

1. The on-the-job training must occur at a physical business location in NYS.
2. The on-the-job training must be for a new full-time job (defined as 35 hours or more per week).
3. The business must be able to demonstrate that the on-the-job training is related to CEF goals of increasing energy efficiency, increasing the use of clean energy technologies, and decreasing greenhouse gas emissions.
4. The maximum duration of OJT is 16 weeks or 24 weeks depending on business and worker eligibility.
5. Wage calculations to determine OJT reimbursement cannot include payment for holiday or overtime hours worked. In addition, NYSERDA will not reimburse for wages covered by any federal or state loan or grant program.
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>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 and NYSERDA received during the past three years. Applicants that are on probation in or have been expelled from other NYSERDA utility or other state programs are not eligible to participate in the OJT program.

### **II. Assurances**

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.

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

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.

## 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 procedure 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: New Hire Application

Attachment B: Sample Agreement