



**Solicitation Guidelines for Open Enrollment
BUSINESS PARTNERS COMMERCIAL LIGHTING
PROGRAM INCENTIVES
PROGRAM OPPORTUNITY NOTICE (PON) No. 1059**

**\$460,000 available on a first-come, first-served basis
Applications accepted February 16, 2009 through May 31, 2010 by 5 PM Eastern Time***

The New York State Energy Research and Development Authority (NYSERDA), as administrator of the **New York Energy SmartSM** Program, requests applications for incentives for effective, energy-efficient lighting projects performed by participants in the Commercial Lighting Program (“Program”). These incentives are offered to encourage promotion, design, and implementation of effective, energy-efficient lighting in commercial buildings or spaces. Applications will be accepted from lighting contractors, distributors, designers, architects, engineers, energy services companies (“ESCOs”), interior designers, manufacturer representatives, and other lighting decision makers.

For more information on these requirements and how to participate in the Program, contact NYSEDA’s Program Administrator, ICF International (“Program Administrator”), via the Program hotline toll-free at 866-698-8177 or by email at clp@icfi.com, or visit the website at www.therightlight.org.

Incentive amounts vary depending upon the type of activity and the size of the project. Refer to the Program Incentives and Awards section in this PON.

Eligible activities and incentive amounts are listed in this PON. NYSEDA may add activities during the course of this Program, and may remove activities to reflect changes in energy code requirements or standard practice. Incentives will not be paid for activities if the application is received subsequent to the date the activity was removed from the Program.

*Late applications will be returned. If changes are made to the eligible activities or Program terms, a notification will be published in the Program newsletter stating that the application will be updated on the NYSEDA web site (www.nyserda.org). No additional notice will be provided.

I. INTRODUCTION

The New York Energy \$martSM Commercial Lighting Program (“Program”) was established to: (1) improve the understanding of effective, energy-efficient lighting and its benefits; (2) improve the infrastructure to deliver lighting solutions and market the benefits to customers; and (3) make energy-efficient lighting information more accessible for customers. The Program incentives are offered to encourage Program Business Partners to promote, design, and implement effective, energy-efficient lighting in commercial spaces. The Program defines Commercial Space as 1,000 square feet to 100,000 square feet used as commercial, retail, institutional, industrial, governmental spaces, and common areas in hotels, motels, and multi-family buildings (“Commercial Space”). Multi-family buildings are defined as five or more residential units. Excluded from the definition of Commercial Space are any uses within 1-4 family, residential structures including garages or other out-buildings, and living spaces within hotels, motels, health care facilities, and dormitories. The following table gives examples of acceptable and unacceptable spaces:

Acceptable Spaces	Unacceptable Spaces
Dormitories / Motels / hotels: lobbies, offices, vending areas, hallways, exercise rooms, restaurants, etc.	Motel, or hotel guest rooms, or dormitory rooms
In a Multi-family building (five or more residential units): hallway, entrance or lobby, laundry facility, common recreation room accessible to all residents, etc.	Private residence space in any apartment or condominium unit, or assisted living facility.
Indoor, fully-enclosed parking garage	Open parking garage, parking lot, or driveway
7,000 square foot medical practice office with treatment facilities	Patient room in a hospital or extended care facility
2,100 square foot office for a commercial accounting practice	2,100 square foot office in the home of an accountant
1,000 square foot pharmacy	150,000 square foot warehouse

II. PROGRAM REQUIREMENTS

HOW TO PARTICIPATE IN THE COMMERCIAL LIGHTING PROGRAM

To receive an incentive from the Commercial Lighting Program, one must be a Business Partner. A new Business Partner Participation Agreement must be submitted to be eligible to receive incentives. **Participation Agreements from PON 809 (Small Commercial Lighting Program) are no longer valid.** The project has to be an identifiable lighting project with separate invoicing. Business Partners may also receive an incentive where they are the end user of the project. All Business Partners must provide their Federal Tax Identification Number. Details on becoming a Business Partner are described below and on the Program website at www.therightlight.org (“Website”).

In order to **maintain Business Partner status**, to be listed on the Website, and to receive Program incentives, the Business Partner **must submit at least one** Commercial Lighting Program Project Application **within six months** of signing the Participation Agreement.

A. Business Partner Requirements

A Business Partner may be a distributor, electrical or lighting contractor, designer, architect, engineer, ESCO, interior designer, manufacturer’s representative, or other lighting decision maker (collectively referred to as “Business Partners”) as defined below. Each Business Partner is assigned a Program Participant Identification Number once Program requirements have been met. NYSERDA reserves the right to revoke a Business Partner’s status if it fails to comply with the Terms and Conditions of the Program or if there is no Program-trained individual employed by the Business Partner.

1. **“Distributors”**: Electrical or lighting supply businesses may participate as a Business Partner. To do so, these entities must maintain a lighting specialist on its staff, must execute a Business Partner Participation Agreement (see **Attachment A**), and complete the Program training.

II. PROGRAM REQUIREMENTS (continued)

2. “Electrical Contractors” or “Contractors”: Electrical contractors or other businesses that perform lighting installations may participate as a Business Partner. To do so, these entities must execute a Business Partner Participation Agreement (see **Attachment A**) and complete the Program training.
3. Energy Service Companies (“ESCOs”): ESCOs that perform lighting upgrades and installations with agreements to deliver verifiable annual electric energy savings may participate as a Business Partner. To do so, these entities must execute a Business Partner Participation Agreement (see **Attachment A**) and complete the Program training.
4. Architects, Engineers, Lighting Designers, Interior Designers (“Designers”): To participate as a Business Partner, the business must employ an individual to provide lighting design services and perform such services for a fee. To participate, these entities must execute a Business Partner Participation Agreement (see **Attachment A**) and complete the Program training.
5. “Manufacturers” and “Manufacturer’s Representatives”: A manufacturer, a manufacturer’s representative, or other lighting professional who supplies equipment or services to commercial lighting projects may participate as a Business Partner. To do so, these entities must execute a Business Partner Participation Agreement (see **Attachment A**) and complete the Program training.

B. Eligibility Location Requirements

In order for Business Partners to participate, they must primarily target customers located in the following electric utility territories: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. (“Con Edison”), New York State Electric & Gas Corporation, National Grid Company, Orange & Rockland Utilities, Inc., or Rochester Gas and Electric Corporation.

The project qualifying for any incentive or award under this Program must be in a building that pays the System Benefits Charge to one of the aforementioned utilities. This requirement applies to all Business Partners.

C. Eligible Projects

A project is a qualifying lighting project (“Project”) if it is a space between 1,000 and 100,000 square feet and is either: 1) a lighting improvement project in a Commercial Space that meets the Program qualifying criteria for color rendering, spacing, mean illuminance, and energy use, as listed on the project worksheets which are a part of the Project Installation and Design Incentive Application Form (**Attachment B**); or 2) a design for a lighting project and its installation. Design projects must also meet the luminous intensity criteria.

D. Post-Installation Verification

NYSERDA reserves the right to have the Program Administrator contact the occupant listed in the application form to schedule a verification visit, or a visit for other NYSERDA promotional or program-related purposes. The purpose of the verification visit shall be to provide the Program Administrator an opportunity to confirm qualification for incentive payment and to evaluate the Project to determine effectiveness, including the kW reduction and energy savings, for Program evaluation purposes.

The Business Partner will use its best efforts to obtain permission from the occupant for NYSERDA or its Program Administrator to access the site and perform a verification visit. If NYSERDA or its Program Administrator determines that the Project is not consistent with the Program requirements, the Program Administrator may require changes before NYSERDA makes any incentive or award payment.

E. Maintaining Business Partner Status

In order to maintain Business Partner status, to be listed on the Program website, and to receive Program incentives, the Business Partner must submit at least one Commercial Lighting Program Project Application within six months of signing a new Business Partner Participation Agreement.

III. APPLICATION REQUIREMENTS

NYSERDA has up to \$460,000 available for Program incentives under this PON. To be eligible for incentives under this PON, Projects greater than 25,000 square feet must be completed on or after January 1, 2009. Projects less than 25,000 square feet must be completed on or after November 1, 2008.

Applications will be accepted on a first-come, first-served basis until May 31, 2010, or until funds are fully committed, whichever occurs first. If there are insufficient funds available to fund applications, NYSERDA will notify the applicant that the application will be placed on a waiting list until more funds become available or that the Program has ended and no further applications will be accepted.

Any individual Business Partner is limited to receiving a maximum of \$50,000 of total incentive payments under this PON. Any incentives received under previous PONs will not be applied towards the cap for this PON.

Applications for incentives may be obtained by contacting the Program Administrator at the Program hotline toll-free at 866-698-8177, or by downloading directly from the Program website at www.therightlight.org.

Only a complete application that includes the required information and other required documentation identified by the application will be processed for incentive payments. Additional documentation may be required by NYSERDA at its discretion.

Completed applications, including supporting documentation, must be signed and dated, and forwarded to the following address:

New York Energy \$martSM Commercial Lighting Program
c/o ICF International
215 Washington Ave Ext, Unit 2
Albany, NY 12205

IV. PROGRAM INCENTIVES AND AWARDS

A. DESIGN, PROJECT AND “BREAK-THE-ICE” INCENTIVES

1. DESIGN INCENTIVES

Only **Business Partner Designers**, as defined in this PON, are eligible to receive Design Incentives and the associated Bonuses described in this section

- **Phase I Design Incentive:** Paid to Business Partner Designers who submit an application (**see Attachment B**) documenting the design of a Project (“Design Project”). Upon approval of the application, a Design Certificate of Compliance Number will be assigned.
- **Phase II Design Implemented Incentive:** Paid to Business Partner Designers who submit an application with the Design Certificate of Compliance Number for Phase I and documentation that the Phase I design was installed. NYSERDA will pay only one Phase I and one Phase II Design Incentive per Project.
- **Design Project Technology Bonus:** Paid to Business Partner Designers based on the square footage of the space where specific technologies are used. The eligible technologies will be listed in the application materials. Notification of changes to the eligible technologies will be published in the Program newsletter stating that the application materials have been revised.
- **Performance Bonus:** Paid to Business Partner Designers for projects using 20%, 35%, or 50% less energy than the ECCCNY 2007.
- **Bonus for projects in Con Edison Territory:** Additional incentives paid to a Business Partner Designer for a Project completed for a Con Edison customer.

Type of Incentive	Basis	Incentive Amount
Design Incentive	Phase I – 1,000 to 25,000 sq ft	\$500
	Phase I - 25,001 to 100,000 sq ft	\$0.020 per sq ft
	Phase II	\$500
Design Project Technology Bonus	Square footage of affected space	\$0.010 per sq ft
Design Project Phase I Performance Bonus	20% below ECCCNY	\$0.005 per sq ft
	35% below ECCCNY	\$0.010 per sq ft
	50% below ECCCNY	\$0.015 per sq ft
Con Edison Territory Bonus: Design Incentive	Phase I – 1,000 to 25,000 sq ft	\$300
	Phase I - 25,001 to 100,000 sq ft	\$0.005 per sq ft
	Phase II	\$500

IV. PROGRAM INCENTIVES AND AWARDS (continued)

2. PROJECT AND BREAK-THE-ICE INCENTIVES

Only Business Partner Distributors, Contractors, ESCOs, Manufacturers, and Manufacturer’s Representatives, as defined in this PON, are eligible to receive Project Incentives, and associated Bonuses, and Break-the-Ice Incentives described in this section.

- *Project Installation Incentive*: Incentives based on square footage paid to Business Partners who submit an application (see **Attachment B**) documenting installation of a Project. NYSERDA shall only pay Project Installation Incentives for up to two (2) Projects per Project end-user in the same building.

A Business Partner is eligible to receive a Project Installation Incentive on a Project for which a Business Partner Designer has also received a Design Incentive,

If two or more Business Partners (excluding Business Partner Designers) work on the installation of the same Project, the Business Partners may submit a joint application for a Project Installation Incentive. NYSERDA will split the Project Installation Incentive equally among the applicants. If separate applications are received, NYSERDA will pay the Project Installation Incentives requested and approved only on the first application received.

Project Technology Bonus: Paid to Business Partners based on the square footage of the space where the specific technologies are used. The eligible technologies will be listed in the application materials. Notification of changes to the eligible technologies will be published in the Program newsletter stating that the application materials have been revised.

Performance Bonus: Paid to Business Partners for projects using 20%, 35%, or 50% less energy than the ECCCNY 2007.

- *Bonus for projects in Con Edison Territory*: Additional incentives paid to a Business Partner for a project completed for a Con Edison Electric Company customer.
- *Break the Ice Incentive*: Paid to a Contractor or ESCO who is also a Business Partner for successfully submitting their first Project.

Type of Incentive	Basis	Incentive Amount
Project Incentive	1,000 to 5,000 sq ft	\$500
	5,001 to 15,000 sq ft	\$750
	15,001 to 25,000 sq ft	\$1,000
	25,001 to 100,000	\$0.030 per sq ft
Project Technology Bonus	Square footage of affected space	\$0.010 per sq ft
Project Performance Bonus	20% below ECCCNY	\$0.010 per sq ft
	35% below ECCCNY	\$0.020 per sq ft
	50% below ECCCNY	\$0.030 per sq ft
Con Edison Territory Bonus: Project Incentive	up to 5,000 sq ft	\$250
	up to 15,000 sq ft	\$375
	up to 25,000 sq ft	\$500
	25,001 to 100,000 sq ft	\$0.015 per sq ft
“Break the Ice” Incentive	First Project for Contractors and ESCOs only	\$500

IV. PROGRAM INCENTIVES AND AWARDS (continued)

B. INSTALLATION COMPETITION AWARDS

Eligible Activity	Eligible Applicant (see definitions below)	Target Achievement	Unit Amount
Installation Competition Awards	Small Contractors	greatest number of Projects in a given quarter	\$1,000
	Small Contractors	greatest square footage of Project floor area in a given quarter	\$1,000
	Large Contractors	greatest number of Projects in a given quarter	\$1,000
	Large Contractors	greatest square footage of Project floor area in a given quarter	\$1,000
	Small Distributors	greatest number of Projects in a given quarter	\$1,000
	Large Distributors	greatest number of Projects in a given quarter	\$1,000
	ESCOs	greatest number of Projects in a given quarter	\$1,000
	Designers	greatest number of Design Projects in a given quarter	\$1,000
	Manufacturer Reps	greatest number of Projects in a given quarter	\$1,000

1. DETERMINATION OF AWARD WINNERS

For purposes of the Installation Competition, Business Partner Contractors and Business Partner Distributors are grouped by the size of the company into four categories, as follows:

- Small Contractors have fewer than 30 permanent full-time employees.
- Large Contractors have 30 or more permanent full-time employees.
- Small Distributors have fewer than three service centers under their corporate name.
- Large Distributors have three or more service centers.

To compete, a Business Partner Distributor who completes a minimum of five Projects in a given quarter shall have all Projects entered into the appropriate award categories described above. The nine Awards shall be determined as outlined in the table above.

A Business Partner Distributor will receive credit for involvement in a Project, if an equipment invoice was submitted with the Project Installation Incentive application showing the Business Partner Distributor as the seller of lighting equipment or controls.

2. ANNOUNCEMENT OF AWARDS

The winners of the Installation Competition awards will be announced on a quarterly basis. Quarters are defined as February through April, May through July, August through October, and November through January. Awards will be made during the month following the end of the quarter.

3. LIMITATIONS

NYSERDA reserves the right to make no Competition Awards. NYSERDA reserves the right not to promote the Competition Award in any fashion.

IV. PROGRAM INCENTIVES AND AWARDS (continued)

C. DEMONSTRATION PROJECT AWARDS

Eligible Activity	Eligible Business Partner	Target Achievement	Unit Amount
Demonstration Project Awards	Open to all Business Partners	Projects > 5,000 sq. ft. that meet all 6 project design criteria and showing the most innovation, transferability, and cost efficiency.	\$1,500

1. AWARDS

During the term of this PON, NYSERDA intends to make awards of \$1,500 for up to ten projects selected as Demonstration Projects. Only projects that are greater than 5,000 sq. ft. **and that meet all 6 project design criteria** are eligible to be selected. Periodically NYSERDA and its Program Administrator will do a preliminary selection from the pool of Projects. The Business Partner for the selected Project will be requested to submit the Demonstration Project Award Application (see **Attachment C**).

The main criteria for selecting these projects will be:

- a) **Innovation.** Projects will be evaluated on how well they demonstrate the attributes of effective, energy-efficient lighting systems including code compliance and the use of applicable controls. Additionally, Projects that show an influence from the Program tools provided through Program training are desirable.
- b) **Transferability and educational value.** Projects will be evaluated based on their ability to demonstrate effective, energy-efficient lighting approaches that may be applied widely to other projects within the particular end-use sector (e.g., retail, health care, office, hospitality, etc.) and to locations across the State.
- c) **Cost efficiency.** Projects will be evaluated on a cost per square foot criterion. Additionally, designs utilizing commonly accessible equipment and installation practices are desirable.
- d) **Promotional value.** Projects will be evaluated on their ability to provide a high profile Project with familiar name recognition.
- e) **Case study potential.** Emphasis will be placed on augmenting the existing portfolio of case studies produced by the Program for diversity across all pertinent end-use sectors.

2. LIMITATIONS

Participants are limited to receiving no more than two Demonstration Project Awards. For jointly submitted applications, each co-applicant will be credited for one Demonstration Project Award.

NYSERDA reserves the right to make no Demonstration Project Awards. NYSERDA reserves the right not to promote the Demonstration Project Award in any fashion.

3. INSPECTIONS

NYSERDA will inspect all Demonstration Projects to verify satisfactory completion of the Project. If the Project cannot be inspected due to denial of access, the Project will be disqualified from further consideration.

IV. PROGRAM INCENTIVES AND AWARDS (continued)

D. NCQLP LIGHTING CERTIFICATION EXAMINATION INCENTIVES

Eligible Activity	Eligible Applicant	Target Achievement	Unit Amount
Lighting Certification Examination Incentives	Full-time employee of a Business Partner	Completing the NCQLP Lighting Certification exam	\$300

The National Council on Qualifications for the Lighting Professions (“NCQLP”) is an independent certifying body whose mission is to “protect the well-being of the public through effective, efficient lighting practice.” To accomplish this, NCQLP offers the Lighting Certification Examination as part of a certification process by which practitioners in lighting and related fields demonstrate their knowledge of the lighting industry and their commitment to provide effective, energy-efficient lighting installations.

The Lighting Certified (“LC”) credential demonstrates to clients/customers and peers that the holder has acquired the necessary knowledge, understanding, and ability to apply lighting principles and techniques successfully.

NYSERDA supports NCQLP and its mission and encourages lighting professionals to complete the LC Examination by offering this incentive.

1. ELIGIBILITY

Any individual who is a full-time employee of a Business Partner and completes the Lighting Certification Examination after 10/30/07 is eligible to apply for the incentive (**See Attachment D**).

2. INCENTIVES

NYSERDA will pay a one-time incentive of \$300.

3. PROCESS FOR RECEIVING INCENTIVE

Applicants must provide 1) a Proof of Registration for the NCQLP Lighting Certification Examination; 2) proof of payment for the exam; and 3) their social security number.

4. LIMITATIONS

NYSERDA will pay the incentive to the applicant on the condition that the applicant is not being or has not been reimbursed by any other third party, including his or her employer, for the same expenses. NYSERDA reserves the right to deny an application if it is determined that the applicant did not take the exam.

IV. PROGRAM INCENTIVES AND AWARDS (continued)

E. COMMERCIAL LIGHTING WEB PROMOTION

Type of Incentive	Basis	Incentive Amount
Commercial Lighting Web Promotion	NYSERDA's approval of promotional material	\$150

1. ELIGIBILITY

Active Business Partners (those submitting at least one qualified project or design project) who also announce that they are Business Partners on their web site (along with a link to the Website) or in other promotional materials, such as direct mail pieces are eligible to apply for this incentive (**See Attachment E**).

2. INCENTIVES

NYSERDA will pay a one-time incentive of \$150.

3. PROCESS FOR RECEIVING INCENTIVE

The one-time \$150 incentive requires the use of one of several NYSERDA-approved catch phrases which will be provided upon request and will also be available on the Program website. To receive the incentive, Business Partners must submit Attachment E and provide evidence of NYSERDA pre-approval for all materials, and a copy of the web page containing the pre-approved wording or a copy of other promotional materials using pre-approved wording.

4. LIMITATIONS

Participants are limited to receiving no more than one incentive. NYSERDA reserves the right to deny an application if it is determined that the Business Partner did not use the promotional materials or post the link on their web site.

V. GENERAL CONDITIONS

PROPRIETARY INFORMATION - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your application. The applicant should determine whether the information is critical for evaluating an application or whether general, non-confidential information, may be adequate for review purposes. The New York State 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 applicant wishes to have treated as proprietary, including confidential trade secret information should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 www.nyserda.org/nyserda.regulations.pdf. 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.

V. GENERAL CONDITIONS (continued)

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development
Division For Small Business
30 South Pearl Street
Albany, NY 12245

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street
Albany, NY 12245

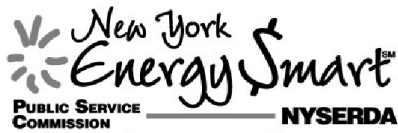
CONTRACT AWARD - NYSERDA anticipates making multiple awards under this solicitation. NYSERDA may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Applications will be processed on a first-come, first-served basis until March 31, 2008 or until funds are committed, whichever comes first. NYSERDA may request additional data or material to support applications. NYSERDA expects to notify applicants in approximately 4 weeks from the receipt of an application whether the application has been selected to receive an award.

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.

DISCLOSURE REQUIREMENT - The proposer shall disclose any indictment for an alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances.

VI. ATTACHMENTS

- A: Business Partners' Participation Agreements and Terms and Conditions
- B: Project Installation and Design Incentive Application Form
- C: Demonstration Project Award Application Form
- D: NCQLP Lighting Certification Examination Incentive Application Form
- E: Web Promotion Incentive Application Form



ATTACHMENT A
**Business Partners Commercial Lighting Program
Participation Agreement**

(This Agreement Expires May 31, 2010)

The **New York Energy \$martSM** Business Partners Commercial Lighting Program (“Program”) promotes effective, energy-efficient lighting solutions for commercial spaces. The Program provides lighting professionals with tools and resources to leverage the principals of effective, energy-efficient lighting design as a profitable business strategy.

REQUIREMENTS FOR PARTICIPATION AND RECEIPT OF INCENTIVES AND AWARDS ARE FULLY DESCRIBED IN PROCUREMENT OPPORTUNITY NOTICE (“PON” 1059) AND SHOULD BE REVIEWED PRIOR TO EXECUTING THIS AGREEMENT.

_____ (“Business Partner”) agrees to Participate with the New York State Energy Research and Development Authority (“NYSERDA”) in the Program. Business Partner agrees to support the Program by promoting effective, energy-efficient lighting as an easy and desirable approach for organizations to improve their lighting environment and save energy resources. Business Partner has participated in Program training and has read the Program materials, including PON 1059, and agrees to abide by the requirements of the Program. The terms of the PON, this Participation Agreement, including its Terms and Conditions, collectively shall be referred to as the “Agreement.”

Our Company already has a Participation Number Our Company does not have a Participation Number

This Agreement is completely voluntary and can be terminated at any time for any reason by NYSERDA or the Business Partner.

Pursuant to the Program, NYSERDA offers to the Business Partner:

- ◆ **Training** to identify techniques that increase sales of efficient lighting systems.
- ◆ **Design tools.**
- ◆ **Promotional materials** such as Program literature.
- ◆ **Technical assistance** including phone support and limited on-site assistance.
- ◆ **Publicity** through the Program Website and case studies.

Pursuant to PON 1059, NYSERDA will pay Incentives and Awards to Business Partner for Projects and other activities, which may include the following:

- ◆ **Cash Incentives** for the design or installation of eligible Projects.
- ◆ **Quarterly Competition Awards and Demonstration Project Awards**
- ◆ **Cash Incentives** for employees who complete the National Council on Qualifications for the Lighting Professions (NCQLP) Lighting Certification (LC) Exam.
- ◆ **Cash Incentives** for web promotion and marketing materials for **Business Partner** identifying their business with the Program.

(Note: Cash incentives and awards under the Program may be taxable. Consult your tax advisor)

Business Partner agrees to promote the use of effective, energy-efficient lighting products and promote effective lighting designs to commercial customers. Business Partner further agrees to abide by the terms of the Agreement. Throughout its efforts, Business Partner also agrees to the following:

- ◆ **Accurately Representing the New York Energy \$martSM Business Partners Commercial Lighting Program** and Business Partner's relationship to NYSERDA.
- ◆ **Submit at least one Commercial Lighting Program Project Application within six months of signing this Participation Agreement.** This requirement must be met to maintain Business Partner status, to be listed on the Website, and to receive Program incentives.

NYSERDA may revoke the status of the Business Partner if it does not meet all Program requirements or **employ at least one Program-trained individual.**

Type of Business Partner (see Section II: Program Requirements of PON 1059):

- Electrical Contractor**
- ESCO**
- Distributor**
- Designer (including architects and engineers),**
- Interior Designer**
- Other Lighting Practitioner (e.g., Manufacturer or Manufacturer Rep)**

Accepted and Agreed to:

Business Partner (**Organization Name**): _____

Signature: _____ Date: _____

Print Name: _____ Location: _____

Title: _____ Fed. Tax ID # _____

Email Address _____

Signature: _____ Business Partner ID # _____
NYSERDA Signature (assigned by the Program)

COMMERCIAL LIGHTING PROGRAM
TERMS AND CONDITIONS for Business Partners

1. Incentive and Award Payments

NYSERDA shall pay the Incentives and Awards in accordance with and subject to the provisions of NYSERDA's Prompt Payment Policy after the Program Administrator has verified satisfactory conformance with Program requirements. The Prompt Payment Policy is available on NYSERDA's website at www.nyserda.org/Funding/stdforms.asp.

2. Return of Incentive and Award Amounts

Business Partner agrees to return an Incentive or Award if, at any time, the Program Administrator learns that the Project as described in the Application was not completed in compliance with this Agreement.

3. Limited Scope of Review

The scope of review by NYSERDA and its Program Administrator of the eligible Projects is limited solely to determining whether Program conditions have been met for NYSERDA's Program purposes. It does not include any kind of safety, code or other review and the Business Partner shall not be entitled to rely upon NYSERDA's or its Program Administrator's review of the design and installation of the measures for any reason whatsoever.

4. Changes

- (a) Aspects of the Program may be changed by NYSERDA at any time without notice. Approved Applications, however, will be processed to completion under the terms in effect at the time of the approval of the Application by the Program Administrator.
- (b) NYSERDA reserves the right, for any reason, to stop accepting Incentive and Award Applications at any time without notice.

5. Indemnification

The Business Partner shall protect, indemnify, and hold harmless NYSERDA and the State of New York from and against all liabilities, losses, claims, damages, judgments, penalties, causes of action, costs and expenses (including, without limitation, attorney's fees and expenses) imposed upon or incurred by or asserted against NYSERDA or the State of New York resulting from, arising out of or relating to the performance of this Agreement. The obligations of the Business Partner under this section shall survive any expiration or termination of this Agreement.

6. No Warranties

- (a) NYSERDA does not endorse, guarantee, or warrant any particular manufacturer or product, and NYSERDA provides no warranties, expressed or implied, for any product or services. The Business Partner reliance upon warranties is limited to any warranties that may arise from, or be provided by, other Program participants, installation contractors, vendors, etc.
- (b) The Business Partner acknowledges that neither NYSERDA nor the Program Administrator are responsible for assuring that the design, engineering and installation of lighting equipment are proper or comply with any particular laws (including patent laws), codes, or industry standards. NYSERDA does not make any representations of any kind regarding the results to be achieved by the lighting project or the adequacy or safety of the lighting project.

7. Tax Liability

NYSERDA or the Program Administrator will not be responsible for any tax liability imposed on the Business Partner as a result of the payment of cash Incentives or Awards.

8. Miscellaneous

- (a) This Agreement is the entire agreement between the parties and supersedes all other communications and representations.
- (b) NYSERDA may exercise any or all of the rights of the Program Administrator, with or without notice, at any time at its election.
- (c) The Program Administrator is not an agent of NYSERDA and is administering the Program as an independent contractor.
- (d) Business Partners may be asked to cooperate with NYSERDA evaluation contractors in support of evaluation efforts.

9. Insurance

The Business Partner shall maintain general liability insurance coverage of at least \$1 million.

ATTACHMENT B

NEW YORK ENERGY \$SMARTSM COMMERCIAL LIGHTING PROGRAM
PROJECT INSTALLATION AND DESIGN INCENTIVE APPLICATION FORM

Section 1. Applicant Information
Business Partner ID#
Business Partner Type: Contractor ESCO Distributor Designer Other (Manufacturer or Rep)
Business Name Contact Name
Applicant Address Phone
City State Zip Fax
Federal Tax ID# E-mail

Section 2. Co-Applicant Information
Business Name of Co-Applicant #1 Contact Name
Co-Applicant #1 Federal Tax ID# Business Partner ID#
Business Name of Co-Applicant #2 Contact Name
Co-Applicant #2 Federal Tax ID# Business Partner ID#

Section 3. Project Site Information
Building/Project Name Contact Name
Project Address Contact Phone Fax
City State Zip Estimated Square Footage of Project
Electric utility Provider:
Rochester Gas & Electric New York State Electric & Gas Corp. Con Edison (Eligible for Bonus)
National Grid Central Hudson Gas & Electric Corp. Orange and Rockland Utilities
Will other NYSERDA Program Incentives be applied for under this project? Yes No
If yes, which Program? PON#

Section 4. Mailing Information (if different from above)
Business Name Contact Name
Address Phone
City State Zip Fax

Section 5. Which of The Following Best Describes This Lighting Project?
Remodel/renovation in an existing building New equipment for new occupancy (3)
New equipment for expanding operation (2) Unexpected fixture replacement (4)
How long since the last lighting upgrade? years How long has occupant been in this space? years
Age of Building years

Section 6. Incentive(s) Requested
Project Installation Incentive
Design Incentive (Business Partner Designers Only)
Bonus for projects in Con Edison Territory
Break the Ice Incentive (Contractors Only)

Section 7. Required Supporting Documentation Checklist
Project Information Worksheets or other authorized documentation of criteria compliance
Fixture/Equipment specification sheets Equipment Invoices (not required for Design Phase I)

Section 8. Certification Statement: I certify that all information provided in this application, including all items required by Section 7, is true and complete. It is understood that the terms and Conditions included in the Business Partner Participation Agreement apply to this application. I further certify that I have met all of the requirements applicable to the requested incentive.
Applicant Signature Date
Co-applicant #1 Signature (if applicable) Date
Co-applicant #2 Signature (if applicable) Date

ATTACHMENT C
NEW YORK ENERGY \$SMARTSM COMMERCIAL LIGHTING PROGRAM
DEMONSTRATION PROJECT AWARD APPLICATION FORM

Section 1. Applicant Information		Business Partner ID # _____
Business Partner Company Name _____	Contact Name _____	
Company Address _____	Phone _____	
City _____ State ____ Zip _____	Fax _____	
Federal Tax ID # _____	Email _____	

Section 2. Co-Applicant Information (If award is to be shared with another Ally)	
Business Name of Co-Applicant #1 _____	Contact Name _____
Co-Applicant #1 Federal Tax ID# _____	Business Partner ID# _____
Business Name of Co-Applicant #2 _____	Contact Name _____
Co-Applicant #1 Federal Tax ID# _____	Business Partner ID# _____

Section 3. Project Information	
Building/Project Name _____	Contact Name _____
Company Address _____	Phone _____
City _____ State ____ Zip _____	Fax _____
Project Size _____	Email _____
NOTE: Projects must be a minimum of 5,000sf to qualify and must meet all Program criteria	

Section 4. Incentive Requested
<input type="checkbox"/> Demonstration Project Award: \$1,500
NOTE: If joint application by two or more Business Partners, the \$1,500 award will be split equally.

Section 5. Required Supporting Documentation Checklist
<input type="checkbox"/> Signed Consent to Access and Publicize Agreement (must be signed by occupant or facility owner)
<input type="checkbox"/> Completed Project Application including invoices

Section 6. Certification Statement	
I certify that all information provided in this application, including all items required by Section 5, is true and complete. It is understood that the terms and Conditions included in the Business Partner Participation Agreement apply to this application. I further certify that I have met all of the requirements applicable to the requested Award.	
Applicant Signature _____	Date _____
Co-applicant #1 Signature (if applicable) _____	Date _____
Co-applicant #2 Signature (if applicable) _____	Date _____
Send Completed Form To:	New York Energy \$smartSM Commercial Lighting Program c/o ICF International 215 Washington Avenue Ext, Unit 2 Albany, NY 12205

Reserved fro Program Administration Use Only	
Application Reviewed by _____	Administrator Authorization by _____
Date _____	Date _____
Authorized Incentive _____	Application Reference # _____

New York Energy \$martSM
Commercial Lighting Program
Consent to Access and Publicize Agreement

The **New York Energy \$martSM** Commercial Lighting Program (“CLP” or “Program”) promotes effective, energy-efficient lighting solutions for commercial spaces. CLP provides lighting professionals with tools and resources to leverage the principals of effective, energy-efficient lighting design as a profitable business strategy.

I agree to give permission for Program Representatives to access my premises located at:

_____.

The purpose of this visit is to verify for evaluation purposes that the project meets Program guidelines and/or to gather information for publicity purposes and to take photographs for promotional purposes. I agree that Program Representatives shall have the right to use information concerning the installation and operation of the lighting system installed through the Program, including specifications, data and photographs, in the promotion and marketing of the Program and other NYSERDA programs. This includes permission to reproduce the photographs and to post photographs on the Program web site and to allow web site visitors to download and use reproductions of those photographs as they wish. I understand that the visit will be scheduled at a time convenient to me.

I understand that not all installations will be publicized.

I understand that NYSERDA does NOT make any warranty or representation of any kind regarding installation or implementation for any products or services associated with the aforementioned lighting installation, the results to be achieved by the installation, or its adequacy or safety. Reliance upon warranties is limited to any warranties that arise from, or are provided by installation contractors, vendors, manufacturers or sub-contractors.

I understand that neither NYSERDA nor its Program Representatives are responsible for assuring that the design, engineering and installation of lighting equipment are proper or comply with any particular laws (including patent laws), codes, or industry standards.

I release NYSERDA and its Program Representatives from all claims and liability relating to the lighting project or promotional activities.

Company Address _____ Phone _____

City _____ State _____ Zip _____ Fax _____

Contact Name _____ Title _____

Signature _____ Date _____

Return this Consent to Access and Publicize Agreement to:

New York Energy \$martSM
Commercial Lighting Program
c/o ICF International
215 Washington Ave Ext , Unit 2
Albany, NY 12205
Phone (518) 452-5986
Fax: (518) 452-2149

ATTACHMENT D

**NEW YORK ENERGY \$SMARTSM COMMERCIAL LIGHTING PROGRAM
NCQLP LIGHTING CERTIFICATION EXAMINATION INCENTIVE APPLICATION FORM**

Section 1. APPLICANT INFORMATION

Name of Applicant _____ Social Security # ____ - ____ - ____

Home Address (Incentive Check will be mailed to your home address only):

Address _____

City _____ State _____ Zip Code _____

Email _____

Name of Business Partner (Company Name) _____

Address _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____

Business Partner ID # _____

Section 2. EXAMINATION INFORMATION

Examination Date _____ Examination Location _____

City _____ State _____

Section 3. REQUIRED SUPPORTING DOCUMENTATION CHECKLIST

NCQLP Lighting Certification Examination Proof of Registration Proof of Payment

Section 4. CERTIFICATION STATEMENT

I am including with this application Proof of Registration for the NCQLP Lighting Certification Examination Notification Letter that indicates that I registered for the examination. I certify that all information provided in this application is true and complete. I certify that I have not been reimbursed for the examination fee by my employer or another entity. It is understood that the Terms and Condition included in the Business Partner Participation Agreement apply to this application. It is further understood that if I do not complete the exam, NYSERDA reserves the right to deny this application. I further certify that I have met all of the requirements applicable to the requested incentive.

Applicant Signature _____ Date _____

Send Complete Form To:

New York Energy \$smartSM
Commercial Lighting Program
c/o ICF International
215 Washington Avenue Ext, Unit 2
Albany, NY 12205

Reserved fro Program Administration Use Only

Application Reviewed by _____

Date _____

Authorized Incentive _____

Administrator Authorization by _____

Date _____

Application Reference # _____

ATTACHMENT E
NEW YORK ENERGY \$SMARTSM COMMERCIAL LIGHTING PROGRAM
PROMOTION INCENTIVE APPLICATION FORM

Section 1. Applicant Information	Business Partner ID # _____
Business Partner Company Name _____	Contact Name _____
Company Address _____	Phone _____
City _____ State ____ Zip _____	Fax _____
Federal Tax ID # _____	Email _____

Section 2. Incentive Requested
 Promotion Incentive: \$150

NOTE: This incentive rewards active Business Partners (those submitting at least one qualified project or design project) who also announce that they are Business Partners on their web site (along with a link to the Commercial Lighting web site) or in other promotional materials, such as direct mail pieces. The incentive requires the use of one of several NYSERDA-approved catch phrases which will be provided upon request and will also be available on the Program website. Business Partners must receive pre-approval for all materials in order to receive the incentive.

Section 3. Required Supporting Documentation Checklist

Verification of Pre-Approval
 Copy of web page containing pre-approved wording
 Copy of other promotional materials

Section 4. Certification Statement

I certify that all information provided in this application, including all items required by Section 3, is true and complete. It is understood that the terms and Conditions included in the Business Partner Participation Agreement apply to this application. I further certify that I have met all of the requirements applicable to the requested incentive.

Applicant Signature _____ Date _____

Send Completed Form To:

New York Energy \$smartSM
Commercial Lighting Program
c/o ICF International
215 Washington Avenue Ext, Unit 2
Albany, NY 12205

Reserved for Program Administration Use Only	
Application Reviewed by _____	Administrator Authorization by _____
Date _____	Date _____
Authorized Incentive _____	Application Reference # _____