

# NJ SmartStart Buildings® Program Terms and Conditions FY2020 (July 1, 2019 – June 30, 2020)

## Eligibility

1. This application package must be received by the Program Manager on or before June 30, 2020 in order to be eligible for the fiscal year program (July 1, 2019 - June 30, 2020) incentives. All participating customers are required to submit the most current application form. All submissions will be reviewed based on the current program requirements and incentive levels approved by the Board of Public Utilities.
2. Program Incentives are available to non-residential retail electric and/or gas service participating customers of New Jersey Utilities. A participating customer must pay Societal Benefits Charges under a New Jersey Utility account serving the fuel type (electric or gas) applicable to the specific Energy-Efficient Measure. Participating customers who have not contributed to the Societal Benefits Charge of the applicable New Jersey Utility are not eligible for incentives offered through this program. New Jersey Utilities include Atlantic City Electric, Jersey Central Power & Light, Rockland Electric Company, New Jersey Natural Gas, Elizabethtown Gas, PSE&G and South Jersey Gas.
3. Each utility account requires a complete, separate application. Projects for the same utility account and the same technology being done at the same time should be submitted on one application.
4. Requirements regarding Initial Applications and Pre-installation Approvals
  - a. All Custom applications must be approved by the Program Manager prior to installation.
  - b. Prescriptive Lighting, Performance Lighting, and Prescriptive Lighting applications seeking an incentive  $\geq$ \$100,000 must be approved by the Program Manager prior to installation. For any other Prescriptive applications, installation may proceed without the Program Manager's approval.
  - c. Any installation implemented without the Program Manager's approval is at the applicant's own risk that, among other things, the application will be rejected.
  - d. Applications that do not require the Program Manager's approval prior to installation must be submitted within 12 months of equipment purchase. Sufficient documentation must be provided confirming the date of equipment purchase (material invoice, purchase order, etc.).
5. In order to be eligible for program incentives, a participating customer or an agent (contractor/vendor) authorized by a participating customer, must submit a properly completed application package that is signed by the participating customer. A complete application package should include all documentation listed in the checklist section of the application.
6. Applications signed by someone other than the customer require a letter of authorization.
7. Project invoices submitted after installation should list both the labor and material costs separately. The invoice should include a description of the equipment installed, quantity, and unit price. For projects that are self-installed by the participating customer, a signed letter on participating customer letterhead may be provided in lieu of a labor invoice attesting to the start and end dates of the self-installation.
8. Energy-Efficient Measures must be installed in buildings located within a New Jersey Utilities' service territory and designated on the participating customer's incentive application.
9. Program Incentives are available for qualified Energy-Efficient Measures as listed and described in the Program materials and incentive applications.
10. The participating customer must ultimately own the equipment through an up-front purchase. Equipment procured by participating customers through another program offered by New Jersey's Clean Energy Program or the New Jersey Utilities, as applicable, are not eligible for incentives through this program.
11. Incomplete application submissions, applications requiring inspections and unanticipated periods of high volume may cause processing delays.

## Incentive Amounts

1. Program Incentives will not exceed:
  - a. the approved Program Incentive amount, or
  - b. total project cost of the Energy-Efficient Measure, whichever is less, excluding NJ state sales tax as determined by the Program Manager. Project costs include the expenses directly associated with the Energy-Efficient Measure.
2. Products offered at no direct cost to the participating customer are ineligible.
3. Program Incentives are limited to \$500,000 per utility account in a fiscal year.
4. Entities owned or operated by Municipalities, K-12 public schools, and customers located in UEZs or OZs zones may be eligible for an enhanced incentive equal to an additional 100% of the incentive values set forth in the incentive table for each technology, but subject to a cap of the applicant's cost for the project (material and labor). The foregoing does not include new construction.

## Inspections

The Program Manager reserves the right to conduct a pre-inspection of the facility prior to the installation of equipment for Prescriptive Lighting, Performance Lighting and Prescriptive Lighting Controls applications with an incentive  $\geq$ \$100,000 and all Custom Measures applications. Pre-inspections will be performed prior to the issuance of the approval letter. Work must not begin prior to formal Program Manager approval of the application.

1. All projects are subject to post-inspection to confirm equipment installation prior to payment.
2. The Program Manager reserves the right to verify sales transactions and to have reasonable access to Participating Customer's facility to inspect pre-existing product or equipment (if applicable) and the Energy-Efficient Measures installed under this Program, prior to issuing

incentives or at a later time.

3. The applicant shall allow reasonable access to the property to inspect the installation and performance of the technologies and installations that are eligible for incentives under the guidelines of New Jersey's Clean Energy Program.

## Tax Clearance Certificate Requirements

1. Participating customers must provide a Tax Clearance Form (entitled "Business Assistance or Incentive Clearance Certificate") for Board of Public Utilities use.
2. The name of the customer listed on the certificate must match the participating customer name listed on the utility bill and the application.
3. The participating customer tax ID listed on the application must agree with the tax ID listed on the Certificate.
4. Certificates are valid for 180 days and must be valid on the date the Program Manager signs off on the incentive.

## Deficient Applications

1. If an application package is incomplete, information is missing or deemed insufficient, a deficiency notice will be sent to the participating customer requesting additional information via e-mail. The information or documentation requested on the letter must be received by the Program Manager within 30 days of the date of the request. If additional deficiencies are still noted, there will be up to two additional notifications issued with the same time frames.
2. If a participating customer fails to respond to a deficiency request within 30 days or exceeds the three attempts provided, the application will be cancelled. If a project is cancelled, participating customers may re-apply under the program incentives and requirements in place at the time of re-application.

## Expirations

1. Pre-approved projects are given a one-year approval in which the proposed measure is to be installed and operational. When a project has expired the participating customer will have 30 days to either submit a request for an extension OR submit final project paperwork. If no response is received within 30 days of expiration, the project will be cancelled.
2. Extension requests must be in writing from the participating customer and include the circumstances that led to the extension request, and the percentage of the project completed.
3. Extension requests may be granted for a period no longer than six (6) months. The Program Manager may provide up to two, six month extensions from the original approval expiration date.
4. Upon expiration, if the project has not started and the participating customer is still interested in installing the equipment, the existing application will be cancelled and a new application package must be submitted, which will be reviewed under the program incentives and requirements in place at the time of re-submittal.

## Change in participating customer name/payee after pre-approval

To initiate a change to the participating customer name or payee on an approved application, the following documentation must be provided:

1. A signed letter on participating customer letterhead authorizing the change or a new, fully-signed application reflecting the updated participating customer or payee name; or
2. For name change of the applicant/customer, a utility bill in the name of the new participating customer.

All such changes requests are subject to Program Manager approval. Certain requests may require additional information to be submitted as defined by the Program Manager.

## Tax Liability

The Program Manager will not be responsible for any tax liability that may be imposed on any participating customer as a result of the payment of Program Incentives. All Participating Customers must supply their federal tax identification number or social security number to the Program Manager on the application form in order to receive a Program Incentive.

## Prevailing Wage

Participating projects with a contract at or above current prevailing wage contract threshold amount set pursuant to the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.) are required to pay no less than prevailing wage rate to workers employed in the performance of any construction undertaken in connection with Board of Public Utilities financial assistance, or undertaken to fulfill any condition of receiving Board of Public Utilities financial assistance, including the performance of any contract to construct, renovate or otherwise prepare a facility, the operations of which are necessary for the receipt of Board of Public Utilities financial assistance. By submitting an application, or accepting program incentives, applicant agrees to adhere to New Jersey Prevailing Wage requirements, as applicable. By signing the application, the signatories agree to comply with the provisions of the New Jersey Prevailing Wage Act, N.J.S.A. 34: 11-56.25 et seq., (Act), if and to the extent that Act may apply to the work covered by the application. More information can be found at [https://www.nj.gov/labor/wagehour/regperm/public\\_contracts\\_general.html](https://www.nj.gov/labor/wagehour/regperm/public_contracts_general.html)

## Endorsement

The Program Manager and Administrator do not endorse, support or recommend any particular manufacturer, product or system design in promoting this Program.

## Warranties

THE PROGRAM MANAGER AND ADMINISTRATOR DO NOT WARRANT THE PERFORMANCE OF INSTALLED EQUIPMENT, AND/OR SERVICES RENDERED AS PART OF THIS PROGRAM, EITHER EXPRESSLY OR IMPLICITLY. NO WARRANTIES OR REPRESENTATIONS OF ANY KIND, WHETHER STATUTORY, EXPRESSED, OR IMPLIED, INCLUDING, WITHOUT LIMITATIONS, WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE REGARDING EQUIPMENT OR SERVICES PROVIDED BY A MANUFACTURER OR VENDOR. CONTACT YOUR VENDOR/SERVICES PROVIDER FOR DETAILS REGARDING PERFORMANCE AND WARRANTIES.

## Limitation of Liability

By virtue of participating in this Program, Participating Customers agree to waive any and all claims or damages against the Program Manager or the Administrator, except the receipt of the Program Incentive. Participating Customers agree that the Program Manager's and Administrator's liability, in connection with this Program, is limited to paying the Program Incentive specified. Under no circumstances shall the Program Manager, its representatives, or subcontractors, or the Administrator, be liable for any lost profits, special, punitive, consequential or incidental damages or for any other damages or claims connected with or resulting from participation in this Program. Further, any liability attributed to the Program Manager under this Program shall be individual, and not joint and/or several.

## Termination

The New Jersey Board of Public Utilities reserves the right to extend, modify (this includes modification of Program Incentive levels) or terminate this Program without prior or further notice.

## Participating Customer's Certification

Participating Customer certifies that he/she purchased and installed the equipment listed in their application at their defined New Jersey location. Participating Customer agrees that all information is true and that he/she has conformed to all of the Program and equipment requirements listed in the application.

## Acknowledgement

The applicant gives the Program Manager permission to share records with the New Jersey Board of Public Utilities, and contractors it selects to manage, coordinate or evaluate the New Jersey SmartStart Buildings Program including the release of electric and natural gas utility billing information, as well as make available to the public any and all information required by the Open Public Records Act and/or other applicable laws.

## Enhanced Incentive

An enhanced incentive equal to an additional 100% of the incentive values set forth in the incentive table for each technology, but subject to a cap of the applicant's cost for the project (material and labor), for measures installed at an existing building (including an existing Multifamily building to which this Program applies) (a) located within a designated Urban Enterprise Zone (UEZ) or Opportunity Zone (OZ) or (b) owned or operated by a K-12 public school or a municipal entity (does not include new construction or custom).

## Definitions

Energy-Efficient Measures – Any device eligible to receive a Program Incentive payment through the Program.

New Jersey Utilities – The regulated electric and/or gas utilities in the State of New Jersey:

1. Atlantic City Electric
2. Jersey Central Power & Light
3. Rockland Electric Company
4. New Jersey Natural Gas
5. Elizabethtown Gas
6. PSE&G
7. South Jersey Gas

Administrator – New Jersey Board of Public Utilities, Division of Clean Energy.

Participating Customers – Those non-residential electric and/or gas service customers of the New Jersey Utilities who participate in this Program.

Product Installation or Equipment Installation – Installation of the Energy-Efficient Measures.

Program – The Commercial and Industrial Energy-Efficient Construction Program (New Jersey SmartStart Buildings) offered herein by the New Jersey Board of Public Utilities, Office of Clean Energy pursuant to state regulatory approval under the New Jersey Electric Discount and Energy Competition Act, NJS 48:3-49, et seq.

Program Incentives – Refers to the amount or level of incentive that the Program provides to Participating Customers pursuant to the Program offered herein (see description under "Incentive Amount" heading).

Program Manager – TRC.