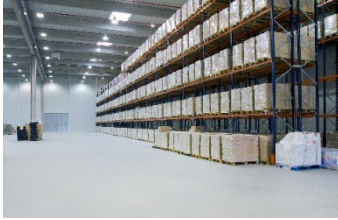


Lighting Controls Application

FY20 July 1, 2019 – June 30, 2020



MEASURE DESCRIPTION



Incentives are available for the installation of new lighting controls. The control incentive categories include on/off occupancy-based systems (remote/wall/fixture-mounted), occupancy-based continuous and step dimming systems along with daylight harvesting controls. Customers may submit this application in conjunction with a Prescriptive Lighting (existing buildings only) or Performance Lighting (major renovation/new construction) to obtain incentive for new fixture or retrofits lighting installations. Incentive rates are pre-determined based on the size and efficiency of new equipment.

APPLICATION INSTRUCTIONS

1. New to SmartStart? Download the [SmartStart Program Guide](#) or contact us at (866) NJSMART with questions.
2. Applications with an incentive \geq \$100,000, including any eligible incentive enhancement, must receive pre-approval through the Program prior to installation. For submissions with an estimated incentive less than \$100,000, pre-approval is not required however applications must be received within 1 year of material purchase. Applicants not required to receive pre-approval may choose to install at their own risk.
3. Ensure that the facility is eligible for participation in the program by reviewing a recent electric utility bill to confirm that Societal Benefits Charges are paid to an investor-owned utility under a commercial rate code.
4. Review all measure requirements to confirm that equipment you are purchasing eligible for an incentive. Identify the measure code associated with each proposed control type.
5. If you need assistance with development of a scope of work or do not know what type of controls equipment you need, consult the [Trade Ally List](#) to find a contractor who can assist you.
6. You or your contractor must complete the separate Lighting Controls application and the Excel incentive worksheet.
7. Submit the signed completed form along with all supporting documentation listed in the Application Checklist to the program for review. An electronic version of this application is available through the online application portal. Please submit the application through a single method (online, email, mail, or fax).
8. We will review the submittal for completeness and contact you and your contractor (if listed) via email to retrieve any missing information or documentation. For projects that require pre-approval (see instruction #2) a pre-inspection site visit may be required.
9. An approval letter will be emailed to you and your contractor (if listed) indicating the approval date and estimated incentive amount set aside for your project.

Online application portal: njcleanenergy.com/forms

Email for new application submissions only. Call (866) NJSMART with questions. NJApps@njcleanenergy.com

Mail: New Jersey's Clean Energy Program
c/o TRC
900 Route 9 North
Suite 404
Woodbridge, NJ 07095

Fax: (732) 855-0422



Measure incentive rates listed on this form are doubled for equipment installed in existing buildings that meet at least one of the eligibility criteria listed below

All projects are subject to an incentive cap equal to the applicant’s cost for the project (material and labor). Enhanced incentives are not applicable to new construction projects. To qualify for this enhanced incentive, documentation as listed in the table below must be provided with the application package demonstrating that the entity or building location meets at least one of the eligibility categories listed below.

Eligibility Basis	Criteria
<p>➤ Located in an Urban Enterprise Zone (UEZ)</p>	<p>The building where equipment is or will be installed must be located within the bounds of an Urban Enterprise Zone (UEZ). Please follow the steps below to confirm your facility is within the qualifying zone.</p> <p>The building location must be checked against the NJ Community Asset Map.</p> <ol style="list-style-type: none"> 1. Enter the address of your building in the field at the top of the map. 2. Under the Layers menu on the left side of the screen, scroll down to Urban Enterprise Zones and <i>check</i> to enable the layer. 3. Print or save a screenshot of the page to include with your submission. <p>For the avoidance of doubt, companies do not need to become a Certified UEZ Business to be eligible for enhanced incentives from NJCEP.</p>
<p>➤ Located in an Opportunity Zone (OZ)</p>	<p>The building where equipment is or will be installed must be located within the bounds of an Opportunity Zone (OZ). Please follow the steps below to confirm your facility is within the qualifying zone.</p> <p>The building location must be checked against the NJ Community Asset Map.</p> <ol style="list-style-type: none"> 1. Enter the address of your building in the field at the top of the map. 2. Under the Layers menu on the left side of the screen, scroll down to Opportunity Zones and <i>check</i> to enable the layer. 3. Print or save a screenshot of the page to include with your submission.
<p>➤ Owned or operated by a Municipal Entity</p>	<p>The building must be owned or operated by a Municipal Entity as evidenced by the name listed on the utility bill(s) for the building. If the name as shown on the utility bill(s) does not clearly delineate a Municipal Entity, other documentation may be accepted to demonstrate ownership on a case-by-case basis. Please contact the Program Manager for specific guidance.</p> <ul style="list-style-type: none"> ➤ The Municipal Entity name must be recognized on the New Jersey Municipalities Search tool available at: https://www.nj.gov/nj/gov/direct/municipality.html or be listed here: https://nj.gov/comptroller/news/docs/authoritiescommission.pdf.
<p>➤ Owned or operated by a County Entity</p>	<p>The building must be owned or operated by a County Entity as evidenced by the name listed on the utility bill(s) for the building. If the name as shown on the utility bill(s) does not clearly delineate a County Entity, other documentation may be accepted to demonstrate ownership on a case-by-case basis. Please contact the Program Manager for specific guidance.</p> <p>Enhanced incentives for Counties apply to:</p> <ul style="list-style-type: none"> ➤ Buildings owned or operated by one of the counties listed here: https://www.state.nj.us/nj/gov/county/counties.html <ul style="list-style-type: none"> ○ This includes, among other things, buildings owned or operated by any “community college” listed here: https://www.nj.gov/highereducation/colleges/schools_sector.shtml ○ And authorities and commissions listed here: https://nj.gov/comptroller/news/docs/authoritiescommission.pdf
<p>➤ Owned or operated by K-12 Public School</p>	<p>The building must be owned or operated by a K-12 Public School as evidenced by the name listed on the utility bill(s) for the building. If the name as shown on the utility bill(s) do not clearly delineate a K-12 Public School, other documentation may be accepted to demonstrate ownership on a case-by-case basis. Please contact the Program Manager for specific guidance.</p> <ul style="list-style-type: none"> ➤ The K-12 Public School name must be recognized on the New Jersey School Directory available at: https://homeroom5.doe.state.nj.us/directory/pub.php

APPLICATION CHECKLIST

The following documentation must be attached to all completed, signed applications. Applications with an estimated incentive \geq \$100,000 (with or without enhanced incentives) must receive pre-approval through the Program prior to installation. For submissions with an estimated incentive less than \$100,000, pre-approval is not required however applications must be received within 1 year of material purchase. Applicants not required to receive pre-approval may choose to install prior to approval at their own risk.

- For projects requesting enhanced incentives: Attach documentation demonstrating eligibility as described in the Enhanced Incentives section of this application.
- Excel [Lighting Controls measure worksheet](#) completed with room-by-room fixture location detail.
- A recent copy of a full utility bill from a participating electric utility for the service address indicated on the application showing payment of the Societal Benefits Charge and commercial billing code.
 - Name and account # of the customer listed on the application must match the name of the customer and account # listed on the utility bill.
 - For projects where a utility account has not yet been established, the utility bill is not required with the initial application submission, however the customer will be required to submit a utility bill prior to incentive payment.
- Manufacturer's specification sheets for proposed controls/sensor equipment. For specification sheets with multiple model numbers or configurations, please circle or highlight the specific model number that you plan to install.
- Manufacturer's specification sheets for fixtures proposed to be controlled, including proof of applicable qualified product listing for all eligible fixtures (DesignLights Consortium or ENERGY STAR®).

APPLICATION PROCESS FOR PAYMENT

Applications with an estimated incentive \geq \$100,000 must receive pre-approval through the Program prior to installation. For submissions with an estimated incentive less than \$100,000, pre-approval is not required however applications must be received within 1 year of material purchase. Applicants not required to receive pre-approval may choose to install at their own risk.

After project completion, please be advised that the following documentation will be required in order to issue payment. You will be advised in the form of an emailed approval letter that your project has been approved and the incentive amount that has been set aside for your project. Instructions for where to submit this documentation will be provided directly on the project approval letter. A post-installation inspection may occur prior to approval of the payment.

- If the project “as built” is different than what was approved, please include an explanation and revised documentation as appropriate (e.g. manufacturer specification sheets, revised application worksheets, etc.).
 - For projects that require pre-approval, please be aware, any work not pre-approved by the program will be ineligible for incentives.
 - Changes to equipment manufacturer/model are permitted with accompanying documentation confirming the equipment meets the program requirements. Increases in equipment counts within a specific area or overall will not be eligible for incentives unless pre-approved by the program before installation.
- Material invoice
 - The invoice should include the model number of the equipment installed, quantity, and unit price.
 - Equipment may be purchased up to one year prior to TRC’s receipt of the application. Sufficient documentation must be submitted with the material invoice demonstrating the date of equipment purchase, such as a purchase order, if it is not clear on the material invoice.
- Labor Invoice
 - Labor/installation price must be listed separately from material price.
 - For projects that were self-installed by the participating customer, a signed letter on participating customer letterhead attesting to the start and end dates of the self-installation should be provided.
- Tax Clearance Certificate obtained from NJ Division of Taxation
 - Instructions on applying for the certificate can be found at www.njcleanenergy.com/TCC.
 - No incentive will be paid without receipt of a valid Tax Clearance Certificate. Certificates are valid for 180 days and must be valid on the date TRC signs off on the incentive. The name of the customer and tax ID number appearing on the tax clearance must align with the customer name listed on the provided utility bill and application.
- W9 form, ST-4 or ST-5 Form. This form must be completed by the entity receiving incentive payment.
 - Certain private business entities may hold a “Sales Tax Exempt Organization Certificate (Form ST-5).” This form applies solely to purchases of tangible personal property or services and does not exempt the entity from the requirement to submit the Application for Tax Clearance.

General Requirements

1. All lighting controls must be listed by UL or other OSHA approved Nationally Recognized Testing Laboratory (NRTL) in accordance with applicable US standards.
2. All lighting controls measure types on this application are eligible for installation on interior light fixtures only. Exterior lighting controls should be submitted under the Custom Electric/Gas application for consideration.
3. Lighting control incentives are only available for controlling eligible, energy efficient, lighting fixtures that meet the Prescriptive Lighting program requirements. Refer to the Prescriptive Lighting application for a list of eligible controlled fixture types.
4. Both hard wired and wireless lighting controls qualify.
5. There is no incentive available for occupancy sensors installed in a space where they are prohibited by state or local building or safety code.
6. Occupancy sensors with manual override to the "ON" position are ineligible for incentive.
7. For new construction projects proposing Daylight Dimming or High-Low Occupancy Controls, projects will not be eligible for incentives unless permitted under former ASHRAE 90.1-2007 code or exceeding code requirement under ASHRAE 90.1-2013. Please provide this documentation with your application submission.
8. For the purpose of determining controlled wattage per sensor, LED fixture or lamp wattages as rated by DLC or EnergyStar should be used on the incentive worksheet.
9. If more than one eligible lighting control device is associated with the same eligible fixture, the incentive paid will be for the lighting control device that yields the largest incentive only.

Occupancy Sensor Wall Mounted (OSW) Requirements:

1. Incentive is available for existing buildings only. New construction projects are not eligible.
2. Incentive is not available in the following specific locations, in all cases: restrooms, elevators, and closets/storage areas.
3. **OSW** sensors must each control at least (2) eligible fixtures meeting general requirement #3 above.

Control Device Type	Measure Code	Incentive Per Unit
OSW - Occupancy Sensor Wall Mounted (<i>Existing facilities only</i>)	LC1	\$20 per control

Occupancy Sensor - Remote Mounted (OSR) and Occupancy Sensor – Remote Mounted High-Bay (OSRH):

1. Incentive is available for existing buildings only. New construction projects are not eligible.
2. **OSRH** sensors must each control at least one (1) eligible fixture meeting requirement #3 above and a minimum connected load of at least >90 watts.
3. **OSR** sensors must each control at least (2) eligible lighting fixtures meeting general requirement #3 above and a minimum connected load of >60 watts.
4. Incentive is not available in the following specific locations, in all cases: elevators, and closets/storage areas.

Control Device Type	Measure Code	Incentive Per Unit
OSR - Occupancy Sensor Remote Mounted (<i>Existing facilities only</i>)	LC2	\$35 per control
OSRH - Occupancy Sensor Fixture Mounted High-Bay (<i>Existing facilities only</i>)	LC5	\$35 per control

Occupancy High-Low Controls (OHLC):

1. Incentives will not be paid for high- low controls on eligible fixtures where daylight dimming controls can be effectively employed.
2. Incentives will not be paid for spaces smaller than 250 square feet.
3. Incentives available only when “low level” is no more than 60% of “high level.”
4. Incentives are not available for the following spaces, in all cases: elevators, or lobbies.
5. **OHLC** sensors must each control eligible lighting fixtures meeting requirement #3 above and a minimum connected load of > 60 watts.
6. New construction projects not eligible unless exceeding code requirement under ASHRAE 90.1-2013

Control Device Type	Measure Code	Incentive Per Unit
OHLC - Occupancy-Based High-Low Dimming Control	LC4	\$35 per fixture controlled

Daylight Dimming Controls (DDC):

1. **DDC** sensors must each control at least (4) eligible lighting fixtures meeting requirement #3 above and a minimum connected load of >120 watts.
2. Dimming shall be continuous or stepped at (4) or more levels.
3. Incentives will be paid only for eligible daylight dimming control systems designed in accordance with IESNA practice as delineated in “RP-5-99, IESNA Recommended Practice of Daylighting.”
4. New construction projects not eligible unless exceeding code requirement under ASHRAE 90.1-2013

Control Device Type	Measure Code	Incentive Per Unit
DDC - Daylight Dimming Controls	LC3	\$45 per fixture controlled

Lighting Controls Application

FY20 July 1, 2019 – June 30, 2020



CUSTOMER INFORMATION

Company Name (as listed on utility bill)	Formal Legal Company Name		
Company Type	NAICS Code	Federal Tax ID #	State Tax ID # (if different)
Customer Contact Name	Customer Contact Title	Customer Phone Number	
Customer Mailing Address	Apt/Suite #	City	State ZIP
Type of Project	How did you hear about the program?	Customer Email Address	

*Retrofit /Existing Building – Energy efficiency retrofits or replacements in existing facilities
 **New construction- (New steel, concrete, etc.) Energy efficiency installations in New building development

FACILITY AND PROJECT INFORMATION

Facility Address	City	State	ZIP
Electric Utility Serving Facility	Electric Account Number		
Facility Type	Anticipated Installation Start Date		
Site Contact for Inspection Scheduling (Name/Title)*	Site Contact Phone		
Site Contact Email Address	*On-site contact will be notified via email of any proposed inspection date/time.		

ENHANCED INCENTIVES

Enhanced incentives are available for existing facilities located in an Urban Enterprise Zone (UEZ), Opportunity Zone (OZ) or are a K-12 public school, municipal or county entity. Details are provided on page 2 of this application.

➤ **Check the appropriate box(es) to identify which designations, if any, are applicable to your facility:**

- | | | | | |
|---|---|--|---------------------------------------|--|
| Located within a designated Urban Enterprise Zone (UEZ) | Located within a designated Opportunity Zone (OZ) | Owned and operated by a Municipal Entity | Owned and operated by a County Entity | Owned and operated by a K-12 Public School |
|---|---|--|---------------------------------------|--|

CONTRACTOR/VENDOR INFORMATION

Contractor Company Name	Contact Person Name	Contact Title		
Contractor Email Address	Phone Number			
Contractor Mailing Address	Apt/Suite #	City	State	ZIP

PAYEE INFORMATION

Payee Company Name	Contact Name	Contact Title		
Payee Email Address	Phone Number			
Incentive Check Mailing Address	Apt/Suite #	City	State	ZIP
Payee Federal Tax ID	Payee Tax Information			

ESIP DECLARATION

- Check this box if an Energy Savings Improvement Program (ESIP) is a source of funding. ESIP allows government agencies to pay for energy related improvements using the value of the resulting energy savings.

CUSTOMER AUTHORIZATION AND SIGNATURE

I agree to the terms and conditions of the SmartStart Buildings Program and the Specific Program Requirements for this measure.

I agree that this document and all notices and disclosures made or given relating to this document may be created, executed, delivered and retained electronically and that the electronic signatures appearing on this document and any related documents shall have the same legal effect for all purposes as a handwritten signature.

The information, statements, and documents I have provided in and with this document are true and accurate to the best of my knowledge.

I am aware that if any of them are willfully false, I am subject to punishment.

By signing this application, the signatories agree to comply with the provisions of the New Jersey Prevailing Wage Act, N.J.S.A. 34: 11-56.26 et seq., (Act), if and to the extent that Act may apply to the work covered by this application.

If applicable, I authorize payment of the incentive to the third party listed in the Payee Information field of this application.

Customer
Signature _____ Date _____

Printed Name _____ Title _____

Applications signed by someone other than the customer require a letter of authorization.

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, Counties, 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

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 are a municipal or county 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.