

Application Process



1. Submit Application

- Ensure that the building is located in an eligible electric utility territory and that the proposed equipment meets efficiency requirements. This application is for New Construction and Substantial Renovation projects only. Refer to the Program Guide for complete requirements or contact us at (866) NJSMART (866-657-6278) with questions.
- **Applications incentives \geq \$100,000 must be submitted prior to installation in order to remain eligible for incentives. All other projects may be submitted up to 12 months after material purchase.**
- Attach the following to the completed application:
 - Excel Performance Lighting measure worksheet
 - Manufacturer’s specification sheets must be included for all proposed lighting equipment, regardless of DesignLights Consortium® or ENERGY STAR® listing status. For specification sheets with multiple model numbers or configurations, please circle or highlight the specific model number that you plan to install. Please label according to luminaire tag, if possible.
 - Proof of applicable qualified product listing for eligible fixtures. Attach a screenshot from the DesignLights Consortium® or ENERGY STAR® qualified product list showing the specific manufacturer name and model number that you plan to install.
 - Include a recent copy of a utility bill (all pages) showing payment of the Societal Benefits Charge. If submitting for pre-approval, this may be submitted along with closeout documents. Name and account number of the customer listed on the application must match the name of the customer and account number listed on the utility bill.
- Submit the application package via one of the following methods:

Online Application Portal	Email
njcleanenergy.com/smartstart-new-construction-buildings	NJApps@NJCleanEnergy.com

2. Receive Approval Letter

- The program will review the submittal for completeness and contact the applicant and contractor (if included on the application) via email to retrieve any missing information or documentation.
- An approval letter will be issued via email listing the incentive amount set aside for the project, instructions and deadlines for submitting closeout documentation.

3. Submit Closeout Documents

- Compile closeout documents and submit via instructions provided on the approval letter for review:
 - Material Invoice including the model number of equipment installed, quantity and unit price.
 - Labor invoice with labor/installation price listed separately from material price. For projects that were self-installed by the participating customer, a signed letter on letterhead attesting to the start and end dates of the self-installation should be provided.
 - Tax Clearance Certificate obtained from the NJ Division of Taxation. Instructions for obtaining 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.

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 FY25 July 1, 2024 –June 30, 2025



- 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.
- All applications are subject to post-inspection before payment is approved.

4. Incentive Paid: The incentive check will be mailed after review and post-inspection are completed.

Efficiency Requirements

- 1) Performance Lighting incentives are available for new lighting designs in ground-up new construction, ground-up additions to existing buildings, or gut-rehab renovations.
 - For gut renovations of existing buildings, all lighting within the entire building or a defined space must be completely removed and replaced in order to be eligible for Performance Lighting incentives. Please contact the program to discuss projects in existing buildings prior to submission.
- 2) All fixtures and lamps must be new to be eligible for incentives.
- 3) Interior lighting may be evaluated using either the Building Area Method or Space-by-Space calculation method as per ASHRAE 90.1-2019. The applicant selects the calculation method best suited to their project and available documentation:

Calculation Type	Eligible Project Types	Description	Requirements
Building Area Method	<ul style="list-style-type: none"> ○ Ground-up new construction ○ Gut-rehab of entire building interior 	Total interior square footage and fixture counts are provided at the building level.	Applicant must attach <i>fixture schedule and lighting plans</i> .
Space-by-Space Method	<ul style="list-style-type: none"> ○ Ground-up new construction or addition ○ Gut-rehab of entire building interior ○ Gut-rehab of defined room(s) within a building 	Square footage and fixture count are provided for each interior room.	Lighting plans are not required. Applicant must provide a breakdown of fixtures per room and square footage per room on the program worksheet.

- 4) Exterior lighting is evaluated based on pre-defined space types defined in ASHRAE 90.1-2019.
- 5) Performance lighting applications are for general building interior and exterior lighting only. Other non-general lighting types such as display or accent lighting, refrigeration lighting, food preparation lighting, horticultural lighting, lighting that is for sale, and integral equipment lighting are among fixture types that should not be included on the calculation worksheet for incentive calculation. Please contact the program to discuss alternative incentive paths for those fixture types.
- 6) All exterior lighting fixtures must be attached to the Applicant’s meter to qualify for Performance Lighting incentive.
- 7) Customers may submit multiple applications for phased projects but may not duplicate the same spaces between applications.
- 8) Lighting installed under the Performance Lighting path should comply with the following minimum light levels:
 - Lighting level requirements as specified by New Jersey’s non-residential construction code, or
 - For publicly supported schools, minimum lighting levels as specified in the New Jersey Administrative Code Title 6-NJAC 6:22-5.4, g1-h1.

Incentives

The incentive for the lighting design is calculated based on the difference between the allowed wattage per ASHRAE 90.1-2019 Tables 9.4.2-2, 9.5.1, 9.6.1 and the applicant's adjusted design wattage:

Performance Lighting Calculation	Incentive Amount
$\text{Savings [Watts]} = \text{Allowed Wattage} - \text{Adjusted Design Wattage}$	\$1/Watt savings under the allowed wattage in each qualified area

- **Allowed Wattage** is calculated using Lighting Power Density (LPD) defined by ASHRAE 90.1-2019 for the applicable area type. For interior spaces, LPD is determined at building level for Building Area Method, and per room for the Space-by-Space method. Exterior lighting LPD is determined for each pre-defined space type.
- **Adjusted Design Wattage** is calculated from the actual design wattage and based on the percentage of total connected wattage in the room or building (as applicable based on the selected calculation method) from LED fixtures listed by either DLC® or ENERGYSTAR®. In cases where
 - For rooms or buildings with 100% connected load from DLC® or ENERGYSTAR® listed LEDs: Adjusted design wattage equals the applicant's raw total connected load.
 - For rooms or buildings with 0% connected load from DLC® or ENERGYSTAR® listed LEDs: Adjusted design wattage equals allowed wattage and there is no incentive for this room or building.
 - For rooms or buildings with a mixture of qualified and non-qualified fixtures: Adjusted design wattage is calculated by determining the percentage of connected load from qualified fixtures and setting the same percent of square footage to LPD baseline in order to be energy neutral.

Example:

A 1,000 Sq.Ft. sales area has a lighting design consisting of 200 W of non-qualified lighting and 400 W of qualified (DLC® or ENERGY STAR® listed) lighting.

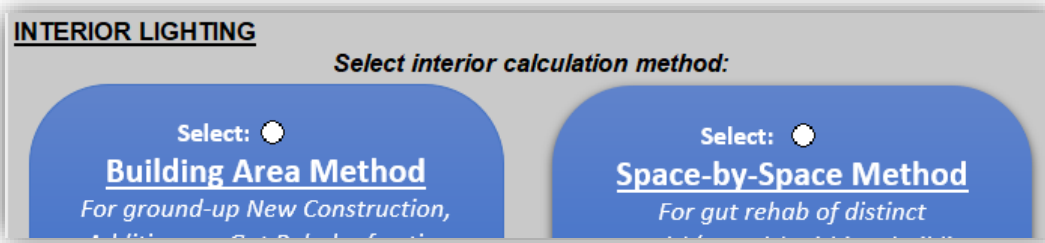
The **Adjusted Design Wattage** for the space will be calculated as follows:

- (A) Area of Space: 1,000 SqFt
- (B) Total Wattage: 600 W
- (C) Wattage that does not qualify: 200 W
- (D) Wattage that does qualify: 400 W
- (E) Percentage of lighting power that does not qualify: 33.3% (200 W / 600 W)
- (F) Area of space associated with non-qualifying lighting: 333 SqFt (1,000 SqFt x 33.3%)
- (G) Based on 90.1-2019 Table 9.6.1, the LPD of a Sales Area is 1.05 W/SqFt, and 333 [SqFt] x 1.05 [W/SqFt] = 350 [W]. This is greater than 200 W specified non-qualifying wattage, thus 350 [W] must be used for this portion of the space in the calculation.
- (H) The Adjusted Design Wattage will be calculated as 400 [W] + 350 [W] = 750 [W], which equates to 0.0.75 [W/SqFt].

Measure Worksheet Instructions

Start Tab

1. Enter basic project information in the *Building and Project Details* section.
2. Use the radio buttons to select the interior calculation method for the project. Refer to the General Requirements section above for requirements of each calculation method:



Fixture Schedule Tab

Complete the table on this tab with information on each fixture type. Each fixture should be entered on its own row.

Fixture Designation	<ul style="list-style-type: none"> • A unique fixture identifier, typically found in the lighting plans on the Fixture Schedule or assigned by a lighting designer.
Interior or Exterior?	<ul style="list-style-type: none"> • Indicate whether the fixture is used in the building interior or will be installed on the exterior. • For fixtures to be used in both interior and exterior applications, enter the fixture once as interior and once as exterior.
Manufacturer/Model Number	<ul style="list-style-type: none"> • Enter the full and complete manufacturer name and model number for the product to be installed. • The model number should align with the fixture/lamp specification sheet and/or ENERGYSTAR® or DLC® product listing.
Wattage	<ul style="list-style-type: none"> • For LED Complete Fixtures and other lighting types, enter the Fixture Wattage for the complete fixture, including consideration for ballast factor, if applicable. • For LED Lamp/Retrofit Style fixtures, enter the # of lamps per fixture and the wattage of each individual lamp. • In cases of DLC® or ENERGYSTAR® listed fixtures and lamps, the wattage entered on the worksheet should match the rated wattage on the certificate exactly.
QPL Information <i>For LEDs only</i>	<ul style="list-style-type: none"> • <i>These cells require entry for LED fixture types only.</i> • Use the first dropdown field to indicate whether the LED fixture or lamp is listed by DLC®, ENERGYSTAR®, or neither. • If the fixture is listed by either DLC® or ENERGYSTAR®, use the second dropdown field to select the LED Primary Use Category. This can be found directly on the listing for the product.

Interior Lighting

If the **Building Area Method** is selected:

1. Go to the Building Area Method tab.
2. The ASHRAE 90.1-2019 building type and total building square footage are pre-populated from the START tab. If these do not populate, go back to the START tab and make these selections. LPD allowance and Building Wattage Allowance also auto-populate from selections.
3. Fixtures from the Fixture Schedule marked as Interior appear in columns in light blue on this tab. Enter the total quantity of each fixture type found in the building.

Enter total quantity of each fixture type in the building:

Building Wattage Allowance	A1: Fixture1 - 33.01W	A4: Fixture2 - 26W	A5: Fixture3 - 100.12W	A7: Fixture4 - 50W	A8: Fixture5 - 650W	Total Design Connected Load Watts	Space Design Watts
39,500	4	55	6	15	3	1	3,622.76

4. The Total Design Connected Load, Design LPD will automatically calculate based on the quantity of fixtures and wattage per fixture.
5. Compliance to ASHRAE 90.1-2019 baseline and any necessary adjustment based on fixture QPL listing will automatically calculate.

If the **Space-by-Space Method** is selected:

1. Go to the Space-by-Space Method tab.
2. Enter the following information for each interior room on its own row:
 - **Location:**
 - o Floor Number
 - o Specific Room Name/Number: *a descriptive name for the room. Include room number if applicable.*
 - o Room Square Footage: *The square footage of the specific room. Do not enter square footage for multiple rooms; square footage must be entered on an individual, per-room basis.*

Floor Number	Specific Room Name/Number	Room Square Footage	Multiplier	ASHRAE 90.1-2019 Common/Building-Specific Space Type <small>Select most appropriate description from dropdown</small>
2	Office 201	500	1	Office - Enclosed and more than 250 sq.ft.
2	Office 202	200	1	Office - Enclosed and less than or equal to 250 sq.ft.
2	Restroom - 203	250	1	Restroom - All other

- **Multiplier:** *The Multiplier column should be used for rooms with identical square footages, space types and lighting designs only (Example: identical classrooms, offices or hotel rooms). To use, enter Room Square Footage of one individual room. Enter the total number of this room type in the building.*

Floor Number	Specific Room Name/Number	Room Square Footage	Multiplier	ASHRAE 90.1-2019 Common/Building-Specific Space Type <i>Select most appropriate description from dropdown</i>
3	Double Rooms - 3rd floor west	325	10	Guest Room

- **ASHRAE 90.1-2019 Common/Building-Specific Space Type:** Use the dropdown to select the most appropriate space type applicable to the space. Common space types are listed first, followed by building-specific space types. When a building-specific space type is available, it must be selected over the common space type.
 - **Atrium Height:** When Atrium space type is selected, enter the height of the atrium in this cell.
3. Fixtures from the Fixture Schedule tab marked as Interior appear in columns in light blue on this tab. Enter the total quantity of each fixture type found in the specific room.
- For spaces using the Multiplier field, enter the total quantity of each fixture type found in *only one* room of this type.

Enter Quantity of each fixture type in the room

	A1: Fixture1... 33.01W	A4: Fixture2... 26W	A5: Fixture3... 100.12W	A6: Fixture4... 50W	A7: Fixture5... 20W	A8: Fixture6... 650W	Total Connected Load
00	1				1		
00	1	3			1		
50					1		
50		1			1		

4. The Total Design Connected Load, Design LPD will automatically calculate based on the quantity of fixtures and wattage per fixture.
5. Compliance to ASHRAE 90.1-2019 baseline and any necessary adjustment based on fixture OPL listing will automatically calculate.

Exterior Lighting

- Go to the Exterior Lighting tab.
- Exterior locations as defined by ASHRAE 90.1-2019 are pre-populated in individual rows. The LPD allowance is calculated based on the Exterior Lighting Zone selected from the dropdown on the START tab.
- For applicable spaces only, enter the size of the space in terms of the unit identified to the left.
 - Certain exterior areas use a metric other than typical square footage to determine lighting power density, such as linear feet. Read the tool-tip note that appears when you click the cell and make sure you are entering a number in terms of the specific units requested.

Building Facades	Sq.Ft.:	400	0.10 W/sqft
ATMs and night depositories	Quantity of ATMs:	2	M
Entrances at guarded facilities	Sq.Ft.:		
Fire, ambulance, and other emergency service vehicles	Sq.Ft.:		
	Quantity of drive:		watts per drive

Building Facades
 Enter total area in square feet of the illuminated facade(s).

4. Fixtures from the Fixture Schedule marked as Exterior appear in columns in light green on this tab. Enter the total quantity of each fixture type found in the specific area:

Area or Location	Size of Space <i>Enter size size of the location in the specified units identified to the left.</i>	LPD Allowance	Exterior Lighting Power Allowance (Watts)	A2: Fixture1... - 12.2w	A3: CPT01A-040-4... - 12.6w	A9: CC/LED/100W/... - 20w	A10: BT-TR75W-50... - 60w	Total Design Connected Load for Space
Parking Areas and drives	Sq.Ft.: 25,000	0.04 W/sqft	1,000.00	15	10			383
walkways/ramps less than 10 ft wide	Linear foot:	0.50 W/linear ft.	-					
Walkways/ramps 10 ft wide or greater	Sq.Ft.: 500	0.10 W/sqft	50.00	2	2			65

- The Total Design Connected Load, Design LPD will automatically calculate based on the quantity of fixtures and wattage per fixture.
- Compliance to ASHRAE 90.1-2019 baseline and any necessary adjustment based on fixture QPL listing will automatically calculate.

Summary Tab

- Total Wattage Allowance and Total Adjusted Proposed Watts automatically carry over from the applicable tabs where fixture quantities were entered.
- The incentive is calculated as \$1/Watt between the difference of allowed and proposed watts.
- Estimated energy savings over baseline are provided per program protocols.

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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	Title	Phone	Email	
Mailing Address	Apt/Suite#	City	State	ZIP
How did you hear about the program?				

Facility and Project Information

Facility Address	City	State	ZIP
Electric Utility Serving Facility	Electric Account Number		
Facility Type	Project Start Date (Anticipated or actual)	Project End Date (If completed)	
Facility Contact for Inspection	Title	Phone	Email

Contractor/Vendor Information

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

Payee Information

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

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. 24: 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 _____

NJ SmartStart Buildings Program Terms and Conditions - New Construction

FY25 July 1, 2024 – June 30, 2025

Eligibility

1. Construction Type – The new construction component will accept both new construction and substantial renovation (i.e., gut rehabilitation), as defined below:

- New Construction: Defined as a new building.
- Substantial Renovations (Gut Rehab): Defined as one of the following types of projects:
 - Change of use and reconstruction of an existing building.
 - Construction work of a nature requiring that the building or portion of the building within be out of service for at least 30 consecutive days; or
 - Reconstruction of a vacant structure or a portion of the building within.

1. This application package must be received by the Program Manager on or before *June 30, 2025*, in order to be eligible for the fiscal year program (*July 1, 2024 – June 30, 2025*) 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, pre-installation approvals, and pre-inspections:
Before commencing installation or construction of equipment that will be the subject of a New Construction SmartStart application, applications for the following types of projects must be submitted to the Program Manager
 - Custom measures; and
 - Performance Lighting seeking incentives \geq \$100,000
 - Prescriptive Horticultural Lighting seeking incentives \geq \$100,000

Further, and for the avoidance of doubt, the above requirement does not apply to any other SmartStart application types. However, to be eligible for incentives related to those other application types (i.e., types that are not identified in the bullets immediately above), the application must be submitted to the Program Manager within 12 months of equipment purchase. Sufficient documentation must be provided to the Program Manager confirming date of equipment purchase (material invoice, purchase order, etc.). Despite the flexibility provided above, **all applicants are nonetheless strongly encouraged to obtain the Program Manager's approval and an incentive commitment prior to commencing installation or construction. Customers implementing projects without the Program Manager's approval do so at their own risk, including, among other things, the risk of having their project deemed ineligible for incentives.**

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 should list both the *labor and material costs separately*. The invoice should include a description of the equipment installed, quantity, and unit price.
8. For projects that are self-installed by the participating customer, in addition to the material invoices listing the equipment installed, quantity, and unit price, written documentation from the participating customer must be provided in lieu of a labor invoice attesting to the start and end dates of the self- installation.
9. Energy-Efficient Measures must be installed in buildings located within New Jersey Utilities' service territory and designated on the participating customer's incentive application.
10. Program Incentives are available for qualified Energy-Efficient Measures as listed and described in the Program materials and incentive applications.
11. 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.
12. Incomplete application submissions, applications requiring inspections and unanticipated periods of high volume may cause processing delays.

Incentive Amounts

1. Program Incentives will not exceed the lesser of:

- a. the approved Program incentive amount, or
- b. the total project cost of the Energy-Efficient Measure.
 - i. Project cost is the expense directly associated with the Energy Efficient Measure, excluding NJ state sales tax.

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.

Inspections

1. Pre-Inspection: See Eligibility, Section 4, above.
2. Post-Inspection: These projects are subject to the Program's random inspection selection process. The Program must have reasonable access

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to participating customer's facility to post inspect the Energy-efficient measures installed under this 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 email 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 rejected. If an application is rejected, 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. Documentation from the participating customer authorizing the change
2. A new, fully signed application reflecting the updated participating customer or payee name.
3. For name change of the applicant/customer, a utility bill in the name of the new participating customer is required.
4. All such changes requests are subject to Program Manager approval.
5. 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; AND, EACH OF THE FOREGOING PARTIES SPECIFICALLY DISCLAIMS ANY AND ALL IMPLIED OR STATUTORY WARRANTIES, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

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, the Administrator, and both of them, as well as each and all of their subcontractors, agents, and employees (collectively the Program Parties), except for claims regarding the receipt of the Program Incentive. Participating Customers agree that the Program Parties' liability, in connection with this Program, is limited to paying the Program Incentive specified. Under no circumstances shall any of the Program Parties be liable for any lost profits, special, punitive, consequential, or incidental damages or for any other damages or claims connected with or resulting from

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participation in this Program. Further, any liability attributed to any of the Program Parties 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 hereby permits the Program Manager and the administrator of the New Jersey Board of Public Utilities (BPU) New Jersey's Clean Energy Program (NJCEP) to share any and all information the applicant submits to NJCEP, including, but not limited to, the applicant's electric and natural gas utility billing information, with BPU NJCEP contractors (including, without limit, those contractors who administer, manage, coordinate, or evaluate all or part of NJCEP) and his/her electric and natural gas utilities and the contractors who administer, manage, coordinate, or evaluate all or part of the utilities' programs that succeed and/or are similar to NJCEP. The applicant hereby acknowledges that the Program Manager and administrator may disclose to the public any of my information that is not exempt from public disclosure pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

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:
 - Atlantic City Electric; Jersey Central Power & Light; Rockland Electric Company; New Jersey Natural Gas; Elizabethtown Gas; PSE&G; 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, NJSA 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