



## SMART EQUIPMENT CHOICES PROGRAM Program Opportunity Notice (PON) No. 912

**\$1,200,000 available on a first-come, first served basis  
Applications accepted January 1, 2005 through December 31, 2005**

The New York State Energy Research and Development Authority (NYSEDA), as administrator of the **New York Energy Smart<sup>SM</sup>** program, requests applications to receive financial incentives for the purchase and installation of energy efficiency measures to improve the energy efficiency of existing electrical loads from eligible ratepayers. The maximum allowable incentive for a single applicant under this solicitation is \$10,000.

The Smart Equipment Choices Program is designed to accelerate the incorporation of energy-efficient equipment in small renovation and equipment replacement projects in commercial, industrial, institutional, agricultural, governmental and multifamily (defined as five units or more) buildings. Incentive awards available under this PON defray a portion of the incremental capital cost to purchase and install energy-efficient equipment. The goal of the program is to produce a permanent improvement in "standard" equipment specification by encouraging the purchase and installation of energy-efficient equipment resulting in reduced electrical demand and cost in New York State.

Eligible applicants must have: (1) legal authority to make energy efficiency improvements in the property; and (2) paid the System Benefits Charge as electricity distribution customers of one of the following utilities: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., or Rochester Gas and Electric Corporation.

Customers engaging in larger renovation or new construction projects may qualify for one of NYSEDA's other **New York Energy Smart<sup>SM</sup>** programs such as the Commercial/Industrial Performance Program, New Construction Program, Loan Fund Program, or the Peak-Load Reduction Program. Measures receiving funds from these other programs are ineligible for additional incentives under the Smart Equipment Choices Program, except for those submitted to the **New York Energy Smart<sup>SM</sup>** Loan Fund Program.

The Application for this program is available from the NYSEDA web site at <http://www.nyserda.org/rddopps.html>, under the link for PON 912. You may contact NYSEDA toll-free at 1-866-NYSERDA (1-866-697-3732) or e-mail at [info@nyserda.org](mailto:info@nyserda.org). Applicants may fax, or mail the applications to NYSEDA. However, NYSEDA must have an application with original signature and date before incentive payment can be made. Applications will be processed on a first-come, first-served basis until December 31, 2005 or until funds are committed, whichever comes first.

## **I. APPLICATION REQUIREMENTS**

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This program provides a streamlined process to submit applications and receive reimbursement for the purchase and installation of qualifying equipment. Applicants should carefully review this program opportunity notice regarding application requirements, program eligibility, and the Terms and Conditions of the Smart Equipment Choices Program. Applications must be postmarked or date-stamped through electronic fax service no sooner than January 1, 2005, and on or before December 31, 2005 (on or before October 1, 2005 if submitted for pre-approval). No applications will be accepted after December 31, 2005.

### **COMPLETING YOUR APPLICATION**

Applicants are responsible for completing the Application and Measures Worksheets. The name of the manufacturer and equipment model numbers must be clearly indicated for each measure on the Measure Worksheets and submitted along with manufacturer's technical cut sheets demonstrating that the equipment meets the program requirements. Appropriate invoices (required for payment) or estimates (required for preapproval) must also be attached. Other documentation may be required by NYSERDA at its discretion.

**Completed applications must be signed and dated, and forwarded along with the measure worksheets, supporting invoices, and manufacturer's technical data sheets via fax to (518)-862-1091, or mailed to the following address:**

New York State Energy Research and Development Authority  
Attn: Smart Equipment Choices Program Manager  
17 Columbia Circle  
Albany, NY 12203-6399

To download an Application with all Measure Worksheets defining equipment currently eligible, refer to NYSERDA's web site <http://www.nyserderda.org/rddopps.html>, under the link for PON 912. Applications may also be requested from NYSERDA toll-free at 1-866-NYSERDA or e-mail at [info@nyserderda.org](mailto:info@nyserderda.org).

### **ASSISTANCE WITH YOUR APPLICATION**

NYSERDA has established several regionally based Technical Project Consultants (TPCs) to assist applicants in participating in the Smart Equipment Choices Program. These TPCs will work directly with program applicants to determine eligibility, explore participation options, identify eligibility for additional programs, and assist in completing program applications. Contact NYSERDA toll-free at 1-866-NYSERDA or at [info@nyserderda.org](mailto:info@nyserderda.org) for contact information for a TPC in your area.

### **SUBMITTING APPLICATIONS FOR PURCHASED EQUIPMENT**

Applicants may submit applications for reimbursement for work that has already been completed as long as the equipment was purchased and installed on or after January 1, 2005, and before December 31, 2005.

**Equipment purchased before January 1, 2005 is not eligible for incentives under this PON.**

**Please Note:** If a substantial amount of the available funds are committed prior to December 31, 2005, NYSERDA reserves the right to only accept applications for pre-approval of selected measures, and may cease accepting applications for payment of measures that were purchased or installed before submission of the application.

## **SUBMITTING APPLICATIONS FOR PRE-APPROVAL**

NYSERDA encourages applicants to have their applications and selected measures reviewed prior to purchase or installation. Though not required, this pre-approval service will be completed by NYSERDA at no cost to the applicant. Applications submitted for pre-approval must be postmarked or date-stamped through electronic fax service on or before January 1, 2005. NYSERDA will not pre-approve applications for funding under PON 912 after October 1, 2005.

Appropriate estimates, cut-sheets and any other required documentation must accompany the application. Based upon that review, a letter of commitment will be issued to the applicant. This letter of commitment will identify an incentive payment that will be made to the applicant upon satisfactory installation and inspection of the equipment specified in the approved application. Any change from what was pre-approved will require a revaluation of all equipment and incentive amounts. Equipment that is pre-approved under this PON must be installed prior to December 31, 2005, to receive reimbursement.

## **PROJECT REVIEW AND SITE INSPECTIONS**

NYSERDA may choose to inspect projects to verify satisfactory completion of the projects, and to measure and verify energy savings. Such inspections will be made at a time convenient to the applicant, with advanced notice to the applicant. All costs associated with verifying the applicant's eligibility, the measures' eligibility and any post-installation inspection of the project are the responsibility of NYSERDA. Misrepresentation of the project or measure eligibility may result in forfeiture of the incentive award. NYSERDA reserves the right to rescind an incentive award at the sole discretion of the NYSERDA project manager at any time, if the program eligibility criteria are not met.

## **II. PROGRAM ELIGIBILITY**

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### **ELIGIBLE APPLICANT**

An applicant is defined as a person or entity seeking incentives for the installation of energy-efficient equipment under the Smart Equipment Choices program. Applicants may be the owner or a tenant/leaseholder of the property. One- to four-family dwellings are not eligible. In no case will incentives under this program be paid to more than one applicant for the same measure.

For the purposes of determining the maximum incentive, an applicant is further defined to include any and all entities of which the applicant has a 10% or more interest in ownership or control. National or chain accounts are considered a single "applicant" and subject to the maximum incentive per applicant. Eligible applicants must have: (1) legal authority to make energy efficiency improvements in the property; and (2) paid the System Benefits Charge as electricity distribution customers of one of the following utilities: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., or Rochester Gas and Electric Corporation.

### **LIMITATIONS**

The maximum incentive per applicant is \$10,000. Incentives received under previous issues of the Smart Equipment Choices Program will not count toward the cap of \$10,000 per applicant. There is no limitation on the number of applications that can be submitted by any eligible ratepayer; however, for ease of administration, applicants are encouraged to consolidate measures under one application.

## **ELIGIBLE PROJECTS**

Applicants may submit applications for reimbursement for work that has already been completed as long as the equipment was purchased and installed on or after January 1, 2005, and before December 31, 2005.

The following are examples of projects that are eligible under the program:

- Replacement of existing electrical equipment in buildings;
- Installation of electrical equipment as part of a building renovation of an existing and occupied structure or of a vacant structure;
- Installation of electrical equipment in a new building or addition; and electrical equipment that is not integrated into the building electrical system, but is electric grid-dependent.

## **ELIGIBLE EQUIPMENT INCENTIVES AVAILABLE**

Incentives cover a portion of the incremental capital cost to purchase and install eligible measures. Other costs associated with the installation of measures (such as labor, shipping and handling, etc.) are not eligible for reimbursement. In no case will NYSERDA pay more than 100% of the cost of a measure.

Eligible measures and incentive amounts are listed on the attached application. NYSERDA may add measures during the course of this program, and may remove measures to reflect changes in energy code requirements or standard practice. Incentives will not be paid for measures if the application is received subsequent to the date the measure(s) was removed from the list of eligible equipment. If changes are made to the list of eligible measures or program terms, a notification will be posted on NYSERDA's website and the application will be updated ([www.nyserda.org](http://www.nyserda.org)). No additional notice will be provided. However, applications will be approved under the terms of the program in effect as of the application post-mark date or date-stamp through electronic fax service (whichever is earlier).

There is no custom measure application process to this PON. If the measure does not fit into one of the already defined categories, it is not eligible for funding under this PON. Final determination of equipment eligibility is determined by the NYSERDA project manager managing the Smart Equipment Choices Program. Specific incentive levels for pre-qualified equipment are identified on the application form and are paid on a per-measure basis. No exceptions to program rules shall be allowed for any reason.

## **III. AVAILABLE FUNDING**

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### **AVAILABLE FUNDS**

NYSERDA has available up to \$1,200,000 for the Smart Equipment Choices Program under PON 912. Applications will be accepted on a first-come, first-served basis through December 31, 2005, or until funds are committed, whichever comes first. Additionally, if a substantial amount of the available funds are committed prior to December 31, 2005, NYSERDA reserves the right to only accept applications for pre-approval of selected measures, and may cease accepting applications for payment of measures that were purchased or installed before submission of the application. NYSERDA will periodically post updates of the remaining available funds and any changes in program requirements on the NYSERDA website at <http://www.nyserda.org/912pon.html>.

Pre-approved projects will be cancelled if the equipment is not installed by December 31, 2005. If the actual installation cost is less than the amount pre-approved, or if the project is cancelled, such funds shall become available to other program applicants at NYSERDA's discretion.

## **IV. AWARDS AND DELIVERABLES**

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After a completed application is received, reviewed and approved by NYSERDA, a check will be issued to the applicant. NYSERDA may elect to inspect any and all projects prior to final approval. There is no payment to third parties.

## **V. GENERAL CONDITIONS**

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**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. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

**MINORITY-AND WOMEN-OWNED BUSINESS POLICY-OMNIBUS PROCUREMENT ACT OF 1992** - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors and suppliers on its procurement Agreements.

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

Empire State Development  
Division For Small Business  
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 AWARDS** - 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 December 31, 2005 or until funds are committed, whichever comes first. NYSERDA may request additional data or material to support applications including, but not limited to, measure worksheets, supporting invoices, and manufacturer's technical data sheets. NYSERDA may elect to inspect any and all projects prior to final approval. There is no payment to third parties. NYSERDA expects to notify applicants in approximately four weeks from the date of receipt of a completed application whether an 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**

Attachment A: Terms and Conditions

Attachment B: Application and Instructions

Attachment C: Prompt Payment Policy Statement

## ATTACHMENT A: TERMS AND CONDITIONS

### PON 912 - Smart Equipment Choices Program Terms and Conditions

#### 1. Incentives

Subject to these Terms & Conditions, New York State Energy Research and Development Authority ("NYSERDA") will pay incentives to eligible applicants for the installation of electric energy efficiency measures (EEMs) as described on the program application form.

#### 2. Eligibility

(a) NYSERDA Smart Equipment Choices Program is available to electricity distribution customers paying the System Benefits Charge to one of the following utilities: Consolidated Edison Company of New York, Inc., Central Hudson Gas & Electric Corp., Niagara Mohawk Power Corporation, New York State Electric & Gas Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation who are the owner or tenants/leaseholders of the subject building.

(b) EEMs can be installed only in a commercial, institutional, industrial, agricultural, governmental, multifamily building of 5 or more residential units, and in non-building integrated applications, which are located in the utility service territories and property classes listed in this section and in 2(a) above.

#### 3. Post-Installation Verification

If NYSERDA determines that the EEMs are not installed in a manner that is consistent with the purpose of achieving energy savings, or if the installation is not consistent with generally accepted good engineering practices, NYSERDA may require changes before making any payments.

#### 4. Incentive Amounts

Notwithstanding any other provision of these Terms and Conditions, NYSERDA reserves the right to seek a refund for incentives paid if, at any time, it learns that the agreed-to EEMs were not actually or properly installed or have subsequently been disconnected.

#### 5. Cost of Equipment

The applicant shall provide NYSERDA with copies of all invoices (including all materials, labor, and equipment discounts) reflecting the costs of purchasing the EEMs in the project. The invoices shall include a breakdown of all EEMs purchased for installation under this Agreement (the Application and the Program Terms and Conditions). In addition, NYSERDA may request any other reasonable documentation or verification of the cost to the applicant of purchasing and installing the EEM or other reasonable documentation to determine the incentive payment is appropriate.

#### 6. Incentive Payments

NYSERDA shall pay the incentive, upon receipt of applicant's invoice in accordance with and subject to the provisions of NYSERDA's Prompt Payment Policy after NYSERDA has received all required documentation and verified satisfactory conformance with program requirements.

#### 7. Follow-up Visits

(a) NYSERDA reserves the right to make a reasonable number of post-installation follow-up visits to applicant's project during the 24 months following the completion date of the project. Such visit(s) will be at a time convenient to the applicant, and made with at least one week advance notice to the applicant by NYSERDA.

(b) The purpose of the follow-up visit(s) is to provide NYSERDA with an opportunity to evaluate the installed EEMs in order to determine the actual kW reduction and energy savings for program evaluation purposes and to verify program compliance.

#### 8. Limited Scope of Review

The scope of review by NYSERDA of the installation of the EEMs is limited solely to determining whether criteria set forth in the Application have been met, and does not include any kind of safety, health or other review.

#### 9. Changes in the Program

The program and these Terms & Conditions may be changed by NYSERDA at any time without notice. Applications, however, will be processed to completion under the Terms & Conditions in effect at the time of the approval by NYSERDA.

#### 10. Indemnification

The applicant 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 applicant under this section shall survive any expiration or termination of this Agreement.

#### 11. 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 applicant's reliance on warranties is limited to any warranties that may arise from, or be provided by contractors, vendors, manufacturers, etc.

(b) The applicant acknowledges that neither NYSERDA nor any of its consultants are responsible for assuring that the design, engineering, construction, or installation of the EEMs is proper or complies with any particular laws (including patent laws), codes, or industry standards.

(c) NYSERDA does not make any representations of any kind regarding the results to be achieved by the EEMs or the adequacy or safety of such measures.

#### 12. Limit of Incentive Payments

NYSERDA reserves the right, for any reason, to stop approving incentive applications at any time without notice.

#### 13. Release by the Applicant

The acceptance by the applicant of final payment shall release NYSERDA from all claims and liability the applicant, its representatives, and assigns might otherwise have relating to this Agreement.

#### 14. Title to Equipment

Title to all of the equipment purchased under this Agreement shall vest with the applicant.

#### 15. Application does not Entitle Applicant to Participate

Submission of a completed Application does not entitle the applicant to program participation.

#### 16. Vendor Selection

NYSERDA acknowledges that the applicant may select any vendor or contractor to perform the work contemplated by this Application, even after the Application is submitted for approval by NYSERDA. NYSERDA expects the applicant to competitively procure products and services related to this Agreement. Notwithstanding the foregoing, the applicant acknowledges that NYSERDA has the right not to allow a vendor or contractor to participate in this program.

#### 17. Removal of Equipment

The applicant agrees, as a condition of participation in the program, to remove and dispose of the equipment being replaced by the EEMs in accordance with all laws, rules, and regulations.

#### 18. Entire Agreement

This Agreement (the Application and these Terms and Conditions) is the entire Agreement between the parties and supersedes all other communications and representations.



PON 912  
APPLICATION AND  
INSTRUCTIONS  
(ATTACHMENT B)

## SMART EQUIPMENT CHOICES PROGRAM

### Instructions:

**Step 1:** Complete the Application and sign the Applicant's Certification Statement.

*If your project includes multiple properties, please copy and complete the first page of the Application for each property and submit only one application for all properties.*

**Step 2:** Complete the appropriate Measure Worksheets and attach supporting documentation. *NYSEERDA strongly recommends that the Measure Worksheets be completed with the assistance of the project architect, engineer, equipment contractor or vendor. Applications must include invoices and technical specification sheets for all installed equipment. Missing information will hold up the processing of your application.*

**Step 3:** Mail the Application, completed Measure Worksheet(s), and ALL required documentation to:

**NYSEERDA**  
**ATTN: Smart Equipment Choices Project Manager**  
**17 Columbia Circle**  
**Albany, NY 12203-6399**

If you have questions about the **New York Energy Smart<sup>SM</sup>** Smart Equipment Choices Program contact NYSEERDA, toll free at 1-866-NYSEERDA (1-866-697-3732); fax: 518-862-1091; or e-mail: [info@nyserda.org](mailto:info@nyserda.org).

**Required Documentation: The following information MUST be included with your Application:**  
(Please check all enclosed)

- Completed Application Form** with original signature and date of application.
- Measure Worksheets** indicating Manufacturer, Model No., and quantity of units to be installed.
- Invoices** for purchased equipment (For Payment Request).
- Estimates** for planned equipment (For Pre-approval Request).
- Equipment Technical Specification Sheets**, demonstrating that measures meet program criteria outlined in the Smart Equipment Choices Program Measure Worksheets.

Upon receipt of application, a NYSEERDA representative will contact you to discuss available technical services, and to provide assistance in completing your application, if necessary. Upon project completion and application approval, NYSEERDA will authorize the incentive payment and mail a check to the Applicant listed on the application. NYSEERDA may require a post-installation inspection. If so, NYSEERDA will schedule the inspection at a time convenient for the Applicant with at least one week advance notice.

## Smart Equipment Choices Program Application Form - PON 912 (Page 2 of 3)

**Which Type of Application Review is Requested: (Required - please check ONE)**

- Pre-Approval** - Request NYSERDA review of selected energy efficiency measures prior to purchase or installation. If pre-approved, NYSERDA will issue a letter of commitment. Incentive payments to be made pending satisfactory installation of the pre-approved equipment.
- Payment** - Request NYSERDA review of measures that have been purchased and installed.

**To the Applicant:** All REQUIRED fields must be completed in order for your application to be accepted for review by NYSERDA.

<p><b>General Project Information (Required):</b></p> <p>Applicant/Company Name _____</p> <p>Address 1 _____</p> <p>Address 2 _____</p> <p>City _____ State _____ Zip+4 _____</p> <p>Owner Contact Name _____</p> <p>Owner Phone Number (____) _____</p> <p>E-Mail _____</p> <p><b>Check One:</b>      <input type="checkbox"/> Owner      <input type="checkbox"/> Tenant/leaseholder</p>	<p><b>Project Contact Information (Optional):</b> (To be completed only if you want a vendor or other third party to be the main point of contact)</p> <p>Name of Contact _____</p> <p>Address 1 _____</p> <p>Address 2 _____</p> <p>City _____ State _____ Zip+4 _____</p> <p>Day Phone (____) _____</p> <p>Fax (____) _____</p> <p>E-Mail _____</p>												
<p><b>Building Size (Required):</b></p> <p>Building Name: _____</p> <p>Address 1 _____</p> <p>Address 2 _____</p> <p>City _____ State _____ Zip+4 _____</p> <p style="text-align: right;">Total square footage of building _____ sq. ft.</p> <p><input type="checkbox"/> Check here if project includes non-building integrated equipment (installed exterior to building).</p>													
<p><b>Which of the following best describes this project? (Required):</b></p> <p><input type="checkbox"/> Planned Replacement      <input type="checkbox"/> Non-building integrated equipment</p> <p><input type="checkbox"/> Unexpected Replacement    <input type="checkbox"/> New equipment for new process or expansion of operations</p> <p><b>Annualized Electricity Costs (Required) \$</b> _____</p>	<p><b>Please Indicate Business Type (Required):</b></p> <p><input type="checkbox"/> Exempt    <input type="checkbox"/> Not Incorporated    <input type="checkbox"/> Incorporated</p> <p><b>Building or Property Type (Required):</b></p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Commercial</td> <td><input type="checkbox"/> Education - K-12</td> </tr> <tr> <td><input type="checkbox"/> Industrial/Manufacturing</td> <td><input type="checkbox"/> Education - College/Univ</td> </tr> <tr> <td><input type="checkbox"/> Agricultural</td> <td><input type="checkbox"/> Health Care</td> </tr> <tr> <td><input type="checkbox"/> Multifamily (Five or more units)</td> <td><input type="checkbox"/> Local Government</td> </tr> <tr> <td><input type="checkbox"/> Not-for-profit</td> <td><input type="checkbox"/> State Government</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Federal Government</td> </tr> </table>	<input type="checkbox"/> Commercial	<input type="checkbox"/> Education - K-12	<input type="checkbox"/> Industrial/Manufacturing	<input type="checkbox"/> Education - College/Univ	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Health Care	<input type="checkbox"/> Multifamily (Five or more units)	<input type="checkbox"/> Local Government	<input type="checkbox"/> Not-for-profit	<input type="checkbox"/> State Government		<input type="checkbox"/> Federal Government
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<p><b>Electric Utility Provider (Required): You must pay into the System Benefits Charge to be eligible for this program.</b></p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Central Hudson Gas &amp; Electric Corporation</td> <td><input type="checkbox"/> Consolidated Edison Company of New York, Inc.</td> </tr> <tr> <td><input type="checkbox"/> Rochester Gas and Electric Corporation</td> <td><input type="checkbox"/> Orange and Rockland Utilities, Inc.</td> </tr> <tr> <td><input type="checkbox"/> New York State Electric &amp; Gas Corporation</td> <td><input type="checkbox"/> Niagara Mohawk Power Corporation</td> </tr> </table>		<input type="checkbox"/> Central Hudson Gas & Electric Corporation	<input type="checkbox"/> Consolidated Edison Company of New York, Inc.	<input type="checkbox"/> Rochester Gas and Electric Corporation	<input type="checkbox"/> Orange and Rockland Utilities, Inc.	<input type="checkbox"/> New York State Electric & Gas Corporation	<input type="checkbox"/> Niagara Mohawk Power Corporation						
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<input type="checkbox"/> Rochester Gas and Electric Corporation	<input type="checkbox"/> Orange and Rockland Utilities, Inc.												
<input type="checkbox"/> New York State Electric & Gas Corporation	<input type="checkbox"/> Niagara Mohawk Power Corporation												
<p><b>Have you received any other incentive(s) through NYSERDA? (Required)</b></p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <b>New York Energy \$smart<sup>SM</sup> Program Name and/or PON#</b> _____ Please describe _____</p> <p>_____</p>													

**Smart Equipment Choices Program Application Form - PON 912 (Page 3 of 3)**

**Correspondence and incentive payment information (Required):** Note: Payment shall only be made to the Applicant.

Applicant/Company Name: \_\_\_\_\_

Attention: \_\_\_\_\_

Applicant Federal Tax ID No. \_\_\_\_\_

Address 1 \_\_\_\_\_

Or Social Security Number \_\_\_\_\_  
(For individuals)

Address 2 \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip+4 \_\_\_\_\_

**Applicant's Certification Statement**

The Undersigned certifies that I am the Applicant, as defined in the Application Requirements of PON 912, and that:

1. All information in this Application, including all Worksheets and attached documentation, is true and complete to the best of my knowledge and belief.
2. The facility where the improvements will be made is assessed the System Benefits Charge by one of the following entities: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc, or Rochester Gas and Electric Corporation.
3. The Applicant is not currently nor will in the future be receiving incentives for the facility where these improvements have been or are to be made from NYSERDA's New Construction Performance Program, Commercial/Industrial Performance Program, or Peak Load Reduction Program.
4. I have the authority to make and install the energy efficiency improvements as identified in this Application.
5. I understand and agree to the Terms and Conditions set forth in the **New York Energy Smart<sup>SM</sup>** Smart Equipment Choices Application.

**Applicant/Company Name:** \_\_\_\_\_

**Authorized Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

**Print Name & Title:** \_\_\_\_\_

**APPLICANT MUST SIGN AND DATE THE APPLICATION BEFORE FORWARDING TO NYSERDA.  
INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.  
FUNDING AVAILABLE ON A FIRST COME, FIRST SERVED BASIS.**

<b>FOR NYSERDA USE ONLY</b>		<b>Application Number:</b> _____
<b>Project Management</b>	<b>Pre-Approval Amount:</b> _____  <b>Project Manager:</b> _____ <b>Date:</b> _____  <b>Program Manager:</b> _____ <b>Date:</b> _____	<b>Payment Amount:</b> _____  <b>Project Manager:</b> _____ <b>Date:</b> _____  <b>Program Manager:</b> _____ <b>Date:</b> _____
<b>Finance</b>	<b>Vendor Number:</b> _____  <b>Finance Approval:</b> _____ <b>Date:</b> _____	

### Lighting System Measure Worksheet

**Completing the Lighting Worksheet:** Fill in the appropriate fields in the worksheet. To calculate the TOTAL INCENTIVE, multiply the COUNT (quantity of installed equipment) by the UNIT INCENTIVE and enter this amount in the TOTAL INCENTIVE column. The sum of the TOTAL INCENTIVE amounts is entered in the TOTAL LIGHTING WORKSHEET REQUESTED INCENTIVE field at the bottom of the lighting worksheet.

**\* High Performance Fluorescent Energy-Efficiency Characteristics**

Required system efficacy  $\geq 90$  Mean Lumens Per Watt (MLPW) for instant start or  $\geq 88$  MLPW for programmed rapid start-ballast.

ENERGY STAR® EXIT SIGNS			Model #	Manufacturer	Count	Unit Incentive	Total Incentive
Eligible units shall be an ENERGY STAR® registered exit sign. Entire sign must be new. Retrofit kits are not eligible.	ES-1	All Sizes.				\$6 per sign	
FLUORESCENT FIXTURES			Model #	Manufacturer	Count	Unit Incentive	Total Incentive
Fixtures with electronic ballasts and T-8 lamps only, 4' to 8' length, not more than four lamps per fixture. The lamp/ballast combination must have a minimum efficacy of 70 lumens per watt. Entire fixture must be new. Retrofits are not eligible.	F-1	Single-lamp T-8 fixtures.				\$5 per fixture	
	F-2	Two-lamp T-8 fixtures.				\$5 per fixture	
	F-3	Three-lamp T-8 fixtures.				\$5 per fixture	
	F-4	Four-lamp T-8 fixtures.				\$5 per fixture	
T-8 RETROFIT FIXTURES			Model #	Manufacturer	Count	Unit Incentive	Total Incentive
Fixture retrofits only, includes new electronic ballasts, sockets, and new T-8 lamps, 4' to 8' length only, not more than four lamps per fixture. The lamp/ballast combination must have a minimum efficacy of 70 lumens per watt.	RF-1	Single -lamp T-8 retrofit.				\$5 per fixture	
	RF-2	Two-lamp T-8 retrofit.				\$5 per fixture	
	RF-3	Three-lamp T-8 retrofit.				\$5 per fixture	
	RF-4	Four-lamp T-8 retrofit.				\$5 per fixture	
HIGH PERFORMANCE (“SUPER”, “ULTIMATE”, “ULTRA”, “EXTREME”) T-8 FLUORESCENT FIXTURES			Model #	Manufacturer	Count	Unit Incentive	Total Incentive
Fixtures with High Performance electronic ballasts and T8 lamps, 4' to 8' length only, not more than four lamps per fixture. At 40% life, the lamp/ballast combination shall have a maintained luminous efficacy of $\geq 90$ lumens per watt. Fixtures must also meet High Performance Fluorescent Energy-Efficiency Characteristics as described above.*	HPSEF-1	Single-lamp High Performance T-8 fixtures.				\$10 per fixture	
	HPSEF-2	Two-lamp High Performance T-8 fixtures.				\$10 per fixture	
	HPSEF-3	Three-lamp High Performance T-8 fixtures.				\$10 per fixture	
	HPSEF-4	Four-lamp High Performance T-8 fixtures.				\$10 per fixture	

**Lighting System Measure Worksheet (continued)**

**\* High Performance Fluorescent Energy-Efficiency Characteristics**

Required system efficacy  $\geq 90$  Mean Lumens Per Watt (MLPW) for instant start or  $\geq 88$  MLPW for programmed rapid start-ballast.

<b>HIGH-EFFICIENCY RECESSED OR SURFACE MOUNTED FLUORESCENT FIXTURES</b>			<b>Model #</b>	<b>Manufacturer</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
<p>Each eligible unit shall consist of an electronic ballast and not more than 3 lamps. Entire fixture must be new. Retrofits are not eligible. 2' lamps, U-tubes and industrial strip fixtures are not eligible. Overall fixture efficiency shall exceed 83% for prismatic lensed fixtures and 75% for other fixture types. Fixture efficiency is calculated as the total lumen output of a fixture divided by the lumen output of the lamps it operates, expressed as a percentage.</p>	HEF-4	1, 2, or 3-lamp T-8 or T-5 fixture with electronic ballast.				\$7 per fixture	
	HPHEF-4	1, 2 or 3-lamp T-8 or T-5 fixture with electronic ballast. Fixtures must also meet High Performance Fluorescent Energy-Efficiency Characteristics as described above.*				\$12 per fixture	
	HEF-5	2 or 3-lamp T-8 fixture with tandem-wired electronic ballast.				\$7 per fixture	
	HP HEF-5	2 or 3-lamp T-8 fixture with tandem-wired electronic ballast. Fixtures must also meet High Performance Fluorescent Energy-Efficiency Characteristics as described above.*				\$12 per fixture	
<b>PENDANT AND WALL-MOUNTED INDIRECT FLUORESCENT FIXTURES</b>			<b>Model #</b>	<b>Manufacturer</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
<p>Each eligible unit shall consist of a four-foot section containing not more than three T-8 or T-8 HO lamps, with an indirect or indirect/direct light distribution. Overall fixture efficiency shall exceed 80%. Ceilings must be white and/or have minimum surface reflectivity of 80%. Fixtures must be installed according to manufacturer recommendations for spacing and suspension distance from ceiling. Entire fixture must be new. Retrofits are not eligible. Fixture efficiency is calculated as the total lumen output of a fixture divided by the lumen output of the lamps it operates, expressed as a percentage.</p>	HEFLEBG-1	Fixtures with up to three T-8 or T-8 HO lamps with electronic ballast.				\$10 per 4 ft. fixture	
	HP HEFLEBG-1	Fixtures with up to three T-8 or T-8 HO lamps with electronic ballast. Fixtures must also meet High Performance Fluorescent Energy-Efficiency Characteristics as described above.*				\$15 per 4 ft. fixture	

**Lighting System Measure Worksheet (continued)**

**\* High Performance Fluorescent Energy-Efficiency Characteristics**

Required system efficacy  $\geq 90$  Mean Lumens Per Watt (MLPW) for instant start or  $\geq 88$  MLPW for programmed rapid start-ballast.

<b>PENDANT AND WALL-MOUNTED INDIRECT FLUORESCENT FIXTURES</b>			<b>Model #</b>	<b>Manufacturer</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
Each eligible unit shall consist of a four-foot section containing not more than two T-5 or T-5 HO lamps, with an indirect or indirect/direct light distribution. Overall fixture efficiency shall exceed 80%. Ceilings must be white and/or have minimum surface reflectivity of 80%. Fixtures must be installed according to manufacturer recommendations for spacing and suspension distance from ceiling. Entire fixture must be new. Retrofits are not eligible.	HEFLEBG-2	Fixtures with up to two T-5 lamps or T-5 HO lamps with electronic ballast.				\$20 per 4 ft. fixture	
<b>HIGH-EFFICIENCY LOW-GLARE RECESSED FLUORESCENT FIXTURES</b>			<b>Model #</b>	<b>Manufacturer</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
Low-glare recessed or surface-mounted fixture with electronic ballast. Each eligible unit shall consist of an electronic ballast and not more than 3 lamps. Overall fixture efficiency shall exceed 60% for all fixture types. Fixture efficiency is calculated as the total lumen output of a fixture divided by the lumen output of the lamps it operates, expressed as a percentage. Fixtures must meet IES Recommended Practice number (RP-1) PREFERRED criteria (not to exceed 850 candelas per sq. meter at 55 degrees, 350 candelas per sq. meter at 65 degrees, and 175 candelas per sq. meter at 75 degrees), or the minimum glare requirements of the NYSERDA Small Commercial Lighting Program for the space in which they are installed as specified at: <a href="http://sclp.lightingresearch.org/sclp/pdf/minimum-criteria.pdf">http://sclp.lightingresearch.org/sclp/pdf/minimum-criteria.pdf</a> . Entire fixture must be new. Retrofits are not eligible.	HEFLG-4	1, 2, or 3-lamp T-8 or T-5 fixture with electronic ballast.				\$15 per fixture	
	HP HEFLG-4	1, 2, or 3-lamp T-8 or T-5 fixture with electronic ballast. Fixture must also meet High Performance Fluorescent Energy-Efficiency Characteristics as described above.*				\$20 per fixture	
	HEFLG-5	Two or Three-lamp T-8 or T-5 fixture with tandem-wired electronic ballast.				\$15 per fixture	
	HP HEFLG-5	Two or Three-lamp T-8 or T-5 fixture with tandem-wired electronic ballast. Fixture must also meet High Performance Fluorescent Energy-Efficiency Characteristics as described above.*				\$20 per fixture	

<b>Lighting System Measure Worksheet (continued)</b>							
<b>FLUORESCENT FIXTURE WITH MANUFACTURER INTEGRATED OCCUPANCY CONTROLLED HIGH-LOW SWITCHING</b>			<b>Model #</b>	<b>Manufacturer</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
Each eligible unit shall be a T-8 or T-5 fluorescent fixture with electronic ballast and manufacturer-integrated occupancy sensor. Each eligible fixture shall contain a passive infrared and/or ultrasonic occupancy sensor that controls the ballasts and lamps within the fixture. Fixture controlled by "ON" overrides are NOT eligible.	IOCHL	1, 2, or 3-lamp T-8 or T-5 fixture with electronic ballast and manufacturer-integrated occupancy sensor				\$35 per fixture	
<b>FLUORESCENT LIGHTING CONTROLS</b>			<b>Model #</b>	<b>Manufacturer</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
Each eligible unit shall be hardwired, passive infrared and/or ultrasonic wall-mounted occupancy detector. Installations must comply with manufacturer's guidelines on coverage and maximum controlled Watts. Occupancy sensors or installations with manual "ON" override capability are NOT eligible.	OC-1	Wall-Mounted Occupancy Sensors				\$10 per control	
Each eligible unit shall be hardwired, passive infrared and/or ultrasonic ceiling-mounted occupancy detector. Installations must comply with manufacturer's guidelines on coverage and maximum controlled Watts. Occupancy sensors or installations with manual "ON" override capability are NOT eligible.	OC-2	Ceiling-Mounted Occupancy Sensors				\$20 per control	
Each eligible unit shall consist of a photosensor that controls a minimum of 2 dimming ballasts and fluorescent lamps. Dimming shall be continuous or stepped at 4 or more levels. Systems controlled by "On/OFF Overrides" are NOT eligible.	DC-1	Daylight controlled dimming of fluorescent systems				\$65 per control	
Each eligible unit shall consist of a photosensor that controls a minimum of 4 dimming ballasts and fluorescent lamps. Dimming shall be continuous or stepped at 4 or more levels. Systems controlled by "On/OFF Overrides" are NOT eligible.	DC-2	Daylight controlled dimming of fluorescent systems				\$100 per control	

<b>Lighting System Measure Worksheet (continued)</b>							
<b>FLUORESCENT LIGHTING CONTROLS</b>			<b>Model #</b>	<b>Manufacturer</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
Each eligible unit shall be a hard-wired, passive infrared and/or ultrasonic occupancy detector that controls a minimum of 2 step-dimming (high-low) ballasts and fluorescent lamps. Ballast power consumption in "low" mode must not exceed 60% of full load. Occupancy sensors or installations controlled by "ON/OFF Overrides" are NOT eligible. Spaces under 250 square feet are NOT eligible.	OCHL	Occupancy controlled High-Low switching of fluorescent systems				\$30 per control	
<b>VENDING MACHINE OCCUPANCY CONTROLS</b>			<b>Model #</b>	<b>Manufacturer</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
Each eligible unit shall consist of an occupancy sensor that powers down/turns off the lighting within a refrigerated vending machine based upon occupancy.	VMOS	Occupancy controlled lighting in refrigerated vending machine				\$40 per control	
<b>HID LIGHTING CONTROLS</b>			<b>Model #</b>	<b>Manufacturer</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
Each eligible unit shall control HID lamps based on occupancy. Fixtures controlled by "ON/OFF Overrides" are NOT eligible. Installations with manual "off" overrides are eligible.	HIDLC	Occupancy controlled High-Low switching of HID				\$75 per control	
	HIDDL	Daylight controlled dimming of HID				\$100 per control	
<b>HIGH BAY T-8 AND T-5 FIXTURES FOR INTERIOR USE</b> Please Note: Fixtures must be installed in a High Bay area with minimum ceiling height of 15 feet.			<b>Model #</b>	<b>Manufacturer</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
Each eligible unit shall have four or more lamps for T-8 fixtures, 4' to 8' length only. Fixture must be installed in high bay area with minimum ceiling height of 15 feet. Minimum fixture efficiency of 84% for T-8 fixtures. Fixture efficiency is calculated as the total lumen output of a fixture divided by the lumen output of the lamps it operates, expressed as a percentage.	HB-1	Minimum of four T-8 or T-8 high output (T-8 HO) lamps per fixture.				\$35 per fixture	
Each eligible unit shall have three or more high output (HO) lamps for T-5 fixtures, 4' to 8' length only. Fixture must be installed in high bay area with minimum ceiling height of 15 feet. Minimum fixture efficiency of 91% for T-5 HO fixtures. Fixture efficiency is calculated as the total lumen output of a fixture divided by the lumen output of the lamps it operates, expressed as a percentage. Standard T-5 fixtures are not eligible.	HB-2	Minimum of three T-5 HO lamps per fixture. Only high output (T-5 HO) fixtures are eligible.				\$35 per fixture	

<b>Lighting System Measure Worksheet (continued)</b>							
<b>HID HIGH PRESSURE SODIUM FIXTURES FOR EXTERIOR USE</b> Note: LPW is derived by the mean lamp lumens/ lamp watts			<b>Model #</b>	<b>Manufacturer</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
Each eligible unit shall consist of a pulse-start ballast with a matched metal halide lamp. Road and street lighting does NOT qualify. Lamps must have minimum mean (maintained) efficacy as follows: 1) 40 LPW for lamps ≤ 150 Watts 2) 75 LPW for lamps between 150 Watts and 400 Watts 3) 80 LPW for lamps ≥ 400 Watts  Eligible fixtures may be new or retrofit.	HPS-1	High Pressure Sodium Fixtures.				\$20 per fixture	
	HID-1	Pulse start metal halide fixture 150 Watts or less				\$25 per fixture	
	HID-2	Pulse start metal halide fixture between 150 Watts and 400 Watts				\$25 per fixture	
Each eligible unit shall consist of a pulse start ballast with a matched metal halide lamp. Lamps must have minimum mean efficacy as follows: 1) 40 LPW for lamps ≤ 150 Watts 2) 75 LPW for lamps between 150 Watts and 400 Watts 3) 80 LPW for lamps ≥ 400 Watts  Eligible fixtures may be new or retrofit.	HID-3	Pulse start metal halide fixture 400 Watts or greater.				\$25 per fixture	
	<b>PULSE START METAL HALIDE HID FIXTURES FOR EXTERIOR USE</b> Note: LPW is derived by: mean lamp lumens / lamp watts			<b>Model #</b>	<b>Manufacturer</b>	<b>Count</b>	<b>Unit Incentive</b>
Each eligible unit shall consist of a pulse start ballast with a matched metal halide lamp. Lamps must have minimum mean efficacy as follows: 1) 40 LPW for lamps ≤ 150 Watts 2) 75 LPW for lamps between 150 Watts and 400 Watts 3) 80 LPW for lamps ≥ 400 Watts  Eligible fixtures may be new or retrofit.	MH 100	100 Watt MH				\$60 per fixture	
	MH 150	150 Watt MH				\$60 per fixture	
	MH 175	175 att MH				\$60 per fixture	
	MH 250	250 Watt MH or Greater				\$60 per fixture	
<b>Total Lighting Incentive for ALL Lighting Measure Worksheets</b>							\$ _____
<p><b>The manufacturer and model numbers must be clearly indicated for each measure. In order to receive an incentive, you must submit the INVOICES (required for payment) or ESTIMATES (required for pre-approval) for purchased equipment along with MANUFACTURER’S TECHNICAL CUT SHEETS demonstrating that the equipment meets the program requirements.</b></p>							

<b>HVAC and Geothermal Heat Pump Measure Eligibility Requirements</b>							
<b>General Eligibility Requirements for HVAC Systems:</b> Unitary equipment must meet SEER or EER efficiency criteria. Heat pumps must meet EER and HSPF or COP efficiency requirements to be eligible. Compressor, condenser replacements are not eligible for incentives. Window unit air conditioners must be ENERGY STAR® Registered.							
<b>EFFICIENCY LEVELS AND INCENTIVE LEVELS FOR ENERGY STAR® WINDOW UNIT AIR CONDITIONERS</b>							
<b>Size</b>		<b>EER</b>		<b>Incentive</b>			
Less than 6,000 Btu		Not eligible for funding		\$0			
6,000 Btu to 7,999 Btu		Not eligible for funding		\$0			
8,000 Btu to 13,999 Btu		10.8		\$25			
14,000 Btu to 19,999 Btu		10.7		\$25			
20,000 Btu and greater		9.4		\$25			
<b>Efficiency Levels and Incentive Levels for PTAC and PTHP Equipment</b>							
<b>Tons (Nominal)</b>		<b>Btuh</b>		<b>Minimum Efficiency (EER/COP)</b>		<b>Incentive (\$/ton)</b>	
0.58		7,000 or less		11.7 EER / 3.3 COP		\$45	
0.75		7,000 to 9,500		11.3 EER / 3.2 COP		\$45	
1.0		9,500 to 15,000		10.7 EER / 3.1 COP		\$45	
1.25		15,000 or more		9.6 EER / 3.0 COP		\$45	
<b>Efficiency Levels and Incentive Levels for Air Source Unitary HVAC Equipment</b>							
<b>Unitary Equipment Size</b>				<b>TIER 2</b>			
<b>Tons</b>		<b>Btuh</b>		<b>Minimum Efficiency (SEER or EER / HSPF or COP)</b>		<b>Incentive (\$/ton)</b>	
Single Phase ≤5.4		≤65,000		13.0 SEER / 8.0 HSPF		\$90	
3 Phase ≤5.4		≤65,000		13.0 SEER and 11.0 EER / 8.0 HSPF		\$90	
>5.4 to 11.25		>65,000 to 135,000		11.0 EER / 3.2 COP		\$90	
>11.25 to 20		>135,000 to 240,000		10.8 EER / 3.3 COP		\$90	
<b>Efficiency Levels and Incentive Levels for Water Source HVAC Equipment</b>							
<b>Unitary Equipment Size</b>				<b>TIER 1</b>		<b>TIER 2</b>	
<b>Tons</b>		<b>Btuh</b>		<b>Minimum Efficiency</b>		<b>Incentive (\$/ton)</b>	
≤5.4		≤65,000		12.1 EER / 4.1 COP		\$62	
>5.4 to 11.25		>65,000 to 135,000		11.5 EER / 4.1 COP		\$56	
>11.25 to 20		>135,000 to 240,000		11.0 EER / 4.1 COP		\$43	
						14.0 EER / 4.6 COP	
						\$140	
						\$127	
						\$96	
<b>Geothermal Heat Pump Units for Closed Loop</b>							
<b>SIZE</b>				<b>Minimum Efficiency EER/COP</b>		<b>Incentive \$/Ton</b>	
All Sizes				ENERGY STAR® Heat Pumps 15.0 or greater EER and a COP of 3.4 or greater		\$500/Ton	
All Sizes				ENERGY STAR® Heat Pumps 14.5 to 14.99 EER and a COP of 3.2 to 3.39		\$400/Ton	

<b>HVAC and Geothermal Heat Pumps Measure Worksheet</b> <small>Completing the HVAC Measure Worksheet: Fill in the appropriate fields in the worksheet. To calculate the TOTAL INCENTIVE, multiply the UNIT SIZE of the installed equipment, the equipment INCENTIVE, and the QUANTITY of installed equipment and enter this amount in the TOTAL INCENTIVE column. The sum of the TOTAL INCENTIVE column of installed equipment should be entered in TOTAL HVAC INCENTIVE REQUESTED field. List each unit individually.</small>							
Reason N= New R=Replacement F=Failed	Equipment Type	Manufacturer/ Model Number	A Unit Size (tons)	B Unit Efficiency (EER or SEER/COP)	C Incentive \$/ton (Table)	D Quantity	E Total Incentive [A x C x D]
<i>Example:</i> N	Unitary Air-Source	ACME, ABC123	10	11.4 EER/3.2 COP	\$40	2	(10 *40 * 2) = \$800
1.							
2.							
3.							
4.							
<b>Total HVAC Incentive Requested</b>							\$ _____
<p>The manufacturer and model numbers must be clearly indicated for each measure. In order to receive an incentive, you must submit the INVOICES (required for payment) or ESTIMATES (required for pre-approval) for purchased equipment along with MANUFACTURER'S TECHNICAL CUT SHEETS demonstrating that the equipment meets the program requirements.</p>							

<b>Differential Enthalpy Economizer Controls and DCV Sensors Measure Worksheet</b>						
Differential Enthalpy Economizer Controls and DCV Sensors	Code	Model #	Manufacturer	Count	Unit Incentive	Total Incentive
Differential enthalpy economizer control system, installed with economizer logic module. Please note: Solid state electronic enthalpy sensors only. Electro-mechanical sensors are not eligible.	DEC-1				\$150	
Single Demand Controlled Ventilation (DCV), where carbon dioxide sensor must be installed in conjunction with a fully functioning controls-governed economizer.	DCV-1				\$200/ sensor	
Differential Demand Controlled Ventilation (DCV), two sensors providing both indoor air and outdoor air carbon dioxide sensing, and must be installed in conjunction with a fully functioning controls-governed economizer.	DCV-2				\$400/system (\$200/ sensor)	
<b>Total Differential Enthalpy Economizer Controls and/or DCV Sensors Incentive Requested</b>						\$ _____
<p>The manufacturer and model numbers must be clearly indicated for each measure. In order to receive an incentive, you must submit the INVOICES (required for payment) or ESTIMATES (required for pre-approval) for purchased equipment along with MANUFACTURER'S TECHNICAL CUT SHEETS demonstrating that the equipment meets the program requirements.</p>						

**Motor Measure Worksheet**

**Completing the Motor Measure Worksheet:** Fill in the appropriate fields in the worksheet. To calculate the TOTAL INCENTIVE, multiply the INCENTIVE by the QUANTITY of installed equipment and enter this amount in the TOTAL INCENTIVE row. The totals should be entered in the TOTAL MOTOR WORKSHEET INCENTIVE field. Motors meeting or exceeding the NEMA Premium Nominal Efficiencies below are eligible for incentives. Motors must operate a minimum of 2000 hours per year to be eligible for incentives. (Copy this page to submit incentive request for more than five motors).

Motor Incentives Open Drip-Proof (ODP)					Motor Incentives Totally Enclosed Fan-Cooled (TEFC)				
Motor Size (HP)	Speed (RPM)			Incentive (\$/Motor)	Motor Size (HP)	Speed (RPM)			Incentive (\$/Motor)
	1200	1800	3600			1200	1800	3600	
	NEMA Premium Nominal Efficiency					NEMA Premium Nominal Efficiency			
1	82.5%	85.5%	77.0%	\$25	1	82.5%	85.5%	77.0%	\$25
1.5	86.5%	86.5%	84.0%	\$30	1.5	87.5%	86.5%	84.0%	\$30
2	87.5%	86.5%	85.5%	\$30	2	88.5%	86.5%	85.5%	\$30
3	88.5%	89.5%	85.5%	\$30	3	89.5%	89.5%	86.5%	\$30
5	89.5%	89.5%	86.5%	\$30	5	89.5%	89.5%	88.5%	\$30
7.5	90.2%	91.0%	88.5%	\$60	7.5	91.0%	91.7%	89.5%	\$60
10	91.7%	91.7%	89.5%	\$60	10	91.0%	91.7%	90.2%	\$60
15	91.7%	93.0%	90.2%	\$60	15	91.7%	92.4%	91.0%	\$60
20	92.4%	93.0%	91.0%	\$60	20	91.7%	93.0%	91.0%	\$60
25	93.0%	93.6%	91.7%	\$100	25	93.0%	93.6%	91.7%	\$100
30	93.6%	94.1%	91.7%	\$115	30	93.0%	93.6%	91.7%	\$115
40	94.1%	94.1%	92.4%	\$125	40	94.1%	94.1%	92.4%	\$125
50	94.1%	94.5%	93.0%	\$140	50	94.1%	94.5%	93.0%	\$140
60	94.5%	95.0%	93.6%	\$215	60	94.5%	95.0%	93.6%	\$215
75	94.5%	95.0%	93.6%	\$270	75	94.5%	95.4%	93.6%	\$270
100	95.0%	95.4%	93.6%	\$325	100	95.0%	95.4%	94.1%	\$325
125	95.0%	95.4%	94.1%	\$420	125	95.0%	95.4%	95.0%	\$420
150	95.4%	95.8%	94.1%	\$450	150	95.8%	95.8%	95.0%	\$450
200	95.4%	95.8%	95.0%	\$480	200	95.8%	96.2%	95.4%	\$480

Required Motor Information	Example	#1	#2	#3	#4	#5
Reason: "N"=New or "F"=Failed	F					
Location: Building and Room	Mechanical Rm 4					
Function: Fan, Pump, Process, Other	HVAC Pump					
Manufacturer	ACME					
Model Number	RR/C 1957					
"ODP" or "TEFC"	TEFC					
Size in Horsepower	30					
Speed in RPM	1800					
NEMA Premium Nominal Efficiency	93.6					
Annual Run Hours	4400					
Quantity	2					
Incentive(\$/Motor) (Table)	\$115					
Total Incentive	\$230					

**TOTAL MOTOR WORKSHEET INCENTIVE REQUESTED**

The manufacturer and model numbers must be clearly indicated for each measure. In order to receive an incentive, you must submit the INVOICES (required for payment) or ESTIMATES (required for pre-approval) for purchased equipment along with MANUFACTURER'S TECHNICAL CUT SHEETS demonstrating that the equipment meets the program requirements.

\$ \_\_\_\_\_

**Variable Speed Drive (VSD) Measure Worksheet**

Instructions: Use a separate line for each VSD. Calculate the incentive by multiplying the HP of the motor controlled by the VSD by the incentive. List each VSD individually. Enter the total in the TOTAL INCENTIVE column.

CODE	APPLICATION
HVAC	Heating Ventilating and Air Conditioning Application
I PRO	Industrial Process Application
A PRO	Agricultural Process Application
PUMP	Pump Application
OTH	Other (not listed) - Please attach brief explanation of application

VSD Size (Horse Power (HP) of Motor Controlled)	Incentive Amount [(\$)/Horse Power Controlled by Drive]
20 HP and less	\$20
Greater than 20 up to 40 HP	\$17.50
Greater than 40 up to 100 HP	\$15
Greater than 100 HP	\$10

Item	Motor HP Controlled by Each VSD	Model / Manufacturer	Incentive (Dollars) per HP	Application Code (Table)	Fan or Pump ID(s)	Estimated Run Hours	Name of Area Served	Total Incentive
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								

<b>Total VSD Incentive Requested</b>								\$ _____
<p>The manufacturer and model numbers must be clearly indicated for each measure. In order to receive an incentive, you must submit the INVOICES (required for payment) or ESTIMATES (required for pre-approval) for purchased equipment along with MANUFACTURER'S TECHNICAL CUT SHEETS demonstrating that the equipment meets the program requirements.</p>								

**Commercial Packaged Refrigeration Equipment Measure Worksheet**

**Completing the Commercial Packaged Refrigeration Equipment Worksheet:** Fill in the appropriate fields in the worksheet. To calculate the TOTAL INCENTIVE, multiply the COUNT (quantity of installed equipment) by the UNIT INCENTIVE and enter this amount in the TOTAL INCENTIVE COLUMN. The sum of the TOTAL INCENTIVE amounts is entered in the TOTAL COMMERCIAL PACKAGED REFRIGERATION EQUIPMENT INCENTIVE field at the bottom of the worksheet. Efficiency Criteria for eligible units must meet CEE Tier 2 requirements as defined on the following website: <http://www.cee1.org/com/com-ref/com-ref-main.php3>

Equipment	Size	Efficiency Criteria	Incentive
Reach-in Solid Door Refrigerator	20 cubic foot unit and less	Each eligible unit must meet or exceed CEE Tier 2 requirements (40% more efficient than ENERGY STAR®).	\$75/Unit
Reach-in Solid Door Refrigerator	>20 to 48 cubic foot units	Each eligible unit must meet or exceed CEE Tier 2 requirements (40% more efficient than ENERGY STAR®).	\$125/Unit
Reach-in Solid Door Refrigerator	>48 cubic foot units	Each eligible unit must meet or exceed CEE Tier 2 requirements (40% more efficient than ENERGY STAR®).	\$150/Unit
Reach-in Solid Door Freezer	20 cubic foot unit and less	Each eligible unit must meet or exceed CEE Tier 2 requirements (30% more efficient than ENERGY STAR®).	\$75/Unit
Reach-in Solid Door Freezer	>20 to 48 cubic foot units	Each eligible unit must meet or exceed CEE Tier 2 requirements (30% more efficient than ENERGY STAR®).	\$125/Unit
Reach-in Solid Door Freezer	>48 cubic foot units	Each eligible unit must meet or exceed CEE Tier 2 requirements (30% more efficient than ENERGY STAR®).	\$150/Unit
Commercial Ice Makers	All sizes.	Each eligible unit must meet or exceed CEE Tier 1 requirements (Equivalent to FEMP).	\$50/Unit

Reason N = New R = Replacement F = Failed	Equipment Type	Manufacturer and Model	Unit Size	Incentive per Unit	Count	Total Incentive
N (Example)	Reach-in Freezer	ACME 123456	25 Cubic Feet	\$125	1	\$125

<p><b>Total Commercial Packaged Refrigeration Equipment Incentive Requested</b></p> <p>The manufacturer and model numbers must be clearly indicated for each measure. In order to receive an incentive, you must submit the INVOICES (required for payment) or ESTIMATES (required for pre-approval) for purchased equipment along with MANUFACTURER'S TECHNICAL CUT SHEETS demonstrating that the equipment meets the program requirements.</p>	<p>\$ _____</p>
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**Heat Pump Water Heaters Measure Worksheet**

**Completing the Heat Pump Water Heater Equipment Worksheet:** Fill in the appropriate fields in the worksheet. To calculate the TOTAL INCENTIVE, multiply the COUNT (quantity of installed equipment) by the UNIT INCENTIVE and enter this amount in the TOTAL INCENTIVE COLUMN. The sum of the TOTAL INCENTIVE amounts is entered in the TOTAL HEAT PUMP WATER HEATER EQUIPMENT INCENTIVE field at the bottom of the worksheet.

Each eligible unit must augment an electric resistance water heater. Fossil fuel water heaters are not eligible.  
 Only units with a storage tank of 50 to 120 gallons are eligible.  
 Each eligible unit must be in a space where the heat drawn from it is not heated by an electrical resistance heater.  
 The heat pump water heater energy factor rating must meet or exceed 2.37.

Manufacturer	Model	Tank Size	Unit Efficiency	Count	Unit Incentive	Total Incentive
ACME (Example)	123456	80	2.5	2	\$400	\$800
					\$400	
					\$400	
					\$400	
					\$400	
					\$400	
					\$400	
					\$400	
					\$400	
					\$400	
					\$400	
					\$400	
					\$400	
					\$400	

**Heat Pump Water Heater Equipment Incentive Requested**    \$ \_\_\_\_\_

**The manufacturer and model numbers must be clearly indicated. In order to receive an incentive, you must submit the INVOICES (required for payment) or ESTIMATES (required for pre-approval) for purchased equipment along with MANUFACTURER’S TECHNICAL CUT SHEETS demonstrating that the equipment meets the program requirements.**

**Heat Pump Water Heater Incentive Eligibility Certification**

To be eligible for this measure, the water heater that the heat pump is augmenting must be electrically heated and the space where the heat is drawn from must not be heated by an electrical resistance heater. By signing this certification, as the Applicant, you attest that the storage tanks that these heat pumps are augmenting are electrically heated and that the space where the heat is drawn from is not heated by an electric resistance heater. No incentive for heat pumps shall be paid without the Applicant’s signature and certification below.

\_\_\_\_\_ Signature

\_\_\_\_\_ Date

**Thermoelectric Solid State Cooling System**

<b>Thermoelectric Solid State Cooling System</b>	<b>Code</b>	<b>Model #</b>	<b>Manufacturer</b>	<b>Run Hours</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
Each eligible thermoelectric solid state cooling system unit must replace a standard freon chiller and meet the following specifications: 1) minimum coefficient of performance (COP) = 4.0 2) 1200 watts of heat removal	TR1200					\$500	
<b>Thermoelectric Solid State Cooling System Equipment Incentive Requested</b>							\$ _____
<p><b>The manufacturer and model numbers must be clearly indicated. In order to receive an incentive, you must submit the INVOICES (required for payment) or ESTIMATES (required for pre-approval) for purchased equipment along with MANUFACTURER’S TECHNICAL CUT SHEETS demonstrating that the equipment meets the program requirements.</b></p>							

**High Efficiency Oil Burner**

<b>High Efficiency Oil Burner</b>	<b>Code</b>	<b>Model #</b>	<b>Manufacturer</b>	<b>Run Hours</b>	<b>Count</b>	<b>Unit Incentive</b>	<b>Total Incentive</b>
Each eligible, low electric use oil burner users a high efficiency, DC brushless combustion air blower and a separate, piston-type, electromagnetic fuel pump. 5 gallon per hour maximum capacity.	HEB-1					\$100	
<b>High Efficiency Oil Burner Equipment Incentive Requested</b>							\$ _____
<p><b>The manufacturer and model numbers must be clearly indicated. In order to receive an incentive, you must submit the INVOICES (required for payment) or ESTIMATES (required for pre-approval) for purchased equipment along with MANUFACTURER’S TECHNICAL CUT SHEETS demonstrating that the equipment meets the program requirements.</b></p>							

## ATTACHMENT C

### PART 504

#### PROMPT PAYMENT POLICY STATEMENT

Section 504.1 Purpose and applicability. (a) The purpose of this Part is to implement section 2880 of the Public Authorities Law by detailing the authority's policy for making payment promptly on amounts properly due and owing by the authority under contracts. This Part constitutes the authority's prompt payment policy statement as required by that section.

(b) This Part generally applies to payments due and owing by the authority to a person or business in the private sector under a contract it has entered into with the authority on or after May 1, 1988. This Part does not apply to payments due and owing:

- (1) under the Eminent Domain Procedure Law;
- (2) as interest allowed on judgments rendered by a court pursuant to any provision of law except Section 2880 of the Public Authorities Law;
- (3) to the Federal government; to any state agency or its instrumentalities; to any duly constituted unit of local government, including but not limited to counties, cities, towns, villages, school districts, special districts or any of their related instrumentalities; to any other public authority or public benefit corporation; or to its employees when acting in, or incidental to, their public employment capacity;
- (4) if the Authority is exercising a legally authorized set-off against all or part of the payment; or
- (5) if other State or Federal law or rule or regulation specifically requires otherwise.

Section 504.2 Definitions. As used in this Part, the following terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

- (a) "Authority" means the New York State Energy Research and Development Authority.
- (b) "Contract" means an enforceable agreement entered into between the Authority and a contractor.
- (c) "Contractor" means any person, partnership, private corporation, or association:
  - (1) selling materials, equipment or supplies or leasing property or equipment to the Authority pursuant to a contract;
  - (2) constructing, reconstructing, rehabilitating or repairing buildings, highways or

other improvements for, or on behalf of, the Authority pursuant to a contract; or

(3) rendering or providing services to the Authority pursuant to a contract.

(d) "Date of payment" means the date on which the Authority requisitions a check from its statutory fiscal agent, the Department of Taxation and Finance, to make a payment.

(e) "Designated payment office" means the Office of the Authority's Controller, located at 17 Columbia Circle, Albany, New York 12203.

(f) "Payment" means provision by the Authority of funds in an amount sufficient to satisfy a debt properly due and owing to a contractor and payable under all applicable provisions of a contract to which this Part applies and of law, including but not limited to provisions for retained amounts or provisions which may limit the Authority's power to pay, such as claims, liens, attachments or judgments against the contractor which have not been properly discharged, waived or released.

(g) "Prompt payment" means a payment within the time periods applicable pursuant to Sections 504.3 through 504.5 of this Part in order for the Authority not to be liable for interest pursuant to Section 504.6.

(h) "Payment due date" means the date by which the date of payment must occur, in accordance with the provisions of Sections 504.3 through 504.5 of this Part, in order for the Authority not to be liable for interest pursuant to Section 5.06.

(i) "Proper invoice" means a written request for a contract payment that is submitted by a contractor setting forth the description, price or cost, and quantity of goods, property or services delivered or rendered, in such form, and supported by such other substantiating documentation, as the Authority may reasonably require, including but not limited to any requirements set forth in the contract; and addressed to the Authority's Controller, marked "Attention: Accounts Payable," at the designated payment office.

(j)(1) "Receipt of an invoice" means:

(i) if the payment is one for which an invoice is required, the later of:

- (a) the date on which a proper invoice is actually received in the designated payment office during normal business hours; or
- (b) the date by which, during normal business hours, the Authority has actually received all the purchased goods, property or services covered by a proper invoice previously received in the designated payment office.

(ii) if a contract provides that a payment will be made on a specific date or at a predetermined interval, without having to submit a written invoice the 30th

calendar day, excluding legal holidays, before the date so specified or predetermined.

(2) For purposes of this subdivision, if the contract requires a multifaceted, completed or working system, or delivery of no less than a specified quantity of goods, property or services and only a portion of such systems or less than the required goods, property or services are working, completed or delivered, even though the Contractor has invoiced the Authority for the portion working, completed or delivered, the Authority will not be in receipt of an invoice until the specified minimum amount of the systems, goods, property or services are working, completed or delivered.

(k) "Set-off" means the reduction by the Authority of a payment due a contractor by an amount equal to the amount of an unpaid legally enforceable debt owed by the contractor to the Authority.

Section 504.3 Prompt payment schedule. Except as otherwise provided by law or regulation or in Sections 504.4 and 504.5 of this Part, the date of payment by the Authority of an amount properly due and owing under a contract shall be no later than 30 calendar days, excluding legal holidays, after such receipt.

Section 504.4 Payment procedures. (a) Unless otherwise specified by a contract provision, a proper invoice submitted by the contractor to the designated payment office shall be required to initiate payment for goods, property or services. As soon as any invoice is received in the designated payment office during normal business hours, such invoice shall be date-stamped. The invoice shall then promptly be reviewed by the Authority.

(b) The Authority shall notify the contractor within 15 calendar days after receipt of an invoice of:

- (1) any defects in the delivered goods, property or services;
- (2) any defects in the invoice; and
- (3) suspected improprieties of any kind.

(c) The existence of any defects or suspected improprieties shall prevent the commencement of the time period specified in Section 504.3 until any such defects or improprieties are corrected or otherwise resolved.

(d) If the Authority fails to notify a contractor of a defect or impropriety within the fifteen calendar day period specified in subdivision (b) of this section, the sole effect shall be that the number of days allowed for payment shall be reduced by the number of days between the 15th day and the day that notification was transmitted to the contractor. If the Authority fails to provide reasonable grounds for its contention that a defect or impropriety exists, the

sole effect shall be that the payment due date shall be calculated using the original date of receipt of an invoice.

(e) In the absence of any defect or suspected impropriety, or upon satisfactory correction or resolution of a defect or suspected impropriety, the Authority shall make payment, consistent with any such correction or resolution and the provisions of this Part.

Section 504.5 Exceptions and extension of payment due date. The Authority has determined that, notwithstanding the provisions of Sections 504.3 and 504.4 of this Part, any of the following facts or circumstances, which may occur concurrently or consecutively, reasonably justify extension of the payment due date:

- (a) If the case of a payment which a contract provides will be made on a specific date or at a predetermined interval, without having to submit a written invoice, if any documentation, supporting data, performance verification, or notice specifically required by the contract or other State or Federal mandate has not been submitted to the Authority on a timely basis, then the payment due date shall be extended by the number of calendar days from the date by which all such matter was to be submitted to the Authority and the date when the Authority has actually received such matter.
- (b) If an inspection or testing period, performance verification, audit or other review or documentation independent of the contractor is specifically required by the contract or by other State or Federal mandate, whether to be performed by or on behalf of the Authority or another entity, or is specifically permitted by the contract or by other State or Federal provision and the Authority or other entity with the right to do so elects to have such activity or documentation undertaken, then the payment due date shall be extended by the number of calendar days from the date of receipt of an invoice to the date when any such activity or documentation has been completed, the Authority has actually received the results of such activity or documentation conducted by another entity, and any deficiencies identified or issues raised as a result of such activity or documentation have been corrected or otherwise resolved.
- (c) If an invoice must be examined by a State or Federal agency, or by another party contributing to the funding of the contract, prior to payment, then the payment due date shall be extended by the number of calendar days from the date of receipt of an invoice to the date when the State or Federal agency, or other contributing party to the contract, has completed the inspection, advised the Authority of the results of the inspection, and any deficiencies identified or issues raised as a result of such inspection have been corrected or otherwise resolved.
- (d) If appropriated funds from which payment is to be made have not yet been

appropriated or, if appropriated, not yet been made available to the Authority, then the payment due date shall be extended by the number of calendar days from the date of receipt of an invoice to the date when such funds are made available to the Authority.

Section 504.6 Interest eligibility and computation. If the Authority fails to make prompt payment, the Authority shall pay interest to a contractor on the payment when such interest computed as provided herein is equal to or more than ten dollars. Interest shall be computed and accrue at the daily rate in effect on the date of payment, as set by the New York State Tax Commission for corporate taxes pursuant to Section 1096(e)(1) of the Tax Law. Interest on such a payment shall be computed for the period beginning on the day after the payment due date and ending on the date of payment.

Section 504.7 Sources of funds to pay interest. Any interest payable by the Authority pursuant to this Part shall be paid only from the same accounts, funds, or appropriations that are lawfully available to make the related contract payment.

Section 504.8 Incorporation of prompt payment policy statement into contracts. The provisions of this Part in effect at the time of the creation of a contract shall be incorporated into and made a part of such contract and shall apply to all payments as they become due and owing pursuant to the terms and conditions of such contract, notwithstanding that the Authority may subsequently amend this Part by further rulemaking.

Section 504.9 Notice of objection. Unless a different procedure is specifically prescribed in a contract, a contractor may object to any action taken by the Authority pursuant to this Part which prevents the commencement of the time in which interest will be paid by submitting a written notice of objection to the Authority. Such notice shall be signed and dated and concisely and clearly set forth the basis for the objection and be addressed to the Vice President, New York State Energy Research and Development Authority, at the address set forth in Section 504.2(e). The Vice President of the Authority, or his or her designee, shall review the objection for purposes of affirming or modifying the Authority's action. Within 15 working days of the receipt of the objection, the Vice President, or his or her designee, shall notify the contractor either that the Authority's action is affirmed or that it is modified or that, due to the complexity of the issue, additional time is needed to conduct the review; provided, however, in no event shall the extended review period exceed 30 working days.

Section 504.10 Judicial Review. Any determination made by the Authority pursuant to this Part which prevents the commencement of the time in which interest will be paid is subject to judicial review in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules. Such proceedings shall only be commenced upon completion of the review procedure specified in Section 504.9 of this Part or any other review procedure that may be specified in the contract or by other law, rule, or regulation.

Section 504.11 Court action or other legal processes. (a) Notwithstanding any other

law to the contrary, the liability of the Authority to make an interest payment to a contractor pursuant to this Part shall not extend beyond the date of a notice of intention to file a claim, the date of a notice of a claim, or the date commencing a legal action for the payment of such interest, whichever occurs first.

(b) With respect to the court action or other legal processes referred to in subdivision (a) of this section, any interest obligation incurred by the Authority after the date specified therein pursuant to any provision of law other than Public Authorities Law Section 2880 shall be determined as prescribed by such separate provision of law, shall be paid as directed by the court, and shall be paid from any source of funds available for that purpose.

Section 504.12 Amendments. These regulations may be amended by resolution of the Authority, provided that the Chair, upon written notice to the other Members of the Authority, may from time to time promulgate nonmaterial amendments of these regulations.