



New Jersey's Clean Energy Program Complete Incentive Application for the ARRA Initiative “Energy Efficiency Programs through the Clean Energy Program”

Program Description

Select commercial and industrial components of New Jersey’s Clean Energy Program (NJCEP) are now available to New Jersey oil, propane, cooperative and municipal electric customers that previously were not eligible for incentives under the program. Commercial and Industrial customers served by non investor-owned utilities are eligible to participate in the following NJCEP initiatives: Pay for Performance, Local Government Energy Audit or Direct Install. Funding is provided by the American Recovery and Reinvestment Act (ARRA). Applicants will be subject to special federal ARRA terms and conditions as described in this document.

Eligibility

Eligible applicants are oil, propane, cooperatives, or municipal electric customers who do not pay into the Societal Benefits Charge fund.

Eligible Energy Conservation Programs

Applicants may participate in one of the following NJCEP initiatives, administered by the New Jersey Board of Public Utilities and managed by TRC Energy Services, the Commercial & Industrial Market Manager.

- Pay for Performance (for Existing Buildings)
- Local Government Energy Audit
- Direct Install

Limit to Participation in Eligible Energy Conservation Programs

Participation in an eligible energy conservation program is limited by the eligible measures detailed in this Application. Applicants may only include eligible measures in their application to an eligible energy conservation program.

Eligible Measures

Due to the Federal source of these funds, only the following measures are eligible. Applications to New Jersey's Clean Energy Program must be limited to these measures:

- Direct Install (where qualified through the Energy Assessment Tool):
 - Lighting
 - Occupancy sensors
 - Variable speed drives
 - Programmable thermostats
 - Refrigeration measures
 - High efficiency appliances including those related to food services

- Domestic hot water reduction measures
- Pipe insulation
- HVAC measures
- Energy star boilers and furnaces
- High efficiency cooling systems
- High efficiency water heating equipment
- Pay for Performance
 - Efficient lighting
 - HVAC measures
 - Occupancy sensors
 - Variable speed drives
 - Programmable thermostats
 - Refrigeration measures
 - Domestic hot water reduction measures
 - Pipe insulation
 - ENERGY STAR® labeled boilers and furnaces
 - Barometric dampers
 - High efficiency cooling systems
 - High efficiency water heating equipment
 - Energy efficient appliances
 - Geothermal heat pumps (10 tons of capacity or smaller)
 - Windows, doors, insulation, and other building shell improvements
 - Clean and tune (furnaces)
 - Solar thermal hot water (appropriately sized for the existing building)
 - Low flow aerators/showerheads/toilets
 - Combined Heat and Power systems (sized to boilers appropriate to the buildings in which they are located)
 - Chillers
 - Motors and pumps
 - Controls
 - Building management systems
 - Exhaust air heat recovery
 - Exhaust fans/air handlers/ventilation fans

Ineligible Measures

Due to the Federal source of these funds, the following measures are ineligible:

- Those that have been installed prior to approval of this application
- Those for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool

Eligible Facilities

Due to the Federal source of these funds, project measures must be implemented at an eligible location. The following are eligible locations:

- Facilities owned or leased by the eligible applicant within the State of New Jersey

Ineligible Facilities

- Casinos or other gambling establishments, aquariums, zoos, golf courses, and swimming pools
- New construction
- Buildings owned or leased by the United States Federal Government

Participation Steps

1. Applicants should submit an application to TRC while simultaneously applying for incentives through Pay for Performance, Local Government Energy Audit, or Direct Install. To participate, contact:
 - a. A Pay for Performance Program Partner. A list of approved Partners is available at the following link: <http://www.njcleanenergy.com/commercial-industrial/programs/pay-performance/existing-buildings/approved-partners>
 - b. A TRC Local Government Energy Audit program representative. Call 866-657-6278 x4, or email LGEA@trcsolutions.com
 - c. The Direct Install Participating Contractor serving your county. A list of Participating Contractors is available at the following link: <http://njcleanenergy.com/commercial-industrial/programs/direct-install/participating-contractors>
2. TRC reviews this application as well as the application submitted for one of the programs specified above and provides notification receipt and acceptance. TRC may conduct a pre-installation inspection prior to reserving funds for applicants. Previously installed measures are not eligible for NJCEP incentives.
3. The applicant participates in at least one of the eligible components of New Jersey's Clean Energy Program; Pay for Performance, Local Government Energy Audit, or Direct Install. Applicants must comply with all required terms and conditions and reporting requirements for NJCEP incentives.
4. Upon completing participation in one of the programs listed in #3 above, receipt of the required documentation, and successful post-installation inspection (if applicable), the applicant will receive a NJCEP incentive. The amount of the NJCEP incentive is determined by actual incurred costs, and compliance with the terms and conditions of the NJCEP as well as with the federal ARRA fund requirements.

Funding Available

Applicants are eligible for incentives that are provided through the Eligible Energy Conservation Programs and are subject to their caps.

Federal ARRA Requirements

Special terms and conditions apply as part of compliance with federal requirements for projects receiving ARRA funding. Applicants must comply (and ensure that all service providers and vendors comply) with Job Creation/Retention reporting requirements (See Appendix A), Davis-Bacon prevailing wage requirements (See Appendix B) and Buy American requirements (See Appendix C), among others. Note that the Davis-Bacon prevailing wage requirements do not relieve applicants from compliance with any required State prevailing wage requirement.

Applicants may be audited for compliance with these requirements. Failure to comply with federal requirements will jeopardize the award of funds through the NJCEP.

Quality Assurance

Applicants must provide TRC (or other NJCEP authorized representatives) access to facilities, equipment, data (including invoices and other applicable project cost documentation, metering and energy management system data), and personnel as necessary to facilitate quality assurance inspections. The quality assurance inspection may include a pre-installation and/or a post-installation site inspection.

Application Requirements

A complete application includes the following:

- Application form and,
- Copy of the Pay for Performance application form. This application form may be submitted on behalf of the applicant by the Pay for Performance Program Partner or,
- Copy of Registration Form for the Local Government Energy Audit Program or,
- Copy of the Direct Install application form. Direct Install application forms may be submitted on behalf of the applicant by the Participating Contractor

Application Deadline

Applications for Non Investor-Owned Utility customers to participate in the NJCEP will be accepted on a first come, first serve basis until all funds are exhausted.

Submission Directions

Submit one (1) paper copy of your application with original signatures to the Market Manager at the address below:

New Jersey's Clean Energy Program

c/o TRC Energy Services

900 Route 9 North, Suite 104

Woodbridge, NJ 07095

Please direct questions to: NJNONIOUARRA@trcsolutions.com, 866-657-6278 X 4, or visit our website at www.NJCleanEnergy.com/NONIOU

Project Completion Deadline

Due to the Federal source of these funds, all project measures must be completed and all incentive requests and required documentation must be submitted to TRC no later than March 1, 2012.

The individual components of the C&I portfolio (Direct Install, Pay for Performance and the Local Government Energy Audit) each have varying participation steps and requirements that may extend beyond the application deadline. With each of these programs, the Market Manager will work closely with the participating contractors to ensure that each contractor is aware of the specifications associated with ARRA funding.

Documentation Required Upon Completion of Measures

The following documentation is required for funds to be awarded.

- Copy of invoices demonstrating project cost broken out by labor and materials
- Copies of weekly certified payroll
- Copies of jobs report identifying hours worked by labor title
- Certification related to compliance with Buy American provisions
- Other documentation to be determined

Vendor Service Provider Selection

If an applicant selects a service provider such as an energy service company (ESCO), energy consultant, engineering firm, utility company, construction company, or contractor, the applicant must comply with any applicable procurement requirements of the applicant's organization, and any applicable procurement requirements of the NJCEP in which the applicant is participating. In addition, the applicant is responsible for ensuring that its service provider complies with Federal ARRA requirements.

D-U-N-S Number

A D&B® D-U-N-S number is a unique nine digit sequence for identifying and tracking organizations. The US Government requires any recipient of ARRA funds to have and provide a D-U-N-S number. NJCEP will not enter into a contract with any eligible proposer without a D-U-N-S number. Additional information can be found at www.dnb.com/US/duns_update

Central Contractor Registration (CCR)

The Central Contractor Registration (CCR) is the primary registrant database for the US Government. CCR collects, validates, stores and disseminates data in support of agency acquisition missions. Applicants are required to register in the CCR (<http://www.ccr.gov>).

National Environmental Policy Act (NEPA) Compliance

NJCEP has reviewed the list of measures eligible under the Non-Investor Owned Utility Company Rebate Program and determined that these measures are under a categorical exclusion from NEPA review as authorized by the US Department of Energy. However, if for any reason an application is determined to contain measures that are not under a categorical exclusion, NJCEP reserves the right to withhold funding approval for that measure or of the application in its entirety. Additional information about NEPA can be found at:

<http://www.gc.energy.gov/NEPA/index.htm>

Attachments

Appendix A: Job Creation/Retention Reporting Requirements

Appendix B: Davis-Bacon Prevailing Wage Requirements

Appendix C: Buy American Requirements

Non IOU Incentive Program Application Form

Appendix A

Job Creation/Retention Reporting Requirements

In order for an applicant (oil, propane and municipal customers) to receive incentives under New Jersey's Clean Energy Program (NJCEP), information must be provided related to job creation and retention for the applicant and for their service providers and vendors. This information is comprised of the total number of hours worked by the applicant and/or their service providers and vendors as a direct result of the receipt of the NJCEP incentive. Information should be provided for the entire project, even if the NJCEP incentive covers only a portion of the total project cost. Both full and part-time employees working on the project should be included. The cost for materials and labor must also be provided.

The form on the following page should be used to supply the required information. This form can also be accessed through the NJCEP website. Total hours worked should be provided for the job titles listed, as applicable. Labor and material cost for the project should also be reported in the space provided. A separate Job Creation/Retention Data form should be submitted for each NJCEP application.

New Jersey ARRA Job Reporting

Application Number: _____ **Period:** / / to / /

I. Fill in the number of hours worked for each job type as applicable:

Job Type	Number of Hours Worked
Weatherization Worker	
Electrician	
Carpenter	
Plumber/Pipefitter	
Laborer	
Roofer	
Mason	
Ironworker	
Power Equipment Operators	
Drywall Finisher/Taper	
Painter	
Supervisor/Foreman	
Clerk/Administrator	
Engineering and Design	

II. Fill in the total material cost and labor cost for this project:

Total Cost of Materials	Total Cost of Labor and Administration	Total Project Cost

Notes:

- 1) Weatherization work should include but is not limited to minor repairs, batt insulation, blown insulation, window and door repair, and weather stripping, solar film installation, air sealing, caulking, minor or incidental structural repairs, HVAC equipment repair, installation or replacement, duct sealing, air sealing, installation of light bulbs, and installation of smoke detectors.
- 2) The laborer job type should cover all labor related work performed on a project which does not fall into one of the skilled worker categories above.
- 3) Supervisors/Foreman may have the same job responsibilities as other workers from their job type, but will also have further managerial responsibilities.
- 4) Any hours worked by apprentices/trainees for a given job type should count toward that job type.

Appendix B

Davis-Bacon Prevailing Wage Requirements

In order to receive a NJCEP incentive, applicants must comply with Davis-Bacon Prevailing Wage Requirements and must include specific Davis-Bacon terms in contract agreements with all contractors working on the project. The required language to be included in each contract is on the following pages.

Submittal Requirements:

Applicants must arrange to submit to TRC weekly certified payroll for all contractors and vendors providing services related to this applicant/project. See section below Wage Rate Requirements, paragraph (3) Payroll and Basic Records, subparagraph (ii)(A) for guidance on the format of the submittal.

The following additional information is provided for your reference:

The Act requires that all contractors and subcontractors performing on federal contracts (and contractors or subcontractors performing on federally assisted contracts under the related Acts) in excess of \$2,000 pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits, as determined by the Secretary of Labor, for corresponding classes of laborers and mechanics employed on similar projects in the area.

Apprentices and trainees may be employed at less than predetermined rates. Apprentices must be employed pursuant to an apprenticeship program registered with the Department of Labor or with a state apprenticeship agency recognized by the Department. Trainees must be employed pursuant to a training program certified by the Department.

Contractors and subcontractors on prime contracts in excess of \$100,000 are also required, pursuant to the Contract Work Hours and Safety Standards Act, to pay employees one and one-half times their basic rates of pay for all hours over 40 worked on covered contract work in a workweek.

Note that Davis-Bacon prevailing wage requirements apply to self-implemented projects.

Wage Rate Requirements

(1) *Minimum wages.* (i) All laborers and mechanics employed or working upon the site of the Work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR § 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein; provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the Contractor and its subcontractors at the site of the Work in a prominent and accessible place where it can be easily seen by the workers.

(ii)(A) Any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. An additional classification and wage rate and fringe benefits therefore will be approved only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the Contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the Contractor agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the Contractor to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, is required to approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the Contractor or will notify the Contractor within the 30-day period that additional time is necessary.

(C) In the event the Contractor, the laborers or mechanics to be employed in the classification or their representatives, and the Contractor do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the Contractor shall refer the questions, including the views of all interested parties and the recommendation of the Contractor, to the Administrator for determination. The Administrator, or an authorized representative, is required to issue a determination within 30 days of receipt and so advise the Contractor or will notify the Contractor within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (1)(ii) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the Contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the Contractor does not make payments to a trustee or other third person, the Contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided, that the Secretary of Labor has found, upon the written request of the Contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the Contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) Withholding. The NJBPU shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the Contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the Contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the Work, all or part of the wages required by the contract, the NJBPU may, after written notice to the Contractor, sponsor, applicant, and owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) Payrolls and basic records. (i) Payrolls and basic records relating thereto shall be maintained by the Contractor during the course of the Work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the Work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such

benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)(A) At the completion of each project, the Contractor shall submit copy of all payrolls related to the project to the NJBPU or its designated agent. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The Contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the NJBPU or the Wage and Hour Division of the Federal or State Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a Contractor to require a subcontractor to provide addresses and social security numbers to the Contractor for its own records, without weekly submission to the NJBPU.

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the Contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information described under § 5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under § 5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have

been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3; and

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the Contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code and other New York State statutes, rules and regulations.

(iii) The Contractor or subcontractor shall make the records required under paragraph (3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the NJBPU or the State or Federal Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the Contractor or subcontractor fails to submit the required records or to make them available, after written notice to the Contractor, sponsor, applicant, or owner, the NJBPU and other Federal and State agencies may take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment.

(4) Apprentices and trainees -- (i) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for

probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a Contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringe benefits shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the Contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions

of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the Contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, 29 CFR part 30, and the New York State Human Rights Law.

(5) Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this Agreement.

(6) Subcontracts. The Contractor or subcontractor shall insert this section in any subcontracts and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime Contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all these requirements.

(7) Contract termination: debarment. A breach of this section may be grounds for termination of the contract, and for debarment as a Contractor and a subcontractor as provided in 29 CFR 5.12 and in this Agreement.

(8) Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and

5 are herein incorporated by reference in this contract.

(9) Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this Agreement shall not be subject to the general disputes clause of this Agreement. Such disputes shall be resolved in accordance with the procedures of the U.S. Department of Labor set forth in 29 CFR parts 5, 6, and 7 or the New York State Department of Labor. Disputes within the meaning of this clause include disputes between the Contractor (or any of its subcontractors) and the NJBPU, the U.S. Department of Labor, the New York State Department of Labor or the employees or their representatives.

(10) Certification of eligibility. (i) By entering into this Agreement, the Contractor certifies that neither it nor any person or firm who has an interest in the Contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this Agreement shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

Contractor shall ensure that the standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated in any contract in excess of \$2,000 for construction, alteration or repair (including painting and decorating) being paid with Recovery Act funds.

Appendix C

Buy American Requirements

The Buy American clause of the American Recovery and Reinvestment Act of 2009 (ARRA) requires, unless an exception applies, that all of the iron, steel, and manufactured goods* used in the construction, alteration, maintenance, or repair of a public building or public works project are produced in the United States. All projects must provide a preference for unmanufactured domestic construction material.

*Manufactured good means a good brought to the construction site for incorporation into the building or work that has been--

- (i) Processed into a specific form and shape; or
- (ii) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

Recipients of the New Jersey's Clean Energy Program (NJCEP) ARRA funds must comply with the Buy American clause unless a specific exception applies.

It has been determined that if any part of a public project receives ARRA funds, the Buy American clause applies to the entire project, even if the ARRA funds are only used for certain portions of the project unless those portions are separated by scope and cost within the contract. The Buy American terms are required to be part of every request for proposal or solicitation of bids and all contracts.

The Act requires "substantial transformation" of a product in the United States from component parts. A product will satisfy the qualifications of the clause if all of the components of the manufactured goods are manufactured in the United States or all of the components were assembled into the final product in the United States.

Alternatively, if there was a change in character or use of the finished good as a whole (not each individual component), facilitated in the United States, then that will satisfy the clause. Also, if there were processes performed in the United States (including but not limited to assembly) that were complex and meaningful, the Buy American Clause would be satisfied. The Act provides that this requirement be applied in a manner consistent with U. S. obligations under international agreements.

Applicants must include specific Buy American terms in contract agreements with all contractors working on the project. The required language to be included in each contract is as follows:

“The ARRA requires that all iron, steel and manufactured goods used for the construction of this contract be produced in the United States. The ARRA states:

- (a) *None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.*
- (b) *Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that –*
 - (1) *applying subsection (a) would be inconsistent with the public interest;*
 - (2) *iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or*
 - (3) *inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.*
- (c) *If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.*
- (d) *This section shall be applied in a manner consistent with United States obligations under international agreements.”*

Applicants will need to submit a certificate of compliance with the Buy American clause. If any waivers are provided, based on the conditions listed above, the applicant must obtain the waiver directly and provide copies to TRC. Further direction on the required documentation for this certification will be provided.

In order to show compliance, each applicant shall be prepared to submit the following information to TRC:

- Written certifications from manufacturers/suppliers
- Invoices
- Bills of lading
- Shipping manifests
- Photographs of Country of Origin labeling
- Cut sheets (if Country of Origin is specified)
- Photographs of serial numbers (or other ID) cross-referenced with cut sheets
- Sign-off sheet from contractor showing that materials were inspected upon delivery
- Documentation for de minimis components in excess of 5%
- Completed Substantial Transformation checklist

For those applicants that stipulated a non-American brand in their application, they shall revise their product choice and submit the new information to TRC.



NJ Clean Energy Program Application

for ARRA funded incentives available to oil, propane, cooperative and municipal electric customers

Application Information

Name of Entity	
Federal ID Number	D-U-N-S Number
Applicant has registered with the Central Contractor Registration (CCR) <input type="checkbox"/> Yes (required) <input type="checkbox"/> No	

Contact Information (enter the primary contact at the applicant organization)

Applicant Primary Contact Name		Applicant Primary Contact Title	
Address	City	State	Zip Code +4
Office Phone	Cell Phone	Fax	
E-Mail Address			

Historic Sites

A. The property which is the site of the energy efficiency or renewable energy upgrade or installation covered by this rebate application is a US or NJ Registered Historic Site under N.J.A.C. 7:4-2. Yes No

B. If the property upon which the energy efficiency or renewable energy upgrade or installation covered by this rebate application is located in a US or NJ Registered Historic Site, the property owner has received from NJDEP a determination that the upgrade or installation complies with all applicable requirements of N.J.A.C. 7:4.
 Yes No

Waste Management

By signing this application, the applicant certifies that all applicable requirements of the NJDEP's Solid Waste rules at N.J.A.C. 7:26 will be met.

Primary Place of Performance

(enter the physical location of the project - for projects with multiple locations, use the location with the largest dollar amount of measures)

Location Name			
Address	City	State	Zip Code +4

Submission Directions

Submit one (1) paper copy of your application to the Market Manager at the address below.

The paper copy must have original signatures. Applications must be submitted to:

New Jersey's Clean Energy Program
 c/o TRC Energy Services - ARRA Non IOU
 900 Route 9 North, Suite 104
 Woodbridge, NJ 07095

Please direct questions to 866-657-6278 X 4, or visit NJCleanEnergy.com/NONIOU

Energy Conservation Program Selection

To participate in this ARRA funded rebate program for oil, propane, or municipal electric customers (Non investor-owned utility or Non IOU) you must also participate in one of the following programs. Select ONE program only. To apply to participate in more than one program, submit a separate application form for each program in which you intend to participate.

Direct Install Program - administered by NJBPU

Please Check One (required)

- I am attaching a new application for the Direct Install Program.
- My Participating Contractor has already submitted an application for the Direct Install Program, but no measures have been installed. My application reference number is _____.

Please Check (required)

- My application for the Direct Install Program covers only measures eligible under this ARRA funded rebate program (Non-IOU) and complies with all the terms and conditions of the Non IOU rebate program including Buy American and Davis-Bacon prevailing wage requirements.

Pay For Performance - administered by NJBPU

Please Check One (required)

- I am attaching a new application for the Pay for Performance Program.
- My Pay for Performance Program Partner has already submitted an application for the Pay for Performance Program, but no measures have been installed. My application reference number is _____.

Please Check (required)

- My application for the Pay for Performance Program covers only measures eligible under the Non IOU rebate program and complies with all the terms and conditions of the Non IOU rebate program including Buy American and Davis-Bacon prevailing wage requirements.

Local Government Energy Audit - administered by NJBPU

Please Check One (required)

- I am attaching a copy of my registration form for the Local Government Energy Audit Program.

Authorizing Signature

I have read, understood and am in compliance with all rules and regulations concerning this Non IOU rebate program. I certify that all information provided is correct to the best of my knowledge, and I give the Market Manager permission to share my records with the New Jersey Board of Public Utilities, and contractors it selects to manage, coordinate or evaluate New Jersey's Clean Energy Program, including the release of electric and natural gas utility billing information. I allow reasonable access to my property to inspect the installation and performance of the technologies and installations that are eligible for incentives under the guidelines of New Jersey's Clean Energy Program. This arrangement supersedes all other communications and representations.

Furthermore, I understand that the project is to be funded under American Recovery and Reinvestment Act (ARRA) and that additional reporting and other requirements will apply, including, but not limited to: jobs reporting requirements, Buy American, and Federal Davis-Bacon prevailing wage requirements; and other requirements as may be imposed by Federal or State oversight entities. I agree to provide to New Jersey's Clean Energy Program any and all required materials, documentation, access to facilities, and other required information, on the schedule required by New Jersey's Clean Energy Program to meet all requirements. I understand that this project may be audited for compliance with the requirements of this application. I understand that failure to comply with ARRA requirements and to complete the project by March 1, 2012 may result in loss of funding.

Only duly authorized individuals should execute the application. The application package submitted should include a statement of the signatory party's authority to execute the application and if a local government entity, evidence that the determination regarding distribution of the rebate is consistent with the entity's particular form of government, and New Jersey law. Service providers or vendors may not sign this application.

Signature	Date
Printed Name	Title