

NJ SmartStart Buildings®

Program Terms and Conditions

Definitions:

Energy-Efficient Measures – Any device eligible to receive a Program Incentive payment through the NJ Clean Energy Commercial and Industrial Program (New Jersey SmartStart Buildings).

New Jersey Utilities – The regulated electric and/or gas utilities in the State of New Jersey. They are: Atlantic City Electric, Jersey Central Power & Light, Rockland Electric Company, New Jersey Natural Gas, Elizabethtown Gas, PSE&G, and South Jersey Gas.

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

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

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

Prevailing Wage – Projects with a contract threshold of \$15,444 are required to pay no less than prevailing wage rate to workers employed in the performance of any construction undertaken in connection with Board of Public Utilities financial assistance, or undertaken to fulfill any condition of receiving Board of Public Utilities financial assistance, including the performance of any contract to construct, renovate or otherwise prepare a facility, the operations of which are necessary for the receipt of Board of Public Utilities financial assistance. By submitting an application, or accepting program incentives, applicant agrees to adhere to New Jersey Prevailing Wage requirements, as applicable.

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

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

Program Offer – Program Incentives are available to non-residential retail electric and/or gas service customers of the New Jersey Utilities identified above.

Program Manager – TRC Energy Services.

Application and Eligibility Process . For all Prescriptive measures with the exception of Prescriptive & Performance Lighting, Lighting Controls and Custom measures, pre-approval is not required prior to installation, however any customer and/or agent who purchases and installs equipment without Program Manager approval does so at his/her own risk.

Eligibility: In order to be eligible for program incentives, a customer, or an agent (contractor/vendor) authorized by a customer, must submit a properly completed application package. A complete application package should include:

- Completed application forms signed by the customer.
- Manufacturer specification sheets and supporting documentation of qualifications.
- Recent copy of a full utility bill from a participating utility (gas or electric depending on technology) showing societal benefits charge.
 - Name of the customer listed on the application must match the name of the customer listed on the utility bill.
 - For new construction projects where a utility account has not yet been established, the customer will be required to submit a utility bill prior to incentive payment however it does not need to be included with the initial application submission.

For completed projects that do not require program pre-approval (excluding Prescriptive Lighting, Prescriptive Lighting Controls, Performance Lighting and Custom Measures) the application must be submitted to the Program Manager within 12 months of equipment purchase. Sufficient documentation must be provided confirming the date of equipment purchase (material invoice, purchase order, etc.). In order to expedite the payment processing for completed projects, customers should submit a valid Tax Clearance Certificate for the customer (see tax clearance requirements) and material/labor invoice documentation. All projects are subject to post-inspection to confirm equipment installation prior to payment.

Energy-Efficient Measures must be installed in buildings located within a New Jersey Utilities’ service territory and designated on the Participating Customer’s incentive application. Program Incentives are available for qualified Energy-Efficient Measures as listed and described in the Program materials and incentive applications. The Participating Customer must ultimately own the equipment, through an up-front purchase.

Equipment procured by Participating Customers through another program offered by New Jersey’s Clean Energy Program or the New Jersey Utilities, as applicable, are not eligible for incentives through this program. Customers who have not contributed to the Societal Benefits Charge of the applicable New Jersey Utility are not be eligible for incentives offered through this program.

Pre-Inspections: The Program Manager reserves the right to conduct a pre-inspection of the facility prior to the installation of lighting, lighting control equipment and custom measures. This will be done prior to the issuance of the approval letter. Work must not begin prior to formal program approval.

Tax Clearance Certificate Requirements: The name of the customer listed on the certificate must match the customer name listed on the utility bill and the application. In addition, the customer tax ID listed on the application must agree with the tax ID listed on the Certificate. Certificates are valid for 180 days and must be valid on the date the Program Manager signs off on the incentive.

Utility account –

1. Each utility account requires a complete, separate application. Projects for the same utility account and the same technology being done at the same time should be submitted on one application.
2. Applications for measures that are self-installed by customers must be signed by the customer and not the sales vendor of the measure, however, the customer may elect to assign payment of the incentive to the sales vendor.
3. This application package must be received by the Program Manager on or before June 30, 2017 in order to be eligible for the fiscal year program (July 1, 2016 - June 30, 2017) incentives.

Expirations: Pre-approved projects are given a one year approval in which the proposed measure is to be installed and operational. When a project has expired the customer will have 30 days to either submit a request for an extension OR submit final project paperwork. Extension requests must be in writing from the customer and include the circumstances that led to the extension request, and the percentage of the project completed. Extension requests may be granted for a period no longer than six (6) months. The Program Manager may provide up to two, six month extensions from the original approval expiration date. If the project has not started and the applicant is still interested in installing the equipment, the existing application will be cancelled and a new application must be submitted and approved prior to installation as applicable per technology. The incentive amount will be based upon the program guidelines in effect at the time of the new submission. If no response is received within 30 days of expiration the project will be cancelled.

Change in customer name/payee after pre-approval: If a request is received to change the customer name or payee listed on a pre-approved application the following must be provided:

- Documentation from the approved applicant authorizing the change.
- A new signed application and acknowledgement page with updated customer or payee name.
- For name change - a utility bill in the name of the new customer.
- For payee change - documentation from the original customer authorizing the change.

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

Notice to customers requesting pre-approval or implementing a project prior to program pre-approval. All applicants are required to submit the current FY2017 application form. All submissions will be reviewed based on the current program requirements and incentive levels approved by the Board of Public Utilities. Applicants choosing to install prior to program pre-approval do so at their own risk.

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

Installation Requirements for All Measures - The Program Manager reserves the right to verify sales transactions and to have reasonable access to Participating Customer's facility to inspect pre-existing product or equipment (if applicable) and the Energy-Efficient Measures installed under this Program, prior to issuing incentives or at a later time.

Incentive Amount – Program Incentives will not exceed: a) the approved Program Incentive amount, or b) total project cost of the Energy-Efficient Measure, whichever is less, excluding NJ state sales tax as determined by the Program Manager. Products offered at no direct cost to the customer are ineligible. Incomplete application submissions, applications requiring inspections and unanticipated periods of high volume may cause processing delays. Program Incentives are limited to \$500,000 per utility account in a fiscal year. Contact the Program Manager regarding any questions.

Tax Liability – The Program Manager will not be responsible for any tax liability that may be imposed on any Participating Customer as a result of the payment of Program Incentives. All Participating Customers must supply their federal tax identification number or social security number to the Program Manager on the application form in order to receive a Program Incentive. In addition, Participating Customers must also provide a Tax Clearance Form (entitled "Business Assistance or Incentive Clearance Certificate"). The name of the customer listed on the Certificate must match the customer name listed on the utility bill and the application. In addition, the customer tax ID listed on this application must agree with the tax ID listed on the Certificate. Certificates are valid for 180 days and must be valid on the date the Program Manager signs off on the incentive

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

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

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

Assignment – The Participating Customer may assign Program Incentive payments to a specified vendor.

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

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

Acknowledgement – I have read, understood and am in compliance with all rules and regulations concerning this incentive program. I certify that all information provided is correct to the best of my knowledge, and I give the Program Manager permission to share my records with the New Jersey Board of Public Utilities, and contractors it selects to manage, coordinate or evaluate the New Jersey SmartStart Buildings Program. Additionally, 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.