

# Custom Measures Application

FY21 February 2, 2021 – June 30, 2021

## MEASURE DESCRIPTION



*Custom Incentives are offered for non-standard equipment, complex systems, and specialized technologies that are not addressed through prescriptive offerings. The process for calculating custom measure incentives is performance-based and may include a commissioning component. Incentives are evaluated and determined via an incremental cost and energy savings analysis to be provided by the applicant.*

## INSPECTIONS PRIOR TO INSTALLATION

Custom Measure projects are subject to the Program's random inspection selection process. The application must be submitted prior to installation and work must not begin prior to formal notice by the Program Manager of a successful pre-inspection or waiver. Following successful pre-inspection or waiver the project may begin implementation. Despite this flexibility, all applicants are strongly encouraged to obtain the Program Manager's approval and an incentive commitment prior to commencing installation or construction. Customers implementing projects without the Program Manager's approval do so at their own risk, including, among other things, the risk of having their project deemed ineligible for incentives.

## APPLICATION INSTRUCTIONS

1. New to SmartStart? Download the [SmartStart Program Guide](#) or contact us at (866) NJSMART with questions.
2. Ensure that the facility is eligible for participation in the program by reviewing a recent electric utility bill to confirm that Societal Benefits Charges are paid to an investor-owned utility under a commercial rate code.
3. Review all measure requirements to verify that the equipment you are purchasing is eligible for an incentive.
4. If you need assistance with the development of a scope of work or do not know what type of equipment you need, consult the [Trade Ally List](#) to find a contractor who can assist you.
5. You or your contractor must complete the application and the Excel incentive worksheet.
6. Submit the signed, completed form along with all supporting documentation listed on the Application Checklist to the program for review. An electronic version of this application is available through the online application portal.
7. Please submit the application through a single method (online, email, mail, or fax).
8. The program will review the submittal for completeness and contact you and your contractor (if listed) via email to retrieve any missing information or documentation.
9. An approval letter will be emailed to you and your contractor (if listed), indicating the approval date and estimated incentive amount set aside for your project.

Online application portal: [njcleanenergy.com/forms](http://njcleanenergy.com/forms)

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

Mail: New Jersey's Clean Energy Program c/o TRC  
900 Route 9 North  
Suite 404  
Woodbridge, NJ 07095  
Fax: (732) 855-0422

## ENHANCED INCENTIVES



Increased incentive rates are available measures installed in existing buildings that meet at least one of the eligibility criteria listed below.

Enhanced incentives are not applicable to new construction projects. To qualify for this enhanced incentive, documentation as listed in the table below must be provided with the application package demonstrating that the entity or building location meets at least one of the eligibility categories listed below. Please refer to the Program Guide for enhanced incentive eligibility requirements.

Eligibility Basis	Criteria
<b>Located in an Urban Enterprise Zone (UEZ)</b>	<p>The building where equipment is or will be installed must be located within the bounds of an Urban Enterprise Zone (UEZ). Please follow the steps below to confirm your facility is within the qualifying zone. The building location must be checked against the <a href="#">NJ Community Asset Map</a>.</p> <ol style="list-style-type: none"> <li>1. Enter the address of your building in the field at the top of the map.</li> <li>2. Under the Layers menu on the left side of the screen, scroll down to <b>Urban Enterprise Zones</b> and <i>check</i> to enable the layer.</li> <li>3. Print or save a screenshot of the page to include with your submission.</li> </ol> <p>For the avoidance of doubt, companies do not need to become a Certified UEZ Business to be eligible for enhanced incentives from NJCEP.</p>
<b>Located in an Opportunity Zone (OZ)</b>	<p>The building where equipment is or will be installed must be located within the bounds of an Opportunity Zone (OZ). Please follow the steps below to confirm your facility is within the qualifying zone. The building location must be checked against the <a href="#">NJ Community Asset Map</a>.</p> <ol style="list-style-type: none"> <li>1. Enter the address of your building in the field at the top of the map.</li> <li>2. Under the Layers menu on the left side of the screen, scroll down to <b>Opportunity Zones</b> and <i>check</i> to enable the layer.</li> <li>3. Print or save a screenshot of the page to include with your submission.</li> </ol>
<b>Affordable Housing</b>	<p>Any multifamily housing that an official document identifies as participating in a federal, state, or local affordable housing program. This includes, by way of example only, the New Jersey Department of Community Affairs listing of Affordable Housing available here <a href="https://www.state.nj.us/dca/divisions/codes/publications/developments.html">https://www.state.nj.us/dca/divisions/codes/publications/developments.html</a> as well as official documents showing identification by the documents regarding New Jersey Housing and Mortgage Finance Agency, United States Low Income Housing Tax Credit (LIHTC), and United States Housing and Urban Development (HUD).</p>
<b>Owned or operated by a Municipal Entity</b>	<p>The building must be owned or operated by a Municipal Entity as evidenced by the name listed on the utility bill(s) for the building. If the name as shown on the utility bill(s) does not clearly delineate a Municipal Entity, other documentation may be accepted to demonstrate ownership on a case-by-case basis. Please contact the Program Manager for specific guidance.</p> <p>The Municipal Entity name must be recognized on the New Jersey Municipalities Search tool available at: <a href="https://www.nj.gov/nj/gov/direct/municipality.html">https://www.nj.gov/nj/gov/direct/municipality.html</a>.</p>
<b>Owned or operated by a County Entity</b>	<p>The building must be owned or operated by a County Entity as evidenced by the name listed on the utility bill(s) for the building. If the name as shown on the utility bill(s) does not clearly delineate a County Entity, other documentation may be accepted to demonstrate ownership on a case-by-case basis. Please contact the Program Manager for specific guidance. Enhanced incentives for Counties apply to buildings owned or operated by one of the counties listed here: <a href="https://www.state.nj.us/nj/gov/county/counties.html">https://www.state.nj.us/nj/gov/county/counties.html</a></p> <ul style="list-style-type: none"> <li>o This includes, among other things, buildings owned or operated by any “community college” listed here: <a href="https://www.nj.gov/highereducation/colleges/schools_sector.shtml">https://www.nj.gov/highereducation/colleges/schools_sector.shtml</a></li> </ul> <p>And authorities and commissions listed here: <a href="https://nj.gov/comptroller/news/docs/authoritiescommission.pdf">https://nj.gov/comptroller/news/docs/authoritiescommission.pdf</a></p>
<b>Owned or operated by K-12 Public School</b>	<p>The building must be owned or operated by a K-12 Public School as evidenced by the name listed on the utility bill(s) for the building. If the name as shown on the utility bill(s) do not clearly delineate a K-12 Public School, other documentation may be accepted to demonstrate ownership on a case-by-case basis. Please contact the Program Manager for specific guidance.</p> <p>The K-12 Public School name must be recognized on the New Jersey School Directory available at: <a href="https://homerom5.doe.state.nj.us/directory/pub.php">https://homerom5.doe.state.nj.us/directory/pub.php</a>.</p>

## APPLICATION CHECKLIST

For projects requesting enhanced incentives: Attach documentation demonstrating eligibility as described in the Enhanced Incentives section of this application.

Completed Excel [Custom Measure Worksheet](#).

Supporting calculations for both Energy Savings and Energy Cost Savings, as well as Operation & Maintenance savings (if applicable).

Supporting documentation showing the proposed equipment meets/exceeds (retrofit) or exceeds (new construction) ASHRAE 90.1-2016 minimum requirements or applicable industry standards.

A recent copy of a full utility bill from a participating electric and/or gas utility for the service address indicated on the application showing payment of the Societal Benefits Charge and commercial billing code. Corresponding third party supply bill should be submitted as well.

- Name and account number of the customer listed on the application must match the name of the customer and account number listed on the utility bill.
- Utility bills must be relevant and representative of the facility/project. For example, if the project impacts multiple utility accounts, please submit one bill for each account. Note, additional bills may be requested by the Program Manager as needed.
- For projects where a utility account has not yet been established, the utility bill is not required with the initial application submission, however the customer will be required to submit a utility bill prior to incentive payment.

Manufacturer's specification sheets for proposed equipment.

## APPLICATION PROCESS FOR PAYMENT

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

### Project Invoice

- The invoice should include a description of the equipment installed, quantity, and unit price.
- Labor/installation price must be listed separately from material price.
- Equipment may be purchased up to one year prior to TRC's receipt of the application, however equipment must be installed after the date of either: the notification of a successful pre-inspection, or the waiver of pre-inspection, from the Program Manager (see 'Inspections Prior to Installation' above). Sufficient documentation must be submitted with the material invoice demonstrating the date of equipment purchase, such as a purchase order, if it is not clear on the material invoice.
- For projects that were self-installed by the participating customer, a signed letter on participating customer letterhead attesting to the start and end dates of the self-installation should be provided.

### Tax Clearance Certificate obtained from NJ Division of Taxation

- Instructions on applying for the certificate can be found at [www.njcleanenergy.com/TCC](http://www.njcleanenergy.com/TCC).
- No incentive will be paid without receipt of a valid Tax Clearance Certificate. Certificates are valid for 180 days and must be valid on the date TRC signs off on the incentive. The name of the customer and tax ID number appearing on the tax clearance must align with the customer name listed on the provided utility bill and application.

W9 form, ST-4 or ST-5 Form. This form must be completed by the entity receiving incentive payment.

- Certain private business entities may hold a "Sales Tax Exempt Organization Certificate (Form ST-5)." This form applies solely to purchases of tangible personal property or services and does not exempt the entity from the requirement to submit the Application for Tax Clearance.

## CUSTOM MEASURE REQUIREMENTS

→ In addition to the requirements listed below, please refer to the [Program Guide](#) for additional guidance.

1. Proposed measures will not be eligible for Custom Measure incentives if a Prescriptive incentive is available.
2. All custom projects must establish a baseline from which energy and energy cost savings are measured.
  - a. Baseline for retrofit projects will be existing conditions. Proposed measure must **meet or exceed** minimum requirements as outlined by ASHRAE 90.1-2016.
  - b. Baseline for new construction/gut-rehab projects will be established using ASHRAE 90.1-2016. Proposed measure must **exceed** the established baseline.
  - c. In cases where ASHRAE 90.1-2016 does not apply, other applicable standard will be used, such as the Consortium for Energy Efficiency (CEE), EPA ENERGY STAR, or other established resources such as: current New Jersey baseline studies and other market research; the program experience of the Commercial/Industrial Program Manager; experience of the New Jersey utilities; or utility/public program experience from other comparable jurisdictions.
  - d. The Program Manager reserves the right to determine whether a project is considered retrofit or new construction, and/or require an appropriate baseline for the project, where the above do not strictly apply or where special circumstances prevail.
  - e. Information supporting the proposed project exceeding ASHRAE 90.1-2016 or applicable industry standard must be provided in the application submission.

Please consult the Program Manager if additional assistance is required to determine the applicable baseline for your project.

3. All custom projects must establish the *incremental cost* of the project. Incremental cost is defined as the difference in material and/or labor costs between the proposed equipment and its respective baseline component, whose specifications only meet ASHRAE 90.1-2016 (or other industry standard).
  - a. Retrofit projects are required to provide the total proposed cost of the project. Generally, the baseline cost will be zero (\$0), therefore the incremental cost will equal the proposed cost.
  - b. New construction/gut-rehab projects must provide both a total proposed cost, as well as a corresponding baseline cost, in order to calculate the project's total incremental cost.
  - c. The Program Manager reserves the right to determine whether an incremental cost is required for a retrofit project, or alternatively not required for a new construction project, where the above situations do not strictly apply or where special circumstances prevail.
  - d. The Partner may estimate costs using cost estimation manuals, vendor quotes, design team calculations, online pricing, or other reasonable methods. Project cost should include, at a minimum, relevant material and labor/installation costs. Sales tax should be excluded from these figures.
4. All energy and cost savings figures must be explicitly defined and referenced in the application package. Any prescriptive or ineligible measure energy savings and cost should be excluded from the application.
5. For LED projects where the product is qualified by either DLC or ENERGY STAR but the qualification category is not present on the Prescriptive Lighting application, the following additional information should be included with this application: (a) Confirmation of existing fixture wattage (ballast/lamp or other system documentation), (b) Documentation supporting existing and proposed lighting run hours, and (c) Sample photometric (lighting output) report of existing and proposed conditions for general representative spaces.
6. The Program allows a single facility with multiple utility accounts to submit a proposed custom project under one application. Projects at multiple facilities may not be submitted under one application.
7. Certain measures may require post-installation metering, trending analysis, and/or a Statement of Substantial Completion by the installing contractor. This will be requested by the Program Manager during application review.

## CUSTOM MEASURE INCENTIVE RATES

A project's incentives will be based on the lesser of the three calculations as shown below.

Incentive Cap	Incentive Amount	Enhanced Incentive Amount <i>(Total of Base plus Enhanced Incentive)</i>
First-Year Savings	Electric Savings: \$0.16/kWh	Electric Savings: \$0.32/kWh
	Gas Savings: \$1.60/therm	Gas Savings: \$3.20/therm
Project Cost*	50% of Total Installed Project Cost/Incremental Cost	80% of Total Installed Project Cost/Incremental Cost
Buy-Down	Amount to buy-down to 1- year payback	Amount to buy-down to 1-year payback

# Custom Measures Application

FY21 February 2, 2021 – June 30, 2021



**CUSTOMER INFORMATION**

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

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

**FACILITY AND PROJECT INFORMATION**

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

**ENHANCED INCENTIVES**

Buildings owned or operated by Municipalities, Counties, K-12 Public Schools, located in a UEZ or OZ zone, or that constitute Affordable Housing may be eligible for an enhanced incentive. Details are provided on page 2 of this application.

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

- |                                     |                               |   |                       |                       |                    |
|-------------------------------------|-------------------------------|---|-----------------------|-----------------------|--------------------|
| Owned or operated by a Municipality | Owned or operated by a County | Owned or operated by a K-12 Public School | Located in a UEZ Zone | Located in an OZ Zone | Affordable Housing |
|-------------------------------------|-------------------------------|---|-----------------------|-----------------------|--------------------|

## CONTRACTOR/VENDOR INFORMATION

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

## PAYEE INFORMATION

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

## ESIP DECLARATION

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

## CUSTOMER AUTHORIZATION AND SIGNATURE

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

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

The information, statements, and documents I have provided in and with this document are true and accurate to the best of my knowledge. I am aware that if any of them are willfully false, I am subject to punishment.

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

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

Customer  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

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

# NJ SmartStart Buildings® Program Terms and Conditions FY21 February 2, 2021 – June 30, 2021

## Eligibility

1. This application package must be received by the Program Manager on or before *June 30, 2021* in order to be eligible for the fiscal year program (*February 2, 2021 – June 30, 2021*) incentives. All participating customers are required to submit the most current application form. All submissions will be reviewed based on the current program requirements and incentive levels approved by the Board of Public Utilities.
2. Program Incentives are available to non-residential retail electric and/or gas service participating customers of New Jersey Utilities. A participating customer must pay Societal Benefits Charges under a New Jersey Utility account serving the fuel type (electric or gas) applicable to the specific Energy-Efficient Measure. Participating customers who have not contributed to the Societal Benefits Charge of the applicable New Jersey Utility are not eligible for incentives offered through this program. New Jersey Utilities include Atlantic City Electric, Jersey Central Power & Light, Rockland Electric Company, New Jersey Natural Gas, Elizabethtown Gas, PSE&G and South Jersey Gas.
3. Each utility account requires a complete, separate application. Projects for the same utility account and the same technology being done at the same time should be submitted on one application.
4. Requirements regarding initial applications, pre-installation approvals, and pre-inspections:  
Before commencing installation or construction of equipment that will be the subject of a SmartStart application, applicants for the following types of projects must receive either a notification of a successful pre-inspection or a waiver of pre-inspection from the Program Manager:
  - Custom measures; and
  - Prescriptive Lighting seeking incentives  $\geq$  \$100,000; and
  - Lighting Controls seeking incentives  $\geq$  \$100,000; and
  - Performance Lighting seeking incentives  $\geq$  \$100,000 (existing buildings only)

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

5. In order to be eligible for program incentives, a participating customer or an agent (contractor/vendor) authorized by a participating customer, must submit a properly completed application package that is signed by the participating customer. A complete application package should include all documentation listed in the checklist section of the application.
6. Applications signed by someone other than the customer require a letter of authorization.
7. Project invoices should list both the *labor and material costs separately*. The invoice should include a description of the equipment installed, quantity, and unit price.
8. For projects that are self-installed by the participating customer, in addition to the material invoices listing the equipment installed, quantity, and unit price, written documentation from the participating customer must be provided in lieu of a labor invoice attesting to the start and end dates of the self- installation.
9. Energy-Efficient Measures must be installed in buildings located within New Jersey Utilities' service territory and designated on the participating customer's incentive application.
10. Program Incentives are available for qualified Energy-Efficient Measures as listed and described in the Program materials and incentive applications.
11. The participating customer must ultimately own the equipment through an up-front purchase. Equipment procured by participating customers through another program offered by New Jersey's Clean Energy Program or the New Jersey Utilities, as applicable, are not eligible for incentives through this program.
12. Incomplete application submissions, applications requiring inspections and unanticipated periods of high volume may cause processing delays.

## Incentive Amounts

1. Program Incentives will not exceed the lesser of:
  - a. the approved Program incentive amount, or
  - b. the total project cost of the Energy-Efficient Measure.
    - i. Project cost is the expense directly associated with the Energy Efficient Measure, excluding NJ state sales tax.
2. **Products offered at no direct cost to the participating customer are ineligible.**
3. Program Incentives are limited to \$500,000 per utility account in a fiscal year.
4. Buildings (a) owned or operated by Municipalities, Counties, K-12 Public Schools, (b) located in UEZs or OZs zones or (c) that constitute Affordable Housing may be eligible for an enhanced incentive but are subject to a cap of the applicant's cost for the project (material and labor). Neither Performance Lighting, Prescriptive Lighting, Lighting Controls nor New Construction are eligible for Enhanced Incentives.

## Inspections

### Pre-Inspection:

See Eligibility, Section 4, above.

### Post-Inspection:

- These projects are subject to the Program's random inspection selection process.
- The Program must have reasonable access to participating customer's facility to post inspect the Energy-efficient measures installed under this Program.

## Tax Clearance Certificate Requirements

1. Participating customers must provide a Tax Clearance Form (entitled "Business Assistance or Incentive Clearance Certificate") for Board of Public Utilities use.
2. The name of the customer listed on the certificate must match the participating customer name listed on the utility bill and the application.
3. The participating customer tax ID listed on the application must agree with the tax ID listed on the Certificate.
4. Certificates are valid for 180 days and must be valid on the date the Program Manager signs off on the incentive.

## Deficient Applications

1. If an application package is incomplete, information is missing or deemed insufficient, a deficiency notice will be sent to the participating customer requesting additional information via e-mail. The information or documentation requested on the email must be received by the Program Manager within 30 days of the date of the request. If additional deficiencies are still noted, there will be up to two additional notifications issued with the same time frames.
2. If a participating customer fails to respond to a deficiency request within 30 days or exceeds the three attempts provided, the application will be rejected. If an application is rejected, participating customers may re-apply under the program incentives and requirements in place at the time of re-application.

## Expirations

1. Pre-approved projects are given a one-year approval in which the proposed measure is to be installed and operational. When a project has expired the participating customer will have 30 days to either submit a request for an extension OR submit final project paperwork. If no response is received within 30 days of expiration, the project will be cancelled.
2. Extension requests must be in writing from the participating customer and include the circumstances that led to the extension request, and the percentage of the project completed.
3. Extension requests may be granted for a period no longer than six (6) months. The Program Manager may provide up to two six-month extensions from the original approval expiration date.
4. Upon expiration, if the project has not started and the participating customer is still interested in installing the equipment, the existing application will be cancelled and a new application package must be submitted, which will be reviewed under the program incentives and requirements in place at the time of re-submittal.

## Change in participating customer name/payee after pre-approval

1. To initiate a change to the participating customer name or payee on an approved application, the following documentation must be provided:
  - a. Documentation from the participating customer authorizing the change
  - b. A new, fully signed application reflecting the updated participating customer or payee name.
  - c. For name change of the applicant/customer, a utility bill in the name of the new participating customer is required.
  - d. All such changes requests are subject to Program Manager approval.
  - e. Certain requests may require additional information to be submitted as defined by the Program Manager.

## Tax Liability

The Program Manager will not be responsible for any tax liability that may be imposed on any participating customer as a result of the payment of Program Incentives. All Participating Customers must supply their federal tax identification number or social security number to the Program Manager on the application form in order to receive a Program Incentive.

## Prevailing Wage

Participating projects with a contract at or above current prevailing wage contract threshold amount set pursuant to the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.) are required to pay no less than prevailing wage rate to workers employed in the performance of any construction undertaken in connection with Board of Public Utilities financial assistance, or undertaken to fulfill any condition of receiving Board of Public Utilities financial assistance, including the performance of any contract to construct, renovate or otherwise prepare a facility, the operations of which are necessary for the receipt of Board of Public Utilities financial assistance. By submitting an application, or accepting program incentives, applicant agrees to adhere to New Jersey Prevailing Wage requirements, as applicable. By signing the application, the signatories agree to comply with the provisions of the New Jersey Prevailing Wage Act, N.J.S.A. 34: 11-56.25 et seq., (Act), if and to the extent that Act may apply to the work covered by the application. More information can be found at [https://www.nj.gov/labor/wagehour/regperm/public\\_contracts\\_general.html](https://www.nj.gov/labor/wagehour/regperm/public_contracts_general.html)

## Endorsement

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

### Warranties

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

### Limitation of Liability

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

### Termination

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

### Participating Customer's Certification

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

### Acknowledgement

The applicant gives the Program Manager permission to share records with the New Jersey Board of Public Utilities, and contractors it selects to manage, coordinate or evaluate the New Jersey SmartStart Buildings Program including the release of electric and natural gas utility billing information, as well as make available to the public any and all information required by the Open Public Records Act and/or other applicable laws.

### Enhanced Incentive

**The Enhanced Incentive does not apply to Prescriptive Lighting, Performance Lighting, Lighting Controls, or New Construction. See details and eligibility requirements on the applications.**

### Definitions

Energy-Efficient Measures – Any device eligible to receive a Program Incentive payment through the Program. New Jersey Utilities – The regulated electric and/or gas utilities in the State of New Jersey:

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

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

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

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

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

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

Program Manager – TRC.