

Variable Frequency Drives Application

FY21 October 1, 2020 – June 30, 2021



MEASURE DESCRIPTION



Incentives are available for the installation of variable frequency drives (VFDs) on various building systems including new air compressors, HVAC fan equipment, boiler and kitchen hood systems. VFDs allow the ability to slow or speed up the speed of the controlled equipment to meet the facility needs resulting in energy savings. Both equipment replacement and new construction projects are eligible to apply. Incentive rates are pre-determined based on the size and efficiency of new equipment. Pre-approval is not required prior to installation; however, applications must be submitted within 1 year of material purchase to remain eligible for the incentive.

APPLICATION INSTRUCTIONS

1. New to SmartStart? Download the [SmartStart Program Guide](#) or contact us at (866) NJSMART with questions.
2. Pre-approval is not required for Variable Frequency Drives applications; *however, applications must be submitted within 1 year of material purchase to remain eligible for the incentive.* Customers may submit applications prior to installation to receive an incentive commitment letter. Applicants choosing to install prior to program pre-approval do so at their own risk.
3. 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.
4. Review all measure requirements to confirm that equipment you are purchasing meets efficiency requirements and is eligible for an incentive.
5. If you need assistance with 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.
6. You or your contractor must complete the Variable Frequency Drives application and the Excel incentive worksheet.
7. Submit the signed completed form along with all supporting documentation listed in the Application Checklist to the program for review. An electronic version of this application is available through the online application portal. Please submit the application through a single method (online, email, mail, or fax).
8. We 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

Email for new application submissions only. Call (866) NJSMART with questions. 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



Measure incentive rates listed on this form are doubled for equipment installed in existing buildings that meet at least one of the eligibility criteria listed below. All projects are subject to an incentive cap equal to the applicant's cost for the project (material and labor). To qualify for an enhanced incentive, documentation must be provided with the application package demonstrating that the entity or building location meets at least one of the eligible categories listed in the table below.

Enhanced incentives do not apply to new construction.

Eligibility Basis	Criteria
Located in an Urban Enterprise Zone (UEZ)	<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 NJ Community Asset Map.</p> <ol style="list-style-type: none"> 1. Enter the address of your building in the field at the top of the map. 2. Under the Layers menu on the left side of the screen, scroll down to Urban Enterprise Zones and <i>check</i> to enable the layer. 3. Print or save a screenshot of the page to include with your submission. <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>
Located in an Opportunity Zone (OZ)	<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 NJ Community Asset Map.</p> <ol style="list-style-type: none"> 1. Enter the address of your building in the field at the top of the map. 2. Under the Layers menu on the left side of the screen, scroll down to Opportunity Zones and <i>check</i> to enable the layer. 3. Print or save a screenshot of the page to include with your submission.
Affordable Housing	<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 https://www.state.nj.us/dca/divisions/codes/publications/developments.html 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>
Owned or operated by a Municipal Entity	<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: https://www.nj.gov/nj/gov/direct/municipality.html or be listed here: https://nj.gov/comptroller/news/docs/authoritiescommission.pdf.</p>
Owned or operated by a County Entity	<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.</p> <ul style="list-style-type: none"> • Enhanced incentives for Counties apply to buildings owned or operated by one of the counties listed here: https://www.state.nj.us/nj/gov/county/counties.html • This includes, among other things, buildings owned or operated by any "community college" listed here: https://www.nj.gov/highereducation/colleges/schools_sector.shtml • And authorities and commissions listed here: https://nj.gov/comptroller/news/docs/authoritiescommission.pdf
Owned or operated by K-12 Public School	<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: https://homeroom5.doe.state.nj.us/directory/pub.php</p>

APPLICATION CHECKLIST

The following documentation must be attached to all completed, signed applications: Pre-approval is not required however applications must be received within 1 year of material purchase. Applicants not required to receive pre-approval may choose to install at their own risk.

- For projects requesting enhanced incentives: Attach documentation demonstrating eligibility as described in the Enhanced Incentives section of this application.
- Excel [Variable Frequency Drives measure worksheet](#) as provided on the NJ Clean Energy SmartStart program website.
- A recent copy of a full utility bill from a participating electric utility showing societal benefits charge and commercial billing code.
 - Name and account # of the customer listed on the application must match the name of the customer and account # listed on the utility bill.
 - 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 sheet for variable frequency drive clearly documenting the VFD size and efficiency.
- Manufacturer's specification sheet for controlled motor clearly documenting the motor size and efficiency.

APPLICATION PROCESS FOR PAYMENT

If your project is already complete, please include the following additional documentation for approval and payment. Please note, a post inspection may be required prior to incentive being processed:

- Material invoice
 - The invoice should include the model number of the equipment installed, quantity, and unit price.
 - Equipment may be purchased up to one year prior to TRC's receipt of the application. 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.
- Labor Invoice
 - Labor/installation price must be listed separately from material price.
 - 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.
 - 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.

VARIABLE FREQUENCY DRIVES INCENTIVE RATES AND REQUIREMENTS

General Requirements

1. The controlled horsepower (HP) is the cumulative motor HP controlled by each VFD.
2. Controlled HP less than the listed eligible values in the tables below are eligible for incentives. However, controlled motor sizes exceeding the listed eligible values in the table below should pursue incentives through the Custom measure application. Please contact us to discuss.
3. If the controlled HP falls in between sizes listed in the incentive table, the incentive will be based on the lower HP listed.
4. For all VFD measures except air compressors, the maximum controlled size threshold is 50 HP. VFDs controlling more than 50 HP, with the exception of air compressors, should pursue the C&I Custom Program.

Motor Size (HP) Controlled per VFD	Incentive Rate
0.5	\$50
1	\$75
2	\$100
3	\$200
4	\$300
5	\$900
7.5	\$1000
10	\$1,100
15	\$1,200
20	\$1,300
25	\$1,400
30	\$1,500
40	\$2,500
50	\$3,000
60	\$3,500
75	\$4,000
100	\$5,000
200	\$7,000

VFDs for HVAC systems

1. Incentives for VFDs in HVAC VAV systems are available only for installing a VFD on existing VAV systems as an add-on measure. Replacement of an existing VFD on VAV systems and installations on VAV systems in new construction are not eligible.
2. Incentives for VFDs in existing constant volume HVAC rooftop equipment (RTU) systems are provided for existing HVAC supply, exhaust, or return air fans only. Throttling devices, such as inlet vanes or bypass dampers and throttling valves must be removed or permanently disabled.
3. The Variable Frequency Drive (VFD) incentive for cooling towers is available for existing single speed motors only. Replacement of two speed motor with single speed/VFD motor, replacement of existing VFD and new construction do not qualify.
4. The Variable Frequency Drive (VFD) incentive for pumps is available only for VFDs installed on centrifugal chilled water pump motors for HVAC systems.
5. The VFDs must be installed in a system (VAV air supply or chilled water pumping systems) that incorporates pressure sensors (or other applicable sensor devices) in the flow stream.

Description	Eligible Controlled HP Range	Measure Code
Variable Air Volume HVAC Systems - Airfoil/Backward Inclined Fan	5 HP - 50 HP	VFD1
Variable Air Volume HVAC Systems - Forward Curved Fan	5 HP - 50 HP	VFD2
Constant Volume HVAC Systems - Airfoil/Backward Inclined Fan	0.5 HP - 50 HP	VFD3
Constant Volume HVAC Systems - Forward Curved Fan	0.5 HP - 50 HP	VFD4
Cooling Tower Fan	10 HP – 50 HP	VFD5
Chilled Water Pump	20 HP – 50 HP	VFD6

VFDs for Compressed Air Systems

6. Incentives are available for new air or water cooled, single or double stage, oil lubricated or oil free twin rotor screw air compressors outfitted with VFDs (providing compressed air for typical plant air use).
7. Replacement of VFD on an existing air compressor that had VFD control is not eligible for incentives.
8. For new air compressors with VFDs controlling more than 200HP, incentives must be pursued through the C&I Custom path.
9. Only one VFD controlled air compressor will be eligible for an incentive for each compressed air system.
10. The applicant shall provide sufficient documentation to demonstrate that a VFD controlled air compressor operates, at a minimum, for 2000 hours annually. Documentation may include P&IDs, Control Logic Diagrams, and Plant Operating Schedules.

Description	Eligible Controlled HP Range	Measure Code
Air Compressor	25 HP – 200 HP	VFD7

VFDs for Boiler Air Systems

- 11. Incentive for existing single speed motors only.
- 12. Replacement of two-speed motor with single speed / VFD motor, replacement of existing VFD and new construction do not qualify.
- 13. VFDs must be controlled by an automatic signal in response to modulating air/water flows.

Description	Eligible Controlled HP Range	Measure Code
Boiler Feedwater Pump	5 HP – 50 HP	VFD8
Boiler Fan Motor - Airfoil/backward Inclined Fan	5 HP – 50 HP	VFD9
Boiler Fan Motor - Forward Curved	5 HP – 50 HP	VFD10

VFDs for Kitchen Hoods (existing buildings only)

- 14. All VFDs/controls used in kitchen hoods must be UL or other OSHA approved Nationally Recognized Testing Laboratory (NRTL) in accordance with applicable US standards.
- 15. VFD incentives will not be provided for replacement of two-speed motor with single-speed VFD motor or replacement of existing VFD.

Description	Eligible Controlled HP Range	Measure Code
Kitchen Hoods (existing buildings only)	0.5 HP – 50 HP	VFD11

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CUSTOMER INFORMATION

Company Name (as listed on utility bill)		Formal Legal Company Name		
Company Type	NAICS Code	Federal Tax ID #	State Tax ID # (if different)	
Customer Contact Name	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		
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 October 1, 2020 – 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 (*October 1, 2020–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
 - Prescriptive Lighting Controls seeking incentives \geq \$100,000; and
 - Performance Lighting seeking incentives \geq \$100,000 (existing buildings only) (the three Lighting project types, collectively “Inspected Lighting Projects”).

Notwithstanding the foregoing, the above requirement does not apply to any Inspected Lighting Project for which the associated application includes Enhanced Incentives, nor does it apply to any SmartStart application types that are not identified in the bullets immediately above. 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 a 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 equal to an additional 100% of the incentive values set forth in the incentive table for each technology, but subject to a cap of the applicant’s cost for the project (material and labor). The foregoing does not include new construction.

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

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.

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

Details listed in the Enhanced Incentive section of each application.

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.