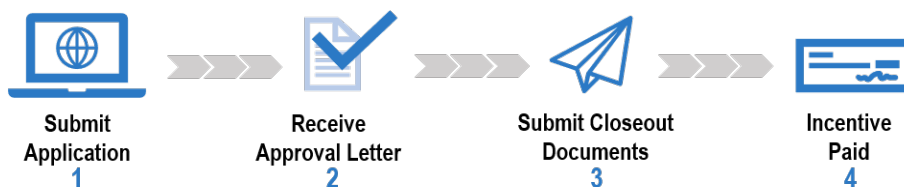


Application Process



1. Submit Application

- Ensure that the building is located in an eligible electric or gas utility territory and that the proposed equipment meets efficiency requirements. This application is for New Construction and Substantial Renovation projects only. Applications must be submitted within 12 months of material purchase. Refer to the Program Guide for complete requirements or contact us at (866) NJSMART with questions.
- Attach the following to the completed application:
 - Excel Food Service Equipment measure worksheet
 - Manufacturer's specification sheets for proposed equipment. If multiple models are listed, highlight or circle the specific model number.
 - Proof of qualified product listing, as required, in the form of a screenshot of the current ENERGY STAR®, CEE qualified product lists or appropriate ASTM standard of performance documentation.
 - Include a recent copy of a utility bill (all pages) showing payment of the Societal Benefits Charge. If submitting for pre-approval, this may be submitted along with closeout documents. 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.
- Submit the application package via one of the following methods:

| Online Application Portal | Email | Mail |
|---------------------------|--------------------------|---|
| NJCleanenergy.com/SSB | NJApps@NJCleanEnergy.com | New Jersey's Clean Energy Program c/o TRC 900 Route 9 North, Suite 404 Woodbridge, NJ 07095 |

2. Receive Approval Letter

- The program will review the submittal for completeness and contact the applicant and contractor (if included on the application) via email to retrieve any missing information or documentation.
- An approval letter will be issued via email listing the incentive amount set aside for the project, instructions and deadlines for submitting closeout documentation.

3. Submit Closeout Documents

- Compile closeout documents and submit via instructions provided on the approval letter for review:
 - Material Invoice including the model number of equipment installed, quantity and unit price.
 - Labor invoice with labor/installation price listed separately from material price. For projects that were self-installed by the participating customer, a signed letter on letterhead attesting to the start and end dates of the self-installation should be provided.
 - Tax Clearance Certificate obtained from the NJ Division of Taxation. Instructions for obtaining 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.
- All applications are subject to post-inspection before payment is approved.

4. Incentive Paid: The incentive check will be mailed after review and post-inspection are completed.

SmartStart New Construction Buildings Program
Food Service Equipment Application
 FY22 July 1, 2021 – June 30, 2022



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 | Title | Phone | Email | |
| Mailing Address | Apt/Suite# | City | State | ZIP |
| How did you hear about the program? | | | | |

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 | Project Start Date (Anticipated or actual) | | Project End Date (If completed) | |
| Facility Contact for Inspection | Title | Phone | Email | |

Contractor/Vendor Information

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

Payee Information

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

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. 24: 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 _____

Efficiency Requirements and Incentives

Cooking Equipment

1. Equipment must be qualified by the current version of ENERGY STAR, CEE or ASTM criteria defined in the reference table at the end of this application.
2. Commercial Fryers: Multiple vat configurations are paid per qualifying vat.
3. Combination oven/steamer pan capacity on based on the maximum capacity of full-size 2 1/2-inch deep hotel pans. This must be consistent with the number of pans used to meet the energy-efficiency qualifications per ASTM F2861.

| Equipment Type | Description | Size | Measure Code | Incentive |
|-------------------------------------|-------------------|----------------------|--------------|-------------------------|
| Commercial Combination Oven/Steamer | Electric | Less than 15 pans | FOOD1 | \$1,000 per oven |
| | | 15-28 Pans | FOOD2 | |
| | | Greater than 28 Pans | FOOD3 | |
| | Gas | Less than 15 pans | FOOD4 | \$750 per oven |
| | | 15-28 Pans | FOOD5 | |
| | | Greater than 28 Pans | FOOD6 | |
| Commercial Convection Oven | Electric | | FOOD37 | \$350 per oven |
| | Gas | | FOOD38 | \$500 per oven |
| Commercial Rack Oven | Single oven (Gas) | | FOOD39 | \$1,000 per single oven |
| | Double oven (Gas) | | FOOD40 | \$2,000 per double oven |
| Commercial Fryer | Electric | | FOOD43 | \$200 per vat |
| | Gas | | FOOD44 | \$749 per vat |
| Commercial Large Vat Fryer | Electric | | FOOD45 | \$200 per vat |
| | Gas | | FOOD46 | \$500 per vat |
| Commercial Griddle | Electric | | FOOD47 | \$300 per griddle |
| | Gas | | FOOD48 | \$125 per griddle |
| Commercial Steam Cooker | Electric | | FOOD49 | \$1,250 per steamer |
| | Gas | | FOOD50 | \$2,000 per steamer |

SmartStart New Construction Buildings Program
Food Service Equipment Application
 FY22 July 1, 2021 – June 30, 2022



Refrigerators/Freezers

1. The refrigeration system must be built-in (packaged).
2. Cases with remote refrigeration systems do not qualify.
3. Equipment must meet ENERGY STAR Version 4.0 specification.

| Equipment Type | Refrigerator/Freezer Internal Volume | Measure Code | Incentive |
|---|--------------------------------------|--------------|-----------|
| ENERGY STAR® Commercial Glass Door Refrigerator | < 15 ft ³ | FOOD7 | \$75 |
| | ≥ 15 to < 30 ft ³ | FOOD8 | \$100 |
| | ≥ 30 to < 50 ft ³ | FOOD9 | \$125 |
| | ≥ 50 ft ³ | FOOD10 | \$150 |
| ENERGY STAR® Commercial Solid Door Refrigerator | < 15 ft ³ | FOOD11 | \$50 |
| | ≥ 15 to < 30 ft ³ | FOOD12 | \$75 |
| | ≥ 30 to < 50 ft ³ | FOOD13 | \$125 |
| | ≥ 50 ft ³ | FOOD14 | \$200 |
| ENERGY STAR® Commercial Glass Door Freezer | < 15 ft ³ | FOOD15 | \$200 |
| | ≥ 15 to < 30 ft ³ | FOOD16 | \$250 |
| | ≥ 30 to < 50 ft ³ | FOOD17 | \$500 |
| | ≥ 50 ft ³ | FOOD18 | \$1,000 |
| ENERGY STAR® Commercial Solid Door Freezer | < 15 ft ³ | FOOD19 | \$100 |
| | ≥ 15 to < 30 ft ³ | FOOD20 | \$150 |
| | ≥ 30 to < 50 ft ³ | FOOD21 | \$300 |
| | ≥ 50 ft ³ | FOOD22 | \$600 |

SmartStart New Construction Buildings Program
Food Service Equipment Application
 FY22 July 1, 2021 – June 30, 2022



Ice Machines

1. Proposed ice machines must qualify on one of the two following lists:
 - a. **Tier 1: ENERGY STAR® Certified Commercial Ice Machines:**
<https://www.energystar.gov/productfinder/product/certified-commercial-ice-machines/results>
 - b. **Tier 2: CEE Commercial Kitchens Ice Machines – Must be on CEE Tier 2 Ice Machines tab:**
<https://library.cee1.org/content/commercial-kitchens-ice-machines-qualifying-product-list>
2. Includes machines generating ice cubes that are 60 grams (2 oz.) or lighter. This includes flaked, crushed and fragmented ice makers.
3. Incentive is offered for air-cooled machines (self-contained, ice making heads, or remote condensing). The entire ARI tested ice making system must be purchased. Remote machines must be purchased with qualifying remote condenser or remote condenser/compressor unit.
4. Ice machines must be tested in accordance with the Air Conditioning and Refrigeration Institute (ARI) Standard 810. Visit www.ari.org for product information and testing procedures.
5. Residential rated equipment does not qualify for an incentive through the commercial program.

| Equipment Type | Ice Harvest Rate | Measure Code | Incentive |
|--|---------------------------|--------------|----------------|
| ENERGY STAR® Commercial Ice Machine | 101–200 lbs/day | FOOD23 | \$50 per unit |
| | 201–300 lbs/day | FOOD24 | \$50 per unit |
| | 301–400 lbs/day | FOOD25 | \$75 per unit |
| | 401–500 lbs/day | FOOD26 | \$75 per unit |
| | 501–1000 lbs/day | FOOD27 | \$125 per unit |
| | 1001–1500 lbs/day | FOOD28 | \$200 per unit |
| | Greater than 1500 lbs/day | FOOD29 | \$250 per unit |
| CEE Tier 2 Ice Machines | 101–200 lbs/day | FOOD30 | \$100 per unit |
| | 201–300 lbs/day | FOOD31 | \$100 per unit |
| | 301–400 lbs/day | FOOD32 | \$150 per unit |
| | 401–500 lbs/day | FOOD33 | \$150 per unit |
| | 501–1000 lbs/day | FOOD34 | \$250 per unit |
| | 1001–1500 lbs/day | FOOD35 | \$400 per unit |
| | Greater than 1500 lbs/day | FOOD36 | \$500 per unit |

SmartStart New Construction Buildings Program
Food Service Equipment Application
 FY22 July 1, 2021 – June 30, 2022



Holding Cabinets

1. Must meet CEE Tier II or current ENERGY STAR® specification.
2. Incentive is offered for electric hot food holding cabinets that are fully insulated and have solid doors. Does not include cook and hold equipment.

| Equipment Type | Size | Measure Code | Incentive |
|----------------------------|-----------|--------------|----------------|
| Insulated Holding Cabinets | Full Size | FOOD51 | \$300 per unit |
| | ¾ Size | FOOD52 | \$250 per unit |
| | ½ Size | FOOD53 | \$200 per unit |

Dishwashers

1. Equipment must be qualified by the current version of ENERGY STAR® or CEE.
2. Residential rated equipment does not qualify for this incentive offering.

| Equipment Type | Description | Measure Code | Incentive |
|-----------------------|------------------------|--------------|------------------|
| Commercial Dishwasher | Under Counter | FOOD54 | \$400 per unit |
| | Door Type | FOOD55 | \$700 per unit |
| | Single Tank Conveyor | FOOD56 | \$1,000 per unit |
| | Multiple Tank Conveyor | FOOD57 | \$1,500 per unit |

SmartStart New Construction Buildings Program
Food Service Equipment Application
 FY22 July 1, 2021 – June 30, 2022



Reference: ASTM Equipment Criteria for Cooking Equipment

| Equipment Type | Fuel | ASTM Cooking Equipment Criteria |
|-------------------------------------|----------|--|
| Commercial Combination Oven/Steamer | Electric | <ul style="list-style-type: none"> Must meet the idle energy rate requirements in the Electric Combination Oven/Steamer Table, utilizing American Society for Testing and Materials (ASTM) F2861. Must have a cooking energy efficiency of 55 percent or greater in steam mode and 76 percent cooking energy efficiency or greater in convection mode, utilizing (ASTM) F2861. Combination oven/steamer pan capacity based on the maximum capacity of full-size 2 1/2-inch deep hotel pans. This must be consistent with the number of pans used to meet the energy-efficiency qualifications per ASTM F2861. |
| | Gas | <ul style="list-style-type: none"> Must have a cooking energy efficiency of 41 percent or greater in steam mode and 56 percent or greater in convection mode, utilizing ASTM F2861. Must meet the idle energy rate requirements in the Gas Commercial Combination Oven/Steamer Table, utilizing ASTM F2861. Combination oven/steamer pan capacity on based on the maximum capacity of full-size 2 1/2-inch deep hotel pans. This must be consistent with the number of pans used to meet the energy-efficiency qualifications per ASTM F2861. |
| Commercial Convection Oven | Electric | <ul style="list-style-type: none"> Must have a tested heavy load (potato) cooking energy efficiency of 71 percent or more, utilizing ASTM F1496. Full-size electric ovens must have a tested idle energy rate of 1.6 kW or less, utilizing ASTM F1496. Half-size electric ovens must have a tested idle energy rate of 1.0 kW or less, utilizing ASTM F1496. |
| | Gas | Must have a tested heavy load (potato) cooking energy efficiency of 46 percent or greater and an idle energy rate of 12,000 Btu/h or less, utilizing ASTM F1496. |
| Commercial Rack Oven | Gas | <ul style="list-style-type: none"> Single rack ovens must have a tested baking energy efficiency of 48 percent or greater and a total energy idle rate of 25,000 Btu/h or less, utilizing ASTM F2093. Double rack ovens must have a tested baking energy efficiency of 52 percent or greater and a total energy idle rate of 30,000 Btu/h or less, utilizing ASTM F2093. |
| Commercial Fryer | Electric | Must have a tested heavy load cooking energy efficiency of 83 percent or greater and an idle energy rate of 800 W or less, utilizing ASTM F1361. |
| | Gas | Must meet a tested heavy load cooking energy efficiency of 50 percent or greater and an idle energy rate of 9,000 Btu/h or less, utilizing ASTM F1361. |
| Commercial Large Vat Fryer | Electric | Must have a tested heavy load (French fry) cooking energy efficiency of 80 percent or greater and an idle energy rate of 1,100 W or less, utilizing ASTM F2144. |
| | Gas | Must have a tested heavy load (French fry) cooking energy efficiency of 50 percent or greater and an idle energy rate of 12,000 Btu/h or less, utilizing ASTM F2144. |
| Commercial Griddle | Electric | Must have a tested heavy load cooking energy efficiency of 70 percent or greater and an idle energy rate of 355 watts per square foot of cooking surface or less, utilizing ASTM F1275. |
| | Gas | Must have a tested heavy load cooking energy efficiency of 38 percent or greater and an idle energy rate of 2,650 Btu/h per square foot of cooking surface or less, utilizing ASTM F1275. |
| Commercial Steam Cooker | Electric | Must have a tested heavy load (potato) cooking energy efficiency of 50 percent or greater, utilizing ASTM F1484. |
| | Gas | Must have a tested heavy load (potato) cooking energy efficiency of 38 percent or greater, utilizing ASTM F1484. |

NJ SmartStart Buildings Program Terms and Conditions - New Construction

FY22 July 1, 2021 – June 30, 2022

Eligibility

1. Construction Type – The new construction component will accept both new construction and substantial renovation (i.e., gut rehabilitation), as defined below:

- New Construction: Defined as a new building.
- Substantial Renovations (Gut Rehab): Defined as one of the following types of projects:
 - Change of use and reconstruction of an existing building.
 - Construction work of a nature requiring that the building or portion of the building within be out of service for at least 30 consecutive days; or
 - Reconstruction of a vacant structure or a portion of the building within.

1. This application package must be received by the Program Manager on or before *June 30, 2022* in order to be eligible for the fiscal year program (*July 1, 2021 – June 30, 2022*) 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 New Construction SmartStart application, applications for the following types of projects must be submitted to the Program Manager
 - Custom measures; and
 - Performance Lighting seeking incentives \geq \$100,000
 - Prescriptive Horticultural Lighting seeking incentives \geq \$100,000

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. 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.

Inspections

1. Pre-Inspection: See Eligibility, Section 4, above.
2. Post-Inspection: These projects are subject to the Program's random inspection selection process. The Program must have reasonable access

NJ SmartStart Buildings Program Terms and Conditions - New Construction

FY22 July 1, 2021 – June 30, 2022

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

To initiate a change to the participating customer name or payee on an approved application, the following documentation must be provided:

1. Documentation from the participating customer authorizing the change
2. A new, fully signed application reflecting the updated participating customer or payee name.
3. For name change of the applicant/customer, a utility bill in the name of the new participating customer is required.
4. All such changes requests are subject to Program Manager approval.
5. 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/reqperm/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

NJ SmartStart Buildings Program Terms and Conditions - New Construction

FY22 July 1, 2021 – June 30, 2022

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 hereby permits the Program Manager and the administrator of the New Jersey Board of Public Utilities (BPU) New Jersey's Clean Energy Program (NJCEP) to share any and all information the applicant submits to NJCEP, including, but not limited to, the applicant's electric and natural gas utility billing information, with BPU NJCEP contractors (including, without limit, those contractors who administer, manage, coordinate, or evaluate all or part of NJCEP) and his/her electric and natural gas utilities and the contractors who administer, manage, coordinate, or evaluate all or part of the utilities' programs that succeed and/or are similar to NJCEP. The applicant hereby acknowledges that the Program Manager and administrator may disclose to the public any of my information that is not exempt from public disclosure pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

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, 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 Manager – TRC