



**NYSERDA**

**Home Electrification and Appliance  
Rebates (HEAR) Appliance Upgrade Program - Application for Retailer Enrollment**

Program Opportunity Notice (PON) 5859

Applications accepted through December 31, 2026, by 3:00 PM Eastern Time\*

## **I. INTRODUCTION**

The U.S. Department of Energy (DOE) has introduced the Home Electrification and Appliance Rebates (HEAR) program using funding from the Inflation Reduction Act (IRA). The IRA established population-based formula grant funding to be provided to State Energy Offices to develop and implement programs under administrative rules established by DOE. NYSERDA is currently seeking approval from the DOE to administer the Appliance Upgrade Program (Program) under HEAR that will provide incentives to income-eligible owners and renters (Customers) of single- and multi-family residential buildings in New York State for a pre-defined list of measures supporting energy efficiency and electrification improvements (Qualified Electrification Projects, QEP). Subject to approval of the Program by the DOE, NYSERDA intends to offer these prescriptive rebates to Customers at or below 150% State's Area Median Income (AMI). The formula grant amount to NYS is \$158.4 Million through 2031, with a portion of the total formula grant used for the Program.

Subject to final approval from the DOE, through the Program, NYSERDA intends to offer rebates for QEPs that include ENERGY STAR® certified induction cooktops/ranges/stoves/ovens, heat pump clothes dryers, and electrical wiring and service panel upgrades necessary for such appliance installations to Customers in New York State. All-in-one washer-dryers with a heat pump clothes dryer are also eligible under the scope of heat pump clothes dryers. For the October 2024 launch, the appliance measures will only include ENERGY STAR® certified heat pump clothes dryers (including the all-in-one washer-dryer with heat pump dryer). NYSERDA intends to expand the available measures to include induction stoves/cooktops/ovens/ranges and will update this PON once they are available. Program Participants include Customers as well as Participating Contractors and Regional Clean Energy Hub (Hub) representatives applying on their behalf. Through this PON, NYSERDA seeks to develop a network of Participating Retailers for the Program, which is anticipated to launch in October 2024, subject to approval by the DOE. Interested contractors will be able to apply for enrollment as a Participating Contractor through a future revision of this open solicitation. Future revisions of this solicitation will also include additional detail on the incentive offerings for Program Participants and will include an updated Program Manual version as well as a link to the Program website.

NYSERDA reserves the right to make changes to the incentive offering, including but not limited to amount, timing, recipient, structure, incentive caps and total budget available. Any changes to the incentive offerings will be done via a modification to the Program Manual with notice provided to Program Participants. NYSERDA will make reasonable efforts not to decrease incentive levels. If it becomes necessary to change the incentive offering, NYSERDA will attempt to give reasonable notice to Program Participants and Participating Retailers.

The Program, including the final terms and conditions, are contingent upon DOE's final approval of the Program.

## **II. PROGRAM DESCRIPTION**

Program Participants will be authorized for the coupon reservation of appliance and electrical upgrades after Customer income and measure eligibility is acquired, reviewed, and approved by NYSERDA's Implementation Contractor (IC). Customers, Participating Contractors and Regional Clean Energy Hub representatives will have the ability to apply and reserve coupon(s) for Customers as Program Participants. Income-eligible New York State residents will be eligible for rebates as outlined in the Program Manual (Attachment A).

Per Section I, through this PON, NYSERDA seeks to develop a network of Participating Retailers for participation in the Program, anticipated to launch in October 2024. NYSERDA intends to roll-out the Program with a “non-connected” pathway where Participating Retailers and Contractors will perform program tasks through a NYSERDA-built system in Salesforce, known as the MyEnergy Portal.

This PON will be updated if NYSERDA establishes a “connected” Participating Retailer path (built with application programming interfaces (APIs)) with the DOE.

For Program launch, Participating Retailers will create and upload batches of coupons for Program Participants to reserve in the MyEnergy Portal (through the application process), as noted above. Please refer to the Program Manual (Attachment A) for additional details on the coupon process and criteria.

The Implementation Contractor (IC) will manage the payment process once all the necessary documentation is received from the Participating Retailer and approved; the IC will ensure a timely project review.

### **III. APPLICATION REQUIREMENTS**

Requirements for eligible retailers include the following, and are further detailed in the Program Manual (Attachment A):

- Adhere to the non-connected pathway outlined above in Section II and the Program Manual.
- Currently sell ENERGY STAR® certified: heat pump clothes dryers and/or induction stoves/cooktops/ranges/ovens and/or all-in-one washer-dryers (with heat pump clothes dryer) at point-of-sale through brick-and-mortar stores and/or online (online only retailers are eligible) to consumers.
  - Manufacturers are eligible for enrollment if they sell direct-to-consumer (DTC) online and/or in brick-and-mortar stores.
  - Retailers must ensure available stock of the respective appliance types for Customer purchase in October 2024 (aside from induction stoves/cooktops/ranges/ovens).
    - Note: Retailers who only sell induction stoves/cooktops/ranges/ovens will be able to enroll but will be inactive in October 2024 until this measure is included in the Program.
- Must provide the option for delivery
  - Note: Only NYS Customer addresses are eligible for delivery. Customers who reside outside of NYS may not participate.
- Possess desktop or laptop or tablet computers with access to the internet and a modern browser as well as the ability to create and upload .csv files.
  - All desktop and/or laptop and/or tablet computers must be equipped with an antivirus software..
- Possess (or create if not available) active email accounts for the Participating Retailer point-of-contact (applicant) and all users intended to access the MyEnergy Portal.
  - Accounts must be created before enrollment is finalized.
- Sign a NYSERDA Appliance Upgrade Retailer Participation Agreement (Attachment B), which includes key requirements, like:
  - Submitting data to the Implementation Contractor for coupon reimbursement.
  - Submitting data to NYSERDA to be reported to the DOE.
- Participate in monthly Participating Retailer meetings for training and program updates.

### **IV. QUALIFICATION PROCESS**

NYSERDA has procured a Retailer and Contractor Recruitment Consultant (Recruitment Consultant) who will assist NYSERDA with developing and maintaining the list of Participating Retailers as well as reviewing the retailer submissions through this PON, and add those who qualify to the public-facing list on the NYSERDA website. Participating Retailers will receive training and support from the Recruitment Consultant on the MyEnergy Portal and the overall non-connected process, with NYSERDA and/or the Recruitment Consultant providing the training materials. The Recruitment Consultant will work with NYSERDA to ensure that Participating Retailers adhere to the requirements outlined in their Participation Agreement.

Participating Retailers will be removed from the Participating Retailer list if they fail to comply with the terms outlined in the Participation Agreement such as:

- Applying appliance coupons to ineligible products (e.g., non-ENERGY STAR® certified)
- Failure to uphold a one-year parts and labor warranty in addition to any manufacturer's warranties
- Failure to apply the correct coupon amount at the point-of-sale to a Customer's appliance purchase
  - Transactions where the Participating Retailer applies incentive amounts that are in excess of the Customer's eligible amount will not be reimbursed by NYSERDA.

This PON will be updated with additional information as NYSERDA receives approvals from the DOE.

## **V. APPLICATION SUBMISSION:**

Interested retailers must complete the SeamlessDocs Form titled HEAR Appliance Upgrade Program Participating Retailer Application (Application).

One application shall be submitted for each retail company, not one per retail location; enrollment as Participating Retailers is done on a per company, not per location, basis. Retailers that submit the Application are not bound to any terms and conditions. Enrollment for full participation requires the retailer to sign the Retailer Participation Agreement (Agreement) included herein as Attachment B. NYSERDA is working to ensure that retailers who have a signed Agreement one month prior to the Program launch date will be active Participating Retailers for the Program launch in October. Once a retailer is enrolled, they must prepare one batch of coupons no less than 2 weeks before Program launch; the specific date will be communicated by the Program team.

No communication intended to influence this procurement is permitted except by contacting Ryan Moore, Senior Project Manager at (518) 862-1090, ext. 3267, Nicole Munz, Project Manager or Chris Corcoran, Assistant Director (for technical questions). Email contact regarding technical questions is only permitted through IRARetail@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Nancy Marucci (Designated Contact) at (518) 862-1090, ext.3335 or NancySolicitations@nyserda.ny.gov. Contacting anyone other than the Designated Contacts (either directly by the applicant or indirectly through a lobbyist or other person acting on the applicant's behalf) in an attempt to influence the procurement: (1) may result in an applicant being deemed a non-responsible offerer, and (2) may result in the applicant not being awarded a contract.

**VI. \* Faxed, or emailed applications will not be accepted. Incomplete or inaccurate applications (e.g., inaccurate available appliance type information) may be subject to disqualification. It is the applicant's responsibility to ensure that all pages have been completed in the application. The online application system closes promptly at 3pm, files in process or attempted edits or submission after 3pm Eastern Time on the date above, will not be accepted. If changes are made to this solicitation, notification will be posted on the "Current Opportunities" section of NYSERDA's website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>).**

## **GENERAL CONDITIONS**

**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your application. Review should include whether it is critical for evaluating an application, and whether general, non-confidential information, may be adequate for review purposes.

The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the applicant wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written

request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

**Omnibus Procurement Act of 1992** - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development  
Division for Small Business  
625 Broadway  
Albany, NY 12207

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development  
Minority and Women's Business Development Division  
625 Broadway  
Albany, NY 12207

**State Finance Law sections 139-j and 139-k** - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <https://online.ogs.ny.gov/legal/lobbyinglawfaq/default.aspx>. Applicants are required to answer questions during application submission, which will include making required certification under the State Finance Law and to disclose any Prior Findings of Non-Responsibility (this includes a disclosure statement regarding whether the applicant has been found non-responsible under section 139-j of the State Finance Law within the previous four years).

**Tax Law Section 5-a** - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contracting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

**Accessibility Requirements** - NYSERDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.), video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see NYSERDA's Accessibility Requirements on the [Doing Business with NYSERDA page](#) or download [NYSERDA's Accessibility Requirements \[PDF\]](#).

**Limitation** - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing an application, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all applications received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject applications based on the

nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement. NYSERDA reserves the right to disqualify applicants based upon the results of a background check into publicly available information and the presence of a material possibility of any reputational or legal risk in making of the award.

**Disclosure Requirement** - The applicant shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States and shall describe circumstances for each. When an applicant is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Applicants must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

**Federal Funding** – The Program described in this solicitation is funded, in whole or in part, with funds provided by the federal government. As such, NYSERDA is required to comply with DOE and other federal regulations and procedures governing financial awards as outlined in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 as amended by 2 CFR Part 910 and other procedures applicable to this regulation as DOE may, from time-to-time, prescribe for the administration of financial assistance. NYSERDA reserves the right to flow down requirements to Participating Retailers to the extent necessary to meet its obligations under the federal regulations referenced herein.

#### **V. Attachments:**

Attachment A – NYSERDA Home Electrification and Appliance Rebates (HEAR) Appliance Upgrade Program Manual, Version 1.0 - For Retailers Only  
Attachment B – Retailer Participation Agreement