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Section 1. INTRODUCTION

The School and Small Business Noncompliant Plumbing Fixture and Appliance Program (SSBNPFA) provides grants to Boards of Education (BOEs) and certain Small Businesses to replace noncompliant plumbing fixtures and appliances that fail to meet water efficiency standards, with water-conserving plumbing fixtures and appliances.

A BOE or Small Business may apply for a grant by submitting an application to the Program for reasonable costs to replace plumbing fixtures and appliances to ensure that the fixtures and appliances meet specified ENERGY STAR® and water efficiency requirements. This Program will generally improve the health and safety of the school and Small Business environment and create jobs. This Guide describes the requirements for program participation, including eligibility requirements for applicants and projects, the application process, program funding and distribution, as well as project documentation and reporting requirements.

Program grants made pursuant to this Program Guide shall provide no more than 75 percent of the cost of projects approved by the New Jersey Board of Public Utilities (Board or NJBPU) or its Program Administrator. Applicants are required to follow all program requirements outlined in this Program Guide.

Key Words and Terms

Table 1 identifies the key words or terms used in this Program Guide.

<table>
<thead>
<tr>
<th>Word/Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>A New Jersey Board of Education or certain small business as defined this table.</td>
</tr>
<tr>
<td>BOE</td>
<td>The Board of Education of any local school district, consolidated school district, regional school district, county vocational school and any other Board of Education or other similar body other than the State Board of Education, the Commission on Higher Education or the Presidents' Council, established and operating under the provisions of Title 18A of the New Jersey Statutes and having authority to make purchases and to enter into contracts for the provision or performance of goods or services. BOE shall include, among other things, the board of trustees of a charter school established under 24 P.L.1995, c.426 (C.18A:36A-1 et seq.).</td>
</tr>
<tr>
<td>Contractor</td>
<td>A person or company with the appropriate license classification, as determined by the appropriate State licensing authority.</td>
</tr>
<tr>
<td>NJBPU or Board</td>
<td>New Jersey Board of Public Utilities.</td>
</tr>
<tr>
<td>Noncompliant Appliances</td>
<td>Any commercial dishwasher, automatic commercial ice maker, or commercial clothes washer that is not a Water-Conserving Appliance.</td>
</tr>
<tr>
<td><strong>Word/Term</strong></td>
<td><strong>Definition</strong></td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Noncompliant Plumbing Fixtures        | Any of the following:  
1. A toilet manufactured to use more than 1.6 gallons of water per flush.  
2. A urinal manufactured to use more than one gallon of water per flush.  
3. A showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute.  
4. An interior faucet that emits more than 2.2 gallons of water per minute. |
| Program Grant                         | A grant provided as part of the Program to fund replacement of Noncompliant Plumbing Fixtures and/or Noncompliant Appliances.                                                                                                                                                                                                                 |
| Notice of Funding Availability        | A notice issued by the NJBPU to identify anticipated funding that will be made available for Program Grants. The notice will provide relevant application dates and any applicable funding restrictions.                                                                                                                                                   |
| Project                               | “Project” refers to all plumbing and applicant assessments, repairs, upgrades, and replacements that are funded by a Program Grant.                                                                                                                                                                                                                                                        |
| SSBNPFA                               | School and Small Business Noncompliant Plumbing Fixture and Appliance Program                                                                                                                                                                                                                                                                       |
| Site                                  | The location where Program Grant work will be performed.                                                                                                                                                                                                                                                                                           |
| Skilled and Trained Workforce         | A workforce where at least 60 percent of the construction workers are graduates of a registered apprenticeship program for the applicable occupation.                                                                                                                                                                                                    |
| Small Business                        | A sole proprietorship, partnership or corporation that has its principal place of business in New Jersey, is a small business pursuant to N.J.A.C. 17:13-1.2, and is certified by the State as a women’s business or minority business, as those terms are defined in Section 2 of 35 P.L.1987, c.55 (C.52:27H-21.8). |
| Underserved Community                 | A municipality with a school district in which at least 75 percent of public school students are eligible to receive free or reduced-price meals under the National School Lunch Program, established pursuant to the "Richard B. Russell National School 1 Lunch Act," Pub.L.79-396 (42 U.S.C. s.1751 et seq.).                                  |
| Water-Conserving Appliance            | Any of the following:  
1. A commercial dishwasher that meets the criteria of the ENERGY STAR Product Specification for Commercial Dishwashers, Version 2.0.  
3. Any commercial clothes washer that meets the criteria of the ENERGY STAR Product Specification for Clothes Washers, Version 8.0. |
### Word/Term Definition

<table>
<thead>
<tr>
<th>Word/Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water-Conserving Plumbing Fixture</td>
<td>Any toilet, urinal, showerhead, or interior faucet that is not a Noncompliant Plumbing Fixture.</td>
</tr>
</tbody>
</table>

### 1.1 Eligibility

#### Eligible Applicants

1. Boards of Education (BOEs); and
2. Small Businesses as defined in Table 1 - Key Terms.

#### Underserved Communities

Seventy-five (75) percent of SSBVEEVR Program funds will be awarded to schools and Small Businesses located in Underserved Communities as defined above. A list of qualifying school districts and charter schools in Underserved Communities is shown in Appendix C: Qualifying Underserved Communities. Additionally, any Small Business located within a municipality in which a qualifying school district is located will also be deemed to be located in an Underserved Community. For example, any Small Business located in Newark will be deemed to be located in an Underserved Community.
Section 2.  PROJECT REQUIREMENTS

2.1 Program Grants

Applicants may apply for a Program Grant by submitting an application to the Program which demonstrates the existence of noncompliant plumbing fixtures or appliances and a cost estimate that is verified by a contractor for their replacement. Awards will be made based on verified cost estimates.

Program Grants may only be used for costs directly related to the replacement of the noncompliant plumbing fixtures and noncompliant appliances with water-conserving plumbing fixtures and water-conserving appliances as described below.

2.2 Noncompliant Plumbing Fixtures and Appliances

Noncompliant Plumbing Fixtures

As indicated in Table 1 - Key Terms, plumbing fixtures exceeding the following water usage levels shall be considered noncompliant:

1. A toilet manufactured to use more than 1.6 gallons of water per flush.
2. A urinal manufactured to use more than one gallon of water per flush.
3. A showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute.
4. An interior faucet that emits more than 2.2 gallons of water per minute.

Noncompliant Appliances

Appliances meeting one of the following conditions shall be considered noncompliant:


The Board may provide, among other things, Program Grants to assist a Board of Education or Small Business in identifying noncompliant plumbing fixtures and noncompliant appliances eligible for replacement pursuant to this section.

2.3 Application

Applicants will be required to provide documentation showing the existence of noncompliant plumbing fixtures or appliances with their application Program Grant.

The documentation included with the application shall include:

1. Name and address of site and person or contractor preparing and certifying any documents.
2. Documentation of the plumbing fixture or appliance equipment model number (unless unavailable), serial number (unless not unavailable), general condition of unit, age of the unit,
ENERGY STAR rating, and any additional information that could be used to assess replacement options given the potential for increased water usage efficiency benefits.

3. The contractor-verified cost estimate for the replacement of noncompliant plumbing fixtures and noncompliant appliances included in the application.

4. A noncompliant plumbing fixture and appliance worksheet will be available on the Program website for assistance in documenting existing systems and replacement costs.

2.4 Documentation of Completed Work

Upon completion of all work funded by a Program Grant, the applicant must document the work performed at each site with a Plumbing/Appliance Verification Report, which must include:

1. The name and address of the school facility or small business and person or contractor preparing and certifying the report.

2. A description of the replacement activities and outcomes.

3. Verification that the applicant has complied with all applicable program requirements.

4. Self-certification that all work required under applicable law to be performed by a licensed professional has in fact been performed by a licensed professional, including the provision of the professional’s name and license.

5. Verification that the equipment installed exceeds current energy efficiency requirements required by code and the submission of manufacturer specification sheets and supporting documents of qualification.

The relevant ENERGY STAR databases can be found at the following locations:

1. ENERGY STAR Requirements for Dishwashers: Energy Star Commercial Dishwasher Requirement 1.1

2. Energy Star Requirements for Commercial Ice Makers: Energy Star Requirements for Automatic Commercial Ice Makers 1.0


2.5 Skilled and Trained Workforce Requirement

All repair, upgrade, replacement, or other technical work completed as part of the Program must be performed by a Skilled and Trained Workforce. Applicants may use in-house staff or contractors to complete the work as long as all staff meet applicable Skilled and Trained Workforce requirements and all other labor requirements as described in this Program Guide appropriate to each activity completed.

2.6 Prevailing Wage Requirement

The Program Grants will constitute financial assistance provided by the Board and therefore may be subject to prevailing wage requirements pursuant to the Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.) and the regulations promulgated thereunder (N.J.A.C. 12:60). By submitting an application to the Program applicants will self-certify their compliance with any and all applicable prevailing wage requirements relating to the work covered by Program Grant. The New Jersey Department of Labor and Workforce Development is authorized to interpret and enforce prevailing wage requirements.
2.7 Proper Disposal/Recycling Requirements

Grant recipients shall dispose or recycle all noncompliant plumbing fixtures and appliances in compliance with all local ordinances, standards, and requirements. Noncompliant plumbing fixtures and appliances are to be removed from service as part of this program and are not to be resold or reinstalled.

2.8 Program Budget

The Program budget will be set by the Board and a pro forma version of what the budget is estimated to be is set forth in Table 5. For each applicant the Program Grant will be equal to the sum of approved individual site budgets for all eligible sites included in the application. Each site budget will be equal to the amount of the contractor estimate for eligible work to be completed at that site not to exceed the maximum award as specified by the Board or its Program Administrator. Program Administration staff will review the cost estimate and determine the approved site budget based on program requirements, including eligible cost requirements in these guidelines.

Table 2 - Program Funding

<table>
<thead>
<tr>
<th>Plumbing Fixture and Appliance Program Budget Table</th>
<th>Underserved Communities</th>
<th>Not In Underserved Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools</td>
<td>$25,312,500</td>
<td>$8,437,500</td>
</tr>
<tr>
<td>Small Businesses</td>
<td>$8,437,500</td>
<td>$2,812,500</td>
</tr>
</tbody>
</table>

Program grants will provide no more than 75 percent of the cost of projects approved by the Program.

Table 3 - Example of Approved Site Budget

<table>
<thead>
<tr>
<th>Equipment Description</th>
<th>Quantity</th>
<th>Material Cost</th>
<th>Labor Hours/Unit</th>
<th>Total Cost @$100/hr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urinals</td>
<td>10</td>
<td>$250</td>
<td>2</td>
<td>$4,500</td>
</tr>
<tr>
<td>Toilets</td>
<td>20</td>
<td>$250</td>
<td>2</td>
<td>$9,000</td>
</tr>
<tr>
<td>Showerheads</td>
<td>10</td>
<td>$50</td>
<td>1</td>
<td>$1,500</td>
</tr>
<tr>
<td>Faucets</td>
<td>50</td>
<td>$150</td>
<td>1</td>
<td>$12,500</td>
</tr>
<tr>
<td>Icemakers</td>
<td>2</td>
<td>$1,500</td>
<td>4</td>
<td>$3,800</td>
</tr>
<tr>
<td>Commercial Cloth Washers</td>
<td>2</td>
<td>$2,000</td>
<td>4</td>
<td>$4,800</td>
</tr>
<tr>
<td><strong>Total cost</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$36,100</strong></td>
</tr>
</tbody>
</table>

2.9 Project Term

1. For each project, the applicant will have up to 12 months from the date of approval to complete all work and submit the final reporting documentation described in Section 4.
2. Applicants may request and be granted one 6-month extension for good cause shown.
Section 3. Applications and Awards

This section provides information regarding the application process, required application forms and supporting documentation, a description of the process used by the Program to approve applications and determine grant awards, payment of funds, project and reporting requirements, and similar items.

3.1 Application Process

The application and award process generally follows the steps detailed below:

1. The Board or its Program Administrator issues a Notice of Funding Availability with details of the total funding available, start and end dates for application acceptance, and the breakdown of funds by Funding Category, as described in these guidelines.
2. Applicants submit grant applications to the Program Administrator.
3. The Program Administrator begins to review applications generally in the order that administratively complete applications are received.
   a. The Program Administrator will review all applications that are received by the posted deadline.
   b. At any time, should the Board and/or its Program Administrator determine that all funds in a single funding category have been reserved, the Board and/or its Program Administrator may provide public notification of that determination but will continue to accept applications and identify applicants that may be funded should additional funding become available.
4. The Program Administrator grants funding awards for projects that meet all program requirements, at which time funds are committed and reserved for those projects.
5. Incomplete applications and applications deemed not to have met the application requirements will be considered “deficient” applications.
   a. If an application is considered deficient, a deficiency notice will be sent via email to the applicant requesting additional information. 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. 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.
6. The Program Administrator will issue a commitment letter with approval of the proposed Program Grant to an applicant who has submitted a complete application that is deemed to have met all program requirements.
7. Applicants who implement projects without the Program Administrator’s prior approval do so at their own risk, including, among other things, the risk of having their project deemed ineligible for incentives.
8. All projects are subject to Program post-inspections to verify the installed project components and equipment.
9. All projects must adhere to the requirements provided in these guidelines and must use all required forms to receive a grant award and funding.

3.2 Application Package

Eligible applicants must submit a complete application package for a Program Grant using the submission process and system identified by the Board or its Program Administrator. The application package must
include the following in the required form or formats. The information required in the application form is generally described below and all forms will be made available for use in developing the application package on the program webpage.

1. Applicant Details: Customer information including official name, address, responsible parties, contact information.
2. Overall Grant Request Summary: Grant site and budget summary page and status of all site-specific work including start date and projected end date.
3. Site-Specific Details: Detailed information identifying all sites to be addressed by the grant, general site information, identification of the number and type of Noncompliant Plumbing Fixtures and Appliances on site, project completion status, total site-specific estimate for replacement project.
4. The applicant self-certifies (in a format to be developed by the NJBPU or its Program Administrator):
   a. It will follow this Program Guidelines.
   b. The information included in the application package is true and correct to the best of the applicant’s knowledge.
   c. It acknowledges that the expended funds may be subject to audit, including a financial audit.
   d. It will comply with all reporting requirements.
   e. It will comply with all Skilled and Trained Workforce requirements.
   f. All applicable and Labor Code requirements, public works labor requirements, including the payment of prevailing wage where applicable, will be complied with.
   g. It acknowledges that it may be subject to a post-program inspection site visit and measurement and evaluation study conducted by the Board or its delegate.
   h. All Noncompliant Plumbing Fixtures and Appliances will be disposed of or recycled in compliance with all local ordinances, standards, and requirements.
5. Supporting documentation:
   a. Cost estimate supporting each site-specific amount requested, including:
      i. Site-specific budget.
      ii. Timeline
      iii. Clear and accurate description of work that will be performed
   b. To be deemed complete, a contractor estimate must be itemized and show line item cost estimates for materials, labor, and other costs.
   c. Letter of authorization from applicants who allow a third-party to submit program documents on their behalf.
6. Any other information the Board’s Program Administrator or Staff may reasonably require.

3.3 Cost Estimates

The funding amount requested in the application package may only be for reasonable costs to complete the work. The cost estimate must include a detailed site-specific budget, timeline, and a clear and accurate description of the work that will be provided. The site-specific budget needs to show line-item cost estimates for materials, labor, and other costs.

Ineligible costs cannot be included as part of the cost estimate. Additional information consistent with this Program Guide may be required from applicants to complete the application process after notification of the grant award.
3.4 Application Review

Applications will be accepted through the Board’s submission system, and all applications submitted will be identified by the date and time received.

The Program Administrator will review each submitted application package to ensure all the required information has been provided and is sufficient to support the requested Grant Award. If an application is rejected during the open application period, the applicant may revise and resubmit the application during the open application period. Depending on the volume and timing of applications received, the Board may not always be able to review and notify applicants of errors during the open application period.

Approved applications received that exceed the amount of funds available in the current funding category will be placed in order of date and time received on a priority list for funding if and when additional funds are made available. The award of Program Grants is conditioned on the availability of funding. Applicants proceed at their own risk until they receive a commitment letter.

3.5 Payment of Grant Funds

The Board or its Program Administrator will issue an email notice to approved applicants identifying the amount of the Program Grant. Program Grants shall provide no more than 75 percent of the cost of projects approved by the Board or its Program Administrator.

Funds will be issued at project completion upon the receipt, review, and approval of all final required reporting, including a Plumbing/Appliance verification report. The applicant shall, among other things, provide the Board with additional documentation, as specified in the Reporting section of these guidelines, if requested.

All project requirements, as specified in Section 2, must be completed to receive Grant funding. Board staff will issue payment for the final invoice once and only when all final reporting is submitted and approved by the Program Administrator.

For projects that are already completed, but by no more than 12 months prior to the launch of this Program, the Board may provide program grant funding to cover qualifying costs associated with the replacement of noncompliant plumbing fixtures and appliances.

Utility Program Coordination

Applicants must also apply to New Jersey’s Clean Energy Program or their participating utility energy efficiency incentive program, if available. Program Grants will be 75% of the cost of the project after deducting the value of any utility energy efficiency program or New Jersey’s Clean Energy Program incentive funds paid to the applicant.

- For example, if the project costs $100,000 and a utility energy efficiency program incentive is available in the amount of $20,000, the Program Grant would pay no more than $60,000 \([100,000 - 20,000 \times 0.75 = 60,000]\).

3.6 Ineligible Costs

Grant funding can only be used for direct costs and work performed in accordance with the terms of this Program Guide. Costs that are ineligible to be paid with grant funding include, but are not limited to:

1. Purchase of equipment not an integral part of the project.
2. Consultant fees (other than those directly for the assessment this Guide states the Program will fund).
Section 4. PROJECT COMPLETION AND REPORTING

4.1 Completion of Projects

Applicants will have 12 months to complete all replacement work and final documentation requirements. Although the BPU may issue a reminder of the project deadline, it is the Applicants’ responsibility to monitor project completion and meet all required documentation and invoicing deadlines.

Applicants shall submit final documentation using the system or process required by the BPU or its Program Administrator at the time the documentation is due. The Board or its Program Administrator will provide all forms, formats, and guidance needed to assist in documentation on the program webpage.

4.2 Final Reporting and Invoice for Remaining Funds

After the completion of all work covered by a Program Grant, the Applicant must submit a final document package (further detailed in Appendix B: Plumbing Application and Documentation Forms) to the Program Administrator that includes:

1. Detailed Noncompliant Plumbing Fixture and Noncompliant Appliance documentation.
2. Documentation of installed plumbing fixtures and appliances.
3. Additional reporting detail as required to calculate or confirm water usage savings and/or energy usage savings.
4. The Applicant’s self-certification that:
   a. It complied with this Program Guide.
   b. The information included in the final document package is true and correct to the best of the applicant’s knowledge.
   c. It complied with all Program Grant terms and conditions.
   d. All Noncompliant Plumbing Fixtures and Appliances have been disposed of or recycled in compliance with its own policies or other applicable state and local end of life management and recycling requirements.
   e. All applicable New Jersey codes and laws were followed.
   f. It acknowledges that the expended funds may be subject to an audit, including a financial audit.
   g. It complied with all reporting requirements.
   h. It complied with all Skilled and Trained Workforce and other applicable labor requirements.
   i. It complied with any and all applicable law regarding the payment of Prevailing Wages.
   j. It commits to participate with the Board or its delegate in the assessment of water usage and/or energy savings, including providing access to project sites and project and equipment information.
   k. It acknowledges that it may be subject to a post-program inspection site visit and measurement and evaluation study conducted by the Board or its delegate.
4.3 Use and Disclosure of Information and Records and Confidentiality

With very few exceptions, documents and information submitted to the Board, its Program Administrator, or its other consultants/contractors in connection with this program are considered public records subject to disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. The Board or other State entities may use any of these documents or information for any purpose, including, among other things, to determine eligibility and compliance with the program or applicable law; to evaluate related or relevant programs or program elements; or to prepare reports. The Board and its contractors/consultants may also share such documents or information with the applicants’ utilities and/or those utilities’ contractors/consultants, and/or with contractors/consultants administering the Board’s clean energy and energy efficiency programs, as they may deem necessary or appropriate to further this program and/or the other programs.
APPENDIX A: APPLICATION INFORMATION

This appendix describes the information that will be required in the application form. The application will be completed and submitted by the applicant using the electronic submission process and system identified in the notice of funding availability issued by the Board. The application form will be made available for use in developing the application package on the program webpage.

Refer to Section 3 for more detailed information about the application process.

Program Enrollment Application Form

1. Application Information
   a. Applicant name
   b. Type of Entity
   c. Address
   d. Contact information
   e. Utility Provider(s)

2. Project Information (Table format for multiple projects in Applicant’s application)
   a. Site address
   b. School or business size (classrooms/students, square footage)
   c. Project description

3. Project Schedule
   a. Estimated start date
   b. Estimated completion date

4. Project Budget

5. Supporting Documentation

6. Self-Certifications
APPENDIX B: PLUMBING APPLICATION AND DOCUMENTATION FORMS

This appendix describes the information that will be required in the application and final document package. The final document package will be completed and submitted by the Applicant using the submission process and system identified in the notice of funding availability issued by the Board. The documentation forms will be made publicly available for use in developing the application and final document package on the program.

Application Package Documents

1. Documentation Form for Appliances (checklist)
   a. Unit/Quantity/Model No./Serial No./ENERGY STAR Rating
   b. Cost to replace
   c. Cost to dispose of old equipment
   d. Labor cost

2. Documentation Form for Fixtures (checklist)
   a. Unit/Quantity/Model No./Serial No./Water Usage
   b. Cost to replace
   c. Cost to dispose of old equipment
   d. Labor cost

Final Document Package

3. Documentation of Completed Work Form for Appliances
   a. New Unit/Quantity/Model No./Serial No./ENERGY STAR Rating
   b. Completed invoice

4. Documentation of Completed Work Form for Fixtures
   a. New Unit/Quantity/Model No./Serial No./Water Usage
   b. Completed invoice
## Appendix C: Qualifying Underserved Communities

See section 1.2

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<tr>
<th>Atlantic</th>
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<tbody>
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<td>Atlantic City BD of ED</td>
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- SEASIDE HEIGHTS BD OF ED

### PASSAIC
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- PASSAIC CITY BD OF ED
- PASSAIC COUNTY MANCHESTE
- PATERNON BD OF ED
- PROSPECT PARK BD OF ED
- COMMUNITY CHARTER SCHOOL OF PATERS
- JOHN P. HOLLAND CHARTER SCHOOL
- PASSAIC ARTS AND SCIENCE CHARTER SCH
- PATERNON ARTS & SCIENCES CHARTER SC
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