



**EFFICIENCY MAINE TRUST
PROGRAM OPPORTUNITY NOTICE**

**COMMERCIAL AND INDUSTRIAL CUSTOM PROGRAM
THERMAL EFFICIENCY PROJECTS**

PON EM-002-2021 Version 2

Opening: July 1, 2020

Closing: June 30, 2021

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Section 1: PON INFORMATION AND INSTRUCTIONS

1.1 Purpose of This Application Request

Through this competitive Program Opportunity Notice (PON), the Efficiency Maine Trust (the Trust) is seeking applications for projects that reduce thermal energy (MMBtu) use from Maine sources through the installation of more efficient equipment by customers within the State of Maine. The Trust will refer to this as the Custom Thermal PON. Projects awarded through this PON may be supported with funds from the Natural Gas Procurement Funds and the Regional Greenhouse Gas Initiative (RGGI).

1.2 Program Description

The Trust is seeking applications for thermal efficiency projects with the principal goal of reducing energy use from Maine businesses through the installation of more efficient equipment.

Incentive awards are anticipated to range from \$10,000 to \$500,000 per project per year.

For incentive award consideration, applicants must submit a timely and complete application for an eligible project that satisfies the criteria and requirements set forth in this PON.

1.3 Contact Person

The Trust encourages any applicant who has interest in or questions around this PON to contact the Trust. The Trust's sole designated contact for this PON is as follows:

Ian Burnes, Strategic Initiatives Team Leader
Efficiency Maine Trust
168 Capitol Street, Suite 1
Augusta, ME 04330-6856
ian.burnes@efficiencymaine.com
207-213-4149

1.4 Program Term

The Trust will accept applications to the Custom Thermal PON starting on July 1, 2020 and ending on June 30, 2021. The Trust will review these applications periodically and make awards to applicants who meet the criteria within this PON, as funding allows.

1.5 Efficiency Maine Trust Rules

Notwithstanding anything to the contrary in this PON, all applications submitted in response to this PON, and any project award and Incentive Agreement resulting from this PON, shall be subject to all applicable rules and regulations of the Efficiency Maine Trust. *See State of Maine Rules Chapters for Independent Agencies, 95-648* Efficiency Maine Trust.

Section 2: PROJECT ELIGIBILITY

The Trust has budgeted a total of approximately \$1.29 million to be awarded to projects submitted under this PON.

2.1 Award Amounts and Limitations

There is an annual limit of \$500,000 in total funding awards per participating entity under the terms of this PON. The limit applies to single entities or multiple entities that are part of an affiliated group of companies under common ownership or control. The limit will be applied to all projects awarded by the Trust under this PON during the Trust's fiscal year (July 1, 2020 through June 30, 2021). Funds received through the Custom Electric PON-EM-001-2021, the Custom Distributed Generation PON-EM-003-2021, or through the Trust's Commercial and Industrial (C&I) Prescriptive Program for other projects will not be considered toward this cap.

Entities may apply up to two years of their annual cap to one project provided it meets all other criteria in this PON. For example, an awarded project may be eligible for \$1,000,000, but that incentive will be paid out in two, \$500,000 installments over two successive fiscal years.

For retrofits of existing equipment, applicants must provide a minimum 50% cost share for the project. The project cost is the *net cost* to the applicant (i.e., any tax credits and/or grants are deducted from the total cost to derive the net cost).

For new construction or projects that are deemed a 'lost opportunity' by the Trust, such as replacement of a piece of equipment that is at or near the end of its useful life, applicants must provide a minimum of 25% of the incremental cost as measured between the cost of efficient alternative equipment and the cost of the industry standard equipment as determined by the Trust. Again, this project cost is the net cost to the applicant.

The incentive award will also be capped based on the magnitude of the validated thermal energy reduction expressed in millions of Btu per year. Incentives will not exceed \$25.00 per MMBtu of validated annual reduction.

PON Award Limitation Summary: For the avoidance of doubt, in no event may an incentive award exceed the *lesser* of the following:

- \$500,000 (annual limit);
- 50% of net project cost for retrofits;
- 75% of net project cost for new construction;
- \$25.00 per MMBtu, determined by dividing the incentive by the validated as-built energy savings; or
- An incentive level that buys the project down to a one-year payback.

Final incentive amounts may be adjusted by the Trust at project completion as necessary to reflect as-built conditions and to maintain established incentive award funding limitations. Incentive awards may be adjusted to account for any tax credits and/or third-party grant funding awarded to or received by the applicant.

2.2 Eligible Projects

An eligible project is a measure or set of measures at a single facility or campus that reduces inefficient thermal energy use (or increases efficient thermal energy use), as calculated consistent with the provisions of Section 3.1, below, as determined by the Trust, resulting in annual reductions of at least 400

MMBtu per year. The project must achieve a benefit-cost ratio greater than 1.0 using the benefit-cost test administered by the Trust.

Incentives awarded under this PON are intended to influence the implementation of projects that the applicant could not implement in the foreseeable future if not for the incentive. Applications should include a discussion of the need for the incentive, and an attestation from the participant documenting the influence of the incentive on the decision to proceed with the project.

Projects involving refurbished or used equipment may be eligible for the program, provided that the applicant receives prior written pre-approval from the Trust. The Trust reserves the right to assign an equipment measure life for the cost-benefit analysis based on its assessment of the measure life of the proposed system or equipment. The assigned measure life may vary from the measure lives contained in the Trust's Technical Reference Manuals.¹ The Trust reserves the right to require performance testing and documentation of the testing results to validate the proposed equipment performance. All costs associated with such testing and reporting are the responsibility of the applicant or their contractor/vendor. The used or refurbished equipment must include a contractor, vendor, or manufacturer warranty equal to the warranty offered for an equivalent, new system or unit. The minimum warranty term on refurbished or used equipment will be five years. All costs associated with the warranty are the responsibility of the applicant or their contractor/vendor. Finally, the Trust reserves the right to deny applications that include refurbished or used equipment.

Bundling of measures within the same building or across multiple buildings or campuses is allowed only when all associated locations are the property of one entity with a single tax ID. Measures can only be bundled at the technology or measure-type level. For example, rooftop units can be bundled with rooftop units, and envelope measures can be bundled with envelope measures, but rooftop units cannot be bundled with envelope measures. Each individual measure must satisfy the Trust's cost-effectiveness screening on its own. Only cost-effective measures will be included in the final tally of bundled project costs and savings. Measures with strong benefit-cost ratios (>1.0) are not allowed to support measures with low benefit-cost ratios (<1.0) for the purpose of eligibility. Individual cost-effective measures do not have to meet the minimum program savings and cost requirements on their own, provided that the final bundle of cost-effective measures meets or exceeds those thresholds.

2.3 Ineligible Projects

The following projects are not eligible for funding under this incentive program:

- Prescriptive measures available through Efficiency Maine's C&I Prescriptive Program²;
- Projects that have a simple payback from the customer's perspective of less than a year after factoring in incentives, from the Trust or any other entity;
- Measures required by state or federal law or local building or energy codes, or measures that are deemed by the Trust to represent standard industry practice;
- Projects for which the customer (or its affiliate) has made binding commitments to proceed, or paid for any portion of the project cost, prior to the official award of funding under this PON;

¹ For the most recent versions of the Technical Reference Manuals, please visit <https://www.energymaine.com/about/library/policies/>

² For a full listing please visit <http://www.energymaine.com/at-work/ci-prescriptive-incentive-prog/>

- Measures that rely solely on human behavior changes or facility maintenance;
- Feasibility studies;
- Seed money for projects to be completed and funded subsequently;
- Projects that do not score 1.0 or greater on the benefit-cost test as administered by the Trust;
- Projects that do not result in an annual reduction of at least 400 MMBtu; or
- Energy efficiency measures intended for installation or use at any facility engaged in any activity related to the cultivation, processing, distribution, storage, sale, or use of marijuana, even if such activity may be permitted under state law.
- Additionally, please note that project incentive funds cannot be used to offset costs associated with developing the project application.

2.4 Other Efficiency Maine Programs

A project that is awarded an incentive through this PON cannot receive any additional incentives from Efficiency Maine's C&I incentive programs. Notwithstanding the foregoing, to the extent a single project described in an application under this PON may realize savings across different energy classifications or program categories, the Trust may make an award based on the primary savings source category along with program funds from the secondary savings category as the Trust may determine to be appropriate in the circumstance. In no event will an award for an application under this PON exceed the limitations set forth in Section 2.1 regardless of individual or aggregated program funding sources.

Section 3: AWARD CRITERIA

Successful applications for an incentive award will demonstrate the project's ability to meet or exceed the criteria related to thermal efficiency projects and overall project readiness described in this section.

3.1 Thermal Efficiency

Eligible projects must result in a minimum of 400 MMBtu of validated energy reductions per year.

The Trust will consider the following factors when determining the magnitude of the MMBtu savings.

1. The reductions must be measurable and the equipment must be located within the State of Maine.
2. For the replacement of existing equipment that does not meet the criteria set forth in number three of this section, MMBtu reductions will be measured by the increases in efficiencies directly attributable to the new equipment.
3. For new facilities, facility expansions, or projects that are deemed a 'lost opportunity' by the Trust, such as replacement of a piece of equipment that is at or near the end of its useful life, the reductions will be the difference between the MMBtus that would be consumed with industry standard equipment or processes and the MMBtus that will be consumed in the proposed project.

4. Efficiency projects that involve fuel switching will be treated as new construction and the MMBtu reduction will be measured as the difference between the energy that would be consumed through the use of industry standard equipment burning the new fuel and the energy that will be consumed in the proposed new energy-efficient equipment.

All applications will be subject to an engineering review by an independent firm retained by the Trust to assist in the validation of projected energy savings. The Trust reserves the right to request more information and/or to modify applicant claims of MMBtu reductions based on the independent engineering analysis before making an award.

The Trust reserves the right to reject applications that do not fundamentally advance the goals of reducing thermal energy use or do not have a benefit-to-cost ratio greater than one using the benefit-cost test administered by the Trust.

3.2 Management and Resource Adequacy and Readiness

Applications will also be evaluated on the basis of the resources and management in place to execute and maintain projects, as well as an overall assessment of project readiness, including commitments for match funding. Please refer to Section 4 for application requirements.

The Trust will consider evidence that the following factors are in place when making decisions related to management and resource adequacy and readiness:

- **Project Approvals**, including evidence that all necessary internal approvals to proceed with the proposed measures are in place should the project receive an award;
- **Costs and Financing**, including evidence of applicant's ability to fund the project costs, net of the Trust's incentive and as required in section 2.1, through internal sources, third-party financing agreements, project partners, or other commitments;
- **Project Budget and Schedule**, including the reasonableness of the applicant's budget and schedule and the ability of the project to reach completion within one year of the award date or another agreed-upon time frame;
- **Permitting**, including the need for and status of all necessary permitting equipment, including the ability of the applicant to secure the equipment on-site within the project schedule, reasonableness of cost information, and suitability of the selected equipment to the project;
- **Project Management Organization and Qualifications**, including the relevant corporate qualifications as well as key relevant personnel experience and qualifications; and
- **Risk Management**, including the strategies in place to limit exposure to uncertain future events that, if they materialize, will impact the ability of the project to deliver the claimed MMBtu reductions detailed in section 3.1.

The Trust reserves the right to disqualify an application that fails to demonstrate sufficient experience, planning, resources, and risk management needed to execute a successful project within a reasonable timeframe.

The Trust reserves the right to reject an application in whole or in part if it determines, in its reasonable discretion, that project costs, expenses, or charges are unreasonable.

3.3 Third-Party Vendors and Energy Service Companies

The Trust recognizes that, depending on the nature of a proposed project, third-party vendors or energy service companies (ESCOs) may assist in the preparation, submittal and processing of an application on behalf of a customer. Notwithstanding the participation of a third-party vendor or ESCO, the Trust considers the customer to be the program participant and requires the customer to be a direct party to the application. The Trust requires direct communication with the customer as necessary for review and evaluation of an application and proposed project. Customer and its third-party vendor or ESCO must consult with Trust staff regarding proposed project timing, scope, and any necessary pre-approval review. Because no project approval or incentive award is guaranteed, no third-party vendor or ESCO should make any firm commitment of incentive award funds in advance of a final notice of award to the customer.

Section 4: APPLICATION REQUIREMENTS

Applications must present a concise and complete description of the proposed project and the applicant's capabilities for satisfying the requirements outlined in this PON. Applicants must adhere to the following outline and page limitations where specified:

4.1 Non-Confidential Project Overview (Not to exceed One Page)

Please provide a brief non-confidential project overview for the Trust to circulate to the public in the event that the applicant's proposed project is awarded funding.

4.2 Project Overview (Not to Exceed One Page)

Please provide a brief project overview including measure description, project management team, and an overview of the project's financial backing.

4.3 Technical Proposal (No restriction on length)

The PON response should focus on the Technical Proposal. The savings calculation methodology, and the data, inputs and assumptions used in the calculations should be as project specific and well-documented as possible.

While applicants should provide as much information as they deem necessary for the Trust's technical review staff to validate the engineering analysis used to calculate the projected reduction in greenhouse gas emissions, redundant or excessive documentation is discouraged. Applicants may refer to documentation that is in their possession, which the Review Team may request if they wish. Relevant documentation should include:

1. Proposed measures
 - A list of equipment and components to be installed, including manufacturers' catalog/model number, potential vendors, price information, and status of equipment availability
 - Manufacturers' specification sheets for all major components
 - All operational assumptions determined by industry-accepted engineering analysis
2. Existing system summary including
 - A description of existing equipment with make and model number and cut sheets if available

- Metered data for the equipment or process to the extent it is available
- Hours of operation of the process or equipment
- Bin data used if applicable
- All operational assumptions including measured energy consumption or industry accepted engineering analysis

If using a theoretical baseline, please provide assumptions and justifications. The analysis should make use of metered or historical performance data to the greatest extent possible. Where this data is not available or practical to obtain, inputs and assumptions used in the analysis should be project-specific, with a clear explanation of how they are derived.

Thermal Energy Factors used by the Trust to evaluate projects can be found on the Efficiency Maine website at: www.energymaine.com/at-work/business-programs/competitive-program.

Where appropriate, please include an electronic Excel file with your application submission (see Section 5.1). **Energy savings calculations in a PDF format will not be accepted.** Please reference the electronic Excel document in the written application and provide any notes or assumptions used to calculate energy savings.

The Trust reserves the right to do a pre-award inspection and to review and adjust savings or cost calculations. In all cases, the Trust's determinations with regard to costs and savings and other technical or operational items will be final. The Trust also reserves the right to request additional information from applicants.

4.4 Management and Resource Adequacy and Readiness (Not to exceed Two Pages)

Please provide a description of the resources and planning in place and documentation of project readiness. Relevant information may include:

1. **Project Approvals:** Applicants should provide evidence that the necessary internal approvals needed to proceed with the proposed project are in place. We understand that these approvals may be conditional upon receiving the incentive. Applicants unable to provide this information by the close of this PON must indicate a time frame for receipt.
2. **Project Payback:** Explain how the incentive requested will help this project meet the capital planning criteria of your company. Please provide the cost of implementation, the reduced energy costs, and copies of the bills of the fuel being considered.
3. **Costs and Financing:** Applicants must provide a letter on organizational letterhead signed by an authorized representative of the organization acknowledging the participant's commitment to contribute a specified amount of matching funds during the term of the award (Section 2.1). If project viability is contingent on financing, the applicant must identify the lending institution as well as the status of the financing.

If a third party (i.e., a party other than the organization submitting the application) proposes to provide all or part of the required cost sharing, the applicant must include a letter from the third party stating that it is committed to providing a specific minimum dollar amount of cost sharing and demonstrating its ability to do so. The letter should also identify the proposed cost-sharing. Letters must be signed by the person authorized to commit the expenditure of funds by the entity.

Letters of support from other organizations (i.e., not project partners) interested in lending their

support to the worthiness of the project will not be considered and should not be included as part of the application.

4. **Project Budget and Schedule:** Provide a detailed project budget and schedule, including a chart showing project milestones that include but are not limited to the following:
 - Significant budget items
 - Any pending internal or external approvals that are necessary for the project to move forward and a date certain for obtaining them
 - All permits required to proceed with the project
 - Planned equipment purchases, installation, and testing
 - Funding schedule as required by section 4.5
 - Risk management strategies

Each application should include a high-level Schedule of Values outlining the major milestones of the project, estimated costs, and expected completion dates. The Schedule of Values will assist with the progress payments for each project awarded an incentive. For basic projects the Schedule of Values may be as simple as providing any labor and material costs, equipment delivery dates, and a project completion date. For a larger project such as a complex process upgrade, the Schedule of Values may include items such as site work, foundations completed, building construction, equipment orders, delivery and installation dates, and a project start-up date.

5. **Permitting:** If applicable, provide an explanation of any additional permits necessary to proceed with the project and an explanation of the process and timeline required to receive them. If possible, provide documentation from the relevant permitting authority confirming the applicant's understanding of their standing within the permitting process.
6. **Project Management Organization and Qualifications:** Provide an organizational chart or explanation of roles and responsibilities of key project staff and partnership relationships, if applicable. Include the relevant corporate qualifications as well as key relevant personnel experience and qualifications. Resumes may be included.
7. **Business and Financial Condition:** The applicant must be a business in good standing in the State of Maine. In addition to requiring evidence of management and resource adequacy and readiness to construct and operate the project, the Trust may consider other relevant information regarding the applicant's business and financial condition, as well as general industry conditions relevant to the applicant and the proposed project.

4.5 Milestones and Funding Schedule (Not to Exceed One Page)

For projects not requiring milestone payments, the award will be disbursed after the project has been completed, all supporting invoices are provided, a satisfactory post installation inspection has been completed, and the final incentive amount has been determined. For projects requiring milestone payments, award funding will be disbursed at project milestones as established in the contract. The final milestone payment (at least 10% of the incentive award) will not be awarded until the project is complete, supporting documentation is provided and a satisfactory final post-installation inspection has been conducted. Please outline the major milestones of your project and a proposed payment schedule. The Trust will look to the funding schedule to confirm whether applicants have shared project risk with the Trust. Please include the funding schedule in the overall project schedule required in section 4.4.

4.6 Additional Requirements – Third-Party Vendors and Energy Service Companies

Proposals involving projects to be administered by a third-party vendor or ESCO are often comprehensive and may include work and measures that are unrelated to energy efficiency measures that come within the scope of this PON. As such, it can be difficult for the Trust to break out costs and savings associated with a particular measure and to accurately apply required criteria for proposal screening, cost effectiveness, and other elements of required review. The Trust reserves the right to require additional information as necessary to assess an application submitted or supported by a third-party vendor or ESCO to ensure compliance with statutory and regulatory requirements and Trust criteria, including, without limitation:

1. Site-specific analysis and derivation of individual measure performance and projected savings, including energy consumption and costs records, and all data, assumptions and analysis supporting the predicted energy impacts;
2. Documented derivation of measure cost, including vendor proposals to program participant for equipment, materials, labor, overhead and contingencies;
3. Contract documents between the third-party vendor or ESCO and the program participant clearly describing project scope and costs.
4. For project close out and final disbursement of incentive award amounts, detailed documentation of as-built individual measure costs, including vendor invoices reflecting as-built equipment and labor costs.

In reviewing applications submitted in response to this PON, the Trust reserves the right to waive immaterial irregularities, formalities, and technicalities.

Section 5: SUBMITTAL INSTRUCTIONS

Applicants are encouraged to contact the Trust as they are developing their projects. To be considered for review, applications must adhere to the following specifications:

5.1 Submittal Format

Applications must include the information requested in Section 4. Submit a completed application with all supporting documentation referencing:

**PON-002-2021 v2
PROGRAM OPPORTUNITY NOTICE FOR
CUSTOM THERMAL EFFICIENCY PROJECTS**

Applications must be delivered to the Efficiency Maine Trust, 168 Capitol Street, Suite 1, Augusta, ME 04330-6856.

5.2 Accurate and Complete Information

By submitting an application or proposal, the Applicant is making a representation to the Trust that all information provided in connection with the application or proposal is complete and accurate at the time of submission. The intentional provision of any false or misleading information, or the intentional omission of material information, will result in the application or proposal being deemed ineligible and may result in the Applicant's suspension or debarment from participation in Efficiency Maine Trust programs.

Section 6: INCENTIVE AWARD

6.1 Contract

Incentive award recipients will be required to enter into a contract with the Trust governing the disbursement and use of the incentive award funds. For any project with an incentive over \$200,000, award recipients will be required to enter into an Efficiency Maine Trust Incentive Agreement. For any project with an incentive under \$200,000, award recipients will be required to acknowledge and agree to the Efficiency Maine Trust Project Award Notification Letter and incorporated C&I Custom Program Terms and Conditions.

All incentive awards are subject to the recipient's compliance with this PON and the Trust's Program rules.

If the Trust does not come to agreement with the recipient within 60 days from the Review Team's decision, it reserves the right to rescind the award and reallocate funds.

The Trust reserves the right to adjust the final incentive award amount based on as-built savings and costs and otherwise as necessary to maintain the program incentive award limitations set forth in Section 2.1 of this PON and to account for any third-party grant funding awarded to or received by the applicant for the project.

The Trust may impose any reasonable requirement or condition in the contract documents that it deems necessary or prudent to secure the performance and operation of the project, including requiring the grant of a security interest in the equipment funded by the incentive award or such other security as the Trust may determine in its discretion.

6.2 Award Decisions

Following the evaluation process, award decisions will be made by the Trust and communicated to the applicant in writing via email. Notwithstanding any statement or prior course of conduct to the contrary, no application shall be deemed approved and no incentive shall be deemed awarded in the absence of a specific written notice of award from the Trust. Applicants should not commit award funds or begin any project in reliance on an incentive award absent a specific written notice of award from the Trust.

6.3 Measurement and Verification (M&V) Requirements

All recipients must agree to independent, third-party verification of project completion and thermal reductions under terms that will be established by the Trust for each approved project. Actual award of an incentive will be conditioned on applicant acceptance of these M&V requirements.

6.4 Limitations

This solicitation does not commit the Trust to make an award, to pay any costs incurred in preparing an application or provide oral or written clarification of its contents, or to procure or contract for services or supplies.

The Trust reserves the right to reject any application that in its sole determination does not meet the requirements and specifications of this PON, the Trust's rules, Maine law, or generally accepted business practices, or which contains inaccurate or incomplete information. The Trust may seek clarifications and supplementation of applications as it may deem reasonable.

This PON is a competitive solicitation. The Trust reserves the right to select project applications for

award in its discretion, consistent with the Trust’s rules, that most fully satisfy the criteria and objectives of this PON. The Trust will award funds for approved applications only if sufficient funding is available in the C&I Custom Program budget when the application is reviewed. If funding is limited, the Trust may select certain project applications for award over others notwithstanding that multiple competitive, compliant PON applications are under review. The Trust may elect not to award all of the available funds through this PON and may issue another PON for the remaining funds. Additionally, the Trust reserves the right to award less than the amount requested by an applicant. The Trust reserves the right to reject applications that do not fundamentally advance the goals of this PON and have a benefit-to-cost ratio greater than one.

6.5 Publicity of Applicant’s Participation

Efficiency Maine Trust reserves the right to disclose certain information about the applicant’s participation in the program, including, but not necessarily limited to, the applicant’s name, the incentive amount, and projected MMBtu savings. Applicants may seek to have certain energy consumption and business sensitive information treated as confidential pursuant to Title 35-A MRSA §10106.

6.6 Reservation of Rights

Efficiency Maine Trust reserves the right to cancel or extend the PON term at any time. Efficiency Maine Trust also reserves the right to reject any and all submissions in response to this PON and to waive formalities if doing so is in the best interests of Efficiency Maine Trust.

6.7 Request for Reconsideration

An aggrieved person may request a hearing for reconsideration of an award decision by filing a written petition with the Executive Director of Efficiency Maine Trust within 14 calendar days of the notification of the contract award. Each petition to reconsider must meet the requirements specified in Efficiency Maine Trust Rule Chapter 1, Contracting Process for Service Providers and Grant Recipients, Section 5(B), which can be found on the Efficiency Maine Trust website in the Policies section of the Library:

<http://www.energymaine.com/docs/Chapter-1-Contracting-Process-for-Service-Providers-and-Grant-Recipients.pdf>