



**EFFICIENCY MAINE TRUST
PROGRAM OPPORTUNITY NOTICE**

**COMMERCIAL AND INDUSTRIAL CUSTOM PROGRAM
DISTRIBUTED GENERATION PROJECTS**

PON EM-003-2024 Version 1

Opening: July 1, 2023

Closing: June 30, 2024

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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 cost-effective distributed generation (DG) projects from customers within the State of Maine and served by an electric utility in Maine. The Trust will refer to this as the Custom DG PON. Projects awarded through this PON may be supported with funds from the Electric Efficiency Procurement, Regional Greenhouse Gas Initiative (RGGI) revenues, and the proceeds from the Forward Capacity Market (FCM), or a combination of these sources.

1.2 Program Description

The Trust is seeking applications for DG projects with the principal goal of reducing grid-supplied kilowatt hour (kWh) consumption from businesses that use electricity delivered through Maine's electrical grid.

Incentive awards are anticipated to range between \$10,000 and \$1,000,000 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 designated contact for this PON is as follows:

Jesse Remillard, Strategic Initiatives Team Leader

Efficiency Maine Trust

168 Capitol Street, Suite 1

Augusta, ME 04330-6856

jesse.remillard@efficiencymaine.com

207-368-2558

1.4 Program Term and Schedule

The Trust will accept applications to the Custom DG PON starting on July 1, 2023 and ending on June 30, 2024. 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 \$5 million to be awarded to projects submitted under this PON and PON EM-001-2024.

2.1 Award Amounts and Limitations

There is an annual limit of \$1,000,000 in total funding awards that EMT will make 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 and PON EM-001-2024 during the Trust's fiscal year (July 1, 2023 through June 30, 2024). Funds received through the Custom Thermal PON EM-002-2024 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 \$2,000,000, but that incentive will be paid out in two, \$1,000,000 installments over two successive fiscal years.

The Trust will provide up to 50% of the installed cost of the DG project provided that all other criteria of the DG PON is met. 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).

The incentive award will also be capped based on the magnitude of the validated annual reduction in grid-supplied energy (kWh/year). Incentives will not exceed \$0.28 per kWh of validated annual reduction in grid-supplied energy.

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

- \$0.28 per kWh, determined by dividing the incentive by the validated as-built grid-supplied energy savings;
- 50% of net project cost;
- \$1,000,000 (annual limit);
- An incentive level that buys the project down to a one-year payback; or

The Trust reserves the right to increase the funding limit in cases where the true measure cost is determined to be the incremental difference between two competing design options. 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 also 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 DG project is a cost-effective on-site distributed generation project that reduces grid-supplied electricity and meets all of the following criteria:

- Must have an operating efficiency of 60% or greater;
- Must achieve a benefit-cost ratio greater than 1.0 using the benefit-cost test administered by the Trust;
- Must result in annual reductions in grid-supplied energy of at least 36,000 kWh per year; and
- Must install a meter, per the Trust's specifications, dedicated to providing data to the Trust.

DG projects will be scored for offset of existing grid-supplied electricity only and not for additional capacity that can be exported to the grid or other customers. A recipient must have an account with a

Maine electric utility at the site of the proposed DG project and must purchase kWh greater than the total kWh reductions from the DG project proposed at each proposed site.

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.

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.

2.3 Ineligible Projects

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

- Projects that have a simple payback from the customer's perspective of less than one year, after factoring in all available incentives, from the Trust or any other entity;
- Measures required by state or federal law, or local building or energy codes, or are deemed by the Trust to be standard industry practice;
- Projects for which the customer (or its affiliate) had made binding commitments to proceed, or paid for any portion of the project cost, prior to the official award of funding under this PON;
- Measures that rely solely on human behavior changes or facility maintenance;
- Feasibility studies;
- Power quality, power factor, and power conditioning projects;
- Projects that do not score greater than 1.0 on the benefit-cost test as administered by the Trust;
- Projects that do not result in a reduction of grid supplied electricity use
- Seed money for projects to be completed and funded subsequently;
- Projects that do not result in kWh reductions of at least 36,000 kWh annually; or

Additionally, please note that project incentive funds cannot be used to offset costs associated with

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

developing the project application.

2.4 Other Efficiency Maine Programs

No project that is awarded an incentive through this PON may receive any additional incentives from Efficiency Maine's Commercial and Industrial 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.

2.5 Funding Limitations

Pursuant to Title 35-A MRSA §10110 (6), electricity customers receiving service at transmission and subtransmission (T&ST) voltage levels are not required to pay in rates any amount associated with any procurement of energy efficiency resources by transmission and distribution utilities. Consequently, these customers are not eligible for incentives that leverage the Electric Efficiency Procurement funds through the Trust. Instead, incentives for these customers will be funded with Forward Capacity Market (FCM) revenues and Regional Greenhouse Gas Initiative (RGGI) funds where sufficient funds are available.

Projects housed at non-T&ST customers will be funded with proceeds from the Electric Efficiency Procurement and/or the Forward Capacity Market, where sufficient funds are available.

Section 3: AWARD CRITERIA

Successful applications for an incentive award will demonstrate the project's ability to meet or exceed the criteria related to grid-supplied energy reductions, and overall project readiness described in this section.

3.1 Grid-Supplied Energy Reductions

Generation from the proposed DG project must offset coincident on-site consumption of grid-supplied energy. This means no net metering. The Trust may elect to waive the prohibition against net metering if the applicant can document the existence of multiple meters at a single contiguous site with combined grid-supplied load, measured in instantaneous kW, equal to or exceeding the predicted output of the proposed generator at all times. On-site generation projects also must install a meter, per the Trust's specifications, dedicated to providing data to the Trust.

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 kWh savings 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 grid-supplied electricity and 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 Project 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 their 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 a 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 kWh savings and peak summer demand reductions detailed in section 3.1.

The Trust reserves the right to disqualify an application that fails to demonstrate sufficient experience, planning, and resources 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 Project Application Cover Sheet

Please submit a signed electronic cover sheet with your application, available at:

<https://www.energymaine.com/custom-distributed-generation-projects/>.

4.2 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.

4.3 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.

4.4 Technical Proposal (No Restriction on Length)

The PON response should focus on the Technical Proposal.

While applicants should provide as much information as they deem necessary for the Trust’s technical review staff to validate the project’s energy impacts, redundant or excessive documentation is discouraged. Applicants should expect that the Trust’s review staff will have questions about the proposed equipment and existing/baseline equipment operation. Additionally, the Trust reserves the right to require additional information about the equipment or facility operation in order to validate energy impacts. At a minimum, a complete application includes:

1. Proposals or quotes for project:
 - The proposals or quotes should include a list of equipment and components to be installed, including model numbers where appropriate, and identify any subcontractors involved.
 - If proposals or quotes do not identify the breakdown of equipment and labor costs, this information may be requested from the vendor or subcontractor.
 - For new construction or end of useful life scenarios, a proposal or quote for both the baseline and high efficiency system will be needed. Alternatively, the quote may identify the high efficiency system as an option to a baseline proposal.²
2. A description of existing equipment and operation, including:
 - Technical details about operational parameters including metered data for the equipment or process to the extent it is available
 - Hours of operation for the process or equipment
 - Make and model numbers and specification sheets if available

² Baseline proposals should be based on industry standard practice or replace in kind designs.

3. Existing facility energy usage and cost records including:
 - At least one year of electrical usage and cost data
 - At least one year of fuel usage and cost data if impacted by the measure
4. Energy savings analysis
 - Incentive awards cannot be made until a detailed and defensible energy savings analysis is completed. It is expected that applicants with the appropriate resources will submit an analysis of estimated energy savings, which the Trust's delivery contractor will review. Applications submitted without a savings analysis or with a rudimentary savings analysis may require additional time for review.
 - The validated analysis must 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 must be project-specific, with clear explanations of how they are derived.

Where appropriate, please include an electronic Excel file with your application submission to document submitted savings estimates and/or operating parameters. **Energy savings calculations submitted in a PDF format will not be accepted.** Address any major assumptions or operating parameters in the project summary or existing equipment description.

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.

4.5 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 must 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 timeframe for receipt.
2. **Statement of Incentive Need to Proceed:** 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.
3. **Project Payback:** Explain any capital planning or payback requirements of your company.
4. **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.

5. **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 4.6
 - 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 back pressure turbine, the Schedule of Values may include items such as site work, foundations completed, building construction, turbine order, delivery and installation dates, and generator start-up date.

6. **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.
7. **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.
8. **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.

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

For incentives less than \$200,000, 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 incentives greater than \$200,000, 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. If awarded, you will be asked to outline the major milestones of your project and a proposed payment schedule. The Trust will review the funding schedule to confirm whether applicants have shared project risk with the Trust.

4.7 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 highly encouraged to contact the Trust as they are developing their projects.

5.1 Submittal Format

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

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PROGRAM OPPORTUNITY NOTICE FOR
CUSTOM DISTRIBUTED GENERATION PROJECTS**

Applications must be delivered by email to the PON contact in Section 1.3 or Custom@efficiencymaine.com.

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

For all distributed generation projects, award recipients will be required to enter into a contract with the Efficiency Maine Trust. This document is referred to as the Efficiency Maine Trust Incentive Agreement.

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 tax credits or 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 kWh savings 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.

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 energy 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>