

Participating Contractor - Letter of Intent



El Paso Electric

Residential, Income Qualified & Small Commercial Solutions Programs

El Paso Electric (EPE) is committed towards providing customers with assistance with reducing energy costs and consumption. EPE is proud to sponsor the **Residential, Income Qualified and Small Commercial Solutions Programs** (Programs) to improve the energy efficiency of homes and small businesses within EPE's Texas service territory. EPE has contracted with CLEAResult (Program Implementer) to promote and administer the Programs.

This Letter of Intent (LOI) confirms that _____ (Participating Contractor) is a willing participant of one, or any, of the **no-cost** Programs. This LOI reflects a voluntary collaborative effort between the Participating Contractor and EPE detailing mutual commitments to provide peak demand and energy savings from the implementation of energy efficiency measures.

The Programs are designed to leverage the greater El Paso contracting industry to:

- Market the Programs to residential customers and small businesses
- Provide customers with point-of-sale incentives for the implementation of energy efficiency measures
- Build consumer awareness of the value, benefits, and services the Programs provide
- Provide Participating Contractors with direct support, tools, and training for Programs' and contractors' success

The Programs provide cash and non-cash incentives. A Participating Contractor may terminate participation in the Programs by providing the Program Implementer a written statement stating their intention to terminate participation. By executing this LOI, the Participating Contractor agrees to the following elements of the Programs:

PROGRAM EXCLUSIVITY

A Participating Contractor will not submit duplicate projects or measures to other EPE energy efficiency programs in the same calendar year.

PROGRAM OVERSUBSCRIPTION OR CANCELLATION

EPE strives to achieve a diversified participant and measure mix within its Programs' portfolio. The Programs reserve the right to distribute funds based on available funding and utility cost effectiveness constraints. The incentives (cash and non-cash) offered through the Programs are limited. It is possible that the Programs' budgets may not accommodate the number of projects submitted by Participating Contractors. The Programs' incentives will be approximated and reserved for 45 days on a first-come, first-serve basis, determined by the date the Program Implementer receives an approved signed and completed EPE Customer Acknowledgement, Incentive or Rebate Form.

DISCLAIMER OF WARRANTIES

The Participating Contractor acknowledges and agrees that any review or inspection performed by EPE or the Program Implementer of a customer's premises or of the design, construction, installation, operation, or maintenance of an energy efficiency project or equipment installed, or to be installed, is solely for obtaining information required to allow for the payment of EPE Programs' incentives. The Participating Contractor acknowledges and agrees that EPE and the Program Implementer make no guarantee, representation, or warranty whatsoever as to the economic or technical feasibility, capability, safety, or reliability of equipment, its installation, its performance, or its compatibility with customers' facilities.

PROGRAM IMPLEMENTER IS AN INDEPENDENT CONSULTANT

The Program Implementer is an independent consultant and is not authorized to incur obligations on behalf of EPE.

BENEFIT ELIGIBILITY REQUIRES ADDITIONAL ACTIONS

By executing this LOI, the Participating Contractor understands that to receive any benefits from the Programs, they must complete the following steps:

- **Project Identification-** The Participating Contractor may work with the Program Implementer to identify project opportunities for the customer that may improve the energy efficiency of facilities or operations. The Participating Contractor may use any reasonable means to identify opportunities and the Program Implementer can assist at the Participating Contractor's request. Reserved projects will be eligible for Programs' incentives, dependent upon verification of the



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installed measures and Programs' available funds at the time of the project's completion.

- **Project Selection & Reservation of Program Funds-** If a customer awards a Participating Contractor an eligible energy efficiency improvement project, available cash incentives will be reserved upon receipt of a customer signed and Program Implementer approved EPE Customer Acknowledgement, Incentive or Rebate Form. Incentive funds will be reserved for 45 days.
- **Pre-Inspection-** The Participating Contractor must allow the Program Implementer access to perform required pre-installation inspections and/or provide required detailed equipment and project information. The right of access for inspections will be subject to the customer's reasonable access requirements and, unless otherwise agreed, must occur during normal business hours. The Participating Contractor must have the Program Implementer's approval of the project's qualifying measures to receive Programs' incentives.
- **Project Installation-** The Participating Contractor proceeds with the installation of eligible energy efficiency measures after the completion of the pre-installation inspection requirement. EPE and the Program Implementer will not sell, provide, or warrant any materials, equipment, or installation services for the project. EPE and the Program Implementer make no guarantee, representation, or warranty whatsoever as to the economic or technical feasibility, capability, safety, or reliability of the equipment, installation, or its compatibility with customers' facilities.
- **Post-Inspection-** The Participating Contractor will contact the Program Implementer to schedule a required project post-inspection and/or provide other required measures and project information after the project has completed. The Programs' incentive amount will be based upon the verification of installed eligible energy efficiency measures and the reserved incentive amount. The Participating Contractor agrees to arrange for and provide project site access to the Programs' Independent Measurement and Verification Evaluator, should the project be randomly selected for EPE's Energy Efficiency Program evaluation.
- **Payment Process-** A one-time payment will be issued to the Participating Contractor following project completion, post-inspection, and verification of energy savings. The Programs require the following documentation to be submitted for projects, as applicable.
 - Customer signed and completed EPE Customer Acknowledgement Form
 - EPE incentive or rebate forms
 - Income Eligibility Form and supporting documents (as applicable for residential)
 - Applicable Photos (when photos are required)
 - Construction Drawings and/or Scopes of Work
 - Product Specification Sheets and Itemized Invoices
 - Contractor to Customer Project Invoice (with "El Paso Electric Incentive" or similar noted)
 - Affidavit (if the Participating Contractor is using a subcontractor)

PRINCIPLES OF AGREEMENT

This LOI constitutes the complete agreement between the Parties and supersedes any other agreements, whether they be oral, written, made, or dated prior hereto.

This LOI may not be modified, amended, or supplemented absent a written instrument executed by both Parties.

This LOI does not create a joint venture, association, agency, partnership, or other business entity among the Parties or between EPE and third Parties.

PROGRAM COMPLIANCE

Participating Contractors may be placed on probation if they do not comply with program rules, consistently submit projects with discrepancies, or if issues remain unresolved. The decision for probation and the duration of the probationary period will be determined on a case-by-case basis at the discretion of the Programs.



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ACCEPTANCE OF AGREEMENT

By endorsing, the Participating Contractor accepts this agreement with EPE's Residential, Income Qualified and Small Commercial Solutions Programs. Individuals signing for the Participating Contractor represent that they have legal authority to act on behalf of their organization and will represent the organization during the term of this agreement. Projects submitted to the Programs must be completed by November 30th of the program year to allow time for post-installation inspections to occur before the end of the calendar year. All Participating Contractors must provide evidence of general liability insurance of at least \$1 million and must demonstrate evidence of licensing for any contracting work being performed. ***For your convenience, your organization's participation in the Residential, Income Qualified and Small Commercial Solutions Programs will continue from year to year via this Letter of Intent.***

Please indicate which measures you may be installing:

- | | | |
|--------------------------------------------------------|---------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Air Infiltration | <input type="checkbox"/> Energy Star® Windows & Sliding Glass Doors | <input type="checkbox"/> Insulation |
| <input type="checkbox"/> Attic Encapsulation | <input type="checkbox"/> Energy Star® Storm Windows | <input type="checkbox"/> LED Lighting |
| <input type="checkbox"/> Duct Sealing | <input type="checkbox"/> Evaporative Cooling | <input type="checkbox"/> Solar Screens |
| <input type="checkbox"/> Cool Roofs | <input type="checkbox"/> Faucet Aerators & Low Flow Showerheads | <input type="checkbox"/> Water Heater Pipe Insulation |
| <input type="checkbox"/> Energy Star® Pool Pumps | <input type="checkbox"/> HVAC/Heat Pumps/Mini Splits | <input type="checkbox"/> Heat Pump Water Heater |
| <input type="checkbox"/> Energy Star® Smart Thermostat | <input type="checkbox"/> Hand Dryers | <input type="checkbox"/> Window AC Units |

PARTICIPATING CONTRACTOR

Signature: _____	Address: _____
Printed Name: _____	_____
Title: _____	Phone: _____
Company: _____	Email: _____
License Type: _____ Number: _____	Date: _____
License Type: _____ Number: _____	Date: _____

Please sign and mail, email, or fax to:

CLEARResult
Attn: Ivan Faudoa
311 Montana Ave A-2
El Paso, TX 79902

Email: ivan.faudoa@CLEARResult.com
Fax: (866) 379-5583
Phone: (915) 255-4285

