

A grayscale photograph of the Sacramento-San Joaquin River Delta. The image shows the large, white, lattice-structured towers of the Delta Towers Bridge spanning the water. In the background, the city skyline of Sacramento is visible under a hazy sky. The water in the foreground reflects the lights from the bridge and the city.

# COMPLETE ENERGY SOLUTIONS PARTICIPANT HANDBOOK

**SUBMITTED BY:**

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## TABLE OF CONTENTS

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<b>1</b>	<b>PROGRAM INTRODUCTION .....</b>	<b>4</b>
1.1	Program Overview .....	4
1.2	Participation Benefits.....	4
1.3	Participating Contractors .....	5
1.4	Contact Information.....	6
<b>2</b>	<b>PROGRAM ELIGIBILITY .....</b>	<b>7</b>
2.1	Business Eligibility.....	7
2.2	Non-Eligible Customers.....	7
<b>3</b>	<b>PROGRAM PARTICIPATION PROCESS .....</b>	<b>8</b>
3.1	Customer Journey .....	8
3.2	Participation Steps .....	10
3.3	CES Customer Portal .....	12
3.4	Measures and Incentives.....	15
3.4.1	Measures.....	15
3.4.2	Incentives.....	16
<b>4</b>	<b>COMPREHENSIVE ASSESSMENTS .....</b>	<b>19</b>
4.1	Site Assessment .....	19
4.2	Proposal .....	19
4.2.1	Bundling Upgrades.....	20
4.2.2	Incentive Coupons.....	20
4.2.3	1099 Reporting .....	20
<b>5</b>	<b>FINANCING .....</b>	<b>21</b>
5.1	Intent .....	21
5.2	Process .....	21
5.2.1	Information Collection.....	22
5.2.2	Credit Check.....	22
<b>6</b>	<b>POST-INSTALLATION VERIFICATION AND QUALITY CONTROL .....</b>	<b>23</b>
6.1	Desktop Review.....	23
6.2	Site Inspection .....	23
6.3	Incentive Processing.....	23
6.4	Quality Control.....	23

6.5	Contractor Quality Control .....	24
7	DISPUTE RESOLUTION .....	25

## TABLE OF FIGURES

---

Figure 1: CES Program Process .....	4
Figure 2. Detailed Customer Journey .....	9
Figure 3. Customer Portal Home Page .....	12
Figure 4. Customer Portal Application.....	13
Figure 5. Customer Portal Site Access Agreement.....	14
Figure 6. Customer Portal Project Status and Documents Page.....	15
Figure 7. CES Incentives.....	17
Figure 8. EV Incentives .....	17
Figure 9. CES ADR Incentives.....	18

# 1 Program Introduction

This section provides an overview of the program participation process and benefits.

## 1.1 Program Overview

Sacramento Municipal Utility District (SMUD) Complete Energy Solutions program (CES) offers an integrated approach to comprehensive energy-efficient retrofits, electrification improvements, peak demand reduction, and electric vehicle charging, while ensuring long-term energy and carbon reduction savings. CES serves small and midsize business (SMB) customers with up to 300 kW in demand and commercial and industrial customers (C&I) with up to and including 500kW in demand. In partnership with SMUD, TRC implements, oversees, and coordinates this program with support from Brighton Energy.

Figure 1 provides a high-level overview of the CES program process. Section 3 Program Participation Process explains the steps in greater detail.



Figure 1: CES Program Process

## 1.2 Participation Benefits

CES is a comprehensive energy savings and carbon reduction option for customers looking for a one-stop solution. CES identifies a variety of energy efficiency and Go Electric measures and recommends low or no-cost options to maximize energy savings and carbon reduction. CES offers no cost energy assessments delivered by Energy Advisors (EA). These EAs guide you through the entire program process and provide ongoing support. To ensure a comprehensive building treatment, CES integrates with other programs or initiatives as appropriate. Additionally, CES provides access to financing through the National Energy Improvement Fund's (NEIF) online financing portal, which matches your CES projects with available financing options.

CES offers streamlined participation for qualifying small and midsize businesses. All participants will have access to the following:

- ◆ **Customer verification:** Through a simple online validation, your eligibility and participation within CES will be determined.
- ◆ **Dedicated EA:** Once validated, CES will assign an EA to guide you throughout the CES participation, and energy upgrade processes.
- ◆ **Free site assessment:** Your EA will conduct a virtual or in-person site assessment of your business.
- ◆ **Energy management proposal:** Following the assessment, you will receive a summary of your EA's findings and recommendations including incentive opportunities.
- ◆ **Customer portal:** Once you decide to move forward with any or all of the suggested upgrades, you will have access to a web-based project dashboard in your online customer portal that includes access to your application and all program forms, real-time project status updates, and incentive payment information.

## 1.3 Participating Contractors

The program provides CES approved, licensed, and insured contractors to perform all installations/upgrades. CES contractors are an integral part of the program and they are in place to provide you the best possible program participation experience.

After conducting the assessment, the EA will assign an appropriate contractor to your project. The contractor will provide all project installations. Your EA may assign multiple contractors if you install multiple measures (i.e. both lighting and HVAC). The CES team has vetted the contractors to assure they are:

- ◆ Currently licensed
- ◆ Insured and bonded
- ◆ BBB rated (C rating or better)
- ◆ Established business within SMUD territory
- ◆ Compliant with and have completed the CES onboarding process and relative training

All CES contractors must maintain eligibility requirements to participate and must follow safety and equipment disposal guidelines. CES participating contractors sign a participation agreement with the program; they will contract directly with you to provide installation services. All contractors must obtain the necessary permits related to the project scope and must provide appropriate permit information to your EA.

CES is always looking for quality contractors that can provide comprehensive services. For CES to add a company to the contractor network, a company must apply via a contractor portal, complete program vetting and training processes, and meet the same criteria noted above. Please contact your EA or SMUD Strategic Account Advisor (SAA) if you would like to refer a company to participate in CES.

## 1.4 Contact Information

This section provides program contacts.

### **For interest in Complete Energy Solutions**

Toll Free: 1-844-529-4084

Email: CES@trccompanies.com

**Program Manager:** Rob Geltner, [rgeltner@trccompanies.com](mailto:rgeltner@trccompanies.com)

CES website: [www.smud.org/CES](http://www.smud.org/CES)

Customer portal: <https://smudcompleteenergysolutions.programprocessing.com>



## 2 Program Eligibility

This section outlines eligibility requirements for CES participation.

### 2.1 Business Eligibility

CES will serve SMB customers with up to 300 kW in demand, and C&I customers with up to and including 500kW in demand.

To participate in CES, your project site must:

- ◆ Be in SMUD service territory
- ◆ Receive electric distribution service from SMUD with an active commercial account
- ◆ Have less than or equal to 500kW in peak demand over the previous year

### 2.2 Non-Eligible Customers

The following project sites do not qualify for CES:

- ◆ Hospitals
- ◆ Stand-alone data centers
- ◆ Primary and secondary public schools
- ◆ Universities
- ◆ Manufacturing facilities

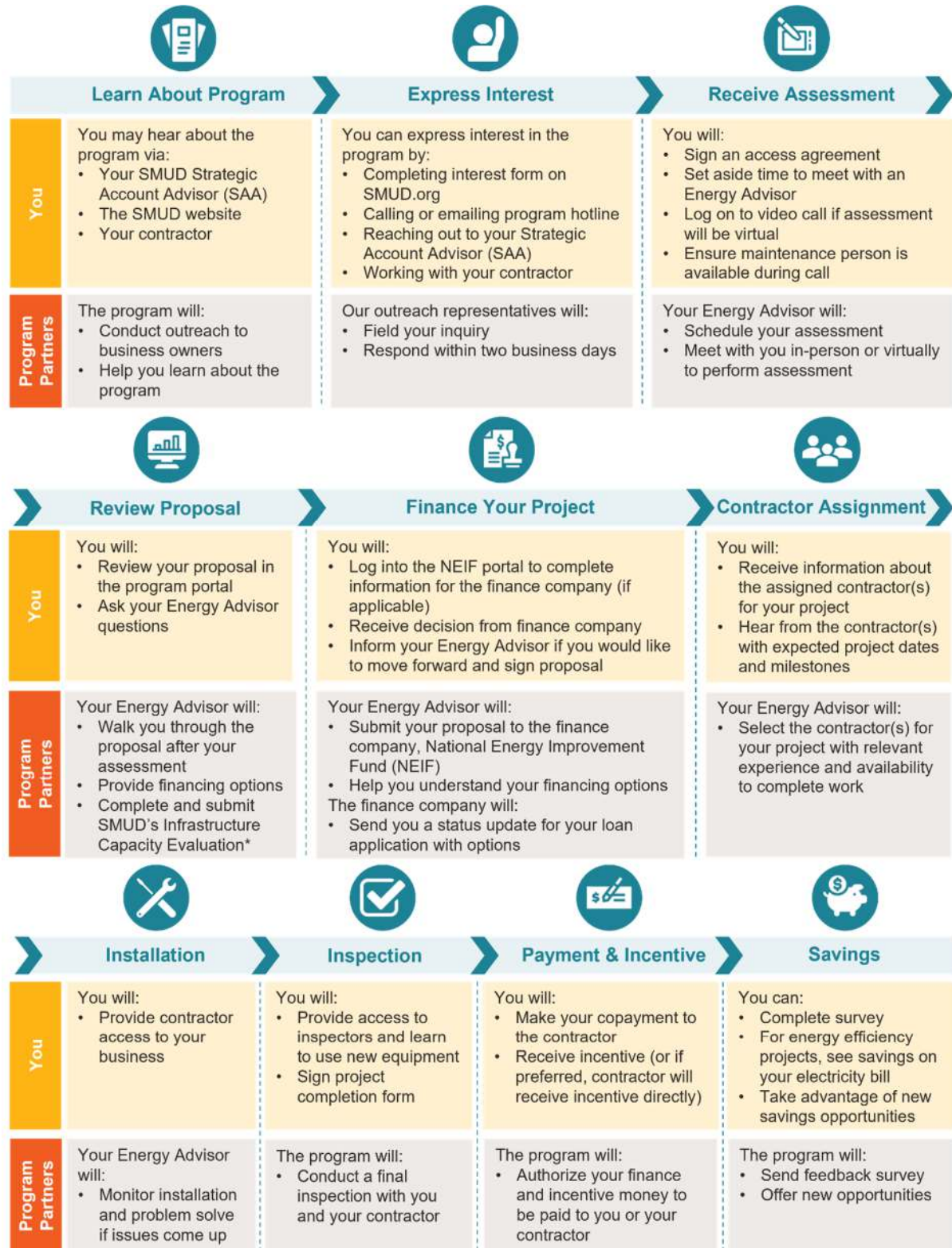
## 3 Program Participation Process

This section explains the internal CES and participation processes.

The CES team will provide you with beginning-to-end assistance when participating in CES. To ensure a seamless experience, our online portal simplifies customer participation through automated proposal development; online access to project and incentive status; electronic signature capabilities for the site access agreement, project completion package, proposal; and more.

### 3.1 Customer Journey

The CES program caters to you and your business's needs, focusing on ease of participation throughout the customer journey. From the simple online application process, to selecting a contractor, to receiving your incentive payment, the program is here to support you throughout your CES program experience. Figure 2 below provides an overview of what CES requires of you and what to expect from CES program partners as you move through the program process.



\*Mandatory submittal for all EV and Go Electric projects that could add load to a site

Figure 2. Detailed Customer Journey

## 3.2 Participation Steps

The CES team, your EA, and your SMUD SAA are here to assist you throughout the entire CES participation process.

CES participation process includes the following steps:

1. After learning about the program, either:
  - Login to the CES customer portal at <https://smudcompleteenergysolutions.programprocessing.com/> to set up an account and submit an application, which includes a site access agreement
  - Or
  - Contact CES staff at [CES@trccompanies.com](mailto:CES@trccompanies.com) to assist you in setting up your account and submitting your application and site access agreement
  - Or
  - Complete the inquiry form at <https://www.smud.org/en/Business-Solutions-and-Rebates/Business-Rebates/Complete-Energy-Solutions-Program> and a CES representative will follow up
2. You will be directed to create a profile through the CES customer portal to get started. If there are multiple facilities you would like to participate, each facility needs its own application created along with validation to enroll in the program.
3. Upon receiving your application and site access agreement, CES staff will contact you within two business days and assign a dedicated EA to your project.
4. If the project is eligible for CES, the EA will work with you to collect information about your building/business and schedule a virtual or in-person site assessment. The EA will meet with you to:
  - Collect data ahead of your assessment to perform a historical analysis and analyze rate structures
  - Explain program processes, review security and safety requirements, and identify your individual goals and business needs
5. Your EA will perform the scheduled site assessment, detailed in Section 4.1, with either you, or your designated site representative. When your EA schedules your assessment, the EA will invite your SAA to participate.
  - Electrification projects can substantially change a load profile. The CES team can assist with the future load impacts and help to determine if the existing infrastructure is adequately sized via the submittal of a SMUD Infrastructure Capacity Evaluation (ICE).
6. Your EA will produce a proposal, through your online portal, detailed in Section 4.2, based on the completed site assessment. At the end of the assessment, the EA will walk you through the proposal which prioritizes projects to align with your objectives and budget. The proposal will include energy efficiency, Go Electric, electric vehicle charging equipment installation, and demand reduction recommendations.

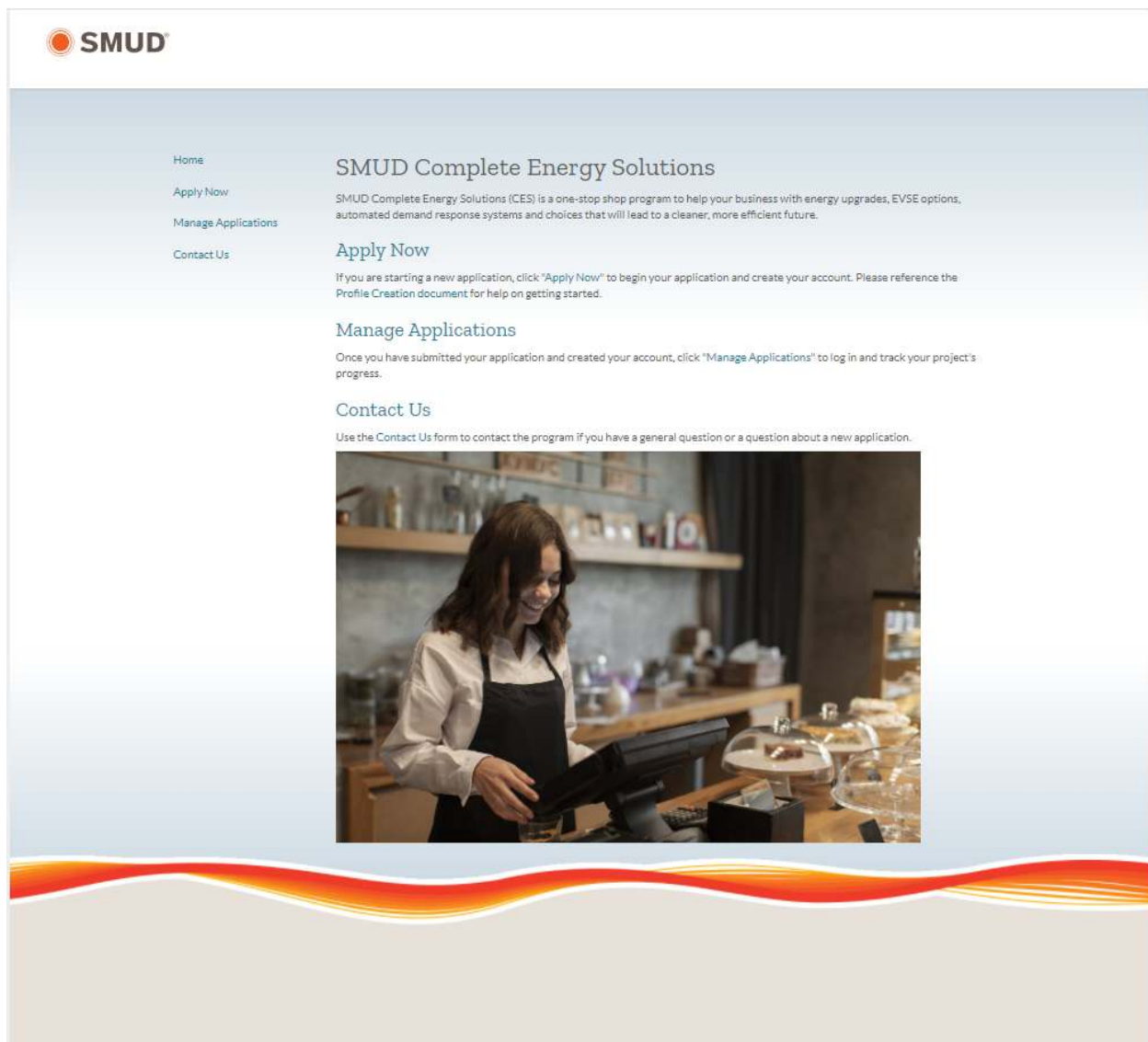
7. Once you have decided to move forward with all or some of the proposed recommendations, you can electronically sign the customer acceptance form that accompanies the proposal. You have the option to defer some measures for a 12-month period and still receive your maximum incentive through the incentive coupon detailed in Section 4.2.2.
  - If the CES ADR or EV Chargers recommendation is selected, you will need to sign a separate contract or Terms & Conditions that's more tailored towards those recommendations in addition to the customer acceptance form.
  - Also, please note the EV charger incentive is paid from a separate program and the CES ADR capacity incentive is paid at the end of the CES ADR season (June 1 through September 30).
8. If you choose to use a program financing option, detailed in Section 5, your EA will help you submit the finance application through NEIF's online portal. Financing payments are made directly to your contractor(s), facilitating project installation with no upfront costs or payment delays.
9. The EA will either assign or work with you to select a CES participating contractor. If you have a preferred contractor that is not a CES participating contractor, the CES team can work with the contractor company to join the CES contractor network, detailed in Section 1.3.
10. Your EA will work with you and your contractor throughout the construction process to assist with managing your project timeline.
  - You will have an agreement directly with the selected CES contractor(s) for all work.
  - Your EA will alert you to any unforeseen issues that may arise during installation that affect the project savings/incentives and will provide an updated savings/incentive estimate for your review and approval as needed.
11. When your project has completed construction, you will sign the project completion package in your online customer portal.
12. The EA will collect all necessary documentation for post-installation verification from your contractor(s), and schedule the site inspection, detailed in Section 4, to ensure your project meets CES standards. Your contractor(s) is required to attend the site inspection. Your attendance is optional. Your EA will also invite your SAA to the site inspection.
13. Upon successful post-installation verification, CES will process your incentive payment. Upon your request, the program can issue incentives directly to your contractor(s). This approach helps you lower your upfront project costs and mitigate payment delays.
14. In the case that you have future upgrade opportunities, your EA will re-engage with you within 12 months of project completion to support you in moving these projects forward and process your reserved incentives.

### 3.3 CES Customer Portal

As part of CES participation, you will have ongoing access to your assessment results through the customer portal. A link to the Customer Portal is provided here:

<https://smudcompleteenergysolutions.programprocessing.com/content/Home>. For help on navigating the site, please reference the Profile Creation document linked in the Apply Now section.

The portal enables you to submit incentive applications, upload documents, view incentive reservations, and check on project and incentive status. Figures 3 through 6 provide a look into the CES program's customer portal.



**Figure 3. Customer Portal Home Page**





[Home](#)  
[Apply Now](#)  
[Manage Applications](#)  
[Contact Us](#)

Contact Entry

Facility and Contact Information

The Meter ID is not required, however the Account Number is

First Name: \* **First & Last or Company**

First Name

Last Name: \* **First & Last or Company**

Last Name

Company: \* **First & Last or Company**

Company Name

Acct #: \*

Utility Account #

Meter ID:

Utility Meter #

Address: \*

Address

Address (cont):

Address (Continued)

City: \*

City

State/Province: \*

-- Select --

Postal Code: \*

Postal Code

Phone: \*

Phone #

eMail: \*

Email Address

Save contact for later use in your contact list?

☐ Yes, save this as a new contact in my profile contact list

Clear Contact

Figure 4. Customer Portal Application

A screenshot of a web form titled "Business Owner or Manager" for the Complete Energy Solutions (CES) program. The form is set against a light blue background with a decorative wavy orange and red border at the bottom. On the left, a vertical navigation menu includes links for "Home", "Apply Now", "Manage Applications", and "Contact Us". The main content area contains five numbered terms of agreement, a checkbox for agreement, a text field for a referring contractor's name, and a checkbox for newsletter subscription. At the bottom, there are three buttons: "Back", "Complete Application", and "Save & Complete Later", separated by a dash and the word "OR".

Home

Apply Now

Manage Applications

Contact Us

**Business Owner or Manager**

1. **Permission for Access:** I agree to allow Complete Energy Solutions (CES) Program staff or participating contractors and Sacramento Municipal Utility District (SMUD) to access to my facility to evaluate possible energy efficiency measures. I realize that this may require CES staff, participating contractors, or SMUD to extend ladders, and to open fixtures and service hatches throughout the property, and to temporarily install and subsequently remove energy monitoring equipment (if any) needed to establish baseline energy use and system performance.
2. **Confidentiality:** I understand that any items designated below as sensitive or confidential will remain so within CES and SMUD.
2. **Liability:** I understand TRC & Brighton Energy is receiving funds from SMUD for the CES Program, but the parties agree that SMUD is not liable to either party for any losses or damages, including incidental or consequential damages, arising from this Agreement.
4. I understand that receiving this free evaluation does not obligate me in any way, nor does it guarantee that Program benefits will be extended to my business.
5. CES staff, participating contractors, and SMUD will follow approved program in-person health and safety protocols and provide opportunities for virtual assessments as needed.

Do you agree to the above Terms & Conditions? \*

☐ I Agree

Were you referred to the program by a contractor? If so, please provide the company name:

Would you like to subscribe to the SMUD newsletter?

☐ Yes

**Back** **Complete Application** - OR - **Save & Complete Later**

*Figure 5. Customer Portal Site Access Agreement*



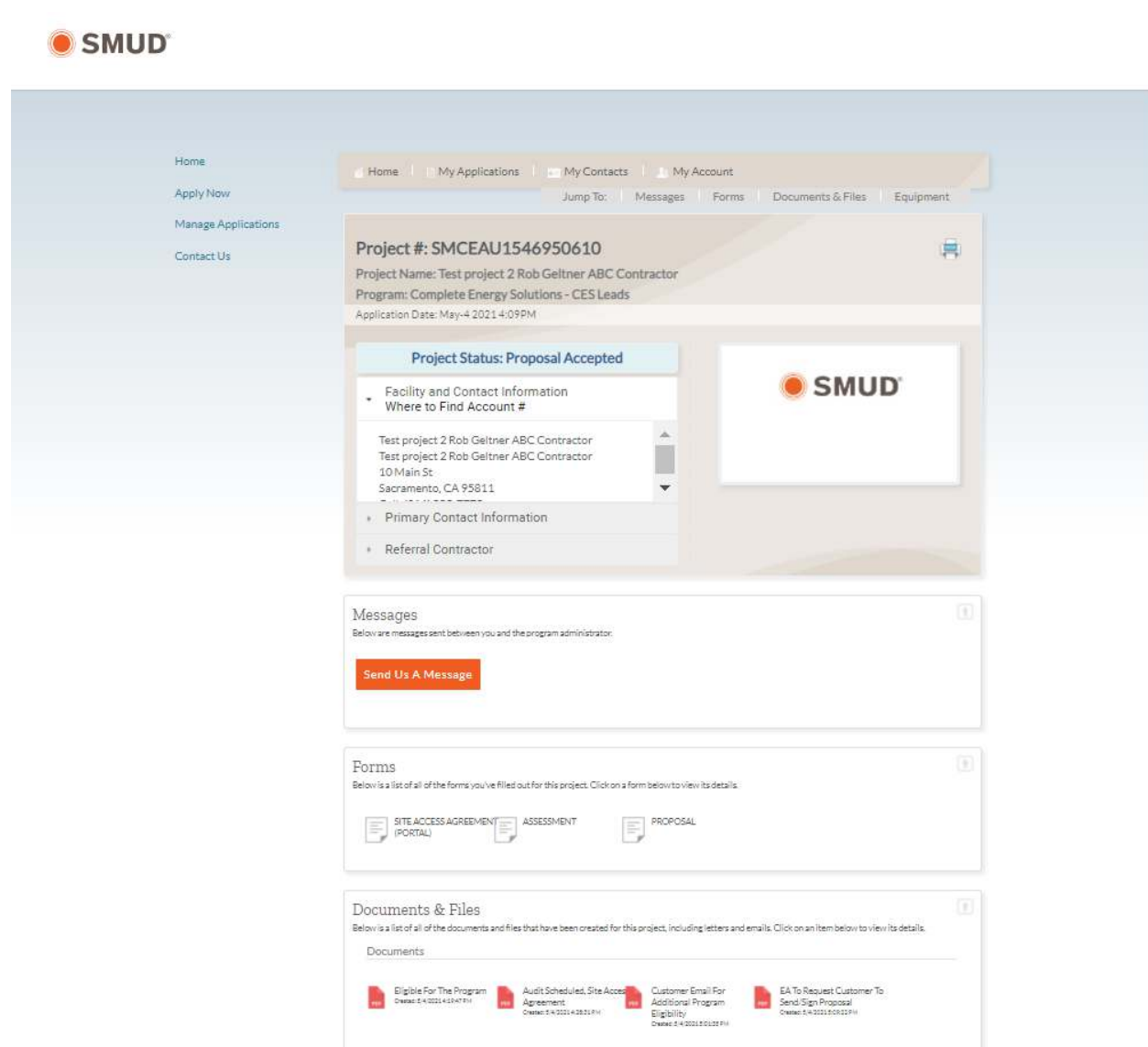


Figure 6. Customer Portal Project Status and Documents Page

## 3.4 Measures and Incentives

This section gives information on the CES eligible measures and associated incentives.

### 3.4.1 Measures

The following is a list of measures eligible for upgrade through CES:

1. Lighting
2. Refrigeration
3. Heating, ventilation, and air conditioning (HVAC) energy efficiency (EE) (including programmable thermostats)

4. HVAC Go Electric (i.e., fuel switching and heat pumps)
5. Service Water Heating (SWH) EE (i.e. updating electric resistance to heat pump)
6. SWH Go Electric (i.e., fuel switching and heat pumps)
7. Food Services efficiency (e.g., ENERGY STAR® commercial electric appliances)
8. Food Services Go Electric (i.e., fuel switching and induction stoves)
9. Plug loads (i.e., advanced power strips, vending machines controls)
10. Electric vehicle (EV), including chargers and supply equipment
11. Automated demand response (CES ADR)
12. Other custom measures that the EA identifies (e.g., controls, retro commissioning, operations and maintenance)

For most measures, CES uses the California Municipal Utility Authority Technical Resource Manual (CMUA TRM) as the primary resource for defining energy savings. This manual provides the methods, formulas, and default assumptions used in the energy savings and peak demand impact calculations<sup>1</sup>.

For custom measures identified on a case by case basis, your EA will develop a custom energy savings calculator with the CMUA TRM as guidance.

### 3.4.2 Incentives

Figure 7 shows the incentive levels for single measure and bundled measure projects. The incentive tiers increase as the number of measures increases, as indicated by the bundled measure incentive rates. By bundling energy efficiency upgrades, you will increase your incentives, shorten your payback period, and realize greater long-term energy costs savings. CES offers bonus incentives for fuel switching.

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<sup>1</sup> Actual energy savings may vary from projected savings

Type of Incentive	kWh Price (\$/kWh)
<b>Non-bundled Lighting</b>	\$0.11
<b>Non-bundled Refrigeration</b>	\$0.13
<b>Non-bundled HVAC</b>	\$0.16
<b>Bundled Lighting and Refrigeration</b>	\$0.13
<b>Bundled Lighting and HVAC</b>	\$0.16
<b>Bundled Lighting, Refrigeration, and HVAC</b>	\$0.16
<b>Electrification</b>	\$0.32
<b>Other Measures (kitchen equipment, domestic hot water)</b>	\$0.16

*Figure 7. CES Incentives*

CES incentives do not cover the entire measure cost. You will pay at least 10 percent of the project cost, with the actual proportion varying widely depending on the size and scope of the project.

A project incentive exceeding \$50,000 will need SMUD pre-approval before moving forward.

As part of the comprehensive assessment, CES will also identify other avenues of participation and offer incentives in these areas:

### Electric Vehicle

CES provides electric vehicle (EV) charging solutions via two different avenues:

Program	Incentive
<b>SMUD Commercial EV</b>	\$4500 per handle

*Figure 8. EV Incentives*

The EA will support you in applying for incentives, submitting the proper paperwork, and working with a contractor to install the selected EV equipment.

### Auto Demand Response

The EAs will assess your demand reduction (ADR) potential prior to the site assessment and evaluate the current load, business type, and operating hours. These incentives are offered:

Type	Incentive
<b>Technology</b>	\$125 per thermostat installed
<b>Customer Participation</b>	\$20 per thermostat per season

*Figure 9. CES ADR Incentives*

The technology portion is incorporating the installation of smart thermostats, and the incentive should offset some of the material and installation costs. It is assumed that each thermostat will provide 1kW of reduction and the technology incentive cap is \$3,750, or 30 thermostats per project. The technology incentive cannot exceed 100% of the project cost and will be paid upon successful testing and validation.

The CES-ADR season consists of the four months from June 1 through September 30. In order to receive incentives, you agree to allow thermostats to receive automated calls for temperature setback events, weekdays between 2:00 pm and 6:00 pm. The participation incentive is capped at \$600, or 30 thermostats per project. (For projects with more than 30 PCTs, you will get a custom load reduction commitment and custom thermostat incentive (assuming the first 30 received the deemed values) agreed upon by SMUD and TRC.)

## 4 Comprehensive Assessments

This section provides information on CES project assessments.

### 4.1 Site Assessment

Your assigned EA will work with you or your designated on-site representative to collect current building systems conditions and usage information. Your EA will use this information to identify program eligible upgrades through either an in-person or virtual assessment.

With the current concerns surrounding COVID and the need for social distance, CES is offering virtual assessments as an alternative to an in-person assessment. The virtual assessment will collect all of the same information and provide the same service as in-person assessments but will require you or your designated on-site representative to use a live video streaming service to walk your EA through your building.

CES is designed to be a comprehensive offering. Your EA will identify opportunities for lighting, HVAC, refrigeration, hot water, and plug load energy saving measures, as well as Go Electric, EV charging, and demand reduction.

Your EA will prepare for the site assessment by establishing contact with either you or your designated on-site representative and explain the assessment process, including whether the assessment will occur in-person or virtually. This call will help the EA to understand the existing conditions at the site including all major energy systems, information on planned upgrades, and any recently completed renovations that may affect baseline or savings data. If the EA cannot gather enough information via the call, the EA will advise the site personnel to have the proper personnel available during the assessment to keep the visit (or virtual assessment) as efficient as possible.

To complete the assessment your EA will use your SMUD electricity consumption data, as well as data received from the initial project application, including building type, occupancy, hours of operation, and other utility information including a PG&E natural gas bill, which you will need to supply.

### 4.2 Proposal

After the CES EA conducts an energy assessment, the EA will present you with a proposal featuring available efficiency upgrades as well as Go Electric, electric vehicle charging, and demand reduction opportunities. The proposal will detail existing usage, energy costs, available incentives, recommended upgrade costs, simple payback, and annual and peak demand savings. Your EA will develop a final proposal scope that works for your schedule and budget.

If necessary, your EA will work with you to submit an Infrastructure Capacity Evaluation (ICE). This will help to determine if the existing capacity is sufficient for EV, Go Electric, or induction cooktop upgrades.

### 4.2.1 Bundling Upgrades

When finalizing your proposal, your EA will help you with bundling energy efficiency measures to increase your incentives, for example, bundling lighting and HVAC upgrades. To facilitate the bundling of efficiency measures, CES will pay the highest incentive rate for all installed efficiency measures. Based on the incentives in figure 7, you would receive \$0.11/kWh saved with a lighting only upgrade, and \$0.16/kWh for an HVAC only upgrade, but if you bundle the lighting and HVAC upgrades, you will receive \$0.16/kWh for both the lighting and HVAC savings.

### 4.2.2 Incentive Coupons

CES provides incentive coupons for eligible projects that may defer installation of some measures. You can redeem the coupon later to complete measure installation and capture the higher incentive and deeper energy savings. For example, if you complete the lighting now and receive \$0.11/kWh. When you complete the HVAC upgrade six months from now, you will receive the \$0.16/kWh for the HVAC savings and an additional back-payment of \$0.05/kWh for the initial lighting upgrade, bringing your total lighting incentive rate to the bundled rate of \$0.16/kWh.

### 4.2.3 1099 Reporting

The IRS considers any incentive payments over \$600.00 as taxable income. SMUD will report all incentive payments on an IRS Form 1099. The applicant, as beneficiary of the incentive funds, must submit a Form W-9 as a part of the complete application package.

## 5 Financing

This section provides information on CES project financing.

### 5.1 Intent

To help fund remaining project costs after incentives, CES offers financing options based on the project's planned scope of work (upgrade measures). NEIF is partnering with CES to deliver one-stop financing solutions to CES-qualifying customers. NEIF partners with contractors, manufacturers, distributors, governments, utilities, and industry trade groups to develop and administer financing programs designed to improve the uptake of energy-related property improvements.

NEIF is a trusted expert in the industry, working with multiple lenders in the energy and resiliency financing realm. NEIF's process keeps it as simple as possible for you to obtain financing for your energy upgrades by reviewing a monthly payment proposal, applying, and then signing the closing documents.

After agreeing to and signing a CES project proposal, you will enter into an arrangement with a lender, independent of SMUD and CES. You can select the desired terms of financing up to seven years. At least one option will be available that shows that the project's estimated monthly energy cost savings exceed month debt payments (considered a positive cashflow financing option), assuming such an option is available given the project's scope of work and energy cost savings estimates. At this stage and throughout the process, NEIF can answer your financing questions. After your financing application receives approval and documents are signed, construction work may begin.

### 5.2 Process

To help you understand financing options and obtain financing, CES staff will help you complete the following steps:

15. CES provides the NEIF financing options in your proposal (as described further below).
16. You work with CES to understand options and select your preferred option.
17. You complete a financing application through the customer portal.
18. NEIF reviews your financing application and runs a credit check (as described further below). NEIF contacts you about application status and issues the loan document for execution.
19. After the financing application receives approval and the finance documents are signed, construction can begin.
20. After the CES team confirms your installation is complete, your contractor(s) will receive the loan payment.

21. Once the contractor has received payment from your lender, the lender collects monthly payments from you through the term of the financing

### 5.2.1 Information Collection

CES will aim to provide you with multiple financing options in your energy assessment proposal. To provide you with a tailored proposal and financing options, CES will use basic information, including:

1. Project address
2. Type of business (commercial, industrial, non-profit, government)
3. Contractor contact
4. Estimated project cost
5. Incentive amount
6. Annual energy savings (optional)
7. Measure descriptions

Once the EA captures project information, the team will generate financing options as part of your proposal.

### 5.2.2 Credit Check

After you accept the proposal (including the CES scope of work and financing), you will receive a customized link to your financing application through NEIF. Upon receipt of your application, NEIF will review the financing application and run a credit check, which includes a review of your:

1. Business credit score
2. Years in business
3. Any bankruptcies within the past five years
4. Tax or other liens against the business

NEIF will collect additional information for projects over \$100,000.



## 6 Post-Installation Verification and Quality Control

This section describes the CES inspection and verification process at construction completion and prior to issuing incentives. During the site inspection, your EA will verify upgrades are complete and operational through a combination of desktop review of project documentation and on-site or virtual inspection. Your EA will work with your contractor(s) to resolve any issues.

### 6.1 Desktop Review

After a project completes construction, you will sign your project completion package in your online portal to initiate the site inspection process. After you have signed the package, your EA will work with your contractor(s) to collect all the necessary project documentation. Your EA will review all invoices and product specification sheets to assure that all installed equipment meets program requirements and measure quantities match the proposal scope of work.

### 6.2 Site Inspection

Once your EA has verified all necessary documentation, the EA will work with you to schedule the in-person or virtual site inspection and notify the participating contractor and the SMUD SAA of the appointment. The contractor must attend the site inspection, while you and the SAA are optional attendees. During the site inspection your EA will verify that all installed equipment type, efficiency, and quantity match the proposal and invoice and are fully operational. Your EA will also observe the quality of installation and work with your contractor(s) to resolve any issues.

### 6.3 Incentive Processing

After your project is installed and passed site inspection, the CES team will process incentives checks to you or the participating contractor, if designated. The incentive coupon gives you the ability to opt into components of your project at a later date, while still qualifying for increased incentives. If you chose a financing option for your project, final payment will be released to your contractor at this time and your repayment period for the financing will begin.

### 6.4 Quality Control

If the EA finds significant discrepancies between the approved scope of work and the installation during the post-installation inspection, the CES team will review the project to:

- ♦ Adjust energy savings based on actual quantities or efficiencies installed, which in turn will adjust incentives
- ♦ Request rework of measure installations to comply with specifications

## 6.5 Contractor Quality Control

While participating contractors will contract directly with you for all work, your EA will assist you in resolving installation issues to assure the installation matches the agreed upon scope. The CES team will work with the contractor to resolve any discrepancies found with either installations or data submission according to the contract's *Contractor QA Remediation*<sup>2</sup> policy.

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<sup>2</sup> Available upon request

## 7 Dispute Resolution

The agreement between the Applicant and CES for incentives is composed of all applicable program forms, supporting documentation, and the following terms and conditions. The Applicant acknowledges that resolution of disputes concerning these Terms and Conditions, or any other requirement of this Application or condition of incentive award, shall be governed in all respects by the laws of the jurisdiction in which the customer is located. In the event of a dispute the parties agree to the following process: (1) Notice of Dispute. A party shall deliver a written notice ("Dispute Notice") to the other describing the nature and substance of any Dispute and proposing a resolution of the Dispute. (2) Management Negotiation. During the first thirty (30) days following the delivery of the Dispute Notice (and during any extension agreed to by the Parties, the "Negotiation Period") an authorized manager of Applicant (the "Applicant's Manager") and an authorized manager of TRC ("TRC Manager") shall attempt in good faith to resolve the Dispute through negotiations. If such negotiations result in an agreement in principle among such negotiators to settle the Dispute, they shall cause a written settlement agreement to be prepared, signed and dated (a "Management Settlement"), whereupon the Dispute shall be deemed settled, and not subject to further dispute resolution. Should the Dispute remain unresolved, the Parties agree to (3) Alternative Dispute Resolution. (i) Applicant and TRC (1) acknowledge that it is in their best interests to resolve any dispute, claim or controversy arising out of or relating to this program (any such dispute, claim or controversy, a "Dispute"), in accordance with the dispute resolution procedures set forth herein and (2) agree to use their best efforts so to resolve any such Dispute. Without limitation, such efforts shall include mandatory submission of a Dispute to non-binding mediation. Should such Dispute not be resolved within 90 days after the issuance by one of the parties of a written Request for Mediation (or such longer period as the parties may agree), TRC and Applicant may seek other legal recourse. (ii) Notwithstanding the above, either party may seek injunctive relief to enforce its rights with respect to the use or protection of (1) its confidential or proprietary information or material or (2) its names, trademarks, service marks or logos, in a court of competent jurisdiction in which the customer is located. The parties' consent to the personal jurisdiction thereof and to sole venue therein only for such purposes. f) TRC, Brighton Energy and SMUD and applicant hereby irrevocably and unconditionally waive any right either such party may have to a trial by jury or to initiate or become a party to any class action claims in respect of any action, suit or proceeding directly or indirectly arising out of or relating to this application or the transactions contemplated by this application.