

**Form 520C  
Custom Track & Commissioning Application  
Business Energy Solutions – New Buildings**



For Program Use Only    OM:    Project ID:    FT ID:

Portland Energy Conservation, Inc. (PECI) is a Program Management Contractor (PMC) for Energy Trust of Oregon, Inc.

*Program forms to be completed by Project Owner or authorized representative. Must be signed and returned to New Buildings program (Program).*

**Submission Instructions**

A signed copy of the **Project Enrollment: Form 510E** must accompany or precede this form. A signed copy of this **Form 520C** must be submitted to the Program along with all required accompanying documentation.

The Custom track portion of this **Form 520C** must be completed to apply for Custom track incentives. The commissioning (Cx) portion of this form is optional. However, the Project must complete the commissioning application before the construction completion date listed on this **Form 520C** in order to be eligible for commissioning incentives.

**This Project is applying for:**

Custom Track Incentives                      Custom Track and Commissioning Incentives

**Project & Contact Information**

**PROJECT INFORMATION** *(Dates are required and can be actual or estimated.)*

Building/Project Name	Project ID <i>(if known)</i>	Date of Permit	Const. Start Date	Const. Completion Date
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**PRIMARY PROJECT CONTACT**

Project Contact Name	Firm Name	Phone	Email
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**Custom Track Application**

**ENERGY EFFICIENCY MEASURES**

You are required to provide the Program with all related energy analyses and information used to estimate the energy savings for the items listed below. This application cannot be processed or approved without this data.

<b>Custom Track Energy Efficiency Measures</b>	
1.	
2.	
3.	
4.	
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12.	
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14.	
15.	

**CUSTOM TRACK INCENTIVE CALCULATION**

Custom track project incentives are available for energy efficiency savings resulting from the installation of eligible equipment and measures exceeding the applicable Oregon Structural Specialty Code, Chapter 13 (Energy Code). To be eligible for incentives, measures must have a minimum of at least a one-year simple payback and must pass the Program's cost-effectiveness test. Please refer to the *Custom Track Technical Guidelines*, available on the Program website, for further information regarding Custom track requirements.

The maximum Custom and commissioning incentive a single project is eligible to receive is \$499,999. Incentives are based on the annual energy savings of the measures and are calculated as follows:

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- o For new construction projects, incentives are calculated at \$0.10 per kWh and \$0.80 per therm.
- o For major renovation projects:
  - Lighting measure incentives are calculated at \$0.17 per kWh, up to 35% of eligible project cost, not to exceed 100% of incremental cost.
  - Non-lighting electric incentives are calculated at \$0.25 per kWh up to 50% of eligible project cost, not to exceed 100% of incremental cost.
  - Gas incentives are calculated at \$1/Therm up to 35% of eligible project cost, not to exceed 100% of incremental cost.

**REQUIRED ATTACHMENTS WITH THIS FORM 520C**

Narrative describing the energy efficiency measures (projects are encouraged to use the Custom Track Report Template ([http://www.energytrust.org/library/forms/NBE\\_TP\\_CustomTrack\\_RptTemplate.doc](http://www.energytrust.org/library/forms/NBE_TP_CustomTrack_RptTemplate.doc)))

Energy analysis and/or energy model documentation

Supporting equipment documentation relevant to the measures listed above, including mechanical drawings, equipment schedules, lighting fixture plans and schedules, floor plans, and architectural drawings. Refer to the Custom Track Technical Guidelines ([http://energytrust.org/library/forms/nbe\\_pg\\_customtrack\\_techguidelines.pdf](http://energytrust.org/library/forms/nbe_pg_customtrack_techguidelines.pdf)), for further information regarding Custom track requirements.

Savings Summary Worksheet ([http://www.energytrust.org/library/forms/NBE\\_TL\\_SavingsSummaryWorksheet.xls](http://www.energytrust.org/library/forms/NBE_TL_SavingsSummaryWorksheet.xls))

Product data sheets demonstrating equipment compliance (these may be submitted for review either when submitting **Form 520C** or upon project completion)

Projects applying for Technical Assistance are required to submit a signed and complete **Form 540PR** and W-9 before payment.

**CUSTOM TRACK PAYMENT REQUIREMENTS**

The following documents must be submitted to the Program within 60 days of the estimated construction completion date. All Program forms must be signed and complete.

1. **Payment Request: Form 540PR**
2. Product data sheets (if not previously submitted)
3. Payment documentation including: vendor invoices showing make, model, and quantity purchased or CPA's letter submitted with the BETC completion documents, or AIA Payment Documents for the project.
4. Project Owner's current W-9 (if not previously submitted)

**Commissioning Incentive Application**

**COMMISSIONING INFORMATION**

Commissioning (Cx) incentives are available for some energy efficiency measures that are approved under the Program's Custom track. In order to qualify for Program incentives, commissioning work must meet the standards outlined in ASHRAE Guideline 0-2005: The Commissioning Process. The commissioning authority (CxA) must be a professional engineer (PE), registered in the State of Oregon, that has experience with the commissioning process and required documentation. The CxA is not required to be part of the project design team. The PE's seal is required on **Professional Engineer Certification: Form 540PE** to certify commissioning project completion. The CxA must complete functional equipment testing and include the findings log in the Cx Report.

**Please fill in the following estimated dates and CxA information.**

Certificate of Occupancy Date	Cx Completion Date	Cx Report Completion Date	
CxA Name	Title	Phone	Email
Engineering Branch		Number	Expiration Date
Firm Name		City	State    Zip

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**COMMISSIONING MEASURES**

Only electrical and mechanical systems that have variable performance or controls (e.g., variable lighting systems with automatic controls, HVAC systems and controls, building energy management systems, variable capacity and efficiency performing equipment such as chillers, and on/off time controls) are eligible for commissioning incentives. Static or fixed energy measures (e.g., building envelope insulation, improved windows, fixed lighting systems) are not eligible for commissioning incentives.

In the table below, please list the Custom track measures that are to be commissioned.

Measures to be commissioned
1.
2.
3.
4.
5.
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13.
14.
15.

**COMMISSIONING INCENTIVE CALCULATION**

Commissioning incentives are based on the annual energy savings of approved measures and are calculated at \$0.03 per kWh and \$0.20 per therm. The maximum commissioning project incentive amount a single project will be eligible to receive is \$40,000; however, in no case will the combined Custom and commissioning incentive exceed \$499,999 for a single project.

Once this signed **Form 520C** is received and approved by the Program, the estimated commissioning incentive amount will be reserved for a period of one year from the construction completion date listed on this form, during which time Project Owner must complete all commissioning work and submit the required documentation to the Program.

**COMMISSIONING PAYMENT REQUIREMENTS**

The following signed and complete documents must be submitted to the Program when commissioning is complete, and within one year of the construction completion date listed on this form.

1. **Payment Request: Form 540PR**
2. **Professional Engineer Certification: Form 540PE**
3. Professional Engineer's Commissioning Certification
4. Summary of Commissioning Report that includes the following:
  - a. Description of systems commissioned
  - b. Description of commissioning work performed
  - c. Findings of commissioning work
  - d. Description of repairs or resolutions for any issues found during commissioning
5. Copies of completed functional test forms
6. Project Owner's current W-9 (if not previously submitted)

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**Additional Terms and Conditions**

**ELIGIBILITY:** Incentives from the New Buildings program (Program) are available for eligible commercial, industrial, agricultural, and institutional new construction or major renovation projects in the Oregon service territories of Portland General Electric (PGE), Pacific Power, NW Natural, or Cascade Natural Gas. This **Form 520C** applies only to projects permitted under the 2007 Oregon Structural Specialty Code Chapter 13 (Energy Code). Projects permitted under the 2010 Oregon Energy Efficiency Specialty Code may not be eligible to receive the estimated incentive amounts described in this **Form 520C**. See the Oregon Building Codes Division website: <http://www.cbs.state.or.us/bcd/> for details of the 2010 code effective date. Final determination of eligibility rests solely with Energy Trust. The PMC provides program management contractor services for the Program on behalf of the Energy Trust.

**APPLICATION:** Project Owner (Project Owner includes Project Owner's legal assigns and successors in interest) must submit a signed and complete **Custom Track & Commissioning Application: Form 520C** to the Program with all required supporting documentation as described in this **Form 520C**. This **Form 520C** must be accompanied by a **Project Enrollment: Form 510E**, unless Project Owner has previously enrolled the project with the Program by (1) submitting a **Project Enrollment: Form 510E**, and (2) receiving a written project enrollment notification from the PMC. **If Project Owner is applying for incentives equal to or less than \$5,000**, Project Owner must submit a signed and complete **Form 510E, Form 520C** and **Payment Request: Form 540PR** to the Program, with all required accompanying documentation, within 60 days of project completion. **If Project Owner is applying for incentives greater than \$5,000**, project enrollment must occur prior to the purchase of any materials or equipment associated with energy saving measures for which Project Owner is seeking incentives. Project Owner is advised to retain a copy of all materials submitted to Energy Trust, and Energy Trust will not be responsible for lost documentation pertaining to Project Owner's application.

In addition, Project Owner agrees to inform Energy Trust of any external funding sources received by Project Owner that directly reduce all or a portion of the final project costs incurred by Project Owner for the energy efficiency measures specified in this application (for example, state/federal funding, grants, discounts, rebates, incentives or other similar types of consideration (the Grant Funds)). While Energy Trust encourages leverage of its incentive funding to reduce Project Owner's final project costs for the purchase and installation of such measures, the amount of Energy Trust incentive funding may never exceed an amount equal to final project costs minus Grant Funds received by Project Owner for the project. Energy Trust reserves the right to request additional project documentation for review, as it deems necessary, prior to payment of incentives to ensure accountability for Program funds.

**MEASURE INSTALLATION:** Project Owner represents and warrants that it is legally authorized to perform the energy savings measures on the property on which those measures are performed and that any necessary landlord, owner, or other consent has been obtained. Project Owner is solely responsible for implementing the measures and for ensuring that all equipment purchased and work performed complies with all federal, state and local safety, building and environmental codes and any manufacturer instructions.

**PROJECT DOCUMENTATION:** Project Owner must submit all documentation required by this form. The Program reserves the right to request additional project information for review, as it deems necessary, prior to any payment of incentives and to ensure accountability for Program funds. Project Owner agrees to maintain and provide all relevant records for a minimum period of one year after receipt of any incentives.

**INCENTIVES:** Funds for incentives for the Program are limited and subject to availability. Details of this Program, including incentives, are subject to change without notice. Estimated incentives have been calculated in accordance with current Program requirements and incentive levels. The actual incentive amount paid to Project Owner may be different than estimated amounts, depending on the final project installed. If Energy Trust approves this application, Project Owner will be notified via an emailed incentive reservation notice. Energy Trust will reserve an estimated incentive amount for Project Owner for so long as Project Owner continues to make progress towards timely installation of the project as described in the approved application and remains in compliance with the terms and conditions herein; *provided, however*, that Energy Trust will not generally reserve incentives for longer than 24 months from the date of the incentive reservation notice. Energy Trust reserves the right to withdraw an incentive reservation at any point if we determine that Project Owner is not progressing appropriately and in good faith to complete timely project installation. During a reservation period, Project Owner agrees to notify the Program of any changes to the project that may materially affect the project's schedule, scope, installation costs, eligibility, or anticipated energy savings. Additionally, in the event of significant changes to Energy Trust's incentive eligibility or Program requirements during a reservation period, including but not limited to changes to the Oregon Energy Code, Energy Trust may notify Project Owner of changes to the reservation and/or the estimated incentive amount. Please note that cancellation of a project's incentive reservation would not preclude re-application for Energy Trust incentive funding at a later date; *provided, however*, that the project would be subject to Program requirements, available incentive budget, and incentive rates in effect at the time of re-submittal.

**PAYMENT:** To request payment of incentives upon project completion, Project Owner must submit a completed, signed **Payment Request: Form 540PR** to the Program, along with all required accompanying documentation. Project Owner agrees and acknowledges that its acceptance of any Energy Trust incentive funding for measures identified in this application constitutes representation and warranty to Energy Trust that Project Owner needed and used such funding for the purpose of implementing the measures as described herein. Project Owner's **Form 540PR** and all required documentation referenced in this form must be received by the PMC office no later than sixty (60) days after the construction completion date shown on this application. Please allow 45 days from Energy Trust's receipt of all required information for delivery of the incentive payment. Failure to provide all required information may result in delay or withholding of payment. Funds for incentives for the Program are limited and subject to availability. The maximum incentive amount that any project (whether applying in a single or multiple application process) would ever be eligible to receive under the Program for implemented energy efficiency measures shall not exceed \$499,999. Details for this Program, including incentives, are subject to change without prior notice.

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**VERIFICATION:** Reviews of the project work before, during, and after measure installation are a critical part of Energy Trust's verification process and Project Owner agrees to provide Energy Trust and its representatives with reasonable access to the project site, and all technical and other project documentation related to the measures for which it is requesting Energy Trust incentive funding. When required by Energy Trust, satisfactory completion of a post-installation inspection of the measures must occur before any incentive payment will be issued. This inspection and verification is for Program purposes only and no warranty is implied.

**ACCESS AND EVALUATION:** This project may be selected for participation in a Program evaluation. Project Owner agrees to allow Energy Trust and its representatives with reasonable access to the installation site to: (i) inspect and review the project during and after completion, (ii) read the meter(s), and/or (iii) evaluate the project's operation. Project Owner agrees to cooperate when contacted by Energy Trust to request meter readings or other information related to any of the project measures which receive incentive funding.

**INFORMATION ABOUT SELF-DIRECTION:** Energy Trust receives and invests some of the funds generated by the public purpose charge collected from Oregon customers of PGE and Pacific Power. Although payment of the public purpose charge is generally mandatory, certain large customers—those that use more than one average megawatt of electricity (8,760,000 kilowatt hours) at one certified site in one year—may "self-direct" portions of their conservation energy public purpose charge, when certified by the Oregon Department of Energy (ODOE), to invest in energy conservation projects at their own facilities. Self-direction is optional, and over time, a customer may change its self-direction status. Self-direction status affects eligibility for Energy Trust services and incentives. Energy Trust's self-direct policy and a copy of our **Frequently Asked Questions Regarding Self Direction** can be found on our website at [www.energytrust.org](http://www.energytrust.org).

**IMPACT OF SELF-DIRECTION:** If the public purpose charge for the account number(s) associated with the project site may be self-directed, then Project Owner hereby represents and warrants to Energy Trust that no entity shall apply for or accept any energy conservation self-direct credits from ODOE for any of the project measures for which Energy Trust incentive funding is sought. In addition, Project Owner must choose between the following two options to determine eligibility for Energy Trust incentives. In the event that Project Owner receives a full Energy Trust incentive, Project Owner shall be subject to OPTION 1 (with the exception of certain prescriptive motors and air conditioning units).

**OPTION 1:** Project Owner may receive the full Energy Trust incentive for the project measures and represents and warrants to Energy Trust that no self-direct credits will be used against the conservation portion of the public purpose charge for the project site's utility account number(s) for a period of 36 months from the incentive payment date. If Project Owner selects this OPTION 1 and breaches this requirement during the 36 month time period, then Project Owner will pay to Energy Trust (in the form of a cashier's check) a prorated refund amount according to the following formula:

$$\text{Pro Rated Refund Amount} = 0.5 \times A \times B$$

A = total amount of Energy Trust incentives paid

B = 36 minus the number of months elapsed since Commercial Operation Date, divided by 36

**OPTION 2:** Project Owner may receive half the Energy Trust incentive and self-direct credits can continue to be used against the conservation portion of the public purpose charge at the site.

**DISCLAIMER / LIMITATION OF LIABILITY:** Project Owner understands and agrees that, while Energy Trust may provide incentive funding, Energy Trust and PMC are not supervising work performed for the Project Owner nor are Energy Trust or PMC liable in any way for proper completion of that work or proper performance of any equipment purchased. Energy Trust is simply providing incentive funding to assist the Project Owner in identifying and implementing energy savings measures. **Energy Trust's liability to Project Owner is limited to recovery of amounts due for any incentive payments due and under no circumstances will Energy Trust be liable for any further amount whatsoever. In no event will Energy Trust or its PMC be liable pursuant to this agreement to Project Owner or to any third party for any damages, whether characterized as general, special, direct, indirect, punitive, consequential or otherwise.**

**HAZARDOUS MATERIALS:** Energy Trust and its representatives shall have no responsibility for the discovery, presence, handling, or disposal of or exposure of persons to hazardous materials of any kind in connection with Project Owner's site or facility, including without limitation asbestos, asbestos products, PCBs or other toxic substances.

**GOVERNING LAW:** Project Owner agrees that any disputes arising in connection with this agreement will be governed by Oregon law, without reference to its principles of conflict of law.

**NO ENDORSEMENT:** Energy Trust and/or its representatives do not endorse any particular manufacturer, contractor, equipment, or system design in promoting the Program. The fact that the names of particular manufacturers, contractors, equipment or systems may appear on this application does not constitute an endorsement. Manufacturers, contractors, equipment, or systems not mentioned are not implied to be unsuitable or defective in any way.

**TAX LIABILITY:** Energy Trust and/or its representatives are not responsible for any tax liability, which may be imposed on the Participant as a result of payment of any incentives. Energy Trust is not providing tax advice, and any communication by Energy Trust is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

**INFORMATION RELEASE:** Project Owner agrees that Energy Trust may include the following information in reports or other documentation submitted to the Energy Trust's Board of Directors, the Oregon Public Utility Commission (OPUC), Oregon Department of Energy, Oregon Department of Housing and Community Services, or the Oregon Legislature: Project Owner's name, a description and location of the measures which received incentive funding, the amount of any Energy Trust services or incentive payments

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provided to Project Owner, and any resulting energy savings or generation. Energy Trust will treat all other information gathered in evaluations as confidential and report it only in the aggregate.

**FACSIMILE/SCANNED SIGNATURES:** Facsimile transmission of any signed original document, and the retransmission of any signed facsimile transmission, shall be the same as delivery of the original signed document. Scanned original documents transmitted to Energy Trust as an attachment via electronic mail shall be the same as delivery of the original signed document. At the request of Energy Trust, Project Owner shall confirm documents with a facsimile transmitted signature or a scanned signature by providing an original document.

**ASSIGNMENT AND TERMINATION:** Energy Trust may, at any time, assign its rights under this Agreement to a third party when requested to do so by the OPUC under the Grant Agreement between Energy Trust and the OPUC dated November 20, 2001, and as amended from time to time (Grant Agreement). Upon sixty (60) days written notice, Energy Trust may terminate this agreement in the event that the Grant Agreement is terminated. Unless stated otherwise in this document, regardless of whether or not this application is approved, these terms and conditions shall survive the completion of any incentive payments provided hereunder.

**Signature**

In addition to this **Custom Track & Commissioning Application: Form 520C**, I have submitted all required documentation as described in this form. By my signature below, I represent and warrant to Energy Trust that (i) I am authorized to sign this agreement on behalf of Project Owner, (ii) I have completed this application completely, truthfully and accurately to the best of my knowledge, and (iii) Project Owner has read, understands and agrees to the terms and conditions of this agreement.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Name Title Company

**FOR MORE INFORMATION:**

Please visit [energytrust.org/business](http://energytrust.org/business) or call 1.877.467.0930