



Design Development Report Approval

Important: Receipt of this form indicates that the Design Development Report for SRP’s PowerWise New Construction Solutions has been completed and SRP has identified and recommended the incorporation of Recommended Energy Efficiency Measures (“Recommended EEMs”) to improve the efficiency of the Customer’s use of electricity.

Customer: _____

Customer contact name: _____

Customer contact phone/email: _____

Facility address: _____

Deadline for customer acceptance: _____

Terms and Conditions

These Terms and Conditions outline the requirements under which a firm fixed payment (“the Building Owner Equipment Rebate”) for the installation of Recommended EEMs at the customer’s planned facility will be paid. To the extent that SRP determines (in its sole discretion) that the Customer has not cooperated in the PowerWise New Construction Solutions program or the terms and conditions of Building Owner Equipment Rebate have not been met, the Customer shall not be eligible for the Building Owner Equipment Rebate

1. Payment is provided to a single entity Any eligible rebate amount should be paid to:

Business Name

Attention

Mailing Address

City, State and Zip

2. Definitions.

2.1 “Commissioning” shall mean the process of verifying and documenting that the performance of Recommended EEMs meets the design intent and Customer’s operational requirements.

2.2 “Recommended EEMs” shall mean the EEMs specified in the attached Exhibit A.

2.3 “Core and Shell” (CS) projects are projects where the building owner/developer has direct control over the design and construction of the entire core and shell base building systems, but limited or no control over the design and construction of the tenant “fit-out”. Examples of such project types are: commercial and medical office buildings, retail centers and lab facilities.

Terms and Conditions, continued

3. Customer Obligations. Customer shall:
 - 3.1 Install the Recommended EEMs no later than [insert date] (the "Required Completion Date")
 - 3.2 Notify SRP of any changes or change orders issued to contractors or installers that materially affect the Recommended EEM savings specified in Exhibit A prior to their installation.
 - 3.3 Not later than the Required Completion Date,
 - 3.3.1 For CS projects where the customer wishes to take energy savings credit for tenant related EEMs that have yet to be designed or installed in the CS project phase: Provide documentation in the form of tenant lease agreement(s), tenant "fit-out" design specifications and requirements indicating that all EEMs accepted in this project and applicable to tenant "fit-out" shall be included in the tenant "fit-out" and are mandatory per the terms of any lease agreement, existing and future.
 - 3.3.2 Properly install or cause to be properly installed the Recommended EEMs listed in Exhibit A.
 - 3.3.3 Provide SRP with a written notification stating the Recommended EEMs are installed and operational.
 - 3.4 Not later than one year after the Required Completion Date,
 - 3.4.1 Commission or cause to be properly Commissioned the Recommended EEMs in accordance with SRP guidelines.
 - 3.4.2 Provide SRP with Commissioning submittals.
 - 3.5 Agree that the Recommended EEMs specified will not be eligible for any other SRP Rebates. Accordingly, the Customer shall not apply for any other SRP rebates with respect to these Recommended EEMs at any time before or after the Required Completion Date.
4. If SRP determines (in its sole discretion) that all of the Recommended EEMs have been installed and Commissioned in a satisfactory manner, Customer shall be eligible for an estimated maximum Rebate of \$[insert amount] (the "Estimated Maximum Rebate"). The Estimated Maximum Rebate is based on the total estimated Recommended EEM annual electric energy savings. Recommended EEM electric energy savings estimates are subject to SRP approval. SRP or its consultant shall inspect Customer's Facility to determine if proper installation of the Recommended EEMs has been completed at Customer's Facility
5. SRP will review and approve final Recommended EEM projected annual electric savings. The final Rebate ("Final Rebate") paid is based on actual approved Recommended EEM electric energy savings for installed Recommended EEMs. The Final Incentive paid shall be no more than 120% of the Estimated Maximum Rebate.
6. To the extent that SRP determines (in its sole discretion) that all of the Recommended EEMs have not been installed and Commissioned or that some Recommended EEMs have not been installed and Commissioned in a satisfactory manner, Customer shall not be eligible for the Estimated Rebate Incentive. In such event, SRP shall recalculate a reduced Final Incentive, if any, based on the actual Recommended EEMs installed and Commissioned in a satisfactory manner, using the same methodology that SRP previously used to calculate the Estimated Maximum Rebate.
7. Required EEM Commissioning may be omitted by the Customer and, if the Customer so elects, the Final Incentive will be reduced by 25%. Recommended EEMs where the Customer has elected to omit Commissioning which are later Commissioned are not eligible for an additional rebate.
8. Customer shall independently evaluate any advice or direction given by SRP related to estimates of electricity savings or the cost, selection or installation of EEMs. SRP shall not be liable for the failure of customer to

Terms and Conditions, continued

achieve a specified amount of energy savings, the operation of customer facilities, or any incidental or consequential damages of any kind in connection with this program or the installation of recommended EEM's, and in no event shall SRP's liability exceed any obligation to pay the incentive for which customer is eligible under this program.

- 9. Customer transfers to SRP all "Environmental Attributes" attributable to the Energy Efficiency Project or its operation. Environmental Attributes include any and all credits, benefits, emissions reductions, offsets and allowances, howsoever entitled, resulting from the avoidance of the emission of any substance to the air, soil or water at or by SRP generating facilities through reduced generation of energy or other savings or offsets on account of the Energy Efficiency Project. Customer will not claim ownership of any Environmental Attributes. As long as Customer at the same time states the Energy Efficiency Project was made possible with funding from SRP, Customer may claim that it is facilitating the production of the Environmental Attributes attributable to the Energy Efficiency Project.
- 10. Attorneys' Fees. If arbitration or litigation is commenced by either party to enforce or interpret any of the provisions of these terms and conditions, the prevailing party shall be entitled to recover reasonable costs and attorneys' fees at the arbitration, at trial, on appeal, and on any petition for review.
- 11. Disputes/Governing Law. These terms and conditions shall be exclusively governed by and interpreted in accordance with the laws of the state of Arizona. Any litigation between the parties shall be prosecuted only in the state or federal courts of the state of Arizona.
- 12. The terms and conditions set forth herein for the payment of any applicable Building Owner Equipment Rebate are in addition to those listed on the PowerWise New Construction Solutions Project Application and PowerWise New Construction Project Application Approval Form.

Customer Signature

By signing below, applicant represents, warrants, acknowledges and agrees that:

- I have read and understand all Terms and Conditions on the PowerWise New Construction Solutions Design Development Report Approval form, and the customer eligibility, measure eligibility, and participation procedures for the PowerWise New Construction Solutions program in the Participant Program Manual.
- As the signatory, I have the authority to approve the Design Development Report Approval form.

Business Name _____

Signature _____ Date _____

Name (please print) _____

Title _____

SEND COMPLETED DESIGN DEVELOPMENT REPORT APPROVAL FORMS TO:
 SRP PowerWise New Construction Solutions
 4802 E Ray Rd Ste 23, PMB 192
 Phoenix, AZ 85044-6417
 Fax: (480) 345-7601; Email: PowerWiseNewConstructionSolutions@srpnet.com

EXHIBIT A

Design Development Report

Cover Sheet Only
Attach Report