Under Section 489.145 Florida Statutes, State Agencies are able to enter into a guaranteed energy, water, and wastewater performance savings (GEWWPS) contract with an approved contractor. This is an Agency Checklist design to help facilitate the preparation of the proposed contract for Department of Financial Services when using the GEWWPS model. Please check each box upon completion of each Section, Schedule and Appendix of the contract. When you finish filling out the form, please complete the Certification section located at the end of the checklist. Upon completion of this checklist, please refer to CFO Memo No. 04 (2008-2009) for additional submission requirements.

|  |
| --- |
| **Contract Sections 1-19** |
| [ ]  1. Complies with model agreement language.[ ]  2. All blanks are properly completed.[ ]  3. References in the contract to schedules and appendixes match the title of the schedules and appendixes (e.g., If a reference is made to Appendix A in the contract, the document is not marked differently, such as “Tab 1”, “Appendix C”, etc.)[ ]  4. All Acronyms are listed in Section 1.1 Definitions and are used consistently throughout contract documents.  |
| **Schedules A – CM\*\*s to be Installed by Company & Description of Facilities** |
| [ ]  5. Information is supported in the IGEA\*. |
| **Schedule B – Pre-existing Equipment Inventory** |
| **[ ]** 6. Information is supported in the IGEA\*. |
| **Schedule C – Savings Guarantee** |
| [ ]  7. Energy and operational savings agree with the IGEA\*. [ ]  8. Amounts here agree with the *Schedule O –Projected Cash Flow*. |
| **Schedule D – Compensation to Company and Deliverables** |
| [ ]  9. Contains the amount and frequency of any payments that may be made to the vendor for equipment cost, installation, maintenance, monitoring, or other services negotiated as part of the Contract.[ ]  10. Totals add up correctly.[ ]  11. Costs are supported by the IGEA\* and other schedules (e.g., conservation measures are also listed on Schedule A).[ ]  12. Amounts here agree with the *Schedule O –Projected Cash Flow*.[ ]  13. Escalating payments calculated correctly.[ ]  14. An hourly fee structure is provided for any services beyond the scope of the Contract (e.g., repairs caused by the agency’s negligence).  |
| **Schedule E – Compensation & Deliverables required in other related contracts** |
| [ ]  15. Contains the amount and frequency of any payments that may be made to the vendor for equipment cost, installation, maintenance, monitoring, or other services negotiated as part of the Contract.[ ]  16. Totals add up correctly.[ ]  17. Costs are supported by the IGEA\* and other schedules (e.g., conservation measures are also listed on Schedule A).[ ]  18. Amounts here agree with the *Schedule O –Projected Cash Flow*.[ ]  19. Escalating payments calculated correctly.[ ]  20. An hourly fee structure is provided for any services beyond the scope of the Contract (e.g., repairs caused by the agency’s negligence). |
| **Schedule F – Savings Calculation Formula** |
|  [ ]  21. Information is supported in the IGEA\*.[ ]  22. Savings calculation formulas for each CM\*\* are listed or referenced clearly. |
| **Schedule G – Construction and Installation Schedule** |
| [ ]  23. Construction and Installation Schedule shows expected date when all CM\*\* will be completed. |
| **Schedule H – Baseline** |
| [ ]  24. Information is supported in the IGEA\*.[ ]  25. Baselines for each CM\*\* are listed or referenced clearly. |
| **Schedule I – Standard of Comfort** |
| [ ]  26. Standards of comfort are listed or referenced clearly. |
| **Schedule J – Agency’s Maintenance Responsibilities** |
| [ ]  27. Agency’s maintenance responsibilities are listed or referenced clearly. |
| **Schedule K – Company’s Training Responsibilities and Training** |
| [ ]  28. Company’s training responsibilities listed or referenced clearly, including deliverables (e.g., number of training hours, number of persons trained, etc.).[ ]  29. Company’s maintenance responsibilities including deliverables are listed or referenced clearly. |
| **Schedule L – Financing Agreement** |
| [ ]  30. Stipulates that payments are not dispersed until all work is completed.[ ]  31. Date for the first payment agrees with *Schedule G - Construction and Installation Schedule* completion date.[ ]  32. No prepayment penalties, premiums, or other amounts are included in the loan balance amounts.[ ]  33. Estimated escrow earnings are not shown on schedule and not used to offset interest.[ ]  34. Interest rate is stated.[ ]  35. Straight-line amortization of costs is used throughout loan term.[ ]  36. Payment term does not exceed the original useful life of the equipment or the replacement or the extension of the useful life of the equipment provided by the contractor.[ ]  37. Attach all exhibits:1. *Exhibit A – Proposed Payment Schedule for Equipment Group*.
2. *Exhibit B – Schedule of Equipment*.
3. *Exhibit C – “Sworn Statement Pursuant to Section 287.133(3)(a), Florida Statutes on Public Entity Crimes”*.
4. *Exhibit D – Certificate of Acceptance*.
5. *Exhibit E – Form of Opinion of Agency Counsel*.
6. *Exhibit F – Form of Escrow Agent.*
 |
| **Schedule M – Performance Bond** |
| [ ]  38. Performance bond amount agrees with the amount in the IGEA\* if applicable.[ ]  39. Performance bond information was completed. |
| **Schedule N – Certificate of Acceptance Investment Grade Energy Audit** |
| [ ]  40. Certification by agency accepting IGEA\* was completed. |
| **Schedule O – Projected Cash Flow** |
| [ ]  41. First year savings sum correctly and tie to the IGEA\* detail. [ ]  42. First year costs sum correctly and tie to the IGEA\*.[ ]  43. Savings escalation factors used agree with the IGEA\* and calculations are correct.[ ]  44. Cost escalation factors used agree with the IGEA\* and calculations are correct.[ ]  45. All savings occur within financing term (e.g., no “construction period savings”). [ ]  46. Amount financed does not include non-capitalized items, such as measurement and verification cost and maintenance. [ ]  47. Escrow earnings are not shown as savings.

|  |
| --- |
| **Schedule P – Agency Certificate of Acceptance of CM\*\*** |
| [ ]  48. Complies with model agreement language. |
| **Schedule Q – Equipment Warranties** |
| [ ]  49. Warranties for each CM\*\* or conservation measure group are listed or referenced clearly. Useful life and replacement projection information are included (this information should agree with Schedule A).[ ]  50. Amounts and/or totals for warranties agree with *Schedule D - Compensation to Company and Deliverables*. |
| **Schedule R – Unconditional Corporate Guarantee** |
| [ ]  51. All blanks in the Unconditional Corporate Guarantee, other than effective dates, were completed and appear correct. |
| **Schedule S – Benchmark Cost of Capital, Minimum Rate of Return** |
| [ ]  52. Attach supporting information pursuant to Section 489.145(6)(b), Florida Statutes:1. A narrative describing and justifying the need.
2. Baseline for current costs.
3. Estimated cost savings.
4. Projected equipment purchases.
5. Estimated contract costs.
6. Return on investment calculation.
7. Specification of benchmark cost of capital and minimum real rate of return on energy, water, or wastewater savings.
 |
| **Schedule T – Document Supporting Recurring Funds** |
| [ ]  53. Attach copies of the specific appropriation page or other documentation as evidence that the Legislature has designated recurring funds appropriated for payment of the obligation.[ ]  54. Attach a letter signed by the budget officer stating there are available recurring funds appropriated in an appropriation category to support contract payments. Attach documentation. |
| **Schedule U – Head of the Agency Approval** |
| [ ]  55. Certification by Head of the Agency approving and accepting the guaranteed energy, water, and wastewater performance savings contract. |
| **Schedule V – Approval Measurement & Verification (M&V) Plan to Monitor Cost Savings** |
| [ ]  56. Attached Agency’s M&V plan to reconcile cost savings.[ ]  57. The plan should address how to verify amount of actual annual savings meeting or exceeding total annual contract payments made by the agency.  |
| **Appendix A – State Term Contract No.: [*currently 973-320-08-1*]** |
| [ ]  58. Attach the current State Term Contract. |
| **Appendix B – Investment Grade Energy Audit** |
| [ ]  59. Attach a copy of the IGEA\*.[ ]  60. Including all tables, charts, calculations, and sections supporting the required schedules and appendixes. |
| **Appendix C – Quotes from Three or More Lenders** |
| [ ]  61. Copies of the three quotes if third party financing is being used. |
| **Appendix D – Other contracts with entities other than Company** |
| [ ]  62. All contracts, agreements, payment obligation with other entities (e.g., financing, subcontractors, etc.) other than the main company need to be included. |
| **Appendix E – Application for the Guaranteed Energy, Water, & Wastewater Performance Savings Contract Financing**  |
| [ ]  63. If using consolidated financing, attach a completed *Form DFS-A1-413 – Application to Finance Conservation Measures*. [ ]  64. If consolidated financing will not be used, include all supporting documents required by *Schedule L – Financing Agreement*. |
| **Other** |
| [ ]  65. Proposed contract has been reviewed and approved by the Agency Head or Designee (if a designee is approving the proposal, a written approval authorizing the designee to approve the proposal is also required).[ ]  66. Proposed contract has been reviewed by Finance and Accounting.[ ]  67. Proposed contract has been reviewed by the Agency General Counsel. |

 |

|  |
| --- |
| **Certification:** |
| I hereby certify that all items are checked on the Guaranteed Energy, Water, and Wastewater Performance Savings Contracts Checklist and accurately completed pursuant to Section 489.145, Florida Statutes.

|  |  |  |
| --- | --- | --- |
|       |  |       |
|  Agency Head (Signature)  |  | Date |
|       |  |       |
| General Counsel (Signature) |  | Date |
|       |  |       |
| Finance & Accounting (Signature) |  | Date |

 |