

Comprehensive New Construction Incentives Application

Energy Solutions for Business

Baltimore Gas and Electric Company (BGE) offers incentives through its Smart Energy Savers Program® to help commercial, industrial, government, institutional and nonprofit electric service customers offset the upfront costs for energy efficient improvements. The Comprehensive New Construction Incentives Application covers new construction and major renovation projects that are still in the early design stage and are pursuing the Comprehensive Design or Green Building Tracks.

Application and Instructions

Eligible Participants

Incentives are available to non-residential, commercial, industrial, government, institutional and nonprofit electric service customers within the BGE service territory that fall under rate schedules G, GS, GL, P or T. Eligible Projects

Eligible Projects

New construction project is defined as a new building, or an alteration to the existing building as defined in IECC, where a licensed professional architect or engineer is preparing and certifying building plans.

Green Building Track project is defined as a building where a Green Certification is mandated by Federal, State or Local jurisdictions.

This application is limited to new construction projects in the design stage that are pursuing the [Comprehensive Design](#) or [Green Building Tracks](#). Other new construction projects **not covered** by the Comprehensive Design and Green Building Tracks include:

- Simple or small projects (buildings under 75,000 square feet).
- Projects that are advanced beyond the design process.
- Projects with accelerated design or building schedules.

The above list of projects should be submitted through the Prescriptive and Custom program offerings. Visit the program website <http://www.bgesmartenergy.com/business/energy-solutions-business/application-forms> to complete the appropriate application or contact us at 410.290.1202 with any questions concerning eligibility.

Comprehensive Design New Construction projects are eligible for additional incentives through the [Technical Services and Design Assistance](#) offerings.

Buildings that are permitted after July 1, 2015 shall follow ASHRAE 90.1 2013 Appendix G unless and otherwise noted by BGE program guidelines. These projects shall provide trend data after project completion as identified in Minimum Required Documents.

Pre-Approval Requirements

Pre-approval from BGE is required for all Comprehensive New Construction Incentives Applications prior to purchase or installing equipment.

Program Details

Details of the program, including incentive levels and technical requirements, are subject to change without prior notice. You may go to [BGESmartEnergy.com](#) to get the most current program information, or you may call 410.290.1202.

Total incentives are limited to \$1,000,000 per Federal Tax ID per calendar year. Incentives above this level may be granted on a case-by-case basis subject to program budget limitations. BGE reserves the right to deny any application that may result in BGE exceeding its program budget.

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Participation Instructions

Step 1

Contact BGE to schedule a scoping meeting and discuss the new building project, and program requirements.

Step 2

Complete the Comprehensive New Construction Incentives Application and submit to BGE. Application packages may be submitted by U.S. mail, fax or email.

Mail: ICF

980 Beaver Creek Drive
Martinsville, VA 24112

Fax: 844.545.2302

Email: Business@BGESmartEnergy.com

Step 3

BGE Program Representative will decide if a project scoping meeting between the Customer, the Customer's Design Team and the Technical Services Provider is required. The two main purposes of this meeting are to: (1) establish a base case building design, agreed to by all parties, and (2) develop a list of technically feasible electric energy efficiency measures (EEMs).

Step 4

Based on information obtained at the project scoping meeting, the Customer's Design Team and the BGE approved Technical Services Provider will analyze the project to determine the electric energy savings and any potential rebates for above-code upgrades. Draft report along with a New Construction Summary Saving Request will be sent to BGE for preliminary review.

Step 5

BGE Program representative will review the draft report and discuss with you how to submit a final report.

Step 6

Once you and BGE Program Representative agree upon the electric energy savings measures to be installed and the corresponding potential rebate, BGE will send a pre-approval letter along with the Minimum Requirement Document (MRD). This letter is your authorization from BGE to purchase and install the measures identified in the study.

Step 7

You will send the project completion documents to BGE notifying that the project is complete

Step 8

BGE will schedule and perform a post-inspection of the installed equipment and determine the final rebate amount based on findings.

Step 9

Incentive payment will be in the form of a check and determined by the Program Terms & Conditions, outlined in the Terms & Conditions on the Application Form along with MRD requirements.

Questions

If you have questions about the program, call 410.290.1202, email Business@BGESmartEnergy.com or visit BGESmartEnergy.com.

I. CUSTOMER INFORMATION

Application Date _____ Expected Completion Date _____ Company _____
 Name _____ BGE Electric Account # _____
 Street Address (of the facility) _____
 City _____ State _____ Zip _____
 Mailing Address (if different) _____
 City _____ State _____ Zip _____
 Contact Person _____ Title _____
 Telephone No. _____ Fax No. _____ Email _____
 Business Type (if applicable)
 Minority-Owned Business Woman-Owned Business Veteran-Owned Business
 Sector Type (select one) Note: Sector Type is the primary sector of business applicable to this application.
 Education Government Healthcare Hospitality Industrial Nonprofit
 Property Management Retail Other _____
 Building Type (select one) Note: Building Type is the primary use of the building applicable to this application.
 Office Retail School University Religious Facility Grocery
 Lodging Industrial Warehouse Health Facility Multifamily Restaurant Other _____
 Square footage covered by application: _____
 Project Type (select one)
 Comprehensive Design Green Buildings
 Required Certification Level for Green Buildings _____
 Registration ID _____

II. CUSTOMER DESIGN TEAM INFORMATION

Architectural Firm _____	Design Firm _____
Contact Person _____	Contact Person _____
Address _____	Address _____
Telephone No. _____	Telephone No. _____
Email _____	Email _____

III. PAYMENT INFORMATION

Payment to: Customer Architectural Firm Design Team
 Payee Name _____ Title _____
 Address _____
 Customer Signature (if payment not to Customer) _____ Date _____

IV. CUSTOMER ACKNOWLEDGMENT

By signing below, I hereby certify that all statements made on this application are correct to the best of my knowledge and that I have read and agree to the **Terms & Conditions** on page 7.
 Authorized Representative (please print) _____ Title _____
 Signature _____ Date _____
 Note: Upon completion of project, BGE customer of record must sign and return the written pre-approval letter and provide all documents as requested in the checklist.

V. IMPORTANT INFORMATION FOR COMPREHENSIVE DESIGN TRACK NEW CONSTRUCTION INCENTIVES APPLICATIONS

In order to participate in the Comprehensive Design Track, BGE's Program Representative must be involved during the early steps of planning and design. Projects must not have gone beyond the schematic design phase to be eligible for the comprehensive incentives. All projects submitted for the Comprehensive Design Track must use a BGE approved Technical Services Provider.

The Comprehensive Design Track New Construction offering can provide assistance when incorporating energy efficiency systems into the design, construction, and operation of new and substantially renovated buildings that meet the project criteria specified on page 1. Incentives will be provided for exceeding the required building code by incorporating cost-effective, energy-efficient designs and construction practices. The project size, local code adoption and design status will determine project eligibility. This section is not applicable for Green Building projects. Refer to section VII for Green Building Projects.

Starting with planning and design, BGE's approved Technical Services Provider will work with your team to identify energy efficiency opportunities. BGE's approved Technical Services Provider will provide guidance in performing site-specific engineering and cost analysis and then work with your design team to identify and incorporate energy saving measures into the new facility. They will also examine the building as an integrated system to determine which measures will achieve the greatest energy savings and be cost-effective

Eligibility

The project must include more than two interactive measures of the identified measures, and the installed measures must achieve at least 80% of the identified energy savings to qualify for BGE incentives. Buildings used for industrial, manufacturing, food processing or storage purposes are not eligible.

To participate in the Comprehensive Design Track, the project must include:

- Buildings with 250 tons or more of cooling, and where substantial HVAC, architectural, and lighting system improvements are possible
- Energy efficiency measures, including the building envelope (for new construction), interior lighting, and HVAC systems, including high efficiency cooling equipment.
- Interior lighting power density in the final design that is at least 10% more efficient than current code.
- A complete [Technical Services Application](#) for your project.
- [An agreement to a Memorandum of Understanding.](#)

Key Features

The Comprehensive Design Track provides the opportunity to capture the maximum energy savings potential for a project by examining the building as an integrated system. This track requires the full engagement of the Customer's Design Team (including the architect and mechanical and electrical engineers) and BGE's approved Technical Services Provider prior to construction document approval.

The Phases below are the responsibilities of the Customer, the Customer's Design Team, and the Technical Services Provider:

Phase 1 Schematic Design

The Customer's Design Team will host a meeting attended by the BGE Program Representative, Technical Services Provider and the Owner to "brainstorm" to generate, analyze and compare potential energy efficient design features. The goals of the meetings are to:

- Develop a technically-feasible list of electric Energy Conservation Measures (EEMs) that are potentially cost effective and eligible that the Owner is willing to consider.
- Establish a base case building design, mutually agreed to by all parties. The proposed base case for the project must conform to the minimum requirements of current Federal, State and Local jurisdictions or standard design practice where code is not applicable.

All EEMs must be installed in a manner compliant with all applicable codes required at the time a construction permit is approved or at the time of submission of the BGE Comprehensive New Construction Incentives Application. The Customer's Design Team and/or Technical Services Provider will supply a memorandum summarizing the conclusions of the brainstorming session, listing the energy-efficiency options to be screened and considered in subsequent Phase 2.

Phase 2 Energy Modeling & Cost Budget

Following the completion of Phase 1, BGE's Technical Services Provider will begin to analyze the potential energy savings and project costs of the EEMs identified using an energy simulation model and the base case building data derived from Phase 1. The Customer's Design Team or Technical Services Provider will identify annual kW and kWh savings from the base case for each identified measure. The Customer's Design Team will provide the design system cost and the Technical Services Provider will provide estimates of incremental construction cost for each measure and working to screen each EEM using a cost/benefit analysis.

During Phase 2, the Customer's Design Team will be required to:

- Review the proposed list of project measures for overall feasibility and appropriateness.
- Provide additional design criteria to the BGE Program Representative.
- Review the incremental construction cost estimates prepared by the team for cost effectiveness.

At the close of Phase 2, the Customer's Design Team will host a meeting to review the above work, at which time a consensus will be reached regarding which of the screened EEMs will be considered for incorporation into the final building design. BGE will supply a memorandum summarizing the conclusions of the screening session, listing the energy-efficiency options to be modeled and considered in subsequent Phase 3.

V. IMPORTANT INFORMATION FOR COMPREHENSIVE DESIGN TRACK NEW CONSTRUCTION INCENTIVES APPLICATIONS *continued*

Phase 3 Report Submission

Following the review of the results of Phase 2, Technical Services Provider will submit the energy model analysis and associated documentation (including manufacturer specification sheets and cost data) the interactive effects of the selected measures and present a report to BGE. The Customer shall be responsible for reviewing the Terms & Conditions found on the back of the application.

Phase 4 Pre-approval

BGE will send a pre-approval letter and MRD to the Customer, which allows for the purchase and installation of the EEMs described in Phase 3. If the scope of work or specified equipment should change that directly impact the energy analysis submitted for this project, it is the responsibility of the Customer to notify BGE immediately as any changes may change or void the pre-approved incentive amount. The Customer will also be responsible for notifying BGE when installation of the EEMs is complete.

Phase 5 Final Approval

Upon notification that the project is complete, BGE will schedule and perform a post-inspection of the installed equipment and determine the final rebate amount based on findings. If there is a substantial scope change after the preapproval process, a revised submittal is required before finalizing the incentive amount. Rebate payment will be in the form of a check and determined by the Program Terms & Conditions, outlined on the Application Form along with MRD requirements.

Financial Incentives for Comprehensive Design

For projects meeting the Comprehensive Design Track's requirements, financial incentives are available for up to 90% of the incremental cost of installing the energy efficiency measures or to buy down the cost to a 1-year payback period, whichever is less.

Technical Services

Comprehensive Design projects require a building performance modeling study to help you identify and analyze potential energy efficiency projects. To participate, you must have a modeling study performed by a BGE-approved Technical Services Provider (TSP). BGE offers a list of qualified TSP when you apply for Technical Services. Funding for up to 50% of this study, limited to \$20,000 per project, is available at the discretion of BGE. To apply, download, complete and submit the [Technical Services Application](#) located on the BGESmartEnergy.com website.

Design Assistance

Comprehensive Design projects may also be eligible for up to \$5,000 in Design Assistance to engage the Customer's Design Team throughout the process and to help offset a portion of the additional costs incurred. Customers and the Design Team must sign a separate Memorandum of Understanding, as a supplemental document to this application form, with BGE prior to the completion of the schematic design documents. Customers must have a contract for design services based on the traditional AIA documents or any agreement where the professional is paid for design services whether or not the customer constructs the project. Personnel requesting the incentive must be listed on the Comprehensive New Construction Incentives Application as part of the Customer's Design Team. During the preliminary project meeting the BGE Program Representative will determine eligibility for Design Assistance.

VI. IMPORTANT INFORMATION FOR GREEN BUILDING TRACK

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ is the nationally accepted benchmark for the design, construction and operation of high performance green buildings*. The Green Building Track will offer developers and building owners technical and financial assistance to go above the jurisdiction-mandated Green Building requirements and implement measures that contribute to higher electric savings.

Eligibility

The Green Building Track is available to all non-residential customers in the BGE service territory (rate classes G, GS, GL, P or T) for new construction or major renovation of an existing building that meets the project criteria specified on page one. Green Buildings projects must meet ALL of the criteria below:

- New or major renovation commercial project that is registered with the USGBC or other third party agency as dictated by the jurisdiction and is required to meet the minimum jurisdiction requirements.
- The BGE Comprehensive New Construction Application must be submitted in the schematic design phase.
- Agreement to a Memorandum of Understanding.

Key Features

The Green Building Track is a comprehensive package of services for projects designed to implement electric EEMs while pursuing LEED requirements. Financial incentives are provided to motivate developers and building owners to go beyond the required minimum green building requirements of the jurisdiction. The intention is to motivate customers seeking additional Energy and Atmosphere points by incorporating more electrical EEMs while using other non-energy-related credits to meet the LEED certification level. Applicants are encouraged to request the use of one of BGE's approved Technical Services Providers to model energy performance of measures and manage the application and reporting by filling out an application.

The Phases below are the responsibilities of the Customer, the Customer's Design Team:

Phase 1 Schematic Design

The Customer's Design Team will host a meeting attended by the BGE Program Representative and the Owner to "brainstorm" to generate, analyze and compare potential energy efficient design features. The goals of the meetings are to:

- Develop a technically-feasible list of electric Energy Conservation Measures (EEMs) that are potentially cost effective and eligible that the Owner is willing to consider.
- Establish a base case building design, mutually agreed to by all parties. The proposed base case for the project must conform to the minimum requirements of current Federal, State and Local jurisdictions or standard design practice where code is not applicable.

All EEMs must be installed in a manner compliant with all applicable codes required at the time a construction permit is approved. The Customer's Design Team will supply a memorandum summarizing the conclusions of the brainstorming session, listing the energy-efficiency options to be screened and considered in subsequent Phase 2.

Phase 2 Energy Modeling & Cost Budget

Following the completion of Phase 1, the design team will begin to analyze the potential energy savings and project costs of the EEMs. The Customer's Design Team will provide the design building cost and the annual kWh and kW savings.

During Phase 2, the Customer's Design Team will be required to:

- Review the proposed list of project measures for overall feasibility and appropriateness.
- Provide additional design criteria to the BGE Program Representative.

At the close of Phase 2, the Customer's Design Team will host a meeting to review the above work, at which time a consensus will be reached regarding which of the screened EEMs will be considered for incorporation into the final building design. BGE will supply a memorandum summarizing the conclusions of the screening session, listing the energy-efficiency options to be modeled and considered in subsequent Phase 3.

Phase 3 Report Submission

Following the review of the results of Phase 2, the Customer's Design Team will submit the energy model report analysis and associated documentation as requested in the BGE checklist. The Customer shall be responsible for reviewing the Terms & Conditions found on the back of the application.

Phase 4 Pre-approval

BGE will send a pre-approval letter and MRD to the Customer, which allows for the purchase and installation of the EEMs described in Phase 3. If the scope of work or specified equipment should change that directly impact the energy analysis submitted for this project, it is the responsibility of the Customer to notify BGE immediately as any changes may change or void the pre-approved incentive amount. The Customer will also be responsible for notifying BGE when installation of the EEMs is complete.

Phase 5 Final Approval Upon notification that the project is complete, BGE will schedule and perform a post-inspection of the installed equipment and determine the final rebate amount based on findings. If there is substantial scope change after preapproval process, a revised submittal is required before finalizing the incentive amount. Rebate payment will be in the form of a check and determined by the Program Terms & Conditions, outlined on the Application Form along with MRD requirements.

VII. IMPORTANT INFORMATION FOR GREEN BUILDING TRACK *continued*

Financial Incentives for Green Building Track

For projects meeting the Green Building Track’s requirements, financial incentives are available based on the amount of first year total energy cost savings and electric energy savings (kWh). The table below specifies incentive amounts:

FINAL ENERGY COST SAVINGS				UNIT INCENTIVE (\$/KWH SAVED)
Projects Permitted Before July 1 st , 2015			Projects Permitted after July 1 st , 2015	
LEED 2009 E&A C1 Points *	ASHRAE 90.1-2007	ASHRAE 90.1-2010	ASHRAE 90.1-2013**	
5 to 7	20% to 25%	5% to 10%	2.5% to 5%	\$0.30
8 to 10	>25% to 30%	>10% to 15%	>5% to 7.5%	\$0.35
11 to 13	>30% to 35%	>15% to 20%	>7.5% to 10%	\$0.40
>13	>35%	>20%	>10%	\$0.45

* Programmatically, the incentive tier is based on the total energy cost savings and the incentive amount is based on the final electric kWh savings above the local jurisdiction certification requirements.

**For projects permitted after July 1, 2015, all green building projects shall be modeled with ASHRAE 90.1 2013 baseline.

Green Building Track Technical Assistance Incentive

There is no financial design assistance for Green Building track projects. However, Green Building projects that require additional building performance modeling study for BGE’s approval, can receive funding up to 50% of this study, limited to \$10,000 per project at the discretion of BGE. To apply, download, complete and submit the [Technical Services Application](#) located on the [BGESmartEnergy.com](#) website.

Enhanced Commissioning

Fundamental Commissioning is required for every LEED project including any EEM’s funded through the Green Buildings track must be commissioned as well. Financial incentives are available for pursuing Enhanced Commissioning credit (EAC3). Enhanced Commissioning can provide improved energy performance above and beyond Fundamental Commissioning. The decision to complete Enhanced Commissioning must be made in the initial design phase and becomes part of the overall commissioning process. Funding will be paid out .10 per square foot of Commissioned space, with a \$20,000 cap. The check will be paid after the proof of EAC3 approval.

For more information about the program, go to [BGESmartEnergy.com](#) or call 410.290.1202.

Please submit for review via one of the following: Fax 844.545.2302, email Business@BGESmartEnergy.com or mail to: BGE Smart Energy Savers Program®, c/o ICF 980 Beaver Creek Drive, Martinsville, VA 24112.

VIII. TERMS & CONDITIONS

- 1. Eligibility:** Incentives are available to industrial, commercial, government and institutional electric service Customers for the purchase and installation of qualifying energy-savings measures in the BGE service territory. Incentives cover products contracted for, purchased or installed within 60 days of the date BGE receives the application and is not retroactive prior to this date. BGE reserves the right to deny any application that may result in BGE exceeding its program budget. Incentives are offered on a first-come, first-served basis and are subject to project and Customer eligibility, availability of funds and distribution of incentives across the BGE Customer base. Total incentive limits per Corporate tax ID per year for all incentives (prescriptive and custom) are limited to \$1,000,000.
- 2. Approval and Verification:** Pre-approval is required for all prescriptive projects qualifying for a total incentive of more than \$5,000. Pre-approval is required for all new construction performance lighting and custom projects. BGE reserves the right to pre-inspect any project prior to pre-approval. No project related energy-savings measures may be contracted for, purchased or installed prior to the date of BGE's pre-approval. Projects must be completed by the date listed on the pre-approval notification letter (within 180 calendar days of project pre-approval for retrofit projects and one (1) year of pre-approval for new construction projects). All projects that require pre-approval may also require pre-inspection. BGE reserves the right to verify sales transactions and to have reasonable access to your facility to inspect the energy-savings measures installed under this initiative, prior to issuing incentives, or at a later time. BGE reserves the right, for any reasons, to stop pre-approving energy-savings measures at any time without notice. In particular, BGE is not obligated to pre-approve any application for an incentive that may result in BGE exceeding its program budget. BGE reserves the right to exclude any proposed energy saving measures based on engineering analysis.
- 3. Proof of Purchase:** This application must have complete information and be submitted with an invoice itemizing the new equipment purchased. The invoice must indicate the date of purchase, the size, type, make, model, serial number, part number and/or equipment manufacturer specification sheets. The signed application must be returned to ICF International, 7125 Thomas Edison Dr., Suite #100, Columbia, MD 21046.
- 4. Compliance:** All projects must comply with all federal, state and local codes. All equipment must be new. Used or rebuilt equipment is not eligible for incentives. Existing equipment must be removed and disposed of in a proper and legal manner. BGE encourages that equipment is disposed of and/or recycled in an environmentally friendly manner. Existing equipment must meet specification requirements and be purchased and operating prior to submitting the application form. Only one incentive will be granted for each project. Incentives granted to contractors, distributors or other market providers cannot also be claimed by end-use Customers.
- 5. Payment:** BGE will authorize payment upon the application's review and approval. The incentive check will be mailed 6–8 weeks after the project's completion and payment approval. Incomplete applications will be returned. The Customer may assign the incentive payment to a qualified contractor (if allowed). The benefits/payments conferred upon the Customer or their designated contractor through participation in this program may be taxable by the federal, state and local government. The Customer or its designated contractor is responsible for declaring and paying all such taxes.
- 6. Inspection:** BGE staff or its representatives may conduct an inspection of the facility to survey the installed projects.
- 7. Publicity:** BGE reserves the right to publicize your participation in this program.
- 8. BGE/Program Logo:** Customers or market providers may not use the BGE or Program name or logo in any marketing, advertising or promotional materials without BGE's prior written permission.
- 9. Disclaimers:** BGE does not endorse any particular market provider, manufacturer, product, labor or system design by offering this program; will not be responsible for any tax liability imposed on a Customer as a result of the payment of incentives; does not expressly or implicitly warrant the performance of installed equipment or contractor's quality of work (contact your contractor for detailed warranties); is not responsible for proper and legal disposal/recycling of any waste generated as a result of this project; and is not liable for any damage caused by the installation of the equipment or for any damage caused by the malfunction of the installed equipment.
- 10. Verification:** Any Customer receiving an incentive check may be contacted by an evaluator to verify service/equipment installation or be asked to complete a written, oral or electronic Customer survey.
- 11. Application Does Not Entitle Customer to Participate:** The program described in this application may be altered, suspended or canceled by BGE at any time without prior notice. Under such circumstances, the Customer is not entitled to any program benefits in excess of those approved prior to such action by BGE. Submission of a completed application does not entitle the Customer to program participation. Entitlement to program participation can only occur after BGE has signed a copy of the application and granted pre-approval if required by BGE.
- 12. Removal of Equipment:** The Customer agrees, as a condition of participation in the program, to remove and dispose of the equipment being replaced by the energy savings measures in accordance with all legal requirements. The Customer agrees to not install any of the removed equipment in the BGE service territory. The customer is eligible for additional incentives after the replaced or retrofitted equipment has been installed for a minimum of 2 years.
- 13. Evaluation Follow-up Visits:** The Customer agrees, for a period of three (3) years after the final incentive payment, to allow BGE or its assigned contractor to conduct on-site inspections to verify that the qualified measures are installed and to conduct other measurement and verification activities to assess the amount of energy savings achieved. Such activities may require the installation of energy monitoring equipment.
- 14. Changes to the Program:** BGE may change the program and the Terms & Conditions at any time without notice. Pre-approved applications, however, will be processed to completion under the Terms & Conditions in effect at the time of the pre-approval by BGE.
- 15. No Warranties:** BGE does not endorse, guarantee or warrant any particular manufacturer or product, and BGE provides no warranties, expressed or implied, for any products or services. The Customer's reliance on warranties is limited to any warranties that may arise from, or be provided by contractors, vendors, etc. The Customer acknowledges that neither BGE nor any of its consultants are responsible for assuring the design, engineering and construction of the Facility, or that the installation of the energy-savings measures is proper or complies with any particular laws (including patent laws), codes or industry standards. BGE DOES NOT MAKE ANY REPRESENTATIONS OF ANY KIND REGARDING THE RESULTS TO BE ACHIEVED BY THE ENERGY-SAVINGS MEASURES OR THE ADEQUACY OR SAFETY OF SUCH MEASURES, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.
- 16. Limitation of Liability:** BGE's sole liability is limited to paying the properly qualified rebates specified herein. Neither BGE nor any of its affiliates shall be liable to the Customer or any other party for any indirect, consequential or incidental damages, regardless of the theory of recovery, caused by or arising from any activities associated with this program.
- 17. Vendor Selection:** BGE acknowledges that the Customer may select any vendor or contractor to perform the work contemplated by this Application, even after the Application is submitted for pre-approval by BGE. Notwithstanding the foregoing, the Customer acknowledges that BGE has the right to prohibit specific vendors or contractors from program participation.
- 18. Obligations Between the Parties:** Customer acknowledges that any contractor selected by the Customer is not an agent, contractor or subcontractor of BGE. BGE shall have no obligation to maintain, remove or perform any work whatsoever on the energy-savings measures installed. BGE shall have no liability for contractor's failure to perform, for failure of the energy-savings measures to function, for any damage to the Customer's premises caused by the contractor or for any and all damages to property or injuries to persons caused by the energy-savings measures.
- 19. Energy Benefits:** BGE is entitled to 100% of the energy benefits associated with the energy-savings measures, excluding the value of energy cost savings realized by the Customer, but including all rights to all associated PJM Energy, Capacity and Reserves Products, and the Customer agrees to provide BGE with such further documentation as BGE may request to confirm its ownership of such benefits and products.
- 20. Customer's Certification:** Customer certifies that he/she has purchased and installed the equipment listed above at the defined location. Customer agrees that all information is true and that he/she has conformed to all program and equipment requirements listed. Customer has verified that the units listed above have been installed correctly. Customer or Customer's representative has been instructed on how to operate and maintain this equipment and has received all necessary operation and maintenance manuals.

EmPOWER Maryland programs are funded by a charge on your energy bill. EmPOWER programs can help you reduce your energy consumption and save you money. To learn more about EmPOWER and how you can participate, go to BGESmartEnergy.com.