



U.S. Department of Energy Energy Efficiency and Renewable Energy

Bringing you a prosperous future where energy
is clean, abundant, reliable, and affordable

Federal Energy Management Program



Utility Energy Services Contracts: Enabling Documents 2009 Interim Update



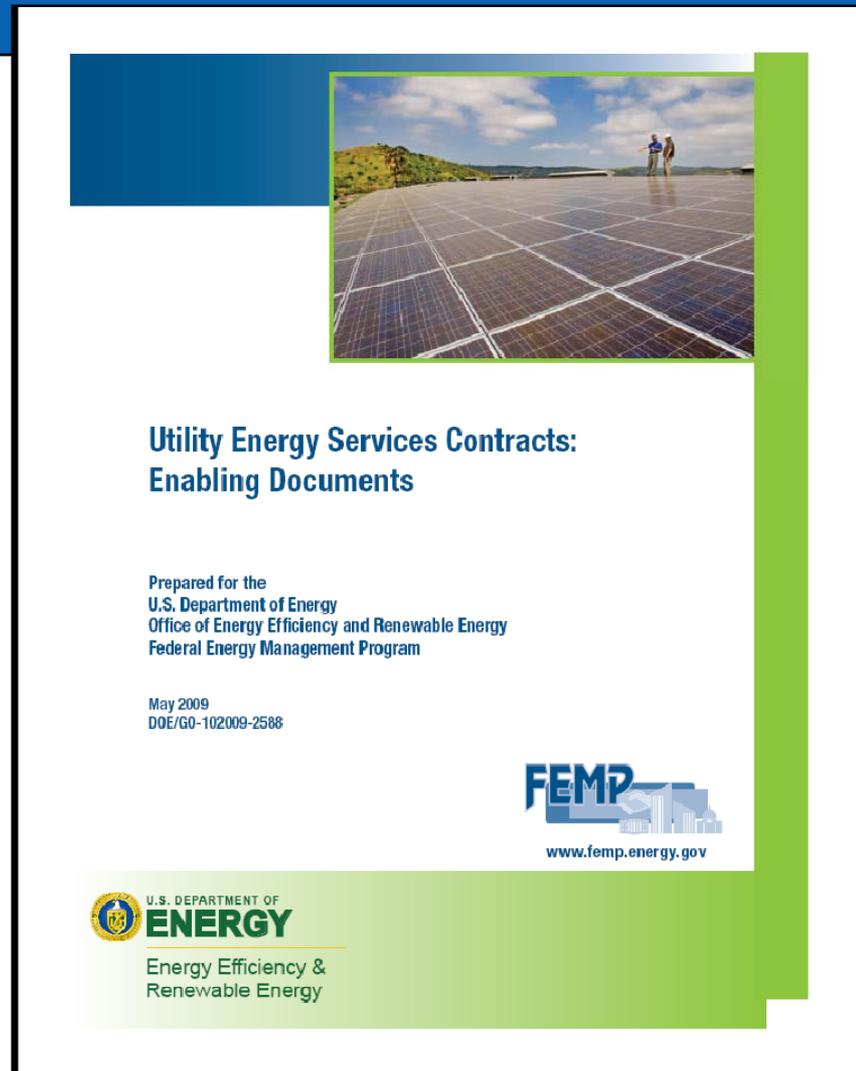
Karen Thomas
National Renewable Energy Laboratory
Biloxi, Mississippi
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FEMP's UESC Enabling Documents

Details:

- Legislation and Executive actions
 - Legal opinions
 - Agency guidance
- ...and more



PURPOSE

- Designed to assist federal agency and utility staff involved in administering utility energy service projects
- Clearly show that federal agencies have the authority to enter into UESCs

OVERVIEW and LEGISLATIVE ACTIONS

OVERVIEW

LEGISLATION AND EXECUTIVE ACTION

Past Legislative and Executive Order History (Summary)

Energy Policy Act (EPAcT) of 1992 (P.L.102-486) *42 USC § 8256*

Energy Independence and Security Act (EISA) of 2007 (P.L. 110-140)

Section 431: Energy Reduction Goals for Federal Buildings

*Section 432: Management of Energy and Water Efficiency in
Federal Buildings*

Section 433: Energy Efficiency Performance Standards

Section 434: Management of Efficiency

Section 441: Life-Cycle Cost

Section 512: Financing Flexibility

*Section 513: Promoting Long-Term Energy Savings Performance
Contracts and Verifying Savings*

Section 515: Definition of Energy Savings

Section 516: Retention of Savings

Section 523: Standard Relating to Solar Hot Water Heaters

OVERVIEW and LEGISLATIVE ACTIONS (cont'd.)

National Defense Authorization Act of 2007 (P.L. 110-3)

- *10 USC § 2866, Water Conservation at Military Installations*
- *10 USC § 2911, Energy Performance Goals and Plan for Department of Defense*
- *10 USC § 2912, Availability and Use of Energy Cost Savings*
- *10 USC § 2913, Energy Savings Contracts and Activities*
- *10 USC § 2914, Energy Conservation Construction Projects*
- *10 USC § 2915, New Construction: Use of Renewable Forms of Energy and Energy Efficient Products*
- *10 USC § 2916, of Electricity from Alternate Energy and Cogeneration Production Facilities*
- *10 USC § 2922a, Contracts for Energy or Fuel for Military Installations*
- *10 USC § 2922b, Procurement of Energy Systems using Renewable Forms of Energy*
- *10 USC § 2922f, Preference for Energy Efficient Electric Equipment*

Federal Acquisition Regulations, Part 41: Acquisition of Utility Services

Executive Order 13423: Strengthening Federal Environmental, Energy, and Transportation Management

Emergency Economic Stabilization Act of 2008 (P.L. 110-343)

Title I, Energy Production Incentives

LEGAL OPINIONS

Authority for Extended Utility Agreements

May 9, 2000, Richard Butterworth, General Services Administration

Acquisition of Demand-Side Management (DSM) Services

April 21, 1999, Richard Butterworth, General Services Administration

Legal Authority for Region 9 Utility Incentive Program Agreement with Southern Edison Company

July 29, 1994, Harmon R. Eggers, General Services Administration

Relationship of the Anti-Deficiency Act to Multi-Year Contracts

June 22, 1999, Mark Schwartz, Department of Energy

Definition of Demand Side Management Services

December 17, 1998, Larry Oliver, Department of Energy

Statutory Exception from Competition in DSM Utility Contracts

July 7, 1994, Anne Troy, Department of Energy

Rebates.

October 18, 1991, Kathy D. Izell, Department of Energy

AGENCY GUIDANCE

Promoting ESPCs and UESCs in the Federal Government

August 3, 2007, Executive Office of the President, Council on Environmental Quality

Procuring Energy Management Services with the GSA Utility Areawide Contract

General Services Administration

UESC Guidance Memorandum

March 23, 2004, Colonel Charles Guta & Joseph Plunkett, Department of the Army

ESPC and UESC/ Demand Side Management Memorandum

September 15, 2003, Major General Anders Aadland, Department of the Army

Performance Assurance for Multi-year Contracts under the Utility Incentive Program

FEMP Financing Recommendation

AGENCY GUIDANCE (cont'd)

Sole Source Justification

Alternative Financing Guidance Memorandum #001

Congressional Notification for Utility Projects

Alternative Financing Guidance Memorandum #002

Relationship of Anti-Deficiency to Multi-Year Contracts

Alternative Financing Guidance Memorandum #003

Source of Funds

Alternative Financing Guidance Memorandum #004

Department of Defense Rebate Guidance

DoD Financial Management Regulation Volume 12, Chapter 12

Solar Investment Tax Credit

Frequently Asked Questions

UTILITY ENERGY SERVICES CONTRACTS

UESC Model Agreement

GSA Model Areawide Contract

List of Areawide Contracts

Exhibit C per Areawide Contracts

Davis-Bacon Wage Determinations

Basic Ordering Agreement (BOA)

Site-Specific Contract

Negotiated SOW

UESC SAMPLE DOCUMENTS

Instrument of Assignment

UESC Utility Agreement

Subcontracting Plan

Sample Payment Schedules

RESOURCES & CONTACTS

RESOURCES

FEMP Reference Guide

Utility Services List

Lessons Learned

Choosing a Financing Vehicle for Energy Efficiency Projects

Alternative Financing Options at a Glance

Definitions

Links to Other Resources

CONTACTS

U.S. Department of Energy Contacts

Utility Contacts

Agency Contacts

THANK YOU, THANK YOU, THANK YOU!!!

ALL INPUT IS GREATLY APPRECIATED

SURE HOPE YOU FIND THE UPDATED *ENABLING DOCUMENTS FOR
UTILITY ENERGY SERVICES CONTRACTS* USEFUL....