

## Prescriptive ARC Terms and Conditions

Updated Sep. 3, 2019

**Program rules and details are subject to change without notice.**

### Qualifications for Program

Participant **must be an OPPD business customer with OPPD accounts in good standing**. A building receiving a Custom Rebate may not qualify for Prescriptive Rebates or vice versa in the same calendar year. OPPD will exercise its right to limit rebates on any building to ensure that results are not counted twice.

### Rebate Funding Requirements

All rebates will **require preapproval by OPPD to ensure payment**. OPPD's pre-approval is required before ordering any material or starting any work at the project site, including demolition work.

### General Terms and Conditions

1. This program is subject to change or cancellation without notice.
2. OPPD reserves the right to verify sales transactions and inspect projects prior to and after installation.
3. OPPD reserves the right to install a metering device on existing and new equipment to verify energy savings.
4. Rebates are available on a first come, first served basis.
5. OPPD reserves the right to limit rebates. Refer to "[Project Requirements](#)" for established rebate limits.
6. Submitting incomplete or missing information will delay processing of the rebate.
7. The customer/contractor certifies that each energy efficiency measure complies with all federal, state, and local safety, building and environmental codes.
8. OPPD is granted the right to publicize your participation in the program, unless you specifically state otherwise in writing.
9. Falsifying any information may lead to cancellation of this and future rebate applications, a claim by OPPD for the return of any rebate payments, and/or the exercise by OPPD of available legal remedies.
10. OPPD shall own all rights to existing and future emissions credits, efficiency certificates, renewable energy credits, tradable renewable certificates and/or any and all other environmental benefits associated with the implementation of all projects that receive OPPD rebates.

### Energy Policy Act of 2005 – Tax Credits

Consult your tax advisor for any applicable federal tax incentives available for installation of energy efficient equipment.

### Nebraska Energy Office Energy Efficiency Loan Program

Consult the Nebraska Energy Office regarding their 2 ½ % Loan Program as a financing option.

### **Disclaimers**

1. **OPPDD does not offer any warranty or guarantee of any kind, express or implied, as to the performance of any equipment installed by or on behalf of customer.**

2. OPPD expressly disclaims all warranties, express or implied by law, including but not limited to any warranty of fitness for a particular purpose or warranty of merchantability with respect to equipment installed by or on behalf of customer.
3. OPPD does not endorse any manufacture, contractor, or vendor, or any product or system design. Customer is solely responsible for the contracting of and payment for any equipment installed on the customer's premises. There is no contractual relationship, express or implied, created between OPPD and any vendor, contractor or other person or entity hired by customer to design, install, maintain or repair customer equipment.
4. The customer/contractor is responsible for the proper disposal and/or recycling of any waste generated as a result of this project.
5. OPPD shall not have any liability to customer or to any third party for any injury (including death), loss, damage, cost or expense of any kind ("Liabilities") arising from or related to any equipment on customer's premises for which OPPD pays a rebate under this program. Customer shall indemnify, defend and hold harmless OPPD and its directors, officers and employees from any such Liabilities.
6. OPPD is not responsible for any tax liability imposed on the customer as a result of rebate funding. Consult your tax advisor for more information.

<End of Terms and Conditions>

## Project Requirements

1. Project completion shall be within three (3) months of OPPD preapproval in order for rebate funding to be available. Any project completed after three (3) months may no longer be funded.
2. Rebates must be \$100 or greater in order to qualify.
3. The maximum rebate amount will be **\$100,000 per facility per calendar year** (there may be more than one ARC project for a facility provided the calendar year total is less than \$100,000).
4. OPPD reserves the right to limit any rebate payment to not exceed 50% of the total material/equipment cost for the project.
5. OPPD requires a three (3) year service agreement on the RTU in order to qualify for this rebate and reserves the right to request a copy of that service agreement. This service agreement should follow the recommendations of ASHRAE/ACCA Standard 180-2018.
6. OPPD may select the ARC installation for a short term measurement and verification project. This will include the placement of a data logger on the RTU prior to the ARC installation and will remain in place as needed to determine actual installation results. The customer will be notified of this selection prior to preapproval and will have the option to opt out. Participation will validate the savings to the customer and the customer will receive an additional consideration for their participation.

### Additional Criteria and Disclaimers

1. Only retrofits devices/controllers expressly shown on the application form are eligible for any rebate.
2. Retrofit devices/controllers must be installed and operating prior to submission of invoice to OPPD.
3. Retrofit devices/controllers are one to one with the RTU unless specified and preapproved by OPPD.

## What to expect after receiving pre-approval

- After the preapproval, the preapproved rebate amount will be reserved for 120 days.
- Once project is complete, a dated and itemized invoice with quantity, manufacture, model number and cost for each piece of equipment with rebate tracking numbers noted must be submitted within 30 days of completion in order to receive a rebate payment. (Labor does not have to be itemized on a per-fixtue basis.)
- You'll be notified via email to remind of the funds expiration. If an extension is needed, you must notify OPPD and have an extension approved in order for rebate funds to remain reserved. **After the 121<sup>st</sup> day from the preapproval, funds will no longer be reserved and the project will need to be resubmitted and approved to ensure funding.**