



***Project Assistance Grants for Energy Saving Projects***

***Application Guide***

6th February 2017

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## 1 BACKGROUND & INTRODUCTION

### 1.1 Energy saving projects

SEAI provides financial support and practical advice to organisations in the private and public sectors that are seeking to implement energy saving projects.

This support is available to encourage the development of energy saving projects and to drive a considerable increase in scale and depth of energy efficiency investments. To stimulate a pipeline of robust projects, SEAI is supporting the development of projects that expect to achieve significant, guaranteed and verifiable energy savings (in terms of kWh saved).

The objectives of the support are:

- To achieve significant, guaranteed, measurable and verifiable energy efficiency gains in accordance with national targets.
- To build and develop the supply chain capability, particularly relating to procurement and contracting arrangements between supply chain partners – by developing a pipeline of energy efficiency projects in the private and public sectors.
- To demonstrate and showcase the concept of paying for performance.

### 1.2 Project development process

No matter how a project is procured, good practice should be followed to ensure that the project is viable and worthwhile. SEAI recommends that a 5-stage process be followed for all projects - see Figure 1.

Figure 1: Project development process



The first three stages cover project preparation, while the remaining two stages address procurement and implementation. This represents a best practice approach to scoping, evaluating a project, and for determining the best contracting route and ensures that the best financial basis is established, while delivering value for money for the procuring organisation.

This process must be followed by public bodies. SEAI also encourages private sector organisations to adopt this best-practice approach.

### 1.3 Paying for performance

Increasingly, organisations are looking beyond traditional approaches for the implementation of energy projects, by incorporating a pay-for-performance element.

Under the traditional approach the client carries out most of the preliminary work (with or without the assistance of external consultants) and commits the financial resources. However, it is uncertain that savings will be achieved.

Incorporating pay-for-performance can be done in many different ways, including through:

- An **energy performance guarantee**<sup>1</sup> is a basic arrangement for energy performance, which can and should be used for all energy saving projects. An energy performance guarantee entails a vendor providing energy efficiency products, services or works and guaranteeing the energy savings; if the savings fall short of the guaranteed amount, the vendor loses a part or all of a performance payment. Typically, no bespoke contracting forms are needed, and the 'guarantee' period, during which the performance payment is at risk, is dependent on how long it takes to demonstrate the savings. Most works are financed by the client, but there are options for vendor financing, e.g. leasing or agreed payment plans, linked to savings.
- An **energy performance contract (EPC)** is a stronger energy performance guarantee and is usually suited for projects greater than €500,000 in size incorporating several energy saving elements. A vendor undertakes energy efficiency works and guarantees the energy savings; the vendor is paid from the savings that arise; if savings fall short, the vendor covers the difference. The contract may run for a number of years, with savings guaranteed every year. The works may be financed by the vendor.
- A **local energy supply contract (LESC)** is an agreement to supply heat, electricity or other energy to a site using a local boiler, CHP or renewable energy generator. The energy supply contract may run for a number of years. The works may be financed by the vendor.

The first two stages of the project development process shown in Figure 1 are common to all approaches to procurement, including the three pay-for-performance mechanisms outlined above, as well as more traditional approaches to procurement.

When project viability and internal support are established, then an appropriate mechanism for incorporating pay-for-performance is selected.

## 1.4 SEAI supports

SEAI's supports assist procuring organisations to progress projects at different stages in the development process:

- **Expert advice at the 'getting organised' stage.** Tailored advice is offered to organisations early in the project, before they are ready to undertake a formal feasibility study. This is available to public bodies in Partnership and to businesses in the LIEN/Energy Agreements programmes.
- **Grant 1 – feasibility study & project energy audit** is provided to determine the technical and financial feasibility of specific project opportunities at specific facilities, and to help develop the business case for progressing good projects.
- **Grant 2 – final business case & project delivery support** is provided to enable organisations to engage external resources to further develop projects, including through baseline quantification, detailed asset assessment, final business case analysis, project facilitation,

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<sup>1</sup> In earlier SEAI documentation, *energy performance guarantee* is referred to as an *energy performance related payment* (EPRP).

procurement and development of approaches for measurement & verification. There is also some support also available for permanent energy metering. There must be a pay-for-performance element (see §1.3) incorporated into the project to avail of this support.

- **Reference documents** – SEAI has developed a wealth of information for organisations to guide them through energy saving projects, including handbooks and guides, standard forms of contract, procurement templates, and financial assessment tools for all sectors. These are based on the five-stage process shown in Figure 1. This process enables organisations to prepare well-analysed and well-prepared project briefs, and to identify and address risks at an early stage, so that best possible prices can be secured during the procurement phase.

Successful applications for the grant support will be chosen on a first come basis until the available funding has been committed. Support will be awarded on the basis of relevance and contribution to a strong portfolio of pipeline projects from which exemplary lessons and other results can be derived, with a view to achieving maximum impact and value for money.

Applications for each of the support elements will be evaluated separately; projects will be entitled to apply for – and benefit from – more than one support element.

The grant supports are described in detail in this document and are summarised in Table 1 overleaf.

Table 1: Summary of project assistance grants

Key Aspect		Feasibility study & project energy audit	Final business case & project delivery
Purpose & focus of grant	Purpose	Determine the technical and financial feasibility of specific project opportunities at specific facilities.	Progress financially viable projects that incorporate pay-for-performance.
	Supported work & outputs	Project energy audit & opportunity evaluation. Project facilitation. Temporary metering.	External specialist services and metering costs incurred in detailed appraisal & procurement.
	Key work outputs	Project energy audit report. Report on feasibility study.	Report on detailed project appraisal and business case. Energy contracting documentation
Project types	Public sector	✓	✓
	Private sector	✓	✓
	Preferred scale	>€50,000 savings (>€250,000 energy spend)	>€50,000 savings (>€250,000 energy spend)
Pay-for-performance element (envisaged for project)	None (traditional)	✓	
	Energy performance guarantee	✓	✓
	LESC	✓	✓
	EPC	✓	✓
Application	When to apply	Overall facility energy objectives agreed and energy consumption at facility/facilities identified.	Feasibility study & project energy audit complete. Preferred approach to pay-for-performance identified
	What to submit	Application Form & valid Tax Clearance Certificate.	Application Form, document(s) summarising the initial business case & valid Tax Clearance Certificate.
Level of grant available		Up to 50% of eligible costs subject to €7.5k limit for facilities with ≤€1M energy spend and €15k limit for facilities with >€1M spend.	Up to 75% of eligible costs subject to €37.5k limit for EPC and €15k limit for energy performance guarantee.
Payment deadline		4 months from issuance of Letter of Offer.	9 months from issuance of Letter of Offer.

## 2 GRANT FOR FEASIBILITY STUDY & PROJECT ENERGY AUDIT

### 2.1 Purpose

The purpose of this support is to help organisations to determine the technical and financial feasibility of specific project opportunities.

This financial support is ‘for brains not bricks’, i.e. it for covering some of the costs incurred in assessing feasibility; it does not cover capital costs.

### 2.2 Types of project

The focus of the grant for feasibility study & project energy audit is to support organisations in determining the financial viability of specific energy efficiency and local energy supply projects, including through the undertaking of project energy audits.

The support is not limited to any specific project types or technologies *per se*. However, applications with respect to projects that seek to meet as many of the following criteria as possible are particularly encouraged:

- Projects involving ambitious packages of deep energy retrofit actions
- Projects comprising multiple project elements and/or technologies
- Projects that contribute to the development of the knowledge base of the supply chain – particularly with respect to improving its capacity to contract for energy efficiency projects and energy services

Projects that will deliver energy savings of at least €50,000 are encouraged. In this context, applications from facilities or groups of facilities that spend more than €250,000<sup>2</sup> per annum are more likely to be supported. Applications for projects below these thresholds are more likely to be considered for support if SEAI concludes that they are exceptional projects – when evaluated against the evaluation criteria set out in §2.9.

Applications are welcome from the private and public sectors.

### 2.3 Eligible costs

The direct external consultancy and/or specialist advisory costs incurred by the procuring organisation in undertaking the following tasks related to the initial appraisal and facilitation of the project are typically eligible:

- Undertaking of a project energy audit that satisfies SEAI’s minimum requirements (see §2.5.1).
- Initial baselining costs, including temporary metering (limited to a max of 20% of total eligible costs).

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<sup>2</sup> The energy spend thresholds set out in this document are applied in accordance with the scope of the proposed energy efficiency project, i.e. the spend thresholds apply to a single facility (or part thereof) if the scope of proposed project relates only to that facility (or part thereof). If the proposed project covers several facilities then the spend thresholds apply to the total relevant spend across all of the facilities.

- Other project facilitation tasks including: preparation of high-level, budget cost estimates and quantification of project payback; assessment of high-level project risks; specification of baseline data requirements; evaluation of high-level procurement options for the project.

## 2.4 Ineligible costs

The following costs are all ineligible for support through the grant for feasibility study & project energy audit:

- R&D aspects of projects
- Internal staff costs
- Material and equipment costs

**Note on VAT:** The VAT component of implementation is only deemed to be an eligible cost in circumstances where VAT is not reclaimable by the Applicant and appropriate certification from the Revenue Commissioners is available.

## 2.5 Eligibility criteria

Applications for grant for feasibility study & project energy audit will be accepted on the basis of satisfying the eligibility criteria outlined below, and on acceptance will be evaluated on the basis of the evaluation criteria set out in §2.9.

- The application must be submitted by the host organisation (where the project will be undertaken).
- The site(s) must be located in Ireland.
- In the case of private sector applications, the project should not be receipt of any other State Aid.
- The funding is subject to compliance with the 2013 regulation concerning *de Minimis* aid and any successor regulation as appropriate (see clause 17 of the general terms & conditions in §4).
- The Applicant must have established high-level objectives for the proposed energy project and have concluded that there is a business case that is worth exploring and further developing.
- The Applicant must have secured management support for further evaluation of the project.
- The project energy audit must be undertaken by an appropriately qualified individual or firm (see §2.5.1).
- Public sector organisations must follow the 5-stage project development process recommended by SEAI (see §1.2)<sup>3</sup>.
- Private sector organisations do not have to follow the 5-stage project development process recommended by SEAI (see §1.2). However, they must have robust arrangements in place for project development and must report on same to SEAI, if requested to do so.

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<sup>3</sup> While public bodies must follow the process, it is not necessary for them to complete all of the workbooks corresponding to the process. Equivalent documentation is sufficient in such instances, as indicated throughout this guidance document.

- The application must comply with the funding levels detailed in §2.6.
- The application must comply with the funding timeline detailed in §2.10.

### 2.5.1 Project energy audit – independence, scope & level of detail

The following requirements apply to project energy audits.

1. Project energy audits must be executed competently and to a high standard, in an impartial and objective manner.
2. In terms of scope of project energy audits:
  - a) SEAI recommends that the scope encompass the entire facility or facilities at which the project(s) is/are proposed.
  - b) The scope must be consistent with the criteria for project type, energy spend and energy savings specified in §2.2.
  - c) At the very least, energy audits in support of technology-specific projects must consider all interlinking energy uses and effects.
3. The project energy audits must be undertaken, at the relevant facility/facilities, in a manner that is consistent with the principles of the national Energy Auditing Scheme<sup>4</sup>.
4. Project energy audit reports must include, as a minimum, all of the information that would be expected in a report that meets the requirements of the national Energy Auditing Scheme, although the scope of the project audit may be more limited than that for an audit undertaken in compliance with SI 426 of 2014.
5. SEAI recommends that project energy audits be undertaken by independent individuals or firms that explicitly agree: (a) to act independently on behalf of procuring organisations; and (b) not to represent any ESCOs during subsequent stages of the project development process. However, SEAI acknowledges that in certain circumstances procuring organisations may prefer for an ESCO to undertake a project energy audit.
6. Applications for audits to be conducted by ESCOs will be accepted, but Applicants seeking grant support for such audits must:
  - a) Assure themselves that they fully understand and accept the limitations of the independence of such energy auditors.
  - b) Ensure that such audits are undertaken in a manner that is consistent with the requirements set out in 1 – 4 above.

Applicants may wish to engage additional, independent expert advice with respect to an ESCO-undertaken audit, including with respect to (b) above. The engagement of such advice is an eligible cost (see §2.3).

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<sup>4</sup> [www.seai.ie/Your\\_Business/Energy-Auditing-Scheme/](http://www.seai.ie/Your_Business/Energy-Auditing-Scheme/)

## 2.6 Funding levels

Successful Applicants will receive up to 50% funding of the itemised eligible costs, subject to a maximum limit of:

- €7,500 (€15,000 total costs) for a facility or facilities that spend(s) up to €1 million<sup>2</sup> on energy.
- €15,000 (€30,000 total costs) for a facility or facilities that spend(s) over €1 million<sup>2</sup> on energy.

Applications will be reviewed and the level of support determined based on a range of considerations, including the scale and complexity of the proposed project and the estimated energy savings.

Funding above the levels prescribed above may be considered where the output will demonstrably contribute to the development of an effective solution to a significant, widespread or national challenge that is currently hindering energy efficiency.

## 2.7 When to apply

The time to apply for a grant for feasibility study & project energy audit is after the Applicant has:

- Quantified the energy consumption for its facility (or facilities) and the energy saving objectives.
- Concluded that there is a need for an energy project to achieve these objectives.
- Secured the support of management to undertake further appraisal work.

## 2.8 How to apply

A complete application for comprises:

- A completed Application Form<sup>5</sup>, which is available from SEAI's Project Evaluation Platform<sup>6</sup> at <https://pep.seai.ie>;
- A valid Tax Clearance Certificate for the Applicant organisation, and for any other organisations participating in a 'grouped' project with the Applicant organisation and which will be beneficiaries of the grant.

The completed Application Form – along with all supporting documentation – must be submitted using the Project Evaluation Platform.

If approved, SEAI will issue a Letter of Offer to the procuring organisation and a signed Funding Agreement will be put in place between the organisation and SEAI.

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<sup>5</sup> This application form is entitled - *Feasibility Study & Project Energy Audit*

<sup>6</sup> Applicants must be registered users of the Project Evaluation Platform in order to access the Application Form; new user registration is a straightforward process that takes a few minutes.

## 2.9 Evaluation criteria

Applications will be reviewed and the level of support determined based on a range of considerations, including:

- Demonstrated commitment and capability to determine the technical and financial feasibility of the project(s), i.e. to complete the feasibility study and/& project energy audit.
- Quality, ambition and level of definition of the stated scope of the proposed energy saving project – in terms of breadth of technical elements and depth of retrofit.
- Magnitude of existing energy consumption/spend and the magnitude and credibility of the anticipated project energy savings.
- Commitment to completion of the supported work within 4 months of SEAI issuing the Letter of Offer.

SEAI reserves the right to decline to support projects that do not substantially contribute to the development of the knowledge base of the supply chain – particularly with respect to improving its capacity to contract for energy efficiency projects and energy services.

All of the above will be assessed through an evaluation of the completed Application and supporting documentation.

## 2.10 Funding timeline

Fully completed applications will be evaluated by SEAI within 4 weeks of application, whereupon successful projects will be issued with a Letter of Offer outlining the terms and conditions of the funding.

Payment will only be made with respect to projects for which the supported work is fully completed and for which all relevant documentation is submitted to SEAI **within 4 months of the issuance of the Letter of Offer** (see §2.12).

## 2.11 Appeals procedure

If an Applicant is unhappy with a decision made by SEAI, it may appeal it by writing to SEAI's Head of Finance and Corporate Services within 14 days of the date of the decision, providing documentation to support its appeal.

## 2.12 Payment procedure

The level of actual funding payment will be strictly proportional to receipted project costs agreed in advance with SEAI and paid by the Applicant to suppliers.

### 2.12.1 Key milestones / deliverables

Payment of the grant for feasibility study & project energy audit will be made on reaching agreed milestones, as follows (subject to the time limits set out in §2.10):

- Up to 100% of the approved grant upon satisfactory completion of a project energy audit report (that meets the requirements set out in see §2.5.1) and of the other supported feasibility work.

SEAI will assess the completeness and quality of the documents submitted upon achievement of these milestone(s) (see §2.12.2). Payment will only be made with respect to projects for which submitted documentation is deemed to be satisfactory by SEAI. If documentation is deemed to be unsatisfactory, the document(s) will be returned to the Applicant for rework and resubmission, upon which they will be re-evaluated by SEAI.

Payment will not be made with respect to any project for which documentation is deemed to be unsatisfactory following a resubmission.

### 2.12.2 Documentation required

Payment of a grant for feasibility study & project energy audit will be made upon satisfactory receipt of the following within three months of the issuance of the Letter of Offer:

- Fully completed 1-page form *Project Assistance Grant: Confirmation of Completed Work - Feasibility Study & Project energy Audit*. SEAI also reserves the right to request the following documentation from the Applicant, in support of the information set out in the above-referenced form:
  - Fully completed *Energy Performance Contracts Handbook Stage 2 Workbook*<sup>7</sup>, or equivalent evidence.
- Summary report of costs being claimed (available on request from SEAI Accounts Department).
- Completed payment request form (available on request from SEAI Accounts Department).
- Invoices documenting all relevant eligible costs.
- Proof of payment of the invoices – this must consist of a statement from a supplier confirming the invoice has been paid (invoice number, amount and date paid) and a copy of the grantee's bank statement showing the payment (copy of the cheque / EFT remittance is required if the bank statement does not include the supplier name).
- Valid Tax Clearance Certificate or certificates (where a Tax Clearance Certificate submitted with the application has expired).
- VAT status confirmation from Revenue Commissioners, where VAT is not recoverable.

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<sup>7</sup> [www.seai.ie/Your\\_Business/Energy-Contracting/Support-and-Guidance/Stage-2-Workbook-July-2014-docx.docx](http://www.seai.ie/Your_Business/Energy-Contracting/Support-and-Guidance/Stage-2-Workbook-July-2014-docx.docx)

### **2.13 SEAI review of project development process**

SEAI reserves the right to review the project development process being used by the Applicant for the project, as follows:

- For public sector organisations, SEAI may request evidence of the Applicant's implementation of the SEAI-recommended project development process (see §1.2). SEAI will review same and may provide feedback to the Applicant.
- For private sector organisations, SEAI may request details of the process being used by the Applicant, for review by SEAI.

SEAI may incorporate elements of such project development processes into guidance materials on good practice in this area.

Although the Applicant must cooperate with SEAI's requests with respect to the above, the payment of grant support is not contingent on the outcome of SEAI's reviews.

### 3 GRANTS FOR FINAL BUSINESS CASE & PROJECT DELIVERY SUPPORT

#### 3.1 Purpose

The purpose of this support is to help organisations to progress financially viable energy projects that incorporate pay-for-performance through to procurement.

This financial support is 'for brains not bricks', i.e. it for covering some of the costs incurred in progressing specific projects to procurement; it is not provided to offset the capital cost of such projects.

#### 3.2 Types of project

The focus of the grant for final business case and project delivery is to provide support for transactional costs associated with external specialist services and certain material and equipment costs incurred in progressing projects that have passed an initial appraisal (i.e. feasibility study and project energy audit complete) but for which final contracts have not been signed. The support is not limited to any specific project types or technologies per se, although they must incorporate pay-for-performance element. However, applications with respect to projects that seek to meet as many of the following criteria as possible are particularly encouraged:

- Projects involving ambitious packages of deep energy retrofit actions.
- Projects comprising multiple project elements and/or technologies.
- Projects that contribute to the development of the knowledge base of the supply chain – particularly with respect to improving its capacity to contract for energy efficiency projects and energy services.

Projects that will deliver energy savings of at least €50,000 are encouraged. In this context, applications from facilities or groups of facilities that spend more than €250,000<sup>2</sup> per annum are more likely to be supported. Applications for projects below these thresholds are more likely to be considered for support if SEAI concludes that they are exceptional projects – when evaluated against the evaluation criteria set out in §3.9.

Applications are welcome from the private and public sectors.

#### 3.3 Eligible costs

The direct external consultancy and/or specialist advisory costs incurred by the procuring organisation in undertaking the following tasks related to the detailed appraisal and procurement of project(s) incorporating pay-for-performance (in the form of energy performance guarantee, EPC or LESC) are typically eligible:

- Preparation of baseline data.
- Relevant specialist advisors, e.g. financial, legal, technical etc.
- Project facilitation costs.
- Material and equipment costs associated with developing the minimum requirements to complete the project baseline (limited to a max of 20% of total eligible costs). For example, additional metering and software costs to compliment an existing BMS are eligible, but not the cost of installing the BMS.

- EPC / LESC projects:
  - a. Preparation of the technical file and risk assessment.
  - b. Preparation of the Measurement and Verification (M&V) Plan.
- Energy performance guarantee projects: development of organisation-specific contractual arrangements, e.g. incorporation of performance guarantee into the project.

### 3.4 Ineligible costs

The following costs are all ineligible for support through the grant for final business case & project delivery support:

- R&D aspects of energy-efficiency projects.
- Internal staff costs.
- Costs associated with the concept design and specification for an EPC, which is done as part of the investment grade audit (IGA) undertaken by the ESCO.
- Any work undertaken prior to, or as part of initial project appraisal, e.g. feasibility study, project energy audit, etc.

Some of the above may be eligible for other support elements – see §1.4.

**Note on VAT:** The VAT component of implementation is only deemed to be an eligible cost in circumstances where VAT is not reclaimable by the Applicant and appropriate certification from the Revenue Commissioners is available.

### 3.5 Eligibility criteria

Applications for grants for final business case and project delivery support will be accepted on the basis of satisfying the eligibility criteria outlined below, and on acceptance will be evaluated on the basis of the evaluation criteria set out in §3.9.

- The application must be submitted by the host organisation (where the project will be undertaken).
- The site(s) must be located in Ireland.
- In the case of private sector applications, the project should not be receipt of any other State Aid.
- The funding is subject to compliance with the 2013 regulation concerning *de minimus* aid and any successor regulation as appropriate (see clause 17 of the general terms & conditions in §4).
- The project must have completed an initial project appraisal (i.e. feasibility study and project energy audit) and the application must be accompanied by a declaration that the project is now at a stage where it is ready to progress activities that will incur eligible cost(s), as set out in §3.3.
- The Applicant must commit to implementing a comprehensive EPC or LESC, or to incorporating an energy performance guarantee element in its project (see §1.3).

- Public sector organisations must follow the 5-stage project development process recommended by SEAI (see §1.2)<sup>8</sup>.
- Private sector organisations do not have to follow the 5-stage project development process recommended by SEAI (see §1.2). However, they must have robust arrangements in place for project development and must report on same to SEAI, if requested to do so.
- The application must comply with the funding levels detailed in §3.6.
- The application must comply with the funding timeline detailed in §3.10.

### 3.6 Funding levels

Successful Applicants will receive up to 75% funding of the itemised eligible costs, subject to a maximum limit of:

- €37,500 (€50,000 total costs) for EPC/LESC.
- €15,000 (€20,000 total costs) for energy performance guarantee.

Applications will be reviewed and the level of support determined based on a range of considerations, including the scale and complexity of the proposed project and the estimated energy savings.

Funding above these levels may be considered where the output will demonstrably contribute to the development of an effective solution to a significant, widespread or national challenge that is currently hindering energy efficiency.

### 3.7 When to apply

The time to apply for a grant for final business case & project delivery support is after the Applicant has:

- Completed an initial project appraisal, including a project energy audit, and concluded that the project is worthy of more detailed appraisal.
- Decided on an approach to contracting for the proposed project based on one of energy performance guarantee, EPC or LESC.
- Secured the support of senior management to procure external expertise to support the development of the final business case project delivery through to procurement.

### 3.8 How to apply

A complete application for a grant for final business case and project delivery support comprises:

- A completed Application Form<sup>9</sup>, which is available from SEAI's Project Evaluation Platform<sup>10</sup> at <https://pep.seai.ie>;

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<sup>8</sup> While public bodies must follow the process, it is not necessary for them to complete all of the workbooks corresponding to the process. Equivalent documentation is sufficient in such instances, as indicated throughout this guidance document.

<sup>9</sup> This application form is entitled– *Final Business Case & Project Delivery Support*

- Document(s) summarising the initial business case (feasibility study)<sup>11</sup> and declaring that the project is at a stage where it is ready to progress activities that will incur eligible cost(s), as set out in §3.3. This declaration must be signed by a senior manager.
- A valid Tax Clearance Certificate for the Applicant organisation, and for any other organisations participating in a 'grouped' project with the Applicant organisation and which will be beneficiaries of the grant.

The completed Application Form – along with all supporting documentation – must be submitted using the Project Evaluation Platform.

If approved, SEAI will issue a Letter of Offer to the procuring organisation and a signed Funding Agreement will be put in place between the organisation and SEAI.

### 3.9 Evaluation criteria

Applications will be reviewed and the level of support determined based on a range of considerations, including:

- Demonstrated commitment and capability to progressing the project, incorporating pay-for-performance, through to completion of procurement.
- Quality & credibility of project plan & timescale through to completion.
- Quality, ambition and level of definition of the scope, objectives and technical elements of the proposed energy saving project – in terms of breadth and depth (of retrofit) of project.
- Magnitude of existing energy consumption/spend, scale of the proposed capital investment and magnitude and credibility of anticipated project energy savings.
- Commitment to commencing procurement within 4 months of SEAI issuing the Letter of Offer.
- Commitment to awarding a contract for the project within 9 months of SEAI issuing the Letter of Offer.

SEAI reserves the right to decline to support projects that do not substantially contribute to the development of the knowledge base of the supply chain – particularly with respect to improving its capacity to contract for energy efficiency projects and energy services.

All of the above will be assessed through an evaluation of the completed application and supporting documentation.

### 3.10 Funding timeline

Fully completed applications will be evaluated by SEAI within 4 weeks of application, whereupon successful projects will be issued with a Letter of Offer outlining the terms and conditions of the funding.

Payment will only be made with respect to projects for which:

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<sup>10</sup> Applicants must be registered users of the Project Evaluation Platform in order to access the Application Form; new user registration is a straight forward process that takes a few minutes.

<sup>11</sup> Such document(s) should be consistent with the principles set out in SEAI's Stage 1 and Stage 2 Workbooks, which are available from [www.seai.ie/Your\\_Business/National\\_Energy\\_Services\\_Framework/EPC\\_Handbook/](http://www.seai.ie/Your_Business/National_Energy_Services_Framework/EPC_Handbook/).

- The supported pre-procurement work is fully completed and an Invitation to Tender has been issued within 4 months of SEAI issuing the Letter of Offer.
- The supported work during the procurement phase is fully completed within 9 months of SEAI issuing the Letter of Offer.

### 3.11 Appeals procedure

If an Applicant is unhappy with a decision made by SEAI, it may appeal it by writing to SEAI's Head of Finance and Corporate Services within 14 days of the date of the decision, providing documentation to support its appeal.

### 3.12 Payment procedure

The level of actual funding payment will be strictly proportional to receipted project costs agreed in advance with SEAI and paid by the Applicant to suppliers.

#### 3.12.1 Key milestones / deliverables

Payment of the grant for final business case and project delivery support will be made on reaching agreed milestones, as follows (subject to the time limits set out in §3.10):

- Up to 70%-100% of the approved grant – upon completion of the pre-procurement detailed appraisal work and issuance of the Invitation to Tender.
- Up to 30% of the balance of the approved grant may be conditional upon award of contract.

For private sector organisations that are not undergoing a tendering process, a letter confirming the equivalent milestones is required.

SEAI will assess the completeness and quality of the documents submitted upon achievement of these milestone(s) (see §3.12.2). Payment will only be made with respect to projects for which submitted documentation is deemed to be satisfactory by SEAI.

#### 3.12.2 Documentation required

Payment of grant for final business case and project delivery support will be made upon satisfactory receipt of the following:

- Fully completed 1-page form *Project Assistance: Confirmation of Completed Work - Final Business Case & Project Delivery Support*. SEAI also reserves the right to request the following documentation from the Applicant, in support of the information set out in the above-referenced form:
  - Documentation of the pre-procurement detailed appraisal work, in a manner that is consistent with the approach set out in the *Energy Performance Contracts Handbook Stage 3 Workbook*<sup>12</sup>.

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<sup>12</sup> [www.seai.ie/Your\\_Business/Energy-Contracting/Support-and-Guidance/Stage-3-Workbook.docx](http://www.seai.ie/Your_Business/Energy-Contracting/Support-and-Guidance/Stage-3-Workbook.docx)

- Documentation of the project procurement phase, in a manner that is consistent with the approach set out in the *Energy Performance Contracts Handbook Stage 4 Workbook*<sup>13</sup>.
- Summary report of costs being claimed (available on request from SEAI Accounts Department).
- Completed payment request form (available on request from SEAI Accounts Department).
- Final claim must include a copy of the final agreed Client/ESCO contract, or of the final draft documentation (if appropriate).
- Invoices documenting all relevant eligible costs.
- Proof of payment of the invoices – this must consist of a statement from a supplier confirming the invoice has been paid (invoice number, amount and date paid) and a copy of the grantee’s bank statement showing the payment (copy of the cheque / EFT remittance is required if the bank statement does not include the supplier name).
- Valid Tax Clearance Certificate or certificates (where a Tax Clearance Certificate submitted with the application has expired).
- VAT status confirmation from Revenue Commissioners, where VAT is not recoverable.

### 3.13 SEAI review of project development process

SEAI reserves the right to review the project development process being used by the Applicant for the project, as follows:

- For public sector organisations, SEAI may request evidence of the Applicant’s implementation of the SEAI-recommended project development process (see §1.2). SEAI will review same and may provide feedback to the Applicant.
- For private sector organisations, SEAI may request details of the process being used by the Applicant, for review by SEAI.

SEAI may incorporate elements of such project development processes into guidance materials on good practice in this area.

Although the Applicant must cooperate with SEAI’s requests with respect to the above, the payment of grant support is not contingent on the outcome of SEAI’s reviews.

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<sup>13</sup> [www.seai.ie/Your\\_Business/Energy-Contracting/Support-and-Guidance/Stage-4-Workbook.docx](http://www.seai.ie/Your_Business/Energy-Contracting/Support-and-Guidance/Stage-4-Workbook.docx)

#### 4 GENERAL TERMS & CONDITIONS<sup>14</sup>

1. The *Guide to Project Assistance Grants* (including the Terms and Conditions) and the Application Forms are those published on the SEAI website on the date of submitting the application. However, SEAI may, if required by law or otherwise and without incurring any liability, vary, revise or supplement the Terms and Conditions of the Project Assistance after the Applicant's submission of an application, and these revised or supplemented Terms and Conditions (as published on the SEAI website) will apply to the application unless the Applicant chooses to withdraw his/her application or withdraw from the Project Assistance Agreement. The Applicant must monitor SEAI's website in order to learn of any such changes to the Terms and Conditions.
2. The Applicant's agreement with SEAI in the event of a Project Assistance Offer being accepted will comprise the Project Assistance Agreement, Terms and Conditions of the Project Assistance, the Application Handbook (including its Appendices), and the rest of the Application Form. The Applicant, having accepted the Project Assistance Offer and communicated his/her acceptance of it to SEAI, shall comply with and agree to be bound by the provisions of these documents. In the event of any conflict arising between these documents the order of precedence shall be:
  - a) The Project Assistance Agreement
  - b) The Terms and Conditions of the Project Assistance
  - c) The rest of the Application Guide less the Terms and Conditions of the Project Assistance
  - d) The rest of the Application Guide and Form less the Terms and Conditions of the Project Assistance
3. The Applicant must ensure that he/she completes and submits, to the extent applicable, the latest version of the Application Form (see [www.seai.ie](http://www.seai.ie) for the latest version).
4. The project, in respect of which the Project Assistance application is made, must be located in Ireland.
5. The Project Assistance Offer only becomes valid upon receipt by SEAI from the Applicant of the signed Project Assistance Agreement.
6. The Applicant must ensure Project Assistance approval is received before proceeding with any order or product purchase or commencing works/services. No payments will be made retrospectively for costs incurred prior to approval being provided.
7. The Project Assistance, once approved, is only payable in respect of the project(s) identified in the Application Form and referenced in the Project Assistance Agreement.
8. The Applicant must ensure that compliance is achieved with the relevant principles of Irish and EC law regarding the spending of this funding and, where applicable, the laws and relevant guidelines concerning State Aid and public procurement.
9. The timing of payment to approved Applicants is subject to the funding allocated by government to the Project Assistance in a particular calendar year, in accordance with public financial procedures. Where all other conditions are met, payment will be made on a 'first come, first served' basis. Where funding is exhausted in a particular calendar year, payment to remaining Applicants will be deferred until further funds become available. Deferred payments will receive priority, if and when those funds become available.
10. The Applicant must grant full access to SEAI and its agents, authorised officers or SEAI inspectors to inspect and review the project within seven days of request for access, save in exceptional

circumstances demonstrated to the satisfaction of SEAI. Failure to satisfy this full access requirement will be considered a breach of these Terms and Conditions (see Clause 12 below).

11. SEAI accepts no liability or responsibility, whether for breach of contract, negligence or otherwise, in respect of any direct or indirect loss, expense, dispute, claim, proceedings or cause of action arising out of, or in relation to, any product (or its suitability), any materials (or their suitability), equipment (or its suitability), work, system, service, specification, standard, installation in respect of which a Project Assistance Offer has issued, or Project Assistance approval or payment was given by SEAI. No undertaking, guarantee, assurance or other warranty, express or implied, is given by SEAI, or any of its agents or servants, in respect of the cost, quality, efficiency and/or benefit of any work, equipment, materials, product, service or installation provided under the Project Assistance.
12. In the event of any breach of these Terms and Conditions of the Project Assistance or the other documents referred to in Clause 2 above by the Applicant and where the Applicant has received payment pursuant to the Project Assistance, SEAI shall, amongst its remedies against the Applicant, be entitled to demand the complete repayment of and fully claw back the Project Assistance payment, and the Applicant agrees to comply with any such demand within one month of the date of the letter from SEAI containing such demand.
13. The Applicant shall follow the SEAI complaints procedure in relation to any disputes between the Applicant and SEAI concerning any matter in connection with the Project Assistance.
14. Any false, fictitious or fraudulent statements or claims knowingly made on Project Assistance applications, or supporting documentation, submitted in respect of previous Project Assistance applications / requests for payment or otherwise made to SEAI, its authorised officers, or an SEAI Inspector, or any breach of these Terms and Conditions of the Project Assistance may result in current and future applications being deemed ineligible by SEAI. In respect of applications where the Applicant has already received payment pursuant to the Project Assistance, Clause 12 shall also apply.
15. SEAI undertakes to use its best endeavours to hold confidential any information provided by the Applicant subject to its obligations under law, including the Freedom of Information Act 1997 (as amended). Should the Applicant wish that any of the information supplied by him/her should not be disclosed because of its sensitivity, he/she should, when providing the information, identify the same and specify the reasons for its sensitivity. SEAI will consult with the Applicant about such information before making a decision on any Freedom of Information request received.
16. Any personal information which an Applicant volunteers to SEAI will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts, 1988 & 2003. SEAI, as data controller, and its agents will store such information on its database and fully respect the confidentiality of the data provided. The information provided by Applicants will be used for evaluation purposes and to facilitate the administration of the Project Assistance process. This may require that data be supplied to and discussed, in confidence, with any person or organisation appointed by SEAI to assist in assessing or monitoring this application. These persons will be subject to the same requirements for protection of confidentiality. The Applicant's signature on the Application Form is treated as confirmation that SEAI and its agents may use the information thus supplied for the aforementioned purposes.
17. Please note that in the case of commercial private and public sector Applicants this funding for Project Assistance Grant is classed as '*De Minimis aid*' in accordance with Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty (the '2013 Regulation') on the Functioning of the European Union to De Minimis Aid. De Minimis aid is small amounts of aid given to an enterprise, which cannot exceed €200,000 over any three fiscal years, to any company irrespective of size and location and

irrespective of the form of the aid or the objective pursued. De Minimis aid can come from any State body, agency or department even when financed entirely or partly by the European Union. If a company is part of a group, then the €200,000 limit applies to the group.

The funding is made on the understanding that the Project Assistance Grant combined with any other De Minimis aid received by you in the last three years does not exceed the ceiling of €200,000 for all De Minimis aid. A declaration must accompany your application describing any other De Minimis aid received by the Applicant over the past three years. If you are unsure if you have previously received any De Minimis funding, you should check the letter you received when the funding was awarded as all funding bodies are required to highlight when De Minimis aid is provided.

18. An Applicant is under no direct or indirect obligation to undertake and/or complete its project. Rather, it is up to an Applicant whether or not it wishes to undertake and complete its project.
19. An Applicant must notify SEAI immediately if it decides not to undertake and/or complete its project. If a successful Applicant decides not to undertake and/or complete its project, SEAI will not pay it the grant and instead may (but is not obliged to) allocate some or all of the funds provisionally allocated to that Applicant to a different Applicant.
20. The parties are of the view that there is no supply of goods or services between them and therefore there is no VAT chargeable to SEAI by the grantee in relation to the payment of the grant. In the event that the Revenue Commissioners determine that, in their view, VAT is chargeable then the grant payment shall be regarded as inclusive of any VAT charge.

## **5 IMPORTANT NOTICE**

The grant payment is subject to any clearances required by the Commission of the European Union and any consents, clearances or licences which might be required from any other competent body. SEAI reserves the right to alter or amend any aspect of this Project Assistance as a consequence of any directions, conditions or requirements of any such consents, clearances or licences.

## 6 USEFUL CONTACTS & FURTHER INFORMATION

The Grants Administrator is:

Ms. Áine Macken

Sustainable Energy Authority of Ireland, Wilton Park House, Wilton Place, Dublin 2

Phone: 01 808 2039

Fax: 01 808 2013

Email: [aine.macken@seai.ie](mailto:aine.macken@seai.ie)

Other SEAI contacts for sectoral advice and support are listed in Table 2.

**Table 2: SEAI contacts for sectoral advice & support**

	Public Sector	Private Sector	Energy Service Companies (ESCOs)
<b>Contact</b>	Mr. Richard Morton	Mr. Ivan Sproule	Mr. Alan Ryan
<b>Email</b>	<a href="mailto:richard.morton@seai.ie">richard.morton@seai.ie</a>	<a href="mailto:ivan.sproule@seai.ie">ivan.sproule@seai.ie</a>	<a href="mailto:alan.ryan@seai.ie">alan.ryan@seai.ie</a>
<b>Phone</b>	01 808 2082	071 915 9730	01 808 2027

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