

*emPower Central Coast
Contractor Participation Agreement
Updated 3/3/15*

INTRODUCTION

The emPower Central Coast program (hereinafter “Program”) was developed by the County of Santa Barbara (“County”) and is now also offered in partnership with the Counties of San Luis Obispo and Ventura. The program is designed to help make home energy upgrades easy and more affordable for homeowners throughout the region. emPower’s goals are to help homeowners save energy; make participating homes more comfortable and healthy; create local jobs and enhance property values. The County is collaborating with two third party lenders, CoastHills Credit Union and Ventura County Credit Union, to provide financing for energy saving improvements that are eligible for incentives provided by certain programs administered by Southern California Gas Company, Southern California Edison and Pacific Gas and Electric Company as well as eligible solar installations. The parties intend this Agreement to govern the provision of any labor, materials, or services of any kind furnished or performed by Contractor for work commenced on all projects financed through emPower (“Financed Project”). Contractor agrees to be bound to the terms of this Agreement in all work that is financed through the Program.

ARTICLE I

This Agreement sets out the terms and conditions under which Contractor agrees to be subject to in order to participate in the Program. Under this Agreement, Contractor agrees to meet Program requirements and industry standards in performing all work that is financed through the Program and, to ensure adherence to high standards of quality for work performed and to ensure that the stated goals for each project that is financed through emPower Home Upgrade Loans provided by CoastHills Credit Union and Ventura County Credit Union (“Financed Project”) for energy savings are achieved.

As a condition of participating in the Program, the Contractor agrees to provide or do all of the following:

1. Eligible Residences. Contractor certifies that it shall only perform Financed Project work on detached, single-family residences that are located within Santa Barbara County, Ventura County or San Luis Obispo County.
2. Historic Preservation. Contractor certifies that all work it performs on Financed Projects shall meet the requirements of Attachment A attached hereto entitled Exempt Undertakings –Undertakings Not Requiring Review by SHPO.
3. Eligible Projects. Contractor hereby certifies all proposed Financed Projects submitted in its bid contract, scope of work and final invoices for the Program have been verified by the appropriate authority in both pre- and post- retrofit work. Contractor certifies he or she will perform the work as appropriate authority in the bid contract, scope of work, and final invoices. Eligible projects include:
 - i. Projects enrolled in the Energy Upgrade California (EUC) Home Upgrade or Advanced Home Upgrade incentive program administered by Southern California Gas Company, Southern California Edison and/or Pacific Gas and Electric Company.
 - ii. Projects enrolled in California Solar Initiative (CSI) Thermal Water Heating incentive program administered by Southern California Gas Company, Southern California Edison and/or Pacific Gas and Electric Company.
 - iii. Solar photovoltaic projects only if performed in conjunction with an EUC or CSI Thermal Water Heating incentive program

- iv. Other energy efficiency measures as deemed eligible and approved by emPower, which may change from time to time.
4. Equal Opportunity. emPower is an equal opportunity program facilitator. Contractors and subcontractors shall not discriminate against any employees or potential employees, subcontractors or vendors based upon gender, age, race, religion, or sexual orientation or handicap status.
5. Status with County Program. Contractors must be listed in good standing on Program's list of approved contractors when it solicits and enters into contracts for Financed Projects.
6. Status with Utility Program. Contractors must be listed in good standing on the corresponding Investor Owned Utility program's (EUC, CSI etc.,) list of approved contractors, as applicable, when it solicits and enters into contracts for Financed Projects.
7. Licenses and Compliance with Applicable Regulations. Contractors must hold and maintain all relevant and applicable licenses as required by federal, state, county, or municipal governments or any other agencies for work in the trades it undertakes through this Program, including, but not limited to compliance with all waste stream management requirements and U.S. Environmental Protection Agency (EPA) requirements on lead-based paint. Compliance must be in accordance with local landfill practices: packing materials, electronic devices, construction waste, mandatory recyclables, hazardous waste, batteries, fluorescent tubes, and large metal items.
8. Warranty. Contractors shall be responsible for all warranty service work on projects that they install to the extent required under California Law as described by the Contractor State License Board, and shall provide homeowners a written description of warranty periods and covered repairs or remedies. Equipment installed shall carry manufacturer's warranty and shall include such terms in its agreements with homeowners.
9. Field Inspections. Contractor shall allow random field inspections by the County or its subcontractors of all work that has been performed under the Program and shall require such inspections be allowed in its agreements with homeowners. Contractor recognizes the County reserves the right to have at least 5% of all jobs performed by the Contractor under the Program to be inspected in this manner. Contractor, upon request of the County and at no additional cost to the customer, shall make reasonable repairs or corrections to work that the Contractor has performed to bring such work up to the required standards.
10. Terms of Conduct. Contractor agrees to abide by the following terms of conduct in relationship to participating homeowners:
 - i. Performance. Contractor shall treat Program customers fairly and attempt in good faith to deliver promised services in a timely and responsible manner. Financed Projects are expected to be completed within 60 days of the homeowners' loan preapproval, unless other arrangements have been agreed to with the homeowner. Failure to complete Financed Projects in a timely manner may result in the expiration of a homeowner's loan qualification. If services are not completed in a timely manner, the County reserves the right within reason to suspend or remove the Contractor from the Program.
 - ii. Confidentiality. The Contractor recognizes that customer personal data and utility usage information shared with the Contractor must be treated as confidential and not disclosed to any party other than the

County, subject to applicable laws. The requirement for confidential treatment of customer information shall survive the termination of this Agreement.

iii. Representation. Contractor shall properly represent the relationship of the Contractor to the County and emPower. The Contractor is an independent contractor and a Participating Contractor in the County's emPower program. Participating contractors and their employees shall not represent themselves as employees of or as certified by the County or emPower. The County prequalifies Contractors to participate in its programs, but does not provide certification.

11. Indemnification. Contractor agrees to indemnify, defend, and hold harmless the County and its authorized officers, employees, agents, and volunteers from any and all claims, actions, losses, damages, and/or liability arising from work in the Program, arising out of this Agreement from any cause whatsoever, including, but not limited to any claim or suit resulting from or related to mildew, fungus, moisture intrusion, or mold of every type and nature. This indemnification provision shall survive any expiration or termination of this Agreement.
12. Insurance. Contractor agrees to procure and maintain for the duration of the contract/job insurance against claims for injuries to person or damages to property which may arise from or in connection with the performance of the work hereunder and the results of the work by the Contractor, its agents, representatives, employees or subcontractors. The minimum limit of insurance shall be at least as broad as: 1. Commercial General Liability coverage with limits no less than \$1,000,000 per occurrence. 2. Automobile Liability with limits no less than \$1,000,000 per accident for bodily injury and property damage. 3 Workers' Compensation Liability as required by the State of California, with Statutory Limits and Employers Liability Insurance with limits of no less than \$1,000,000 per accident for bodily injury or disease. If the contractor maintains higher limits than the minimums shown above, the County requires and shall be entitled to coverage for the higher limits maintained by the Contractor.
13. Waiver of Subrogation Rights. Contractor shall require the carriers of required coverages to waive all rights of subrogation against County, its officers, employees, agents, volunteers, contractors, and subcontractors. All general or auto liability insurance coverage provided shall not prohibit Contractor and Contractor's employees or agents from waiving the right of subrogation prior to a loss or claim. Contractor hereby waives all rights of subrogation against County.
14. Suspension or Termination. Contractors shall conduct themselves in a professional manner at all times. Any one of the following actions by Contractor, its subcontractors, employees or agents may result in a Contractor or their business being removed from the County's list of approved contractors:
 - a. smoking in or on a client's property,
 - b. illicit drug use,
 - c. drinking alcohol on the job,
 - d. fraudulent or misleading activities or abuse of the Program,
 - e. findings of violations and/or suspension or other probationary action by the EUC program.
 - f. Failure to complete lead generation reporting procedures per Section 15.

Contractor acknowledges that failure to follow Program requirements and procedures, including processing of required documents and reporting and compliance with this Agreement may result in suspension or removal from this Program.

15. Lead Generation Reporting. Contractors agree to attend a quarterly check in with emPower staff to review leads and projects, and to submit a complete monthly report (see sample provided in Contractor Guide) on completed assessments and projects resulting from emPower lead generating activities. With prior approval, program staff may accept reports with equivalent information in another format. Monthly reports are due on the 15th of the following month. For all completed projects, a copy of the final paid invoice or EUC/CSI rebate completion confirmation letter must be submitted to qualify for Retrofit Rewards marketing incentives. Contractors must submit copy of leads generated (sign in sheet) to program staff within 48 hours of attending an emPower sponsored event.

15. Required Documentation. Contractors must submit at least the following documentation to the participating homeowner in order to meet loan requirements at two stages. For more detailed information, see the emPower Contractor Guide.

a. Prior to loan application submission:

i. Bid contract/scope of work

ii. Corresponding verification of eligibility from emPower or the applicable utility program. Only measures submitted to and deemed eligible by emPower or the applicable utility program may be proposed for emPower financing.

b. Prior to the loan closing:

i. Final invoice

ii. Corresponding final approval letters from emPower or the applicable utility program.

iii. Certificate of Completion executed by both the contractor who provided all or part of the services defined in the signed bid contract, and the homeowner(s) to sign off that work was completed to satisfaction. Contractor must attach to the Certificate of Completion a copy of the Contractor Report on Project, which must also be submitted to the County, to provide evidence of project installation and energy savings.

APPLICANT CERTIFICATION

I agree to the terms set forth above.

CONTRACTOR

Name

Address

City, State, Zip

License Number: _____

Dated: _____

By: _____

Its: _____

Dated: _____

By: _____

Its: _____

ATTACHMENT A

EXEMPT UNDERTAKINGS – UNDERTAKINGS NOT REQUIRING REVIEW BY SHPO

- A. ***Properties Less than Forty Five Years Old.*** Undertakings affecting only properties less than forty five (45) years old at the time the work takes place; provided it has not been determined to be eligible under National Register Criterion Consideration G for exceptional significance (36 CFR 60.4).
- B. ***Undertakings for Planning, Training and Educational Purposes***
1. Undertakings to fund regional workforce development programs focused on occupations in energy efficiency, water efficiency, renewable energy (distributed generation and utility-scale), and alternative and renewable transportation technologies.
 2. Undertakings to support existing clean energy job training for new hires and retraining programs for incumbent workers.
 3. Undertakings to fund energy efficiency, water efficiency, and renewable energy training for incumbent and new workers to add new skills to their professional toolbox.
 4. Undertakings to support state planning and energy assurance capabilities by improving state emergency preparedness plans and ensure quick recovery and restoration from any energy supply disruptions.
 5. Undertakings to fund training for energy infrastructure and supply systems, and conduct and participate in state and regional energy and emergency exercises.
 6. Undertakings to conduct residential and commercial building energy audits or assessments.
 7. Undertakings for the design and operation of programs to educate the public, identify the most effective methods for achieving the maximum participation and efficiency rates, establish measurement and verification protocols, and identify energy efficient technologies for possible implementation.
 8. Undertakings to develop and implement programs to conserve energy used in the transportation sector, including the use of flex time by employers, use of satellite work centers, development and promotion of zoning guidelines or requirements that promote energy efficient development, and synchronization of traffic signals.
 9. Undertakings to develop and implement building codes and inspection services, and associated training and enforcement of such codes in order to support code compliance and promote building energy efficiency.
- C. ***Building Interiors***

General Interior Work:

1. Undertakings limited to the interior spaces of properties not listed in the National Register where the work will not be visible from the exterior of the building.
2. Repairing or upgrading electrical or plumbing systems, installing fire, smoke or carbon dioxide detectors and alarms, and installing mechanical equipment, in a manner that does not affect the exterior of the building.
3. Conducting weatherization or energy conservation activities such as air sealing and insulating walls, ceilings, floors, attics, roofs, crawl spaces, ducts and foundations, provided repairs are made by a qualified contractor using current best practices.
 - a. Wall insulation – in terms of materials, blown in cellulose insulation, treated with fire-retardant salts is permitted. Spray foams should only be used in discrete locations for air-sealing and never for filling cavity walls. Urethane foams are not to be used. For moisture laden conditions and moisture vapor, more research should be conducted before in-wall insulation is used, refer to www.ohp.parks.ca.gov (go to sustainability).
4. Undertakings to replace existing residential appliances with new California-qualified residential ENERGY STAR® appliances, where the new appliances must replace appliances of the same type (AC for AC, clothes washer for clothes washer, etc.) and the replaced appliance must be properly recycled.
5. Undertakings to replace lighting in buildings with energy efficient technologies, where only the lighting equipment is replaced and there are no ground disturbances.
6. Undertakings to replace existing heating, ventilation, and air conditioning equipment, electric motors, lighting, and lighting controls with more energy efficiency equipment, where only the equipment is replaced and there are no changes to the building or structure or ground disturbance.
7. Undertakings to install dual technology occupancy sensors to control lighting for intermittently occupied spaces.
8. Undertakings to install variable frequency drives (VFDs) for electric motors, fans, and pumps.
9. Undertakings to install vending machine controls to conserve energy.
10. Undertakings to install programmable thermostats or integrated landscaping control systems to conserve energy.
11. Undertakings to install sensors and equipment controls for purposes of increasing energy efficiency.
12. Lead based paint abatement in accordance with the Standards and Preservation Brief #37.

Energy Efficiency Work with the Building Shell:

Special Note: Any work involving ground-disturbing activities requires SHPO review.

1. Performing plumbing work, including installation of water heaters, water heater tank and pipe insulation, and energy and water efficient distribution systems and controls.
2. Performing electrical work, including improving lamp efficiency, installing task/ambient lighting systems, installing lighting controls, and installing whole house fans and ceiling fans.
3. Sealing air leaks using weather stripping, doors sweeps, and caulk, and testing for and sealing of major air leaks within the building envelope and air delivery system.
4. Repair or replace water heaters, hot water distribution systems and controls.
5. Adding adjustable speed capability, such as on HVAC system distribution fans, cooling tower fans, and pumps.
6. Install insulation on water heater tanks and water distribution pipes and refrigerant lines.
7. Install solar water heating systems, provided the structure is not visible from the public right-of-way.
8. Install waste heat recovery devices, including desuperheater water heaters, condensing heat exchangers, heat pump and water heating heat recovery systems, and other energy recovery equipment.
9. Repair or replace electric motors and motor controls, such as variable speed drives.
10. Incorporate other lighting technologies, such as dimmable ballasts, day lighting controls, and occupant controlled dimming.
11. Lead based paint abatement in accordance with the Standards and Preservation Brief #37.
12. Building cleaning in accordance with the Standards and Preservation Briefs #1, #6, and #10.

Work on Heating and Cooling Systems:

Special Note: Any work involving ground-disturbing activities requires SHPO review.

1. Clean, tune, repair or replace heating systems, including furnaces, boilers, heat pumps, vented space heaters, and wood stoves.
2. Clean, tune, repair or replace cooling systems, including central air conditioners, window air conditioners, heat pumps, and evaporative coolers, and system components, to save energy and water.
3. Install insulation on ducts, heating system distribution pipes and air conditioner refrigerant lines.
4. Conduct other efficiency improvements on heating and cooling systems, including replacing standing pilot lights with electronic ignition devices and installing vent dampers, correcting improper refrigerant charge, and correcting improper airflow.

5. Modify duct and pipe systems so heating and cooling systems operate efficiently and effectively, including adding return ducts, replacing diffusers and registers, replacing air filters, installing thermostatic radiator controls on steam and hot water heating systems; provided interior of historic structures is not affected.
6. Install programmable thermostats, outdoor reset controls, UL listed energy management systems or building automation systems and other HVAC control systems.
7. Repairing or upgrading electrical or plumbing systems and installing mechanical equipment, in a manner that does not permanently change the appearance of the interior or exterior of the building.

Energy Efficiency Work Affecting the Electric Base Load of the Property:

1. Convert incandescent lighting to fluorescent or other high efficacy light source.
2. Add reflectors, LED exit signs, efficient HID fixtures, daylighting, occupancy (motion) sensors and other lighting controls that reduce lighting energy use.
3. Replace refrigerators and other appliances, replace or install controls or make other efficiency improvements to commercial refrigeration systems and to other equipment installed in nonresidential buildings.

Health and safety measures:

1. Installing fire, smoke or carbon dioxide detectors/alarms.
2. Repair or replace vent systems on fossil-fuel-fired heating systems and water heaters to ensure that combustion gasses draft safely to outside, including combustion safety testing.
3. Install mechanical ventilation, in a manner not visible from the public right-of-way, to ensure adequate indoor air quality.

D. Roofing

1. Repairing or replacing roofing with materials that closely match the historic materials and form, or with materials that restore the original feature based on historic evidence, and in a manner that does not alter the roofline.
2. Installing continuous ridge vents covered with ridge shingles or boards, or roof jacks/vents, bath and kitchen fan vents, gable vents, soffit and frieze board vents, and combustion appliance flues, if not located on a primary roof elevation or visible from the public right-of-way.
3. Installing reflective roof coating in a manner that closely resembles the historic materials and form, or with materials that restore the original feature based on historic evidence, and in a manner that does not alter the roofline, or where not on a primary roof elevation or visible from the public right-of-way.

4. Installation or replacement of downspout extensions, provided that the color of the extensions is historically appropriate for the period and style of the property.
5. Installing integrated shingle style or thin film solar systems on the rear roof of the structure, behind the parapet or not visible from the public right-of-way.
6. Repair of minor roof and wall leaks prior to insulating attics or walls, provided repairs closely resemble existing surface composite.

E. Exterior painting

1. Painting exterior surfaces unless the property is subject to review by SHPO under PRC 5024 and 5024.5 or by local landmark ordinance provisions, provided destructive surface preparation treatments, including, but not limited to, water-blasting, sandblasting and chemical removal, are not used.
2. Conducting Lead-based Paint Abatement of "Management in Place" activities carried out by a qualified contractor using current best practices and methods that are consistent with the preservation techniques in *Preservation Brief #37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*.

F. Masonry

1. Power-washing exterior masonry performed by a qualified contractor at no more than 300 psi with mild detergent, using current best practices and methods that are consistent with the preservation techniques in *Preservation Brief #1: The Cleaning and Waterproof Coating of Masonry Buildings*.
2. Repairing masonry, including repointing, and rebuilding chimneys if the joints are done by hand and the mortar matches the original composition and color, and installing chimney flue liners, provided repairs are made by a qualified contractor using current best practices and methods that are consistent with the preservation techniques in *Preservation Brief #2: Repointing Mortar Joints in Historic Brick Buildings*.

G. Windows and Doors

1. Repairing or replacing caulking, weather-stripping, and other air infiltration control measures on windows and doors, and installing thresholds, in a manner that does not harm or obscure historic windows or trim.
2. Installing interior storm windows or doors, and wood screen doors in a manner that does not harm or obscure historic windows or trim.
3. Installing insulated exterior replacement doors where the openings are not altered and they cannot be viewed from the public right-of-way.
4. Installing removable film on windows (if the film is transparent), solar screens, or window louvers, in a manner that does not harm or obscure historic windows or trim.

H. Foundations

1. Underpinning and ventilating crawl spaces provided the underpinning materials are set at least two (2) inches behind the outer face of piers or foundations on the front façade.
2. Installing foundation vents, if painted or finished to match the existing foundation material.

I. General Efficiency Measures Not Affecting Exterior of Buildings

Special Note: Any work involving ground-disturbing activities requires SHPO review.

1. Installing thermal insulation, such as non-toxic fiberglass, cellulose, foam, and foil wrapped, in walls, floors, ceilings, attics, and foundations in a manner that does not harm or damage historic fabric.
2. Energy audits and feasibility studies.
3. Weatherization of mobile homes and trailers.
4. Caulking and weather-stripping around doors and windows in a manner that does not harm or obscure historic windows or trim.
5. Water conservation measures, such as low flow faucets, toilets, showerheads, urinals, and other efficient water using equipment.
6. Repairing in kind existing driveways, parking areas, and walkways with materials of similar appearance.
7. Ventilating crawl spaces.
8. Replacement of existing HVAC equipment including pumps, motors, boilers, chillers, cooling towers, air handling units, package units, condensers, compressors, heat exchangers that do not require a change to existing ducting, plumbing, electrical, controls or a new location, or if ducting, plumbing, electrical and controls are on the rear of the structure or not visible from any public right-of-way.
9. Adding or replacing existing building controls systems including HVAC control systems and the replacement of building-wide pneumatic controls with digital controls, thermostats, dampers, and other individual sensors like smoke detectors and carbon monoxide detectors (wired or non-wired).
10. Installing vents (such as continuous ridge vents covered with ridge shingles or boards, roof vents, bath and kitchen vents, soffit and frieze board vents or combustion appliance flues) if not visible from the public right-of-way.
11. New installation on non-hard wired devices including photo-controls, occupancy sensors, carbon dioxide, thermostats, humidity, light meters and other building control sensors, provided the work conforms with applicable state and local permitting requirements.
12. Adding variable speed capacity to electric motors, fans and pumps.
13. Insulation of water heater and boiler tanks and pipes.
14. Furnace or hot water tank replacement that does not require a visible new supply or venting.
15. Installing whole house fans or ceiling fans.

J. Insulation Measures Not Affecting the Exterior of the Building

1. Thermal insulation installation in walls, floors, attics and roof (excluding toxic spray foam insulation).
 - a. Wall insulation – in terms of materials, blown in cellulose insulation, treated with fire-retardant salts is permitted. Spray foams should only be used in discrete locations for air sealing and never for filling cavity walls. Urethane foams are not to be used. For moisture laden conditions and moisture vapor, more research should be conducted before in-wall insulation is used, refer to www.ohp.parks.ca.gov (go to sustainability).
2. Duct sealing, insulation, repair or replacement in unoccupied areas.
3. Attic insulation with proper ventilation.
4. Band joist insulation – R11 to R19 as applicable.
5. Water heater tank and pipe insulation, and heating system pipe insulation and air conditioner refrigerant line insulation.

K. Electric Base Load Measures Not Affecting the Exterior of the Building

1. Appliance replacement (upgrade to EnergyStar or higher efficiency appliances).
2. Compact fluorescent light bulbs or other high efficacy light source.
3. Energy efficient light fixtures, including ballasts (Replacement).
4. LED light fixtures and exit signs (Replacement).
5. Upgrade exterior lighting (replacement with metal halide bulbs, LEDs, or others) along with ballasts, sensors and energy storage devices not visible from any public right-of-way.
6. Refrigeration equipment and systems replacement, controls, tuning and repair.
7. Thermal energy storage devices and controls not visible from any public right-of-way.
8. Replacing lighting in parking lots, traffic signals and street lighting with energy efficient technologies, where only the lighting equipment is replaced and there are no ground disturbances.

L. Efficiency and Repair Measures

1. Installation or replacement of downspout extensions, provided that the color of the extensions is historically appropriate for the period and style of the property.
2. Repairing or upgrading electrical or plumbing systems and installing mechanical equipment, in a manner that does not permanently change the appearance of the interior or exterior of the building.
3. Installing integrated shingle style or thin film solar systems on the rear roof of the structure, behind the parapet or not visible from the public right-of-way.
4. Installing solar systems (including photovoltaic and solar thermal) not visible from the public right-of-way and if ground mounted can be installed

without ground disturbance and if roof mounted will not require new building reinforcement.

5. Lead based paint abatement in accordance with the Standards and Preservation Brief #37.
6. Building cleaning in accordance with the Standards and Preservation Briefs #1, #6, and #10.
7. Installing vents (such as continuous ridge vents covered with ridge shingles or boards, roof vents, bath and kitchen vents, soffit and frieze board vents or combustion appliance flues) if not visible from the public right-of-way.