

GUARANTEED ENERGY COST SAVINGS CONTRACT CHECKLIST AND CERTIFICATE OF COMPLIANCE

(INSTRUCTIONS FOR USING THIS FORM: This completed form, with copies of the Guaranteed Energy Cost Savings Contract with the Qualified Energy Services Provider, the Qualified Energy Services Provider’s Certificate of Assurance of Compliance with Codes, the contract for financing, the RFP, the ITB for Financial Services and the accepted Bid (if financing is not procured under the RFP) , the Qualified Provider’s Proposal, the Notice of Public Meeting, and the Qualified Provider’s bonds (if required) attached, must be filed with the State Comptroller.)

CHECKLIST

The Officer who signs this Certificate of Compliance must initial the appropriate box in the following checklist.

- | Yes | No | |
|-------|-------|--|
| _____ | _____ | This Governmental Unit has complied with all requirements of “The Guaranteed Energy Cost Savings Act” (§§ 41-16-140 et seq., Code of Alabama) and other laws and regulations that govern the implementation of this Transaction. |
| _____ | _____ | Proposals for Energy Cost Savings Measures were solicited from Qualified Providers by Request for Proposal (RFP) and if alternative financing has been, or will be procured from other sources, there has or will be compliance with all laws applicable to that procurement. |
| _____ | _____ | All proposals submitted by Qualified Providers in response to the RFP were evaluated by this Governmental Unit and the Qualified Provider best meeting the needs of this Governmental Unit was selected and a copy of the Guaranteed Energy Cost Savings Contract entered into is attached to this Certificate. |
| _____ | _____ | Written assurance from the successful Qualified Provider has been provided certifying that all plans for the Energy Cost Savings Measures will be approved by the Alabama Building Commission, if required by the nature of the Energy Cost Savings Measures according to §41-16-142, Code of Alabama |
| _____ | _____ | This Governmental Unit has performed the analysis mandated by §41-16-143, Code of Alabama and determined that the Total Energy Savings and/or Operational Cost Savings will equal or exceed the cost of the Energy Cost Savings Measures within the lesser of the average useful life of the Energy Cost Savings Measures or 20 years. |
| _____ | _____ | The Guaranteed Energy Cost Savings Contract with the Qualified Provider includes the Qualified Provider’s guarantee that the energy cost savings and/or the Operational Cost Savings will equal or exceed the cost of the Energy Cost Savings Measures within the lesser of the average useful life of the Energy Cost Savings Measures or 20 years; requires the Qualified Provider to pay this Governmental Unit any shortfall of Guaranteed Energy Cost Savings or Operational Cost Savings on an annual basis; and to provide payment and performance bonds to cover the installation of the Energy Cost Savings Measures and/or the value of the guaranteed energy cost savings on the contract, if required and that the payment terms of the Guaranteed Energy Cost Savings Contract comply with all requirements of applicable state law including Alabama Constitution Section 213 as amended by Amendment 26. |
| _____ | _____ | The Guaranteed Energy Costs Savings Contract was awarded at a public meeting for which public notice was given at least 10 days before the meeting. A copy of the Notice of that meeting is provided herewith. |
| _____ | _____ | The cost of the Energy Cost Savings Measures is being paid from this Governmental Unit’s appropriations or from other funding sources available to it, or is being financed as authorized by the Guaranteed Energy Cost Savings Act or by other statutorily authorized method of payment, specifically: <i>(Describe sources of payment and Fund Numbers)</i> |

GUARANTEED ENERGY COST SAVINGS CONTRACT CERTIFICATE OF COMPLIANCE

THE UNDERSIGNED, as Chief Executive Officer, hereby certifies that *{Insert name of the “Governmental Unit” as that term is defined in the Act}* has complied fully with all requirements of “The Guaranteed Energy Cost Savings Act” (§§ 41-16-140 et seq., Code Of Alabama) and other laws and regulations that govern this transaction.

By: _____ Date: _____
Title: _____

Compliance with all legal requirements of the Guaranteed Energy Cost Savings Act and other laws applicable to the GUARANTEED ENERGY COST SAVINGS transaction that is the subject of this Certificate of Compliance is hereby confirmed.

_____ Date: _____
Governmental Unit Legal Counsel For This Transaction