



## **Energy Loan Fund**

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# **Program Guidelines and Application Process**

Issued: July 9, 2015

Revised: September 23, 2015

Letters of Intent Accepted: July 15 - August 12, 2015

Bidders Conference: August 26, 2015

Question submission deadline: September 23, 2015

Formal application Deadline: September 30, 2015

Fiscal Year 2016 Funding Availability: \$11.25 million

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Applicants may submit questions to the Office of Energy regarding this loan program by email at [energy@development.ohio.gov](mailto:energy@development.ohio.gov).

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**OVERVIEW:**

The Ohio Development Services Agency connects companies and communities to financial and technical resources to increase energy efficiency and reduce energy costs. In support of its mission, the Ohio Development Services Agency provides financing through federal and state funding resources for eligible projects that demonstrate a reduction in energy usage and associated costs, avoidance of fossil fuel emissions and the creation and/or retention of jobs.

The Energy Loan Fund provides financing for energy efficiency and advanced energy projects. It is a competitive loan program for Ohio businesses, non-profits, and public entities. Projects are evaluated on a variety of technical and financial criteria that will result in significant energy savings and cost savings. Loan requests must be between \$250,000 and \$1,250,000. However, the Ohio Development Services Agency reserves the right to review projects outside this loan request range.

Interested entities should review the program guidelines to determine the eligibility of their project. A project is defined as all eligible work related to the installation and implementation of eligible Energy Efficiency Measures (EEM) and includes the adherence to the program requirements of the Energy Loan Fund.

The Energy Loan Fund is a revolving loan fund. Funding will be made available through competitive rounds. Prospective applicants are first required to submit a Letter of Intent. All applicants will receive written confirmation of their submission of their Letter of Intent along with directions on how to access the online application for the upcoming competitive round. Financial assistance will be awarded to applications determined by the Ohio Development Services Agency to be most consistent with the program goals and objectives, evaluation criteria, and are most meritorious at the time of submission.

**FUNDING AVAILABLE:**

Funding is made available through federal and state resources. All projects awarded loan funds must comply with the associated federal or state requirements.

Federal funding is available through the U.S. Department of Energy's State Energy Program. The U.S. Department of Energy's authorization for the State Energy Program is 10 CFR Part 420.

State funding is available through the Advanced Energy Fund, which is authorized by Sections 4928.61 to 4928.63 of the Ohio Revised Code (O.R.C.).

If selected for funding, applicants will receive details on the specific federal or state requirements pertaining to their project.

The Ohio Development Services Agency, at its discretion, may amend these guidelines, the award amount, funding availability amount, funding source, application process, application timeline, or criteria in awarding funds. Qualifying applications will be funded through competitive rounds until all the funds allocated for distribution under this program are awarded or the Ohio Development Services Agency determines the program no longer suits the best interests of the state of Ohio.

#### **APPLICANT ELIGIBILITY:**

Eligible borrowers can be corporations, limited liability companies, limited partnerships, nonprofits, school districts, colleges and universities, local units of government or any combination thereof. All applicants must be registered with the Ohio Secretary of State either as an Ohio entity or as a foreign (non-Ohio) entity qualified to do business in the state of Ohio.

The Ohio Development Services Agency also offers technical assistance to help identify potential energy savings. Manufacturers are encouraged to enroll in the Energy Efficiency Program for Manufacturers, a multi-phase program designed specifically for manufacturers to identify and implement energy efficiency measures. Similarly, Ohio Development Services Agency also assists non-manufacturing commercial businesses, local governments, and non-profit institutions to plan, assess, and implement cost-effective energy efficiency improvements to buildings and facilities. For more information on these Energy Efficiency Programs, go to [www.energy.development.ohio.gov](http://www.energy.development.ohio.gov).

Projects that fall outside any of the energy guidelines of the Energy Loan Fund may instead be eligible for funding through an Ohio Port Authority and the Ohio Energy Loan Loss Reserve Program. The Loan Loss Reserve program offers credit enhancement to eligible Ohio Port Authorities as they originate loans for projects that make businesses' and nonprofits' facilities more energy efficient. The Ohio Development Services Agency is partnering with eight Ohio Port Authorities for this program. For more information and a list of participating ports, go to [http://development.ohio.gov/cs/cs\\_llr.htm](http://development.ohio.gov/cs/cs_llr.htm).

#### **MINIMUM PROJECT REQUIREMENTS FOR ALL ELIGIBLE PROJECTS:**

The project must be installed in Ohio.

Entities must be registered with the Ohio Secretary of State and remain in good standing to conduct activities in the state of Ohio for the duration of the loan.

The applicant must be the property owner or hold a long-term secured lease agreement with the property owner. The property owner must be an eligible entity.

Expenses incurred prior to the term of the loan agreement are not eligible for reimbursement unless otherwise approved by the Ohio Development Services Agency.

Project equipment must NOT be ordered, purchased, or installed prior to having an executed agreement with the Ohio Development Services Agency or unless otherwise approved by the Ohio Development Services Agency.

All project components must be new or remanufactured parts with a minimum of a one-year warranty.

All projects must demonstrate a minimum of 15 percent energy savings as a result of all measures completed. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) is the industry standard for energy audits, and all applicants must provide an ASHRAE Level II audit (or equivalent), certified by an engineer/architect duly licensed to practice in the state of Ohio, for review so that the energy savings potential of each project can be determined. Information on ASHRAE can be found at [www.ashrae.org](http://www.ashrae.org).

All projects must result in a return on investment of 15 years or less, which allows the loan to be paid back within a reasonable time period.

Each applicant must provide a documented cost share for a proposed project. Cost share for for-profit entities must be a minimum of 20 percent of total project costs. Cost share for non-profit and local units of government must be a minimum of 10 percent of total project costs. For example, if a for-profit entity is selected to receive a loan for a \$1 million project, Ohio Development services Agency will offer a loan for \$800,000 and the borrower would provide cost share in the amount of \$200,000. A non-profit or local unit of government would be required to provide a cost share of \$100,000 for a \$1 million project. Cost share must be expended during the approved project period and term of the loan and for eligible expenses as defined in these guidelines.

Each applicant must meet all applicable state and federal permitting requirements. For any project selected, the applicant will be responsible for obtaining the appropriate permits and providing copies of the permits to the Ohio Development Services Agency as a required benchmark in the project timeline.

The applicant must execute all documents required by the Ohio Development Services Agency.

All applicants must adhere to regular reporting requirements on their project, including:

- Progress reports during installation that describe the activities and work completed during the reporting period, work remaining to be completed, actual project costs, project variances, project successes and/or project changes, which would result in a change of project scope of work or would affect the energy output of the project and publicity;
- Energy measurement and verification (M&V) reports for a year after the completion of the project. The reports will align with the submitted energy M&V plan that provide the energy saved and/or energy production from technologies installed and operational, emissions avoided, submission of quarterly utility bills, downtime and/or maintenance issues with the installed equipment and any publicity;
- Annual reports for the term of the loan that include energy saved and/or energy produced from the technologies installed and operational, emissions avoided, submission of quarterly utility bills, downtime and/or maintenance issues with the installed equipment and any publicity;
- Financial data reports with support documentation such as invoices, financial statements, bills, receipts and proof of payments of the actual project expenses incurred; and
- ODSA will assign funds to each approved project and, depending upon the source of those funds, certain requirements such as Davis-Bacon Act compliance may apply.

Applicant must make the project available for inspection to the Ohio Development Services Agency if requested during the application process, during construction, upon completion of construction, and for the term of the loan.

Each applicant must make public all non-proprietary project information about the project. Ohio Revised Code 122.36 Confidential Information states:

Any materials or data submitted to Ohio Development Services Agency, to the extent that the material or data consist of trade secrets, as defined in section 1333.61 of the Revised Code, or commercial or financial information, regarding projects are not public records for the purposes of section 149.43 of the Revised Code.

Applicants must also allow for participation in at least two outreach activities and provide two facility tours for interested parties. The applicant may undertake these efforts on their

own or as requested by the Ohio Development Services Agency, during the term of the agreement and for one year after the agreement end date.

Details on the federal requirements of the U.S. Department of Energy's State Energy Program for projects awarded with federal funds are available at: <http://energy.gov/eere/wipo/state-energy-program-guidance>. The U.S. Department of Energy occasionally updates this information and, as a result, it is important to review this website on a periodic basis.

### **ELIGIBLE PROJECTS:**

The Energy Loan Fund will be used on energy efficiency retrofits of existing buildings, but may be used to finance cost efficient and effective distributed energy generation systems. However, the energy efficiency potential (based on an energy efficiency audit) of each application must be demonstrated or included when seeking financial assistance through this program. A copy of the energy audit report for each project must be included. An ASHRAE Level II audit must be provided or an equivalent that is certified by an engineer/architect duly licensed to practice in the state of Ohio.

Specific activities eligible through this loan program include:

- Energy efficiency retrofits (including energy saving performance contracting): Energy efficiency retrofits MUST be for existing buildings or facilities adding energy efficient equipment. Eligible activities include – green energy techniques including computer aided modeling of green buildings, insulation, installation of light emitting diodes (LED) lighting, energy efficient lighting technologies, including day-lighting techniques, energy management demand control systems and occupancy sensors, heating, venting and air conditioning (HVAC) upgrades, installation of high-efficiency boilers, weather sealing, the purchase and installation of permanently fixed ENERGY STAR appliances, replacement of windows and doors.

Retrofits do not include new construction and expansions of buildings or facilities. For historic structures, it may be necessary for the retrofits to maintain the building's historic character (e.g., replacement of windows and doors with appropriate designs). This will be determined through consultation with the State Historic Preservation Office.

- Distributed Energy Generation: Entities may implement distributed energy resource technologies that significantly increase energy efficiency, including but not limited to:
  - District heating and cooling systems;\*
  - Combined heat and power systems (systems sized to boilers appropriate to

- the buildings in which they are located);\*
- Cogeneration systems;\*
- Energy storage systems;
- Absorption chillers;\*
- Desiccant humidifiers;\*
- Micro turbines;
- Biomass systems that include gas generation for internal use or electric generation as byproducts;\* and
- Renewable Energy:\* (develop, implement, and install onsite renewable energy technology that generates electricity from renewable resources, including solar, wind, bio-energy, or other non-depletable sources of energy).

\*If selected for financial assistance with federal funds, applicants must comply with certain size restrictions on installed technologies and must adhere to federal requirements such as Buy American, Davis-Bacon Act, Historic Preservation, National Environmental Policy Act, and Waste Stream Compliance along with all reporting and monitoring requirements. Details will be provided to those applicants selected for assistance with federal funds.

- Traffic signals and street lighting: Entities may use grant funds to replace traffic signals and street lighting with energy efficient lighting technologies, including light emitting diodes; and any other technology of equal or greater energy efficiency.

Funding CANNOT be used:

- For any work related to the construction of a new building, an addition or an expansion project;
- To conduct or purchase equipment for research, development or demonstration of energy efficiency or renewable energy techniques and technologies not commercially available;
- For non-energy-related alteration or upgrades or repair of a building or structure;
- For any casino or other gambling establishment, aquarium, zoo, golf course or swimming pool if federal funds are used;
- To subsidize utility rate demonstrations or state tax credits for energy conservation or renewable energy measures;
- To purchase land, a building or structure or any interest therein; or
- For projects that would require, but have not yet completed environmental impact statements.

## **APPLICATION PROCESS:**

The Ohio Development Services Agency will release rounds of funding where applicants are encouraged to submit eligible projects. The Ohio Development Services Agency will then receive and process loan applications based on a schedule and depending on availability of funds. Applicants must apply online at [www.energy.development.ohio.gov](http://www.energy.development.ohio.gov)

A Letter of Intent followed by a formal application must be completed for each eligible project. Both the Letter of Intent and the formal application must identify the eligible applicant. The eligible applicant also will be the authorized representative of the eligible project in all matters related to any funds awarded through the Energy Loan Fund and will be solely responsible for all loan management responsibilities.

A separate Letter of Intent and formal application must be submitted for each individual project and for each round of available funding.

### **Letter of Intent**

All prospective applicants must submit a Letter of Intent prior to submitting a formal application. In the Letter of Intent, the prospective applicant must provide the following:

- An overview of the proposed project;
- Projected energy savings;
- Projected cost savings;
- Simple payback with incentives, if applicable;
- Loan amount requested and cost share;
- A description of the anticipated expenses for which the loan and cost share will be used.

The Letter of Intent will be posted to the Ohio Development Services Agency's website and cannot contain any trade secret information.

This Letter of Intent is a REQUIRED step in the application process. Its purpose is:

- To facilitate a process by which the Ohio Development Services Agency can determine the eligibility and alignment of proposed projects with the applicable state and federal guidelines;
- To assist the Ohio Development Services Agency in understanding the range of potential projects for which funding may be requested;
- To make Ohio Development Services Agency aware of potential questions to address in a Bidders Conference and Frequently Asked Question document;
- To post to the Ohio Development Services Agency website with all other letters of intent to serve as notice to the prospective applicants of the size and type of

- the potential applicant pool;
- To allow Ohio Development Services Agency to adequately assign resources to review and process loan applications in a timely manner.

Any feedback from the Ohio Development Services Agency during the Letter of Intent or application process does not constitute a determination, either favorable or unfavorable, of the applicant's proposed project or a formal evaluation of the strength or weakness of any such application materials.

Feedback by the Ohio Development Services Agency will be provided through written correspondence.

Applicants may be referred to technical assistance if the Ohio Development Services Agency determines the proposed project eligible but in need of additional technical information. Projects receiving technical assistance must reapply for the Energy Loan Fund to be eligible for funding. Receiving technical assistance does not guarantee funding from the Energy Loan Fund in the future.

Submitting a Letter of Intent does not obligate a prospective applicant to submit a formal application.

### **Bidders' Conference**

Any prospective applicant who submits a Letter of Intent and intends to submit a formal application is required to attend or have representation at the mandatory bidder's conference. The date, time and location of the bidders' conference will be announced. The purpose of the bidders' conference will be to 1) review these guidelines, the Energy Loan Fund program's objectives and expectations, as well as the application requirements; and 2) answer questions from prospective applicants in a forum in which the answer to any one question can likely benefit all prospective applicants at once.

### **Formal Application Procedures**

Applicants who have submitted a Letter of Intent will receive written instructions from Ohio Development Services Agency on how to access the formal application. Applicants will also be notified on the source of funding available for eligible projects. The funding source will be determined based on the entity and the project type. Applicants may be funded through federal funds and/or state funds. The funding source is determined at the discretion of the State of Ohio.

A \$250 application fee is required for all applicants and must accompany the formal application. This fee is nonrefundable. Applications will not be reviewed on either technical or financial merit until the application fee has been received in full.

Formal applications for the Energy Loan Fund must contain, at a minimum, the following in addition to the information already submitted in the Letter of Intent:

- ASHRAE Level II energy audit or equivalent;
- The warranty, specs and brochures, of the equipment (HVAC, Lighting, Burners, etc.);
- Contact information for the project manager, property owner, and architect or engineer of record;
- Listing of the project timeline and milestones;
- Economic impacts of the project;
- Vendor form;
- W-9;
- Direct deposit form;
- Tax Release;
- EPA Form;
- Ohio Bureau of Workers' Compensation (BWC) Certificate;
- Current utility bill;
- A sources and uses budget;
- Three years historical financial statements (balance sheet, profit and loss);
- Interim financial statement;
- Projected financial statements for the current and next three years;
- Personal financial statements;
- Debt schedule; and
- Any additional supporting documentation needed to enhance the application.

Formal applications will be considered only from applicants who submit a Letter of Intent. The Ohio Development Services Agency will evaluate the applications taking into account the following criteria:

- Application's completeness;
- Energy savings –proposed project must achieve at least an overall 15 percent energy savings in the Energy Efficiency Measures (EEMs) or process improvements being implemented;
- Payback period –proposed project must have no more than a 15 year simple payback from energy savings with eligible incentives in the EEM or process improvements being implemented, not including operation and maintenance costs;

- Submitted ASHRAE Level II or equivalent energy audit;
- Proposed commissioning and measurement and verification plan;
- Submitted sources and uses budget;
- Whether application meets the requirements of applicable state and/or federal funding sources;
- Type of eligible technologies utilized and the extent of energy savings achieved as a result of the project;
- Extent of job creation;
- Economic impacts and improvements, including but not limited to:
  - Project location such as a downtown or redeveloping neighborhood or area
  - Use of a vacant or dilapidated building
  - Community impact or public benefit
  - Purchase of Ohio made products/materials
  - Applicant exports out of U.S.A.
  - Applicant is a small or medium-size business or manufacturer
  - Project will result in new business to Ohio
- Improvement in environmental quality as a result of the project;
- Extent, type and quality of cost share investment in the project;
- The applicant's ability to repay the loan in 15 or fewer years;
- The project readiness and timeline to complete project;
- Applicant's need for financial assistance to complete project;
- Applicant's overall financial strength;
- The overall Energy Loan Fund portfolio; and
- The advancement of the Ohio Development Services Agency, Office of Community Assistance mission.

Prior to the selection of an eligible project for approval, each applicant must adhere to regulatory compliance with the Ohio Secretary of State, the Ohio Bureau of Workers Compensation, the Ohio Department of Taxation, the Ohio Environmental Protection Agency and other state agencies. Each applicant is responsible for ensuring there are no significant outstanding issues or liabilities with the State of Ohio. Any determinations of noncompliance may result in an application not being recommended for an award.

The Ohio Development Services Agency reserves the right to request supplemental or clarifying information from an applicant at any time during the review process. If a loan is awarded to the applicant, the Ohio Development Services Agency may also request additional information as may be necessary or useful to complete the credit review and loan documentation process.

## **TECHNICAL REVIEW**

The applicant must submit the required information in the application for a full technical review. The Ohio Development Services Agency will be unable to complete a technical review of incomplete applications. Projects not receiving or not passing a technical review will not receive a financial review and will be deemed ineligible for funding.

Expected energy, economic and environmental impacts for any project includes:

- The project must demonstrate a minimum of 15 percent energy use reduction from existing conditions in the EEM or process improvements being implemented to be eligible for this program. Projects where baseline data is not available must show (theoretical model) a 15 percent reduction in energy use from current standard code equipment in the EEM or process improvements being implemented;
- The project must result in a simple payback with incentives of 15 years or less, not including operation and maintenance costs, which allows the loan to be paid back within the life of the installed equipment;
- The creation or retention of jobs or other economic impacts and community improvements will be considered through this loan program; and
- Improvement in environmental quality must be achieved as a benefit of completing the project and must be calculated in the application.

An ASHRAE Level II or Level III energy audit, less than 2 years old (or equivalent), must be submitted when seeking financial assistance through this program. The audit, conducted by a qualified engineer or architect duly licensed to practice in the State of Ohio, will identify and recommend EEMs, estimate the useful life of each EEM, determine total project capital cost and the expected energy savings, cost savings, and emissions reduction that can confidently be achieved. The audit will evaluate the project's key financial metrics including return on investment (ROI), internal rate of return (IRR), net present value (NPV) and payback period based on the anticipated term of the loan. It is expected that most energy audits will be ASHRAE level II audits; however, final decision on audit level and acceptability (ASHRAE Level II or Level III or equivalent) is determined by Ohio Development Services Agency.

Energy Baseline Data must be submitted. Three years of baseline data is preferred, if available. If the last major renovation of the facility is completed within the three years, a minimum of one year of data is required.

For buildings where it is not possible or prohibitively difficult to obtain the required historical energy consumption data, energy modeling may be utilized for establishing baseline building energy use. Ohio Development Services Agency has the ultimate responsibility and sole discretion to approve the appropriate energy use baseline for a

particular project, depending upon the nature of the proposed project and supporting information.

Applicants must submit with their project a measurement and verification plan (M&V) directed at project commissioning, and be responsible for its execution. Applicants may base their M&V plan on the International Performance Measurement and Verification Protocol (IPMVP) or an alternative protocol defined by the project energy consultant (depending on the project size and EEMs installed) as agreed upon by Ohio Development Services Agency.

### **AWARD SELECTION**

If the applicant satisfies all technical requirements, projects will be ranked in five categories against one another. The five category rankings will then be averaged and a final ranking will be determined. The five categories are as follows:

1. Economic impacts;
2. Projected cost savings;
3. Projected payback period;
4. Projected percent of energy saved; and
5. Projected CO<sub>2</sub> emissions savings.

Projects will undergo a financial review in order of their technical ranking. Ohio Development Services Agency at its sole discretion may choose to financially review a limited number of applicants. If a ranked applicant is deemed a financial risk or decides to not move forward, the next ranking applicant will be selected for financial review.

If a project does not pass both technical and financial review, it will not be considered for financing.

At its sole discretion, Ohio Development Services Agency may choose to fund technically and financially sound projects to advance the mission of Ohio Development Services Agency and diversify its loan portfolio among a variety of stakeholders.

If the applicant is selected for financial assistance, the applicant will receive a term sheet describing the terms of the loan.

The Ohio Development Services Agency reserves the right to reduce the requested loan amount for (1) ineligible costs, cost redundancies or any other cost inefficiencies evident in the application materials, or (2) because of funding availability.

The decision of the Ohio Development Services Agency in selecting applications for approval is final and not appealable.

Written notification will be provided to all applicants as to the Ohio Development Services Agency's final determination.

## **LOAN AGREEMENT**

The program funds will be disbursed as loans at or below market rates of interest and will be serviced in house by the Ohio Development Services Agency.

The loan term will be determined based on the project activities, verified estimated energy cost savings, the useful life of the allowable project costs/uses financed, and the financial strength of the applicant. The maximum loan term is 15 years, however fewer years are preferable.

Loans will be made subject to customary loan documentation in form and substance acceptable to the Ohio Development Services Agency.

Each applicant must provide a documented cost share for a proposed project. Cost share must be secured prior to the close of the energy loan. All conditions to disbursement must be met before an eligible project may close a loan with the Ohio Development Services Agency.

Cost incurred prior to the loan closing date or past the agreed upon completion date will be ineligible unless an extension is requested by the applicant and granted by Ohio Development Services Agency. It is Ohio Development Services Agency's sole discretion to grant a period extension.

The loan will carry 0 percent interest for six months after the close of the loan.

The first loan payment is due 12 months from the close of the loan.

Repayment of the loan may carry annual fixed interest rates that are set below current market rate. The interest rate is determined solely by the Ohio Development Services Agency. More competitive interest rates may be available for projects that have a loan term of less than 15 years.

Security is determined on a case-by-case basis and can include the assets being financed, corporate guarantees, personal guarantees, or other collateral. The Ohio Development Services Agency typically requires a first priority mortgage and/or security

position on assets. Upon formal request and for specific circumstances, the Ohio Development Services Agency will consider subordination of its mortgage and/or security position to the collateral position of other lenders not affiliated with the applicant or any project participant. The Ohio Development Services Agency may require additional security in the form of one or more of the following: (1) personal guarantees from owners, major stockholders, members, partners or other persons with similar interests; (2) corporate guarantees from affiliate companies; (3) life insurance on key business owners, partners and/or managers; and (4) other comparable credit enhancement.

The applicant will be responsible for entering into all agreements as required under the Energy Loan Fund and as necessary to complete the eligible project, including binding agreements with third-party project partners. The applicant is responsible for complying with all applicable federal and state requirements, reporting procedures and monitoring.

## **PROGRAM FEES**

The following program fees are required of applicants.

A \$250 application fee is required for all applicants and must accompany the formal application.

Additionally, applicants selected for financial assistance must also pay a non-refundable processing and commitment fee, equivalent to 1 percent of the loan amount, which is due to the Ohio Development Services Agency upon receipt of the signed term sheet.

An annual servicing fee equal to a quarter of 1 percent (.25 percent) of the outstanding principal amount of the loan will be assessed.

## **LINK TO ONLINE APPLICATION**

After reading and understanding the program guidelines in their entirety, applicants may begin the Letter of Intent and formal application process online at:

<http://development.ohio.gov/EnergyLoanFund>.

## **COMMUNICATION AND INQUIRIES**

Applicants may submit questions to the Ohio Development Services Agency regarding this loan program by email at [energy@development.ohio.gov](mailto:energy@development.ohio.gov).