

## Appendix J: Technical Reviewer Approval Process

Last Modified: June 7, 2018.

### I. Defined Terms

Capitalized terms used in this appendix which are not otherwise defined herein shall have the meaning ascribed to them in the C-PACE Program Guidelines, the current version of which may be found here: [Insert website link].

### II. Introduction and Minimum Requirements

The Green Bank requires a third-party review of the proposed Project to demonstrate that the SIR requirement has been met. This third-party review can be conducted by the Technical Administrator or a Technical Reviewer. The list of approved Technical Reviewers in good standing with Green Bank can be found at [Insert website link].

Approved Third-Party Capital Providers may refer any company (each being an “Applicant”) for Green Bank’s consideration to approve such company as a Technical Reviewer, if such company meets the following minimum qualifications:

1. Employs a licensed Professional Engineer;
2. Possess five years of relevant energy efficiency project development experience, and three years quality assurance or technical review experience; and
3. Can provide three references demonstrating relevant project development and/or quality assurance review experience.

### III. Approval Process

1. An Approved Third-Party Capital Provider must refer the Applicant to Green Bank.
2. The Applicant must provide the following information and documentation (via email to [insert CGB email address]):
  - a. Name and contact information of Applicant;
  - b. Copy of Professional Engineer’s license;
  - c. Letter from Applicant detailing required energy efficiency project development experience and quality assurance or technical review experience; and
  - d. Name and contact information for Applicant’s three references.
3. Green Bank will review Applicant’s submission and, if necessary, set up an interview with Applicant. Green Bank will also conduct any further due diligence deemed necessary in its sole discretion.
4. If the above requirements are met, to Green Bank’s full satisfaction, Green Bank will notify the Applicant, via electronic mail, of its approval to qualify the Applicant as a “Technical Reviewer” pursuant to the Program Guidelines. If the above requirements are NOT met, to Green Bank’s full discretion, Green Bank will notify the Applicant, via electronic mail, of its rejection to qualify the Applicant as a “Technical Reviewer” pursuant to the Program Guidelines.

## IV. Technical Reviewer Oversight

Green Bank reserves the right, at its own discretion, to conduct, or instruct Technical Review Auditor(s) to conduct, periodic reviews of the technical review work performed by any Technical Reviewer, the Technical Administrator or the Green Bank to evaluate compliance with the Program Guidelines and Technical Standards. By submitting the information outlined above and becoming a Technical Reviewer, such Technical Reviewer acknowledges and agrees to cooperate in good faith with the Green Bank, Technical Administrator, and any Technical Review Auditor in any Green Bank inquiry into such Technical Reviewer's technical review process or work product associated with any C-PACE project.

## V. Program Violations and Disciplinary Action

1. Program Violations. The Green Bank can, at its sole discretion, impose a probation, suspension or termination of a Technical Reviewer's eligibility to participate in C-PACE, and/or may put on hold, suspend or deny any pending Green Bank approval for an otherwise Eligible Project at any time if any part of the Program Guidelines are not met by the Technical Reviewer associated with such project, or for misconduct, improper, or illegal behavior by such Technical Reviewer, including, but not limited to, the following:
  - a. Failure to consistently evaluate projects in accordance with the C-PACE Program Guidelines, and specifically the Technical Standards;
  - b. Submission of fraudulent, misleading or falsified documents or unauthorized signatures to Green Bank, Technical Administrator, Technical Review Auditor, a utility company, a municipality, or any state or local authority or any subdivision/agency thereof;
  - c. Failing to provide, or otherwise unreasonably withholding, conditioning or delaying, any information associated with technical review work, as may be reasonably requested by Green Bank; and
  - d. Failing to cooperate in good faith with Green Bank, Technical Reviewer, or Technical Review Auditor in any Green Bank or Technical Review Auditor inquiry into the Technical Reviewer's technical review process or work product associated with any C-PACE project.

The Technical Reviewer may be given reasonable opportunity to correct problems identified by the Green Bank or Technical Review Auditor, however, the Green Bank reserves the right to place on probation, suspend or terminate the Technical Reviewer from C-PACE for any violation of the Program Guidelines, at the Green Bank's sole discretion. Suspended Technical Reviewers may reapply to Green Bank for approval, upon re-recommendation from an Approved Third-Party Capital Provider, after their suspension period has ended. Suspended Technical Reviewers will need to explain how prior violations were remedied if applicable, and include a plan for preventing future issues.

2. Disciplinary Action and Appeal
  - a. Upon the Green Bank becoming aware of an act or omission as outlined in this Section 1 above, the Green Bank may:

- i. Immediately suspend the Technical Reviewer from C-PACE and any other Green Bank program and request a written response from such Technical Reviewer to address any known issues or allegations, and
  - ii. Forward non-performance, misconduct, improper and illegal behavior allegations to the Director of the Legal Division of the Connecticut Department of Consumer Protection and/or Connecticut Attorney General's office and/or other relevant local, state or national officials, offices or organizations.
- b. The Green Bank will review the Technical Reviewer's response and request additional information as needed.
- c. The Green Bank will respond in writing with its findings and with any disciplinary action. Such disciplinary action shall include, but not be limited to:
  - i. Probation (including but not limited to a limitation of project approvals);
  - ii. Suspension from C-PACE and any other Green Bank program for up to one (1) year; and
  - iii. Termination from C-PACE and any other Green Bank program indefinitely.
- d. If Technical Reviewer disagrees with the decision made by the relevant Green Bank senior staff, the Technical Reviewer may appeal the decision within thirty (30) days to a review committee consisting of the officers of the Green Bank and the Chair of the Audit, Compliance and Governance Committee setting forth a written response to the allegations and findings of the Green Bank staff. The Technical Reviewer shall have the right to present their appeal within forty-five (45) days from requesting such appeal. The decision of this review committee shall be the final Green Bank determination on the matter.
- e. The Green Bank may modify or expedite this process as the situation necessitates or as agreed to by the Technical Reviewer.