



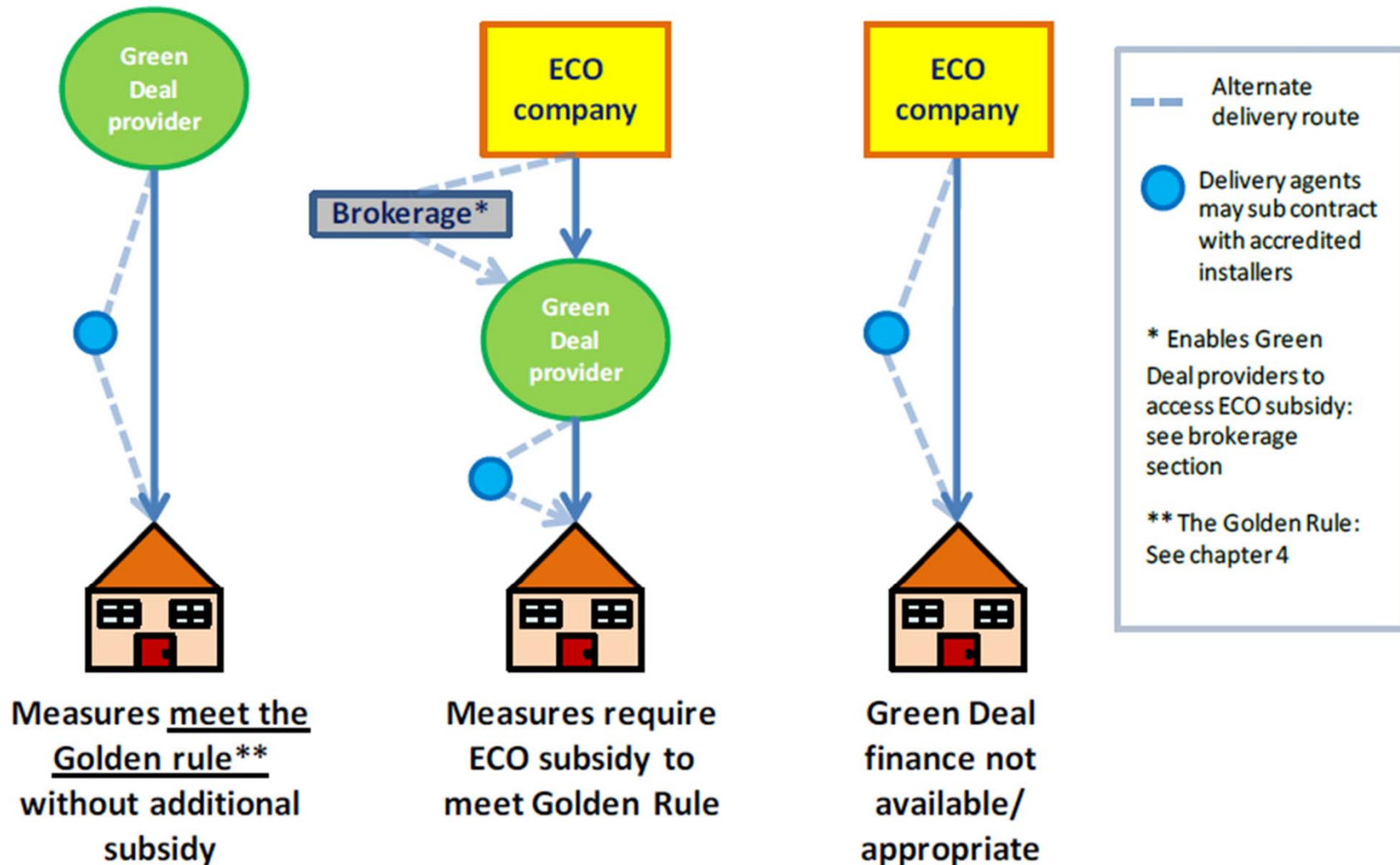
# Green Deal Seminar

Implementing a Green Deal: Contractual and Procurement Considerations

# Green Deal: Legislation and Regulation

Legislation	Regulation and Guidance
<p>Energy Act 2011</p> <ul style="list-style-type: none"><li>• Green Deal</li><li>• ECO</li><li>• Private Rented Sector<ul style="list-style-type: none"><li>• EPC 'E'+ April 2018</li><li>• No unreasonable refusal April 2016</li></ul></li></ul>	<p>Green Deal Regulations:</p> <ul style="list-style-type: none"><li>• Code of Practice</li><li>• Green Deal Framework Regulations</li><li>• The Green Deal (Energy Efficiency Improvements) Order</li><li>• The Green Deal (Qualifying Energy Improvements) Order</li></ul>
<p>Home Energy Conservation Act 1995</p>	<p>DECC and Sector Guidance: Home &amp; Communities Agency – Dealing Green: Options for registered providers</p>
<p>Energy Efficiency Directive</p>	<p>Building Regulations 2010 – Part L</p>
<p>Landlord and Tenant legislation</p>	

# Green Deal / ECO Models





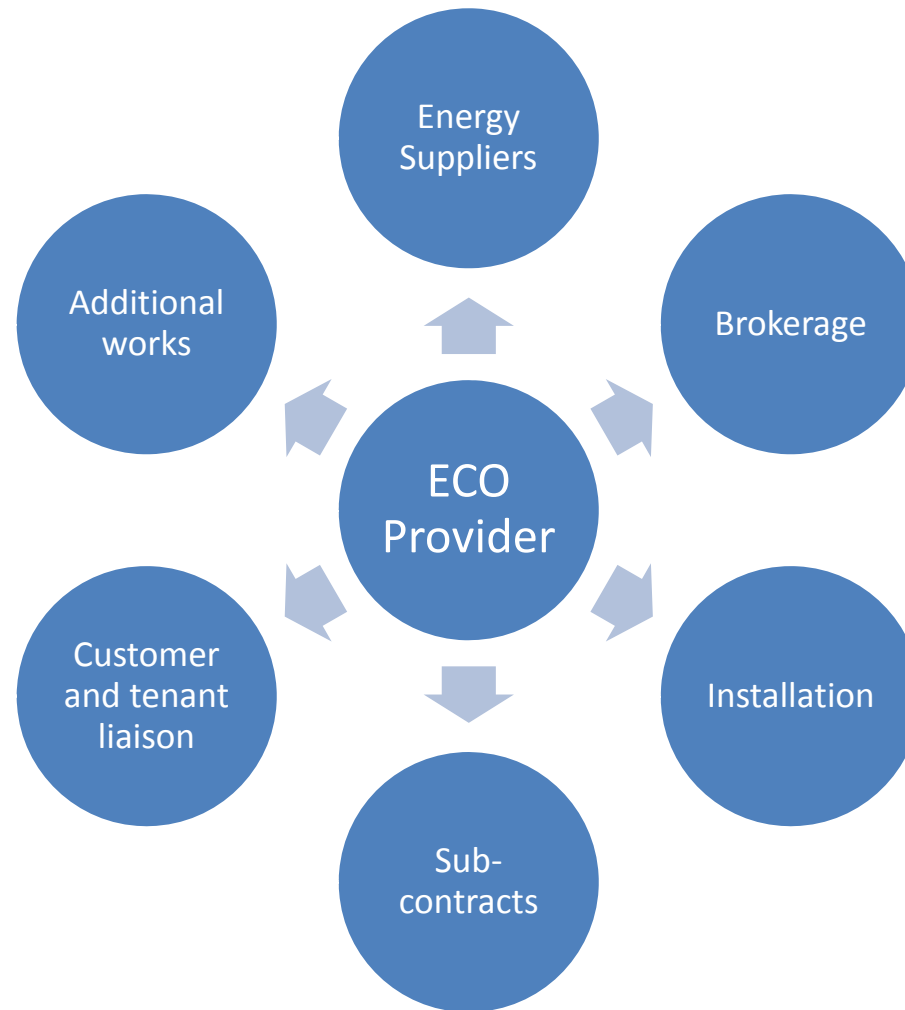
# The Green Deal Elements

- Funding
- Regulation
- Public Sector Promotion:
  - Procurement
  - Co-operation between Sponsors
  - Delivering works yourself
- Agreements between Sponsor and Green Deal Provider
- Relationships between ECO providers and Energy Cos
- Sub-contract delivery agreements

# Green Deal Model



# ECO Model



# Provide, Partner or Promote – general considerations

- Objects / Vires
- Financial covenants / prudential borrowing limits
- Structure to deliver
- Skills to maintain improvements
- Tenancy obligations
  - Tenant adaptations
  - Tenancy Agreements must note GD

# Provide, Partner or Promote – procurement considerations

- Collaboration between authorities and RPs
- Obtaining Funding and ECO
- Promotion – approved lists
- Sub-contracting:
  - Works Contract
  - Works Concession Contract?
  - Frameworks?
- DLO
  - Trading?
  - Teckal



# Provide, Partner or Promote – contractual considerations

- Existing frameworks
- Damage caused by Green Deal improvements
- Who maintains?
- Specification of measures
- Voids works and rent loss
- Payment and funding?

# Bidder Green Deal Arrangements

## Joint Venture Arrangements

- Contract or Corporate?
- What does each party bring?
- Funding and repayment
- Revenue and profit distribution
- Asset, contract and employee transfer?
- Management and control
- Exit provisions

## Sub-contracts

- Form of contract
- Risk transfer
- Risk retention
- Product warranty risk
- Sub-contract to a joint venture member?
- Payment
- Monitoring and Termination

## Finance and Regulation

- Start up funds
- Funding initial assessments and installations
- Guarantee of external funding
- Who obtains CCA / FMSA accreditation



# Demystifying the process

- Funding
- Regulation
- Joint procurement / sponsorship
- Consortium bidding and delivery
- Works and service contracts and sub-contracts
- Tenant and owner interface
- Warranties and repairs



— QUESTIONS?