

HOLLAND BOARD OF PUBLIC WORKS

Commercial & Industrial Energy Efficiency Program

LIGHTING 2024 Rebate Application Checklist

Pre-Approval Application

Required Attachments

- ☐ Pre-Approval Agreement (Page 3)
- ☐ Itemized quote (labor & material)
- ☐ Manufacturers' specification(s)
- ☐ Latest electric utility bill
- ☐ W9 of company receiving check

Incentive Worksheets

- ☐ Lighting (Pages 5-11)

Final Application

Required Attachments

- ☐ Payment Request Agreement (Page 4)
- ☐ Itemized invoice (labor & material)

Incentive Worksheets

- ☐ Lighting (Pages 5-11)

Expected Completion Date: _____

Actual Completion Date: _____

Your completed application and the required materials listed above must be received by December 31, 2024.

Limited funds are available. Please allow 6-8 weeks to receive your Energy Smart incentive check from the time your completed application is received.

Please submit your documents one of two ways:

Email EnergySmart@hollandbpw.com

Mail Energy Smart – Holland BPW
625 Hastings Ave
Holland MI 49423

HOLLAND BOARD OF PUBLIC WORKS

Commercial & Industrial Program Program

2024 Rebate Application Checklist

Ready to start your project? **Follow these 3 simple steps.**

Step #1: Request Pre-approval

To ensure that your project is eligible and to reserve funds, please complete, sign and submit all of the following:

1. The Pre-approval Agreement (page 3), completed and signed.
2. The worksheet(s) (pages 5-12) that are applicable to your project, completed.
3. Itemized quote/proposal with model numbers from your contractor.

Step #2: Complete Your Project

If your project meets the pre-approval criteria, you will receive a letter indicating funds have been reserved. Following the specifications listed in this application, install your equipment within 90 days. All equipment must be installed and operational by December 31, 2024 To receive your rebate check, a copy of your W9 form must be sent to the email or mailing address below before the project is completed.

Step #3: Request Payment

Once your project is complete, please request your rebate payment. Within 30 days of project completion, you must submit the following:

1. Payment Approval Agreement (page 4 of this application), completed and signed
2. Itemized invoice(s) for materials and any applicable external labor costs, including the following:
 - Contractor's name and contact information
 - Customer's name and contact information
 - Date of invoice
 - Line item cost for each product
 - Quantities of each product
 - Complete product model numbers
 - Labor (and other) expenses listed separately from product costs
 - Total invoice amount

**Please submit your documents
one of two ways:**

Email EnergySmart@hollandbpw.com

Mail Energy Smart – Holland BPW
625 Hastings Ave
Holland MI 49423

**Pre-approval Agreement – Step #1**

Please complete and submit this page, along with the appropriate worksheet(s) and quotes with model numbers from your contractor, before you begin your project. If your project meets the pre-approval criteria, you will receive a letter indicating the funds have been reserved. You can then proceed with completing your project as described in Step #2 on page 2 of this application. Note: Maximum incentive is 100% of customer cost or \$150,000, whichever is less.

Name of Business		Phone		Email (Required)	
Mailing Address		City		State	ZIP Code
Installation Address		City		State MI	ZIP Code
Annual Hours of Operation		Holland BPW Electric Account Number		Taxpayer ID # (SSN/FEIN or Payee)	
Building Use (please check one):					
<input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Warehouse <input type="checkbox"/> Restaurant <input type="checkbox"/> Grocery Store/Supermarket <input type="checkbox"/> LEED					
<input type="checkbox"/> Manufacturing <input type="checkbox"/> Lodging <input type="checkbox"/> School (K-12) <input type="checkbox"/> School (College) <input type="checkbox"/> Healthcare Facility <input type="checkbox"/> Other/Miscellaneous					
How did you learn about the program? <input type="checkbox"/> My Utility <input type="checkbox"/> Utility Website <input type="checkbox"/> Online Ad <input type="checkbox"/> Mail/Bill Insert <input type="checkbox"/> Event <input type="checkbox"/> Contractor <input type="checkbox"/> Newspaper <input type="checkbox"/> Radio					
Name of Supplier/Distributor			Contact Person		
Name of Installing Contractor			Contact Person		
Address		City		State	ZIP Code
Contractor Phone		Contractor Email			
Certifications and Signature					
I hereby certify that the information contained in this application is accurate and complete; all rules of this rebate application have been followed; I have read and understand the Terms and Conditions included with this document. I agree to verification of equipment installation which may include a site inspection by a program or utility representative. I understand that I am not allowed to receive more than one rebate from this program on any piece of equipment. I hereby agree to indemnify, hold harmless, and release the utility from any actions or claims in regard to the installation, operation, and disposal of equipment (and related materials) covered herein, including liability from any incidental or consequential damages.					
Print Name of Authorized Representative					
Signature of Authorized Representative					Date Submitted

Submit your documents one of two ways:

EMAIL
EnergySmart@hollandbpw.com

MAIL
Energy Smart – Holland BPW
625 Hastings Ave
Holland MI 49423



2024 Energy Smart C&I Program

Payment Approval Agreement

Payment Request Form – Step #3

Complete and submit this page and your itemized invoice(s) within 30 days of project completion.

Maximum incentive is 100% of customer cost or \$150,000, whichever is less.

Name of Business		HBPW-issued Project ID #	
Project Cost	Rebate Amount Requested (cannot exceed project cost OR \$150,000 whichever is less)		
Notes:			
Mailing Address (to which the check will be mailed)		City	State
Installation Address		City	State MI
Print Name	Date	Installation Completion Date	
Certifications and Signature: I hereby certify that: 1. The information contained in this application is accurate and complete. 2. All rules of this rebate program have been followed. 3. I have read and understand the Terms and Conditions included with this document. I agree to verification of equipment installation which may include a site inspection by a Holland Board of Public Works representative. I understand that I am not allowed to receive more than one rebate from this program for any one piece of equipment. I hereby agree to indemnify, hold harmless, and release the utility from any actions or claims in regard to the installation, operation, and disposal of equipment (and related materials) covered herein, including liability from any incidental or consequential damages. I understand that my submittal of the requested information is the sole purpose of my program participation. I further understand that this information will be treated as confidential to the extent permitted by law.			
Customer Signature (must be same person who signed Pre-Approval Agreement)			

METHOD OF PAYMENT

MAKE REBATE CHECK PAYABLE TO

☐ Account Holder ☐ Contractor*

☐ Check

☐ Credit posted to my account

* If 'Contractor' box is checked, invoice must itemize rebate and customer signature is required as acknowledgment that the contractor will receive the rebate check. Contractor must also submit a W9 form with this application.

If account is past due, the rebate will be credited to the account.

OPTIONAL: Complete section below only if rebate is to be paid to an entity other than the customer.

Make Payable To	Contact Person	Contact's Phone Number	
Mailing Address	City	State	ZIP Code
Taxpayer ID # (SSN/FEIN or Payee)	Tax Status (Please Check One): <input type="checkbox"/> Corporation <input type="checkbox"/> Tax Exempt <input type="checkbox"/> Individual <input type="checkbox"/> Other:		
Print Name	Date		
Certifications and Signature I am authorizing the payment of the rebate to the third party named above and understand that I will not receive the rebate payment. I also understand that my release to a third party does not exempt me from the program requirements outlined in the Terms and Conditions.			
Customer Signature (must be same person who signed Pre-Approval Agreement)			

Please submit your documents one of two ways:

EMAIL

EnergySmart@hollandbpw.com

MAIL

Energy Smart
Holland BPW
625 Hastings Ave Holland MI
49423



LED Downlights, Exit Signs, Occupancy Sensors, and Controls (page 6)



LED Fixtures and Custom Lighting (page 8)



New LED must be DLC listed



LED Tubes (page 9)



New LED must be DLC listed



LED Exterior Fixtures (page 10)



New LED must be DLC listed



LED Interior High Bays (page 11)



New LED must be DLC listed



HID to LED Screw-In (page 12)





New LED must be DLC listed



**Lighting Worksheet (one-for-one unit replacement)**

All lighting projects are required to comply with the Illuminating Engineering Society of North America (IESNA) recommended lighting levels or local code. Prescriptive lighting projects must have a minimum of 1,800 hours of usage per year.
Lighting incentive cannot exceed 100% of customer cost or \$150,000, whichever is less.

NEW Downlights, Exit Signs and Controls

Measure	Specs	Quantity per Unit	\$/Unit	Total
Interior Fixtures				
 LED Downlight Fixture	Replace incandescent lamped fixture with fixture designed for pin-based CFLs or LED		\$15/Fixture	
 LED Exit Signs	Replace or retrofit an incandescent or fluorescent exit sign with LED.		\$35/Fixture	
Lighting Controls				
Occupancy Sensors which control <500 Square Ft	Sensors which automatically turn lights on when occupancy is detected and automatically turn lights off when no movement is detected after a set length of time; cannot be used in conjunction with instant start ballast		\$20/Sensor	
Occupancy Sensors which control > 500Square Ft			\$50/Sensor	
Daylight Harvesting Sensor*	The controls can be on/off, stepped or dimming and must vary the light output based on the level of sunlight received; the floor plan and control schedule must be submitted; cannot be used with occupancy sensor.		\$0.15/sq ft	
Central Lighting Control*	For systems that utilize building automation to control the lights based on a set schedule; incentive for occupancy sensors or daylight sensor controls cannot be received on the same fixtures. Control schedule and floor plans must be submitted also.		\$0.15/sq ft	
Network Lighting Control-Prescriptive*	Must be automated and use sensor feedback for dimming and fixture selection.		\$0.08/10,000 Sq Ft	
Network Lighting Control-Performance Custom*,**			\$0.15/kWh Saved	

*Pre-approval Required for lighting controls

** Performance Custom requires before and after data to verify savings

Lighting Worksheet Rebate Subtotal, page 6:



Pre-Approval Not Required
 ← note indicated areas



Lighting Worksheet (continued)

All projects are required to comply with IESNA recommended lighting levels or local code.

Use the following wattages for existing fixtures:

Existing 4 Foot Linear Fluorescent Fixtures (8 foot Ceiling)			
	T8 F32	T12 F40 34W Mag	T12 F48 40W Mag
1 Lamp	30	43	51
2 Lamp	59	72	82
3 Lamp	88	115	133
4 Lamp	115	144	164

Existing 8 Foot Linear Fluorescent Fixtures				
	T12 Mag (60W lamp)	T12 MagSTD (75W lamp)	T12 Mag (95W lamp)	T12 HO MagSTD (110W lamp)
1 Lamp	75	-	112	-
2 Lamp	128	173	227	257

High Intensity Discharge (HID)- High
Pressure Sodium, Low Pressure
Sodium, Mercury Vapor, or Metal Halide

Fixture	Wattage
HID 50W	61
HID 75W	95
HID 100W	120
HID 150W	174
HID 175W	194
HID 200W	230
HID 250W	290
HID 400W	455
HID 750W	850
HID 1000W	1080

Fluorescent Wattages for High-bays

Fixture	Wattage
F32T8 4-lamp	142
F32T8 6-lamp	224
F32T8 8-lamp	299
F32T8 10-lamp	366
F32T8 12-lamp	448
T5HO 4-lamp	243
T5HO 6-lamp	365
T5HO 8-lamp	486
T5HO 10-lamp	608
T5HO 12-lamp	730

**Lighting Worksheet (continued)**

All lighting projects are required to comply with the IESNA lighting levels or local code.

NEW LED FIXTURES - Fluorescent to LED or Custom (for LED tubes, go to page 9)

Fluorescent to LED Fixtures OR Custom Lighting		
Rebates are available for replacement of interior fluorescent fixtures to LED, i.e., T12 or T8) to LED. Rebate is \$0.12 kWh saved . All new fixtures and retrofits must be ENERGY STAR or DesignLights Consortium® listed. Custom lighting, which would include CFL to LED, may be done on this page.		
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Annual Operating Hours:		
Total:	kWh Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Annual Operating Hours:		
Total:	kWh Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Annual Operating Hours:		
Total:	kWh Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Annual Operating Hours:		
Total:	kWh Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Annual Operating Hours:		
Total:	kWh Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Annual Operating Hours:		
Total:	kWh Saved:	Rebate:

Lighting Worksheet Savings, page8:

Lighting Worksheet Rebate Subtotal, page 8:



Lighting Worksheet (continued)

All lighting projects are required to comply with IESNA-recommended lighting levels or local code.



New in 2024: LED-to-LED upgrades now qualify!!!

NEW LED LINEAR TUBES

Fluorescent Replacement to LED Linear Tubes		
Rebates are available for replacement of interior fluorescent fixtures to LED, i.e, T12 or T8 to LED. Rebate is <u>\$0.09/kWh saved</u> . All new fixtures and retrofits must be ENERGY STAR or DesignLights Consortium® listed. NEW... LED to LED now qualifies.		
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Annual Operating Hours:		
Total:	kWh Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Annual Operating Hours:		
Total:	kWh Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Annual Operating Hours:		
Total:	kWh Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Annual Operating Hours:		
Total:	kWh Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Annual Operating Hours:		
Total:	kWh Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Annual Operating Hours:		
Total:	kWh Saved:	Rebate:

Lighting Worksheet Savings Subtotal, page 9:

Lighting Worksheet Rebate Subtotal, page 9:



Lighting Worksheet (continued)

All projects are required to comply with IESNA-recommended lighting levels or local code.

NEW EXTERIOR LED FIXTURES – HID to LED

Exterior lighting must be connected to a functional device (e.g. time clock or light sensor) to prevent it from being on during the day.

Exterior Lighting – High-Intensity Discharge (HID) Lighting Replacement**		
Incentives are eligible for the <u>replacement or retrofit of an exterior HID fixture (metal halide, mercury vapor, or low pressure sodium) with an induction or LED fixture</u> which has a reduced input wattage of at least 40%. Incentives are per watt per fixture and are based on the original fixture. Incentive is for fixtures that operate less than 24 hours per day. Existing wattages must come from the Standard Wattage Table shown below. Incentive is \$0.60 per watt reduced. LED fixtures must be DLC listed.		
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
<input type="checkbox"/> IDA Approved, add 10%	Total: Watts Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
<input type="checkbox"/> IDA Approved, add 10%	Total: Watts Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
<input type="checkbox"/> IDA Approved, add 10%	Total: Watts Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
<input type="checkbox"/> IDA Approved, add 10%	Total: Watts Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
<input type="checkbox"/> IDA Approved, add 10%	Total: Watts Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
<input type="checkbox"/> IDA Approved, add 10%	Total: Watts Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
<input type="checkbox"/> IDA Approved, add 10%	Total: Watts Saved:	Rebate:



** Fixtures approved by the International Dark-Sky Association will receive an additional 10% rebate.

Lighting Worksheet Savings Subtotal, page 10:	
Lighting Worksheet Rebate Subtotal, page 10:	

**Lighting Worksheet (continued)**

All projects are required to comply with IESNA-recommended lighting levels or local code.

NEW INTERIOR LED FIXTURES – HID to LED

Interior Lighting— High-Intensity Discharge (HID) Lighting Replacement		
Incentives are eligible for <u>replacing HID fixtures (metal halide, mercury vapor, high/low pressure sodium) with induction or LED</u> . Existing wattages used must come from the Standard Wattage Table shown below. <u>Incentive is \$0.60 per watt reduced</u> . LED fixtures must be DLC qualified.		
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Total:	Watts Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Total:	Watts Saved:	Rebate:
Parking Garage— High-Intensity Discharge (HID) Lighting Replacement		
Incentives are eligible for the <u>replacement or retrofit of a garage HID fixture with an induction, LED, or fixtures which have a reduced input wattage of at least 40%</u> . Incentives are per watt per fixture and are based on the nominal lamp wattage of the original fixture. Incentives are available for fixtures that operate 24 hours per day. Existing wattages must come from the Standard Wattage Table below. <u>Incentive is \$0.60 per watt reduced</u> . LED fixtures must be DLC qualified.		
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Total:	Watts Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Total:	Watts Saved:	Rebate:

Interior Lighting Savings Total:	
24 Hour Lighting Savings Total:	

Lighting Worksheet Rebate Subtotal, page 11 :	
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Lighting Worksheet (continued)

All projects are required to comply with IESNA-recommended lighting levels or local code.

EXTERIOR RETROFIT - REPLACE HID BULB WITH LED SCREW-IN

Exterior lighting must be connected to a functional device (e.g. time clock or light sensor) to prevent it from being on during the day.

Exterior Lighting — High-Intensity Discharge (HID) Lighting Replacement**		
Incentives are eligible for the <u>replacement or retrofit of an exterior HID fixture (metal halide, mercury vapor, or low pressure sodium) with an induction or LED fixture</u> which has a reduced input wattage of at least 40%. Incentives are per watt per fixture and are based on the original fixture. Incentive is for fixtures that operate less than 24 hours per day. Existing wattages must come from the Standard Wattage Table shown below. Incentive is \$0.20 per watt reduced. LED fixtures must be DLC listed.		
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Total:	Watts Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Total:	Watts Saved:	Rebate:
Existing Fixture:	Watts/Fixture:	Quantity:
Proposed Fixture:	Watts/Fixture:	Quantity:
Total:	Watts Saved:	Rebate:

kWh Savings	
Lighting Worksheet Rebate Subtotal, page 6 :	
Lighting Worksheet Rebate Subtotal, page 8 :	
Lighting Worksheet Rebate Subtotal, page 9 :	
Lighting Worksheet Rebate Subtotal, page 10 :	
Lighting Worksheet Rebate Subtotal, page 11 :	
Lighting Worksheet Rebate Subtotal, page 12 :	



2024 Energy Smart Commercial & Industrial Program

Terms and Conditions

Terms and Conditions

1. **Eligibility:** These incentives are offered by Energy Smart – Holland BPW to commercial and industrial electric customers installing energy-efficient equipment only. For questions regarding eligibility, call 616-355-1662.
2. **Incentive Offer:** Energy-efficient equipment subject to incentive from Energy Smart – Holland BPW must be installed and operational by December 31, 2024. Additionally, invoice(s) related to the equipment upgrade must be submitted to Holland BPW within 30 calendar days of installation (completion) and no later than December 31, 2024. Please keep a copy for your records. Incentives are calculated based on prescriptive incentive rates and shall not exceed **100% of the total cost of equipment, labor, and other associated project costs.** Custom projects are not to exceed 100% of costs.
3. **Project Documentation Requirements:** Customer will have to provide Energy Smart – Holland BPW with the documentation as listed in the instructions (page 1). If Customer does not provide the required project documents to Holland BPW at pre-approval and payment stages, the project may be disqualified from the program. The project may also be disqualified if pre-approval is not received, unless otherwise noted on the application.
4. **Energy-Efficiency Improvement Qualifications:** Increased energy efficiency resulting from peak shaving, programming, demand limiting, or operating schedule changes does not qualify. To qualify, lighting equipment must have a planned minimum usage of 1,800 hours per year. Non-lighting equipment must have a planned minimum usage of 1,500 hours per year. If Customer's equipment does not meet required usage hours per year, an incentive cannot be offered. If Customer has questions or concerns about above qualifications, Customer may contact Energy Smart – Holland BPW to discuss.
5. **Incentive Limit:** Incentive applications may receive a maximum of \$150,000, but will not exceed 100% of the customer's cost to install the project (external labor cost cannot be counted). Projects anticipated to save more than 1,000,000 kWh should contact EnergySmart@hollandbpw.com to determine their applicable incentive limit.
6. **Compliance:**
 - a. All projects must comply with applicable federal, state and local laws.
 - b. All equipment must be new.
 - c. The purchase and installation of used equipment is not eligible for incentives. Existing equipment must be removed and/or permanently disconnected.
 - d. Equipment must meet specification requirements as defined in application Worksheets and Equipment Guidelines.
 - e. All projects must be retrofit/replacement installation in an existing building (not available for new construction unless noted otherwise).
7. **Payment:** Approved Final Applications will receive payment within 45 calendar days of signed payment approval. Incomplete applications will either delay payments or result in denial of application approval. Energy Smart – Holland BPW reserves the right to refuse payment and disqualify Customer from participating in the program if the customer or their contractor violates any program Terms and Conditions. The qualified equipment must be installed and operating for the rated life of the product(s) or for a period of three (3) years from receipt of rebate, whichever is more. If the qualified equipment is removed or replaced with less efficient equipment, or if Customer ceases to be a customer of Holland BPW during the three (3) years, Customer shall refund a prorated amount of rebate dollars, based on the time installed, within thirty (30) days of receipt of notice from Energy Smart - Holland BPW.
8. **Inspection:** Holland BPW staff may conduct inspection(s) of the project site to survey existing conditions and/or newly installed equipment.
9. **Publicity:** Energy Smart – Holland BPW reserves the right to publicize Customer's participation in this program unless Customer specifically requests otherwise in writing.
10. **Program Discretion:** Incentives are available on a first-come, first-served basis. Incentive amounts and offerings are subject to change and/or termination without notice and at the discretion of Energy Smart – Holland BPW.
11. **Disclaimers:** Energy Smart – Holland BPW:
 - a. does not endorse any particular manufacturer, product, labor or system design by offering this program;
 - b. is not responsible for any tax liability imposed on the customer as a result of the payment of incentives. Energy Smart – Holland BPW is tax exempt;
 - c. does not expressly or implicitly warrant the performance of installed equipment or contractor's quality of work (contact your contractor for detailed warranties);
 - d. is not responsible for the proper disposal/recycling of any waste generated as a result of this project;
 - e. is not liable for any damage caused by the installation of the equipment and/or for any damage caused by the malfunction of the installed equipment.
12. **Indemnification:** Customer shall, to the fullest extent permitted by law, indemnify and hold harmless Energy Smart – Holland BPW, their officers, agents and employees from and against all losses and litigation expenses arising out of or resulting from the performance of work hereunder and caused, in whole or in part, by any act or omission of Contractor. Energy Smart – Holland BPW shall further be entitled to all costs (which include both internal and external) incurred in the process of enforcing this or any other provision under this Agreement. This provision is not intended and is not to be construed as a waiver of the defense of governmental immunity otherwise available nor is it intended to grant third party beneficiary status to any person or entity.
13. **Governing Law:** This agreement is construed in accordance with Michigan law, without regard to conflict of laws, provisions, and venue and is in Ottawa County and Allegan County, Michigan.
14. **Intellectual Property:** No rights in copyright, patents, trademarks, trade secrets, or other intellectual property are granted to contractor and/or subcontractor except as expressly provided under these Terms. Contractor and/or subcontractor will not register or use any mark and/or internet domain name that contains any Holland BPW intellectual property.