



REGIONAL EVALUATION,
MEASUREMENT & VERIFICATION FORUM

Operational Guidelines for the Regional Evaluation, Measurement and Verification Forum

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1. Name and Legal Standing

The Regional Evaluation, Measurement and Verification Forum (Forum) is a Project of Northeast Energy Efficiency Partnerships (NEEP), a not-for-profit charitable organization incorporated in the Commonwealth of Massachusetts with US Internal Revenue Service approved status as a 501(c) 3 organization.

2. Background

- a. *Purpose:* The Forum is organized to provide a vehicle for states to develop and support the consistent use of protocols to measure, verify, track and report the energy and demand savings, costs and emission impacts of energy efficiency and other demand-side resources implemented in the region to meet state and regional public policy goals.
- b. *Scope:* The Forum provides guidance for states to follow regarding EM&V protocols for estimating and reporting demand side resources. The Forum facilitates non-binding agreements, conducts joint development, research and evaluation projects, and provides public visibility, access to, and technical support for the use of Forum products and recommendations.
- c. *Objectives:* The Forum objectives are to:
 - 1) Increase the reliability and credibility of demand-side resources
 - 2) Reduce costs of demand-side resource evaluation and research
 - 3) Increase participation in demand-side resource markets
 - 4) Improve state, regional and local demand-side resource and energy planning, implementation and evaluation
 - 5) Inform the likely development of national/international standards and protocols in near-term and long-term.

3. Purpose of Guidelines

The purpose of these guidelines is to clarify the roles, responsibilities and liabilities of Forum participants, provide for a clearly understood decision making process, and provide operational rules that provide a transparent and efficient process for transacting Forum business. NEEP and the Steering Committee may agree to amend these guidelines at any time.

4. Participants and Observers

- a. *Participants.* Participants are individuals that serve on the Forum Committees, including the Steering Committee and Project Committees, whose representative state agency and/or company provide financial support for the Forum's activities. Participants participate in Forum decision making (Sections 5g-h and 6f).
- b. *Observers.* Observers are other Forum stakeholders who may attend or participate in Forum meetings and activities but do not participate in Forum decision making.

5. Steering Committee

- a. *Purpose:* The Forum Steering Committee will serve to guide the activities and budget of the Forum, and to recommend for state adoption common/consistent EM&V protocols for energy efficiency and other demand side resources.



- b. **Members:** Members of the Steering Committee, invited by NEEP, will include decision makers and leaders in adopting and implementing policies to advance energy efficiency and other demand-side resources, as follows:
 - 1) One utility regulatory commissioner from each participating state (and other appropriate state agency representative), and supporting commission staff (as necessary in the absence of the Steering Committee member);
 - 2) Two air regulatory representatives of the Northeast/mid-Atlantic region; and
 - 3) One NEEP Board of Directors member, which shall serve as one of the Steering Committee Co-Chairs.
 - 4) Steering Committee members must be Forum Participants according to Section 4a.
 - 5) NEEP will seek counsel of the Steering Committee and its co-chairs to recruit Steering Committee members and/or address changes in membership as needed, and NEEP may make exceptions to the above list of members as needed or appropriate.
- c. **Leadership:** The Steering Committee will be led by two co-chairs and three vice-chairs, serving for a period of one year. The non-NEEP Board co-chair and vice-chairs will be selected to ensure representation from New England, New York and the Mid-Atlantic public utility commissions, and also an air regulatory representative. The non-NEEP Board Co-chair and vice-chair positions will rotate among the Steering Committee members according to a nomination process agreed to by the Steering Committee members. Co-chairs and vice-chairs will serve to guide the development, adoption and any revisions to the Forum governance structure, project agenda and Forum budget, and inform preparation of Steering Committee meetings.
- d. **Role and Responsibilities:** The Steering Committee will be convened and facilitated by NEEP (Section 7), and will be served by Project Committees (Section 6). The Steering Committee will:
 - 1) Adopt an annual Forum project agenda, budget and revenue plan, subject to NEEP Board approval, that sets priorities and schedules for Forum activities implemented with the input and guidance of the Project Committees.
 - 2) Publicly support the Forum as a regional resource to assist implementation of demand-side resource policies and programs and build support for Forum funding.
 - 3) Approve and endorse for state adoption protocols and materials developed through the Forum.
 - 4) Encourage transparency of Forum products and materials.
 - 5) Adopt and modify, as needed, provisions to protect confidential or market sensitive information (Section 10).
- e. **Meetings:**
 - 1) **Frequency of Meetings.** The Steering Committee will meet on a quarterly basis or as needed to act on Forum materials and recommendations. Co-chairs will participate in conference calls with NEEP staff. Meeting dates will be announced, and meeting materials distributed, in advance with sufficient time to review materials.



- 2) Meetings by Telephone. Steering Committee meetings may be conducted through the use of conference telephone calls and webcasts by which all members participating may simultaneously hear each other during the meeting, and in some cases view materials on-line. Such participation will constitute presence in person at such meeting.
 - 3) Steering Committee meetings will be open to Participants and Observers, with the exception of closed executive sessions to address sensitive or proprietary issues (e.g., specific contractual and participant funding issues, personnel issues, Steering Committee participant issues, etc.).
 - 4) Meeting minutes shall be provided to Steering Committee members, and approved by its co-chairs. Meeting minutes shall be made public.
- f. *Decision Making:*
- 1) The Steering Committee Co-Chairs, in consultation with the Project Committees and NEEP, will determine what requires a vote by the Steering Committee.
 - 2) Decisions shall be made through a consensus process, where possible. Where consensus is unlikely, there shall be a vote (Section 5g and 5h). In cases of conditional decisions, clear suggestions for revision and the process for having the recommendation re-reviewed shall be made.
 - 3) A decision may only be taken when sufficient time has been allowed for review and discussion of recommended Forum materials or protocols.
 - 4) Decisions or votes should only be made at meetings or in conference calls where a quorum is present (Section 5g.).
 - 5) Steering Committee decisions regarding Forum activities will be made public, where the venue(s) for such communication shall be determined by the Steering Committee.
- g. *Quorum.* Representation in person, including by phone or by proxy at designated meetings or conference calls, of at least a simple majority of the Steering Committee members shall constitute a quorum for Steering Committee decisions and voting on Forum matters at Steering Committee meetings.
- h. *Voting.*
- 1) At any meeting of the Steering Committee where a consensus decision cannot be reached, and at which a quorum is present, each participating state shall be entitled to one vote on issues submitted to the Steering Committee, with the exception of the NEEP Board of Directors member, who is a non-voting member of the Steering Committee. There shall be no fractional votes.
 - 2) Affirmative vote by two-thirds (2/3) of a quorum shall be necessary to decide a particular motion or question.
 - 3) To avoid potential conflicts of interest with the presence of regulated utility Forum members (e.g., Project Committee co-chairs - see 6c) during Steering Committee votes with commissioners, non-Steering Committee members will be asked to leave the meeting or phone call when a vote is called. Such non-Steering Committee members will have the opportunity to provide comment on the relevant topic or issue in advance of the vote



(i.e., a time will be allocated during the discussion for non-Steering Committee members to provide comment on the relevant topic or issue), and will be notified of the vote results along with all other Forum participants.

6. Project Committees

- a. *Purpose:* Project Committees will serve the Steering Committee to present recommended Forum projects and budgets, and regional protocols and supporting materials and products for Steering Committee consideration and adoption. Project Committees shall consist of at least three committees, and supporting project sub-committees, as follows:
 - 1) Protocol Development Committee
 - 2) Research and Evaluation Committee
 - 3) Education and Information Access Committee
- b. *Members:* Project Committees may include individuals experienced in demand-side resource planning, implementation and evaluation as follows:
 - 1) Electric and natural gas energy efficiency program administrators
 - 2) Utility and air regulatory staff
 - 3) EM&V expert advisors and consultants retained by 6.b.1) and 6.b.2)
 - 4) Forum Observers
 - 5) Member selection - NEEP will seek counsel of the Project Committees and the co-chairs to recruit Project Committee members and/or address changes in membership as needed
- c. *Leadership:* Each state will assign one or two representatives to serve as a Project Committee co-chair, including a PUC staff and program administrator representative, where appropriate. The co-chairs will serve for a period of at least one year, where the co-chair positions will rotate among the Project Committee members according to a nomination and rotation process agreed to by the Project Committee members. Co-chairs will play a lead role in guiding Forum projects and budgets, and will represent Project Committees' recommendations to adopt Forum protocols, materials and/or products before the Forum Steering Committee. Co-chairs will serve as a liaison of the Project Committees to the Steering Committee.
- d. *Roles and Responsibilities:*
 - 1) Project Committees will be convened and facilitated by NEEP, and supported by third party contractors. To support Forum activities, the Project Committees will:
 - a) Guide and inform priority Forum projects and budgets;
 - b) Provide input on draft project reports and studies prepared by NEEP and/or third party contractors;
 - c) Develop recommendations to the Steering Committee for adoption of Forum protocols, materials and/or products.



- 2) Project Subcommittees will be represented by self-appointed Project Committee members that will work with NEEP staff to:
 - a) Review and comment on draft project materials, including draft scopes of work and requests for proposals developed by NEEP, and draft deliverables from 3rd party contractors;
 - b) Participate in contractor bid review, scoring and selection, in consultation with Project Committees;
 - c) Inform project briefings and results for Project Committee members, and help NEEP staff prepare recommendations for Project Committee consideration.
- e. *Meetings.*
 - 1) Project Committees will meet on a quarterly basis or as needed to discuss and develop Forum materials. Project Committee meetings will be open to the public.
 - 2) Project Committee co-chairs will participate in monthly or as needed conference calls with NEEP staff to inform preparation of materials and agendas for Project Committee and Steering Committee meetings.
 - 3) Project Sub-committees will participate in regular conference calls to develop and review project materials including requests for proposals from 3rd party contractors, scopes of work, and draft and final deliverables. Such conference calls shall be represented by Sub-committee members, NEEP staff, and 3rd party project Contractors. Any additional participation by other parties in sub-committee conference calls shall be determined by NEEP on a case by case basis.
 - 4) Meeting dates and conference calls will be announced, and meeting materials distributed, in advance with sufficient time to review materials.
- f. *Decision Making:* The Project Committee Co-Chairs in consultation with NEEP staff will determine what requires a Project Committee decision. Certain issues, as identified and deemed appropriate by the Project Committee Co-chairs, shall be resolved by each project Subcommittees.
- g. Recommendations and/or decisions for Steering Committee consideration shall be made through a consensus process of a quorum (Section 6.f.), where possible, by Participants on the Project Committees. Where consensus is not attained, the Project Committee co-chairs shall bring the recommendation and dissenting Participant positions to the Steering Committee for consideration and resolution.
- h. *Quorum:* Provisions for a quorum provided in Section 5.g. shall also apply to the Project Committee decision making process.

7. Northeast Energy Efficiency Partnerships, Inc.

- a. *Purpose:* NEEP will convene, facilitate and provide administrative and operational support to the Forum's activities and participants, and serve as the legal fiduciary, and financial and fiscal manager for Forum projects and activities.
- b. *Roles and Responsibilities:* To support the Forum's activities, NEEP shall:



- 1) Convene and facilitate Steering Committee and Project Committee meetings;
- 2) Provide technical and administrative support for Forum projects including planning and overall project management for Forum projects;
- 3) Facilitate revenue generation to support Forum activities including the preparation of grants and implementation of other funding mechanisms recommended by the Forum Steering Committee;
- 4) Retain the services of contractors and consultants selected with Project Committees' input to undertake research and development projects, and serve as contract manager, including serving as fiscal agent (Section 7c);
- 5) Coordinate Forum activities with relevant state, regional and national forums;
- 6) Disseminate and make Forum results, products and recommendations accessible to target audiences; and
- 7) Conduct outreach and education to support understanding and use of Forum results, materials and recommendations.
- 8) Serve as the legal fiduciary and financial and fiscal manager for Forum projects including but not limited to the following:
 - a) Execute, hold and manage contracts with third parties to undertake Forum projects and activities;
 - b) Provide and maintain insurance, legal and accounting resources to support appropriate financial and liability management;
 - c) Collect revenues from funders to pay costs to operate and support the Forum;
 - d) Provide required and informational reporting to appropriate parties;
 - e) Provide appropriate public access to Forum generated materials (Section 10) by holding the copyright and other intellectual property rights to such materials;
 - f) Include Forum projects within the scope of NEEP's annual independent audit; and
 - g) Require that NEEP be added as additional insured party to contractors' liability policies.

8. Third Party Contractors

- a. *Purpose.* Independent third-party contractors (Contractors) will be retained through competitive Requests for Proposal, or processes as agreed to by the Project Committees on a case by case basis, to support the Forum's projects. Contractors will report to the Project Committees and project sub-committee, and be managed by NEEP with guidance from the Project Committees.
- b. *Roles and Responsibilities:* To support the Forum's activities, the Contractors will:
 - 1) Conduct research to inform, and advise on, protocol development;
 - 2) Conduct coordinated research and evaluation projects;



- 3) Develop and maintain Forum website;
- 4) Develop and maintain a potential on-line database for common protocols;
- 5) Provide technical support for Forum on-line resources.

9. Budget, Funding and Liability

- a. *Forum Budget:* Form budgets and revenue plans are subject to approval by the NEEP Board of Directors. NEEP staff will seek Project Committee input to develop Forum budgets and revenue plans, and Steering Committee recommendations for NEEP Board of Directors' approval.
- b. *Forum Funding:* The Forum may be funded by one or more of the following sources:
 - 1) Participating states through sources determined by each state
 - 2) Federal agency and foundation grants
 - 3) Subscription, workshop and service fees
- c. *Allocation of Forum Costs to Participating States:* The Steering Committee will recommend to the NEEP Board of Directors a method or methodologies to allocate the costs of Forum activities across the participating states and other funding sources.
- d. *Liability.* NEEP will not be liable for the actions of Forum participants, observers or other users of or parties to Forum projects, activities or materials. In addition to maintaining appropriate insurance to protect against liabilities or claims thereof, NEEP will maintain on Forum materials disclaimers of liability regarding the use of such materials.
- e. *Dissolution:* In the event of the dissolution of the Forum, all funds shall be disbursed to the paying Forum Participants.

10. Guidelines for Requesting and Approving Forum Project Cost Modifications and Use of Contingency Funds

- a. *Purpose:* The purpose of these Guidelines is to establish a process for requesting and approving Forum project cost increases and the use of Forum contingency funds.
- b. *Requesting and Approving Project Cost Increases:*
 - 1) A project cost increase is defined as an increase in project cost relative to the original project contract cost approved by Forum project funders (or designated decision makers).
 - 2) A request to fund a project cost increase must be presented by the project subcommittee to the project funders and the Project Committees co-chairs in writing, with a clear explanation of the reason(s) and basis for the cost increase request, including the time sensitivity of the additional funding request, a description of any efforts made to prevent the cost overrun, and a proposal for how it will be funded.



- 3) Any project cost increase request that is less than \$15,000 requires written approval by the project funders and the Project Committees co-chairs, and will be communicated with the Steering Committee for review and/or comment, with a seven day comment period. The Project Committees co-chairs will exercise discretion as to whether Steering Committee written approval of a project cost increase is needed.
 - 4) Any project cost increase request that is equal to or more than \$15,000 requires written approval by the project funders, the Project Committees co-chairs, and the Steering Committee.
- c. *Requesting and Approving Use of Contingency Funds:*
- 1) Contingency funds exist to fund additional projects, project expansions or cost increases, or other EM&V Forum business.
 - 2) Any use of contingency funds that is less than \$15,000 requires written approval by the project funders and the Project Committees co-chairs, and will be communicated with the Steering Committee for review and/or comment, with a seven day comment period. The Project Committees co-chairs will exercise discretion as to whether Steering Committee written approval of a use of contingency funds is needed.
 - 3) Any use of contingency funds that is equal to or more than \$15,000 requires written approval by the project funders, the Project Committees co-chairs, and the Steering Committee.

11. Public Access to Forum Materials and Protection of Confidential Information

All Forum materials, with the exceptions noted herein, shall be public information, including studies, results and data used or developed to support the Forum. Exceptions include confidential data such as customer specific data (e.g., used to support evaluation studies or other research projects), contractual bids for Forum projects, and any other data identified as confidential by the Project Committee co-chairs and Steering Committee members.

12. Duration of Forum

An independent, third party evaluation of the Forum's performance and effectiveness in meeting its stated goals and objectives shall be conducted every three years of the Forum operation, beginning in 2011.

-- END OF GUIDELINES --