

**Results of Electronic Ballot of RESNET Board of Directors on
Adopting Amended RESNET EnergySmart Contractor
Guidelines
November 18, 2010**

Shall the RESNET Board of Directors adopt the RESNET EnergySmart Contractor Task Force's proposed amended RESNET EnergySmart Contractor Guidelines (Attachment A)?

Yes (15)	No (1)	Abstain (0)	Not Voting (3)
Ben Adams	Dave Bell		Andy Gordon
Steve Byers			Kelly Parker
Dennis Creech			Greg Thomas
Lance DeLaura			
Brett Dillon			
Charles Eley			
Philip Fairey			
David Goldstein			
Mark Jansen			
Lee O'Neal			
Bill Prindle			
Javier Ruiz			
Orlo Stitt			
Daran Wastchak			
Barb Yankie			

The revised guidelines were adopted.

Attachment A

Draft RESNET EnergySmart Contractors Guidelines

November XX, 2010

GENERAL PROVISIONS

1 Purpose

The provisions of these Guidelines are intended to define a framework for designating contractors as RESNET EnergySmart Contractors, and define the measures required for recognition as an EnergySmart Home Performance Team.

1.1 Scope

This chapter sets out the procedures for

1. the approval of Contractor Education and Qualification (CEQ) Providers
2. the process by which a contractor may receive designation as a RESNET EnergySmart Contractor, and
3. the process by which an alliance of RESNET EnergySmart Contractors working in partnership with a certified Comprehensive Home Energy Rater (CHERS Rater) or Building Performance Auditor may become RESNET recognized as an EnergySmart Home Performance Team.

There may be instances in which state laws or regulations differ from these Guidelines. In such instances, state law or regulation shall take precedence over these Guidelines.

2 DEFINITIONS AND ACRONYMS

Complaint Resolution Officer or “CRO” – The individual assigned to manage complaint and resolution procedures for the CEQ Provider.

Contractor Education and Qualification Provider or “CEQ Provider”. An organization approved by RESNET in accordance with the requirements of these guidelines to train and prepare individuals to be an EnergySmart Contractor’s Designated Qualification Representative and to perform the other duties of a Contractor Education and Qualification Provider established herein.

Designated Qualification Representative or “Representative”. An individual employed by or a representative of an EnergySmart Candidate, with the necessary level of authority who shall take the required course, pass the RESNET core exam, and otherwise ensure that the contractor, once approved as an EnergySmart Contractor, complies with the terms and conditions of the Directory.

EnergySmart Contractor Directory or “Directory” A listing of approved EnergySmart Contractor that is posted on the RESNET Website.

EnergySmart Contractor Candidate for Recognition or “Candidate”. A company with a Designated Qualification Representative who intends to become an EnergySmart Contractor, who shall list itself in the Candidate section, and who shall have 90 days to complete its qualification requirements and receive approval by a CEQ Provider. If the Candidate has not been approved within the time limits, their listing will be removed.

EnergySmart Contractor or “ES Contractor”. A home improvement contracting company that has been approved by a CEQ Provider to implement energy-saving work scope recommendations prescribed by a certified CHERS Rater or Building Performance Auditor. A home improvement company from any of the trade categories defined on the Directory, who is compliant with the RESNET training, examination and the program requirements contained herein is eligible for designation as EnergySmart and may be listed on the Directory.

Home Performance Project or “Project”. The installation of energy-saving retrofit measures that include air sealing enclosed cavity insulation representing 15% or more of the total building shell area, and/or sealing of the HVAC ducts outside the thermal envelope.

Home Performance Team for Comprehensive Retrofits or “Team”. A team consisting of independent contracting companies and a RESNET certified Rater/Auditor who can collectively prescribe and complete a home performance retrofit Project.

Independent Rater/Auditor. Either a RESNET certified Rater/Auditor who performs the final inspection and “Test-Out” to verify work scope standards have been followed and an estimate of the projected energy-savings as a result of the retrofit. The final inspection and test-out must be performed by an *Independent Rater/Auditor* who receives no financial compensation for any of the retrofits performed on the Project.

Project Manager. The company or individual with whom the homeowner contracts for the coordinated installation of comprehensive energy-saving retrofits prescribed by a certified Rater/Auditor. The Project Manager could conceivably be the Rater/Auditor or any EnergySmart Contractor on the Home Performance Team.

Rater/Auditor. An individual who is certified to conduct the evaluation, diagnosis and testing of an existing home's performance and provide a prioritized work scope for cost-effective energy saving measures and features to the homeowner. Either a RESNET certified Comprehensive HERS Rater (CHERS Rater) or a RESNET certified Building Performance Auditor (BPA).

Registry. The database maintained by a CEQ Provider of all ES Contractors they serve along with the names of their Representatives and other pertinent information defined in Section 1003.2.1 of this document.

“Executive Director” or RESNET Executive Director. A person elected by the Board of Directors of the Residential Energy Service Network (RESNET) to be the Chief Executive Officer of RESNET.

Unresolved Complaint. A complaint deemed by the CEQ Provider to require corrective action by the E/S team member (see Section 1003.2.2, #7).

3 CONTRACTOR EDUCATION AND QUALITY (CEQ) PROVIDER APPROVAL CRITERIA

3.1 Minimum Requirements for CEQ Provider Approval.

An Approved CEQ Provider must specifically meet or provide the following requirements.

3.1.1 Accreditation as a RESNET Rating or Home Energy Audit Provider in good standing.

3.1.2 A staff member or representative with at least 10 years of residential construction or home improvement contractor experience who holds a valid contractor license in the State which they are providing training, if that State requires a contractor to hold a license;

3.1.3 Submit documentation in support of designating ES Contractors in accordance with the following provisions:

3.1.3.1 Qualified EnergySmart (ES) Contractor course: A CEQ Provider shall provide a minimum eight (8) hour initial RESNET Accredited Qualified ES Contractor course. The course shall cover at a minimum, the following topics:

1. The Importance of ES Contractors
2. The House as a System
 - a. Building Science Basics
 - b. Building Shell Fundamentals
 - c. Energy Efficiency Concepts
 - d. Energy Related Consequences of Common Construction Practices
3. Introduction to how a Rater/Auditor utilizes Air Leakage Testing, Duct Leakage Testing, and IR Technology during energy audits

4. Understanding and Completing Scopes of Work as defined in the RESNET Interim Guidelines for Combustion Appliance Testing and Writing Work Scope
5. Work Orders, Sequence and Priority of Work, and Respect for other Contractors
6. Introduction to RESNET Standards and RESNET Code of Ethics

3.1.3.2 Continuing Education. A CEQ Provider shall annually make available a minimum of two (2) hours of CE courses relevant to energy efficiency, home improvement contracting, standards updates, technology updates, new incentive programs, retrofit lessons learned and/or other topics deemed applicable and appropriate by the CEQ Provider.

3.1.3.3 The Provider shall delist an ES Contractor that does not renew every three (3) years.

3.1.3.4 ES Contractor Agreements. The CEQ Provider shall enter that each ES Contractor into a written agreement with the Provider. An unexecuted copy of the ES Contractor written agreement shall be provided to RESNET with the Provider's accreditation application, and again within 60 days of making changes to the agreement. The written agreement shall, at a minimum, contain an pledge to comply with the guidelines contained herein, the RESNET ES Contractor Pledge and Code of Ethics.

3.1.3.5 Minimum Standards for CEQ Provider Operation Policies and Procedures shall be submitted in written form to RESNET for approval, and shall at a minimum provide for the following:

3.1.3.5.1 The CEQ Provider shall have a dedicated Complaint Resolution Officer (CRO) to manage consumer complaints and resolve consumer complaints about ES Contractors, Rater/Auditor complaints about ES Contractors and ES Contractor or Rater/Auditor complaints about the CEQ Provider.

3.1.3.5.1.1 The CRO shall have a signed agreement with the CEQ Provider to be the Provider's CRO.

3.1.3.5.1.2 If the CRO leaves the CEQ Provider, the Provider shall have sixty (60) calendar days to notify RESNET of new CRO or be subject to suspension of

accreditation under the provisions of Section 908 of the Mortgage Industry National Home Energy Ratings Standard.

3.1.3.6 Written EnergySmart Contractor discipline procedures shall include at a minimum the following:

3.1.3.6.1 First Offense. The first time a contractor has 3 unresolved complaints within a 90 day period, the Provider shall inform RESNET of the situation and RESNET shall remove, or cause to be removed, the contractor from the Directory/Registry for a period of no less than 30 days. To be reinstated to the Directory/Registry at the end of the 30 day suspension, the contractor shall (within the 30 day period) complete 2 hours of additional CE specific to conflict resolution or RESNET relations or successfully resolve at least one of the complaints.

3.1.3.6.2 Second Offense. The second time a contractor has 3 unresolved complaints within a 90 day period, the Provider shall inform RESNET of the situation and RESNET shall remove, or cause to be removed, the contractor from the Directory/Registry for a period of no less than 90 days. To be reinstated to the Directory/Registry at the end of the 90 day suspension, the contractor shall (within the 90 day period) complete 3 hours of additional CE and successfully resolve at least one of the complaints. At no time, shall a contractor have more than 5 outstanding unresolved complaints.

3.1.3.6.3 Third Offense. The third time a contractor has 3 unresolved complaints within a 90 day period, or a total of 5 outstanding unresolved complaints, the Provider shall inform RESNET of the situation and RESNET shall remove, or cause to be removed, the contractor from the Directory/Registry for a period of no less than one (1) year. The RESNET Executive Director shall provide to the Contractor written notice and a 30 day opportunity to appeal. The RESNET Executive Director, at his sole discretion, shall make a determination as to whether or not to remove the contractor from the Directory/Registry for a period of no less than 90 days. To be reinstated to the Directory/Registry at the end of the 90 day suspension, the contractor shall (within the 90 day period) complete 3 hours of additional CE and successfully resolve at least three of the complaints.

3.2 Quality Assurance by CEQ Providers

3.2.1 EnergySmart Contractor Registry. The CEQ Provider shall maintain a registry of all of its ES Contractors. The registry should include the name of the Designated Qualification Representative, company name, mailing address, voice phone number, fax number, and email address.

3.2.2 EnergySmart Contractor Representative Verification: The Provider shall require the ES Contractor to inform them within 60 days if their Representative leaves the company or is replaced. The Provider shall annually verify whether the Representative is still with the company and provide to RESNET its verified registry of ES Contractors.

3.2.3 Complaint Response Process. Each Provider shall have a system available for receiving complaints, and shall have a dedicated Complaint Resolution Officer (CRO) to manage and resolve complaints from any party involved in a Project including consumers, Rater/Auditors and ES Contractors and any complaints against the CEQ Provider. The Provider shall respond to and resolve complaints related to work performed by ES Contractors. Providers shall ensure that ES Contractors inform clients about the complaint process. Each Provider shall retain records of complaints received and responses to complaints for a minimum of three years after the date of the complaint. The Complaint Response Process shall include, at a minimum, the following:

1. Consumer Complaint Form, available for submittal via the RESNET website;
2. The work contract(s) shall be included with the complaint submittal;
3. Complaints must be either related to structural or major deficiencies (over \$500) and must impact the energy efficiency of the home;
4. Copies of recognized checklists denoting unresolved deficiencies.
5. The listed ES Contractors shall be notified of all complaints and allowed a 10 day period to resolve the complaint with the client or to submit a complaint rebuttal to the CRO;
6. A Directory Removal (De-listing) Penalty for unresolved complaints can range from 30 days to 1 year;
7. The CRO shall evaluate the complaint to determine if the contractor shall be deemed an offender.
8. In the event the CRO cannot make a fair evaluation of the complaint based on the information submitted, the consumer shall have the option of hiring an independent Rater/Auditor to visit the site and submit his or her report and findings;
9. ES Contractors with too many unresolved complaints as defined in Section 1003.1.3.6 may be removed from the Directory. This ban is attributed to the ES Contractor. The CEQ Provider shall communicate to the Executive Director recommended appropriate

action and the Executive Director shall approve or modify the action. Such action shall be communicated to the RESNET who shall take action as directed.

10. Complaints against the CEQ Provider by any party that cannot be satisfied by negotiation among the parties shall be submitted to the RESNET Executive Director.

3.2.4 Actions Against a Qualified ES Contractor.

3.2.4.1 Consumer complaints against a listed ES Contractor shall be submitted through the RESNET website and will be forwarded to the CEQ Provider to the attention of the CRO for the following action:

3.3.4.1.1 The ES Contractor will have forty-five (45) calendar days to resolve the complaint;

3.2.4.1.2 A complaint will be considered resolved once a Complaint Resolution Form has been submitted; signed by both the client and the party against whom the complaint was filed and the resolution is verified by the CRO;

3.2.4.1.3 A log of unresolved complaints shall be maintained by the CEQ Provider.

3.2.5 Actions Against a CEQ Provider. Complaints against a CEQ Provider shall be submitted through the CRO to RESNET to the attention of the Executive Director.

4 ENERGYSMART CONTRACTOR DESIGNATION

4.1 EnergySmart (ES) Contractor

4.1.1 An ES Contractor must be designated as such by a CEQ Provider in accordance with the Section 1003 of these Guidelines.

4.1.2 A company in order to become recognized as a ES Contractor shall assign an employee or representative as its Designated Qualification Representative who meet the following requirements:

4.1.2.1 The Representative shall take an initial accredited eight (8) hour Qualified Contractor Course from a RESNET accredited CEQ Provider.

4.1.2.2 The Representative shall pass the RESNET National ES Contractors test administered by a CEQ Provider. The competency

categories covered on the 50 question multiple-choice test and the percentage of questions devoted to each category are as follows:

1. Air Sealing 10%
2. Client Communication 6%
3. Combustion Safety 6%
4. Ducts/Distribution 10%
5. Energy Fundamentals 10%
6. Ethics 6%
7. Health/Safety 6%
8. Insulation 10%
9. Lighting/Appliances 4%
10. Moisture Management 10%
11. Structure 6%
12. Ventilation 6%
13. Heating/AC 10%

4.1.2.3 The Representative shall enter into a written Agreement with a RESNET Accredited CEQ Provider in which the ES Contractor agrees to comply with the program requirements contained herein and with the RESNET Standards and Code of Ethics contained in Chapter 9 of the Mortgage Industry National Home Energy Rating Standards

4.1.2.4 The Representative must complete a minimum of two (2) hours of continuing education annually. Continuing education must be delivered by an Accredited CEQ Provider.

4.1.2.5 The Representative must renew the CEQ Provider not less than every three (3) years. Failure to maintain certification will result in the ES Contractor being deleted from the CEQ's Registry and from the RESNET promotional Directory.

4.1.3 An ES Contractor shall designate at least one certified Rater/Auditor whom they will routinely recommended to clients to conduct initial home performance audits or ratings and to prepare a work scope of energy-saving retrofits.

4.1.4 Reciprocity with the Air Conditioning Contractors of America (ACCA): RESNET shall recognize contractors trained and designated by ACCA to be ES Contractors provided ACCA meets the RESNET CEQ requirements.

4.2 Rater/Auditor Responsibilities

4.2.1 Follow the Data Collection and Quality Assurance requirements defined in sections 1004.2.1.2.1 and 1004.3

4.2.1.1 Designated Raters/Auditors, working in concert with RESNET ES Contractors must record and keep on file specified levels of Project and performance information using a systematic process as follows:

4.2.1.2 The designated Rater/Auditor who performs the initial rating or audit must keep and maintain a record of the initial rating or audit report, all relevant data collected and work scope recommendations.

4.2.1.3 For implementation of any Project that involves air sealing the enclosed cavity insulation representing 15% or more of the total building shell area, and/or sealing of the ducts outside the thermal envelope, the work scope must include pre and post-installation blower door tests and duct leakage evaluation. Accordingly, the Independent Rater/Auditor conducting the final inspection and test-out must obtain (from the Project Manager) the initial rating or audit file and documentation of all improvements made, so the appropriate inputs into a RESNET approved Home Performance Software.

4.2.1.4 A certified Rater/Auditor must perform preliminary and post-installation safety inspections of all combustion appliances whenever changes to the building envelope and/or heating system are part of the Project.

4.2.1.5 RESNET certified Rater/Auditors must make available for at least three (3) years, specific Project information to their Provider upon request.

4.2.1.6 The Designated Rater/Auditor may be an employee of an ES Contractor or have financial interest in the ES Contractor Company, however, for quality assurance, the final inspection and test-out evaluations following air-sealing the must be performed by an Independent Rater/Auditor who has no financial interest in any company performing retrofit work on the Project.

4.2.1.7 Designated Raters/Auditors must meet the following requirements:

4.2.1.7.1 Building Performance Auditor (BPA) or "Auditor"- An individual who is certified by a RESNET accredited Home Energy Audit (HEA) Provider to conduct the evaluation, diagnosis and testing of an existing home's performance and

provide a prioritized work scope for cost-effective energy saving measures and features to the homeowner. As the house is a system, a BPA is competent in building analysis, envelope/shell evaluation and work scope preparation.

4.2.1.7.2 Comprehensive HERS Rater (CHERS Rater) or “Rater” - As defined in Chapter Seven of the RESNET Mortgage Industry National Home Energy Rating Standards; an individual who is certified by an accredited HERS Provider to inspect, diagnose and test an existing-home in order to evaluate each of the minimum rated features established by RESNET, prepare a **comprehensive** HERS rating according to Chapters One and Three of the RESNET Mortgage Industry National Home Energy Rating Standards and provide a prioritized work scope for cost-effective energy saving measures and features to the homeowner. In addition to Rater training, a CHERS Rater has completed training on combustion safety diagnostics and retrofit work scope preparation and requirements. (A certified CHERS Rater is also qualified to perform HERS Ratings on new homes. A HERS Rater is qualified to perform ratings on both new and existing homes but cannot perform the Comprehensive HERS Rating until completing additional training as required by RESNET.)

4.3 EnergySmart Home Performance Teams for Implementing Comprehensive Home Performance Projects

4.3.1 An EnergySmart Home Performance Team shall include the following members:

4.3.1.1 At least one certified Rater/Auditor (*for performing diagnostic test-in and test-out evaluations*)

4.3.1.2 HVAC: At least one state licensed Heating and Air Conditioning Contractor, if that state requires a license, who is a recognized participant in the ACCA QA Program.

4.3.1.3 Envelope/Insulation: At least one RESNET ES Contractor that specializes in Air Sealing and Insulation who employs at least one senior technician who is an ICAA Certified Insulation Installer.

4.3.1.4 Project Manager (for each Home Performance Project): One who is either a designated ES Contractor, or a certified Rater/Auditor.

4.3.1.5 Any number of other home improvement contractor companies working under the oversight of the Project Manager according to work scope requirements of a certified Rater/Auditor and applicable RESNET Standards of Practice.

4.3.1.6 Only companies with the ES Contractor designation from an accredited CEQ Provider are eligible for posting and promotion on the RESNET Directory.

4.3.2 In the event the designated Rater/Auditor who performed the initial inspection and diagnosis has either a financial interest in any retrofit work on the Project or is employed by a company who performs any part of the retrofit work on the Project, the Project Manager must ensure the final test-out evaluation is performed by an Independent Rater/Auditor with the qualifications defined in 4.1.4.2.1.

4.3.3. ES Contractors and Rater/Auditors may work with multiple teams. For example, a certified Auditor or Rater may be designated by multiple teams of ES Contractors and a ES Contractor may work on multiple teams, each with a different Rater/Auditor Designee. Project Managers may vary from Project to Project.

4.4 Project Manager Requirements and Responsibilities

4.4.1 The company with whom the homeowner is under contract will serve as the Project Manager. Project Managers agree to defer to the Designated Rater/Auditor for the diagnosis and preparation of energy retrofit recommendations whenever air sealing of the enclosed cavity insulation representing 15% or more of the total building shell area, and/or sealing of the ducts outside the thermal envelope are being considered.

4.1.2 The Project Manager is responsible for ensuring that RESNET Work Scope Standards and industry best practices are followed for all work performed.

4.4.2 The Project Manager must be either a designated EnergySmart Contractor or a certified Rater/Auditor and shall:

1. Ensure an initial rating or audit is performed on each Project
2. Ensure that a preliminary and post-installation safety inspection of all combustion appliances is completed whenever changes to the building envelope and/or heating system are part of the Project.
3. Provide general oversight of all contractors performing work on the Project to ensure proper sequence and compliance with the work scope prepared by the Rater/Auditor
4. Deliver the initial rating or audit report along with documentation of all work performed to the Independent Rater/Auditor prior to final inspection and test-out

5. Ensure all results and Project documentation is provided to the client.

4.4.3 The Project Manager must maintain the following documentation for each Project for a minimum of 3 years and make them available to his Provider upon request.

1. The initial rating or audit report
2. Documentation of all energy-saving retrofits and installations
3. The final rating or audit report with test-out results

4.5 RESNET Quality Assurance Review of Approved CEQ Providers

4.5.1 RESNET shall randomly select a limited number of approved Providers and conduct an annual review of their Quality Assurance records.. An approved CEQ Provider may have the right to challenge the findings of RESNET's the quality assurance review. Records that may be reviewed include:

- 4.5.1.1 ES Contractor complaint files
- 4.5.1.2 Contractor Agreements
- 4.5.1.3 Contractor Registry
- 4.5.1.4 Documentation of contractor's Designated Qualification Representative completing required training and testing
- 4.5.1.5 Documentation of the Representative's continuing education
- 4.5.1.6 Documentation of disciplinary actions

4.5.2 In the case of a consumer complaint brought against either a contractor or Rater/Auditor or a complaint made by a Rater/Auditor against an ES Contractor, it will be the responsibility of the CEQ to secure the Project documentation from the Project Manager for review by the CRO.

4.5.3 In the case of an unresolved complaint brought to the RESNET Executive Director, it will be the responsibility of the CEQ to secure the Project files from the Project Manager (including copies of pre and post Rating or Audit Reports) and present them to RESNET. Failure of the Project Manager to provide adequate records may result in sanctions up to and including a 60 day suspension of the ES Contractor designation.

4.5.4 Actions Against a CEQ Provider. Complaints against a CEQ Provider submitted by the CRO to RESNET shall be addressed by the Executive Director. The RESNET Executive Director shall:

- 4.5.4.1 Resolve the complaint in forty-five (45) calendar days;

4.5.4.2 A complaint will be considered resolved once a Complaint Resolution Form has been submitted; signed by the one who filed the complaint and the CEQ Provider;

4.5.4.3 A log of unresolved complaints shall be maintained by the RESNET Executive Director.

4.5.5 Significant inconsistencies or errors in the files reviewed may result in an on-site review by RESNET.

4.5.6 Suspension and Revocation of Approval

4.5.6.1 Reasons for suspension/revocation. Any Provider approved by RESNET may have their approval suspended or revoked in accordance with Section 908.2 of the Mortgage Industry National Home Energy Rating Standards

4.5.6.2 Suspension/revocation due process. RESNET shall comply with the due process procedures contained in Section 908.3 of the Mortgage Industry National Home Energy Rating Standards in considering any suspension or revocation actions against an approved Provider.