Subpart 23.2 - Energy Savings Performance Contracts

Parent topic: Part 23 - Environment, Sustainable Acquisition, and Material Safety

23.200 Scope.

(a) This subpart prescribes policies and procedures for using an *energy savings performance contract* to obtain energy-efficient technologies at Government facilities without Government capital expense.

(b)This subpart applies to *acquisitions* in the *United States* and its *outlying areas*. Agencies conducting *acquisitions* outside of these areas *must* use their best efforts to comply with this subpart.

23.201 Authorities.

This subpart implements the National Energy Conservation Policy Act (42 U.S.C. 8287).

23.202 Policy.

(a) Agencies *should* make maximum use of the authority provided in the National Energy Conservation Policy Act (42 U.S.C. 8287) to use an *energy savings performance contract* (ESPC), when life-cycle cost-effective to reduce energy use and cost in the agency's facilities and operations.

(b)

(1) Under an ESPC, an agency can contract with an energy service company for a period not to exceed 25 years to improve energy efficiency in one or more agency facilities at no direct capital cost to the *United States* Treasury. The energy service company finances the capital costs of implementing energy conservation measures and receives, in return, a contractually determined share of the cost savings that result.

(2) Except as provided in 10 CFR 436.34, ESPC's are subject to subpart 17.1.

(c) To solicit and award an ESPC, the *contracting officer*—

(1) *Must* use the procedures, selection method, and terms and conditions provided in 10 CFR part 436, subpart B; and

(2) *May* use the “Qualified List” of energy service companies established by the Department of Energy and other agencies.

(d) For procedures related to *unsolicited proposals* for *energy savings performance contracts*, see

15.603(e).

(e) For more information see https://energy.gov/eere/femp/energy-savings-performance-contracts-federal-agencies.