

## **Market Provider Agreement** **2009 Affordable Housing Initiative**

Focus on Energy, Wisconsin's energy efficiency and renewable energy program, wants to help affordable housing builders, remodelers and operators make new and existing homes more affordable by reducing monthly energy costs.

Qualified organization must have a 501(c)3 status or local governmental ownership of project or demonstrates the project meets end-user 80% of county median income requirement as determined by project eligibility for Community Development Block Grant (CDBG) or HOME income requirements.

<b>MARKET PROVIDER INFORMATION:</b>			
Contact Name:		Title:	
Company Name:		Phone: (       )	
Address:		Fax: (       )	
City/State/Zip:		E-mail:	
Website:		Tax ID:	
<b>BUILDING TYPE—PLEASE INDICATE YOUR TYPE OF HOUSING (CHECK ALL THAT APPLY):</b>			
<input type="checkbox"/> New, single family <input type="checkbox"/> Existing, single-family major rehab <input type="checkbox"/> Existing, congregate living <input type="checkbox"/> Existing, single-family mortgage			
<b>AREA – PLEASE INDICATE THE WISCONSIN COUNTIES IN WHICH YOUR BUSINESS OPERATES (CHECK ALL THAT APPLY):</b>			

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> All Counties<br><input type="checkbox"/> Adams<br><input type="checkbox"/> Ashland<br><input type="checkbox"/> Barron<br><input type="checkbox"/> Bayfield<br><input type="checkbox"/> Brown<br><input type="checkbox"/> Buffalo<br><input type="checkbox"/> Burnett<br><input type="checkbox"/> Calumet<br><input type="checkbox"/> Chippewa<br><input type="checkbox"/> Clark<br><input type="checkbox"/> Columbia<br><input type="checkbox"/> Crawford<br><input type="checkbox"/> Dane<br><input type="checkbox"/> Dodge<br><input type="checkbox"/> Door<br><input type="checkbox"/> Douglas<br><input type="checkbox"/> Dunn<br><input type="checkbox"/> Eau Claire | <input type="checkbox"/> Florence<br><input type="checkbox"/> Fond du Lac<br><input type="checkbox"/> Forest<br><input type="checkbox"/> Grant<br><input type="checkbox"/> Green<br><input type="checkbox"/> Green Lake<br><input type="checkbox"/> Iowa<br><input type="checkbox"/> Iron<br><input type="checkbox"/> Jackson<br><input type="checkbox"/> Jefferson<br><input type="checkbox"/> Juneau<br><input type="checkbox"/> Kenosha<br><input type="checkbox"/> Kewaunee<br><input type="checkbox"/> La Crosse<br><input type="checkbox"/> Lafayette<br><input type="checkbox"/> Langlade<br><input type="checkbox"/> Lincoln<br><input type="checkbox"/> Manitowoc<br><input type="checkbox"/> Marathon | <input type="checkbox"/> Marinette<br><input type="checkbox"/> Marquette<br><input type="checkbox"/> Menominee<br><input type="checkbox"/> Milwaukee<br><input type="checkbox"/> Monroe<br><input type="checkbox"/> Oconto<br><input type="checkbox"/> Oneida<br><input type="checkbox"/> Outagamie<br><input type="checkbox"/> Ozaukee<br><input type="checkbox"/> Pepin<br><input type="checkbox"/> Pierce<br><input type="checkbox"/> Polk<br><input type="checkbox"/> Portage<br><input type="checkbox"/> Price<br><input type="checkbox"/> Racine<br><input type="checkbox"/> Richland<br><input type="checkbox"/> Rock<br><input type="checkbox"/> Rusk<br><input type="checkbox"/> Saint Croix | <input type="checkbox"/> Sauk<br><input type="checkbox"/> Sawyer<br><input type="checkbox"/> Shawano<br><input type="checkbox"/> Sheboygan<br><input type="checkbox"/> Taylor<br><input type="checkbox"/> Trempealeau<br><input type="checkbox"/> Vernon<br><input type="checkbox"/> Vilas<br><input type="checkbox"/> Walworth<br><input type="checkbox"/> Washburn<br><input type="checkbox"/> Washington<br><input type="checkbox"/> Waukesha<br><input type="checkbox"/> Waupaca<br><input type="checkbox"/> Waushara<br><input type="checkbox"/> Winnebago<br><input type="checkbox"/> Wood |
|--|---|---|--|

## **BENEFITS:**

**Program Support and Information:** For program-related questions, please contact your program representative or call Focus on Energy at 800.762.7077.

**Market Provider Directory Listing:** Market Providers are listed on the Focus on Energy website, focusonenergy.com. Prospective customers can search for Market Providers in their area.

**Special Honors and/or Significant Achievements Listings:** Focus on Energy recognizes special honors and/or significant achievements of some Market Providers. When applicable, Focus on Energy will include these distinctions in applicable directories and on focusonenergy.com listings.

**Focus on Energy Newsletter Subscriptions:** Market Providers receive all applicable Focus on Energy newsletters. These newsletters are educational pieces discussing Focus on Energy program activities.

**Notification of Training and Educational Opportunities:** Market Providers will receive notifications for all Focus on Energy trainings and educational events related to their business type.

**Use of Focus Logo for Advertising:** The Focus on Energy name and logo may be used only during the term of this Agreement and are to be used solely by participating Market Providers for promoting their participation in the Focus on Energy Program. Advertising using the aforementioned name and logs, and/or promoting your participation with Focus on Energy must be pre-approved by the Focus on Energy Marketing Department. All guidelines for using logo(s) and advertising using the Focus on Energy name and/or logo are set forth by the Focus on Energy Marketing Department and must be followed. A copy of the logo usage guidelines is available from the Focus on Energy Marketing Department by calling 800.762.7077, and is made part of this Agreement by reference.

## **TERMS AND CONDITIONS:**

**Term:** This Agreement is valid until December 31, 2009, unless terminated in writing by either party, and will automatically renew annually beyond that date.

**Program Requirements:** The Market Provider acknowledges they have received, read and agree to comply with the program template.

**Termination:** This Agreement may be terminated by the Market Provider or WECC for any reason at any time. Written notice of termination must be sent to the non-terminating party by certified mail, return receipt requested. When termination is triggered by written notice, termination is effective as of the date the termination letter is received by the non-terminating party.

**Indemnification:** The Market Provider agrees to indemnify and hold WECC, program subcontractors, the State of Wisconsin, the Statewide Energy Efficiency and Renewables Administration, Inc (SEERA) their directors, employees, and agents harmless against all claims, liabilities, damages, losses, costs or expenses (including, but not limited to, reasonable attorney's fees) arising out of a breach by the Market Provider of any provision to this Agreement or arising out of any act or omission of the Market Provider, its employees, subcontractors, and other agents of the Market Provider or its subcontractors performed under or as a result of this agreement, including, but not limited to, the failure of the Market Provider to properly and/or timely pay any wages and/or benefits to the Market Provider's employees.

**Independent Agent:** The Market Provider may present him/herself as a Market Provider or Partner of the Focus on Energy Program. By signing this Agreement, a Market Provider does not become an agent, employee, or representative of the Focus on Energy Program, WECC, authorized subcontractors, the State of Wisconsin or SEERA. Market Providers are independent agents who have no authority to enter into any contract or incur any obligations on behalf of or in the name of Focus on Energy, WECC, authorized providers, the State of Wisconsin or SEERA.

**No Representation or Warranty:** The Market Provider agrees as a qualified participating Market Provider, the Market Provider shall not (directly or indirectly) represent his/her/its products, offerings or work to potential customers or others as guaranteed or warranted in any way by Focus on Energy, the State of Wisconsin, SEERA or WECC.

**Customer Service Standards:** The Market Provider agrees to maintain written customer service standards available to customers. (A model set of acceptable standards is available by calling 800.762.7077.)

By signing this agreement, the Market Provider is acknowledging the above properties meet the end-user 80% of county median income requirement as determined by project eligibility for Community Development Block Grant (CDBG) or HOME income requirements.

To be filled out by Market Provider

MARKET PROVIDER APPROVAL:			
By signing this agreement, the Market Provider agrees to abide by the foregoing terms and conditions of the Market Provider Agreement for the Affordable Housing Initiative:			
Signed:		Date:	
Printed Name:		Title:	

To be filled out by Program Staff

FOCUS ON ENERGY / WISCONSIN ENERGY CONSERVATION CORPORATION APPROVAL:			
By signing this agreement, the above named company is authorized to participate as a Market Provider in the Affordable Housing Program:			
Signature of Affordable Housing Representative:		Date:	
Printed Name:		Title:	