

## Membership - Ethics Guidelines

Each member of NAESCO pledges to do the following:

1. To abide by all laws and regulations applicable to such member, including those governing how RFPs, RFIs, RFQs and agreements can be solicited, competed for, priced, and administered.
2. To not participate in procurements, or enter into agreements, where the member knows, or has reason to know, that the procurement process is contrary to the law and regulations that govern that procuring customer's contracting authority.
3. To not misrepresent to prospective customers the scope of work that can lawfully be performed, or the results that can lawfully or technically be obtained, under an agreement.
4. To not misrepresent the savings and/or costs in any component of any service or good provided by the member.
5. To maintain in force an effective ethics compliance policy and program that includes periodic training of employees and a process for employee reporting for perceived violations. To also advise subcontractors of and require subcontractors to adhere to the ethics policies.
6. To utilize only appropriately qualified personnel for all goods and services provided.
7. To install and make operational all equipment promised under an agreement.
8. To ensure all member-supplied services and goods comply with applicable codes, specifications, standards and regulations.
9. To utilize only those financing arrangements which comply with applicable laws and regulations, and which accurately value and measure equipment performance, energy savings, and other benefits.
10. To present the member's qualifications, standing, and/or capabilities to perform the services, provide the goods, and provide financing in a manner that is factually complete and accurate.
11. Not to make statements about any competitors' qualifications, standing, and/or capabilities to perform the services, provide the goods, or provide financing that are inaccurate, factually incomplete, or which otherwise deliberately misrepresent the competitor(s).

Any entry of a judgment, or any plea arrangement, or other legal determination against, or admission by, a member company that a law has been violated shall be deemed a violation of these ethics guidelines.

An "agreement" described in these guidelines refers to any agreement that provides energy or operational savings as part of services and/or goods provided that includes but is not limited to energy savings performance contracts and energy as a service contracts.

### Ethics Guidelines Process:

- 1) Any member company representative may request a review of a potential violation of these ethics guidelines by engaging with the Ombudsman.
- 2) The Ombudsman will follow established processes for the Ombudsman in regard to any ethics issues.
- 3) Any determination of an ethics guideline violation will come from the Ombudsman.