

## How To Select an EPAct 2005 Lighting System Certifier –National Lighting Bureau

It is essential to retain a “qualified person” to certify your lighting system’s eligibility for favorable tax treatment under the Energy Policy Act of 2005. Regulations issued by the Internal Revenue Service ([IRS Notice 2006-52](#)) state that, to be qualified, an individual must be experienced in the type of service involved, and be a professional engineer or contractor licensed in the state where the lighting system is located.

Proceed carefully. The National Lighting Bureau (NLB) suggests that you identify five or more candidate certifiers and ask each to furnish a statement of qualifications and experience. The furnished material should include information about an individual’s education and credentials, as well as the commissions for which the person has been engaged. Typical credentials include, in addition to licensure, membership in certain groups (such as the National Electrical Contractors Association or the International Association of Lighting Management Companies), or certification (such as the Lighting Certified (LC) credential issued by the National Council on Qualifications for the Lighting Professions).

Insofar as past commissions are concerned, review in particular those that are similar to the project you’re involved with, and speak with representatives of the clients that engaged the individual. Ask them about the prospective certifier’s performance; e.g., the individual’s or firm’s ability to work with client representatives in establishing an effective scope of service, ability to fulfill the scope, reasonableness of the fee, the ability to deliver on time, and, of course, the effectiveness of the services provided.

Once you have identified three or more candidates, interview each, asking such questions as you believe appropriate to learn about an individual’s proposed approach to the project, the competence and experience of the individual or individuals who will be assigned, and so on. Based on the outcome of these interviews, rank the candidates in order of preference, and open negotiations with the one you most prefer. Work with the candidate to develop a scope of service unique to your needs, and develop a budget for implementing that scope. If you believe the budget, schedule, scope of service, and terms and conditions are acceptable, enter into an agreement with the designer and end discussions with the others you “short-listed.” If you cannot reach an agreement, however, conclude discussions with the candidate and open negotiations with the next-most preferred.

Asking two or more candidates to submit priced proposals or bids to facilitate selection based at least in part on fee may be unwise. True: Fee is an important factor, but the outcome of the service is far more important. By informing candidate designers that the likelihood of their being selected is inversely proportional to the fee they each propose, you could be encouraging them to propose the skimpiest scope possible. *Be careful!* Project risk is inversely proportional to the extensiveness of a scope of service; i.e., the weaker the scope, the more likely it is that a project will experience more and more severe “unanticipated” or “unforeseen” conditions that can result in delays, the need for additional financing or time extensions, disputes, etc., any one of which can create problems severe enough to result in claims, litigation, and/or other serious project disruptions.

Choose wisely!