

July 2023

# GIDI: Commercial Buildings

Applicant Guide

Accepting applications from 1 July 2023

EECA

TE TARI TIAKI PŪNGAO  
ENERGY EFFICIENCY & CONSERVATION AUTHORITY

# Contents

<b>Section 1: An opportunity to decarbonise</b> .....	<b>1</b>
<b>Section 2: Key information</b> .....	<b>3</b>
2.1 Our Application Process and Indicative Timeline	3
2.2 How to contact us	4
2.3 Developing your application	4
2.4 Submitting your application	5
<b>Section 3: Parameters of GIDI: Commercial Buildings</b> .....	<b>5</b>
3.1 Our Investment Focus	5
3.2 Our Minimum Funding Conditions	6
3.3 Our Application Requirements	7
3.4 What is not eligible for funding?	9
3.5 What part of the project is eligible for funding? Defining the incremental cost	9
<b>Section 4: Information to be provided with your application, and reporting requirements</b> .....	<b>12</b>
4.1 Application requirements information	12
4.2 Co-funding information	12
4.3 Financial information	13
4.4 Technical information	13
4.5 Reporting requirements	14
<b>Section 5: Evaluation, assessment and decision-making</b> .....	<b>15</b>
5.1 The evaluation, assessment, and decision-making process	15
5.2 Technical Advisory Group Evaluation	16
5.3 The Assessment Panel	16
5.4 Who makes the final decisions on applications?	16
5.5 What if my application is declined?	17
5.6 What are the Assessment Criteria?	17
5.7 How will the Assessment Criteria be applied?	18
5.8 You may be asked for further information	22

<b>Section 6: General information</b> .....	<b>24</b>
6.1 Commercial-in-Confidence	23
6.2 Official Information Act	23
6.3 Publication of decisions	23
6.4 Due diligence and financial matters	24
6.5 Declaration	24
<b>Section 7: Terms and Conditions</b> .....	<b>25</b>
7.1 Preparing your application	25
7.2 Private Finance Pilot	26
7.3 Applicant Questions	26
7.4 Submitting your application	27
7.5 Third party information	27
7.6 Successful Applicants - offer of GIDI Funding	27
7.7 Unsuccessful Applicants - debrief	28
7.8 Issues and complaints	28
7.9 EECA's Point of Contact	29
7.10 Conflict of Interest	29
7.11 Ethics	29
7.12 Anti-collusion and bid rigging	30
7.13 Confidential Information	30
7.14 Confidentiality of application information	30
7.15 Costs of participating in the application process	31
7.16 Ownership of documents	31
7.17 No binding legal relations	31
7.18 Exclusion	32
7.19 EECA's additional rights	33
7.20 New Zealand law	34
7.21 Disclaimer	34
7.22 Precedence	34
<b>Section 8: Glossary of Terms</b> .....	<b>35</b>

# Section 1: An opportunity to decarbonise

New Zealand's Emissions Reduction Plan (May 2022) sets out the pathway for how New Zealand will meet its first emissions budget (2022-2025) and achieve longer-term climate targets.

To help meet this challenge, the Government appropriated funding to build upon and continue the success of partnering with business through the Government Investment in Decarbonising Industry Fund (the GIDI Fund). EECA (Energy Efficiency and Conservation Authority) administers the GIDI Fund on behalf of the Government.

The GIDI Fund continues to contribute significantly to New Zealand's transition to a low emissions future by:

- » Accelerating decarbonisation to support the Government's emissions reduction goals;
- » Optimising energy use by New Zealand's businesses, easing the transition and improving productivity; and
- » Ensuring energy transition costs, and government support for decarbonisation is equitable and efficient.

## GIDI: Commercial Buildings

EECA has now introduced a GIDI Commercial Buildings Fund which will be available until 30 June 2024 or until the fund (which initially comprises \$40 million) is fully allocated.

## What are we looking for?

EECA is seeking Applications that replace fossil fuel boilers used for space and water heating in commercial buildings, with heat pumps. Applications for biomass boilers may also be considered where there are significant barriers to the use of heat pumps. As recipients of Government funding, all Applications must represent strong value for money to underpin the rationale for this public good funding.

If you are unsure whether your project fits within the scope of GIDI Commercial Buildings, please email EECA's Point of Contact at [GIDIFund@eeca.govt.nz](mailto:GIDIFund@eeca.govt.nz).

## Who can apply?

The GIDI Fund is open to all New Zealand-based and NZBN registered private sector businesses. Funding is also available for local government, including territorial authorities, regional councils, council-controlled organisations, and council organisations. State sector agencies eligible for [State sector decarbonisation funding](#) are ineligible, but building owners of buildings leased to central government are eligible.

## How applications will be assessed

All applications with a total project cost over \$300,000 will be evaluated by the GIDI Technical Advisory Group (TAG) against the Minimum Funding Conditions and Application Requirements which will include financial and technical due diligence and use the EECA HTHP tool. The TAG will prepare an evaluation report of its findings for either EECA or the GIDI Assessment Panel.

EECA may directly approve applications requesting less than \$2M co-funding that are not considered complex and/or high risk.

The Assessment Panel will make funding recommendations for larger, more complex and/or high-risk applications to inform decision making by either the EECA Chief Executive, EECA Group Manager Business, EECA Board, or the Minister Energy and Resources in accordance with EECA's delegated authority framework (DFA).

EECA may request that an application requesting less than \$2M co-funding be considered by the Assessment Panel.

The decision-making process will take into account and consider:

- » the TAG's evaluation report;
- » the quantitative assessment criteria results;
- » additional information or clarification sought and received from Applicants; and
- » any other matters that EECA or the Assessment Panel (where applicable) considers relevant when applying the Investment Principles to the application.

All successful Applicants will be required to enter into a Funding Agreement with EECA; the template of this is available with this Applicant Guide on the GIDI: Commercial Buildings page of EECA's website. It is important that Applicants read this carefully as successful Applicants will be asked to agree to its terms. Additional conditions may be negotiated as successful Applicants work with EECA to finalise a Funding Agreement.

# Section 2: Key information

## 2.1 Our application process and indicative timeline

The application process	Date
Applicant Guide released	Thursday 15 June 2023 <i>Applicants can now submit complete applications at any time</i>
Accepting applications for assessment	From 01 July 2023 onwards
Applicant briefing session	Webinars will be held regularly and will be recorded. Please refer to <a href="#">EECA GIDI: Commercial Buildings web page</a> for dates.
Applications requesting <b>co-funding of less than \$2M</b> will be assessed by the TAG as they are submitted to EECA. The relevant EECA DFA will consider the TAG evaluation report and make a decision. The relevant EECA DFA may also refer an application to the Assessment Panel for consideration.	
Applications requesting <b>co-funding of more than \$2M</b> will be assessed by the TAG as they are received by EECA. The TAG evaluation report will be considered by the Assessment Panel who will make recommendations to the relevant EECA DFA.	
<b>The Assessment Panel will meet</b> up to four times a year. Applications must be received by EECA at least six weeks in advance of a Panel meeting to be considered at that meeting. Exact Panel dates, and close-off dates for applications to be considered by the Assessment Panel will be posted on the GIDI Fund: Commercial Buildings page of EECA's website.	
Applications to be submitted to EECA by:	Panel meeting date
Beginning of August 2023	Mid-September 2023
Beginning of December 2023	Mid-February 2024
Beginning of May 2024	Mid-June 2024
Beginning of September 2024	Mid-Oct 2024
Applicants notified of decisions	Within 10 Business Days of final approval being confirmed.

## 2.2 How to contact us

We welcome enquiries at any time (such as helping to determine whether your proposed project is in or out of scope, or how to complete the online application form). All communications will be managed via EECA's Point of Contact at [GIDIFund@eeeca.govt.nz](mailto:GIDIFund@eeeca.govt.nz) and must be directed to this email address. If you would like to attend our Applicant Briefing Session Register here. The Applicant Briefing will be regularly updated, with a recording of this available on the GIDI Fund: Commercial Buildings page of EECA's website.

## 2.3 Developing your application

Take the time to carefully read and understand this Applicant Guide which sets out the step-by-step process on how to develop and submit your completed Application, and conditions that apply. In particular:

1. Develop a strong understanding of what we are looking for as detailed in Section 3 below 'Parameters of GIDI: Commercial Buildings'.
2. In structuring your Application carefully consider how it will be evaluated. Section 5 describes our assessment and decision-making approach.
3. Familiarise yourself with the details of the online Application Form that must be used to write up your Application, including the Project Financial Assessment Template. Applicants **must** populate both of these with the required information. The online Application Form is via the 'Apply Now' tab of the EECA website – see link below at Section 2.5. A Word version of the Application Form is also available for Applicants to draft their Applications; however, this version is **not** to be submitted to EECA.

Please comply with the file size and file type guidelines specified in the online application form.

Please be aware that copying and pasting data from PDF formats into the online application form fields could invalidate some characters, which will prevent the online application form from submitting to EECA.

If anything is unclear, or you have a question, email [GIDIFund@eeca.govt.nz](mailto:GIDIFund@eeca.govt.nz).

## 2.4 Submitting your application

Applications **must** be submitted using the online application form found in the 'Apply Now' section on the GIDI: Commercial Buildings page of EECA's website.

The appropriate delegated authority holder must complete and sign the declaration at the end of the online application form. In addition, the Chief Financial Officer, Chief Executive, or Managing Director of the Applicant must approve and sign the declaration relating to the financial assessment template.

**We encourage you to submit your full and complete application and all documents at any time from 1 July 2023.**

We will email a PDF copy of your submitted application to the Applicant's Point of Contact (i.e. the email address specified in the online application form).

**Incomplete applications** may not be accepted by EECA but will be sent back to the Applicant to revise and finalise before re-submitting. As a result your application is likely to be considered at a later date than originally anticipated.

Applications sent by email, post, or hard copy delivered to EECA's office/s, **will not** be accepted.

# Section 3: Parameters of GIDI: Commercial Buildings

Our Investment Principles, Minimum Funding Conditions and Application Requirements that set the parameters of the fund are set out below. Applicants are asked to carefully read these and to respond as required.

## 3.1 Our Investment Principles

The investment focus of GIDI: Commercial Buildings is to replace fossil fuel boilers, used for space and water heating in commercial buildings, with heat pumps. Applications for biomass boilers may also be considered where there are significant barriers to the use of heat pumps. As recipients of Government funding, Applications must represent strong value for money and thereby underpin the rationale for the public good funding provided.

Investment decisions will be guided by consideration of the following **investment principles**:

- 4. Carbon emissions reductions:** projects will demonstrate their contribution to the decarbonisation of New Zealand's economy, especially over the next three emissions budgets (now to end of 2035).
- 5. Additionality:** funding will target projects that are unlikely to be implemented, or unlikely to be implemented until a later date<sup>1</sup>, without Government support.
- 6. Leveraging co-funding:** Applicants maximise the proportion of their investment in the project to share the financial risk and to appropriately represent the Government funding required.
- 7. Accelerating the transition:** Funding will prioritise support to projects that enable the achievement of carbon abatement earlier than in a scenario without funding.
- 8. Enabling New Zealand's long-term<sup>2</sup> transition:** funding will enable the industry sector transition by prioritising support to businesses that demonstrate an enduring commitment to decarbonisation.
- 9. Long-term efficiency of the energy system:** funding will focus on maximising the long-term outcomes of New Zealand's energy system while minimising the overall costs for all. This includes considering the limited availability of some renewable energy resources and ensuring these are used as efficiently as possible.
- 10. Support a fair energy transition:** funding will be available for energy transition across all sectors and regions and allocated in a manner to support a fair transition to a low emissions future.

<sup>1</sup> Implemented means fully commissioned and operational.

<sup>2</sup> Long-term – setting NZ up on a pathway to meet NZ's longer-term climate targets and transition to a low-emissions future.



- 11. Encouraging innovation:** funding will support early adopters of technologies that demonstrate enhanced emissions abatement with wide potential for replication but that may carry increased technological risk or uncertainty, or that have higher cost abatement in the short term but potential to optimise the longer-term transition.
- 12. Achieving Government's broader outcomes:** extent to which funding will support Government's broader outcomes relating to construction skills and training; improving conditions for New Zealand workers; and reducing emissions and waste. Further information can be found here: [broader outcomes | New Zealand Government procurement and property](#)

### 3.2 Our minimum funding conditions

At a minimum, to be eligible for funding, applications **must** meet the following **minimum funding conditions**:

13. Total Project costs must be at least \$300,000.
14. Government co-funding for any Project will be limited to a maximum 50% of eligible project costs (unless there is a strong rationale why the proportion of co-funding should be greater).
15. Applications for funding must be for the incremental capitalised project costs (the cost difference between the default option, and the lower emissions preferred project), not operating costs.
16. Projects must be fully commissioned and operational within 2 years of the application approval date. If your project is going to take longer than this, contact us to discuss.
17. The Applicant is a New Zealand-based and NZBN registered private sector business.<sup>3</sup>
18. The Project is delivered in New Zealand.<sup>4</sup>
19. The Applicant has completed all sections of the online Application Form and attached all the relevant documents, including attaching the Project Financial Assessment Template; and
20. The Applicant entity passes Financial due diligence, if recommended by the Assessment Panel or EECA DFA.

Applications that **do not** meet these Minimum Funding Conditions may be considered at the discretion of the authorised approver which may include the EECA Board and/or Minister of Energy and Resources. In such instances, Applicants will need to provide a strong rationale why their Application should be considered for support.

<sup>3</sup> Funding is also available for local government, including territorial authorities, regional councils, council-controlled organisations, and council organisations. State sector agencies eligible for the [State Sector Decarbonisation Fund](#) are ineligible, but building owners of buildings leased to central government are eligible.

<sup>4</sup> Projects that would be delivered in another country are not eligible for funding. The Project may utilise overseas suppliers, but the resulting asset and decarbonisation outcomes must be New Zealand based.

### 3.3 Our application requirements

Note that commercial buildings includes Commercial (C), Industrial (I), and Other (O) building types as categorised for the District Valuation Roll. Building is defined as per Clause A2 of the Building Regulations 1992. Space and water heating includes use for HVAC systems, domestic hot water systems, as defined in Clause A2 of the Building Regulations 1992, and use in commercial and public swimming pools. Other commercial uses of space and water heating may also be considered.

If you are unsure whether your project fits within the scope of GIDI: Commercial Buildings, please email EECA's Point of Contact at [GIDIFund@eeca.govt.nz](mailto:GIDIFund@eeca.govt.nz).

Applicants must clearly demonstrate, through the online application form and accompanying documents, how the application meets the following **requirements**:

Eligible entity and the project	
1)	The project relies on commercially available and proven technologies. <sup>5</sup>
2)	The Applicant provides supporting information such as a business case and/or feasibility study demonstrating that the project is sufficiently advanced for assessment, that all relevant options have been assessed, and setting out the reasons why the solution proposed is the best approach.
Decarbonisation outcomes	
3)	The Project reduces or enables the reduction of carbon emissions from commercial buildings processes.
4)	The Project generates carbon emissions savings by reducing or avoiding fossil fuel use.
5)	The Project's carbon emissions savings are additional to what would have happened if the Project did not occur, or occurred in a different manner or time (i.e. the Default Option).
Financial parameters	
6)	The project has a payback period with GIDI co-funding that is no less than two years.
7)	<ul style="list-style-type: none"> <li>» To meet additionality criteria, projects that are not already incentivised by the ETS (i.e. that have a total abatement cost greater than the New Zealand ETS price) will be preferred. Projects with a total abatement cost below the ETS price (defined as the average of the last four auctions) may still be appropriate for funding if there are other compelling barriers preventing implementation that GIDI funding would address.</li> <li>» To help ensure an efficient and sustainable transition, projects with a total abatement cost below the Treasury Shadow price (as defined by Treasury's CBAX tool) will be preferred. Where the total abatement cost is larger than the shadow price over the lifetime of the project, projects may still be appropriate if the project is highly desirable to assist New Zealand's energy transition due to its innovation, replication, or demonstration benefits.</li> <li>» To maximise the impact of GIDI funding, projects with a relatively low EECA Abatement Cost will be preferred. Projects with relatively high abatement costs to EECA may still be considered where there is evidence of innovation or high likelihood of flow-on benefits.</li> </ul>

<sup>5</sup> Note: technologies that are not commercially available such as R&D are excluded. Also, note; this does not exclude some innovations (refer to the Proposal Requirements specific to innovative projects).

8)	The funding requested is only for the incremental cost of the project. <sup>6</sup>
<b>Health, safety, reputation</b>	
9)	The Applicant is committed to working safely, ensuring the health and safety of workers and others affected by the Project work, and has appropriate systems and processes to undertake that work safely.
10)	The Applicant is committed to working in a manner that will not damage EECA or the Government's reputation with respect to, among other things, environmental impact, employment conditions, public announcements, and regulatory compliance.
<b>Applicant approvals and sources of co-funding</b>	
11)	The Applicant demonstrates its ability to co-fund the remainder of the total cost of the Project either directly or by utilising other funding sources.
12)	The Applicant identifies all co-investment sources, including individual amounts if multiple sources.
13)	Applicant demonstrates in a project plan that internal approval processes (e.g. Board consideration and approval) to undertake the Project subject to EECA funding will be completed and EECA advised within 30 Business Days of notification.
<b>Ensuring long-term outcomes for the energy system</b>	
14)	Woody biomass use will be predominately limited to medium and high temperature end uses (i.e. >100C).
<b>Additional conditions for projects where the total energy related carbon emissions by fuel type of the Applicant entity, cumulated for all operating sites, is &gt; 1,000 tCO<sub>2</sub>e per year</b>	
15)	The Applicant demonstrates the Project fits into a decarbonisation pathway, such as EECA's Energy Transition Accelerator programme: <a href="#">energy transition accelerator</a> , or suitable equivalent. EECA's Sector Decarbonisation programme has options for businesses in the sectors it covers - <a href="#">Sector Decarbonisation</a> .
16)	The Applicant provides evidence of the confidence in the ongoing and long-term supply of renewable fuel required for the Project.
<b>Large projects &gt;\$10M co-funding requested</b>	
17)	Funding requests over \$10M may require that the Applicant agree to special conditions, for example, a decarbonisation partnership agreement with EECA, or a non-standard funding agreement.
<b>Innovative solutions</b>	
18)	For innovative projects, the technological solution is commercially available demonstrating a level of 9 or more on the Technology Readiness Level (TRL) scale. The recent International Energy Agency list should be used as a reference point – refer here: <a href="#">ETP Clean Energy Technology Guide – Analysis</a> .
19)	For innovative projects, application of the technological solution presents a potential for replication that will realistically result in carbon emissions reduction by 2030 (end of Emissions Budget 2).

<sup>6</sup> Refer section 3.5 for information on how to determine incremental cost.

### 3.4 What is not eligible for funding?

The following activities are outside the scope of GIDI: Commercial Buildings and will not be funded:

1. Projects focussed on:
  - » Residential buildings, as categorised by the 'R' character code for the District Valuation Roll (for clarity, apartment buildings are classed as residential and therefore excluded from funding).
  - » Marine vessels;
  - » waste minimisation;
  - » electricity generation;
  - » reducing agricultural emissions or embodied carbon.
  - » displacing one fossil fuel for another (e.g. coal to natural gas).
2. New buildings.
3. Research and development, and the implementation of technologies that are not commercially available.
4. Any activities that would represent an ongoing financial liability for EECA.
5. 'Business as usual' costs of an organisation such as the costs associated with existing staff.<sup>7</sup>

If you are unsure whether your project idea potentially fits with the scope of GIDI: Commercial Buildings, please email EECA's Point of Contact at [GIDIFund@eeca.govt.nz](mailto:GIDIFund@eeca.govt.nz). We are always reviewing market needs and our strategic position on these issues and recommend registering your interest with us in case this changes in the future.

### 3.5 What part of the project is eligible for funding? Defining the incremental cost

The incremental cost of a project will be taken into account when co-funding support is considered.

Incremental cost is the cost difference between the Default Option and the lower-emissions Preferred Project that the application pertains to. Examples of these are below.

To provide the information needed for assessment, the Financial Assessment Template requires that the Applicant provides suitable financial data on the project implementation and lifetime operational metrics. Costs include fuel cost, staffing costs, and operating and maintenance costs. Non-cash costs (such as depreciation) should not be included. Find out more about our financial information requirements in Section 4 on the next pages.

<sup>7</sup> Refer section 4.2 - Co-funding requirements

**Examples of acceptable Default Options are:**

- » The current operational case (i.e., there is no need to invest now).
- » The low-emission project that you would implement as part of the natural asset replacement cycle.
- » Replacing or expanding an existing asset before the end of its lifecycle with a new fossil fuel option that is reasonable current industry practice (e.g. this would exclude coal).

**The following are NOT CREDIBLE examples of Default Options:**

- » Replacing like-for-like with outdated technologies;
- » Overextending the life of existing assets beyond best practice industry standards;
- » A scenario where a regulatory consent or property right could not (or would be unlikely to) be either maintained or granted;
- » New energy needs that are more than a minor increase to existing operations; and
- » Uneconomic, unlawful, or otherwise unfeasible options.

**Examples of how to calculate the incremental costs:**

*Example 1 - An existing gas boiler is approaching end of life and replacement is planned.*

*Default Option:* Replacement of the existing gas boiler with a new, more efficient model. Overall project cost is \$150,000.

*Preferred project:* Replacement with a heat pump. Overall project cost is \$350,000.

*In this case the incremental project cost is \$200,000. The simplified FAT can be used because the Default Option and Preferred Project would occur at the same time.*

*Example 2 - An existing diesel boiler is planned to be replaced in five years when it reaches end of life.*  
*Default Option:* Replace the diesel boiler with a heat pump in five years. Overall project cost in five years' time is estimated at \$300,000.

*Preferred project:* Replace with a heat pump within next year. Overall project cost is \$400,000, including the new fuel costs.

*In this case the incremental project cost is \$100,000. The standard FAT should be used to reflect the different phasing of capital costs.*

*Example 3 - A site uses a chiller for air conditioning and a gas boiler for heating. The chiller has reached end of life, but the gas boiler has 10 years of life left.*

*Default Option:* Replace the chiller within next year, and replace the gas boiler in 10 years' time. Chiller project cost is \$200,000 and gas boiler replacement in 10 years is estimated at \$150,000

*Preferred project:* Replace the chiller and gas boiler with a 4-pipe chiller incorporating heat recovery. Overall project cost is \$500,000.

*In this case the incremental project cost is \$150,000. As per example 2, the standard FAT should be used to reflect the different phasing of capital costs.*

*Example 4 –A coal boiler has reached end of life.*

*Default Option:* Replacement of the coal boiler with an LPG boiler. Overall project cost is \$200,000.

*Preferred project:* Replacement with a biomass (pellet) boiler. Overall project cost is \$500,000.

*In this case the incremental project cost is \$300,000, and the simplified FAT can be used because the Default Option and Preferred Project would occur at the same time. Note that the applicant will also be required to present cost information for a heat pump solution in this case – this should be included in the text of the application.*

## Section 4: Information to be provided with your application, and reporting requirements.

### 4.1 Application requirements information

Applicants must demonstrate how the application meets each of the **application requirements** in section 3.3.

Applicants may do so by clearly referencing documents (or parts of documents) to be submitted with the Application (e.g. business case/feasibility study and project plan); or by attaching a separate document to their online Application Form; or a combination of both.

### 4.2 Co-funding information

The online Application Form requires that Applicants clearly set out and explain the level of GIDI co-funding sought from Government. The Applicant should only request Government co-funding of an amount that enables the Project to be fully commissioned and operational. The maximum level of Government co-funding for any one Application is 50% of eligible project costs (unless there is a strong rationale why the proportion of co-funding should be greater).

Applicant co-funding contributions must be cash, and not in-kind (such as existing assets or the provision of already-purchased goods and services). It cannot be used to cover 'business as usual' costs such as ongoing costs of existing operations. However, the salary costs (i.e. no organisational overhead recovery) of internal staff members allocated to perform key contract roles (e.g. project manager, site supervisor) or external contractors hired to backfill for a staff member assigned to the Project can be included.

EECA will seek to optimise the level of Government funding to ensure that the impact of the GIDI Fund is maximised and to ensure the level of public good funding to the project is appropriate. This may result in an Applicant being offered co-funding that does not align with that sought.

## 4.3 Financial information

Applicants are required to provide key Project financial information in the **Financial Assessment Template** (available on the GIDI website next to the Apply Now tab). The Chief Financial Officer, Chief Executive, or Managing Director of the lead Applicant must approve and sign the declaration for the completed Financial Assessment Template. The version of that template current at the date of publishing this Applicant Guide requires the following:

- » The co-funding ratio, the payback period, and the lifetime abatement cost. **Note:** The Financial Assessment Template, once populated, will capture these. Refer to section 5.6 which discusses the quantitative criteria against which Applications will be evaluated.
- » A breakdown of all costs (capex and opex) associated with the full delivery of the Project over its relevant operational life.
- » Project costs including supplier estimates for primary components of the Project and the Default Option (if applicable).
- » Realistic future fuel costs and the reasoning behind the choice of fuel cost assumptions used.
- » A realistic future carbon price and the reasoning behind the choice of carbon price used.
- » The cost of fuel over the project lifetime based on realistic market projections.
- » An indication of the accuracy of the capital cost estimate provided for the project.

The TAG will also evaluate how well Applicants have addressed the requirements below:

- » Project components and costs additional to the Default Option where the Project is an extension of a business-as-usual activity.
- » A statement of why the payback period and Internal Rate of Return (IRR) for the Project as calculated with and without GIDI co-funding are appropriate.
- » A statement on how the financial risks, contingencies and other circumstances relating to the delivery of the Project, in particular cost escalation risks in the current environment, have been considered.
- » Evidence of the lead Applicant's financial ability to complete the project.

## 4.4 Technical information

In addition to assessing the financial information provided in the FAT, (refer 4.3), the TAG will also evaluate an Applicant's ability to deliver the project from a technical perspective.

Applicants must provide **supporting information** in a business case/feasibility study (etc) demonstrating that their application is sufficiently advanced for assessment, that all options have been assessed, and set out why the solution proposed is the best approach (the preferred option). [A business case checklist is here](#) (also found under the Apply Now tab on the GIDI: Commercial Buildings webpage) to assist applicants in developing their applications.



## 4.5 Reporting requirements

If your Application is successful EECA will require comprehensive reporting of the Project deliverables and outcomes against those outlined in the Application, including quarterly progress reporting.

Detailed validation of Project costs and confirmation of deliverables will be expected throughout the life of the Project, including for example, confirmation of the total investment of the Project in the New Zealand economy, and balance of the Project costs invested with overseas suppliers.

Confirmation of asset performance, including energy and carbon emissions reduction outcomes, will be a contractual requirement within 12 months after the Project is fully commissioned and operational.

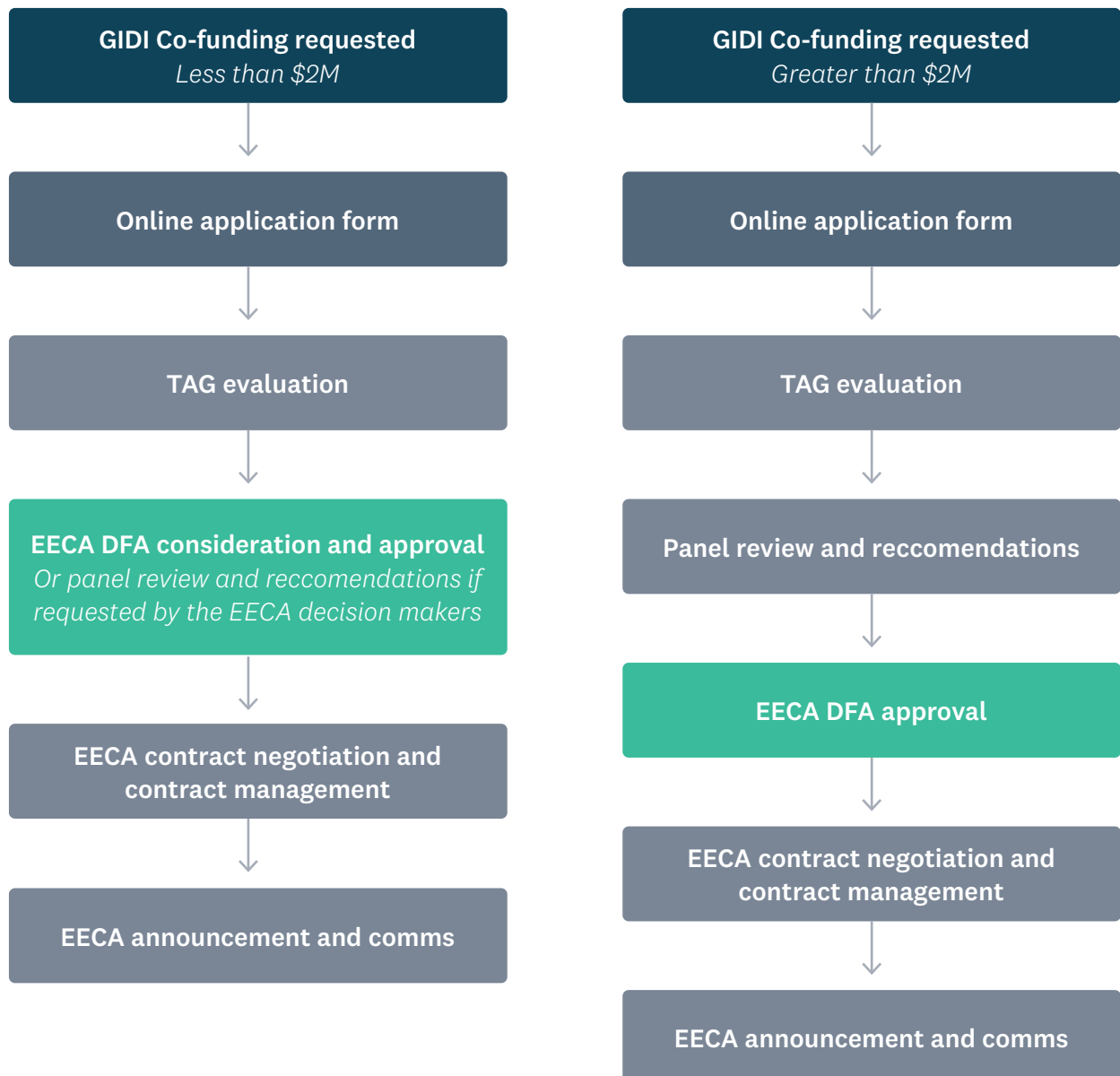
Funding recipients will be required to promptly co-operate with EECA as requested to share their story and results across a variety of media. Data, insights and project case studies may be published on the EECA website as a means to motivate and encourage other companies to decarbonise.

EECA will provide successful applicants with guidance on reporting requirements and processes.

# Section 5: Evaluation, assessment and decision-making approach

## 5.1 The evaluation, assessment, and decision-making process

**GIDI: Commercial Buildings**  
(Projects >300K total project cost)



## 5.2 Technical advisory group evaluation

The TAG comprises technical and subject matter experts across government (including EECA) and/or the private sector. The role of the TAG is to ascertain confidence in the ability of the Applicant to deliver the project and the representations included in the application. The TAG will evaluate applications and prepare a report of its findings.

## 5.3 The Assessment Panel

The Assessment Panel will consider applications requesting more than \$2M in co-funding (and any other projects referred to it by EECA decision makers). The Assessment Panel comprises the Chair and up to five business and technical subject matter experts from across government (including EECA) and/or the private sector. The Assessment Panel will take into account and consider:

- » the TAG's evaluation report;
- » the assessment criteria results;
- » additional information or clarification sought and received from the Applicant; and
- » any other matters that the Assessment Panel considers relevant when applying the Investment Principles to the application.

Based on these considerations the Assessment Panel will make funding recommendations to inform decision making by the EECA Chief Executive, EECA Board and the Minister Energy and Resources in accordance with EECA's delegated authority framework.

## 5.4 Who makes the final decisions on applications?

The EECA General Manager Business; EECA Chief Executive, EECA Board, or the Minister of Energy and Resources can all be decision-makers for the GIDI Fund in accordance with the approval delegation hierarchy, and respectively have the sole discretion to determine which projects (if any) will receive co-funding and the amount of any co-funding in accordance with their delegation.

Recommendations from the TAG or Assessment Panel may include advice on risks, issues or concerns with an application, and proposed mitigation measures. These will be taken into account during the final decision-making process.

If co-funding is approved, an offer will be communicated in writing to the Successful Applicant.

## 5.5 What if my application is declined?

If a request for co-funding is declined, the Applicant's Chief Executive Officer or Managing Director will be informed directly as will the point of contact (to the email addresses specified in the online application form).

## 5.6 What are the assessment criteria?

The assessment criteria signals to Applicants what will be valued when a decision on whether or not to co-fund a project is made. The five key criteria (one qualitative, four quantitative); with one extra criteria relating specifically to innovative projects, are:

### 5.6.1 Qualitative criteria

**All applications** will be assessed on this criteria:

No.	Criteria	Brief description	Scale
1	Ability to Deliver	The Applicant will be evaluated on its financial and technical ability to deliver the project with the intended outcomes.	Unacceptable- Excellent Refer Table 4

Table 1 – qualitative criteria

### 5.6.2 Quantitative criteria

Projects (except the innovative ones) will be assessed against the following quantitative criteria. The Applicant is expected to optimise their application in regard to these criteria.

No.	Criteria	Brief description	Scale	Weighting
2	Co-funding ratio	The Fund aims to maximise the amount of private funding leveraged for decarbonisation projects.	Unacceptable- Excellent Refer Table 4	25%
3	Payback period	The Project has a payback period that is no less than two years with GIDI co-funding. Projects with longer payback periods will be prioritised.	1-10 Refer scale below	25%
4	Abatement cost (lifetime) for the public of the emissions reduction.	This is to maximise the public good of the Fund and to ensure delivery of the GIDI Fund's emissions budget objectives.	1-10 Refer scale below	25%
5	Speed of implementation	Time matters when it comes to climate change mitigation, therefore the score for speed of implementation reflects the date that projects are expected to be fully commissioned and operational.	1-10 Refer scale below	25%

Table 2 – quantitative criteria

### 5.6.3 Criteria specific to applications considered innovative

In the online Application Form to this Applicant Guide, Applicants are required to signal if they consider whether a Project is innovative (see Application Requirements 22 and 23). The TAG will determine if the Project is indeed innovative or not, as well as assessing its diffusion potential and emission reduction benefits. Applicants are asked to ensure they have provided the relevant information (which can also include available literature, modelling or market insights) to enable thorough assessment of the Application.

We recognise that innovative applications may score lower than other applications on some criteria, but they may provide attractive public benefits if the implementation of the successful outcome of the project enables further adoption of a high-benefit low-emissions option in New Zealand. In such cases, the public benefit in terms of carbon emissions reduction is indirect. Therefore, innovative applications will be assessed primarily on their potential for wide replication that will realistically result in greater emissions reductions by end of EB2 (2030). Although innovative applications will still complete the quantitative criteria, they will be considered more broadly against the specific criteria in Table 3 below.

Assessment specific to applications for innovative projects	Brief description	Scale
Diffusion potential of innovative projects	<ul style="list-style-type: none"> <li>» What is the emissions reduction potential of the technology (rather than the project itself) if it became mainstream in New Zealand?</li> <li>» What level of market adoption could realistically be expected of this technology across the next two or three emission budgets?</li> <li>» How likely is it that Government funding will have an impact on market adoption?</li> <li>» Are there delivery issues at risk of harming the wider diffusion of the technology?</li> </ul>	Unacceptable- Excellent Refer Table 4

Table 3 – innovative projects applications criteria

## 5.7 How will the Assessment Criteria be applied?

Below describes how the assessment criteria in Tables 1-3 above will be applied when an application is assessed.

### 5.7.1 Ability to deliver – a qualitative score

The Assessment Criteria ‘Ability to deliver’ (Table 1) applies to all Applications. **Please refer to section 4 of this Applicant Guide** which provides guidance on the information the Applicant is expected to provide with the Application (in addition to that provided in the Financial Assessment Template, a good place to provide additional information is in the business case and the project plan that all Applicants are expected to submit with the online Application Form).

The TAG will score ‘Ability to deliver’ using Table 4 and this will form part of its evaluation report.

Description	Definition
<b>Excellent</b>	Exceeds the expectations.
<b>Good</b>	Satisfies the expectations.
<b>Acceptable</b>	Some reservations that could be mitigated through conditions in the Funding Agreement.
<b>Serious reservations</b>	Serious reservations that are unable to be mitigated through conditions in the Funding Agreement.
<b>Unacceptable</b>	Does not satisfy expectations.

Table 4 – A scale for how the TAG will score all applications on ability to deliver

### 5.7.2 Other assessment criteria - how quantitative scoring will work

The quantitative criteria (Table 2) results will be calculated as the Applicant completes the Financial Assessment Template. These scores will be validated by the TAG and will form part of its evaluation report.

### 5.7.3 Co-funding ratio

Projects will not be co-funded at more than 50% of the eligible project cost (unless there is a strong rationale why the proportion of co-funding should be greater). The score for this criterion will be directly proportional to the co-funding ratio requested by the Applicant.

Co-funding ratio	
Score	% of co-funding requested
0	50+
1	46
2	42
3	38
4	34
5	30
6	26
7	22
8	18

9	14
10	10 or less

### 5.7.4 Payback period

Projects with a payback period that is less than 2 years (with GIDI co-funding) will not score any points as they are ineligible. Projects with a payback period 8+ years will get the maximum score (i.e., 10/10). The scoring is not linear so that businesses with the willingness to invest in projects with longer payback are prioritised. If a project is shown as highly profitable, the Applicant will need to provide compelling reasons why their application should be considered for public support.

Payback period (years)	
Score	years
Ineligible	0-2
1	3
3	4
5	5
7	6
9	7
10	8+

### 5.7.5 Abatement cost (lifetime) for the public of the emissions reduction

The abatement cost for EECA of a project relates to emissions abatement over the additional lifetime of the project.

Abatement cost (lifetime) for the public	
Score	\$/tCO <sub>2e</sub> (≥)
0	121
1	109
2	97
3	85
4	73
5	61

6	49
7	37
8	25
9	13
10	1

### 5.7.6 Speed of implementation

Time matters when it comes to climate change mitigation, therefore the score for speed of implementation is proportional to the date that projects are expected to be implemented (i.e., fully commissioned, and operational). To be eligible, **this must be within two years of the application approval date** – but the earlier the project is implemented, the higher the score. Applicants must establish in their applications (through the provision of a project plan) that project timeframes have been fully explored and are as early as possible.

Successful Applicants can expect to be held to implementation dates, with a portion of GIDI co-funding potentially linked to meeting timeframes.

Speed of implementation	
Score	Months from application date to project implementation (assumes a maximum of 4 months for approval)
	<b>Must be implemented within 24 months of approval</b>
0	Greater than 24 months
1	< 28 months
2	< 26 months
3	<23 months
4	< 21 months
5	< 19 months
6	< 17 months
7	< 14 months
8	< 12 months
9	< 9 months
10	< 7 months



## 5.8 You may be asked for further information

In addition to the above, EECA may, at its discretion, request further information from an Applicant to complete due diligence in relation to any application. This may include some, or all, of the following:

1. Reference-check the Applicant organisation(s) and named personnel.
2. Ask the Applicant to clarify aspects of the application.
3. Ask the Applicant to provide supporting evidence to back up statements made in their response to the various questions on the Applicant Guide.
4. Ask the Applicant to confirm delivery timelines and co-funding commitments.
5. Request an interview with the Applicant or a site visit.
6. Conduct internal and/or external due diligence checks further to that performed by the TAG.
7. Ask the Applicant to provide financial statements to support EECA's due diligence processes which may include:
  - » details of financial performance
  - » details of current financial position
  - » group structure and related party transactions
  - » forecast financial information to understand the project cash flows.

Applicants will be contacted by the EECA Point of Contact via the email [GIDIFund@eeca.govt.nz](mailto:GIDIFund@eeca.govt.nz). Responses to EECA requests for the above information is to be provided in the time specified.

# Section 6: General information

## 6.1 Commercial-in-confidence

All information collected and held during the application process will be held in the strictest confidence. This information will include:

- » The identity of entities engaging with EECA and related parties at any stage prior to their successful funding application decision being communicated to the Applicant.
- » Information provided to or by EECA, the TAG and the Assessment Panel prior to applications being submitted.
- » The application.
- » Materials used to comment on and assess applications.

It is noted that for the purposes of assessing the effectiveness of the GIDI Fund, EECA may share appropriately anonymised data gathered from the application process with relevant third parties.

## 6.2 Official Information Act

EECA is bound by the Official Information Act 1982 (OIA) and subject to other public law obligations. Accordingly, while the information provided by Applicants is intended to be held in the strictest confidence, the information that EECA holds can be requested by third parties and EECA must provide information as required to do so by law. The OIA does enable EECA to withhold information under certain conditions. Where applicable, EECA will consult with the relevant Applicants and Recipients if it receives an OIA request.

## 6.3 Publication of decisions

EECA will make public all approved and agreed funding, including who the Recipients are, the amounts of funding provided, the total project cost, and a brief description of each project. This will be done following either the approval of funding or the signing of a Funding Agreement.

## 6.4 Due diligence and financial matters

### **Due diligence**

At any stage during the assessment process, EECA may undertake due diligence checks on Applicants as needed to meet government requirements. Signing and submitting the online application form is considered consent to these checks taking place.

### **GST**

All amounts included in applications should be GST exclusive. The funding figures cited in any documents are GST exclusive.

### **Financial Year**

The Crown's financial year runs from 1 July to 30 June. applications should use this timeframe when providing financial information.

### **Tax advice**

EECA does not provide tax advice. If needed, Applicants should seek advice from tax specialists about how any funding granted may affect their tax positions.

## 6.5 Declaration

As part of this application process, Applicants will be required to sign and submit declarations (part of the online application form) to confirm that the information they provide is accurate and to acknowledge that they have read and understood this Applicant Guide, including its terms, conditions and criteria and the information relating to obligations under the Official Information Act.

# Section 7: Terms and conditions

## Note to Applicants

- » In managing this GIDI funding round, EECA will endeavour to act fairly and reasonably in all of its dealings with interested Applicants, and to follow due process which is open and transparent.
- » This section contains Terms and Conditions (“Applicant Guide-Terms”) which apply to this GIDI funding round.
- » A glossary of terms is included in Section 8.

## 7.1 Preparing your application

Applicants are to use the online application form provided and include all information requested by EECA in relation to the Applicant Guide. By submitting an application, the Applicant accepts that it is bound by these Applicant Guide terms.

### **Each Applicant will:**

1. Examine the Applicant Guide and any documents referenced in the Applicant Guide and any other information provided by EECA;
2. Consider all risks, contingencies and other circumstances relating to the delivery of its proposed project and include adequate provision in its application to manage such risks and contingencies;
3. Document in its application all assumptions and qualifications made about the delivery of the proposed project, including any assumption that EECA or a third party will deliver any aspect of the proposed project or incur any cost related to the delivery of the proposed project;
4. Ensure that pricing information is quoted in \$NZD exclusive of GST;
5. If appropriate, obtain independent advice before submitting your application;
6. Satisfy itself as to the correctness and sufficiency of its application, including the proposed pricing and the sustainability of the pricing.

## 7.2 Private finance pilot

EECA has commenced a private finance pilot with certain financial providers to explore how EECA can help:

- » maximise the reach of GIDI funding available to businesses to help achieve New Zealand's decarbonisation targets
- » improve visibility to GIDI Applicants of finance providers that are available, and have expertise, to help NZ businesses decarbonise, and
- » mobilise the finance sector into mainstreaming sustainable finance and offering competitive rates for decarbonisation projects.

EECA's website has an open directory of financial providers who wish to be part of the pilot. It sets out each financial provider's potential offering available to GIDI Applicants who need private finance for decarbonisation projects.

GIDI Applicants who are interested in exploring any of these potential offerings can select this preference in their online application form. Applicants can also make contact with the financial providers themselves using the details provided on the website. The directory is open to any other reputable financial providers who wish to participate in the pilot.

## 7.3 Applicant questions

Each Applicant should satisfy itself as to the interpretation of the Applicant Guide. If there is any perceived ambiguity or uncertainty in the Applicant Guide, Applicants should seek clarification from the Point of Contact at [GIDIFund@eeca.govt.nz](mailto:GIDIFund@eeca.govt.nz). EECA will endeavour to respond to requests in a timely manner.

If EECA considers a request to be of sufficient importance to all Applicants, it may publish details of the question and answer on the GIDI: Commercial Buildings page of EECA's website. In doing so EECA may summarise the question and will not disclose the Applicant's identity. An Applicant may withdraw a request at any time.

When seeking clarification an Applicant is to indicate, in its request, any information that is commercially sensitive. EECA will not publish such commercially sensitive information. However, EECA may modify a request to eliminate such commercially sensitive information and publish this and the answer where EECA considers it of general significance to all Applicants. In this case, however, the Applicant will be given an opportunity to withdraw the request or remove the commercially sensitive information.

## 7.4 Submitting your application

Applicants are responsible for ensuring applications are submitted using the online application form and are welcome to submit applications any time from 01 July 2023. EECA will acknowledge receipt of each application.

EECA intends to rely on the application and all information provided by the Applicant (e.g., correspondence and negotiations). In submitting an application and communicating with EECA each Applicant should check that all information it provides to EECA:

1. Is true, accurate and complete, and not misleading in any material respect; and
2. Does not contain Intellectual Property that will breach a third party's rights.

EECA may invite Applicants to rectify any minor errors or omissions in their applications during EECA's completeness and eligibility check process. Applications that do not meet the Minimum Funding Conditions may be considered at the discretion of the EECA Board and/or Minister of Energy and Resources. In such instances, Applicants will need to provide compelling reasons why their application should be considered for support.

## 7.5 Third party information

Each Applicant authorises EECA to collect additional information from any relevant third party (such as a referee or a previous or existing client) and to use that information as part of its assessment of the Applicant's application.

Each Applicant is to ensure that all referees listed in support of its application (if provided) agree to provide a reference.

To facilitate discussions between EECA and third parties, each Applicant waives any confidentiality obligations that would otherwise apply to information held by a third party, with the exception of commercially sensitive pricing information.

## 7.6 Successful Applicants - offer of GIDI Funding

Successful Applicants may be invited to enter into negotiations with a view to entering into a Funding Agreement. Where the outcome is unsatisfactory or unreasonably stalled EECA, may discontinue the negotiations at their discretion and in doing so withdraw the offer of funding support.

Each Applicant agrees that any legally binding Funding Agreement entered into between the Successful Applicant and EECA will be essentially in the form set out in the Proposed Funding Agreement, which is part of the Applicant Guide documentation.

## 7.7 Unsuccessful Applicants - debrief

All unsuccessful Applicants will be provided with the opportunity for a verbal debrief which will:

1. Provide the reasons why the application was not successful;
2. Explain how the application performed in terms of financial and technical due diligence, against the minimum funding conditions and application requirements, the assessment criteria, and the considerations taken into account by the Assessment Panel;
3. Indicate the application's relative strengths and weaknesses;
4. Explain, in general terms, the relative advantage/s of the successful application/s;
5. Seek to address any concerns or questions from the Applicant;
6. Seek feedback from the Applicant on the Applicant Guide, and the application process.

## 7.8 Issues and complaints

An Applicant may, in good faith, raise with EECA any issue or complaint about the Applicant Guide, or the application process at any time.

EECA will consider and respond promptly and impartially to the Applicant's issue or complaint.

Both EECA and the Applicant agree to act in good faith and use their best endeavours to resolve any issue or complaint that may arise in relation to the Applicant Guide, or the application process.

The fact that an Applicant has raised an issue or complaint will not be used by EECA to unfairly prejudice the Applicant's ongoing participation in the application process, or in any future funding rounds.

# Standard conditions in this Applicant Guide

## 7.9 EECA's Point of Contact

All enquiries regarding the Applicant Guide must be directed by email to EECA's Point of Contact at [GIDIFund@eeca.govt.nz](mailto:GIDIFund@eeca.govt.nz). Applicants must not directly or indirectly approach any representative of EECA, or any other person, to solicit information concerning any aspect of the Applicant Guide.

Only the Point of Contact, and any authorised person of EECA, are to communicate with Applicants regarding any aspect of the Applicant Guide. EECA will not be bound by any statement made by any other person.

EECA may change the Point of Contact at any time. EECA will notify any such change by posting a notice on the GIDI: Commercial Buildings page of EECA's website.

Where an Applicant has an existing Funding Agreement or contract for services with EECA, then business-as-usual communications, for the purpose of managing delivery of that agreement or contract, will continue using the usual contacts. Applicants must not use business-as-usual contacts to solicit information or discuss aspects of the application process once they have submitted an application.

## 7.10 Conflict of Interest

Each Applicant must complete the Conflict of Interest declaration in the online application form and must immediately inform EECA should a conflict of interest arise during the application process. A material conflict of interest may result in the Applicant being disqualified from participating further in application process.

## 7.11 Ethics

Applicants must not attempt to influence or provide any form of personal inducement, reward, or benefit to any representative of EECA or the Assessment Panel in relation to application process.

EECA reserves the right to require additional declarations, or other evidence from an Applicant, or any other person, throughout the application process to ensure probity of the process.



## 7.12 Anti-collusion and bid rigging

Applicants must not engage in collusive, deceptive, or improper conduct in the preparation of their applications or other submissions or in any discussions or negotiations with EECA. Such behaviour will result in the Applicant being disqualified from participating further in the application process.

EECA reserves the right, at its discretion, to report suspected collusive or anti-competitive conduct by Applicants to the appropriate authority and to give that authority all relevant information including any relevant application.

## 7.13 Confidential Information

EECA and the Applicant will each take reasonable steps to protect confidential information and, without limiting any confidentiality undertaking agreed between them, will not disclose confidential information to a third party without the other's prior written consent.

EECA and the Applicant may each disclose confidential information to any person who is directly involved in the application process on its behalf, such as officers, employees, consultants, contractors, professional advisors, Assessment Panel members, partners, principals, or directors, but only for the purpose of participating in the application process.

The Applicant acknowledges that EECA may disclose appropriately anonymised information gathered from applications (successful or unsuccessful), sharing that data with relevant Crown or non-Crown entities for the sake of measuring the effectiveness of the GIDI Fund.

Applicants acknowledge that EECA is subject to requirements imposed by the Official Information Act 1982 (OIA), the Privacy Act 2020, parliamentary and constitutional convention, and any other obligations imposed by law. EECA will not be in breach of its obligations if confidential information is disclosed by EECA to the appropriate authority because of suspected collusive behaviour. Where EECA receives an OIA request that relates to an Applicant's confidential information, EECA will consult with the Applicant and may ask the Applicant to explain why the information is considered by the Applicant to be confidential or commercially sensitive.

## 7.14 Confidentiality of application information

From the time an Applicant submits an application, to the date of the announcement of the Successful Applicant(s), or the end of the application process, the Applicant agrees to keep all information pertaining to the application strictly confidential and not make any public statement to any third party in relation to any aspect of the application, the application process, or the award of any Funding Agreement without EECA's prior written consent.

An Applicant may disclose information only for the purpose of participating in the application process. The Applicant must take reasonable steps to ensure that such recipients do not disclose Confidential Information to any other person or use Confidential Information for any purpose other than responding to the Applicant Guide.

## 7.15 Costs of participating in the application process

Each Applicant will meet its own costs associated with the preparation and presentation of its application and any negotiations.

## 7.16 Ownership of documents

The Applicant Guide and its contents remain the property of EECA. All intellectual property rights in the Applicant Guide remain the property of EECA or its licensors. EECA may request the immediate return or destruction of any or all Applicant Guide documents and any copies. Applicants must comply with any such request in a timely manner.

All documents forming the application will, when delivered to EECA, become the property of EECA. Applications will not be returned to Applicants at the end of the application process.

Ownership of intellectual property rights in the application remain the property of the Applicant or its licensors. However, the Applicant grants to EECA a non-exclusive, non-transferable, perpetual license to retain, use, copy and disclose information contained in the application for any purpose related to the application process.

In addition, the Applicant grants to EECA a non-exclusive, non-transferable, perpetual license to retain, use copy, and disclose anonymised data gathered from the application process to third parties for the purposes related to assessing the effectiveness of the GIDI Fund. Also refer to section 4 'Information to be included with your application, and reporting requirements'.

## 7.17 No binding legal relations

Neither the Applicant Guide, nor the application process, creates a process contract or any legal relationship between EECA and any Applicant, except in respect of:

1. The Applicant's declaration in its application;
2. The Applicant's statements, representations and/or warranties in its application and in its correspondence and negotiations with EECA;
3. The assessment approach to be used by EECA to assess applications as set out in Section 5 and in the Applicant Guide terms;
4. The standard Applicant Guide conditions set out in paragraphs 7.10 to 7.22;
5. Any other matters expressly described as binding obligations in this Applicant Guide.

Each exception in paragraph 7.18 is subject only to EECA's reserved rights in paragraph 7.19.

Except for the legal obligations set out in paragraph 7.17 no legal relationship is formed between EECA and any Applicant unless and until a Funding Agreement is entered into between those parties.

## 7.18 Exclusion

EECA may exclude an Applicant from participating in the application process if EECA has evidence of any of the following, and is considered by EECA to be material to the application process:

1. The Applicant has failed to provide all information requested, or in the correct format, or materially breached a term or condition of the Applicant Guide;
2. The application contains a material error, omission, or inaccuracy;
3. The Applicant is in bankruptcy, receivership, or liquidation;
4. The Applicant has made a false declaration;
5. There is a serious performance issue in a historic or current Funding Agreement or contract held by the Applicant;
6. The Applicant has been convicted of a serious crime or offence;
7. There is professional misconduct or an act or omission on the part of the Applicant which adversely reflects on the integrity of the Applicant;
8. The Applicant has failed to pay taxes, duties, or other levies;
9. The Applicant represents a threat to national security or the confidentiality of sensitive government information;
10. The Applicant is a person or organisation designated as a terrorist by New Zealand Police.

## 7.19 EECA's additional rights

Despite any other provision in the Applicant Guide, EECA may, on giving due notice to Applicants:

1. Amend, suspend, cancel and/or re-issue the Applicant Guide, or any part of the Applicant Guide;
2. Make any material change to the Applicant Guide on the condition that Applicants are given a reasonable time within which to respond to the change.

Despite any other provision in the Applicant Guide, EECA may:

1. Accept a late application if it is EECA's fault that it is received late;
2. In exceptional circumstances, accept a late application where it considers that there is no material prejudice to other Applicants. EECA will not accept a late application if it considers that there is risk of collusion on the part of an Applicant;
3. Accept or reject any application, or part of an application;
4. Accept or reject any non-compliant, non-conforming or alternative application;
5. Decide not to enter into a Funding Agreement with any Successful Applicant;
6. Liaise or negotiate with any Applicant without disclosing this to any other Applicant;
7. Provide or withhold from any Applicant information in relation to any question arising in relation to the Applicant Guide. Information will usually only be withheld if it is deemed unnecessary, is commercially sensitive to an Applicant, is inappropriate to supply at the time of the request or cannot be released for legal reasons;
8. Amend the Proposed Funding Agreement at any time, including during negotiations with an Applicant;
9. Waive irregularities or requirements in or during the application process where it considers it appropriate and reasonable to do so;
10. Decline to consider an application, if in EECA's opinion, awarding the funding to the Applicant may affect New Zealand's ability to comply with its international obligations including (and not limited to) treaties and international law.

EECA may request that an Applicant agrees to EECA:

1. Selecting any individual element/s of the project that is offered in an application and is capable of being delivered separately, unless the application specifically states that the application, or elements of the application, are to be taken collectively;
2. Selecting two or more Applicants to deliver a project as a joint venture or consortium.

## 7.20 New Zealand law

The laws of New Zealand shall govern the Applicant Guide and each Applicant agrees to submit to the exclusive jurisdiction of the New Zealand courts in respect of any dispute concerning the Applicant Guide or the application process.

## 7.21 Disclaimer

EECA will not be liable in contract, tort, equity, or in any other way whatsoever for any direct or indirect damage, loss or cost incurred by any Applicant or any other person in respect of the application process.

Nothing contained or implied in the Applicant Guide, or application process, or any other communication by EECA to any Applicant shall be construed as legal, financial, or other advice. EECA has endeavoured to ensure the integrity of such information. However, it has not been independently verified and may not be updated.

To the extent that liability cannot be excluded, the maximum aggregate liability of EECA, its agents and advisors is \$1.00.

## 7.22 Precedence

Any conflict or inconsistency in the Applicant Guide shall be resolved by giving precedence in the following descending order:

1. Section 3;
2. Section 7 (Applicant Guide terms);
3. All other Sections of this Applicant Guide document;
4. Any additional information or document provided by EECA to Applicants through the EECA Point of Contact at [GIDIFund@eeca.govt.nz](mailto:GIDIFund@eeca.govt.nz).

If there is any conflict or inconsistency between information or documents having the same level of precedence, the later information or document will prevail.

## Section 8: Glossary of Terms

Term	Description
Applicant	The eligible legal entity (or group of entities), which has submitted or is in the process of submitting a Application for the GID: Commercial Buildings.
Applicant Guide	Means the Applicant Guide for the GID: Commercial Buildings. The Applicant Guide comprises this document, the online Application Form, the Proposed Funding Agreement, the Financial Assessment Template, the Business Case checklist, FAQ's and any other information in relation to this Applicant Guide provided through EECA's Point of Contact or the EECA website.
Assessment Panel (the Panel)	An advisory panel comprising persons with relevant experience. The Panel will make funding recommendations to inform decision making by the EECA Chief Executive, EECA Board and the Minister Energy and Resources in accordance with EECA's delegated authority framework.
Business day	Any weekday in New Zealand, excluding Saturdays, Sundays, New Zealand (national) public holidays and all days from Boxing Day up to and including the day after New Year's Day.
Commercial building	Includes Commercial (C), Industrial (I), and Other (O) building types as categorised for the District Valuation Roll. Building is defined as per Clause A2 of the Building Regulations 1992. Excludes apartments.
Confidential information	<p>Information that:</p> <ol style="list-style-type: none"> <li>1. Is by its nature confidential;</li> <li>2. Is marked by either EECA or an Applicant as 'confidential', 'commercially sensitive', 'sensitive', 'in confidence', 'top secret', 'secret', 'classified' and/or 'restricted';</li> <li>3. Is provided by EECA, an Applicant, or a third party in confidence;</li> <li>4. EECA or an Applicant knows, or ought to know, is confidential.</li> </ol> <p>Confidential information does not cover information that is in the public domain through no fault of either EECA or an Applicant.</p>
Conflict of interest	<p>A Conflict of Interest arises if an Applicant's personal or business interests or obligations do, could, or be perceived to, conflict with its obligations to EECA under the Applicant Guide. It means that the Applicant's independence, objectivity, or impartiality can be called into question. A Conflict of Interest may be:</p> <ol style="list-style-type: none"> <li>1. Actual: where the conflict currently exists;</li> <li>2. Potential: where the conflict is about to happen or could happen, or;</li> <li>3. Perceived: where other people may reasonably think that a person is compromised.</li> </ol>

Term	Description
Default Option	The current operational case or similar; the alternative to the low emissions option (i.e., the Preferred Project). Refer section 3.5 which discusses incremental cost.
EECA DFA	The person/s at EECA that have the delegated financial authority (DFA) to approve Applications.
(the) Fund	The GIDI Fund.
Funding Agreement	The written agreement entered into by EECA and each Successful Applicant for the delivery of the project(s).
GST	The goods and services tax payable in accordance with the New Zealand Goods and Services Tax Act 1985.
Incremental cost	The cost difference between the Default Option and the lower emissions option - the preferred project (the project).
Industrial process	Industrial process heat used by the industrial sector often in the form of steam, hot water, or hot gases. For more information see here - <a href="https://www.mbie.govt.nz/process-heat-current-state-fact-sheet">process heat – current state fact sheet (mbie.govt.nz)</a>
Intellectual property	All intellectual property rights and interests, including copyright, trademarks, designs, patents, and other proprietary rights, recognised, or protected by law.
Point of Contact	EECA and each Applicant are required to appoint a Point of Contact. This is the channel to be used for all communications during the application process. EECA’s Point of Contact is the GIDI Fund product lead. All communication from Applicants with EECA must be with the Point of Contact via email at: GIDIFund@eeca.govt.nz. Applicants must clearly identify a Point of Contact in the online application form.
Project	A description of a project for which the application has been submitted. This encompasses all activities, steps, tasks, or elements for which an Applicant is seeking funding.
Proposed Funding Agreement	The Proposed Funding Agreement terms and conditions published on the GIDI: Commercial Buildings page of EECA’s website as part of this Applicant Guide.
Recipient	The Successful Applicant that enters into a Funding Agreement with EECA.
Application form	The form and declaration prescribed by EECA and used by the Applicant to respond to the Applicant Guide.
Space and water heating	Includes use for HVAC systems, domestic hot water systems, as defined in Clause A2 of the Building Regulations 1992, and use in commercial and public swimming pools. Other commercial uses of space and water heating may also be considered.

Term	Description
Successful Applicant	Successful Applicants may be invited to enter into negotiations with a view to entering into a Funding Agreement. Where the outcome is unsatisfactory or unreasonably stalled EECA, may discontinue the negotiations at their discretion and in doing so withdraw the offer of funding support.
Technical Advisory Group (TAG)	A group of technical and subject matter experts. The TAG undertakes financial and technical due diligence of Applications and provides an evaluation report to the appropriate EECA decision maker, or the Assessment Panel.