



**INVITATION TO
SUBMIT
EXPRESSION OF INTEREST (“EOI”)**

ISSUE DATE: 13 September 2024

CLOSING DATE: 14 October 2024

DISCLAIMER

This call for Expression of Interest (EOI) is issued by Enprova Limited (“**Enprova**”).

The information in this document is preliminary only, given for the guidance of parties interested in responding to this EOI (“**Respondents**”) at this stage of the process and does not purport to be comprehensive or to have been independently verified. It may be altered without notice at any time.

The information in this document is confidential and is made available to each recipient on this basis.

Enprova does not warrant or represent that this document, or any other information given to Respondents, is accurate or complete. Neither Enprova nor its advisers, consultants, contractors and/or agents shall have any liability or responsibility in relation to the accuracy, adequacy or completeness of such information or any statements made in this document, or in any other information given to Respondents. None of Enprova, their advisers, consultants, contractors and/or agents or any of their respective directors, officers, employees, agents or any other person owes any duty of care to any recipient either in relation to this document or any other information that a potential contractual party is provided with at any time. Recipients must undertake such investigations as they see fit before entering into any contract.

Enprova is not liable for Respondent’s costs arising in connection with the process outlined in this EOI, irrespective of the outcome of the process, nor if the process is cancelled or postponed.

Any information submitted in response to this EOI is provided to Enprova voluntarily and may be discussed in consultation with Enprova.

Enprova shall not be under any obligation to procure any of the services described herein, and the issuance of this EOI shall not be construed as a commitment to enter commercial or other business relations.

Any information submitted in response to this EOI that needs to be treated as “confidential” should be marked as such on the completed form by the Respondent. When information is marked confidential, Enprova will take all reasonable measures to keep it confidential and will not share it with other entities or individuals outside of its organisation without the Respondent’s written authorisation. However, this confidentiality commitment shall not apply if the information concerned, or any part of it (a) was known to the organisation before any disclosure by the Respondent or (b) was in the public domain at the time of disclosure by the Respondent, or (c) becomes part of the public domain through no fault of the organisation, or (d) becomes available to the organisation from a third party who is not in breach of any legal obligation of confidentiality to the Respondent. Information not marked as confidential will

nevertheless not be shared with other entities or individuals outside the organisation without the Respondent's written authorisation unless that information has been anonymized or aggregated to deter identification of individual manufacturers (e.g., used without specifying individual company or organisation names, product names, geographical location).

1. INTRODUCTION AND BACKGROUND

Fuels for Ireland is a trade association - formerly known as the Irish Petroleum Industry Association – that brings together companies involved in the importation, distribution and marketing of petroleum products, low carbon liquid fuels and other means to power transport, heating, agriculture, aviation and industry in Ireland.

The Energy Efficiency Obligation Scheme (“**EEOS**”) is a Government of Ireland energy efficiency scheme designed to promote energy efficiency in homes, businesses and communities in Ireland. Under the scheme the largest energy suppliers and distributors in Ireland (known as “**Obligated Parties**”) are required to achieve annual energy efficiency targets.

Fuels for Ireland, through its wholly owned subsidiary, Enprova (acting as principal for the Obligated Parties who are members of Fuels for Ireland and which, as a result, is itself an Obligated Party) is running this EOI process to appoint a service provider who will achieve the energy savings obligations it is required as an “obligated party” to achieve annually under the EEOS and as outlined in more detail in Schedule 1 of this document.

2. PURPOSE OF THIS EOI

Enprova is soliciting the interest of reputable companies (hereinafter referred to as “**Managing Agents**”) experienced in the provision of the required services, to develop a short-list of suitable Managing Agents who may subsequently be invited into the bidding process for the execution of a contract for the provision of the required services. The intention is that the term of this contract will align with the remaining term of the current EEOS (i.e. it will continue in place until 2030). The contract will however include provision for renewal beyond this date.

The current expectation is that the effective date of the contract will be 1 January 2025.

The EOI seeks to provide prospective Managing Agents with relevant background information regarding the required services and to describe the information to be submitted by prospective Managing Agents in order to assist Enprova in compiling a short-list of suitable Managing Agents for further assessment.

3. SCOPE OF SERVICES REQUIRED

The services to be provided by the successful Managing Agent shall include, but not be limited to the below list of services and shall include all other services that are reasonably ancillary and incidental thereto.

- **Achieve Annual Targets** - Pursuant to the EEOS, the Minister for the Environment, Climate and Communications (the “Minister”) notifies each Obligated Party of its annual EEOS target and sectoral sub-targets by way of an Energy Efficiency Notice. The successful Managing Agent will be responsible for achieving these annual targets

(including sub-targets) which are subject to change in accordance with applicable legislation. The intention is that the successful Managing Agent will adopt a strategic approach with the aim of maximising the achievement of energy credits.

- **Liaise with SEAI** - The Sustainable Energy Authority of Ireland (SEAI) administers the EEOS on behalf of the Minister and is responsible for the monitoring and measuring of savings achieved under the EEOS. The successful Managing Agent will be required to work closely with SEAI in relation to its delivery of the EEOS annual targets.
- **Advisory Role** - The successful Managing Agent must have extensive knowledge, understanding and experience of the supports and grants available to homeowners, business owners and the public sector (councils and housing organisations for example) and will be expected to provide professional advice to these parties in relation to not only the operation of the EEOS but also in the context of other grants and supports available in relation to generating energy savings. As part of this advisory role, the successful Managing Agent will be responsible for handling and resolving all queries about the scheme as well as handling the grant or subsidy applications with SEAI.
- **Representative** - the successful Managing Agent must provide a “single point of contact” and liaise as necessary with all relevant internal and external advisors for the purpose of carrying out this role. This individual will be required to attend all meetings that may take place with SEAI and other relevant stakeholders in relation to the operation of the EEOS.
- **One-Stop Shop** - for the purpose of achieving EEOS targets in the residential sector, it is a requirement that the successful Managing Agent be a registered “One Stop Shop” with SEAI.
- **Quality Systems** - the successful Managing Agent will be responsible for the quality of all energy credits they notify to SEAI and must have a quality management system aligned with ISO 9001:2015.
- **Health & Safety** - the successful Managing Agent must comply with all applicable health and safety obligations when performing all services pursuant to the contract.
- **Audits** - The successful Managing Agent will be obliged to carry out independent and documented verification on a statistically significant and representative sample of all relevant actions implemented for the purpose of achieving the EEOS target. The number of audits must exceed the indicative levels identified by SEAI in its guidance document on the EEOS. The audits must include a sample of project types for each sector across a range of locations and taking into account a range of suppliers/sub-contractors.
- **IT solution** - Provide a document management system which is capable of tracking all energy efficiency improvement measures applied by the successful Managing Agent in the pursuit of energy credits. This system will necessarily entail the recording of personal data which must be managed in compliance with all applicable data

protection legislation including but not limited to the Data Protection Acts 1988 to 2018 and Regulation EU 2016/679 (the “General Data Protection Regulation” or “GDPR”). The successful Managing Agent must grant Enprova access to this system as and when required.

- **Reporting** – The successful Managing Agent must issue interim reports highlighting their progress in performing the services and any issues they encountered that may impact the delivery of the services. Specific information in relation to achieving energy credits must also be provided on demand. The content and frequency of these reports will be addressed as part of the contract.
- **Support** – The successful Managing Agent must provide support to Enprova members or their affiliates, who wish to run local promotional activities, (subject to Enprova approval).
- **Manage Contractors & Sub-Contractors** – the successful Managing Agent will be required to assume full responsibility and liability for any of its appointed sub-contractors.

4. INSTRUCTIONS TO RESPONDENTS

In responding to this EOI, Respondents must provide detailed submissions addressing each of the items listed in section 6 to kevin.mcpartlan@fuelsforireland.ie

Submissions must be provided by **12.00 (noon) on 14 October 2024.**

5. QUESTIONS AND CLARIFICATIONS

Any queries in relation to the process may be directed to Kevin McPartlan kevin.mcpartlan@fuelsforireland.ie. Enprova will endeavour to respond to all reasonable queries but does not undertake to respond to all queries received.

Responses to questions raised may be circulated to all Respondents.

Responses to questions will not identify the originator of the question.

If a Respondent wishes to ask a question or seek clarification without the question and answer being published in this way, then the Respondent must notify us and provide its justification for withholding the question and any response. If we do not consider that there is sufficient justification for withholding the question and the corresponding response, the Respondent will be invited to decide whether:

- the question/clarification and the response should in fact be published; or
- It wishes to withdraw the question/clarification.

6. SUBMISSIONS MUST CONTAIN THE FOLLOWING:

A. BACKGROUND INFORMATION

- I. Company name and contact information (to include the name, email address and phone number of the individual who may be contacted by Enprova in relation to the proposal).
- II. A brief description/history of your company to include:
 - the range of services and products you provide,
 - the number of staff employed by the company; and
 - details of the company's professional indemnity Public and Employers Liability insurance cover.
- III. Description of the Respondent's previous experience in carrying out a Managing Agent role and providing the required services by reference to the scope of services listed at section 3 of this EOI document to include:
 - the overall financial value of these reference contracts; and
 - the names and addresses of contact persons in each of your major customer accounts.
- IV. Evidence that the Respondent is registered as a "One-Stop Shop" with SEAI.
- V. The quality control procedures they have in place, including any quality assurance accreditation attained (which must include ISO 9001:2015), which are relevant to achieving the three sectoral sub-targets.
- VI. The health and safety systems they have in place and the name of the individual in your organisation that is responsible for health and safety. Please confirm the number of recordable instances, if any, submitted to the Health and Safety Authority in the past three years.

B. PROPOSED APPROACH TO PERFORM THE REQUIRED SERVICES

- VII. Proposed methodology to source energy credits to meet each of the three sectoral sub-targets to include a specific project plan highlighting what you see as the actions, milestones and timelines during the term of the contract.

Respondents are asked to take into account that the contract awarded to the successful Managing Agent emerging from this process is expected to commence on or around 1 January 2025.

- VIII. The structure of the proposed key team (which may be described in the form of a chart) illustrating the role/position of each key team member.
- IX. Proposed approach to managing and monitoring any staff that will be dedicated to carrying out the required services. Please refer to any performance management systems that would be put in place.
- X. The proposed reporting arrangements with Enprova.
- XI. Identify the key point of contact with Enprova and proposals for his/her interaction with Enprova, SEAI and other stakeholders outlining their suitability for this role.

Note:

- ***We expect that all responses to this EOI will be provided by Respondents in good faith to the best of their ability in the light of information available at the time of their response.***
- ***No publicity regarding this EOI process or any contract awarded pursuant to this process is permitted unless and until Enprova has given its prior written consent to the relevant communication.***

7. NEXT STEPS

Enprova will review the submissions provided and will form a short-list on the basis of these submissions. Enprova reserves the right to reject any proposal at its discretion. Any unsuccessful Respondents will be advised accordingly.

Respondents may be required to make a presentation of the proposal contained in their submission. Note, not all Respondents may be invited to make a presentation. Enprova accepts no responsibility for any costs incurred in the formulation or presentation of Respondent's proposals.

All shortlisted Respondents will be notified. Any notification of shortlisted status by Enprova does not give rise to any enforceable right by the shortlisted Respondent.

Shortlisted Respondents may be required to submit further information to Enprova and/or make further presentations.

At a later stage in the process, a draft contract will be circulated to some or all of the shortlisted Respondents for their review. Once issued, the Respondents will be asked to review the terms and conditions set out in the draft contract. If a Respondent has comments on the draft contract, it may raise those comments and it should, in any event, reflect any such comments in a mark-up of the contract to be submitted to Enprova by a specified date. Respondents should note that the draft contract is not open to substantial amendment. Enprova will consider any observations received in this way and may, at its absolute discretion, accept or reject any observations, proposed amendments or supplemental provisions proposed by a Respondent.

The shortlisted Respondents will be required to submit pricing information to Enprova at a later stage in the process.

SCHEDULE 1

LEGISLATIVE BACKGROUND

On or about 25 October 2012, the European Parliament and the Council adopted Directive 2012/27/EU (the “2012 EED”) on energy efficiency which established a set of binding measures to help the EU reach its 20% energy efficiency target by 2020. The 2012 EED has been substantially amended several times to include Directive 2018/2002 (the “2018 EED”) and which may be amended further (together the “EED Directives”). The aim of the EED Directives is to establish a common framework of measures for the promotion of energy efficiency within the European Union in order to ensure the achievement of the Union’s target on energy efficiency by 2030.

Most recently the 2012 EED was recast by Directive 2023/1791/EU (the “2023 EED”) which introduces a series of measures to help accelerate energy efficiency. Member States have until October 2025 to transpose the requirements of the 2023 EED into national law.

Pursuant to the EED Directives, Member States were required to achieve an energy efficiency target, either through an energy efficiency obligation scheme (“EEOS”), alternative measures, or a combination of both.

In Ireland, an energy efficiency obligation scheme has been in operation since 2014 and was recently redesigned pursuant to the European Union (Energy Efficiency Obligation Scheme) (Amendment) Regulations 2022 (S.I. No.522/2022) (the “2022 EEOS Regulations”) and which commenced in January 2023.

The 2022 EEOS Regulations underpin the current phase of the EEOS and place a legal requirement on larger energy suppliers, distributors or retail energy sales companies designated as “obligated parties” to achieve specific annual energy efficiency targets (which are divided into three sub-targets – 85% cross sector, 10% residential and 5% energy poverty) based on their market share within the energy industry.

The 2022 EEOS Regulations set out which persons are deemed “obligated parties”; how the energy savings targets are calculated and issued; how “obligated parties” can meet these targets, including certain sectoral sub-targets; specific requirements to be met relating to the calculation, measurement and verification of energy savings; and how any non-compliance with targets and other aspects of the 2022 EEOS Regulations, such as the provision of relevant information, shall be managed and the steps that may be taken where an “obligated party” fails to meet its obligations. The 2022 EEOS Regulations also provide for the appointment of SEAI for the performance of certain functions of the Minister under the 2022 EEOS Regulations, including the making and publication of guidance on the operation of the EEOS.

“Obligated parties” can achieve their annual targets by providing financial and/or technical support to homeowners, businesses, public bodies, local authorities and approved housing bodies to implement energy saving practices or to carry out energy upgrades in their eligible properties. For every unit of energy saved, “obligated parties” earn energy credits towards their annual target. Energy savings submitted by an “obligated party” become energy credits when they are validated by SEAI and counted towards an “obligated parties” target. The value of the energy credits from a project is based on the actual final energy savings achieved, where 1 kWh equals 1 energy credit.

Scheme Administrator

As noted above, pursuant to the 2022 EEOS Regulations, SEAI were appointed to perform certain functions of the Minister under the 2022 EEOS Regulations, to include, amongst other functions, being the scheme administrator and responsible, on behalf of the Minister, for the monitoring and measurement of savings achieved under the EEOS. As part of this role, SEAI ensure that all savings counted against an “obligated parties” target under the EEOS are compliant with the requirements of the EED Directives and in turn reported to the EU.

Pursuant to the 2022 EEOS Regulations, SEAI have developed a guidance document, Energy Efficiency Obligation Scheme (EEOS) Guidance Document (the “Guidance”) as a form of operating manual for the EEOS. This Guidance document can be accessed [here](#). It is intended to give clarity to obligated parties on how SEAI will administer the EEOS in accordance with the requirements of the 2022 EEOS Regulations.

The Guidance explains, amongst other things, the processes for identifying the companies that have an obligation under the EEOS, how targets are set for the obligated parties under EEOS (including approaches to achieving the targets), the requirements to be met for an energy efficiency improvement measure to be considered a qualifying action under EEOS (to include how an obligated party can achieve energy poverty, residential and cross-sector credits by delivering energy efficiency improvement measures), the calculation of eligible energy savings, details of the SEAI system for the measurement, control and verification of energy savings delivered and notified by “obligated parties” under EEOS, details on the administration of energy credits (to include how energy credits are to be reported), details of the annual process for assessing an “obligated parties” compliance with their targets and the options available for those with a shortfall to their targets.

Organisations intending to respond to this EOI must have a detailed understanding of the “obligated parties” energy savings obligations under the legislation as outlined above, most particularly, the 2022 EEOS Regulations as well as the Guidance. However, Respondents must note that the current EEOS will likely continue to evolve in objectives, design and delivery as the energy and policy landscape develops and changes. The

successful Managing Agent will need to stay ahead of any future developments and operate at all times in full compliance with all applicable legal obligations.