

MASSCEC CONTRACTOR CODE OF CONDUCT



Introduction

MassCEC operates many programs that support the deployment of clean energy technologies in the Commonwealth. The continued integrity of these programs, as well as the quality of work performed in the Massachusetts clean energy industry more broadly, are critical to the further growth and sustainability of the industry in the Commonwealth. Many MassCEC programs provide incentives to residents, businesses, and public entities and are implemented through a network of participating contractors. In order to participate in MassCEC programs, contractors must meet minimum qualification standards as defined in applicable program guidelines.

Consistent with our mission and commitment to program integrity, this Contractor Code of Conduct sets forth the ethical standards and requirements that all contractors and their representatives shall adhere to in their dealings with MassCEC programs and associated projects. Failure to meet these standards could result in disciplinary measures, including but not limited to, ineligibility to participate in MassCEC programs. This Contractor Code of Conduct is applicable to all MassCEC programs serving residential, commercial, non-profit and public customers.

Code of Conduct

Contractors are expected to perform all work under MassCEC programs consistent with the highest technical and ethical standards in their industry. Participation in MassCEC programs is voluntary, and with participation comes an obligation to provide high-quality and timely work, maintain and honor program-required warranties, work to gain customer satisfaction, and resolve disputes constructively. Furthermore, MassCEC expects participating contractors to work with MassCEC in a responsive, forthright, and constructive manner.

All contractors are expected to conduct any and all business affiliated with MassCEC programs in a responsible manner that fosters integrity and public confidence. Contractors shall perform their work under MassCEC programs in full compliance with all applicable building codes and professional industry standards, as well as in accordance with all applicable federal, state and local laws, rules and regulations. Contractors will maintain all required professional licenses and are expected to comply with all MassCEC program requirements.

MassCEC programs often institute multiple layers of quality control, which include internal or third-party application review and due diligence, project inspections, project and application audits, and program evaluation. These program initiatives, along with enforcement of this Contractor Code of Conduct, constitute MassCEC's quality control and consumer protection efforts.

Prohibited Activities

Contractors, their representatives and agents are prohibited from:

- Engaging in fraud
- Misrepresenting program or project data to customers, including, but not limited to:
 - Estimated system production
 - Energy savings
 - Energy bill reductions
 - Building heat loads
 - Eligible incentive amounts
 - Incentives available from other programs
 - Incentive program requirements

- Misrepresenting information provided to MassCEC, including, but not limited to:
 - Installation costs and other program-eligible costs
 - Installed equipment or other project attributes
 - Use of sub-contractors
 - Project completion dates
 - Solar shading analyses
- Deceiving or attempting to deceive customers or MassCEC about any fact or information pertaining to a project
- Creating safety hazards or property damage resulting from poor workmanship
- Engaging in a pattern of poor workmanship or poor quality professional services
- Taking any action to circumvent MassCEC's system of quality control
- Re-assigning incentive payments to benefit a contractor without customer consent
- Refusing to honor program-required warranties
- Failing to maintain licenses required to conduct business in the Commonwealth of Massachusetts
- Engaging in behavior that could result in financial harm to customer
- Any other unethical, illegal, or deceptive activities

Whether any action, activity or omission violates or is prohibited by this policy shall be determined by MassCEC in its sole discretion.

Disciplinary Actions

The provisions of this policy are enforceable by MassCEC at its sole discretion. MassCEC may also refer matters to the appropriate authorities for further action – such as to the Office of the Attorney General and the Office of Consumer Affairs Business Regulation. MassCEC's enforcement of this Contractor Code of Conduct can include one or more of the following actions:

- Permanent removal of the Contractor (or subcontractor) from MassCEC programs
- Suspension from all MassCEC programs for a period of time
- Probation for a period of time
- Implementation of a corrective action plan approved by MassCEC
- Notification of violation and warning for future violations
- Rescission, voidance or termination of a contract or incentive payment
- Public disclosure of Code of Conduct violations
- Other disciplinary measures that MassCEC deems reasonable and appropriate

In determining and issuing its disciplinary actions, MassCEC will consider the severity and frequency of the infractions. MassCEC will provide written notice of any disciplinary actions.

Future Code Updates

MassCEC reserves the right to amend and modify this Contractor Code of Conduct at its discretion. Unless otherwise stated, any such amendment or modification shall be effective immediately upon posting to the MassCEC website. Contractor is responsible for keeping itself and its representatives and agents apprised of any updates. MassCEC is not responsible for any damages that may occur as a result of a Contractor's failure to adhere to the then effective version of the Contractor Code of Conduct.