DEPARTMENT CIRCULAR NO.

# GUIDELINES FOR THE ENDORSEMENT OF ENERGY EFFICIENCY PROJECTS TO THE BOARD OF INVESTMENTS FOR FISCAL INCENTIVES

WHEREAS, Article II Section 20 of the 1987 Constitution provides that the State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments;

WHEREAS, Article 39 of Executive Order No. (EO) 226 or the "Omnibus Investment Code of 1987" grants incentives to registered enterprises to the extent engaged in a preferred area of

WHEREAS, Section 2 of Republic Act No. (RA) 7638 or the "Department of Energy (DOE) Act of 1992' states that it is the policy of the State to ensure a continuous, adequate, reliable, and economic supply of energy through, among others, judicious conservation and efficient utilization of energy, to keep pace with the country's growth and economic development;

WHEREAS, Section 6 (a) and 25 of RA 11285 or the "Energy Efficiency and Conservation Act" (EEC Act) and Section 71 of Department Circular No. DC2019-11-0014 or the Implementing Rules and Regulations of the EEC Act (EEC-IRR), provide that the Board of Investments (BOI) shall include energy efficiency projects in the annual Investment Priorities Plan (IPP) for incentives under EO 226 and any other applicable laws for ten (10) years. After That (if ) for incentives did at ED 220 and any other approach laws or left (10) years. After the aforementioned period, the BOI shall review extension of inclusion of the energy efficiency projects in the investment priorities plan and that EEC projects shall be exempt from Article 32(1) of EO 226;

WHEREAS, Memorandum Order No. 50, series of 2020 approved the 2020 IPP and BOI Memorandum Circular No. 2021-001 or the "General Policies and Specific Guidelines to Implement the 2020 IPP to implement the abovementioned provisions of the EEC Act and

WHEREAS, Section 72 of the EEC-IRR states that to qualify for the availment of the fiscal incentives allowed under the EEC Act, the energy efficiency projects must be certified by the DOE and registered with the BOI.

NOW THEREFORE, for and in consideration of the foregoing premises and pursuant to its mandate under the EEC-IRR, the DOE hereby promulgates the following guidelines:

Section 1. Title. This Department Circular shall be known as the "Guidelines for the Endorsement of Energy Efficiency Projects to the BOI for Fiscal Incentives."

Section 2. Scope. This Department Circular shall establish the guidelines, rules, and procedures in the endorsement of energy efficiency projects to the BOI for registration in order to grant fiscal incentives to the proponents for the said project.

DC on Guidelines for the Endorsement of Energy Efficiency Projects to the BOI for Fiscal Incentives

Section 5. Qualifications of an Energy Efficiency Project. Energy Efficiency Projects that will realize energy savings, as further defined under Section 9 of this Department Circular, may qualify for registration, and be entitled to the incentives provided for under EO 226 are as

- Installation of equipment or system for new construction facility, plant, or 5.1 establishments
- Retrofit project that involves the installation of equipment, devices, or system
- 5.3 Modifications or expansions of an existing plant, facility or establishment that involves the installation of equipment, devices, or system.
- Energy savings and project cost must meet the prescribed minimum project boundary under Section 9 of this Department Circular. 5.4
- 5.5 Pioneering energy efficiency projects for new construction facility, plant, or establishments subject to Article 17 of EO 226.
- Energy efficiency projects categorized as ESCO-initiated, TPPD/Project SPV, or Self-Financed. 5.6

Section 6. Endorsement of Energy Efficiency Project for BOI Fiscal Incentive. For the availment of fiscal incentives, the DOE shall endorse energy efficiency projects that passed the technical and the economic evaluation criteria as provided in Section 9.

Section 7. Application Requirements. The following shall be the documentary requirements

- ESCO-Initiated Projects
  a. Application letter indicating the intent to avail for BOI incentives (Annex A)
  b. Application Form (Annex B)
  c. Copy of DOE issued certificate of Registered ESCO or Certified ESCO
  d. Copy of Energy Audit Report duly signed by a Registered or Certified

  - Energy Auditor
    e. Project Profile (Annex C)
    f. Copy of Project Contract or Energy Saving Performance Guarantee Contract
  - g. Proof of Payment
- 7.2 TPPD/Project SPV
  - A Application letter indicating the intent to avail for BOI incentives (Annex A)

    b. Application Form (Annex B)

    c. Certified True Copy of the documents on Corporate Personality

    d. For sole proprietorship entity, the following documents are required:

  - Business registration
  - Business permits
     For corporate, partnership and joint venture entities, the following documents are required:
    - i. Business registration
    - Business permits
  - SEC registration
    Articles of incorporation

Section 3. Definition of Terms. This Department Circular hereby adopts by reference, the terms defined in EEC Act, EEC-IRR, and Department Circular No. DC2020-09-0018 or the "Guidelines in the Administration, Classification and Certification of ESCOs."

Furthermore, the terms, as used in this Department Circular shall be understood to mean

- "Energy Audit" refers to a Level 2 (minimum) type of Energy Audit in reference to ASHRAE Standard for Commercial Building Energy Audits and PNS ISO 50002:2014 Standard on Energy Audit-Requirements with Guidance for Use;
- "ESCO-Initiated Projects' refers to energy efficiency projects implemented by an ESCO that generate energy savings or improvement in productivity, and in turn, cost savings. The ESCO provides all the funding requirements of the project at no cost to the owner and payment of services rendered is derived from the generated savings;
- "Project Boundary" refers to the percentage range of energy saving for the availment of corresponding Income Tax Holiday (ITH) as provided for in Section 8 of this Department Circular;
- "Self-financed Projects" refers to energy efficiency projects wherein the company used of own capital fund and resources to implement an energy efficiency projects. This is in cases where a company had engaged the services of an ESCO and paid upfront for the services rendered by way of progress payments or any other similar schemes, the said company or the project owner can apply to the DOE for the endorsement of their energy efficiency projects to BOI for fiscal incentive: and
- "TPPD/Project Special Purpose Vehicle (SPV)" are energy efficiency projects wherein the TPPD/Project SPV as asset owners/investors, requests for the endorsement directly from the DOE but nevertheless engages the services of an ESCO for the energy efficiency project.

Section 4. Classification of Energy Efficiency Project. To simply categorize energy efficiency projects, the following project classification is hereby introduced:

- Simple Energy Efficiency Projects refers to those projects that involve new installation, upgrading or retrofitting of a specific equipment or devices in the system such as but not limited to lighting retrofit, automated lighting control system or smart control system, HVAC upgrades, boiler replacement, and other similar devices or equipment within a system.
- Complex Energy Efficiency Projects refers to those projects that involve new installation, retrofitting or upgrading of system or a combination of a systems such as but not limited to Cogeneration System, District Cooling System, such as but not limited to Cogeneration System, District Cooling System, Steam System from boiler to the steam load process equipment including its auxiliaries, Pumping System, HVAC System and its distribution line system, Compressed Air System, Process line System for kilns and furnaces, Smart Manufacturing System, Building Energy Management System, etc. This includes Demand Side Management (DSM) Projects or any other innovative DSM schemes with the intention to lower down overall demand consumption in the grid, which project were being implemented by an electric distribution utility or ESCO.

DC on Guidelines for the Endorsement of Energy Efficiency Projects to the BOI for Fiscal Incentives

- Copy of Energy Audit Report duly signed by a Registered or Certified
- Energy Auditor
  Project Profile (Annex C)
  Proof of Payment
- Self-financed Projects
  - Application letter indicating the intent to avail for BOI incentives (Annex A)
     Application Form (Annex B)
     Certified True Copy of the Documents on Corporate Personality

  - d. For sole proprietorship entity, the following documents are required:

    i. Business registration

    ii. Business permits

    e. For corporate, partnership and joint venture entities, the following
  - documents are required:
    - Business registration Business permits

    - SEC registration Articles of incorporation
  - Copy of Energy Audit Report duly signed by a Registered or Certified Energy Auditor Project Profile (Annex C)

  - Proof of Payment

Section 8. Application Procedure and Processing of the Application. The following shall be the application procedure for the issuance of a certificate of endorsement to BOI for fiscal incentives with reference to the process flow (Annex D) provided herein:

- Applications shall be filed with the DOE Records Management Division (RMD), which shall in turn forward them to the Energy Utilization Management Bureau Office of the Director (EUMB OD) within one (1) working day from receipt.
- The application documents will be returned to the applicant if it has been evaluated as incomplete without prejudice to reapplication.
- The EUMB OD will forward all received applications to the Energy Efficiency and Conservation Technology Promotion and Program Management Division (EPMPD) which will conduct the technical evaluation.
- Whenever practicable, the submission of the application requirements through electronic means may be permitted.
- The technical evaluation process entails detailed review of the technical documents relative to the submitted project application for fiscal incentives including data and other pertinent information therein attached, as well as the conduct of project site visits and interviews with the applicant. Provided, there is a compelling reason such visit cannot be undertaken due to natural calamity or event of national level such as pandemic: *Provided*, *That* other means can be explored through virtual meetings and the like.
- The EUMB EPMPD shall determine whether the application is a simple energy efficiency project or complex energy efficiency project for the purpose

of determining the chargeable fees as provided for in the schedule of fees in

The evaluation process including the issuance of certificate of endorsement to BOI shall be completed within twenty (20) working days from receipt of all 8.7

Section 9. Evaluation Criteria. Application to avail of fiscal incentives from BOI prior to the endorsement by the DOE – EUMB, must have passed the following criteria:

- The EE Project must be able to meet the minimum 15% project boundary and a minimum Project Investment Cost of ₱ 10,000,000,00. The 15% boundary refers to the absolute value of energy savings computed from the reference energy consumption to the new consumption or after efficiency projects has been installed and operated on its full commercial operation.
- 9.2 The entitlement to ITH shall be determined as follows:

Annual Energy Savings at the Project Boundary	ESCO or TPPD/Project SPV EE Rate of ITH	Self-Financed Amount of ITH
Less than 15%	0% but registration	None, but registration
	shall not be cancelled	shall not be cancelled
15% to 20%	50%	30% of the cost of installed EE equipment or system
20% and up to 25%	75%	40% of the cost of installed EE equipment or system
more than 25%	100%	50% of the cost of installed EE equipment or system

- EE projects may qualify as pioneer enterprise subject to Article 17 of EO 226. The rate of Income Tax Holiday shall be reckoned from the start of operation of the Energy Efficiency Project. 9.3
- An ESCO, certified and/or registered with the DOE, which invest and provide services under a contract with the owner of the plant, facility, or establishment, regardless of the sector, may qualify for DOE endorsement to the BOI, with the 94 inclusion of the following enterprises, sectors, or activities:
  - a. Those that are identified as non-registrable under Article 11 of EO 226;
  - a. Insee that are identified as non-registrable under Article 11 of EO 226; and b. Those activities that may be denied BOI registration and/or grant of incentives for reasons of national interest, public health, morals or for environment considerations as provided for General Policies of this IPP.
- As mandated under Section 25 of RA 11285, foreign-owned ESCOs implementing energy efficiency projects shall satisfy the qualification of a registered enterprise pursuant to Article 32 (1) of EO 226. 9.5

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- 13.2 Failure to subject themselves and their projects to independent verification by the DOE upon the issuance of the guidelines for the same;
- 13.3 Failure to provide accurate information or the provision of false or misleading information as required to be submitted under the EEC Act, the EEC-IRR, or this Department Circular; and,
- 13.4 Failure to comply with issued orders of the DOE in the discharge of its enforcement powers.

Section 14. Administrative Procedures. Upon the determination that any person or entity has consider the following measures prior to the imposition of fines and penalties.

- 14.1 Require an explanation supported by reports, returns and other documents to rebut the alleged commission of the prohibited EEC Act;
- 14.2 In cases where an explanation has been issued but the DOE finds a violation because of materially insufficient reports, false returns, non-submission of required documents, provide a recommendation to the said person or entity;
- 14.3 Disclose the name of the person or entity after it has received a recommendation and comply with such recommendation; and
- Issue an order in cases where the said person or entity fails to follow or comply with the recommendation of the DOE. The failure on the part of the person or entity to comply with the order shall be a valid ground for the imposition of the administrative fines and penalties in accordance with the Schedule of Penalties and Fines (Annex H).

Section 15. Criminal Action. The DOE, in addition to administrative proceedings against any person or entity for violation of the prohibited acts specified under Section 12 of this Department Circular, may also institute the corresponding criminal action against any responsible person, officers and employees of any establishment or organization found criminally liable for the said prohibited acts in accordance with Section 33 of the EEC Act and Section 84 of the EEC IRR.

Section 16. Transitory Clause. All pending applications at the time of the effectivity of this Department Circular shall be governed by the same.

Section 17. Information, Education and Communication Activities. Pursuant to Section 85 of the EEC IRR, the DOE shall develop and undertake a national awareness and advocacy program covering energy efficiency and conservation and pursue partnerships with relevant stakeholders for the appreciation of this Department Circular.

Section 18. Repealing Clause. The provisions of other circulars, orders, issuances, rules and regulations, which are inconsistent with the provisions of this Department Circular are hereby repealed, amended, modified or superseded accordingly.

Section 19. Separability Clause. If for any reason, any section or provision of this Department Circular is declared unconstitutional or invalid; such parts not affected shall remain in full force and effect.

- The anticipated savings, due to energy efficiency and conservation measures The anticipated savings, due to energy emiciency and conservation measures to be installed/adopted will be evaluated by the technical staff, without prejudice, in order to make an independent calculation to be used for counterchecking. In case of discrepancies between the calculation of the applicant and that of the technical staff, the technical staff shall discuss with the applicant the sources of the discrepancies so that both parties can agree on the calculated anticipated savings. The ESCO representative and/or energy auditor (who made the energy audit report), should be present during the
- 9.7 The type and extent of the incentives to be provided shall be in accordance with the provision under Section 9.2 of this Department Circular.

Section 10. Obligations under the Issued Endorsement. All companies that have been endorsed by the DOE shall comply with the following obligations:

- 10.1 Submit a Project Completion Report for ESCO and TPPD/SPVC initiated project or Project Commissioning Report (PCR) for Self-finance projects initiated by the Owner to EUMB not later than thirty (30) calendar days upon completion or before the commercial operation of the energy efficiency project/s using the form prescribed in Annex F.
- 10.2 Submit a Monthly Project Progress Report using the prescribed form (Annex G) during the progress of installation as well as during its commercial operation which shall end based on the estimated payback period.
- 10.3 Subject themselves and their projects to an independent verification by the DOE upon the issuance of the guidelines for the same; and
- 10.4 Such other requirements as may be required by the DOE for the attainment of the objectives of the EEC Act and EEC IRR.

The DOE, through EUMB, shall issue guidelines for the effective administration of the procedure for the monitoring, verification and evaluation (MVE): Provided, That the guidelines shall only be issued after public consultation: Provided further, That the effectivity and timelines of any issued guidelines will be multually agreed upon with the recipient of the

Section 11. Reportorial Obligation of EUMB. The EUMB shall provide an annual report on the endorsed projects to the DOE Secretary.

Section 12. Administration of Endorsed Energy Efficiency Projects. The EUMB shall maintain and publish the Registry of all Energy Efficiency Projects, which availed incentives. The Registry shall contain such pertinent information for purposes of apprising and guiding the public on the benefits of installing such projects.

Section 13. Prohibited Acts. Pursuant to the provisions of the EEC Act and the EEC-IRR. any person or entity or their responsible officers found in violation of any of the prohibited acts enumerated below, shall be held liable thereof for the following acts:

13.1 Failure to submit a Project Completion/Commissioning Report within thirty (30) calendar days upon completion of the energy efficiency projects

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Section 20. Effectivity. This Department Circular shall take effect fifteen (15) calendar days following its publication in at least two (2) newspapers of general circulation. Copies of this Department Circular shall be filed with the University of the Philippines Law Center - Office of the National Administrative Register

Issued at Energy Center, Bonifacio Global City, Taguig City.

JO G. CUS secretary ALFONSO G. CUSI



# **Quality Management System**

# APPLICATION LETTER TEMPLATE (ANNEX A)

Doc Ref No.:	EUMB-EPMPD-BOI-
	XXX
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Company Lo	go/Letterhead
Date	
Mr./Ms Director Energy Utilization Management Bureau Department of Energy Energy Center, Rizal Drive, Bonifacio Global City Taguig City	
Dear <b>Mr./Ms.</b> :	
We would like to express our intent for our energy efficiency fiscal incentives granted under E.O 226, BOI MC 2021-001	y project to be endorsed to the Board of Investment (BOI) for and RA 11285.
	tion, ex. air-con retrofitting of the entire ABC building on 123 bmit the following application requirements under Department ular later on):
Pro	pject
☐ Self-financed Projects ☐ TPPD/Project SPV	☐ ESCO Initiated Projects
Application letter indicating the intent to avail for BOI incentives	Application letter indicating the intent to avail for BOI incentives
☐ Application Form	Copy of DOE issued Certificate of Registered ESCO or Certified ESCO
Certified True Copies of the Documents on Corporate Personality	Copy of Energy Audit Report duly signed by a Registered or Certified Energy Auditor
Copy of Energy Audit Report duly signed by a Registered or Certified Energy Auditor	Project Profile
☐ Project Profile	Copy of Project Contract or Energy Saving Performance Guarantee Contract
Others: Specify	Others: Specify
For any queries regarding this application, please do not he 5678 or email address at sample@sample.com.  Thank you and best regards.  Sincerely yours,  (signature)  Juan Dela Cruz  Position	esitate to contact Mr./Ms at our telephone no. 1234-



# **Quality Management System**

**APPLICATION FORM** (ANNEX B)

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## **DOE APPLICATION FORM**

GENERAL INFORMATION				
Name of Firm Address Tax Account Number Primary Contact Name/Title Secondary Contact Name/Title Telephone Nos. Fax No. E-mail Address Website (if any)				
Type of Sector: a) Commercial ☐	b) Industrial c) Energy Service Company			
d) Others: Speci	fy			
Assurances:				
conditions of the Energy Utilization Manage	set of assurances, I hereby acknowledge the following ment Bureau (EUMB)/Energy Efficiency and Conservation notion Division (EPMPD) and agree to abide by them if this			
<ol> <li>I represent that the applicant is a beautiful Philippines</li> </ol>	susiness duly registered or licensed under the laws of the			
<ol><li>I agree to submit a complete regist</li></ol>	2. I agree to submit a complete registration/certification requirement documents and to abide to			
<ol><li>I hereby authorized the EPMPD of</li></ol>	the evaluation criteria for Energy Efficiency Projects.  3. I hereby authorized the EPMPD of DOE to make direct inquiries to any person, firm, or			
	on to verify the information submitted herein. ased and installed in conjunction with our energy efficiency			
projects available for on-site inspect	tion by EPMPD staff.			
	ergy consumption data for the energy efficiency project and nstalled in conjunction with the said project.			
6. I agree to provide a copy of project of	6. I agree to provide a copy of project cost statement and have photographs taken of the projects			
including equipment and to allow summary of projects results to be published by the EPMPD.  7. I agree to allow the EPMPD to conduct a full scale energy audit of my implemented energy				
efficiency projects.  8. I further agree that if we provide false or misleading information on our application form or				
otherwise fail to demonstrate that we have sufficient experience or qualifications to perform the				
Energy Efficiency Project, the EPMPD has the right to reject without prior notice my endorsement to the Board of Investment (BOI).				
9. I agree to submit a Project Completion or Project Commissioning Report before the EE Projects				
start its commercial business operation 10. If the undersigned, hereby apply for	tion. r the endorsement of EE Projects with EPMPD and certify			
that, to the best of my knowledge, the particulars given in this application and all accompanying documents/information are true and correct.				
NAME (please type or print):	TITLE:			
SIGNATURE:	DATE:			



# EUMB - EPMPD Quality Management System

# PROJECT PROFILE (ANNEX C)

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## **Project Profile**

1.	Name of Company and Office Address:
2.	Name of Client and its Office Address:
3.	Project Location:
4.	Project Title/Description:
5.	Project Contract Period of Completion: (No. of Months/Weeks) starting from (Date) to (Date).
6.	Project Cost:
7.	Project Payback Period:
8.	Project Return on Investment (ROI):
9.	Project Start of Commercial Operation:
10.	Estimated Energy Savings (use applicable Energy Unit):
11.	Estimated Equivalent Monetary Savings (Php):
12.	Estimated Specific Energy Consumption (SEC) Improvement: from a baseline of
	to (Use applicable energy unit).

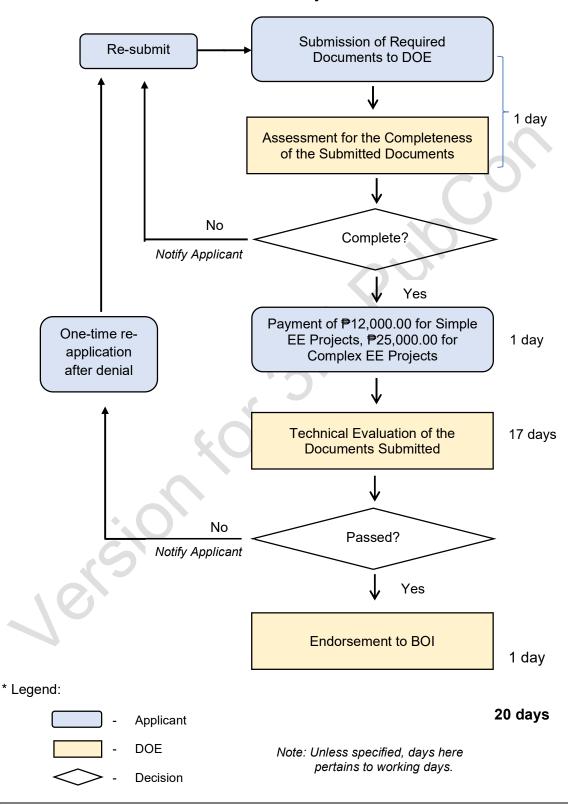


# EUMB - EPMPD Quality Management System

EE PROJECTS ENDORSEMENT TO BOI (ANNEX D)

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#### Flowchart for the Endorsement of EE Projects to BOI for Fiscal Incentives





### **Quality Management System**

CHECKLIST OF REQUIREMENTS (ANNEX E)

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#### **CHECKLIST OF REQUIREMENTS**

#### **Endorsement of EE Projects to BOI for Fiscal Incentives**

- 1. Energy Service Company (ESCO) Initiated Project
  - a. Application letter indicating the intent to avail for BOI incentives (Annex A)
  - b. Application Form (Annex B)
  - c. Copy of DOE issued Certificate of Registered ESCO or Certified ESCO
  - d. Copy of Energy Audit Report duly signed by a Registered or Certified Energy Auditor
  - e. Project Profile (Annex C)
  - f. Copy of Project Contract or Energy Saving Performance Guarantee Contract
  - g. Proof of Payment of twelve thousand pesos (₱12,000.00) or twenty five thousand pesos (₱25,000.00) for Simple Energy Efficiency Project and Complex Energy Efficiency Project, respectively

#### 2. TPPD/Project SPV

- a. Application letter indicating the intent to avail for BOI incentives (Annex A)
- b. Application Form (Annex B)
- c. Certified True Copy of the Documents on Corporate Personality
- d. For sole proprietorship entity, the following documents are required:
  - i. Business registration
  - ii. Business permits
- e. For corporate, partnership and joint venture entities, the following documents are required:
  - i. Business registration
  - ii. Business permits
  - iii. SEC registration
  - iv. Articles of incorporation
- f. Copy of Energy Audit Report duly signed by a Registered or Certified Energy Auditor
- g. Project Profile (Annex C)
- h. Proof of Payment of twelve thousand pesos (₱12,000.00) or twenty five thousand pesos (₱25,000.00) for Simple Energy Efficiency Project and Complex Energy Efficiency Project, respectively

#### 3. Self-financed Projects

- a. Application letter indicating the intent to avail for BOI incentives (Annex A)
- b. Application Form (Annex B)
- c. Certified True Copy of the documents on Corporate Personality
- d. For sole proprietorship entity, the following documents are required:
  - i. Business registration
  - ii. Business permits



# **Quality Management System**

# CHECKLIST OF REQUIREMENTS (ANNEX E)

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- e. For corporate, partnership and joint venture entities, the following documents are required:
  - i. Business registration
  - ii. Business permits
  - iii. SEC registration
  - iv. Articles of incorporation
- f. Copy of Energy Audit Report duly signed by a Registered or Certified Energy Auditor
- g. Project Profile (Annex C)
- h. Proof of Payment of twelve thousand pesos (₱12,000.00) or twenty five thousand pesos (₱25,000.00) for Simple Energy Efficiency Project and Complex Energy Efficiency Project, respectively



# **Quality Management System**

REPORT ON THE PROJECT COMPLETION/COMMISSIONING OF THE ENERGY EFFICIENCY PROJECT (ANNEX F)

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Project Title / Description	Installations Made/Measures Adopted	Date started (Month/Day/Year)	Date Completed (Month/Day/Year)	Remarks

Insert pictures here with brief description of each picture. Minimum of four (4) pictures. (Note: pictures submitted becomes the exclusive property of the DOE).



# **Quality Management System**

# MONTHLY PROGRESS REPORT (ANNEX G)

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Project Title / Description	EE Installations being done	Date started (Month/Day/Year)	% Completion as of Month/Day/Year	Remarks



## **Quality Management System**

# SCHEDULE OF FINES AND PENALTIES (ANNEX H)

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#### **SCHEDULE OF FINES AND PENALTIES\***

Prior to the imposition of the following penalties and fines, measures stated in Section 12 of the Guidelines for the Endorsement of Energy Efficiency Projects to the Board of Investments for Fiscal Incentives shall first be considered (explain, recommend, disclose, order):

1st Offense	2nd Offense	3rd Offense
(in PhP)	(in PhP)	(in PhP)
10,000 - 20,000	20,001 - 50,000	50,001 - 100,000

<sup>\*</sup>The imposition of the administrative fines and penalties stated above shall be on a "per violation" basis and without prejudice to the revocation of the BOI endorsement and/or blacklisting of the responsible entities for future application.