

Design Team Instruction Language

Standing scope language for architect and MEP engineering agreements

DOCUMENT	MGBA-DEV-JA-07
MODULE	Segments 4, 5, and 7
USE	Insert into design agreements as a standard scope item
OWNER	Developer, with counsel review before execution
VERSION	v1.0 — Draft for Review

Eligible cost allocation, energy modeling, and savings documentation are underwriting requirements. If the design team has not been told to support them, they will not exist when underwriting asks — and reconstructing them later costs weeks of schedule.

Make this a standing scope item rather than a per-project instruction, and it stops being something you think about. The language below is drafting guidance for your counsel, not an executable clause.

SUGGESTED SCOPE LANGUAGE — ARCHITECT

DRAFT — FOR COUNSEL REVIEW

Architect shall identify, in the design documents and in the project cost estimate, those elements of the work that constitute energy efficiency, renewable energy, water conservation, or resiliency improvements eligible for financing under a commercial property assessed clean energy program. Architect shall organize its cost estimating and specification structure so that the costs of such elements are separable and allocable from other project costs, and shall maintain that separation through construction documents and closeout. Architect shall provide the professional fee allocation attributable to such eligible improvements upon request.

SUGGESTED SCOPE LANGUAGE — MEP ENGINEER

DRAFT — FOR COUNSEL REVIEW

Engineer shall identify eligible mechanical, electrical, plumbing, controls, renewable generation, and resiliency improvements within the design, and shall maintain equipment schedules and cost allocations sufficient to support the underwriting of a commercial property assessed clean energy assessment. Engineer shall coordinate with the project energy modeler and shall provide system-level performance and useful-life data for eligible improvements. Where requested, Engineer shall certify the anticipated energy or water performance of the eligible improvements in a form acceptable to the program administrator.

WHAT YOU ARE ACTUALLY ASKING FOR

Deliverable	Stage	Why underwriting needs it
Eligible scope identified in the drawings and specifications	Design development	Establishes what is being financed before costs are committed
Cost estimate structured so eligible scope is separable	Design development	Allocation set up early is ordinary; set up late it is painful and sometimes impossible
Equipment schedules with performance and useful-life data	Construction documents	Useful life drives the maximum assessment term under §67.2800 RSMo
Energy model or engineering analysis of the eligible improvements	Construction documents	Supports the economic benefit determination
Soft cost allocation — design and engineering fees attributable to eligible scope	Construction documents	Can add ten to twenty percent to eligible basis
Allocation maintained through change orders and closeout	Construction and closeout	Prevents the final cost report from losing the allocation
Commissioning documentation	Completion	Confirms installed performance

ON THE ECONOMIC BENEFIT STANDARD

The statutory standard in Missouri is economic benefit. A savings-to-investment ratio of at least 1.0 is an industry best-practice guideline and is Missouri Green Banc's working requirement — but it is not itself the statutory test. Instruct your engineer to document performance sufficient to support the economic benefit determination; the program administrator will confirm the specific form the analysis must take on your project.

COST OF GETTING THIS WRONG

If instructed at design development	If addressed during underwriting
Allocation is a structuring choice in work the team is already doing. Marginal cost is close to zero.	Allocation is a reconstruction exercise against a completed cost report. Costs real fees and weeks of schedule.
Energy modeling is scheduled alongside other design deliverables.	Energy modeling becomes a critical-path item on the closing calendar.
Useful-life data is captured from equipment selections as they are made.	Useful-life data is chased from submittals and vendor literature after the fact.

Markets set in motion. It all starts with collaboration.