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Case Study
Honeywell ASBCA 57779

- AF has set out the claim that went to the ASBCA
- The Board determined that Renewable Energy Credits (RECs) and/or Solar Renewable Energy Credits (SRECs) are government-owned personal property
- The Board determined that only GSA has the authority to sell Government owned personal property
Case Study (cont.)

- Issues that all Federal agencies must consider:
  - 42 USC 8287 does not include RECs or SRECs in the definition of “energy savings”
  - This ruling was not specific to DOD
  - The Delivery Order was issued against the DOE Super ESPC
Case Study (cont.)

- Questions to consider for future projects:
  - Is equipment personal property?
  - Are solar arrays personal property?
  - When do these become “Government owned”?
  - What ability is there to define when ownership occurs within the contract?
  - If these are not Government owned until end of the contract term, could they be sold?
Questions?