

November 28, 2011

TO: Gallatin County Board of Education  
75 Boardwalk  
Warsaw, Kentucky 41095

FROM: Ronald E. Murrell, Jr., AIA, LEED AP  
Principal  
RossTarrant Architects, Inc.

RE: **Energy Policy Act of 2005**  
Gallatin Lower Elementary School  
Warsaw, Kentucky  
RTA 0840

As described in my memorandum of November 28, 2011, RossTarrant Architects, Inc. would like to participate in the Energy Policy Act of 2005, which created a new tax incentive for constructing energy efficient commercial buildings. This Memorandum of Understanding is between Gallatin County Schools (GCS) and RossTarrant Architects, Inc. (RTA). Both parties acknowledge the following:

1. That GCS and RTA have an executed Standard Form of Agreement Between Owner & Architect dated April 13, 2009 for professional design services for Gallatin Lower Elementary School.
2. That RTA and the design team have performed or will perform services beyond those outlined in this Agreement as Basic Services, as follows:
  - a) Professional design services will be provided to complete energy modeling to provide energy use forecasting for the project.
  - b) Professional services will be provided to assist GCS with the goal of achieving "Energy Star" for the project after one year of operation.
3. That RTA waives any right to request compensation for these additional services.
4. That GCS agrees to provide to the design team a signed Form of Allocation, which will be completed by the design team following completion of energy modeling for the project. An example Form of Allocation is attached to this Memorandum. This Form of Allocation documents allowable tax deductions per the results of the energy modeling.
  - a) Federal law, 26 U.S.C.A.} 179D provides that the owner of the building shall be allowed a tax deduction for energy efficient property placed in service during the taxable year. However, a local school district is tax exempt. 26 U.S.C.A.} 179D provides, in such cases, that the entity may allocate the deduction to the person(s) primarily responsible for designing the property in lieu of the owner of the property.

Sincerely,



Ronald E. Murrell, Jr., AIA, LEED AP  
Principal

Accepted By:

\_\_\_\_\_  
Gallatin County Schools

c: Ronald E. Murrell, Jr., AIA, LEED AP w/a  
John C. Gilbert, LEED AP w/a  
File 0840-2A w/a

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Ronald E. Murrell, Jr., AIA, LEED AP  
Principal

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Gallatin County Schools

c: Ronald E. Murrell, Jr., AIA, LEED AP w/a  
John C. Gilbert, LEED AP w/a  
File 0840-2A w/a

# EXAMPLE

## Form of Allocation of 179D Deduction

Property Address: Owen County Middle School  
Owenton, Kentucky

Placed in Service: \_\_\_\_\_

Cost of Property: \$ \_\_\_\_\_

Owner's Authorized Representative: Mr. David Raleigh  
Superintendent  
Owen County Schools  
1600 Highway 22 East  
Owenton, Kentucky 40359  
(502) 484-3934

Under penalties of perjury, I declare that I have examined this allocation, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of this allocation are true, correct and complete.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### Allocation:

Building Envelope	\$.60 per sf x _____	sf
Lighting System	\$.60 per sf x _____	sf
HVAC System	\$.60 per sf x _____	sf

\$ \_\_\_\_\_

RossTarrant Architects, Inc.  
Architect of Record

### Designer's Authorized Representative:

Ronald E. Murrell, Jr., AIA, LEED AP BD+C  
Principal  
RossTarrant Architects, Inc.  
101 Old Lafayette Avenue  
Lexington, Kentucky 40502  
(859) 254-4018

Signature: \_\_\_\_\_

Date: \_\_\_\_\_