Complex Glazing Database Materials Library Self-Certification Statement, Waiver and Release

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [NAME OF COMPANY], herein known as Applicant, has read and agrees to the program requirements set forth by the Attachments Energy Ratings Council (AERC), detailed at [www.aercnet.org](http://www.aercnet.org) and in the program standards, including application instructions, program requirements, and testing guidelines. By executing this statement the Applicant represents, warrants and certifies that all materials submitted for certification by Applicant meet AERC requirements for all applicable parameters. If this application includes multiple materials, Applicant additionally certifies that all variations meet the grouping rules defined in AERC 1.1.

Applicant acknowledges and agrees that AERC reserves the right to cease operating the Complex Glazing Database (CGDB) Materials Library or to alter or amend program policies and requirements at any time at its sole and exclusive discretion, and that such changes may result in the materials in this application being removed from the CGDB.

AERC and its directors, officers, servants, employees, agents, representatives, and third-party contractors engaged by AERC to assist with various aspects of the CGDB (together the “CGDB Parties”) make efforts to ensure that application review is done fairly and accurately, but Applicant understands, acknowledges and agrees that errors or omissions may occur and that the AERC Parties make no guaranty, and shall bear no liability, with respect to the determination as to whether a material meets the technical requirements for certification, or with respect to the decision to include or exclude any particular material in the CGDB or to cease operating the CGDB.

If AERC determines in its sole and exclusive discretion that any material submitted fails to meet the required testing or submission procedures or that Applicant has made any misrepresentation regarding the material performance in connection with the application process or the CGDB, then the entire submission may be rejected. Applicant further acknowledges and agrees that (i) any such determinations shall be made at AERC’s sole and exclusive discretion and (ii) while the AERC Parties may furnish Applicant with feedback regarding a rejected submission, the AERC Parties are under no obligation to do so.

Applicant hereby waives and completely releases any and all claims, causes of action, suits, or rights of any kind whatsoever and in any jurisdiction against the AERC Parties that it might have, for any loss, damage, injury, cost or expense resulting from or in connection with the application process and the CGDB, including but not limited to, Applicant’s submission, the definition of CGDB materials, the determination as to whether Applicant’s material or any other material meets the requirements for listing, the determination as to Applicant’s eligibility to list materials in the CGDB, and AERC’s decision to include or exclude any particular material in the CGDB.

Applicant further agrees to indemnify, defend and hold harmless the AERC Parties, from any and all claims by any person, firm, corporation or others, for any damages, loss or claims, of any nature, resulting from or in connection with Applicant’s submission and, AERC’s determination as to Applicant’s eligibility to list materials on the CGDB, and whether Applicant’s material meets the requirements for listing in the CGDB.

Applicant understands and acknowledges that AERC is an independent, public interest organization within the Window Covering Manufacturers Association, a 501(c)6 not for profit organization, and operates the CGDB in furtherance of its energy performance rating mission as a public interest informational service, and not for the private benefit of any individual, company or product manufacturer. Applicant further understands and acknowledges listing in CGDB is not an endorsement by AERC and does not guaranty any commercial benefits.

IN SIGNING THIS SELF-CERTIFICATION STATEMENT, WAIVER AND RELEASE, I ACKNOWLEDGE AND REPRESENT THAT I am fully authorized to represent and bind Applicant and that Applicant owns the rights to all materials submitted for evaluation.

I have read the foregoing, understand it and sign it voluntarily as my own free act and deed.

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Name of Company

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Name and Title of Signatory

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Signature of Applicant

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Date