



# LOUISIANA REVOLVING LOAN FUND PROGRAM

LOUISIANA DEPARTMENT OF NATURAL RESOURCES

*(January 2018)*

## Program Guidelines and Requirements

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## **I. Introduction**

The Louisiana Department of Natural Resources (DNR) will be managing the State Energy Program (SEP) allocated by the U.S. Department of Energy (DOE) according to the 2009 American Recovery and Reinvestment Act (ARRA).

The program is marketed under the name Louisiana Revolving Loan Fund Program. These Program Guidelines are meant to provide guidance to potential applicants on how the Revolving Loan Fund will be implemented, as well as detail all aspects of the application and reporting process.

### **1. American Recovery and Reinvestment Act of 2009**

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (ARRA or Public Law 111-5). The stated purposes of the ARRA are to preserve and create jobs; promote economic recovery; assist those most impacted by the recession; provide investments needed to increase economic efficiency by spurring technological advances in science and health; invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize state and local government budgets.

### **2. The State Energy Program**

Congress created DOE's State Energy Program (SEP) in 1996 by consolidating two other programs: the State Energy Conservation Program (SECP) and the Institutional Conservation Program (ICP). Both programs went into effect in 1975.

The State Energy Program provides grants to states and U.S. territories to promote energy conservation and reduce the growth of energy demand in ways that are consistent with national energy goals. SEP is the only EERE sponsored activity that encompasses renewable energy and energy efficiency technologies and addresses all sectors of the economy.

The goals established for the State Energy Program (SEP) are:

- Increase energy efficiency to reduce energy costs and consumption for consumers, businesses and government.
- Reduce reliance on imported energy.
- Improve the reliability of electricity and fuel supply and the delivery of energy services.
- Reduce the impacts of energy production and use on the environment.

Under the Recovery Act, states received \$3.1 billion for energy projects through SEP. These funds are allocated among the states according to the following formula: one-third equally among states and territories, one-third according to population, and one-third according to energy consumption.

The Louisiana Department of Natural Resources was awarded \$71,694,000 to fund energy projects through SEP. A portion of these funds has been used to create the Revolving Loan Fund as described in the following sections.

### 3. Program Goals

The Louisiana Department of Natural Resources created the Louisiana Revolving Loan Fund Program to encourage the development, implementation and deployment of cost-effective energy efficiency, compressed natural gas (CNG) refueling and vehicle, and renewable energy projects in Louisiana, and to support the creation of additional employment opportunities and other economic development benefits.

### 4. Anticipated Funding

ARRA SEP funds became available for loans to be awarded under these Program Guidelines on January 1st, 2018. This will be a competitive funding process.

### 5. Timeline

Event	Date
Release of Guidelines and Application	January 1, 2018
Deadline for Submittal of Applications	April 27, 2018
Anticipated Date of Award	May 31, 2018
Anticipated Project Start Date	November 30, 2018
Anticipated Project Completion Date	December 31, 2020

## II. Program Information

### 1. Program Introduction

The Revolving Loan Fund offers Louisiana domiciled public entities assistance in implementing eligible projects from inception to completion. The Program will provide access to low-interest rate loans for eligible entities to implement eligible projects at public facilities. This loan program is being administered through the Louisiana Public Facilities Authority (LPFA). LPFA charges a 2% loan closing fee with an additional 1/2 of a percentage point paid annually to service the loan. DNR charges 2% simple interest for the 10 year life of the loan or until paid in full. Interest is calculated from the closing date as based upon a 360 day year. No prepayment penalties are incurred for early payments.

### 2. Eligible Application

Under the Louisiana Revolving Loan Fund, eligible applicants are public entities located within the State of Louisiana. Applications from the residential sector (homeowners) are not eligible for loan funding.

### 3. Eligible Projects/Equipment

This Program will fund energy efficiency, and renewable energy projects as deemed appropriate by DNR. Preference will be given to projects initiated by, schools, hospitals, local, parish, or state governmental subdivisions.

Projects must be located within the state of Louisiana. Eligibility is limited to certain project costs for the purchase and installation of energy efficiency measures, CNG, and renewable energy equipment. Eligible projects are limited to the following types:

1. Funding energy efficiency retrofits, provided that:
  - Projects Are Limited To: installation of insulation; installation of energy efficient lighting; HVAC upgrades; weather sealing; purchase and installation of ENERGY STAR appliances; replacement of windows and doors; high efficiency shower/faucet upgrades; and installation of solar powered appliances with improved efficiency.
2. Installation of CNG refueling equipment; purchase of CNG vehicles (incremental costs only); CNG conversions.
3. Installation of renewable energy technologies, as deemed appropriate by DNR.

#### 4. Ineligible Activities/Costs

In order to comply with federal ARRA requirements and to ensure that proposed projects result in the greatest amount of energy savings, and therefore the greatest benefit possible to the state, the following activities will NOT be considered eligible for funding under these guidelines:

- A. Projects for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.
- B. Funds for buying or leasing property.
- C. Funds to conduct or purchase equipment to conduct research, development or demonstration of energy efficiency or renewable energy techniques and technologies not commercially available.
- D. Lease payment for equipment and machinery.
- E. Projects involving the installation of renewable energy equipment at single-family residences.
- F. Costs incurred prior to date of award .

#### 5. Borrower Responsibilities

Borrowers have several responsibilities including but not limited to: 1) repaying the loan, 2) completing project installation before the project end date, 3) tracking loan expenditures, and 4) reporting, as explained in the paragraphs below.

The borrower must repay the loan at the annual percent interest rate, as set by the loan agreement.

Electronic Code of Federal Regulations as updated January 7, 2014, states in part:

**§420.18(e)(2) Expenditure prohibitions and limitations** “Loan documents shall ensure repayment of principal and interest within a reasonable period of time, and shall not include provisions of loan forgiveness.” Borrowers must complete the installation of the approved equipment within the project period. Projected start date should be no later than "Anticipated Project Completion Date".

Additionally, borrowers must submit monthly, and quarterly progress reports to the department. Reporting will start at the execution of the loan agreement, continue through project installation, and cease shortly after the project completion date when the borrower submits a project closeout report. The terms and conditions of the loan agreement will specify the format, tools and information required for reporting programmatic and energy metrics as identified by U.S. DOE and the federal and state government.

### III. Program Requirements

All Borrowers receiving funding under DNR's SEP Program will be required to comply with the following program requirements.

#### 1. Terms and Conditions

Borrowers will agree to abide by the General Terms and Conditions (**Attachment A**) highlighting requirements which are especially pertinent to federal grants and loans made by the Louisiana Department of Natural Resources.

#### 2. Project Completion

All loans that receive funding from the Louisiana Department of Natural Resources should be completed on, or before the "Anticipated Project Completion Date".

#### 3. Required Registrations

All Borrowers and Contractors must be registered and in good standing in accordance with the requirements below, and all Contractors must also be licensed in Louisiana and in good standing with the Louisiana Secretary of State's Office.

**Dun and Bradstreet Data Universal Number System (DUNS):** Prior to beginning work, Borrowers, contractors, and subcontractors must obtain a DUNS number or, if necessary, update their organization's information. DUNS Number assignment is FREE for all businesses required to register with the US Federal Government for contracts or grants. Once you receive this number, please be sure to file it appropriately as you will need it to register with the Central Contractor Registry/System for Award Management database (below). To request your DUNS Number or update your information via the Web, please visit the following URL: <http://fedgov.dnb.com/webform>. For technical difficulties, contact [govt@dnb.com](mailto:govt@dnb.com) or call the D&B Government Customer Response Center at 1-866-705-5711.

**Central Contractor Registry(CCR) / System for Award Management(SAM):** In accordance with ARRA, §1512(h), all Borrowers, contractors, and subcontractors must maintain current registration in the CCR/SAM database at all times during which they have an active award funded with ARRA funds. The CCR/SAM database is the Federal Government's primary registrant database. It collects, validates, stores and disseminates data in support of federal grants, cooperative agreements, and other forms of assistance. Registrants must update or renew their registration at least once per year to maintain an active status.

- 1) To register your DUN's # for free to the SAM's database, visit the following link: <https://www.sam.gov>
- 2) Download the User Account Guide from the CCR/SAM website for instructions on creating or modifying a CCR/SAM account at: <https://www.fsd.gov/fsd-gov/home.do>
- 3) From the CCR/SAM home page, select —Start New Registration or —Update or Renew Registration|| from the left hand column. Follow instructions from the User Account Guide to complete the application process.

**NOTE:** *The Loan Recipient as well as every contractor paid under the loan must have a valid DUN's Number and be registered in the SAM's database as well*

You must renew and revalidate your registration at least every 12 months from the date you previously registered. However, you are strongly urged to revalidate your registration more frequently to ensure that CCR/SAM is up to date and in sync with changes that may have been made to DUNS and IRS information. If you do not renew your registration, it will expire. An expired registration will affect your ability to receive contract awards or payments, submit assistance award applications via Grants.gov, or receive certain payments from some federal government agencies.

#### 4. Transparency Requirements

All files, progress reports, financial reports, and documents will be posted on federal and state websites for public viewing. Federal law mandates substantial reporting and documentation of funded activities as well as more intensive monitoring and auditing. Additional sources of ARRA information are available at:

<http://www.recovery.gov/Pages/home.aspx>

#### 5. Reporting Requirements

Congress has specifically mandated that all ARRA recipients must report on the use of said funds for purposes of transparency and oversight. All funds issued under ARRA are subject to unparalleled scrutiny, with specific distribution and reporting requirements by the Federal Government and the State of Louisiana.

##### 5.1 Monthly and Quarterly Progress Reports

Borrowers will be required to submit quarterly progress and expenditure reports in accordance with the ARRA requirements. Additional monthly, annual and completion reports are required from the Borrowers. Progress reports should be submitted by borrower to the LDNR by the second business day of the following month, as listed below, using the Louisiana Revolving Loan Fund Program Reporting Form (Attachment B). In the event that the second of a month falls on a Saturday or Sunday, the Borrower will submit their report on the following Monday. These reports will include, at a minimum, progress in the accomplishment of the scope of work and progress of each project. These reports should include sufficient information to complete the ARRA Federal Financial Report (FFR) requested by U.S. DOE. This reporting deadline is subject to change should ARRA reporting requirements become more often. DNR reserves the right to structure reporting requirements on a project-specific basis.

Reporting should be submitted electronically to [larlf@la.gov](mailto:larlf@la.gov) as well as mail the hard copies with original signatures to the Louisiana Department of Natural Resources, Technical Assessment Division, P.O. Box 94396, Baton Rouge, Louisiana 70804-9396

##### 5.2 Final Report

In addition to monthly and quarterly reports, a final progress report, or close-out report, that covers the entire Borrower's project period must be submitted to DNR within 30 days of project completion.

A project will be considered complete when the Scope of Work and Project Objectives are complete and financial documents are reconciled. The final report shall include a summary account of the accomplishment of each item in the Scope of Work and Performance Objectives, summarize expenditures of grant funds, and any additional information upon request by DNR. The Department reserves the right to structure reporting requirements on a project specific basis.

##### 5.3 Fiscal Reporting

The Borrower is accountable for all funds received under the Louisiana Revolving Loan Fund Program including those expended by project partners, vendors, contractors, and subcontractors. The Borrower shall maintain effective control and accountability over all borrowed funds, equipment, property, and other assets under the loan as required by DNR.



## 6. Davis-Bacon Act

ARRA §1606 states that the **Davis-Bacon prevailing wage requirement broadly applies to construction projects funded with ARRA appropriations.** In order to receive any funding under this grant, the Borrowers must comply with the requirements of this Act. The Davis-Bacon Act (40 U.S.C. 3141-3148) requires payment of locally prevailing wages (including fringe benefits) to laborers and mechanics on federal government contracts in excess of \$2,000 for construction, alteration, or repair (including painting and decorating) of public buildings or public works who are employed directly on the site of the work. Moreover, contractors and subcontractors on covered projects must pay all laborers and mechanics weekly and submit weekly certified payroll records to the designated project manager. The provisions of the Davis-Bacon Act apply to both contractors and subcontractors.

Section 1606 of the American Recovery and Reinvestment Act of 2009 specifically requires that all laborers and mechanics employed by contractors and subcontractors on any project —funded directly by or assisted in whole or in part by. Recovery Act funds be paid prevailing wages as determined by the Secretary of Labor.

Accordingly, Borrowers of the Louisiana Revolving Loan Fund Program must ensure that any laborers and mechanics employed on projects funded or assisted in whole or in part by ARRA funds are paid prevailing wages as determined by the Secretary of Labor for construction, alteration, and/or repair. If the entity receiving ARRA assistance for such projects contracts out the work, it must ensure that the Davis- Bacon Act requirements flow down to the entities that employ the laborers and mechanics to do the work.

The only exception to the Davis-Bacon Act is if a government agency performs construction work under what is generally known as —force account. In essence, this is a —do-it-yourself type of construction – the governmental agency receiving the grant decides not to contract out the work but actually performs it in-house with its own employees. Such work is not generally subject to Davis-Bacon Act requirements because governmental agencies are not considered —contractors or —subcontractorswithinthemeaningoftheDavis-BaconAct.

### 6.1 Wage Determination

Louisiana Revolving Loan Fund Program Borrowers must submit to DNR a document containing the most current Department of Labor (DOL) Wage Determination(s) as found at <http://www.wdol.gov/Index.aspx> for the worker classifications applicable to the work being performed by employees or contractors. Please note that the rates posted at the DOL site are minimums.

A Borrower and contractors/subcontractors contracting out work on a covered project must provide the wage determination to the contractors or subcontractors 10 calendar days prior to issuing the solicitation. In addition, the Borrower must submit each subcontractor’s DUNS number, name, amount contracted, a description of the contract activity, and the subcontracts associated with any part of the services specified in each project’s Scope of Work to the DNR within ten (10) days from the selection of the subcontractor. This information should be submitted electronically to [larlf@la.gov](mailto:larlf@la.gov) as well as mail the hard copies with original signatures to: Louisiana Department of Natural Resources, Technical Assessment Division, P.O. Box 94396, Baton Rouge, Louisiana 70804-9396.

### 6.2 Payroll Records

Borrowers and contractors/subcontractors working on Louisiana Revolving Loan Fund Program projects shall maintain payrolls and basic records relating to payroll during the course of the work and preserve them for a period of three years thereafter for all laborers and mechanics working on the project. They must also ensure that all laborers and mechanics on a project funded or assisted in whole or part with Recovery Act funds are paid on a weekly basis and must submit weekly certified payroll records. The U.S. Department of Labor (DOL) – Wage and Hour Division Form WH-347 shall be used

to submit weekly certified payroll records. This form can be found at: <http://www.dol.gov/whd/forms/wh347.pdf> and a copy of the form and the instructions can be found in Attachment C.

The certified payrolls must be completed and submitted to DNR within 7 days of the pay date. All certified payroll forms submitted must be original documents and should be mailed to the Louisiana

Department of Natural Resources, Technical Assessment Division, P.O. Box 94396 Baton Rouge, Louisiana 70804-9396.

### *6.3 Borrower Acknowledgement of Davis-Bacon Act Requirements*

This form (Attachment D) must be completed by each Louisiana Revolving Loan Program Borrower and returned with your first reimbursement request to the Louisiana Department of Natural Resources, Technical Assessment Division, P.O. Box 94396 Baton Rouge, Louisiana 70804-9396.

For more information on the Davis-Bacon Act, please visit the Department of Labor’s website at: <http://www.dol.gov/compliance/guide/dbra.htm>

## **7. Buy American Provision**

In accordance with ARRA §1605, the Borrowers assure that it and its sub-recipient(s) will not use ARRA funds for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the **iron, steel and manufactured goods used in the project are produced in the United States.**

The Buy American Recovery Act provisions only apply to projects funded under the Recovery Act for the construction, alteration, maintenance or repair of a public building or public work.

Borrowers must comply with the Buy American Provisions of the American Recovery and Reinvestment Act. Determining whether the Buy American provisions under the Recovery Act apply to a particular project will depend on the specific details of the Borrower’s project. Once it is determined that the project is for the construction, alteration, maintenance or repair of a public building or public work, then all of the iron, steel and manufactured goods used in the project must be produced in the United States unless one of the three listed exceptions applies and U.S. Department of Energy (DOE) issues a waiver. There is no requirement with regard to the origin of components or subcomponents in manufactured goods used in a project, as long as the manufacturing occurs in the United States. (See 2 CFR 176.70(a) (2) (ii).

### *7.1 Exceptions to Buy American Provision*

The ARRA provides three exceptions to the Buy American provision:

- 1. The first exception is that applying the Buy American Recovery Act provisions would be inconsistent with the public interest.**

The definition of—inconsistent with public interest|| shall be interpreted by DOE on a case-by-case basis when considering waiver requests.

- 2. The second exception is that the iron, steel and relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality (“Non-availability”).**

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The definitions of —sufficient and reasonably available quantities and —of a satisfactory quality shall be interpreted by DOE on a case-by-case basis when considering waiver requests. Sub-grantees who would like to request a waiver of the Buy American requirements for their project based on its non-availability, should prepare their request in accordance with the instructions provided in CFR 176.140(c).

### **3. The third exception is that the inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent (“Unreasonable Cost”).**

In order to claim one of the above mentioned exceptions, the Borrower must apply for a waiver through the U.S. Department of Energy. A link to the waiver application can be found on the Buy American webpage at [http://www1.eere.energy.gov/recovery/buy\\_american\\_provision.html](http://www1.eere.energy.gov/recovery/buy_american_provision.html). Please copy DNR when submitting a waiver application.

#### *7.2 Categorical Waiver for Buy American Provisions*

Periodically, the U.S. Department of Energy (U.S. DOE) will sign a Memorandum of Decision granting nationwide categorical waivers for specific items/materials under section 1605 of the Recovery Act (the Buy American Provisions). To date, the following waivers have been issued:

On February 11, 2010 a waiver was issued for the following items:

- 1) Fluorescent electronic lighting ballasts;
- 2) Screw-base and pin-base compact fluorescent lamps (with the exception of plug-in CFLs longer than 10 inches).

On May 24, 2010 a waiver was issued for the following items:

- 1) Nonresidential programmable thermostats
- 2) Commercial scale fully automatic wood pellet boiler systems
- 3) Facility and small district wood pellet and chip boiler furnaces
- 4) Variable refrigerant flow zoning and inverter driven ductless minisplit HVAC systems
- 5) Electrical —smart strips/surge protectors
- 6) Gas or propane tankless water heaters up to 200,000 BTUs
- 7) Fully enclosed continuous composting systems

On August 11, 2010 a waiver was issued for the following items:

- 1) 24-leaf, motorized DMX iris units
- 2) Induction lamps and ballasts
- 3) Enphase Micro-inverters for solar photovoltaic systems
- 4) Commercial-scale high efficiency condensing boilers with indirect heating systems
- 5) Large-format solar thermal collectors for integrated district heating systems
- 6) Turbocharger for Mitsubishi/Man 52/55B diesel generator engine

On September 30, 2010 a waiver was issued for the following items:

- 1) Motorized automatic two (2) wing revolving doors
- 2) Self-contained photovoltaic LED area lighting system

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- 3) Parking Guidance System Controllers
- 4) Load Management Ripple Control Receiver for an existing load management system
- 5) LED tube lights to replace T8/ other 4 foot fluorescents

On November 4, 2010 a waiver was issued for the following items:

- 1) Surface mounting time switch
- 2) HVAC units with 8.375' W x 9.5' H x 2.72' D – *Only* when the application requires an HVAC unit with a height of 10' or less due to documented space constraints
- 3) Low temperature thermostat
- 4) Programmable DDC controllers for LON protocol
- 5) Hardware necessary for implementation of Honeywell Enterprise Buildings Integrator (EBI) software for integration of water management and HVAC systems

On January 12, 2011 a waiver was issued for the following items:

- 1) Two-stage, steam heated absorption chillers
- 2) Single wall evacuated tube collectors for solar thermal systems
- 3) 2-ton adsorption chillers
- 4) LED lamp and controller for studio lights in a television broadcast studio
- 5) Global Positioning System (GPS) time source modules
- 6) Elongated wall-hung rear spud toilets

On March 31, 2011 a waiver was issued for the following items:

- 1) 400 to 750 watt micro hydro-turbines
- 2) Oil-fired direct vent space heaters
- 3) ENERGY STAR rated electric heat pump water heaters
- 4) ENERGY STAR rated through the wall air conditioners
- 5) Grid tied solar inverters of 800W or less
- 6) 50 hp TEFC inverter duty motors for use in an existing Marley cooling tower
- 7) Geothermal heat pumps for a demonstration scale waste heat geothermal system
- 8) Point to point/point to multi-point electronic broadband microwave radio systems
- 9) LED luminaires for roadway illumination with customized filter application to meet specific lighting requirements of Mauna Kea observatory
- 10) Compressed Natural Gas (CNG) compressors and shut down controls for small fleets
- 11) 80000W solar inverters for use with the US manufactured 315W panels
- 12) ECM inline pumps
- 13) Inverters that permit optimal output of four (4) or more types of modules per array connected to inverter

On July 8, 2011 a waiver was issued for the following items:

- 1) 2-10 horsepower, self contained, sensorless, variable speed pumps
- 2) Bidirectional bicycle counters
- 3) 28W, 30W, and 60W 360 degree LED bulbs for retrofits of HPS streetlights
- 4) Bathroom ventilation fans with built in occupancy sensors
- 5) Solar thermosiphon water heating systems certified by FSEC
- 6) 40 ton absorption chillers
- 7) Premium efficiency electric drive submersible pump motors (15-30hp)

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- 8) Flush-to-handrail electric LED lighting systems
- 9) 5kW and 50kW wind turbines

On August 2, 2011 a waiver was issued for the following items:

- 1) Ball valves
- 2) Low-temperature thermostats
- 3) Two-stage, steam heated absorption chillers
- 4) 4 Watt 325 lumen dock lamp LED replacement bulbs

On September 12, 2011 a waiver was issued for the following items:

- 1) LED decorative mini-bulb light strands
- 2) Ancillary items for a T-12 to T-8 retrofit
- 3) Roof-integrated flat plate collectors producing 1250 btu/sq. ft. or greater

On October 24, 2011 a waiver was issued for the following items:

- 1) Absorption chillers
- 2) Thermostatic Regulator Valves
- 3) 28 and 30W 180 degree LED replacement bulbs for HID street lights
- 4) 100% Oil free rotary screw variable speed drive water cooled air compressor with a factory installed dryer capable of supplying air at <-20 degree dew point temperature
- 5) Parts for Mitsubishi 52/55B or 40/54A diesel generator engine
- 6) Universal control modules for use with Novar proprietary communication protocols

On January 10, 2012 a waiver was issued for the following items:

- 1) 5-25 Watt LED Candelabra Bulbs (includes Flam tip, bent tip, A19, S11, G16.5, or G25 clear bulb enclosure) - **expires May 1, 2012**
- 2) 140 Watt LED fixtures with 10-degree beams capable of illuminating from 100 feet, UL certified; and 27 Watt round LED fixtures, producing 1 foot-candle at 242 feet distance, UL certified - **expires May 1, 2012**

On January 23, 2012 a waiver was issued for the following items:

- 1) 400 amp Dual Element Time-Delay Fuses for electric vehicle supply equipment (EVSE) charging station
- 2) Video imaging card rack mounted boards for vehicle presence and data detection
- 3) 20-ton split system heat pump that meets a minimum static pressure requirement of 3.0 inches of water column (only where the 3.0 water column is a requirement of the system)
- 4) Network manager for conversion of proprietary protocol – Staefa brand system to a non-proprietary open source protocol

The determination of inapplicability under Recovery Act section 1605 for these three products is based on extensive market research and a thorough investigation of the domestic manufacturing landscape.

These categorical waivers go into effect immediately and apply to all projects funded through Louisiana Revolving Loan Fund Program. All waivers are subject to expiration or withdrawal. Prior to

utilizing a waiver, Borrowers shall verify the waiver is still applicable. Further details are available on the Buy American webpage at:

[http://www1.eere.energy.gov/recovery/buy\\_american\\_provision.html](http://www1.eere.energy.gov/recovery/buy_american_provision.html).

## 8. National Environmental Policy Act (NEPA) Requirements

The National Environmental Protection Act of 1970 (NEPA), as amended (42 U.S.C. 4371, *et seq.*), requires federal agencies to consider the potential environmental impacts of their proposed actions. Applicants may not take action using federal funds for projects that may have an adverse effect on the environment prior to DOE providing a final NEPA determination regarding the selected projects.

For more information see U.S. DOE's NEPA website: <http://www.gc.energy.gov/NEPA/>

Based on a review of the list of activities that funds can be utilized for under the SEP Program, DOE has determined that projects that meet certain criteria and conditions will likely be classified as categorical exclusions and will not require a NEPA review.

### *The following activities are considered Categorical Exclusions from NEPA*

- Funding energy efficiency retrofits, provided that:
  1. Projects Are Limited To: installation of insulation; installation of energy efficient lighting; HVAC upgrades; weather sealing; purchase and installation of ENERGY STAR appliances; replacement of windows and doors; high efficiency shower/faucet upgrades; and installation of solar powered appliances with improved efficiency.
- Installation of alternative fueling pumps and systems (but not storage tanks) installed on existing facilities (other than a large bio-refinery); only the incremental costs of the purchase of alternative fuel vehicles can be included in the loan. Vehicle conversions from conventional fuel to alternative fuel are allowed with only the incremental costs included in the loan.
- Development, implementation, and installation of onsite renewable energy technology that generates electricity from renewable resources, provided that projects are limited to:
  - ... Solar Electricity/Photovoltaic – appropriately sized system or unit on existing rooftops and parking shade structures: or 60 KW system or smaller unit installed on the ground within the boundaries of an existing facility.
  - ... Wind Turbine – 20 KW or smaller.
  - ... Solar Thermal – system must be 20 KW or smaller.
  - ... Solar Thermal Hot Water – appropriately sized for residences or small commercial buildings.
  - ... Ground Source Heat Pump – 5.5 tons of capacity or smaller, horizontal/vertical, ground, closed-loop system.
  - ... Combined Heat and Power System – boilers sized appropriately for the buildings in which they are located.
  - ... Biomass Thermal – 3MMBTU's per hour or smaller system with appropriate Best Available Control Technologies (BACT) installed and operated.

**Categorical Exclusions are not absolute.** A project activity that falls within a categorical exclusion may require additional NEPA review if it involves—extraordinary circumstances that may affect the significance of its

environmental effects. —Extraordinary Circumstances are defined as —unique situations presented by specific proposals, such as scientific controversy about the environmental effects of the proposal; uncertain effects or effects involving unique or unknown risks; or unresolved conflicts concerning alternate uses of available resources within the meaning of section 102(2)(E) of NEPA [42 U.S.C. §4332(e)].

**Applicants proposing projects that fall within the categories included above will not be required to submit any NEPA documentation at this time.**

If DOE determines that NEPA requires the preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) for a proposed project, the **Borrower will be responsible for paying the cost of preparing an EA or EIS.** Preparation of these types of NEPA documents can require 6-24 months. Accordingly, Applicants should carefully consider whether such programs are consistent with the objectives of the ARRA.

## 9. National Historic Preservation Act & state Historic preservation Office (NHPA/SHPO) Requirements

Because Recovery Act funds are federal, all funding recipients must meet Federal Cultural Resource Review requirements under Section 106 of the National Historic Preservation Act. For more information regarding Section 106 contact the Louisiana Office of Cultural Development – Division of Archaeology at (225) 342-8170.

[http://www1.eere.energy.gov/wip/pdfs/state\\_historic\\_preservation\\_programmatic\\_agreement\\_la.pdf](http://www1.eere.energy.gov/wip/pdfs/state_historic_preservation_programmatic_agreement_la.pdf)

**All projects that include renovations to existing buildings or improvements to developed property must submit a completed NHPA/SHPO Form with the application (Attachment F). Borrowers proposing projects involving a building or structure included in the National Register of Historic Places (NRHP) or one eligible for inclusion in the NRHP will also be required to complete Item 5 of EF-1 Environmental Questionnaire EF-1 (Attachment E).**

Borrowers should note that DOE will only consider the project in compliance with Section 106 of the NHPA when adequate background documentation has been submitted and written concurrence that the Louisiana Office of Cultural Development does not object to its Section 106 determination has been provided. In addition, Applicants should note that funding will be dependent on projects meeting Section 106 requirements.

## 10. Waste Management Plan

Prior to the expenditure of federal funds to dispose of sanitary or hazardous waste, DNR is required to provide documentation to U.S. DOE demonstrating that an adequate disposal plan has been prepared for sanitary or hazardous waste generated by the proposed activities.

Applicants are therefore required to submit information on the expected waste stream of their proposed project. Sanitary or hazardous waste includes, but is not limited to piping, roofing material, discarded equipment, debris, asbestos, metals etc.

Borrowers shall submit to DNR a waste management plan that describes their plan to dispose of any sanitary or hazardous waste generated as a result of the proposed Project. DNR shall make the waste management plan and related documentation available to DOE upon DOE's request (for example, during a post-award audit). Projects shall ensure compliance with all federal, state and local regulations for waste disposal.

## 11. Federal, State and Municipal Requirements

All projects must obtain any required permits and comply with applicable federal, state, and municipal laws, codes and regulations for work performed and procurement under this award.

## 12. Procurement Processes

In accordance with ARRA, §1554, Borrowers must award contracts funded in whole or in part with ARRA funds as fixed-price contracts through the use of competitive procedures. Borrowers must also provide a summary to DNR of any contract awarded by the Borrower that is not fixed-price and not awarded using competitive procedures for posting in a special section of the website established in ARRA, §1526.

## 13. Publications and Public Relation Events

All publications which are intended for distribution and are financed, wholly or in part, by SEP funds, must contain the following verbiage:

*“Funds are made possible through the American Recovery and Reinvestment Act and the SEP Program administered by the Louisiana Department of Natural Resources”.*

Additionally, ARRA, and DNR logos, as provided by DNR to the Borrower, must be included in all of the aforementioned publications.

Borrower must notify DNR five (5) business days in advance of all public relations events related to ARRA-funded activities whereby the public and/or media is invited to participate and provide opportunity for involvement.

## 14. Record Retention

Borrower should keep records sufficient to permit the tracking of funds to a level of expenditure adequate to ensure that funds have not been inappropriately expended. Borrower must maintain records for at least three (3) years following the loan close-out date, unless DNR notifies the Borrower that a longer period is required.

Record retention may include digital and electronic data, documents, receipts, invoices, and other relevant materials. The Borrower agrees to provide full access to all relevant materials and provide copies upon request by DNR.

## IV. Selection Criteria

### 1. Evaluation Process

The Louisiana Department of Natural Resources is soliciting and receiving applications for the Louisiana Revolving Loan Fund Program through a project review and evaluation process. DNR will evaluate every timely submitted proposal based on both qualitative and quantitative criteria. This evaluation will be performed to ensure all projects will meet the DOE and ARRA funding and reporting requirements.

Applications will be evaluated (1) to determine whether the application submitted is completed in accordance with this document, (2) to determine whether the proposed project meets the project eligibility criteria specified in these Program Guidelines and Regulations, and (3) to determine whether, based on the information supplied by the Applicant, the proposal demonstrates sufficient likelihood of actual project development, and achievement of benefits.



Applications will be reviewed to determine which eligible projects best meet evaluation criteria. In recognition of the wide range and complexity of activities that could qualify for this grant, the Applicant may be requested to provide more information during the review process.

## 2. Evaluation Criteria

Evaluation criteria have been developed to assist in identifying those projects that display the most potential for achieving the goals of the program. The evaluation criteria has been designed to ensure the submitted projects will meet the DOE guidelines and reporting requirements for fundable projects. Applications for each individual project will be submitted indicating which of the following criteria are achieved and the resultant amounts:

- **Cost-effectiveness:** Measure of how effective loan dollars are in achieving a given result.
- **Project feasibility:** likelihood of project completion, potential to accomplish defined goals and objectives, experience and qualifications of the applicant, overall technical feasibility and potential for replication within the State of Louisiana.
- **Job creation:** potential for the project to support economic development in the state of Louisiana through job creation.
- **Energy generation:** potential for the project to reduce energy consumption measured in BTUs.
- **Greenhouse Gas (GHG) reductions:** potential for the project to reduce GHG emissions, measured in CO2 equivalent reductions.
- **Overall impact:** estimated economic impacts in the community due to project implementation.
- **In Kind Match (Leveraged funds):** the portion or percentage of project cost that will be funded by the Applicant or other funding sources. Preference will be given to projects that make effective use of available private and public funding sources to ensure project viability.
- **Public awareness:** proposals that reflect a strategy to raise awareness and educate the public through the media, signage, public speaking engagements and other methods will be weighted more favorably than proposals that do not incorporate any communications strategy.
- **Public Policy:** proposals which further a public policy objective such as the increased use of natural gas as an effective, efficient, clean transportation fuel through the availability of fueling infrastructure.

## 3. Notification of Funding

After the review and selection process is completed, the applicants will be notified that the project has been approved for funding at a specified amount. The successful applicants will receive an Award Notification, which must be signed and mailed back to the DNR within 30 days. Unsuccessful Applicants will be informed in writing as well. Application documents will not be returned.

#### 4. Rejection of Applications

DNR reserves the right to reject any application or project. The submission of an application under these guidelines confers no right upon any Applicant. DNR is not obligated to award any loans, to pay any costs incurred by the Applicant in the preparation and submission of an application, or pay any project related costs incurred prior to the loan beginning date.

**Applications will be rejected and not considered for funding if:**

- A. The application is not received by the due date and time as specified in these Program Guidelines.
- B. The Applicant is not an eligible Applicant in accordance with Section II.1-3 of these Program Guidelines.
- C. The application is not signed.
- D. The proposed project is inconsistent with the goals of the ARRA or the Louisiana Revolving Loan Fund Program.

#### V. Application Process

Applications must follow the specified deadlines and guidelines provided in this document.

Applicants must submit two hard copies of the completed paper application forms (A through H) included as supporting documents. In addition, Applicants must submit one electronic version of all documents by email to, [larlf@la.gov](mailto:larlf@la.gov) or by mailing a compact disc (CD) containing the corresponding electronic application to the address provided below.

Two (2) hard copies of the complete application should be mailed to:

**Louisiana Department of Natural Resources**  
Technology Assessment Division  
Attention: Louisiana Revolving Loan Fund Program  
P.O. Box 94396  
Baton Rouge, LA 70804-9693

Additionally, an electronic copy of the completed application should also be sent to:

[larlf@la.gov](mailto:larlf@la.gov)

Be sure to complete all relevant sections, attach appropriate supporting documents and have the application signed and dated. There are no additional format requirements; however, to conserve resources, it is encouraged that applications be printed duplex (two-sided) on post consumer recycled content paper. The use of binders or any other elaborate covers is strongly discouraged.

<b>All forms must be received by 3:00 p.m. CST on January 11, 2016</b>
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## VI. Available Assistance

### 1. Technical Assistance

Technical assistance is available to applicants to support the completion of project applications. Technical assistance may involve, but is not limited to, support in developing energy savings calculation estimates, project cost estimating, project viability, meeting ARRA and associated requirements, and other application development support..

To obtain technical assistance in these areas, please contact:

#### Louisiana Revolving Loan Fund Program

[larlf@la.gov](mailto:larlf@la.gov)

### 2. Additional Information

Applicants are encouraged to visit DNR's Website: <http://dnr.louisiana.gov/energy> to find out more information on the Louisiana Department of Natural Resources SEP Program. In addition, DOE's SEP Program Website offers more information on the SEP Program and its requirements: [http://apps1.eere.energy.gov/state\\_energy\\_program/](http://apps1.eere.energy.gov/state_energy_program/)

### 3. Questions

Applicants may submit questions at any time during the application process via email at: [larlf@la.gov](mailto:larlf@la.gov)

## VII. DNR Guidance

### 1. Monitoring and Oversight

Authorized representatives of federal awarding agencies, the Comptroller General of the United

States, and the DNR or duly authorized representatives shall have access to any pertinent books, documents, and records of Borrowers in order to conduct audits or examinations of the Borrower.

The Borrower must allow on-site monitoring and auditing activities by DNR and/or authorized representative. On-site monitoring will take place no less than once per year until the project is completed. Borrowers shall address all deficiencies identified in the on-site monitoring and auditing activities to the satisfaction of DNR. Borrowers failing to address deficiencies will not be eligible to receive further funding and required to repay any and all disbursements of grant funds awarded by DNR.

## 2. Method of Payment

The Borrower will be reimbursed by LPFA for all allowable expenses incurred in performing the scope of work, in an amount not to exceed the winning bid amount. Borrower's shall report project expenses and submit to DNR original invoices as often as possible. Reimbursement request must provide a breakdown of project expenses by budget categories and be accompanied with copies of all appropriate documentation of allowable expenses incurred. No reimbursements will be made for expenditures incurred after the closing budget date unless a budget time period extension has been granted by DNR prior to the closing date.

## 3. Payee Identification Number

Each recipient will need to complete and submit a W-9 form – Request for Taxpayer Identification Number and Certification. This form will be used to set-up a Payee Identification Number for each recipient to receive payments. The W-9 Form and Instructions can be found in Attachment G. The first page of the form (Attachment G) must be completed by each Louisiana Revolving Loan Fund Program Recipient and returned to the Louisiana Department of Natural Resources, Technical Assessment Division, P.O. Box 94396 Baton Rouge, Louisiana 70804-9396.

## 4. Disbursement of Funds

To receive funds, the recipient will complete a Request for Reimbursement (Attachment H - RR- 2010) form. The request must include the loan award number, a sequential invoice number assigned by the subgrantee, and be accompanied by documentation supporting the request. The reimbursement request must be based on actual costs incurred.

Requests for Reimbursement shall include:

- Final approved budget by category.
- Cumulative expenditures to date, previously reimbursed expenditures, and current expenditures per the request.
- Invoices and/or receipts. Invoices must include company name, address, and zip code.

Example of back up documentation:

- Personnel – payroll spreadsheet showing time worked within the invoice period. Spreadsheet shall contain salary information, complete name of employee, percent of time applied to grant along with the number of hours and fringe benefits per person.
- Fringe – include in payroll spreadsheet.
- Equipment and Supplies – Invoices and/or receipts. Equipment invoices shall be a detailed list over all equipment/materials purchases including quantity, model number, description, and unit price.
- Contractual – invoice and documentation that the item has been paid for (recipient shall verify invoice).
- Construction – invoices, receipts marked paid and any other documents that properly verify expenses.

**Louisiana Revolving Loan Fund Program – Program Requirements & Guidelines**

- Itemized accounting summary should be attached to the reimbursement request. The summary should include:
  - Funds Obligated: Provide summary of all funds obligated, including the following information:
    - Amount of funds obligated;
    - Who funds are obligated to; and
    - Services to be provided.
  - Cost Status: Show approved budget by budget period and actual costs incurred. If cost sharing is required, break out by loan share, recipient share, and total costs to clearly indicate leveraged funds.
  - Program outlays: Program outlay is the total expense incurred by the recipient regardless of whether or not the recipient has invoiced or received reimbursement for the expense.

A final payment for the remaining ten percent (10%) of the total award amount will be made upon completion of the project and approval of the final report by DNR.

Payments will be made by LPFA within approximately thirty days after receipt of an original proper reimbursement request by DNR (Form RR-2010) rendered according to the payment schedule and reports as prescribed above. All reimbursement requests must be first approved by DNR Project Manager and all reporting requirements must be met prior to issuance of incremental and final payments. Once DNR approval has been reached, LPFA will be notified to release funding.

Any funds not utilized for the purchases or services authorized in the scope of work are to be returned to the LDNR.

## **5. Debarment/Suspension Status**

The Borrower shall provide immediate notice to DNR in the event of being suspended, debarred

or declared ineligible by any Department or other Federal Agency, or upon receipt of a notice of a proposed debarment or suspension, either prior to or after execution of this agreement.

The Borrower is required to certify that its contractors and subcontractors are not suspended, debarred or declared ineligible from entering into agreements with any Department or Agency of the Federal Government, or in receipt of a notice of proposed debarment or suspension.

The Excluded Parties List System (EPLS) (<https://www.epls.gov/>) provides information regarding entities debarred, suspended, proposed for debarment, excluded or disqualified under the non-procurement common rule, or otherwise declared ineligible from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits. This information may include names, addresses, DUNS numbers, Social Security Numbers, Employer Identification Numbers or other Taxpayer Identification Numbers, if available and deemed appropriate and permissible to publish by the agency taking the action.

## VIII. Supporting Documents

<b>Document Code</b>	<b>Description</b>
Attachment A	ARRA Special Terms and Conditions
Attachment B	Revolving Loan Program Reporting Form
Attachment C	Davis Bacon Certified Payroll and Instructions
Attachment D	Davis Bacon Acknowledgement Form
Attachment E	EF-1 Environmental Questionnaire
Attachment F	National Historic Preservation Act (NHPA)/State Historic Preservation Office (SHPO) Compliance Form
Attachment G	W-9 Form
Attachment H	RR2010 Form

# Attachment A – ARRA Special Terms and Conditions

## **I. RESOLUTION OF CONFLICTING CONDITIONS**

Any apparent inconsistency between Federal statutes and regulations and the terms and conditions contained in this award must be referred to the DOE Award Administrator for guidance.

## **II. STATEMENT OF FEDERAL STEWARDSHIP**

DOE will exercise normal Federal stewardship in overseeing the project activities performed under this award. Stewardship activities include, but are not limited to, conducting site visits; reviewing performance and financial reports; providing technical assistance and/or temporary intervention in unusual circumstances to correct deficiencies which develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the award objectives have been accomplished.

## **III. SITE VISITS**

DOE's authorized representatives have the right to make site visits at reasonable times to review project accomplishments and management control systems and to provide technical assistance, if required. You must provide, and must allow reasonable access to facilities, office space, resources, and assistance for the safety and convenience of the government representatives in the performance of their duties. All site visits and evaluations must be performed in a manner that does not unduly interfere with or delay the work.

## **IV. REPORTING REQUIREMENTS**

a. Requirements. The reporting requirements for this award are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2, attached to this award. Failure to comply with these reporting requirements is considered a material noncompliance with the terms of the award. Noncompliance may result in withholding of future payments, suspension, or termination of the current award, and withholding of future awards. A willful failure to perform, a history of failure to perform, or unsatisfactory performance of this and/or other financial assistance awards, may also result in a debarment action to preclude future awards by Federal agencies.

b. Dissemination of scientific/technical reports. Scientific/technical reports submitted under this award will be disseminated on the Internet via the DOE Information Bridge ([www.osti.gov/bridge](http://www.osti.gov/bridge)), unless the report contains patentable material, protected data, or SBIR/STTR data. Citations for journal articles produced under the award will appear on the DOE Energy Citations Database ([www.osti.gov/energycitations](http://www.osti.gov/energycitations)).

c. Restrictions. Reports submitted to the DOE Information Bridge must not contain any Protected Personal Identifiable Information (PII), limited rights data (proprietary data), classified information, information subject to export control classification, or other information not subject to release.

## **V. PUBLICATIONS**

a. You are encouraged to publish or otherwise make publicly available the results of the work conducted under the award.

b. An acknowledgment of Federal support and a disclaimer must appear in the publication of any material, whether copyrighted or not, based on or developed under this project, as follows:

Acknowledgment: "This material is based upon work supported by the Department of Energy under Award Number DE-0000735||

Disclaimer: "This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or



usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof."

## **VI. FEDERAL, STATE, AND MUNICIPAL REQUIREMENTS**

You must obtain any required permits and comply with applicable federal, state, and municipal laws, codes, and regulations for work performed under this award.

## **VII. INTELLECTUAL PROPERTY PROVISIONS AND CONTACT INFORMATION**

a. The intellectual property provisions applicable to this award are provided as an attachment to this award or are referenced on the Agreement Face Page. A list of all intellectual property provisions may be found at [http://www.gc.doe.gov/financial\\_assistance\\_awards.htm](http://www.gc.doe.gov/financial_assistance_awards.htm).

b. Questions regarding intellectual property matters should be referred to the DOE Award Administrator and the Patent Counsel designated as the service provider for the DOE office that issued the award. The IP Service Providers List is found at [http://www.gc.doe.gov/documents/Intellectual\\_Property\\_\(IP\)\\_Service\\_Providers\\_for\\_Acquisition.pdf](http://www.gc.doe.gov/documents/Intellectual_Property_(IP)_Service_Providers_for_Acquisition.pdf)

## **VIII. LOBBYING RESTRICTIONS**

By accepting funds under this award, you agree that none of the funds obligated on the award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

## **IX. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS**

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this award should be American-made.

## **X. DECONTAMINATION AND/OR DECOMMISSIONING (D&D) COSTS**

Notwithstanding any other provisions of this Agreement, the Government shall not be responsible for or have any obligation to the recipient for (i) Decontamination and/or Decommissioning (D&D) of any of the recipient's facilities, or (ii) any costs which may be incurred by the recipient in connection with the D&D of any of its facilities due to the performance of the work under this Agreement, whether said work was performed prior to or subsequent to the effective date of this Agreement.

## **XI. HISTORIC PRESERVATION**

Prior to the expenditure of Federal funds to alter any structure or site, the Recipient is required to comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA), consistent with DOE's 2009 letter of delegation of authority regarding the NHPA. Section 106 applies to historic properties that are listed in or eligible for listing in the National Register of Historic Places. In order to fulfill the requirements of Section 106, the recipient must contact the State Historic Preservation Officer (SHPO), and, if applicable, the Tribal Historic Preservation Officer (THPO), to coordinate the Section 106 review outlined in 36 CFR Part 800. SHPO contact information is available at the following link: <http://www.ncshpo.org/find/index.htm>. THPO contact information is available at the following link: <http://www.nathpo.org/map.html>.

Section 110(k) of the NHPA applies to DOE funded activities. Recipients shall avoid taking any action that results in an adverse effect to historic properties pending compliance with Section 106.

Recipients should be aware that the DOE Contracting Officer will consider the recipient in compliance with Section 106 of the NHPA only after the Recipient has submitted adequate background documentation to the SHPO/THPO for its review, and the SHPO/THPO has provided written concurrence to the Recipient that it does not object to its Section 106 finding or determination. Recipient shall provide a copy of this concurrence to the Contracting Officer.

## **XII. SPECIAL PROVISIONS RELATING TO WORK FUNDED UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

### Preamble

The American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, (Recovery Act) was enacted to preserve and create jobs and promote economic recovery, assist those most impacted by the recession, provide investments needed to increase economic efficiency by spurring technological advances in science and health, invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits, stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases. Recipients shall use grant funds in a manner that maximizes job creation and economic benefit.

The Recipient shall comply with all terms and conditions in the Recovery Act relating generally to governance, accountability, transparency, data collection and resources as specified in Act itself and as discussed below.

Recipients should begin planning activities for their first tier subrecipients, including obtaining a DUNS number (or updating the existing DUNS record), and registering with the Central Contractor Registration (CCR).

Be advised that Recovery Act funds can be used in conjunction with other funding as necessary to complete projects, but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and related guidance. For projects funded by sources other than the Recovery Act, Contractors must keep separate records for Recovery Act funds and to ensure those records comply with the requirements of the Act.

The Government has not fully developed the implementing instructions of the Recovery Act, particularly concerning specific procedural requirements for the new reporting requirements. The Recipient will be provided these details as they become available. The Recipient must comply with all requirements of the Act. If the recipient believes there is any inconsistency between ARRA requirements and current award terms and conditions, the issues will be referred to the Contracting Officer for reconciliation.

### Definitions

For purposes of this clause, Covered Funds means funds expended or obligated from appropriations under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5. Covered Funds will have special accounting codes and will be identified as Recovery Act funds in the grant, cooperative agreement or TIA and/or modification using Recovery Act funds. Covered Funds must be reimbursed by September 30, 2015.

Non-Federal employer means any employer with respect to covered funds – the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, subcontractor, grantee, or recipient is an employer; and any professional membership organization, certification of other professional body, any agent or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor receiving the funds and any contractor or subcontractor of the State or local government; and does not mean any department, agency, or other entity of the federal government.

Recipient means any entity that receives Recovery Act funds directly from the Federal government (including Recovery Act funds received through grant, loan, or contract) other than an individual and includes a State that receives Recovery Act Funds.

### Special Provisions

A. Flow Down Requirement

Recipients must include these special terms and conditions in any subaward.

B. Segregation of Costs

Recipients must segregate the obligations and expenditures related to funding under the Recovery Act. Financial and accounting systems should be revised as necessary to segregate, track and maintain these funds apart and separate from other revenue streams. No part of the funds from the Recovery Act shall be commingled with any other funds or used for a purpose other than that of making payments for costs allowable for Recovery Act projects.

C. Prohibition on Use of Funds

None of the funds provided under this agreement derived from the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

D. Access to Records

With respect to each financial assistance agreement awarded utilizing at least some of the funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, any representative of an appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1988 (5 U.S.C. App.) or of the Comptroller General is authorized –

- (1) to examine any records of the contractor or grantee, any of its subcontractors or Grantees, or any State or local agency administering such contract that pertain to, and involve transactions relation to, the subcontract, subcontract, grant, or subgrant; and
- (2) to interview any officer or employee of the contractor, grantee, Grantee, or agency regarding such transactions.

E. Publication

An application may contain technical data and other data, including trade secrets and/or privileged or confidential information, which the applicant does not want disclosed to the public or used by the Government for any purpose other than the application. To protect such data, the applicant should specifically identify each page including each line or paragraph thereof containing the data to be protected and mark the cover sheet of the application with the following Notice as well as referring to the Notice on each page to which the Notice applies:

Notice of Restriction on Disclosure and Use of Data

—The data contained in pages ---- of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data here to the extent provided in the award. This restriction does not limit the Government's right to use or disclose data obtained without restriction from any source, including the applicant.||

Information about this agreement will be published on the Internet and linked to the website [www.recovery.gov](http://www.recovery.gov), maintained by the Accountability and Transparency Board. The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

F. Protecting State and Local Government and Contractor Whistleblowers.

The requirements of Section 1553 of the Act are summarized below. They include, but are not limited to:

Prohibition on Reprisals: An employee of any non-Federal employer receiving covered funds under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Accountability and Transparency Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or other person working for the employer who has the authority to investigate, discover or terminate misconduct, a court or grant jury, the head of a Federal agency, or their representatives information that the employee believes is evidence of:

- gross management of an agency contract or grant relating to covered funds;
- a gross waste of covered funds
- a substantial and specific danger to public health or safety related to the implementation or use of covered funds;
- an abuse of authority related to the implementation or use of covered funds; or
- as violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

Agency Action: Not later than 30 days after receiving an inspector general report of an alleged reprisal, the head of the agency shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the employee to a prohibited reprisal. The agency shall either issue an order denying relief in whole or in part or shall take one or more of the following actions:

- Order the employer to take affirmative action to abate the reprisal.
- Order the employer to reinstate the person to the position that the person held before the reprisal, together with compensation including back pay, compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.
- Order the employer to pay the employee an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the employee for or in connection with, bringing the complaint regarding the reprisal, as determined by the head of a court of competent jurisdiction.

Nonenforceability of Certain Provisions Waiving Rights and remedies or Requiring Arbitration: Except as provided in a collective bargaining agreement, the rights and remedies provided to aggrieved employees by this section may not be waived by any agreement, policy, form, or condition of employment, including any predispute arbitration agreement. No predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising out of this section.

Requirement to Post Notice of Rights and Remedies: Any employer receiving covered funds under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, shall post notice of the rights and remedies as required therein. (Refer to section 1553 of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, www.Recovery.gov, for specific requirements of this section and prescribed language for the notices.)

#### G.Request for Reimbursement

RESERVED

#### H.False Claims Act

Recipient and sub-recipients shall promptly refer to the DOE or other appropriate Inspector General any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict or interest, bribery, gratuity or similar misconduct involving those funds.

#### I.Information in supporting of Recovery Act Reporting

Recipient may be required to submit backup documentation for expenditures of funds under the Recovery Act including such items as timecards and invoices. Recipient shall provide copies of backup documentation at the request of the Contracting Officer or designee.

J. Availability of Funds

Funds appropriated under the Recovery Act and obligated to this award are available for reimbursement of costs until September 30, 2015.

**XIII. REPORTING AND REGISTRATION REQUIREMENTS UNDER SECTION 1512 OF THE RECOVERY ACT**

- (a) This award requires the recipient to complete projects or activities which are funded under the American Recovery and Reinvestment Act of 2009 (Recovery Act) and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.
- (b) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.
- (c) Recipients and their first-tier recipients must maintain current registrations in the Central Contractor Registration (<http://www.ccr.gov>) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (<http://www.dnb.com>) is one of the requirements for registration in the Central Contractor Registration.
- (d) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at <http://www.FederalReporting.gov> and ensure that any information that is pre-filled is corrected or updated as needed.

**XIV. REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS -- SECTION 1605 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

- (a) Definitions. As used in this award term and condition--
  - (1) Manufactured good means a good brought to the construction site for incorporation into the building or work that has been--
    - (i) Processed into a specific form and shape; or
    - (ii) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.
  - (2) Public building and public work means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.
  - (3) Steel means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.
- (b) Domestic preference.
  - (1) This award term and condition implements Section 1605 of the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub. L. 111--5), by requiring that all iron, steel, and manufactured goods used in the project are produced in the United States except as provided in paragraph (b)(3) and (b)(4) of this section and condition.

(2) This requirement does not apply to the material listed by the Federal Government as follows:

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(3) The award official may add other iron, steel, and/or manufactured goods to the list in paragraph (b)(2) of this section and condition if the Federal Government determines that--

(i) The cost of the domestic iron, steel, and/or manufactured goods would be unreasonable. The cost of domestic iron, steel, or manufactured goods used in the project is unreasonable when the cumulative cost of such material will increase the cost of the overall project by more than 25 percent;

(ii) The iron, steel, and/or manufactured good is not produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(iii) The application of the restriction of section 1605 of the Recovery Act would be inconsistent with the public interest.

(c) Request for determination of inapplicability of Section 1605 of the Recovery Act .

(1)(i) Any recipient request to use foreign iron, steel, and/or manufactured goods in accordance with paragraph (b)(3) of this section shall include adequate information for Federal Government evaluation of the request, including--

(A) A description of the foreign and domestic iron, steel, and/or manufactured goods;

(B) Unit of measure;

(C) Quantity;

(D) Cost;

(E) Time of delivery or availability;

(F) Location of the project;

(G) Name and address of the proposed supplier; and

(H) A detailed justification of the reason for use of foreign iron, steel, and/or manufactured goods cited in accordance with paragraph (b)(3) of this section.

(ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed cost comparison table in the format in paragraph (d) of this section.

(iii) The cost of iron, steel, and/or manufactured goods material shall include all delivery costs to the construction site and any applicable duty.

(iv) Any recipient request for a determination submitted after Recovery Act funds have been obligated for a project for construction, alteration, maintenance, or repair shall explain why the recipient could not reasonably foresee the need for such determination and could not have requested the determination before the funds were obligated. If the recipient does not submit a satisfactory explanation, the award official need not make a determination.

(2) If the Federal Government determines after funds have been obligated for a project for construction, alteration, maintenance, or repair that an exception to section 1605 of the Recovery Act applies, the award

official will amend the award to allow use of the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is nonavailability or public interest, the amended award shall reflect adjustment of the award amount, redistribution of budgeted funds, and/or other actions taken to cover costs associated with acquiring or using the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is the unreasonable cost of the domestic iron, steel, or manufactured goods, the award official shall adjust the award amount or redistribute budgeted funds by at least the differential established in 2 CFR 176.110(a).

(3) Unless the Federal Government determines that an exception to section 1605 of the Recovery Act applies, use of foreign iron, steel, and/or manufactured goods is noncompliant with section 1605 of the American Recovery and Reinvestment Act.

(d) Data. To permit evaluation of requests under paragraph (b) of this section based on unreasonable cost, the Recipient shall include the following information and any applicable supporting data based on the survey of suppliers:

**Foreign and Domestic Items Cost Comparison**

Description	Unit of measure	Quantity	Cost (dollars)*
<i>Item 1:</i>			
Foreign steel, iron, or manufactured good	_____	_____	_____
Domestic steel, iron, or manufactured good	_____	_____	_____
<i>Item 2:</i>			
Foreign steel, iron, or manufactured good	_____	_____	_____
Domestic steel, iron, or manufactured good	_____	_____	_____

**XV. REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS (COVERED UNDER INTERNATIONAL AGREEMENTS)—SECTION 1605 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

(a) *Definitions.* As used in this award term and condition—

*Designated country* —(1) A World Trade Organization Government Procurement Agreement country (Aruba, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea (Republic of), Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and United Kingdom);

(2) A Free Trade Agreement (FTA) country (Australia, Bahrain, Canada, Chile, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Israel, Mexico, Morocco, Nicaragua, Oman, Peru, or Singapore); or

(3) A United States-European Communities Exchange of Letters (May 15, 1995) country: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and United Kingdom.

*Designated country iron, steel, and/or manufactured goods* —(1) Is wholly the growth, product, or manufacture of a designated country; or

(2) In the case of a manufactured good that consist in whole or in part of materials from another country, has been substantially transformed in a designated country into a new and different manufactured good distinct from the materials from which it was transformed.

*Domestic iron, steel, and/or manufactured good* —(1) Is wholly the growth, product, or manufacture of the United States; or

(2) In the case of a manufactured good that consists in whole or in part of materials from another country, has been substantially transformed in the United States into a new and different manufactured good distinct from the materials from which it was transformed. There is no requirement with regard to the origin of components or subcomponents in manufactured goods or products, as long as the manufacture of the goods occurs in the United States.

*Foreign iron, steel, and/or manufactured good* means iron, steel and/or manufactured good that is not domestic or designated country iron, steel, and/or manufactured good.

*Manufactured good* means a good brought to the construction site for incorporation into the building or work that has been—

(1) Processed into a specific form and shape; or

(2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

*Public building and public work* means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

*Steel* means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) *Iron, steel, and manufactured goods.* (1) The award term and condition described in this section implements—

(i) Section 1605(a) of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (Recovery Act), by requiring that all iron, steel, and manufactured goods used in the project are produced in the United States; and

(ii) Section 1605(d), which requires application of the Buy American requirement in a manner consistent with U.S. obligations under international agreements. The restrictions of section 1605 of the Recovery Act do not apply to designated country iron, steel, and/or manufactured goods. The Buy American requirement in section 1605 shall not be applied where the iron, steel or manufactured goods used in the project are from a Party to an international agreement that obligates the recipient to treat the goods and services of that Party the same as domestic goods and services. This obligation shall only apply to projects with an estimated value of \$7,443,000 or more.

(2) The recipient shall use only domestic or designated country iron, steel, and manufactured goods in performing the work funded in whole or part with this award, except as provided in paragraphs (b)(3) and (b)(4) of this section.



(3) The requirement in paragraph (b)(2) of this section does not apply to the iron, steel, and manufactured goods listed by the Federal Government as follows:

(4) The award official may add other iron, steel, and manufactured goods to the list in paragraph (b)(3) of this section if the Federal Government determines that—

(i) The cost of domestic iron, steel, and/or manufactured goods would be unreasonable. The cost of domestic iron, steel, and/or manufactured goods used in the project is unreasonable when the cumulative cost of such material will increase the overall cost of the project by more than 25 percent;

(ii) The iron, steel, and/or manufactured good is not produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality; or

(iii) The application of the restriction of section 1605 of the Recovery Act would be inconsistent with the public interest.

(c) *Request for determination of inapplicability of section 1605 of the Recovery Act or the Buy American Act.* (1)(i) Any recipient request to use foreign iron, steel, and/or manufactured goods in accordance with paragraph (b)(4) of this section shall include adequate information for Federal Government evaluation of the request, including—

(A) A description of the foreign and domestic iron, steel, and/or manufactured goods;

(B) Unit of measure;

(C) Quantity;

(D) Cost;

(E) Time of delivery or availability;

(F) Location of the project;

(G) Name and address of the proposed supplier; and

(H) A detailed justification of the reason for use of foreign iron, steel, and/or manufactured goods cited in accordance with paragraph (b)(4) of this section.

(ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed cost comparison table in the format in paragraph (d) of this section.

(iii) The cost of iron, steel, or manufactured goods shall include all delivery costs to the construction site and any applicable duty.

(iv) Any recipient request for a determination submitted after Recovery Act funds have been obligated for a project for construction, alteration, maintenance, or repair shall explain why the recipient could not reasonably foresee the need for such determination and could not have requested the determination before the funds were obligated. If the recipient does not submit a satisfactory explanation, the award official need not make a determination.

(2) If the Federal Government determines after funds have been obligated for a project for construction, alteration, maintenance, or repair that an exception to section 1605 of the Recovery Act applies, the award official will amend the award to allow use of the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is nonavailability or public interest, the amended award shall reflect

adjustment of the award amount, redistribution of budgeted funds, and/or other appropriate actions taken to cover costs associated with acquiring or using the foreign iron, steel, and/or relevant manufactured goods.. When the basis for the exception is the unreasonable cost of the domestic iron, steel, or manufactured goods, the award official shall adjust the award amount or redistribute budgeted funds, as appropriate, by at least the differential established in 2 CFR 176.110(a).

(3) Unless the Federal Government determines that an exception to section 1605 of the Recovery Act applies, use of foreign iron, steel, and/or manufactured goods other than designated country iron, steel, and/or manufactured goods is noncompliant with the applicable Act.

(d) *Data.* To permit evaluation of requests under paragraph (b) of this section based on unreasonable cost, the applicant shall include the following information and any applicable supporting data based on the survey of suppliers:

**Foreign and Domestic Items Cost Comparison**

Description	Unit of measure	Quantity	Cost (dollars)*
<i>Item 1:</i>			
Foreign steel, iron, or manufactured good	_____	_____	_____
Domestic steel, iron, or manufactured good	_____	_____	_____
<i>Item 2:</i>			
Foreign steel, iron, or manufactured good	_____	_____	_____
Domestic steel, iron, or manufactured good	_____	_____	_____

**XVI. WAGE RATE REQUIREMENTS UNDER SECTION 1606 OF THE RECOVERY ACT**

(a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. Federal agencies providing grants, cooperative agreements, and loans under the Recovery Act shall ensure that the standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated in any resultant covered contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).

(b) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Recipients of grants, cooperative agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.

**XVII. RECOVERY ACT TRANSACTIONS LISTED IN SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS AND RECIPIENT RESPONSIBILITIES FOR INFORMING**

(a) To maximize the transparency and accountability of funds authorized under the American Recovery and

Reinvestment Act of 2009 (Pub. L. 111--5) (Recovery Act) as required by Congress and in accordance with 2 CFR 215.21 "Uniform Administrative Requirements for Grants and Agreements" and OMB Circular A--102 Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of Recovery Act funds. OMB Circular A--102 is available at <http://www.whitehouse.gov/omb/circulars/a102/a102.html>.

(b) For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A--133, "Audits of States, Local Governments, and Non-Profit Organizations," recipients agree to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF--SAC) required by OMB Circular A--133. OMB Circular A--133 is available at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF--SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF--SAC.

(c) Recipients agree to separately identify to each subrecipient, and document at the time of subaward and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) Recipients agree to require their subrecipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office.

#### **XVIII. PROCUREMENT (10 CFR 600.236)**

(a) States. When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and sub-grantees will follow paragraphs (b) through (i) in this section.

Note: 600.236 (i)-Contract provisions. A grantee's and sub-grantee's contracts MUST contain provisions in paragraph (i) of this section (1) through (13).

***Please see flowdown requirements for subawards, with clarification when they also flow down to contracts at: [http://energy.gov/sites/prod/files/National\\_Policy\\_Assurances-September\\_%202011.pdf](http://energy.gov/sites/prod/files/National_Policy_Assurances-September_%202011.pdf)***

***Also see flowdown requirements in Appendix B to Subpart D of Part 600—Contract Provisions (indicated below)***

All contracts awarded by a recipient, including those for amounts less than the simplified acquisition threshold, must contain the following provisions as applicable:

1. Equal Employment Opportunity —All contracts must contain a provision requiring compliance with E.O. 11246 (3 CFR, 1964–1965 Comp., p. 339), “Equal Employment Opportunity,” as amended by E.O. 11375 (3 CFR, 1966–1970 Comp., p. 684), “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and as supplemented by regulations at 41 CFR chapter 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

2. Copeland “Anti-Kickback” Act (18 U.S.C. 874 and 40 U.S.C. 276c) —All contracts and subawards in excess of \$2,000 for construction or repair awarded by recipients and subrecipients must include a provision for compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient must report all suspected or reported violations to the responsible DOE contracting officer.

3. Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333) —Where applicable, all contracts awarded by recipients in excess of \$100,000 for construction and other purposes that involve the employment of mechanics or laborers must include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor is required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic is required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

4. Rights to Inventions and Data Made Under a Contract or Agreement —Contracts or agreements for the performance of experimental, development, or research work must provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 10 CFR 600.325 and Appendix A—Patent and Data Rights to Subpart D, Part 600.

5. Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended —Contracts and subawards of amounts in excess of \$100,000 must contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (41 U.S.C. 7401 et seq. ) and the Federal Water Pollution control act as amended (33 U.S.C. 1251 et seq. ).

Violations must be reported to the responsible DOE contracting officer and the Regional Office of the Environmental Protection Agency (EPA).

6. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)— Contractors who apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C.1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

7. Debarment and Suspension (E.O.s 12549 and 12689)— Contract awards that exceed the simplified acquisition threshold and certain other contract awards must not be made to parties listed on nonprocurement portion of the General Services Administration's Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs in accordance with E.O.s 12549 (3 CFR, 1986 Comp., p. 189) and 12689 (3 CFR, 1989 Comp., p. 235), "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold must provide the required certification regarding its exclusion status and that of its principals.

8. Davis-Bacon Act (40 U.S.C. 276a)— As a general rule, it is unlikely that the Davis-Bacon Act, which among other things requires payment of prevailing wages on projects for the construction of public works, would apply to financial assistance awards. However, the presence of certain factors ( e.g., requirement of particular program statues; title to a construction facility resting in the Government) might necessitate a closer analysis of the award, to determine if the Davis-Bacon Act would apply in the particular factual situation presented.

**NATIONAL POLICY ASSURANCES  
TO BE INCLUDED AS AWARD TERMS**

**1. Nondiscrimination -**

By signing or accepting funds under the agreement, the recipient agrees that it will comply with applicable provisions of the following national policies prohibiting discrimination:

	Applies to:	Required by:	Additional Requirements:
Discrimination on the basis of race, color, or national origin	Grants, cooperative agreements, and subawards (10 C.F.R. § 600.3)	10 C.F.R. Part 600, App. A; 10 C.F.R. Part 1040; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d <i>et seq.</i>	Requirements flow down to subawards (10 C.F.R. §§ 1040.83 & 89-2)
Discrimination on the basis of race, color, religion, sex, or national origin against any person employed by or seeking employment with Government contractors or contractors performing under Federally assisted construction contracts	Grants, cooperative agreements, and any award defined at 41 C.F.R. § 60-1.3 as a “Federally assisted construction contract”	10 C.F.R. Part 600, App. A; Part III of Exec. Order No. 11,246, 30 Fed. Reg. 12,319, 12,935 (Sept. 24, 1965) (“Equal Employment Opportunity”)	Requirements flow down to subawards (10 C.F.R. §§ 1040.83 & 89-2)

<p>Discrimination on the basis of sex or blindness</p>	<p>Federal financial assistance (10 C.F.R. §§ 1040.2 &amp; 1040.3)</p>	<p>10 C.F.R. Parts 1040-1042; Section 401 of the Energy Reorganization Act of 1974, 42 U.S.C. § 5891; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681-1688</p>	<p>Requirements flow down to subawards (10 C.F.R. §§ 1040.83 &amp; 89-2)</p>
<p>Discrimination on the basis of age</p>	<p>Federal financial assistance (10 C.F.R. §§ 1040.2 &amp; 1040.3)</p>	<p>10 C.F.R. Part 1040; Age Discrimination Act of 1975, 42 U.S.C. § 6101 <i>et seq.</i></p>	<p>Requirements flow down to subawards (10 C.F.R. §§ 1040.83 &amp; 89-2)</p>
<p>Discrimination on the basis of disability or handicap</p>	<p>Grants, entitlements, loans, cooperative agreements, contracts (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the agency provides or otherwise makes available assistance through funds, property, or services of Federal personnel (28 C.F.R. § 41.3)</p>	<p>10 C.F.R. §§ 1040-1041; Section 504 of the 1973 Rehabilitation Act, 29 U.S.C. § 794</p>	<p>Requirements flow down to subawards (10 C.F.R. §§ 1040.83 &amp; 89-2)</p>

Failure to provide handicap access in the construction or alteration of buildings or facilities, except those restricted to use only by able-bodied uniformed personnel)	Grants, cooperative agreements, and subawards (10 C.F.R. § 600.3)	10 C.F.R. Part 600, App'x A; Architectural Barriers Act of 1968, 42 U.S.C. § 4151 <i>et seq.</i>	Requirements flow down to subawards (10 C.F.R. §§ 1040.83 & 89-2)
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**2. Live Organisms** - By signing and/or accepting funds under the DOE funding agreement, the recipient agrees that it will comply with applicable provisions of the following national policies concerning live organisms.

	Applies to:	Required by:	Additional Requirements:
Protection of the rights and welfare of individuals who serve as human test subjects	Any research that is conducted or supported by a Federal department or agency (10 C.F.R. § 745.101)	10 C.F.R. Part 745; 10 C.F.R. Part 600, App. A	Requirements flow down to subawards (10 C.F.R. § 745.101)
Provision of fair and equitable relocation to persons displaced from their homes, businesses, or farms by Federally funded or assisted programs	Grants, loans, or contributions provided by the United States, except any Federal guarantees or insurance, any interest reduction payments to an individual in connection with the purchase and occupancy of a residence by that individual, and any annual payments or capital loans to the District of Columbia (42 U.S.C. § 4601(4))	10 C.F.R. Part 600, App. A; Uniform Relocation Assistance and Land Acquisition Policies Act, 42 U.S.C. § 4601 <i>et seq.</i> ; 49 C.F.R. Part 24	Requirements flow down to subawards (10 C.F.R. § 600.2)



Prohibition on trafficking in persons	Grants, contracts, and cooperative agreements (22 U.S.C. § 7104(g))	Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7101 <i>et seq.</i> ( <i>see particularly</i> § 7104(g)); 2 C.F.R. Part 175	Requirements flow down to subawards (2 C.F.R. § 175.15)
Humane transportation, handling, care, and treatment of animals used in research experiments or testing	Grants, cooperative agreements, and subawards (10 C.F.R. § 600.3)	10 C.F.R. Part 600, App'x A; 10 C.F.R. § 602.10(c)	Requirements flow down to subawards (10 C.F.R. § 600.2)

**3. Environmental Standards** - By signing and/or accepting funds under the DOE funding agreement, the recipient agrees that activities under the funding agreement will be conducted in accordance with the following environmental laws and regulations:

	Applies to:	Required by:	Additional Requirements:
The Clean Water Act	Entities that enter into agreements of any type	10 C.F.R. Part 600, App. A; Federal Water Pollution Control Act ("Clean Water Act"), 33 U.S.C. § 1251 <i>et seq.</i> ; 33 U.S.C. § 1368; Exec. Order No. 11,738, 38 Fed. Reg. 25,161 (Sept. 10, 1973)	Requirements flow down to subawards
The Clean Air Act	Entities that enter into agreements of any type with the Federal government	10 C.F.R. Part 600, App'x A; Air Pollution Control Act ("Clean Air Act"), 42 U.S.C. § 7401 <i>et seq.</i>	Requirements flow down to subawards

The Resource Conservation and Recovery Act (RCRA)	State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal awards or other Federal funds (10 C.F.R. § 600.116)	10 C.F.R. §§ 600.116 and 600.149; Resource Conservation and Recovery Act, 42 U.S.C. § 6901 <i>et seq.</i> (see particularly § 6962)	Recipients' procurements must comply with the requirements of RCRA (10 C.F.R. § 600.149)
The Lead-Based Paint Poisoning Prevention Act	Grants, cooperative agreements, and subawards (10 C.F.R. 600.3)	10 C.F.R. Part 600, App. A; Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. § 4831(b)	Requirements flow down to subawards (10 C.F.R. § 600.2)

**4. Potential Environmental Impacts** - By signing and/or accepting funds under the DOE funding agreement, the recipient agrees that it will immediately notify the awarding agency any potential impacts that activities conducted under the funding agreement may have on the following areas and resources:

	Applies to:	Required by:	Additional Requirements:
The quality of the human environment	Competitive and limited-source procurements, awards of financial assistance by a competitive process, and joint ventures entered into as a result of competitive solicitations (10 C.F.R. § 1021.216(a))	10 C.F.R. Part 600, App. A; 10 C.F.R. Part 1021; National Environmental Policy Act, 42 U.S.C. § 4321 <i>et seq.</i>	NEPA review covers subrecipient activities

Flood-prone areas and wetlands	Any agreement, the purpose of which is to carry out an agency “action” as that word is defined in 10 C.F.R. § 1022.4	10 C.F.R. Part 600, App’x A; Protection of Wetlands and Floodplains, 10 C.F.R. Part 1022; Flood Disaster Protection Act of 1973, 42 U.S.C. § 4001 <i>et seq.</i>	Requirements flow down to subawards (10 C.F.R. § 600.2)
The use of land and water resources in coastal zones	Any “Federal Agency Activity” (as defined at 15 C.F.R. § 930.31(a)) that may affect any coastal resource of States with approved coastal management programs. (15 C.F.R. § 930.33). Per 10 C.F.R. Part 600, this applies to grants, cooperative agreements, and subawards. (10 C.F.R. § 600.3).	10 C.F.R. Part 600, App’x A; Coastal Zone Management Act, 16 U.S.C. § 1451 <i>et seq.</i> ; 15 C.F.R. Part 930	Requirements flow down to subawards (10 C.F.R. § 600.2)
Existing or proposed components of the national Wild and Scenic Rivers System	Grants, cooperative agreements, and subawards (10 C.F.R. 600.3)	10 C.F.R. Part 600, App’x A; Wild and Scenic Rivers Act, 16 U.S.C. § 1271 <i>et seq.</i>	Requirements flow down to subawards (10 C.F.R. § 600.2)
Barriers along the Atlantic and Gulf Coast and Great Lake shores	Cooperative agreements, loans, grants, guaranties, insurance, payments, rebates, subsidies, or any other form of direct or indirect financial assistance except for payments or actions provided in 16 U.S.C. § 3502(3)(A)-(D)	Coastal Barriers Resource Act, 16 U.S.C. § 3501 <i>et seq.</i>	Requirements flow down to subawards (16 U.S.C. § 3502)

Underground drinking water	Any commitment of Federal financial assistance, whether it be through grant, contract, loan guarantee or otherwise (42 U.S.C. § 300h-3(e))	Safe Drinking Water Act, 42 U.S.C. § 300h-3(e)	
Streams and natural bodies of water that house fish and wildlife	Grants, cooperative agreements, and subawards (10 C.F.R. 600.3)	10 C.F.R. Part 600, App. A; Fish and Wildlife Coordination Act, 16 U.S.C. § 661 <i>et seq.</i>	Requirements are generally applicable to both prime recipients and subrecipients
Significant pre-historical, historical, or archeological data that is potentially subject to irreparable loss or destruction	Grants, cooperative agreements, and other financial assistance (10 C.F.R. Part 600, App. A)	10 C.F.R. Part 600, App'x A; National Historic Preservation Act of 1966, 16 U.S.C. § 470f (regarding grant administration); Archeological and Historic Preservation Act of 1966, 16 U.S.C. § 469 <i>et seq.</i> ; Exec. Order No. 11,593, 36 Fed. Reg. 8,921 (May 13, 1971); Protection of Historic and Cultural Properties, 36 C.F.R. Part 800	Requirements are generally applicable to both prime recipients and subrecipients

**5. Lobbying Prohibitions** - By signing and/or accepting funds under the DOE funding agreement, the recipient agrees that activities under the funding agreement will be conducted in accordance with the following lobbying laws, regulations, and policies:

	Applies to:	Required by:	Additional Requirements:
Prohibition on political activity of state and local employees whose employment is connected to and financed with Federal funds, including but not limited to running in partisan elections, use of official authority to affect the results of an election, or coercing a state or local employee for political purposes	Grants, cooperative agreements, and subawards (10 C.F.R. 600.3)	10 C.F.R. Part 600, App'x A; An Act to Prevent Pernicious Political Activities ("Hatch Act" of 1939), 5 U.S.C. §§ 1501-1508, 7324-7326	Requirements flow down to subawards (10 C.F.R. § 600.2)
Prohibition on the recipient of a Federal contract, grant, loan, or cooperative agreement expending Federal funds appropriated by any Act in order to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action	Grants, contracts, loans, or cooperative agreements (10 C.F.R. § 601.100)	10 C.F.R. Part 601; 31 U.S.C. § 1352	31 U.S.C. § 1352 requires the grantee to include certification language in the award documents for all subawards, including subcontracts, under grants, loans, and cooperative agreements and that all subrecipients shall certify and disclose accordingly

Prohibition on lobbying by nonprofit organizations, as defined in 26 U.S.C. § 501(c)(4)	Federal funds constituting an award, grant, or loan (2 U.S.C. § 1611)	Lobbying Disclosure Act of 1995, 2 U.S.C. § 1601 <i>et seq.</i> (see particularly § 1611)	
Prohibition on any member of Congress being party to, or benefiting from the funding agreement	Any contract or agreement with the Federal Government (41 U.S.C. § 6306)	41 U.S.C. § 6306	

**6. Health and Safety** - By signing and/or accepting funds under the DOE funding agreement, the recipient agrees that activities under the funding agreement will be conducted in accordance with the following health and safety laws, regulations, policies, and requirements:

	Applies to:	Required by:	Additional Requirements:
Occupational Safety and Health Administration standards for laboratories engaged in the use of hazardous chemicals	Any employer engaged in the laboratory use of hazardous chemicals, as defined in 29 C.F.R. § 1910.1450	29 C.F.R. § 1910.1450	
The Public Health Service Act	Grants, cooperative agreements, and other financial assistance (10 C.F.R. Part 600, App. A)	10 C.F.R. Part 600, App'x A; Title XIV, Public Health Service Act, 42 U.S.C. § 300f <i>et seq.</i>	Requirements flow down to subawards (10 C.F.R. § 600.2)
Persons transporting or distributing approved new drugs to clinical investigators across state lines are required to submit a marketing application to the Food and Drug Administration	Any person introducing or delivering for introduction into interstate commerce any new drug	10 C.F.R. § 35.7; Investigational New Drug Application, Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 <i>et seq.</i> (see particularly § 355)	

Provision of drug education and training, drug testing, employee assistance, and removal, discipline, treatment, and rehabilitation of any employees using drugs and DOE notification of drug-related actions taken	Grants, cooperative agreements, and subawards (10 C.F.R. 600.3)	10 C.F.R. Part 600, App'x A; Drug Abuse Office and Treatment Act, 42 U.S.C. § 290dd; Comprehensive Alcohol Abuse and Alcoholism Prevent, Treatment and Rehabilitation Act of 1970, 42 U.S.C. § 290dd-1	Requirements flow down to subawards (10 C.F.R. § 600.2)
Safe handling and transport of etiological agents	Entities or persons engaging in the packaging, pre-transportation, or transportation of etiological agents (49 C.F.R. § 171.1)	49 U.S.C. § 5101 <i>et. seq.</i> ; 49 C.F.R. §§ 171-180	
Federal labor standards for construction, including a standard workweek	Contracts by, with, funded in part by, or on behalf of the Federal government (40 U.S.C. § 3701)	Construction Work Hours and Safety Standards Act, 40 U.S.C. § 3701 <i>et seq.</i>	Requirements flow down to subawards (40 U.S.C. § 3701(b)(1)(B)(iii))
Safe handling of recombinant DNA and transgenic materials	Grants, cooperative agreements, and subawards (10 C.F.R. § 600.3)	10 C.F.R. § 602.10(b); NIH Guidelines for Research Involving Recombinant DNA Molecules	Requirements flow down to subawards (10 C.F.R. § 600.2)
Prohibition on text messaging while driving a Government-owned vehicle	Procurement contracts, grants, and cooperative agreements, and other grants to the extent authorized by applicable statutory authority, entered into after October 1, 2009 (Exec. Order No. 13,513)	Exec. Order No. 13,513; 74 Fed. Reg. 51,225 (Oct. 1, 2009) ("Federal Leadership on Reducing Text Messaging While Driving")	

**7. National Security** - By signing and/or accepting funds under the DOE funding agreement, the recipient agrees that it will comply with the following national security laws, regulations, policies, and requirements:

	Applies to:	Required by:	Additional Requirements:
Cooperation with the Government in blocking and prohibiting transactions with persons who commit, threaten to commit, or support terrorism	Entities who assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of terrorists or terrorist actions	Exec. Order No. 13,224; 66 Fed. Reg. 49,079 (Sept. 23, 2001) ("Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism")	
Use of a uniform system for classifying, safeguarding, and declassifying national security information	Government employees, contractors, licensees, and grantees (32 C.F.R. § 2001.1)	Exec. Order No. 13,526; 75 Fed. Reg. 707 (Dec. 29, 2009) ("Classified National Security Information"), as implemented by 32 C.F.R. Parts 2001 & 2003	
Registration with the Center for Disease Control or U.S. Department of Agriculture before using select agents and toxins for research or storage	Research with or storage of select agents and toxins	7 C.F.R. Part 331; 9 C.F.R. Part 121; 42 C.F.R. Part 73	

**8. Domestic Preference** - By signing and/or accepting funds under the DOE funding agreement, the recipient agrees that activities under the funding agreement will be conducted in accordance with the following domestic preference laws, regulations, and policies:

	Applies to:	Required by:	Additional Requirements:
At least fifty (50) percent of equipment, materials, or commodities procured and transferred by ocean vessel must be transported on privately owned U.S. commercial vessels	Grants, cooperative agreements, and subawards (10 C.F.R. 600.3)	10 C.F.R. Part 600, App'x A; Cargo Preference Act, 46 U.S.C. § 55305; 46 C.F.R. § 381.7	Requirements flow down to subawards (46 C.F.R. § 381.7)



Air transport of people or property involving a country other than the United States must be performed by a U.S. carrier or under a cost-sharing arrangement with a U.S. flag carrier	Grants, cooperative agreements, and subawards (10 C.F.R. 600.3)	10 C.F.R. Part 600, App'x A; International Air Transportation Fair Competitive Practices Act ("Fly America Act"), 49 U.S.C. § 40118	Requirements flow down to subawards (49 U.S.C. § 40118(a)(1)(A))
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**9. Project Management** - By signing and/or accepting funds under the DOE funding agreement, the recipient agrees that activities under the funding agreement will be conducted in accordance with the following project management laws, regulations, and policies:

	Applies to:	Required by:	Additional Requirements:
The U.S. Government may recover for damage, loss, or destruction of Government property through negligence or wrongful acts	Grants, cooperative agreements, and subawards (10 C.F.R. 600.3)	10 C.F.R. Part 600, App'x A; 31 U.S.C. § 3711	Requirements flow down to subawards (10 C.F.R. § 600.2)
Audit of project to ensure that recipient funds are expended properly by non-Federal entities	Grants, cooperative agreements, and subawards (10 C.F.R. 600.3)	10 C.F.R. Part 600, App'x A; Single Audit Act, 31 U.S.C. § 7501 <i>et seq.</i>	Requirements flow down to subawards (10 C.F.R. § 600.2)
Prohibition on research misconduct	Grants, cooperative agreements, and subawards (10 C.F.R. § 600.3)	10 C.F.R. § 600.31; 10 C.F.R. Part 733	Requirements flow down to subawards (10 C.F.R. § 600.2)

<p>Exclusion of any person or company who is debarred or suspended based on fraud, waste, or poor performance from Federal financial and nonfinancial assistance and benefits</p>	<p>Grants, cooperative agreements, and subawards (10 C.F.R. § 600.3)</p>	<p>10 C.F.R. §§ 600.25 &amp; 600.113; 2 C.F.R. Parts 180 &amp; 901 (<i>see particularly</i> Subpart C “Responsibilities of Participants” within each section)</p>	<p>Requirements flow down to subawards (10 C.F.R. § 600.2)</p>
<p>Prime recipients must register with the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) and report to FSRS the names and total compensation of each of the prime recipient’s five most highly compensated executives and the names and total compensation of each subrecipient’s five most highly compensated executives</p>	<p>Grants, cooperative agreements, loans, and other forms of Federal financial assistance subject to the Federal Funding Accountability and Transparency Act, as defined at 2 C.F.R. 170.320 (2 C.F.R. § 170.105)</p>	<p>31 U.S.C. § 6101 note); 2 C.F.R. Part 170</p>	
<p>The Paperwork Reduction Act</p>	<p>Grants, cooperative agreements, and subawards (10 C.F.R. 600.3)</p>	<p>10 C.F.R. Part 600, App’x A; Paperwork Reduction Act, 44 U.S.C. § 3501 <i>et seq.</i></p>	<p>Requirements flow down to subawards (10 C.F.R. § 600.2)</p>

<p>Prohibition on knowingly presenting, or causing the presentation of, a false or fraudulent claim for payment or approval to an officer or employee of the U.S. Government</p>	<p>Any person (as defined at 10 C.F.R. § 1013.2) who makes a false or fraudulent claim (as that term is defined at 10 C.F.R. § 1013.2) for payment or approval to an officer or employee of the U.S. Government</p>	<p>10 C.F.R. § 1013; Civil False Claims Act, 31 U.S.C. § 3729(a); Criminal False Claims Act, 18 U.S.C. § 287; 18 U.S.C. § 1001; False Claims Act, 31 U.S.C. §§ 3729-33; Program Fraud and Civil Remedies Act, 31 U.S.C. § 3801 <i>et seq.</i></p>	
<p>Registration of recipients for a DUNS number</p>	<p>Grants, cooperative agreements, loans, loan guarantees, subsidies, insurance, food commodities, direct appropriations, assessed or voluntary contributions, or any other financial assistance transaction that authorizes the non-Federal entity's expenditure of Federal funds, excluding technical assistance (i.e., services) or transfers of title in lieu of money (2 C.F.R. § 25.305)</p>	<p>2 C.F.R. Part 25</p>	<p>Requirements flow down to subawards (2 C.F.R. § 25.110)</p>

**10. Education and Culture**- By signing and/or accepting funds under the DOE funding agreement, the recipient agrees that it will comply with the following educational and cultural laws, regulations, and policies

	Applies to:	Required by:	Additional Requirements:
Return of Native American cultural items to their respective peoples	Any grant, loan, contract (other than a procurement contract), or other arrangement by which a Federal agency makes or made available to a museum aid in the form of funds (43 C.F.R. § 10.2(a)(3)(iii))	Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 <i>et seq.</i> ; 43 C.F.R. Part 10	
Preferences and opportunities for Indians for training and employment for Federal contracts or grants that benefit Indians or Indian organizations	Any contract, subcontract, grant, or agreement with or grants to Indian organizations or for the benefit of Indians (25 U.S.C. § 450e(b))	10 C.F.R. Part 600, App'x A; Indian Self-Determination and Education Act, 25 U.S.C. § 450 <i>et seq.</i> ( <i>see particularly § 450e(b)</i> )	Requirements flow down to subawards (25 U.S.C. § 450e)

**11. Additional Policies** - By signing and/or accepting funds under the DOE funding agreement, the recipient agrees that it will make a good faith effort to comply with the following policies:

	Applies to:	Required by:	Additional Requirements:
Ensure that women-owned businesses have the maximum practicable opportunity to participate in contracts awarded by any Federal agency	Grants, cooperative agreements, and subawards (10 C.F.R. 600.3)	10 C.F.R. Part 600, App'x A; Exec. Order No. 12,138, 44 Fed. Reg. 29,637 (May 18, 1979) ("Creating a National Women's Business Enterprise Policy and Prescribing Arrangements for Developing, Coordinating and Implementing a National Program for Women's Business Enterprise")	Requirements flow down to subawards (10 C.F.R. § 600.2)
Use of the metric system	Grants, cooperative agreements, and subawards (10 C.F.R. § 600.3)	10 C.F.R. § 600.306; Metric Conversion Act of 1975, 15 U.S.C. § 205a <i>et seq.</i> ; Exec. Order No. 12,770, 56 Fed. Reg. 35,801 (July 29, 1991) ("Metric Usage in Federal Government Programs")	Requirements flow down to subawards (10 C.F.R. § 600.2)
Prohibition on the use, possession, sale, distribution, or manufacture of illegal drugs in the workplace	Grants and cooperative agreements (2 C.F.R. § 902.10); TIAs (2 CFR § 902.605)	Drug-Free Workplace Act, 41 U.S.C. § 8101 <i>et seq.</i> ; 2 C.F.R. Part 182 & 902	

# Attachment B – Louisiana Revolving Loan Fund Program Reporting Forms

# Louisiana Revolving Loan Fund Program Reporting Form

For the month of \_\_\_\_\_

Borrower Name:

Project Title:

1. Describe any activities undertaken for your projects during the current reporting period:

2. How many hours did you spend working on your project during the current reporting period?

Hours funded by your loan<sup>1</sup>:

Hours not funded by your loan<sup>2</sup>:

<sup>1</sup> Please insert only those hours that are funded with Revolving loan dollars, and for which you plan to submit a drawdown request

<sup>2</sup> Please insert other hours that were paid for with Borrower funds or in-kind labor.

3. Describe any actual or anticipated problems that are delaying implementation of your project?

4. What do you expect to accomplish during the following reporting period?

5. Have any of the following project metrics been realized?

Annual Energy Savings (kWh):

Retrofitted Building Count:

Retrofitted Square Footage:

# Louisiana Revolving Loan Fund Program Reporting Form

For the \_\_\_\_\_ quarter of \_\_\_\_\_

Borrower Name:

Project Title:

1. Describe any activities undertaken for your projects during the current reporting period:

2. How many hours did you spend working on your project during the current reporting period?

Hours funded by your loan<sup>1</sup>:

Hours not funded by your loan<sup>2</sup>:

<sup>1</sup> Please insert only those hours that are funded with Revolving loan dollars, and for which you plan to submit a drawdown request

<sup>2</sup> Please insert other hours that were paid for with Borrower funds or in-kind labor.

3. Describe any actual or anticipated problems that are delaying implementation of your project?

4. What do you expect to accomplish during the following reporting period?

5. Have any of the following project metrics been realized?

Annual Energy Savings (kWh):

Retrofitted Building Count:

Retrofitted Square Footage:



# Attachment C – Davis Bacon Certified Payroll & Instructions

**PAYROLL**

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))



Rev. Dec. 2008

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

OMB No.: 1235-0008  
Expires: 01/31/2015

NAME OF CONTRACTOR	OR SUBCONTRACTOR	ADDRESS	OMB No.: 1235-0008 Expires: 01/31/2015
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PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACT NO.
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(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK
				HOURS WORKED EACH DAY										FICA	WITH- HOLDING TAX	OTHER	TOTAL DEDUCTIONS		
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

**Public Burden Statement**

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

Date \_\_\_\_\_

I, \_\_\_\_\_ (Name of Signatory Party) \_\_\_\_\_ (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

\_\_\_\_\_ on the  
(Contractor or Subcontractor)  
\_\_\_\_\_;  
(Building or Work)  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and ending the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

\_\_\_\_\_ from the full  
(Contractor or Subcontractor)  
weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

— in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

— Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

## Instructions for Completing Payroll Form, WH-347

<http://www.dol.gov/whd/forms/wh347.pdf> (PDF)

OMB Control No. 1235-0008, Expires 01/31/2015.

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**General:** Form WH-347 has been made available for the convenience of contractors and subcontractors required by their Federal or Federally-aided construction-type contracts and subcontracts to submit weekly payrolls. Properly filled out, this form will satisfy the requirements of Regulations, Parts 3 and 5 (29 C.F.R., Subtitle A), as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts.

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) requires contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) Regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Under the Davis-Bacon and related Acts, the contractor is required to pay not less than prevailing wage, including fringe benefits, as predetermined by the Department of Labor. The contractor's obligation to pay fringe benefits may be met either by payment of the fringe benefits to bona fide benefit plans, funds or programs or by making payments to the covered workers (laborers and mechanics) as cash in lieu of fringe benefits.

This payroll provides for the contractor to show on the face of the payroll all monies to each worker, whether as basic rates or as cash in lieu of fringe benefits, and provides for the contractor's representation in the statement of compliance on the payroll (as shown on page 2) that he/she is paying for fringe benefits required by the contract and not paid as cash in lieu of fringe benefits. Detailed instructions concerning the preparation of the payroll follow:

**Contractor or Subcontractor:** Fill in your firm's name and check appropriate box.

**Address:** Fill in your firm's address.

**Payroll No.:** Beginning with the number "1", list the payroll number for the submission.

**For Week Ending:** List the workweek ending date.

**Project and Location:** Self-explanatory.

**Project or Contract No.:** Self-explanatory.

**Column 1 - Name and Individual Identifying Number of Worker:** Enter each worker's full name and an individual identifying number (e.g., last four digits of worker's social security number) on each weekly payroll submitted.

**Column 2 - No. of Withholding Exemptions:** This column is merely inserted for the employer's convenience and is not a requirement of Regulations, Part 3 and 5.

**Column 3 - Work Classifications:** List classification descriptive of work actually performed by each laborer or mechanic. Consult classification and minimum wage schedule set forth in contract specifications. If additional classifications are deemed necessary, see Contracting Officer or Agency representative. An individual may be shown as having worked in more than one classification provided an accurate breakdown or hours worked in each classification is maintained and shown on the submitted payroll by use of separate entries.

**Column 4 - Hours worked:** List the day and date and straight time and overtime hours worked in the applicable boxes. On all contracts subject to the Contract Work Hours Standard Act, enter hours worked in excess of 40 hours a week as "overtime".

**Column 5 - Total:** Self-explanatory

**Column 6 - Rate of Pay (Including Fringe Benefits):** In the "straight time" box for each worker, list the actual hourly rate paid for straight time worked, plus cash paid in lieu of fringe benefits paid. When recording the straight time hourly rate, any cash paid in lieu of fringe benefits may be shown separately from the basic rate. For example, "\$12.25/.40" would reflect a \$12.25 base hourly rate plus \$0.40 for fringe benefits. This is of assistance in correctly computing overtime. See "Fringe Benefits" below. When overtime is worked, show the overtime hourly rate paid plus any cash in lieu of fringe benefits paid in the "overtime" box for each worker; otherwise, you may skip this box. See "Fringe Benefits" below. Payment of not less than time and one-half the basic or regular rate paid is required for overtime under the Contract Work Hours Standard Act of 1962 if the prime contract exceeds \$100,000. In addition to paying no less than the predetermined rate for the classification which an individual works, the contractor must pay amounts predetermined as fringe benefits in the wage decision made part of the contract to approved fringe benefit plans, funds or programs or shall pay as cash in lieu of fringe benefits. See "FRINGE BENEFITS" below.

**Column 7 - Gross Amount Earned:** Enter gross amount earned on this project. If part of a worker's weekly wage was earned on projects other than the project described on this payroll, enter in column 7 first the amount earned on the Federal or Federally assisted project and then the gross amount earned during the week on all projects, thus "\$163.00/\$420.00" would reflect the earnings of a worker who earned \$163.00 on a Federally assisted construction project during a week in which \$420.00 was earned on all work.

**Column 8 - Deductions:** Five columns are provided for showing deductions made. If more than five deductions are involved, use the first four columns and show the balance deductions under "Other" column; show actual total under "Total Deductions" column; and in the attachment to the payroll describe the deduction(s) contained in the "Other" column. All deductions must be in accordance with the provisions of the Copeland Act Regulations, 29 C.F.R., Part 3. If an individual worked on other jobs

in addition to this project, show actual deductions from his/her weekly gross wage, and indicate that deductions are based on his gross wages.

**Column 9 - Net Wages Paid for Week:** Self-explanatory.

**Totals** - Space has been left at the bottom of the columns so that totals may be shown if the contractor so desires.

**Statement Required by Regulations, Parts 3 and 5:** While the "statement of compliance" need not be notarized, the statement (on page 2 of the payroll form) is subject to the penalties provided by 18 U.S.C. § 1001, namely, a fine, possible imprisonment of not more than 5 years, or both. Accordingly, the party signing this statement should have knowledge of the facts represented as true.

**Items 1 and 2:** Space has been provided between items (1) and (2) of the statement for describing any deductions made. If all deductions made are adequately described in the "Deductions" column above, state "*See Deductions column in this payroll.*" *See "FRINGE BENEFITS"* below for instructions concerning filling out paragraph 4 of the statement.

**Item 4 FRINGE BENEFITS - Contractors who pay all required fringe benefits:** If paying all fringe benefits to approved plans, funds, or programs in amounts not less than were determined in the applicable wage decision of the Secretary of Labor, show the basic cash hourly rate and overtime rate paid to each worker on the face of the payroll and check paragraph 4(a) of the statement on page 2 of the WH-347 payroll form to indicate the payment. Note any exceptions in section 4(c).

**Contractors who pay no fringe benefits:** If not paying all fringe benefits to approved plans, funds, or programs in amounts of at least those that were determined in the applicable wage decision of the Secretary of Labor, pay any remaining fringe benefit amount to each laborer and mechanic and insert in the "straight time" of the "Rate of Pay" column of the payroll an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the application wage decision. Inasmuch as it is not necessary to pay time and a half on cash paid in lieu of fringe benefits, the overtime rate shall be not less than the sum of the basic predetermined rate, plus the half time premium on basic or regular rate, plus the required cash in lieu of fringe benefits at the straight time rate. In addition, check paragraph 4(b) of the statement on page 2 the payroll form to indicate the payment of fringe benefits in cash directly to the workers. Note any exceptions in section 4(c).

### **Use of Section 4(c), Exceptions**

Any contractor who is making payment to approved plans, funds, or programs in amounts less than the wage determination requires is obliged to pay the deficiency directly to the covered worker as cash in lieu of fringe benefits. Enter any exceptions to section 4(a) or 4(b) in section 4(c). Enter in the Exception column the craft, and enter in the Explanation column the hourly amount paid each worker as cash in lieu of fringe benefits and the hourly amount paid to plans, funds, or programs as fringe benefits. The contractor must pay an amount not less than the predetermined rate plus cash in lieu of fringe benefits as shown in section 4(c) to each such individual for all hours worked (unless otherwise provided by applicable wage determination) on the Federal or Federally assisted project. Enter the rate paid and amount of cash paid in lieu of

fringe benefits per hour in column 6 on the payroll. See paragraph on "Contractors who pay no fringe benefits" for computation of overtime rate.

**Public Burden Statement:** We estimate that it will take an average of 55 minutes to complete this collection of information, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**Note:** In order to view, fill out, and print PDF forms, you need Adobe® Acrobat® Reader® version 5 or later, which you may download for free at [www.adobe.com/products/acrobat/readstep2.html](http://www.adobe.com/products/acrobat/readstep2.html). To save the completed forms on your workstation, you need to use the "Save As" method to save the file. For example, move your mouse cursor over the PDF link and click on your "RIGHT" mouse button. This will cause a menu to be displayed, from which you will select the proper save option -- depending upon which browser you are using:

- For Microsoft IE users, select "Save Target As"
- For Netscape Navigator users, select "Save Link As"

Once you've selected the proper save option for your browser, and have saved the file to a location you specified, go to your program menu and start the Adobe Acrobat® Reader. Once open, locate the PDF file you saved and open it directly in Acrobat®.

# Attachment D – Davis Bacon Acknowledgement Form



Return form to: Louisiana Department of Natural Resources, Technical Assessment Division, P.O. Box 94396 Baton Rouge, Louisiana 70804-9396.

**Davis Bacon-Act:**

1. Have you determined that your project is exempt from the federal Davis-Bacon Act prevailing wage requirements?  
 Yes (please continue to question 2).  
 No (please continue to question 4).
  
2.  The proposed project is exempt from Davis-Bacon Act prevailing wage requirements because it falls within the following category or categories:  
  - All project activities will be performed by the governmental agency's own employees.
  - Project activities do not include work done on a public building or public work by laborers and mechanics employed by a construction contractor or construction subcontractor.
  - All project work will be performed by executive, administrative, and professional employees, such as legal counsel, financial advisors, supervisors, or employees undertaking any of the following activities: market surveys and marketing, tracking and reporting energy savings, conducting home energy ratings, energy audits, or building commissioning inspections.
  - Other, specify: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Have you confirmed your determination that Davis-Bacon Act prevailing wage requirements do not apply to your project with the United States Department of Labor (DOL)?  
 Yes (please attach any supporting documentation from DOL).  
 No (please attach any other documentation that supports your determination).
  
4. If Davis-Bacon Act prevailing wage requirements apply to individuals employed on your project, including individuals employed by subcontractors, then provide the name and contact information of the contact person who will be **responsible for submitting certified payroll information to the Louisiana Department of Natural Resources on a weekly basis for all such individuals**. It is the Subgrantee's responsibility to ensure that all certified payroll records are accurate, complete and submitted in a timely manner.

**Signature:** \_\_\_\_\_  
**Name of Contact Person:** \_\_\_\_\_  
**Title & Organization or Comp:** \_\_\_\_\_  
**City or Parish:** \_\_\_\_\_  
**Email and Phone: Subgrantee** \_\_\_\_\_  
**DUNS#:** \_\_\_\_\_

The following table, which will document and identify the job classifications of positions the Subgrantee intends to hire in support of its project, is based on DOL wage determinations. DOL Prevailing Wage Determinations are available at <http://www.wdol.gov/dba.aspx#0>

DOL Job Classification	Number of Individuals Employed in Classification	Tasks to be Performed	Wage Determination

The Louisiana Department of Natural Resources reserves the right to request additional information in order to clarify answers provided on this form.

**This form was completed by:**

City or Parish: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

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

**STATEMENT AND ACKNOWLEDGMENT**OMB No.: **9000-0014**  
Expires: 12/31/2017

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat, (VIR), Regulatory and Federal Assistance Division, GSA, Washington, DC 20405; and to the Office of Management and Budget, Paperwork Reduction Project (9000-0014), Washington, DC 20503.

**PART I - STATEMENT OF PRIME CONTRACTOR**

1. PRIME CONTRACT NO.		2. DATE SUBCONTRACT AWARDED		3. SUBCONTRACT NUMBER	
4. PRIME CONTRACTOR			5. SUBCONTRACTOR		
a. NAME			a. NAME		
b. STREET ADDRESS			b. STREET ADDRESS		
c. CITY		d. STATE	e. ZIP CODE	c. CITY	
6. The prime contract <input type="checkbox"/> does, <input type="checkbox"/> does not contain the clause entitled "Contract Work Hours and Safety Standards Act -- Overtime Compensation."					
7. The prime contractor states that under the contract shown in Item 1, a subcontract was awarded on the date shown in Item 2 to the subcontractor identified in item 5 by the following firm:					
a. NAME OF AWARING FIRM					

b. DESCRIPTION OF WORK BY SUBCONTRACTOR

8. PROJECT		9. LOCATION	
10a. NAME OF PERSON SIGNING		11. BY (Signature)	
10b. TITLE OF PERSON SIGNING		12. DATE SIGNED	

**PART II - ACKNOWLEDGMENT OF SUBCONTRACTOR**

13. The subcontractor acknowledges that the following clauses of the contract shown in Item 1 are included in this subcontract:

Contract Work Hours and Safety Standards Act - Overtime Compensation - (If included in prime contract see Block 6)	Davis-Bacon Act
Payrolls and Basic Records	Apprentices and Trainees
Withholding of Funds	Compliance with Copeland Act Requirements
Disputes Concerning Labor Standards	Subcontracts (Labor Standards)
Compliance with Davis-Bacon and Related Act Regulations	Contract Termination - Debarment
	Certification of Eligibility

14. NAME(S) OF ANY INTERMEDIATE SUBCONTRACTORS, IF ANY

A		C	
B		D	
15a. NAME OF PERSON SIGNING		16. BY (Signature)	
15b. TITLE OF PERSON SIGNING		17. DATE SIGNED	

## LABOR STANDARDS INTERVIEW

CONTRACT NUMBER				EMPLOYEE INFORMATION				
NAME OF PRIME CONTRACTOR				LAST NAME		FIRST NAME		MI
				STREET ADDRESS				
NAME OF EMPLOYER				CITY		STATE	ZIP CODE	
				SUPERVISOR'S NAME		WORK CLASSIFICATION		WAGE RATE
LAST NAME		FIRST NAME		MI				

ACTION	CHECK BELOW	
	YES	NO
Do you work over 8 hours per day?		
Do you work over 40 hours per week?		
Are you paid at least time and a half for overtime hours?		
Are you receiving any cash payments for fringe benefits required by the posted wage determination decision?		
WHAT DEDUCTIONS OTHER THAN TAXES AND SOCIAL SECURITY ARE MADE FROM YOUR PAY?		

HOW MANY HOURS DID YOU WORK ON YOUR LAST WORK DAY BEFORE THIS INTERVIEW?	TOOLS YOU USE	
DATE OF LAST WORK DAY BEFORE INTERVIEW (YYMMDD)		
DATE YOU BEGAN WORK ON THIS PROJECT (YYMMDD)		

THE ABOVE IS CORRECT TO THE BEST OF MY KNOWLEDGE

EMPLOYEE'S SIGNATURE			DATE (YYMMDD)
INTERVIEWER	SIGNATURE	TYPED OR PRINTED NAME	DATE (YYMMDD)

### INTERVIEWER'S COMMENTS

WORK EMPLOYEE WAS DOING WHEN INTERVIEWED	ACTION <i>(If explanation is needed, use comments section)</i>	YES	NO
	IS EMPLOYEE PROPERLY CLASSIFIED AND PAID?		
	ARE WAGE RATES AND POSTERS DISPLAYED?		

### FOR USE BY PAYROLL CHECKER

IS ABOVE INFORMATION IN AGREEMENT WITH PAYROLL DATA?

YES       NO

COMMENTS

CHECKER			
LAST NAME	FIRST NAME	MI	JOB TITLE
SIGNATURE			DATE (YYMMDD)

# Attachment E – EF-1 Environmental Questionnaire



**OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY  
ENVIRONMENTAL QUESTIONNAIRE**

(To be completed and e-mailed back to larlf@la.gov)

**SECTION I. PROJECT SUMMARY**

NEPA Control Number:	
Project Title:	
Prime Recipient:	
Other Participants (Subrecipients, Contractors, etc.):	
FOA Number:	
Award Number:	
DOE Technical Project Officer:	
DOE Grant Management Specialist (if known):	

**SECTION II. BACKGROUND AND INSTRUCTIONS**

Pursuant to the U.S. Department of Energy’s National Environmental Policy Act (NEPA) Implementing Regulations (10 CFR Part 1021), the Office of Energy Efficiency and Renewable Energy (EERE) is required to evaluate the potential environmental impact of projects that it is considering for funding. EERE must determine at the earliest possible time whether any proposed project will require further environmental review (i.e., an environmental assessment or an environmental impact statement) or whether the proposed project qualifies for a categorical exclusion under 10 CFR § 1021.410.

**You are required to answer the questions below for the project as a whole, including all work to be performed by the Prime Recipient and its Subrecipients and Contractors. You may not limit your responses to work performed by the Prime Recipient unless directed to by DOE.** In completing this questionnaire, you must provide specific information regarding the nature of your proposed action, including information on its size, operations, and the types and quantities of air emissions, wastewater discharges, solid wastes, land disturbances, etc. You should identify the location(s) of the proposed action and describe the activities that would occur at each location.

The form should be completed and signed by the Principal Investigator for the project, but may be completed and signed by another member of your organization who has sufficient knowledge of the project to answer the questions truthfully and accurately.

Failure to fully and adequately complete this form will slow EERE’s environmental review of your project. Please note that false statements or misrepresentations may result in civil and/or criminal penalties under 18 U.S.C. § 1001.

### SECTION III. PROJECT EVALUATION

1a. In the box below, please provide a brief summary of the proposed project. Please specify if this project is part of a larger project or connected to another project.

1b. Is there other federal government involvement outside of EERE in any aspect of this project (e.g., funding, permit approvals, technical assistance, project will occur on federally-administered lands)?

Yes  | No

*If you checked "Yes", please list the agency, describe the nature of its involvement and provide a point of contact at the agency, if known.*

*Explanation:*

**1c. Is the proposed project limited exclusively to intellectual, academic, or analytical activities?**

Intellectual, academic, and analytical activities include but are not limited to:

- Literature searches and information gathering
- Data analysis
- Computer modeling
- Analytical reviews
- Conceptual design
- Feasibility studies
- Document preparation
- Data dissemination
- Paper studies

*Answer “No” to this question if the proposed project involves any physical experiments, prototypes, pilot-scale projects, demonstration projects, field tests, land-disturbing activities, construction or similar activities.*

Yes  | No

*If you checked “Yes”, describe the proposed activities:*

*Explanation:*

***If you checked “Yes,” proceed directly to Section IV (Certification By Proposer) and complete the information and signatures as requested. If you checked “No,” you must complete the entire questionnaire.***



**2a. Is the project definition complete at this point (i.e., all sites and activities are known)?**

Yes  | No

*If you checked “Yes”, complete the remainder of the questionnaire. If you checked “No”, please describe those sites and/or activities/tasks that are yet to be defined and complete the remainder of the questionnaire to the best of your knowledge.*

*Explanation:*

**2b. In the chart below, please identify and describe the following five types of identifying information concerning project activities to be performed: (1) each location where work will be performed under the funding agreement, including address or coordinates, names of facilities, and whether this is the Prime Recipient, Subrecipient or Contractor location; (2) the nature of the location (e.g., urban, industrial, suburban, agricultural, university campus) and the current condition and/or use of the site; (3) the types of activities to be conducted at that location; (4) land administration (e.g., BLM, USFWS, DOD, state, private) and (5) the scale of each activity, by reference to the following categories:**

- **Small scale:** activities appropriately categorized as “lab” or “bench” scale, typically conducted in indoor facilities.
- **Pilot Plant:** downsized model of a fully integrated demonstration or commercial operation or facility that provides data to inform a final design of a larger facility.
- **Other:** activities that, by reason of their nature, scope, or duration, do not fall into one of the above two categories.

**Question 2b.**

<p><b>(1) List all Project Locations (Address or coordinates, Facility Name, Indicate Prime Recipient, Subrecipient or Contractor)</b></p>	<p><b>(2) Nature of Location and Current Condition/Use</b></p>	<p><b>(3) Activities to be Performed at each Location</b></p>	<p><b>(4) Land Administration</b></p>	<p><b>(5) Scale of Each Activity</b></p>
<p>Example: Smith Laboratory College Park, MD</p>	<p>Example: Dedicated University Laboratory Facility</p>	<p>Example: Activities will include fabrication and analysis of a gallium-nitrate battery apparatus. The GaN battery requires a specific nanoarchitecture that will be generated using computer equipment in the lab. Analysis requires various tests involving battery cycles and charge capacity.</p>	<p>Example: BLM, USFWS, DOD, state, private</p>	<p>Example: Small scale</p>

**2c. In the box below, please identify and describe: (1) any known or potential health and safety hazards to the public or project workers that may result from or are associated with your project; and (2) any efforts that will be taken to mitigate these hazards.**

Example: The project will involve the use and handling of various hazardous materials, including metals and industrial solvents. All such handling will occur in-lab, and our organization has dedicated hazardous material handling and disposal practices, so the project activities that involve these materials would pose no risk to the public. All hazardous materials would be managed in accordance with federal, state, and local environmental regulations.

Example: Existing corporate health and safety policies and procedures would be followed including employee training, proper protective equipment, engineering controls, monitoring, and internal assessments. Additional policies and procedures would be implemented as necessary as new health and safety risks are identified. This would help ensure compliance with applicable health and safety regulations, and minimize health and safety risks to employees and the public.

*Explanation:*

**2d. In the box below, please identify and describe: (1) any physical modification of existing facilities or construction of new facilities that will occur under the project; and (2) any change in the use, mission, or operation of existing facilities arising out of or resulting from work under the project.**

Example: To accommodate testing facilities necessary for the project, the current testing facility will have to be expanded by approximately 4,500 sq./ft.

Example: A room within our facility that has served as a dedicated wind tunnel will be modified to serve as an environmental test chamber. This will require the adaptation of the chamber's construction to partition off part of the room and seal it to allow generated environmental fluctuations within.

*Explanation:*

**2e. In the box below, please identify and describe any existing, modifications to, or new permits, licenses or authorizations that would be required to perform project activities (such as environmental permits, operating permits, or drilling permits).**

Example: The project will generate small amounts of effluent waste which will be discharged into the Potomac River, requiring our organization to secure the requisite discharge permit pursuant to state and federal regulations.

Example: The project activities will be conducted for the next three years; in that time, we will be required to replace our current solid waste disposal permit with an updated permit that may alter the nature of what and how we are permitted to dispose of solid waste.

Example: The project activities will take place in marine navigable waters and will require permits from the U.S. Coast Guard and the U.S. Army Corps of Engineers.

*Explanation:*

**2f. Please list the estimated quantities of materials used (e.g., feedstock, chemicals, water ) and produced by the project (e.g., biofuel).**

*Explanation:*

**3. Is the project near, around or involve any of the following environmentally sensitive resources?**

Please indicate below any and all environmentally sensitive resources that could be adversely affected by any project activities. (See Attachment 1 for select environmental sensitive resource descriptions).

- |   |  |
|---|--|
| <input type="checkbox"/> Historical, archeological or cultural resources (includes listed and eligible resources over 50 years old or of cultural significance) | <input type="checkbox"/> Populations of low income or minorities (Environmental Justice)   |
| <input type="checkbox"/> Threatened or endangered species (whether proposed or listed by state or federal governments), including their habitat                 | <input type="checkbox"/> Migratory birds, Golden or Bald Eagles  |
| <input type="checkbox"/> Marine mammals or essential fish habitat   | <input type="checkbox"/> Depletion of a non-renewable resource   |
| <input type="checkbox"/> Floodplains or wetlands  | <input type="checkbox"/> Areas having a special designation, (e.g., federal and state designated wilderness areas, national parks, national natural landmarks, wild and scenic rivers, state and federal wildlife refuges, and marine sanctuaries) |
| <input type="checkbox"/> Tribal lands or resources of Tribal interest/sensitivity   | <input type="checkbox"/> Prime farmland, unique farmland, or other farmland of statewide or local  |
| <input type="checkbox"/> Ocean resources (e.g., coral reefs)  | <input type="checkbox"/> Special sources of water (e.g., sole source aquifers)   |
| <input type="checkbox"/> Land resources (e.g., tundra, rainforests)   |  |
| <input type="checkbox"/> Coastal zones  |  |

*If you checked any boxes above, please provide a detailed description below of: (1) the resources that could be affected; and (2) how project activities may affect those resources.*

*Explanation:*

**4. Does the project involve any of the following activities or areas of concern?** Please indicate below any and all activities or areas of concern that exist in the vicinity of your project, are required for your project, or could affect your project. (See Attachment 1 for descriptions of each activity or area of concern).

- |   |   |
|---|---|
| <input type="checkbox"/> Clearing or excavation     | <input type="checkbox"/> Polychlorinated biphenyls (PCBs) |
| <input type="checkbox"/> Dredge and/or fill         | <input type="checkbox"/> Navigable air space              |
| <input type="checkbox"/> Pre-existing contamination | <input type="checkbox"/> Underground storage tanks        |
| <input type="checkbox"/> Pesticide use              | <input type="checkbox"/> Underground extraction/injection |
| <input type="checkbox"/> Asbestos                   |   |

*If you checked any boxes above, please provide a detailed description below of: (1) each activity or area of concern; and (2) the effects of each activity or area of concern on your project and/or the surrounding area.*

*Explanation:*

**5. Is there any public opposition, concern, uncertainty or scientific controversy concerning the environmental effects of any project activities?**

Yes  | No

*If you checked "Yes," please describe the nature of the uncertainty or controversy. Please note that uncertainty means that the potential environmental effects are not well known, and controversy means that effects are known but in dispute.*

*Explanation:*

**6. Would the proposed project use, result in, or require the management, storage, transport or disposal of radioactive, toxic, or hazardous chemicals, waste, or other materials that require special handling?**

Yes  | No

*If you checked "Yes," please provide a detailed description of: (1) the materials; (2) approximate quantity; (3) their role in the project; and (4) storage, transport, and disposal procedures for each material. Hazardous chemicals and materials include those which, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may increase the risk of mortality or pose a substantial threat to human health or the environment when improperly stored, transported, disposed of, or otherwise managed.*

*Explanation:*

**7. Please describe: (1) any and all solid wastes that will be generated by the project; (2) how they will be handled on site; and (3) the method of their disposal.**

It is presumed that every project will generate solid wastes, so applicants answering “none” must explain why no waste will be generated. Under federal law, “solid waste” includes any: (1) garbage; (2) refuse; (3) sludge from a waste treatment plan, water supply treatment plant, or air pollution control facility; or (4) other discarded material, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations. See 42 U.S.C. § 6903(27). Subject to regulatory exemptions and exclusions, “discarded materials” include those materials which are: (1) abandoned (i.e., disposed of, incinerated, or stored for later treatment); (2) recycled; or (3) inherently waste-like. See 40 CFR § 261.2(a)(2).

*Explanation:*

**8. Would the project involve the use or development of recombinant DNA or genetically engineered microorganisms, plants, animals, or similar technologies?**

Yes  | No

*If you checked “Yes,” please provide a detailed description of: (1) the genetic modifications; (2) the safety procedures in place for their handling and use over the course of the project; and (3) how they will be disposed of at the project’s conclusion.*

*Explanation:*



**9. Does the project involve the use of any nanoscale materials or nanotechnology?**

Yes  | No

*If you answered “Yes,” please describe: (1) the nanoscale materials used; (2) potential risks those materials may pose; and (3) how they will be disposed of.* Nanotechnology is defined as research and technology development at the atomic, molecular, or macromolecular levels using a length scale of approximately one to one hundred nanometers in any dimension; the creation and use of structures, devices and systems that have novel properties and functions because of their small size; and the ability to control or manipulate matter on an atomic scale.

*Explanation:*

**10. Please quantify, to the extent possible, all emissions into the ambient air resulting from project activities.** Potential emissions include, but are not limited to, greenhouse gas emissions, particulate matter and airborne pollutants. Sources of emissions can include stationary sources, such as boilers, process heaters, generators, solvent usage, etc. or mobile sources, such as vehicles. It is presumed that every project will result in some emissions being released into the ambient air, so applicants answering “none” must explain why no emissions will be released. Please indicate if the project site is within an attainment or non-attainment area. Non-attainment areas are designated parts of the country where air pollution levels persistently exceed the national ambient air quality standards. See [42 U.S.C. 7501\(2\)](#).

*Explanation:*

**11. Would the project involve activities or deployments into marine/freshwater aquatic environments?**

Yes  | No

*If you checked "Yes," please provide a detailed description of: (1) the activities or deployment; (2) where and when is this activity planned; and (3) what permit/authorizations have been or will be acquired for this activity.*

*Explanation:*

**12. Would the project result in the release of pollutants or other contaminants into any water resources (e.g., surface water, including lakes, rivers, creeks, and wetlands, and ground water)?**

| No

*If you checked "Yes," please provide a detailed description of the: (1) pollutants or contaminants to be released; and (2) the water resources that may be affected. Under federal law, the term "pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. See [33 U.S.C. § 1362\(6\)](#). The term "contaminant" means any physical, chemical, biological, or radiological substance or matter in water. See [42 U.S.C. § 300f\(6\)](#).*

*Explanation:*

**13. Would the project result in discharge to a publicly owned treatment works, a sewage treatment plant, soils, retention ponds, or Waters of the United States or a state?**

Yes  | No

*If you checked "Yes", in the box below please quantify and characterize pollutants, including toxic pollutants as defined in 40 CFR 129.4, and thermal discharges. Also indicate if the activity qualifies as a stormwater "discharge associated with industrial activity" as defined in 40 CFR 122.26(b)(14). These non-point source discharges include runoff from manufacturing, processing or raw material storage areas. Additionally, indicate if the activity qualifies as stormwater "discharge associated with construction activity." This is triggered when greater than one acre of land is disturbed (e.g. clearing, excavating, stockpile and laydown areas, access roads, etc.) during construction activities. See 40 CFR 122.26(b)(14)(x) and (b)(15).*

**14. Would the project have the potential to generate noise impacts to sensitive receptors (such as hospitals, schools, daycare facilities, and elderly housing), adjacent communities, employees working at the project site, and/or wildlife?**

Yes  | No

*If you checked "Yes," please provide a description of: (1) the receptors that may be impacted; (2) the level of noise generated (in A-weighted decibels (dbA)) to each receptor; and anticipated duration.*

*Explanation:*

**15. Would the proposed project have the potential to result in any community-based impacts, including:**

- **visual impacts**
- **socioeconomic impacts**
- **changes in local employment**
- **changes in local traffic patterns or density**
- **new transportation access**
- **new utility lines or right-of-ways**
- **other impacts to community services**

Yes  | No

*If you checked "Yes," please provide a description of: (1) the communities affected; and (2) what effects the project will have.*

*Explanation:*

**16. Please provide a detailed description of how the project will be decommissioned at its conclusion, including the disposition of equipment and materials.**

*Explanation:*

**SECTION IV. CERTIFICATION BY PROPOSER**

I hereby certify that I am authorized to submit, and I do so hereby submit, the information in this questionnaire on behalf of the lead organization named below. I certify that the information provided herein is accurate and complete as of the date shown below. I understand that false statements or misrepresentations may result in civil and/or criminal penalties under 18 U.S.C. § 1001. If I receive any information that would indicate that any of the above-referenced answers are no longer correct or complete, I agree to notify EERE immediately.

Name	
Title	
Prime Recipient	
Signature	
Date	

EERE ENVIRONMENTAL QUESTIONNAIRE  
ATTACHMENT 1

**Definitions for Question 3 – Environmentally Sensitive Resources**

**Historical, Archeological or Cultural Resources.** The National Historic Preservation Act, the Historic Sites, Buildings and Antiquities Act; the American Indian Religious Freedom Act, and the Archeological Recovery Act provide for the preservation of sites, buildings, structures, or objects of historic, archeological, or architectural significance designated by Indian, federal, state, or local governments or listed or eligible for listing on the National Register of Historic Places. The Archeological Resources Protection Act, Antiquities Act, and Native American Graves Protection and Repatriation Act also apply if the proposed action is on federal and tribal land. This item should be checked "yes" if a proposed action is in an area that meets any of the above, or if an archeological survey has not been performed. Provide documentation of any consultation or State Historic Preservation Officer determination letters if available. If this information is not available or a survey has not been conducted recently, DOE may require such a survey to be conducted prior to any proposed project implementation.

**Threatened/Endangered (T/E) Species and/or Critical Habitat.** The Endangered Species Act provides for protection of animals, birds, fish, plants, and other living organisms that are in danger of extinction. A list of T/E species is provided in 50 CFR Part 17. Consultations with the U.S. Department of Interior Fish and Wildlife Service (FWS) and the corresponding state agency should be documented. This item should be checked "yes" if any state- or federally-listed or proposed threatened or endangered species or critical habitat is located in the potential area of affect, or could be indirectly affected by the proposed action. If the status of T/E species at the proposed project location is unknown, please contact the local or state office of the FWS to obtain a listing of potential species and habitats found in the area.

**Floodplains.** Flood plains are lowlands adjoining inland and coastal waters with a 1 percent or greater chance of inundation in any given year. Indicate "yes" if the proposed project location is in or adjacent to a floodplain area. If documentation is available noting the floodplain boundaries, please provide a copy. Appropriate documentation of the 100 year floodplain [or 500 year floodplain for certain "flood critical" actions] boundaries include: Flood Insurance Rate Maps or Flood Hazard Boundary Maps prepared by the Federal Emergency Management Agency (FEMA) of the U.S. Department of Homeland Security. Executive Order 11988 Floodplain Management requires federal agencies to avoid incompatible development in floodplains, and consider the conformance of the proposed action to floodplain standards, potential effects of the proposed actions on floodplains, and potential effects of floodplain modifications on other local properties and improvements.

**Wetlands.** Wetlands are areas inundated by surface or groundwater with a frequency sufficient to support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. [10 CFR 1022.4]. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflow, mudflats, and natural ponds. Man-made ponds can qualify as wetlands if invasion of appropriate flora or fauna has occurred. Appropriate documentation of presence or absence of wetlands within the area of project effect includes: FWS National Wetlands Inventory; U.S. Department of Agriculture Soil Conservation Service Local Identification Maps; U.S. Geological Service (USGS) Local Identification Maps; USGS Topographic Maps; state wetland inventories; and Regional or local government sponsored wetland and land use inventories. Executive Order 11990 Protection of Wetlands requires federal agencies to consider the effects of proposed actions on wetlands, and to avoid, to the extent possible, destruction and modification of wetlands. If the status of land in or around the proposed project location is unknown, please contact the state or local U.S. Army Corps of Engineer's office.

**Coastal Zones.** Coastal zones are the coastal waters and adjacent shorelands of the Great Lakes, and the Atlantic, Pacific, and Arctic Oceans, Gulf of Mexico, and Long Island Sound. The term "coastal state" includes the states bordering on those bodies, plus Puerto Rico, the Virgin Islands, Guam, the Commonwealth of Northern Mariana Islands, and the Trust Territories of the Pacific Islands and American Samoa. Coastal states have authority regarding actions, which directly affect coastal zones, in accordance with the Department of Commerce regulations promulgated under the Coastal Zone Management Act. Federal activities and federal development projects must be consistent with state coastal zone management (CZM) programs to the maximum extent possible. Federal activities are those performed by or on behalf of a federal agency in the exercise of its statutory responsibilities, but do not include the issuance of a federal license or permit or the granting of federal assistance. Indicate "yes" if the proposed action is located in a coastal zone State or is in the vicinity of a coastal zone State. If a consistency determination has been obtained, or a written "negative determination" (indicating that a consistency determination is not required) please provide a copy. See 15 CFR 930.

**Migratory Birds, Golden or Bald Eagles.** Other federal and state laws that protect wildlife species include the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Examples of protected migratory birds include Canadian geese and great blue herons. This item should be checked "yes" if the proposed action may directly or indirectly impact any of these species or their habitats. If the status of other protected species is unknown in the proposed project location, please contact the local or state office of the FWS to obtain a listing of potential species and habitats found in the area.

**Depletion of a Non-Renewable Resource.** Non-renewable resources are naturally occurring substances (e.g., metals, minerals, fossil fuels) that are in limited supply and cannot be replaced or regenerated. The exhaustion or threatened exhaustion of such resources could have significant ramifications. Indicate "yes" if the proposed action would involve a resource that is in limited supply.

**Areas Having a Special Designation.** Various federal laws restrict the ability of federal agencies to aid developments affecting national wilderness areas, national memorial parks, national parks, national monuments, national primitive areas, national preserves, national recreational areas, national wild and scenic rivers, national grasslands, national wildlife refuges, national forests, national lakeshore or seashore, and national trails. Indicate "yes" if any of these areas of special environmental or natural significance is located in close proximity to the proposed project location and describe the specific special designation.

**Prime Farmland, Unique Farmland, or Other Farmland of Statewide or Local Importance.** The Farmland Protection Policy Act requires federal agencies to consider ways to lessen the effects of proposed actions that convert or adversely affect prime farmland which is not currently classified or designated for future urban development or water storage. Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion. Prime farmland also includes land that possesses the above characteristics but is being used currently to produce livestock and timber. Prime farmland does not include lands designated for future urban development, such as land that has been identified for commercial, industrial, or residential development by zoning code, ordinance, or a comprehensive land use plan.[7 U.S.C. 4201(c)(1)] The U.S. Department of Agriculture Natural Resource Conservation Service (NRCS) field office serving the area can provide assistance in determining whether a proposed location or site meets the definition of Prime farmland. Form AD 1006, the Farmland Conversion Impact Rating Form, available at NRCS offices, should be used for this purpose.

**Special Sources of Water.** Through the Safe Drinking Water Act, EPA and states designates Critical Aquifer Protection Areas and Sole or Principal Source Aquifers, and State-designated Wellhead Protection Areas in accordance with 42 U.S.C. 300h-6(b), 42 U.S.C. 300h-3(e), and 42 U.S.C. 300h-7(e), respectively. Such areas are accorded special protection to assure the quality and availability of public water supplies. Indicate "yes" if the proposed action is located in an area designated for protection (e.g., is included in an area wide groundwater quality protection plan), or would constitute a potential source of contamination within an existing or expected wellhead protection area serving a public water supply. If aquifer designations are not known for the proposed project area, contact the environmental protection office for the State.



## Definitions for Question 4 – Activities or Areas of Concern

**Clearing or Excavation.** Clearing or excavation refers to the removal of vegetation, soil, sediments, or disturbance of land surfaces and subsurfaces including cutting, burning, digging, grading, filling, or blasting. Provide the estimated area to be affected, the quantity of material to be added or removed, and the planned disposition of spoils. Describe the potential for runoff or erosion, any control techniques to be employed, and the distance to nearby surface water bodies, including wetlands.

**Dredge and/or Fill.** Dredge and/or fill is the excavation of material from waters of the United States. Filling is the discharge of material into waters of the United States to change the bottom elevation. Waters of the United States are all interstate waters, and intrastate lakes, rivers, streams, mudflats, wetlands, sloughs, plays, or natural ponds. These activities include "ocean dumping" as regulated under Sections 102 and 103 of the Clean Water Act, construction of dams, dikes, piers, or others that could alter the course of waters of the United States. Also included is any shore activity with the potential for runoff to waters of the United States. If available, include documentation of appropriate consultation(s), e.g., with the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or Sections 9 and 10 of the Rivers and Harbors Act; and with EPA [40 CFR Parts 220-233].

**Pre-Existing Contamination.** Indicate if the proposed action will disturb hazardous substances, pollutants, contaminants, or Comprehensive Environmental Response and Liability Act (CERCLA)-excluded petroleum and natural gas products that pre-exist in the environment. Quantify and characterize such pre-existing substances, including whether they are present above background or regulatory levels. Also quantify the volume of contaminated materials (e.g. soil, sediment, groundwater, debris, etc.) which would require transport to a properly permitted treatment, storage, or disposal facility as the result of the proposed action.

**Pesticide Use.** A pesticide is a substance intended for preventing, destroying, repelling, or mitigating any type of pest including insects, rodent nematode, fungus, or weed, and any substance intended for use as a plant regulator, defoliant, or desiccant. While the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) imposes no requirements on private applicators, commercial pesticide applicators must be certified by the state or U.S. EPA. Additionally, FIFRA requires that certain pesticides known as "restricted use pesticides" (listed in 40 CFR 152.175) to only be applied by certified applicators. If either commercial or private pesticide application, or the utilization of restricted use pesticides are anticipated, indicate "yes". If a private application is anticipated, document measures to be undertaken to assure safe storage, use, and disposal.

**Asbestos.** If the proposed action includes demolition or renovation of an existing building, you must determine if asbestos is present. Common asbestos containing building materials may include but are not limited to floor tile, mastics, wall board, joint compound, acoustic ceiling tiles, thermal insulation, spray-on fire proofing, glazing, caulking, roof flashing, felts, and mastics. Demolition and renovation activities that may impact asbestos containing building materials are regulated by the U.S. Occupational Health and Safety Administration (OSHA) through the Asbestos in Construction Standard and asbestos air emissions from asbestos abatements are regulated by the EPA as a hazardous air pollutant under the Clean Air Act (CAA). Include a description of measures to be undertaken to comply with asbestos removal requirements of 29 CFR 1926.1100 and 40 CFR 61 (Subpart M).

**Polychlorinated Biphenyls (PCBs).** PCBs are a family of man-made organic chemicals that were domestically manufactured from 1929 until banned in 1979 due to their toxicity and persistence in the environment. Given their non-flammability, chemical stability, high boiling point, and electrical insulating properties, PCBs were largely used as dielectric and coolant fluids in transformers, capacitors, electric motors, etc. Manufacture, processing, transport, use, marking, storage, and disposal of PCBs are regulated by EPA [40 CFR Part 761] in accordance with the Toxic Substances Control Act. Some states also regulate PCBs as hazardous waste. If the proposed action involves replacement or removal of capacitors, transformers, voltage regulators, circuit breakers, switches, cables, electromagnets, or other electrical equipment, presence or absence of PCBs should be ascertained. A "yes" indication should be supported with information on the anticipated concentration and quantity of PCB oil, and the intended method/location of disposal.

**Navigable Air Space.** The U.S. Department of Transportation Federal Aviation Administration (FAA) regulates objects which invade navigable air space or otherwise constitute an obstruction to air navigation, and determines whether such activities constitute a navigation hazard. Indicate "yes" if the proposed action involves construction or alteration more than 200 feet above ground level, any construction or alteration in instrument approach areas, and other construction or alteration identified in 14 CFR 77.13. Document notification of the appropriate Manager, Air Traffic Division, of the FAA Regional Office for the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 Notice of Proposed Construction or Alteration may be obtained from the regional FAA office or electronically through FAA's website.

**Underground Storage Tanks.** Indicate "yes" if 10 percent or more of tank volume (including the volume of underground pipes) will be beneath surface of the ground. Indicate if installation, use, or removal of underground storage tanks is anticipated, and whether tank use is/was for storage/collection of hazardous waste, heating oil, other petroleum or petroleum-based substances, stormwater, or wastewater. Describe any leak detection/monitoring methods to be used for storage of hazardous waste or regulated petroleum products like gasoline or diesel.

**Underground Extraction/Injection.** Underground extraction/injection is the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well where the depth of the well is greater than the largest surface dimension. If the proposed action involves construction or use of an injection well, indicate "yes," and describe the class of the well as defined in 40 CFR 146.5, the type and quantity of contaminants (e.g., waste disposal, hydrocarbon or mineral extraction) and whether the injection involves an exempt aquifer as defined in 40 CFR 146.4.

Attachment F –  
National Historic Preservation Act (NHPA)  
State Historic Preservation Office (SHPO)  
Reporting Form



# Louisiana Revolving Loan Fund State Historic Preservation Office Form

## Property Information

### Property Location

Zip \_\_\_\_\_  
 City \_\_\_\_\_  
 State **Louisiana**  
 Street Address \_\_\_\_\_  
 Parish \_\_\_\_\_

### Applicant Contact Information

Applicant Name \_\_\_\_\_  
 Appl email \_\_\_\_\_  
 Applicant ID \_\_\_\_\_  
 phone \_\_\_\_\_  
*Mailing address same as above*  
 Zip \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Parish \_\_\_\_\_

## Step 1: Qualifying Questions

**A** Year property constructed (yyyy) \_\_\_\_\_  
 Approx property age (years) \_\_\_\_\_  
 Is property more than 50 years old?  Yes  
 No

**B** Is property is located in a Federal  
 Historic Register District  Yes  
*(select one)*  No

If the answer to **both** A & B is "No", further review is not required. Skip to step 4: Certification.

## Step 2: Review proposed work

If the answer to **either** A or B above is "Yes", you must review the *exempt work list* to confirm that all the proposed work scope is exempt form SHPO review. After reviewing your work scope against the exemot work list. answer the following

**C** Is **all** the work proposed for the project  
 included on the exempt work list?  Yes  
 No

If the answer to C is "Yes", no further review is required. Skip to step 4: Certification.

## Step 3: SHPO Review

If the answer to C is "No", your project must be reviewed by SHPO. Fill out the SHPO Cover Letter and submit to your local SHPO office for review.

## Step 4: Certification

*By signing this form you certify the the above statements are true and accurate.*

Version 10/24/2013

<div style="border: 1px solid black; width: 90%; margin: 0 auto; height: 20px;"></div> <p><i>Authorized Contact Name</i></p>	<div style="border: 1px solid black; width: 90%; margin: 0 auto; height: 20px;"></div> <p><i>Authorized Contact Signature</i></p>
	<div style="border: 1px solid black; width: 50%; margin: 0 auto; height: 20px;"></div> <p><i>Date</i></p>

# Exempt Work List

The following work items are exempt from SHPO review. For your project, indicate "y" if the item is *included* in your project work scope. Indicate "n" if the item is *excluded* from your project work scope. Project scope items for your project that are not noted on this list *will require SHPO review prior to implementation*.

Included in work scope  
(Yes - No)

**A. Permitted Exterior Work**

1	Air sealing of the building shell (including caulking, weather-stripping, and other air infiltration control measures on windows and doors, and installing thresholds in a manner that does not harm or obscure historic windows or trim).		
2	Thermal insulation (such as non-toxic fiberglass and foil wrapped, in walls, floors, ceilings, attics, and foundations in a manner that does not harm or		
3	Removable transparent film on windows, solar screens, or window louvers, in a manner that does not harm or obscure historic windows or trim).		
4	Reflective roof coating in a manner that closely resembles the historic materials and form, or with materials that restore the original feature based on historic evidence, and in a manner that does not alter the roofline, or where not on a primary roof elevation or visible from the public right-of-way.		
5	Storm windows or doors, and wood screen doors in a manner that does not harm or obscure historic windows or trim.		
6	In-kind replacement or repair of primary windows, doors and door frames that closely resemble existing substrate and framing		
7	Repair of minor roof and wall leaks prior to insulating attics or walls, provided repairs closely resemble existing surface composite		
8	Repairing or replacing in kind existing driveways, parking areas, and walkways with materials of similar appearance		
9	Excavating to gain access to existing underground utilities to repair or replace them, provided that the work is performed consistent with previous		
10	Ventilating crawl spaces		
11	Upgrade exterior lighting (replacement with metal halide bulbs, LEDs, or others) along with ballasts, sensors and energy storage devices <b>not visible</b>		

**B. Permitted Interior Work**

**1. Energy efficiency work within the building shell:**

a.	Thermal insulation in walls, floors, ceilings, attics, crawl spaces, ducts and foundations		
b.	Plumbing work, including installation of water heaters and water conserving fixtures		
c.	Electrical work, including improving lamp efficiency		
d.	Sealing air leaks using weather stripping, door sweeps, and caulk and sealing major air leaks associated with bypasses, ducts, air conditioning units,		
e.	Repair or replace water heaters		
f.	Adding adjustable speed drives such as fans on air handling units, cooling tower fans, and pumps		
g.	Install insulation on water heater tanks and water heating pipes		
h.	Install solar water heating systems, provided the structure is not visible from the public right of way		
i.	Install waste heat recovery devices, including desuperheater water heaters, condensing heat exchangers, heat pump and water heating heat recovery systems, and other energy recovery equipment		
j.	Repair or replace electric motors and motor controls like variable speed drives.		
k.	Incorporate other lighting technologies such as dimmable ballasts, day lighting controls, and occupant controlled dimming		
l.	Adding or replacing existing building controls systems including HVAC control systems and the replacement of building-wide pneumatic controls with digital controls, thermostats, dampers, and other individual sensors like smoke detectors and carbon monoxide detectors (wired or non-wired)		
m.	Replacement of existing HVAC equipment including pumps, motors, boilers, chillers, cooling towers, air handling units, package units, condensers, compressors, heat exchangers that do not require a change to existing ducting, plumbing, electrical, controls or a new location, or if ducting, plumbing, electrical and controls are <b>on the rear of the structure or not visible from any public right of way</b> .		
n.	New installation of non-hard wired devices including photo-controls, occupancy sensors, carbon dioxide, thermostats, humidity, light meters and other		

**2. Work on heating and cooling systems:**

a.	Clean, tune, repair or replace heating systems, including furnaces, oilers, heat pumps, vented space heaters, and wood stoves		
b.	Clean, tune repair or replace cooling systems, including central air conditioners, window air conditioners, heat pumps, and evaporative coolers		
c.	Install insulation on ducts and heating pipes		
d.	Conduct other efficiency improvements on heating and cooling systems, including replacing standing pilot lights with electronic ignition devices and		
e.	Modify duct and pipe systems so heating and cooling systems operate efficiently and effectively, including adding return ducts, sealing duct work, replace diffusers and registers, replace air filters, install thermostatic radiator controls on steam and hot water heating systems		
f.	Install programmable thermostats, outdoor reset controls, UL listed energy management systems or building automation systems and other HVAC		

**3. Energy efficiency work affecting the electric base load of the property:**

a.	Convert incandescent lighting to fluorescent		
b.	Add reflectors, LED exit signs, efficient HID fixtures, and occupancy (motion) sensors		
c.	Replace refrigerators and other appliances		

**4. Health and safety measures:**

a.	Installing fire, smoke or carbon dioxide detectors / alarms		
b.	Repair or replace vent systems on fossil-fuel-fired heating systems and water heaters to ensure that combustion gasses draft safely to outside		
c.	Install mechanical ventilation, in a manner not visible from the public right of way, to ensure adequate indoor air quality if house is air-sealed to		

\*PA is the programmatic agreement that exempts each item from SHPO review. It is included for reference and auditing purposes only.

# Additional Work List

List below all project scope items that are *not included* in the list above. For example, installing new exterior siding, installing new roofing, or painting the exterior.

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# Section 106 Cover Letter

Mr. Phil Boggan  
 Deputy State Historic Preservation Officer  
 Louisiana Office of Cultural Development  
 P.O. Box 44247  
 Baton Rouge, LA 70804-44247      email to:    [section106@crt.state.la.us](mailto:section106@crt.state.la.us)

Dear Mr. Broggan

The Louisiana Department of Natural Resources (LDNR) will be managing the disbursement of State Energy Program funding (from which LRLP funds are drawn) allocated by the U.S. Department of Energy (DOE) according to the 2009 American Recovery and Reinvestment Act (ARRA).

Applicant Contact Information:      *name* \_\_\_\_\_  
    *address/email* \_\_\_\_\_  
    *City, State, Zip* \_\_\_\_\_

Agency Contact Information:      *name* Louisiana Department of Natural Resources  
    Technology Assessment Division  
    *Attention:* Louisiana Revolving Loan Fund Program  
    *address/email* P.O. Box 94396      [larlf@la.gov](mailto:larlf@la.gov)  
    *City, State, Zip* Baton Rouge, LA 70804-9693

Description of the Area of Potential Effects (APE): *The APE is “the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist.” For single family homes, this is generally the area within 1/4 mile of the home. See fact sheet for additional information*

	Latitude
	Longitude

*The APE is an area extending north/south from Front St to 3rd Street and east/west from Ivy St to Orange St. As shown on the attached map, the project is located in the approximate center of the APE.*

Describe all historic properties within the APE: *Historic properties are any buildings/structures 50 years old or more.*

- 1 \_\_\_\_\_
- 2 \_\_\_\_\_
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- 18 \_\_\_\_\_



*use an additional piece of paper if necessary*

**Describe the project work scope in detail.**

<b>Detailed design plans are attached</b>	<input type="radio"/> Yes
	<input type="radio"/> No

<b>Photos of all hiistoric properties in the APE are attached</b>	<input type="radio"/> Yes
	<input type="radio"/> No

\_\_\_\_\_  
*Authorized Contact Name*

\_\_\_\_\_  
*Authorized Contact Signature*

\_\_\_\_\_  
*Date*

# Attachment G - W9 Form

# Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

<b>Print or type See Specific Instructions on page 2.</b>	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____  <input type="checkbox"/> Other (see instructions) ▶ _____	
	<input type="checkbox"/> Exempt payee	
	Address (number, street, and apt. or suite no.) City, state, and ZIP code List account number(s) here (optional)	
Requester's name and address (optional)		

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number									

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number									

## Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
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## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a “saving clause.” Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called “backup withholding.” Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### **Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

### **Updating Your Information**

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

### **Penalties**

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

### **Specific Instructions**

#### **Name**

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the “Name” line. You may enter your business, trade, or “doing business as (DBA)” name on the “Business name/disregarded entity name” line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the “Name” line and any business, trade, or “doing business as (DBA)” name on the “Business name/disregarded entity name” line.

**Disregarded entity.** Enter the owner's name on the “Name” line. The name of the entity entered on the “Name” line should never be a disregarded entity. The name on the “Name” line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the “Name” line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the “Business name/disregarded entity name” line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the “Name” line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the “Name” line is an LLC, check the “Limited liability company” box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter “P” for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter “C” for C corporation or “S” for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the “Name” line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the “Name” line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

## Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
2. The United States or any of its agencies or instrumentalities,
3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,
7. A foreign central bank of issue,
8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
9. A futures commission merchant registered with the Commodity Futures Trading Commission,
10. A real estate investment trust,
11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
12. A common trust fund operated by a bank under section 584(a),
13. A financial institution,
14. A middleman known in the investment community as a nominee or custodian, or
15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

**Secure Your Tax Records from Identity Theft**

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.**

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

**What Name and Number To Give the Requester**

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Privacy Act Notice**

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

# Attachment H - RR2010



# LOUISIANA'S REVOLVING LOAN FUND

## REIMBURSEMENT REQUEST

FORM: RR - 2010 (REV 1)

Borrower: \_\_\_\_\_  
 Contact Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_

Award Number: DE-EE 0000 124  
 Request Period: \_\_\_\_\_  
 CFDA #: 81.041  
 Reimbursement Requisition #: \_\_\_\_\_

Categories	(A) Budgeted Amount	(B) Balance Remaining in Budget (A-E=B)	(C) Previous Reimbursement Submittals	(D) Expenditures for this Request	(E) Reimbursement Submittals to Date (C+D=E)
1.Labor/Services	\$	\$	\$	\$	\$
2.Equipment	\$	\$	\$	\$	\$
3.Materials	\$	\$	\$	\$	\$
4.Other*	\$	\$	\$	\$	\$
<b>Total</b>	\$	\$	\$	\$	\$

*\*Details of "Other" Category shall be provided with reimbursement request*

## SUMMARY

Loan Award:	\$
Reimbursement Submissions to Date: <i>(Total Colum C)</i>	\$
Remaining Budget:	\$
Leveraged Funds for this Period:	\$
Leveraged Funds to Date:	\$

Reserve (10%): \$ \_\_\_\_\_  
 @ FINAL Invoice

(Attach copies of paid invoices and an itemized accounting summary to support this reimbursement request.)

**I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE REIMBURSEMENT REQUEST ABOVE IS CORRECT AND THAT ALL OUTLAYS WERE MADE IN ACCORDANCE WITH THE MEMORANDUM OF AGREEMENT AND THAT PAYMENT DUE HAS NOT BEEN PREVIOUSLY REQUESTED.**

Type/Print Name of Authorized Official:	Signature of Authorized Official:	Title:
Email:	Phone Number:	Date:



