

EECBG

Program Alert #4

April 1, 2011

Nebraska Energy Office

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For Recipients of the Energy Efficiency and Conservation Block Grant (EECBG) Program, this Program Alert provides additional information and instructions on program compliance. If you have questions or need assistance, please contact:

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Or visit the EECBG Grant Assistance Center at www.neo.ne.gov/grants/GAcenter.htm

1. New Guide Available on Buy American Provisions

A new publication called "*A Desk Guide to the Buy American Provisions of the American Recovery and Reinvestment Act (ARRA) of 2009*" is now available from the U.S. Department of Energy (DOE). This guidance is long overdue and **we encourage you to review it thoroughly**. The guide is located in the Energy Office's Grant Assistance Center at www.neo.ne.gov/grants/GAcenter.htm.

Please Remember:

- Make sure **all** equipment and supplies covered in your EECBG project(s) are manufactured or substantially transformed in the U.S.A., and that you obtain documentation to prove compliance with the Buy American Provision.
- Documentation should be **specific** about the location of the manufacturing (city and state).
- Be **very** wary of a company's claim that it complies with ARRA because of international trade agreements, agreements with Canada, NAFTA, or FAR. You should obtain documentation that specifically states the **exact** location of manufacturing (city and state).
- Be **very** wary of a company's claim that it has been "certified" for ARRA. There is **no agency** that certifies Buy American compliance.
- You do not need to substantiate a domestic origin for "incidental" manufactured goods up to 5% with each project. This is referred to as *de minimus* and means **5% of the total cost of the iron, steel, and manufactured goods** incorporated into a project (it does **not** mean 5% of the **total project cost** and does **not** include labor).

New Form Available: If you have difficulty obtaining acceptable documentation from a company, please use the form called "Manufacturer's Certificate of Compliance with Buy American" located in the Grant Assistance Center at www.neo.ne.gov/grants/GAcenter.htm in the "Forms" section. **This form by itself is not a specific EECBG requirement**, but is provided as an **option** for your use if you are having difficulty getting satisfactory documentation from a company.

Luminaires Manufactured in the U.S.A.: Also located in the Grant Assistance Center at www.neo.ne.gov/grants/GAcenter.htm is a document called “ARRA Outdoor Luminaires” just made available from DOE. It is a list of companies offering outdoor luminaires manufactured in the U.S.A. and could be useful for some of the EECBG projects.

2. Don't Wait to Request Payment of Grant Funds

DOE has imposed a “costing” milestone” and would like 50% of EECBG monies paid out to Recipients by June 2011. If you have “incurred” any grant related costs, the Energy Office encourages you to submit a Request for Funds **now** and not wait until the project is completed, or until you have paid all expenses and want reimbursed. If you have procured and contracted (and been invoiced) for architectural, engineering, administration or other professional services, and/or the purchase of or down payment for equipment or supplies, **those costs are considered incurred and you can request payment of grant funds for those costs.**

To Request Payment: Complete a “Request for Funds” form located in the Grant Assistance Center at www.neo.ne.gov/grants/GAcenter.htm in the “Forms” section. Please include comprehensive documentation with each request so we can pay the funds out without unnecessary delay:

- **Matching Funds** – With each request, be sure to apply the same percentage of matching funds as approved in the Aid Agreement or any Amendment.
- **Use Same Categories as in Approved Budget** – Follow the budget approved in the Aid Agreement (or changed with an Amendment) which may be different from the budget in the original application depending on how the Energy Office funded your project. **Example:** Please don't list expenses in Personnel and Equipment categories if your approved budget has funds only in the Contractual category.
- **Approved Signatures** – We compare the signatures on each Request for Funds to the signatures you submitted on the “Authorization to Request Funds and Contact Information” form. If any of those elected officials or the EECBG contact person changes, please submit a new Authorization form (both pages).
- **Detailed Invoices** – The invoice(s) for supplies, equipment, or contractual work must provide adequate detail, i.e. **quantities, types, sizes, names of manufacturers, model numbers, R-values, U-values, watts, CPD numbers**, etc., to ensure what has been purchased and installed agrees with the Scope of Work in Appendix B of the Aid Agreement (or an Amendment). In order to approve payment, we must be able to clearly determine what the invoice covers and if it agrees with the approved Scope of Work. If the invoice lists “boiler, per bid,” please include that part of the bid document that contains the description of the item(s) covered by the invoice. If your contractor(s) did not provide enough information on an invoice, please have them provide another, more detailed invoice or supplemental written description that's dated and signed.
- **Buy American** – Please provide documentation that shows the items purchased are made in the U.S.A. This could be a certification or letter from the manufacturer, pages printed from a manufacturer's website with specific model numbers, and/or a digital image of the actual label on the equipment or the box it came in that states “American-Made; Made in the U.S.A.,” etc. Also, for your use in the Grant Assistance Center at www.neo.ne.gov/grants/GAcenter.htm is a new form entitled “Manufacturer's Certificate of Compliance with Buy American Provisions,” and “A Desk Guide to the Buy American Provisions.”
- **Davis-Bacon** – By federal law, Payroll Reports (U.S. Department of Labor Form WH-347) are due to the Energy Office **no later than one week after each weekly pay date**. Please be sure the contractor(s) are submitting the payroll reports to you **promptly** and that you are reviewing and

submitting them promptly to the Energy Office, whether or not you include them with a Request for Funds.

- **Withhold 10%** – Per Appendix B of the Aid Agreement, the Energy Office will withhold 10% of the total grant amount for each project until the project is complete, all final reports are submitted, and the closeout process has been completed. (**Example:** For an \$8,000.00 EECBG grant, up to \$7,200 will be paid when requested (and approved) and the remaining \$800 will be withheld.) The final 10% will be available after we receive the final reports and have initiated closeout procedures. As an FYI, because we are administering 176 EECBG projects with limited staff, we anticipate a delay before we are able to initiate closeout.

3. Portfolio Manager:

There is a new interactive energy management tool available that can help you track and measure energy performance in buildings where EECBG retrofitting is occurring, or in all community-owned builds as a whole. ENERGY STAR’s Portfolio Manager Tool can help you establish pre-project (baseline) and post-project energy performance metrics when you enter data from utility bills into its secure online environment. It then will track and assess energy and water consumption across your entire portfolio of buildings.

Portfolio Manager is available at www.energystar.gov/benchmark and is part of a larger ENERGY STAR program for commercial buildings, including the Guidelines to Energy Management available at www.energystar.gov/guidelines. Because it is provided as a governmental service, there is no fee to use Portfolio Manager. It is not currently designed for use with residential buildings.

4. Reminder -- Reports are Due:

We appreciate those of you who have already submitted your quarterly reports. For those who have not, please remember, there are four reports due to the Energy Office in **April 2011**:

<u>REPORT</u>	<u>DUE</u>
• Quarterly Payments/Jobs Report --	April 5
• Project Status Report --	April 15; and at project end
• Financial Status Report --	April 15; and at project end
• Annual Federal Funding Report --	April 31

All of the reports are located in the Grant Assistance Center at www.neo.ne.gov/grants/GAcenter.htm in the “Forms” section.