

EECBG

Program Alert #1

August 27, 2010

Nebraska Energy Office

1111 "O" Street, Suite 223

PO Box 95085

Lincoln, NE 68509-5085

Fax 402-471-3064

www.neo.ne.gov/grants/GAcenter.htm

This Program Alert is for recipients of the Energy Efficiency and Conservation Block Grant (EECBG) Program. It provides additional information for implementing your grant and instructions on program compliance.

If you have questions or need assistance, please contact:

Jan E. Fox, EECBG Program Coordinator, 402.471.3354, jan.e.fox@nebraska.gov or

James W. Lucas, EECBG Staff Assistant, 402.471.3329, james.w.lucas@nebraska.gov

1. Include Your Award Number:

Please be sure to include your EECBG Award Number on **all** communications with the Energy Office. *Example: #09/10-E013.* The #E013 is most important, as it is the individual number assigned to your award. The 09/10 signifies the fiscal year the grant was awarded.

2. EECBG Grant Assistance Center:

The Energy Office has created a Grant Assistance Center located at www.neo.ne.gov/grants/GAcenter.htm, where you will find EECBG information, notices, forms, reports, etc. You can complete the forms and reports using a computer before submitting them to the Energy Office. Any documentation not requiring an original signature may be sent electronically.

3. When May Recipients "Get Started" On Their Project(s)?

Once you have approved, signed and returned one signed copy of the Aid Agreement to the Energy Office, you may get started on your project(s). The Energy Office is not issuing a formal "notice to proceed" or similar documentation for the EECBG program.

4. Changes in the Scope of Work or Budget Sections of the Aid Agreement:

If you are considering a change in your project(s) in either the scope of work or the budget (as specified in the Aid Agreement), you must first seek and receive approval from the Energy Office using the "Request for Amendment to Aid Agreement" form located in the Grant Assistance Center found at www.neo.ne.gov/grants/GAcenter.htm. Please complete this form, include the required attachments, and submit them to the Energy Office for approval. We will notify you promptly of our decision regarding your amendment request.

5. Procurement Procedures:

When procuring property and services as a result of your EECBG grant, you should follow your own local government's procurement procedures. Those procedures must reflect applicable State and local laws and regulations, and conform to the Federal Financial Assistance Regulations at 10 CFR 600.236. A copy of 10 CFR 600.236 is located in the Grant Assistance Center found at www.neo.ne.gov/grants/GAcenter.htm.

6. “Flowdown” Provisions:

As an EECBG Recipient, you are required to comply with the “flow down” requirements specified in the “Special Provisions Relating to Work Funded under American Recovery and Reinvestment Act of 2009.” Any entity you enter into a contract with must also comply with any applicable Federal statutes, Federal rules, OMB circulars and Government-wide guidance in effect on the date of such award. The “Flowdown” provisions from the U.S. Department of Energy are located in the Grant Assistance Center found at www.neo.ne.gov/grants/GAcenter.htm. These provisions were included in your EECBG Aid Agreement from the Nebraska Energy Office (together with other provisions), and you should include them in all contracts you enter into as a result of your EECBG award.

7. Waste Management Plans:

You are required to develop and adopt a Waste Management Plan **prior to** the generation of any waste materials in your project(s). The waste management plan must describe your local government’s strategy to dispose of any sanitary or hazardous waste generated as a result of your project(s). A sample waste management plan is available in the EECBG Grant Assistance Center located at www.neo.ne.gov/grants/GAcenter.htm.

8. Definition of Proper Disposal:

The following language is contained in the scope of work section (Appendix B) of many of the EECBG Aid Agreements: **“Removal and proper disposal (reuse or retention as spare parts is not allowed) of....”** In the EECBG Program, the Energy Office defines “proper disposal” as removing the item(s) from current use and disposing of the item(s) in a way that renders them unusable by any entity for the same purpose for which they were manufactured or constructed, and either:

- recycling the item(s) so that the separate materials are dismantled and repurposed into another form;
- selling the item(s) as scrap metal for the sole purpose of being dismantled and repurposed; or
- **as a last resort only**, hauling the item(s) to an authorized solid waste disposal site.

Where applicable, the Nebraska Department of Environmental Quality (NDEQ) guidelines should be followed with regard to disposal of hazardous wastes.

In all instances, EECBG Recipients should **obtain a receipt or signed acknowledgement** showing proof of the manner of disposal and should require the same documentation from any contractor removing and disposing of items pertaining to an EECBG funded project.

9. Buy American-Made:

The Buy American provision requires that all the iron, steel, and manufactured goods used in your EECBG project(s) for the construction, alteration, maintenance, or repair of a public building or public work, are produced in the United States **unless** one of three listed exceptions applies (nonavailability, unreasonable cost, and inconsistent with the public interest), or a waiver is granted by the U.S. Department of Energy. For more information, go to www1.eere.energy.gov/recovery/buy_american_provision.html.

10. Compliance with Davis-Bacon and Related Acts (DBRA):

Davis-Bacon applies to jobs that are:

- \$2,000 or more

- of a construction nature, including alteration and/or repair
- not implemented by employees of state and local units of government

These resources provide information on labor standards compliance:

- www.dol.gov
- www1.eere.energy.gov/wip/davis-bacon_act.html
- www1.eere.energy.gov/wip/pdfs/doe_dba_desk_guide.pdf

To help you manage Davis-Bacon compliance on your project(s), the Nebraska Energy Office has contracted with a vendor to provide a Labor Compliance Management System available at <https://app.mylcm.com/>. *All EECBG recipients will receive an email invitation within the next few weeks from “My LCM System” to join a web training conference on how to use this system. The invitation will provide your individual log in information. Numerous web training dates are set up for the months of September and October, and other dates will be added if needed.*

11. Request For EECBG Funds:

Please use the “Request for EECBG Funds” form located in the Grant Assistance Center at www.neo.ne.gov/grants/GAcenter.htm to request the payment or “drawdown” of EECBG funds. Instructions for completing the request for funds process are on page 2 of the Request for EECBG Funds form. All requests submitted to the Energy Office must include original signatures and be accompanied by supporting documentation, invoices, etc. With each request, you must apply your local matching funds in the percentage specified in the budget set out in your Aid Agreement (Appendix B). Requests should be made **as soon as possible** after costs are incurred for work done or funds are needed to pay, in part, contracts awarded or proposals accepted in order to get the work started (down payments, etc.).

12. When Reports are Due:

To date, there are four reports required for the EECBG program, per your Aid Agreement:

<u>REPORT</u>	<u>DUE</u>
• Project Status Report --	quarterly (15 th of the month; at project end)
• Financial Status Report --	quarterly (15 th of the month; at project end)
• Quarterly Payments/Jobs Report --	quarterly only (5 th of the month)*
• Annual Federal Funding Report --	immediately, 1/31/11 and 1/31/12

* The **Quarterly Payments/Jobs Report** included as Appendix E of the Aid Agreement has been updated. The revised version is located in the Grant Assistance Center at www.neo.ne.gov/grants/GAcenter.htm.