

# renew Louisiana

LOUISIANA DEPARTMENT OF NATURAL RESOURCES

American Recovery and Reinvestment Act of 2009



COMPETITIVE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) PROGRAM

## Program Guidelines

Renew Louisiana EECBG Program  
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## **I. Introduction**

The Louisiana Department of Natural Resources (DNR) will be managing the disbursement of Energy Efficiency and Conservation Block Grant (EECBG) funding allocated by the U.S. Department of Energy (DOE) according to the 2009 American Recovery and Reinvestment Act (ARRA).

DNR's grant application and funding distribution strategy were recently approved by DOE and we are proceeding to expedite the implementation of this program. DNR developed a funding distribution strategy to maximize funding availability to all areas of the state while providing an opportunity to increase energy efficiency and the use of renewable energy for the benefit of all Louisiana citizens.

The program is marketed under the name Renew Louisiana Energy Efficiency and Conservation Block Grant (Renew Louisiana EECBG) Program. These Program Guidelines are meant to provide guidance to parishes on how the Renew Louisiana EECBG Program 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 Energy Efficiency and Conservation Block Grant Program**

The Federal Energy Independence and Security Act of 2007 (EISA) established the EECBG program to assist eligible entities in creating and implementing strategies to:

- 1) reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities;
- 2) reduce the total energy use of the eligible entities; and
- 3) improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors.

The ARRA appropriated funds for the first time to the U.S. Department of Energy (DOE) for the EECBG program. Under the EECBG program, DOE provided grant funds to states, territories, Indian tribes, and "large" cities and counties for eligible projects. The State of Louisiana was allocated a total of \$33,623,200, out of which \$19,817,500 went directly to the largest cities and parishes in the state according to a formula based on the following criteria:

- Cities with a population of 35,000 or more;
- Parishes with a population of 200,000 or more; or
- The top ten highest populated cities and parishes in each state, regardless of population.

On September 14, 2009 the Louisiana Department of Natural Resources received approval to allocate \$13,805,700 to be distributed to units of local government that were not eligible to receive a direct allocation from DOE for energy efficiency and renewable energy projects.

### 3. Program Goals

The Louisiana Department of Natural Resources created the Renew Louisiana EECBG Program to distribute available funding on a per capita basis as equitably as possible to units of local government not eligible to receive a direct funding allocation from DOE. This distribution of funds will occur through local parish governments.

The goal of the Renew Louisiana EECBG Program is to make the application process as simple as possible while maintaining the transparency and accountability requirements mandated by Congress in the ARRA.

### 4. Timeline

<b>Event</b>	<b>Date</b>
Release of Program Guidelines	December 10, 2009
<b><i>Deadline for ALL Parishes to Submit COMPLETE EECBG Package to DNR</i></b>	January 15, 2009
Date of Award	March 14, 2010
Project Start Date	March 2010
Project Completion Date	March 14, 2012

## II. Funding Distribution

DNR will distribute EECBG funding to the parishes and implement the Renew Louisiana EECBG program as described below.

A list of all parishes and their corresponding Renew Louisiana EECBG allocation is included in **Attachment A – Parish Funding Distribution**.

### 1. Parish Group 1

Parish Group 1 includes the following parishes that received EECBG funding directly from the U.S. Department of Energy: Ascension, Calcasieu, Lafourche, Livingston, Ouachita, Rapides, St. Landry, and Tangipahoa.

These parishes are required to consult with incorporated cities, towns and villages within their parish, and make at least 75 percent of DNR’s EECBG funding available to them.

The three parishes marked with an asterisk in the table below (Calcasieu, Ouachita, and Rapides) are prohibited from distributing DNR’s EECBG funds to those cities within their parish that received a direct funding allocation from DOE. These referenced cities are also indicated in the table below.

Parish	DNR Direct Allocations	DOE Direct Allocations		Total Allocation
		To Parish	To City	
<i>Ascension Parish</i>	\$265,000	\$406,500		\$671,500
<i>*Calcasieu Parish</i>	\$63,000	\$473,700	\$715,000 – Lake Charles	\$1,251,700
<i>Lafourche Parish</i>	\$241,000	\$388,100		\$629,100
<i>Livingston Parish</i>	\$333,000	\$458,300		\$791,300
<i>*Ouachita Parish</i>	\$62,000	\$396,400	\$555,600 – Monroe	\$1,014,000
<i>*Rapides Parish</i>	\$320,000	\$336,100	\$226,700 – Alexandria	\$882,800
<i>St. Landry Parish</i>	\$238,000	\$382,000		\$620,000
<i>Tangipahoa Parish</i>	\$299,000	\$484,000		\$783,000

Parishes shall determine a methodology for equitable funding distribution to incorporated cities, towns and villages based on a “per capita amount.” Parishes that have eligible entities that do not wish to participate and/or have residual funding may apply those funds to enhance eligible parish projects.

### 2. Parish Group 2

Parish Group 2 includes the following parishes that received EECBG funding directly from the U.S. Department of Energy: Jefferson, Orleans and St. Tammany.

These parishes received over \$2 million from the Department of Energy and will not receive any additional funds from the Louisiana Department of Natural Resources

Parish	DNR Direct Allocations	DOE Direct Allocations		Total Allocation
		To Parish	To City	
<i>Jefferson Parish</i>	\$0	\$3,563,900	\$601,100 – Kenner	\$4,165,000
<i>Orleans Parish</i>	\$0	\$0	\$2,440,100 – New Orleans	\$2,440,100
<i>St. Tammany Parish</i>	\$0	\$2,110,000		\$2,110,000

### 3. Parish Group 3

Parish Group 3 includes all remaining parishes not included in Group 1 or Group 2. These parishes are eligible to receive a DNR EECBG allocation and may elect to pass through at least 75 percent of funding to eligible incorporated cities, towns, and villages *or* design and implement a parish wide project that will provide benefits to the entire population of the parish.

DNR encourages parishes to reach out to their communities for input and provide assistance as needed to incorporate projects from these communities as deemed applicable and feasible by the parish.

The five parishes included in the table below (Bossier, Caddo, East Baton Rouge Iberia and Lafayette) are prohibited from distributing DNR’s EECBG funds to those cities within their parish that received a direct funding allocation from DOE. These referenced cities are also indicated in the table below.

Parish	DNR Direct Allocations	DOE Direct Allocations		Total Allocation
		To Parish	To City	
<i>Bossier Parish</i>	\$129,000	\$0	\$608,600 – Bossier City	\$737,600
<i>Caddo Parish</i>	\$360,000	\$0	\$1,977,900 – Shreveport City	\$2,337,900
<i>East Baton Rouge Parish</i>	\$564,000	\$0	\$2,354,700 – Baton Rouge	\$2,918,700
<i>Iberia Parish</i>	\$363,000	\$0	\$145,500 – New Iberia	\$508,500
<i>Lafayette Parish</i>	\$196,000	\$0	\$1,193,300 – Lafayette	\$1,389,300

### III. Eligible Activities

#### 1. Renew Louisiana Eligible Activities

Eligible projects must be physically located within the State of Louisiana, and must fit within the following project categories:

- a) **Energy Efficiency Retrofits:** Funding is available for projects that increase the energy efficiency of public buildings including, but not limited to, city halls, courthouses, police and fire stations, libraries, community centers, public schools, community colleges and public universities. Examples of eligible systems to be retrofitted include lighting, HVAC, boilers, motors, and pumps.
- b) **Building Retro-commissioning:** Projects that retro-commission existing public buildings are eligible to receive funding. Retro-commissioning is a systematic, documented process that identifies low-cost operational and maintenance improvements in existing buildings thereby optimizing system performance and achieving energy efficiency.
- c) **Energy Efficient Transportation Lighting:** Parish and local units of government can implement energy efficient infrastructure upgrades for public streets and public spaces. Projects may include replacement of traffic signals and street lighting with energy efficient lighting technologies including High Pressure Sodium (HPS), pulse start or ceramic metal halide, light emitting diodes (LED), photovoltaic street lighting and other technologies of equal or greater energy efficiency.
- d) **Renewable Energy on Government Buildings:** Projects to implement technologies including solar photovoltaic (PV), solar thermal, geothermal heat pumps and small wind that promote the generation of renewable energy on government buildings. A good renewable project will be on a building that is already highly energy efficient or the proposed activity includes efficiency improvements to the building.
- e) **Building Energy Code Enforcement:** Projects that will advance the adoption of energy efficient building standards, green building codes, establish green permitting programs, or provide training that will increase compliance with existing energy standards. Parish and local units of government can acquire the equipment and training necessary to properly implement and enforce the state's energy efficiency building code.

#### 2. Renew Louisiana Ineligible Activities

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 projects 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. Projects that increase the energy load of a facility by adding new equipment, for example new lighting projects, or new pumps.
- C. Cosmetic improvements to buildings such as wallboard/drywall and painting.
- D. Projects involving new construction or expansion of buildings, facilities, and city infrastructure such as streets, bike lines and pedestrian paths.

- E. Projects involving the alteration of a building's envelope including windows, doors, roofs and walls.
- F. Projects started or installed prior to an executed Memorandum of Understanding with DNR (Form A).
- G. Funds for buying or leasing property.
- H. Projects that involve fuel switching or demand management.

### **3. Administrative Expenses**

Parishes are allowed a maximum of 5 percent for administrative expenses, if warranted. There will be no amendments to increase the administrative line item once awards have been made.

### **4. Contingency**

Renew Louisiana EECBG funds allocated to parishes that do not apply for funding by the January 15, 2010 deadline will be allocated to the "Renew Louisiana Competitive Energy Efficiency and Conservation Block Grant Program".

## IV. Program Requirements

All parishes receiving funding under DNR’s EECBG Program will be considered Subgrantees and will be required to comply with all the following program requirements.

### 1. Terms and Conditions

The Subgrantee will agree to abide by the General Terms and Conditions (**Attachment B**) highlighting requirements which are especially pertinent to federal subgrants made by the Louisiana Department of Natural Resources.

### 2. Project Completion

All projects that receive EECBG funding from the Louisiana Department of Natural Resources must be completed on or before March 14, 2012. DNR will not, without exception, authorize any extensions to the Project Completion Date and reserves the right to terminate a Grant Agreement and de-obligate awarded funds. In such case, the Subgrantee shall not be reimbursed for costs incurred at their risk.

### 3. Required Registrations

All Subgrantees must be registered and in good standing in accordance with the requirements below:

**Dun and Bradstreet Data Universal Number System (DUNS):** Prior to beginning work, Subgrantees 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 (below) and to apply for funding through the Energy Efficiency & Conservation Block Grant Program. To request your DUNS Number 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):** All Subgrantees must maintain current registration in the CCR at all times during which they have an active award funded with ARRA funds. The CCR 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, visit the following link: <http://www.bpn.gov/ccr/>
- 2) Download the User Account Guide from the Central Contractor Registry for instructions on creating or modifying a CCR account <http://www.bpn.gov/ccr/doc/UserAccount.pdf>
- 3) From the CCR 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.

### 4. Transparency Requirements

All files, progress reports, financial reports, documents and data pertaining to the EECBG grant 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.

Subgrantees will be required to submit monthly progress and expenditure reports in accordance with the requirements of the Grant Agreement. Additional quarterly, annual and completion reports may be requested from the Subgrantee. DNR reserves the right to structure reporting requirements on a project-specific basis.

## 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 Subgrantee 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 of public buildings or public works who are employed directly on the site of the work. The provisions of the Davis-Bacon Act apply to both contractors and subcontractors.

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 “subcontractors” within the meaning of the Davis-Bacon Act.

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 Subgrantee assures that it and its sub-recipient(s) will not use ARRA funds for a project for the construction, alternation, 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 only exceptions to this rule would be if iron, steel, and relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality; or 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.

## 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. EECBG awards will be funded pursuant to a grant from the DOE to the Louisiana Department of Natural Resources. DOE must comply with NEPA when awarding grants to states. Accordingly, Subgrantees 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 EECBG 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***

1. Residential and Commercial Building Energy Audits
2. Establishment of financial incentive programs for energy efficiency improvements.
3. Energy Efficiency Retrofits provided that projects are limited to:
  - installation of insulation;
  - installation of efficient lighting;
  - heating, venting, and air conditioning (HVAC);
  - high-efficiency shower/faucet upgrades;
  - weather sealing;
  - purchase and installation of ENERGY STAR appliances;
  - installation of solar powered appliances with improved efficiency; and
  - replacement of windows and doors.
4. Energy Efficiency and Conservation Programs for Buildings and Facilities within the jurisdiction of the entity provided that projects are limited to:
  - design and operation of the programs;
  - identifying the most effective methods for achieving the maximum participation and efficiency rates;
  - public education;
  - measurement and verification protocols; and
  - identification of energy efficient technologies.
5. Development and Implementation of programs to conserve energy used in transportation, provided that projects are limited to:
  - employee flex time programs;
  - promoting use of satellite work centers;
  - development and promotion of zoning guidelines; and
  - synchronization of light signals.
6. Building Codes and Inspections
7. Material Conservation Programs including source reduction, recycling, and recycled content procurement programs.
8. Development, implementation, and installation on or in any government building 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 a 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 - such as appropriately sized for small buildings.
- Ground Source Heat Pump - 5.5-ton 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 - 3 MMBTUs 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)].

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

Parishes proposing projects in support of other activities NOT listed above may also qualify for categorical exclusion status. However, this determination cannot be made without a NEPA review. **Therefore, all parishes proposing projects NOT included in the list above must submit a completed EF-1 Environmental Questionnaire EF-1 (Attachment C).**

If DOE determines that NEPA requires the preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) for a proposed project, the **Parish 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, parishes should carefully consider whether such programs are consistent with the objectives of the ARRA and will allow the expenditure of funds by the March 2012 deadline.

## 9. National Historic Preservation Act (NHPA) 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://www.crt.state.la.us/archaeology/homepage/>

**Parishes 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 be required to complete Item 5 of EF-1 Environmental Questionnaire EF-1 (Attachment C).**

Parishes 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, parishes 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.

Parishes 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, old light bulbs, lead ballasts, piping, roofing material, discarded equipment, debris, asbestos, etc.

Upon award, the Parishes 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 on 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.

## V. Application Process

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

Parishes must submit one hard copy and one electronic copy (CD) of the completed application forms (A through F) to the address provided below.

**Shaw Environmental & Infrastructure, Inc.**  
Attention: Renew Louisiana EECBG Program  
4171 Essen Lane  
Baton Rouge, LA 70809

Parishes must complete and submit Form B - EECBG Activity Worksheet for *each type* of project. For example, a lighting upgrade is a single project type. A parish that will complete lighting upgrades in eight public buildings does not require eight EECBG Activity Worksheets, but rather *one* EECBG Activity Worksheet listing the lighting upgrades in the eight buildings as one project.

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 4:00 p.m. CST on January 15, 2010</b>
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## **VI. Available Assistance**

### **1. For More Information**

Parishes are encouraged to visit DNR's ARRA Website: <http://dnr.louisiana.gov/stimulus> to find out more information on the Louisiana Department of Natural Resources EECBG Program. In addition, DOE's EECBG Program Website offers more information on the EECBG Program and its requirements: <http://www.eecbg.energy.gov>

### **2. Questions**

Parishes may submit questions at any time during the application process. For questions, please contact the Renew Louisiana Energy Efficiency and Conservation Block Grant support line at: 877-319-1368.

All questions and answers will be posted on the DNR's ARRA website at <http://dnr.louisiana.gov/stimulus>. The person and organization submitting a question will not be identified.

### **3. Technical Assistance**

Once the EECBG Activity Worksheets are received, DNR will provide parishes with technical assistance in evaluating energy savings and associated metrics, obtaining necessary approvals, and completing contractual paperwork. DNR will then submit all completed EECBG Activity Worksheets to DOE for approval.

**Louisiana Department of Natural Resources**  
Technology Assessment Division  
[laecbg@shawgrp.com](mailto:laecbg@shawgrp.com)  
877-319-1368

## VII. Supporting Documents

<b>Document Code</b>	<b>Description</b>
Attachment A	Parish Funding Distribution
Attachment B	ARRA Special Terms and Conditions
Attachment C	EF-1 Environmental Questionnaire
Form A	Memorandum of Understanding
Form B	EECBG Activity Worksheet
Form C	Project Narrative
Form D	Waste Stream
Form E	National Historic Preservation Act
Form F	National Environmental Policy Act

**ATTACHMENT A**  
**PARISH FUNDING DISTRIBUTION**

Parish	DNR Allocation
Acadia	\$ 407,000
Allen	\$ 173,000
Ascension	\$ 265,000
Assumption	\$ 156,000
Avoyelles	\$ 286,000
Beauregard	\$ 236,000
Bienville	\$ 101,000
Bossier	\$ 129,000
Caddo	\$ 360,000
Calcasieu	\$ 63,000
Caldwell	\$ 70,000
Cameron	\$ 50,000
Catahoula	\$ 71,000
Claiborne	\$ 110,000
Concordia	\$ 129,000
DeSoto	\$ 178,000
East Baton Rouge	\$ 564,000
East Carroll	\$ 56,000
East Feliciana	\$ 141,000
Evangeline	\$ 244,000
Franklin	\$ 136,000
Grant	\$ 134,000
Iberia	\$ 363,000
Iberville	\$ 221,000
Jackson	\$ 103,000
Jefferson	\$ -
Jefferson Davis	\$ 212,000
Lafayette	\$ 196,000
Lafourche	\$ 241,000
LaSalle	\$ 95,000
Lincoln	\$ 289,000
Livingston	\$ 333,000

Parish	DNR Allocation
Madison	\$ 80,000
Morehouse	\$ 195,000
Natchitoches	\$ 268,000
Orleans	\$ -
Ouachita	\$ 62,000
Plaquemines	\$ 146,000
Pointe Coupee	\$ 152,000
Rapides	\$ 320,000
Red River	\$ 62,000
Richland	\$ 139,000
Sabine	\$ 161,000
St. Bernard	\$ 135,000
St. Charles	\$ 353,000
St. Helena	\$ 72,000
St. James	\$ 146,000
St. John	\$ 324,000
St. Landry	\$ 238,000
St. Martin	\$ 350,000
St. Mary	\$ 348,000
St. Tammany	\$ -
Tangipahoa	\$ 299,000
Tensas	\$ 40,000
Terrebonne	\$ 736,000
Union	\$ 155,000
Vermilion	\$ 378,000
Vernon	\$ 322,000
Washington	\$ 305,000
Webster	\$ 278,000
West Baton Rouge	\$ 154,000
West Carroll	\$ 78,000
West Feliciana	\$ 103,000
Winn	\$ 105,000

**ATTACHMENT B**  
**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 require your subgrantees to provide, 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 subgrantees, 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, subgrantee, 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](http://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:

\_\_\_\_\_

(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).

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**U.S. DEPARTMENT OF ENERGY**  
**ENVIRONMENTAL QUESTIONNAIRE**

**I. BACKGROUND**

The Department of Energy (DOE) National Environmental Policy Act (NEPA) Implementing Procedures (10 CFR 1021) require careful consideration of the potential environmental consequences of all proposed actions during the early planning stages of a project or activity. DOE must determine at the earliest possible time whether such actions will require either an Environmental Assessment or an Environmental Impact Statement, or whether they qualify for a Categorical Exclusion. To comply with these requirements, an Environmental Questionnaire must be completed for each proposed action to provide DOE with the information necessary to determine the appropriate level of NEPA review.

**II. INSTRUCTIONS**

Separate copies of the Environmental Questionnaire should be completed by the principal proposer and appropriate proposer’s subcontractor. In addition, if the proposed project includes activities at different locations, an independent questionnaire should be prepared for each location. Supporting information can be provided as attachments.

In completing this Questionnaire, the proposer is requested to provide specific information and quantities, when applicable, regarding air emissions, wastewater discharges, solid wastes, etc., to facilitate the necessary review. The proposer should identify the location of the project and specifically describe the activities that would occur at that location. In addition, the proposer will be required to submit an official copy of the project’s statement of work (SOW) or statement of project objective (SOPO) that will be used in the contract/agreement between the proposer and DOE.

**III. QUESTIONNAIRE**

**A. PROJECT SUMMARY**

1. Solicitation/Project Number: \_\_\_\_\_
2. Proposer: \_\_\_\_\_
3. Principal Investigator: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_
4. Project Title: \_\_\_\_\_
5. Duration: \_\_\_\_\_
6. Location(s) of Performance (City/Township, County, State): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Identify and select checkbox with the predominant project work activities under Group A-7b or A-7c.

**Group A-7b**

- Work or project activities does NOT involve new building/facilities construction and site preparation activities. This work typically involves routine operation, modification, and retrofit of existing utility and transportation infrastructure, laboratories, commercial buildings/properties, offices and homes, test facilities, factories/power plants, vehicles test stands and components, refueling facilities, greenspace infrastructure, or other existing facilities.

**Group A-7c**

- Work or project activities typically involves major building or facility construction, site preparation; the installation, replacement, or major modifications of energy system prototypes and infrastructure, access right-of-ways and roads; utility, greenspace, and transportation infrastructure, vehicle test facilities; commercial buildings/properties, fuel refinery/mixing facilities, factories/power plants; and other types of energy efficiency/conservation related systems, structures, and facilities. This work can require new or modified regulatory permits, environmental sampling and monitoring requirements, master planning, public involvement, and environmental impact review.

- Other types of work or project activities not listed. (please describe):
  
- 8. Summarize the objectives of the proposed work. List activities planned at the location as covered by this Environmental Questionnaire.
  
- 9. List all other locations where proposed work or project would be performed by project’s proposer and subcontractors.
  
- 10. Identify major project operation related materials and waste that would be used, consumed, and produced by this project or activity.
  
- 11. Provide a brief description of the project location (physical location, surrounding area, adjacent structures).
  
- 12. Attach a site plan or topographic map of the project work area.

**B. ENVIRONMENTAL IMPACTS**

This section is designed to obtain information for objectively assessing the environmental impacts of a proposed project. NEPA procedures require evaluations of possible effects (including land use, energy resource use, natural, historic and cultural resources, and pollutants) from proposed projects on the environment.

**1. Land Use**

- a. Characterize present land use where the proposed project would be located.  
 Urban                       Industrial                       Commercial                       Agricultural  
 Suburban                       Rural                       Residential                       Research Facilities  
 Forest                       University Campus                       Other
  
- b. Describe how land use would be affected by planned construction and project activities.  
 No construction would be anticipated for this project.
  
- c. Describe any plans to reclaim/replant areas that would be affected by the proposed project.  
 No land areas would be affected.
  
- d. Would the proposed project affect any unique or unusual landforms (e.g., cliffs, waterfalls, etc.)?  
 No  Yes (describe)
  
- e. Would the proposed project be located in or near a national park or wilderness area?  
 No  Yes (describe)

*If project work activities falls under item A-7b; then proceed directly to question B.6 (Atmospheric Conditions/Air Quality) and continue to fill out questionnaire.*

*If project work falls under item A-7c; then proceed directly below to question B.2 (Construction Activities and/or Operations) and continue to fill out questionnaire.*

**2. Construction Activities and/or Operations**

- a. Identify any roads, trails, or utility right of ways that traverse the proposed site or will be constructed and clearly mark them on project site maps.  
 None

- b. Would the proposed project require the construction of settling ponds?  
 No  Yes (describe and identify location, and estimate surface area disturbed)
- c. Would the proposed project affect any existing body of water?  
 No  Yes (describe)
- d. Would the proposed project be located in or impact a floodplain or wetland?  
 No  Yes (describe)
- e. Would the proposed project be likely to cause runoff/sedimentation/erosion?  
 No  Yes (describe)

**3. Vegetation and Wildlife Resources**

- a. Identify any State- or Federal-listed endangered or threatened plant or animal species affected by the proposed project.  
 None
- b. Would any foreign substances/materials be introduced into ground or surface waters, or other earth/geologic resource because of project activities? Would these foreign substances/materials affect the water, soil, and geologic resources?  
 No  Yes (describe)
- c. Would any migratory animal corridors be impacted or disrupted by the proposed project?  
 No  Yes (describe)

**4. Socioeconomic and Infrastructure Conditions.**

- a. Would local socio-economic changes result from the proposed project?  
 No  Yes (describe)
- b. Would the proposed project generate increased traffic use of roads through local neighborhoods, urban or rural areas.?  
 No  Yes (describe)
- c. Would the proposed project require new transportation access (roads, rail, etc.)? Describe location, impacts, costs.  
 No  Yes (describe)
- d. Would any new transmission lines and/or power line right-of-ways be required?  
 No  Yes (describe location, voltage, and length of line)

**5. Historical/Cultural Resources**

- a. Describe any historical, archeological, or cultural sites in the vicinity of the proposed project; note any sites included on the National Register of Historic Places.  
 None
- b. Would construction or operational activities planned under the proposed project disturb any historical, archeological, or cultural sites?  
 No planned construction  No historic sites  Yes (describe)

- c. Would the proposed project interfere with visual resources (e.g., eliminate scenic views) or alter the present landscape?  
 No  Yes (describe)

*For all proposed project work activities identified under item A-7b, respond to item B6 directly below and continue filling out environmental questionnaire.*

**6. Atmospheric Conditions/Air Quality**

- a. Identify air quality conditions in the immediate vicinity of the proposed project with regard to attainment of National Ambient Air Quality Standards (NAAQS). This information is available under the NAAQS tables from the U.S. EPA Air and Radiation Division.

	<u>Attainment</u>	<u>Non-Attainment</u>
O <sub>3</sub>	<input type="checkbox"/>	<input type="checkbox"/>
SO <sub>x</sub>	<input type="checkbox"/>	<input type="checkbox"/>
PM <sub>10</sub>	<input type="checkbox"/>	<input type="checkbox"/>
CO	<input type="checkbox"/>	<input type="checkbox"/>
NO <sub>2</sub>	<input type="checkbox"/>	<input type="checkbox"/>
Lead	<input type="checkbox"/>	<input type="checkbox"/>

- b. Would proposed project require issuance of new or modified major source air quality permits?  
 No  Yes (describe)
- c. Would the proposed project be in compliance with the National Emissions Standards for Hazardous Air Pollutants?  
 No (explain)  Yes
- d. Would the proposed project be classified as either a New Source or a major modification to an existing source?  
 No  Yes (describe)
- e. Would the proposed project be in compliance with the New Source Performance Standards?  
 Not Applicable  No (explain)  Yes
- f. Would the proposed project be subject to prevention of significant deterioration air quality review?  
 Not applicable  No (explain)  Yes (describe)
- g. What types of air emissions, including fugitive emissions, would be anticipated from the proposed project?
- h. Would any types of emission control or particulate collection devices be used?  
 No  Yes (describe, including collection efficiencies)
- i. If no control devices are used, how would emissions be vented?

**7. Hydrologic Conditions/Water Quality**

- a. What is the closest body of water to the proposed project area and what is its distance from the project site?
- b. What sources would supply potable and process water for the proposed project?
- c. Quantify the daily or annual amount of wastewater that would be generated by the proposed project.

- d. Identify the local treatment facility that would receive wastewater from the proposed project.  
 No discharges to local treatment facility
  
- e. Describe how wastewater would be collected and treated.
  
- f. Would any run-off or leachates be produced from storage piles or waste disposal sites?  
 No  Yes (describe source)
  
- g. Would project require issuance of new or modified water permits to perform project work or site development?  
 No  Yes (describe)
  
- h. Where would wastewater effluents from the proposed project be discharged?  
 No wastewater produced
  
- i. Would the proposed project be permitted to discharge effluents into an existing body of water?  
 No  Yes (describe water use and effluent impact)
  
- j. Would a new or modified National Pollutant Discharge Elimination System (NPDES) permit be required?  
 No  Yes (describe)
  
- k. Would the proposed project adversely affect the quality or movement of groundwater?  
 No  Yes (describe)

**8. Solid and Hazardous Wastes**

- a. Describe and estimate major nonhazardous solid wastes that would be generated from the project. Solid wastes are defined as any solid, liquid, semi-solid, or contained gaseous material that is discarded or has served its intended purpose, or is a manufacturing or mining by-product (40 CFR 260, Appendix I).
  
- b. Would project require issuance of new or modified solid waste and/or hazardous waste related permits to perform project work activities?  
 No  Yes (explain)
  
- c. How and where would solid waste disposal be accomplished?  
 On-site (identify and describe location)  
 Off-site (identify location and describe facility and treatment)
  
- d. How would wastes for disposal be transported?
  
- e. Describe and estimate the quantity of hazardous wastes (40 CFR 261.31) that would be generated, used, or stored under this project.  
  
 None
  
- f. How would hazardous or toxic waste be collected and stored?  
 None used or produced
  
- g. If hazardous wastes would require off-site disposal, have arrangements been made with a certified TSD (Treatment, Storage, and Disposal) facility?  
 Not required  Arrangements not yet made  Arrangements made with a certified TSD facility  
(identify):

**C. DESCRIBE ANY ISSUES THAT WOULD GENERATE PUBLIC CONTROVERSY REGARDING THE PROPOSED PROJECT.**

None

**IV. CERTIFICATION BY PROPOSER**

I hereby certify that the information provided herein is current, accurate, and complete as of the date shown immediately below.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
month day year

TYPED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ORGANIZATION: \_\_\_\_\_

**V. REVIEW AND APPROVAL BY DOE**

I hereby certify that I have reviewed the information provided in this questionnaire, have determined that all questions have been appropriately answered, and judge the responses to be consistent with the efforts proposed.

PROJECT MANAGER:

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
month day year

TYPED NAME: \_\_\_\_\_