

EmPower Louisiana

LOUISIANA DEPARTMENT OF NATURAL RESOURCES

American Recovery and Reinvestment Act of 2009



TRANSPORTATION EFFICIENCY & ALTERNATIVE FUELS PROGRAM

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General

What is EmPower Louisiana Transportation Efficiency & Alternatives Fuels Program?

The Louisiana Department of Natural Resources created the EmPower Louisiana Transportation Efficiency & Alternative Fuels Program to distribute funding received from the U.S. Department of Energy (U.S. DOE) under the State Energy Program (SEP). The EmPower Louisiana Transportation Efficiency & Alternative Fuels Program works to improve public infrastructure and mass transit systems throughout the State of Louisiana. This program will fund projects that will allow Applicants to purchase alternative fuel vehicles, install efficient traffic signals and street lights, convert fleet vehicles to more energy efficient systems, and install alternative fueling infrastructure.

What is the State Energy Program?

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

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

What are examples of projects that EmPower Louisiana Transportation Efficiency & Alternatives Fuels Program may fund?

The Program will fund projects that will allow Applicants to purchase alternative fuel vehicles, install efficiency traffic signals and street lights, convert fleet vehicles to Compressed Natural Gas (CNG), and install CNG fueling infrastructure.

What is the total funding amount available under EmPower Louisiana Transportation Efficiency & Alternatives Fuels Program?

The Department of Natural Resources will distribute approximately \$9.8 million of SEP funds under the EmPower Louisiana Transportation Efficiency & Alternatives Fuels Program through a competitive grant process.

Are workshop materials available online?

Yes. They are available on the EmPower Louisiana website at www.empowerlouisiana.org. This website is the main portal for all program information.

How will comments and questions be incorporated into the Program Guidelines?

Any questions submitted will be posted on the website as part of this FAQ document.

What is the involvement of the Shaw Group (Shaw) in the EmPower Louisiana Transportation Efficiency & Alternative Fuels Program?

DNR has contracted with Shaw to assist with the Program design, implementation and management of the EmPower Louisiana State Energy Program (SEP). Shaw was awarded this contract through a public Request for Proposals (RFP) process that took place in September of 2009.

What is the Grant Agreement?

The Grant Agreement is a contractual agreement provided by DNR to the Grantee at the time of award that outlines the terms and conditions that the Grantee must adhere to throughout project duration..

For those successful respondents, when will a notice to proceed (NTP) be released in order that respondents can begin performance of work for the projects proposed?

Grantees will be notified at the time of award by different means, including a phone call and a letter of award. It is anticipated that Grantees will be announced at the beginning of June. Project work cannot begin until a Grant Agreement is signed between the Grantee and DNR.

Eligibility

What types of lighting will be funded?

DNR may provide funding for “prescriptive” and/or “custom” lighting technologies. Prescriptive technologies include LED lighting, LED traffic signals, Metal Halide Lighting and Induction Lighting. Custom incentives may be provided for other measures not included in the prescriptive list, and will be set at \$0.10 per kWh saved in one year.

Does the Applicant have to be a Louisiana-based company?

No. However, applications will be evaluated based on their impact within the state of Louisiana, as specified in the Evaluation Criteria section of the Program Guidelines.

Will this Program allow the purchase of alternative fuel vehicles?

The Transportation Efficiency & Alternative Fuels Program will only fund the purchase or conversion of dedicated Compressed Natural Gas (CNG) vehicles.

Will other alternative fuels be funded under this program?

No. This Program will fund only Compressed Natural Gas (CNG) vehicles and fueling stations.

Are High Pressure Sodium lights eligible to receive funding?

Yes. They are eligible under custom incentives. Custom technologies will receive equal consideration to prescriptive technologies.

Do proposed CNG fueling stations need to be a quick-fuel facility, or can it be a time-fill that would have a quick-fuel dispenser open to the public?

The Program will fund the purchase equipment for construction of quick-fuel (fast-fill) CNG fueling station. If the proposed project is primarily time-fill but has a quick-fuel dispenser included, DNR will consider it for funding.

Do proposed CNG fueling stations need to be publicly accessible?

Proposed CNG stations do not need to be publicly accessible. However, preference will be given to stations that are open to the public.

Are projects to upgrade existing CNG fueling stations eligible?

Yes, as long as the proposed upgrade adds capacity to the station.

Application Process

Can an applicant submit multiple applications?

Applicants may submit multiple applications provided that each application is submitted under a different eligible activity, i.e. (A) Alternative Fuels, (B) Transportation Efficiency, and (C) Refueling Infrastructure. A maximum of three applications may be submitted under EmPower Louisiana Transportation Efficiency and Alternative Fuels, or one for each eligible activity.

Is there a requirement to have partnerships as part of an application?

Partnerships are not specifically required under this program, but they are encouraged by DNR.

For purposes of the application, how would Applicants define job creation?

Job created means a new position created and filled, or an existing unfilled position that is filled, that is funded by the Recovery Act. A job retained means an existing position that is now funded by Recovery Act funding. Jobs created and retained must be reported in full-time equivalents or FTEs. The U.S. Office of Management and Budget provides guidance for estimating the FTE jobs (OMB M-09-21 Section 5). This guidance is available online at http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf

Will DNR provide guidance on how to calculate jobs created and retained and greenhouse gas emissions?

Yes. DNR has posted an “Energy Metrics” document that provides guidance on how to calculate jobs, GHG emissions avoided and cost-effectiveness, on the program website www.empowerlouisiana.org

What are the criteria for evaluation of proposals?

Information on evaluation criteria is provided in the Program Guidelines. Please refer to the Selection Criteria included in section IV of the Program Guidelines.

How will the application be reviewed?

The application will be independently reviewed by multiple parties and ranked based on quantitative and qualitative criteria outlined in section IV of the Program Guidelines.

Who will review the applications?

Shaw will conduct an initial review of eligibility, completeness and merit. Funding recommendations will then be submitted to DNR who will make final selection of Grantees based on Shaw's recommendations. All projects will also be subject to approval from the U.S. DOE.

Does the Applicant have to go through the procurement process before submitting an application?

No. Procurement will occur after Grant Award.

Will application documents be made public?

Applications received will not be made public; however, state and federal Sunshine and Freedom of Information Act (FOIA) laws are applicable to this grant program.

How will confidentiality of information submitted in the applications be handled?

FOIA and State Sunshine laws apply to any documents submitted under the Renewable Energy Program. If there is any proprietary information on a document, be sure to stamp "Confidential Treatment Requested by [Name of Party]" on the page where the information is located. Requests for confidentiality will only be honored if, in fact, the request falls under the requirements and exclusions set forth under FOIA and State Sunshine laws.

Do the Application Forms allow space for narratives?

Narratives are required as part of the Application Submittals. Section V of the Program Guidelines provides the outline that applications should follow as well as page limitations on each section.

American Recovery and Reinvestment Act of 2009 Requirements

Will Applicants require a DUNS number?

Yes. Applicants will require a DUNS number when submitting an application. DUNS number assignment is free to obtain. To request your DUNS Number, please visit: <http://fedgov.dnb.com/webform>. In addition, all Grantees will be required to maintain current registration in the Central Contractor Registry (CCR) at all times during which they have an active award funded with ARRA funds.

For projects undertaken by a private company, how will ARRA requirements such as Buy American and Davis Bacon apply?

The Buy American Requirements will apply to projects funded under the Transportation Efficiency and Alternative Fuels Program regardless of whether the project is undertaken by a private or public entity.

Is there a preference for Louisiana-made materials?

The requirements set forth in the ARRA are for the use of American-made equipment and materials to comply with Buy American. The use of Louisiana-made products and materials will be considered under

the evaluation criterion "Overall Impact", which looks at the economic impacts of the project in the state of Louisiana.

For vehicle conversions, does a Louisiana-based company have to be selected to do the fleet conversions?

No, it can be an American company. However, applicants should consider that the project's impact on the state of Louisiana will be considered when evaluating applications as part of the "Overall Impact" criterion.

Do EmPower Louisiana dollars lose their federal identity when they come through DNR?

These funds flow through and are managed by DNR. However, they remain federal dollars subject to all transparency and reporting requirements of ARRA and U.S. DOE.

How does prevailing wage impact leveraged funds?

Any ARRA dollars that Grantees receive should be held separate for accounting purposes, so they can be traceable to the project and funding entity. All of these dollars will be subject to federal Davis-Bacon prevailing wage requirements. If Grantees receive additional state dollars through other programs and apply it to an EmPower Louisiana project, these dollars will have to follow state laws in regards to wage levels.

Once the funding period is complete, are Grantees required to continue paying prevailing wages?

After the EmPower Louisiana project is completed, there would not be a requirement to continue to pay federal prevailing wage.

Is there a general or standardized bidding process for ARRA funded projects?

All solicitations and bidding must comply with local, state, and federal laws, including ARRA requirements.

If a Grantee can conduct certain project tasks in-house, will these components need to follow state procurement requirements?

If the Grantee can conduct projects tasks in-house, these tasks will not have to be procured.

What are the ARRA reporting requirements?

The ARRA reporting requirements are stringent, as reporting and accountability is of primary importance for stimulus dollars. Grantees 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 Grantee. DNR reserves the right to structure reporting requirements on a project-specific basis.

What is the length of grant agreement for reporting requirements?

It will begin immediately at the time a Grant Agreement is signed and remain in effect until project completion or April 30, 2012, whichever comes first.

Will each Grantee report to DNR, or directly to U.S. DOE?

Grantees will report to DNR via an online reporting tool and will need to follow federal reporting guidelines. Additional guidance on reporting will be provided to Grantees at the time a Grant Agreement is executed.

Are National Environmental Policy Act, or NEPA, requirements applicable to potential projects?

Yes, NEPA requirements are applicable. NEPA is federal law that requires federal agencies to consider the potential environmental impacts of their proposed actions. U.S. 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. Projects that are considered categorical exclusions are listed in the program manual. Projects that do not fall under the categorical exclusion list will need to submit additional documentation.

Is there a NEPA document available that can give Applicants more guidance on this requirement?

The EF-1 Environmental Questionnaire, included as Exhibit B of the Program Guidelines will begin the Applicant's NEPA process with the Federal government. For more information regarding NEPA see U.S. DOE's NEPA website: <http://www.gc.energy.gov/NEPA/>

Will DNR provide assistance to conduct NEPA studies?

No. The Grantee will be responsible and will bear the financial responsibility of conducting the studies.

What happens if a Grantee is not able to complete a project by the Project Completion Deadline of April 30, 2012?

The Grantee will have to return all funding awarded to DNR, including any funds that have already been expended. DNR will then have to return these funds to the U.S. Department of Energy (U.S. DOE) to be allocated to projects in other states.

What is the criterion for "project completion"?

A project will be considered complete when all street lighting is installed, vehicles are converted to CNG or new vehicles are delivered on-site, and fuel-stations are dispensing CNG.

For the purchase of vehicles, in order to comply with the Completion Deadline requirements, will vehicles need to be delivered by April 30, 2012? Or will purchase orders be sufficient for the project to be considered complete?

Vehicles must be delivered and operational by April 30, 2012 in order for the project to be considered complete.

Is there a possibility that the timeline to complete projects be extended in the future?

The timeline is fixed based on specific ARRA and DOE requirement and will not change.

If only equipment is being paid for with an EmPower Louisiana grant, will labor required to install this equipment have to comply with Davis Bacon requirements?

Yes. All projects receiving EmPower Louisiana funds become public works for purposes of complying with ARRA requirements and will be subject to Buy American and Davis Bacon (prevailing wage) requirements.

Leveraging

Will Applicants be required to leverage funds?

Applicants are encouraged to leverage other funding sources to the greatest extent possible. Preference will be given to projects that make effective use of available private and funding sources to ensure project viability. Leveraged funds means funds made available to the project from sources other than EmPower Louisiana dollars. Examples of leveraged funds include Applicant contributions, collaborating partners' funds, utility rebates or incentives, tax credits, bonds, state funds and other federal funds as applicable to the project.

Can Applicants use tax credits as leverage?

Tax credits do represent leverage; however, they are only applicable to taxable entities.

What kind of commitment do Applicants need on an application to show they will get additional, or leveraged, funds?

DNR understands that other funding programs have different timelines. If an Applicant is in the position to get commitment letters, then DNR certainly encourages including these in the application. However, if an Applicant does not have a commitment yet, it should list the sources it is researching or pursuing as sources of potential leveraging.

Will Energy Efficiency and Conservation Block Grant (EECBG) funds be considered as part of the Applicant's match?

Yes. EECBG dollars will count as leveraged funding.

If the Applicant has received a grant from U.S. DOE, can this be considered leveraged funding and does the Applicant need to submit proof?

Funding from other state and federal programs will be considered as leveraged dollars. Applicants must provide letters from each financial partner or funding entity indicating the amount of their support. A letter of award from U.S. DOE will be considered as proof for purposes of this requirement.

Costs and Financial

Will there be an allowable line item for grant administration?

Administrative costs are eligible for up to 5 percent of funding provided. Administrative Expenses include, but are not limited to, procurement, reporting and submitting weekly certified payrolls to DNR.

Is this going to be a one-time grant? Will projects receive more money if projected costs are exceeded?

This will be a one-time grant award by project. DNR recommends Applicants scope out their projects at the beginning of the process and work within their available funding parameters.

Does DNR reserve the right to partially fund a project?

Yes. While DNR does reserve the right to provide partial funding for a project, this right will be exercised with caution to avoid the risk of hindering a project's implementation.

Can Applicants negotiate the scope of the project?

No. Applicants may not negotiate the scope of work once the application is submitted. The grant award is based on the submitted scope of work.

Will there be criteria that if a Grantee does not perform to certain levels it will lose the money?

Yes. In the instance that a project is not being executed as expected, DNR will first contact the Grantee to determine how the project can be completed within the given timeframe. If a Grantee is still unable to complete the project they will have violated the terms of the Grant Agreement and must return all grant funds to DNR.

How will funding be issued to the Grantee under this program?

Grant payments will be provided on a cost-reimbursement basis. Upon award, the Grantee shall receive a Grant Agreement providing specific conditions and instructions of grant payments.

Will labor costs be funded under this program?

This program will only fund the purchase of eligible equipment. No labor costs are funded under the EmPower Louisiana Transportation Efficiency & Alternative Fuels Program.

Are grant awards under this program considered taxable income?

Grant awards for private entities will be considered taxable income. DNR recommends contacting a tax professional for additional information.

Will Applicants get a reimbursement for costs already incurred?

There will be no reimbursement for costs incurred prior to executing a Grant Agreement.

Can costs that have already been incurred be considered part of Total Project Costs for purposes of determining leveraging requirements and funding percentage?

DNR will consider as eligible Total Project Costs any costs that are directly related to the proposed renewable energy project and that have occurred within one year previous to submitting an application for the EmPower Louisiana Transportation Efficiency & Alternative Fuels Program, i.e. costs incurred during the period May 14, 2009 to May 14, 2010 will be considered part of Total Project Costs.

For CNG fueling stations, will DNR provide a grant award of up to 50% of project costs, or 50% of equipment costs?

DNR may provide a grant award for up to 50 percent of eligible project costs, which are considered the costs of purchasing CNG dispensing equipment. A maximum incentive of \$1.25 million will be given per application.