

**ENERGY EFFICIENCY & CONSERVATION BLOCK
GRANT**

KICK-OFF WEBINAR

DOE Award Number: DE-EE0000893

CFDA Number: 81.128

SECO Stimulus Grants Coordinator Directory

Jennifer Dear
512.475.5608
Jennifer.Dear@cpa.state.tx.us

Pamela Groce
512.463.1889
Pamela.Groce@cpa.state.tx.us

Stephanie Jones
512.463.4594
Stephanie.Jones@cpa.state.tx.us

Rebecca Ligon
512.475.3471
Rebecca.Ligon@cpa.state.tx.us

Carter Sieber
512.475.5607
Carter.Sieber@cpa.state.tx.us

Main Line: 512.463.7392

General Email: Secostimulus@cpa.state.tx.us

Toll Free Number: 800.531.5441 ext 37392

For more information on energy related Texas Stimulus and the American Recovery and Reinvestment Act of 2009, please visit: <http://www.secostimulus.org>

I. Federal Compliance

COMPLIANCE WITH AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) PROVISIONS

Sub-recipients will be required to comply with several federal regulations including:

- Procurement regulations
- National Environmental Policy Act (NEPA);
- Davis-Bacon and related acts; and
- Buy American Act

Sub-recipients that expend \$500,000 or more in Federal awards annually will also be required to perform a Single Audit to comply with OMB Circular A-133. Those entities that are required to perform an A-133 audit must separately report the ARRA funds on their Schedule of Expenditures of Federal Awards (SEFA).

A. Procurement

Procurement is the process through which an entity obtains goods and services from vendors/contractors. The federal government has established a set of procurement rules that apply to ARRA-funded projects. These rules are in place to ensure that federal dollars are spent fairly and encourage open competition for the best level of service and price.

- Know your policy
- Follow the established process and guidelines
- Document, document, document

More information on procurement can be found at

<http://www.seco.cpa.state.tx.us/arra/guidelines/index.php#provisions>

B. Davis-Bacon and Related Acts

ARRA requires the payment of Davis-Bacon Act prevailing wage rates (which are determined by the U.S. Department of Labor) to all **contracted** workers on all construction, alteration, or repair of a public building or public work projects in excess of \$2,000 (29 CFR, Parts 1, 3 and 5). States and local governments that use their own employees to perform work required by the ARRA contract **do not** have to pay Davis-Bacon wage rates to those employees, but must document the hours worked performing those duties.

To comply with this regulation, a wage determination for the type of work being proposed must be made available to all prospective contractor/bidders. Wage determinations may be found at <http://www.wdol.gov/dba.aspx#0>. Once a contractor has been chosen, weekly certified payrolls must be submitted to the Sub-recipient by the contractor. The Sub-recipient will submit the payrolls to the SECO Stimulus Grants Coordinator. A certified payroll form may be found at <http://www.dol.gov/whd/forms>. The form number is WH-347. The Sub-recipient is required to ensure that the wages paid are consistent with the wage classifications listed on the wage determination.

Other resources:

- Energy Efficiency And Conservation Block Grant Davis-Bacon Guidance:

http://www1.eere.energy.gov/wip/davis-bacon_act.html#eecbg

C. Buy American Provision

DOE issued guidance on the Buy American provisions on May 24, 2010. The guidance may be found at:

http://www1.eere.energy.gov/recovery/buy_american_provision.html

The Buy American provision in the ARRA of 2009 (section 1605 of Title XVI), provides that, subject to three listed exceptions, none of the funds appropriated or otherwise made available by the Act may be used for a project for the construction, alteration, or repair of a public building or public work **unless** all the iron, steel, and manufactured goods used are produced in the United States. The three exceptions are:

1. Applying the Buy American provision would be inconsistent with the public interest;
2. The iron, steel and manufactured goods are not produced in the U.S. in sufficient and reasonably available quantities and of a satisfactory quality (“nonavailability”); and
3. The inclusion of iron, steel and manufactured goods produced in the U.S. will increase the cost of the overall projects by more than 25 percent (“unreasonable cost”).

Compliance with this provision is mandatory unless a request for a waiver using one of the above reasons is applied for and approved by DOE.

D. National Environmental Policy Act (NEPA) <http://www.seco.cpa.state.tx.us/arra/>

The National Environmental Policy Act (NEPA) was enacted in 1969 to ensure that federal agencies consider and address any environmental impacts that result from the activities and projects they sponsor. The U.S. Department of Energy (DOE) enforces these regulations to ensure that projects do not pose a negative impact on the environment, or create environmental conditions that would negatively impact the persons served by the project.

Some SECO Stimulus projects may require environmental impact statements or an environmental assessment. Applicants will be notified if NEPA review will be required for their project. Once DOE has completed its NEPA review and clears the project, SECO Stimulus will issue a contract for the project.

DOE will be responsible for completion of any environmental assessment or environmental impact statements that are required. Sub-recipients may be required to assist DOE by providing information for their projects, if necessary.

Many Texas EECBG program areas have been categorically excluded(CX) from further NEPA review. As such, contracts have been issued for projects falling within the following program areas:

- Building Efficiency and Retrofit
 - Installation of insulation

- Installation of efficient lighting, heating, venting and air conditioning (HVAC) and high efficiency shower/faucet upgrades
- Weather sealing
- Purchase and installation of ENERGY STAR appliances
- Installation of solar powered appliances with improved efficiency
- Replacement of windows and doors
- Transportation Efficiency
 - Traffic signals
 - Alternative Fuels
 - Installation of energy efficient traffic signals and street lighting
- Installation of distributed energy technologies including combined heat and power and district heating and cooling systems
- Installation of Distributed Renewable Energy Technology on government buildings
 - 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 building in which they are located
 - Biomass Thermal – 3 MMBTUs per hour or smaller system with appropriate Best Available Control Technologies (BACT) installed and operated.

The completion of NEPA review by DOE, including the granting of a Categorical Exclusion determination, and the release of Federal funds **do not** exempt the Sub-recipient from complying with all applicable federal, state and local laws and other environmental requirements. For example, a Sub-recipient should comply with any waste management laws applicable to its projects, such as for the proper recycling or disposal of wastes generated by building retrofits or the installation of renewable energy systems. DOE makes a CX determination or completes an EA or EIS in order to comply with NEPA. This does not substitute for compliance with other applicable requirements by the Sub-recipient.

Compliance with NEPA includes complying with the National Historic Preservation Act of 1966. Properties undergoing reconstruction or retrofit that are over forty-five (45) years old, listed on or eligible for listing on the National Register of Historic Places, are located in a National Register listed

or eligible historic district, or that are in a locally designated historic district or are designated as State Archeological Landmarks under the Antiquities Code of Texas and ALL courthouses may be required to submit a description of their project to the State Historic Preservation Officer (SHPO). The Comptroller has signed a Memorandum of Understanding with the SHPO for review of these projects. A list of projects that are exempt from review by the SHPO and a list of projects that must be reviewed by the SHPO may be found on the SECO Stimulus Website at:

<http://www.seco.cpa.state.tx.us/arra/>

E. National Historic Preservation Act

The National Historic Preservation Act impose additional requirement for projects that may have a negative impact on any structure or building that is forty-five (45) years of age or older, that is listed in or eligible for listing in the National Register of Historic Places, that is located in a National Register listed or eligible historic district, or that is in a locally designated historic district. Similar to NEPA, many projects have already been cleared by the Texas State Historic Preservation Officer, but unless your project has been positively identified as not falling into the excluded categories, you **must** receive NHPA clearance from the Texas State Historic Preservation Officer staff before **any** work on the project may start. The Texas Historical Commission serves as the Texas State Historic Preservation Officer and THC will be responsible for completion of any historical assessments. You will be required to assist THC by providing information for their projects, if necessary. You may contact THC through the website: <http://www.thc.state.tx.us/crm/crmdefault.shtml>

.

II. Contract Agreement

A. Conflict of Interest

A. Financial Interest Prohibited. ARRA-recipient shall ensure (except for eligible administrative or personnel costs) that no person who (i) is an employee, agent, consultant, officer, or elected official or appointed official of the ARRA-recipient or of a subcontractor of ARRA-recipient, and (ii) who exercises or has exercised any functions or responsibilities with respect to the activities assisted under this ARRA-recipient Agreement or is in a position to participate in a decision making process or gain inside information with regard to such activities, may have an interest in or benefit from the activity or have any interest in the ARRA-recipient Agreement or a subcontract for the of ARRA-recipient Agreement, during the persons tenure with ARRA-recipient or a subcontractor of ARRA-recipient and for at least one year thereafter. ARRA-recipient shall apply the requirements of this subsection to employees, agents, consultants, officers, and elected and appointed official of the ARRA-recipient and any subcontractors of ARRA-recipient as well as any member of such persons immediate families, their partners, and any organization that employs, or is about to employ any of the above. ARRA-recipient shall comply with Chapter 171, Texas Local Government Code.

B. Reimbursement

A. ARRA-recipient agrees to make no request for reimbursement prior to return of this Agreement signed by the authorized ARRA-recipient representative. ARRA-recipient also agrees to make no request for reimbursement for goods or services procured by ARRA-recipient prior to the performance period start date of this Agreement or after the performance period end date of this Agreement; except that CPA may reimburse expenditures made prior to the return of this Agreement signed by the authorized ARRA-recipient representative if:

- The expense is directly related to the EECBG “approved” project
- The expense was not incurred prior to the signing of the Notification of Intent to participate in the EECBG program
- The expense meets all ARRA provisions, state and federal laws and regulations, and SECO Stimulus programs rules
- The expense is properly documented; and
- The Agreement is executed

B. Request for Reimbursement. The ARRA-recipient shall submit to CPA, as often as needed, a properly completed VISS Form fully supported by receipts and such other documentation. CPA retains the authority to approve or deny the amount requested and shall not make disbursement of any such payment until CPA has reviewed and approved such a request.

C. Subcontracts

A. ARRA-recipient Liability. In no event shall any provision of this Section be construed as relieving the ARRA-recipient of the responsibility for ensuring that the performances rendered under all subcontracts comply with all of this ARRA-recipient Agreement's terms as if such performances rendered were rendered by the ARRA-recipient. CPA's approval under this Section does not constitute adoption, ratification or acceptance of the ARRA-recipient's or a subcontractor's performance. ARRA-recipient shall require all subcontractors to comply with the same reporting requirements as ARRA-recipient outlined in the Section of this Agreement entitled "Other Requirements", paragraph B. ARRA-recipient will also be responsible to ensure that all Vendors comply with the same reporting requirements.

B. Applicable Law. The ARRA-recipient shall comply with 10 C.F.R. Part 600 and all applicable federal and state laws outlined in Exhibit A and local laws, regulations and ordinances related to making procurements under this ARRA-recipient Agreement.

D. Monthly Reporting

The *Monthly Progress Report* is due to the Comptroller's Office by the last day of each month. Monthly Progress Reports must be submitted on the Comptroller's website and submitted electronically. Reports may be submitted via a link on the SECO Stimulus web page: <http://www.secostimulus.org>. Click on the blue icon on the left side in the middle of the page titled SECO Stimulus Recipient Reporting Tool. This will take you to the SECO Stimulus reporting page, <http://www.seco.cpa.state.tx.us/arra/reporting/index.php>. Click on the yellow button in the upper right side of the page titled Login to Recipient Reporting Tool. This will take you to the SECO Stimulus Recipient Reporting Tool's log on page. You must be designated as your entity's reporting contact. Once you have been designated, you will receive a User ID and password by e-mail to access the system. If you experience problems with the SECO Stimulus Recipient Reporting Tool, please contact your grants coordinator.

E. Change in Key Personnel

The ARRA-recipient shall notify CPA within ten (10) working days of the occurrence of any change in the ARRA-recipient's key personnel assigned to the grant project, significant changes affecting the ARRA-recipient's identity, any voluntary or involuntary actions in bankruptcy, or any criminal or civil allegations or action by or against the ARRA-recipient.

F. Prohibition on use of Funds

None of the funds provided under this agreement derived from ARRA, 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.

G. Monitoring

CPA reserves the right to perform periodic on-site monitoring to assure compliance with federal requirements and that performance goals are being achieved.

H. Segregation of Cost

Recipients must segregate the obligations and expenditures to funding under ARRA. Financial and accounting system should be revised as necessary to segregate, track and maintain these funds apart and separate from other revenue streams.

I. Registration Requirements

Entities must maintain current registration in the Central Contractor Registration System at all times during this active federal award.

Reimbursement Setup Procedure

Getting Started

Step 1. Texas Identification Number (TIN)

If you do not have a TIN, you must establish one in order to bill and receive reimbursements. Download and complete the application at the link below:

Payee Identification Number Application

<http://www.window.state.tx.us/taxinfo/taxforms/ap-152.pdf>

If you need assistance completing the application, you may call the State Comptroller's office at
(800) 531-5441, ext. 33660, toll free nationwide; in Austin the number is (512) 463-3660.

Submit completed TIN application form to:

Mail: David Schiller, Accountant
State Energy Conservation Office - Stimulus
Texas Comptroller of Public Accounts
LBJ State Office Building
111 East 17th Street, Room 146
Austin, Texas 78774

Step 2. Direct Deposit

Entities are encouraged to sign up for direct deposit by downloading the Direct Deposit Authorization form. Direct deposits provide access to funds in as little as 14 days for reimbursement under \$5,000.

Submit the completed direct deposit information to:

Fax: (512) 305-8855
Email claims.pin@cpa.state.tx.us
Mail: Glenn Jennings, Accountant
State Energy Conservation Office - Stimulus
Texas Comptroller of Public Accounts
LBJ State Office Building
111 East 17th Street, Room 146
Austin, Texas 78774



COMPTROLLER OF PUBLIC ACCOUNTS, STATE ENERGY CONSERVATION OFFICE STIMULUS

CONTRACT REIMBURSEMENT GUIDELINES

All SECO Stimulus sub-recipients and vendors are required to submit a Voucher Information Summary Sheet (VISS) for each request for reimbursement. Documentation for all expenses claimed on the VISS should be attached to and submitted along with the form. Sub-recipients may submit reimbursements via fax or email (with scanned attachments) as often as needed to:

Comptroller of Public Accounts
Budget and Internal Accounting Division
Accounts Payable
secoinvoices@cpa.state.tx.us
Fax (512) 936-9227

Invoices must include the following, must be legible, and in the case of emailed invoices, must be in pdf format with 150dpi:

VISS form
Travel Reimbursement forms (if applicable)
A scanned copy of a calculator tape showing the category expenses
Signed invoices and/or receipts on company letterhead

Invoices are approved by the appropriate Grants Coordinator and reviewed by management, then processed for reimbursement. If invoices are incomplete or there is a discrepancy with the invoice, the VISS form or any attached documentation; the Sub-recipient will be notified immediately for resolution. Incomplete invoices or invoices with discrepancies will not be processed. The Sub-recipient will have 10 days to resolve and resubmit as directed by the Grants Coordinator.

The following information should be included on the VISS:

Sub-recipient Name
Contract Number
Vendor ID Number
Grants Coordinator Name
Period Covered by Claim
Amount of Claim

In the Budget Itemization section, the line items corresponding to the line items in the Budget of the contract should be completed.

**STATE ENERGY CONSERVATION OFFICE
STIMULUS DIVISION
SUB-RECIPIENT CONTACT SHEET**
EMAIL TO: SECOSTimulus@cpa.state.tx.us or FAX TO: 512-936-0042

All fields must be completely filled out.

Sub-Recipient (City or County) Name: _____

Executed Contract Number (CS or CLS No.) _____

Check One

SEP Grant EECBG Grant

SUB-RECIPIENT CONTACT INFORMATION

Primary Contact

Name: _____

Job Title: _____

Phone: _____

Email: _____

Secondary Contact

Name: _____

Job Title: _____

Phone: _____

Email: _____

Reporting Contact (This contact will receive the User ID and password for the SECO Stimulus Recipient Reporting Tool.)

Name: _____

Job Title: _____

Phone: _____

Email: _____

Grant Authority Contact (This contact is a direct employee of the city or county awarded the SECO Stimulus grant who has decision-making authority for the city or county.)

Name: _____

Job Title: _____

Phone: _____

Email: _____



American Recovery and Reinvestment Act

A Texas Eye on the Dollars



EECBG Tips

Energy Efficiency & Conservation Block Grants (EECBG)

The American Recovery and Reinvestment Act of 2009 (ARRA) allocated \$45,638,100 to the Texas State Energy Conservation Office (SECO) for Energy Efficiency and Conservation Block Grant (EECBG) funds. The EECBG program is intended to assist cities and counties to develop, promote, implement and manage energy efficiency and conservation projects and programs designed to:

- ✓ reduce fossil fuel emissions;
- ✓ reduce the total energy use of the eligible entities;
- ✓ improve energy efficiency in the transportation, building and other appropriate sectors; and
- ✓ create and retain jobs.

During this application review and contracting phase, eligible cities and counties can begin to prepare for their upcoming EECBG activities in anticipation of final project approval. Below are some helpful tips for EECBG recipients to consider in order to maximize their investments and get the highest level of energy efficiency out of their projects.

Helpful EECBG Tips

1. Research Products

When looking for products to complete your EECBG projects, research the products you intend to purchase. ENERGY STAR products are federally approved to meet strict EPA and DOE energy efficiency standards and are good options for products such as light bulbs, HVAC units, refrigerators, windows and more. Visit energystar.gov for more information on qualifying products. Be sure to choose an appliance size that is most efficient and applicable for the energy needs of the building.

2. Research Vendors

As you look for partners to install equipment or perform building retrofits, do your research. First, be sure to follow the procurement rules outlined in our Technical Guidelines (<http://www.seco.cpa.state.tx.us/arra/eecbg/guidelines/>). Next, check vendor references and resources such as your Better Business Bureau. Be sure that the vendor can handle your type of project and is available for follow-up appointments as necessary. Additional resources that allow you to verify vendor eligibility for federal funds through this program include the Excluded Parties List System (<https://www.epls.gov/>), which verifies whether a company is on the debarment list; and the Texas Taxable Entity Search (<https://ourcpa.cpa.state.tx.us/coa/Index.html>) to determine whether a taxable entity is in good standing for the Texas Franchise Tax.

3. Check Technical Guidelines for EECBG

To ensure there are no delays in reimbursement, EECBG recipients should review and stick to the ARRA Special Provisions found on the SECO Stimulus Web site. By sticking to the federal contract requirements, not only can SECO reimburse the funds quickly but reporting will also be easier. Visit our Web site for a summary of Compliance with American Recovery and Reinvestment Act (ARRA) Provisions. (http://www.seco.cpa.state.tx.us/arra/docs/ARRA_Provisions.pdf)

*** NOTE:** SECO **does not** have any preferred vendors and **does not** require EECBG cities and counties to conduct an audit. If an energy audit is selected as an EECBG project, it must be completed first in order to prioritize other activities.

Fraud Prevention

If you suspect scams, fraud or unethical activity related to the EECBG program, please notify SECO. The SECO Stimulus Fraud Prevention page (<http://www.seco.cpa.state.tx.us/arra/fraud/>) has links to resources that shed light on current scams and the various places to file complaints. Overall, use your best judgment. If it doesn't seem right, ask questions before you proceed.

For more information on Energy Efficiency and Conservation Block Grants, go to: www.secostimulus.org/blockgrant/

SECO Stimulus
(512) 463-7392
secostimulus@cpa.state.tx.us

Sign up to receive e-mail updates on the Comptroller topics of your choice at: www.window.state.tx.us/subscribe/