

**STATE ENERGY PROGRAM  
COMMUNITY ENERGY STRATEGIC PLANNING  
GRANT  
(SEP-CESP)**

*Application Guidelines & Forms  
Fiscal Year 2011*



**Oklahoma Department of Commerce  
Oklahoma State Energy Office  
900 North Stiles Avenue  
Oklahoma City, Oklahoma 73104**

**405-815-6552**

**October 2011**

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# **PART I - FUNDING OPPORTUNITY DESCRIPTION**

## **INTRODUCTION & BACKGROUND**

In 2009, the United States Department of Energy directly funded multiple Units of Local Government in Oklahoma with funds from the Energy Efficiency and Conservation Block Grant Program (EECBG). A requirement of grantees was to develop an Energy Efficiency and Conservation Strategy (EECS). Multiple communities in Oklahoma have developed a written strategy and have been implementing various components in achieving the goals of their Energy Efficiency and Conservation Strategy.

Similar to the development of an EECS, this funding is being established for communities in Oklahoma to use in the development of energy planning. Specifically, this funding is for the development of **community-based strategic energy plans**, which differ from an EECS, as they aim to incorporate renewable energy planning, community outreach planning and a broader planning scope. The final plan should create a roadmap for reducing energy use/costs internal to community operations, as well as identifying opportunities for broader community-wide energy initiatives.

The **Community Energy Strategic Plan (CESP)** will help the municipality and stakeholders stay on course by providing a consensus-based framework for prioritizing energy projects and selecting appropriate community programs. A quality strategic energy plan can lead to successful energy projects and program implementation, where demonstrable cost savings, clean energy installations can be tracked and measured.

## **DESIRED OUTCOMES**

The Oklahoma State Energy Office seeks a number of outcomes from the Community Energy Strategic Planning Grant:

- Energy Vision
- Measurable goals and objectives
- Proposed implementation plan
- Sustainability
- Financial and accounting controls
- Community Involvement

## DESIRED COMMUNITY ENERGY STRATEGIC PLAN COMPONENTS

The awarded grant funding will be used for the development of Community Energy Strategic Plans that address:

- **Community Energy Vision**
- **Municipal Energy Consumption Baseline**
  - Local Government Building Energy Use (Public Buildings)
  - Local Government Transportation Use
- **Strategic Energy Goals and Objectives**
  - Municipal Energy Goals and Objectives
    - Energy Efficiency and Conservation Goals
      - Public Buildings and Facilities
      - Local Government Transportation
    - Renewable Energy Goals
  - Community-Wide Energy Goals and Objectives
    - Business Community
    - Residents of Community
- **Energy Project and Program Identification**
  - Municipal
    - Municipal Energy Efficiency (Buildings, Facilities, Fleet)
    - Municipal Renewable Energy
  - Community- Wide
    - Energy Efficiency
    - Renewable Energy
    - Energy Related Community Development
      - Transportation Alternatives
      - Community Supported Agriculture
      - Workforce Development
      - Other
- **Financing and Funding Identification**
- **Measurement and Verification Metrics**
- **Community Involvement Plan**
- **Other Innovative approaches to Energy Planning or Energy Projects**

## ELIGIBLE APPLICANTS

The State Energy Program's Community Energy Strategic Planning Grant is being offered to units of local government within the State of Oklahoma, who were not direct formula recipients of the Department of Energy's Energy Efficiency and Conservation Block Grant.

Applicants are required to submit a partnership letter to include a local organization or independent facilitator that will serve as a champion during work developing the CESP. This local organization or planning facilitator will serve a role of ensuring partnership between the unit of local government and the wide ranging community members. The primary applicant will be the unit of local government, which will hold the contractual and fiscal responsibilities under this funding opportunity. The champion organization will have the responsibility to partner with the unit of local government and serve as the liaison to ensure wide local community involvement in planning work.

## TIMELINE

Below is an estimated timeline for the State Energy Program Community Energy Strategic Planning Grant (CESP)

October 13, 2011	RFP Released
October 26, 2011	<b>Pre-Application Workshop</b>
<b>November 14, 2011</b>	<b>Applications due by 4:00pm CDT</b>
End of November 2011	Awards Made
Contract End Date	June 30, 2012

**Pre- Application Workshop:** This is a workshop for applicants to assist with answering any questions with regards to application content. Please contact Kathy Gain at [kathy\\_gain@okcommerce.gov](mailto:kathy_gain@okcommerce.gov) to register. The workshop is scheduled as follows:

Metro Technology Center - Auditorium  
1900 Springlake Drive  
Oklahoma City, OK 73111-5240  
Wednesday, October 26, 2011 – 1:00 – 3:00 pm

## **PART II – FUNDING INFORMATION**

### **USE OF FUNDS**

CESPG funds will be provided to communities for use in development of a Community Energy Strategic Plan. Upon completion of the project, the recipient is required to submit a copy of the resulting plan to the Oklahoma State Energy Office.

### **ESTIMATED FUNDING**

The Oklahoma State Energy Office is making available \$50,000 under this funding announcement. The grant award amounts are determined by the number of communities selected and funding requests provided by applicants. The award range for selected communities is set at a **maximum** of \$10,000.

### **COST MATCHING**

Grant recipients are not required to provide cost match.

### **PERIOD OF PERFORMANCE**

The Community Energy Strategic Plan completion date must be on or before **June 30, 2012**.

### **REPORTING REQUIREMENTS**

Grant recipients will be required to submit quarterly reports on a timely basis. Reporting forms and guidance will be provided by the State Energy Office to those applicants selected for funding. A final closeout report will also be required upon project completion.

### **MANDATORY IMPLEMENTATION TRAINING**

Those applicants selected to receive funding under this announcement will be required to attend a mandatory Implementation Training. This Implementation Training will provide an opportunity for the recipient(s) to become familiar with reporting requirements, federal regulations of the funding, and any other contractual items. This is a **mandatory** session to attend. Date, time and location for this session will be determined following award announcement.

## **PART III – SUBMISSION OF CESP APPLICATION**

### **SUBMISSION REQUIREMENTS**

Submit one (1) unbound, single-sided signed original & three (3) copies by 4:00 p.m. CDT on **Monday, November 14, 2011**.

**Submit To:** Kathy McLaughlin, Director of Programs  
Oklahoma Department of Commerce  
900 North Stiles Avenue  
Oklahoma City, OK 73104  
Kathy\_Mclaughlin@okcommerce.gov

#### **In addition, we require applicants to:**

- Organize the application according to order in the Application Checklist provided.
- Include **all completed** components in the application checklist.
- Adhere to the font size, format, and length outlined below.
- Do not submit any other supplementary materials such as annual reports, videos, brochures, letters of support, or any supplementary material not requested in the application. **They will not be reviewed.**

#### **The State Energy Office will not review applications that:**

- Arrive after the posted deadline, or
- Do not adhere to the above stated submission requirements.
- Are incomplete.

### **QUESTIONS**

If you have any questions, please contact Kylah McNabb with the Oklahoma State Energy Office at 405-815-5249 or at 800-879-6552 or via email at [kylah\\_mcnabb@okcommerce.gov](mailto:kylah_mcnabb@okcommerce.gov).

## **PART IV –SELECTION & REVIEW CRITERIA**

Applications will be evaluated based on likelihood that the applicant community will move forward with the development AND implementation of their CESP. The goal of the program is to champion clean energy use at the community level and applicants will be selected in areas where evaluators find the development of such resources will occur.

The following review criteria will be used to determine successful applicants chosen for program funding. The review criteria should be addressed in Part II: Project Description, of the application forms.

- **Project Narrative**
  - Applications should thoroughly describe the approach that will be taken to develop a CESP. Description may include why the applicant is requesting funds, timelines, targeted areas of project work and description of commitment to a holistic approach to community energy planning.
  
- **Description of Proposed Team**
  - Application should include a description of team members, both targeted and planned and their roles in the proposed project work. A brief description of the experience of targeted team members and how that experience will benefit the work proposed may be included.
  
- **Description of Stakeholder Participation Plan**
  - Application should include a brief description of the applicant's plan to engage stakeholders in the CESP process.
  
- **Description of the CESP Design Approach**
  - Application should include a brief description of the approach the applicant will take in the development of the CESP. How will the CESP be developed and conducted may be included here, as well as potential milestones. A realistic scope of work should be outlined, with a description of how the plan will be sustainable beyond project funds.
  
- **CESPG Project Deliverables and Anticipated Outcomes**
  - Application should include a description of specific deliverables that will be provided from project work, and associated outcomes the applicant will work towards based on the funding.

# **APPLICATION FORMS**

## **GENERAL INSTRUCTIONS**

1. All assurances that are part of this application must be signed by the applicant and returned with the application.
2. The Application for Assistance must contain an original signature by the appropriate official for the application to be considered complete.
3. The deadline for submission of the SEP grant application is final. Grant applications must be received by the Oklahoma State Energy Office by **4:00 p.m. Monday, November 14, 2011**.
4. **Format:** Please note the page length restrictions for each portion of Part II: Project Description. Please use either Times New Roman 12-point font size or Arial 11, with one-inch margins

If you have questions about completing the forms or about the program in general, please contact Kylah McNabb at the Oklahoma State Energy Office at 1-800-879-6552 or 405-815-5249 or via email at [kylah\\_mcnabb@okcommerce.gov](mailto:kylah_mcnabb@okcommerce.gov).

## **APPLICATION CHECKLIST**

- Application for Assistance**
- Application Checklist**
- Project Description**
  - Project Narrative**
  - Description of Proposed Team**
  - Description of Stakeholder Participation Plan**
  - Description of CESPg Design Approach**
  - CESPg Project Deliverables and Anticipated Outcomes**
- Project Budget**
- Letter of Support**

# PART I - APPLICATION FOR ASSISTANCE

## Oklahoma Department of Commerce - State Energy Office Community Energy Strategic Planning Grant – FY 2011

<b>APPLICANT INFORMATION</b>					
Applicant Name:					
Address:					
City:		St:		Zip Code:	
Applicant FEID #:		Contact Name:			
Email:					
Phone:		Fax:			
<b>PROJECT CONTACT INFORMATION</b>					
Project Contact:					
Email:					
Phone:		Fax:			
<b>REQUESTED FUNDING</b>					
State Energy Program (SEP FY 2011) Funds Requested					
<b>Project Total</b>					
<b>CERTIFYING OFFICIAL</b>					
Certifying Official's Signature					
Certifying Official's Name (printed):					
Title:					
Organization:					

## **PART II – PROJECT DESCRIPTION**

- 1. Project Narrative:** Suggested Length: 1pg single spaced
- 2. Description of Proposed Team:** Suggested Length: ½ pg single spaced
- 3. Description of Stakeholder Participation Plan:** Suggested Length: ½ pg single spaced
- 4. Description of the CESP Planning Design Approach:** Suggested Length: 1 pg single spaced
- 5. CESP Project Deliverables and Anticipated Outcomes:** Suggested Length: ½ pg single spaced

## PART III – PROJECT BUDGET

### Budget Summary

Summarize the project budget by using the format in the following two tables.

Funding Category	Funds Requested
Personnel:	
Equipment:	
Travel:	
Contractual:	
Supplies:	
Other:	
Total Project Cost:	

### Budget Detail

Provide a detailed budget using the worksheet format shown here. Use additional lines if necessary. A description of requirements for each budget category follows this table.

<b>Personnel</b>									
Salaries (Name/Title/Position)	Hourly Cost (\$)		Hours		Totals (\$)				
		*		=					
<b>Total Personnel Expenses</b>					=				
<b>Equipment</b>									
Description	Unit Cost (\$)		Quantity		Totals (\$)				
		*		=					
		*		=					
<b>Total Equipment</b>					=				
<b>Travel</b>									
Purpose/Destination	Days		Per Diem		Fare/Rate (\$)		Mileage		Totals (\$)
	(      )	*	(      )	+	(      )	*	(      )	=	
<b>Total Travel</b>									=
<b>Contractual</b>									
Name or Services	Fee/Rate (\$)		Hours		Totals (\$)				
		*		=					
		*		=					
<b>Total Contractual</b>					=				
<b>Supplies</b>									
Description	Unit Cost (\$)		Quantity		Totals (\$)				
		*		=					
<b>Total Supplies</b>					=				
<b>Other</b>									
Description	Unit Cost (\$)		Quantity		Total (\$)				
		*		=					
<b>Total Other</b>					=				
<b>Total Budget</b>									
<b>Total Budget</b>					=				

## **PART IV – EXAMPLE LETTER OF SUPPORT FROM ELECTED OFFICIAL**

*This letter is provided as an example/template for the applicant. It may be modified to fit the specific needs/project for the applicant.*

Elected official's name:  
Elected official's title:  
Name of government entity:  
City/County Organization:

Champion Organization/Facilitator's name:  
Champion Organization/Facilitator's title:  
Name of Champion Organization/Facilitator:

Dear State Energy Office and Oklahoma Department of Commerce,

This letter is a show of support by the parties listed above with regards to the application for funding for the Community Energy Strategic Planning Grant (CESPG). If awarded, we will support the fundamental concept of long-term and holistic planning efforts aimed at increasing awareness of energy planning across the entire community. We pledge to engage stakeholders across the community in these planning efforts in order to accomplish the goals and objectives proposed as part of this application. Efforts may include multiple public hearings, ensuring non-English speaking residents have equal accommodation in the process, ensuring citizens and potential participants are given reasonable and timely access to local meetings information, and records as it relates to work conducted under this application, and strongly encourages participation and input from any and all organizations, citizens or other community members throughout the plan development process.

It is the intention of the [INSERT UNIT OF LOCAL GOVERNMENT] to put forth the final Community Energy Strategic Plan (CESP) developed via this funding opportunity before the applicable governing body and make sincere efforts to adopt the CESP and then act upon the objectives outlined in the Plan as able.

Sincerely,

Unit of local Government

Champion Organization/Facilitator

## Appendix I: HELPFUL RESOURCES

### RESOURCES ON FEDERAL PROGRAM REGULATIONS

The federal regulations for this program include the Code of Federal Regulations **Title 10 – Energy, Part 420** – State Energy Program; **Title 10 – Energy, Part 600** – Financial Assistance Rules; and the Office of Management and Budget **OMB Circulars**. To review these provisions, please refer to the links provided.

[http://www.access.gpo.gov/nara/cfr/waisidx\\_01/10cfr420\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/10cfr420_01.html)

[http://www.access.gpo.gov/nara/cfr/waisidx\\_01/10cfr600\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/10cfr600_01.html)

<http://www.whitehouse.gov/omb/circulars/>

### APPLICABILITY & FLOWDOWN OF ADMINISTRATIVE REQUIREMENTS FROM OMB CIRCULARS

Type of recipient	must comply with
State, unit of local government or Indian tribal government	OMB Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments  OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments  OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations.

### RESOURCES ON COMMUNITY ENERGY PLANNING

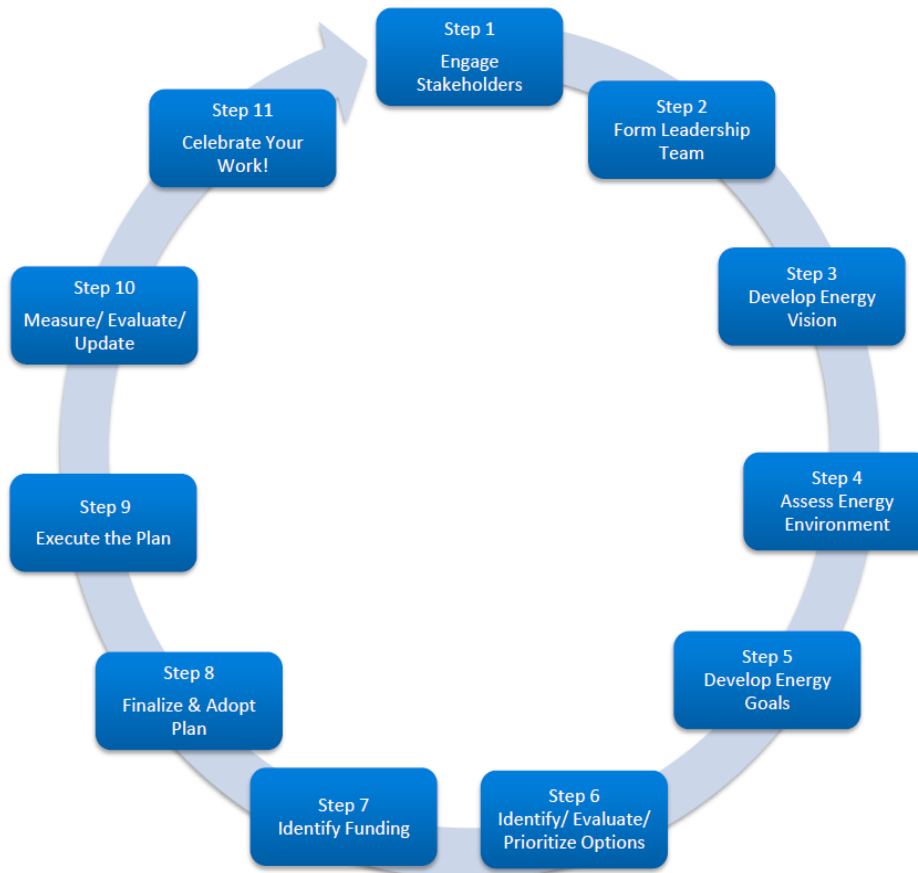
[HTTP://WWW.NREL.GOV/APPLYING\\_TECHNOLOGIES/PDFS/COMMUNITY\\_GREENING.PDF](HTTP://WWW.NREL.GOV/APPLYING_TECHNOLOGIES/PDFS/COMMUNITY_GREENING.PDF)

SUSTAINABLE COMMUNITIES - <HTTP://WWW.SUSTAINABLE.ORG/>

BELOW IS AN EXAMPLE FLOW CHART OF A COMMUNITY STRATEGIC ENERGY PLANNING PROCESS

# The Strategic Energy Planning Process

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## WEBSITE

For additional information about the State Energy Office please visit our website at <http://www.okcommerce.gov/State-Energy-Office/SEO-Overview>

## PART VI - ASSURANCES AND CERTIFICATIONS

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**ASSURANCE SIGNATURE:**      **NOTE: Sign this form and include in the application.**

**SIGNATURE:**      By signing this assurances page, you certify that you agree to perform all actions and support all intentions in the Assurances section.

**Organization Name:** \_\_\_\_\_

**Program Name:** \_\_\_\_\_

**Name and Title of Authorized Representative:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

---

**CERTIFICATION SIGNATURE:**      **NOTE: Sign this form and include in the application.**

**Before you start:** Before completing certification, please read the Certification Instructions.

**SIGNATURE:**      By signing this Certification page, you certify that you agree to perform all actions and support all intentions in the Certification sections of this application. The three Certifications are:  
 Certification: Debarment, Suspension and Other Responsibility Matters  
 Certification: Drug-Free Workplace  
 Certification: Lobbying Activities

**Legal Applicant:** \_\_\_\_\_

**Program Name:** \_\_\_\_\_

**Name and Title of Authorized Representative:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**U.S. DEPARTMENT OF ENERGY**  
**FINANCIAL ASSISTANCE**  
**CERTIFICATIONS/ASSURANCES/REPRESENTATIONS**  
**WITHOUT EPACT REPRESENTATION**

Applicant: \_\_\_\_\_

Solicitation No.: **State Energy Program (SEP) – Oklahoma Department of Commerce**

***The following certifications and assurances must be completed and submitted with each application for financial assistance. The name of the person responsible for making the certifications and assurances must be typed in the signature block on the forms.***

*Standard Form 424B, Assurances – Non-Construction Programs*

*DOE F 1600.5, Assurance of Compliance Nondiscrimination in Federally Assisted Programs*

*Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug Free Workplace Requirements*

*Representation of Limited Rights Data and Restricted Computer Software*

*SF-LLL Disclosure of Lobbying Activities*

Complete the SF-LLL Disclosure of Lobbying Activities only if payment or agreement to make payment has been made to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal action.

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

OMB Approval No. 0348-0040

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant: (Insert \_\_\_\_\_ Name of Proposer):

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award, and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of O.P.M.'s Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 33601 et seq.), as amended, relating to non discrimination in the sale, rental, or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State Management Program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers systems.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1996, or OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Printed Name and Title of  
 Authorized Representative: \_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 DATE

## Nondiscrimination in Federally Assisted Programs

### OMB Burden Disclosure Statement

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Office of Information Resources Management Policy, Plans, and Oversight, Records Management Division, HR-422 - GTN, Paperwork Reduction Project (1900-0400), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585; and to the Office of Management and Budget (OMB), Paperwork Reduction Project (1900-0400), Washington, DC 20503.

(Hereinafter called the "Applicant")

HEREBY AGREES to comply with Title VI of the Civil Rights Act of 1964 (Pub. L.88-352), Section 16 of the Federal Energy Administration Act of 1974 (Pub.L.93-275), Section 401 of the Energy Reorganization Act of 1974 (Pub.L.93-438), Title IX of the Education Amendments of 1972, as amended (Pub.L.92-318, Pub.L.93-568, and Pub.L.94-482), Section 504 of the Rehabilitation Act of 1973 (Pub.L.93-112), the Age Discrimination Act of 1975 (Pub.L.94-135), Title VIII of the Civil Rights Act of 1968 (Pub.L.90-284), the Department of Energy Organization Act of 1977 (Pub.L.95-91), and the Energy Conservation and Production Act of 1976, as amended (Pub.L.94-385) and Title 10, Code of Federal Regulations, Part 1040. In accordance with the above laws and regulations issued pursuant thereto, the Applicant agrees to assure that no person in the United States shall, on the ground of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity in which the Applicant receives Federal assistance from the Department of Energy.

### **Applicability and Period of Obligation**

In the case of any service, financial aid, covered employment, equipment, property, or structure provided, leased, or improved with Federal assistance extended to the Applicant by the Department of Energy, this assurance obligates the Applicant for the period during which Federal assistance is extended. In the case of any transfer of such service, financial aid, equipment, property, or structure, this assurance obligates the transferee for the period during which Federal assistance is extended. If any personal property is so provided, this assurance obligates the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Applicant for the period during which the Federal assistance is extended to the Applicant by the Department of Energy.

### **Employment Practices**

Where a primary objective of the Federal assistance is to provide employment or where the Applicant's employment practices affect the delivery of services in programs or activities resulting from Federal assistance extended by the Department, the Applicant agrees not to discriminate on the ground of race, color, national origin, sex, age, or disability, in its employment practices. Such employment practices may include, but are not limited to, recruitment advertising, hiring, layoff or termination, promotion, demotion, transfer, rates of pay, training and participation in upward mobility programs; or other forms of compensation and use of facilities.

### **Subrecipient Assurance**

The Applicant shall require any individual, organization, or other entity with whom it subcontracts, subgrants, or subleases for the purpose of providing any service, financial aid, equipment, property, or structure to comply with laws cited above. To this end, the subrecipient shall be required to sign a written assurance form, however, the obligation of both recipient and subrecipient to ensure compliance is not relieved by the collection or submission of written assurance forms.

### **Data Collection and Access to Records**

The Applicant agrees to compile and maintain information pertaining to programs or activities developed as a result of the Applicant's receipt of Federal assistance from the Department of Energy. Such information shall include, but is not limited to, the following: (1) the manner in which services are or will be provided and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination; (2) the population eligible to be served by race, color, national origin, sex, age, and disability; (3) data regarding covered employment including use or planned use of bilingual public contact employees serving beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English; (4) the location of existing or proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any person on the basis of prohibited discrimination; (5) the present or proposed membership by race, color, national origin, sex, age, and disability, in any planning or advisory body which is an integral part of the program; and (6) any additional written data determined by the Department of Energy to be relevant to its obligation to assure compliance by recipients with laws cited in the first paragraph of this assurance.

The Applicant agrees to submit requested data to the Department of Energy regarding programs and activities developed by the Applicant from the use of Federal assistance funds extended by the Department of Energy, Facilities of the Applicant (including the physical plants, building, or other structures) and all records, books, accounts, and other sources of information pertinent to the Applicant's compliance with the civil rights laws shall be made available for inspection during normal business hours on request of an officer or employee of the Department of Energy specifically authorized to make such inspections. Instructions in this regard will be provided by the Director, Office of Civil Rights, U.S. Department of Energy.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts (excluding procurement contracts), property, discounts or other Federal assistance extended after the date hereto, to the Applicants by the Department of Energy, including installment payments on account after such data of application for Federal assistance which are approved before such date. The Applicant recognizes and agrees that such Federal assistance will be extended in reliance upon the representation and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, the successors, transferees, and assignees, as well as the person(s) whose signature appears below and who are authorized to sign this assurance on behalf of the Applicant.

### **Applicant Certification**

The Applicant certifies that it has complied, or that, within 90 days of the date of the grant, it will comply with all applicable requirements of 10 C.F.R. § 1040.5 (a copy will be furnished to the Applicant upon written request to DOE).

Designated Responsible Employee

\_\_\_\_\_  
Name and Title (Printed to Typed) ( ) -  
\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Signature \_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Name ( ) -  
\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Address: \_\_\_\_\_  
Date

Authorized Official:  
President, Chief Executive Officer  
or Authorized Designee

\_\_\_\_\_  
Name and Title (Printed to Typed) ( ) -  
\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Signature \_\_\_\_\_  
Date

***CERTIFICATIONS REGARDING LOBBYING;  
DEBARMENT, SUSPENSION AND OTHER RESPONSIBILTIY MATTERS;  
AND DRUG FREE WORKPLACE REQUIREMENTS***

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 10 CFR Part 601 "New Restrictions on Lobbying," 10 CFR Part 606 "Governmentwide Debarment and Suspension (Nonprocurement) and 10 CFR Part 607 "Governmentwide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Energy determines to award the covered transaction, grant, or cooperative agreement.

**1. LOBBYING**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**2. ADDITIONAL LOBBYING REPRESENTATION**

Applicant organizations which are described in section 501(c)(4) of the Internal Revenue Code of 1986 and engage in lobbying activities after December 31, 1995, are not eligible for the receipt of Federal funds constituting an award, grant, or loan.

As set forth in section 3 of the Lobbying Disclosure Act of 1995 as amended, (2 U.S.C. 1602), lobbying activities are defined broadly to include, among other things, contacts on behalf of an organization with specified employees of the Executive Branch and Congress with regard to Federal legislative, regulatory, and program administrative matters.

Check the appropriate block:

The applicant is an organization described in section 501(c)(4) of the Internal Revenue Code of 1986?  Yes  No

If you checked "Yes" above, check the appropriate block:

The applicant represents that after December 31, 1995 it  has  has not engaged in any lobbying activities as defined in the Lobbying Disclosure Act of 1995, as amended.

### **3. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

### **4. DRUG-FREE WORKPLACE**

This certification is required by the Drug-Free Workplace Act of 1988 (Pub.L. 100-690, Title V, Subtitle D) and is implemented through additions to the Debarment and Suspension regulations, published in the Federal Register on January 31, 1989, and May 25, 1990.

#### ***ALTERNATE I (GRANTEES OTHER THAN INDIVIDUALS)***

- (1) The grantee certifies that it will or will continue to provide a drug-free workplace by:
  - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing an ongoing drug-free awareness program to inform employees about:
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee's policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
  - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
    - (1) Abide by the terms of the statement; and
    - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace not later than five calendar days after such conviction;

- (e) Notifying the agency, in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
  - (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
    - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
  - (g) Making a good faith effort to continue to maintain a drug- free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
- (2) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance: (Street address, city, county, state, zip code)

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Check if there are workplaces on file that are not identified here.

**ALTERNATE II (GRANTEES WHO ARE INDIVIDUALS)**

- (1) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant.
- (2) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

**5. SIGNATURE**

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Name of Applicant: \_\_\_\_\_

Printed Name and Title of

Authorized Representative: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

## ***Representation of Limited Rights Data and Restricted Computer Software***

- (a) Any data delivered under an award resulting from this announcement is subject to the Rights in Data – General or the Rights in Data – Programs Covered under Special Data Statutes clause (See Intellectual Property Provisions at [www.gc.doe.gov/gcmain.html](http://www.gc.doe.gov/gcmain.html)). Under these clauses, the Recipient may withhold from delivery data that qualify as limited rights data or restricted computer software. As an aid in determining the Government’s need to include Alternate I and/or Alternate II in these clauses, which allow for delivery of limited rights data and/or restriction computer software, the applicant must complete paragraph (b) below to either state that none of the data involved in the proposed work effort qualify as limited rights data or restricted computer software, or identify, to the extent feasible, which of the data qualifies as limited rights data or restricted computer software. Any identification of limited rights data or restricted computer software in this application is not determinative of the status of such data should an award be made.
- (b) The applicant has reviewed the proposed work effort and the requirements for the delivery of data or software and states:

None of the data proposed for fulfilling such requirements qualifies as limited rights data or restricted computer software.

Data proposed for fulfilling such requirements qualify as limited rights data or restricted computer software and are identified as follows:

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Note: “limited rights data” and “restricted computer software” are defined in provision “Rights in Data – General.”

