

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.20  
(ID # 26130)

MEETING DATE:  
Tuesday, October 22, 2024

**FROM :** HOUSING AND WORKFORCE SOLUTIONS

**SUBJECT:** HOUSING AND WORKFORCE SOLUTIONS (HWS): Adopt Resolution No. 2024-220, Authorizing Acceptance of the Program Award from the U.S. Department of Energy (DOE) for the Energy Efficiency and Conservation Block Grant (EECBG) Program for a Formula Grant Amount Not to Exceed \$477,090, and Authorize the Director of HWS, or Designee, to Execute EECBG Program Award Documents; All Districts. [\$477,090 - 100% EECBG Formula Grant Funds]; (CEQA Exempt)(Clerk of the Board to file the Notice of Exemption)(4/5 Vote Required)

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3);

Continued on Page 2

**ACTION:**Policy, A-30, 4/5 Vote Required


  
Heidi Marshall, Director 10/8/2024

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Gutierrez, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez  
Nays: None  
Absent: None  
Date: October 22, 2024  
xc: HWS, Recorder, State Clearinghouse, OPR

Kimberly A. Rector  
Clerk of the Board  
By   
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

**RECOMMENDED MOTION:** That the Board of Supervisors:

2. Adopt Resolution No. 2024-220, Authorizing Acceptance of the Program Award from the U.S. Department of Energy (DOE) for the Energy Efficiency and Conservation Block Grant (EECBG) Program for a Formula Grant Amount Not to Exceed \$477,090;
3. Approve the form of Assistance Agreement and the attachments;
4. Authorize the Director of Housing and Workforce Solutions (HWS), or designee, to execute the Assistance Agreement, substantially conforming in form and substance to the attached, and any and all documents, forms, certifications, and assurances required, necessary, or appropriate to secure the Program Award from DOE to participate in the EECBG Program (collectively, "Program Award Documents"), subject to approval as to form by County Counsel;
5. Authorize the Director of HWS, or designee, to award an amount not to exceed \$429,381 in EECBG funds to Riverside Community Housing Corp. (RCHC) in conformance with grant requirements for the purpose of performing energy efficiency retrofits to former public housing properties owned by RCHC, and to execute any subsequent necessary and relevant documents to award EECBG funds to RCHC, subject to approval as to form by County Counsel;
6. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk and the State Clearinghouse at the Office of Planning and Research (OPR) within five (5) business days of approval; and
7. Approve and direct the Auditor-Controller to make the budget adjustment as detailed in the attached Schedule A.

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$477,090	\$ 0	\$477,090	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> 100% Energy Efficiency and Conservation Block Grant (EECBG) Program Funds			<b>Budget Adjustment: Yes</b>	
			<b>For Fiscal Year: 24/25</b>	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

On January 18, 2023, the U.S. Department of Energy (DOE) Office of the Under Secretary for Infrastructure, Golden Field Office, published an Administrative and Legal Requirements Document (ALRD) to provide guidance to States, Local Governments, and Indian tribes for preparation of the Energy Efficiency and Conservation Block Grant (EECBG) Program Formula Grant applications submitted in response to Section 40552 of the Infrastructure Investment and

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

Jobs Act (IIJA), which provides a total of \$550 million for EECBG Program, \$440 million of which is allocated to formula and competitive EECBG Program funding. DOE is accepting applications for Local Government Applicants through April 30, 2024.

Pursuant to section 544 of the Energy Independence and Security Act, the EECBG Program Formula Grant funds are provided for a wide range of activities to maximize benefits over time in terms of energy and emission reductions. Eligible EECBG Program activities are intended to reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximize benefits for local and regional communities; reduce the total energy use of the eligible entities; improve energy efficiency in the transportation sector, the building sector, and other appropriate sectors; and build a clean and equitable energy economy that prioritizes disadvantaged communities and promotes equity and inclusion in workforce opportunities and deployment activities.

On April 30, 2024, the Riverside County Department of Housing and Workforce Solutions (HWS) submitted an application under DOE's EECBG Program for Energy Efficiency Retrofit Grants for Government Agencies and Nonprofit Organizations.

On September 24, 2024, HWS was notified of its EECBG Formula Grant Award of \$477,090 to be utilized on the County's former public housing sites to perform energy efficiency retrofits, i.e., weatherization, installation of efficient heating and cooling systems and appliances, cool roofs, and water efficiency measures; energy management systems, including grid-interactive equipment such as smart thermostats, battery storage systems, and building energy management systems; and building electrification measures, including the installation of heat pumps, heat pump water heaters, residential or commercial cooking equipment, and associated wiring and panel upgrades. HWS intends to award an amount not to exceed \$429,381 in EECBG funds to Riverside Community Housing Corp., a California nonprofit public benefit corporation (RCHC), to assist multiple units from the County's former public housing sites, prioritizing units that require immediate retrofitting to improve energy efficiency.

The terms and conditions of the award include the timely delivery of the Assistance Agreement.

Staff recommends that the Board approve and adopt the attached Resolution Number 2024-220 and approve the form of the attached documents, including the Assistance Agreement and all attachments.

**CEQA**

Pursuant to the California Environmental Quality Act (CEQA), the program was reviewed and determined to be exempt under State CEQA Guidelines section 15061(b)(3), General Rule or "Common Sense" exemption. It can be seen with certainty that there is no possibility that the approval of the acceptance for the EECBG Program would lead to any direct or reasonably indirect physical environmental impacts. Any activities or projects arising out of the EECBG Program funds will be subject to separate CEQA review prior to taking any choice limiting or

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

discretionary action in connection with such projects or activities. A Notice of Exemption will be filed by the Clerk of the Board with the County Clerk and the State Clearinghouse at the Office of Planning and Research (OPR) within 5 business days of approval of this item.

**Impact on Residents and Businesses**

The EECBG Program funding will allow the County to address energy efficiency retrofit measures of units throughout various former public housing sites that require immediate attention. Access to these funds will help reduce fossil fuel emissions and improve the conditions of individual units, enhancing the overall quality of life and safety.

**Additional Fiscal Information**

No impact upon the County's General Fund; the County's energy efficiency retrofit measures will be fully funded through the EECBG Program Formula Grant.

**ATTACHMENTS**

- Schedule A – Budget Adjustment
- Resolution No. 2024-220
- Assistance Agreement
- Special Terms and Conditions, including all attachments
- Administrative and Legal Requirements Document (ALRD)
- Notice of Exemption

  
Brett Austin, Supervising Accountant

10/9/2024

  
Brianna Lontajo, Principal Management Analyst

10/16/2024

  
Aaron Gettis, Chief of Deputy County Counsel

10/8/2024



FILED / POSTED

County of Riverside  
Peter Aldana  
Assessor-County Clerk-Recorder

E-202401148  
10/23/2024 10:50 AM Fee: \$ 50.00  
Page 1 of 1

Removed: \_\_\_\_\_ By: \_\_\_\_\_ Deputy

**Notice of Exemption**

**To:**  
 Office of Planning and Research  
*For U.S Mail:* Street Address:  
P.O. Box 3044 1400 Tenth St.  
Sacramento, CA 95812-3044 Sacramento, CA 95814

**From:**  
Public  
Agency: County of Riverside  
Address: 4080 Lemon Street, Suite 400  
Riverside, CA 92501  
Contact: Annjanette Aguilar  
Phone: (951) 933-8572

County Clerk  
County of Riverside  
2724 Gateway Drive  
P.O. Box 751  
Address: Riverside, CA 92502-0751

**Lead Agency (if different from above):**  
Address: \_\_\_\_\_  
Contact: Juan Garcia  
Phone: 951-955-8126

**SUBJECT: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): \_\_\_\_\_

Project Title: Energy Efficiency and Conservation Block Grant (EECBG) Program for a Formula Grant

Project Location (include county): All Supervisorial Districts, County of Riverside, State of California

Project Description: The Riverside County Department of Housing and Workforce Solutions (HWS) submitted an application under DOE's EECBG Program for Energy Efficiency Retrofit Grants for Government Agencies and Nonprofit Organizations. On September 24, 2024, the application was awarded EECBG funding in an amount not to exceed \$477,090, to be utilized on our former public housing sites to perform energy efficiency retrofits. Eligible uses under this category include, but are not limited to, energy efficiency retrofit measures, including weatherization, installation of efficient heating and cooling systems and appliances, cool roofs, and water efficiency measure; energy management systems, including grid-interactive equipment such as smart thermostats, battery storage systems, and building energy management systems; and building electrification measures, including the installation of heat pumps, heat pump water heaters, residential or commercial cooking equipment, and associated wiring and panel upgrades. The EECBG Program Formula funds will assist multiple units from our former public housing sites. Awards would be prioritized to units that require immediate retrofitting to improve energy efficiency (Project).

Project Sponsor: County of Riverside

This is to advise that the County of Riverside Board of Supervisor's approved the above project on

Lead agency or  Responsible Agency

October 22, 2024 and has made the following determinations regarding the above-described project:  
(Tentative date)

Find that the Project does not constitute a project under California Environmental Quality Act (CEQA) and Section 15061(b)(3) of the CEQA Guidelines in that it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. There is no possibility that the Project may have a significant effect on the environment, the activity is not subject to CEQA.

Signature: (Public Agency) Juan Garcia Title: Deputy Director

Date: 10/11/24 Date received for filing at OPR: \_\_\_\_\_

# Energy Efficiency and Conservation Block Grant (EECBG) Program for a Formula Grant

## Summary

**SCH Number**

2024101030

**Public Agency**

Riverside County

**Document Title**

Energy Efficiency and Conservation Block Grant (EECBG) Program for a Formula Grant

**Document Type**

NOE - Notice of Exemption

**Received**

10/23/2024

**Posted**

10/23/2024

**Document Description**

The Riverside County Department of Housing and Workforce Solutions (HWS) submitted an application DOE's EECBG Program for Energy Efficiency Retrofit Grants for Government Agencies and Nonprofit Organizations. On September 17, 2024, the application was awarded EECBG funding in an amount not to exceed \$477,090, to be utilized on our former public housing sites to perform energy efficiency retrofits. Eligible uses under this category include, but are not limited to, energy efficiency retrofit measures, including weatherization, installation of efficient heating and cooling systems and appliances, cool roofs, and water efficiency measure; energy management systems, including grid-interactive equipment such as smart thermostats, battery storage systems, and building energy management systems and building electrification measures, including the installation of heat pumps, heat pump water heaters, residential or commercial cooking equipment, and associated wiring and panel upgrades. The EECBG Program Formula funds will assist multiple units from our former public housing sites. Awards would be prioritized to unites that require immediate retrofitting to improve energy efficiency (Project).

## Contact Information

**Name**

Juan Garcia

**BOARD OF SUPERVISORS**

**COUNTY OF RIVERSIDE**

**RESOLUTION NO. 2024-220**

**AUTHORIZING ACCEPTANCE OF THE PROGRAM AWARD FROM THE U.S. DEPARTMENT OF ENERGY (DOE) FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) PROGRAM FOR A FORMULA GRANT AMOUNT NOT TO EXCEED \$477,090**

**WHEREAS**, January 18, 2023, and modified on April 25, 2024, the U.S. Department of Energy (“DOE”) Office of the Under Secretary for Infrastructure, Golden Field Office, published an Administrative and Legal Requirements Document (“ALRD”) to provide guidance to States, Local Governments, and Indian Tribes for preparation of EECBG Program Formula Grant applications submitted in response to Section 40552 of the Infrastructure Investment and Jobs Act (“IIJA”), also known as the Bipartisan Infrastructure Law;

**WHEREAS**, EECBG Program is authorized by Title V, Subtitle E of the Energy Independence and Security Act of 2007 (“EISA”), as amended,<sup>1</sup> and signed into Public Law (PL 110-140) on December 19, 2007;

**WHEREAS**, all awards made under this program shall comply with applicable laws and regulations including, but not limited to, 2 CFR Part 200, as amended by 2 CFR Part 910, Section 40552 of the IIJA (Pub.L. 117-58), the ALRD, and any agreements entered into with DOE;

**WHEREAS**, in accordance with Section 543 of EISA, eligible entities for EECBG Program formula allocations include States, U.S. Territories, the District of Columbia, local governments, and Indian Tribes;

**WHEREAS**, eligible EECBG Program activities are intended to reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; reduce the total energy use of the eligible entities; improve energy efficiency in the transportation sector, the building sector, and other appropriate sectors; build a clean and equitable energy economy that prioritizes disadvantaged communities; and, promotes equity and inclusion in workforce opportunities and deployment activities, consistent with the Justice40 Initiative;

RESOLUTION NO. 2024-220  
Housing and Workforce Solutions

FORM APPROVED COUNTY COUNSEL  
BY: AMRIT P. DHILLON DATE: 10/11/2024

1           **WHEREAS**, on or about April 30, 2024, the County of Riverside, a political subdivision  
2 of the State of California (“County”) submitted a formula grant application under DOE’s  
3 EECBG Program for Energy Efficiency Retrofit Grants for Government Agencies and Nonprofit  
4 Organizations in an amount not to exceed \$477,090;

5           **WHEREAS**, on September 24, 2024, the County was notified of its EECBG Formula  
6 Grant Award of \$477,090, to be utilized on the County’s former public housing sites to perform  
7 energy efficiency retrofits; and

8           **WHEREAS**, the award expressly identified above will hereinafter be referred to as the  
9 “Program Award.”

10           **NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by  
11 the Board of Supervisors of the County of Riverside, State of California, (“Board”), in regular  
12 session assembled on October 22, 2024 at 9:30 a.m. or soon thereafter, in the meeting room of  
13 the Board located on the 1st floor of the County Administrative Center, 4080 Lemon Street,  
14 Riverside, California, that this Board does hereby determine and declare as follows:

- 15           1. That the above recitals are true and correct and incorporated as though set forth herein.
- 16           2. The County is hereby authorized and directed to accept and incur an obligation for the  
17 Program Award. That in connection with the total amount of the Program Award, the  
18 County is authorized and directed to enter into, execute, and deliver the Assistance  
19 Agreement, and any and all other documents required or deemed necessary or  
20 appropriate to secure the Program Award from the DOE and to participate in the  
21 EECBG Program, and any and all amendments thereto (collectively, “Program Award  
22 Documents”).
- 23           3. The County acknowledges and agrees that it shall be subject to the terms and conditions  
24 specified in the Assistance Agreement, and that the Special Terms and Conditions and  
25 ALRD will be incorporated by reference therein and made a part thereof. The County  
26 also acknowledges and agrees that any and all activities, expenditures, information, and  
27 timelines represented and described in the Application and Program Award Documents  
28 are enforceable through the Assistance Agreement. The County also acknowledges and



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agrees that Program Award funds are to be expended only on the eligible uses and activities identified in the Assistance Agreement.

- 4. The County, through its Board hereby authorizes the Director of Housing and Workforce Solutions, or designee, to execute the Program Award Documents on behalf of the County.

This Resolution shall take effect immediately upon its adoption.

ROLL CALL:

- Ayes: Jeffries, Washington, Spiegel, Perez, and Gutierrez
- Nays: None
- Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KIMBERLY A. RECTOR, Clerk of said Board

By:  \_\_\_\_\_  
Deputy

SCHEDULE A  
Housing and Workforce Solutions  
Budget Adjustment  
Fiscal Year 2024/2025

Increase in Appropriations:

21330-5501000000-536200	Contrib To Non-County Agency	\$	477,090
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Increase in Estimated Revenues:

21330-5501000000-767220	Fed-Other Operating Grants	\$	477,090
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**ASSISTANCE AGREEMENT**

1. Award No. DE-SE0001122		2. Modification No. 0001	3. Effective Date 09/24/2024	4. CFDA No. 81.128
5. Awarded To County of Riverside Attn: Heidi Marshall 3403 10th St Ste 300 Riverside CA 925013659		6. Sponsoring Office State and Community Energy Programs U.S. Department of Energy 1000 Independence Ave, SW Washington DC 20585		7. Period of Performance 10/01/2024 through 09/30/2026
8. Type of Agreement <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Other	9. Authority IIJA PL 117-58, 2021 110-140 EISA of 2007		10. Purchase Request or Funding Document No.	
11. Remittance Address County of Riverside Attn: Heidi Marshall 3403 10th St Ste 300 Riverside CA 925013659		12. Total Amount Govt. Share: \$477,090.00  Cost Share : \$0.00  Total : \$477,090.00		13. Funds Obligated This action: \$0.00  Total : \$477,090.00
14. Principal Investigator	15. Program Manager AUDREY BRAGG Phone: 240-780-1899		16. Administrator Golden Field Office U.S. Department of Energy Golden Field Office 15013 Denver West Parkway Golden CO 80401	
17. Submit Payment Requests To Payment - Direct Payment from U.S. Dept of Treasury		18. Paying Office Payment - Direct Payment from U.S. Dept of Treasury		19. Submit Reports To
20. Accounting and Appropriation Data See Schedule				
21. Research Title and/or Description of Project BIL: EECBG Program - Riverside County				
For the Recipient			For the United States of America	
22. Signature of Person Authorized to Sign			25. Signature of Grants/Agreements Officer  Signature on File	
23. Name and Title	24. Date Signed	26. Name of Officer Geoffrey I. Walker		27. Date Signed 09/24/2024

FORM APPROVED COUNTY COUNSEL  
 BY: Amrit P. Dhillon 10/1/2023  
 AMRIT P. DHILLON DATE

**CONTINUATION SHEET**

REFERENCE NO. OF DOCUMENT BEING CONTINUED  
DE-SE0001122/0001

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NAME OF OFFEROR OR CONTRACTOR  
County of Riverside

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>UEI: MN1HJ72DTDF9</p> <p>The purpose of this action is to obligate EECBG BIL funds and to authorize activities under Section 40552.</p> <p>In addition to this Assistance Agreement, this award consists of the items listed on the Cover Page of the Special Terms and Conditions.</p> <p>The Project Period for this award is 10/01/2024 through 09/30/2026</p> <p>This award is subject to the Financial Assistance regulations contained in 2 CFR 200 as amended by 2 CFR Part 910.</p> <p>Funding for all awards and future budget periods is contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.</p> <p>DOE Award Administrator: Holly Wilson Email: holly.wilson@ee.doe.gov Phone: 240-562-1779</p> <p>DOE Project Officer: Audrey Bragg E-mail: (865) 241-9054 Phone: 240-780-1899</p> <p>Recipient Business Officer: Brandon Trahan E-mail: Btrahan@RIVCO.ORG Phone: 951.295.2310</p> <p>Recipient Principal Investigator: Juan Garcia E-mail: JUGarcia@rivco.org Phone: 951.955.8126</p> <p>"Electronic signature or signatures as used in this document means a method of signing an electronic message that-- (A) Identifies and authenticates a particular person as the source of the electronic message; (B) Indicates such person's approval of the information contained in the electronic message; and, (C) Submission via FedConnect constitutes electronically signed documents." ASAP: YES Extent Competed: NOT AVAIL FOR COMP Davis-Bacon Act: YES PI: Garcia, Juan</p>				



## Special Terms and Conditions

County of Riverside ("Recipient"), which is identified in Block 5 of the Assistance Agreement, and the Office of State and Community Energy Programs ("SCEP"), and Energy Efficiency and Conservation Block Grant Program ("EECBG"), an office within the United States Department of Energy ("DOE"), enter into this Award, referenced above, to achieve the project objectives and the technical milestones and deliverables stated in Attachment 1 to this Award.

This Award consists of the following documents, including all terms and conditions therein:

	Assistance Agreement
	Special Terms and Conditions
Attachment 1	Activity File
Attachment 2	Federal Assistance Reporting Checklist and Instructions
Attachment 3	Budget Information SF-424A
Attachment 4	Intellectual Property Provisions
Attachment 5	Energy Efficiency and Conservation Strategy

The following are incorporated into this Award by reference:

- DOE Assistance Regulations, 2 CFR part 200 as amended by 2 CFR part 910 at <http://www.eCFR.gov>.
- National Policy Requirements (November 12, 2020) at <http://www.nsf.gov/awards/managing/rtc.jsp>.
- The Recipient's application/proposal as approved by SCEP.
- Public Law 117-58, also known as the Bipartisan Infrastructure Law (BIL).

FORM APPROVED COUNTY COUNSEL

BY: APD AMRIT P. DHILLON DATE: 10/1/2024

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## **Subpart A. General Provisions**

### **Term 1. Legal Authority and Effect**

A DOE financial assistance award is valid only if it is in writing and is signed, either in writing or electronically, by a DOE Contracting Officer.

The Recipient may accept or reject the Award. A request to draw down DOE funds or acknowledgement of award documents by the Recipient's authorized representative through electronic systems used by DOE, specifically FedConnect, constitutes the Recipient's acceptance of the terms and conditions of this Award. Acknowledgement via FedConnect by the Recipient's authorized representative constitutes the Recipient's electronic signature.

### **Term 2. Flow Down Requirement**

The Recipient agrees to apply the terms and conditions of this Award, as applicable, including the Intellectual Property Provisions, to all subrecipients (and subcontractors, as appropriate), as required by 2 CFR 200.101, and to require their strict compliance therewith. Further, the Recipient must apply the Award terms as required by 2 CFR 200.327 to all subrecipients (and subcontractors, as appropriate), and to require their strict compliance therewith.

### **Term 3. Compliance with Federal, State, and Municipal Law**

The Recipient is required to comply with applicable Federal, state, and local laws and regulations for all work performed under this Award. The Recipient is required to obtain all necessary Federal, state, and local permits, authorizations, and approvals for all work performed under this Award.

### **Term 4. Inconsistency with Federal Law**

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.

### **Term 5. Federal Stewardship**

SCEP 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 address deficiencies that develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the project objectives have been accomplished.

### **Term 6. NEPA Requirements**

DOE must comply with the National Environmental Policy Act (NEPA) prior to authorizing the use of Federal funds. Based on all information provided by the Recipient, SCEP has made a

NEPA determination by issuing a categorical exclusion (CX) for all activities listed in the Activity File approved by the Contracting Officer and the DOE NEPA Determination. The Recipient is thereby authorized to use Federal funds for the defined project activities, subject the Recipient's compliance with the conditions stated below and except where such activity is subject to a restriction set forth elsewhere in this Award.

**Condition(s):**

1. This NEPA Determination only applies to activities funded by the Administrative and Legal Requirements Document (ALRD) for the EECBG Program Formula Infrastructure Investment and Jobs Act (EECBG Formula - IJJA) awarded to non-tribal recipients proposing non-ground disturbing activities within states that have a DOE executed Historic Preservation Programmatic Agreement.
2. Activities not listed under "Blueprints and additional activities" within this NEPA determination are subject to additional NEPA review and approval by DOE. For activities requiring additional NEPA review, Recipients must complete the environmental questionnaire (EQ-1) found at <https://www.eere-pmc.energy.gov/NEPA.aspx> and receive notification from DOE that the NEPA review has been completed and approved by the Contracting Officer prior to initiating the project or activities.
3. Activities proposed on tribal lands or tribal properties would be restricted to homes/buildings less than forty-five (45) years old and without ground disturbance. Recipients must contact the DOE Project Officer for a Historic Preservation Worksheet to request a review of activities that are listed below on tribal homes/buildings forty-five (45) years and older and/or ground disturbing activities. The DOE NEPA team must review the Historic Preservation Worksheet and notify the Recipient's DOE Project Officer before activities listed on the Historic Preservation Worksheet may begin.
4. This authorization does not include activities where the following elements exist: extraordinary circumstances; cumulative impacts or connected actions that may lead to significant effects on the human environment; or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to a particular project.
5. The Recipient must identify and promptly notify DOE of extraordinary circumstances, cumulative impacts or connected actions that may lead to significant effects on the human environment, or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to project activities.
6. Recipients must have a DOE executed Historic Preservation Programmatic Agreement and adhere to the terms and restrictions of its DOE executed Historic Preservation Programmatic Agreement. DOE executed Historic Preservation Programmatic Agreements are available at <https://www.energy.gov/node/812599>.
7. Recipients are responsible for reviewing the online NEPA and Historic preservation training at [www.energy.gov/node/4816816](http://www.energy.gov/node/4816816) and contacting [EECBG.NEPA@ee.doe.gov](mailto:EECBG.NEPA@ee.doe.gov) with any EECBG NEPA or historic preservation questions.
8. Recipients are required to submit an annual Historic Preservation Report in the Performance and Accountability for Grants in Energy system (PAGE) at <https://www.page.energy.gov/default.aspx>.
9. Most activities listed under "Blueprints and additional activities" within this NEPA determination are more restrictive than the Categorical Exclusion. The restrictions included in the "Blueprints and additional activities" must be followed.
10. This authorization excludes any activities that are otherwise subject to a restriction set forth elsewhere in the award.

This authorization is specific to the project activities and locations as described in the Activity File approved by the Contracting Officer and the DOE NEPA Determination.

***If the Recipient later intends to add to or modify the activities or locations*** as described in the approved Activity File and the DOE NEPA Determination, those new activities/locations or modified activities/locations are subject to additional NEPA review and are not authorized for Federal funding until the Contracting Officer provides written authorization on those additions or modifications. Should the Recipient elect to undertake activities or change locations prior to written authorization from the Contracting Officer, the Recipient does so at risk of not receiving Federal funding for those activities, and such costs may not be recognized as allowable cost share.

**Term 7. Notice Regarding the Purchase of American-Made Equipment and Products – Sense of Congress**

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.

**Term 8. Reporting Requirements**

The reporting requirements for this Award are identified on the Federal Assistance Reporting Checklist, 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.

**Term 9. Lobbying**

By accepting funds under this Award, the Recipient agrees 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.

**Term 10. Publications**

The Recipient is required to include the following acknowledgement in publications arising out of, or relating to, work performed under this Award, whether copyrighted or not:

- *Acknowledgment:* “This material is based upon work supported by the U.S. Department of Energy’s Office of State and Community Energy Programs (SCEP) under the Energy

Efficiency and Conservation Block Grant Program (EECBG) Award Number DE-SE0001122.”

- *Full Legal 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.”

*Abridged Legal Disclaimer:* “The views expressed herein do not necessarily represent the views of the U.S. Department of Energy or the United States Government.”

Recipients should make every effort to include the full Legal Disclaimer. However, in the event that recipients are constrained by formatting and/or page limitations set by the publisher, the abridged Legal Disclaimer is an acceptable alternative.

### **Term 11. No-Cost Extension**

As provided in 2 CFR 200.308, the Recipient must provide the Contracting Officer with notice in advance if it intends to utilize a one-time, no-cost extension of this Award. The notification must include the supporting reasons and the revised period of performance. The Recipient must submit this notification in writing to the Contracting Officer and DOE Technology Manager/ Project Officer at least 30 days before the end of the current budget period.

Any no-cost extension will not alter the project scope, milestones, deliverables, or budget of this Award.

### **Term 12. Property Standards**

The complete text of the Property Standards can be found at 2 CFR 200.310 through 200.316. Also see 2 CFR 910.360 for additional requirements for real property and equipment for For-Profit recipients.

### **Term 13. Insurance Coverage**

See 2 CFR 200.310 for insurance requirements for real property and equipment acquired or improved with Federal funds. Also see 2 CFR 910.360(d) for additional requirements for real property and equipment for For-Profit recipients.

#### **Term 14. Real Property**

Subject to the conditions set forth in 2 CFR 200.311, title to real property acquired or improved under a Federal award will conditionally vest upon acquisition in the non-Federal entity. The non-Federal entity cannot encumber this property and must follow the requirements of 2 CFR 200.311 before disposing of the property.

Except as otherwise provided by Federal statutes or by the Federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from DOE or pass-through entity. The instructions must provide for one of the following alternatives: (1) retain title after compensating DOE as described in 2 CFR 200.311(c)(1); (2) Sell the property and compensate DOE as specified in 2 CFR 200.311(c)(2); or (3) transfer title to DOE or to a third party designated/approved by DOE as specified in 2 CFR 200.311(c)(3).

See 2 CFR 200.311 for additional requirements pertaining to real property acquired or improved under a Federal award. Also see 2 CFR 910.360 for additional requirements for real property for For-Profit recipients.

#### **Term 15. Equipment**

Subject to the conditions provided in 2 CFR 200.313, title to equipment (property) acquired under a Federal award will conditionally vest upon acquisition with the non-Federal entity. The non-Federal entity cannot encumber this property and must follow the requirements of 2 CFR 200.313 before disposing of the property.

A state must use equipment acquired under a Federal award by the state in accordance with state laws and procedures.

Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as it is needed, whether or not the project or program continues to be supported by the Federal award. When no longer needed for the originally authorized purpose, the equipment may be used by programs supported by DOE in the priority order specified in 2 CFR 200.313(c)(1)(i) and (ii).

Management requirements, including inventory and control systems, for equipment are provided in 2 CFR 200.313(d).

When equipment acquired under a Federal award is no longer needed, the non-Federal entity must obtain disposition instructions from DOE or pass-through entity.

Disposition will be made as follows: (1) items of equipment with a current fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to DOE; (2) Non-Federal entity may retain title or sell the equipment after compensating DOE as

described in 2 CFR 200.313(e)(2); or (3) transfer title to DOE or to an eligible third party as specified in 2 CFR 200.313(e)(3).

See 2 CFR 200.313 for additional requirements pertaining to equipment acquired under a Federal award. Also see 2 CFR 910.360 for additional requirements for equipment for For-Profit recipients. See also 2 CFR 200.439 Equipment and other capital expenditures.

#### **Term 16. Supplies**

See 2 CFR 200.314 for requirements pertaining to supplies acquired under a Federal award. See also 2 CFR 200.453 Materials and supplies costs, including costs of computing devices.

#### **Term 17. Property Trust Relationship**

Real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. See 2 CFR 200.316 for additional requirements pertaining to real property, equipment, and intangible property acquired or improved under a Federal award.

#### **Term 18. Record Retention**

Consistent with 2 CFR 200.334 through 200.338, the Recipient is required to retain records relating to this Award.

#### **Term 19. Audits**

##### **A. Government-Initiated Audits**

The Recipient must provide any information, documents, site access, or other assistance requested by SCEP, DOE or Federal auditing agencies (e.g., DOE Inspector General, Government Accountability Office) for the purpose of audits and investigations. Such assistance may include, but is not limited to, reasonable access to the Recipient's records relating to this Award.

Consistent with 2 CFR part 200 as amended by 2 CFR part 910, DOE may audit the Recipient's financial records or administrative records relating to this Award at any time. Government-initiated audits are generally paid for by DOE.

DOE may conduct a final audit at the end of the project period (or the termination of the Award, if applicable). Upon completion of the audit, the Recipient is required to refund to DOE any payments for costs that were determined to be unallowable. If the audit has not been performed or completed prior to the closeout of the award, DOE retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

DOE will provide reasonable advance notice of audits and will minimize interference with ongoing work, to the maximum extent practicable.

**B. Annual Independent Audits (Single Audit or Compliance Audit)**

The Recipient must comply with the annual independent audit requirements in 2 CFR 200.500 through .521 for institutions of higher education, nonprofit organizations, and state and local governments (Single audit), and 2 CFR 910.500 through .521 for for-profit entities (Compliance audit).

The annual independent audits are separate from Government-initiated audits discussed in part A. of this Term and must be paid for by the Recipient. To minimize expense, the Recipient may have a Compliance audit in conjunction with its annual audit of financial statements. The financial statement audit is **not** a substitute for the Compliance audit. If the audit (Single audit or Compliance audit, depending on Recipient entity type) has not been performed or completed prior to the closeout of the award, DOE may impose one or more of the actions outlined in 2 CFR 200.339, Remedies for Noncompliance.

**Term 20. Indemnity**

The Recipient shall indemnify DOE and its officers, agents, or employees for any and all liability, including litigation expenses and attorneys' fees, arising from suits, actions, or claims of any character for death, bodily injury, or loss of or damage to property or to the environment, resulting from the project, except to the extent that such liability results from the direct fault or negligence of DOE officers, agents or employees, or to the extent such liability may be covered by applicable allowable costs provisions.

**Term 21. Foreign National Participation**

If the Recipient (including any of its subrecipients and contractors) anticipates involving foreign nationals in the performance of the Award, the Recipient must, upon DOE's request, provide DOE with specific information about each foreign national to ensure compliance with the requirements for participation and access approval. The volume and type of information required may depend on various factors associated with the Award. The DOE Contracting Officer will notify the Recipient if this information is required.

DOE may elect to deny a foreign national's participation in the Award. Likewise, DOE may elect to deny a foreign national's access to a DOE sites, information, technologies, equipment, programs or personnel.

**Term 22. Post-Award Due Diligence Reviews**

During the life of the Award, DOE may conduct ongoing due diligence reviews, through Government resources, to identify potential risks of undue foreign influence. In the event, a risk is identified, DOE may require risk mitigation measures, including but not limited to, requiring an individual or entity not participate in the Award.

## **Subpart B. Financial Provisions**

### **Term 23. Maximum Obligation**

The maximum obligation of DOE for this Award is the total “Funds Obligated” stated in Block 13 of the Assistance Agreement to this Award.

### **Term 24. Refund Obligation**

The Recipient must refund any excess payments received from SCEP, including any costs determined unallowable by the Contracting Officer. Upon the end of the project period (or the termination of the Award, if applicable), the Recipient must refund to SCEP the difference between (1) the total payments received from SCEP, and (2) the Federal share of the costs incurred. Refund obligations under this Term do not supersede the annual reconciliation or true up process if specified under the Indirect Cost Term.

### **Term 25. Allowable Costs**

SCEP determines the allowability of costs through reference to 2 CFR part 200 as amended by 2 CFR part 910. All project costs must be allowable, allocable, and reasonable. The Recipient must document and maintain records of all project costs, including, but not limited to, the costs paid by Federal funds, costs claimed by its subrecipients and project costs that the Recipient claims as cost sharing, including in-kind contributions. The Recipient is responsible for maintaining records adequate to demonstrate that costs claimed have been incurred, are reasonable, allowable and allocable, and comply with the cost principles. Upon request, the Recipient is required to provide such records to SCEP. Such records are subject to audit. Failure to provide SCEP adequate supporting documentation may result in a determination by the Contracting Officer that those costs are unallowable.

The Recipient is required to obtain the prior written approval of the Contracting Officer for any foreign travel costs.

### **Term 26. Indirect Costs**

#### **A. Indirect Cost Allocation:**

The budget for this Award does not include an allocation of segregated indirect billing rates. Therefore, indirect charges shall not be charged under allocated billing rates, nor shall reimbursement be requested for this project for segregated indirect cost billing rates, nor shall any indirect charges for this project be allocated to any other Federally sponsored project. The Recipient cannot claim indirect costs separately as cost share.



**B. Fringe Cost Allocation:**

The budget for this award does not include an allocation of segregated fringe billing rates. Fringe benefit costs have been found reasonable as incorporated in the Recipient's burdened labor rate or under an allocated indirect cost billing rate. Therefore, fringe benefit costs shall not be charged as a separate rate allocation to this Award. SCEP will not reimburse fringe benefit costs as a separate budget item. Fringe benefit costs for this Award cannot be allocated as a separate rate allocation to any other Federally sponsored project.

**C. Subrecipient Indirect Costs (If Applicable):**

The Recipient must ensure its subrecipient's indirect costs are appropriately managed, have been found to be allowable, and comply with the requirements of this Award and 2 CFR Part 200 as amended by 2 CFR Part 910.

**D. Indirect Cost Stipulations:**

**i. Modification to Indirect Cost Billing Rates**

SCEP will not modify this Award solely to provide additional funds to cover increases in the Recipient's indirect cost billing rate(s). Adjustments to the indirect cost billing rates must be approved by the Recipient's Cognizant Agency or Cognizant Federal Agency Official.

The Recipient must provide a copy of an updated NICRA or indirect rate proposal to the DOE Award Administrator in order to increase indirect cost billing rates. If the Contracting Officer provides prior written approval, the Recipient may incur an increase in the indirect cost billing rates.

Reimbursement will be limited by the budgeted dollar amount for indirect costs for each budget period as shown in Attachment 3 to this Award.

**ii. Award Closeout**

The closeout of the DOE award does not affect (1) the right of the DOE to disallow costs and recover funds on the basis of a later audit or other review; (2) the requirement for the Recipient to return any funds due as a result of later refunds, corrections or other transactions including final indirect cost billing rate adjustments; and (3) the ability of the DOE to make financial adjustments to a previously closed award resolving indirect cost payments and making final payments.

Notwithstanding any other provisions of this Award, the Government shall not be responsible for or have any obligation to the Recipient for (1) Decontamination and/or Decommissioning (D&D) of any of the Recipient's facilities, or (2) 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 Award, whether said work was performed prior to or subsequent to the effective date of the Award.

**Term 28. Use of Program Income**

If the Recipient earns program income during the project period as a result of this Award, the Recipient must add the program income to the funds committed to the Award and used to further eligible project objectives.

**Term 29. Payment Procedures**

**A. Method of Payment**

Payment will be made by advances through the Department of Treasury's ASAP system.

**B. Requesting Advances**

Requests for advances must be made through the ASAP system. The Recipient may submit requests as frequently as required to meet its needs to disburse funds for the Federal share of project costs. If feasible, the Recipient should time each request so that the Recipient receives payment on the same day that the Recipient disburses funds for direct project costs and the proportionate share of any allowable indirect costs. If same-day transfers are not feasible, advance payments must be as close to actual disbursements as administratively feasible.

**C. Adjusting Payment Requests for Available Cash**

The Recipient must disburse any funds that are available from repayments to and interest earned on a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries, credits, discounts, and interest earned on any of those funds before requesting additional cash payments from SCEP.

**D. Payments**

All payments are made by electronic funds transfer to the bank account identified on the Bank Information Form that the Recipient filed with the U.S. Department of Treasury.

**E. Unauthorized Drawdown of Federal Funds**

For each budget period, the Recipient may not spend more than the Federal share authorized to that particular budget period, without specific written approval from the Contracting Officer. The Recipient must immediately refund SCEP any amounts

spent or drawn down in excess of the authorized amount for a budget period. The Recipient and subrecipients shall promptly, but at least quarterly, remit to DOE interest earned on advances drawn in excess of disbursement needs, and shall comply with the procedure for remitting interest earned to the Federal government per 2 CFR 200.305, as applicable.

## **Term 30. Budget Changes**

### **A. Budget Changes Generally**

The Contracting Officer has reviewed and approved the SF-424A in Attachment 3 to this Award.

Any increase in the total project cost, whether DOE share or Cost Share, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award, must be approved in advance and in writing by the Contracting Officer.

Any change that alters the project scope, milestones or deliverables requires prior written approval of the Contracting Officer. SCEP may deny reimbursement for any failure to comply with the requirements in this term.

### **B. Transfers of Funds Among Direct Cost Categories**

The Recipient is required to obtain the prior written approval of the Contracting Officer for any transfer of funds among direct cost categories where the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total project cost, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award.

The Recipient is required to notify the DOE Technology Manager/Project Officer of any transfer of funds among direct cost categories where the cumulative amount of such transfers is equal to or below 10 percent of the total project cost, which is stated as "Total" in Block 12 to the Assistance Agreement of this Award.

### **C. Transfer of Funds Between Direct and Indirect Cost Categories**

The Recipient is required to obtain the prior written approval of the Contracting Officer for any transfer of funds between direct and indirect cost categories. If the Recipient's actual allowable indirect costs are less than those budgeted in Attachment 3 to this Award, the Recipient may use the difference to pay additional allowable direct costs during the project period so long as the total difference is less than 10% of total project costs and the difference is reflected in actual requests for reimbursement to DOE.

## Subpart C. Miscellaneous Provisions

### Term 31. Environmental, Safety and Health Performance of Work at DOE Facilities

With respect to the performance of any portion of the work under this Award which is performed at a DOE -owned or controlled site, the Recipient agrees to comply with all State and Federal Environmental, Safety and Health (ES&H) regulations and with all other ES&H requirements of the operator of such site.

Prior to the performance on any work at a DOE-owned or controlled site, the Recipient shall contact the site facility manager for information on DOE and site-specific ES&H requirements.

The Recipient is required apply this provision to its subrecipients and contractors.

### Term 32. System for Award Management and Universal Identifier Requirements

#### A. Requirement for Registration in the System for Award Management (SAM)

Unless the Recipient is exempted from this requirement under 2 CFR 25.110, the Recipient must maintain the currency of its information in SAM until the Recipient submits the final financial report required under this Award or receive the final payment, whichever is later. This requires that the Recipient reviews and updates the information at least annually after the initial registration, and more frequently if required by changes in its information or another award term.

#### B. Unique Entity Identifier (UEI)

SAM automatically assigns a UEI to all active SAM.gov registered entities. Entities no longer have to go to a third-party website to obtain their identifier. This information is displayed on SAM.gov.

If the Recipient is authorized to make subawards under this Award, the Recipient:

- i. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from the Recipient unless the entity has provided its UEI number to the Recipient.
- ii. May not make a subaward to an entity unless the entity has provided its UEI number to the Recipient.

#### C. Definitions

For purposes of this award term:

- i. System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <https://www.sam.gov>).
- ii. Unique Entity Identifier (UEI) is the 12-character, alpha-numeric identifier that will be assigned by SAM.gov upon registration.
- iii. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR Part 25, subpart C:
  1. A Governmental organization, which is a State, local government, or Indian Tribe.
  2. A foreign public entity.
  3. A domestic or foreign nonprofit organization.
  4. A domestic or foreign for-profit organization.
  5. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- iv. Subaward:
  1. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which the Recipient received this Award and that the Recipient awards to an eligible subrecipient.
  2. The term does not include the Recipient's procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.501 Audit requirements, (f) *Subrecipients and Contractors* and/or 2 CFR 910.501 Audit requirements, (f) *Subrecipients and Contractors*).
  3. A subaward may be provided through any legal agreement, including an agreement that the Recipient considers a contract.
- v. Subrecipient means an entity that:
  1. Receives a subaward from the Recipient under this Award; and
  2. Is accountable to the Recipient for the use of the Federal funds provided by the subaward.

### Term 33. Nondisclosure and Confidentiality Agreements Assurances

- A. By entering into this agreement, the Recipient attests that it **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.
- B. The Recipient further attests that it **does not and will not** use any Federal funds to implement or enforce any nondisclosure and/or confidentiality policy, form, or agreement it uses unless it contains the following provisions:
- i. *“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”*
  - ii. The limitation above shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.
  - iii. Notwithstanding provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

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### Term 34. Subrecipient Change Notification

Except for subrecipients specifically proposed as part of the Recipient's Application for award, the Recipient must notify the Contracting Officer and Project Manager in writing 30 days prior to the execution of new or modified subrecipient agreements, including naming any To Be Determined subrecipients. This notification does not constitute a waiver of the prior approval requirements outlined in 2 CFR part 200 as amended by 2 CFR part 910, nor does it relieve the Recipient from its obligation to comply with applicable Federal statutes, regulations, and executive orders.

In order to satisfy this notification requirement, the Recipient documentation must, as a minimum, include the following:

- A description of the research to be performed, the service to be provided, or the equipment to be purchased.
- Cost share commitment letter if the subrecipient is providing cost share to the Award.
- An assurance that the process undertaken by the Recipient to solicit the subrecipient complies with their written procurement procedures as outlined in 2 CFR 200.317 through 200.327.
- An assurance that no planned, actual or apparent conflict of interest exists between the Recipient and the selected subrecipient and that the Recipient's written standards of conduct were followed.<sup>1</sup>
- A completed Environmental Questionnaire, if applicable.
- An assurance that the subrecipient is not a debarred or suspended entity.
- An assurance that all required award provisions will be flowed down in the resulting subrecipient agreement.

The Recipient is responsible for making a final determination to award or modify subrecipient agreements under this agreement, but the Recipient may not proceed with the subrecipient agreement until the Contracting Officer determines, and provides the Recipient written notification, that the information provided is adequate.

Should the Recipient not receive a written notification of adequacy from the Contracting Officer within 30 days of the submission of the subrecipient documentation stipulated above, the Recipient may proceed to award or modify the proposed subrecipient agreement.

### **Term 35. Conference Spending**

<sup>1</sup> It is DOE's position that the existence of a "covered relationship" as defined in 5 CFR 2635.502(a)&(b) between a member of the Recipient's owners or senior management and a member of a subrecipient's owners or senior management creates at a minimum an apparent conflict of interest that would require the Recipient to notify the Contracting Officer and provide detailed information and justification (including, for example, mitigation measures) as to why the subrecipient agreement does not create an actual conflict of interest. The Recipient must also notify the Contracting Officer of any new subrecipient agreement with: (1) an entity that is owned or otherwise controlled by the Recipient; or (2) an entity that is owned or otherwise controlled by another entity that also owns or otherwise controls the Recipient, as it is DOE's position that these situations also create at a minimum an apparent conflict of interest.

The Recipient shall not expend any funds on a conference not directly and programmatically related to the purpose for which the grant was awarded that would defray the cost to the United States Government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the United States Government would otherwise exceed \$20,000, thereby circumventing the required notification by the head of any such Executive Branch department, agency, board, commission, or office to the Inspector General (or senior ethics official for any entity without an Inspector General), of the date, location, and number of employees attending such conference.

### **Term 36. Recipient Integrity and Performance Matters**

#### **A. General Reporting Requirement**

If the total value of your currently active Financial Assistance awards, grants, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this term. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

#### **B. Proceedings About Which You Must Report**

Submit the information required about each proceeding that:

- i. Is in connection with the award or performance of a Financial Assistance, cooperative agreement, or procurement contract from the Federal Government;
- ii. Reached its final disposition during the most recent five-year period; and
- iii. Is one of the following:
  1. A criminal proceeding that resulted in a conviction, as defined in paragraph E of this award term and condition;
  2. A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
  3. An administrative proceeding, as defined in paragraph E of this term, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
  4. Any other criminal, civil, or administrative proceeding if:



- a. It could have led to an outcome described in paragraph B.iii.1, 2, or 3 of this term;
- b. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
- c. The requirement in this term to disclose information about the proceeding does not conflict with applicable laws and regulations.

**C. Reporting Procedures**

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph B of this term. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

**D. Reporting Frequency**

During any period of time when you are subject to the requirement in paragraph A of this term, you must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, Financial Assistance awards, (including cooperative agreement awards) with a cumulative total value greater than \$10,000,000, must disclose semiannually any information about the criminal, civil, and administrative proceedings.

**E. Definitions**

For purposes of this term:

- i. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or Financial Assistance awards. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- ii. Conviction means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of *nolo contendere*.
- iii. Total value of currently active Financial Assistance awards, cooperative agreements and procurement contracts includes—
  1. Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

2. The value of all expected funding increments under a Federal award and options, even if not yet exercised.

### **Term 37. Export Control**

The United States government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the U.S. to protect national security, foreign policy, and economic interests without imposing undue regulatory burdens on legitimate international trade. There is a network of Federal agencies and regulations that govern exports that are collectively referred to as “Export Controls.” The Recipient is responsible for ensuring compliance with all applicable United States Export Control laws and regulations relating to any work performed under a resulting award.

The Recipient must immediately report to DOE any export control violations related to the project funded under this award, at the recipient or subrecipient level, and provide the corrective action(s) to prevent future violations.

### **Term 38. Interim Conflict of Interest Policy for Financial Assistance**

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy) can be found at <https://www.energy.gov/management/departments-energy-interim-conflict-interest-policy-requirements-financial-assistance>. This policy is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under this Award. The term “Investigator” means the PI and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. The Recipient must flow down the requirements of the interim COI Policy to any subrecipient non-Federal entities, with the exception of DOE National Laboratories. Further, the Recipient must identify all financial conflicts of interests (FCOI), i.e., managed and unmanaged/ unmanageable, in its initial and ongoing FCOI reports.

Prior to award, the Recipient was required to: 1) ensure all Investigators on this Award completed their significant financial disclosures; 2) review the disclosures; 3) determine whether a FCOI exists; 4) develop and implement a management plan for FCOIs; and 5) provide DOE with an initial FCOI report that includes all FCOIs (i.e., managed and unmanaged/unmanageable). Within 180 days of the date of the Award, the Recipient must be in full compliance with the other requirements set forth in DOE’s interim COI Policy.

### **Term 39. Organizational Conflict of Interest**

Organizational conflicts of interest are those where, because of relationships with a parent company, affiliate, or subsidiary organization, the Recipient is unable or appears to be unable to be impartial in conducting procurement action involving a related organization (2 CFR 200.318(c)(2)).

The Recipient must disclose in writing any potential or actual organizational conflict of interest to the DOE Contracting Officer. The Recipient must provide the disclosure prior to engaging in a procurement or transaction using project funds with a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe. For a list of the information that must be included in the disclosure, see Section VI. of the DOE interim Conflict of Interest Policy for Financial Assistance at <https://www.energy.gov/management/department-energy-interim-conflict-interest-policy-requirements-financial-assistance>.

If the effects of the potential or actual organizational conflict of interest cannot be avoided, neutralized, or mitigated, the Recipient must procure goods and services from other sources when using project funds. Otherwise, DOE may terminate the Award in accordance with 2 CFR 200.340 unless continued performance is determined to be in the best interest of the Federal government.

The Recipient must flow down the requirements of the interim COI Policy to any subrecipient non-Federal entities, with the exception of DOE National Laboratories. The Recipient is responsible for ensuring subrecipient compliance with this term.

If the Recipient has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the Recipient must maintain written standards of conduct covering organizational conflicts of interest.

#### **Term 40. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment**

As set forth in 2 CFR 200.216, recipients and subrecipients are prohibited from obligating or expending project funds (Federal and non-Federal funds) to:

- (1) Procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
  - (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

See Public Law 115-232, section 889 for additional information.

#### **Term 41. Human Subjects Research**

Research involving human subjects, biospecimens, or identifiable private information conducted with Department of Energy (DOE) funding is subject to the requirements of DOE Order 443.1C, *Protection of Human Research Subjects*, 45 CFR Part 46, *Protection of Human Subjects (subpart A which is referred to as the "Common Rule")*, and 10 CFR Part 745, *Protection of Human Subjects*.

Federal regulation and the DOE Order require review by an Institutional Review Board (IRB) of all proposed human subjects research projects. The IRB is an interdisciplinary ethics board responsible for ensuring that the proposed research is sound and justifies the use of human subjects or their data; the potential risks to human subjects have been minimized; participation is voluntary; and clear and accurate information about the study, the benefits and risks of participating, and how individuals' data/specimens will be protected/used, is provided to potential participants for their use in determining whether or not to participate.

The Recipient shall provide the Federal Wide Assurance number identified in item 1 below and the certification identified in item 2 below to DOE prior to initiation of any project that will involve interactions with humans in some way (e.g., through surveys); analysis of their identifiable data (e.g., demographic data and energy use over time); asking individuals to test devices, products, or materials developed through research; and/or testing of commercially available devices in buildings/homes in which humans will be present. *Note:* This list of examples is illustrative and not all inclusive.

No DOE funded research activity involving human subjects, biospecimens, or identifiable private information shall be conducted without:

- 1) A registration and a Federal Wide Assurance of compliance accepted by the Office of Human Research Protection (OHRP) in the Department of Health and Human Services; and
- 2) Certification that the research has been reviewed and approved by an Institutional Review Board (IRB) provided for in the assurance. IRB review may be accomplished by

the awardee's institutional IRB; by the Central DOE IRB; or if collaborating with one of the DOE national laboratories, by the DOE national laboratory IRB.

The Recipient is responsible for ensuring all subrecipients comply and for reporting information on the project annually to the DOE Human Subjects Research Database (HSRD) at <https://science.osti.gov/HumanSubjects/Human-Subjects-Database/home>. *Note:* If a DOE IRB is used, no end of year reporting will be needed.

Additional information on the DOE Human Subjects Research Program can be found at: <https://science.osti.gov/ber/human-subjects>

#### **Term 42. Fraud, Waste and Abuse**

The mission of the DOE Office of Inspector General (OIG) is to strengthen the integrity, economy and efficiency of DOE's programs and operations including deterring and detecting fraud, waste, abuse and mismanagement. The OIG accomplishes this mission primarily through investigations, audits, and inspections of Department of Energy activities to include grants, cooperative agreements, loans, and contracts. The OIG maintains a Hotline for reporting allegations of fraud, waste, abuse, or mismanagement. To report such allegations, please visit <https://www.energy.gov/ig/ig-hotline>.

Additionally, the Recipient must be cognizant of the requirements of 2 CFR § 200.113 Mandatory disclosures, which states:

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in appendix XII of 2 CFR Part 200 are required to report certain civil, criminal, or administrative proceedings to SAM (currently FAPIIS). Failure to make required disclosures can result in any of the remedies described in § 200.339. (See also 2 CFR part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.)

### **Subpart D. Bipartisan Infrastructure Law (BIL)-specific requirements**

#### **Term 43. Reporting, Tracking and Segregation of Incurred Costs**

BIL 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 BIL and related Office of Management and Budget (OMB) Guidance. The Recipient must keep separate records for BIL funds and must ensure those records comply with the requirements of the BIL. Funding provided through the BIL that is supplemental to an existing grant or cooperative agreement is one-time funding.

#### **Term 44. Davis-Bacon Requirements**

This award is funded under Division D of the Bipartisan Infrastructure Law (BIL). All laborers and mechanics employed by the recipient, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work in excess of \$2000 on an award funded directly by or assisted in whole or in part by funds made available under this award shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the "Davis-Bacon Act" (DBA).

Recipients shall provide written assurance acknowledging the DBA requirements for the award or project and confirming that all of the laborers and mechanics performing construction, alteration, or repair, through funding under the award are paid or will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by Subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act).

The Recipient must comply with all of the Davis-Bacon Act requirements, including but not limited to:

- (1) ensuring that the wage determination(s) and appropriate Davis-Bacon clauses and requirements are flowed down to and incorporated into any applicable subcontracts or subrecipient awards.
- (2) being responsible for compliance by any subcontractor or subrecipient with the Davis-Bacon labor standards.
- (3) receiving and reviewing certified weekly payrolls submitted by all subcontractors and subrecipients for accuracy and to identify potential compliance issues.
- (4) maintaining original certified weekly payrolls for 3 years after the completion of the project and must make those payrolls available to the DOE or the Department of Labor upon request, as required by 29 CFR 5.6(a)(2).
- (5) conducting payroll and job-site reviews for construction work, including interviews with employees, with such frequency as may be necessary to assure compliance by its subcontractors and subrecipients and as requested or directed by the DOE.
- (6) cooperating with any authorized representative of the Department of Labor in their inspection of records, interviews with employees, and other actions undertaken as part of a Department of Labor investigation.
- (7) posting in a prominent and accessible place the wage determination(s) and Department of Labor Publication: WH-1321, Notice to Employees Working on Federal or Federally Assisted Construction Projects.

(8) notifying the Contracting Officer of all labor standards issues, including all complaints regarding incorrect payment of prevailing wages and/or fringe benefits, received from the recipient, subrecipient, contractor, or subcontractor employees; significant labor standards violations, as defined in 29 CFR 5.7; disputes concerning labor standards pursuant to 29 CFR parts 4, 6, and 8 and as defined in FAR 52.222-14; disputed labor standards determinations; Department of Labor investigations; or legal or judicial proceedings related to the labor standards under this Contract, a subcontract, or subrecipient award.

(9) preparing and submitting to the Contracting Officer, the Office of Management and Budget Control Number 1910-5165, Davis Bacon Semi-Annual Labor Compliance Report, by April 21 and October 21 of each year. Form submittal will be administered through the iBenefits system (<https://doeibenefits2.energy.gov>) or its successor system.

The Recipient must undergo Davis-Bacon Act compliance training and must maintain competency in Davis-Bacon Act compliance. The Contracting Officer will notify the Recipient of any DOE sponsored Davis-Bacon Act compliance trainings. The Department of Labor offers free Prevailing Wage Seminars several times a year that meet this requirement, at <https://www.dol.gov/agencies/whd/government-contracts/construction/seminars/events>.

The Department of Energy has contracted with, a third-party DBA electronic payroll compliance software application. The Recipient must ensure the timely electronic submission of weekly certified payrolls as part of its compliance with the Davis-Bacon Act unless a waiver is granted to a particular contractor or subcontractor because they are unable or limited in their ability to use or access the software.

#### **Davis Bacon Act Electronic Certified Payroll Submission Waiver**

A waiver must be granted before the award starts. The applicant does not have the right to appeal SCEP's decision concerning a waiver request.

For additional guidance on how to comply with the Davis-Bacon provisions and clauses, see <https://www.dol.gov/agencies/whd/government-contracts/construction> and <https://www.dol.gov/agencies/whd/government-contracts/protections-for-workers-in-construction>.

### **Term 45. Buy American Requirement for Infrastructure Projects**

#### **A. Definitions**

**Components** are defined as the articles, materials, or supplies incorporated directly into the end manufactured product(s).

**Construction Materials** are an article, material, or supply—other than an item primarily of iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is used in an infrastructure project and is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, drywall, coatings (paints and stains), optical fiber, clay brick; composite building materials; or engineered wood products.

**Domestic Content Procurement Preference Requirement-** means a requirement that no amounts made available through a program for federal financial assistance may be obligated for an infrastructure project unless—

(A) all iron and steel used in the project are produced in the United States;

(B) the manufactured products used in the project are produced in the United States; or

(C) the construction materials used in the project are produced in the United States.

Also referred to as the **Buy America Requirement**.

**Infrastructure** includes, at a minimum, the structures, facilities, and equipment located in the United States, for: roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and generation, transportation, and distribution of energy - including electric vehicle (EV) charging.

The term “infrastructure” should be interpreted broadly, and the definition provided above should be considered as illustrative and not exhaustive.

**Manufactured Products** are items used for an infrastructure project made up of components that are not primarily of iron or steel; construction materials; cement and cementitious materials’ aggregates such as stone, sand, or gravel; or aggregate binding agents or additives.



**Primarily of iron or steel** means greater than 50% iron or steel, measured by cost.

**Project-** means the construction, alteration, maintenance, or repair of infrastructure in the United States.

**Public-** The Buy America Requirement does not apply to non-public infrastructure. For purposes of this guidance, infrastructure should be considered “public” if it is: (1) publicly owned or (2) privately owned but utilized primarily for a public purpose. Infrastructure should be considered to be “utilized primarily for a public purpose” if it is privately operated on behalf of the public or is a place of public accommodation.

#### **B. Buy America Requirement**

None of the funds provided under this award (federal share or recipient cost-share) may be used for a project for infrastructure unless:

1. All iron and steel used in the project is produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
3. All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America Requirement only applies to articles, materials, and supplies that are consumed in, incorporated into, or permanently affixed to an infrastructure project. As such, it does not apply to tools,

equipment, and supplies, such as temporary scaffolding, brought into the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Requirement apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Recipients are responsible for administering their award in accordance with the terms and conditions, including the Buy America Requirement. The recipient must ensure that the Buy America Requirement flows down to all subawards and that the subawardees and subrecipients comply with the Buy America Requirement. The Buy America Requirement term and condition must be included all sub-awards, contracts, subcontracts, and purchase orders for work performed under the infrastructure project.

**C. Certification of Compliance**

The Recipient must certify or provide equivalent documentation for proof of compliance that a good faith effort was made to solicit bids for domestic products used in the infrastructure project under this Award.

The Recipient must also maintain certifications or equivalent documentation for proof of compliance that those articles, materials, and supplies that are consumed in, incorporated into, affixed to, or otherwise used in the infrastructure project, not covered by a waiver or exemption, are produced in the United States. The certification or proof of compliance must be provided by the suppliers or manufacturers of the iron, steel, manufactured products and construction materials and flow up from all subawardees, contractors and vendors to the Recipient. The Recipient must keep these certifications with the award/project files and be able to produce them upon request from DOE, auditors or Office of Inspector General.

**D. Waivers**

When necessary, the Recipient may apply for, and DOE may grant, a waiver from the Buy America Requirement. Requests to waive the application of the Buy America Requirement must be in writing to the Contracting Officer. Waiver requests are subject to review by DOE and

the Office of Management and Budget, as well as a public comment period of no less than 15 calendar days.

Waivers must be based on one of the following justifications:

1. **Public Interest-** Applying the Buy America Requirement would be inconsistent with the public interest;
2. **Non-Availability-** The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
3. **Unreasonable Cost-** The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

Requests to waive the Buy America Requirement must include the following:

- Waiver type (Public Interest, Non-Availability, or Unreasonable Cost);
- Recipient name and Unique Entity Identifier (UEI);
- Award information (Federal Award Identification Number, Assistance Listing number);
- A brief description of the project, its location, and the specific infrastructure involved;
- Total estimated project cost, with estimated federal share and recipient cost share breakdowns;
- Total estimated infrastructure costs, with estimated federal share and recipient cost share breakdowns;
- List and description of iron or steel item(s), manufactured goods, and/or construction material(s) the recipient seeks to waive from the Buy America Preference, including name, cost, quantity(ies), country(ies) of origin, and relevant Product Service Codes (PSC) and North American Industry Classification System (NAICS) codes for each;
- A detailed justification as to how the non-domestic item(s) is/are essential the project;
- A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and non-proprietary communications with potential suppliers;

- A justification statement—based on one of the applicable justifications outlined above—as to why the listed items cannot be procured domestically, including the due diligence performed (e.g., market research, industry outreach, cost analysis, cost-benefit analysis) by the recipient to attempt to avoid the need for a waiver. This justification may cite, if applicable, the absence of any Buy America-compliant bids received for domestic products in response to a solicitation; and
- Anticipated impact to the project if no waiver is issued.

The Recipient should consider using the following principles as minimum requirements contained in their waiver request:

- **Time-limited:** Consider a waiver constrained principally by a length of time, rather than by the specific project/award to which it applies. Waivers of this type may be appropriate, for example, when an item that is “non-available” is widely used in the project. When requesting such a waiver, the Recipient should identify a reasonable, definite time frame (e.g., no more than one to two years) designed so that the waiver is reviewed to ensure the condition for the waiver (“non-availability”) has not changed (e.g., domestic supplies have become more available).
- **Targeted:** Waiver requests should apply only to the item(s), product(s), or material(s) or category(ies) of item(s), product(s), or material(s) as necessary and justified. Waivers should not be overly broad as this will undermine domestic preference policies.
- **Conditional:** The Recipient may request a waiver with specific conditions that support the policies of IIJA/BABA and Executive Order 14017.

DOE may request, and the Recipient must provide, additional information for consideration of this waiver. DOE may reject or grant waivers in whole or in part depending on its review, analysis, and/or feedback from OMB or the public. DOE's final determination regarding approval or rejection of the waiver request may not be appealed. Waiver requests may take up to 90 calendar days to process.

All federally assisted construction contracts exceeding \$10,000 annually will be subject to the requirements of Executive Order 11246:

- (1) Recipients, subrecipients, and contractors are prohibited from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin.
- (2) Recipients and Contractors are required to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment. This includes flowing down the appropriate language to all subrecipients, contractors and subcontractors.
- (3) Recipients, subrecipients, contractors and subcontractors are prohibited from taking adverse employment actions against applicants and employees for asking about, discussing, or sharing information about their pay or, under certain circumstances, the pay of their co-workers.

The Department of Labor's (DOL) Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule contractors for compliance evaluations. OFCCP's Technical Assistance Guide<sup>2</sup> should be consulted to gain an understanding of the requirements and possible actions the recipients, subrecipients, contractors and subcontractors must take.

#### **Term 47. Potentially Duplicative Funding Notice**

If the Recipient or subrecipients have or receive any other award of federal funds for activities that potentially overlap with the activities funded under this Award, the Recipient must promptly notify DOE in writing of the potential overlap and state whether project funds (i.e., recipient cost share and federal funds) from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items under this Award. If there are identical cost items, the Recipient must promptly notify the DOE Contracting Officer in writing of the potential duplication and eliminate any inappropriate duplication of funding.

#### **Term 48. Transparency of Foreign Connections**

During the term of the Award, the Recipient must notify the DOE Contracting Officer within fifteen (15) business days of learning of the following circumstances in relation to the Recipient or subrecipients:

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<sup>2</sup> See OFCCP's Technical Assistance Guide at:

<https://www.dol.gov/sites/dolgov/files/ofccp/Construction/ConstructionTAG.pdf?msclkid=9e397d68c4b111ec9d8e6fecb6c710ec> Also see the National Policy Assurances <http://www.nsf.gov/awards/managing/rtc.jsp>

1. The existence of any joint venture or subsidiary that is based in, funded by, or has a foreign affiliation with any foreign country of risk;
2. Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a country of risk or foreign entity based in a country of risk;
3. Any current or pending change in ownership structure of the Recipient or subrecipients that increases foreign ownership related to a country of risk;
4. Any current or pending venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk;
5. Any current or pending technology licensing or intellectual property sales to a foreign country of risk; and
6. Any current or pending foreign business entity, offshore entity, or entity outside the United States related to the Recipient or subrecipient.

#### **Term 49. Foreign Collaboration Considerations**

- a. Consideration of new collaborations with foreign organizations and governments. The Recipient must provide DOE with advanced written notification of any potential collaboration with foreign entities, organizations or governments in connection with its DOE-funded award scope. The Recipient must await further guidance from DOE prior to contacting the proposed foreign entity, organization or government regarding the potential collaboration or negotiating the terms of any potential agreement.
- b. Existing collaborations with foreign entities, organizations and governments. The Recipient must provide DOE with a written list of all existing foreign collaborations in which has entered in connection with its DOE-funded award scope.
- c. Description of collaborations that should be reported: In general, a collaboration will involve some provision of a thing of value to, or from, the Recipient. A thing of value includes but may not be limited to all resources made available to, or from, the recipient in support of and/or related to the Award, regardless of whether or not they have monetary value. Things of value also may include in-kind contributions (such as office/laboratory space, data, equipment, supplies, employees, students). In-kind contributions not intended for direct use on the Award but resulting in provision of a thing of value from or to the Award must also be reported. Collaborations do not include routine workshops, conferences, use of the Recipient's services and facilities by foreign investigators resulting from its standard published process for evaluating requests for access, or the routine use of foreign facilities by awardee staff in accordance with the Recipient's standard policies and procedures.



**U.S. Department of Energy**  
Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGIL)  
ACTIVITY FILE  
Grant Number: SE0001122, State: CA, Program Year: 2023  
Recipient: County of Riverside

**SEO title :** HVAC Retrofits

**Revision status:** Active (pending add)

**1. Activity**

<input type="checkbox"/> Strategy Development	<input type="checkbox"/> Technical Consultant Services	<input type="checkbox"/> Building Energy Audits
<input type="checkbox"/> Financial Incentive Programs	<input checked="" type="checkbox"/> Energy Efficiency Retrofits	<input type="checkbox"/> Energy Efficiency and Conservation Programs for Buildings and Facilities
<input type="checkbox"/> Development and Implementation of Transportation Programs	<input type="checkbox"/> Building Codes and Inspections	<input type="checkbox"/> Energy Distribution Technologies for Energy Efficiency
<input type="checkbox"/> Material Conservation Programs	<input type="checkbox"/> Reduction and Capture of Methane and Greenhouse Gases	<input type="checkbox"/> Traffic Signals and Street Lighting
<input type="checkbox"/> Renewable Energy Technologies on Government Buildings	<input type="checkbox"/> Programs for Financing, Purchasing, and Installing EE-RE, and Zero-Emission Transportation Measures	<input type="checkbox"/> Administrative
<input type="checkbox"/> States Sub-grants to Formula-Ineligible Communities (states only)		

**Blueprints**

Energy Planning
<input type="checkbox"/> 1. Energy Planning
Efficient Buildings
<input type="checkbox"/> 2a. Energy Efficiency - Energy Audits and Building Upgrades
<input type="checkbox"/> 2b. Energy Savings Performance Contracts: Energy Efficiency and Electrification in Government Buildings
<input type="checkbox"/> 2c. Building Electrification Campaign
<input type="checkbox"/> 2d. Building Performance Standards & Stretch Codes
Renewables
<input type="checkbox"/> 3a. Solar & Storage - Power Purchase Agreements and Direct Ownership
<input type="checkbox"/> 3b. Community Solar
<input type="checkbox"/> 3c. Solarize Campaign
<input type="checkbox"/> 3d. Renewable Resource Planning for Rural and Tribal Communities
Electric Transportation
<input type="checkbox"/> 4a. Electric Vehicles and Fleet Electrification
<input type="checkbox"/> 4b. EV Charging Infrastructure for the Community
Finance
<input type="checkbox"/> 5. Unlocking Sustainable Financing Solutions for Energy Projects and Programs with Revolving Loan Funds
Workforce
<input type="checkbox"/> 6. Workforce Development

**2. State:** CA

**3. Sectors**

<input type="checkbox"/> Agriculture / Agricultural	<input type="checkbox"/> Local Government	<input checked="" type="checkbox"/> Residential
<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Low / Limited Income	<input type="checkbox"/> State or Territory Government
<input type="checkbox"/> Higher Education	<input type="checkbox"/> Non-profits	<input type="checkbox"/> Transportation
<input type="checkbox"/> Industrial	<input type="checkbox"/> Not Applicable	<input type="checkbox"/> Tribal / Native American
<input type="checkbox"/> K-12 Schools		

**4. Technology and/or Topic Areas**

<input type="checkbox"/> Audits and Assessments (Energy, Water, and Process)	<input type="checkbox"/> Environmental Justice
<input type="checkbox"/> Benchmarking	<input type="checkbox"/> Financial Incentives



**U.S. Department of Energy**  
 Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGBIL)  
 ACTIVITY FILE  
 Grant Number: SE0001122, State: CA, Program Year: 2023  
 Recipient: County of Riverside

<input type="checkbox"/> Energy Savings Performance Contracting	<input type="checkbox"/> Fuel Cell and Hydrogen Technologies
<input type="checkbox"/> Biofuels	<input type="checkbox"/> Geothermal
<input type="checkbox"/> Building Energy Codes & Inspection Services	<input type="checkbox"/> Hydropower / Hydrokinetic Power
<input type="checkbox"/> Capital Investments & Financing	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Biomass	<input type="checkbox"/> On-site Renewable Energy
<input type="checkbox"/> Clean Energy / Clean Energy Technologies	<input type="checkbox"/> Pedestrian & Bike Infrastructure
<input type="checkbox"/> Commuting Infrastructure	<input type="checkbox"/> Reduce Commuting
<input type="checkbox"/> Distributed Energy Resources	<input type="checkbox"/> Resiliency
<input type="checkbox"/> Education and Outreach	<input checked="" type="checkbox"/> Retrofits
<input type="checkbox"/> Electric Vehicles and Infrastructure	<input type="checkbox"/> Solar
<input type="checkbox"/> Energy Affordability	<input type="checkbox"/> Workforce Development
<input type="checkbox"/> Energy Management	<input type="checkbox"/> STEM Education
<input type="checkbox"/> Energy Audits	<input type="checkbox"/> Storage
<input type="checkbox"/> Energy Certification Programs	<input type="checkbox"/> Strategy Development
<input type="checkbox"/> Energy Conservation	<input type="checkbox"/> Technical Assistance
<input type="checkbox"/> Energy Efficiency	<input type="checkbox"/> Traffic Signals & Street Lighting
<input type="checkbox"/> Energy Equity	<input type="checkbox"/> Waste to Energy / Solid Waste Minimization
<input type="checkbox"/> Assessments & Feasibility Studies	<input checked="" type="checkbox"/> Weatherization
<input type="checkbox"/> ENERGY STAR	<input type="checkbox"/> Wind
<input type="checkbox"/> Energy Workforce Training	

5. Estimated annual energy savings:  MBtus

**6. Description (executive summary of goals and objectives)\***

The Riverside County Department of Housing and Workforce Solutions (HWS) proposes the submission of an application under DOE's EECBG Program for Energy Efficiency Retrofit Grants for Government Agencies and Nonprofit Organizations. If awarded, funding will be utilized on our former public housing sites to perform energy efficiency retrofits. Eligible uses under this category include, but are not limited to, energy efficiency retrofit measures, including weatherization, installation of efficient heating and cooling systems and appliances, cool roofs, and water efficiency measure; energy management systems, including grid-interactive equipment such as smart thermostats, battery storage systems, and building energy management systems; and building electrification measures, including the installation of heat pumps, heat pump water heaters, residential or commercial cooking equipment, and associated wiring and panel upgrades. HWS proposes to request an amount not to exceed \$477,090 in EECBG Program Formula funds to assist multiple units from our former public housing sites. Awards would be prioritized to units that require immediate retrofitting to improve energy efficiency.

**7. Activity milestones**

Milestone Description	Planned Amount
Issue RFP (Months)	2
Review proposals submitted in response to RFP (months)	4
Select a proposal and hire contractor (months)	5
Complete HVAC retrofits (months)	8
Estimated of HVAC retrofits	34

**8. Activity performance metrics**

a. Specific metric activity (required)\*\*

1. Retrofits

**9. Activity funds by source**

a. EECBGIL grant (all funds in the approved budget)

**U.S. Department of Energy**  
 Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGBIL)  
 ACTIVITY FILE  
**Grant Number: SE0001122, State: CA, Program Year: 2023**  
**Recipient: County of Riverside**

Fund Source	Planned Amount
Federal	
Fund Source Type: Federal	\$477,090.00
<b>Total</b>	<b>\$477,090.00</b>

b. Leveraged funds anticipated (outside approved budget)

Fund Source	Planned Amount
<i>No records found</i>	
<b>Total</b>	<b>\$0.00</b>

\*Please use additional pages if more space is needed.  
 \*\*Mandatory requirement



## Federal Assistance Reporting Checklist

Attachment 2		
1. Award Number: DE-SE0001122.000	2. Program/Project Title: BIL: EECBG Program – County of Riverside	
3. Recipient: County of Riverside		
4. Reporting Requirements (see also the Special Instructions)	Frequency	Addresses
<b>I. PROJECT MANAGEMENT REPORTING</b>		
<input checked="" type="checkbox"/> A. Performance Report	<b>Q</b>	A. <a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
1. Status and Milestones		
2. Quantitative		
3. Narrative		
<input checked="" type="checkbox"/> B. Financial Report (SF-425)	<b>Q</b>	B. <a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
<input checked="" type="checkbox"/> C. Other (see Special Instructions)	<b>A5</b>	C. See Special Instructions
<b>II. AWARD MANAGEMENT REPORTING</b>		
<input checked="" type="checkbox"/> A. Tangible Personal Property Report - Annual Property Report (SF-428 & SF-428A)	<b>Y</b>	A. Send Email to DOE Project Officer
<input checked="" type="checkbox"/> B. Tangible Personal Property Report – Disposition Request/Report (SF-428 & SF-428C)	<b>A5</b>	B. <a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
<input type="checkbox"/> C. Uniform Commercial Code (UCC) Financing Statements	<b>A5</b>	C. <a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
<input checked="" type="checkbox"/> D. Federal Subaward Reporting System (FSRS)	<b>A5</b>	D. See section II. D. for instructions and due dates, <a href="#">FSRS</a>
<input type="checkbox"/> E. Annual Incurred Cost Proposal	<b>A5</b>	E. See section II. E. for instructions and due dates
<input checked="" type="checkbox"/> F. Single Audit: States, Locals, Tribal Governments, and Non-Profits	<b>Y180</b>	F. See section II. F. for instructions and due dates
<input checked="" type="checkbox"/> G. Other (see Special Instructions)	<b>O</b>	G. See section II. G. for instructions and due dates
1. Annual Historic Preservation Report	<b>Y</b>	G1. Submit via <a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
<input checked="" type="checkbox"/> H. Davis Bacon		
1. Semi-Annual Davis Bacon	<b>S</b>	H1. <a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
2. Weekly Payroll report	<b>W</b>	H2. <a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
<b>III. CLOSEOUT REPORTING</b>		
<input checked="" type="checkbox"/> A. Tangible Personal Property Report – Final Report (SF-428 & SF-428B)	<b>F</b>	A. <a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
<input checked="" type="checkbox"/> B. Other (see Special Instructions)	<b>F</b>	B. See Special Instructions





# Federal Assistance Reporting Checklist

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**Reporting Instructions**

**\*\*\* Throughout the performance of the project, it is important that you mark Protected Data/Limited Rights Data as described in Appendix A. It is equally important that you not submit Protected Personally Identifiable Information (Protected PII) to DOE. See Appendix A for guidance on Protected PII. \*\*\***

**I. Project Management Reporting**

**A. Performance Report**

Submit to:	<a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
Submission deadline:	Within 30 calendar days after the end of the quarterly reporting period (January 30, April 30, July 30, October 30)

Every quarter the prime recipient is required to submit a Performance Report for the project. This report summarizes the entirety of work performed by the prime recipient, subrecipients, and contractors. The Performance Report contains qualitative information on the project progress, and captures quantitative information on the project progress. The PR must include the following information. Your DOE project team will provide a form for submission.

**1. Organizations**

Identify all subrecipients, contractors, U.S. National Laboratories, partners, and collaborating organizations. Recipients must also include all foreign collaborators as outlined in the Foreign Collaboration Considerations term of the award Terms and Conditions. For each, provide name, UEI, zip code or latitude/longitude, role in the project, contribution to the project, and start and end date.

**2. Tasks and Milestones**

Enter all tasks and milestones identified in your activity file. Each reporting period, update the status of the task/milestone, the physical percent complete, and, when applicable, the actual month complete.

**3. Contractual Cost Summary**

For each subrecipient and contractor working on the project (excluding FFRDCs), provide a summary of the work, approved budget, and actual expenses.

**4. Cost Summary**



Using your approved budget, enter the project costs by budget category and report actual expenses each quarter. Also include budgeted and actual recipient cost share.

## 5. Spend Plan

For both federal and recipient cost share, enter the planned spending for the entire project period. Planned spend means when the project team anticipates incurring costs. Each quarter, update with actual federal and recipient spend.

## 6. Metrics

Report on your primary process metric selected and any additional metrics that are applicable to your project. Please refer to the [EECBG Program Process Metrics, EECBG-BIL-Reporting-Guidance.pdf \(energy.gov\)](#), and the [Eligible Activity Areas and their Recommended Process Metrics \(energy.gov\)](#) per your activity.

## 7. Products – Can be uploaded as an attachment to the PAGE performance report

### What has the project produced?

List any products resulting from the project during the reporting period. Specific product submission instructions can be found in . Examples of products include: publications, conference papers, and presentations; website(s); technologies or techniques; ; and other products, such as data or databases, physical collections, audio or video products, software or NetWare, models, educational aids or curricula, instruments or equipment, research material, interventions (e.g., clinical or educational), new business creation or any other public release of information related to the project.

#### a. Publications, conference papers, and presentations

Report the publication(s) resulting from the work under this award.

Please note: Recipients must use the DOE acknowledgement and legal disclaimer language as described in the Special Terms and Conditions.

The recipient is reminded that all data produced under the award should comply with the award's data management plan (DMP). The DMP provides a plan for making all research data displayed in publications resulting from the proposed work digitally accessible at the time of publication. At a minimum, the DMP (1) describes how data sharing and preservation will enable validation of the results from the proposed work, how the results could be validated if data are not shared or preserved and (2) has a plan for making all research data displayed in publications resulting from the proposed work digitally accessible at the time of publications.





## Federal Assistance Reporting Checklist

**i. Publications, conference papers and presentations**

Identify any other publications, conference papers and/or presentations not reported above. Specify the status of the publication as noted above.

**b. Website(s)**

List the URL for any Internet site(s) that disseminates the results of the research activities. A short description of each site should be provided. It is not necessary to include the publications already specified above in this section.

**c. Other products**

Identify any other significant products that were developed under this project. Describe the product and how it is being shared. Examples of other products are: Data or databases; Physical collections; Audio or video products; Software or NetWare; Models; Educational aids or curricula; Instruments or equipment; Research material (e.g., germplasm, cell lines, DNA probes, animal models); Interventions (e.g. clinical, educational); new business creation; and Other.

### 8. Participants

The following information on participants (individuals) was provided during award negotiations. This can be updated in the awards contacts section in <https://www.page.energy.gov>. On a quarterly basis, provide updates as needed. For most projects, recipients must identify and provide specific information for the following individuals at the prime and subrecipient level: (1) all senior and key personnel (including project director(s)/principal investigator(s)); and (2) each person who has worked or is expected to work at least 160 hours on the project at least one person month per year on the project regardless of the source of compensation (a person month equals approximately 160 hours of effort). In limited circumstances, typically large-scale construction projects, recipients are only required to report on (1) senior and key personnel for the prime recipient and subrecipients. Please refer to the Participants and Other Collaborating Organizations Term in your award Terms and Conditions to determine what level of reporting is required for your specific award.

**a. What individuals have worked on the project?**

Provide the following information for individuals at the prime recipient and subrecipient level: (1) all senior and key personnel; and (2) each person who has worked or is expected to work at least one person month per year on the project regardless of the source of compensation (a person month equals approximately 160 hours of effort). This information can be added as an attachment in the <https://www.page.energy.gov> document library.

- i. Name
- ii. Organization
- iii. Job Title



# Federal Assistance Reporting Checklist

- iv. Role in the project
- v. Start and end date (month and year) working on the project
- vi. State, U.S. territory, and/or country of residence
- vii. Whether this person collaborated with an individual or entity located in a foreign country in connection with the scope of this Award, and
- viii. If yes to a.vii, whether the person traveled to the foreign country as part of that collaboration, and, if so, where and what the duration of stay was.

## 9. Special Reporting Requirements

Respond to any special reporting requirements specified in the award terms and conditions, as well as any award specific reporting requirements.

## 10. Qualitative reporting requirements

In this section, provide any additional description about the project. Can include details on impact, changes or issues, achievements, or more.

### B. Financial Report SF-425 Federal Financial Report

Submit to:	<a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
Submission deadline:	Within 30 calendar days after the end of the quarterly reporting period (January 30, April 30, July 30, October 30) <b>and</b> within 120 calendar days after expiration or termination of the award

Every quarter the prime recipient is required to submit a completed SF-425 for the project to DOE, covering the entirety of work performed by the prime recipient, subrecipients, and contractors – to DOE. A fillable version of the SF-425 is available at [Post-Award Reporting Forms | GRANTS.GOV](#).

### C. Other (see Special Instructions)

Submit to:	<a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
Submission deadline:	Within five (5) calendar days after the event, or as specified

## II. Award Management Reporting

### A. Tangible Personal Property Report – Annual Property Report (SF-428 & SF-428A)

Submit to:	<a href="#">Send Email to DOE Project Officer</a>
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# Federal Assistance Reporting Checklist

Submission deadline:	Within 90 calendar days after the end of the annual reporting period
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The prime recipient must submit an annual inventory of federally-owned property (government-furnished) where the award specifies that title to the property vests with the federal government, whether it is in the possession of the prime recipient or subrecipient(s). The prime recipient must complete an SF-428 and SF-428A, available at [Post-Award Reporting Forms | GRANTS.GOV](#).

## B. Tangible Personal Property Report – Disposition Request/Report (SF-428 & SF-428C)

Submit to:	<a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
Submission deadline:	Within 5 calendar days of the event or as specified

The prime recipient must request disposition instructions for or report disposition of federally-owned property or equipment acquired with project funds, whether the property or equipment is/was in the possession of the prime recipient or subrecipient(s). Recipients may also be required to provide compensation to the awarding agency when acquired equipment is sold or retained for use on activities not sponsored by the federal government. Any equipment with an acquisition cost above \$5,000 must be included in the inventory.

If disposition occurs at any time other than award closeout (i.e., at any time throughout the life of the project or after project completion and closeout as long as the federal government retains an interest in the item), the prime recipient must complete an SF-428 and SF-428C, available at [Post-Award Reporting Forms | GRANTS.GOV](#)

If disposition instructions are requested at the time of award closeout, the prime recipient must submit the SF-428 and SF-428B (see III. **Closeout Reporting**).

Only the DOE Contracting Officer has authority to approve disposition requests and issue disposition instructions.

## C. Uniform Commercial Code (UCC) Financing Statements

Submit to:	<a href="#">Send Email to DOE Project Officer</a>
Submission deadline:	Within five (5) calendar days after the event, or as specified.

If a for-profit recipient or subrecipient desires to purchase a piece of equipment for their project, and the per-unit dollar value of said equipment is \$5,000 or more, and the federal share of the financial assistance agreement is more than \$1M, the recipient or subrecipient must file a UCC financing statement.



# Federal Assistance Reporting Checklist

A UCC financing statement provides public notice that the federal government has an undivided reversionary interest in the equipment, and as such the equipment cannot be sold or used as collateral for a loan (encumbered).

The for-profit recipient or subrecipient must file the UCC financing statement(s) with the Secretary of State where the equipment will be physically located and must pay any associated costs for such filings.

The initial UCC financing statement may also be referred to as a UCC1. For additional pieces of equipment not specified in the award budget, TBD equipment, or equipment needed in future budget periods, the recipient can file an amendment to the original UCC1 financing statement, by submitting the UCC3 financing statement amendment.

Each UCC financing statement or amendment is to be filed with the appropriate Secretary of State office, where the equipment will be physically located.

Note: All costs associated with filing UCC financing statements, UCC financing statement amendments, and UCC financing statement terminations, are allowable and allocable costs which can be charged to the federal award.

At a minimum, the recipient must have stated in their UCC financing statement in block 4. (collateral) the following:

- “Title to all equipment (not real property) purchased with federal funds under this financial assistance agreement is conditional pursuant to the terms of 2 CFR 910.360, and the federal government retains an undivided reversionary interest in the equipment at the federal cost-share proportion specified in the award terms and conditions.”
- Federal Award Identification Number (e.g., DE-EE000XXXX)

## D. Federal Subaward Reporting System (FSRS)

Submit to:	<a href="https://www.fsrs.gov/">https://www.fsrs.gov/</a>
Submission deadline:	The prime recipient is required to file a FFATA sub-award report by the end of the month following the month in which the prime recipient awards any sub-grant greater than or equal to \$30,000.

The Federal Subaward Reporting System (FSRS) is the reporting tool prime recipients use to capture and report subaward and executive compensation data regarding their first-tier subrecipients to meet the FFATA reporting requirements. Prime recipients will report against subrecipients’ awards. The subrecipient information entered in FSRS will then be displayed on [USASpending.gov](https://www.usaspending.gov) associated with the prime recipient’s award furthering federal spending transparency.



## Federal Assistance Reporting Checklist

The prime recipient is required to file a FFATA sub-award report by the end of the month following the month in which the prime recipient awards any sub-award greater than or equal to \$30,000.

### E. Annual Incurred Cost Proposals

Submit to:	<p>If DOE is the Cognizant Federal Agency, send the Annual Incurred Cost Proposal to one of the following offices:</p> <ul style="list-style-type: none"> <li>• <a href="mailto:CostPrice@ee.doe.gov">CostPrice@ee.doe.gov</a> (if the Golden Field Office is Cognizant);</li> <li>OR</li> <li>• <a href="mailto:IndirectRates@hq.doe.gov">IndirectRates@hq.doe.gov</a> (if OCED is Cognizant)</li> <li>• <a href="mailto:PricingGroup@netl.doe.gov">PricingGroup@netl.doe.gov</a> (if NETL is Cognizant)</li> </ul> <p>Otherwise, submit the proposal to the Recipient's appropriate Cognizant Federal Agency office.</p>
Submission deadline:	<p>Within 180 calendar days after the close of the recipient's fiscal year*</p> <p>*The end of the period of the performance, or closure of an award, does not dismiss this reporting requirement.</p>

Prime recipients must submit a certified annual Incurred Cost Proposal (ICP), reconciled to its financial records, in order to finalize and reconcile billing rates incurred and billed to the Government.

An ICP submission is required unless one of the following conditions apply to the DOE award:

- Recipient elected to apply the 10% de minimis rate as allowed under 2 CFR 200.414(f); or
- Recipient has a pre-determined Negotiated Indirect Cost Rate Agreement (NICRA).

### F. Single Audit: States, Local Government, Tribal Governments, Institution of Higher Education (IHE), or Non-Profit Organization

Submit to:	<p>Federal Audit Clearinghouse -</p> <p><a href="https://harvester.census.gov/facweb/Default.aspx">https://harvester.census.gov/facweb/Default.aspx</a></p>
Submission deadline:	<p>Within the earlier of 30 days after receipt of the auditor's report(s) or 9 months after the end of the audit period (recipient's fiscal year-end)*</p> <p>*The end of the period of the performance, or closure of an award, does not dismiss this reporting requirement.</p>

As required by 2 CFR 200 Subpart F, non-federal entities that expend \$750,000 or more during the non-federal entity's fiscal year in federal awards must have a single or program-specific audit conducted. The single audit must be conducted in accordance with §200.514 Scope of audit, except when it elects to have a program-specific audit conducted.



# Federal Assistance Reporting Checklist

For most single audits, the requirement is for annual single audits. However, there are occasions where a single audit is not required annually. Per 2 CFR 200.504 - Frequency of audits, a state, local government, or Indian tribe that is required by constitution or statute to undergo its audits less frequently than annually, is permitted to undergo its audits biennially. Also, any nonprofit organization that had biennial audits for all biennial periods ending between July 1, 1992, and January 1, 1995, is permitted to undergo its single audits biennially.

For a program-specific audit, when a recipient expends federal award funds under only one federal program (excluding R&D) and the federal program's statutes, regulations, or the terms and conditions of the federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted. A program-specific audit may not be elected for R&D unless all of the federal awards expended were received from the same federal agency, or the same federal agency and the same pass-through entity, and that federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

The single audit report shall include audited financial statements.

## G. National Environmental Policy Act (NEPA) Reporting

Submit to:	Historic Preservation report: <a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
Submission deadline:	Historic Preservation reports: September 15 of each year

- Activities utilizing the Historic Preservation Programmatic Agreements must submit an annual Historic Preservation report. Reports are due September 15 of each year. Forms can be found on and submitted through the DOE PAGE platform found at [www.page.energy.gov/](http://www.page.energy.gov/). The Historic Preservation report must be submitted for all activities including activities conducted by the sub-recipient.

## H. Davis Bacon Reporting

Submit to:	<a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
Submission deadline:	Within 7 days of each pay period and Semi-annually

- a. The DBA applies to contractors and subcontractors of the recipient or sub-recipients for contracts more than \$2,000 for the construction, alteration, and/or repair of public buildings or public works, including painting and decorating, where the United States or the District of Columbia is a direct party to the contract. Contractors and subcontractors funded in whole or in part under this Award shall pay their laborers and mechanics wages at rates not less than those



## Federal Assistance Reporting Checklist

prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the Davis-Bacon Act (DBA).

- b. EECBG Program formula grant recipients will also be required to undergo DBA compliance training and maintain competency in DBA compliance. The Contracting Officer will notify the recipient of any DOE-sponsored DBA compliance trainings. DOL offers free Prevailing Wage Seminars several times a year that meet this requirement, at:  
<https://www.dol.gov/agencies/whd/governmentcontracts/construction/seminars/events>
- c. Weekly Payroll Report
  - i. EECBG prime recipients (grantees) must maintain an accurate record of hours worked and wages paid, including fringe benefit contributions, and submit certified payrolls on a weekly basis to DOE. Grantees are also responsible for tracking and maintain DBA records for all subcontractors and sub-recipients. Examples of labor compliance platforms available to help grantees streamline DBA reporting by contractors and subcontractors include: LCPtracker, eMARS, Elation Systems, and other third-party systems
  - ii. EECBG Program recipients must ensure the timely electronic submission of weekly certified payrolls through the DOE-provided DBA software application as part of its compliance with the Davis-Bacon Act unless a waiver is granted to a particular contractor or subcontractor because it is unable or limited in its ability to use or access. Applicants should indicate if they will seek a waiver.
- d. Semi-Annual Compliance and Enforcement Report
  - i. EECBG grantees must submit semi-annual reports on compliance with the enforcement of the labor standards provision of the Davis-Bacon Act and its related acts covering the periods of October 1 through March 31 and April 1 through September 30
  - ii. Examples of labor compliance platforms available to help grantees streamline DBA reporting by contractors and subcontractors include: LCPtracker, eMARS, Elation Systems, and other third-party systems For more information about labor laws to include Davis Bacon Act and Build American Buy American contact [BILLabor@hq.doe.gov](mailto:BILLabor@hq.doe.gov).

### III. Closeout Reporting

#### A. Tangible Personal Property Report – Final Report (SF-428 & SF-428B)

Submit to:	<a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
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## Federal Assistance Reporting Checklist

Submission deadline:	Within 120 calendar days after expiration or termination of the award
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The prime recipient must submit a final inventory of and request disposition instructions for any federally-owned property and/or property or equipment acquired with project funds with an acquisition cost above \$5,000, whether the property is/was in the possession of the prime recipient or subrecipients.

The prime recipient must complete an SF-428 and SF-428B, available at [Post-Award Reporting Forms | GRANTS.GOV](#).

If disposition occurs at any time other than award closeout, the prime recipient must complete an SF-428 and SF-428C (see IV. Other Reporting H. Property Disposition Request/Report).

Only the DOE Contracting Officer has authority to approve disposition requests and issue disposition instructions.





**B. Other (see Special Instructions)**

Submit to:	<a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
Submission deadline:	Within 120 calendar days after expiration or termination of the award

**IV. BIL Reporting**

**A. Quality Job Creation**

**1. Direct Jobs**

Submit to:	<a href="https://www.page.energy.gov">https://www.page.energy.gov</a> <a href="#">Consult DOE Project team for the announcement of the Davis Bacon Reporting Tool</a>
Submission deadline:	Weekly

This award is funded under Division D of the Bipartisan Infrastructure Law (BIL). All laborers and mechanics employed by the recipient, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work in excess of \$2000 on an award funded directly by or assisted in whole or in part by funds made available under this award shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the “Davis-Bacon Act” (DBA).

The Recipient must ensure the timely electronic submission of weekly certified payrolls to a third-party DBA electronic payroll compliance software application unless a waiver is granted to a particular contractor or subcontractor because they are unable or limited in their ability to use or access the software. Please refer to section II.H. for information on Davis Bacon Act Reporting.

**2. Good Jobs**

Submit to:	<a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
Submission deadline:	Yearly; within 30 calendar days after the end of the federal fiscal year

Recipients must complete and upload the jobs template (coming soon) that will be available for download from the PAGE site or the EECBG formula application hub on an annual basis. Once



# Federal Assistance Reporting Checklist

available, the report will be uploaded to the PAGE document library. The report focuses on good jobs provided to employees through EECBG Program funds.

## B. Equity and Justice

Submit to:	<a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
Submission deadline:	(Quarterly/Semi-annually/Annually); within 30 calendar days after the end of the federal fiscal year quarter

The Equity and Justice reports are imbedded in the process metrics as part of the performance report. Please report on these as part of the process metric reporting.

Equity and Justice reporting shall be submitted in the form provided by the DOE Project Team.

### 1. Community Engagement Process

This report applies to all projects that include building, expanding, or retrofitting a facility. Recipients should report on engagement activities such as participatory research, citizen advisory committees, open planning forums, etc. and the outputs of those activities such as memorandums of understanding, letters of support, etc. Information in this tab should reflect the objectives.

### 2. Engagement Events and Technical Assistance

This report applies to all projects that hold stakeholder engagement events. Recipients are required to report on stakeholders engaged and from what, if any, communities of interest.

## C. Pathways to Net Zero

Submit to:	<a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
Submission deadline:	<b>As Specified</b> , within 30 calendar days after the end of the first quarterly reporting period; <b>Yearly</b> ; within 90 calendar days after the end of the federal fiscal year and <b>Final</b> ; within 120 calendar days after expiration or termination of the award.

Pathways to Net Zero Reports will be imbedded in the process metrics as part of the performance reports. Please report on these as part of the process metrics reporting.

There are four reports associated with Pathways to Net Zero. While all four reports are included on the same form, all four reports are not applicable to each project. Refer to the checklist at the beginning of this document for applicability.

Pathways to Net Zero reporting shall be submitted in the form provided by the DOE Project Team.

### 1. Infrastructure Supported



This report applies to projects that build, retrofit, retool, repurpose, or otherwise support the construction or continued operation of energy generation, energy storage, or other clean energy infrastructure. Projects that fund infrastructure planning should also report.

Recipients are required to report on planned values, annual actual values for the life of project, and values at closeout. This report is structured by technology type, recipients need only complete the technology type applicable to their project as indicated by the DOE project team.

## 2. Energy Saved

This report applies to all projects that include energy efficiency upgrades or fuel switching, water conservation upgrades that save energy, or distributed energy resources. Recipients are required to report on interventions completed as well as planned and actual energy savings.

### D. One Time Location Report

Submit to:	<a href="https://www.page.energy.gov">https://www.page.energy.gov</a>
Submission deadline:	One time

In addition to the quarterly, semi-annually, and annually reporting of metrics, there is a one-time special status report requirement for recipients with projects that take place in specific physical locations. The eligible activities that would be most applicable to the One-time Location Report are noted in Attachment 2. This report is required for all EECBG Program formula recipients pursuing activities mapped to this report, including projects benefitting disadvantaged communities. This report would be best completed during the first year of the award.

## V. Appendix A: Notice To Recipients (Prime Recipients And Subrecipients) Regarding Protected Data, Limited Rights Data And Protected Personally Identifiable Information

### I. PROTECTED DATA AND LIMITED RIGHTS DATA

The recipient is required to mark protected data and limited rights data in accordance with the IP clause set of the award agreement. Failure to properly mark data may result in its public disclosure under the Freedom of Information Act (FOIA, 5 U.S.C. § 552) or otherwise.

#### A. Protected Data - Technical Data or Commercial or Financial Data First Produced in the Performance of the Award



## Federal Assistance Reporting Checklist

The U.S. Government normally retains unlimited rights in any technical data or commercial or financial data produced in performance of Government financial assistance awards, including the right to distribute to the public.

However, under certain DOE awards, the recipient may mark certain categories of data produced under the award as protected from public disclosure for a period of time ("Protected Data"). If the award agreement provides for protected data and the recipient wants the data to be protected, the recipient must properly mark any documents containing Protected Data. The recipient should review the IP clause set of the award agreement to determine the applicability of protected data, the maximum length of period of time for data protection and the required markings that must be used to invoke data protection for the award.

### **B. Limited Rights Data - Data Produced Outside of the Award at Private Expense**

Limited Rights Data is data (other than computer software) developed at private expense outside any Government financial assistance award or contract that embody trade secrets or are commercial or financial and confidential or privileged. Prior to including any Limited Rights Data in any documents to DOE, the recipient should review the award agreement. In most DOE awards, the recipient should not deliver any limited rights data to DOE if the recipient wants to protect the Limited Rights Data. If the DOE award does allow and require the delivery of limited rights data, then the recipient must properly mark any documents containing Limited Rights Data as set forth in the IP clause of the award agreement.

## **II. PROTECTED PERSONALLY IDENTIFIABLE INFORMATION**

The recipient should not include any Protected Personally Identifiable Information (Protected PII) in their submissions to DOE. Protected PII is defined as any data that, if compromised, could cause harm to an individual such as identify theft. Protected PII includes, but is not limited to:

- Social Security Numbers in any form;
- Place of Birth associated with an individual;
- Date of Birth associated with an individual;
- Mother's maiden name associated with an individual;
- Biometric record associated with an individual;
- Fingerprint;
- Iris Scan;
- DNA;
- Medical history information associated with an individual;
- Medical conditions, including history of disease;
- Metric information, e.g., weight, height, blood pressure;
- Criminal history associated with an individual;
- Ratings;



## Federal Assistance Reporting Checklist

- Disciplinary actions;
- Passport number;
- Educational transcripts;
- Financial information associated with an individual;
- Credit card numbers; and
- Security clearance history or related information (not including actual clearances held).

**BUDGET INFORMATION - Non-Construction Programs**

OMB Number: 4040-0006  
Expiration Date: 02/28/2025

1. Program/Project Identification No. SE0001122		2. Program/Project Title Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021	
3. Name and Address County of Riverside 3403 10th St, Suite 300 Riverside, CA 925013659	4. Program/Project Start Date		04/01/2024
	5. Completion Date		03/31/2026

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Federal	81.128	\$ 0.00		\$ 477,090.00		\$ 477,090.00
2.						
3.						
4.						
5. TOTAL		\$ 0.00	\$ 0.00	\$ 477,090.00	\$ 0.00	\$ 477,090.00

SECTION B - BUDGET CATEGORIES					
6. Object Class Categories	Grant Program, Function or Activity				Total (5)
	(1)	DOE	(2)	(3)	
a. Personnel		\$ 0.00			\$ 0.00
b. Fringe Benefits		\$ 0.00			\$ 0.00
c. Travel		\$ 0.00			\$ 0.00
d. Equipment		\$ 0.00			\$ 0.00
e. Supplies		\$ 0.00			\$ 0.00
f. Contract		\$ 477,090.00			\$ 477,090.00
g. Construction		\$ 0.00			\$ 0.00
h. Other Direct Costs		\$ 0.00			\$ 0.00
i. Total Direct Charges		\$ 477,090.00			\$ 477,090.00
j. Indirect Costs		\$ 0.00			\$ 0.00
k. Totals		\$ 477,090.00			\$ 477,090.00
7. Program Income		\$ 0.00			\$ 0.00

**Intellectual Property Provisions (NRD-821)  
Nonresearch and Development**

Intellectual property rights are subject to 2 CFR 200.315 (e.g. institution of higher education or nonprofit organizations) or 2 CFR 910.362 (e.g. for-profit).

U.S. Department of Energy  
Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGBIL)  
STRATEGY  
Grant Number: SE0001122, State: CA, Program Year: 2023  
Recipient: County of Riverside

**EECBG Program: Energy Efficiency and Conservation Strategy Template for Local Governments**

Local governments must submit a proposed Energy Efficiency and Conservation Strategy (EECS) to the Department of Energy (DOE) to meet the statutory requirements for the Energy Efficiency and Conservation Block Grant (EECBG) Program. The proposed EECS must include the information contained in Part A of this template. Local governments may use this streamlined EECS Template to meet the requirement, but the template is not required. If a local government chooses to submit an EECS using an alternative format, the information outlined in Part A must be included in the submission.

Local governments have the option of submitting their EECS at the time of application or no later than 1 year after the effective date of the award. If the latter option is chosen, the EECS should be a comprehensive strategy that covers, at a minimum, all items detailed in this template. DOE will provide informational resources and technical assistance to support the development of comprehensive strategies.

Local governments that do not submit an EECS with their application must submit an EECBG Program Activity File with their application and select Activity 1 (Energy Efficiency and Conservation Strategy).

**Part A**

Grantee: County of Riverside  
Date: 4/11/2024  
UEI Number: MN1HJ72DTDF9  
Program Contact Email:

1) Local governments must include within their proposed strategy a description of their goals for increased energy efficiency and conservation in the jurisdiction. Does your local government have existing energy efficiency and conservation or related goals?

a. Yes

i. What goals do you have? (check all that apply)

1. GHG reduction goal

a. Specific goal (e.g., 80% GHG reduced from 1990 levels):

The County of Riverside Climate Action Plan Update includes reduction targets for year 2030 and year 2050. These reduction targets require the County to reduce emissions by at least 525,511 MT CO<sub>2</sub>e below the ABAU scenario by 2030 and at least 2,982,948 MT CO<sub>2</sub>e below the ABAU scenario by 2050. The County of Riverside has set targets for 2050 GHG reductions at approximately 83 percent below baseline (2008) by 2050

b. By what year? (e.g., 2050)

2050

2. Energy use reduction goal

a. Specific goal:

Comply with State Title 24 energy efficiency requirements on new residential buildings, such as zero net energy homes that require all new residential construction projects to achieve zero net-energy use by 2020 and on new non-residential buildings, such as Net-Zero Energy Buildings for all new non-residential development meeting zero net-energy use by 2030

b. By what year?

2030

3. Clean energy use goal

a. Specific goal:

The Riverside County Settlement Agreement<sup>2</sup> requires that on-site renewable energy production (including but not limited to solar) shall apply to any tentative tract map, plot plan, or conditional use permit that proposes to add more than 75 new dwelling units of residential development or one or more new buildings totaling more than 100,000 gross square feet of commercial, office, industrial, or manufacturing development. Renewable energy production shall be onsite generation of at least 20 percent of energy demand for commercial, office, industrial or manufacturing development, meet or exceed 20 percent of energy demand for multi-family residential development, and meet or exceed 30 percent of energy demand for single-family



**U.S. Department of Energy**  
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residential development. The County's goal is to see a 643,226 MT CO2e reduction by 2050.

b. By what year?

2050

4. EV adoption goal

a. Specific goal:

With the Statewide EV ownership goal and the implementation of this measure, EV ownership in Riverside County could reach 13 percent by 2030. Per the Settlement Agreement, for all new residential development, the County requires installation of EV charging stations in the garages of the residential units. The Settlement Agreement further states that the capacity and circuits for installation of EV charging stations to be provided in the garages of residential units and all new large-scale commercial buildings that are over 162,000 square feet.

b. By what year?

2030

5. Job creation goal

a. Specific goal:

b. By what year?

6. Job quality goal

a. Specific goal:

b. By what year?

7. Other

a. Specific goal:

b. By what year?

b. No, our local government does not have an existing goal, but we are selecting the following goal as part of our strategy. If you select option 5, you must also select from options 1-4 or option 6 (may select more than one option).

- i. Carbon neutrality by 2050 or sooner
- ii. Reduce energy use by 50% by 2050 or sooner
- iii. 100% carbon-free energy use by 2050 or sooner
- iv. 80% EV adoption by 2050 or sooner

**U.S. Department of Energy**  
Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGBIL)  
STRATEGY  
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**Recipient:** County of Riverside

- v. Pay prevailing wages for all construction and maintenance projects by 2025
- vi. Other

2) Does your local government have an existing plan or strategy document (e.g., climate action plan, energy conservation plan, comprehensive energy plan, etc.) to reduce energy use, increase energy efficiency, reduce emissions, or train workers for high-quality energy efficiency jobs?

a. Yes

i. Strategy document uploaded:

ii. Do you intend to update your plan in the next two years?

1. Yes

a. Are you planning to use any of your EECBG Program funds to update your plan?

i. Yes

ii. No

b. What updates do you intend to make to your plan?

Include Residential Building Retrofits as a goal under Energy Efficiency.

b. No

i. Please briefly describe your strategy to achieve your goals listed in Question 1

3) Are you planning to use a blueprint (see Section 4.5 of the EECBG Program Formula Grant Application Instructions document for more details)?

a. Yes

i. Which one(s)?

Energy Planning

1. Energy Planning

Efficient Buildings

2a. Energy Efficiency - Energy Audits and Building Upgrades

2b. Energy Savings Performance Contracts: Energy Efficiency and Electrification in Government Buildings

2c. Building Electrification Campaign

2d. Building Performance Standards & Stretch Codes

Renewables

3a. Solar & Storage - Power Purchase Agreements and Direct Ownership

3b. Community Solar

3c. Solarize Campaign

3d. Renewable Resource Planning for Rural and Tribal Communities

Electric Transportation

4a. Electric Vehicles and Fleet Electrification

4b. EV Charging Infrastructure for the Community

Finance

5. Unlocking Sustainable Financing Solutions for Energy Projects and Programs with Revolving Loan Funds

Workforce

6. Workforce Development

**U.S. Department of Energy**  
Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGBIL)  
STRATEGY  
**Grant Number:** SE0001122, **State:** CA, **Program Year:** 2023  
**Recipient:** County of Riverside

ii. How does this blueprint help you meet your strategy/goals?

b. No

i. What category of work do you plan to apply your EECBG Program funds to? (check all that apply)

1. Strategy development

- a. Developing goals
- b. Developing measures to track progress
- c. Providing annual reporting on goals

2. Technical consultant services to assist in strategy development

3. Building energy audits

- a. Residential
- b. Commercial
- c. Industrial
- d. Municipal

4. Financial programs

- a. Loan programs
- b. Performance contracting programs
- c. Rebates/grants
- d. Incentives
- e. Other

5. Energy efficiency retrofits

- a. Residential
- b. Commercial
- c. Industrial
- d. Municipal

6. Energy efficiency and conservation programs for buildings and facilities

- a. Residential
- b. Commercial
- c. Industrial
- d. Municipal

7. Transportation Programs

a. Electric vehicle planning

- i. Municipal
- ii. Communitywide

b. Purchasing of electric vehicles

c. Installation of electric vehicle chargers

- i. Municipal
- ii. Communitywide

d. Use of flex time by employers

e. Satellite work centers

f. Zoning guidelines or requirements that promote energy efficient development

**U.S. Department of Energy**  
Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGBIL)  
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**Recipient:** County of Riverside

- g. Infrastructure, such as bike lanes and pathways and pedestrian walkways
- h. Synchronization of traffic signals
- i. Public transit system improvement investments
- j. Other

8. Building codes and inspection

- a. Updating building codes
- b. Improving enforcement/compliance with building codes
- c. Building performance standards
- d. Other

9. Energy distribution technologies for energy efficiency

- a. Distributed resources
- b. District heating and cooling systems
- d. Other

10. Material conservation programs

- a. Source reduction
- b. Recycling
- c. Composting
- d. Sustainable procurement
- e. Other

11. Reduction and capture of methane and other greenhouse gases generated

- a. Landfills
- b. Wastewater treatment facilities
- c. Other

12. Traffic signals and street lighting upgrades

13. Renewable energy on government buildings

- a. Solar
- b. Wind
- c. Fuel cells
- d. Biomass

14. Programs for financing, purchasing, and installing energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure)

15. Other (requires approval of Secretary)

ii. How will your use of funds help your unit of government meet its strategy/goals?

Retrofitting existing HVAC systems will not only improve indoor air quality, but increase energy saving and reduce carbon emissions.

iii. Provide a brief description of your project(s)?

The County proposes to utilize funding on former public housing sites to perform energy efficiency retrofits, specific HVAC retrofits. The County will prioritize units with the most urgent need of HVAC replacements.

4) Local governments must coordinate and share information with the State in which the eligible local government is located regarding activities carried out using the grant to maximize the energy efficiency and conservation benefits under the EECBG Program. Have you coordinated and shared your planned activities with your State?

**U.S. Department of Energy**  
Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGBIL)  
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a. Yes

i. Please describe how you plan to coordinate with your State

The County has coordinated with the State on many funded projects. If awarded, the County will comply with all requirements related to the funds.

5) Local governments must take into account any plans for the use of funds by adjacent eligible local governments that receive grants under the EECBG Program. Have you taken into account how adjacent eligible units of local governments plan to use their funds?

a. Yes

**Part B**

1) Do you plan to collaborate with other eligible units of government?

a. Yes, we are going to form a team and apply through a joint application

i. List the names of the units of government

1. Which unit of government is serving as the lead applicant?

ii. Please describe what your team plans to work on together

b. Yes, we are going to informally collaborate

i. List the names of the units of government

ii. Please describe your planned collaboration

c. We are not yet sure if we are going to collaborate with others

d. No

2) Are you planning to partner with other organizations including utilities, energy industry and financial companies, community-based organizations, labor unions, and other non-profit organizations for your project?

a. Yes

i. Please list your partners

**U.S. Department of Energy**  
Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 (EECBGIL)  
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b. No

3) Have you engaged local stakeholders (such as utilities, energy industry and financial companies, community-based organizations, labor unions, and other non-profit organizations) in the development of your plan and/or how you intend to use your EECBG Program allocation?

a. Yes

b. No

4) Will this EECBG Program funding help you to access additional sources of funding?

a. Yes

i. What kind? (check all that apply)

- 1. Local government
- 2. State government
- 3. Federal government
- 4. Philanthropic
- 5. Private sector
- 6. Other

b. No

i. Would you like assistance in identifying other sources of funding?

- a. Yes
- b. No

5) Do you anticipate needing support for your project development/implementation?

a. Yes

i. What kind? (check all that apply)

- 1. Policy, planning and program design
- 2. Retrofits
- 3. Engineering and modeling
- 4. Stakeholder engagement
- 5. Program administration and implementation support
- 6. Outreach, education and advertising
- 7. Other

b. No

6) Do you anticipate the project(s) you use this funding for will continue after the EECBG Program funding period?

a. Yes

i. Describe how the projects(s) have been designed to ensure that it sustains benefits beyond the EECBG Program funding period

N/A

b. No

i. What would help you to continue? (check all that apply)

- 1. Local sustainable financing

**U.S. Department of Energy**  
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**Recipient:** County of Riverside

- 
- 2. Public and local political support
  - 3. Staff capacity
  - 4. Other

7) How will your project(s) benefit disadvantaged communities? (check all that apply)

a. Benefits include (but are not limited to) measurable direct or indirect investments or positive project outcomes that achieve or contribute to the following in disadvantaged communities:

- i. A decrease in energy burden
- ii. A decrease in environmental exposure and burdens
- iii. An increase in access to low-cost capital
- iv. An increase in job quality (including paying prevailing wages for construction and maintenance projects by 2025)
- v. An increase in clean energy enterprise creation and contracting (e.g., minority-owned or disadvantaged business enterprises)
- vi. An increase in clean energy jobs, job pipeline, and job training for individuals from disadvantaged communities
- vii. An increase in parity in clean energy technology access and adoption
- viii. An increase in energy democracy
- ix. Other

1. Please explain

8) How will your strategy support the goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities, in line with the Justice40 initiative?

Per EECBG staff, Part B is not required.

## ADMINISTRATIVE AND LEGAL REQUIREMENTS DOCUMENT (ALRD)



U.S. Department of Energy  
Office of the Under Secretary for Infrastructure  
Golden Field Office

Energy Efficiency and Conservation Block Grant (EECBG) Program  
Infrastructure Investment and Jobs Act (IIJA) of 2021  
Energy Efficiency and Conservation Block Grant (EECBG) Program Formula Awards  
(EECBG Program Formula) - IIJA ALRD  
CFDA Number: 81.128, Energy Efficiency and Conservation Block Grant Program

### PURPOSE

The purpose of this Administrative and Legal Requirements Document (ALRD) is to provide guidance to States, Local Governments, and Indian Tribes for preparation of EECBG Program Formula Grant applications submitted in response to Section 40552 of the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL).

**Issue Date: January 18, 2023**

### Application Due Dates:

- All Applicants: *Pre-Award Information Sheet or registration on the voucher portal due ASAP.*
- For State and Territory Applicants Only: *Application due by **July 31, 2023**, at 8:00 PM ET*
- Local Government Applicants Only: *Application due by **October 31, 2024**, at 8:00 PM ET*
- Tribal Government Applicants Only: *Application due by **May 31, 2025**, at 8:00 PM ET*

DOE will accept applications using **seven** application periods. Applications meeting DOE priority criteria (see application instructions section 6.2 for more information) may apply in application Periods 1 and 2. **All States must apply in Period 1 or 2. All other local governments must apply in Periods 3, 4, 5, or 6. All other Tribes must apply in Periods 3, 4, 5, 6, or 7.**

Application Period	Application Submittal Timeframe	Applications Accepted
1	January 18, 2023 – April 28, 2023	State, Local Government and Tribal applications in one or more priority categories
2	June 1, 2023 – July 31, 2023	
3	Sept 1, 2023 – Oct 31, 2023	All other Local Government and Tribal applications
4	December 1, 2023 – Jan 31, 2024	
5	March 1, 2024 – April 30, 2024	
6	May 1, 2024 – October 31, 2024	
7	November 1, 2024 – May 31, 2025	All other Tribal applications



**Note: Due to the volume of applications, DOE may not review your application immediately upon submittal. Once a complete application is received and reviewed by DOE, it typically takes up to 60 days to process an EECBG Program formula grant. Applications are not necessarily considered complete upon submission. For additional information on application requirements, see Section 6.0 of the application instructions.**

## REGISTRATION/SUBMISSION REQUIREMENTS

### **Registration Requirements (GRANT APPLICANTS ONLY): Allow at least 21 days to complete.**

If you have not already registered, there are several one-time actions grant applicants must complete:

1. Register with the System for Award Management (SAM) at <https://www.sam.gov>. Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in SAM registration. **Please update your SAM registration annually.** Upon registration, SAM will automatically assign a Unique Entity ID (UEI).

Unique Entity ID and System for Award Management (SAM) — Each applicant (unless the applicant is excepted from those requirements under 2 CFR 25.110) is required to: (1) be registered in the SAM at <https://www.sam.gov> before submitting its application, (2) provide a valid UEI number in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. DOE may not make a federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements. If an applicant has not fully complied with the requirements by the time DOE is ready to make a federal award, the DOE will determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

**NOTE: Due to the high demand of UEI requests and SAM registrations, entity legal business name and address validations are taking longer than expected to process. Entities should start the UEI and SAM registration process as soon as possible. If entities have technical difficulties with the UEI validation or SAM registration process, they should utilize the HELP feature on SAM.gov. SAM.gov will work on entity service tickets in the order in which they are received and asks that entities not create multiple service tickets for the same request or technical issue. Additional entity validation resources can be found here: [GSAFSD Tier 0 Knowledge Base - Validating your Entity](#).**

2. Register in FedConnect to receive and acknowledge your award at <https://www.fedconnect.net/>. See the Quick Start Guide at [https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect\\_Ready\\_Set\\_Go.pdf](https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf). For additional questions, email [support@fedconnect.net](mailto:support@fedconnect.net) or call 1-800-899-6665.
3. Have a login for the Performance and Accountability for Grants in Energy (PAGE) System at <https://www.page.energy.gov/default.aspx> in order to submit your application. For questions regarding PAGE, refer to the Help Menu in PAGE or contact the PAGE hotline at [PAGE-Hotline@ee.doe.gov](mailto:PAGE-Hotline@ee.doe.gov) or 1-866-492-4546.

**Electronic Signatures:** Acknowledgement of award documents by the Grantee's authorized representative through electronic systems used by the Department of Energy, including FedConnect, constitutes the Grantee's acceptance of the terms and conditions of the award. Acknowledgement via FedConnect by the Grantee's authorized representative constitutes the Grantee's electronic signature.

**IMPORTANT:** The electronically signed Assistance Agreement with attached award documents distributed via FedConnect is the formal authorization and approval from the Contracting Officer. Grantees may not rely on PAGE as the formal authorization and approval. Award documents in the initial award and any modifications to the award must be reviewed and acknowledged by the Grantee in FedConnect.

All modifications to the ALRD are [HIGHLIGHTED] in the body of the ALRD.

Mod. No.	Date	Description of Modification
1	5/1/2023	Deadline to submit Pre-Award Information Sheet extended to <b>July 31, 2023</b> . Original deadline was <b>April 28, 2023</b> .
2	10/31/2023	<p>Deadline for local government and Tribal EECBG Program applications extended to <b>April 30, 2024</b>. Original deadline was <b>January 31, 2024</b>.</p> <p>Section V.D.4. updated to include July 28, 2023, DOE Build America, Buy America General Applicability Public Interest Waiver.</p> <p>Links to new EECBG Program resources that were not available at the original time of drafting were added, including the EECBG Program Formula Application Hub and voucher guidance materials.</p> <p>National Environmental Policy Act (NEPA) Statements of Work were added to the list of Reference Material in Part VII.</p> <p>The IJA EECBG Program Application Instructions referenced in Part VII were updated in accordance with the October 31, 2023, ALRD modifications and to reflect recent developments in the EECBG Program.</p>
3	2/27/2024	<p>Deadline for Tribal EECBG Program applications extended to <b>May 31, 2025</b>. Previous deadline was <b>April 30, 2024</b>.</p> <p>In the previous IJA EECBG Program Attachment 1C: DOE Formula Grant Funding Allocations to Indian Tribes for the Energy Efficiency and Conservation Block Grant (EECBG) Program Document, Oneida Nation's state abbreviation was listed incorrectly listed as NY. It has been corrected to WI.</p> <p>The IJA EECBG Program Application Instructions referenced in Part VII were updated in accordance with the February 27, 2024, ALRD modifications.</p>
4	4/25/2024	<p>Deadline for local government EECBG Program applications extended to <b>October 31, 2024</b>. Previous deadline was <b>April 30, 2024</b>.</p> <p>The IJA EECBG Program Application Instructions referenced in Part VII were updated in accordance with the April 25, 2024, ALRD modifications.</p>

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## **PART I AUTHORITY**

The EECBG Program is authorized by Title V, Subtitle E of the Energy Independence and Security Act of 2007 (EISA), as amended,<sup>1</sup> and signed into Public Law (PL 110-140) on December 19, 2007. All awards made under this program shall comply with applicable laws and regulations including, but not limited to, [2 CFR Part 200](#) as amended by [2 CFR Part 910](#) and Section 40552 of the [Infrastructure Investment and Jobs Act](#) (IIJA) (PL 117-58).

## **PART II AWARD INFORMATION**

### **A. TYPE OF AWARD INSTRUMENT**

DOE will award grants or vouchers.

Entities eligible for formula EECBG Program allocations, including state, local, and Tribal governments can apply to DOE for an EECBG Program award. States are eligible to apply for a grant. Local and Tribal governments can apply for either a grant or a voucher. Vouchers may be used for technical assistance and/or equipment rebates. Local governments and Tribal entities must **choose either a grant or voucher and must allocate 100% of their EECBG Program funding to either a voucher or a grant**. States are not eligible to apply for a voucher. Local and Tribal governments are encouraged to indicate whether they are choosing a grant or a voucher as soon as possible by submitting the Pre-Award Information Sheet. See “EECBG Program Application Instructions” for additional details.

### **B. ESTIMATED FUNDING**

Entities shall administer DOE funds received under the EECBG Program in accordance with Federal rules and regulations as well as applicable state, local or Tribal policies and procedures. The Grantee is to manage Federal Funds in a prudent, effective, and efficient manner to accomplish program objectives.

The Infrastructure Investment and Jobs Act, Section 40552 provides \$550 million for EECBG Program for fiscal year 2022, to remain available until expended. DOE will distribute \$440 million in formula and competitive EECBG Program funding to eligible units of local government, states, and Indian Tribes. Of the amount appropriated by IIJA, DOE will allocate funds as prescribed in section 543 of EISA:

- 34% to eligible units of local government-alternative 1 through formula grants;
- 34% to eligible units of local government-alternative 2 through formula grants;
- 28% to states through formula grants;
- 2% to Indian Tribes through formula grants; and
- 2% for competitive grants to ineligible local governments and Indian Tribes.<sup>2</sup>

IIJA allocations for EECBG Program direct formula awards from the DOE, as adjusted, are based on the following funding amounts:

- \$299,200,000 for formula awards to eligible units of local government
  - \$149,600,000 to eligible units of local government-alternative 1
  - \$149,600,000 to eligible units of local government-alternative 2
- \$123,200,000 for formula awards to states

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<sup>1</sup> 42 U.S.C. 17151 et seq.

<sup>2</sup> 42 U.S.C. 17153(a).

- Each state (except for those noted as exempt in Section 6.3.E of the application instructions) is required to pass not less than 60% of its allocation through to cities and counties within the state that are ineligible for direct formula grants from DOE.
- \$8,800,000 for formula awards to eligible Indian Tribes

DOE also intends to allocate \$8.8 million for competitive grants available to units of local government (including Indian Tribes) and consortia of units of local government that are not eligible to receive direct formula grants from DOE. Availability of competitive grants will be announced through a separate future Funding Opportunity Announcement (FOA).

Prior to distributing funding to eligible entities, DOE intends to utilize \$110 million to ensure delivery of an effective and efficient EECBG Program and to provide technical assistance to eligible entities throughout the lifetime of the EECBG Program.

**Funding Amount:** Funding allocations to states, local governments, and Indian Tribes are included as attachments to this document.

### **C. PERIOD OF PERFORMANCE**

Grants will consist of a **3-year** Project and Budget Period for States, and a **2-year** Project and Budget Period for Local Governments and Indian Tribes. Vouchers to Local Governments and Indian Tribes will be for a **2-year** Project and Budget Period. Recipients may request a no-cost time extension (or a modification to shorten the period of performance) of their grant or voucher.

## **PART III ELIGIBILITY INFORMATION**

### **A. ELIGIBLE APPLICANTS**

In accordance with Section 543 of EISA, eligible entities for EECBG Program formula allocations include States (including U.S. Territories, and the District of Columbia, hereinafter referred to as “states”), local governments, and Indian Tribes.<sup>3</sup> Eligibility for this award is restricted to eligible states, local governments and Indian Tribes applying for formula grant financial assistance under the EECBG Program. No other entity types may be considered for this funding.

### **B. COST MATCHING**

Cost match is not required for these awards.

## **PART IV APPLICATION AND SUBMISSION INFORMATION**

### **A. CONTENT AND FORM OF APPLICATION: GRANTS**

The application must be submitted via the PAGE online system at <https://www.page.energy.gov/default.aspx>. DOE reserves the right to request additional or clarifying information for any reason deemed necessary. Applications will be reviewed for consistency with the EECBG Program objectives.

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<sup>3</sup> 42 U.S.C. 17153(a).

The EECBG Program Grant Application consists of:

- Standard Form 424 (Application form)
- Standard Form 424A (Budget summary)
- Budget Justification
- Energy Efficiency and Conservation Strategy
- EECBG Program Activity File
- Required certifications
- Electronic copy (or web link) to the applicant's latest single or program-specific audit as required by 2 CFR 200 Subpart F
- NEPA Statement of Work (SOW)
- An environmental questionnaire (EQ-1) (if applicable)
- Pre-Award Information Sheet

**Please see Section 6.3 in the Application Instructions for more detail.**

Note: applicants choosing a Voucher should not submit a grant application. Additional Guidance on the Voucher application process is available on the following website, <https://www.energy.gov/scep/eeecbg-program-formula-grant-application-hub>.

## **PART V AWARD ADMINISTRATION INFORMATION**

### **A. AWARD NOTICES**

An Assistance Agreement issued by the Contracting Officer is the authorizing award document **for traditional grants (as opposed to vouchers)**. The Assistance Agreement normally includes, either as an attachment or by reference: (1) Special Terms and Conditions; (2) Application as approved by DOE; (3) DOE Financial Assistance regulations at [2 CFR Part 200](#) as amended by [2 CFR Part 910](#); (4) National Policy Assurances To Be Incorporated As Award Terms; (5) Budget Summary; (6) Intellectual Property Provisions; (7) Federal Assistance Reporting Checklist, which identifies the Reporting Requirements; and (8) National Environmental Policy Act (NEPA) Determination. These documents are sent to the Recipient via [FedConnect](#).

### **B. FUNDING RESTRICTIONS**

All expenditures must be allowable, allocable, and reasonable in accordance with the applicable Federal cost principles. Refer to the following Federal cost principles for more information: [2 CFR Part 200](#) as amended by [2 CFR Part 910](#).

Under [2 CFR Part 200](#) as amended by [2 CFR Part 910](#) regulations, the cost principles are contained in Subpart E–Cost Principles within [2 CFR Part 200](#).

### **C. REPORTING**

Reporting requirements are identified on the Federal Assistance Reporting Checklist (FARC), attached to the award agreement.

Awards initiated since 10/1/2010 are subject to the requirement of Reporting Subawards and Executive Compensation to comply with the Federal Funding and Transparency Act of 2006 (FFATA). Additional

information about this requirement can be found in the Special Terms and Conditions of the recipient's award, at <https://www.frs.gov>, and in [2 CFR Part 170](#).

Additional information regarding reporting is available from the EECBG Program website, at: <https://www.energy.gov/scep/eecbg-program-formula-grant-application-hub>.

## **D. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS**

### **1. Administrative Requirements**

- The administrative requirements for DOE grants and cooperative agreements are contained in:
  - [2 CFR Part 200](#) as amended by [2 CFR Part 910](#) and [10 CFR Part 420](#)
  - [2 CFR Part 25](#) – Universal Identifier and Central Contractor Registration
  - [2 CFR Part 170](#) – Reporting Subaward and Executive Compensation

The Electronic Code of Federal Regulations is found at [www.ecfr.gov](http://www.ecfr.gov).

### **2. National Policy Requirements**

The National Policy Assurances to be incorporated as Award Terms are located at <http://www.nsf.gov/awards/managing/rtc.jsp>.

Intellectual Property Provisions. The standard DOE financial assistance intellectual property provisions applicable to the various types of recipients are located at <http://energy.gov/gc/standard-intellectual-property-ip-provisions-financial-assistance-awards>

### **3. Environmental Review in Accordance with National Environmental Policy Act (NEPA)**

The Office of the Under Secretary for Infrastructure's decision whether and how to distribute Federal funds is subject to the National Environmental Policy Act (42 U.S.C. 4321, et seq.). NEPA requires Federal agencies to integrate environmental values into their decision-making processes by considering the potential environmental impacts of their proposed actions.

For further information on NEPA requirements, see section 6.3.G in the Application Instructions.

### **4. Build America, Buy America Requirements**

Federally assisted projects which involve infrastructure work, undertaken by applicable recipient types, require that:

- All iron, steel, and manufactured products used in the infrastructure work are produced in the United States; and
- All construction materials used in the infrastructure work are manufactured in the United States.

Whether a given project must apply this requirement is project-specific and dependent on several factors, such as the recipient's entity type, whether the work involves "infrastructure," as that term is defined in Section 70914 of the BIL, and whether the infrastructure in question is publicly owned or serves a public function. Additionally, recipients with EECBG Program allocations less than \$250,000 are exempt from Build America, Buy America requirements under a July 28, 2023, DOE General Applicability Public Interest Waiver.<sup>4</sup>

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<sup>4</sup> See: [https://www.energy.gov/sites/default/files/2023-07/DOE-Final-%20Public%20Interest-%20Sm%20Grant%20De%20Minimis%20Minor%20Component%20-%20Final%20for%20posting%207.26.23\\_0.pdf](https://www.energy.gov/sites/default/files/2023-07/DOE-Final-%20Public%20Interest-%20Sm%20Grant%20De%20Minimis%20Minor%20Component%20-%20Final%20for%20posting%207.26.23_0.pdf)



Applicants are strongly encouraged to consult the Build America, Buy America Guidance and Resources<sup>5</sup> to determine whether their project may have to apply this requirement, both to make an early determination as to the need of a waiver, as well as to determine what impact, if any, this requirement may have on the proposed project's budget.

## 5. Definitions

a. For purposes of the Buy America requirements, the following definitions apply:

- **Construction materials** includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is or consists primarily of:
  - non-ferrous metals;
  - plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
  - glass (including optic glass);
  - lumber; or
  - drywall.
  
- **Infrastructure** includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

In addition to the above, the infrastructure in question must be publicly owned or must serve a public function; privately owned infrastructure that is solely utilized for private use is not considered “infrastructure” for purposes of Buy America applicability. The Agency, not the applicant, will have the final say as to whether a given project includes infrastructure, as defined herein. Accordingly, in cases where the “public” nature of the infrastructure is unclear, DOE strongly recommends that applicants complete their full application with the assumption that Buy America requirements will apply to the proposed project.

- **Project** means the construction, alteration, maintenance, or repair of infrastructure in the United States.

b. *Buy America Requirements for Infrastructure Projects (“Buy America” Requirements)*

In accordance with Section 70914 of the BIL, none of the project funds (includes federal share and recipient cost share) may be used for a project for infrastructure unless:

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<sup>5</sup> See: <https://www.madeinamerica.gov> and <https://www.whitehouse.gov/omb/management/made-in-america/build-america-buy-america-act-federal-financial-assistance/>

(1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) all construction materials<sup>6</sup> are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America requirements only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor do Buy America requirements apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

These requirements must flow down to all sub-awards, all contracts, subcontracts, and purchase orders for work performed under the proposed project. For additional information related to the application and implementation of these Buy America requirements, please see OMB Memorandum M-22-11, issued April 18, 2022: <https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>.

*c. DOE Submission Requirements for Full Application*

Within the activity file, applicants must provide a short statement on whether the project will involve the construction, alteration, and/or repair of infrastructure in the United States. The ultimate determination about whether a project includes infrastructure remains with DOE. However, the applicant's statement will assist project planning and integration of domestic preference requirements, which may impact the project's proposed budget.

**Waivers**

In limited circumstances, DOE may waive the application of the Buy America requirements where DOE determines that:

- (1) applying the Buy America requirements would be inconsistent with the public interest;
- (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality;
- or,
- (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

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<sup>6</sup> Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

On July 28, 2023, DOE issued a General Applicability Public Interest Waiver that, among other things, waives Build America, Buy America requirements for any financial assistance agreements that are less than \$250,000. The waiver also waives Build America, Buy America Preference where covered products represent less than 5 percent of the total applicable project costs (up to a maximum of \$1 million).<sup>7</sup> Recipients with EECBG Program allocations under this threshold are covered by this waiver and therefore exempt from Build America, Buy America requirements.

If an applicant is seeking a waiver of the Buy America requirements, it must include a written waiver request with the Full Application. A waiver request must include:

- A detailed justification for the use of “non-domestic” iron, steel, manufactured products, or construction materials to include an explanation as to how the non-domestic item(s) is essential to the project
- A certification that the applicant or recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with potential suppliers
- Applicant /Recipient name and Unique Entity Identifier (UEI)
- Total estimated project cost, DOE and cost-share amounts
- Project description and location (to the extent known)
- List and description of iron or steel item(s), manufactured goods, and construction material(s) the applicant or recipient seeks to waive from Domestic Content Procurement Preference requirement, including name, cost, country(ies) of origin (if known), and relevant PSC and NAICS code for each.
- Waiver justification including due diligence performed (e.g., market research, industry outreach) by the applicant or recipient
- Anticipated impact if no waiver is issued DOE may require additional information before considering the waiver request.

DOE may require additional information before considering the waiver request. See [DOE Buy America Requirement Waiver Requests | Department of Energy](#)

Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at <https://www.madeinamerica.gov/waivers/>.

## **5. Davis Bacon Prevailing Wage Requirements**

Projects awarded under this ALRD will be funded under Division D of the BIL. Accordingly, per section 41101 of that law, all laborers and mechanics employed by the applicant, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work funded in whole or in part under this ALRD shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the “Davis-Bacon Act” (DBA).

By accepting an award as a result of this ALRD, the Applicant is acknowledging the DBA requirements above, and confirming that the laborers and mechanics performing construction, alteration, or repair work on projects funded in whole or in part by awards made as a result of this ALRD are paid or will be paid

<sup>7</sup> See: [https://www.energy.gov/sites/default/files/2023-07/DOE-Final-%20Public%20Interest-%20Sm%20Grant%20De%20Minimis%20Minor%20Component%20-%20Final%20for%20posting%207.26.23\\_0.pdf](https://www.energy.gov/sites/default/files/2023-07/DOE-Final-%20Public%20Interest-%20Sm%20Grant%20De%20Minimis%20Minor%20Component%20-%20Final%20for%20posting%207.26.23_0.pdf)

wages at rates not less than those prevailing on projects of a character similar in the locality as determined by subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act). Applicants acknowledge that they will comply with all of the Davis-Bacon Act requirements, including but not limited to:

- (1) Ensuring that the wage determination(s) and appropriate Davis-Bacon clauses and requirements are flowed down to and incorporated into any applicable subcontracts or subrecipient awards.
- (2) Ensuring that if wage determination(s) and appropriate Davis-Bacon clauses and requirements are improperly omitted from contracts and subrecipient awards, the applicable wage determination(s) and clauses are retroactively incorporated to the start of performance.
- (3) Being responsible for compliance by any subcontractor or subrecipient with the Davis-Bacon labor standards.
- (4) Receiving and reviewing certified weekly payrolls submitted by all subcontractors and subrecipients for accuracy and to identify potential compliance issues.
- (5) Maintaining original certified weekly payrolls for 3 years after the completion of the project and must make those payrolls available to the DOE or the Department of Labor upon request, as required by 29 CFR 5.6(a)(2).
- (6) Conducting payroll and job-site reviews for construction work, including interviews with employees, with such frequency as may be necessary to assure compliance by its subcontractors and subrecipients and as requested or directed by the DOE.
- (7) Cooperating with any authorized representative of the Department of Labor in their inspection of records, interviews with employees, and other actions undertaken as part of a Department of Labor investigation.
- (8) Posting in a prominent and accessible place the wage determination(s) and Department of Labor Publication: WH-1321, Notice to Employees Working on Federal or Federally Assisted Construction Projects.
- (9) Notifying the Contracting Officer of all labor standards issues, including all complaints regarding incorrect payment of prevailing wages and/or fringe benefits, received from the recipient, subrecipient, contractor, or subcontractor employees; significant labor standards violations, as defined in 29 CFR 5.7; disputes concerning labor standards pursuant to 29 CFR parts 4, 6, and 8 and as defined in FAR 52.222-14; disputed labor standards determinations; Department of Labor investigations; or legal or judicial proceedings related to the labor standards under this Contract, a subcontract, or subrecipient award.
- (10) Preparing and submitting to the Contracting Officer, the Office of Management and Budget Control Number 1910-5165, Davis Bacon Semi-Annual Labor Compliance Report, by April 21 and October 21 of each year. Form submittal will be administered through the iBenefits system (<https://doeibenefits2.energy.gov>) or its successor system.

Recipients of funding under this ALRD will also be required to undergo DBA compliance training and to maintain competency in DBA compliance. The Contracting Officer will notify the recipient of any DOE sponsored DBA compliance trainings. The U.S. Department of Labor (“DOL”) offers free Prevailing Wage Seminars several times a year that meet this requirement, at <https://www.dol.gov/agencies/whd/government-contracts/construction/seminars/events>.

For additional guidance on how to comply with the DBA provisions and clauses, see <https://www.dol.gov/agencies/whd/government-contracts/construction> and <https://www.dol.gov/agencies/whd/government-contracts/protections-for-workers-in-construction>.

## **PART VI OTHER INFORMATION**

### **A. INTERGOVERNMENTAL REVIEW**

Program Subject to Executive Order 12372

This program is subject to [Executive Order 12372](#) (Intergovernmental Review of Federal Programs) and the regulations at [10 CFR Part 1005](#).

One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by state and local governments for coordination and review of proposed Federal financial assistance.

Applicants should contact the appropriate State Single Point of Contact (SPOC) to find out about, and to comply with, the state's process under [Executive Order 12372](#). The names and addresses of the SPOCs are listed on the Web site of the Office of Management and Budget at Intergovernmental Review (SPOC List) ([whitehouse.gov](http://whitehouse.gov)) [Intergovernmental Review \(SPOC List\) \(whitehouse.gov\)](#).

### **B. GOVERNMENT RIGHT TO REJECT OR NEGOTIATE**

DOE reserves the right, without qualification, to reject any or all applications received in response to this ALRD and to select any application, in whole or in part, as a basis for negotiation and/or award.

### **C. COMMITMENT OF PUBLIC FUNDS**

The Contracting Officer is the only individual who can make awards or commit the Government to the expenditure of public funds. A commitment by other than the Contracting Officer, either explicit or implied, is invalid.

### **D. 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.

### **E. EXPENDITURE 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 support or oppose union organizing.

### **F. MODIFICATIONS**

Modifications to this ALRD will be processed and disseminated in the same manner as other EECBG Program Notices.

## **G. PROPRIETARY APPLICATION INFORMATION**

DOE will use data and other information contained in applications strictly for evaluation purposes. Applicants should not include confidential, proprietary, or privileged information in their applications unless such information is necessary to convey an understanding of the proposed project.

Applications containing confidential, proprietary, or privileged information must be marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The U.S. Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose.

The cover sheet of the application must be marked as follows and identify the specific pages containing confidential, proprietary, or privileged information:

Please be aware that all information provided to DOE (including confidential proprietary or confidential commercial information) is subject to public release under the Freedom of Information Act (FOIA). (5 U.S.C. § 552(a) (3) (A) (2006), amended by OPEN Government Act of 2007, Pub. L. No. 110175, 121 Stat. 2524). When a FOIA request covers information submitted to DOE by an applicant, and the cognizant DOE FOIA Officer cannot make an independent determination regarding the public releasability of this information, the cognizant DOE FOIA Officer will contact the submitter and ask for comment regarding the redaction of information under one or more of the nine FOIA exemptions. However, the cognizant DOE FOIA Officer will make the final decision regarding FOIA redactions. Submitters are given a minimum of 7 days to provide redaction comments and if DOE disagrees with the submitter's comment, DOE will notify the submitter of the intended public release no less than seven (7) days prior to the public disclosure of the information in question." ([10 CFR Part 1004.11](#)).

## **H. PROTECTED PERSONALLY IDENTIFIABLE INFORMATION**

In responding to this ALRD, Applicants must ensure that Protected Personally Identifiable Information (PII) is not included in the application documents. PII is defined by the Office of Management and Budget (OMB) and DOE as:

Any information about an individual maintained by an agency, including but not limited to, education, financial transactions, medical history, and criminal or employment history and information that can be used to distinguish or trace an individual's identity, such as their name, social security number, date and place of birth, mother's maiden name, biometric records, etc., including any other personal information that is linked or linkable to an individual.

This definition of PII can be further defined as: (1) Public PII and (2) Protected PII.

**Public PII:** PII found in public sources such as telephone books, public websites, business cards, university listing, etc. Public PII includes first and last name, address, work telephone number, email address, home telephone number, and general education credentials.

**Protected PII:** PII that requires enhanced protection. This information includes data that if compromised could cause harm to an individual such as identity theft.

Listed below are examples of Protected PII that Applicants must not include in their application.

- Social Security Numbers in any form
- Place of birth associated with an individual
- Date of birth associated with an individual

- Mother's maiden name associated with an individual
- Biometric record associated with an individual
- Fingerprint
- Iris scan
- DNA
- Medical history information associated with an individual
- Medical conditions, including history of disease
- Metric information, e.g., weight, height, blood pressure
- Criminal history associated with an individual
- Employment history and other employment information associated with an individual
- Ratings
- Disciplinary actions
- Performance elements and standards (or work expectations) are PII when they are so intertwined with performance appraisals that their disclosure would reveal an individual's performance appraisal
- Financial information associated with an individual
- Credit card numbers
- Bank account numbers
- Security clearance history or related information (not including actual clearances held)

**PART VII REFERENCE MATERIAL**

**IIJA EECBG Program Formula Allocations**

**IIJA EECBG Program Application Instructions**

**IIJA EECBG Program Formula Pre-Award Information Sheet**

**IIJA EECBG Program Energy Efficiency and Conservation Strategy Templates**

**IIJA EECBG Program NEPA Statements of Work**