State of Rhode Island and Providence Plantations

DEPARTMENT OF ADMINISTRATION

STATEMENT OF NEED FOR EMERGENCY ACTION

In accordance with the provisions of subsection (b) of § 42-35-3 of the Rhode Island General Laws, as amended, I have approved a regulation entitled, ***Rules and Regulations for the Energy Efficiency and Conservation Block Grant Program***. This regulation has been promulgated pursuant to the authority contained in the Rhode Island General Laws § 42-140-9.

This regulation is to become effective immediately upon filing with the Secretary of State.

Such an effective date is necessary in view of a finding by the Office of Energy Resources that any substantial delay might imperil the public health, safety, and welfare. This finding is based upon the following:

> The State of Rhode Island was awarded a grant of $9,593,500 from the United States Department of Energy under the American Recovery and Reinvestment Act of 2009-Energy Efficiency and Conservation Block Grant Program ("ARRA-EECBG") to support the reduction of energy consumption and develop diverse renewable resources by municipalities in Rhode Island. Such projects are intended to create and retain jobs in Rhode Island; to realize energy cost savings; to reduce dependence on non-renewable forms of energy, especially fuels imported from other nations; to achieve environmental benefits, especially reductions in greenhouse gases; to leverage project funds and revenues; to facilitate market transformation, including especially for customer sited facilities; to provide opportunities for persons in all communities in the state to undertake projects from diverse renewable energy sources can be funded from the program and to comply with the applicable requirements of the ARRA-EECBG. These goals are essential to ensure the health, safety and welfare of the State of Rhode Island and for the benefit of the public.
>
> Pursuant to the ARRA-EECBG, the use and disbursement of said funds by the State are subject to strict time constraints. On or before January 22, 2010, the Rhode Island municipalities must submit letters of intent to apply for EECBG funds. Applications for funds to prepare strategic plans under this program must be submitted to the Office of Energy Resources ("OER") on or before January 30, 2010. Municipalities must submit applications for performance contract funds on

or before April 2, 2010. Prior to disbursing any EECBG funds, the OER must promulgate these rules and regulations regarding the administration and utilization of the ARRA-EECBG funds. After the regulations are in effect, the OER must solicit applications for projects and review each submittal. The OER will then issue the awards and enter into contracts with each applicant.

If the OER were to provide the notice and comment for these regulations as required by the Rhode Island Administrative Procedures Act, it would be impossible for the OER to disburse the funds by the ARRA-EECBG deadlines. Therefore, the immediate filing of these regulations is necessary to meet the ARRA deadlines.

These emergency rules and regulations are available for inspection at the Rhode Island Department of Administration, Office of Energy Resources, One Capitol Hill, Providence, Rhode Island and will be available on the Rhode Island Secretary of State's website: www.rules.state.ri.us/rules/

Pursuant to subsection (b) of § 42-35-3, the emergency regulation shall take effect upon filing with the Rhode Island Secretary of State and shall remain in effect as provided in said subsection. While the emergency regulation is in effect, amended regulations will be promulgated pursuant to subsection (a) of § 42-35-3.

This emergency regulation has been adopted by me on this 12th day of January, 2010.

Ronald N. Renaud,
Interim Commissioner
Office of Energy Resources
Department of Administration

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF ADMINISTRATION

OFFICE OF ENERGY RESOURCES

RULES AND REGULATIONS FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM

[Regulation DOA-OER-EECBGP-1-2010]

JANUARY, 2010

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1.0 Authority

These rules and regulations are promulgated pursuant to the requirements and provisions of Rhode Island General Laws (hereinafter, "RIGL") §§ 42-140-9 and 42-35-1 *et seq.*

2.0 Purpose, Scope, and Applicability

The Office of Energy Resources, in order to take advantage and meet the requirements of the Recovery Act- Energy Efficiency and Conservation Block Grant Program ("EECBG") for the benefit of Rhode Islanders and the communities in which they live, hereby adopts these rules and regulations. The purpose of this emergency regulation is to set forth the application and review process by the Office of Energy Resources for funding of energy efficiency and conservation projects by Rhode Island municipalities.

The State of Rhode Island recognizes that there are job creation, energy cost savings, and environmental benefits from reducing energy consumption and developing diverse renewable resources in the state. Rhode Island has been awarded funding from Federal American Recovery and Reinvestment Act-EECBG, which can aid in realizing the above benefits. The purpose of these Rules and Regulations is also:

(1) creation and retention of jobs,
(2) realizing energy cost savings,
(3) reducing dependence on imported fuels,
(4) leveraging funds,
(5) transforming markets, and
(6) building program sustainability.

3.0 Definitions

For the purposes of these regulations, the following terms shall have the following meanings:

3.01. "Building Code" means the most recent version of any applicable code that has been adopted by the Building Code Standards Committee, pursuant to RIGL §§ 23-27.3-100.1.5; 23-27.3-100.1.5.4, or 23-27.3-100.1.5.3.

3.02. "Commissioner" means the Commissioner of the Office of Energy Resources.

3.03. "Contract" means an agreement made pursuant to a grant or loan subaward to a Sub-Recipient.

3.04. "Contractor" means the party or parties to a Contract other than the Prime Recipient and includes a subgrantee or borrower. For the purposes of ARRA reporting, Contractor is either a Sub-Recipient or a Sub-Recipient Vendor.

3.05. "Corporation" means the Rhode Island Economic Development Corporation as established, administered and governed by RIGL §§ 42-64-1 *et seq.*, as amended.

3.06. "Customer-sited facility" means a renewable energy facility of an end-user that primarily meets energy needs of the end-user and is located on property owned or controlled by the end-user, and, if the renewable energy facility generates electrical power, is interconnected on the end-use customer's side of the retail electricity meter in such a manner that it displaces all or part of the metered consumption of the end-use customer.

3.07. "EECBG" means the Energy Efficiency and Conservation Block Grant program administered by the Office in accordance with the program requirements of the U.S. Department of Energy.

3.08. "Eligible biomass fuel" means fuel sources including brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips, shavings, slash and other clean wood that is not mixed with other solid wastes; agricultural waste, food and vegetative material; energy crops; algae; landfill methane; biogas; or neat bio-diesel and other neat liquid fuels that are derived from such fuel sources.

3.09. "Eligible facilities and eligible locations" means for Renewable Energy Projects facilities and property owned or leased by the Sub-Recipient. If the facility or property is leased, the Sub-Recipient must be authorized to implement the Project, and the Project must pay for itself within the remaining term of the lease. New facilities, and those that have undergone substantial renovations, must be fully operational and have been occupied by the Sub-Recipient for more than one year prior to requesting funding under this RFP.

3.10. "Energy Service Company" means a professional business providing a broad range of comprehensive energy solutions including designs and implementation of energy savings projects, energy conservation, energy infrastructure outsourcing, power generation and energy supply, and risk management.

3.11. "Fund" means the funding allocated from the Recovery Act Energy Efficiency and Conservation Block Grant (EECBG) in accordance with the award by the US Department of Energy to the State of Rhode Island Office of Energy Resources.

3.12. "Individual" means a natural person.

3.13. "Municipality" means a city or a town.

3.14. "Non-utility scale renewable energy project" means a renewable energy project that is either a customer-sited facility or is designed for operating at a gross capacity of less than ten (10) megawatts, or less than 8.6 million kilocalories per hour, or both.

3.15. "OERR" means the Office of Economic Recovery and Reinvestment in the Executive Office of the Governor.

3.16. "Office" means the Office of Energy Resources in the Rhode Island Department of Administration.

3.17. "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

3.18. "Prime Recipient" means a non-Federal entity that expends Federal awards received directly from a Federal awarding agency to carry out a Federal program; for the purposes of these Regulations the Office of Energy Resources is the "Prime Recipient".

3.19. "Program" means Energy Efficiency and Conservation Block Grant Program supported by ARRA-EECBG funds as administered by the Office.

3.20. "Project" means eligible activities that are identified in Regulation 4.03.

3.21. "Project cost" means the sum total of amounts paid or incurred in executing an eligible Project.

3.22. "Recipient Vendor" means a Vendor that receives ARRA Funds from a Prime Recipient.

3.23. "Recovery Act" means the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5.

3.24. "Renewable Energy" shall mean energy made useful for residential, commercial, industrial, institutional, or transportation purposes as an alternative to non-renewable energy and is from one or more of the following sources:

(1) Direct solar radiation by an active system;
(2) The wind;
(3) Movement or the latent heat of the ocean;
(4) The heat of the earth;
(5) Small hydro facilities;
(6) Biomass facilities using eligible biomass fuels and maintaining compliance with current air permits; eligible biomass fuels may be co-fired with fossil fuels, provided that only the renewable energy fraction of production from multi-fuel facilities shall be considered eligible;
(7) Fuel cells using the renewable resources referenced above in this section; and
(8) Waste-to-energy conversion of any sort or manner shall in no instance be considered eligible except for fuels identified in RIGL § 39-26-2(6).

3.25. "Renewable Energy Development Fund" shall mean those funds administered by the Rhode Island Economic Development Corporation pursuant to RIGL § 42-64-13.2, RIGL § 39-2-1.2 and RIGL §39-26-7.

3.26. "Revenues" means with respect to any project, the rents, fees, tolls, charges, awards, payments, installment payments, repayments, grants, aid, appropriations and other assistance

from the state, the United States or any corporation, department or instrumentality of either or of a political subdivision thereof, bond proceeds, investment earnings, insurance proceeds, and other income or profit derived from a project.

3.27. "State agency" means any office, department, board, commission, bureau, division, authority, or public corporation, agency or instrumentality of the state.

3.28. "Subcontractor" means any entity engaged by a Contractor to provide goods or perform services in connection with a project.

3.29. "Sub-Recipient" means a non-Federal entity receiving ARRA Funds through a prime Recipient to carry out an ARRA funded program or project, but does not include an individual that is a beneficiary of such a program.

3.30. "Sub-Recipient Vendor" means a Vendor that receives ARRA Funds from a Sub-Recipient.

3.31. "Vendor" means a dealer, distributor, merchant, or other seller providing goods or services.

4.0 Program Description.

4.01. Program Purposes. The purposes of the Program are the following and the fund shall be administered in a manner that accomplishes these purposes:

(a) to create and retain jobs in Rhode Island,
(b) to realize energy cost savings,
(c) to reduce dependence on non-renewable forms of energy, especially fuels imported from other nations,
(d) to achieve environmental benefits, especially reductions in greenhouse gases,
(e) to facilitate market transformation, including especially for customer sited facilities,
(f) to provide opportunities for communities in the state to undertake non-utility scale renewable energy projects by assuring that projects from diverse renewable energy sources can be funded from program, and
(g) to comply with the applicable requirements of the Recovery Act.

4.02. Program Activities. The Program shall be comprised of the following activities:

Activity 1: Energy Performance Contracting. The Office may award up to Five Thousand Dollars ($5,000) to each municipality plus an additional fifty cents ($0.50) per capita based on each municipality's 2000 United States Census data for the municipality to engage or to augment the services of measurement-and-verification consultants to assist with scoping municipal energy performance contracting projects, establishing baselines, and to defray costs of preparing solicitations and contracts with Energy Service Companies (ESCOs). Based upon the Five Thousand Dollar plus Fifty Cents per capita formula, the amount allocated per municipality for this activity is:

Barrington -	$13,409.50
Bristol -	$16,234.50
Burrillville -	$12,898.00
Central Falls -	$14,464.00
Charlestown -	$8,929.50
Coventry -	$21,834.00
Cranston -	$44,634.50
Cumberland -	$20,920.00
East Greenwich -	$11,474.00
East Providence -	$29,344.00
Exeter -	$8,022.50
Foster -	$7,137.00
Glocester -	$9,974.00
Hopkinton -	$8,918.00
Jamestown -	$7,811.00
Johnston -	$19,097.50
Lincoln -	$15,449.00
Little Compton -	$6,796.50
Middletown -	$13,667.00
Narragansett -	$13,180.50
New Shoreham -	$5,505.00
Newport -	$18,237.50
North Kingstown -	$18,163.00
North Providence -	$21,205.50
North Smithfield -	$10,309.00
Pawtucket -	$41,479.00
Portsmouth -	$13,574.50
Providence -	$91,809.00
Richmond -	$8,611.00
Scituate -	$10,162.00
Smithfield -	$15,306.50
South Kingstown -	$18,960.50
Tiverton -	$12,630.00
Warren -	$10,680.00
Warwick -	$47,904.00
West Greenwich -	$7,542.50
West Warwick -	$19,790.50
Westerly -	$16,483.00
Woonsocket -	$26,612.00

A municipality may apply all or a portion of its allocation for Activity 1 to eligible uses of funds under Activity 2 if it has undertaken the work necessary to enter into a performance contract or has entered into an agreement with an ESCO, or if it is jointly retaining the services specified in Activity 1 with one or more other municipalities and finds that its share of such services is less than the amount of its Activity 1 allocation, or if it finds that its Activity 1 allocation is greater than the amount needed to satisfactorily perform the services necessary to enter into a municipal energy performance contract with an ESCO.

Activity 2: Base Grant Allocations. In addition to any awards granted under Energy Performance Contracting set forth herein, the Office may award up to Nine Dollars and Seventy-Eight Cents ($9.78) per capita to municipalities for support for energy efficiency and energy conservation projects that comply with Recovery Act requirements for the EECBG program. This per capita figure takes into account the entire EECBG program's funding to Rhode Island, regardless of whether funding came directly from the United States Department of Energy to a city or town or if funding will come from the State allocation. The figure of $9.78 per capita was arrived at by averaging the per capita allocations of the four cities in Rhode Island that qualified for both Activity 1 and Activity 2 funding based on the formula created by United States Department of Energy and published on Wednesday, April 15, 2009 in Federal Register Vol. 74, No. 71. Based upon the Nine Dollar and Seventy-Eight Cents ($9.78) per capita formula, the amount allocated per municipality for this activity is:

Barrington -	$164,489.82
Bristol -	$219,746.82
Burrillville -	$154,484.88
Central Falls -	$185,115.84
Charlestown -	$76,861.02
Coventry -	$195,273.04
Cranston -	$13,650.82
Cumberland -	$173,295.20
East Greenwich -	$126,631.44
East Providence -	$268,768.64
Exeter -	$59,120.10
Foster -	$41,799.72
Glocester -	$97,291.44
Hopkinton -	$76,636.08

Jamestown -	$54,983.16	Providence -	$0.00
Johnston -	$275,747.10	Richmond -	$70,631.16
Lincoln -	$204,382.44	Scituate -	$100,968.72
Little Compton -	$35,139.54	Smithfield -	$201,595.14
Middletown -	$169,526.52	South Kingstown -	$273,067.38
Narragansett -	$160,010.58	Tiverton -	$149,242.80
New Shoreham -	$9,877.80	Warren -	$111,100.80
Newport -	$258,925.50	Warwick -	$4,002.24
North Kingstown -	$257,468.28	West Greenwich -	$49,731.30
North Providence -	$185,079.58	West Warwick -	$170,902.18
North Smithfield -	$103,844.04	Westerly -	$224,607.48
Pawtucket -	$53,029.24	Woonsocket -	$241,330.72
Portsmouth -	$167,717.22		

Activity 3: Competitive Grants. Competitive grants will be available for cities and towns. Two separate competitive grant funds will be created for competitive grants to ensure compliance with DE-FOA-0000013, which requires that 60% of total EECBG funds are allocated to the 29 smaller cities and towns in the state. The competitive grant fund for Rhode Island's largest 10 cities and towns shall be $1,666,011.60. This $1,666,011.60 includes amounts received directly from the United States Department of Energy by the 10 largest cities and towns. The competitive grant fund for Rhode Island's smaller 29 cities and towns shall be $1,322,695.18. Competitive grants will encourage regional collaborations.

4.03. Federally Eligible Uses of Funds. A Project shall have the following purposes in order to be eligible for funding from this Program:

(a) Strategy development and technical consultant services related thereto;
(b) Building audits and retrofits;
(c) Financial incentive programs;
(d) Energy efficiency and conservation programs for buildings and facilities;
(e) Development and implementation of transportation programs;
(f) Building codes and enforcement;
(g) Distributed generation technologies for energy efficiency, including combined heat and power systems and district heating and cooling;
(h) Materials conservation including source reduction, recycling, and recycled content procurement;
(i) Reduction and capture of methane and greenhouse gases;
(j) Street lights and traffic signals;
(k) Renewable energy technologies on government buildings; and/or
(l) Any other activity consistent with the EECBG.

4.04. Limitations on the Use of Funds. Use of EECBG funding for each Project shall be limited as follows:

(a) the municipality's administrative costs (excluding reporting) shall not exceed ten percent (10%) of the municipality's total award;
(b) revolving loan funds shall not exceed twenty percent (20%) of the municipality's total award or $250,000, whichever amount is greater; and

(c) sub-grants to non-governmental organizations for assistance in implementation of a strategy shall not exceed twenty percent (20%) of the municipality's total award.

4.05. Special Terms and Conditions. Contractors shall comply with all terms and conditions in the Recovery Act relating generally to governance, accountability, transparency, data collection and resources as specified in the Act itself and as set forth in **Appendix A** ("Supplemental Terms and Conditions for Contracts and Subawards") which is attached hereto and is hereby incorporated by reference. Contractors shall require its subcontractors to comply, as appropriate.

The Contractor and the Office understand that the Recovery Act provisions may be changed and additional requirements may be added and that each agrees to be bound by such changes, additions, and guidance as may be issued with respect to, and as required under, the Recovery Act or by the State.

4.06. Strategic Plans – Program Principles. The strategic plan shall take into cognizance the following:

(a) Prioritize energy efficiency and conservation as the cheapest, cleanest and fastest ways to meet energy demand.
(b) Maximize benefits over the longest possible term, including linking energy efficiency and conservation investments with community economic development, community stabilization and poverty reduction efforts.
(c) Invest in programs and projects that create and/or retain jobs and stimulate the economy while meeting long term energy goals.
(d) Target programs and projects that will provide substantial, sustainable and measurable energy savings, job creation and economic stimulus effects.
(e) Give priority to programs and projects that leverage funds with other public and private resources.
(f) Develop, to the extent possible, programs and strategies that will continue beyond the funding period.

An energy efficiency and conservation strategy accepted by the US Department of Energy for EECBG funding to a municipality shall, upon the request of the municipality, be considered the municipality's strategic plan by the Office.

4.07. Ineligible Projects and Costs. Projects and costs that are ineligible under Recovery Act-EECBG shall be ineligible for support from the Program and will include, but not be limited to:

(a) Projects that are wholly funded from Federal, State, Corporation sources or by utility administered programs or from other sources and projects that have, as of the effective date of these Regulations, a contract to be funded or partially funded by Corporation programs, or any utility funded program. Provided, however, that projects that have been approved for funding from a Federal, State, Corporation or utility-funded program but have not been given a final award or a notice to proceed because the requisite funding for the project had not been secured on or after the effective date of these regulations will not be considered ineligible for funding from the Program.

(b) Projects to be completed for casinos or other gambling establishments, aquariums, zoos, golf courses or for swimming pools.
(c) Outdoor and low-efficiency wood boilers. Low-efficiency wood boilers shall be defined as any boiler that does not meet or exceed a minimum thermal efficiency of 83 as measured by testing thermal efficiency using either the EN 303-5 or ASHRAE 155P methods, and using the lower heating value of wood. Wood boilers that would use a fuel source other than wood pellets, wood chips, or firewood are not eligible under these regulations.
(d) Projects that are part of construction of new facilities and new construction commissioning, however, that the renovation or rehabilitation of existing facilities to a degree that triggers Building Code requirements for new construction will not be considered new construction for purposes of determining eligibility for support from the Program.
(e) Projects that are power quality, power factor, and power conditioning improvements.
(f) Projects that are passive solar projects.
(g) Projects that would require the preparation of a Federal Environmental Impact Statement; only projects that are eligible for categorical exclusions (see subsection 4.07.01 below) or environmental assessments/finding of no significant impact shall be eligible.
(h) Projects that would be ineligible under applicable Recovery Act provisions, regulations or guidance.
(i) Projects that lack assurances that they will be installed correctly and safely.

4.07.01. Categorical Exclusions. A presumption of categorical exclusion shall be deemed to apply to projects recognized by US Department of Energy as eligible for categorical exclusion, including:

Other projects and types of projects may be approved by the US Department of Energy as categorically excluded.

4.08. Compliance with Recovery Act. All persons and municipalities receiving funding from or through the Program shall comply with applicable Recovery Act requirements and guidance including using the Federal Assistance Reporting Checklist and Guidelines attached hereto as **Appendix B**. No person or municipality shall receive funding for a project that is ineligible under the Recovery Act-EECBG Program.

4.09. Duration. The Program shall commence upon the filing of these rules and shall conclude for the purposes of developing and supporting projects on March 31, 2012, however, project performance monitoring and reporting requirements shall continue as required by the Recovery Act. With the exception of performance monitoring and reporting requirements, all projects funded by this Program must be completed on or before March 31, 2012.

4.10. Coordination with Other Programs. This Program shall be coordinated with other energy efficiency and renewable energy programs in Rhode Island, including but not limited to the Renewable Energy Development Fund, in order to optimize the benefits of renewable energy

development in the State to accomplish the purposes set forth in Rule 4.01 and consistent with the applicable Recovery Act requirements.

5.0 Applications for Funds from Program.

5.01. Applications for utilization of funds from the Program shall use the procedures set forth in Rule 5.0 and shall be made on forms issued by the Office.

5.02. Applications for Funding. Applications may be made individually or jointly by municipalities. Joint applications shall set forth the portion of funding requested in the application that is attributable to each participating municipality and municipalities submitting joint applications may exercise the powers for inter-local cooperation set forth in RIGL 45-40.1.

5.03. Public facilities. Applications may include public facilities and services including but not limited to school districts and regional school districts, public libraries, senior centers, water districts, sewer districts and fire districts that serve the residents of the municipality in any activity or project that could include a municipal department.

5.04. Authorizing resolution. Applications for Activity 1 (Energy Performance), Activity 2 (Base Grant) or Activity 3 (Competitive Grants) shall contain a resolution by the local governing body authorizing the submission of the application. If the application is a joint application, it shall contain a resolution by the local governing body of each participating municipality. The application shall name the person authorized to submit the application for the municipality.

5.05. Letter of intent to apply. The chief executive official (the mayor, the elected town administrator, the appointed city or town manager or administrator, or in the absence of either an elected or an appointed chief executive official, the town council president) of a municipality shall submit on or before **January 22, 2010**, a letter to the Office stating that the municipality intends to apply for Program funds for Activity 1 or Activity 2, or both, either through an individual or a joint application. Upon receipt of a letter of intent to apply, the Office shall obligate the funds allocated to the municipality for Activity 1 or Activity 2 or both. No funds so obligated shall be reallocated prior to May 14, 2010, for competitive funding.

5.06. Applications for the use of funds.

5.06.01. Strategic plan applications. Municipalities may apply for funds to support the preparation of a strategic plan; the maximum amount of the application shall be ten percent (10%) of the allocation to the municipality for Activity 2 or Five Thousand Dollars ($5,000.00), whichever amount is greater. Applications to prepare strategic plans shall be submitted on or before **January 30, 2010**.

5.06.02. Activity 1 (Energy Performance Contracting) applications. Applications shall include a general description of the municipal and other public facilities that may be evaluated for participation in a performance contract, the nature of the services and the process the municipality will use in selecting the service provider(s). Applications for funds to support the development of performance contracts shall be submitted on or before **April 2, 2010**.

5.06.03. Activity 2 (Base Grant) applications. Municipalities, individually or jointly, may apply for support from their Activity 2 allocations to accomplish the purposes of the municipality or group of municipalities including such purposes as may be set forth in a strategic plan and activities that are proposed to be undertaken to accomplish the purposes of the strategic plan. Applications for funds to support eligible activities through Base Grant allocation shall be submitted on or before **March 15, 2010**.

5.06.04. Activity 3 (Competitive Grant) applications. Applications for projects to be supported from the competitive grant funds shall describe the project and how the project advances the purposes of the strategic plan or plans of the municipalities making the application. Applications for competitive grant projects shall be submitted on **April 16, 2010**.

5.07 Qualification statements. Applicants must provide qualification statements detailing the qualifications of the person or persons who will perform the proposed activities, including, but not limited to:

(a) The person's or persons' experience in the kind of the proposed project. If the proposed activity involves a team of persons, provide the experience of key team members and an organization chart for the activity team indicating the name of each team member, the team reporting structure and a narrative describing the responsibility of each team member.

(b) Financial information demonstrating the capability of the person or team to complete the activity successfully. Audited financial statements are not required for this application but will be prior to the final award for projects other than residential projects involving four dwelling units or less.

(c) Other information, at the discretion of the municipality, that demonstrates the person's or team's ability to achieve the purposes of the program as set forth in Rule 4.01 for this project.

(d) An activity schedule including all major activities from notice to proceed to activity completion.

(e) Assurances: assurances that the project will comply with applicable requirements and guidance of the Recovery Act, including: assurances that the activity will comply with applicable provisions of municipal comprehensive plans, zoning ordinances, the Building Code, and state agency rules and regulations; assurance that the activity will comply with applicable requirements for protection of historic resources as administered by the Rhode Island Historical Preservation and Heritage Commission pursuant to section 106 of the National Historic Preservation Act; assurance that there will be an independent inspection, if appropriate, of the activity after its completion to determine its consistency with the application and design and its operational capability to meet energy production or energy savings/energy efficiency levels; assurance that the activities set forth in the application will be completed, verified and inspected, if appropriate, on or before March 31, 2012.

(f) PROPOSED ADMINISTRATIVE BUDGET

		Projected Cost:
A.	Personnel*:	
	Title_____	$_____.
	Title_____	$_____.
B.	Consultant Services: (Indicate general purpose & hourly rate)	
	_____	$_____.
	_____	$_____.
C.	Personnel Travel:	$_____.
D.	Office Supplies and Equipment:	$_____.
E.	Telephone:	$_____.
F.	Printing and Duplicating:	$_____.
G.	Data Processing:	$_____.
H.	Citizen Participation & Public Information	$_____.
I.	Environmental and Other Required Reviews	$_____.
J.	TOTAL PROGRAM ADMINISTRATION	$_____.

* Total of wages and fringe benefits

5.08 Application submission. In addition to the hard copies of applications required, applicants are requested to provide their application in electronic format (CD Rom or Diskette). Microsoft Word / Excel or PDF format is preferable. Only one electronic copy is requested. This CD or diskette should be included in the application marked "original".

5.09 Evaluation Criteria.

5.09.01 Threshold Criteria. All applications shall, in order to be considered for funding, (i) be complete and include all necessary assurances, (ii) demonstrate feasibility including technical feasibility and financial viability of the proposed activities, and (iii) meet or exceed the basic expectations of the Recovery Act for job creation, energy cost savings, and environmental benefits.

5.09.02 Competitive Criteria. For Activity 3 (Competitive Grants) projects, applications that meet all threshold criteria set forth in Rule 5.09.01 shall be ranked as follows, using the appropriate benefits calculator issued by the United States Department of Energy, if applicable:

1. Job creation/retention (40%):

   a) Number of full-time jobs created and/or retained

b) Number of part-time jobs created and/or retained

2. Annual Energy Savings (kwh equivalents) (30%):

a) reduction in natural gas consumption (mmcf),
b) reduction in electricity consumption (MWh),
c) reduction in electricity demand (MW),
d) reduction in fuel oil consumption (gallons),
e) reduction in propane consumption (gallons), and/or
f) reduction in gasoline and diesel fuel consumption (gallons).

3. Cost-Effectiveness Savings (10%)

Estimated energy produced over the life of the project/project costs and project operation and maintenance costs.

4. Funds Leveraged (20%)

a) Funds leveraged from the owner of the project.
b) Funds leveraged from public sources other than the Program.
c) Funds leveraged from private sources, including charitable and philanthropic sources.

5. Bonus Criteria.

To the competitive criteria set forth in Rule 5.09.02 above, there shall be added the following:
- Direct benefits to low and moderate-income households (up to 5%).
- Joint applications of two or more municipalities (up to 5%).

5.10 Selection Process.

The project selection and award process shall be conducted in accordance with the applicable provisions of RIGL §§ 37-2-1 *et seq.* and the State of Rhode Island Procurement Regulations, as last amended in January of 2009.

5.11 Method of Disbursement of Funds.

The total amounts and type of disbursements from the Fund shall be at the discretion of the Office subject only to the Office's application of the competitive and bonus criteria as set forth in these Regulations. The Office may disburse from the Fund in the form of grants and, if appropriate, in the form of rebates, loans, recoverable grants and other financial mechanisms, with or without security, for repayment, if any, and at rates, terms and other conditions as shall be deemed necessary, appropriate and in the best interest of the Fund as determined by the Office. The disbursement of funds may in installments based on the level of progress or completion of the activities included in the application.

6.0 Special Terms and Provisions Applicable to Receipt of Recovery Act Funds.

The Recovery Act was enacted to preserve and create jobs and promote economic recovery, assist those most impacted by the recession, provide investments needed to increase economic efficiency by spurring technological advances in science and health, invest in transportation, environmental protection, energy efficiency and renewable energy and other infrastructure that will provide long-term economic benefits, and stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases. Contractors shall use funds in a manner that maximizes job creation and economic benefit.

Contractors shall comply with all terms and conditions in the Recovery Act relating generally to governance, accountability, transparency, data collection and resources as specified in the Act itself and as set forth in **Appendix A** ("Supplemental Terms and Conditions for Contracts and Subawards") which is attached hereto and is hereby incorporated by reference. Contractors shall require its subcontractors to comply, as appropriate.

The Contractor and the Office understand that the Recovery Act provisions may be changed and additional requirements may be added and that each agrees to be bound by such changes, additions, and guidance as may be issued with respect to, and as required under, the Recovery Act or by the State.

Section 7.0 Severability

If any provision of these Rules and Regulations, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

Section 8.0 Superseded Rules and Regulations

On the effective date of these Rules and Regulations, any previous Rules and Regulations For the Energy Efficiency and Conservation Block Grant Program, and any policies regarding the administration and enforcement of RIGL §§ 42-140-1 *et seq.*, as amended, shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or the application filed.

Section 9.0 Application

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

Section 10.0 Effective Date

The foregoing regulations are hereby adopted and filed with the Secretary of State this 12th day of January, 2010, to become effective immediately upon filing in accordance with the provisions of the RIGL § 42-35, specifically § 42-35-4(b); and 42-140-9.

Ronald N. Renaud,
Interim Commissioner
Office of Energy Resources
Department of Administration

APPENDIX A

TO

RULES AND REGULATIONS FOR ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROJECTS

SUPPLEMENTAL TERMS AND CONDITIONS FOR CONTRACTS AND SUBAWARDS FUNDED IN WHOLE OR IN PART BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, PUB. L. NO. 111-5

Definitions

"ARRA" or "Recovery Act" means the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat.115.

"ARRA Funds" means any funds that are expended or obligated from appropriations made under ARRA.

"ARRA Requirements" means these Supplemental Terms and Conditions, as well as any terms and conditions required by: ARRA; federal law, regulation, policy or guidance; the federal Office of Management and Budget (OMB); the awarding federal agency; or, the Rhode Island Office of Economic Recovery and Reinvestment (OERR).

"Contract" means the contract to which these Supplemental Terms and Conditions are attached, and includes an agreement made pursuant to a grant or loan subaward to a Sub-Recipient.

"Contractor" means the party or parties to the Contract other than the Prime Recipient and includes a subgrantee or a borrower. For the purposes of ARRA reporting, Contractor is either a Sub-Recipient or a Recipient Vendor under this Contract.

"Prime Recipient" means a non-Federal entity that expends Federal awards received directly from a Federal awarding agency to carry out a Federal program. For the purposes of these Regulations, the Office of Energy Resources is the Prime Recipient.

"Recipient Vendor" means a Vendor that receives ARRA Funds from a Prime Recipient.

"Subcontractor" means any entity engaged by Contractor to provide goods or perform services in connection with this contract.

"Sub-Recipient Vendor" means a Vendor that receives ARRA Funds from a Sub-Recipient.

"Sub-Recipient" means a non-Federal entity receiving ARRA Funds through a Prime Recipient to carry out an ARRA funded program or project, but does not include an individual that is a beneficiary of such a program. The term " Sub-Recipient" is intended to be consistent with the definition in OMB Circular A-133 and section 2.2 of the June 22, 2009 OMB Reporting Guidance.[1] A Sub-Recipient is sometimes referred to as a subgrantee.

"Supplemental Terms and Conditions" means these Supplemental Terms And Conditions For Contracts And Subawards Funded In Whole Or In Part By The American Reinvestment Recovery Act Of 2009, Pub. L. No. 111-5, as may be subsequently revised pursuant to ongoing guidance from the relevant federal or State authorities.

"Vendor" means a dealer, distributor, merchant, or other seller providing goods or services that are required for the project or program funded by ARRA. The term "Vendor" is intended to be consistent with the definition in OMB Circular A-133 and section 2.2 of the June 22, 2009 OMB Reporting Guidance.

General

To the extent this Contract involves the use of ARRA Funds, Contractor shall comply with both the ARRA Requirements and these Supplemental Terms and Conditions, except where such compliance is exempted or prohibited by law.

The Contractor acknowledges these Supplemental Terms and Conditions may require changes due to future revisions of or additions to the ARRA Requirements, and agrees that any revisions of or additions to the ARRA Requirements shall automatically become a part of the Supplemental Terms and Conditions without the necessity of either party executing or issuing any further instrument and shall become a part of Contractor's obligations under the Contract.. The State of Rhode Island may provide written notification to Contractor of such revisions, but such notice shall not be a condition precedent to the effectiveness of such revisions.

Conflicting Terms

Contractor agrees that, to the extent that any term or condition herein conflicts with one or more ARRA Requirements, the ARRA Requirements shall control.

Enforceability

Contractor agrees that if it or one of its subcontractors or sub-recipients fails to comply with all applicable federal and State requirements governing the use of ARRA funds,

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[1] Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009, M-09-21 (June 22, 2009), available at http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf.

including any one of the terms and conditions specified herein, the State may withhold or suspend, in whole or in part, funds awarded under the program, recover misspent funds, or both. This provision is in addition to all other civil and criminal remedies available to the State under applicable state and federal laws and regulations.

Applicability to Subcontracts and Subawards

Contractor agrees that it shall include the Supplemental Terms and Conditions set forth herein, including this provision, in all subcontracts or subawards made in connection with projects funded in whole or in part by ARRA, and also agrees that it will not include provisions in any such subcontracts or subawards that conflict with either ARRA or the terms and conditions herein.

Availability of Funding

Contractor understands that federal funds made available by ARRA are temporary in nature and agrees that the State is under no obligation to provide additional State-financed appropriations once the temporary federal funds are expended.

Inspection and Audit of Records

Contractor agrees that it shall permit the State and its representatives, the United States Comptroller General or his representative or the appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1978 or his representative to:

i. Examine, inspect, copy, review or audit any records relevant to, and/or involve transactions relating to, this agreement, including documents and electronically stored information in its or any of its subcontractors' or sub-recipients' possession, custody or control unless subject to a valid claim of privilege or otherwise legally protected from disclosure; and

ii. Interview any officer or employee of the Contractor regarding the activities and programs funded by ARRA.

Registration Requirements

DUNS Number Registration. Contractor agrees: (i) if it does not have a Dun and Bradstreet Data Universal Numbering System (DUNS) Number, to register for a DUNS Number within 10 business days of receiving this Contract; (ii) to provide the State with its DUNS number prior to accepting funds under this agreement; and (iii) to inform the State of any material changes concerning its DUNS number.

Central Contractor Registration. To the extent that Contractor is a Sub-Recipient, it agrees: (i) to maintain a current registration in the Central Contractor Registration (CCR) at all times this

agreement is in force, (ii) to provide the State with documentation sufficient to demonstrate that it has a current CCR registration, and (iii) to inform the State of any material changes concerning this registration.

FederalReporting.gov Registration. To the extent that Contractor is a Sub-Recipient, it agrees: (i) to register on FederalReporting.gov within 10 business days of receiving this subaward; (ii) to maintain a current registration on FederalReporting.gov at all times this agreement is in force; (iii) to provide the State with documentation sufficient to demonstrate that it has a current registration on FederalReporting.gov, and (iv) to inform the State of any material changes concerning this registration.

Reporting Requirements under § 1512 of ARRA

Contractor agrees to provide the State with data sufficient to fulfill the State's ARRA reporting requirements within the timeframes established by State or federal law, regulation or policy, including but not limited to section 1512 reporting requirements.

To the extent that Contractor is a Sub-Recipient with a Subaward having a total value of greater than $25,000, it agrees to report directly to the Federal government the information described in section 1512(c) of ARRA using the reporting instructions and data elements available online at FederalReporting.gov, and ensure that any information that is prefilled is corrected or updated as needed. Information from these reports will be made available to the public.

To the extent that Contractor is a Sub-Recipient with a Subaward having a total value of greater than $25,000, it accepts delegation of reporting responsibility of FFATA data elements required under section 1512 of ARRA for payments from the State. Sub-Recipient shall utilize the federal government's online reporting solution at www.FederalReporting.gov. Reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by ARRA.

To the extent that Contractor is a Sub-Recipient with a Subaward having an initial total value of less than $25,000, but is subsequently modified to exceed $25,000, Contractor agrees that subsections (b) and (c) above apply after the modification.

Buy American Requirements under § 1605 of ARRA

Contractor agrees that, in accordance with section 1605 of ARRA, it will not use ARRA funds for a project for the construction, alternation, maintenance, or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States in a manner consistent with United States obligations under international agreements. In addition to the foregoing Contractor agrees to abide by all regulations issued pursuant to section 1605 of ARRA.

Contractor understands that this requirement may only be waived by the applicable federal agency in limited situations as set out in section 1605 of ARRA and federal regulations issued pursuant thereto.

Wage Rate Requirements under § 1606 of ARRA

Contractor agrees that it will comply with the wage rate requirements contained in section 1606 of ARRA, which requires that, notwithstanding any other provision of law, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to ARRA shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. The Secretary of Labor's determination regarding the prevailing wages applicable in Rhode Island is available at http://www.gpo.gov/davisbacon/ri.html.

Contractor agrees that it will comply with all federal regulations issued pursuant to section 1606 of ARRA, and that it will require any subcontractors or sub-recipients to comply with the above provision.

Required Jobs Data Reporting under § 1512(c)(3)(D) of ARRA

Contractor agrees, in accordance with section 1512(c)(3)(D) of ARRA and section 5 of the June 22, 2009 OMB Reporting Guidance (entitled "Reporting on Jobs Creation Estimates and by Recipients"), to provide an estimate of the number of jobs created and the number of jobs retained by ARRA-funded projects and activities. In order to perform the calculation, the Contractor will provide the data elements listed in sub-section (b) below.

Contractor agrees that, no later than two business days after the end of each calendar quarter, it will provide to the State the following data elements using a form specified by the State:

i. The total number of ARRA-funded hours worked on this award.

ii. The number of hours in a full-time schedule for a quarter.

iii. A narrative description of the employment impact of the ARRA funded work. This narrative is cumulative for each calendar quarter and at a minimum, shall address the impact on the Contractor's workforce and the impact on the workforces of its subcontractors or sub-recipients.

Contractor agrees that, in the event that the federal government permits direct reporting of section 1512(c)(3)(D) jobs data by sub-recipients or vendors, it will directly report jobs data to the federal government, consistent with any applicable federal law, regulations and guidance.

Segregation of Funds

Contractor agrees that it shall segregate obligations and expenditures of ARRA funds from other funding it receives from the State and other sources, including other Federal awards or grants.

Contractor agrees that no part of funds made available under ARRA may be commingled with any other funds or used for a purpose other than that of making payments in support of projects and activities expressly authorized by ARRA.

Disclosure pursuant to the False Claims Act

Contractor agrees that it shall promptly refer to an appropriate Federal Inspector General any credible evidence that a principal, employee, agent, subcontractor or other person has committed a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving ARRA funds.

Disclosure of Fraud, Waste and Mismanagement to State Authorities

Contractor shall also refer promptly to the Rhode Island Department of Administration, Department of Purchases, any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has committed a criminal or civil violation of State or Federal laws and regulations in connection with funds appropriated under ARRA.

Prohibited Uses of ARRA Funds

Contractor agrees that neither it nor any subcontractors or sub-recipients will use the funds made available under this agreement for any casinos or other gambling establishments, aquariums, zoos, golf courses, swimming pools, or similar projects.

Contractor agrees that neither it nor any subcontractors or sub-recipients will use the funds made available under this agreement in a manner inconsistent with any certification made by the Governor or any other State official pursuant to the certification requirements of ARRA, which are published online at http://www.recovery.ri.gov/certification/.

Whistleblower Protection under §1553 of ARRA

Contractor agrees that it shall not discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosures by the employee of information that he or she reasonably believes is evidence of (1) gross mismanagement of an agency contract or grant relating to covered funds; (2) a gross waste of covered funds; (3) a substantial and specific danger to public health or safety related to the implementation or use of covered funds; (4) an abuse of authority related to the implementation or use of covered funds; or (5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

Contractor agrees to post notice of the rights and remedies available to employees under section 1553 of ARRA.

Please note that the State will strictly enforce compliance with all ARRA Requirements and these Supplemental Terms and Conditions. Accordingly, all Contractors should familiarize themselves with these Supplemental Terms and Conditions as well as all ARRA Requirements as they relate to this Contract.

DOE F 4600.2
(2/09)
All Other Editions Are Obsolete

APPENDIX B

U.S. Department of Energy
FEDERAL ASSISTANCE REPORTING CHECKLIST AND INSTRUCTIONS

1. Identification Number: DE-FOA-0000013	2. Program/Project Title: Recovery Act (ARRA) – Energy Efficiency and Conservation Block Grants – Formula Grants		
3. Recipient:			
4. Reporting Requirements:	Frequency	No. of Copies	Addressees
A. MANAGEMENT REPORTING ☐ Progress Report ☒ Special Status Report	A	Upload only 1 copy to the address in the next column at the interval specified in the previous column.	TBD
B. SCIENTIFIC/TECHNICAL REPORTING (Reports/Products must be submitted with appropriate DOE F 241. The 241 forms are available at www.osti.gov/elink) Report/Product — Form ☐ Final Scientific/Technical Report — DOE F 241.3 ☐ Conference papers/proceedings* — DOE F 241.3 ☐ Software/Manual — DOE F 241.4 ☐ Other (see Special Instructions) — DOE F 241.3 ** Scientific and technical conferences only*			
C. FINANCIAL REPORTING ☒ SF-425, Federal Financial Report	Q, F		TBD
D. CLOSEOUT REPORTING ☐ Patent Certification ☒ Property Certification ☐ Other (see Special Instructions)	F		TBD
E. OTHER REPORTING ☐ Annual Indirect Cost Proposal ☐ Annual Inventory Report of Federally Owned Property, if any ☒ Other – See Section 5 below:	Q, F, A		TBD

FREQUENCY CODES AND DUE DATES:

A - Within 5 calendar days after events or as specified.

F - Final; 90 calendar days after expiration or termination of the award.

Y - Yearly; 90 days after the end of the reporting period.

S - Semiannually; within 30 days after end of reporting period.

Q - Quarterly; within 30 days after end of the reporting period.

5. Special Instructions: Forms are available at https://www.eere-pmc.energy.gov/forms.asp.

Other Reporting is as follows:
Energy Efficiency and Conservation Strategy (if applicable)
ANNUAL REPORTS
ARRA – Performance Progress Report

See Federal Assistance Reporting Instructions on following pages for more details.

Please note: All quarterly reports are due no later than 30 days after the end of the reporting period. Because this award is funded under the Recovery Act, the ARRA Performance Progress Report is due no later than 10 days after the end of the reporting period.

Federal Assistance Reporting Instructions

Reporting requirements under the EECBG Program consist of the following types of reports:

SPECIAL STATUS REPORT

The recipient must report the following events by e-mail as soon as possible after they occur:

1. Developments that have a significant favorable impact on the project.

2. Problems, delays, or adverse conditions which materially impair the recipient's ability to meet the objectives of the award or which may require DOE to respond to questions relating to such events from the public. For example, the recipient must report any of the following incidents and include the anticipated impact and remedial action to be taken to correct or resolve the problem/condition:

   a. Any single fatality or injuries requiring hospitalization of five or more individuals.

   b. Any significant environmental permit violation.

   c. Any verbal or written Notice of Violation of any Environmental, Safety, and Health statutes or regulations.

   d. Any incident which causes a significant process or hazard control system failure.

   e. Any event which is anticipated to cause a significant schedule slippage or cost increase.

   f. Any damage to Government-owned equipment in excess of $50,000.

   g. Any other incident that has the potential for high visibility in the media.

FINANCIAL REPORTING

- FOR ALL RECIPIENTS: Submit a Quarterly Progress Report and the SF-425 Federal Financial Report. Instructions for the Quarterly Progress Report are below. The SF-425 is available at http://www.whitehouse.gov/omb/grants/index.html.

CLOSEOUT REPORTING

Property Certification

The recipient must provide the Property Certification, including the required inventories of non-exempt property, located at http://grants.pr.doe.gov.

EECS STRATEGY (for units of local government and Indian tribes only)

- FOR UNITS OF LOCAL GOVERNMENT AND INDIAN TRIBES: units of local government and Indian tribes that do not submit an Energy Efficiency and Conservation Strategy (EECS) with their application must submit one not later than one-hundred twenty (120) days after the effective date of the award. The EECS shall be a comprehensive strategy that covers, at a minimum, all items details in Attachment D as well as the following:

  - Jurisdictional area covered by plan and governing body and/or office with direct authority over plan
  - Plan implementation partners and any leverages funds from private or other public sources
  - Baseline energy use and GHG emissions inventory and forecast
  - Goals/objectives for total energy use and emissions reductions, and energy efficiency increase (including deployment of renewable technologies)
    - Goals can be qualitative
  - Actions/plans/strategies and implementation schedule to meet goals
    - Actions and strategies included in the plan can be eligible activities for use of funds under EECBG as well as activities that are ineligible; comprehensive planning is encouraged. The eligible activities should be marked as such.
    - Applicants are encouraged, in particular, to include the potential impact of anticipated leveraged funds from private as well as other public sources.
  - Expected outcomes and benefits of plan:
    - Jobs created and/or retained
    - Energy saved

- Renewable energy capacity
- GHG emissions reduced
- Funds leveraged

- Obstacles to reaching goals and strategies to remove obstacles
- Policies and/or administrative actions adopted or needed to support actions/plans/strategies/targets/schedule
- Evaluation, monitoring and verification plan
- Plan for how activities will be sustained beyond grant period
- Plans for the use of funds by adjacent eligible units of local governments that receive grants under the program; and plans to coordinate and share information with the state in which the eligible unit of local government is located regarding activities carried out using the grant to maximize the energy efficiency and conservation benefits under this part.
- Plans for how these funds will be coordinated with leverages funds, including other Recovery Act funds, to maximize benefits for local and regional communities.

ANNUAL REPORTS

- FOR UNITS OF LOCAL GOVERNMENT AND INDIAN TRIBES: Submit annual reports not later than two (2) years after the effective date of this award and annually thereafter. The annual report shall describe the status of development and implementation of the energy efficiency and conservation strategy and an assessment of energy efficiency gains within the jurisdiction of the eligible unit of local government or Indian Tribe. The annual report shall also address the metrics listed below.

- FOR STATES: Submit annual reports not later than one (1) year after the effective date of this award and annually thereafter. The annual report will include the metrics listed below as well as:
  - The status of development and implementation of the energy efficiency and conservation strategy of the state during the preceding calendar year;
  - The status of the subgrant program of the state;
  - Specific energy efficiency and conservation goals of the state for subsequent calendar years; and
  - Activities (list all programs created or supported by program funds and amount of program funds spent on each activity, indicate which programs are new and which are existing, indicate which programs are supported solely by program funds, and which have other funding sources.

ARRA PERFORMANCE PROGRESS REPORT
Failure to comply with this reporting requirement may result in termination of that part of the award funding by Recovery Act.

Not later than 10 days after the end of each calendar quarter, each recipient shall submit a report to the grantor agency that contains:

- The total amount of American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, covered funds received from that agency;
- The amount of American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, covered funds received that were expended or obligated to project or activities;
- A detailed list of all projects or activities for which American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, covered funds were expended or obligated including:
    - Name of project or activity
    - Description of project or activity
    - Evaluation of the completion status of project or activity
    - Estimate of number of jobs created and retained by project or activity *in the manner and form prescribed by DOE*
    - Infrastructure investments made by State and local governments, purpose, total cost, rationale or agency for funding infrastructure investment, name of agency contact.
    - Information on subcontracts or subgrants awarded by recipient to include data elements required to comply with the Federal Accountability and Transparency Act of 2006 (Pub. L. 109-282).

- Compliance: As a condition of receipt of funds under this Act, no later than 180 days of enactment, all recipients shall provide the information described above.

DOE intends to append the periodic ARRA – Performance Progress Report to include reporting on the following, at a minimum:

The results of the funding provided for the EECBG Program through the American Recovery and Reinvestment Act (ARRA) will be assessed according to the following performance metrics:

- Jobs created and/or retained
- Energy (kwh/therms/gallons/BTUs/etc.) saved
- Renewable energy generated
- GHG emissions reduced
- Cost savings

The metrics described below are designed to track the accomplishments of projects funded by EECBG. States must not include results reported by direct

grant recipients. Grant recipients will be presented with reporting requirements at the time they receive funding and will be expected to report their achievements in terms of the specified metrics presented below.

Grant recipients will be required to report quarterly on project expenditures, and also on specific activities and achievements, such as square feet of buildings retrofitted. These items tend to be outputs (actions taken by grant recipients) but also include some short-term outcomes (results achieved relatively soon after project outputs occur that lead toward attainment of ultimate project objectives).

Expenditures: Accurate records should be kept on project expenditures for all EECBG ARRA funded efforts. The specific information to be gathered and tracked is listed below. It will be the same for all project types:

- Expenditures for project activities
- Expenditures for administration
- Expenditures for evaluation
- Leveraged funds

Metrics Activity: The key metrics to be reported will vary by project type. The minimum information to be reported, by project activity type, is reported below.

Building Codes and Standards

- Name of new code adopted
- Name of old code replaced
- Number of new and existing buildings covered by new code

Building Retrofits

- Number of buildings retrofitted, by sector
- Square footage of buildings retrofitted, by sector

Clean Energy Policy

- Number of alternative energy plans developed or improved
- Number of renewable portfolio standards established or improved
- Number of interconnection standards established or improved

Building Energy Audits

- Number of audits performed, by sector
- Floor space audited, by sector
- Auditor's projection of energy savings, by sector

Energy Efficiency Rating and Labeling

- Types of energy-consuming devices for which energy-efficiency rating and labeling systems were endorsed by the grantee

Government, School, Institutional Procurement

- Number of units purchased, by type (e.g., vehicles, office equipment, HVAC equipment, streetlights, exit signs)

Industrial Retrofit Support

- Number of buildings retrofitted, by Industry Type
- Square footage of buildings retrofitted, by Industry Sector

Loans, Grants, and Incentives

- Number and monetary value of loans given
- Number and monetary value of grants given
- Number and monetary value of incentives provided

Incremental Cost for Efficiency and Design Elements in New Buildings

- Number and square footage of new buildings designed, by sector
- Number and square footage of new buildings constructed, by sector

Renewable Energy Market Development

- Number and size of solar energy systems installed
- Number and size of wind energy systems installed
- Number and size of other renewable energy systems installed

Financial Incentives for Energy Efficiency

- Monetary value of financial incentive provided, by sector
- Total value of investments incentivized, by sector
- Estimated impact of incentives on total investment made

Technical Assistance

- Number of information transactions contacts (for example, webinar, site visit, media, fact sheet) in which energy efficiency or renewable energy measure were recommended, by sector

Transportation

- Number of alternative fuel vehicles purchased

- Number of conventional vehicles converted to alternative fuel use
- Number of new alternative refueling stations emplaced
- Number of new carpools and vanpools formed
- Number of energy-efficient traffic signals installed
- Number of street lane-miles for which synchronized traffic signals were installed

Workshops, Training, and Education

- Number and type of workshops, training, and education sessions held
- Number of people attending workshops, training, and education sessions

Other Activities Not Previously Defined

- Pertinent metric information for any activity not defined above should be captured and included as needed

Short-term Outcomes (DOE will provide supplemental guidance on how to calculate these outcomes to ensure consistent approaches that results can be aggregated at a regional, State and national level):

Energy Savings (kwh equivalents)

- Annual reduction in natural gas consumption (mmcf) by sector and end-use category
- Annual reduction in electricity consumption (MWh) by sector and end-use category
- Annual reduction in electricity demand (MW) by sector and end-use category
- Annual reduction in fuel oil consumption (gallons) by sector and end-use category
- Annual reduction in propane consumption (gallons) by sector and end-use category
- Annual reduction in gasoline and diesel fuel consumption (gallons) by sector and end-use category

Job Creation/Retention

- Number
- Type
- Duration

Renewable Energy Capacity and Generation

- Amount of wind-powered electric generating capacity installed (MW)
- Amount of electricity generated from wind systems

(MWh)

- Amount of photovoltaic generating capacity installed (MW)
- Amount of electricity generated from photovoltaic systems (MWh)
- Amount of electric generating capacity from other renewable sources installed (MW)
- Amount of electricity generated from other renewable sources (MWh)

Emissions Reductions (tons) (CO_2 equivalents)

- Methane
- Carbon
- Sulfur dioxide
- Nitrogen oxide
- Carbon monoxide

Protected Personally Identifiable Information (PII)

Reports must not contain any *Protected* PII. PII is any information about an individual which can be used to distinguish or trace an individual's identity. Some information that is considered to be PII is available in public sources such as telephone books, public websites, university listings, etc. This type of information is considered to be Public PII and includes, for example, first and last name, address, work telephone number, e-mail address, home telephone number, and general educational credentials. In contrast, *Protected* PII is defined as an individual's first name or first initial and last name in combination with any one or more of types of information, including, but not limited to, social security number, passport number, credit card numbers, clearances, bank numbers, biometrics, date and place of birth, mother's maiden name, criminal, medical and financial records, educational transcripts, etc.