Department of Energy

§ 455.113 Grantee records and reports for technical assistance and energy conservation measure grants to institutions and coordinating agencies.

(a) Each unit of local government or public care institution which receives a grant for a technical assistance program and each school, hospital, and coordinating agency which receives a

completed since the most recent construction, reconfiguration, or utilization change to the building which significantly modified energy use, for each building;

(7) An update of the technical assistance program report if required by the State in its State Plan and as specified in §455.20(q);

(8) If the applicant is aware of any adverse environmental impact which may arise from adoption of any energy conservation measure, an analysis of that impact and the applicant’s plan to minimize or avoid such impact; and

(9) Additional information required by the applicable State Plan, and any additional information which the applicant desires to have considered, such as information to support an application for financial assistance in excess of the non-Federal share set forth in the State plan on the basis of severe hardship, or an application which proposes the use of Federal funds paid under and authorized by another Federal agreement to meet cost sharing requirements.

§ 455.111 Applicant certifications for technical assistance and energy conservation measure grants to institutions and coordinating agencies.

Applications for financial assistance for technical assistance programs and energy conservation measures, including renewable resource measures, shall include certification that the applicant:

(a) Is eligible under §455.61 for technical assistance or §455.71 for energy conservation measures;

(b) Has satisfied the requirements set forth in §455.110;

(c) For applications for technical assistance, has implemented all energy conservation maintenance and operating procedures recommended in the energy audit pursuant to §455.20(k), if done, and for applications for energy conservation measures, those recommended in the report obtained under a technical assistance program pursuant to §455.62. If any such procedure has not been implemented, the application shall contain a satisfactory written justification consistent with the State plan for not implementing that procedure;

(d) Will obtain from the technical assistance analyst, before the analyst performs any work in connection with a technical assistance program or energy conservation measure, a signed statement certifying that the technical assistance analyst has no conflicting financial interest and is otherwise qualified to perform the duties of technical assistance analyst in accordance with the standards and criteria established in the approved State Plan;

(e) When using borrowed funds for the non-Federal share of an energy conservation project where a lien is placed by the lender on equipment funded under the grant, will obtain clauses in the financing contract:

(1) Stating the percent of DOE interest in the equipment (i.e., the percent of the total cost provided by the grant); and

(2) Requiring lender notification, with certified return receipt requested, to the applicable Support Office Director of the filing of a lawsuit seeking a remedy for a default; and

(f) Will comply with all reporting requirements contained in §455.113.

§ 455.112 Davis-Bacon wage rate requirement.

When an energy conservation measure or group of measures in a building, funded under this part, has a total estimated cost for acquisition and installation of more than $5,000, any construction contract or subcontract in excess of $2,000, using any grant funds awarded under this part must include:

(a) Those contract labor standards provisions set forth in 29 CFR 5.5 and

(b) A provision for payment of laborers and mechanics at the minimum wage rates determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a) as set forth in 29 CFR part 1.
§455.113

grant for a technical assistance pro-
gram or an energy conservation mea-
ure, including renewable resource
measures, shall keep all the records re-
quired by §455.4 in accordance with this
part and the DOE Financial Assistance
Rules.

(b) Each grantee shall submit reports
as follows:

(1) For technical assistance pro-
grams, two copies of a final report of
the analysis completed on each build-
ing for which financial assistance was
provided shall be submitted, either
both to the State energy agency, or
one to the State energy agency, and
one to DOE as agreed upon between the
State and the DOE Support Office no
later than 90 days following completion
of the analysis. These reports shall
contain:

(i) The report submitted to the insti-
tution by the technical assistance ana-
lyst, and

(ii) The institution’s plan to imple-
ment energy conservation maintenance
and operating procedures;

(2) For energy conservation measure
projects:

(i) Semi-annual progress reports. Two
copies shall be submitted, either both
to the State energy agency or one to
the State energy agency and one to
DOE, as agreed upon between the State
and the DOE Support Office, no later
than the end of July (for the period
January 1 through June 30), and Janu-
ary (for the period July 1 through De-
cember 31) and shall detail and discuss
milestones accomplished, those not ac-
complished, status of in-progress ac-
tivities, and remedial actions if needed
to achieve project objectives. Reports
of coordinating agency grantees shall
include financial assistance which an
institution declines or does not use as
a result of a change in scope. A final
report may be submitted in lieu of the
last semi-annual report if it satisfies
the semi-annual progress report and
final report designated time frames;

(ii) A final report. Two copies shall
be submitted, either both to the State
energy agency or one to the State en-
ergy agency and one to DOE, as agreed
upon between the State and the DOE
Support Office, within 90 days of the
completion of the project and shall list
and describe the energy conservation
measures acquired and installed, con-
tain a final actual cost and a final esti-
mated simple payback period for each
measure and the project as a whole, or
a final savings-to-investment ratio for
each measure and the project as a
whole (depending on the State require-
ment), and include a statement that
the completed energy conservation
measures conform to the approved
grant application;

(iii) Annual energy use reports from
a representative sample to be selected
by the State which will reflect the
grantee’s actual post-retrofit energy
use experiences for 3 years after project
completion. Two copies of these reports
shall be submitted, either both to the
State energy agency or one to the
State energy agency and one to DOE,
as agreed upon between the State
and the DOE Support Office within 60 days
after the end of each 12-month period
covered in the reports and shall iden-
tify each building and provide data on
energy use for that building for the rel-
evant 12-month period. To the extent
feasible, energy consumption data in
each annual report should be the
monthly usage data by fuel or energy
type, and the reports should include
brief descriptions of any changes in
building usage, equipment, or structure
occurring during the reporting period.

(3) Each copy of any technical assist-
ance or energy conservation measure
report shall be accompanied by a finan-
cial status report completed in accord-
ance with the documents listed in
§455.3;

(4) In cases where both copies of the
grantee technical assistance, energy
conservation measure, and financial
status reports are submitted to the
State, as agreed upon between the
State and the DOE Support Office, the
State shall in turn submit copies to
DOE on a mutually agreed-upon sched-
ule; and

(5) Such other information as DOE
may from time to time request.