

EECBG Frequently Asked Questions

01. Will applications be accepted by Region VII that is postmarked by June 30, 2010?

No. Applications must be received in hand by end of business (EOB), on Wednesday, June 30, 2010.

02. Do member governments have to pass a resolution to apply for the WVEECBG funding?

Yes. The WVDOE requires having a resolution passed in order to accept awarded funding, however Region VII requires member governments to pass a resolution in order to apply as well. A copy of the resolution that was passed for application purposes will need to be attached with the EECBG application when submitted to Region VII.

03. Can member governments get a waiver for the Buy American requirement if no American produced products are available for our application?

See information provided below.

Is there a waiver on the Buy American requirements if the cost of material of foreign materials is 25 percent less than United States materials?

Yes, however it requires submission of an exception request to, and approval by U.S.DOE, after which it must be published in the Federal Register. This process has occurred in only very limited instances. This is from a U.S.DOE publication, BUY AMERICAN ISSUES IN THE RECOVERY ACT FOR FINANCIAL ASSISTANCE AGREEMENTS: (<http://management.energy.gov/documents/ARRAGuideAttachment10v1.pdf>)

Are there exceptions to the Buy American restrictions?

Yes, there are exceptions where inclusion of iron, steel, or manufactured goods produced in the United States will increase the cost of the project by more than 25 percent;

How are exceptions processed?

Before Recovery Act funds are awarded by the Federal agency or obligated by the recipient for a project for the construction, alteration, maintenance, or repair of a public building or public work, an applicant or recipient may request from the award official a determination concerning the inapplicability of the Buy American restrictions for specifically identified items. The Recovery Act refers to this determination as a waiver of the Buy American

provisions. A prospective applicant requesting a determination regarding the inapplicability of the Buy American restrictions for lack of quantity or quality, increase of cost of the project by more than 25 percent, or inconsistency with the public interest, should submit the request to the award official in time to allow a determination before submission of applications or proposals. The prospective applicant shall include the information and applicable supporting data required by 2 CFR 176.140(c) and (d) in the request. If an applicant has not requested a determination regarding the inapplicability of the Buy American restrictions before submitting its application or proposal, or has not received a response to a previous request, the applicant shall include the information and supporting data in the application or proposal. Exceptions must be approved by the Head of the agency, and published in the Federal Register.

04. Are we required to follow the State Historical Preservation Office (SHPO) process even if our building is less than 25 years old?
Yes. You are required to fill out the SHPO checklist and attach a cover letter stating ARRA EECBG funding is involved, so that the SHPO review is expedited. You must also receive clearance from SHPO prior to the submission of the application to Region VII regardless of the age of the facility. The point of contact for SHPO is Aubrey Vonlindern. She can be contacted at (304) 558-0220 or Aubrey.C.Vonlindern@wv.gov.
05. We have several projects that involve window replacement. Do you have any information on historic windows?
Window replacement in historic buildings can result in a prolonged SHPO review, especially when vinyl windows are requested. Last year WVDOE spoke with Dennis Sizemore, the county administrator of Raleigh County about their direct-funded EECBG program for window replacement at the Raleigh County Court House. They had been in contact with a couple of companies about their windows and historic preservation. Our suggestion is that windows in compliance with SHPO guidance (wooden windows) be selected.
- General Preservation Corporation - <http://www.generalpreservation.com/>
The commission is working with GPC. They are a major player having done several state capitols and a large number of other buildings including the Fayette, Boone and Mercer county courthouses in WV.
 - Hurd Windows <http://www.hurd.com/>.
 - Kolbe Millwork <http://www.kolbe-kolbe.com/>

There are many other companies performing these services. These are only examples of what solutions are on the market.

06. Can the EECBG funding be used on government leased buildings? Some member governments have leases on facilities for a 99 year term.
All buildings must be owned and operated by the relevant city or county government. Leased buildings are not eligible.

07. Can EECBG funding be used on building commission owned facilities? This particular building commission is appointed by the County Commission. Since the building commission is an appointed body of the County Commission, it will meet the criteria that all buildings must be owned and operated by the relevant city or county government.

08. Is a list of vendors that supply American produced products going to be supplied?
No. It is the responsibility of the local government applicant to insure through their vendor that the project materials meet the Buy American clause. This can be done through stipulating the requirement in contracts and requesting a bill of materials be supplied by the vendor.

09. Who will be responsible to make sure the contractor is using the American produced products?
The grantee and the vendor contractor will be responsible in insuring that products are American produced. The grantees should require their contractors to provide them a bill of materials for the project in the contract process that will verify they meet Buy American. The grantee should have the agreement and bill of materials for audit purposes if requested.

What information on the Buy American provision are the RPDCs and local governments required to maintain?

U.S.DOE does require compliance with Buy American provisions. RPDC's and participating local governments must sign the EECBG special terms and conditions that they will meet Buy American conditions. WVDOE recommends that local governments require their contractors to also agree to those conditions and require contractors to provide a bill of material in their bid package to assure Buy American compliance.

10. How will the reimbursement process work? Will the member governments pay for the invoice and then get reimbursed from Region VII? Or can the invoice be sent to Region VII for the invoice to be paid? The member governments are concerned with the turnaround time of getting invoices paid in a timely manner.

All EECBG grant award payments will be on a reimbursement basis. Member governments shall send the invoice and Region 7 will submit for funds to be released to Region 7. Unless there are unforeseen delays, there should be an adequate turnaround on the funds to avoid local upfront payment. Project invoices from the member governments shall be sent to Region VII as often as a project has invoices to submit.

What is the estimated time required for invoice reimbursement by the WVDOE to the local government for payment of contractors?

The WVDOE anticipates a 30-day period to reimburse the RPDC's after invoices are received. Payment will be by mailed check to the RPDC. It will be the responsibility of the RPDC to reimburse the local governments for costs incurred.

11. Can member governments apply even if they do not attend the mandatory pre-application meeting?

Member governments must attend a mandatory pre-application meeting in order to submit applications. Some member governments had scheduling conflicts and contacted Region VII prior to the meeting dates. These member government will be attending an additional meeting set-up to accommodate the conflicted schedule.

12. Do we have to pay the higher of the two wage rates, Davis Bacon or prevailing wage?

Yes. The higher of the two wages must be paid in order to meet current regulations.

Where can we find more information on Davis Bacon?

Below are some very good EECBG-specific Davis Bacon Act websites.

The official USDOE Davis Bacon Act guidance:

http://www.eecbg.energy.gov/Downloads/EECBG_Program_Guidance_DBA_121709.pdf

An excellent FAQ on the Davis Bacon Act:

<http://www.eecbg.energy.gov/davisbacon.html>

13. Can member governments use force account?

No. Member governments cannot use force account for labor costs.

14. Can member governments apply for more than one project?

Yes. Member governments can send in multiple applications on government owned facilities. WVDOE recommends one application per building, for example, an application for a city hall and another application for an annex.

15. Do member governments have a better chance of receiving funding if projects are separated into smaller projects on one application.

WVDOE advises member governments to send one application per building. If the building contains multiple projects, it is advised to separate stand alone projects with cost proposals and rank those sub-projects in order of preference. Funding may be available for one or multiple sub-projects depending on the number of applications and the funding available.

16. When will the projects be awarded?

Project applications shall be submitted to Region VII from member governments in hand by end of business (EOB), on Wednesday, June 30, 2010. After June 30th, a private sector review committee will rank and make project recommendations. These recommendations will be bundled and sent to the WVDOE no later than July 30, 2010. The WVDOE expects to award projects no later than September 30, 2010.

17. What role does the West Virginia University Industrial Assessment Center (WVU IAC) play in the project?

The West Virginia Industrial Assessment Center (WVUIAC) will provide information on energy efficiency opportunities to the member governments. A survey developed by WVU was included in the packet of information previously mailed out. The survey was designed as a “stand-alone” survey to provide the information needed to allow WVU IAC staff to evaluate the project. Their services are free of charge to the member governments; however they need to be contacted early with as much information as can be provided them. The point of contact for this program is Ed Crowe. He can be contacted at (304) 293-2867 or Ed.Crowe@mail.wvu.edu.

18. Who will conduct the wage interviews?

Region VII will help conduct wage interviews, depending on the number of projects submitted. Region VII will provide training and support to member governments to conduct wage interviews themselves if needed.

19. Will member governments be more receptive to receiving funding if they have matching money?

There is no match required with this program; however, if your project has a local investment, it possibly would be more competitive.

20. Will Region VII be submitting applications that will equal to more than the amount of funding available, with the WVDOE making the final decision as to which projects that will be funded?

For now, WVDOE prefers that our local review committee determine total project cost to come as close to the total allocation as possible.

21. Will member governments be required to procure services through competitive bidding?

Local governments will comply with all State and Federal procurement regulations, policies, guidelines and requirements of OMB Circular A-87 and U.S. Department of Energy 600 Regulations. It is assumed its current process will meet those standards.

22. Are member governments required to fulfill MBE/WBE requirements?

Yes. See additional response below.

Is minority-preference in hiring a requirement of the program?

Yes. Local governments will follow the Federal requirements as set forth in DOE Assistance Regulations, 10 CFR 600.236 which provides guidance on MBWE in procurement of goods and services. For local governments, this includes following the guidelines of 10 CFR 600.236 (e) which in part states: (e) Contracting with small and minority firms, women's business enterprise and labor surplus area firms.

(1) The grantee and sub grantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

- (i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- (iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
- (v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- (vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

23. How will projects be handled if there are under runs or over runs on the project if the amount of applications awarded equals the amount of total funding available? If changes occur while the project is underway and the contract deadline cannot be met, can a project receive a contract extension? Are there procedures to allow for cost overruns/underruns. Can a local government reallocate unused funds for an additional project. Will the local government be responsible for any overrun costs connected with the project?

Contract extensions will not be allowed under the stimulus program. WVDOE anticipates that projects will take into consideration the possibilities for delays and build those into their project timeframes. Should a project have funds remaining at the end of project, the unused funds will be available for reallocation by the RPDC during the budget period. Should a cost overrun occur, the local government applicant is responsible for completion of the funded project.

24. Is roof replacement eligible under the program?

No. The WVDOE has been granted a NEPA Categorical Exclusion for this program. The Exclusion and RPDC contractual statement of work limit eligible activities to the following: installation of insulation; installation of efficient lighting; heating, venting, and air conditioning (HVAC); high-efficiency shower/faucet upgrades; weather sealing; installation of solar powered appliances with improved efficiency; and replacement of windows and doors. For example, Installation of insulation above a ceiling is an eligible cost however, replacement of the roof is not an eligible cost.

25. Are waste disposal costs incurred during a project eligible? Are additional reporting requirements necessary?

A local government may include the costs of specific waste disposal incurred in an approved project. All federal and state regulations and laws must be met in the removal and disposal of waste generated as a result of the project. As stated in the contractual statement of work, "Participating cities and counties must agree to maintain proof of proper solid waste disposal as defined in Title 33-07 of the West Virginia Code of State Regulations and provide copies of these documents to the RPDC's. These documents will demonstrate that any sanitary or hazardous wastes generated as a result of the project have been delivered to an approved waste facility for disposal. The RPDC's will be required to have this information available to the WVDOE for monitoring purposes upon request. WVDOE will make the documentation available to U.S.DOE upon request."

26. How will applicants and RPDC's calculate BTUs saved and jobs saved?

The U.S.DOE has developed a calculator for these required estimates. It is [http://www.eecbg.energy.gov/Downloads/ARRA Benefits Reporting Calculator.xls](http://www.eecbg.energy.gov/Downloads/ARRA_Benefits_Reporting_Calculator.xls) WVDOE will provide further information on reporting as it becomes available.

27. Are replacement of existing toilets with energy-efficient toilets an eligible activity?

The State of West Virginia signed the EECBG NEPA categorical exclusion document which states: "Provision of grants to nonprofit organizations and governmental agencies for the purpose of performing energy efficiency retrofits, provided that: Projects Are Limited To: installation of insulation; installation of efficient lighting; heating, venting, and air conditioning (HVAC) and high-efficiency shower/faucet upgrades; weather sealing; installation of solar powered appliances with improved efficiency; and replacement of windows and doors."

WVDOE is confining eligible activities to those in the NEPA document. Therefore, energy efficient toilets are not eligible

28. Are three bids required for contracts performed with EECBG monies? What occurs if only one bid is received?

RPDC's and their local government subcontractors will comply with all State and Federal regulations, policies, guidelines and requirements of OMB Circular A-87 and U.S. Department of Energy 600 Regulations. If a local government follows all proscribed regulations and only receives one bid, it has met the necessary requirements to proceed.

29. Are all Energy Star appliances allowed under this program?

This is in regard to the purchase of ENERGY STAR appliances as an allowed expense in the EECBG program. While it is an allowable cost under the NEPA categorical exclusion document signed by this office, WVDOE does not feel that it sufficiently supports the program's primary goal of reducing the energy consumption and energy costs in West Virginia local government buildings. Furthermore many of the appliances identified by ENERGY STAR (HVAC, windows, doors, insulation and weather-sealing materials) are already identified as eligible activities. For these reasons, WVDOE will not recognize the purchase of ENERGY STAR appliances as an eligible activity.

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