Energy Efficiency and Conservation Block Grant (EECBG)
Frequently Asked Questions (FAQ)

Current as of March 9, 2010

State of Michigan EECBG FAQ

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Reporting

1. When do you expect to have the customized reporting forms available?
   - ***Customized forms are being sent to grantees as completed with a target date of having all sent by 3/19/2010. The first reporting quarter ends 3/26/2010, with reports due on 4/2/2010.***

2. In a multi-jurisdictional agreement, does the fiduciary have to do the reporting for themselves and their partners?
   - ***Yes. The lead municipality (i.e., the one receiving the grant agreement) is responsible for all reporting to the State.***

3. If we received two project grants, do we have to report them separately?
   - ***Yes. Reporting must be done separately for communities that received both an LED Demonstration and a Multi-Purpose project award.***

Reimbursement

1. Is the monthly reimbursement option something that needs to be approved by the Grant Administrator, or can the grantee choose to submit the required documents monthly, as needed?
   - ***A monthly arrangement doesn't need to be approved by the Grant Administrator, but if you let your Grant Administrator know that you prefer monthly reporting, they will customize your reports to the monthly format vs. quarterly.***

Bidding/Purchasing

1. Will an earlier competitive bidding process that resulted in a selected qualified contractor be acceptable for work under this project?
   - ***This question is situational and depends on several factors such as the time frame and project for which the bidding took place. Contact your Grant Administrator for a case-by-case review and response.***

2. We bid energy audit services as part of building our grant application. Can we still use those bids or do we have to re-bid after our grant is signed and in effect?
   - ***In this specific case, bidding was done for the project described in the grant proposal. As long as you have proof that competitive bidding took place, this is acceptable***.

3. What if we have a signed agreement for an Energy Audit in the grant?
   - ***As long as there is a clause in the agreement that qualifies that the activity will take place ONLY IF the grant is awarded, this is acceptable. You can not obligate grant funds before the agreement is signed.***

4. How do we deal with the Buy Michigan Preference in our bids? Do we assign "points" in our evaluation criteria for reviewing bids?
   - ***Buy Michigan is not a requirement of your grant agreement, but if your municipality would like to give preference to local vendors, it can do so.***

5. Is lowest bidder selection required?
   - ***No.***

6. Can a consultant be hired and paid from the grant to write up specifications and review bids and make a recommendation to the Board?
   - ***Yes, if this contracted activity was described in your approved proposal. If not, contact your Grant Administrator to submit an amendment request.***

7. What if the bids come back higher than the grant funds? Can we back out of the project at that point and still have the grant pay the expenses of the consultant?
   - ***Whenever a grantee determines that it cannot proceed <u>or</u> that it is unwise to proceed with project planning or implementation, an immediate written notification must be sent to the State grantor agency. Any request for reimbursement of incurred expenses with justification should also be sent promptly for a State determination and grant close out. Contact your Grant Administrator for more guidance.***

8. What about equipment that has already been bid by the state? Can we use that price?
   - ***Yes. See http://www.michigan.gov/localgov/ for more information.***

9. Can we put language in the RFP that the contractor must wait for reimbursement from the State?
   - ***Your payment schedule with your contractors may be developed at your discretion.***

10. Are there specific requirements for the bidding process?
    - ***You are liable for complying with your municipality's bidding process. The State does not have any specific requirement for the competitive bidding process.***

11. When can equipment be purchased from vendors?
    - ***As soon as the authorized representative signs your grant agreement.***

12. What is the process for requesting sole source vendor approval?
    - ***Contact your Grant Administrator with your justification for wanting to use a sole source vendor. The Grant Administrator will coordinate the request and response.***

13. Will DELEG be providing us with any templates for ARRA requirements to be included in RFPs?
    - ***No, but most of the required language regarding ARRA can be copied from your grant agreement. For the most up-to-date EECBG Program Guidance, see the U.S. DOE website at www.eecbg.energy.gov.***

14. Is it the grantee's responsibility to check the "register of employers failing to correct an unfair labor practice" from the United States National Labor Relations Board?
    - ***Yes.***

15. Where can I find an updated TEA list?
    - ***www.michigan.gov/eormes***

16. Do I have to send an RFP to the entire TEA list?
    - ***No.***

Budget

1. Is there an issue if match/leverage in any category falls short of what was initially indicated?
    - ***Possibly. If leverage expenditures are less than indicated in the proposal, grant funds may be reduced proportionally. However, you can make up for leverage shortages in one line item by increasing leverage in another line item.***

2. Can certain grant administration functions be contracted if we include this cost in the budget?
    - ***Yes. If contract administration was included in your original proposal; if not, contact your Grant Administrator to amend your grant agreement***

3. Do leveraged amount increases have to be approved?
    - ***Only grant funded increases need to be approved.***

4. If we are now able to purchase more fixtures than we were before because of price or technology changes, is this a budget amendment or a project scope change?
    - ***Please contact your Grant Administrator to determine what kind of amendment is needed.***

5. If a lighting project comes in under budget, is it possible to add more lights to the project in order to utilize the entire grant amount?
   - ***Yes, it's possible, but you would need to send a written request (email is acceptable) to your Grant Administrator for review of the pertinent details. Please see section 2.4 of your grant agreement.***

Media/Publications

1. Are there logo requirements (i.e. ARRA, DELEG) for promotional materials?
   - ***Yes. Contact your Grant Administrator for an electronic copy of the logo.***

2. What if a news article reported quotes comments form a public meeting or a reporter asks for comment?
   - ***We are only reviewing program information released to the public by grantees. Other news sources are not subject to this review and approval.***

3. Is there a draft sample press release with verbiage you want?
   - ***No, however, there are several sentences that need to be included along with the logo in all press releases issued by grantees. Contact your Grant Administrator for these.***

ARRA Requirements

Davis-Bacon Act

1. Does Davis-Bacon apply to in-house labor, for example, county maintenance personnel that may perform labor?
   - ***Davis-Bacon does not apply to employees of state or local government that will be performing the labor.***

2. How do we specifically get Davis-Bacon rates or numbers? Are they by section of the state such as Southwest Michigan? Are they by county or by state?
   - ***General guidance on the Davis-Bacon provisions for EECBG recipients is available at the federal U.S. DOE website:*** **www.eecbg.energy.gov.**

3. Can time sheet due dates be adjusted to reflect the actual pay periods of the entity?
   - ***No. All contractor time sheets must be submitted weekly.***

4. We're going to bid out the project and pay the contractor. He will pay his employees. How does Davis-Bacon apply in this case?
   - ***All contracts that you issue with ARRA funds have to abide by the same regulations as your grant agreement. So Davis-Bacon is applicable to your contractors' employees.***

5. Does Davis-Bacon apply to municipal utilities?
   - ***Yes, although not in all cases. We are checking and will update this response as soon as possible.***

6. Does an activity such as simply changing light bulbs require Davis-Bacon wages?
   - ***If it is done by a contractor, yes.***

7. Will supply companies fall under Davis-Bacon or just the installers?
   - ***Under the American Recovery and Reinvestment act of 2009 (ARRA), Davis-Bacon Act (DBA) requirements apply only to laborers and mechanics employed by contractors and subcontractors on construction projects funded in whole or in part by ARRA.***

8. Do Engineering Consultants fall under the Davis Bacon requirements?
   - **No.**

9. Do Davis-Bacon rates apply to Technical Energy Analyses?
   - **No.**

10. Is the individual contractor responsible to report directly to DELEG or to DELEG through us?
    - ***The contractor will report through the grantee.***

11. Does the grantee have to split their payroll into weeks to comply with the Davis-Bacon requirement?
    - ***No. The grantee's personnel expenses will be reported with the scheduled quarterly reports. Only contractors subject to Davis-Bacon need to have payroll reported weekly.***

12. Will we be submitting numbers or timesheets for the contractors?
    - ***You are to submit timesheets.***

Buy American Act

1. Is the list of designated countries in the Buy American provisions okay to purchase from?
   - ***Yes.***

2. Is there a list of vendors for the Buy Michigan preference that we should start with?
   - ***Although Buy Michigan is not a requirement of the grant agreement, grantees may choose to support local vendors. A helpful place to visit for vendor lists is www.ccr.gov.***

3. If a vendor's fixtures are manufactured in the USA, but the parts are imported from foreign countries, does this qualify under Buy American?
   - ***There is no requirement with regard to the origin of components or subcomponents in manufactured goods used in a project, as long as the manufacturing occurs in the United States. (See 2 CFR 176.70(a) (2) (ii)).***

4. Are small items such as screws and wire subject to the Buy American provision?
   - ***The* De Minimus waiver *of the Buy American provisions identifies items that don't have to be included in Buy American as items with "literally thousands of miscellaneous…components" and items that are "generally low cost." Examples given are nails, bolts, screws, and wire.***

National Environmental Policy Act (NEPA)

1. Do we need documentation from the contractor where old equipment went?
   - ***Yes, regardless of who does the work, documentation of the material's final location must be provided (i.e. scrap yard, recycling location/collection point).***

2. If we hire an electrical contractor to perform certain tasks with replacement of lighting fixtures and they are held responsible for disposal of all removed fixtures and/or bulbs are we still required to submit a Waste Disposal Plan?
   - ***Yes, as part of our due diligence, we will still need to document how the material was properly disposed of or recycled. Fluorescent lamps and ballasts are considered a hazardous waste if not recycled properly so it is important that your community document these materials even if you have a contractor who handles this part of your operations. If these materials were later found to be illegally disposed of, you could still potentially be found liable for cleanup costs as well as damages.***

3. Can your office provide us with a list of businesses that fulfill the requirements of deposit of old equipment and light bulbs, etc.?
   - ***Yes, absolutely, if you have specific questions about the waste you are generating as a result of your project and how to handle and***

dispose/recycling of it, please feel free to contact Mr. Jeff Spencer at spencerj3@michigan.gov.

Another useful resource is the Michigan Recycled Materials Market Directory found at http://www.michigan.gov/dleq/0,1607,7-154-25676_55217-230130--,00.html

4. If we already had discussion on a waste disposal plan in our application, do we still have to submit a plan and supporting documentation?
   - ***Yes, we need a plan to show us how the grantee intends to dispose or recycle the waste generated by their project. Most of these plans will be less than a page. When the activity actually takes place the grantee needs to document that (i.e. manifests, receipt, etc.).***

5. What is the best way to get a chain of custody for waste materials?
   - ***The best way to obtain the proper documentation is to require the information as part of your contract or agreement. If the material is going to landfill, get the receipts from the landfill. A recycling facility will have similar documents as well. If you are keeping the equipment (i.e. lighting structures), simply provide a statement to that effect.***

6. Is a written plan for waste material disposal required if the project activity was identified as a categorical exclusion documented in Attachment A of the original grant documents?
   - ***Yes, a written plan is required under all circumstances. Once again, this plan is simply a statement describing how the material or waste will be handled. This can be a written document (usually less than a page) or an email will also satisfy the requirement.***

7. When do we submit the waste management plan?
   - ***You can submit your plan at any time prior to generating or creating the waste. These plans can be sent directly to your Grant Administrator or to Jeff Spencer at spencerj3@michigan.gov.***

State Historic Preservation Office (SHPO)

1. Does the grant award indicate that the requirements of SHPO are met for the proposed projects?
   - ***No. Those who have applicable SHPO conditions have been or will be contacted individually by SHPO staff.***

Miscellaneous

1. How do we access the hyperlinks for the resources given at the webinars?

   - ***An electronic copy of the PowerPoint presentation will be available online at our EECBG website. Many of the links shown in the PowerPoint were also included in the companion packet, which was distributed electronically and will also be available for download on our website.***

2. When will we find out who our Grant Administrator is?

   - ***Your grant agreement cover letter provides the name and contact information. Also, there is a list of Grant Administrators by grant included in the updated webinar packet which is now available for download on our website.***

3. When can we start tracking time on the grant?

   - ***As soon as your grant agreement has been signed/accepted.***

4. What is CCR and how do I/can I use it?

   - CCR is a registration database that municipalities can register with in order to search for vendors/contractors. Registration is required in accordance with your grant agreement.

   - For more information, please visit the following sites:

   - ***https://www.bpn.gov/ccr/grantees.aspx***
   - ***https://www.bpn.gov/ccr/Handbook.aspx***