



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

COMMUNITY ENERGY MANAGEMENT PROGRAM

REQUEST FOR PROPOSALS

Issue Date: October 5, 2023

Amendment: June 26, 2024

Response Due: Rolling until **December 31, 2024**

**Michigan Department of Environment, Great Lakes, and Energy
525 West Allegan Street
Lansing, Michigan 48933**

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Amendments

All changes to the Request for Proposals (RFP) as a result of this amendment are shown in highlighted text.

Amendment No.	Date	Description of Amendment
01	January 25, 2024	The purpose of this amendment to the RFP is to add United States Department of Energy – State Energy Program (SEP) funding that is the result of the Bipartisan Infrastructure Law, as enacted in the Infrastructure Investment and Jobs Act, as an additional funding source. This amended RFP also clarifies eligible and ineligible projects, includes additional eligible projects under the Energy Efficiency and Conservation Block Grant (EECBG) Program blueprint, and increases project award amounts.
02	June 26, 2024	The purpose of this amendment to the RFP is to extend the current application deadline of June 30th, 2024, to December 31 st , 2024, or until all the funds are expended. The deadline is being extended because there are still funds available for the program.

Table of Contents

PART I GENERAL INFORMATION	2
I-A Purpose	2
I-B Program Description	2
I-C Grant Award	4
I-D Eligibility Criteria	5
I-E Ineligible Projects	6
I-F Issuing Office and Point of Contact	7
I-G Changes to the RFP and Responses to Questions	7
I-H Proposals.....	7
I-I Response Date.....	7
PART II INFORMATION REQUIRED FROM APPLICANTS.	8
II-A Online Application.....	8
II-B Approved Budget Form	8
II-C Certificate of Indirect Costs	11
PART III SELECTION CRITERIA	11
III-A Proposal Selection.....	12
III-B Project Clarifications/Revisions	12
III-C Rejection of Proposals.....	12
III-D Acceptance of Proposal Content	12
PART IV ADDITIONAL INFORMATION	13
IV-A Acceptable Match Types	13
IV-B SIGMA Vendor Registration	13
IV-C News Releases.....	13
IV-D Disclosure of Proposal Contents	13
IV-E Copyrighted Materials.....	13
IV-F Prime Applicant Responsibilities	13
IV-G Partner Responsibilities.....	14
IV-H State Historic Preservation Office (SHPO) Section 106 Review Form.....	14
IV-I National Environmental Policy Act (NEPA) Form.....	14
IV-J Davis-Bacon Act Requirements.....	14
IV-K Build America, Buy America Act Requirements.....	15

Community Energy Management Program Request for Proposals

PART I GENERAL INFORMATION

I-A Purpose

The Michigan Department of Environment, Great Lakes, and Energy's (EGLE) Energy Unit is offering grants for communities to improve energy management and accelerate the implementation of energy efficiency and renewable energy for local governments and tribes. This program is part of the EGLE Catalyst Communities Initiative to provide resources to local public officials as they prepare for climate impacts on emergency response and public health, and support Governor Gretchen Whitmer's climate change priorities through measurable reductions in greenhouse gas emissions in line with the [MI Healthy Climate Plan](#). The State anticipates the grant period will begin January 1, 2024, and will end August 31, 2025.

I-B Program Description

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) protects Michigan's environment and public health by managing air, water, land, and energy resources, and is focused on addressing climate change, diversity, equity, and inclusion. In fiscal year (FY) 2024, EGLE will provide grants to support community energy management in an effort to minimize energy waste, improve energy cost, and reduce greenhouse gas emissions. Applicants must consider the following program objectives, priorities, and tasks in the planning of their proposal.

1. Program Objectives

- a. Assist in advancing local governments' energy-related activities,
- b. Promote energy planning to ensure strategic implementation of energy-related activities,
- c. Promote energy benchmarking and auditing to increase understanding of energy use,
- d. Promote energy efficiency upgrades in appliances, lighting, and building envelopes to reduce energy use and costs,
- e. Promote the adoption of renewable energy systems to reduce energy costs and improve public and environmental health,
- f. Promote community engagement, outreach, and education to increase

public awareness and involvement in energy-related activities.

2. Program Priorities

- a. Showcasing energy waste reduction and/or renewable energy as an affordable, reliable, adaptable, and environmentally protective solution for Michigan's energy future. Energy waste reduction, as defined in Public Act 342 of 2016, includes energy efficiency, load management, and energy conservation.
- b. Use of energy audit/assessment results, from a recognized provider such as the [RESTART](#) program to guide energy efficiency investments.
- c. Driving down the installed cost/watt for renewable energy in Michigan.
- d. Increasing accessibility to renewable energy and/or energy waste reduction and the associated benefits for a broad range of end-users.
- e. Strategic deployment of renewable energy and/or energy waste reduction across the state that leverages regional strengths and opportunities.
- f. Increasing opportunities for business investment, talent enhancement, state branding, and community vitality.
- g. [Reducing transportation sector emissions and operation costs through fleet electrification.](#)
- h. [Increasing access to publicly available electric vehicle \(EV\) charging stations, making it possible for more members of the community to switch to EVs.](#)
- i. Support the goals of the MI Healthy Climate Plan.

3. Applicant Tasks

*NOTE: Applicants must clearly and succinctly explain how they will accomplish each required task below **during the grant period.***

- a. Determine where the applicant is at in the [Energy Management Process](#).
- b. Select the following task(s) that the applicant seeks to complete with this proposal:
 - i. Develop energy plans, policies, and/or ordinances.
 - ii. Track building energy data with Energy Star Portfolio Manager.
 - iii. Conduct energy audits.
 - iv. Analyze building energy performance.
 - v. Identify opportunities for energy and cost savings.
 - vi. Perform energy efficiency upgrades.
 - vii. Install renewable energy systems.

- viii. Host energy-related community engagement opportunities.
 - ix. Develop fleet replacement and/or charging infrastructure plans.
 - x. Purchase alternative fuel vehicles, including EVs and plug-in hybrid vehicles.
 - xi. Install electric vehicle supply equipment (EVSE), including charging infrastructure.
 - xii. Implement financial incentive programs, including rebates and energy savings performance contracts.
 - xiii. Support workforce development and curriculum design, including the implementation of classroom or virtual training programs.
 - xiv. Carry out other energy-related activities.
- c. Determine the applicant's next steps in the Energy Management Process.
 - d. Ensure proper and best use disposal of materials used or removed through the project work (recycling, vehicle scrapping/selling, electronic waste disposal, etc.).

I-C Grant Award

A total of \$5,850,000 in funding is available through the U.S. Department of Energy (DOE)'s State Energy Program (SEP) and Energy Efficiency Conservation Block Grant Program (EECBG). \$150,000 of this total is available through the SEP's annual allocation, \$3,000,000 is made available through the SEP's Bipartisan Infrastructure Law (SEP BIL) allocation, and the remaining \$2,700,000 is made available through the DOE's EECBG program. The minimum and maximum grant award size for these allocations is:

1. Minimum individual grant award is **\$5,000**.
2. Maximum individual grant award is **\$100,000**.

At least 40 percent of the total program funding will be granted to entities located in disadvantaged census tracts according to the [Climate and Economic Justice Screening Tool](#). Applicant(s) must provide a complete Budget using the [Approved Budget Form](#) (See Section II-B). Budgets must be itemized and be accompanied by a budget narrative which adequately describes each budget category. This is a reimbursement-based opportunity, costs must be incurred and paid for before they are reimbursed. The grant(s) awarded from this Request for Proposals (RFP) will be subawards of the State's federal award from the DOE's SEP, the DOE's [SEP BIL](#), and the DOE's [EECBG](#). As such, the grant will adhere to all federal grant requirements.

Match is not required for this opportunity; however, applicants are encouraged to

provide documentation on any applicable match or leveraged funds for the project. Reference Section IV-A for details on acceptable match types.

The Energy Unit will award funds to applicants that agree to the terms set forth in this RFP and the [Grant Agreement](#). The Energy Unit, an entity within the Department of Environment, Great Lakes, and Energy (EGLE), will be the primary contact with selected applicants to negotiate the scope of work, budget, reporting periods, report format, and reporting content. All other requirements are non-negotiable. Funds must be expended by August 31, 2025.

I-D Eligibility Criteria

For the SEP portion of the funds any local government, tribal government, or other public service entity physically located in Michigan is eligible to apply. For the EECBG portion of the funds, any local government or tribal government physically located in Michigan that did not receive direct EECBG funding allocations is eligible to apply (see the [Local Government EECBG Funding Allocations](#) or the [Indian Tribe EECBG Funding Allocations](#) for a list of direct recipients). At least 40 percent of the program funding will be granted to entities located in disadvantaged census tracts according to the [Climate and Economic Justice Screening Tool](#). At this time, public schools and universities are not eligible to apply for the CEM program. Former Community Energy Management Program recipients must wait at least one program year following their most recent award before being eligible to apply again.

Eligible projects must involve/address energy management, energy efficiency, renewable energy, fleet electrification, EV charging infrastructure, sustainable financing solutions, and/or clean energy workforce development. Potential projects may include, but are not limited to:

1. Creating or updating plans, policies, and/or ordinances to include energy systems, green building standards, climate change adaptation, and resiliency.
2. Benchmarking energy usage, water usage, and greenhouse gas emissions.
3. Energy efficiency assessments, including ASHRAE Level I or II audits.
4. Energy efficiency upgrades, such as lighting fixture replacements, HVAC upgrades, building insulation improvements, window, and door retrofits, etc.
5. Renewable energy projects, such as site and project savings assessments, stakeholder engagement, installation of solar panels and battery storage, etc.
6. Development of climate, sustainability, energy efficiency, renewable energy, fleet replacement, or EV charging infrastructure strategic plans.
7. Implementation of financial incentive programs, including rebates and energy savings performance contracts for existing facilities; grants and loans to

- support energy efficiency, renewable energy, and sustainable transportation projects; loan loss reserves; interest-rate buy down programs; PACE programs; and loan guarantees.
8. Installation of Level 1, Level 2, or Direct Current (DC) Fast Charging infrastructure, and other related EVSE.
 9. Purchasing alternative fuel vehicles, plug-in hybrids, and electric vehicles.
 10. Workforce assessments and program design, including the implementation of classroom or virtual training programs, and/or curriculum development.
 11. Public engagement, education, program promotion, and/or outreach.
 12. Support for staff capacity, trainings, and/or workshops

NOTE: Renewable energy projects will only be considered after all, or a majority of, energy efficiency upgrades have been completed as identified in an ASHRAE Level II audit and that fall under the NEPA categorical exclusions.

NOTE: Installation of EVSE, including testing measurements to assess the safety and functionality of the EVSE (restricted to existing footprints within an existing parking facility, defined as any building, structure, land, right-of-way, facility, or area used for parking of motor vehicles which would not require any ground disturbance). All activities must use reversible, non-permanent techniques for installation, and where appropriate, use the lowest profile EVSE reasonably available that provides the necessary charging capacity. EVSE shall be placed in minimally visibly intrusive area; use colors complementary to surrounding environment, where possible, and be limited to the current electrical capacity. This applies to Level 1, Level 2, and Level 3 (also known as Direct Current [DC] Fast Charging) EVSE for community and municipal fleets.

Eligible projects must involve/address the applicable tasks set forth in Section I-B(3). Impacted facilities must be occupied and have long range plans of continued use. All eligible applicants must provide a Unique Entity Identifier (UEI) number from the System for Award Management (SAM.gov) website. **UEI registration can take up to 10 business days to become active.**

I-E Ineligible Projects

1. Projects deemed illegal under the law or inappropriate under contract management standards.
2. Projects considered scientifically unsound or significantly increase risks to workers and/or the public.
3. Projects that will not be conducted in Michigan.
4. Projects involving demonstration of non-commercially available equipment

- and technologies.
5. Projects that cannot be shared with or have restricted transferability to other entities in Michigan.
 6. Projects not directed to or lacking significant onsite energy waste reduction and/or renewable energy benefits.
 7. Projects requiring an environmental assessment study under the [National Environmental Policy Act \(NEPA\) of 1969](#) (Title 42 of the United States Code (U.S.C.) Section 4321 *et seq.*), unless the applicant can show proof of the DOE's approval of the project.
 8. Infrastructure projects wherein the construction materials, manufactured products, and iron and steel are not produced in the United States (See Section IV-K).
 9. **Renewable energy projects greater than 60kW DC for solar arrays and/or 1,000 kWh of battery storage.**

I-F Issuing Office and Point of Contact

This RFP has been issued by EGLE's Energy Unit. Questions that arise as a result of this RFP must be submitted to the Energy Unit by email only. All questions must be submitted on or before 5:00 p.m. (ET), May 1, 2024. All questions regarding this solicitation should be directed to:

Cody Evans
EvansC26@Michigan.gov

I-G Changes to the RFP and Responses to Questions

Written answers to questions, changes, and/or clarifications will be posted on the program webpage by May 15, 2024.

I-H Proposals

To be considered, applicants must submit a complete response to this RFP, addressing the Program Objectives, Program Priorities, and Applicant Tasks listed in the Program Description I-B, and using the format and attachments provided in Part II.

I-I Response Date

Proposals will be accepted until all funding is expended, or until 5:00 p.m. EST, December 31st, 2024, whichever comes first. Awards will be granted on a first come, first served basis, at the discretion of the Energy Unit and program priorities.

PART II

INFORMATION REQUIRED FROM APPLICANTS.

The following information must be submitted by all applicants to be considered. Failure to attach/include the requested information will result in the rejection of the proposal.

1. [Online Application](#) (see link and instructions below)
2. [Approved Budget Form](#) (see link and instructions below)
 - a. If an indirect cost rate is used in the budget, the [Certificate of Indirect Costs](#) (included in the Proposal Worksheet) must be selected, signed, and submitted (see link and instructions below) [if applicable]
3. Material certification [if applicable]
4. Documents of previous energy management work [if applicable]
5. Price estimates or quotes for the proposed project [if applicable]
6. Most recent copy of the A-133 or outside audit OR the most recent financial statements (balance sheet and income statement). Applicants that receive cumulative federal funding of over \$750,000, or that receive a single state award over \$500,000 are required to provide an A-133 single audit [if applicable]
7. [State Historic Preservation Office \(SHPO\) Section 106 Review Form](#) (see link and instructions below) [if applicable]
8. [National Environmental Policy Act \(NEPA\) Form](#) (see link and instructions below) [if applicable]
9. [Build America, Buy America Waiver Request Form](#) (see link and instructions below) [if applicable]

Please see instructions below for additional information:

II-A Online Application

Complete the [Online Application](#). Questions marked with an asterisk (*) require a response. Applicable materials listed in Section II must be uploaded within the Online Application. Applicants can submit their completed Online Application by clicking the “Submit” button on the bottom of the application page.

NOTE: DO NOT CLOSE THE ONLINE APPLICATION PRIOR TO SUBMITTING, OR ELSE ALL PROGRESS WILL BE LOST.

II-B Approved Budget Form

1. Applicant(s) must use the [Approved Budget Form](#). All budget categories must be addressed. Please use “N/A” or “None” to indicate there are no costs

associated with a given budget category.

2. The following costs are **disallowed**: sick pay, holiday pay, paid vacation time, payroll taxes, vehicles, computers, real property (e.g., land and buildings), parking, tuition reimbursement/remission, vehicle allowance, car rental, subscriptions, dues, memberships, and repair of buildings and structures.
3. All applicants must provide a **minimum 0 percent (0%) match** of the total requested grant funds (aka “State share”). The sum of the State share plus the recipient share will equal the total allowable project cost.
4. **Personnel** – include all staff performing work on the project. For each staff person, provide their name, job title, annual salary/wages, and percent of time dedicated to the grant project.

NOTE: The State will require [Davis-Bacon Act](#) or prevailing wage rates to be paid.

5. **Fringe Benefits** – allowable benefits typically include health insurance, dental insurance, and optical insurance. For each listed staff person, provide their fringe benefit rate, and confirm their annual fringe benefit cost. Applicants will be required to detail/justify the fringe rates given in their proposed budget prior to an agreement being finalized. If fringe cost rates are approved by a federal agency, identify the agency and date of latest rate agreement, and include a copy of the rate agreement with the application. If fringe cost rates are not approved by a federal agency, explain how total fringe benefit costs were calculated. Your calculations should identify all rates used along with the base they were applied to (and how the base was derived), and a total for each (along with the grand total).
6. **Contractual Services** – include all anticipated service contracts required for the project. All sub-recipients, vendors, contractors, and consultants and their estimated costs should be identified. Provide the vendor or contract name, the service to be provided, and the dollar amounts to be paid using grant funds and/or matching funds. Use to be determined if the entity is unknown. Include the basis of cost for each item (competitive, historical, quote, catalog, etc.).
7. **Supplies & Materials** – include items costing less than \$5,000 per unit or a useful life expectancy of less than one year. Supplies are generally consumed during the project performance. Supply items must be direct costs to the project and not duplicative of supply costs included in the indirect pool that is the basis of any indirect rate applied for this project. Provide the item, unit cost, and quantity of units. Confirm the matching funds amount, if applicable.
8. **Equipment** – include items costing \$5,000 or more per unit and having a useful life of one year or more. Provide the item, unit cost, quantity of units, and the dollar amounts to be paid using grant funds, and/or matching funds.

List all proposed equipment and briefly justify its needs as it applies to the objectives of this proposal. If the equipment is being proposed as cost match and was previously acquired, provide the value of its contribution to the project and a rationale for the estimated value shown. If it is new equipment that will retain a useful life upon completion of the project, provide a rationale for the estimated value shown. Also, indicate whether the equipment is being used for other projects or is 100% dedicated to this project. Equipment purchases will require additional documentation, such as Lien or Uniform Commercial Code Filing, and the State of Michigan listed as the lienholder/creditor for 5 years prior to reimbursement.

9. **Other Direct Costs** – include all other known direct costs not otherwise categorized or disallowed. Provide the title/name and the cost of each item/service listed.
10. **Travel** – include all mileage, lodging, meals, and other known travel costs. Provide travel costs separately as mileage, lodging, meals, and other known travel costs. All listed travel must be necessary or beneficial to the performance of the proposed project. State of Michigan travel rates must be used for all travel expenses. The most recent State of Michigan Travel Rates are posted by the [Michigan Department of Technology, Management & Budget](#).
11. **Indirect Rate** – provide the indirect rate (up to 10 percent maximum) used by applicant's organization as a percentage of the **total direct cost**. If the applicant's indirect cost rate has been approved by a federal agency, identify the agency, date of the latest rate agreement, and submit a copy of the agreement with the application.
NOTE: Applicant(s) will be required to justify their indirect rate given in their budget if it exceeds 10 percent. Additionally, all applicants including an indirect rate must sign and submit a [Certificate of Indirect Costs](#).
12. **Incurring Costs** – The State is not liable for any costs incurred by an applicant prior to issuance of a [Grant Agreement](#). The following documentation will be required by selected applicants to receive reimbursement:
 - a. Receipt/Invoice or payroll summary for cost incurred.
 - b. Proof of payment via bank statement, ACH payment, or scanned cashed check.*NOTE: All match types (cash, in-kind, third-party) will be held to the same documentation requirements.*

Additional Budget Information:

1. In the event of a partially funded proposal, selected applicant(s) will be

required to submit a revised proposal before entering into a Grant Agreement. The proportion of direct costs to indirect costs will remain the same as in their original request. *New line items to the revised budget are not allowed.*

2. Selected applicant(s) assumes the responsibility for ensuring the grant project is performed within the established timeline.
3. If the entire State share of the grant award is expended, the entire in-kind and/or matched funds must be spent and supported by source documentation. If the entire State share of the grant award is not spent, the in-kind and/or matched funds may be reduced proportionately by the percentage of the grant award not spent.
4. Selected applicant(s) may not commingle award funds with current or future awards received from the DOE. Financial assistance from each funding source must be managed, reported, and accounted for separately from all other funding sources.
5. Should selected applicant(s) cease business operations or dissolve the program established under the grant agreement, existing capital must be returned to the State of Michigan.

II-C Certificate of Indirect Costs

If an indirect cost is included in the proposed budget, it must be certified using the [Certificate of Indirect Costs](#). The certificate must be signed on behalf of the organization by an individual at a level no lower than vice president or chief financial officer of the organization that submits the proposal. This certification is included within the proposal worksheet and must be checked to certify.

PART III SELECTION CRITERIA

All proposals received shall be subject to an evaluation by EGLE's Energy Unit. The evaluation will be conducted in a manner appropriate to select the applicant(s) for the purpose of entering into a [Grant Agreement](#) to perform the proposed project within the established timeline. Initial screening of the applications will be conducted to ensure applicants and projects meet all eligibility requirements.

Proposals failing to meet the eligibility requirements described in Section I-C, that do not comply with the requirements of the Grant Agreement, and/or which are incomplete, **will be rejected automatically**. Proposals meeting the eligibility requirements will be evaluated according to the scoring criteria and weighting factors below.

III-A Proposal Selection

Submitted applications will go through an eligibility evaluation and risk assessment. Awards will be given at the discretion of the Energy Unit and program priorities on a first come, first served basis until all the funding is committed or until the application deadline of June 30, 2024. Priority will be given to applicants who are in disadvantaged census tracts, identified through the Climate and Economic Justice Screening Tool, and/or have not received CEM funding in the past two years.

III-B Project Clarifications/Revisions

During the proposal review process, applicants may be contacted for clarification and for the purpose of negotiating changes in project activities, timetables, and budgeted costs. The Issuing Office reserves the right to award funds for an amount other than that requested and/or request changes to, or clarification of, the proposed project.

III-C Rejection of Proposals

EGLE's Energy Unit reserves the right to reject any and all proposals received as a result of this RFP or to negotiate separately with any source whatsoever in any manner necessary to serve the best interest of the State and the Energy Unit. The Energy Unit will not pay for the information solicited or obtained as a result of a consultant/vendor's response to any RFP.

III-D Acceptance of Proposal Content

The contents of this RFP and the proposal of the selected applicant become grant obligations if a grant award ensues. Failure of the selected applicant to accept these obligations shall result in cancellation of the award.

The successful applicant(s) will be required to accept all terms and enter into a Grant Agreement with the State within 45 calendar days of being notified of funding availability. The Agreement consists of standard contract language, applicant's work plan, timetable, and budget information, a compensation clause that adheres to guidelines in this solicitation, and terms and conditions that outline additional requirements.

PART IV

ADDITIONAL INFORMATION

IV-A Acceptable Match Types

Applicants may use cash, bond proceeds, tax-exempt leasing and/or Michigan SAVES financing for some or all of their match, and those that do will receive favorable consideration. Match may be categorized as in-kind or monetary from a third-party, or in-kind or monetary from the applicant organization. Match is subject to the same backup documentation as expenses incurred.

IV-B SIGMA Vendor Registration

All selected applicants must be registered as a vendor of the State of Michigan on the SIGMA Vendor Self Services (VSS) before entering into a Grant Agreement. If you are an existing vendor and have an account in [Sigma VSS](#), please verify that all your account information is correct. If not, please use the [Sigma VSS](#) to register. This website is for the exclusive use of the vendors and individuals intent on doing business with the State of Michigan and allows you to be paid in the event that you are awarded a contract. **Your registration may take up to two weeks to be processed.**

IV-C News Releases

News releases (including promotional literature and commercial advertisements) pertaining to the Grant or project to which it relates must not be made without prior written State approval, and then only in accordance with the explicit written instructions of the State.

IV-D Disclosure of Proposal Contents

All information in a bidder's proposal and any Grant resulting from this RFP is subject to the provisions of the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231, *et seq.*

IV-E Copyrighted Materials

See Section VI of the [Grant Agreement](#) for a summary of intellectual property provisions.

IV-F Prime Applicant Responsibilities

The selected applicant will be required to assume responsibility for all grant activities offered in the proposal whether or not that applicant performs them. Further, the State will consider the selected applicant (Recipient) to be the sole

point of contact with regard to grant matters, including but not limited to payment of any and all costs resulting from the anticipated grant. If any part of the work is to be subcontracted, the Recipient must notify their Grant Manager and identify the subcontractor(s), including firm name and address, contact person, complete description of work to be subcontracted, descriptive information concerning subcontractor's organizational abilities, Federal Employer Identification Number (FEIN), UEI number, and/or state license number. The State reserves the right to approve subcontractors for the project and to require the Recipient to replace subcontractors found to be unacceptable. The Recipient is totally responsible for adherence by the subcontractor to all provisions of the Grant. For additional information, see Section VII and VIII of the [Grant Agreement](#) for a summary of delegation provisions.

IV-G Partner Responsibilities

Organizations partnering with selected applicant(s) must comply with the requirements of the solicitation and will be held to the same standards as prime applicants.

IV-H State Historic Preservation Office (SHPO) Section 106 Review Form

If the applicant is conducting ground-disturbing activity or work on a building(s) that is/are at least fifty years of age or older, applicant must complete in full the State Historic Preservation Office Application for Section 106 Review. The review process must be completed prior to the expenditure of federal funds. No project that results in an adverse effect to a historic property will be considered for funding. Projects may be modified to avoid adverse effects. **Submit this form with your proposal. EGLE's Energy Unit will review and forward to the State Historic Preservation Office, as necessary.**

IV-I National Environmental Policy Act (NEPA) Form

All activities undertaken with grant funds must comply with the [National Environmental Policy Act \(NEPA\) of 1969](#) (42 U.S.C. Section 4321 *et seq*). It is the Recipient's responsibility to acquire all necessary environmental permits to operate in the State of Michigan. **Submit this form with your proposal for review.**

IV-J Davis-Bacon Act Requirements

The Davis-Bacon Act requires that all laborers and mechanics that are non-government employees receive prevailing wages. This requires that the

Department of Labor wage rate report is included with agreements that are affected by the Davis-Bacon Act requirement. If applicable, all positions that are related to an agreement subject to the Davis-Bacon Act must be classified accordingly. Weekly time reporting requirements and necessary forms are listed in the Grant Agreement, Addendum to Part II. Detailed information about the Davis Bacon Act can be found at the [U.S. Department of Labor website on federal Contracts-Working Conditions](#).

IV-K Build America, Buy America Act Requirements

The [Build America, Buy America Act \(BABA\)](#), enacted as part of the [Infrastructure Investment and Jobs Act](#), established a domestic content procurement preference for all federal financial assistance obligated for infrastructure projects after May 14, 2022.

Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

1. All iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States,
2. All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
3. All construction materials¹ are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable

¹ Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

“Construction materials” includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is or consists primarily of:

- Non-ferrous metals,
- Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables),
- Glass (including optic glass),
- Lumber, or
- Drywall.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

Waiver Process

When necessary, an applicant may request a waiver from the BABA requirements. This request must be first submitted to EGLE since EGLE is the prime recipient of the federal funds. EGLE will then review the waiver request, and if warranted, submit it to the DOE. Waiver requests are subject to review by the DOE and the Office of Management and Budget (OMB), as well as a public comment period of no less than 15 calendar days. Waiver requests will be made publicly available on the DOE’s and OMB’s websites. The DOE may reject or grant waivers in whole or in part depending on its review, analysis, and/or feedback from OMB or the public. Waiver requests may take up to 90 calendar

days to process. **To be considered for a waiver from the BABA requirements, submit [this form](#) with your proposal for review.**

NOTE: A proposal that fails to meet the BABA requirements without an approved waiver request will not be eligible for funding.