



Community Conservation Challenge Program Guidelines

Thank you for your interest in the Indiana Office of Energy Development (OED) 2011 Community Conservation Challenge (CCC) program. CCC is a program that offers financial assistance to non-residential entities for projects that reduce an organization's energy consumption. CCC grants provide funding of from \$25,000 to \$500,000 for the implementation of highly leveraged, unique, and visible community energy conservation projects.

This document is intended to provide guidance and assist in completing the accompanying application. Included in this guidance are the CCC Guidelines, Awardee Responsibilities, and Terms and Conditions.

CCC applications may be submitted electronically anytime between October 11 – November 10, 2011. All applications will be reviewed competitively following the close of the grant application period. You will be notified if any information is missing or if more information is required for a complete analysis during the review process. The review process is expected to take a few weeks.

There will be multiple program managers for the Community Conservation Challenge program. Please direct your questions to the appropriate staff member based upon your project type. Due to an anticipated high volume of phone calls, for a quicker response, please submit your questions by email.

Energy Efficiency & Sustainability

Megan Murray
Program Manager
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Renewable Energy & Vehicle Technologies

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Program Manager
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For any other questions, please contact:

Molly Whitehead, Grants & Finance Director
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Introduction

Energy efficient retrofits, renewable energy projects, and vehicle retrofits can help conserve energy and manage costs. In a time of rising energy costs and increased energy supply volatility, it is vital to our economic future to decrease energy consumption and lower long term energy costs. To support these efforts, the Indiana Office of Energy Development is soliciting applications for the Community Conservation Challenge program from eligible entities for the implementation of community-wide energy projects. Projects must use commercially available technologies that reduce energy consumption, petroleum consumption, costs, and emissions.

The purpose of the Community Conservation Challenge is to assist eligible entities in creating and implementing strategies to:

- increase energy efficiency, reduce energy consumption and reduce energy costs through energy improvements or fuel reduction;
- reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities;
- spur economic growth and community development
- educate and facilitate public awareness on the value of energy efficiency, renewable energy, and/or alternate fuel vehicle technologies; and
- leverage funds and resources of multiple organizations and public entities to maximize benefits

OED anticipates approximately \$1.2 million will be available under the Community Conservation Challenge (CCC) program, however OED reserves the right to award zero (0) awards under this solicitation. The minimum funding requested must be \$25,000 and \$500,000 at most.

Only one proposal may be submitted per applicant. Cost share is not required, but applicants are strongly encouraged to leverage funds above the requested grant amount.

Program Requirements

Funding Objectives

OED seeks applications which:

- Leverage the participation and support of multiple community organizations and agencies;
- Prioritize energy efficiency, energy conservation, renewable energy, and/or alternate fuel technologies;
- Move beyond the planning stage with projects that are ready for implementation;
- Possess an innovative element, whether through unique partnerships, financing mechanisms, and/or educational value.

Eligible Applicants

Eligible applicants include any non-residential entity. Nonprofits must be classified as either a 501(c)(3) or 501(c)(6). Entities must provide proof of ownership or nonprofit status (i.e. Articles of Incorporation or proof of non-profit status).

Non-Indiana entities must be registered to do business with the Indiana Secretary of State (If not registered, please see the following form at <http://www.in.gov/icpr/webfile/formsdiv/38784.pdf>)

Eligible Projects

All projects must meet these minimum requirements, without exception:

- Project must be located in Indiana
- Demonstrate measurable improvements in energy efficiency or renewable energy, result in a reduction in energy demand, result in a decrease in fuel consumption or petroleum reduction, *or* implement an energy recycling process;
- Project must use existing reliable, commercially-available technologies;
- Project must be visible in some form;
- Costs must occur following award but before the draw down date of May 15, 2012;
- Grant request must be a minimum of \$25,000 and a maximum of \$500,000; and
- All applicants must be in compliance with state and federal rules and regulations. To find out what permits may be necessary for your business, visit the IDEM Permit Wizard at <http://www.in.gov/idem/4218.htm>.

Types of projects include:

- Alternative fuel vehicles (on-road only); see description on next page
- Biomass
- Energy efficiency, including building envelope projects such as HVAC or lighting, as well as traffic signals
- Combined heat and power

- Geothermal
- Hydropower
- Solar, including solar hot water
- Waste management and recycling
- Water systems
- Wind

Any projects that do not fit under this list are ineligible for funding.

Buildings must be:

- Owned by the applicant *or*
- If leased, the applicant must obtain a letter from the building owner acknowledging their willingness to allow the applicant to make changes to the building

Vehicles

On-road, light, medium, and heavy duty vehicle fleets are also eligible for funding. This includes only the following vehicles:

- Electric
- Natural gas
- Propane
- Electric hybrid vehicles
- Hydraulic hybrid vehicles
- Duel fuel vehicles, including natural gas or propane combined with diesel or regular gasoline (must run 50% of the time on alternative fuel)

A fleet is classified as five (5) or more vehicles, and the applicant must already own these five (5) vehicles prior to applying for the CCC program. The applicant must also provide proof of ownership of these vehicles in the application's attachment section. Leased vehicles are ineligible for funding.

Fueling infrastructure is ineligible for funding. Applicants should provide OED with proof of availability of the current fueling infrastructure or proof that construction is underway and will be completed by May 15, 2012.

Partnerships

As this is a community-based program, successful applicants should forge partnerships with at least one other entity. Applicants must formalize that relationship through a Memorandum of Understanding (MOU), which must be submitted with the grant application. At the very least, this MOU should address project financing, building usage, and responsibility for reporting to OED. OED will not provide a draft MOU or guidelines. Partnerships must be formalized prior to application. Applicants will not be allowed to conduct their own selection process if awarded (i.e. subgrant, manage grantees in place of OED, etc.).

Cost Share and Leveraged Funds

A cost share is not required for this program. OED strongly encourages applicants to leverage other funds in lieu of a cost share. Applicant, partner, or in-kind contributions are eligible to be counted as leveraged funds.

If funds are leveraged, applicant must provide documentation in the attachments section of the application. For instance, use of in-house labor could be considered an in-kind contribution, but the applicant must demonstrate that the laborer has the capacity to perform the services (i.e. maintains appropriate certifications) and document the value of the in-kind contribution (i.e. number of hours, hourly rate, etc.).

Any leveraged funds must be a part of the overall project. For instance, if a retrofit will cost \$100,000, the applicant may ask for \$75,000 under this program and may chip in \$25,000 of its own funds.

Ineligible leveraged funds:

- Other state or federal funds
- Tax incentives or utility rebates
- Funds are not a part of the actual project (i.e. "we spend \$500,000 on personnel costs each year")

Grant recipients who leverage funds will receive additional points in the scoring process. This will be based on an overall percentage of funds leveraged.

Application Process

The CCC application must be completed and submitted through OED's online grant management system at <https://extranet.in.gov/oed/grants/default.aspx>. Applications submitted through other means will not be accepted. The application will be open until 11:59 pm EST, and time extensions will not be granted. OED staff will be available until 3 pm EST on November 10th to answer any questions or to assist with any problems. Do not wait until the very last day to open your grant application.

Please be aware that the grants management system will log you out after 10 minutes of inactivity. We recommend you save your application periodically to avoid losing any of your data.

The grant management system will request several attachments to be uploaded. Please include only one attachment per section. For example, if you are asked to provide equipment information, it should be in one .pdf file, even if there are multiple pages.

Only one application per applicant will be accepted. However, project partners, excluding the official applicant, may partner on more than one application.

The applicant is responsible for all costs and expenses associated with submitting this proposal. Administrative costs, such as those related to grant writing, project management, and grant reporting, will not be reimbursed and should not be included in the grant request. These costs may be counted as leveraged funds, however.

OED may request additional information after submission from an applicant to further evaluate an application. Failure to adequately address the request will cause OED to score the application as is, which could affect an applicant's overall score and/or eligibility.

OED expressly reserves the right to modify or withdraw this request for applications at any time, whether before or after applications have been submitted.

NEPA

All projects receiving financial assistance from DOE must be reviewed under the National Environmental Policy Act (NEPA) of 1969-42 U.S.C. Section 4321 et seq. If selected for potential award, OED will work with the applicant to facilitate the NEPA review, if necessary. Please note that projects that involve significant ground disturbance (i.e. geothermal) may take longer to receive NEPA approval.

Historic Preservation (Section 106 Review)

Please see Appendix A for information about this process.

DUNS Number

All applicants must have a DUNS number to be eligible. If your organization does not have a DUNS number, go to the Dun & Bradstreet (D&B) online registration located at <http://fedgov.dnb.com/webform/displayHomePage.do> to receive a number free of charge or call 1-800-234-3867. Please be aware that this process may take up to 10 days. Failure to submit a DUNS number with your application will render your application ineligible for scoring and funding.

Attachment Guidelines

General guidelines:

- Only include one attachment per section, as requested; this includes Attachment #10.
- In the application, do not redirect us to your attachments section, but still complete the application's questions as requested.

Attachment 1: Project Narrative – Supplemental Documents

Please provide a narrative summary of the proposed project. The project narrative must not exceed 20 pages, including charts, graphs, maps, photographs, and other pictorial presentations, when printed using standard 8.5" by 11" paper with 1 inch margins (top, bottom, left, and right), single spaced, 12 point font. Save this information in a file named and upload to application through the Grant Management System. This attachment does not take the place of you providing OED with the requested information in the online system.

Attachment 2: Quotes

Please provide a quote from each project installer and contractor to support your budget and grant request. Each quote must break down costs by equipment, labor, engineering, and site preparation. Please note that project management or administrative costs are not an eligible, reimbursable cost.

Attachment 3: Letters of Commitment

Please provide supporting documentation for all claims of leveraged funds and project financing. This can be in the form of a bank statement, a letter from bank extending a line of credit, grant award notice, etc.

In addition, please provide a letter of commitment or support for each project stakeholder and source of leveraged funding. Total leveraged funding and financing, together with grant request, must equal or exceed the project cost outlined in the Attachment 2: Quotes.

Attachment 4: Project Calculations & Audit

Please document the calculations and assumptions made to calculate the energy savings and payback of the proposed project. If an energy audit or survey was used to inform calculations and project decisions, please attach it.

Attachment 5: Technical Sheets

Please include technical/spec sheets that detail the product specifications for the proposed equipment.

Attachment 6: Energy Conservation Strategy

The process of becoming more energy efficient should not be limited to a one-time capital expenditure. Please provide a summary outlining your organization's current or planned energy conservation strategy or sustainability initiatives. There is no special format you must adhere to.

Attachment 7: Section 106 Assurance

Please provide a copy of the letter received from the State Historic Preservation Office (SHPO), which indicates no significant finding of historic property or significant alteration to historic structures. If not in receipt of this letter, please provide a copy of the materials that you have sent to the SHPO for review.

Appendix A contains the information needed for the Sec. 106 process. Failure to start this process by the time of application will deem the project ineligible for funding.

Attachment 8: Organization Documentation

Please provide proof of business ownership, your lease, and/or non-profit status. Please also include documentation certifying being a registered entity with the Indiana Secretary of State.

Attachment 9: Signature Page

Please provide a signed copy of the signature page, which you can find in Exhibit B of these guidelines.

Attachment 10: Other Attachments

Please use this field to attach additional documents that support your application. These may include, but are not limited to, site drawings or memorandums of understanding. This should be one document.

Scoring & Award Process

Evaluation Criteria

Applications shall be considered for grant funding by OED. The following criteria, among others, will be considered during the administrative and technical review:

- Energy cost savings
- Grant experience
- Energy conservation strategy
- Public visibility and/or educational value of project
- Distribution of project benefits
- Leveraged funds
- Partnership structure and collaboration
- Ability to start and complete project within specified timeframe
- Thoroughness & quality of application

As this is a community-based program seeking leveraged projects, more points will be allocated to projects that have a community and/or educational component and have leveraged funds outside of the requested grant amount.

Previous Applications

The following comments are indicative of those typically made during the scoring process.

Successful applicants/projects:

- Thorough application
- Positive impact on community
- Multiple locations proposed
- Appreciated community-wide approach
- Educational component
- Sought in-kind donations/leveraged funds

Unsuccessful applicants/projects:

- Long payback
- Did not follow program guidelines
- Inherently a good cause, but did not actually explain community benefit
- Demonstration project
- No energy conservation strategy
- Lacked community involvement

Awards & Reimbursement

OED anticipates awarding between 2-20 grants through the CCC program. OED expects to notify awardees approximately 4 weeks following the close of the grant application period.

Please be aware that partial funding can be awarded, and applicants awarded partial funding may not appeal the decision made by OED. If this is the case, applicants will be responsible for providing the additional funding for the project if they wish to move forward.

If awarded, the applicant must inform OED of its acceptance or refusal of funds within three (3) days from original notification of award. Failure to notify OED of the acceptance or refusal of funds will result in the applicant becoming ineligible for further application for grant funding.

Grants are awarded on a reimbursement-basis only. No exceptions will be made. This means that after the grant agreement has been executed with the State, the grantee can then submit appropriate documentation to OED and will be reimbursed for eligible expenditures. Reimbursement can be requested as a lump sum or in progress payments.

Additional details will be provided on this process if the applicant is awarded funds.

Recipient Responsibilities

While the below responsibilities, terms, and conditions are not exhaustive and intended to substitute for the awardee reading and understanding of the contract between their entity and the State of Indiana, they provide an example of the behavior and deliverables expected by OED and the U.S. Department of Energy.

Reporting Requirements

Grant recipients will be required to submit one report each quarter and a final report due thirty days after the grant's expiration. Quarterly reporting will commence within three months of award. Reporting will be done electronically. The report will detail activities/results such as timelines, budget information including grant monies received, the items listed below, and a narrative on the project's progress. These results/activities are provided by the grant recipient in the form of quarterly reports, which are due to OED within 15 days following the end of each quarter. A final progress report will also be due; this report will summarize the entire project.

The specifics of reporting timelines and requirements will be explained further in the contract signed by the applicant upon award.

Reporting requirements include:

- Funds leveraged
- Buildings retrofitted and square footage of those buildings
- Energy savings
- Cost savings

Failure to comply with the reporting requirement by report tardiness or failure to provide sufficient information may result in repayment of the grant funds as well as affect the viability of any future applications from the grantee. Please seriously consider the reporting requirements before application submission to ensure your ability to comply.

Maintain Communication

The grant recipient shall maintain communication with the Office of Energy Development for the duration of the grant agreement. The grant recipient is obligated to report any changes in the project scope, budget, installation date etc. with OED as soon as they become aware of the changes. Failure of the grant recipient to report any changes in the activities, scope, or budget of their project once awarded constitutes a breach of contract on the part of the grant recipient and will jeopardize the receipt of grant funds.

The grant recipient shall acknowledge the financial support of OED by displaying the logo of OED on any webpage, media, or printed materials that mention the project.

Site Visits

The grant recipient shall allow OED to conduct project site visits when given (5) business days notice.

Tax Liabilities

The grant recipient must be current on all taxes and other liabilities owed to the Indiana Department of Revenue or the Indiana Department of Workforce Development prior to the award being finalized. If you are unsure of your status, please contact these agencies prior to applying.

Modifications

Awardees must report to OED immediately if there is a change to the previously proposed activities, scope, or budget changes. The communication must occur prior to the modification and provide a rationale for proposed changes. If you make changes prior to consulting OED, your grant funds could be at risk.

Terms and Conditions

Award Approval

OED administers the CCC program and will review and score all grant applications. All grant applications submitted will be scored competitively.

If the applicant is approved by OED, a grant agreement will be drafted in order to establish the terms of the grant and other conditions needed to manage the grant. Upon award notification, OED expects awardees to immediately begin their project by ordering equipment associated with the project as well as preparing the site of the project and obtaining any relevant permits or variances necessary for project installation to be completed. Once the awardee receives and returns the originally signed grant agreement, the agreement will begin the State's signature process, which can take up to 8 weeks for completion. Upon completing the State signature process, the award recipient may draw down on grant funds by seeking reimbursement as the project is completed. Recipients should not wait until the executed contract is returned to start project activities, as the process can delay your project. Delay in contract execution is not an allowable reason for an awardee's failure to complete project installation by the deadline stipulated in the contract. Any costs incurred in this period are at the awardee's risk if the agreement is not signed and returned in this time period, no reimbursement will be made to awardee and all funds will be de-obligated.

Confidentiality of Information

To the extent feasible and permissible by law, the Office of Energy Development (OED) will honor an applicant's request that confidential information submitted to OED will remain confidential. OED will treat information as confidential only if: (i) the information is, in fact, protected confidential information such as trade secrets or privileged or confidential commercial or financial information; (ii) the information is specifically marked or identified as confidential by the applicant; (iii) the information is segregated and placed in a separate appendix to the application; and (iv) no disclosure of the information is required by law or judicial order. If the application results in award of a grant, the honoring of confidentiality of identified data shall not limit the right of OED to disclose the details and results of the grant to the general public. Each and every page containing proprietary data must be clearly identified and marked CONFIDENTIAL.

Indemnification

To the extent allowable by law, Applicant agrees to indemnify, defend, and hold harmless the State, its agents, officials, and employees from all claims and suits including court costs, attorney's fees, and other expenses caused by any act or omission associated with the submission of this application. The State shall **not** provide such indemnification to the applicant.

E-Verify

The enactment of Public Law 111-273, codified as I.C. 22-5-1.7 imposes new requirements on contractors and grantees of the State of Indiana effective July 1, 2011. As a recipient of a contract/grant your business entity is required to enroll and participate in the E-Verify program to confirm the legal work status of your employees hired after the start date of your state contract.

E-Verify is part of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (P.L. 104-208) and is administered by the United States Department of Homeland Security (USDHS). The USDHS works with the Social Security Administration to verify the identity and eligibility of employees. E-Verify is **free** to use, but you must register with the USDHS to access the system.

As a condition of your contract/grant award, you must provide confirmation that you are enrolled in E-Verify. To learn more about E-Verify and to enroll, please visit: <https://e-verify.uscis.gov/enroll/> or www.dhs.gov/e-verify .

Failure to comply with this requirement will be considered a material breach of contract and may lead to your agreement being terminated.

Appendix A: Section 106 Review Process

SECTION 106 REVIEW PROCESS: Community Conservation Challenge (CCC) Program

Section 106 Process Basics:

- The Section 106 process determines whether a property is historic (one that is either listed in or eligible for inclusion in the National Register of Historic Places) and to insure work doesn't significantly and unnecessarily alter, damage, or destroy both above and below ground historic and/or cultural resources.
- Federal financial assistance (grants or loans) triggers the Section 106 review.
- Even if you don't consider your project to fall under these requirements or to be a historical property, you must still undergo this process.
- Even if you have submitted information for Section 106 review in the past, you must still undergo this process, as it is project-specific.
- No exceptions will be made.

Helpful Info:

- Adhere to the timeframe the Office of Energy Development has provided to you. Do not send in this information to SHPO the same day you submit your application! OED will take this into consideration and it will affect your score.
- Know that it is the applicant's responsibility to start this process and provide all information to SHPO. The Office of Energy Development simply gives you the authority to start this process and will interact with the federal Department of Energy once SHPO has commented on the project.
- If you receive a response from SHPO requesting additional information, do not ignore the letter, but send in the additional information that has been requested.
- Visit <http://www.in.gov/dnr/historic/2830.htm> for additional information about the Section 106 process.
- Due to the high volume of phone calls SHPO receives, please do not call to inquire about the status of your request, particularly if you just submitted it. This only delays the review process.

Process:

- Once the State Historic Preservation Officer (SHPO), within the Indiana Department of Natural Resources (DNR), receives your information, SHPO will comment on whether potentially historic properties or areas may or will be affected and how adverse effects on historic property may be avoided, reduced, or mitigated.
- SHPO's comments will be sent back to the applicant. SHPO has 30 days to respond to these applications. **As it is the responsibility of the applicant to begin the Sec. 106 process in advance, telephone calls and questions sent to SHPO about your status can further delay the review process.**
- The applicant should not issue a finding. Although this is typical practice, another entity's finding will not be accepted.
- Upload an electronic copy of SHPO's letter with your application.

- If you have not received a response from SHPO by the application due date, you should include a letter of assurance from your highest official (examples: mayor, president of the company, non-profit executive director) telling us that you have started this process and what date your information was sent to SHPO. Please also submit a copy of the information you provided to SHPO.

Compile and submit the following information:

- Letter (following this page) from OED's Grants and Finance Director to Department of Natural Resources acknowledging permission for applicants to begin the Section 106 Review process for the CCC grant.
- Letter from the applicant to SHPO and specify the following:
 - Indiana Office of Energy Development, Community Conservation Challenge Program (as the state agency and grant program)
 - U.S. Department of Energy (as the federal agency)
- Name, mailing address, phone number and email address of contact person sending the letter.
- Address(es) of project location(s)
- Project narrative that specifically describes the project and project site. Questions to keep in mind include:
 - What is the project?
 - What sort of equipment are you working on? Also provide a location of this equipment within a building.
 - How will the building housing said equipment be disturbed during this project?
- Description of potential effects; may be visual and/or narrative
- Map of the area surrounding the proposed building(s) for project
- Approximate date of construction for building(s)
- Any known historical significance of any buildings, structure or objects within the Area of Potential Effects (APE)
- Description of existing condition of vacant land that would be disturbed by construction and where previous disturbance has occurred.
- Sources of information about buildings and about condition of vacant land that could be disturbed. SHPO suggests referencing the county interim report.
- Recent photographs of the building(s) and potential project location.

Send information to:

Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology
Attn: Ashley Thomas
402 West Washington Street, Room W274
Indianapolis, IN 46204



October 11, 2011

Mr. Rob Carter, Director & State Historic Preservation Officer
Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology
c/o Ashley Thomas
402 West Washington Street, Room W 274
Indianapolis, IN 46204

Dear Mr. Carter,

The Indiana Office of Energy Development gives any applicants of the Community Conservation (CCC) Program the approval to begin the Section 106 review process. For this program only, I respectfully request you copy me on all correspondence to applicants if possible.

If you have any questions, please contact me at (317) 232-8939 or by email at mwhitehead@oed.in.gov

Sincerely,

A handwritten signature in black ink that reads "Molly Whitehead". The signature is written in a cursive, flowing style.

Molly Whitehead
Grants and Finance Director

**Appendix B:
Certifications & Assurances
Signature Page**

Attachment 9: 2011 Community Conservation Challenge (CCC) Certification

If awarded a CCC grant, all grant recipients will be required to attest to the following certifications in the Grant Agreement. Therefore, the clauses below are reproduced for the purpose of informing possible grant recipients of the certifications and assurances that will be included in their Grant Agreement. Grant recipients should also review the instructions for certification included in the regulations before signing this Grant Agreement. Signature of the Grant Agreement provides for compliance with certification requirements under 34 CFR Part 82 and 34 CFR Part 85.

I. LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing

for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$ 10,000 and not more than \$ 100,000 for each such failure.

II. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

(1) The Grant Recipient certifies to the best of its knowledge and belief, that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from transactions by any Federal department or agency;

(b) have not within a three-year period preceding this Grant Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

(c) are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a three-year period preceding this Agreement had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the primary Grant Recipient is unable to certify to any of the statements in section II (1), Grant Recipient shall provide a written explanation to the Office of Energy and Development immediately.

III. LOBBYING DISCLOSURE ACT OF 1995, SIMPSON-CRAIG AMENDMENT

Applicant organizations which are described in section 501(c)(4) of the Internal Revenue Code of 1986 and engage in lobbying activities after December 31, 1995, shall not be eligible for the receipt of Federal funds constituting an award, grant, or loan. Section 501(c)(4) of the Internal Revenue Code of 1986 covers:

Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is

limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes.

As set forth in the Lobbying Disclosure Act of 1995 (Public Law 104-65, December 19, 1995) as amended [“Simpson-Craig Amendment,” see Section 129 of the Balanced Budget Downpayment Act, I (Public Law 104-99, January 26, 1996)], lobbying activities is defined broadly. (See section 3 of the Act.)

The Grant Recipient certifies, to the best of his or her knowledge and belief, that: it IS NOT an organization described in section 501(c)(4) of the Internal Revenue Code of 1986; OR that it IS an organization described in section 501(c)(4) of the Internal Revenue Code of 1986, which after December 31, 1995, HAS NOT engaged in any lobbying activities as defined in the Lobbying Disclosure Act of 1995, as amended.

IV. ADDITIONAL AUDIT REQUIREMENTS FOR GRANTEES THAT EXPEND OVER \$500,000 IN FEDERAL AWARDS PER YEAR

Any grant recipient expending **Five Hundred Thousand Dollars (\$500,000) or more in Federal awards per year** must have an audit made for that year by an independent auditor. For-profit organizations should consult 10 CFR 600.316 for guidance. Non-profit organizations, institutions of higher education, and local governments should consult the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507) and revised OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations” for guidance.

U.S. DEPARTMENT OF ENERGY ASSURANCE OF COMPLIANCE NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

GRANT RECIPIENT HEREBY AGREES to comply with Title VI of the Civil Rights Act of 1964 (Pub.L. 88-352), Section 16 of the Federal Energy Administration Act of 1974 (Pub.L. 93-275), Section 401 of the Energy Reorganization Act of 1974 (Pub.L. 93-438), Title IX of the Education Amendments of 1972, as amended (Pub.L. 92-318, Pub.L. 93-568, and Pub.L. 94-482), Section 504 of the Rehabilitation Act of 1973 (Pub.L. 93-112), the Age Discrimination Act of 1975 (Pub.L. 94-135), Title VIII of the Civil Rights Act of 1968 (Pub.L. 90-284), the Department of Energy Organization Act of 1977 (Pub.L. 95-91), and the Energy Conservation and Production Act of 1976, as amended (Pub.L. 94-385) and Title 10, Code of Federal Regulations, Part 1040. In accordance with the above laws and regulations issued pursuant thereto, the Applicant agrees to assure that no person in the United States shall, on the ground of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied to benefits of, or be otherwise subjected to

discrimination under any program or activity in which the Grant Recipient receives Federal assistance from the Department of Energy.

I. Applicability and Period of Obligation

In the case of any service, financial aid, covered employment, equipment, property, or structure provided, leased, or improved, with Federal assistance extended to the Grant Recipient by the Department of Energy, this assurance obligates the Grant Recipient for the period during which Federal assistance is extended. In the case of any transfer of such service, financial aid, equipment, property, or structure, this assurance obligates the transferee for the period during which Federal assistance is extended. If any personal property is so provided, this assurance obligates the Grant Recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Grant Recipient for the period during which the Federal assistance is extended to the Grant Recipient by the Department of Energy.

II. Employment Practices

Where a primary objective of the Federal assistance is to provide employment or where the Grant Recipient's employment practices affect the delivery of services in programs or activities resulting from Federal assistance extended by the Department, the Grant Recipient agrees not to discriminate on the ground of race, color, national origin, sex, age, or disability, in its employment practices. Such employment practices may include, but are not limited to, recruitment advertising, hiring, layoff or termination, promotion, demotion, transfer, rates of pay, training and participation in upward mobility programs; or other forms of compensation and use of facilities.

III. Subrecipient Assurance

The Grant Recipient shall require any individual, organization, or other entity with whom it subcontracts, subgrants, or subleases for the purpose of providing any service, financial aid, equipment, property, or structure to comply with laws cited above. To this end, the subrecipient shall be required to sign a written assurance form, however, the obligation or both recipient and subrecipient to ensure compliance is not relieved by the collection or submission of written assurance forms.

IV. Data Collection and Access to Records

The Grant Recipient agrees to compile and maintain information pertaining to programs or activities developed as a result of the Grant Recipient's receipt of Federal assistance from the Department of Energy. Such information shall include, but is not limited to, the following: (1) the manner in which services are or will be provided and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination; (2) the

population eligible to be served by race, color, national origin, sex, age, and disability; (3) data regarding covered employment including use or planned use of bilingual public contact employees serving beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English; (4) the location of existing or proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any person on the basis of prohibited discrimination; (5) the present or proposed membership by race, color, national origin, sex, age, and disability, in any planning or advisory body which is an integral part of the program; and (6) any additional written data determined by the Department of Energy to be relevant to its obligation to assure compliance by recipients with laws cited in the first paragraph of this assurance.

The Grant Recipient agrees to submit requested data to the Department of Energy regarding programs and activities developed by the Grant Recipient from the use of Federal assistance funds extended by the Department of Energy, Facilities of the Grant Recipient (including physical plants, building, or other structures) and all records, books, accounts, and other sources of information pertinent to the Grant Recipient's compliance with the civil rights laws shall be made available for inspection during normal business hours on request of an officer or employee of the Department of Energy specifically authorized to make such inspections. Instructions in this regard will be provided by the Director, Office of Civil Rights, U.S. Department of Energy.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts (excluding procurement contracts), property, discounts or other Federal assistance extended after the date hereto, to the Grant Recipients by the Department of Energy, including installment payments on account after such date of application for Federal assistance which are approved before such date. The Grant Recipient recognizes and agrees that such Federal assistance will be extended in reliance upon the representation and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Grant Recipient, the successors, transferees, and assignees, as well as the person(s) whose signature appears on this Grant Agreement and who are authorized to sign this assurance on behalf of the Grant Recipient.

**Office of Energy Development
Acknowledgement of Financial Disclosure**

The Applicant is required to attest to the following clause as an acknowledgement of the financial disclosure requirements of the Conserving Hoosier Industrial Power program.

The Applicant agrees to submit requested financial documentation and assurances to the Office of Energy Development. The Applicant acknowledges that failure to submit the requested information

within the timeline issue by OED may result in the applicant being disqualified from further consideration.

Grant Recipient certifies by signing this Grant Agreement that it has complied, or that, within ninety (90) days of the date of this grant, will comply with all applicable requirements of 10 C.F.R. § 1040.5. A copy will be furnished to Grant Recipient upon written request to the Office of the Lieutenant Governor, Office of Energy Development.

Applicant Affirmations

The Applicant hereby affirms that it is properly registered with the Indiana Secretary of State (if applicable) and is in good standing with the Indiana Department of Revenue and the Department of Workforce Development. The Applicant also affirms that 1) there are no outstanding enforcement actions against it by the Indiana Department of Environmental Management, 2) all permits have been acquired or are in the process with the Indiana Department of Environmental Management and Indiana Department of Natural Resources, and 3) there are no significant workforce issues, such as a pending reduction in the applicant’s workforce or pending or threatened workforce action against the Applicant. The below-named signatory(ies) hereby warrant that they are authorized to make such affirmations to the Indiana Office of Energy Development.

I attest that, to the best of my knowledge, all information provided in this application and in conjunction with this application is factual.

Authorized Official (signature)

Project Manager (signature)

Name and Title (type or print)

Name and Title (type or print)

Date

Date