

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

3A-4

AGENDA ITEM SUMMARY

Meeting Date: February 23, 2010 [X] Consent [ ] Regular  
[ ] Workshop [ ] Public Hearing

Department: County Administration  
Submitted By: County Administration  
Submitted For: Economic Development Office

I. EXECUTIVE BRIEF

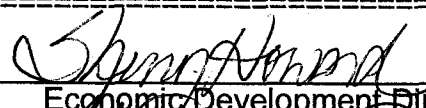
Motion and Title: Staff recommends motion to:

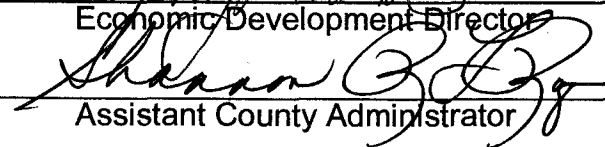
- A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, authorizing the establishment of a Palm Beach County Energy Efficiency Conservation (EEC) Revolving Loan Program for business improvements funded by the U.S. Department of Energy; directing the Economic Development Office to administer the loan program; and delegating the County Administrator or his designee to approve, sign and close on behalf of the Board of County Commissioners all loan documents and agreements with approved borrowers that meet the criteria of the loan program; and
- B) approve the criteria for the Palm Beach County Energy Efficiency and Conservation Revolving Loan Program for business improvements; and
- C) approve all DOE mandated changes to the criteria on behalf of the Board of County Commissioners to be automatically included in the criteria unless it requires County funds at which time the item will be brought to the Board of County Commissioners.

**Summary:** On October 20, 2009, the Board of County Commissioners approved the U.S. Department of Energy's (DOE) Assistance Agreement (R2009-1743) for a formula-based grant totaling \$6,587,600 to implement eight (8) project activities under the Energy Efficiency and Conservation Block Grant (EECBG) Program which included a revolving loan fund for businesses totaling \$1,100,000. This Resolution will establish the Palm Beach County Energy Efficiency Conservation Revolving Loan Program totaling \$1,100,000 in EECBG funds to assist businesses in carrying out energy audits and retrofits to effectuate savings in utility costs, reduce fossil fuel consumption, improve energy efficiency, and create and/or retain job opportunities for local residents. The Economic Development Office will administer the Program and distribute loan funds to approved eligible businesses to complete the improvements identified through an energy audit. Businesses will be qualified based on sufficient cash-flow to repay program loan funds. For any given project, the loans will range between a minimum of \$15,000 and a maximum of \$150,000 and must be 50% or less of the total project cost. Loans will be fixed at 3% for a term and amortization of up to 10 years. According to the DOE, for every \$92,000 spent in EECBG funds, one full-time equivalent job must be created and/or retained. The loan process will be expedited by the County Administrator or his designee in the approval of projects that meet the Program Criteria and do not require an exception to any of the criterion of the Energy Efficiency Conservation Revolving Loan Program. **These are federal funds that require no local match.** Countywide (DW)

**Background:** On June 16, 2009, the Palm Beach County Board of County Commissioners (BCC) adopted a Resolution (R2009-1038) authorizing the submittal of the EECBG Program application for the formula-based grant totaling \$6,587,600 for the following project activities: **Continued on page 3.**

- Attachments:**
- 1. Resolution
  - 2. Energy Efficiency Conservation Revolving Loan Fund Criteria
  - 3. Dept. of Energy Assistance Agreement R2009-1743

Recommended by:  Economic Development Director Date \_\_\_\_\_

Approved by:  Assistant County Administrator Date 2/19/2010

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Costs	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (PBC)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match (PBC)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>NET FISCAL IMPACT</b>	<u>*</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>

Is Item Included In Current Budget? Yes  No

Budget Account No: Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org. \_\_\_\_\_ Object \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

**C. Departmental Fiscal Review:** \_\_\_\_\_ *[Signature]* 2/10/10

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Administration Comments:**

\* No additional fiscal impact. The EEC Revolving Loan Fund Program was approved by the Board as part of the Energy Efficiency and Conservation Block Grant.

*[Signature]*  
 \_\_\_\_\_  
 OFMB  
*[Date: 2/12/2010]*  
*[Date: 2/11/10]*

*[Signature]*  
 \_\_\_\_\_  
 Contract Development and Control  
*[Date: 2/17/10]*  
*[Date: 2/18/10]*

**B. Legal Sufficiency:**

*Anne DeFandt for Dawn Wynn*  
 \_\_\_\_\_  
 Sr. Assistant County Attorney  
*[Date: 2/19/10]*

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**This summary is not to be used as a basis for payment.**

**Continued from page 1.**

Water Utilities Department's (WUD) Digester Biomass Gasification project at the Southern Region Water Reclamation Facility (\$1.2 million), Facilities Development & Operations (FDO) Dept.'s HVAC for the Emergency Operations Center (\$1.5 million), Parks and Recreation Dept.'s Green Generation Lighting at John Prince, Okeeheelee and Lake Lytal Parks (\$1,125,000), Engineering's Traffic Signal Synchronization for four (4) streets (\$200,000), FDO's Solar Power for Agricultural/Mounts Complex (\$175,000), Economic Development Office's Energy Efficiency/Conservation Competitive Grants for Governmental Organizations (\$650,000), and Revolving Loan Fund (\$900,000) and Equity Seed Capital Program (\$400,000) for emerging Green Technology Companies and Energy Efficiency Projects for Businesses and Administration costs (\$437,600). However, during the review process, the DOE did not approve the Equity Seed Capital Program (\$400,000) and approved the redistribution of these funds to the Competitive Grant Program for Local Governmental Organizations (\$850,000) and the Revolving Loan Program for Energy Efficiency Projects for Businesses (\$1.1 million). The period of performance for the project activities is August 31, 2009 through August 30, 2012. The American Recovery and Reinvestment Act of 2009, Public Law 11-5, appropriated funding for the DOE to issue/award formula-based grants to states, U.S. territories, units of local government, and Indian tribes under the EECBG Program. Funds awarded must be obligated/committed within an 18 month period and expended within 36 months. The revised contract with the DOE is pending receipt. The Recovery Act's purposes are to stimulate the economy and create and retain jobs. All purchases are to be guided by the Buy American Act and all laborers and mechanics on construction projects funded directly by or assisted in whole or in part by and through funding appropriated by the Act are paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by subchapter IV of Chapter 31 of title 40, United States Code (Davis-Bacon Act). For purchases of equipment, only the portion of the project utilizing EECBG funds must adhere to the Davis Bacon Act.

**RESOLUTION NO. 2010-**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE ESTABLISHMENT OF A PALM BEACH COUNTY ENERGY EFFICIENCY AND CONSERVATION REVOLVING LOAN PROGRAM FOR BUSINESSES FUNDED BY THE U.S. DEPARTMENT OF ENERGY; DIRECTING THE ECONOMIC DEVELOPMENT OFFICE TO ADMINISTER THE LOAN PROGRAM; AND DELEGATING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO APPROVE, SIGN AND CLOSE ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS ALL LOAN DOCUMENTS AND AGREEMENTS BETWEEN PALM BEACH COUNTY AND THE APPROVED BORROWERS THAT MEET THE CRITERIA OF THE PALM BEACH COUNTY ENERGY EFFICIENCY AND CONSERVATION REVOLVING LOAN PROGRAM.

**WHEREAS**, Palm Beach County applied and received a formula-based award totaling \$6,587,600 in Energy Efficiency and Conservation Block Grant funds under the U.S. Department of Energy appropriated through the American Recovery and Reinvestment Act; and

**WHEREAS**, the Board approved the financial assistance from the United States Department of Energy (DOE) National Energy Technology Laboratory for the purpose of implementing the County's energy efficiency and conservation project activities as follows: Water Utilities Department's (WUD) Digester Biomass Gasification project at the Southern Region Water Reclamation Facility (\$1.2 million), Facilities Development & Operations Dept.'s HVAC for the Emergency Operations Center (\$1.5 million), Parks and Recreation Dept.'s Green Generation Lighting at John Prince, Okeeheelee and Lake Lytal Parks (\$1,125,000), Engineering's Traffic Signal Synchronization for four (4) streets (\$200,000), Facilities Development & Operations Dept.'s Solar for the Agricultural Complex (\$175,000), Economic Development Office's Energy Efficiency/Conservation Competitive Grants for Governmental Organizations (\$650,000), Revolving Loan Fund and Seed Capital Program for emerging Green Technology Companies and Energy Efficiency Projects (\$1.3 million) and Administration costs (\$437,600); and

**WHEREAS**, the DOE has approved the Revolving Loan Fund for Energy Efficiency Projects for Businesses (\$1,100,000) approved by the Board of County Commissioners; and

**WHEREAS**, the DOE states that the purpose of the EECBG Program is to assist eligible entities in creating and implementing strategies to: (a) reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; (b) reduce the total energy use of the eligible entities; and (c) improve energy efficiency in the building sector, the transportation sector and other appropriate sectors; and

**WHEREAS**, the DOE requires that all DOE funds must be obligated/committed within 18 months of the effective date of the award and expended within 36 months of the effective date of the award (August 31, 2009); and

**WHEREAS**, the Board is aware that the County should continue efforts in implementing energy efficiency and conservation strategies and activities beyond the grant period of three (3) years; and

**WHEREAS**, the Board is aware that these funds were designated under the Recovery Act and their purpose is to stimulate the economy and create and retain jobs; and

**WHEREAS**, the Board is aware that establishing an Energy Efficiency and Conservation Revolving Loan Program to be administered by the Economic Development Office will assist businesses in reducing fossil fuel emissions, provide energy savings and create/retain job opportunities for local residents; and

**WHEREAS**, the Palm Beach County Energy Efficiency and Conservation Revolving Loan Program Criteria is the document that provides the guidelines for the eligibility of projects and approval processes, and

**WHEREAS**, the Board understands that certain documentation is required by all applicants obtaining financial assistance through DOE.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

**Section I.** The foregoing recitals are true and correct and are expressly incorporated herein by reference and made a part hereof.

**Section II.** Palm Beach County hereby expresses its desire to establish the Energy Efficiency and Conservation Revolving Loan Program to be administered by the Economic Development Office.

**Section III.** The County Administrator or his designee is authorized to execute all loan documents and loan agreements related to the Palm Beach County Energy Efficiency and Conservation Revolving Loan Program for businesses.

**Section IV.** Palm Beach County hereby pledges its full and strong support to continue the efforts for the Energy Efficiency and Conservation Revolving Loan Program beyond the effective award date.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to a vote, the vote was as follows:

- COMMISSIONER BURT AARONSON, CHAIR \_\_\_\_\_
- COMMISSIONER KAREN T. MARCUS, VICE CHAIR \_\_\_\_\_
- COMMISSIONER JOHN F. KOONS \_\_\_\_\_
- COMMISSIONER SHELLEY VANA \_\_\_\_\_
- COMMISSIONER STEVEN L. ABRAMS \_\_\_\_\_
- COMMISSIONER JESS R. SANTAMARIA \_\_\_\_\_
- COMMISSIONER PRISCILLA A. TAYLOR \_\_\_\_\_

The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2010.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: Anne Idelfant  
County Attorney

By: \_\_\_\_\_  
Deputy Clerk



**PALM BEACH COUNTY  
ENERGY EFFICIENCY CONSERVATION  
LOAN PROGRAM  
CRITERIA**

(As approved by the PBC BCC on February 23, 2010)

**Administered by the:  
OFFICE OF ECONOMIC DEVELOPMENT**

**IN ACCORDANCE WITH THE PROVISIONS OF THE ADA, THIS DOCUMENT  
MAY BE REQUESTED IN AN ALTERNATE FORMAT. PLEASE CONTACT THE  
ECONOMIC DEVELOPMENT OFFICE AT (561) 355-3624.**

**PALM BEACH COUNTY  
ECONOMIC DEVELOPMENT OFFICE  
ENERGY EFFICIENCY CONSERVATION LOAN PROGRAM**

The Palm Beach County Energy Efficiency Conservation Loan Program is a financing tool under the Energy Efficiency and Conservation Block Grant (EECBG) authorized by the U.S. Department of Energy to promote energy savings and efficiency.

This program is intended to assist for-profit businesses and non-profit organizations to carry out energy audits and retrofits to effectuate savings in utility costs and reduce fossil fuel consumption.

**I. MISSION STATEMENT AND PROGRAM OBJECTIVES**

The mission of Palm Beach County's Energy Efficiency Conservation Loan Program is to enable businesses and appropriate community based agencies to: promote energy efficiency, promote cost savings, reduce scarce resources and to create and/or retain jobs, enhancing the overall quality of life for all Palm Beach County residents.

The Program objectives are to:

- Provide subordinated financing to eligible borrowers to fill a financing gap beyond the amount of private participation and equity investment that can be raised.
- Provide direct loans to eligible borrowers with equity investments when appropriate.
- Provide long term, fixed-rate financing at interest rates lower than conventional financing.
- To improve the company's energy efficiency and allow the company to conserve energy.
- Create and/or retain jobs.

**II. PROGRAM ACRONYMS/DEFINITIONS**

BCC Board of County Commissioners

DUNS No. A unique nine-digit sequence recognized as the universal standard for identifying and keeping track of over 100 million businesses. According to Dun & Bradstreet (D&B), the DUNS number enhances credibility of your business in the market place and enables potential customers, suppliers and lenders to easily identify and learn about your company.  
[http://www.dnb.com/US/duns\\_update/](http://www.dnb.com/US/duns_update/).

EDO Economic Development Office

EEC Energy Efficiency Conservation

EECBG Energy Efficiency and Conservation Block Grant Program

ESCO/ESCO An energy service company is a professional business providing a broad range of comprehensive energy solutions including designs and implementation of energy savings projects, energy conservation, energy infrastructure outsourcing, power generation and energy supply, and risk management. The ESCO performs an in-depth analysis of the property, designs an energy

efficient solution, installs the required elements, and maintains the system to ensure energy savings during the payback period<sup>[1]</sup>

[1] The savings in energy costs is often used to pay back the capital investment of the project over a five- to twenty-year period, or reinvested into the building to allow for capital upgrades that may otherwise be unfeasible. If the project does not provide returns on the investment, the ESCO is often responsible to pay the difference.

<u>FPL</u>	Florida Power and Light
<u>FPU</u>	Florida Public Gas
<u>HUD</u>	Housing and Urban Development
<u>LRC</u>	Loan Review Committee
<u>NOFA</u>	Notice of Funding Availability
<u>PBC</u>	Palm Beach County

Participating Lender A commercial bank that lends money for the project as part of the applicant's match to the County's loan. The participating lender will be the first lien holder. This lender is referred to as the first, primary or senior lender. Under certain instances, the County may be the only lender.

Subordinate Loan The County's loan will be secondary to a commercial bank loan. Hence, the County will become the second lien holder.

### III. PROGRAM REQUIREMENTS

#### A) Guidelines

The Energy Efficiency Conservation (EEC) Loan Program will follow the Department of Energy and the Small Business Administration (SBA) guidelines for eligibility and underwriting criteria as described in this document.

#### B) Project Activity Objectives

Each activity assisted with an EEC Loan Program must meet the following objectives:

- Achieve demonstrable energy savings over the term of the loan;
- Leverage private and public dollars; and
- Create job opportunities for residents of Palm Beach County.

#### C) Notice of Funding Availability (NOFA)

Each Fiscal Year, the Economic Development Office (EDO) will advertise when funds are available for the EEC Loan Program. A NOFA be published in the local newspaper, the County's website, [www.pbcgov.com/edo](http://www.pbcgov.com/edo), and information will be distributed to local economic development organizations.

#### D) Loan Review Committee

A Loan Review Committee (LRC) comprised of representatives from the County's Economic Development Office, Housing and Community Development, and Water Utilities Division Finance Division will review all loan applications presented by the



Loan Administrator and make the recommendation to approve or disapprove the loan application. The following criteria are in full alignment with federal guidelines and will be the benchmark for approval or denial of loans. A quorum of the LRC shall be fifty-one percent (51%) or two (2) of the appointed members. A quorum must be present to review and act upon any application.

The LRC will review each application with the required financial information to determine:

- Energy Savings
- Number of jobs to be created and/or retained;
- Amount of Energy Efficiency and Conservation loan fund participation necessary
- Amount of commercial, SBA or HUD Section 108 loan match
- Ability of loan applicant(s) to repay the loan
- Collateral or security available

No loan shall be made without the favorable recommendation of the LRC.

#### **E) Board of County Commissioners Approval**

The Board of County Commissioners (BCC) is the only authority that can waive or approve an exception to any of the Palm Beach County Energy Efficiency Conservation Loan Program Criteria.

- When a project requires a special consideration because of the potential benefit it might bring to the area or local economy, EDO will request that the BCC make an exception to the Energy Efficiency Loan Program Criteria.
- When the project requires exception to any criterion, the BCC is the only authority that can provide the ultimate approval. EDO will request approval from the LRC and the BCC.
- When the project requires more than \$150,000 of Energy Efficiency and Conservation (EEC) loan match, the BCC is the only authority that can provide the ultimate approval. EDO will request the approval of the LRC and the approval of the BCC.
- When the project requires less than or up to \$150,000 of EEC loan match, meets all of the Program criteria and does not require a special consideration or an exception to any of the criterion of the EEC Loan Program, EDO will request approval from the LRC and the approval of the County Administrator or his designee.

### **III. PROGRAM DETAILS**

#### **A) Eligibility**

1. Area
  - Palm Beach County boundaries

## 2. Eligible Applicants

- Private, for-profit businesses that have been engaged in industrial, retail or distribution activities for at least two (2) years and are able to demonstrate sufficient profitability. An applicant must be a sole proprietorship, an incorporated business, a partnership or any other legally organized business registered with the State of Florida.
- Non-profit economic development organizations with projects involving the renovation/construction of commercial/industrial buildings (Note: working capital is not available to non-profits.)

### **B) Loan Amount and Required Owner's Equity**

1. For any given project, the minimum loan request is \$15,000 and the maximum loan request is \$150,000. The EEC Loan must be 50% or less of the total project cost. The maximum Job Cost Ratio for the project is \$92,000 per full-time equivalent job to be created and/or retained within a period of five (5) years.
2. Any exception to the maximum loan amount shall require the approval of the Loan Review Committee and the Palm Beach Board of County Commissioners.
3. The recommended levels of participation for the project funding are 40% from a senior lender (bank, U. S. Small Business Administration, Energy Performance Contracting, HUD Section 108 Loan), 50% from Palm Beach County and 10% from owner's equity.

### **C) Rate and Term**

The rate shall be fixed at 3% for a term and amortization of up to 10 years. The senior debt (bank, U.S. Small Business Administration, HUD Section 108 Loan) must be the same or greater than the EEC Loan, or the term and amortization of the EEC Loan will be reduced to meet the term and amortization of the senior loan.

### **D) Eligible Uses**

- a) Acquisition and installation of equipment contributing to energy efficiency such as solar panels energy and Energy Star rated appliances.
- b) Acquisition and installation of construction materials and components leading to energy efficiency such as energy rated windows, LEED certified building materials and techniques, insulation materials, etc.;
- c) Cost of Energy Audit(s). Each borrower shall be required to obtain an energy audit from a recognized business or any combination of electric utility experts, water and wastewater facility staff, professional organizations or individuals, trade associations or certified Energy Service Contractors or specialists. EDO shall be the final arbiter in determining the competence and professional credentials of the individual or firm selected by the borrower in conducting the energy efficiency audit. Only work, materials and equipment identified by the Energy Audit will be eligible for funds. Borrowers are encouraged to use the free services of the utility companies (i.e. FPL, FPU, etc.)

- d) Fees & Closing Costs. The cost of the environmental review, if any, architectural, engineering and environmental fees and soft costs associated with the closing of all loans.
- e) Capitalized interest.

**E) Job Creation**

- o Only those applicants proposing to create/retain jobs will be considered for funding under the EEC Loan Program.
- o The job creation and /or retention period begins at the commencement of the audit, with the issuance of a permit, certificate of occupancy, the end of a renovation project, or when all funds have been disbursed, whichever is first.
- o The time frame to create and/or retain the new jobs will be within the first five (5) years during the term of the loan. If EDO considers that additional time is necessary, EDO will request the approval from the BCC.

**F) Energy Savings**

- o Electric/utility bills must be submitted by the applicant establishing proof of energy use during the loan period upon request. This will require a comparison prior and after work is completed.

**G) Underwriting**

In considering an application for an Energy Efficiency and Conservation Loan, the following procedure is used for all applicants:

**1. Financial Analysis**

Site Visitation – A site meeting with the applicant at its location will occur early in the process to gain insight into the business, answer the applicant's questions and request any needed information. The meeting should take place prior to submission of an application for the purpose of helping the applicant meet the EEC Loan Program guidelines or to inform applicants if they cannot meet such guidelines.

History and Business – An evaluation will be made on how long the applicant has been in business and the type of goods or services provided by the applicant. It is critical to analyze the request in respect to the specific type of industry. Not all industries have the same financing needs and payment terms to suppliers, and from customers. The balance sheet and operating ratios vary considerably from industry to industry.

Project Description - EDO shall require an Energy Audit. Free audits are normally provided by utility service providers. Only the work contained in the audit will be eligible for the loan. The Audit shall be accompanied by a construction estimate of the eligible work from a licensed contractor, architect or engineer.

Resume – Resumes will be analyzed. The resume(s) will provide insight into the background and qualifications of the principals and key management personnel. For example, someone who has been

successful in running a delicatessen may not have the ability to operate a totally unrelated business such as a manufacturing concern.

Financial Statements – Three (3) years of historical financial or audited statements and tax returns are required. If the most recent annual statement is more than two months old, an interim statement of less than 30 days is also required. Statement analysis should include:

- Trend analysis;
- Ability to repay debt - both short and long term; and
- Adequacy of working capital.

Projected Financial Statements – Projected business financial statements showing repayment out of the first year is required, which includes balance sheets, operating statements, projections and a reconciliation of the net worth/capital section of the balance sheets. The projections must include the impact of the proposed financing and the underlying assumptions used to create the projections:

- Examine the probability of achievement given the underlying assumptions.
- Determine if projected cash flow will service proposed debt.

Personal Financial Statements - These are required from everyone having ten percent (10%) or more ownership of the business along with personal tax returns. Personal guarantees are generally required from principals of the applicant. Personal Financial Statements shall be submitted on SBA Form 413 or a similar form acceptable to the lender.

**2. Financial Ratios**

Loan to Value Target: 1.00:1.00  
Debt service coverage ratio: 1.20:1.00

**3. Appraisal**

Because of the nature and size of the loan program, appraisals shall not be required. However, if the first lender requires an appraisal, a copy of such an appraisal shall be delivered to EDO.

**4. Credit History**

- Independent credit investigations are conducted on the applicant and the principals. This includes real estate searches, Uniform Commercial Code (UCC) searches with the County and Secretary of State and personal credit reports on the principals. This credit investigation is used, in part, to verify the accuracy of the information provided by the applicant and the principals and to find out if there are any undisclosed judgments, liens, etc.
- The credit investigation will be run by the primary lender when participating in the project and by EDO when the EEC loan is the only source of funding.

5. All applicants must agree in advance to allow EDO to obtain a credit report, bank verification, loan verification, electric/utility bills, etc.
6. As a U.S. Dept. of Energy requirement, all applicants must secure a DUNS number.

#### H) Collateral Evaluation

<b>Collateral Type</b>	<b>Advance Rates</b>	<b>Value Determined By</b>
<b><u>Real Estate</u></b>		
1. Commercial Owner Occupied	Up to 100%	Property Appraiser's Assessed Value or State Certified Appraisal
2. Income Producing Non-Owner Occupied	Up to 100%	Property Appraiser's Assessed Value or State Certified Appraisal
3. Raw Land	Up to 100%	Property Appraiser's Assessed Value or State Certified Appraisal
<b><u>Equipment</u></b> (includes vehicles)	Up to 100% of Liquidation Appraisal on used equipment and up to 100% of invoice on new equipment. If liquidation appraisal is not available, use 100% of book value.	Appraiser, Balance Sheet, Machinery/Equipment quotes
<b><u>Securities</u></b>		
1. U.S. Govt. Bonds	100%	NY Times or Wall Street Journal
2. Certificates of Deposit	100%	
3. Highly Marketable	Up to 80% of good grade listed in the NYSE, American or NASDAQ Exchanges.	NY Times or Wall Street Journal

<b>Collateral Type</b>	<b>Advance Rates</b>	<b>Value Determined By</b>
4. Less Marketable	Up to 50% of thinly traded under \$10.00 value listed on an exchange.	NY Times or Wall Street Journal
5. Municipal Securities	Up to 80% of listed and traded bonds.	NY Times or Wall Street Journal
6. All Other Bonds	Up to 50% of listed and traded bonds.	NY Times or Wall Street Journal
7. Accounts Receivable	Up to 80% of eligible accounts receivable. Advance rates on accounts are a function of dilution rate, turnover, quality of customer sold, industry characteristics, warranty liabilities, and any unusual contractual obligations.	Accounting methods

**I) Fees and Costs**

1. **Application Fee**  
A non-refundable fee of \$100 is due upon submittal of application. If the Loan is approved, the fee will be credited to closing costs.
2. **Processing fee**  
A non-refundable fee of \$1,000 is payable to County at the time of closing.
3. **Other Fees**  
The applicant will be responsible for all other fees, including bank/SBA/independent institutional lender fees, appraisal and environmental fees, legal fees from outside firms and the Palm Beach County Attorney's Office, and any other fee. Applicants will receive a Good Faith Estimate of the projected Palm Beach County fees.

**J) Environmental Assessment**

All retrofit projects are required to complete an environmental questionnaire (EF-1) in accordance with Regulations of the Department of Energy. For projects that do not require the participation of another lender, EDO will require an EF-1 and if needed, for construction, an Environmental II Assessment. The cost of the environmental assessments ordered by EDO will be charged to the borrower at closing.

**K) Other Program Information**

All EEC Loan Program funded projects are required to comply with federal, state and local statutes, regulations and requirements, including but not limited to the Davis-Bacon Act, Workers Compensation, Buy American Act, and insurance requirements.

#### **IV. PROGRAM ADMINISTRATION**

##### **A) Choosing a Project**

###### Initial Meeting and Site Visitation

EDO staff will meet with the applicant(s) to discuss the project and make a visit to the business and/or site location as necessary. Staff will explain the program and provide the applicants with a checklist of required information. The visit should provide an opportunity for staff to explain to the applicant if assistance might be available or to inform applicants if they cannot meet such guidelines.

###### Preliminary Review of Information

EDO staff and the County's Consultant, if applicable, will perform a preliminary analysis of the audits, interim financial statements, tax reports, payroll information, debt schedule, business plan, copies of agreements, and any other required documentation. This preliminary review will reveal if (a) the project meets the program guidelines, (b) the applicant has the capacity of paying the debts to a first lender [if applicable] and the EEC Loan, and (c) the applicant has the capacity of fulfilling all of the requirements of the EEC Loan Program. If the preliminary review is positive, the applicant will be allowed to fill out a Loan Application Package.

##### **B) Seeking Lenders' Participation**

After determining that the project and the applicant qualify for the EEC Loan Program, EDO staff and the County's Consultant will prepare an EEC Loan Package that will include all supportive documentation for underwriting and collateral, and a Project Summary and Analysis. EDO and the County's Consultant may assist the applicant in seeking commercial lenders for the project as first lenders. EDO will send the loan package to the bank(s) of preference of the applicant as well as some of the local, regional, or national commercial banks, and authorized Small Business Administration (SBA) lenders throughout the United States.

The commercial/SBA/independent institutional lender who decides to participate in the project will be required to issue a Letter of Commitment to the applicant. The applicant will be responsible for submitting all of the required documentation requested by the lender to assure private participation.

##### **C) Obtaining Loan Review Committee Approval**

After determining that the project and the applicant qualify for the EEC Loan Program and have a participating commercial/SBA/independent institutional lender in the project, EDO and the County's Consultant will prepare an EEC Loan Package for the LRC. The loan package shall include the loan application package, all forms and information as required, all supportive documentation for underwriting and collateral, a Project Summary and Analysis, and letters of commitment from both the commercial/SBA/independent institutional lender and the applicant. The LRC shall either approve or disapprove the loan application. If approved, the loan package shall be filed for Department of Energy for approval and the Palm Beach County auditor's review, if applicable. Applicants will be

informed if their loan is approved or disapproved.

**D) Obtaining BCC Approval**

After the LRC approves a loan application, EDO will seek approval:

- When the project requires more than \$150,000 of EEC loan funds, the BCC is the only authority that can provide the ultimate approval. EDO will request the approval of the LRC and the approval of the BCC.
- When the project requires less than or up to \$150,000 of EEC funds, meets all of the Program criteria and does not require special consideration or an exception to any of the criteria of the Loan Program, EDO will request approval from the LRC and the approval of the County Administrator or his designee.

**E) Closing**

Closings may be conducted by the primary lender's attorney subject to the approval of the County Attorney, or an outside Counsel, already selected for the HUD Section 108 Program by and under the supervision of the County Attorney's Office.

**F) Servicing**

Loan servicing regarding payments and submission of reports and financial statements will be carried out by EDO.

EDO staff and the County Attorney's Office will be responsible for supervising compliance with the loan closing documents.

**G) Supervision and Reporting**

EDO staff shall review on a yearly basis all financial statements of the borrower, compliance reports and make a field visit to the borrower's location at least once a year.

Borrowers who are problematic or cannot be brought into compliance shall be referred to the County Attorney's Office for corrective action.

**V. BUSINESS REQUIREMENTS**

Applicants who are awarded funding will be required to enter into an agreement with Palm Beach County.

Applicants are required to submit the following documents:

- a. PBC EEC Loan Application Package with a \$100 non-refundable fee.
- b. Supportive documents, as required.

**Contact Information:**

Palm Beach County Economic Development Office  
301 North Olive Avenue, 10<sup>th</sup> Floor  
West Palm Beach, FL 33401  
Phone: (561) 355-3624, Fax: (561) 355-6017  
Website: [www.pbcgov.com/edo](http://www.pbcgov.com/edo)



# ASSISTANCE AGREEMENT




R2009F1743

OCT 20 2009

NOT SPECIFIED /OTHER

## ASSISTANCE AGREEMENT

1. Award No. DE-EE0000793		2. Modification No.	3. Effective Date 08/31/2009	4. CFDA No. 81.128
5. Awarded To COUNTY OF, PALM BEACH Attn: SHANNON RAMSEY-CHESSMAN P O BOX 4036 WEST PALM BEACH FL 334024036		6. Sponsoring Office Golden Field Office U.S. Department of Energy Golden Field Office 1617 Cole Blvd. Golden CO 80401		7. Period of Performance 08/31/2009 through 08/30/2012
8. Type of Agreement <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Other	9. Authority PL 110-140, EISA 2007 PL 111-5, Recovery Act 2009		10. Purchase Request or Funding Document No. 09EE004021	
11. Remittance Address COUNTY OF, PALM BEACH Attn: SHANNON RAMSEY-CHESSMAN P O BOX 4036 WEST PALM BEACH FL 334024036		12. Total Amount Govt. Share: \$6,587,600.00 Cost Share : \$0.00 Total : \$6,587,600.00		13. Funds Obligated This action: \$6,587,600.00 Total : \$6,587,600.00
14. Principal Investigator Pamela Nolan Phone: 561-355-6835		15. Program Manager Patricia S. St. Germain Phone: 303-275-4874		16. Administrator Golden Field Office U.S. Department of Energy Golden Field Office 1617 Cole Blvd. Golden CO 80401-3393
17. Submit Payment Requests To		18. Paying Office		19. Submit Reports To See Attachment #2
20. Accounting and Appropriation Data EECBG				
21. Research Title and/or Description of Project RECOVERY ACT: PALM BEACH COUNTY EE AND CONSERVATION PROGRAM FOR LONG TERM SUSTAINABILITY				
For the Recipient			For the United States of America	
22. Signature of Person Authorized to Sign			25. Signature of Grants/Agreements Officer 	
23. Name and Title		24. Date Signed	26. Name of Officer Sara J. Wilson	27. Date Signed 09/08/2009

NOT SPECIFIED /OTHER

<b>CONTINUATION SHEET</b>	<b>REFERENCE NO. OF DOCUMENT BEING CONTINUED</b>	<b>PAGE</b>	<b>OF</b>
	DE-EE0000793	2	3

**NAME OF OFFEROR OR CONTRACTOR**  
**COUNTY OF, PALM BEACH**

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>DUNS Number: 078470481</p> <p>In addition to this Assistance Agreement, this award consists of the items listed in the Special Terms and Conditions, Provision 2, Award Agreement Terms and Conditions.</p> <p>In Block 7 of the Assistance Agreement, the Period of Performance reflects the beginning of the project through the end of the current Budget Period, shown as 08/31/2009 through 08/30/2012.</p> <p>Blocks 12 and 13 of this Assistance Agreement indicate the Total Obligated Amount of this project, which is the Recipient's total allocation. The funds available in ASAP to the Recipient through this action are limited to \$3,701,263, due to the restrictions in Provision Number 16, National Environmental Policy Act Clause and Provision Number 20, the Subcontractor Approval clause in the Special Terms and Conditions. Once these conditions have been met, the remaining funds will be released to the Recipient according to Provision Number 15, Staged Disbursement Clause of the Special Terms and Conditions. The \$7,200 in proposed Travel costs will not be released to ASAP until the recipient provides detailed information regarding the location of travel and who will be traveling.</p> <p>DOE Award Administrator: Nicole Blackstone                      E-mail: nicole.blackstone@go.doe.gov                      Phone: 303-275-4879</p> <p>DOE Project Officer: Patricia St. Germain                      E-mail: patricia.stgermain@go.doe.gov                      Phone: 303-275-4874</p> <p>Recipient Business Officer: Pamela Nolan                      E-mail: pnolan@pbcgov.org                      Phone: 561-355-6835</p> <p>Recipient Principal Investigator: Pamela Nolan                      E-mail: pnolan@pbcgov.org                      Phone: 561-355-6835</p> <p>Electronic signature or signatures as used in this document means a method of signing an electronic message that--                      Continued ...</p>				

<b>CONTINUATION SHEET</b>	<b>REFERENCE NO. OF DOCUMENT BEING CONTINUED</b>	<b>PAGE</b>	<b>OF</b>
	DE-EE0000793	3	3

**NAME OF OFFEROR OR CONTRACTOR**  
**COUNTY OF, PALM BEACH**

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	(A) Identifies and authenticates a particular person as the source of the electronic message; (B) Indicates such person's approval of the information contained in the electronic message; and, (C) Submission via FedConnect constitutes electronically signed documents. ASAP: Yes Extent Competed: NOT AVAIL FOR COMP Delivery Location Code: 03601 Golden Field Office U.S. Department of Energy Golden Field Office 1617 Cole Blvd. Golden CO 80401-3393  Payment: OR for Golden U.S. Department of Energy Oak Ridge Financial Service Center P.O. Box 4517 Oak Ridge TN 37831  Fund: 05796 Appr Year: 2009 Allottee: 31 Report Entity: 200835 Object Class: 41020 Program: 1005115 Project: 2004350 WFO: 0000000 Local Use: 0000000 TAS Agency: 89 TAS Account: 0331				

**SPECIAL TERMS AND CONDITIONS**

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**1. RESOLUTION OF CONFLICTING CONDITIONS**

Any apparent inconsistency between Federal statutes and regulations and the terms and conditions contained in this award must be referred to the DOE Award Administrator for guidance.

**2. AWARD AGREEMENT TERMS AND CONDITIONS**

This award/agreement consists of the Assistance Agreement, plus the following:

a. Special Terms and Conditions.

b. Attachments:

Attachment Number

Title

- |    |   |
|----|---|
| 1. | Statement of Project Objectives                         |
| 2. | Federal Assistance Reporting Checklist and Instructions |
| 3. | Budget Pages (SF 424A)                                  |

c. Program regulations, if applicable.

d. DOE Assistance Regulations, 10 CFR Part 600 at <http://ecfr.gpoaccess.gov>.

e. Application/proposal as approved by DOE.

f. National Policy Assurances to Be Incorporated as Award Terms in effect on date of award at [http://management.energy.gov/business\\_doe/1374.htm](http://management.energy.gov/business_doe/1374.htm).

**3. ELECTRONIC AUTHORIZATION OF AWARD DOCUMENTS**

Acknowledgement of award documents by the Recipient's authorized representative through electronic systems used by the Department of Energy, specifically FedConnect, constitutes the Recipient's acceptance of the terms and conditions of the award. Acknowledgement via FedConnect by the Recipient's authorized representative constitutes the Recipient's electronic signature.

**4. PAYMENT PROCEDURES - ADVANCES THROUGH THE AUTOMATED STANDARD APPLICATION FOR PAYMENTS (ASAP) SYSTEM**

- a. Method of Payment. Payment will be made by advances through the Department of Treasury's ASAP system.
- b. Requesting Advances. Requests for advances must be made through the ASAP system. You may submit requests as frequently as required to meet your needs to disburse funds for the Federal share of project costs. If feasible, you should time each request so that you receive payment on the same day that you disperse funds for direct project costs and the proportionate share of any allowable indirect costs. If same-day transfers are not feasible, advance payments must be as close to actual disbursements as administratively feasible.
- c. Adjusting payment requests for available cash. You must disburse any funds that are available from repayments to and interest earned on a revolving fund, program income,

rebates, refunds, contract settlements, audit recoveries, credits, discounts, and interest earned on any of those funds before requesting additional cash payments from DOE.

- d. **Payments.** All payments are made by electronic funds transfer to the bank account identified on the ASAP Bank Information Form that you filed with the U.S. Department of Treasury.

#### **5. CEILING ON ADMINISTRATIVE COSTS**

- a. Local government and Indian Tribe Recipients may not use more than 10 percent of amounts provided under this program, or \$75,000, whichever is greater (EISA Sec 545 (b)(3)(A)), for administrative expenses, excluding the costs of meeting the reporting requirements under Title V, Subtitle E of EISA. These costs should be captured and summarized for each activity under the Projected Costs Within Budget: Administration.
- b. Recipients are expected to manage their administrative costs. DOE will not amend an award solely to provide additional funds for changes in administrative costs. The Recipient shall not be reimbursed on this project for any final administrative costs that are in excess of the designated 10 percent administrative cost ceiling. In addition, the Recipient shall neither count costs in excess of the administrative cost ceiling as cost share, nor allocate such costs to other federally sponsored project, unless approved by the Contracting Officer.

#### **6. LIMITATIONS ON USE OF FUNDS**

- a. By accepting funds under this award, you agree that none of the funds obligated on the award shall be expended, directly or indirectly, for gambling establishments, aquariums, zoos, golf courses or swimming pools.
- b. Local government and Indian tribe Recipients may not use more than 20 percent of the amounts provided or \$250,000, whichever is greater (EISA Sec 545 (b)(3)(B)), for the establishment of revolving loan funds.
- c. Local government and Indian tribe Recipients may not use more than 20 percent of the amounts provided or \$250,000, whichever is greater (EISA Sec 545 (b)(3)(C)), for subgrants to nongovernmental organizations for the purpose of assisting in the implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe.

#### **7. REIMBURSABLE INDIRECT COSTS AND FRINGE BENEFITS COSTS**

- a. The Recipient is expected to manage their final negotiated project budgets, including their fringe benefit costs. DOE will not amend an award solely to provide additional funds for changes in the fringe benefit costs or for changes in rates used for calculating these costs. DOE recognizes that the inability to obtain full reimbursement for fringe

benefit costs means the Recipient must absorb the underrecovery. Such underrecovery may be allocated as part of the Recipient's cost share.

- b. If actual allowable fringe benefit costs are less than those budgeted and funded under the award, the Recipient may use the difference to pay additional allowable direct costs during the project period. If at the completion of the award the Government's share of total allowable costs (i.e., direct and indirect), is less than the total costs reimbursed, the Recipient must refund the difference.
- c. The budget for this award does not include indirect costs. Therefore, these expenses shall not be charged to nor reimbursement requested for this project nor shall the indirect costs from this project be allocated to any other federally sponsored project. In addition, indirect costs shall not be counted as cost share unless approved by the Contracting Officer. This restriction does not apply to subawardees' indirect costs.

#### **8. USE OF PROGRAM INCOME**

If you earn program income during the project period as a result of this award, you may add the program income to the funds committed to the award and used to further eligible project objectives.

#### **9. STATEMENT OF FEDERAL STEWARDSHIP**

DOE will exercise normal Federal stewardship in overseeing the project activities performed under this award. Stewardship activities include, but are not limited to, conducting site visits; reviewing performance and financial reports; providing technical assistance and/or temporary intervention in unusual circumstances to correct deficiencies which develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the award objectives have been accomplished.

#### **10. SITE VISITS**

DOE's authorized representatives have the right to make site visits at reasonable times to review project accomplishments and management control systems and to provide technical assistance, if required. You must provide, and must require your subawardees to provide, reasonable access to facilities, office space, resources, and assistance for the safety and convenience of the government representatives in the performance of their duties. All site visits and evaluations must be performed in a manner that does not unduly interfere with or delay the work.

#### **11. REPORTING REQUIREMENTS**

- a. Requirements. The reporting requirements for this award are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2, attached to this award. Failure to comply with these reporting requirements is considered a material noncompliance with



the terms of the award. Noncompliance may result in withholding of future payments, suspension or termination of the current award, and withholding of future awards. A willful failure to perform, a history of failure to perform, or unsatisfactory performance of this and/or other financial assistance awards, may also result in a debarment action to preclude future awards by Federal agencies.

- b. Additional Recovery Act Reporting Requirements are found in the Provision below labeled: "REPORTING AND REGISTRATION REQUIREMENTS UNDER SECTION 1512 OF THE RECOVERY ACT."

## 12. PUBLICATIONS

- a. You are encouraged to publish or otherwise make publicly available the results of the work conducted under the award.
- b. An acknowledgment of DOE support and a disclaimer must appear in the publication of any material, whether copyrighted or not, based on or developed under this project, as follows:

*Acknowledgment:* "This material is based upon work supported by the Department of Energy [National Nuclear Security Administration] [add name(s) of other agencies, if applicable] under Award Number(s) [enter the award number(s)]."

*Disclaimer:* "This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof."

## 13. FEDERAL, STATE, AND MUNICIPAL REQUIREMENTS

You must obtain any required permits and comply with applicable federal, state, and municipal laws, codes, and regulations for work performed under this award.

## 14. LOBBYING RESTRICTIONS

By accepting funds under this award, you agree that none of the funds obligated on the award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of

Congress as described in 18 U.S.C. 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

#### **15. STAGED DISBURSEMENT**

a. The total funding allocation for this award, shown in Block 12 of the Assistance Agreement, will be obligated in full with this action; however, funds will be released according to a staged disbursement schedule. All funds must be expended within 36 months of the effective date of the award.

1. The initial disbursement of funds will include 50% of the total funding allocation, identified on Page 2 of the Assistance Agreement, which will be released to the Recipient to begin work on the approved activities listed in the Statement of Project Objectives. If conditions are included in the terms and conditions of this award, upon satisfying the conditions, the Contracting Officer will lift the funding restrictions associated with the conditions and release the remainder of the initial disbursement of funds.

2. Project performance will be monitored and corrective action taken, as necessary to ensure acceptable performance under this award. After one or more progress reviews, in which the Recipient must demonstrate that it has made satisfactory progress on its activities; expended funds appropriately; complied with reporting requirements; and created jobs, the Contracting Officer will approve the release of the remaining balance of the total funding allocation.

b. No additional funds will be disbursed to the Recipient for payment, and DOE does not guarantee or assume any obligation to reimburse costs incurred by the Recipient, until the requirements of each progress review are met. Failure by the Recipient to demonstrate acceptable performance under this award will be deemed a noncompliance pursuant to 10 CFR 600. If a noncompliance occurs, the Contracting Officer may unilaterally terminate or suspend this award and deobligate the amounts obligated. In such case, the Recipient shall not be reimbursed for costs incurred at the Recipient's risk, as described above.

#### **16. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS**

You are restricted from taking any action using Federal funds, which would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to DOE providing either a NEPA clearance or a final NEPA decision regarding this project. If you move forward with activities that are not authorized for Federal funding by the DOE Contracting Officer in advance of the final NEPA decision, you are doing so at risk of not receiving Federal funding and such costs may not be recognized as allowable cost share. If this award includes construction activities, you must submit an environmental evaluation report/evaluation notification form addressing NEPA issues prior to DOE initiating the NEPA process.

Recipient may proceed with the activities described in its EECBG activity worksheets, subject to the conditions below:

**Activity #1 – Digester Biogas Combined Heat and Power Renewable Energy Project:** Recipient may conduct this activity subject to the following provisions: (1) air quality controls must be in place; (2) project cannot result in a net increase in air emissions; (3) recipient must provide DOE with assurance that Landfill/Digester Gas cogeneration projects have process in place to address air quality, sound and visual impacts; (4) Recipient must comply with the requirements of the Waste Stream and Historic Preservation clauses; and (5) Recipient shall ensure the safety and structural integrity of any repair, replacement, construction, and or alteration performed under this project.

**Activity #2 – Palm Beach County Emergency Operations Center – HVAC Upgrade:** Prohibited actions include: Construction, removal, installation or disposal activities, until such time that you comply with the Waste Stream Clause and, if applicable, the Historic Preservation Clause.

This restriction does not preclude you from: (1) purchasing any necessary equipment or related materials; or (2) conducting assessments, audits, studies and other related administrative work.

Recipient shall ensure the safety and structural integrity of any repair, replacement, construction, and or alteration performed under this project.

**Activity #3 – Recreational Sport Lighting – Green Generation Lighting:** Prohibited actions include: Removal, replacement or disposal of bulbs and related materials, until such time that you comply with the Waste Stream Clause.

This restriction does not preclude you from: (1) purchasing the lights or related materials; (2) conducting assessments, studies and other related general administration or preparation work.

**Activity #4 – Traffic Signal Synchronization:** DOE has made a final NEPA Determination for this activity, which is categorically excluded from further NEPA review. *Contract*

**Activity #5 Solar Power for the Agricultural Mounts Complex:** Prohibited actions include: Construction, removal, installation or disposal activities, until such time that you comply with the Waste Stream Clause and, if applicable, the Historic Preservation Clause. Recipient must provide DOE assurances that solar array projects have a process in place to address visual impacts.

This restriction does not preclude you from: (1) purchasing any necessary equipment or related materials; or (2) conducting assessments, audits, studies and other related administrative work.

Recipient shall ensure the safety and structural integrity of any repair, replacement, construction, and or alteration performed under this project.

**Activity #6 – Competitive Grant Program for Local Governmental Organizations for retrofits:** Prohibited actions include: Recipient is restricted from distributing funds pending: (1) further submission by Recipient specifically identifying all activities authorized

under this Program; and (2) a final NEPA determination from DOE regarding those activities.

Once DOE makes a final NEPA determination and DOE authorizes Recipient to expend federal funds to fund projects under the Competitive Grant Program, the activities will be subject to the Waste Stream and Historic Preservation clauses. Further, Recipient shall ensure the safety and structural integrity of any repair, replacement, construction, and or alteration performed under this project.

This restriction does not preclude the Recipient from: conducting assessments, studies, audits, developing strategies, and engaging in other administrative work related to the establishment of the Competitive Grant Program.

**Activity #7 – Equity Seed Capital Program:** Prohibited actions include: Recipient is restricted from distributing funds pending: (1) further submission by Recipient specifically identifying all activities authorized under this Program; and (2) a final NEPA determination from DOE regarding those activities.

Once DOE makes a final NEPA determination and DOE authorizes Recipient to expend federal funds to fund projects under the Equity Seed Capital Program, the activities will be subject to the Waste Stream and Historic Preservation clauses. Further, Recipient shall ensure the safety and structural integrity of any repair, replacement, construction, and or alteration performed under this project.

This restriction does not preclude the Recipient from: conducting assessments, studies, audits, developing strategies, and engaging in other administrative work related to the establishment of the Equity Seed Capital Program.

**Activity #8 - Palm Beach County Revolving Energy Fund Program:** Prohibited actions include: Recipient is restricted from distributing funds pending: (1) further submission by Recipient specifically identifying all activities authorized under this Program; and (2) a final NEPA determination from DOE regarding those activities.

Once DOE makes a final NEPA determination and DOE authorizes Recipient to expend federal funds to fund projects under the Revolving Energy Fund Program, the activities will be subject to the Waste Stream and Historic Preservation clauses. Further, Recipient shall ensure the safety and structural integrity of any repair, replacement, construction, and or alteration performed under this project.

This restriction does not preclude the Recipient from: conducting assessments, studies, audits, developing strategies, and engaging in other administrative work related to the establishment of the Revolving Energy Fund Program.

**Activity #9 – Staff Positions for Energy Economics and Sustainability:** DOE has made a final NEPA Determination for this activity, which is categorically excluded from further NEPA review.

If you move forward with activities that are not authorized for Federal funding by the DOE Contracting Officer in advance of the final NEPA decision, you are doing so at risk of not receiving Federal funding and such costs may not be recognized as allowable cost share.

If this award includes construction activities, you must submit an environmental evaluation report/evaluation notification form addressing NEPA issues prior to DOE initiating the NEPA process.

#### **17. HISTORIC PRESERVATION**

Prior to the expenditure of Federal funds to alter any structure or site, the Recipient is required to comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA), consistent with DOE's 2009 letter of delegation of authority regarding the NHPA. Section 106 applies to historic properties that are listed in or eligible for listing in the National Register of Historic Places. In order to fulfill the requirements of Section 106, the recipient must contact the State Historic Preservation Officer (SHPO), and, if applicable, the Tribal Historic Preservation Officer (THPO), to coordinate the Section 106 review outlined in 36 CFR Part 800. SHPO contact information is available at the following link: <http://www.ncshpo.org/find/index.htm>. THPO contact information is available at the following link: <http://www.nathpo.org/map.html>.

Section 110(k) of the NHPA applies to DOE funded activities. Recipients shall avoid taking any action that results in an adverse effect to historic properties pending compliance with Section 106.

Recipients should be aware that the DOE Contracting Officer will consider the recipient in compliance with Section 106 of the NHPA only after the Recipient has submitted adequate background documentation to the SHPO/THPO for its review, and the SHPO/THPO has provided written concurrence to the Recipient that it does not object to its Section 106 finding or determination. Recipient shall provide a copy of this concurrence to the Contracting Officer.

#### **18. WASTE STREAM**

Prior to the expenditure of Federal funds to dispose of sanitary or hazardous waste, the Recipient is required to provide documentation to the Project Officer demonstrating that it has prepared a disposal plan for sanitary or hazardous waste generated by the proposed activities. Sanitary or hazardous waste includes, but is not limited to, old light bulbs, lead ballasts, piping, roofing material, discarded equipment, debris, asbestos, etc.

The DOE Contracting Officer shall consider compliance with this clause complete only after the Recipient has submitted adequate documentation to DOE for its review, and DOE has provided written approval to the Recipient of its proposed plan to dispose of its sanitary or hazardous waste.

## 19. DECONTAMINATION AND/OR DECOMMISSIONING (D&D) COSTS

Notwithstanding any other provisions of this Agreement, the Government shall not be responsible for or have any obligation to the Recipient for (i) Decontamination and/or Decommissioning (D&D) of any of the Recipient's facilities, or (ii) any costs which may be incurred by the Recipient in connection with the D&D of any of its facilities due to the performance of the work under this Agreement, whether said work was performed prior to or subsequent to the effective date of the Agreement.

## 20. SUBCONTRACT/SUBGRANT APPROVALS

- a. In the original application, the subcontractor(s)/subgrantee(s) were not proposed by the recipient. In order to receive reimbursement for the costs associated with subcontractors/activities listed in the approved Statement of Project Objectives (SOPO), each subcontract/subgrant must be approved by the DOE Contracting Officer.
- b. Upon the recipient's selection of the subcontractor(s)/subgrantee(s), and within 180 days of the award date in Block 27 of the Assistance Agreement, the recipient shall provide the following information for each, regardless of dollar amount:
  - Name
  - DUNS Number
  - Award Amount
  - Statement of work including applicable activities
  - EF-1 for all proposed activities
- c. In addition to the information in paragraph b. above, for each subcontract/subgrant that has an estimated cost greater than 25% of the Total Allocation or \$1,000,000, whichever is less, the recipient must submit a Statement of Objectives, SF424A Budget Information – Nonconstruction Programs, and PMC 123.1 Cost Reasonableness Determination for Financial Assistance. The DOE Contracting Officer may require additional information concerning these subcontract(s)/subgrant(s) prior to providing written approval.
- d. No funds shall be expended on the subcontracts supporting the activities listed in the approved SOPO until DOE approval is provided. DOE does not guarantee or assume any obligation to reimburse costs incurred by the Recipient or subcontractor for these activities, until approval is provided in writing by the Contracting Officer.
- e. Upon written approval by the Contracting Officer, the Recipient may then receive payment for the activities listed in the approved SOPO for allowable costs incurred in accordance with the payment provisions contained in the Special Terms and Conditions of this agreement.

## 21. SPECIAL PROVISIONS RELATING TO WORK FUNDED UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (May 2009)

Preamble

The American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, (Recovery Act) was enacted to preserve and create jobs and promote economic recovery, assist those most impacted by the recession, provide investments needed to increase economic efficiency by spurring technological advances in science and health, invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits, stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases. Recipients shall use grant funds in a manner that maximizes job creation and economic benefit.

The Recipient shall comply with all terms and conditions in the Recovery Act relating generally to governance, accountability, transparency, data collection and resources as specified in Act itself and as discussed below.

Recipients should begin planning activities for their first tier subrecipients, including obtaining a DUNS number (or updating the existing DUNS record), and registering with the Central Contractor Registration (CCR).

Be advised that Recovery Act funds can be used in conjunction with other funding as necessary to complete projects, but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and related guidance. For projects funded by sources other than the Recovery Act, Contractors must keep separate records for Recovery Act funds and to ensure those records comply with the requirements of the Act.

The Government has not fully developed the implementing instructions of the Recovery Act, particularly concerning specific procedural requirements for the new reporting requirements. The Recipient will be provided these details as they become available. The Recipient must comply with all requirements of the Act. If the recipient believes there is any inconsistency between ARRA requirements and current award terms and conditions, the issues will be referred to the Contracting Officer for reconciliation.

#### Definitions

For purposes of this clause, Covered Funds means funds expended or obligated from appropriations under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5. Covered Funds will have special accounting codes and will be identified as Recovery Act funds in the grant, cooperative agreement or TIA and/or modification using Recovery Act funds. Covered Funds must be reimbursed by September 30, 2015.

Non-Federal employer means any employer with respect to covered funds -- the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, subcontractor, grantee, or recipient is an employer; and any professional membership organization, certification of other professional body, any agent or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor receiving the funds

and any contractor or subcontractor of the State or local government; and does not mean any department, agency, or other entity of the federal government.

Recipient means any entity that receives Recovery Act funds directly from the Federal government (including Recovery Act funds received through grant, loan, or contract) other than an individual and includes a State that receives Recovery Act Funds.

**Special Provisions**

**A. Flow Down Requirement**

Recipients must include these special terms and conditions in any subaward.

**B. Segregation of Costs**

Recipients must segregate the obligations and expenditures related to funding under the Recovery Act. Financial and accounting systems should be revised as necessary to segregate, track and maintain these funds apart and separate from other revenue streams. No part of the funds from the Recovery Act shall be commingled with any other funds or used for a purpose other than that of making payments for costs allowable for Recovery Act projects.

**C. Prohibition on Use of Funds**

None of the funds provided under this agreement derived from the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

**D. Access to Records**

With respect to each financial assistance agreement awarded utilizing at least some of the funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, any representative of an appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1988 (5 U.S.C. App.) or of the Comptroller General is authorized --

- (1) to examine any records of the contractor or grantee, any of its subcontractors or subgrantees, or any State or local agency administering such contract that pertain to, and involve transactions that relate to, the subcontract, subgrant, grant, or subgrant; and
- (2) to interview any officer or employee of the contractor, grantee, subgrantee, or agency regarding such transactions.

**E. Publication**

An application may contain technical data and other data, including trade secrets and/or privileged or confidential information, which the applicant does not want disclosed to the



public or used by the Government for any purpose other than the application. To protect such data, the applicant should specifically identify each page including each line or paragraph thereof containing the data to be protected and mark the cover sheet of the application with the following Notice as well as referring to the Notice on each page to which the Notice applies:

**Notice of Restriction on Disclosure and Use of Data**

The data contained in pages ---- of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data here to the extent provided in the award. This restriction does not limit the Government's right to use or disclose data obtained without restriction from any source, including the applicant.

Information about this agreement will be published on the Internet and linked to the website [www.recovery.gov](http://www.recovery.gov), maintained by the Accountability and Transparency Board. The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

**F. Protecting State and Local Government and Contractor Whistleblowers.**

The requirements of Section 1553 of the Act are summarized below. They include, but are not limited to:

**Prohibition on Reprisals:** An employee of any non-Federal employer receiving covered funds under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Accountability and Transparency Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or other person working for the employer who has the authority to investigate, discover or terminate misconduct), a court or grant jury, the head of a Federal agency, or their representatives information that the employee believes is evidence of:

- gross management of an agency contract or grant relating to covered funds;
- a gross waste of covered funds;
- a substantial and specific danger to public health or safety related to the implementation or use of covered funds;
- an abuse of authority related to the implementation or use of covered funds; or
- as violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

**Agency Action:** Not later than 30 days after receiving an inspector general report of an

alleged reprisal, the head of the agency shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the employee to a prohibited reprisal. The agency shall either issue an order denying relief in whole or in part or shall take one or more of the following actions:

- Order the employer to take affirmative action to abate the reprisal.
- Order the employer to reinstate the person to the position that the person held before the reprisal, together with compensation including back pay, compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.
- Order the employer to pay the employee an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the employee for or in connection with, bringing the complaint regarding the reprisal, as determined by the head of a court of competent jurisdiction.

**Nonenforceability of Certain Provisions Waiving Rights and Remedies or Requiring Arbitration:** Except as provided in a collective bargaining agreement, the rights and remedies provided to aggrieved employees by this section may not be waived by any agreement, policy, form, or condition of employment, including any predispute arbitration agreement. No predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising out of this section.

**Requirement to Post Notice of Rights and Remedies:** Any employer receiving covered funds under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, shall post notice of the rights and remedies as required therein. (Refer to section 1553 of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, [www.Recovery.gov](http://www.Recovery.gov), for specific requirements of this section and prescribed language for the notices.)

**G. Reserved**

**H. False Claims Act**

Recipient and sub-recipients shall promptly refer to the DOE or other appropriate Inspector General any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity or similar misconduct involving those funds.

**I. Information in Support of Recovery Act Reporting**

Recipient may be required to submit backup documentation for expenditures of funds under the Recovery Act including such items as timecards and invoices. Recipient shall provide copies of backup documentation at the request of the Contracting Officer or designee.

**J. Availability of Funds**

Funds obligated to this award are available for reimbursement of costs until 36 months after

the award date.

**K. Additional Funding Distribution and Assurance of Appropriate Use of Funds**

**Certification by Governor** – For funds provided to any State or agency thereof by the American Reinvestment and Recovery Act of 2009, Pub. L. 111-5, the Governor of the State shall certify that: 1) the state will request and use funds provided by the Act; and 2) the funds will be used to create jobs and promote economic growth.

**Acceptance by State Legislature** – If funds provided to any State in any division of the Act are not accepted for use by the Governor, then acceptance by the State legislature, by means of the adoption of a concurrent resolution, shall be sufficient to provide funding to such State.

**Distribution** -- After adoption of a State legislature's concurrent resolution, funding to the State will be for distribution to local governments, councils of government, public entities, and public-private entities within the State either by formula or at the State's discretion.

**L. Certifications**

With respect to funds made available to State or local governments for infrastructure investments under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, the Governor, mayor, or other chief executive, as appropriate, certified by acceptance of this award that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Recipient shall provide an additional certification that includes a description of the investment, the estimated total cost, and the amount of covered funds to be used for posting on the Internet. A State or local agency may not receive infrastructure investment funding from funds made available by the Act unless this certification is made and posted.

**22. REPORTING AND REGISTRATION REQUIREMENTS UNDER SECTION 1512 OF THE RECOVERY ACT**

- (a) This award requires the recipient to complete projects or activities which are funded under the American Recovery and Reinvestment Act of 2009 (Recovery Act) and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.
- (b) The reports are due no later than ten calendar days after each calendar quarter in which the Recipient receives the assistance award funded in whole or in part by the Recovery Act.
- (c) Recipients and their first-tier subrecipients must maintain current registrations in the Central Contractor Registration (<http://www.ccr.gov>) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal

Numbering System (DUNS) Number (<http://www.dnb.com>) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at <http://www.FederalReporting.gov> and ensure that any information that is pre-filled is corrected or updated as needed.

**23. NOTICE REGARDING THE PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS – SENSE OF CONGRESS**

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this award should be American-made.

\*Special Note: Definitization of the Provisions entitled, “REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS – SECTION 1605 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009” and “REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS (COVERED UNDER INTERNATIONAL AGREEMENTS) – SECTION 1605 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009” will be done upon definition and review of final activities.

**24. REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS – SECTION 1605 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

(a) *Definitions.* As used in this award term and condition—

(1) *Manufactured good* means a good brought to the construction site for incorporation into the building or work that has been—

(i) Processed into a specific form and shape; or

(ii) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

(2) *Public building and public work* means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

(3) *Steel* means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) *Domestic preference.* (1) This award term and condition implements Section 1605 of the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub. L. 111-5), by requiring that all iron, steel, and manufactured goods used in the project are produced in the United States except as provided in paragraph (b)(3) and (b)(4) of this section and condition.

(2) This requirement does not apply to the material listed by the Federal Government as follows:

To Be Determined

(3) The award official may add other iron, steel, and/or manufactured goods to the list in paragraph (b)(2) of this section and condition if the Federal Government determines that—

(i) The cost of the domestic iron, steel, and/or manufactured goods would be unreasonable. The cost of domestic iron, steel, or manufactured goods used in the project is unreasonable when the cumulative cost of such material will increase the cost of the overall project by more than 25 percent;

(ii) The iron, steel, and/or manufactured good is not produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(iii) The application of the restriction of section 1605 of the Recovery Act would be inconsistent with the public interest.

(c) *Request for determination of inapplicability of Section 1605 of the Recovery Act.* (1)(i) Any recipient request to use foreign iron, steel, and/or manufactured goods in accordance with paragraph (b)(3) of this section shall include adequate information for Federal Government evaluation of the request, including—

(A) A description of the foreign and domestic iron, steel, and/or manufactured goods;

(B) Unit of measure;

(C) Quantity;

(D) Cost;

(E) Time of delivery or availability;

(F) Location of the project;

(G) Name and address of the proposed supplier; and

- (H) A detailed justification of the reason for use of foreign iron, steel, and/or manufactured goods cited in accordance with paragraph (b)(3) of this section.
- (ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed cost comparison table in the format in paragraph (d) of this section.
- (iii) The cost of iron, steel, and/or manufactured goods material shall include all delivery costs to the construction site and any applicable duty.
- (iv) Any recipient request for a determination submitted after Recovery Act funds have been obligated for a project for construction, alteration, maintenance, or repair shall explain why the recipient could not reasonably foresee the need for such determination and could not have requested the determination before the funds were obligated. If the recipient does not submit a satisfactory explanation, the award official need not make a determination.
- (2) If the Federal Government determines after funds have been obligated for a project for construction, alteration, maintenance, or repair that an exception to section 1605 of the Recovery Act applies, the award official will amend the award to allow use of the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is nonavailability or public interest, the amended award shall reflect adjustment of the award amount, redistribution of budgeted funds, and/or other actions taken to cover costs associated with acquiring or using the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is the unreasonable cost of the domestic iron, steel, or manufactured goods, the award official shall adjust the award amount or redistribute budgeted funds by at least the differential established in 2 CFR 176.110(a).
- (3) Unless the Federal Government determines that an exception to section 1605 of the Recovery Act applies, use of foreign iron, steel, and/or manufactured goods is noncompliant with section 1605 of the American Recovery and Reinvestment Act.
- (d) *Data.* To permit evaluation of requests under paragraph (b) of this section based on unreasonable cost, the Recipient shall include the following information and any applicable supporting data based on the survey of suppliers:

**Foreign and Domestic Items Cost Comparison**

Description	Unit of measure	Quantity	Cost (dollars)*
<i>Item 1:</i>			
Foreign steel, iron, or manufactured good	_____	_____	_____
Domestic steel, iron, or manufactured good	_____	_____	_____

<i>Item 2:</i>			
Foreign steel, iron, or manufactured good	_____	_____	_____
Domestic steel, iron, or manufactured good	_____	_____	_____

List name, address, telephone number, email address, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.

Include other applicable supporting information.

\*Include all delivery costs to the construction site.

**25. REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS (COVERED UNDER INTERNATIONAL AGREEMENTS) – SECTION 1605 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

(a) *Definitions.* As used in this award term and condition—

*Designated country* — (1) A World Trade Organization Government Procurement Agreement country (Aruba, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea (Republic of), Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and United Kingdom;

(2) A Free Trade Agreement (FTA) country (Australia, Bahrain, Canada, Chile, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Israel, Mexico, Morocco, Nicaragua, Oman, Peru, or Singapore); or

(3) A United States-European Communities Exchange of Letters (May 15, 1995) country: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and United Kingdom.

*Designated country iron, steel, and/or manufactured goods* — (1) Is wholly the growth, product, or manufacture of a designated country; or

(2) In the case of a manufactured good that consist in whole or in part of materials from another country, has been substantially transformed in a designated country into a new and different manufactured good distinct from the materials from which it was transformed.

*Domestic iron, steel, and/or manufactured good* — (1) Is wholly the growth, product, or manufacture of the United States; or

(2) In the case of a manufactured good that consists in whole or in part of materials from another country, has been substantially transformed in the United States into a new and different manufactured good distinct from the materials from which it was transformed. There is no requirement with regard to the origin of components or subcomponents in manufactured goods or products, as long as the manufacture of the goods occurs in the United States.

*Foreign iron, steel, and/or manufactured good* means iron, steel and/or manufactured good that is not domestic or designated country iron, steel, and/or manufactured good.

*Manufactured good* means a good brought to the construction site for incorporation into the building or work that has been—

- (1) Processed into a specific form and shape; or
- (2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

*Public building and public work* means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

*Steel* means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) *Iron, steel, and manufactured goods.* (1) The award term and condition described in this section implements—

(i) Section 1605(a) of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (Recovery Act), by requiring that all iron, steel, and manufactured goods used in the project are produced in the United States; and

(ii) Section 1605(d), which requires application of the Buy American requirement in a manner consistent with U.S. obligations under international agreements. The restrictions of section 1605 of the Recovery Act do not apply to designated country iron, steel, and/or manufactured goods. The Buy American requirement in section 1605 shall not be applied



where the iron, steel or manufactured goods used in the project are from a Party to an international agreement that obligates the recipient to treat the goods and services of that Party the same as domestic goods and services. This obligation shall only apply to projects with an estimated value of \$7,443,000 or more.

(2) The recipient shall use only domestic or designated country iron, steel, and manufactured goods in performing the work funded in whole or part with this award, except as provided in paragraphs (b)(3) and (b)(4) of this section.

(3) The requirement in paragraph (b)(2) of this section does not apply to the iron, steel, and manufactured goods listed by the Federal Government as follows:

**To Be Determined**

(4) The award official may add other iron, steel, and manufactured goods to the list in paragraph (b)(3) of this section if the Federal Government determines that—

(i) The cost of domestic iron, steel, and/or manufactured goods would be unreasonable. The cost of domestic iron, steel, and/or manufactured goods used in the project is unreasonable when the cumulative cost of such material will increase the overall cost of the project by more than 25 percent;

(ii) The iron, steel, and/or manufactured good is not produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality;  
or

(iii) The application of the restriction of section 1605 of the Recovery Act would be inconsistent with the public interest.

*(c) Request for determination of inapplicability of section 1605 of the Recovery Act or the Buy American Act. (1)(i) Any recipient request to use foreign iron, steel, and/or manufactured goods in accordance with paragraph (b)(4) of this section shall include adequate information for Federal Government evaluation of the request, including—*

(A) A description of the foreign and domestic iron, steel, and/or manufactured goods;

(B) Unit of measure;

(C) Quantity;

(D) Cost;

(E) Time of delivery or availability;

(F) Location of the project;

(G) Name and address of the proposed supplier; and

(H) A detailed justification of the reason for use of foreign iron, steel, and/or manufactured goods cited in accordance with paragraph (b)(4) of this section.

(ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed cost comparison table in the format in paragraph (d) of this section.

(iii) The cost of iron, steel, or manufactured goods shall include all delivery costs to the construction site and any applicable duty.

(iv) Any recipient request for a determination submitted after Recovery Act funds have been obligated for a project for construction, alteration, maintenance, or repair shall explain why the recipient could not reasonably foresee the need for such determination and could not have requested the determination before the funds were obligated. If the recipient does not submit a satisfactory explanation, the award official need not make a determination.

(2) If the Federal Government determines after funds have been obligated for a project for construction, alteration, maintenance, or repair that an exception to section 1605 of the Recovery Act applies, the award official will amend the award to allow use of the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is nonavailability or public interest, the amended award shall reflect adjustment of the award amount, redistribution of budgeted funds, and/or other appropriate actions taken to cover costs associated with acquiring or using the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is the unreasonable cost of the domestic iron, steel, or manufactured goods, the award official shall adjust the award amount or redistribute budgeted funds, as appropriate, by at least the differential established in 2 CFR 176.110(a).

(3) Unless the Federal Government determines that an exception to section 1605 of the Recovery Act applies, use of foreign iron, steel, and/or manufactured goods other than designated country iron, steel, and/or manufactured goods is noncompliant with the applicable Act.

(d) *Data.* To permit evaluation of requests under paragraph (b) of this section based on unreasonable cost, the applicant shall include the following information and any applicable supporting data based on the survey of suppliers:

**Foreign and Domestic Items Cost Comparison**

Description	Unit of measure	Quantity	Cost (dollars)*
<i>Item 1:</i>			
Foreign steel, iron, or manufactured good	_____	_____	_____

Domestic steel, iron, or manufactured good	_____	_____	_____
<i>Item 2:</i>			
Foreign steel, iron, or manufactured good	_____	_____	_____
Domestic steel, iron, or manufactured good	_____	_____	_____

List name, address, telephone number, email address, and contact for suppliers surveyed.  
 Attach copy of response; if oral, attach summary.

Include other applicable supporting information.

\*Include all delivery costs to the construction site.

**26. WAGE RATE REQUIREMENTS UNDER SECTION 1606 OF THE RECOVERY ACT**

(a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. Federal agencies providing grants, cooperative agreements, and loans under the Recovery Act shall ensure that the standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated in any resultant covered contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).

(b) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Recipients of grants, cooperative agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.

**27. RECOVERY ACT TRANSACTIONS LISTED IN SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS AND RECIPIENT RESPONSIBILITIES FOR INFORMING SUBRECIPIENTS**

(a) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (Recovery Act) as required by Congress and in accordance with 2 CFR 215.21 "Uniform Administrative Requirements for Grants and Agreements" and OMB Circular A-102 Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of Recovery Act funds. OMB Circular A-102 is available at <http://www.whitehouse.gov/omb/circulars/a102/a102.html>.

(b) For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," recipients agree to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. OMB Circular A-133 is available at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) Recipients agree to separately identify to each subrecipient, and document at the time of subaward and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) Recipients agree to require their subrecipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office.

**28. DAVIS-BACON ACT REQUIREMENTS**

Note: Where necessary to make the context of these articles applicable to this award, the term "Contractor" shall mean "Recipient" and the term "Subcontractor" shall mean "Subrecipient or Subcontractor" per the following definitions.

Recipient means the organization, individual, or other entity that receives an award from DOE and is financially accountable for the use of any DOE funds or property provided for the performance of the project, and is legally responsible for carrying out the terms and conditions of the award.

Subrecipient means the legal entity to which a subaward is made and which is accountable to the recipient for the use of the funds provided. The term may include foreign or international organizations (such as agencies of the United Nations).

Davis-Bacon Act

(a) Definition.--"Site of the work"--

(1) Means--

(i) The primary site of the work. The physical place or places where the construction called for in the award will remain when work on it is completed; and

(ii) The secondary site of the work, if any. Any other site where a significant portion of the building or work is constructed, provided that such site is--

(A) Located in the United States; and

(B) Established specifically for the performance of the award or project;

(2) Except as provided in paragraph (3) of this definition, includes any fabrication plants, mobile factories, batch plants, borrow pits, job headquarters, tool yards, etc., provided--

(i) They are dedicated exclusively, or nearly so, to performance of the award or project; and

(ii) They are adjacent or virtually adjacent to the "primary site of the work" as defined in paragraph (a)(1)(i), or the "secondary site of the work" as defined in paragraph (a)(1)(ii) of this definition;

(3) Does not include permanent home offices, branch plant establishments, fabrication plants, or tool yards of a Contractor or subcontractor whose locations and continuance in operation are determined wholly without regard to a particular Federal award or project. In addition, fabrication plants, batch plants, borrow pits, job headquarters, yards, etc., of a commercial or material supplier which are established by a supplier of materials for the project before opening of bids and not on the Project site, are not included in the "site of the work." Such permanent, previously established facilities are not a part of the "site of the work" even if the operations for a period of time may be dedicated exclusively or nearly so, to the performance of a award.

(b) (1) All laborers and mechanics employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, or as may be incorporated for a secondary site of the work,

regardless of any contractual relationship which may be alleged to exist between the Contractor and such laborers and mechanics. Any wage determination incorporated for a secondary site of the work shall be effective from the first day on which work under the award was performed at that site and shall be incorporated without any adjustment in award price or estimated cost. Laborers employed by the construction Contractor or construction subcontractor that are transporting portions of the building or work between the secondary site of the work and the primary site of the work shall be paid in accordance with the wage determination applicable to the primary site of the work.

(2) Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (e) of this article; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such period.

(3) Such laborers and mechanics shall be paid not less than the appropriate wage rate and fringe benefits in the wage determination for the classification of work actually performed, without regard to skill, except as provided in the article entitled Apprentices and Trainees. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein; provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed.

(4) The wage determination (including any additional classifications and wage rates conformed under paragraph (c) of this article) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the Contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(c) (1) The Contracting Officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the award shall be classified in conformance with the wage determination. The Contracting Officer shall approve an additional classification and wage rate and fringe benefits therefore only when all the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination.

(ii) The classification is utilized in the area by the construction industry.

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the Contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives and the Contracting Officer agree on the classification and wage rate (including the amount designated for fringe benefits, where appropriate), a report of the

action taken shall be sent by the Contracting Officer to the Administrator of the:

Wage and Hour Division  
Employment Standards Administration  
U.S. Department of Labor  
Washington, DC 20210

The Administrator or an authorized representative will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the Contracting Officer or will notify the Contracting Officer within the 30-day period that additional time is necessary.

(3) In the event the Contractor, the laborers or mechanics to be employed in the classification, or their representatives, and the Contracting Officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the Contracting Officer shall refer the questions, including the views of all interested parties and the recommendation of the Contracting Officer, to the Administrator of the Wage and Hour Division for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the Contracting Officer or will notify the Contracting Officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits, where appropriate) determined pursuant to subparagraphs (c)(2) and (c)(3) of this article shall be paid to all workers performing work in the classification under this award from the first day on which work is performed in the classification.

(d) Whenever the minimum wage rate prescribed in the award for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the Contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(e) If the Contractor does not make payments to a trustee or other third person, the Contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program; provided, that the Secretary of Labor has found, upon the written request of the Contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the Contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

#### Rates of Wages - Prior Approval for Proceeding with Davis-Bacon Construction Activities

If the Recipient determines at any time that any construction, alteration, or repair activity as defined by 29 CFR 5.2(j) (<http://cfr.vlex.com/vid/5-2-definitions-19681309>) will be performed during the course of the project, the Recipient shall request approval from the Contracting Officer prior to commencing such work. If the Contracting Officer concurs with the Recipient's determination, the Recipient must receive Contracting Officer approval to proceed with such activity, and must comply with all applicable Davis-Bacon requirements, prior to commencing

such work. A modification to the award which incorporates the appropriate Davis-Bacon wage rate determination(s) will constitute the Contracting Officer's approval to proceed. If the Contracting Officer does not concur with the Recipient's determination, the Contracting Officer will so notify the Recipient in writing.



**U.S. Department of Energy  
FEDERAL ASSISTANCE REPORTING CHECKLIST  
AND INSTRUCTIONS**

<b>1. Identification Number:</b> DE-EE-0000793, 000	<b>2. Program/Project Title:</b> PALM BEACH COUNTY EE AND CONSERVATION PROGRAM FOR LONG TERM SUSTAINABILITY.																											
<b>3. Recipient:</b> County of Palm Beach, FL.																												
<b>4. Reporting Requirements:</b> <b>A. MANAGEMENT REPORTING</b> <input checked="" type="checkbox"/> Progress Report <input type="checkbox"/> Special Status Report  <b>B. SCIENTIFIC/TECHNICAL REPORTING</b> (Reports/Products must be submitted with appropriate DOE F 241. The 241 forms are available at <a href="http://www.osti.gov/et/ostl">www.osti.gov/et/ostl</a> .)  <table style="width:100%; border: none;"> <tr> <td style="width:30%;">Report/Product</td> <td style="width:30%;">Form</td> <td style="width:40%;"></td> </tr> <tr> <td><input type="checkbox"/> Final Scientific/Technical Report</td> <td>DOE F 241.3</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Conference papers/proceedings*</td> <td>DOE F 241.3</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Software/Manual</td> <td>DOE F 241.4</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other (see special instructions)</td> <td>DOE F 241.3</td> <td></td> </tr> </table> * Scientific and technical conferences only  <b>C. FINANCIAL REPORTING</b> <input checked="" type="checkbox"/> SF-425, Financial Status Report  <b>D. CLOSEOUT REPORTING</b> <input type="checkbox"/> Patent Certification <input type="checkbox"/> Property Certification <input type="checkbox"/> Other  <b>E. OTHER REPORTING</b> <input type="checkbox"/> Annual Indirect Cost Proposal <input type="checkbox"/> Annual Inventory of Federally Owned Property, if any <input checked="" type="checkbox"/> Other	Report/Product	Form		<input type="checkbox"/> Final Scientific/Technical Report	DOE F 241.3		<input type="checkbox"/> Conference papers/proceedings*	DOE F 241.3		<input type="checkbox"/> Software/Manual	DOE F 241.4		<input type="checkbox"/> Other (see special instructions)	DOE F 241.3		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:20%;">Frequency</th> <th style="width:20%;">No. of Copies</th> <th style="width:60%;">Addressee</th> </tr> </thead> <tbody> <tr> <td align="center">Q, A</td> <td></td> <td align="center">EECBG@go.doe.gov</td> </tr> <tr> <td align="center">Q</td> <td></td> <td align="center">EECBG@go.doe.gov</td> </tr> <tr> <td align="center">A</td> <td></td> <td align="center">See Special Instructions Below</td> </tr> </tbody> </table>	Frequency	No. of Copies	Addressee	Q, A		EECBG@go.doe.gov	Q		EECBG@go.doe.gov	A		See Special Instructions Below
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Q		EECBG@go.doe.gov																										
A		See Special Instructions Below																										
<b>FREQUENCY CODES AND DUE DATES:</b> A - Within 5 calendar days after events or as needed. F - Final; 90 calendar days after expiration or termination of the award. Y - Yearly; 90 days after the end of the reporting period. S - Semiannually; within 30 days after end of reporting period. Q - Quarterly; within 30 days after end of the reporting period.																												
<b>5. Special Instructions:</b> NOTE: The Reporting Requirements shown on this checklist are to be used in the interim and will be revised when the EECBG reporting system is finalized. This checklist will be replaced at that time with a modification to the award.  <b>Other Reporting: AMERICAN RECOVERY AND REINVESTMENT ACT REPORTING:</b> See the Special Terms and Conditions for Recovery Act reporting requirements, along with the following web site: <a href="http://www.federalreporting.gov">http://www.federalreporting.gov</a> . The required reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act. Recipients are instructed to maintain data in order to report cumulatively beginning with an estimated October 10, 2009 reporting deadline.																												

## Federal Assistance Reporting Instructions (5/06)

### A. MANAGEMENT REPORTING

#### Progress Report

The Progress Report must provide a concise narrative assessment of the status of work and include the following information and any other information identified under Special Instructions on the Federal Assistance Reporting Checklist:

1. The DOE award number and name of the recipient.
2. The project title and name of the project director/principal investigator.
3. Date of report and period covered by the report.
4. A comparison of the actual accomplishments with the goals and objectives established for the period and reasons why the established goals were not met.
5. A discussion of what was accomplished under these goals during this reporting period, including major activities, significant results, major findings or conclusions, key outcomes or other achievements. This section should not contain any proprietary data or other information not subject to public release. If such information is important to reporting progress, do not include the information, but include a note in the report advising the reader to contact the Principal Investigator or the Project Director for further information.
6. Cost Status. Show approved budget by budget period and actual costs incurred. If cost sharing is required break out by DOE share, recipient share, and total costs.
7. Schedule Status. List milestones, anticipated completion dates and actual completion dates. If you submitted a project management plan with your application, you must use this plan to report schedule and budget variance. You may use your own project management system to provide this information.
8. Any changes in approach or aims and reasons for change. Remember significant changes to the objectives and scope require prior approval by the contracting officer.
9. Actual or anticipated problems or delays and actions taken or planned to resolve them.
10. Any absence or changes of key personnel or changes in consortium/teaming arrangement.
11. A description of any product produced or technology transfer activities accomplished during this reporting period, such as:
  - A. Publications (list journal name, volume, issue); conference papers; or other public releases of results. Attach or send copies of public releases to the DOE Project Officer identified in Block 11 of the Notice of Financial Assistance Award.
  - B. Web site or other Internet sites that reflect the results of this project.

- C. Networks or collaborations fostered.
- D. Technologies/Techniques.
- E. Inventions/Patent Applications
- F. Other products, such as data or databases, physical collections, audio or video, software or netware, models, educational aid or curricula, instruments or equipment.

### **Special Status Report**

The recipient must report the following events by e-mail as soon as possible after they occur:

1. Developments that have a significant favorable impact on the project.
2. Problems, delays, or adverse conditions which materially impair the recipient's ability to meet the objectives of the award or which may require DOE to respond to questions relating to such events from the public. The recipient must report any of the following incidents and include the anticipated impact and remedial action to be taken to correct or resolve the problem/condition:
  - a. Any single fatality or injuries requiring hospitalization of five or more individuals.
  - b. Any significant environmental permit violation.
  - c. Any verbal or written Notice of Violation of any Environmental, Safety, and Health statutes.
  - d. Any incident which causes a significant process or hazard control system failure.
  - e. Any event which is anticipated to cause a significant schedule slippage or cost increase.
  - f. Any damage to Government-owned equipment in excess of \$50,000.
  - g. Any other incident that has the potential for high visibility in the media.

## **B. SCIENTIFIC/TECHNICAL REPORTS**

### **Final Scientific/Technical Report**

Content. The final scientific/technical report must include the following information and any other information identified under Special Instructions on the Federal Assistance Reporting Checklist:

1. Identify the DOE award number; name of recipient; project title; name of project director/principal investigator; and consortium/teaming members.

2. Display prominently on the cover of the report any authorized distribution limitation notices, such as patentable material or protected data. Reports delivered without such notices may be deemed to have been furnished with unlimited rights, and the Government assumes no liability for the disclosure, use or reproduction of such reports.
3. Provide an executive summary, which includes a discussion of 1) how the research adds to the understanding of the area investigated; 2) the technical effectiveness and economic feasibility of the methods or techniques investigated or demonstrated; or 3) how the project is otherwise of benefit to the public. The discussion should be a minimum of one paragraph and written in terms understandable by an educated layman.
4. Provide a comparison of the actual accomplishments with the goals and objectives of the project.
5. Summarize project activities for the entire period of funding, including original hypotheses, approaches used, problems encountered and departure from planned methodology, and an assessment of their impact on the project results. Include, if applicable, facts, figures, analyses, and assumptions used during the life of the project to support the conclusions.
6. Identify products developed under the award and technology transfer activities, such as:
  - a. Publications (list journal name, volume, issue), conference papers, or other public releases of results. If not provided previously, attach or send copies of any public releases to the DOE Project Officer identified in Block 11 of the Notice of Financial Assistance Award;
  - b. Web site or other Internet sites that reflect the results of this project;
  - c. Networks or collaborations fostered;
  - d. Technologies/Techniques;
  - e. Inventions/Patent Applications, licensing agreements; and
  - f. Other products, such as data or databases, physical collections, audio or video, software or netware, models, educational aid or curricula, instruments or equipment.
7. For projects involving computer modeling, provide the following information with the final report:
  - a. Model description, key assumptions, version, source and intended use;
  - b. Performance criteria for the model related to the intended use;
  - c. Test results to demonstrate the model performance criteria were met (e.g., code verification/validation, sensitivity analyses, history matching with lab or field data, as appropriate);
  - d. Theory behind the model, expressed in non-mathematical terms;
  - e. Mathematics to be used, including formulas and calculation methods;

- f. Whether or not the theory and mathematical algorithms were peer reviewed, and, if so, include a summary of theoretical strengths and weaknesses;
- g. Hardware requirements; and
- h. Documentation (e.g., users guide, model code).

**Electronic Submission.** The final scientific/technical report must be submitted electronically via the DOE Energy Link System (E-Link) accessed at <http://www.osti.gov/mlink-2413>.

**Electronic Format.** Reports must be submitted in the ADOBE PORTABLE DOCUMENT FORMAT (PDF) and be one integrated PDF file that contains all text, tables, diagrams, photographs, schematic, graphs, and charts. Materials, such as prints, videos, and books, that are essential to the report but cannot be submitted electronically, should be sent to the Contracting Officer at the address listed in Block 12 of the Notice of Financial Assistance Award.

**Submittal Form.** The report must be accompanied by a completed electronic version of DOE Form 241.3, "U.S. Department of Energy (DOE), Announcement of Scientific and Technical Information (STI)." You can complete, upload, and submit the DOE F.241.3 online via E-Link. You are encouraged not to submit patentable material or protected data in these reports, but if there is such material or data in the report, you must: (1) clearly identify patentable or protected data on each page of the report; (2) identify such material on the cover of the report; and (3) mark the appropriate block in Section K of the DOE F 241.3. Reports must not contain any limited rights data (proprietary data), classified information, information subject to export control classification, or other information not subject to release. Protected data is specific technical data, first produced in the performance of the award that is protected from public release for a period of time by the terms of the award agreement.

#### **Conference Papers/Proceedings**

**Content:** The recipient must submit a copy of any conference papers/proceedings, with the following information: (1) Name of conference; (2) Location of conference; (3) Date of conference; and (4) Conference sponsor.

**Electronic Submission.** Scientific/technical conference paper/proceedings must be submitted electronically via the DOE Energy Link System (E-Link) at <http://www.osti.gov/mlink-2413>. Non-scientific/technical conference papers/proceedings must be sent to the URL listed on the Reporting Checklist.

**Electronic Format.** Conference papers/proceedings must be submitted in the ADOBE PORTABLE DOCUMENT FORMAT (PDF) and be one integrated PDF file that contains all text, tables, diagrams, photographs, schematic, graphs, and charts. If the proceedings cannot be submitted electronically, they should be sent to the DOE Administrator at the address listed in Block 12 of the Notice of Financial Assistance Award.

**Submittal Form.** Scientific/technical conference papers/proceedings must be accompanied by a completed DOE Form 241.3. The form and instructions are available on E-Link at <http://www.osti.gov/mlink-2413>. This form is not required for non-scientific or non-technical conference papers or proceedings.

## **Software/Manual**

**Content.** Unless otherwise specified in the award, the following must be delivered: source code, the executable object code and the minimum support documentation needed by a competent user to understand and use the software and to be able to modify the software in subsequent development efforts.

**Electronic Submission.** Submissions may be submitted electronically via the DOE Energy Link System (E-Link) at <http://www.osti.gov/estsc/241-4pre.jsp>. They may also be submitted via regular mail to:

Energy Science and Technology Software Center  
P.O. Box 1020  
Oak Ridge, TN 37831

**Submittal Form.** Each software deliverable and its manual must be accompanied by a completed DOE Form 241.4 "Announcement of U.S. Department of Energy Computer Software." The form and instructions are available on E-Link at <http://www.osti.gov/estsc/241-4pre.jsp>.

## **C. FINANCIAL REPORTING**

Recipients must complete the financial reports identified on the Reporting Checklist in accordance with the report instructions. These standard forms are available at <http://www.whitehouse.gov/omb/grants/index.html>. Fillable forms are available at <http://grants.pr.doe.gov>.

## **D. CLOSEOUT REPORTS**

### **Final Invention and Patent Report**

The recipient must provide a DOE Form 2050.11, "PATENT CERTIFICATION." This form is available at <http://www.directives.doe.gov/pdfs/forms/2050-11.pdf> and [http://management.energy.gov/business\\_doe/business\\_forms.htm](http://management.energy.gov/business_doe/business_forms.htm)

### **Property Certification**

The recipient must provide the Property Certification, including the required inventories of non-exempt property, located at [http://management.energy.gov/business\\_doe/business\\_forms.htm](http://management.energy.gov/business_doe/business_forms.htm)

## **E. OTHER REPORTING**

### **Annual Indirect Cost Proposal and Reconciliation**

**Requirement.** In accordance with the applicable cost principles, the recipient must submit an annual indirect cost proposal, reconciled to its financial statements, within six months after the close of the fiscal year, unless the award is based on a predetermined or fixed indirect rate(s), or a fixed amount for indirect or facilities and administration (F&A) costs.

**Cognizant Agency.** The recipient must submit its annual indirect cost proposal directly to the cognizant agency for negotiating and approving indirect costs. If the DOE awarding office is the cognizant agency, submit the annual indirect cost proposal to the DOE Award Administrator identified in Block 12 of the Notice of Financial Assistance Award.

**Annual Inventory of Federally Owned Property**

**Requirement.** If at any time during the award the recipient is provided Government-furnished property or acquires property with project funds and the award specifies that the property vests in the Federal Government (i.e. federally owned property), the recipient must submit an annual inventory of this property to the DOE Award Administrator identified in Block 12 of the Notice of Financial Assistance Award no later than October 30<sup>th</sup> of each calendar year, to cover an annual reporting period ending on the preceding September 30<sup>th</sup>.

**Content of Inventory.** The inventory must include a description of the property, tag number, acquisition date, location of property, and acquisition cost, if purchased with project funds. The report must list all federally owned property, including property located at subcontractor's facilities or other locations.

Budget Information - Best Contribution Programs

2008 Annual Budget

Fund Program Function or Activity	Agency of Federal Expenditure Instruction Number	Estimated (Unobligated) FY 08		New or Renewed Budget		Total
		Federal (\$)	State/Federal	Federal	State/Federal	
1. Specific Research Conducted	01 120			\$1,200,000		\$1,200,000
2. Emergency Operations Center (EOC) Upgrade	01 120			\$1,000,000		\$1,000,000
3. Replacement Street Lighting (Green Illumination Lighting)	01 120			\$1,125,000		\$1,125,000
4. Traffic Signal Synchronization	01 120			\$200,000		\$200,000
5. Solar to Agricultural Computer Monitor Buildings 1&2	01 120			\$175,000		\$175,000
6. Government Operations (Subcategory)	01 120			\$204,000		\$204,000
7. Supply Asset Capital Fund (Subcategory)	01 120			\$400,000		\$400,000
8. POC Recycling Energy Fund Program	01 120			\$600,000		\$600,000
9. Self-Provision for Energy Resources & Sustainability	01 120			\$407,000		\$407,000
<b>Total</b>				<b>\$8,917,000</b>		<b>\$8,917,000</b>

Fund Program Function or Activity	Agency of Federal Expenditure Instruction Number	Estimated (Unobligated) FY 08		New or Renewed Budget		Total
		Federal (\$)	State/Federal	Federal	State/Federal	
8. Capital Class Categories						
a. Personnel						\$224,000
b. Fringe Benefits						\$74,000
c. Travel						\$7,200
d. Equipment						\$2,400,000
e. Supplies						\$0
f. Construction						\$2,000,000
g. Other						\$0
1. Total Direct Charges (sum of b-g)						\$2,077,200
2. Indirect Charges						\$0
3. Total (sum of b-g)						\$2,077,200
7. Program Income						\$0



## **STATEMENT OF PROJECT OBJECTIVES**

County of Palm Beach, FL

Palm Beach County EE and Conservation Program for Long Term Sustainability

### **A. PROJECT OBJECTIVES**

The purpose of this award is to implement the Recipient's Energy Efficiency & Conservation Strategy (EEC&S) in order to reduce fossil fuel emissions; reduce total energy use of the eligible entities; and improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors, along with creating jobs.

### **B. PROJECT SCOPE**

The scope for this award is the implementation of the EEC&S and all supporting documentation necessary for the proposed activities (Attached).

### **C. PROJECT MANAGEMENT AND REPORTING**

Reports and deliverables will be provided in accordance with the Federal Assistance Reporting Checklist.

**EECBG Activity Worksheet**

Grantee: FL-COUNTY-PALMBEACH Date: 05/12/2009  
 DUNS #: 78470481 Program Contact Email: pnolan@pbcgov.org  
 Program Contact First Name: Pamela Last Name: Nolan  
 Project Title: Digester Biogas Combined Heat and Power Renewable Energy Project  
 Activity: 11. Reduction/Capture of Methane/Greenhouse Gases If Other: \_\_\_\_\_  
 Sector: Public If Other: \_\_\_\_\_  
 Proposed Number of Jobs Created: 29.00 Proposed Number of Jobs Retained: 0.00  
 Proposed Energy Saved and/or Renewable Energy Generated: 5,256,000 kilowatts per 3 years  
 Proposed GHG Emissions Reduced (CO2 Equivalents): 3,774.000  
 Proposed Funds Leveraged: \$1,433,816.00  
 Proposed EECBG Budget: 1,200,000.00  
 Projected Costs Within Budget Administration: \$0.00 Revolving Loans: \$0.00 Subgrants: \$0.00  
 Project Contact First Name: Diana Last Name: Rivera Email: drivera@pbcwater.com  
 Metric Activity: Government, School, Institutional Procurement If Other: \_\_\_\_\_

**Project Summary: (limit summary to space provided)**

The Digester Biogas Combined Heat and Power Renewable Energy Project will utilize a microturbine to complete the 100% recycling objective for the plant by generating power from digester gas, which is currently burned in a waste gas flare. The microturbine will generate mechanical energy which will be converted to electricity for 100% on-site use. The energy saved will be 200 kilowatts per hour and the GHG Emissions reduced (CO2 Equivalents) will be 1,258 metric tons annually.

Currently the advanced secondary treated wastewater is reclaimed and utilized as irrigation water for four (4) area golf courses and fifteen (15) residential communities and various commercial properties, encompassing 1,200 irrigated acres. Over the next ten-years Palm Beach County Water Utilities Department (PBCWUD) will increase its reclaimed water capacity from 22 MGD to 39 MGD with an expansion planned at the Southern Region Water Reclamation Facility (SRWRF). PBCWUD began implementing wetlands projects in 1997 to accept advanced secondarily treated wastewater to reduce the amount of effluent disposed through deep well injection. The wetlands are designed to treat the highly treated secondary effluent with advanced natural biological processes to further reduce nutrient levels as well as percolate into the surficial aquifer to recharge the local groundwater. A fertilizer pelletization project is currently under construction to utilize the biosolids generated at SRWRF.

The proposed biogas microturbine project would complete the waste reclamation cycle by recycling all waste products generated at the facility. Biogas from the digesters would be captured and combusted to produce electric power. This waste gas-to-energy recapture is an innovative project that demonstrates sustainable use at a wastewater treatment facility. This has potentially widespread application in similar wastewater treatment facilities as well as other industrial facilities located throughout Florida. Our

PBCWUD is a proactive utility that values improvements that can improve environmental stewardship.

Objective 1: The proposed biogas reclamation project would complete the waste reclamation cycle at SRWRF by utilizing 100% of the biogas created at the facility.

Objective 2: Reduce energy consumption, and thereby energy cost, through the use of on site power generation and heat recovery from the microturbine to heat the sludge in the digesters.

Objective 3: Reduce consumption of grid-supplied electrical power.

Objective 4: Increase electrical system flexibility.

Objective 5: Reduce environmental emissions of NOX and CO2.

Objective 6: Provide an avenue for carbon credit trading.

Objective 7: Through the demonstration project, become a model for other utilities to recover and utilize biomass for energy production. In order for this project to be duplicated by other utilities, we plan to include research and measuring components that will provide evaluation data for continuous research, development and design criteria.

Objective 8: Provide an educational opportunity for the public by providing tours of the facility and a kiosk explaining the biogas to energy process.

*If you are proposing more than one activity, save this file as many times as needed with successive page numbers. For example: "OH-CITY-Columbus-Project Activity page 1.pdf," "OH-CITY-Columbus-Project Activity page 2.pdf," and continue as needed.*

**EECBG Activity Worksheet**

Grantee: FL-COUNTY-PALMBEACH Date: 05/12/2009  
 DUNS #: 78470481 Program Contact Email: paolan@pbcgov.org  
 Program Contact First Name: Pamela Last Name: Nolan  
 Project Title: Palm Beach County Emergency Operations Center - HVAC Upgrade  
 Activity: 9. Energy Distribution If Other: \_\_\_\_\_  
 Sector: Public If Other: \_\_\_\_\_  
 Proposed Number of Jobs Created: 16.00 Proposed Number of Jobs Retained: 0.00  
 Proposed Energy Saved and/or Renewable Energy Generated: 19% Reduction in Energy Use, \$17,000 Annual Savings  
 Proposed GHG Emissions Reduced (CO2 Equivalents): 121.803  
 Proposed Funds Leveraged: \$0.00  
 Proposed EECBG Budget: 1,500,000.00  
 Projected Costs Within Budget: Administration: \$0.00 Revolving Loans: \$0.00 Subgrants: \$0.00  
 Project Contact First Name: Jimmy Last Name: Beno Email: jhbeno@pbcgov.org  
 Metric Activity: Building Retrofits If Other: \_\_\_\_\_

**Project Summary: (limit summary to space provided)**

As a result of load increases during the years the cooling load of the Palm Beach County Emergency Operations Center (BOC) has increased and is estimated at about 150 tons. The chiller capacity of the BOC is based on 100% redundancy. At present, two 100 ton reciprocating chillers supply the building. Since total chiller capacity is unable to supply the heat load by operating both chillers in parallel, redundancy has been substantially reduced below 100%. At times, some areas with high IT equipment density are experiencing elevated temperatures and the system is running in a highly inefficient and ineffective manner.

To solve this problem, the PBC Facilities Development and Operations Department will oversee this project to replace the existing two (2) 100 ton chillers with two (2) new 200 ton "modular" chillers at their present location. It will also include the installation of new cooling towers, pumps and any electrical modifications as necessary. The two 200 ton chillers will provide 100% redundancy and some margin for future growth based upon past load history. Energy efficiency of this chiller type will be in the 0.65kW per Ton range. These chillers cost approximately \$125,000 per chiller without the subsequent installation charges. The scope of work will require that the old chillers and both of the current cooling towers be removed. The existing cooling tower capacity is insufficient for the new 200 ton chillers. Present installation inside the building and structural limitations associated with modification of the existing cooling tower space dictates that the new cooling towers will be located outside the building in a new hardened structure.

A basic energy study comparing the new proposed system to the current system indicates that the new "modular" chillers will increase by at least 19% the energy efficiency translating to a \$17,000 annual savings in energy costs. The GHG Emissions Reduced (CO2 Equivalents) is 89,510 lbs. annually. From a kW prospective, the existing chillers operate at 0.80kw per ton and the new ones will operate at 0.65kW per ton. The average annual kW usage will go from 911,104 kW-hr to 740,220 kW-hr, a reduction of over 150,000 kW-hr annually. In addition, due to normal loss of efficiencies related to the age of the existing chillers, the actual energy savings should be higher.

The project is expected to cost \$1.5 million to complete. The estimated schedule (subject to change based upon design) is eight months for design, three months for permitting, twelve months for construction for a total of almost two years.

*If you are proposing more than one activity, save this file as many times as needed with successive page numbers. For example: "OH-CITY-Columbus-Project Activity page 1.pdf," "OH-CITY-Columbus-Project Activity page 2.pdf," and continue as needed.*

**EECBG Activity Worksheet**

Grantee: FL-COUNTY-PALMBEACH Date: 05/12/2009  
 DUNS #: 78470481 Program Contact Email: pnolan@pbcgov.org  
 Program Contact First Name: Paola Last Name: Nolan  
 Project Title: Recreational Sport Lighting - Green Generation Lighting  
 Activity: 5. Energy Efficiency Retrofits If Other: \_\_\_\_\_  
 Sector: Public If Other: \_\_\_\_\_  
 Proposed Number of Jobs Created: 14.00 Proposed Number of Jobs Retained: 0.00  
 Proposed Energy Saved and/or Renewable Energy Generated: 20%  
 Proposed GHG Emissions Reduced (CO2 Equivalents): 508.000  
 Proposed Funds Leveraged: \$200,000.00  
 Proposed EECBG Budget: 1,125,000.00  
 Projected Costs Within Budget: Administration: \$0.00 Revolving Loans: \$0.00 Subgrants: \$0.00  
 Project Contact First Name: Mugo Last Name: Orosco Email: Morosco@pbcgov.org  
 Metric Activity: Energy Efficiency Rating and Labeling If Other: \_\_\_\_\_

**Project Summary: (limit summary to space provided)**

Musco Lighting, LLC is a qualified energy-efficiency contractor who is currently utilized by the State of Florida and has also successfully completed local and regional projects (i.e. Broward County: Coconut Creek/Hallandale High Schools and the City of Naples: North Naples Regional Park.)

The Company's expertise is in the design and manufacturing of systems for lighting recreation and athletic fields, and specializing in developing sports-lighting technology and sports facility management. They have pioneered improvements in energy efficiency which translates into significant benefits for their customers through operating cost savings, enhanced spill and glare control and increased durability.

For these reasons, Palm Beach County Parks and Recreation Department proposes to utilize this vendor to replace existing sports-lighting systems at various sites in John Prince, Okecheelee and Lake Lytal Parks with Green Generation Lighting Systems in an effort to significantly reduce energy consumption by improving energy efficiency at these locations.

Over the past several years the Department has worked diligently to improve the lighting systems at many of the County's athletic facilities. Currently, seven (7) sites have been replaced with Green Generation Lighting Systems. Replacing the outdated and inefficient systems offers an energy savings up to 50% over standard systems. The energy savings is 3,861,275 KWH over a 25 year period.

The athletic lighting fixtures at John Prince, Okecheelee & Lake Lytal Parks are more than 25 years old. The optimum operational life of these fixtures has long passed. The current deteriorated condition of these systems has resulted in light lumen level reductions, increased energy consumption and overall poor performance of the systems. By applying for and receiving funding through the EECBG Program, Palm Beach County's Park System will be able to continue its mission of developing and maintaining energy efficient quality parks and facilities throughout the County.

*If you are proposing more than one activity, save this file as many times as needed with successive page numbers. For example, "OH-CITY-Columbus-Project Activity page 1.pdf," "OH-CITY-Columbus-Project Activity page 2.pdf," and continue as needed.*

**EECBG Activity Worksheet**

Grantee: FL-COUNTY-PAIMBEACH Date: 05/12/2009  
 DUNS #: 78470481 Program Contact Email: pnolan@pbgov.org  
 Program Contact First Name: Pamela Last Name: Nolan  
 Project Title: Traffic Signal Synchronization  
 Activity: 7. Transportation If Other: \_\_\_\_\_  
 Sector: Transportation If Other: \_\_\_\_\_  
 Proposed Number of Jobs Created: 2.00 Proposed Number of Jobs Retained: 0.00  
 Proposed Energy Saved and/or Renewable Energy Generated: 5% to 20%  
 Proposed GHG Emissions Reduced (CO2 Equivalents): 500.000  
 Proposed Funds Leveraged: \$0.00  
 Proposed EECBG Budget: 200,000.00  
 Projected Costs Within Budget: Administration: \$0.00 Revolving Loans: \$0.00 Subgrants: \$0.00  
 Project Contact First Name: Dan Last Name: Weisberg Email: dweisberg@pbgov.org  
 Metric Activity: Transportation If Other: \_\_\_\_\_

**Project Summary: (limit summary to space provided)**

This project will be performed by a Civil Engineering / Traffic consultant contracted by the Palm Beach County's Engineering and Public Works Department. The scope of the Project will include collecting turning movement data for AM, Midday, and PM peak hours during a weekday and a Seven day 24-hour approach volume counts on the main street at appropriate locations. There will be a requirement for developing a Calibration Runs using SYNCHRO software for the existing conditions, along with conducting a Travel-Time Delay Study for the Before conditions. Operational deficiencies such as cycle failures, phase failures, queue back-ups, etc., will be documented. Optimized Signal Timing Plans will be developed with the goal of minimizing intersection and arterial delays, fuel consumptions, and stops, and increasing the arterial travel speeds. New Signal Timing Plans will be implemented in the field and fine-tuned. Travel-Time Delay Studies will be conducted to document the benefits of the Re-timing Project. Time-Space Diagrams will be developed for the Before and After conditions. Palm Beach County identifies the following sections of roadways for Traffic Signal Synchronization Project.

- 1) Northlake Boulevard From Military Trail east to Prosperity Farms Rd (11 signals)
- 2) Palm Beach Lakes Blvd: From Village Blvd east to Australian Ave (10 signals)
- 3) Gateway Blvd: From Congress Ave east to Federal Hwy (9 signals)
- 4) Linton Blvd: From Jog Rd east to Federal Hwy (18 signals)

NOTE: CO2 Equivalents are calculated based on 39 KG reduction for the peak hour and approximately 114 KG per day for each roadway. Total for 4 roadways is 456 KG per day.

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EECBG Activity Worksheet

Grantee: FL-COUNTY-PALMBEACH

Date: 05/12/2009

DUNS #: 78470481

Program Contact Email: pnolan@pbcgov.org

Program Contact First Name: Pamela

Last Name: Nolan

Project Title: Solar Power for the Agricultural Mounts Complex

Activity: 13. Onsite Renewable Technology

If Other: \_\_\_\_\_

Sector: Public

If Other: \_\_\_\_\_

Proposed Number of Jobs Created: 2.00

Proposed Number of Jobs Retained: 0.00

Proposed Energy Saved and/or Renewable Energy Generated: 204

Proposed GHG Emissions Reduced (CO2 Equivalents): 660.000

Proposed Funds Leveraged: \$0.00

Proposed EECBG Budget: 175,000.00

Projected Costs Within Budget Administration: \$0.00

Revolving Loans: \$0.00

Subgrants: \$0.00

Project Contact First Name: Jimmy

Last Name: Beno

Email: jbeno@pbcgov.org

Metric Activity: Renewable Energy Market Development

If Other: \_\_\_\_\_

Project Summary: *(limit summary to space provided)*

The Palm Beach County Facilities Development and Operations Department will retrofit two building roofs at the Palm Beach County-Agricultural Mounts Complex (building #1-Exhibit Hall and building #2-Consumer Services) with photovoltaic solar generation systems for the purposes of producing 19.448kw.

The project will consist of:

1. Design of the photovoltaic system.
2. Purchase and installation of 143 Advanced Green Technologies Flexlight-136 photovoltaic panels.
3. Purchase and installation of 1 PB Powered 30kw series inverter.
4. The creation of a data monitoring system to determine real time data via internet connection to monitor the benefit of the systems.
5. Purchase and installation of one (1) 32" flat screen monitor to be installed in the lobby of the facility. The display will show the performance of the system and environmental savings. This will be used as an educational component to this project.

In all the project will have a total budget of \$175,000 and will produce 19.448kw of energy replacing traditional methods of energy production and furthering the County's effort to "Green" our facilities.

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EECBG Activity Worksheet

Grantee: FL-COUNTY-PALMBEACH Date: 05/12/2009  
 DUNS #: 78470481 Program Contact Email: pnolan@pbcgov.org  
 Program Contact First Name: Pamela Last Name: Nolan  
 Project Title: Competitive Grant Program for Local Governmental Organizations  
 Activity: 5. Energy Efficiency Retrofits If Other: \_\_\_\_\_  
 Sector: Public If Other: \_\_\_\_\_  
 Proposed Number of Jobs Created: 14.00 Proposed Number of Jobs Retained: 0.00  
 Proposed Energy Saved and/or Renewable Energy Generated: 15k-20k  
 Proposed GHG Emissions Reduced (CO2 Equivalents): \_\_\_\_\_  
 Proposed Funds Leveraged: \$650,000.00  
 Proposed EECBG Budget: 650,000.00  
 Projected Costs Within Budget: Administration: \$0.00 Revolving Loans: \$0.00 Subgrants: \$0.00  
 Project Contact First Name: Pamela Last Name: Nolan Email: pnolan@pbcgov.org  
 Metric Activity: Building Retrofits If Other: \_\_\_\_\_

Project Summary: *(limit summary to space provided)*

The Palm Beach County Economic Development Office (EDO) will establish a Competitive Grant Program to assist local governmental organizations with energy efficiency and conservation activities within Palm Beach County. This opportunity will be open to Palm Beach County's 38 municipalities, 11 community redevelopment agencies, school district and other governmental organizations. The program will focus on retrofitting existing facilities to improve energy efficiency, reduce energy consumption and costs by completing efficiency improvements within the building, transportation and other sectors. The grant program will offer recipients information in seeking matching funds through federal, state, local programs and financing through conventional commercial financing or energy service performance contracts or ESCOs. The grant will require a minimum 50% match to the Competitive Program funds. Preference will be given to projects requiring a minimum match of \$50,000. Maximum amount eligible for project request up to \$200,000. A grant review committee will consist of environmental, financial and economic development staff for project review. Project implementation will adhere to the EECBG Program guidelines including environmental forms, Davis Bacon Wages Act, shovel ready projects, obligation of funds within 18 months and expenditure of funds within a 36 month timeframe or less. Reporting requirements will include energy efficiency data, job creation/retention and funds leveraged. EDO will advertise and hold workshops to encourage participation. Results of the program will be posted on our website for Energy Efficiency and Conservation.

The Palm Beach County Economic Development Office has managed and implemented incentive programs over 16 years, assisting business projects and local governmental organizations with public improvement projects that create/retain jobs, leverage funds, increase revenues, and in many cases target high poverty and high unemployment areas of the County.

*If you are proposing more than one activity, save this file as many times as needed with successive page numbers. For example: "OH-CITY-Columbus-Project Activity page 1.pdf," "OH-CITY-Columbus-Project Activity page 2.pdf," and continue as needed.*

**EECBG Activity Worksheet**

Grantee: FL-COUNTY-PALMBEACH

Date: 05/12/2009

DUNS #: 78470481

Program Contact Email: pnolan@pbcgov.org

Program Contact First Name: Pamela

Last Name: Nolan

Project Title: Equity Seed Capital Program

Activity: 4. Financial Incentive Program

If Other: \_\_\_\_\_

Sector: Commercial

If Other: \_\_\_\_\_

Proposed Number of Jobs Created: 22.00

Proposed Number of Jobs Retained: 0.00

Proposed Energy Saved and/or Renewable Energy Generated: 20t

Proposed GHG Emissions Reduced (CO2 Equivalents): \_\_\_\_\_

Proposed Funds Leveraged: \$1,600,000.00

Proposed EECBG Budget: 400,000.00

Projected Costs Within Budget Administration: \$0.00

Revolving Loans: \$0.00

Subgrants: \$400,000.00

Project Contact First Name: Pamela

Last Name: Nolan

Email: pnolan@pbcgov.org

Metric Activity: Loans and Grants

If Other: \_\_\_\_\_

Project Summary: *(limit summary to space provided)*

The Enterprise Development Corporation of South Florida, Inc. 501(c)(3), will administer the Equity Seed Capital Program which is an innovative program that will provide much-needed seed capital to early stage green technology companies whose products will improve energy efficiency and create high wage, high skilled jobs for a maximum economic impact in PBC. The program will provide grants up to \$50,000 and will seek to leverage 1:4 with private investment dollars, attracting an additional \$1.6 million to the funding pool. As companies grow, begin to generate revenue and attract additional capital, the companies will be required to return funding back into the pool to ensure availability of future company funding.

The State of Florida is making a significant investment in growing the region's innovative economy with a particular focus on green initiatives and clean technologies. For example, in Palm Beach County, Florida Atlantic University was awarded two State Centers of Excellence grants to focus on the use of ocean current, thermal, wave, and tidal-based energy for development as renewable power sources. The goal and anticipated outcome of these investments and others is to create new companies which in turn will generate thousands of direct and indirect jobs in industries that are driving the global economy. To fully realize the potential of these investments, and to support other entrepreneurial ventures with a focus on green technology and sustainability, these newly-formed entities must have access to funding that bridges the gap between research and development and product commercialization. This funding serves as the foundation during company formation and new product development, and is critical during these early stages as young companies do not yet qualify for venture capital or more traditional debt financing instruments.

Eligible companies must maintain their headquarters in Palm Beach County, and will be required to participate in a rigorous application process which will begin with submitting a form that captures information in the following areas: company background, when formed, stage of development, specific green technology focus, background and experience of founder and key management team members, size and definition of markets they will be serving, competition, other funding raised, and preliminary commercialization plan. Initial review and comments will be provided by staff for adherence to program guidelines, deadlines and completeness of the application. Applications will then be forwarded to a six-member Selection Committee that will include expert representatives in the following areas: legal, finance, investment, energy/sustainability, business and environmental. Funds may only be used for specific purposes relating to product development and commercialization including such items as product prototype development and testing, business plan development, and analysis of appropriate paths to commercialization. Applications will be reviewed on a quarterly basis and companies selected will receive 33% of the award upon delivery of a project plan, 33% upon delivery of an interim status report due after six months, and the remaining 33% upon delivery of a final progress report due one year after the initial award.

Since any returns to the fund from successful companies may not occur for at least three-five years, staff will work to secure additional funding from other sources to continue the program. These include but are not limited to private entities with an interest in green technology, foundations that support entrepreneurship and energy innovation, and other sources of public funding. A portion of any additional funding secured beyond the initial 36 month time frame and funding allocation may be allocated back to Palm Beach County Office of Economic Development for continued program support.

*If you are proposing more than one activity, save this file as many times as needed with successive page numbers. For example: "OH-CITY-Columbus-Project Activity page 1.pdf," "OH-CITY-Columbus-Project Activity page 2.pdf," and continue as needed*



**EECBG Activity Worksheet**

Grantee: FL-COUNTY-PALMBRACH Date: 05/12/2009  
 DUNS #: 78470481 Program Contact Email: pmolan@pbcgov.org  
 Program Contact First Name: Pamela Last Name: Molan  
 Project Title: Palm Beach County Revolving Energy Fund Program  
 Activity: 4. Financial Incentive Program If Other: \_\_\_\_\_  
 Sector: Commercial If Other: \_\_\_\_\_  
 Proposed Number of Jobs Created: 49.00 Proposed Number of Jobs Retained: 0.00  
 Proposed Energy Saved and/or Renewable Energy Generated: 154 - 204  
 Proposed GHG Emissions Reduced (CO2 Equivalents): \_\_\_\_\_  
 Proposed Funds Leveraged: \$3,600,000.00  
 Proposed EECBG Budget: 900,000.00  
 Projected Costs Within Budget: Administration: \$0.00 Revolving Loans: \$900,000.00 Subgrants: \$0.00  
 Project Contact First Name: Pamela Last Name: Molan Email: pmolan@pbcgov.org  
 Metric Activity: Loans and Grants If Other: \_\_\_\_\_

**Project Summary: (limit summary to space provided)**

The Palm Beach County (PBC) Economic Development Office will manage a PBC Revolving Energy Fund (REF) Program following similar underwriting guidelines of the Small Business Administration (SBA), Housing and Urban Development (HUD) service guidelines and in accordance with the County's Office of Management and Budget (OMB) criteria. This REF is a revolving loan fund that will specifically focus on funding energy efficiency, clean energy and/or energy reduction measures for projects that are able to reduce operating costs and energy consumption. This REF will model components of the existing Palm Beach County Section 108 Loan Program (\$13 million) managed by the PBC Economic Development Office. Loans from the REF Program will seek to leverage 1:4 of private equity, the SBA 504, HUD and PBC Section 108 loans, conventional financing from commercial banks, energy financing organizations such as Energy Savings Performance Contracts (ESCOs), and/or funds acquired through the Business Loan Fund of the Palm Beaches, Inc. (a Community Development Financial Institution).

The goal of the REF is to assist businesses by promoting the use of renewable energy resources, reduce the level of Greenhouse Gas Emissions and provide the opportunity for small businesses to become sustainable and competitive in the global marketplace. Funds will assist eligible businesses with eligible EECBG activities such as energy audits and retrofits through fixed payment structures and low interest rates.

An Energy Loan Review Committee will be established consisting of environmental, financial and managerial staff to review, approve and prioritize the loan projects. The scoring model will include primarily energy efficiency and conservation, creation/retention of jobs, funds leveraged and how soon funds will be paid back. The term of the loans will be limited to a 3 to 5 year period to ensure opportunity for other applicants. Loans will be committed within 18 months and dispersed within 36 months. A percentage of the interest received will be used to continue the Economic Development Office staff program on Energy Economics and Sustainability after the three year grant period. Staff will monitor the REF and report on the applicants' energy efficiency and conservation savings, Greenhouse Gas Emissions, jobs created/retained and funds leveraged.

*If you are proposing more than one activity, save this file as many times as needed with successive page numbers. For example: "OH-CITY-Columbus-Project Activity page 1.pdf," "OH-CITY-Columbus-Project Activity page 2.pdf," and continue as needed.*

**EECBG Activity Worksheet**

Grantee: FL-COUNTY-PALMBEACH

Date: 05/12/2009

DUNS #: 78470481

Program Contact Email: pnolan@pbcgov.org

Program Contact First Name: Pamela

Last Name: Nolan

Project Title: Staff Positions for Energy Economics and Sustainability

Activity: is Other

If Other: \_\_\_\_\_

Sector: Public

If Other: \_\_\_\_\_

Proposed Number of Jobs Created: 1.50

Proposed Number of Jobs Retained: 0.00

Proposed Energy Saved and/or Renewable Energy Generated: \_\_\_\_\_

Proposed GHG Emissions Reduced (CO2 Equivalents): \_\_\_\_\_

Proposed Funds Leveraged: \$0.00

Proposed EECBG Budget: 437,600.00

Projected Costs Within Budget Administration: \$437,600.00

Revolving Loans: \$0.00

Subgrants: \$0.00

Project Contact First Name: Pamela

Last Name: Nolan

Email: pnolan@pbcgov.org

Match Activity: Other

If Other: \_\_\_\_\_

**Project Summary: (limit summary to space provided)**

A full-time and part-time position will be created to focus on Energy Economics and Sustainability working with the Director of Palm Beach County's Economic Development Office (EDO), EDO staff, and will coordinate with federal, state and local agencies including non-profit organizations and private stakeholders. The successful candidates will focus on Energy Economics and Sustainability. These positions will continue beyond the three year grant period through the assistance of additional grants and fundraising activities conducted by the candidates and a percent of the interest accrued through the establishment of a Palm Beach County Revolving Energy Fund. The positions will focus on economic vitality in public-private partnerships, link energy based cluster industries with education and certification programs, monitor the Energy Efficiency and Conservation Strategies and activities required in the Department of Energy EECBG reporting requirements, develop a benchmark of Palm Beach County's overall energy efficiency activities for carbon credit opportunities; monitor the Revolving Energy Fund and coordinate with the Loan Review Committee; develop multimedia educational information for public outreach on the County's energy efficiency strategies and activities; and identify and seek future energy funding/grant opportunities. The full-time position should have both financial and technical degrees and/or experience. The part-time position will provide support for project implementation and must possess a degree and/or experience.

	Year 1	Year 2	Year 3	Subtotals
FT Position Salary	71,000	73,130	75,324	\$219,454
Benefits: Med./VICA/ Ins./Retirement	24,850	25,596	26,363	\$76,809
FT Position	35,000	35,000	35,000	\$105,000
Multimedia Education	8,000	8,000	8,000	24,000
Expenses:	4,112	4,113	4,112	\$12,337
<b>Total</b>	<b>\$142,962</b>	<b>\$145,839</b>	<b>\$148,799</b>	<b>\$437,600</b>

The full-time position requires a Masters Degree in Public Administration, Business or a relevant Science, Engineering or Environmental discipline and two (2) years of appropriate experience or a Bachelors Degree in the above listed areas and five (5) years of appropriate experience. Experience emphasizing program development, management, administration and fund raising; skills in working with diverse groups; fiscal responsibility and familiarity with climate change and alternative energy issues are a must. Requires excellent oral and written communication skills and public speaking experience. Must be skilled in working with diverse teams and across disciplines. Requires strong computer skills, organizational ability and the ability to effectively manage multiple objectives.

The part-time position will have a degree and/or experience in climate change, energy efficiency and conservation. Requires computer skills, excellent written and oral communication skills, and the ability to effectively manage multiple projects.

*If you are proposing more than one activity, save this file as many times as needed with successive page numbers. For example: "OH-CITY-Columbus-Project Activity page 1.pdf," "OH-CITY-Columbus-Project Activity page 2.pdf," and continue as needed.*

RESOLUTION NO. ~~2009~~ 1038

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING (A) THE SUBMITTAL OF AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) PROGRAM APPLICATION IN THE AMOUNT OF \$6,587,600 TO THE UNITED STATES DEPARTMENT OF ENERGY NATIONAL ENERGY TECHNOLOGY LABORATORY, AND (B) THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO SIGN ALL APPLICATIONS AND DOCUMENTS THAT DO NOT CHANGE THE SCOPE OF WORK OR TERMS AND CONDITIONS OF THE AGREEMENT IF THE GRANT IS APPROVED.

WHEREAS, the Board of County Commissioners (Board) of Palm Beach County, Florida, is aware that the American Recovery and Reinvestment Act of 2009, Public Law 11-5, appropriated funding for the Department of Energy (DOE) to issue/award formula-based grants to states, U.S. territories, units of local government, and Indian tribes under the Energy Efficiency and Conservation Block Grant (EECBG) Program; and

WHEREAS, the Board is aware that Palm Beach County's formula-based grant totals \$6,587,600 and understands that the Recovery Act's purposes are to stimulate the economy and create and retain jobs; and

WHEREAS, the DOE states that the purpose of the EECBG Program is to assist eligible entities in creating and implementing strategies to: (a) reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; (b) reduce the total energy use of the eligible entities; and (c) improve energy efficiency in the building sector, the transportation sector and other appropriate sectors; and

WHEREAS, the DOE provides a list of the eligible activities to be used as a guide for the use of program funds which includes: (1) developing an Energy Efficiency and Conservation Strategy, (2) retaining technical consultant services, (3) supporting the conduct of residential/commercial building energy audits, (4) establishing financial incentive programs, (5) providing energy efficiency retrofits, (6) developing and establishing energy efficiency and conservation programs for buildings and facilities, (7) developing and implementing transportation programs, (8) developing and implementing building codes and inspections, (9) implementing energy distribution, (10) implementing material conservation programs, (11) purchasing and implementing reduction and capture of methane and greenhouse gases, (12) replacing traffic signals and street lighting, (13) developing, implementing and installing renewable energy technologies on government buildings, and (14) any other appropriate activities approved in the Energy Efficiency and Conservation Strategy; and

WHEREAS, DOE requires that all purchases are to be guided by the Buy American Act and all laborers and mechanics on construction projects funded directly by or assisted in whole or in part by and through funding appropriated by the Act are paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by subchapter IV of Chapter 31 of title 40, United States Code (Davis-Bacon Act). For purchases of equipment, only the portion of the project utilizing EECBG funds must adhere to the Davis Bacon Act; and

WHEREAS, the DOE requires that all DOE funds must be obligated/committed within 18 months of the effective date of the award and expended within 36 months of the effective date of the award; and

WHEREAS, the Board desires to obtain financial assistance from the

United States Department of Energy (DOE) National Energy Technology Laboratory for the purpose of implementing the County's energy efficiency and conservation project activities as follows: Water Utilities Department's (WUD) Digester Biomass Gasification project at the Southern Region Water Reclamation Facility (\$1.2 million), Facilities Development & Operations Dept.'s HVAC for the Emergency Operations Center (\$1.5 million), Parks and Recreation Dept.'s Green Generation Lighting at John Prince, Okeechobee and Lake Lytal Parks (\$1,125,000), Engineering's Traffic Signal Synchronization for four (4) streets (\$200,000), Facilities Development & Operations Dept.'s Solar for the Agricultural Complex (\$175,000), Economic Development Office's Energy Efficiency/Conservation Competitive Grants for Governmental Organizations (\$650,000), Revolving Loan Fund and Seed Capital Program for emerging Green Technology Companies and Energy Efficiency Projects (\$1.3 million) and Administration costs (\$437,600); and

WHEREAS, the Board is aware that the County should continue efforts in implementing energy efficiency and conservation strategies and activities beyond the grant period of three years; and

WHEREAS, the Board understands that certain documentation is required by all applicants obtaining financial assistance through DOE.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

Section I. The foregoing recitals are true and correct and are expressly incorporated herein by reference and made a part hereof.

Section II. Palm Beach County hereby expresses its desire to participate in the Energy Efficiency and Conservation Block Grant Program through the U.S. Department of Energy National Energy Technology Laboratory.

Section III. Palm Beach County hereby pledges its full and strong support to the efforts required for the submittal of the application and implementation if awarded.

The foregoing Resolution was offered by Commissioner Marcus who moved its adoption. The motion was seconded by Commissioner Burt Aaronson and, being put to a vote, the vote was as follows:

COMMISSIONER JOHN F. KOONS, CHAIRMAN	<u>Aye</u>
COMMISSIONER BURT AARONSON, VICE CHAIRMAN	<u>Aye</u>
COMMISSIONER KAREN T. MARCUS	<u>Aye</u>
COMMISSIONER SHELLEY VANA	<u>Aye</u>
COMMISSIONER STEVEN L. ABRAMS	<u>Aye</u>
COMMISSIONER JESS R. SANTAMARIA	<u>Aye</u>
COMMISSIONER _____	_____

The Chair thereupon declared the Resolution duly passed and adopted this 16th day of June, 2009.

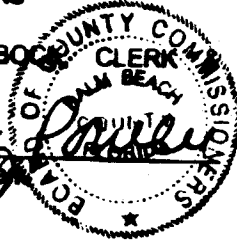
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK  
COMPTROLLER

By: [Signature]  
Deputy Clerk

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller, certify this to be a true and correct copy of the original filed in my office on JUN 1 2009  
dated West Palm Beach, FL on  
By: [Signature]  
Deputy Clerk



**U.S. Department of Energy  
Energy Efficiency and Conservation Block Grant (EECBG) Program Award**

**Timeline**

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August 31, 2009	Period of Performance begins for EECBG Award totaling \$6,587,600.
September 8, 2009	Date of Dept. of Energy Approval for Award and access to U.S. Dept. of Treasury ASAP System Approved.
September 15-18, 2009	EDO meeting dates with Departments including OFMB on requirements for project activities.
October 10, 2009	Quarterly Reports begin. Reports due on the 10 <sup>th</sup> after each quarter to <a href="mailto:EECBG@go.doe.gov">EECBG@go.doe.gov</a> and <a href="http://www.federalreporting.gov">www.federalreporting.gov</a> .
October 20, 2009	EECBG Award Agreement presented to the BCC for approval.
October 21, 2009	Final review of Revolving Energy Loan Program criteria & application by EDO
October 22, 2009	Revolving Energy Loan Program criteria and application forwarded to County Attorney and OFMB for review.
November 3, 2009	Competitive Grant Program presented to BCC for approval.
November 4, 2009	Advertise Notice of Funding Available (30 days) for Competitive Grant Program. Application and Criteria available on website, <a href="http://www.pbcgov.com/edo">www.pbcgov.com/edo</a>
November 17, 2009	Preliminary Review of Revolving Loan Program by EDO, Finance, County Attorney and OFMB
December 1, 2009	9:00 am – 11:30 am, Competitive Grant Program Workshop at Cooperative Extension Services, Exhibit Hall A, 559 N. Military Trail, WPB (off Golf Street behind Driver's License Building)
December 4, 2009	Opening of Competitive Grant Program
January 8, 2010	Deadline 5:00 pm for Competitive Grant Program application submittal to the Economic Development Office
January 12 - 15, 2010	Review process for Competitive Grant Program applicants by Grant Review Committee.
January 14, 2010	Finalize Revolving Energy Loan Program with County Attorney.
February 2, 2010	Competitive Grant Program applicant recommendation presented to Overall Economic Development Program (OEDP) Committee.
February 23, 2010	Recommendations for Competitive Grant Program presented to the BCC for approval. Notices forwarded to applicants.

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February 23, 2010	Revolving Loan Program presented to BCC for approval
February 23, 2010	All departments must provide the recommended subcontractors/ subgrantees with required information to the EDO for submittal to the Dept. of Energy on or before March 6, 2010 for approval.
March 22, 2010	Competitive Grant Program Agreements forwarded to applicants approved by DOE.
April 20, 2010	Contracts to be received from approved applicants for the Competitive Grant Program.
May 18, 2010	Competitive Grant Program contracts to be presented to the BCC for approval.
March 7, 2011	All Dept. of Energy funds must be committed to project activities by the 18 <sup>th</sup> calendar month from date of award.
August 30, 2012	Period of Performance Ends For EECBG Award totaling \$6,587,600. All funds to be expended by this date.

Changes to timeline may occur due to Dept. of Energy changes. Time table includes project activities administered by the Economic Development Office.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on OCT 20 2009

dated at West Palm Beach, FL on 10/20/09

By: Sharon R. Bock

Deputy Clerk

