

# ENERGIZE MISSOURI

## SCHOOLS AND LOCAL GOVERNMENTS

MISSOURI DEPARTMENT OF NATURAL RESOURCES

### ENERGY LOANS

## PROGRAM GUIDELINES

American Recovery and Reinvestment Act of 2009

State Energy Program

Mail Form to:

Missouri Department of Natural Resources

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**MISSOURI**  
DEPARTMENT OF  
NATURAL RESOURCES

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## I. Introduction

The Missouri Department of Natural Resources (the Department) protects, preserves and enhances Missouri's natural, cultural and energy resources. As the state energy office, the Department's Division of Energy is a non-regulatory state entity that works to protect the environment and stimulate the economy through energy efficiency and renewable energy resources and technologies. To support the development of the energy efficiency and conservation industry, the Department provides information, resources and financial incentives to implement energy efficiency projects.

In June 2009, the U.S. Department of Energy (U.S. DOE) approved Missouri's application under the U.S. DOE's State Energy Program (SEP) for \$57,393,000 in Recovery Act funding for energy efficiency and renewable energy programs.

The Department has allocated a portion of SEP funds for *Energize Missouri Schools & Local Governments*. Under *Energize Missouri Schools & Local Governments*, the Department has created the School & Local Government Energy Loan Program which will assist the eligible facilities within Missouri. These Program Guidelines provide guidance to potential applicants about how the School & Local Government Energy Loan Program will be implemented and about the application process.

### 1. American Recovery and Reinvestment Act of 2009

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law 111-5). The stated purposes of the ARRA are to preserve and create jobs; 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; and to stabilize state and local government budgets.

### 2. The State Energy Program

Congress created the U.S. DOE State Energy Program in 1996 to provide grants to states and U.S. territories to promote energy conservation and reduce the growth of energy demand in ways that are consistent with national energy goals.

The goals established for the State Energy Program are:

- Increase energy efficiency to reduce energy costs and consumption for consumers, businesses and government.
- Reduce reliance on imported energy.
- Improve the reliability of electricity and fuel supply and the delivery of energy services.
- Reduce the impacts of energy production and use on the environment.

### 3. Program Goals

The purpose of the School & Local Government Energy Loan Program is to provide Missouri K-12 public schools, public higher education institutions and local governments the opportunity to implement and install energy efficient equipment and measures to realize measurable energy savings which will result in reduced energy costs.

The specific goals of the School & Local Government Energy Loan Program include reducing total energy use, decreasing fossil fuel emissions, creating and retaining jobs, spurring economic growth,

increasing the rate of adoption of energy efficient practices and improving the energy efficiency of Missouri’s K-12 public schools, public higher education institutions and local governments.

#### 4. Anticipated Funding

The Department anticipates up to \$10,000,000 of ARRA SEP funds to be awarded as loans under these Program Guidelines for the *Energize Missouri Schools & Local Governments - School & Local Government Energy Loan Program*. This will be a competitive loan process.

#### 5. Timeline

The School & Local Government Energy Loan Program will follow the schedule below:

Event	Date
Program Release.	April 25, 2011
Deadline for Application Submittal.	September 30, 2011*
Application review and award.	Monthly
Project Start Date	Date application received. Contingent upon Department approval.
Project Completion Date	Within 18 months after both parties sign Loan Agreement

**\*Early applications are encouraged. Applications will be processed on a monthly basis until funding is exhausted.**

#### 6. Definitions

“Active loan” means a loan from the Department to a borrower with a loan agreement on file signed by both parties and a corresponding balance of funds to be distributed or repaid.

“Applicant or loan applicant” means an eligible K-12 public school, public higher education institution or local government who submits an application to the Department. The Department reserves the right to determine final applicant eligibility. If the applicant employs laborers, the applicant must also provide proof of enrollment and participation in the federal work authorization program.

“Application” means a request for School & Local Government Energy Loan Program funds made by submitting the required information as stipulated in these Program Guidelines.

“Authorized official” means an individual authorized to obligate an organization or entity and having authority to sign documents on behalf of the applicant.

“Borrower” means a recipient of School & Local Government Energy Loan Program funds subsequent to the execution of a loan with the Department.

“Building” means:

- (a) An existing non-residential structure; or
- (b) Any applicant-owned group of closely situated structural units that are centrally metered or served by a central utility plant; or

(c) An eligible portion of any of these that includes an energy-using system.

“The Department” or “DNR” refers to the Missouri Department of Natural Resources.

“Energy loan account” means an account to be established on the books of a borrower for purposes of tracking the receipt and expenditure of the loan funds, and to be used to receive and remit energy cost savings for purposes of making payments on the loan.

“Energy cost savings (or savings)” means the value in terms of dollars that has accrued, or is estimated to accrue, from energy bill reductions or avoided costs due to an energy efficiency project.

“Energy efficiency” means installed measures that reduce the amount of energy required to achieve a given end use.

“Event of default” means an activity or inactivity that results in the borrower’s failure to discharge a duty as prescribed in the loan agreement or other documents furnished in support of the loan agreement.

“Greenhouse gases” means gases that trap heat in the atmosphere. Some greenhouse gases such as carbon dioxide occur naturally and are emitted to the atmosphere through natural processes and human activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The principal greenhouse gases that enter the atmosphere because of human activities are: Carbon Dioxide (CO<sub>2</sub>), Methane (CH<sub>4</sub>), Nitrous Oxide (N<sub>2</sub>O), and Fluorinated gases.

“Interest” means two (2) percent annual interest rate on loans charged by the Department.

“Late payment fee” means the fee to be charged by the Department on loan repayments 30 days past due in the amount of \$25 plus two (2) percent of the past due amount.

“Loan agreement” means a document executed by the borrower(s), the Department, and other funding sources, as applicable, which details all terms and requirements under which the loan will be made and is to be repaid.

“Loan amount” means the amount stated in dollars in the loan agreement, determined by the Department as eligible costs plus accrued interest due that shall be repaid by the borrower.

“Loan term” means the length of time for which the loan is issued. No loan term shall extend beyond 10 years.

“New construction” means site preparation for, and construction of, entirely new structures and/or significant extensions to existing structures.

“Payback score” means a numeric value derived from the review of an application calculated as prescribed by the Department. An estimated simple payback is used for purposes of ranking applications for the selection of loan recipients within the balance of program funds available.

“Predicted baseline” means estimated annual energy costs of a proposed energy-using system which incorporates acceptable minimum efficiency.

“Project amendment” means any change in an approved energy efficiency project that the Department determines materially alters the specification from a Technical Assistance Report or Technical Assistance Report equivalent, such as an energy audit report.

“Project/Activity site” means the primary site of the work. The physical place or places where the construction called for in the award will remain when work has been completed. All project/activity sites must be physically located in Missouri.

“Project completion date” means the date that all project tasks are complete and equipment is installed and operational. All School & Local Government Energy Loan Program projects must be completed prior to eighteen months after both parties sign Loan Agreement.

“Project cost” means all costs determined by the Department to be directly related to the implementation of an energy efficiency project that shall include the incremental cost of higher-efficiency energy-using systems or renewable energy options either of which may be compared to a predicted baseline of energy consumption.

“Project period” means the allowable length of time for which all construction and implementation tasks must occur.

“Repayment period” means the period in years required to repay a loan as determined by the project’s estimated simple payback.

“Simple payback” means the amount of time it will take to recover a project’s investment through reduced or avoided energy costs. For the purposes of these Program Guidelines, the equation for simple payback is total project costs (\$) divided by annual energy cost savings (\$/year).

“Technical Assistance Report (TAR) or TAR equivalent” means a report that identifies and specifies the quantity of energy savings and related energy cost savings that are likely to result from the implementation of one or more energy efficiency or renewable energy measures. For purposes of this program the Department has determined that the Application Form is approved to serve as a TAR equivalent.

“Total project costs” means the project costs of implementing an eligible project including the cost of (a) materials, (b) equipment, (c) labor, and (d) other expenses.

## **II. Eligibility Criteria**

### **1. Eligible Applicants**

Under the School & Local Government Energy Loan Program, eligible applicants are K-12 public schools, public higher education institutions and local governments in the state of Missouri. An eligible applicant must own and operate the building, facility or system associated with the proposed project unless otherwise agreed to by the Department. One application may be submitted per eligible applicant. The Department reserves the right to reject any application.

### **2. Ineligible Applicants**

Facilities which are not K-12 public schools, public higher education institutions or local governments are not eligible to submit applications for the School & Local Government Energy Loan Program. The Department reserves the right to determine applicant eligibility.

### **3. Eligible Projects and Costs**

For purposes of the School & Local Government Energy Loan Program, eligible project costs are only those associated with the implementation of the program as described in these Program Guidelines. Eligible projects refer only to those energy efficiency retrofits, replacements and upgrades which occur at K-12 public schools, public higher education institutions and local governments. Energy efficiency components associated with new construction can be eligible contingent upon compliance with ARRA Terms & Conditions, including provisions of the National Environmental Protection Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA).

All projects funded under this program must be physically located within the state of Missouri.

### **4. Ineligible Projects and Costs**

The following projects are NOT eligible for funding under these Program Guidelines:

- A. Projects for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.
- B. Funds for buying or leasing property.
- C. Funds to conduct or purchase equipment to conduct research, development or demonstration of energy efficiency or renewable energy techniques and technologies not commercially available.
- D. Projects that propose to utilize used equipment.
- E. Projects that began prior to receipt of the application by the Department.
- F. Applications that fail to demonstrate that projects will be installed and completed prior to the eighteen months allowed for construction and paid back within the repayment period (not to exceed 10 years of the execution date of the loan agreement).
- G. Purchase of any rolling stock equipment or vehicles.
- H. Ethanol and biodiesel plant construction, alteration, or repair.

## **III. Program Information – School & Local Government Energy Loan Program**

### **1. Program Introduction**

The School & Local Government Energy Loan Program offers K-12 public schools, public higher education institutions and local governments assistance in implementing energy efficiency projects from inception to completion. The School & Local Government Energy Loan Program will provide access to two (2) percent annual interest rate loans to implement energy efficiency retrofits, replacements, and upgrades at K-12 public schools, public higher education institutions and local governments. The energy efficiency retrofits and upgrades will result in reduced energy costs for Missouri K-12 public schools, public higher education institutions and local governments and more efficient use of tax dollars.

### **2. Application Period**

The application period begins upon program release, April 25, 2011. Applications must be received by the Department no later than September 30, 2011 by 4:00 PM CST. Early applications are encouraged. Applications will be bundled, reviewed, ranked and awarded on a monthly basis beginning in May 2011 until funding is exhausted.

### 3. Borrower Responsibilities

Borrowers must repay the loan at two (2) percent annual interest rate within the repayment period (not to exceed 10 years of the execution date of the loan agreement). Borrowers must complete the installation of energy efficiency measures within the project period. All projects must be completed prior to eighteen months after both parties sign Loan Agreement.

Semi-annual repayment dates will be established in the loan agreement documents.

Borrowers must submit monthly progress reports to the Department. Reporting will start at the execution of the loan agreement, continue through project installation, and cease after the borrower submits a project closeout report. A reporting schedule will be included in the loan agreement. Future guidance may be provided by the Department and the US DOE.

### 4. Application Process

Applicants will be required to complete and submit the following documents:

- Program Application
- Documentation of the project cost (such as vendor quotes, purchase orders, equipment cut sheets, or contractor estimates)

Additionally, to uphold transparency and accountability requirements of the Recovery Act, applicants will be required to submit the following forms (see Attachments 1-7 in these Program Guidelines) at the time of application:

- Pay Certification Form
- Waste Management Plan
- Public Law
- Certification Regarding Debarment, Suspension, and Other Responsibility Matters
- Certification Regarding Lobbying
- Wage Determination for Compliance with Davis-Bacon Act
- Vendor Input Form

### 5. Eligible Program Activities

School & Local Government Energy Loan Program financing shall be used for energy efficiency projects that include upgrading, replacing or retrofitting existing lighting systems, heating and cooling systems, ventilation systems, pumps and motors or an existing building envelope. Energy efficiency components associated with new construction can be eligible contingent upon compliance with ARRA Terms & Conditions, including NEPA and NHPA guidelines. Bundling of energy efficiency measures to achieve an overall simple payback of ten (10) years or less is permitted.

Eligible projects could include, but are not limited to, the following:

<b>Lighting</b> <ul style="list-style-type: none"><li>• Delamping</li><li>• Light-emitting diodes (LED) lighting</li><li>• Lighting electrical systems and components</li><li>• Reduce wattage and specialty T8 and T5 compact</li></ul>	<b>Upgrading Ventilation</b> <ul style="list-style-type: none"><li>• Heating ventilation and air conditioning</li><li>• High efficiency fans and motors</li><li>• Air-to-air heat exchangers</li><li>• Air turnover systems</li></ul>
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<p>fluorescent lamps (CFLs)</p> <ul style="list-style-type: none"> <li>• High intensity discharge (HID) (i.e. Metal halides)</li> <li>• Induction lighting</li> <li>• Occupancy sensors</li> <li>• Day lighting controls</li> <li>• Other lighting technologies not listed above are subject to approval by the Department</li> </ul> <p><b>Building Envelope (non-residential conditioned structures)</b></p> <ul style="list-style-type: none"> <li>• Insulation (min R-12)</li> <li>• Fenestration (solid wall vs. curtain wall)</li> <li>• IR coated films</li> <li>• Air sealing and moisture control</li> </ul> <p><b>Refrigeration</b></p> <ul style="list-style-type: none"> <li>• Management of Refrigerants</li> <li>• Efficient Units</li> </ul> <p><b>Motor/Drives</b></p> <ul style="list-style-type: none"> <li>• Variable Frequency Drives</li> <li>• Motors and pumps</li> </ul> <p><b>Radiant Heat</b></p> <ul style="list-style-type: none"> <li>• Creep pads</li> <li>• Building entranceways</li> <li>• Shop floors (in lieu of heat lamps)</li> </ul>	<ul style="list-style-type: none"> <li>• Other Ventilation equipment not listed above is subject to approval</li> </ul> <p><b>Compressors</b></p> <ul style="list-style-type: none"> <li>• Heat recovery</li> </ul> <p><b>Heating/Cooling</b></p> <ul style="list-style-type: none"> <li>• Controls</li> <li>• Boilers and furnaces</li> <li>• Chillers</li> <li>• Thermal storage systems</li> <li>• VRF/VRV heating and cooling systems</li> <li>• Plate/pre-coolers</li> <li>• Other heating/cooling equipment not listed above is subject to approval by the Department</li> </ul> <p><b>Others</b></p> <ul style="list-style-type: none"> <li>• Renewable energy systems, subject to approval by the Department</li> <li>• Others not listed above are subject to approval by the Department</li> </ul>
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## 6. Loan Funding Levels

The School & Local Government Energy Loan Program will provide funding for the purchase and installation of energy efficiency measures and implementation of operational improvements in approved facilities.

- The minimum loan request is \$30,000 per applicant
- The maximum loan request is \$2,500,000 per applicant

Upon execution of the loan agreement, 100 percent of the loan award will be disbursed to the borrower. Loan awards will be made as long as funding is available. The Department is not obligated to provide the maximum loan amount.

## 7. Loan Payments

Upon execution of the loan agreement, 100 percent of the loan award will be disbursed to the borrower in one installment. The borrower must deposit the loan funds into an insured interest-bearing account. Upon project completion all interest earned shall be paid to the Department along with any unused loan funds. Bank statements will be required to verify interest earnings. The borrower is expected to expend funds in a timely manner for purposes of meeting the project completion date.

## 8. Loan Repayment

The borrower will repay the loan in accordance with the terms and conditions of the loan agreement. All loans will accrue two (2) percent annual interest commencing at the time of project completion. Repayment of the loan will be in semi-annual payments. The Department will charge a late payment fee in the amount of \$25 plus two (2) percent of the past due amount on loan repayments 30 days past due.

The borrower shall give the Department written notice of any event which may constitute an event of default within fifteen (15) days of the occurrence of such event. The Department may seek remedies to default or event of default available under Sections 640.660 or 640.672 RSMo., and may exercise any right under law for a remedy to default.

In the event the Department determines that loan funds have been expended for purposes other than those specified in an approved loan agreement or any event of default of the loan agreement occurs without resolution, the Department will take appropriate actions to obtain the return of the full amount of the loan and all moneys duly owed and to pursue other available remedies.

## IV. Loan Recipient Requirements

### 1. General Terms and Conditions

The borrower will agree to abide by the general terms and conditions (**Exhibit A**), the program specific terms and conditions (**Exhibit B**), and the ARRA special terms and conditions (**Exhibit C**) highlighting requirements which are especially pertinent to loans funded by the Missouri Department of Natural Resources.

In addition, the borrower must comply with all governing requirements of their loan agreement, including the Federal Common Rule.

### 2. Project Completion

All projects must be completed within eighteen months after both parties sign Loan Agreement. Loans will be awarded for a term not to exceed 10 years. All projects that receive funding under the School & Local Government Energy Loan Program must be fully paid back to the Department within the repayment period (not to exceed 10 years of the execution date of the loan agreement). The Department reserves the right to terminate a loan agreement if the project is not being completed in a timely manner. In such case any loan funds paid to the borrower must be repaid to the Department along with interest earned.

### 3. Required Registrations

All borrowers must be registered and in good standing in accordance with the requirements below:

**Dun and Bradstreet Data Universal Number System (DUNS):** Prior to submitting an application, borrowers must obtain a DUNS number or, if necessary, update their organization's information. DUNS Number assignment is FREE for all businesses required to register with the U.S. Federal Government for contracts or loans. To request your DUNS Number via the Web, please visit the following URL: <http://fedgov.dnb.com/webform>. For technical difficulties, contact [govt@dnb.com](mailto:govt@dnb.com) or call the D&B government customer response center at 1-866-705-5711.

## 4. Transparency Requirements

All files, progress reports, financial reports, documents and data pertaining to the SEP will be posted on federal and state websites for public viewing. Federal law mandates substantial reporting and documentation of funded activities as well as more intensive monitoring and auditing. Additional sources of ARRA information are available at: <http://www.recovery.gov/Pages/home.aspx>

## 5. Reporting Requirements

Congress has specifically mandated that all ARRA recipients must report on the use of said funds for purposes of transparency and oversight. All funds issued under ARRA are subject to unparalleled scrutiny, with specific distribution and reporting requirements by the federal government and the State of Missouri.

Borrowers will be required to submit **monthly** progress and expenditure reports in accordance with the requirements of the loan agreement. Progress reports will include actual energy cost savings resulting from the implementation of the energy efficiency project financed by the loan. Additional quarterly, annual and completion reports may be requested from the borrower. The Department reserves the right to structure reporting requirements on a project-specific basis.

Within thirty (30) days after the completion of the project installation, the borrower shall submit to the Department a project closeout report. A form will be provided to the borrower by the Department.

## 6. Davis-Bacon Act

ARRA §1606 states that the **Davis-Bacon prevailing wage requirement broadly applies to construction projects funded with ARRA appropriations.** In order to receive any funding under this loan, the borrower must comply with the requirements of this Act. The Davis-Bacon Act (40 U.S.C. 3141-3148) requires payment of locally prevailing wages (including fringe benefits) to laborers and mechanics on federal government contracts in excess of \$2,000. The provisions of the Davis-Bacon Act apply to both contractors and subcontractors.

The Department will review applications in light of existing U.S. DOE guidance on the applicability of Davis-Bacon Act provisions on a case by case basis. Based on U.S. DOE guidance, if the Department determines that Davis-Bacon Act provisions are applicable, borrowers will be required to comply with and flow down Davis-Bacon Act requirements to the entities that employ the laborers and mechanics working on the project.

The types of energy efficiency projects that will likely trigger Davis-Bacon Act requirements include, but are not limited to:

- Improvements to building envelope (non-residential)
- Lighting with new electrical wiring
- Renewable energy projects
- Equipment installation which requires a significant amount of plumbing, construction, electrical work or carpentry

The following are likely to be considered exempt from Davis-Bacon Act requirements:

- Borrowers that self-perform or subcontract installation of energy efficiency projects

- Equipment that must be installed by the equipment vendor or manufacturer so as to not void the equipment warranty

## **7. National Environmental Policy Act (NEPA) Requirements**

The National Environmental Protection Act of 1970 (NEPA), as amended (42 U.S.C. 4371, *et seq.*) requires federal agencies to consider the potential environmental impacts of their proposed actions. Awards issued under *Energize Missouri Schools & Local Governments* will be funded pursuant to a grant from the U.S. DOE to the Department. The U.S. DOE must comply with NEPA when awarding grants to states. Accordingly, borrowers may not take action using federal funds for projects that may have an adverse effect on the environment prior to the U.S. DOE providing a final NEPA determination regarding the selected projects.

For more information regarding NEPA see the U.S. DOE's NEPA website:  
<http://www.gc.energy.gov/NEPA/>

Based on a review of the list of activities that funds can be utilized for under the SEP, the U.S. DOE has determined that projects that meet certain criteria and conditions will likely be classified as categorical exclusions and will not require a NEPA review. Projects that are considered categorically excluded are listed in the program manual.

## **8. National Historic Preservation Act (NHPA) Requirements**

All funding recipients must meet federal cultural resource review requirements under Section 106 of the NHPA. For more information regarding Section 106 see the State Historic Preservation Office (SHPO) website:  
<http://www.dnr.mo.gov/shpo/>

All projects will require a picture and topographical map. Projects involving a building or structure included in the National Register of Historic Places (NRHP) or one eligible for inclusion in the NRHP will require additional documentation (see Program Manual).

Applicants should note that the U.S. DOE will only consider the project in compliance with Section 106 of the NHPA when adequate background documentation has been submitted and written concurrence from SHPO has been provided. Applicants should note that funding will be dependent on projects meeting Section 106 requirements and applicants should allow sufficient time for this review.

## **9. Waste Management Plan**

Prior to the expenditure of federal funds to dispose of sanitary or hazardous waste, the Department is required to provide documentation to the U.S. DOE demonstrating that an adequate disposal plan has been prepared for sanitary or hazardous waste generated by the proposed activities.

Applicants are required to submit information on the expected waste stream of the proposed project, including estimated volume of waste. Sanitary or hazardous waste includes, but is not limited to, old light bulbs, lead ballasts, piping, roofing material, discarded equipment, debris, asbestos, etc.

Upon award, the borrower shall submit to the Department a waste management plan that describes the estimated volume of waste generation and plan to dispose of any sanitary or hazardous waste generated as a result of the proposed Project. The Department shall make the waste management plan and related

documentation available to the U.S. DOE upon request (for example, during a post-award audit). The borrower shall ensure compliance with all federal, state and local regulations for waste disposal.

## V. Selection Criteria

### 1. Evaluation Process

The Department is soliciting and receiving applications under the School & Local Government Energy Loan Program through a competitive process. Applications may be submitted at any time up until the submittal deadline. Applications must be received by September 30, 2011 by 4:00 PM CST. Early applications are encouraged. Applications will be processed on a monthly basis until funding is exhausted. The Department will evaluate all eligible loan applications via a multiple party review which will be based on both qualitative and quantitative criteria. Awards will be made on a monthly basis.

Applications will be evaluated (1) to determine whether the application submitted is completed in accordance with these Program Guidelines, (2) to determine whether the proposed project meets the project eligibility criteria specified in these Program Guidelines, and (3) to determine whether, based on the information supplied by the applicant, the application demonstrates sufficient likelihood of achievement of benefits.

Applications will be rated to determine which best meet evaluation criteria. In recognition of the complexity of activities that could qualify for this loan, the applicant may be requested to provide more information during the review process. The Department reserves the right to investigate each applicant's current and past compliance with local, state, and federal laws, rules, regulations and policies, credit worthiness, and financial history and the applicant's status may be used to determine whether a loan is made.

The Department reserves the right to conduct an onsite visit as part of the evaluation process.

### 2. Evaluation Criteria

Loan recipients will be determined on a competitive basis. Evaluation criteria have been developed to assist the Department in identifying those projects that display the most potential for achieving the goals of the program. Only applications which meet the simple payback requirement will be evaluated. Applications will be evaluated and rated based on the following criteria:

- **Credit worthiness:** Credit rating, credit history, financial history, and ability to repay.
- **Equipment lifespan:** Equipment lifespan will be compared to the term of the loan agreement and environmental conditions to which the equipment is subjected. Any equipment whose useful life does not sustain the simple payback requirement of 10 years or less will not be funded.
- **Payback:** Energy efficiency projects may be bundled and must meet a simple payback of greater than six (6) months and less than ten (10) years.
- **Project Benefits:**
  - **Energy Reductions:** potential for the project to save energy measured in kWh.
  - **Greenhouse Gas (GHG) Reductions:** potential for the project to reduce GHG emissions, measured in CO<sub>2</sub> equivalent reductions.

- **Project Feasibility and Overall Impact:** likelihood of project completion, potential to accomplish defined goals and objectives, extent to which a project increases the capacity of Missouri's workforce to support energy efficiency in the state, overall feasibility and potential for replication within Missouri.

Eligible applications will be evaluated and scored during the monthly application review performed by the Department. Applications shall be selected for loans beginning with the highest score and continuing in descending order to the lowest score until all available program funds have been allocated.

### 3. Notification of Award

After the review and selection process is completed, successful applicants will be notified that the loan has been approved at a specified amount. The applicant will also receive a loan agreement and required forms which must be signed and mailed back to the Department within 15 days. The loan agreement form contains terms and conditions the loan recipient must follow. Unsuccessful applicants will be informed in writing. Application documents will not be returned.

### 4. Rejection of Applications

The Department reserves the right to reject any application. The submission of an application under these guidelines confers no right upon any applicant. The Department is not obligated to award any loans, to pay any costs incurred by the applicant in the preparation and submission of an application, or pay any project related costs incurred prior to the loan beginning date.

#### **Applications will be rejected and not considered for funding if:**

- A. The application is not received by the due date and time as specified in these Program Guidelines
- B. The applicant is not an eligible applicant in accordance with Section II of these Program Guidelines
- C. The applicant submits more than one loan application
- D. The application does not include the signature of an authorized individual
- E. The proposed project is ineligible or inconsistent with the goals of the ARRA or *Energize Missouri Schools & Local Governments*

## VI. Application Process

Applications must follow the specified deadlines, format and guidelines provided in these Program Guidelines.

Please refer to the School & Local Government Energy Loan Program Manual for application instructions. Be sure to complete all relevant sections of the Application Form and attach any appropriate supporting documents. The application must be signed and dated by an authorized official. Only applications that furnish complete information will be considered for a loan. Partial applications will not be considered. There are no additional format requirements; however, to conserve resources, it is encouraged that applications be printed duplex (two-sided) on post consumer recycled content paper. The use of binders or any other elaborate covers is strongly discouraged.

The applicant must submit two (2) copies of the completed paper application (including supporting documents and original signatures) to the Department at:

Missouri Department of Natural Resources  
Division of Energy  
Attention: *Energize Missouri Schools & Local Governments*  
1101 Riverside Drive, P.O. Box 176  
Jefferson City, MO 65102-0176

## **VII. Available Assistance**

### **1. Questions**

Applicants may submit questions at any time during the application process. For questions, please email the *Energize Missouri Schools & Local Governments* Energy Loan Program at: [energyloan@dnr.mo.gov](mailto:energyloan@dnr.mo.gov)

### **2. Other Technical Assistance**

Applicants are encouraged to contact *Energize Missouri Schools & Local Governments* Energy Loan staff for technical assistance in the preparation of their applications. The staff will do its best to respond in a timely manner to these requests. For technical assistance please contact:

*Schools & Local Governments Energy Loan*  
1.573.751.7466  
[energyloan@dnr.mo.gov](mailto:energyloan@dnr.mo.gov)

## VIII. Supporting Documents

<b>Document</b>	<b>Document Code</b>	<b>Description</b>
Program Guidelines	Exhibit A	General Terms and Conditions
Program Guidelines	Exhibit B	Program Specific Terms and Conditions for Loans
Program Guidelines	Exhibit C	ARRA Special Terms and Conditions
Program Guidelines	Exhibit D	EF-1 Environmental Questionnaire
Program Guidelines	Attachment 1	Pay Certification Form
Program Guidelines	Attachment 2	Waste Management Plan
Program Guidelines	Attachment 3	Public Law
Program Guidelines	Attachment 4	Certification Regarding Debarment, Suspension, and Other Responsibility Matters
Program Guidelines	Attachment 5	Certification Regarding Lobbying
Program Guidelines	Attachment 6	Wage Determinations for Compliance with Davis-Bacon Act
Program Guidelines	Attachment 7	Vendor Input Form
Application Forms	Form A	Application
Application Forms	Form B	Project Information
Application Forms	Form C	Energy Usage Information
Application Forms	Form D	Efficiency Measures
Application Forms	Form E	Energy Metrics
Application Forms	Form F	Project Budget
Application Forms	Form G	Waste Stream
Application Forms	Form H	National Environmental Policy Act
Application Forms	Form I	National Historic Preservation Act



EXHIBIT A

MISSOURI DEPARTMENT OF NATURAL RESOURCES  
Funded by Awards from the U.S. Department of Energy  
General Terms and Conditions  
(MDNR Loans T&C)



MISSOURI  
DEPARTMENT OF  
NATURAL RESOURCES

These general terms and conditions highlight requirements which are especially pertinent to loans made by the Missouri Department of Natural Resources (MDNR) with federal funds. These general terms and conditions do not set out all of the provisions of the applicable laws and regulations, nor do they represent an exhaustive list of all requirements applicable to this award. These terms and conditions are emphasized here because they are frequently invoked and their violation is of serious concern.

In addition to these terms and conditions, the borrower must comply with all governing requirements of their loan agreement documents, including the federal Common Rule (adopted by federal agencies and contained in specific Codes of Federal Regulation, for each federal agency, under the title "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"). The Common Rule is fully incorporated by reference into these terms and conditions. The common rule as codified by the federal granting agency can be found at <http://www.whitehouse.gov/omb/grants/chart.html>

- A. **Method of Payment.** The MDNR will loan to the borrower all allowable expenses incurred in performing the scope of the agreed upon project up to the maximum loan amount approved for the borrower. The borrower shall report project expenses and submit to MDNR the original, signed form provided by MDNR for payment as required by division/program per the loan agreement documents. Invoices must provide a breakdown of project expenses by the budget categories contained in the loan agreement documents. Upon project completion the borrower shall provide the MDNR with all appropriate documentation including paid invoices, receipts, and payrolls demonstrating expenditure of loan funds. After the MDNR reviews and approves these documents the final balance of loan funds will be disbursed to the borrower.

At the final disbursement of loan funds the borrower shall provide MDNR with the following certification: I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made or will be made in accordance with the loan agreement documents and that payment is due and has not been previously requested.

- B. **Retention and Custodial Requirements for Records.** The borrower shall retain financial records, supporting documents, and other records pertinent to the loan for a period of three years starting from the sooner of the date of the borrower's final loan payment to MDNR or loan maturity. Authorized representatives of federal awarding agencies, the Comptroller General of the United States, and the MDNR shall have access to any pertinent books, documents, and records of the borrower in order to conduct audits or examinations. The borrower agrees to allow monitoring and auditing by the MDNR and/or authorized representative. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the 3-year period, the borrower shall retain records until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

1. The Borrower must keep financial and accounting records as required per section 640.663 RSMo:

- a. A borrower shall establish on its books an energy conservation loan account. Information sufficient to indicate the receipt and expenditure of all funds authorized and allowed under the terms of the loan or other financial assistance shall be entered in this account.
    - b. The borrower shall maintain all internal records directly related to the loan or financial assistance and the project in such a way as to provide for proper auditing of the project.
  2. Accounting records must be supported by such source documentation as canceled checks, paid bills, payrolls, time and attendance records, contract, and loan agreement documents. The documentation must be made available by the borrower at the MDNR's request.
  3. The borrower shall have procedures in place to minimize the time lapsed between money disbursed by the MDNR and money spent by the borrower.
- C. **Equipment Use.** The borrower agrees that any equipment purchased pursuant to this agreement shall be used for the intended purpose and shall not be moved from the State of Missouri without approval from the MDNR during the term of the loan agreement. The following standards shall govern the utilization and disposition of equipment acquired with loan funds:
1. Title. Title to equipment acquired under this loan will vest with the borrower upon acquisition unless MDNR requires the title as collateral (see Section V. 2. Evaluation Criteria of these Program Guidelines). Equipment means an article of nonexpendable, tangible personal property. When acquiring replacement equipment, the borrower may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property subject to the approval of the MDNR.
  2. Equipment management. The borrower agrees to meet the following requirements:
    - a. The borrower must maintain property records which include a description of the equipment, a serial number or other identification number, the source of the property, the acquisition date, cost of the property, percentage of federal or state participation in the cost of the property, and the location, use and condition of the property.
    - b. Any loss, damage, or theft shall be reported to and investigated by local authorities. The borrower shall procure and maintain insurance for damage to equipment purchased with this loan from financially sound and reputable insurance providers in such amounts and covering such risks as are usually carried by companies engaged in the same or similar business and similarly situated. All insurance policies shall name the Department as obligee and shall contain a provision against cancellation without 10 days written notice to the Department. In the event the project is damaged or destroyed by casualty, the borrower may rebuild, restore, repair, or replace with the proceeds of the insurance policy. If the borrower determines that such rebuilding, restoration, repair or replacement is not commercially feasible; the borrower shall apply the insurance proceeds to such outstanding loan balance. The borrower shall carry insurance for the duration of the loan term.
    - c. If the borrower is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.
  3. Disposition. When original or replacement equipment acquired under a loan is no longer needed but is still secured by this loan, the borrower must notify the department immediately

in writing. The borrower may not dispose of the equipment without prior notification to the Department.

D. **Mandatory Disclosures.** The borrower agrees that all statements, press releases, requests for proposals, bid solicitations, and other documents describing the program/project for which funds are now being loaned will include a statement of the percentage of the total cost of the program/project which is financed with federal and state money, and the dollar amount of federal and state funds for the program/project.

E. **Procurement Standards.**

1. No work or services paid for wholly or in part with state or federal funds, will be contracted without the written consent of the MDNR.
2. The borrower agrees that any contract, agreement, or equipment to be procured under this loan award which was not included in the approved work plan must receive formal MDNR approval prior to expenditure of funds associated with that contract, agreement, or equipment purchase.
3. The borrower shall use their own procurement procedures provided that procurements conform with the following requirements as they pertain to procurements funded in whole or in part with Federal funds or with the borrowers' contribution:
  - a. Reasonable cost. The borrowers' procurement procedures must use best commercial practices to ensure reasonable cost for procured goods and services. At a minimum, three (3) bids for any goods or services exceeding \$25,000 must be secured.
  - b. All contracts in excess of the simplified acquisition threshold per 41 U.S.C. 403 (11) must contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for such remedial actions as may be appropriate.
  - c. All contracts in excess of the simplified acquisition threshold per 41 U.S.C. 403 (11) must contain suitable provisions for termination for default by the borrower and for termination due to circumstances beyond the control of the contractor.
  - d. All negotiated contracts in excess of the simplified acquisition threshold per 41 U.S.C. 403 (11) must include a provision permitting access of the MDNR, DOE, the Inspector General, the Comptroller General of the United States, or any of their duly authorized representatives, to any books, documents, papers, and records of the borrower that are directly pertinent to a specific programs, for the purpose of making audits, examinations, excerpts, transcriptions, and copies of such documents.

F. **Borrower responsibilities.** The borrower is the responsible authority, without recourse to MDNR, or U.S.DOE, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of a loan award. This includes disputes, claims, protests of award, source evaluation or other matters of a contractual nature. The borrower should refer matters concerning violations of statutes to such Federal, State or local authority as may have proper jurisdiction.

- G. **Audit Requirements.** The MDNR has the right to conduct audits, including site visits, of borrowers at any time.
- H. **State Appropriated Funding.** The borrower agrees that funds expended for the purposes of this loan must be appropriated and made available by the Missouri General Assembly, as well as being awarded by the federal or state agency supporting the project. Therefore, the loan agreement shall automatically terminate without penalty or termination costs if such funds are not appropriated and/or granted. In the event that funds are not appropriated and/or granted for the loan agreement, the borrower shall not prohibit or otherwise limit the MDNR's right to pursue alternate solutions and remedies as deemed necessary for the conduct of state government affairs. The requirements stated in this paragraph shall apply to any amendment or the execution of any option to extend the loan agreement.
- I. **Eligibility, Debarment and Suspension.** By applying for this loan, the borrower verifies that it, its board of directors, and all of its principals are currently in compliance with all state and federal environmental laws and court orders issued pursuant to those laws, and that any environmental violations have been resolved at the time of application. If compliance issues exist, the borrower shall disclose to the MDNR all pending or unresolved violations noted in a Notice of Violation (NOV), administrative order, or civil and criminal lawsuit, but only where those alleged violations occurred in the past two years in the State of Missouri. The MDNR will not make any loan at any time to any party which is debarred or suspended, under federal or state authority, is not current on all taxes due and owing to the State of Missouri, or is otherwise excluded from or ineligible for participation in federal assistance under Executive Order 12549, "Debarment and Suspension." The borrower shall complete a Debarment/Suspension form when required by the MDNR.
- J. **Termination**
1. Termination for Cause. The MDNR may terminate any loan, in whole or in part, at any time before the maturity date whenever it is determined that the borrower has failed to comply with the terms and conditions of the loan agreement documents. The MDNR shall promptly notify the borrower in writing of such a determination and the reasons for the termination, together with the effective date. The loan shall become due and payable in full as of that date.
  2. Termination for Convenience. Both the MDNR and borrower may terminate the loan agreement, in whole or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. Any loan funds disbursed to the borrower shall become due and payable in full as of that date.
  3. This loan agreement is not transferable without the prior written approval of the MDNR.
- K. **Enforcement; Remedies for Noncompliance.** If a borrower falsifies any loan award document or materially fails to comply with any term of the loan the MDNR may take one or more of the following actions, as appropriate:
1. Suspend or terminate, in whole or part, the current loan;
  2. Disallow all or part of the cost of the activity or action not in compliance;
  3. Temporarily withhold payments pending the borrower's correction of the deficiency;

4. Withhold further loan proceeds from the borrower;
  5. Order the borrower not to transfer ownership of assets purchased with loan proceeds without prior written MDNR approval;
  6. Take other remedies that may be legally available, including cost recovery, breach of contract, and suspension or debarment; or
  7. Call the loan immediately due and payable with the collection efforts leading up to and including foreclosure or repossession of secured properties and goods.
- L. **Borrower's Signature.** The borrower's signature on the application and the loan agreement documents signifies the borrower's agreement to all of the terms and conditions of the loan agreement.
- M. **Unauthorized Aliens – Missouri Statutes – RSMo 285.525 – 285.550 Effective January 1, 2009.** Effective January 1, 2009 and pursuant to RSMo 285.530 (1), no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri.

### **Statutory Requirements**

Borrowers must comply with all federal state and local laws relating to employment, construction, research, environmental compliance, and other activities associated with loans from the MDNR. Failure to abide by these laws is sufficient grounds to cause the loan to become due and payable.

Any borrower, in connection with its application for financial assistance, shall include a certification that the borrower, its board of directors and principals are in compliance with the specific federal and state laws set out below. Further, the borrower shall report to the MDNR any instance in which the borrower or any member of its board of directors or principals is determined by any administrative agency or by any court in connection with any judicial proceeding to be in noncompliance with any of the specific federal or state laws set forth below. Such report shall be submitted within ten (10) working days following such determination. Failure to comply with the reporting requirement may be grounds for the loan to become due and payable or suspension or debarment of the borrower:

A. Laws and regulations related to nondiscrimination:

1. Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;
2. Title VII of the Civil Rights Act of 1964 found at 42 U.S.C. §2000(e) et.seq. which prohibits discrimination on the basis of race, color, religion, national origin, or sex;
3. Title IX of the Education Amendments of 1972, as amended (U.S.C. §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex;
4. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability;
5. Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 621-634), which prohibits discrimination on the basis of age;
6. Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
7. Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
8. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
9. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
10. Chapter 213 of the Missouri Revised Statutes which prohibits discrimination on the basis of race, color, religion, national origin, sex, age, and disability.
11. The Americans with Disabilities Act (P. L. 101-336), 42 U. S. C. §12101 et seq., relating to nondiscrimination with respect to employment, public services, public accommodations and telecommunications.
12. Any other nondiscrimination provisions in the specific statute(s) and regulations under which application for federal assistance is being made.
13. The requirements of any other nondiscrimination statute(s) and regulations which may apply to the application.

B. State and Federal Environmental Laws:

1. The Federal Clean Air Act, 42 U.S.C. § 7606, as amended, prohibiting award of assistance by way of grant, loan, or contract to noncomplying facilities.
2. The Federal Water Pollution Control Act, 33 U.S.C. § 1368, as amended, prohibiting award of assistance by way of grant, loan, or contract to noncomplying facilities.
3. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq., as amended, particularly as it relates to the assessment of the environmental impact of federally assisted projects.
4. The National Historic Preservation Act of 1966, 16 U.S.C. § 470 et seq., as amended, relating to the preservation of historic landmarks.
5. Earthquakes - Seismic Building and Construction Ordinances, §§ 319.200 - 319.207, RSMo (Cum. Supp. 1990), relating to the adoption of seismic design and construction ordinances by certain cities, towns, villages and counties.
6. The Missouri Clean Water Law, Sections 644.006 to 644.141, RSMo.
7. The Missouri Hazardous Waste Management Law, Section, 260.350 to 260.430, RSMo.
8. The Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo.
9. The Missouri Air Conservation Law, Sections 643.101 to 643.190, RSMo.

C. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601 and 4651 et seq., relating to acquisition of interest in real property or any displacement of persons, businesses, or farm operations.

D. The Hatch Act, 5 U.S.C. § 1501 et seq., as amended, relating to certain political activities of certain State and local employees.

E. The Archaeological and Historic Preservation Act of 1974 (Public Law 93-291) relating to potential loss or destruction of significant scientific, historical, or archaeological data in connection with federally assisted activities.

F. The Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

G. The flood insurance purchase requirements of § 102(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) which requires Subgrantees in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

H. The Privacy Act of 1974, P.L. 93-579, as amended prohibiting the maintenance of information about any individual in a manner which would violate the provision of the Act.

I. Public Law 93-348 regarding the protection of human subjects involved in research, development and related activities supported by this award of assistance.

J. The Laboratory Animal Welfare Act of 1966 (P. L. 89-544), 7 U.S.C. § 2131 et seq., pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

- K. The following additional requirements apply to projects that involve construction:
1. The Davis-Bacon Act, as amended, 40 U.S.C. § 276a et seq., respecting wage rates for federally assisted construction contracts in excess of \$2000.
  2. The Copeland (Anti-Kickback) Act, 18 U.S.C. § 874, 40 U.S.C. § 276c.
  3. The Contract Work Hours and Safety Standards Act, 40 U.S.C. § 327 et seq.
  4. Convict labor shall not be used on construction projects unless by convicts who are on work release, parole, or probation.
  5. The Lead-Based Paint Poisoning Prevention Act (42 U. S. C. § 4801 et seq.) which prohibits the use of lead paint in construction or rehabilitation of residence structures.
- L. Trafficking Victims Protection Act of 2000, Section 106, as amended (22 U.S.C. 7104(g) relating to termination of contract award based should any employee of the department, recipient or subrecipient violate this act.
- M. Unauthorized Aliens – Missouri Statutes – RSMo 285.525 – 285.550 - Effective January 1, 2009 and pursuant to RSMo 285.530 (1), no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri.
- N. Federal Funding Accountability and Transparency Act of 2006 (S. 2590) – Required information on federal awards be made available to the public via a single searchable website. Federal awards include grants, subgrants, loans, awards, cooperative agreements and other forms of financial assistance.
- O. Information on Statutory Authorization
1. Public Improvement, Recreation/Education, Bruce Watkins, RSMO. 253.220  
<http://www.moga.mo.gov/statutes/C200-299/2530000220.HTM>
  2. Soil Conservation Research, RSMO. 278.080  
<http://www.moga.mo.gov/statutes/chapters/chap278.htm>
  3. Cost Share Program, RSMO. 278.080  
<http://www.moga.mo.gov/statutes/chapters/chap278.htm>
  4. Disbursements to Soil Districts, RSMO. 278.080, 278.120  
<http://www.moga.mo.gov/statutes/chapters/chap278.htm>
  5. Soil Conservation Expenditure Loans, RSMO. 278.080  
<http://www.moga.mo.gov/statutes/chapters/chap278.htm>
  6. Soil Conservation Demonstrations, RSMO. 278.080  
<http://www.moga.mo.gov/statutes/chapters/chap278.htm>
  7. Recovered Materials Market Development, RSMO. 260.335  
<http://www.moga.mo.gov/statutes/C200-299/2600000335.HTM>
  8. Water Pollution Control Loans, RSMO. 644.122  
<http://www.moga.mo.gov/statutes/C600-699/6440000122.HTM>
  9. Energy Set-Aside Program, RSMO. 640.665  
<http://www.moga.mo.gov/statutes/c600-699/6400000665.htm>
  10. Public Improvement Expenditures, MO Botanical Garden & Jefferson Landing, RSMO. 253.220 <http://www.moga.mo.gov/statutes/c200-299/2530000220.htm>

11. Stormwater Grants, RSMO. 644.031  
<http://www.moga.mo.gov/statutes/c600-699/6440000031.htm>
12. Wastewater Treatment Grants, RSMO. 644.026  
<http://www.moga.mo.gov/statutes/c600-699/6440000026.htm>
13. Rural Water and Sewer Grants, RSMO. 644.026  
<http://www.moga.mo.gov/statutes/c600-699/6440000026.htm>
14. Outdoor Recreation Sub-Grants, RSMO. 258.083  
<http://www.moga.mo.gov/statutes/c200-299/2580000083.htm>
15. Information on Statutory Authorization Energy Conservation - Schools/Hospitals, RSMO. 640.653 <http://www.moga.mo.gov/statutes/c600-699/6400000653.htm>
16. Energy Conservation - Local Governments/Non-Profit, RSMO. 640.653  
<http://www.moga.mo.gov/statutes/c600-699/6400000653.htm>
17. Waste Management Grants, RSMO. 260.335  
<http://www.moga.mo.gov/statutes/c200-299/2600000335.htm>
18. Environmental Grants, RSMO. 260.273-342  
<http://www.moga.mo.gov/statutes/c200-299/2600000273.htm>
19. Historic Preservation Sub-Grants, RSMO. 253.408-415  
<http://www.moga.mo.gov/statutes/chapters/chap253.htm>
20. Clean Air Act Grants and Sub-Grants, RSMO. 643.010-190  
<http://www.moga.mo.gov/statutes/chapters/chap643.htm>

## EXHIBIT B

### PROGRAM SPECIFIC TERMS AND CONDITIONS FOR LOANS

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

Notwithstanding any other provisions of this Agreement, the State shall not be responsible for or have any obligation to the borrower for (i) Decontamination and/or Decommissioning (D&D) of any of the borrower's facilities, or (ii) any costs which may be incurred by the borrower 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.

#### 2. PUBLICATIONS

- a. Borrowers 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 under Award Number DE-EE0000131."  
**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."
- c. All publications which are intended for distribution and are financed, wholly or in part, by subgrant funds, must contain the following verbiage: "Funds are made possible through the American Recovery and Reinvestment Act and the Energize Missouri initiative and administered by the Missouri Department of Natural Resources." Additionally, ARRA, Energize Missouri, and the MDNR logos, as provided by the MDNR to the subrecipients, must be included in all of the aforementioned publications.

#### 3. REPORTING REQUIREMENTS

- a. Requirements. The reporting requirements for this loan are identified in this loan agreement document and the terms and conditions attached to this loan award. Failure to comply with these reporting requirements is considered a material noncompliance with the terms of the loan award. Noncompliance may result in withholding of future payments, suspension, or termination of the current loan award, and withholding of future loan 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 Department of Natural Resources agencies.
- b. Dissemination of scientific/technical reports. Scientific/technical reports submitted under this award will be disseminated on the Internet via the DOE Information Bridge ([www.osti.gov/bridge](http://www.osti.gov/bridge)), unless the

report contains patentable material, protected data, or SBIR/STTR data. Citations for journal articles produced under the award will appear on the DOE Energy Citations Database ([www.osti.gov/energycitations](http://www.osti.gov/energycitations)).

- c. Restrictions. Reports submitted to the DOE Information Bridge must not contain any Protected Personal Identifiable Information (PII), limited rights data (proprietary data), classified information, information subject to export control classification, or other information not subject to release.

#### **4. 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, please contact the Department.

#### **5. DAVIS BACON ACT AND CONTRACT WORK HOURS AND SAFETY STANDARDS ACT**

##### **(a) Davis Bacon Act**

##### **(1) Minimum wages.**

(i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), 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, regardless of any contractual relationship which may be alleged to exist between the Contractor and such laborers and mechanics.

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 (a)(1)(iv) of this section; 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 weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in § 5.5(a)(4). 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. The wage determination (including any additional

## Exhibit B – Program Specific Terms and Conditions for Loans

classification and wage rates conformed under paragraph (a)(1)(ii) of this section) 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.

The following web sites are resources that should be reviewed by applicants:

(1) [http://www1.eere.energy.gov/wip/davis-bacon\\_act.html](http://www1.eere.energy.gov/wip/davis-bacon_act.html)

(2) <http://www.dol.gov/whd/>

### **6. PROCUREMENT**

(a) For-Profit Subgrantees must comply with all applicable provisions in 10 CFR 600.331. Non-Profit Subgrantees must comply with all applicable provisions in 10 CFR 600.140 – 600.149. State and Local Government Subgrantees must comply with all applicable provisions in 10 CFR 600.236 (Equipment).

**EXHIBIT C**  
**ARRA SPECIAL TERMS AND CONDITIONS**  
**MISSOURI DEPARTMENT OF NATURAL RESOURCES**  
**Federal Subgrants and Loans**  
**Special Terms and Conditions Related to Transform Missouri**  
**and the**  
**American Recovery and Reinvestment Act**



These terms and conditions highlight requirements which are especially pertinent to loans made by the Missouri Department of Natural Resources (MDNR) using American Recovery and Reinvestment Act funds. These terms and conditions do not set out all of the provisions of the applicable laws and regulations, nor do they represent an exhaustive list of all requirements applicable to this award. These terms and conditions do not replace the general terms and conditions or other terms and conditions as they apply to the loans award. These terms and conditions are to be followed in addition to all other terms and conditions.

**I. Program Reporting Requirements and Certification**

In accordance with the American Recovery and Reinvestment Act of 2009 (ARRA), §3, funds made available under ARRA should be used to preserve and create jobs and promote economic recovery; assist those most impacted by the recession; provide investment 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; and to stabilize State and local government budgets in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases. ARRA funds should be managed and expended so as to achieve the purposes specified as quickly as possible consistent with prudent management.

Congress has specifically mandated that all ARRA recipients that receive funds directly from the federal government must report on the use of said funds for purposes of transparency and oversight. All funds issued under ARRA are subject to unparalleled scrutiny, with specific distribution and reporting requirements by the federal government and the State of Missouri.

ARRA funds are derived from a unique funding source and shall be tracked separately at all times. Accordingly, it is agreed and understood that by accepting ARRA funds through this contract that each subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will fully comply with the requirements herein and any requirements hereafter issued by the federal government or the State of Missouri for compliance with ARRA and other related federal and state laws. Further, it is understood that this contract is subject to all applicable terms and conditions of ARRA. It is anticipated that future guidance on requirements for tracking and reporting expenditures of ARRA funds will be issued by the Director of the Office of Management and Budget (OMB) or other federal agencies. Each subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will comply with all such requirements as published at any time during the contract period in order to allow for the accountability of ARRA funds in a manner that ensures transparency and accountability in accordance with all program and ARRA requirements.

ARRA, §1512, referred to as the Jobs Accountability Act, sets forth certain reporting requirements that the State of Missouri must comply with and submit to the federal government no later than ten (10) days after the end of each calendar quarter beginning July 10, 2010. Accordingly, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall submit the following information in a timely manner to the State of Missouri, Department of Natural Resources, no later than three business days after the end of each calendar quarter.

- (1) The total amount of ARRA funds the recipient received from the State of Missouri;
- (2) The dollar amount of ARRA Funds that were expended or obligated for each project or activity;
- (3) A detailed list of all projects or activities for which ARRA funds were expended or obligated, including:
  - the name of the project or activity;

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- a description of the project or activity;
  - an evaluation of the completion status of the project or activity;
  - an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
  - for infrastructure investments, the purpose, total cost, and rationale for funding the infrastructure investment with funds made available under ARRA, and the name of the person to contact if there are concerns with the infrastructure investment;
- (4) Detailed information on any subcontracts or loans awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, hereafter referred to as the “Transparency Act”), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget; and
- (5) A 2008 amendment to the Transparency Act called the “Government Funding Transparency Act of 2008” (Public Law 110-252) added a requirement to collect compensation information on certain chief executive officers (CEOs) of the recipient and subrecipient entity. Accordingly, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall report required information under the Transparency Act, including, but not limited to:
- The name of the entity receiving the award;
  - The amount of the award;
  - The transaction type;
  - The funding agency;
  - The Catalog of Federal Domestic Assistance number;
  - The program source;
  - The location of the entity receiving the award, including four data elements for the city, State, Congressional district, and country;
  - The location of the primary place of performance under the award, including four data elements the city, State, Congressional district, and country;
  - A unique identifier of the entity receiving the award;
  - A unique identifier for the parent entity for the recipient, should the recipient be owned by another entity; and
  - The names and total compensation of the five most highly compensated officers of the company if it received: 1) 80% or more of its annual gross revenues in Federal awards; and 2) \$25M or more in annual gross revenue from Federal awards.

Standard data elements and federal instructions for use in complying with reporting requirements under §1512, ARRA, are pending review by the federal government, and were published in the Federal Register on April 1, 2009 [74 FR 14824], and are to be provided online at [www.FederalReporting.gov](http://www.FederalReporting.gov).

### II. Buy American

In accordance with ARRA, §1605, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will not use ARRA funds for a project for the construction, alternation, maintenance, or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States in a manner consistent with United States obligations under international agreements. The subrecipient(s) understands that this requirement may only be waived by the applicable federal agency in limited situations as set out in ARRA, §1605. For additional guidance including information on waivers, see [http://www1.eere.energy.gov/recovery/buy\\_american\\_provision.html](http://www1.eere.energy.gov/recovery/buy_american_provision.html)

### III. Wage Rate Requirements

In accordance with ARRA, §1606, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall fully comply with said section in that notwithstanding any other provision of law and in a manner consistent with other provisions of ARRA, 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 ARRA 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 (Davis-Bacon Act) or

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as determined by the Missouri Department of Labor and Industrial Relations in accordance with RSMo 290.550 through 290.580, whichever is higher. It is understood that the Secretary of Labor has the authority and functions set forth in Reorganization Plan Numbered 14 or 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

### **IV. Whistleblower Protection**

In accordance with ARRA, §1553, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall fully comply with said section, including, but not limited to, assuring that its employees will 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 federal government or any representative thereof, the State of Missouri, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury any information that the employee reasonably believes is evidence of: 1) gross mismanagement of a contract or grant relating to ARRA; 2) a gross waste of ARRA funds; 3) a substantial and specific danger to public health or safety related to the implementation or use of ARRA funds; 4) an abuse of authority related to the implementation or use of ARRA funds; or 5) a violation of law, rule, or regulation related to this contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to ARRA funds. In accordance with ARRA, §1553(e), the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall post notice of the rights and remedies provided in ARRA, §1553.

### **V. Inspection of Documents**

In accordance with ARRA, §902, 1514 and 1515, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will cooperate with any representative of the State of Missouri, Comptroller General, or appropriate inspector general appointed under §3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) in the examination of its records that pertain to, and involve transactions relating to this contract, and agrees that it and its personnel can be interviewed by said entities regarding this contract and related program.

### **VI. National Environmental Policy Act**

The subrecipient assures that it, as well as its subrecipients will not take any action using federal funds, which would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to the granting agency providing either a NEPA clearance or a final NEPA decision regarding the project. The Department is working with the federal granting agencies to develop Categorical Exclusions, which would exempt certain categories of activities from further review under NEPA. Project specific activities may require additional information from the subrecipient for NEPA compliance review by the granting agency. If the subrecipient or its subrecipients move forward with activities that are not authorized for federal funding by the granting agency in advance of the final NEPA decision, the subrecipient and its subrecipients 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, the subrecipient and its subrecipients must submit an environmental evaluation report/evaluation notification form addressing NEPA issues prior to the granting agency initiating the NEPA process.

Prohibited actions include: allowing any projects to go forward under the Request for Proposal (RFP) until further NEPA evaluation. This restriction does not preclude the subrecipient or its subrecipients from the following:

Implementation & Loans: selecting a contractor; that contractor conducting outreach; making program recommendations; developing and publishing an RFP; and selecting recipients under the RFP.

### **VII. Historic Preservation**

Prior to the expenditure of Federal funds to alter any structure or site, the Missouri Department of Natural Resources (MDNR) is required to comply with the requirements of Section 106 of the National Historic Preservation Act (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 MDNR must contact the State Historic Preservation Officer (SHPO), and, if applicable, the Tribal Historic Preservation Officer (THPO), to coordinate the Section 106

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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>. A direct link to the State of Missouri's SHPO website is: <http://www.dnr.mo.gov/shpo/>. Missouri's SHPO contact is Rebecca Prater at 573.751.7958.

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.

Subrecipients should be aware that the federal granting agency will consider the MDNR in compliance with Section 106 of the NHPA only after the MDNR has submitted adequate background documentation to the SHPO/THPO for its review, and the SHPO/THPO has provided written concurrence to the MDNR that it does not object to its Section 106 finding or determination. MDNR shall provide a copy of this concurrence to the agency's Contracting Officer. In order to comply with this, subrecipients will be required to submit required information as needed by the MDNR. A link to the 106 Project Information Form can be found at: <http://dnr.mo.gov/forms/780-1027.pdf>

### **VIII. Additional Restrictions of ARRA Funds**

In accordance with ARRA, §1602, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will give preference to activities, funded by ARRA for infrastructure investment, that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the enactment of ARRA and in a manner that will maximize job creation and economic benefit.

In accordance with ARRA, §1604, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall not use ARRA funds for any casino or other gambling establishment, aquarium, zoo, golf course or swimming pool.

In accordance with ARRA, §1554, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will award contracts funded in whole or in part with ARRA funds as fixed-price contracts through the use of competitive procedures. It will also provide a summary to the State of Missouri, Department of Natural Resources of any said contract awarded by the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, that is not fixed-price and not awarded using competitive procedures for posting in a special section of the website established in ARRA, §1526.

In accordance with ARRA, §1609, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will comply with any applicable environmental impact requirements of the National Environmental Policy Act of 1970 (NEPA), as amended. (42 U.S.C. 4371, *et seq.*). The subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, will submit information on the status and progress of those projects and activities using ARRA funds subject to NEPA pursuant to any requirements of the Council on Environmental Quality (CEQ) and OMB.

In accordance with ARRA, §1512(h), the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall register in the Central Contractor Registration (CCR) database at [www.ccr.gov](http://www.ccr.gov), and maintain current registration at all time during the pendency of this contract. In order to register in CCR, a valid Dun and Bradstreet Data Universal Numbering System (DUNS) Number is required. See [www.dnb.com](http://www.dnb.com).

### **IX. Employment of Unauthorized Aliens Prohibited**

Pursuant to §285.530.1, RSMo, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, do not knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Missouri, and shall affirm, by sworn affidavit and provision of documentation, its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services. Further, the subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services.

In accordance with sections 285.525 to 285.550, RSMo a general contractor or subcontractor of any tier shall not be liable when such contractor or subcontractor contracts with its direct subcontractor who violates subsection 1 of section 285.530, RSMo if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor

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is not knowingly in violation of subsection 1 of section 285.530, RSMo and shall not henceforth be in such violation and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.

### **X. Enforceability**

If a subrecipient or one of its subrecipients fails to comply with all applicable federal and state requirements governing these funds, the State of Missouri may withhold or suspend, in whole or in part, funds awarded under the program, or recover misspent funds following an audit. This provision is in addition to all other remedies provided to the State of Missouri for recovery of misspent funds available under all applicable state and federal laws.

### **XI. Publication of Confidential Information**

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, MDNR 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 may be published on the Internet and linked to the website [School.recovery.gov](http://School.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.

### **XII. False Claims Act**

The subrecipient assures that it, as well as its subrecipients if required by future OMB guidance, shall promptly refer to the State of Missouri 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.

### **XIII. Recovery Act Logo**

This project receives funding under the American Recovery and Reinvestment Act of 2009 (Recovery Act) and the subrecipient assures that it, as well as its subrecipients or loan recipients if required by future OMB guidance, must display the Recovery Act Logo in a manner that informs the public that the project is a Recovery Act investment. The ARRA logo may be obtained from the DOE/EPA grants office listed in this award document. If DOE/EPA logo is displayed along with the Recovery Act logo and logos of other participating entities, the DOE/EPA logo must not be displayed in a manner that implies that DOE/EPA itself is conducting the project. Instead, the DOE/EPA logo must be accompanied with a statement indicating that the grantee, subgrantee or loan recipient received financial assistance from DOE/EPA for the project.

### **XIV. Publications and Public Relation Events**

All publications which are intended for distribution and are financed, wholly or in part, by subgrant funds, must contain the following verbiage: Funds are made possible through the American Recovery and Reinvestment Act and the Transform Missouri initiative and administered by the Missouri Department of Natural Resources. Additionally, ARRA, Transform Missouri, and the MDNR logos, as provided by the MDNR to the subrecipients, must be included in all of the aforementioned publications.

The subrecipient assures that it, as well as its subrecipients, shall submit to the MDNR two draft copies of each publication and other printed materials which are intended for distribution and are financed, wholly or in part, by subgrant funds. The subrecipient nor its subrecipients shall not print or distribute any publication until receiving written approval by the grant manager.

The subrecipient assures that it, as well as its subrecipients, shall notify the MDNR five business days in advance of all public relations events related to ARRA-funded activities whereby the public and/or media is invited to participate and provide opportunity for involvement.

**XV. Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Subrecipient Responsibilities for Informing Subrecipients**

- (1) 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, subrecipients agree to maintain records that identify adequately the source and application of Recovery Act funds. OMB Circular A--102 is available at <http://School.whitehouse.gov/omb/circulars/a102/a102.html>.
- (2) For subgrantees covered by 10 CFR 600, Subpart D "Administrative Requirements for Grants and Cooperative Agreements With For-Profit Organizations", subgrantees agree to separately identify the expenditures for Federal awards under the Recovery Act on a schedule similar to the Schedule of Expenditures of Federal Awards (SEFA) that is required by OMB Circular A--133 related to subgrantees covered by the Single Audit Act Amendments of 1996 and OMB Circular A--133, "Audits of States, Local Governments, and Non-Profit Organizations". OMB Circular A--133 is available at <http://School.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 schedule, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the schedule.
- (3) For subrecipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A--133, "Audits of States, Local Governments, and Non-Profit Organizations," subrecipients 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://School.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.
- (4) Subrecipients 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 subrecipient 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.
- (5) Subrecipients agree to require their subrecipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the subrecipient SEFA described above. This information is needed to allow the subrecipient 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.

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**EXHIBIT D**  
**EF-1 ENVIRONMENTAL QUESTIONNAIRE**  
**U.S. DEPARTMENT OF ENERGY**

**I. BACKGROUND**

The Department of Energy (DOE) National Environmental Policy Act (NEPA) Implementing Procedures (10 CFR 1021) require careful consideration of the potential environmental consequences of all proposed actions during the early planning stages of a project or activity. DOE must determine at the earliest possible time whether such actions will require either an Environmental Assessment or an Environmental Impact Statement, or whether they qualify for a Categorical Exclusion. To comply with these requirements, an Environmental Questionnaire must be completed for each proposed action to provide DOE with the information necessary to determine the appropriate level of NEPA review.

**II. INSTRUCTIONS**

Separate copies of the Environmental Questionnaire should be completed by the principal proposer and appropriate proposer’s subcontractor. In addition, if the proposed project includes activities at different locations, an independent questionnaire should be prepared for each location. Supporting information can be provided as attachments.

In completing this Questionnaire, the proposer is requested to provide specific information and quantities, when applicable, regarding air emissions, wastewater discharges, solid wastes, etc., to facilitate the necessary review. The proposer should identify the location of the project and specifically describe the activities that would occur at that location. In addition, the proposer will be required to submit an official copy of the project’s statement of work (SOW) or statement of project objective (SOPO) that will be used in the contract/agreement between the proposer and DOE.

**III. QUESTIONNAIRE**

**A. PROJECT SUMMARY**

1. Solicitation/Project Number: \_\_\_\_\_
2. Proposer: \_\_\_\_\_
3. Principal Investigator: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_
4. Project Title: \_\_\_\_\_
5. Duration: \_\_\_\_\_
6. Location(s) of Performance (City/Township, County, State): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Identify and select checkbox with the predominant project work activities under Group A-7b or A-7c.

**Group A-7b**

- A work or project activity does NOT involve new building/facilities construction and site preparation activities. This work typically involves routine operation, modification, and retrofit of existing utility and transportation infrastructure, laboratories, commercial buildings/properties, offices and homes, test facilities, factories/power plants, vehicles test stands and components, refueling facilities, green space infrastructure, or other existing facilities.

**Group A-7c**

- Work or project activities typically involves major building or facility construction, site preparation; the installation, replacement, or major modifications of energy system prototypes and infrastructure, access right-of-ways and roads; utility, green space, and transportation infrastructure, vehicle test facilities; commercial buildings/properties, fuel refinery/mixing facilities, factories/power plants; and other types of energy efficiency/conservation related systems, structures, and facilities. This work can require new or modified regulatory permits, environmental sampling and monitoring requirements, master planning, public involvement, and environmental impact review.
- Other types of work or project activities not listed. (Please describe):
- 8. Summarize the objectives of the proposed work. List activities planned at the location as covered by this Environmental Questionnaire.
- 9. List all other locations where proposed work or project would be performed by project's proposer and subcontractors.
- 10. Identify major project operation related materials and waste that would be used, consumed, and produced by this project or activity.
- 11. Provide a brief description of the project location (physical location, surrounding area, adjacent structures).
- 12. Attach a site plan or topographic map of the project work area.

**B. ENVIRONMENTAL IMPACTS**

This section is designed to obtain information for objectively assessing the environmental impacts of a proposed project. NEPA procedures require evaluations of possible effects (including land use, energy resource use, natural, historic and cultural resources, and pollutants) from proposed projects on the environment.

**1. Land Use**

- a. Characterize present land use where the proposed project would be located.
  - Urban                       Industrial                       Commercial                       Agricultural
  - Suburban                       Rural                       Residential                       Research Facilities
  - Forest                       University Campus                       Other
- b. Describe how land use would be affected by planned construction and project activities.
  - No construction would be anticipated for this project.
- c. Describe any plans to reclaim/replant areas that would be affected by the proposed project.
  - No land areas would be affected.
- d. Would the proposed project affect any unique or unusual landforms (e.g., cliffs, waterfalls, etc.)?
  - No                       Yes (describe)
- e. Would the proposed project be located in or near a national park or wilderness area?
  - No                       Yes (describe)

*If project work activities falls under item A-7b; then proceed directly to question B.6 (Atmospheric Conditions/Air Quality) and continue to fill out questionnaire.*

*If project work falls under item A-7c; then proceed directly below to question B.2 (Construction Activities and/or Operations) and continue to fill out questionnaire.*

**2. Construction Activities and/or Operations**

- a. Identify any roads, trails, or utility right of ways that traverse the proposed site or will be constructed and clearly mark them on project site maps.  
 None
  
- b. Would the proposed project require the construction of settling ponds?  
 No             Yes (describe and identify location, and estimate surface area disturbed)
  
- c. Would the proposed project affect any existing body of water?  
 No             Yes (describe)
  
- d. Would the proposed project be located in or impact a floodplain or wetland?  
 No             Yes (describe)
  
- e. Would the proposed project be likely to cause runoff/sedimentation/erosion?  
 No             Yes (describe)

**3. Vegetation and Wildlife Resources**

- a. Identify any State- or Federal-listed endangered or threatened plant or animal species affected by the proposed project.  
 None
  
- b. Would any foreign substances/materials be introduced into ground or surface waters, or other earth/geologic resource because of project activities? Would these foreign substances/materials affect the water, soil, and geologic resources?  
 No             Yes (describe)
  
- c. Would any migratory animal corridors be impacted or disrupted by the proposed project?  
 No             Yes (describe)

**4. Socioeconomic and Infrastructure Conditions.**

- a. Would local socio-economic changes result from the proposed project?  
 No             Yes (describe)
  
- b. Would the proposed project generate increased traffic use of roads through local neighborhoods, urban or rural areas?  
 No             Yes (describe)
  
- c. Would the proposed project require new transportation access (roads, rail, etc.)? Describe location, impacts, costs.  
 No             Yes (describe)
  
- d. Would any new transmission lines and/or power line right-of-ways be required?  
 No             Yes (describe location, voltage, and length of line)

**5. Historical/Cultural Resources**

- a. Describe any historical, archeological, or cultural sites in the vicinity of the proposed project; note any sites included on the National Register of Historic Places.  
 None
- b. Would construction or operational activities planned under the proposed project disturb any historical, archeological, or cultural sites?  
 No planned construction       No historic sites       Yes (describe)
- c. Would the proposed project interfere with visual resources (e.g., eliminate scenic views) or alter the present landscape?  
 No                       Yes (describe)

*For all proposed project work activities identified under item A-7b, respond to item B6 directly below and continue filling out environmental questionnaire.*

**6. Atmospheric Conditions/Air Quality**

- a. Identify air quality conditions in the immediate vicinity of the proposed project with regard to attainment of National Ambient Air Quality Standards (NAAQS). This information is available under the NAAQS tables from the U.S. EPA Air and Radiation Division.

	<u>Attainment</u>	<u>Non-Attainment</u>
O <sub>3</sub>	<input type="checkbox"/>	<input type="checkbox"/>
SO <sub>x</sub>	<input type="checkbox"/>	<input type="checkbox"/>
PM <sub>10</sub>	<input type="checkbox"/>	<input type="checkbox"/>
CO	<input type="checkbox"/>	<input type="checkbox"/>
NO <sub>2</sub>	<input type="checkbox"/>	<input type="checkbox"/>
Lead	<input type="checkbox"/>	<input type="checkbox"/>

- b. Would proposed project require issuance of new or modified major source air quality permits?  
 No                       Yes (describe)
- c. Would the proposed project be in compliance with the National Emissions Standards for Hazardous Air Pollutants?  
 No (explain)                       Yes
- d. Would the proposed project be classified as either a New Source or a major modification to an existing source?  
 No                       Yes (describe)
- e. Would the proposed project be in compliance with the New Source Performance Standards?  
 Not Applicable                       No (explain)                       Yes
- f. Would the proposed project be subject to prevention of significant deterioration air quality review?  
 Not applicable                       No (explain)                       Yes (describe)
- g. What types of air emissions, including fugitive emissions, would be anticipated from the proposed project?
- h. Would any types of emission control or particulate collection devices be used?  
 No                       Yes (describe, including collection efficiencies)
- i. If no control devices are used, how would emissions be vented?

**7. Hydrologic Conditions/Water Quality**

- a. What is the closest body of water to the proposed project area and what is its distance from the project site?
- b. What sources would supply potable and process water for the proposed project?
- c. Quantify the daily or annual amount of wastewater that would be generated by the proposed project.
- d. Identify the local treatment facility that would receive wastewater from the proposed project.  
 No discharges to local treatment facility
- e. Describe how wastewater would be collected and treated.
- f. Would any run-off or leachates be produced from storage piles or waste disposal sites?  
 No                     Yes (describe source)
- g. Would project require issuance of new or modified water permits to perform project work or site development?  
 No                     Yes (describe)
- h. Where would wastewater effluents from the proposed project be discharged?  
 No wastewater produced
- i. Would the proposed project be permitted to discharge effluents into an existing body of water?  
 No                     Yes (describe water use and effluent impact)
- j. Would a new or modified National Pollutant Discharge Elimination System (NPDES) permit be required?  
 No                     Yes (describe)
- k. Would the proposed project adversely affect the quality or movement of groundwater?  
 No                     Yes (describe)

**8. Solid and Hazardous Wastes**

- a. Describe and estimate major nonhazardous solid wastes that would be generated from the project. Solid wastes are defined as any solid, liquid, semi-solid, or contained gaseous material that is discarded or has served its intended purpose, or is a manufacturing or mining by-product (40 CFR 260, Appendix I).
- b. Would project require issuance of new or modified solid waste and/or hazardous waste related permits to perform project work activities?  
 No                     Yes (explain)
- c. How and where would solid waste disposal be accomplished?  
 On-site (identify and describe location)  
 Off-site (identify location and describe facility and treatment)
- d. How would wastes for disposal be transported?
- e. Describe and estimate the quantity of hazardous wastes (40 CFR 261.31) that would be generated, used, or stored under this project.  
 None



**Attachment #1**

**PAY CERTIFICATION FORM**

The Federal Funding Accountability and Transparency Act of 2006, as amended by the Government Funding Transparency Act of 2008, requires that the five most highly compensated officers be reported for the calendar year in which the award is made. The provision applies if all three of the below criteria are met. Answer the questions below to determine if your entity meets those criteria.

- (A) In the Borrower's preceding fiscal year, did the Borrower receive 80 percent or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and sub grants) and cooperative agreements?
- (B) In the Borrower's preceding fiscal year, did the Borrower receive \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and sub grants) and cooperative agreements?
- (C) Is it true that the public does not have access to information about the compensation of the senior executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78(d)) or section 6104 of the Internal Revenue Code of 1986?

If, you answered yes to all three questions above, please complete the following parts (1) and (2) of the document. If you did not answer yes to all three questions above, please sign and date part (2) only. This form must be completed and submitted to the Department with the original signed award document, as well as annually on the anniversary of the start date of this Agreement.

**Part 1**

For the five most highly compensated officers of the Borrower, total compensation is defined as:

The cash and non-cash dollar value earned by the executive during the borrower's past fiscal year of the following (for more information see 17 CFR 229.402(c) (2)):

- (i) Salary and bonus.
- (ii) Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with FAS 123R.
- (iii) Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- (iv) Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- (v) Above-market earnings on deferred compensation which are not tax-qualified.
- (vi) Other compensation. For example, severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property if the value for the executive exceeds \$10,000.

(Part 1 continued)

If you answered yes to the three questions above, please list the name and compensation amount for the five most highly compensated officials:

<b>Name, Title</b>	<b>Compensation Amount (\$)</b>
1) _____	
2) _____	
3) _____	
4) _____	
5) _____	

If you did not answer yes to the questions above, please sign and date part (2) only.

**Part 2**

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Authorized Official's Signature

Date

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Print Name

**Attachment #2**

**WASTE MANAGEMENT PLAN**

Subgrant Award Number:

Borrower Name:

Project Name:

Date of Submittal:

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**1. Project does not require a Waste Management Plan because it falls within one of the following categories:**

- Conducting energy audit(s) or similar projects that do not generate waste. Provide justification in Section 3.
- Project generates only insignificant quantities of non-hazardous waste. Provide justification in Section 3.
- Project requires a State or local permit, or other required document, which provides waste management information. Please submit that permit and its supporting documentation as an attachment to this plan.

**2. If your project does not fall within one of the above categories complete the table below for each waste type to be generated. Please make copies of table as needed.**

Examples of types of waste are asphalt debris, glass, mercury-containing fluorescent lights, scrap metal, paper, electronics, asbestos, and lead paint chips. Information about the particular disposal company or recycler is not necessary.

<b>Waste Type</b>	<b>Volume/Quantity</b>	<b>Disposal path for each waste stream (e.g., landfill disposal, recycling, reuse)</b>

<b>Waste Type</b>	<b>Volume/Quantity</b>	<b>Disposal path for each waste stream (e.g., landfill disposal, recycling, reuse)</b>

**3. Brief project description explaining why the project generates only insignificant quantities of non-hazardous waste:**

**Attachment #3**

**PUBLIC LAW**

PUBLIC LAW 101-166-NOV.21, 1989

**103**  
**STAT. 1190**

Sec. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure or property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

**Government  
organization  
and  
employees.**

Sec. 507. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

Sec. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 509. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

Sec. 510. The Secretaries of Labor and Education are each authorized to make available not to exceed \$7,500 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$2,500 from funds available for "Salaries and expenses, National Mediation Board".

Sec. 511. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all granters receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Sec. 512. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

**Attachment #4**

**CERTIFICATION REGARDING DEBARMENT,  
SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies to the best of the grant recipient's knowledge and belief that recipient and its principals:

- (A) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or otherwise excluded from covered transactions by any Federal department or agency;
- (B) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or falsification or destruction of records, making false statements or receiving stolen property;
- (C) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification;
- (D) Have not within a three-year period preceding this application/proposal had one or more public transactions. (Federal, State or local) terminated for cause or default.
- (E) Are current on all taxes due and owing to the State of Missouri; and
- (F) Are in compliance with all state and federal environmental laws and court orders issued pursuant to those laws, and that all environmental violations have been resolved.

I understand that a false statement on this certification may be grounds for rejection of this proposal, or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to five years, or both.

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Typed name and Title of Recipient or Authorized Representative

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Signature of Recipient or Authorized Representative

Date

\_\_\_\_\_ I am unable to certify to the above statements. My explanation is attached.

**Attachment #5**

**CERTIFICATION REGARDING LOBBYING**

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

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal contract, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence as officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, ~Disclosure Form to Report Lobbying, in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all borrowers shall certify and disclose accordingly.

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

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Organization Name

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Typed Name and Title of Authorized Representative

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Signature

Date

Attachment #6

**WAGE DETERMINATIONS FOR COMPLIANCE WITH DAVIS-BACON ACT**

The following table will document and identify the job classifications the Borrower intends to hire in support of its project based on U.S. Department of Labor (DOL) wage determinations. DOL Prevailing Wage Determinations are available at <http://www.wdol.gov/dba.aspx#0>

<b>DOL Job Classification</b>	<b>Number of Individuals Employed in Classification</b>	<b>Tasks to be Performed</b>	<b>Wage Determination</b>

The Missouri Department of Natural Resources reserves the right to request additional information in order to clarify answers provided on this form.

Provide the name and contact information of the contact person who will be **responsible for submitting certified payroll information to the Missouri Department of Natural Resources on a weekly basis for all such individuals**. It is the Borrower’s responsibility to ensure that all certified payroll records are accurate, complete and submitted in a timely manner.

**Borrower:**

**Name of Contact**

\_\_\_\_\_

**Person:**

**Title:**

**Phone:**

\_\_\_\_\_

**Email:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_