

# ENERGIZE MISSOURI INDUSTRIES

MISSOURI DEPARTMENT OF NATURAL RESOURCES



MISSOURI  
DEPARTMENT OF  
NATURAL RESOURCES



**INDUSTRIAL**   
Energy Efficiency

## PROGRAM GUIDELINES

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

STATE ENERGY PROGRAM

**SUBMITTAL DEADLINE:**

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MISSOURI DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENERGY

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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 Division of Energy at the department 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 American Recovery and Reinvestment Act (ARRA) funding for energy efficiency and renewable energy programs.

The department has set aside a portion of SEP funds for an industrial program which is marketed under the umbrella name *Energize Missouri Industries*. *Energize Missouri Industries* is further divided into two program components, one of which is the Industrial Energy Efficiency Program. These program guidelines are meant to provide guidance to potential applicants on how the Industrial Energy Efficiency Program will be implemented, as well as detail all aspects of the application process.

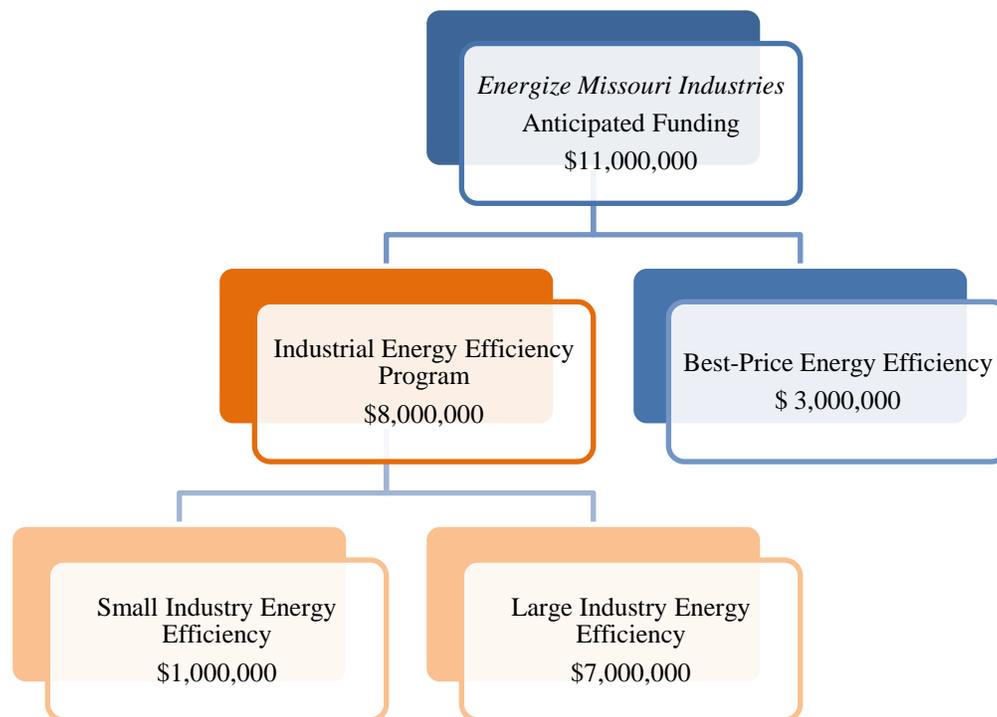


Figure 1. *Energize Missouri Industries* Funding Allocation

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

On Feb. 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (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 by consolidating two other programs: the State Energy Conservation Program (SECP) and the Institutional Conservation Program (ICP). Both programs went into effect in 1975.

The State Energy Program provides 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 SEP is the only U.S. DOE sponsored activity that encompasses renewable energy and energy efficiency technologies and addresses all sectors of the economy.

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.

The Missouri Department of Natural Resources was allocated a total of \$57,393,000 in SEP funds under the ARRA, out of which \$8,000,000 is set-aside to the Industrial Energy Efficiency Program.

## **3. Program Goals**

The purpose of the Industrial Energy Efficiency Program is to provide industries with the opportunity to realize measurable energy savings that will result in reduced energy costs and increased market competitiveness.

The specific goals of the Industrial Energy Efficiency Program include reducing total energy use, decreasing fossil fuel emissions, creating and retaining jobs, spurring economic growth, and improving Missouri industries energy efficiency. Through these program guidelines, the department will provide small and large industries with the opportunity to identify energy savings opportunities available through the retrofitting of existing inefficient equipment and implementation of low-cost/no-cost energy savings solutions.

The two program areas under which applications will be submitted and funded include:

- Small Industry Energy Efficiency.
- Large Industry Energy Efficiency.

## 4. Anticipated Funding

Up to \$8,000,000 of ARRA SEP funds are available for industry energy efficiency incentives to be awarded under these program guidelines. This will be a competitive funding process.

## 5. Timeline

Event	Date
Release of Program Guidelines	May 17, 2010
Program Introduction Webinar	June 9, 2010
Deadline for Submittal of Applications	July 9, 2010
Expected Date of Award	Sep. 3, 2010
Project Start Date	Oct. 4, 2010
Project Completion Date	Jan. 31, 2012

## 6. Definitions

“Administrative Expenses” means those costs that cannot be identified with any single program but are indispensable to the conduct of grant activities. They include the overall directing, record keeping, budgeting and related management of grant activities.

“Applicant” means an eligible applicant, i.e. an industrial facility that has submitted an application with the required information on the approved forms and attachments included in these program guidelines.

“Application” means a request for Industrial Energy Efficiency Program funds by submitting the required information as stipulated in these program guidelines.

“ASHRAE Level II - Energy Survey and Analysis” means an energy audit conducted per American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) guidelines (<http://www.ashrae.org>). This audit identifies and provides the savings and cost analysis of all practical measures that meet the owner’s constraints and economic criteria, along with a discussion of any changes to operation and maintenance procedures. The audit provides a breakdown of how energy is used in the facility as well as a broader range of savings options, including simple capital investments.

“ASHRAE Level III - Detailed Analysis of Capital-Intensive Modifications” means an energy audit conducted per American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) guidelines (<http://www.ashrae.org>). This audit focuses on potential capital-intensive projects, and builds upon the findings of a Level II energy audit. The ASHRAE Level III energy audit involves a detailed field data gathering, extensive test measurements, and rigorous engineering analysis. It provides detailed project cost and savings calculations with a high level of confidence sufficient for major capital investment decisions.

“Cost-Effectiveness” means a measure of how effective grant dollars are in achieving a given result. Cost effectiveness is expressed as a ratio that can be measured in MMBtu saved per \$1,000 spent, or jobs created per dollar spent.

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

“Energy Audit” means an investigation involving a detailed analysis of energy flows into and out of a facility. The aim is to identify and quantify those areas where improvements can be made and estimate the extent of savings achievable. These improvements may include upgrades to facility or equipment design and installation, operation and management. For purposes of *Energize Missouri Industries*, an energy audit will have to be conducted in accordance with procedures identified by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and shall utilize relevant publicly available industrial audit tools and procedures including, but not limited to, the U.S. Department of Energy’s Industrial Technologies - Best Practices Program and Energy Star Focuses.

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

“Fuel Switching” means changing from one fuel type to another for a particular end-use service. For example, electric water heaters being replaced with gas units.

“Grant Agreement” means a contractual agreement provided by the department to the subgrantee, that outlines the terms and conditions that the subgrantee must follow.

“Greenhouse Gases (GHG)” 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>), and Nitrous Oxide (N<sub>2</sub>O) and Fluorinated gases.

“Industrial Facility” means a building, group of buildings, or site used by a company for the production of an economic good.

“Installation Costs” means the combined cost of labor and material to remove existing equipment and install new equipment for the purpose of reducing energy use.

“Large Industry” means an industrial company with more than 100 full-time equivalents or FTEs classified under the 2007 NAICS code sector 31-33--Manufacturing or 2007 NAICS code sector 493--Warehousing and Storage. Establishments in the manufacturing sector are often described as plants, factories, or mills and characteristically use power-driven machines and materials-handling equipment. However, establishments that transform materials or substances into new products and those engaged in selling to the general public products made on the same premises from which they are sold, such as bakeries, candy stores, and custom tailors, may also be included in this sector. Manufacturing establishments may process materials or may contract with other establishments to process their materials for them. Both types of establishments are included in manufacturing.

“Leveraged Funds” means funds made available to the project from sources other than *Energize Missouri Industries* to further the objectives of the project.

“NAICS 2007” means the North American Industry Classification System standard revised in 2007 and used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

“New Installation” means the installation of energy-using equipment where equipment did not previously exist.

“Project Completion Date” means the date that all project tasks are complete and equipment is installed and operational.

“Qualified Energy Auditor” means energy auditors that have a four-year technical degree from an accredited university or college and relevant experience with commercial and industrial auditing or energy auditors that have a two-year technical degree with at least five years experience with commercial and industrial auditing. Professional Engineers (PE) or Certified Energy Managers (CEM) with relevant energy auditing experience are also considered qualified energy auditors for purposes of the *Energize Missouri Industries* program.

“Retrofit” means an adjustment, or replacement of an existing item of equipment for the purpose of reducing energy use.

“Simple Payback” means the amount of time it will take to recover a project’s investment through reduced or avoided energy costs.

“Small Industry” means an industrial company with less than 100 full-time equivalents or FTEs classified under 2007 NAICS code sector 31-33--Manufacturing or 2007 NAICS code sector 493--Warehousing and Storage. Establishments in the manufacturing sector are often described as plants, factories, or mills and characteristically use power-driven machines and materials-handling equipment. However, establishments that transform materials or substances into new products and those engaged in selling to the general public products made on the same premises from which they are sold, such as bakeries, candy stores, and custom tailors, may also be included in this sector. Manufacturing establishments may process materials or may contract with other establishments to process their materials for them. Both types of establishments are included in manufacturing.

“Subgrantee” means an entity that has been awarded funding under the Industrial Energy Efficiency Program.

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

## II. Eligibility Criteria

### 1. Eligible Applicants

Under the Industrial Energy Efficiency Program, eligible applicants are private companies located or with facilities in Missouri and classified under the 2007 NAICS code sector 31-33--Manufacturing or under the 2007 NAICS code sector 493--Warehousing and Storage. A summary of industries included under these NAICS sectors is included as Exhibit A. For a complete list of the NAICS code sectors please visit <http://www.naics.com/search.htm>.

Other industrial companies not included in the NAICS code sectors listed above might also be considered eligible if approved by the Missouri Department of Natural Resources. Eligibility for companies not included above will be determined on a case by case basis.

### 2. Ineligible Applicants

Applicants from the residential, nonprofit and public sectors are not eligible to submit project applications under the Industrial Energy Efficiency Program.

### 3. Eligible Project Costs

For purposes of the Industrial Energy Efficiency Program, eligible project costs include only the cost of purchasing equipment and the corresponding labor costs directly related to the installation of such equipment.

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. Projects that repair or replace existing equipment with equal or less energy efficient equipment.
- C. Projects that increase the energy load of a facility by adding additional, new equipment.
- D. Projects that involve fuel switching or demand management.
- E. Projects with less than one year payback.
- F. Projects with simple paybacks greater than the equipment life.
- G. Projects started or installed prior to signing a grant agreement with the department.
- H. Projects that will not be completed on or before the project completion deadline of Jan. 31, 2012.

### III. Program Information – Small Industry Energy Efficiency Program Area

#### 1. Program Introduction

The Small Industry Energy Efficiency Program Area provides incentives for energy efficiency measures that will allow **industrial companies with less than 100 full-time equivalents or FTEs, classified under the 2007 NAICS code sector 31-33--Manufacturing or under the 2007 NAICS code sector 493--Warehousing and Storage**, to benchmark their facilities, conduct energy audits, and conduct energy systems retrofits by installing energy efficiency measures as identified by an energy audit.

Applicants will also have the option of requesting funding for retrofitting existing energy systems without having completed an audit. This will assist small Missouri industries in realizing measureable energy savings which will result in reduced energy costs and increased competitiveness.

#### 2. Eligible Projects

##### 2.1. Energy Audits

Applicants may apply for funding to conduct energy audits. Energy audits shall be conducted following *ASHRAE Level II - Energy Survey and Analysis* (<http://www.ashrae.org>) energy audit guidelines.

The energy audit shall result in a report identifying low-cost, no-cost, and capital-improvement energy efficiency measures and an estimation of the energy savings that can be achieved by retrofitting equipment, and modifying set-points and operational procedures. Subgrantees will have to submit a copy of this report to the department at the time it is completed.

##### 2.1.1 Qualified Auditors

Qualified Energy Auditors must have a four-year technical degree from an accredited university or college and relevant experience with commercial and industrial auditing **or** have a two-year technical degree with a least five years experience with commercial and industrial auditing. Professional Engineers (PE) or Certified Energy Managers (CEM) with relevant energy auditing experience will also be considered qualified energy auditors for purposes of the Industrial Energy Efficiency Program.

Subgrantees shall select a qualified energy auditor to conduct an *ASHRAE Level II - Energy Survey and Analysis* energy audit. Energy auditors will be encouraged to utilize relevant publicly available industrial energy audit tools and procedures including, but not limited to, those provided by the U.S. Department of Energy's Industrial Technologies Best Practices (<http://www1.eere.energy.gov/industry/bestpractices/>) and ENERGY STAR® Guidelines ([http://www.energystar.gov/index.cfm?c=industry.bus\\_industry\\_plant\\_energy\\_auditing](http://www.energystar.gov/index.cfm?c=industry.bus_industry_plant_energy_auditing)).

The department will make available a list of qualified energy auditors to all interested parties and subgrantees for the duration of the program via the program's Web site <http://www.dnr.mo.gov/transform/energizemissouriindustry.htm>.

## 2.1.2 Funding Levels

Incentives to conduct *ASHRAE Level II - Energy Survey and Analysis* energy audits are provided at 100 percent of cost with a maximum incentive of \$12,000 per application under the Small Industry Energy Efficiency Program Area.

## 2.2. Energy Efficiency Retrofits

The Small Industry Energy Efficiency Program Area will provide funding for the purchase and installation of energy efficiency measures in industrial facilities. Equipment purchased under this Program Area will have to replace existing inefficient equipment. Applicants may select energy efficiency measures from a menu of four tiers that includes corresponding incentive levels for the technologies listed.

The energy efficiency measures that will be funded under the Small Industry Energy Efficiency Program Area include:

Tier I	Tier II	Tier III	Tier IV
<p><u>Lighting</u></p> <ul style="list-style-type: none"> <li>• Delamping</li> <li>• LED Lighting</li> <li>• Reduce Wattage and Specialty T8 Fluorescent Lamps</li> <li>• Metal Halides</li> <li>• Induction Lighting</li> <li>• Occupancy Sensors</li> <li>• Daylighting Controls</li> <li>• Exit Signs</li> <li>• Other lighting technologies not listed above are subject to approval</li> </ul> <p><u>Compressed Air</u></p> <ul style="list-style-type: none"> <li>• Nozzles</li> <li>• Capture Waste Heat</li> <li>• Compressed Air Leaks</li> </ul> <p><u>Motor Belts</u></p> <ul style="list-style-type: none"> <li>• Belt Replacement</li> </ul>	<p><u>Ventilation</u></p> <ul style="list-style-type: none"> <li>• Air Turnover Systems</li> <li>• Insulation</li> <li>• Other Ventilation Equipment not listed above is subject to approval</li> </ul> <p><u>Steam Systems</u></p> <ul style="list-style-type: none"> <li>• Steam Trap</li> <li>• Pipe Insulation</li> <li>• Linkageless Controls</li> </ul> <p><u>IT</u></p> <ul style="list-style-type: none"> <li>• ENERGY STAR® Computer Server</li> </ul>	<p><u>Heating/Cooling</u></p> <ul style="list-style-type: none"> <li>• Controls</li> <li>• Boilers</li> <li>• Furnaces</li> <li>• Chillers</li> <li>• Cooling Towers</li> <li>• Thermal Storage Systems</li> <li>• Air Conditioning Units</li> <li>• Heat Pumps</li> <li>• VRF / VRV Heating and Cooling Systems</li> <li>• Other Heating/Cooling Equipment not listed above is subject to approval</li> </ul> <p><u>Motor/Drives</u></p> <ul style="list-style-type: none"> <li>• Variable Frequency Drives</li> <li>• Motors</li> <li>• Pumps</li> </ul>	<p><u>Others</u></p> <ul style="list-style-type: none"> <li>• Combined Heat and Power</li> <li>• Heat Recovery</li> <li>• SCADA System</li> <li>• Innovative Process Improvements</li> </ul>
	<p>Projects must have a simple payback of 12 years or less and demonstrate significant energy savings.</p>	<p>Projects must have a simple payback of 12 years or less and demonstrate significant energy savings.</p>	<p>Projects must have a simple payback of 15 years or less and demonstrate significant energy savings.</p>

Other systems and processes not listed in the table above are subject to approval from the department. Applicants may contact the department for additional guidance on applicable Tier ratings.

### 2.2.1 Funding Levels

Incentive levels for eligible energy efficiency measures will be provided on a kWh saved per year basis. Additionally, incentive levels will depend on the Tier levels of energy efficiency measures. Additionally, each Tier of eligible energy efficiency measures will have a maximum grant amount.

While incentives provided under the Industrial Energy Efficiency Program are given on a kWh saved per year basis, projects resulting in natural gas savings are also eligible to receive funding. Guidance on how to calculate incentive levels per Therm or BTUs saved is included in the program manual.

Incentive levels and maximum grant amounts are described in the table below:

Energy Efficiency Measures	Incentive Level	Maximum Grant Amount
Tier I	\$0.12 / kWh saved in a year	\$75,000
Tier II	\$0.14 / kWh saved in a year	\$100,000
Tier III	\$0.16 / kWh saved in a year	\$200,000
Tier IV	Up to 65 percent of eligible project costs	\$250,000

Applicants are encouraged to combine energy efficiency measures from different Tiers under one application in order to achieve greater energy savings and obtain a greater impact from the project.

## 3. Maximum Grant Amount

Under the Small Industry Energy Efficiency Program Area the department may provide a grant award up to \$250,000 per application, or 100 percent of eligible project costs, whichever is less. Funding decisions are made as funding is available and the department is not obligated to provide the maximum grant amount.

## 4. Leveraged Funding

Applicants are encouraged to leverage other funding sources to the greatest extent possible. Leveraged funds means funds made available to the project from sources other than *Energize Missouri Industries*. Examples of leveraged funds include, but are not limited to, applicant contributions, utility rebates or incentives, bonds, state funds, and other federal funds as applicable to the project.

*Energize Missouri Industries* funds may be used in conjunction with other funding, but applicants should note that **tracking and reporting of *Energize Missouri Industries* funding must be kept separate** by appropriate accounting methods, to meet federal and state reporting requirements. The terms and conditions of the grant agreement will specify the format, tools and information required for reporting programmatic and energy metrics as identified by the U.S. DOE and the federal and state government.

## **5. Administrative Expenses**

Applicants are allowed to use up to five percent of funds requested for administrative expenses, if warranted. There will be no amendments to increase the administrative line item after awards have been made.

## **6. Grant Payments**

Grant payments will be provided on a cost-reimbursement basis. Upon award, the subgrantee shall receive a grant agreement providing specific conditions and instructions on grant payments.

## IV. Program Information – Large Industry Energy Efficiency Program Area

### 1. Program Introduction

The Large Industry Energy Efficiency Program Area provides incentives for energy efficiency measures that will allow **industrial companies with more than 100 full-time equivalents or FTEs, classified under the 2007 NAICS code sector 31-33--Manufacturing or under the 2007 NAICS code sector 493--Warehousing and Storage**, to benchmark their facilities, conduct energy audits, and conduct energy systems retrofits by installing energy efficiency measures as identified by an energy audit.

Applicants will also have the option of requesting funding for retrofitting existing energy systems without having completed an audit. This will assist medium and large Missouri industries in realizing measureable energy savings which will result in reduced energy costs and increased competitiveness.

### 2. Eligible Projects

#### 2.1. Energy Audits

Applicants may apply for funding to conduct energy audits. Applicants wishing to conduct a more basic level of energy audit that identifies a cost analysis of practical measures may apply for funding to conduct an *ASHRAE Level II - Energy Survey and Analysis* energy audit. Applicants wishing to focus on capital-intensive projects may apply for funding to conduct an *ASHRAE Level III - Detailed Analysis of Capital-Intensive Modifications* (<http://www.ashrae.org>) energy audit.

The energy audit shall result in a report identifying low-cost, no-cost, and capital-improvement measures and an estimation of the energy savings that can be achieved by retrofitting equipment, and modifying set-points and operational procedures. Subgrantees will have to submit a copy of this report to the department at the time it is completed.

##### 2.1.1 Qualified Auditors

Qualified Energy Auditors must have a four-year technical degree from an accredited university or college and relevant experience with commercial and industrial auditing or have a two-year technical degree with a least five years experience with commercial and industrial auditing. Professional Engineers (PE) or Certified Energy Managers (CEM) with relevant energy auditing experience will also be considered qualified energy auditors for purposes of the Industrial Energy Efficiency Program.

Subgrantees shall select a qualified energy auditor to conduct *ASHRAE Level II - Energy Survey and Analysis* or *ASHRAE Level III - Detailed Analysis of Capital-Intensive Modifications* energy audits. Energy auditors will be encouraged to utilize relevant publicly available industrial energy audit tools and procedures including, but not limited to, those provided by the U.S. Department of Energy's Industrial Technologies Program Best Practices

(<http://www1.eere.energy.gov/industry/bestpractices/>) and ENERGY STAR® Guidelines ([http://www.energystar.gov/index.cfm?c=industry.bus\\_industry\\_plant\\_energy\\_auditing](http://www.energystar.gov/index.cfm?c=industry.bus_industry_plant_energy_auditing)).

The department will make available a list of qualified energy auditors to all interested parties and subgrantees for the duration of the program via the program's web site <http://www.dnr.mo.gov/transform/energizemissouriindustry.htm>

## 2.1.2 Funding Levels

Incentives to conduct *ASHRAE Level II - Energy Survey and Analysis* energy audits are provided at 100 percent of cost with a maximum incentive of \$15,000 per application under the Large Industry Energy Efficiency Program Area.

Incentives to conduct *ASHRAE Level III - Detailed Analysis of Capital-Intensive Modifications* energy audits are provided at 75 percent of cost with a maximum incentive of \$50,000 per application under the Large Industry Energy Efficiency Program Area.

## 2.2. Energy Efficiency Retrofits

The Large Industry Energy Efficiency Program Area will provide funding for the purchase and installation of energy efficiency measures in industrial facilities. Applicants may select energy efficiency measures from a menu of four tiers that includes corresponding incentive levels for the technologies listed.

The energy efficiency measures that will be funded under the Large Industry Energy Efficiency Program Area include:

Tier I	Tier II	Tier III	Tier IV
<p><u>Lighting</u></p> <ul style="list-style-type: none"> <li>• Delamping</li> <li>• LED Lighting</li> <li>• Reduce Wattage and Specialty T8 Fluorescent Lamps</li> <li>• Metal Halides</li> <li>• Induction Lighting</li> <li>• Occupancy Sensors</li> <li>• Daylighting Controls</li> <li>• Exit Signs</li> <li>• Other lighting technologies not listed above are subject to approval</li> </ul> <p><u>Compressed Air</u></p> <ul style="list-style-type: none"> <li>• Nozzles</li> <li>• Capture Waste Heat</li> <li>• Compressed Air Leaks</li> </ul> <p><u>Motor Belts</u></p> <ul style="list-style-type: none"> <li>• Belt Replacement</li> </ul>	<p><u>Ventilation</u></p> <ul style="list-style-type: none"> <li>• Air Turnover Systems</li> <li>• Insulation</li> <li>• Other Ventilation equipment not listed above is subject to approval</li> </ul> <p><u>Steam Systems</u></p> <ul style="list-style-type: none"> <li>• Steam Trap</li> <li>• Pipe Insulation</li> <li>• Linkageless Controls</li> </ul> <p><u>IT</u></p> <ul style="list-style-type: none"> <li>• ENERGY STAR® Computer Server</li> </ul>	<p><u>Heating/Cooling</u></p> <ul style="list-style-type: none"> <li>• Controls</li> <li>• Boilers</li> <li>• Furnaces</li> <li>• Chillers</li> <li>• Cooling Towers</li> <li>• Thermal Storage Systems</li> <li>• Air Conditioning Units</li> <li>• Heat pumps</li> <li>• VRF / VRV Heating and Cooling Systems</li> <li>• Other Heating/Cooling equipment not listed above is subject to approval</li> </ul> <p><u>Motor/Drives</u></p> <ul style="list-style-type: none"> <li>• Variable Frequency Drives</li> <li>• Motors</li> <li>• Pumps</li> </ul>	<p><u>Others</u></p> <ul style="list-style-type: none"> <li>• Combined Heat and Power</li> <li>• Heat Recovery</li> <li>• SCADA System</li> <li>• Innovative Process Improvements</li> </ul>

Tier I	Tier II	Tier III	Tier IV
	Projects must have a simple payback of 12 years or less and demonstrate significant energy savings.	Projects must have a simple payback of 12 years or less and demonstrate significant energy savings.	Projects must have a simple payback of 15 years or less and demonstrate significant energy savings.

Other systems and processes not listed in the tables above are subject to approval from the department. Applicants should contact the department for additional guidance on applicable Tier ratings.

### 2.2.1 Funding Levels

Incentive levels for eligible energy efficiency measures will be provided on a kWh saved per year basis. Additionally, incentive levels will depend on the Tier levels of energy efficiency measures. Additionally, each Tier of eligible energy efficiency measures will have a maximum grant amount.

While incentives provided under the Industrial Energy Efficiency Program are given on a kWh saved per year basis, projects resulting in natural gas savings are also eligible to receive funding. Guidance on how to calculate incentive levels per Therm or BTUs saved is included in the program manual.

Incentive levels and maximum grant amounts are described in the table below:

Energy Efficiency Measures	Incentive Level	Maximum Grant Amount
Tier I	\$0.10/ kWh saved in a year	\$200,000
Tier II	\$0.12 / kWh saved in a year	\$350,000
Tier III	\$0.14 / kWh saved in a year	\$500,000
Tier IV	Up to 50 percent of eligible project costs	\$750,000

Applicants are encouraged to combine energy efficiency measures from different Tiers under one application in order to achieve greater energy savings and obtain a greater impact from the project.

## 3. Maximum Grant Amount

Under the Large Industry Energy Efficiency Program Area the department may provide a grant award up to \$750,000 per application, or 100 percent of eligible project costs, whichever is less. Funding decisions are made as funding is available and the department is not obligated to provide the maximum grant amount.

## 4. Leveraged Funding

Applicants are encouraged to leverage other funding sources to the greatest extent possible. Leveraged funds means funds made available to the project from sources other than *Energize Missouri Industries* dollars. Examples of leveraged funds include applicant contributions, utility rebates or incentives, bonds, state funds, and other federal funds as applicable to the project.

*Energize Missouri Industries* funds may be used in conjunction with other funding, but applicants should note that **tracking and reporting of *Energize Missouri Industries* funding must be kept separate** by appropriate accounting methods, to meet federal and state reporting requirements. The terms and

conditions of the grant agreement will specify the format, tools and information required for reporting programmatic and energy metrics as identified by the U.S. DOE and the federal and state government.

## **5. Administrative Expenses**

Applicants are allowed to use up to five percent of funds requested for administrative expenses, if warranted. There will be no amendments to increase the administrative line item after awards have been made.

## **6. Grant Payments**

Grant payments will be provided on a cost-reimbursement basis. Upon award, the subgrantee shall receive a grant agreement providing specific conditions and instructions on grant payments.

## V. Subgrantee Requirements

### 1. General Terms and Conditions

The subgrantee will agree to abide by the general terms and conditions (**Exhibit B**) highlighting requirements which are especially pertinent to federal subgrants made by the Missouri Department of Natural Resources.

In addition, the subgrantee must comply with all governing requirements of their subgrant, including the Federal Common Rule.

### 2. Project Completion Date

All projects that receive funding under the Industrial Energy Efficiency Program must be completed on or before Jan. 31, 2012. The department will not, without exception, authorize any extensions to the project completion date and reserves the right to terminate a grant agreement and de-obligate awarded funds. In such case, the subgrantee shall not be reimbursed for costs incurred at their risk.

### 3. Required Registrations

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

**Dun and Bradstreet Data Universal Number System (DUNS):** Prior to beginning work, subgrantees 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 grants. Once you receive this number, please be sure to file it appropriately as you will need it to register with the Central Contractor Registry (below) and to apply for funding through the State Energy Program. 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.

**Central Contractor Registry (CCR):** All subgrantees must maintain current registration in the CCR at all times during which they have an active award funded with ARRA funds. The CCR database is the federal government's primary registrant database. It collects, validates, stores and disseminates data in support of federal grants, cooperative agreements, and other forms of assistance. Registrants must update or renew their registration at least once per year to maintain an active status.

- 1) To register, visit the following link: <http://www.bpn.gov/ccr/>.
- 2) Download the user account guide from the Central Contractor Registry for instructions on creating or modifying a CCR account <http://www.bpn.gov/ccr/doc/UserAccount.pdf>.
- 3) From the CCR home page, select "Start New Registration" or "Update or Renew Registration" from the left hand column. Follow instructions from the User Account Guide to complete the application process.

### 4. Transparency Requirements

All files, progress reports, financial reports, documents and data pertaining to the SEP will be posted on federal and state Web sites 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.

Subgrantees will be required to submit monthly progress and expenditure reports in accordance with the requirements of the grant agreement. Additional quarterly, annual and completion reports may be requested from the subgrantee. The department reserves the right to structure reporting requirements on a project-specific basis.

## 7. 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 grant, the subgrantee 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 for construction, alteration, or repair of public buildings or public works who are employed directly on the site of the work. The provisions of the Davis-Bacon Act apply to both contractors and subcontractors.

## 8. Buy American Provision

In accordance with ARRA, §1605, the subgrantee assures that it 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.**

The only exceptions to this rule would be if iron, steel, and relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality; or inclusion of iron, steel and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

On Feb. 11, 2010, U.S. DOE granted nationwide categorical waivers under the Buy American Provisions for the following items:

- 1) Fluorescent electronic lighting ballasts.
- 2) LED traffic lights and crosswalk signals.
- 3) Screw-base and pin-base compact fluorescent lamps (with the exception of plug-in CFLs longer than 10 inches).

Further details are available on the Buy American webpage at [http://www1.eere.energy.gov/recovery/buy\\_american\\_provision.html](http://www1.eere.energy.gov/recovery/buy_american_provision.html)

## 9. 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 Industries* will be funded pursuant to a grant from U.S. DOE to the Missouri Department of Natural Resources. U.S. DOE must comply with NEPA when awarding grants to states. Accordingly, subgrantees may not take action using federal funds for projects that may have an adverse effect on the environment prior to U.S. DOE providing a final NEPA determination regarding the selected projects.

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

Based on a review of the list of activities that funds can be utilized for under the SEP Program, 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.

### ***The following activities are considered Categorical Exclusions from NEPA:***

1. Funding energy efficiency retrofits, provided that:
  - Projects Are Limited To: installation of insulation; installation of energy efficient lighting; HVAC upgrades; weather sealing; purchase and installation of ENERGY STAR appliances; replacement of windows and doors; high efficiency shower/faucet upgrades; and installation of solar powered appliances with improved efficiency.
2. Development, implementation, and installation of onsite renewable energy technology that generates electricity from renewable resources, provided that:
  - Projects Are Limited To:
    - Solar Electricity/Photovoltaic - appropriately sized system or unit on existing rooftops and parking shade structures; or a 60 KW system or smaller unit installed on the ground within the boundaries of an existing facility.
    - Wind Turbine - 20 KW or smaller.
    - Solar Thermal - system must be 20 KW or smaller.
    - Solar Thermal Hot Water - appropriately sized for residences or small commercial buildings.
    - Ground Source Heat Pump - 5.5 tons of capacity or smaller, horizontal/vertical, ground, closed-loop system.
    - Combined Heat and Power System - boilers sized appropriately for the buildings in which they are located.
    - Biomass Thermal - 3 MMBTUs per hour or smaller system with appropriate Best Available Control Technologies (BACT) installed and operated.
3. Development, implementation and installation of energy efficient or renewable energy-powered emergency systems (lighting, cooling, heat, shelter) installed in existing buildings and facilities.
4. Installation of alternative fueling pumps and systems (but not underground storage tanks) installed on existing facilities (other than a large biorefinery); purchase of alternative fuel vehicles.
5. Development and implementation of training programs.

6. Development and implementation of building codes and inspection services, and associated training and enforcement of such codes in order to support code compliance and promote building energy efficiency.
7. Implementing financial incentive programs such as rebates and energy savings performance contracts for existing facilities or for energy efficient equipment, provided that the incentives are not so large that they would be deemed to be grants that create projects that would not otherwise exist. (For example, giving a wind farm that cost \$100 million a sum of \$50 million and calling it a rebate would not fall within this Bounded Category).

**Categorical Exclusions are not absolute.** A project activity that falls within a categorical exclusion may require additional NEPA review if it involves “extraordinary circumstances” that may affect the significance of its environmental effects. “Extraordinary Circumstances” are defined as “unique situations presented by specific proposals, such as scientific controversy about the environmental effects of the proposal; uncertain effects or effects involving unique or unknown risks; or unresolved conflicts concerning alternate uses of available resources within the meaning of section 102(2)(E) of NEPA [42 U.S.C. §4332(e)].

**Applicants proposing projects that fall within the categories included above will not be required to submit any NEPA documentation at this time.**

Applicants proposing projects in support of other activities NOT listed above may also qualify for categorical exclusion status. However, this determination cannot be made without a NEPA review. **Therefore, all applicants proposing projects NOT included in the list above must submit a completed EF-1 Environmental Questionnaire (Exhibit E).**

If DOE determines that NEPA requires the preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) for a proposed project, the **applicant will be responsible for paying the cost of preparing an EA or EIS.** Preparation and review of NEPA documents can require 6-24 months. Accordingly, Applicants should carefully consider whether such programs are consistent with the objectives of the ARRA and will allow the expenditure of funds by the Jan. 31, 2012 deadline.

## 10. National Historic Preservation Act (NHPA) Requirements

Because ARRA funds are federal, all funding recipients must meet Federal Cultural Resource Review requirements under Section 106 of the National Historic Preservation Act. For more information regarding Section 106 see the State Historic Preservation Office (SHPO) web site: <http://www.dnr.mo.gov/shpo/>

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.

Applicants should note that 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 that SHPO does not object to its Section 106 determination has been provided. In addition, applicants should note that funding will be dependent on projects meeting Section 106 requirements.

## **11. Contractor Requirements**

A contractor or subcontractor working on an energy efficiency project must be a company registered for operations within the state of Missouri.

## **12. 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 U.S. DOE demonstrating that an adequate disposal plan has been prepared for sanitary or hazardous waste generated by the proposed activities.

Applicants are therefore required to submit information on the expected waste stream of the proposed project. 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 subgrantees shall submit to the department a waste management plan that describes the subgrantee's 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 U.S. DOE on U.S. DOE's request (for example, during a post-award audit). Projects shall ensure compliance with all federal, state and local regulations for waste disposal.

## **13. Pay Certification**

Section 1512 of the American Recovery and Reinvestment Act requires that the five most highly compensated officials be reported for the calendar year in which the award is made. The provision applies if all three of the below criteria are met.

In the subgrantee's preceding fiscal year, the subgrantee received –

1. 80 percent or more of its annual gross revenues from federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and
2. \$25,000,000 or more in annual gross revenues from federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and
3. 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.

Upon award, subgrantees will be required to provide additional information to the department if all of three of the previous criteria is met. Subgrantees that meet all of these criteria shall submit additional information to the department on a frequency to be specified at the time of award.

## VI. Selection Criteria

### 1. Evaluation Process

The Missouri Department of Natural Resources is soliciting and receiving applications under the Industrial Energy Efficiency Program through a competitive process. The department will evaluate every timely submitted application via a multi-party review which will be based on both qualitative and quantitative criteria.

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 actual project development and achievement of benefits.

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

### 2. Evaluation Criteria

Applications will be rated based on the following criteria. 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:

- **Project Benefits:**
  - **Job Creation:** potential for the project to support economic development in the state of Missouri through job creation.
  - **Energy Reductions:** potential for the project to save energy measured in kWh.
  - **Cost-effectiveness:** energy saved in kWh per \$1,000 grant dollars spent on the project.
  - **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 the project increases the capacity of Missouri's workforce to support energy efficiency industries in the state, degree to which a project involves products manufactured in Missouri or services provided by a company based in Missouri, overall technical feasibility and potential for replication within the state of Missouri.
- **Leveraged funds:** the portion or percentage of project cost that will be funded by the applicant or other funding sources. Preference will be given to projects that make effective use of available private and public funding sources to ensure project viability.

- **Sector Specific Industries:** preference will be given to applicants in the following manufacturing sectors that have been identified as drivers of Missouri's economy: (1) NAICS code sector 311-Food Manufacturing, (2) NAICS code sector 312-Beverage Manufacturing, (3) NAICS code sector 322-Paper Manufacturing, (4) NAICS code sector 336-Transportation Equipment Manufacturing, and (5) NAICS code sector 493-Warehousing and Storage. In prioritizing these industries consideration was given to energy usage, number of employees, employment growth, and number of firms in the industry, productivity, sales and geographic location.

### 3. Notification of Award

After the review and selection process is completed, the subgrantee will be notified that the project has been approved for funding at a specified amount. The subgrantee will also receive a grant agreement, which must be signed and mailed back to the department within 30 days. The grant agreement contains terms and conditions the subgrantee 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 grants, 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 grant 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 guidelines.
- C. The application does not include the signature of an authorized individual.
- D. The proposed project is inconsistent with the goals of the ARRA or *Energize Missouri Industries*.

## **VII. Application Process**

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

For instructions on how to fill out the application and required forms, please refer to the Industrial Energy Efficiency program manual. Be sure to complete all relevant sections, attach appropriate supporting documents and have the application signed and dated. Only applications that furnish complete information will be considered for a grant. 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 copies of the completed paper application (including supporting documents) and a compact disc (CD) containing the corresponding electronic application to the department. Note that the completed application form on the compact disc should be in Microsoft Word format and other files or attachments should be in Microsoft Word, Excel or Adobe PDF format.

Two hard copies of the complete application along with the compact disc should be mailed to:

Missouri Department of Natural Resources  
Division of Energy  
Attention: Industrial Energy Efficiency Program  
1101 Riverside Drive, P.O. Box 176  
Jefferson City, MO 65102-0176

**All applications must be received by 4 p.m. CDT on  
July 9, 2010**

## **VIII. Available Assistance**

### **1. Program Introduction Webinar**

A program introduction webinar will be held on Wednesday, June 9, 2010, from 10 a.m. to noon CDT to describe funding opportunities, discuss the program guidelines and the application process and answer general inquiries about the Industrial Energy Efficiency Program.

To register for the webinar, please visit: <https://www1.gotomeeting.com/register/163395504>

### **2. Questions**

Applicants may submit questions at any time during the application process. For questions, please e-mail the Industrial Energy Efficiency Program at: [EMI.efficiency@shawgrp.com](mailto:EMI.efficiency@shawgrp.com).

A frequently asked questions (FAQ) document will be posted, and updated frequently, on the *Energize Missouri Industries* web site at <http://www.dnr.mo.gov/transform/energizemissouriindustry.htm>. The person and organization submitting a question will not be identified.

### **3. Other Technical Assistance**

Applicants are encouraged to contact *Energize Missouri Industries* 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:

*Energize Missouri Industries*  
1-877-610-0834 (toll-free)  
[EMI.efficiency@shawgrp.com](mailto:EMI.efficiency@shawgrp.com)

Additionally, the department encourages applicants to seek advice from private consultants, engineers, not-for-profit energy groups, trade allies and others when preparing applications.

## IX. Supporting Documents

<b>Document Code</b>	<b>Description</b>
Exhibit A	2007 NAICS Code Sectors 31-33 and 493
Exhibit B	General Terms and Conditions
Exhibit C	Program Specific Terms and Conditions
Exhibit D	ARRA Special Terms and Conditions
Exhibit E	EF-1 Environmental Questionnaire
Form A	Application Cover Page
Form B	Project Narrative
Form C	Small Industry Energy Efficiency – Incentive Calculation
Form D	Large Industry Energy Efficiency – Incentive Calculation
Form E	Energy Metrics
Form F	Project Budget
Form G	Waste Stream
Form H	National Environmental Policy Act
Form I	National Historic Preservation Act

**EXHIBIT A**  
**2007 NAICS CODE SECTORS**

**311 Food Manufacturing**

- 3111 Animal Food Manufacturing
- 3112 Grain and Oilseed Milling
- 3113 Sugar and Confectionery Product Manufacturing
- 3114 Fruit and Vegetable Preserving and Specialty Food Manufacturing
- 3115 Dairy Product Manufacturing
- 3116 Animal Slaughtering and Processing
- 3117 Seafood Product Preparation and Packaging
- 3118 Bakeries and Tortilla Manufacturing
- 3119 Other Food Manufacturing

**312 Beverage and Tobacco Product Manufacturing**

- 3121 Beverage Manufacturing
- 3122 Tobacco Manufacturing

**313 Textile Mills**

- 3131 Fiber, Yarn, and Thread Mills
- 3132 Fabric Mills
- 3133 Textile and Fabric Finishing and Fabric Coating Mills

**314 Textile Product Mills**

- 3141 Textile Furnishings Mills
- 3149 Other Textile Product Mills

**315 Apparel Manufacturing**

- 3151 Apparel Knitting Mills
- 3152 Cut and Sew Apparel Manufacturing
- 3159 Apparel Accessories and Other Apparel Manufacturing

**316 Leather and Allied Product Manufacturing**

- 3161 Leather and Hide Tanning and Finishing
- 3162 Footwear Manufacturing
- 3169 Other Leather and Allied Product Manufacturing

**321 Wood Product Manufacturing**

- 3211 Sawmills and Wood Preservation
- 3212 Veneer, Plywood, and Engineered Wood Product Manufacturing

**331 Primary Metal Manufacturing**

- 3311 Iron and Steel Mills and Ferroalloy Manufacturing
- 3312 Steel Product Manufacturing from Purchased Steel
- 3313 Alumina and Aluminum Production and Processing
- 3314 Nonferrous Metal (except Aluminum) Production and Processing
- 3315 Foundries

**332 Fabricated Metal Product Manufacturing**

- 3321 Forging and Stamping
- 3322 Cutlery and Handtool Manufacturing
- 3323 Architectural and Structural Metals Manufacturing
- 3324 Boiler, Tank, and Shipping Container Manufacturing
- 3325 Hardware Manufacturing
- 3326 Spring and Wire Product Manufacturing
- 3327 Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing
- 3328 Coating, Engraving, Heat Treating, and Allied Activities
- 3329 Other Fabricated Metal Product Manufacturing

**333 Machinery Manufacturing**

- 3331 Agriculture, Construction, and Mining Machinery Manufacturing
- 3332 Industrial Machinery Manufacturing
- 3333 Commercial and Service Industry Machinery Manufacturing
- 3334 Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing
- 3335 Metalworking Machinery Manufacturing
- 3336 Engine, Turbine, and Power Transmission Equipment Manufacturing
- 3339 Other General Purpose Machinery Manufacturing

**334 Computer and Electronic Product Manufacturing**

- 3341 Computer and Peripheral Equipment Manufacturing
- 3342 Communications Equipment Manufacturing
- 3343 Audio and Video Equipment Manufacturing

[3219](#) Other Wood Product Manufacturing

**[322](#) Paper Manufacturing**

[3221](#) Pulp, Paper, and Paperboard Mills

[3222](#) Converted Paper Product Manufacturing

**[323](#) Printing and Related Support Activities**

[3231](#) Printing and Related Support Activities

**[324](#) Petroleum and Coal Products Manufacturing**

[3241](#) Petroleum and Coal Products Manufacturing

**[325](#) Chemical Manufacturing**

[3251](#) Basic Chemical Manufacturing

[3252](#) Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing

[3253](#) Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing

[3254](#) Pharmaceutical and Medicine Manufacturing

[3255](#) Paint, Coating, and Adhesive Manufacturing

[3256](#) Soap, Cleaning Compound, and Toilet Preparation Manufacturing

[3259](#) Other Chemical Product and Preparation Manufacturing

**[326](#) Plastics and Rubber Products Manufacturing**

[3261](#) Plastics Product Manufacturing

[3262](#) Rubber Product Manufacturing

**[327](#) Nonmetallic Mineral Product Manufacturing**

[3271](#) Clay Product and Refractory Manufacturing

[3272](#) Glass and Glass Product Manufacturing

[3273](#) Cement and Concrete Product Manufacturing

[3274](#) Lime and Gypsum Product Manufacturing

[3279](#) Other Nonmetallic Mineral Product Manufacturing

[3344](#) Semiconductor and Other Electronic Component Manufacturing

[3345](#) Navigational, Measuring, Electromedical, and Control Instruments Manufacturing

[3346](#) Manufacturing and Reproducing Magnetic and Optical Media

**[335](#) Electrical Equipment, Appliance, and Component Manufacturing**

[3351](#) Electric Lighting Equipment Manufacturing

[3352](#) Household Appliance Manufacturing

[3353](#) Electrical Equipment Manufacturing

[33531](#) Electrical Equipment Manufacturing

[3359](#) Other Electrical Equipment and Component Manufacturing

**[336](#) Transportation Equipment Manufacturing**

[3361](#) Motor Vehicle Manufacturing

[3362](#) Motor Vehicle Body and Trailer Manufacturing

[3363](#) Motor Vehicle Parts Manufacturing

[3364](#) Aerospace Product and Parts Manufacturing

[3365](#) Railroad Rolling Stock Manufacturing

[3366](#) Ship and Boat Building

[3369](#) Other Transportation Equipment Manufacturing

**[337](#) Furniture and Related Product Manufacturing**

[3371](#) Household and Institutional Furniture and Kitchen Cabinet Manufacturing

[3372](#) Office Furniture (including Fixtures) Manufacturing

[3379](#) Other Furniture Related Product Manufacturing

**[339](#) Miscellaneous Manufacturing**

[3391](#) Medical Equipment and Supplies Manufacturing

[3399](#) Other Miscellaneous Manufacturing

2007 NAICS **[493](#) Warehousing and Storage**

[49311](#) General Warehousing and Storage

[49312](#) Refrigerated Warehousing and Storage

[49313](#) Farm Product Warehousing and Storage

[49319](#) Other Warehousing and Storage

**EXHIBIT B**  
**MISSOURI DEPARTMENT OF NATURAL RESOURCES**  
**Federal Subgrants**  
**GENERAL TERMS AND CONDITIONS**

**I. Administrative Requirements**

These general terms and conditions highlight requirements which are especially pertinent to federal subgrants made by the Missouri Department of Natural Resources (the department). 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 subgrantee must comply with all governing requirements of their subgrant, 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 subgrantee will be reimbursed by the Missouri Department of Natural Resources for all allowable expenses incurred in performing the scope of services. The subgrantee shall report project expenses and submit to the Missouri Department of Natural Resources original invoices for payment as required by division/program per the subgrant agreement. The form must be completed with the department invoiced amount and local share detailed. Invoices must provide a breakdown of project expenses by the budget categories contained in the subgrant budget. Invoices must be received by the department per the subgrant agreement. No reimbursements will be made for expenditures incurred after the closing budget date unless a budget time period extension has been granted by the department prior to the closing date.
1. Payments under non-construction grants will be based on the grant sharing ratio as applied to the total project cost for each invoice submitted unless the subgrant specifically provides for advance payments. Advance payments may only be made upon a showing of good cause or special circumstances, as determined by the Missouri Department of Natural Resources. Advance payments will only be made on a monthly basis to cover estimated expenditures for a 30-day period or as otherwise agreed. Missouri Department of Natural Resources will not advance more than 25 percent of the total amount of the grant unless the recipient demonstrates good cause.
  2. All reimbursement requests must have the following certification by the authorized subgrantee official: 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 subgrant and that payment is due and has not been previously requested.

- B. **Retention and Custodial Requirements for Records.** The Subgrantee shall retain financial records, supporting documents, and other records pertinent to the subgrant for a period of three years starting from the date of submission of the final financial status report. Authorized representatives of federal awarding agencies, the Comptroller General of the United States, and the Missouri Department of Natural Resources shall have access to any pertinent books, documents, and records of Subgrantees in order to conduct audits or examinations. The Subgrantee agrees to allow monitoring and auditing by the department and/or authorized representative. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three (3) year period, the Subgrantee shall retain records until completion of the action and resolution of all issues which arise from it, or until the end of the regular three (3) year period, whichever is later.
- C. **Program Income.**
1. **Program Income.** Subgrantees are encouraged to earn income to defray program costs. Program income means income from fees for services performed, from the use or rental of real or personal property acquired with grant funds, from the sale of commodities or items fabricated under the subgrant, and from payments of principal and interest on loans made with subgrant funds. Program income does not include items such as interest on grant funds, rebates, credits, discounts, or refunds.
- D. **Match or Cost Share Funding.** In general, match or cost sharing represents that portion of project costs not borne by state appropriations. The matching share will usually be prescribed as a minimum percentage. In-kind (noncash) contributions are allowable project costs when they directly benefit and are specifically identifiable to the project or program. Any in-kind match must be assigned a fair market value stated in dollars and the rationale used to calculate the value must be provided. Neither costs nor the values of third party in-kind contributions count towards satisfying a cost sharing or matching requirement of a grant agreement if they have been or will be counted towards satisfying a cost sharing or matching requirement of another federal subgrant agreement, a federal procurement contract, or any other award of federal funds. Federal funds from another federal grant or subgrant shall not count towards satisfying a cost sharing or matching requirement of a grant agreement.
1. Match or cost share funding will be established by the Missouri Department of Natural Resources through negotiation with the Subgrantee. Signature by both the department and Subgrantee on the subgrant signature form firmly affixes the match or cost sharing ratios. Full expenditure of Subgrantee match or cost share funding is required over the life of the subgrant. Subgrantee must invoice the department, as required by the particular subgrant, and provide financial records for total expenditure of state and match or cost share funding. The Missouri Department of Natural Resources will reimburse the Subgrantee for its percentage portion agreed to less any negotiated withholding.
2. Failure to provide 100 percent of the match or cost share ratio of total expenditures as identified in the subgrant may cause the Subgrantee to become ineligible to receive additional financial assistance from Missouri Department of Natural Resources. Failure to provide the required match may result in other enforcement remedies as stated in Y. for non-compliance.

- E. **Financial Management Systems.** The financial management systems of Subgrantees must meet the following standards:
1. **Financial Reporting.** Accurate, current, and complete disclosure of financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the subgrant;
  2. **Accounting Records.** Maintain records which adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income;
  3. **Internal Control.** Effective control and accountability must be maintained for all Subgrantee cash, real and personal property, and other assets. Subgrantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes;
  4. **Budget Control.** Actual expenditures or outlays must be compared with budgeted amounts for each subgrant;
  5. **Allowable Costs.** Applicable OMB cost principles, federal agency program regulations, and the subgrant scope of work will be followed in determining the reasonableness, allowability, and allocability of costs;
  6. **Source Documentation.** Accounting records must be supported by such source documentation as canceled checks, paid bills, payrolls, time and attendance records, contract, and subgrant award document. The documentation must be made available by the Subgrantee at the Missouri Department of Natural Resources' request;
  7. The Subgrantee shall have procedures in place to minimize the time lapsed between money disbursed by the Missouri Department of Natural Resources and money spent by the Subgrantee.
- F. **Reporting of Program Performance.** Subgrantee shall submit to the Missouri Department of Natural Resources a performance report for each program, function, or activity as specified by the subgrant or at least annually and/or after completion of the project. Performance report requirements, if not expressly stated in the scope of work, should include, at a minimum, a comparison of actual accomplishments to the goals established, reasons why goals were not met, including analysis and explanation of cost overruns or higher unit cost when appropriate, and other pertinent information. Representatives of the department shall have the right to visit the project site(s) during reasonable hours for the duration of the contract period and for three years thereafter.
- G. **Budget and Scope of Work Revisions.** Subgrantees are permitted to rebudget within the approved direct cost budget to meet unanticipated requirements. However, Subgrantee must request approval in writing to revise budgets and scopes of work under the following conditions:

1. For non-construction grants, Subgrantees shall obtain the prior approval of Missouri Department of Natural Resources, unless waived by the department, for cumulative transfers among direct cost categories, or, if applicable, among separately budgeted programs, projects, functions or activities when the accumulative amounts of such transfers exceed or are expected to exceed 10 percent of the current total approved budget whenever the departments share exceeds \$100,000.
2. For construction and non-construction projects, Subgrantees shall obtain prior written approval from Missouri Department of Natural Resources for any budget revision which would result in the need for additional funds.
3. For combined non-construction and construction projects, the Subgrantee must obtain prior written approval from Missouri Department of Natural Resources before making any fund or budget transfer from the non-construction to construction or vice versa.
4. Subgrantees under non-construction projects must obtain prior written approval from Missouri Department of Natural Resources whenever contracting out, subgranting, or otherwise obtaining a third party to perform activities which are central to the purpose of the award.
5. Changes to the scope of services described in the subgrant must receive prior approval from Missouri Department of Natural Resources. Approved changes in the scope of work or budget shall be incorporated by written amendment to the subgrant.
6. Extending the grant past the original completion date requires approval of Missouri Department of Natural Resources.

H. **Equipment Use.** Subgrantee agrees that any equipment purchased pursuant to this agreement shall be used for the performance of services under this agreement during the term of this agreement. The equipment shall not be moved from the State of Missouri without approval from Missouri Department of Natural Resources. The following standards shall govern the utilization and disposition of equipment acquired with subgrant funds:

1. Title to equipment acquired under this subgrant will vest with the Subgrantee on acquisition. Equipment means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost \$5,000 and greater.
  - a. Equipment shall be used by the Subgrantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Missouri Department of Natural Resources funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by the department or the federal agency. If the department puts Subgrantee on notice that it believes grant assets are not being used for the intended purpose, Subgrantee shall not sell, give away,

move or abandon the assets without the department's prior written approval.

- b. The Subgrantee shall also make equipment available for use on other projects or programs currently or previously supported by Missouri Department of Natural Resources, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by Missouri Department of Natural Resources. User fees should be considered if appropriate.
- c. The Subgrantee must not use equipment acquired with Missouri Department of Natural Resources funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by state or federal law. This fee may be considered program income under Section C above.
- d. When acquiring replacement equipment, the Subgrantee 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 Missouri Department of Natural Resources.

2. Equipment Management. Subgrantee's procedures for managing equipment, whether acquired in whole or in part with subgrant funds, will, at a minimum, meet the following requirements until disposition takes place:

- a. Subgrantee must maintain property records that include a description of the equipment, a serial number or other identification number, the source of 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. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two (2) years.
- c. A control system must be developed to ensure adequate safeguards to prevent against loss, damage, or theft of the property. Any loss, damage, or theft shall be reported to and investigated by local authorities. The Subgrantee shall procure and maintain insurance covering loss or damage to equipment purchased with a sub-grant award, with financially sound and reputable insurance companies or through self-insurance, in such amounts and covering such risks as are usually carried by companies engaged in the same or similar business and similarly situated.
- d. Subgrantee must develop adequate maintenance procedures to keep the property in good condition.

- e. If the Subgrantee 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 subgrant is no longer needed for the original project or program or for other activities currently or previously supported by Missouri Department of Natural Resources, Subgrantee shall dispose of the equipment as follows:
    - a. Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to Missouri Department of Natural Resources.
    - b. For items of equipment with a current per unit fair market value of \$5,000 or more, the department shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the department's share of the equipment.
    - c. In cases where a Subgrantee fails to take appropriate disposition actions, the department may direct the Subgrantee how to dispose of the equipment.
    - d. If the department puts Subgrantee on notice that it believes grant assets are not being used for the intended purpose, Subgrantee shall not sell, give away, move or abandon the asset without the department's written approval.
- I. **Supplies.** Title to supplies acquired under a subgrant will vest, upon acquisitions, in the Subgrantee.

If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other federally sponsored programs or projects, the Subgrantee shall compensate Missouri Department of Natural Resources for its share.
- J. **Inventions and Patents.** If any Subgrantee produces subject matter, which is or may be patentable in the course of work sponsored by this subgrant, Subgrantee shall promptly and fully disclose such subject matter in writing to Missouri Department of Natural Resources. In the event that the Subgrantee fails or declines to file Letters of Patent or to recognize patentable subject matter, the department reserves the right to file the same. The department grants to the Subgrantee the opportunity to acquire an exclusive license, including the right to sublicense, with a royalty consideration paid to the department. Payment of royalties by Subgrantee to the department will be addressed in a separate royalty agreement.
- K. **Copyrights.** Except as otherwise provided in the terms and conditions of this subgrant, the author or the Subgrantee is free to copyright any books, publications, or other copyrightable material developed in the course of this subgrant; however, Missouri Department of Natural Resources and federal awarding agency reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to

authorize others to use, with the approval of the department, the work for government purposes.

- L. **Prior Approval for Publications.** The Subgrantee shall submit to the Missouri Department of Natural Resources 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 Subgrantee shall not print or distribute any publication until receiving written approval by the grant manager.
- M. **Mandatory Disclosures.** Subgrantee agrees that all statements, press releases, requests for proposals, bid solicitations, and other documents describing the program/project for which funds are now being awarded 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.
- N. **Procurement Standards.** Subgrantees shall use their own procurement procedures provided that procurement conforms to standards set forth in the "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."
  - 1. No work or services, paid for wholly or in part with state or federal funds, will be contracted without the written consent of Missouri Department of Natural Resources. See G.4.
  - 2. Subgrantee agrees that any contract, interagency agreement, or equipment to be procured under this award which was not included in the approved work plan must receive formal Missouri Department of Natural Resources approval prior to expenditure of funds associated with that contract, interagency agreement, or equipment purchase.
- O. **Audit Requirements.** The Missouri Department of Natural Resources has the right to conduct audits of recipients at any time. The Subgrantee shall arrange for independent audits as prescribed in OMB Circular A-133, Single Audit Act Amendments of 1996, as applicable. Audits must confirm that records accurately reflect the operations of the Subgrantee; the internal control structure provides reasonable assurance that assets are safeguarded, and Subgrantee is in compliance with applicable laws and regulations. When the Subgrantee has its yearly audit conducted by a governmental agency or private auditing firm, the relevant portion(s) of the audit report will be submitted to the department. Other portions of the audit shall be made available at the department's request.
- P. **Allowability of Costs.** Allowability of costs shall be determined in accordance with cost principles contained in OMB Circular No. A-87 for state and local governments, and Circular No. A-122 for nonprofit organizations.
- Q. **Conflicts of Interest.** No party to this subgrant, nor any officer, agent, or employee of either party to this subgrant, shall participate in any decision related to such subgrant which could result in a real or apparent conflict of interest, including any decision which would affect their personal or pecuniary interest, directly or indirectly.

The Subgrantee is advised that, consistent with Chapter 105, RSMo, no state employee shall perform any service for consideration paid by the Subgrantee for one year after termination of the employee's state employment by which the former state employee attempts to influence a decision of a state agency. A state employee who leaves state employment is permanently banned from performing any service for any consideration in relation to any case, decision, proceeding, or application in which the employee personally participated during state employment.

- R. **State Appropriated Funding.** The Subgrantee agrees that funds expended for the purposes of this subgrant must be appropriated and made available by the Missouri General Assembly for each fiscal year included within the subgrant period, as well as being awarded by the federal or state agency supporting the project. Therefore, the subgrant 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 subgrant, the Subgrantee shall not prohibit or otherwise limit Missouri Department of Natural Resources' 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 subgrant.
- S. **Eligibility, Debarment and Suspension.** By applying for this award, the Subgrantee 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 all environmental violations have been resolved (for example, no pending or unresolved Notices of Violation (NOV)) at the time of application. If compliance issues exist, Subgrantee shall disclose to Missouri Department of Natural Resources all pending or unresolved violations noted in an 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 department will not make any award at any time to any party which is debarred or suspended, under federal or state authority, or is otherwise excluded from or ineligible for participation in federal assistance under Executive Order 12549, "Debarment and Suspension." Subgrantee shall complete a Debarment/Suspension form when required by the department. Furthermore, Subgrantee is also responsible for written debarment/suspension certification of all subcontractors receiving funding through a federally funded grant.
- T. **Restrictions on Lobbying.** No portion of this award may be expended by the recipient to pay any person for influencing or attempting to influence the executive or legislative branch with respect to the following actions: awarding of a contract; making of a grant; making of a loan; entering into a cooperative agreement; or the extension, continuation, renewal, amendment or modification of any of these as prohibited by Section 319, Public Law 101-121 (31 U.S.C. 1352).

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

- U. **Recycled Paper.** Consistent with Federal Executive Order 13101 and 13423 and EPA Executive Order 1000.25, the Subgrantee shall use recycled paper consisting of at least 30 percent post consumer fiber and double sided printing for all reports which are

prepared as a part of this grant award and delivered to Missouri Department of Natural Resources . The Subgrantee must use recycled paper for any materials that it produces and makes available to any parties. The chasing arrows symbol representing the recycled content of the paper will be clearly displayed on at least one page of any materials provided to any parties.

**V. Contracting with Small and Minority Firms, Women’s Business Enterprise, and Labor Surplus Area Firms.** In accordance with Missouri Executive Order No. 05-30 and federal administrative provisions, all Subgrantees shall make every feasible effort to target the percentage of goods and services procured from certified minority business enterprises (MBE) and women business enterprises (WBE) to 10 percent and 5 percent, respectively, when utilizing subgrant funds to purchase supplies, equipment, construction and services related to this subgrant.

1. The Subgrantee agrees to take all necessary affirmative steps required to assure that small and minority firms and women's business enterprises are used when possible as sources when procuring supplies, equipment, construction and services related to the subgrant. The Subgrantee agrees to include information about these requirements in solicitation documents. Affirmative steps shall include:
  - a. Placing qualified minority business and women's business enterprises on solicitation lists;
  - b. Ensuring that minority business and women's business enterprises are solicited whenever they are potential sources;
  - c. Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by minority business and women's business enterprises;
  - d. Establishing delivery schedules, where the requirements of work will permit participation by minority business and women's business enterprises;
  - e. Using the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, and;
  - f. Requiring any prime contractor or other Subgrantee, if subgrants are to be allowed, to take the affirmative steps in subparagraphs a. through e. of this section.
2. For EPA subgrants, the Subgrantee agrees to submit to Missouri Department of Natural Resources grants manager a completed Form 5700-52A, U. S. Environmental Protection Agency MBE/WBE Utilization Under Federal Grants, Cooperative Agreement, and Interagency Agreements within 30 days after the end of each federal/state fiscal year or as determined by the department.
3. For EPA subgrants, the Subgrantee agrees to include disadvantaged business enterprises in the affirmative steps indicated above.

W. **Disputes.** Subgrantee and Missouri Department of Natural Resources should attempt to resolve disagreements concerning the administration or performance of the subgrant. If an agreement cannot be reached, the department program director will provide a written decision. Such decision of the program director shall be final unless a request for review is submitted to the division director within ten (10) business days after the program director's decision. Such request shall include: (1) a copy of the program director's final decision; (2) a statement of the amount in dispute; (3) a brief description of the issue(s) involved; and (4) a concise statement of the objections to the final decision. A decision by the division director shall constitute final department action.

X. **Termination**

1. Termination for Cause. Missouri Department of Natural Resources may terminate any subgrant, in whole or in part, at any time before the date of completion whenever **it is** determined that the Subgrantee has failed to comply with the terms and conditions of the subgrant. The department shall promptly notify the Subgrantee in writing of such a determination and the reasons for the termination, together with the effective date. The department reserves the right to withhold all or a portion of grant funds if the Subgrantee violates any term or condition of this subgrant.

2. Termination for Convenience. Both Missouri Department of Natural Resources and Subgrantee may terminate the subgrant, 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.

3. This agreement is not transferable to any person or entity.

Y. **Enforcement; Remedies for Noncompliance.** If a Subgrantee falsifies any award document or materially fails to comply with any term of a grant, award, or subgrant, Missouri Department of Natural Resources may take one or more of the following actions, as appropriate:

1. Suspend or terminate, in whole or part, the current award or grant;

2. Disallow all or part of the cost of the activity or action not in compliance;

3. Temporarily withhold cash payments pending Subgrantee's correction of the deficiency;

4. Withhold further awards from the Subgrantee;

5. Order Subgrantee not to transfer ownership of assets purchased with grant money without prior department approval; or

6. Take other remedies that may be legally available, including cost recovery, breach of contract, and suspension or debarment.

Z. **Subgrantee's Signature.** The Subgrantee's signature on the application and the award documents signifies the Subgrantee's agreement to all of the terms and conditions of the award.

- AA. **Human Trafficking. This requirement applies to non-profit recipients or subrecipients.** The Subgrantee, their employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award. Missouri Department of Natural Resources has the right to terminate unilaterally: (1) implement section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), noncompliance that are available to the Subgrantee under this award.
- BB. **Illegal Immigration.** As per HB 1549, 1771, 19395 & 2366 - Section 67.307 2. Any municipality that enacts or adopts a sanctuary policy will be ineligible for moneys provided through grants administered by any state agency or department until the policy is repealed or is no longer in effect.
- CC. **Illegal Immigration – Missouri Statutes – RSMo 285.525 – 285.550 Effective Jan. 1, 2009.** Effective Jan. 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.
- DD. **Management Fees.** Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term “management fees or similar charges” refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent the authorized as a direct cost of carrying out the scope of work.

## II. Statutory Requirements

Subgrantees must comply with all federal state and local laws relating to employment, construction, research, environmental compliance, and other activities associated with grants from Missouri Department of Natural Resources. Failure to abide by these laws is sufficient grounds to cancel the award. For a copy of state and federal laws that typically apply to grants from the department, contact the department grants manager.

Any Subgrantee, in connection with its application for financial assistance, shall include a certification that the Subgrantee, its board of directors and principals are in compliance with the specific federal and state laws set out below. Further, the Subgrantee shall report to the department any instance in which the Subgrantee 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 termination of this subgrant or suspension or debarment of the Subgrantee

- 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;

Exhibit B – General Terms and Conditions

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:

Exhibit B – General Terms and Conditions

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. Missouri House Bill 1549, 1771, 1395 & 2366 – Illegal Aliens and Immigration Status Verification – This bill change the laws regarding illegal aliens and immigration status verification. Effective Jan. 1, 2009, no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform working 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 Web site. Federal awards include grants, subgrants, loans, awards, cooperative agreements and other forms of financial assistance.

**EXHIBIT C  
PROGRAM SPECIFIC TERMS AND CONDITIONS**

**1. WASTE STREAM**

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

Missouri Department of Natural Resources Contracting Officer shall consider compliance with this clause complete only after the subrecipient has submitted adequate documentation to the department for its review, and the department has provided written approval to the subrecipient of its proposed plan to dispose of its sanitary or hazardous waste.

**2. 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 subrecipient for (i) Decontamination and/or Decommissioning (D&D) of any of the subrecipient's facilities, or (ii) any costs which may be incurred by the subrecipient 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.

**3. PROGRAM INCOME**

If a subrecipient earns program income during the project period as a result of this award, the subrecipient must add the program income to the funds committed to the award and utilize the funding to further eligible project objectives.

**4. PUBLICATIONS**

- a. Subrecipients are encouraged to publish or otherwise make publicly available the results of the work conducted under the award.
- b. An acknowledgment of U.S. DOE support and a disclaimer must appear in the publication of any material, whether copyrighted or not, based on or developed under this project, as follows:  
**Acknowledgment:** "This material is based upon work supported by the Department of Energy [National Nuclear Security Administration] [add name(s) of other agencies, if applicable] under Award Number DE-EE0000761."

**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."

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

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



## **EXHIBIT D**

### **ARRA SPECIAL TERMS AND CONDITIONS**

#### **MISSOURI DEPARTMENT OF NATURAL RESOURCES**

##### **Federal Subgrants**

##### **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 federal subgrants made by the Missouri Department of Natural Resources (the department) 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 subgrant 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

## Exhibit D – ARRA Special Terms and Conditions

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, 2009. 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 two (2) working days after the end of each calendar quarter, with the **first quarterly report due by 12 p.m. (CDT) Friday, Oct. 2, 2010.**

- (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;
  - 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 subgrants 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 percent or more of its annual gross revenues in Federal awards; and 2) \$25M or more in annual gross revenue from Federal awards.

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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.

### **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 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. 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

## Exhibit D – ARRA Special Terms and Conditions

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 Web site 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).

### **VII. 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 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.

### **VIII. 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.

### **IX. Publication of Confidential Information**

## Exhibit D – ARRA Special Terms and Conditions

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, Missouri Department of Natural Resources 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 Web site [www.recovery.gov](http://www.recovery.gov), maintained by the Accountability and Transparency Board. The Board may exclude posting contractual or other information on the Web site 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.

## **X. 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 or interest, bribery, gratuity or similar misconduct involving those funds.

## **XI. 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 U.S. DOE/EPA grants office listed in this award document. If U.S. DOE/EPA logo is displayed along with the Recovery Act logo and logos of other participating entities, the U.S. DOE/EPA logo must not be displayed in a manner that implies that DOE/EPA itself is conducting the project. Instead, the U.S. DOE/EPA logo must be accompanied with a statement indicating that the grantee, subgrantee or loan recipient received financial assistance from U.S. DOE/EPA for the project.

## **XII. 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 Missouri Department of Natural Resources logos, as provided by the department 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 Missouri Department of Natural Resources 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 department five (5) business days in advance of all public relations events related to ARRA-funded weatherization activities whereby the public and/or media is invited to participate and provide opportunity for involvement.

**XIII. 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://www.whitehouse.gov/omb/circulars/a102/a102.html>.
- (2) 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://www.whitehouse.gov/omb/circulars/a133/a133.html>. This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF--SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF--SAC.
- (3) 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.
- (4) 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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(3/2009) OPI=320  
(Previous Editions Obsolete)

**EXHIBIT E**

**EF-1 ENVIRONMENTAL QUESTIONNAIRE**

**U.S. DEPARTMENT OF ENERGY**

**I. BACKGROUND**

The Department of Energy (U.S. 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**

Work or project activities 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, greenspace infrastructure, or other existing facilities.

**Group A-7c**

Exhibit E – EF-1 Environmental Questionnaire

- 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, greenspace, 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

Exhibit E – EF-1 Environmental Questionnaire

- 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.

## Exhibit E – EF-1 Environmental Questionnaire

- 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
- f. How would hazardous or toxic waste be collected and stored?  
 None used or produced
- g. If hazardous wastes would require off-site disposal, have arrangements been made with a certified TSD (Treatment, Storage, and Disposal) facility?  
 Not required     Arrangements not yet made     Arrangements made with a certified TSD facility

### C. DESCRIBE ANY ISSUES THAT WOULD GENERATE PUBLIC CONTROVERSY REGARDING THE PROPOSED PROJECT.

- None

**IV. CERTIFICATION BY PROPOSER**

I hereby certify that the information provided herein is current, accurate, and complete as of the date shown immediately below.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
month day year

TYPED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ORGANIZATION: \_\_\_\_\_

**V. REVIEW AND APPROVAL BY DOE**

I hereby certify that I have reviewed the information provided in this questionnaire, have determined that all questions have been appropriately answered, and judge the responses to be consistent with the efforts proposed.

PROJECT MANAGER:

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
month    day    year

TYPED NAME: \_\_\_\_\_