

**FINANCIAL ASSISTANCE
FUNDING OPPORTUNITY ANNOUNCEMENT**



U. S. Department of Energy

National Energy Technology Laboratory

Weatherization Formula Grants

American Recovery and Reinvestment Act (ARRA)

Funding Opportunity Number: DE-FOA-0000051

Announcement Type: Initial

CFDA Number: 81.042 Weatherization Asst. for Low Income Persons

Issue Date:	03/12/2009
Initial Application Due Date:	3/23/2009 at 8:00:00 PM Eastern Time
Comprehensive Application Due Date:	05/12/2009 at 8:00:00 PM Eastern Time

NOTE: REGISTRATION REQUIREMENTS

Registration Requirements

There are several one-time actions you must complete in order to submit an application in response to this Announcement (e.g., obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number, register with the Central Contractor Registration (CCR), and register with FedConnect). Applicants who are not registered with CCR and FedConnect, should allow at least 10 days to complete these requirements. It is suggested that the process be started as soon as possible.

Applicants must obtain a DUNS number. DUNS website:
http://www.dnb.com/US/duns_update/

Applicants must register with the CCR. CCR website: <http://www.ccr.gov/>

Applicants must register with FedConnect to submit their application. FedConnect website:
www.fedconnect.net

Questions

Questions relating to the **system requirements or how an application form works** must be directed to Grants.gov at 1-800-518-4726 or support@grants.gov. Part VII of this announcement explains how to submit other questions to the U.S. Department of Energy (DOE).

Questions regarding the **content** of the announcement must be submitted through the FedConnect portal. You must register with FedConnect to respond as an interested party to submit questions, and to view responses to questions. It is recommended that you register as soon after release of the FOA as possible to have the benefit of all responses. More information is available at <http://www.compusearch.com/products/fedconnect/fedconnect.asp>. DOE will try to respond to a question within 3 business days, unless a similar question and answer have already been posted on the website.

Questions pertaining to the **submission** of applications through FedConnect should be directed by e-mail to support@FedConnect.net or by phone to FedConnect Support at 800-899-6665.

Comprehensive Application Preparation and Submission

Applicants must download the application package, application forms and instructions, from Grants.gov. Grants.gov website: <http://www.grants.gov/>
(Additional instructions are provided in Section IV A of this FOA.)

Applicants must submit their application through the FedConnect portal. FedConnect website: www.fedconnect.net
(Additional instructions are provided in Section IV H of this FOA.)

PART I – FUNDING OPPORTUNITY DESCRIPTION

SUMMARY

American Recovery and Reinvestment Act of 2009

The American Recovery and Reinvestment Act of 2009, Public Law 111-5, appropriates funding for the Department of Energy (DOE) to issue/award formula-based grants under the Weatherization Assistance Program. Program guidance for administering Recovery Act funds under the Weatherization Assistance Program is included as Attachment 1 to this announcement.

Projects under this FOA will be funded, in whole or in part, with funds appropriated by the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, (Recovery Act or Act). The Recovery Act's purposes are to stimulate the economy and to create and retain jobs. The Act gives preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds made available by it for activities that can be initiated not later than June 17, 2009. Accordingly, special consideration will be given to projects that promote and enhance the objectives of the Act, especially job creation, preservation and economic recovery, in an expeditious manner.

Be advised that special terms and conditions may apply to projects funded by the Act relating to:

- Reporting, tracking and segregation of incurred costs;
- Reporting on job creation and preservation;
- Publication of information on the Internet;
- Access to records by Inspectors General and the Government Accountability Office;
- Prohibition on use of funds for gambling establishments, aquariums, zoos, golf courses or swimming pools;
- Ensuring that iron, steel and manufactured goods are produced in the United States;
- Ensuring wage rates are comparable to those prevailing on projects of a similar character;
- Protecting whistleblowers and requiring prompt referral of evidence of a false claim to an appropriate inspector general; and
- Certification and Registration.

These special terms and conditions will be based on provisions included in Titles XV and XVI of the Act. The exact terms and conditions will be provided as soon as available.

The Office of Management and Budget (OMB) has issued Initial Implementing Guidance for the Recovery Act. See M-09-10, Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009. OMB will be issuing additional guidance concerning the Act in the near future. Applicants should consult the DOE website, www.energy.gov, the OMB website <http://www.whitehouse.gov/omb/>, and the Recovery website, www.recovery.gov regularly to keep abreast of guidance and information as it evolves.

Recipients of funding appropriated by the Act shall comply with requirements of applicable Federal, State, and local laws, regulations, DOE policy and guidance, and instructions in this FOA, unless relief has been granted by DOE. Recipients shall flow down the requirements of applicable Federal, State and local laws, regulations, DOE policy and guidance, and instructions in this FOA to subrecipients at any tier to the extent necessary to ensure the recipient's compliance with the requirements.

Be advised that Recovery Act funds can be used in conjunction with other funding sources as necessary to complete projects, but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and related OMB Guidance. Applicants for projects funded by sources other than the Recovery Act should plan to keep separate records for Recovery Act funds and ensure those records comply with the requirements of the Act. Funding provided through the Recovery Act that is supplemental to an existing grant is one-time funding.

Applicants should begin planning activities for their first tier subawardees, including obtaining a DUNS number (or updating the existing DUNS record) and registering with the Central Contractor Registration (CCR). The extent to which subawardees will be required to register in CCR will be determined by OMB at a later date.

BACKGROUND

The purpose of the Weatherization Assistance Program is to increase the energy efficiency of dwellings owned or occupied by low-income persons, reduce their total residential expenditures, and improve their health and safety. The priority population for the Weatherization Assistance Program is persons who are particularly vulnerable such as the elderly, persons with disabilities, families with children, high residential energy users, and households with high-energy burden.

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

TERRITORIES

The Energy and Independence and Security Act of 2007, Section 411 (c) adds Puerto Rico and the Territories of the U.S. to the definition of "State" for the purpose of the Weatherization Assistance Program.

APPROPRIATIONS

The Recovery Act provides \$5 billion in funding for the Weatherization Assistance Program.

PART II – AWARD INFORMATION

A. TYPE OF AWARD INSTRUMENT

- DOE anticipates awarding grants under this program announcement.

B. ESTIMATED FUNDING

- Approximately \$5 Billion in ARRA funds is expected to be available for new awards under this announcement.

C. EXPECTED NUMBER OF AWARDS

- DOE anticipates 59 grant awards to be made under this announcement.

D. PERIOD OF PERFORMANCE

- The period of performance for awards will be three (3) years.

E. TYPE OF APPLICATION

- DOE will accept only new applications under this announcement.

PART III - ELIGIBILITY INFORMATION

A. ELIGIBLE APPLICANTS

- In accordance with 10 CFR 600.6(b) and DOE Program Rule 10 CFR 440, Weatherization Assistance Program for Low-Income Persons, eligibility for award is restricted to all fifty states, the District of Columbia and the U.S. Territories, except in the case of Indian Tribes as stated in 10 CFR 440.11 and local applicants as stated in 10 CFR 440.13.

B. COST SHARING

- Cost sharing is not required.

PART IV – APPLICATION AND SUBMISSION INFORMATION

A. INITIAL APPLICATION

Initial Application Package consists of a Standard Form 424 and information on additional units to be weatherized. **The Initial Application is to be submitted to the following email address WAP-recovery@netl.doe.gov no later than March 23, 2009.** Consistent with applicable regulations and Program Guidance, please provide a preliminary list of number of additional units planned to be weatherized using WAP Recovery Act funds. Provide this information in the body of your e-mail.

1. SF 424 – Application for Federal Assistance

Applicants must complete the Standard Form 424 (SF 424). Complete all required fields in accordance with the instructions on the form. The list of certifications and assurances referenced in Field 21 can be found on the DOE Financial Assistance Forms Page at http://management.energy.gov/business_doe/business_forms.htm under Certifications and Assurances. The SF 424 can be downloaded from <http://www.netl.doe.gov/business/forms.html#FUNDING>.

PLEASE NOTE: By signing the SF 424, Applicants are providing their written assurance that they will comply with ALL requirements set forth in the American Reinvestment and Recovery Act.

B. ADDRESS TO REQUEST COMPREHENSIVE APPLICATION PACKAGE

- Application forms and instructions are available at Grants.gov. To access these materials, go to <http://www.grants.gov>, select “Apply for Grants,” and then select “Download Application Package.” Enter the CFDA and/or the funding opportunity number located on the cover of this announcement and then follow the prompts to download the application package. Once you have SAVED the application package and completed all the required documentation, you will submit your application via the FedConnect portal. **DO NOT use the Save & Submit selection in Grants.gov.**

C. CONTENT AND FORM OF COMPREHENSIVE APPLICATION – SF 424

You must complete the mandatory forms and any applicable optional forms (e.g., SF-LLL-Disclosure of Lobbying Activities) in accordance with the instructions on the forms and the additional instructions below. **Files that are attached to the forms must be in Adobe Portable Document Format (PDF) unless otherwise specified in this announcement.**

1. SF 424 - Application for Federal Assistance

Complete this form first to populate data in other forms. Complete all required fields in accordance with the pop-up instructions on the form. To activate the instructions, turn on the “Help Mode” (Icon with the pointer and question mark at the top of the form). The list of certifications and assurances referenced in Field 21 can be found on the DOE Financial Assistance Forms Page at http://management.energy.gov/business_doe/business_forms.htm under Certifications and Assurances.

2. Project/Performance Site Location(s)

Indicate the primary site where the work will be performed. If a portion of the project will be performed at any other site(s), identify the site location(s) in the blocks provided.

Note that the Project/Performance Site Congressional District is entered in the format of the 2 digit state code followed by a dash and a 3 digit Congressional district code, for example VA-001. Hover over this field for additional instructions.

Use the Next Site button to expand the form to add additional Project/Performance Site Locations.

3. Other Attachments Form

Submit the following files with your application and attach them to the Other Attachments Form. Click on "Add Mandatory Other Attachment" to attach the State Plan File. Click on "Add Optional Other Attachment," to attach the other files.

- **State Plan File**

- a) Applications shall include a discussion which clearly addresses the Recipient's and Subrecipient's ability to increase staff, provide the necessary training, purchase the additional equipment, and provide any other resources necessary to meet the significant increase in units to be weatherized with Recovery Act funds on an expedited schedule. Applications shall also address any necessary measures to ensure that Subrecipients/Subcontractors comply with an expedited schedule for the timely completion of the units to be weatherized. To ensure compliance with the schedule, Applicants may, for example, consider incorporating possible remedies in subawards for insufficient response or untimely action by subrecipients, such as the withholding of payment pending timely correction of insufficiencies, or termination of the subaward. This information should be included in the Miscellaneous Section of the State Plan.
- b) The state plan file includes both the Master File (On-File) and the annual file. The applicant shall identify and update any Master File elements as needed. The applicant shall submit an Annual File worksheet that addresses the following:
 - Identification of subgrantees including location, tentative funding and dwelling units
 - Production schedule
 - Energy savings
 - Training, technical assistance and monitoring activities
 - DOE-funded leveraging activities
 - Policy advisory council members; identify names, groups and agencies
 - Information on State plan hearings (hearing date; newspapers that publicized the hearing and the dates that the notice ran; attach hearing notes, minutes or transcript)
 - Adjustments to On-File information
 - Miscellaneous information

The State Plan must demonstrate that the Grantee has identified and has specific plans to weatherize an increased number of units compared to previous Program

Years in response to the additional funding provided in the Recovery Act. Plans must include a Production Schedule provided by subgrantee and approved by Grantee. Plans should identify any increase in the number of subgrantees, the number of additional workers/contractors determined by Grantee and subgrantees that are required to utilize Recovery Act funds in an effective manner within the time allowed. Importantly, Plans also should identify additional training needs for incremental and existing workers/contractors and how and over what time that training will be provided. Plans must describe the Grantees strategy for monitoring the work of subgrantees to ensure that high quality work is performed with all funds provided by DOE. The Grantee monitoring plan must ensure full accountability and that only authorized work is performed with DOE funds, including provisions to increase monitoring, reporting, site investigations and related measures. Grantees should include details regarding how many units will be inspected, the frequency of site monitoring and how recipient eligibility will be monitored and enforced. Plans should identify how Grantees will comply with all reporting requirements under the Recovery Act and specified in the FOA.

Applicants shall refer to 10 CFR 440.14 for any additional applicable elements. Save the information in a single file named "StatePlan.pdf," and click on "Add Mandatory Other Attachment" to attach.

- **SF 424 A Excel, Budget Information – Non-Construction Programs File**
You must provide a separate budget for each year of support requested and a cumulative budget for the total project period. Use the SF 424 A Excel, "Budget Information – Non Construction Programs" form on the DOE Financial Assistance Forms Page at http://management.energy.gov/business_doe/business_forms.htm. You may request funds under any of the Object Class Categories as long as the item and amount are necessary to perform the proposed work, meet all the criteria for allowability under the applicable Federal cost principles, and are not prohibited by the funding restrictions in this announcement (See PART IV, G). Save the information in a single file named "SF424A.xls," and click on "Add Optional Other Attachment" to attach.
- **Budget Justification File**
You must justify the costs proposed in each Object Class Category/Cost Classification category (e.g., identify key persons and personnel categories and the estimated costs for each person or category; provide a list of equipment and cost of each item; identify proposed subaward/consultant work and cost of each subaward/consultant; describe purpose of proposed travel, number of travelers, and number of travel days; list general categories of supplies and amount for each category; and provide any other information you wish to support your budget). Provide the name of your cognizant/oversight agency, if you have one, and the name and phone number of the individual responsible for negotiating your indirect rates. Save the budget justification information in a single file named "Budget.pdf," and click on "Add Optional Other Attachment" to attach.

ARRA 2009 Additional Budget Justification Information

Applications shall provide information which validates that all laborers and mechanics on projects funded directly by or assisted in whole or in part by and through funding appropriated by the Act are paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by subchapter IV of Chapter 31 of title 40, United States Code (Davis-Bacon Act). For guidance on how to comply

with this provision, see <http://www.dol.gov/esa/whd/contracts/dbra.htm>.

- **Subaward Budget File(s)**

You must provide a separate budget (i.e., budget for each budget year and a cumulative budget) for each subawardee that is expected to perform work estimated to be more than 25 percent of the total work effort. Use the SF 424 A Excel for Non Construction Programs or the SF 424 C Excel for Construction Programs. These forms are found on the DOE Financial Assistance Forms Page at http://management.energy.gov/business_doe/business_forms.htm. Save each Subaward budget in a separate file. Use up to 10 letters of the subawardee’s name (plus .xls) as the file name (e.g., ucla.xls or energyres.xls), and click on “Add Optional Other Attachment” to attach.

3. SF-LLL Disclosure of Lobbying Activities

If applicable, complete SF- LLL. Applicability: If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the grant/cooperative agreement, you must complete and submit Standard Form – LLL, “Disclosure Form to Report Lobbying.”

Summary of Required Forms/Files

Your application must include the following documents:

Name of Document	Format	File Name
Application for Federal Assistance – SF424	Form	N/A
Project Performance Site Locations	Form	N/A
Other Attachments Form: Attach the following files to this form:	Form	N/A
State Plan	PDF	StatePlan.pdf
SF-424A File – Budget Information for Non-Construction Programs	Excel	SF424A.xls
Budget Justification File	PDF	Budget.pdf
Subaward Budget Files	Excel	See Instructions
SF-LLL Disclosure of Lobbying Activities, if applicable	Form	N/A

D. SUBMISSIONS FROM SUCCESSFUL APPLICANTS

If selected for award, DOE reserves the right to request additional or clarifying information for any reason deemed necessary, including, but not limited to:

- Indirect cost information
- Other budget information
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5)

E. SUBMISSION DATES AND TIMES

1. Initial Application Due Date

- Initial Applications should be received by March 23, 2009, not later than 8:00PM Eastern Time.

2. Comprehensive Application Due Date

- Comprehensive Applications should be received by May 12, 2009, not later than 8:00 PM Eastern Time. You are encouraged to transmit your application well in advance before the deadline.

F. INTERGOVERNMENTAL REVIEW

This program is subject to Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations at 10 CFR Part 1005.

One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

Applicants should contact the appropriate State Single Point of Contact (SPOC) to find out about, and to comply with, the State's process under Executive Order 12372. The names and addresses of the SPOCs are listed on the Web site of the Office of Management and Budget at <http://www.whitehouse.gov/omb/grants/spoc.html>.

G. FUNDING RESTRICTIONS

Cost Principles Costs must be allowable in accordance with the applicable Federal cost principles referenced in 10 CFR part 600.

H. OTHER SUBMISSION AND REGISTRATION REQUIREMENTS

1. Where to Submit

INITIAL APPLICATIONS

The Initial Application is to be submitted to the following email address WAP-recovery@netl.doe.gov no later than March 23, 2009.

COMPREHENSIVE APPLICATIONS MUST BE SUBMITTED THROUGH FEDCONNECT TO BE CONSIDERED FOR AWARD. Submit electronic applications through the

FedConnect portal at www.fedconnect.net. Information regarding how to submit applications via Fed Connect can be found at https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf

In addition to FedConnect, applications must also be loaded into WinSAGA.

Further, it is the responsibility of the applicant, prior to the offer due date and time, to verify successful transmission.

2. Registration Process

There are several one-time actions you must complete in order to submit an application in response to this Announcement (e.g., obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number, register with the Central Contract Registry (CCR), and register with FedConnect). Applicants, who are not registered with CCR and FedConnect, should allow at least 10 days to complete these requirements. It is suggested that the process be started as soon as possible.

Part V - APPLICATION REVIEW INFORMATION

A. REVIEW AND AWARD PROCESS

Applications under this funding opportunity will be reviewed and awarded in accordance with the final 2009 Recovery Act Formula Allocations, set forth in the Weatherization Assistance Program Notice 09-1B, included as Attachment 1 to this announcement.

Part VI - AWARD ADMINISTRATION INFORMATION

A. AWARD NOTICES

1. Notice of Award

- A Notice of Financial Assistance Award or Assistance Agreement issued by the contracting officer is the authorizing award document. It normally includes either as an attachment or by reference: (1). Special Terms and Conditions; (2). Applicable program regulations, if any; (3). Application as approved by DOE; (4). DOE assistance regulations at 10 CFR part 600 and part 440; (5). National Policy Assurances To Be Incorporated As Award Terms; (6). Budget Summary; and (7). Federal Assistance Reporting Checklist, which identifies the reporting requirements.

B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. Administrative Requirements

The administrative requirements for DOE grants and cooperative agreements are contained in 10 CFR part 600 and 10 CFR part 440 (See: <http://ecfr.gpoaccess.gov>).

ARRA 2009 Award Administration Information

Special Provisions relating to work funded under American Recovery and Reinvestment Act of 2009, Pub. L. 111-5 shall apply. Also, the Office of Management and Budget may be promulgating additional provisions or modifying existing provisions. Those additions and modifications will be incorporated into the Special Provisions as they become available. A draft of these Special Provisions are located at http://management.energy.gov/business_doe/business_forms.htm

2. Special Terms and Conditions and National Policy Requirements

Special Terms and Conditions and National Policy Requirements

The DOE Special Terms and Conditions for Use in Most Grants and Cooperative Agreements are located at

http://management.energy.gov/business_doe/business_forms.htm.

The National Policy Assurances To Be Incorporated As Award Terms are located at DOE http://management.energy.gov/business_doe/business_forms.htm.

Intellectual Property Provisions

The standard DOE financial assistance intellectual property provisions applicable to the various types of recipients are located at http://www.gc.doe.gov/techtrans/sipp_matrix.html.

C. REPORTING

Reporting requirements are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2. A sample checklist is included as Attachment 2 to this announcement. Financial and progress reports will be used to adhere to the transparency and oversight requirements detailed in the Recovery Act and posted on <http://www.recovery.gov>. Please note that the due date of certain reports may change.

PART VII – QUESTIONS/AGENCY CONTACTS

A. QUESTIONS

Questions regarding the content of the announcement must be submitted through the FedConnect portal. You must register with FedConnect to respond as an interested party to submit questions, and to view responses to questions. It is recommended that you register as soon after release of the FOA as possible to have the benefit of all responses. More information is available at <http://www.compusearch.com/products/fedconnect/fedconnect.asp>. DOE will try to respond to a question within 3 business days, unless a similar question and answer have already been posted on the website.

- Questions regarding program requirements must be directed to the applicant’s respective weatherization project officer listed below:

Grantee	Name	E-mail	Phone
Alaska, American Samoa, Arizona, CMNI, California, Guam, Hawaii, Idaho, Nevada, Oregon, Washington	Carole Gates	Carole.Gates@go.doe.gov	(303) 275-4848
Colorado, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming	Rob DeSoto	Rob.Desoto@go.doe.gov	(303) 275-4843
Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin	Michael Peterson	Michael.Peterson@go.doe.gov	(303) 275-4884
Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont	Holly Ravesloot	Holly.Ravesloot@netl.doe.gov	(304) 285-4139
Delaware, District of Columbia, Kentucky, Maryland, New Jersey, Pennsylvania, Puerto Rico, Virginia, West Virginia	Magda Rivera	Magda.Rivera@netl.doe.gov	(304) 285-1359
Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virgin Islands	Eric Bell	Eric.Bell@netl.doe.gov	(412) 386-5802

B. AGENCY CONTACT

Name: Amanda Lopez
E-mail: Amanda.Lopez@netl.doe.gov
FAX: (304) 285-4683
Telephone (Optional): (304) 285-4220

PART VIII - OTHER INFORMATION

A. MODIFICATIONS

Notices of any modifications to this announcement will be posted on Grants.gov and the FedConnect portal. You can receive an email when a modification or an announcement message is posted by registering with FedConnect as an interested party for this FOA. It is recommended that you register as soon after release of the FOA as possible to ensure you receive timely notice of any modifications or other announcements. More information is available at <http://www.fedconnect.net> and <http://www.compusearch.com/products/fedconnect.asp>.

B. GOVERNMENT RIGHT TO REJECT OR NEGOTIATE

DOE reserves the right, without qualification, to reject any or all applications received in response to this announcement and to select any application, in whole or in part, as a basis for negotiation and/or award.

C. COMMITMENT OF PUBLIC FUNDS

The Contracting Officer is the only individual who can make awards or commit the Government to the expenditure of public funds. A commitment by other than the Contracting Officer, either explicit or implied, is invalid.

APPENDICES/REFERENCE MATERIAL

- Attachment 1 – Weatherization Program Notice 09-1B, Program Year 2009
Weatherization Grant Guidance
- Attachment 2 – Reporting Requirements Checklist

ATTACHMENT 1
Weatherization Program Notice 09-1B
Program Year 2009 Weatherization Grant Guidance



WEATHERIZATION PROGRAM NOTICE 09-1B
EFFECTIVE DATE: March 9, 2009

SUBJECT: GRANT GUIDANCE TO ADMINISTER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDING

PURPOSE: To issue grant guidance and management information for accessing funding under the American Recovery and Reinvestment Act of 2009 (Recovery Act). This guidance should be used in conjunction with **Weatherization Program Notice (WPN) 09-1A**, Grant Guidance for Program Years 2008 and 2009 to Access the \$250 Million Supplemental Funding, dated October 27, 2008, and **WPN 09-1**, Program Year 2009 Weatherization Grant Guidance, dated November 17, 2008. Both notices are provided as attachments to this Guidance.

SCOPE: The provisions of this guidance apply to States or other entities named in the Notification of Grant Award as the recipients of financial assistance under the Department of Energy (DOE) Weatherization Assistance Program (WAP), including the recently added Territories.

LEGAL AUTHORITY: Title IV, Energy Conservation and Production Act, as amended, authorizes the Department of Energy to administer the Weatherization Assistance Program. All grant awards made under this Program shall comply with applicable law including regulations contained in 10 CFR Part 440 (issued February 1, 2002), the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, the American Recovery and Reinvestment Act of 2009 and other procedures applicable to this regulation as DOE may, from time-to-time, prescribe for the administration of financial assistance.

BACKGROUND: The Weatherization Assistance Program has been assigned a significant role in the American Recovery and Reinvestment Act of 2009 (Recovery Act). The successful execution of this Program is an important part of achieving the goals in the Recovery Act set forth below. The Recovery Act will increase the DOE portion of funding for local weatherization efforts by more than twenty times over a two year period based on FY 08 funding levels.

With the additional funds, it is expected that each Grantee will ramp up to meet the goals and expectations laid out for this Program. Project Management Center (PMC) Project Officers and other DOE staff and contractors will assist Grantees throughout the ramp up process. In recent years, several Grantees have received large funding increases for weatherization from non-DOE sources, and thus have gone through a major ramp-up process similar to what will be required of all Grantees with the Recovery Act funding. To assist the network with Recovery Act ramp-up efforts, a variety of resources provided by these Grantees, based on their experiences, will be posted on www.waptac.org.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009: On February 17, 2009, the President signed into law the American Recovery and Reinvestment Act of 2009, Public Law 111-005. The purposes of the American Recovery and Reinvestment Act of 2009 are: “To preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to 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.” The Act gives preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds made available for activities that can be initiated not later than June 17, 2009.

With respect to Weatherization, the Act provides \$5 billion in funding and includes the following amendments to the current statute:

SEC. 407. WEATHERIZATION ASSISTANCE PROGRAM AMENDMENTS

(a) INCOME LEVEL – Section 412(7) of the Energy Conservation and Production Act (42 U.S.C. 6862(7)) is amended by striking "150 percent" both places it appears and inserting "200 percent".

(b) ASSISTANCE LEVEL PER DWELLING UNIT – Section 415(c)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(1)) is amended by striking "\$2,500" and inserting "\$6,500".

(c) EFFECTIVE USE OF FUNDS – In providing funds made available by this Act for the Weatherization Assistance Program, the Secretary may encourage States to give priority to using such funds for the most cost-effective efficiency activities, which may include insulation of attics, if, in the Secretary's view, such use of funds would increase the effectiveness of the program.

(d) TRAINING AND TECHNICAL ASSISTANCE – Section 416 of the Energy Conservation and Production Act (42 U.S.C. 6866) is amended by striking "10 percent" and inserting "up to 20 percent".

(e) ASSISTANCE FOR PREVIOUSLY WEATHERIZED DWELLING UNITS – Section 415(c)(2) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(2)) is amended by striking "September 30, 1979" and inserting "September 30, 1994".

GRANT APPLICATION: Due to the extraordinary expansion of Grantee and subgrantee activities required by the Recovery Act, in developing the required application package all Grantees should use the State Plan process to identify the means by which the objectives of the Recovery Act can best be accomplished.

State Plans should explicitly recognize the challenges faced by Grantees in areas that include, but are not limited to, work-force training, monitoring and oversight, quality control, intake and qualification, management information systems, and equipment and supplies, and how these

challenges can be met. In addition, State Plans should include provisions to ensure full compliance with the Recovery Act reporting requirements. These plan elements are critical not only to DOE's efforts to provide systematic support and assistance to the Weatherization Grantee and subgrantee network in accomplishing the goals of the Recovery Act, but to ensuring the transparency and accountability that are essential features of the Act.

ADDING THE TERRITORIES: The Energy Independence and Security Act of 2007, Section 411(c) adds Puerto Rico and the territories of the U.S. to the definition of "State" for the purpose of the Weatherization Assistance Program. On March 11, 2009 DOE published a final rule adding Puerto Rico and the territories to the definition of "State". [cite]

PRODUCTION: There is a strong interest by both the Administration and Congress to track the performance of Grantees in the production of weatherized units. DOE will closely monitor Grantee performance through continual communications and monitoring. It is imperative that Grantees and local agencies submit necessary reports on time, in keeping with the intent of the Recovery Act.

DOE APPROPRIATIONS: On February 17, 2009, the President signed into law the American Recovery and Reinvestment Act of 2009, Public Law 110-329 which provides \$5 billion in funding for Weatherization. On September 30, 2008, the President signed into law H.R. 2638, the Consolidated Security, Disaster Assistance and Continuing Appropriations Act, 2009, Public Law 111-005, which currently goes through March 6, 2009. Results of the final appropriations bill for Fiscal Year (FY) 2009 will be transmitted in Weatherization Program Notice 09-2.

Grantees are to submit a separate plan for Recovery Act funds under Funding Opportunity Announcement No. DE-FOA-0000051.

ALLOCATION FORMULA: Grantees will notice a significant shift in funding from previous years. In part, this is because the level of funding for FY 2009, including the Recovery Act, triggers the 1995 revised allocation formula. These formula changes increase the overall equity of the allocation of funds among the Grantees by providing warm-weather States a greater share of the funding, while protecting existing program capacity in cold-weather States.

The formula also has been revised with the Recovery Act because it raised the income eligibility for the Program from 150% of poverty to 200% of poverty. The Department of Energy has modified the inputs to the allocation formula using the best available data to take this change in eligibility standards into account.

Initial estimates using 200% of poverty instead of the 150% of poverty show a national average of 54% more low-income households eligible for Weatherization. The increase of eligible households was not equally distributed across all States.

PREVAILING WAGES: All laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor.

WEBSITE INFORMATION: For the purposes of transparency, the Recovery Act requires a website to be established and maintained to track how and where tax dollars are being spent. The url

for this website is <http://www.recovery.gov/>. Grantees are required to provide information regarding the expenditure of Recovery funds through this website.

The transparency requirements of the Recovery Act are intended to ensure that the crucial accountability objectives are met:

- Funds are awarded and distributed in a prompt, fair, and reasonable manner;
- The recipients and uses of all funds are transparent to the public, and the public benefit of these funds are reported clearly, accurately, and in a timely manner;
- Funds are used for authorized purposes, and instances of fraud, waste, error, and abuse are mitigated;
- Projects funded under this Act avoid unnecessary delays and cost overruns; and
- Program goals are achieved, including specific program outcomes and improved results on broader economic indicators.

These stipulations may require additional information be collected from the Grantees and subgrantees. DOE will provide Grantees with guidance on any additional reporting requirements, once available.

TABLE OF CONTENTS

1.0 Funding

- 1.1 General Funding
- 1.2 Federally Appropriated Funds
- 1.3 Adjusted Average
- 1.4 Funds for Administrative Purposes
- 1.5 Petroleum Violation Escrow (PVE) Funds
- 1.6 Program Income
- 1.7 Leveraging and Leveraged Resources
- 1.8 Training and Technical Assistance Funds

2.0 Grant Application

- 2.1 General
- 2.2 Intergovernmental Review
- 2.3 Application Package
- 2.4 Public Hearing
- 2.5 Budget
- 2.6 Liability Insurance
- 2.7 Financial Audits

3.0 Training and Technical Assistance (T&TA) Plan

- 3.1 Basic
- 3.2 Client Education
- 3.3 Program Evaluation

4.0 Grantee Program Oversight (Program Monitoring)

5.0 Policy, Program Guidance and Regulatory Changes

- 5.1 Temporary Disqualification of Certain Newly Legalized Aliens from Receipt of Weatherization Benefits
- 5.2 Multi-Family Eligibility
- 5.3 Procurement of Building Insulation Products and Materials Containing Recovered Materials

- 5.4 Rental Requirements
- 5.5 Energy Audit Criteria
- 5.6 Use of Weatherization Funds for Renewable Energy Systems
- 5.7 Disaster Relief
- 5.8 Energy Crisis Relief
- 5.9 Determining Eligibility Levels and Defining Income
- 5.10 Determining Priority Service
- 5.11 Fuel Switching
- 5.12 Energy-Related Health and Safety
- 5.13 Lead Paint Hazard
- 5.14 Energy-Related Mold and Moisture Impacts
- 5.15 Reweathering
- 5.16 Vehicle Purchases
- 5.17 Policy Advisory Council
- 5.18 Electric Base Load
- 5.19 Prevailing Wages
- 5.20 Administrative Costs
- 5.21 Adding New Subgrantees

- 6.0 Reporting**
- 6.1 Reporting Requirements
- 6.2 Reporting DOE Completed Units

- 7.0 Protection of Whistleblowers**

- 8.0 Other Provisions**
- 8.1 Request for Reimbursement
- 8.2 False Claims Act
- 8.3 Information in Support of Recovery Act Reporting Obligations
- 8.4 Access to Records

1.0 FUNDING

1.1 GENERAL FUNDING: No changes were made to this section.

1.2 FEDERALLY APPROPRIATED FUNDS: The Recovery Act provided WAP with \$5 billion. Unless stated otherwise herein, this guidance, along with WPN 09-1 and WPN 09-1A will apply to all FY 2009 allocations.

In keeping with the intent of this funding, Congressional and Department goals are for all Recovery funds to be obligated by September 30, 2010. Allocations for the \$5 billion are attached to this guidance and Grantees should plan accordingly.

1.3 ADJUSTED AVERAGE: In accordance with the Recovery Act, the average expenditure limit per home has been increased to \$6,500 to achieve greater energy savings with WAP funds. The adjusted average expenditure limit per home for all funds appropriated and/or used for PY 2009 is now \$6,500. The Recovery Act did not specifically address the renewable energy measures average cost per home.

1.4 FUNDS FOR ADMINISTRATIVE PURPOSES: No changes were made to this section.

1.5 PETROLEUM VIOLATION ESCROW (PVE) FUNDS: No changes were made to this section.

1.6 PROGRAM INCOME: No changes were made to this section.

1.7 LEVERAGING AND LEVERAGED RESOURCES: Even with the increase in funding, Grantees are reminded that leveraging remains an important component of the Program. Otherwise, there are no changes to this section.

1.8 TRAINING AND TECHNICAL ASSISTANCE FUNDS: The Recovery Act adjusted the allowable percentage DOE may permit the Weatherization Assistance Program to use for T&TA. In the Recovery Act, allowance is made for the Program not to exceed 20 percent of the funds appropriated for T&TA activities. All other aspects of T&TA allowable expenditures remain the same. The percentage of funds for PY 09 reflects the full percentage of T&TA. To effectively address the Weatherization network's needs, DOE will retain 3 percent of the T&TA for national training and technical assistance initiatives and transmit 17 percent to the Grantees.

2.0 GRANT APPLICATION

2.1 GENERAL: No changes were made to this section.

2.2 INTERGOVERNMENTAL REVIEW: Grantees are encouraged to seek priority and expedited attention in all State processes for Recovery Act efforts, including Intergovernmental Review, if required.

APPLICATION PACKAGE:

For Recovery Act funding, new grant awards will be issued. Grantees must submit an application package for the initial disbursement of funds. The new awards will incorporate specific requirements related to the tracking and reporting of Recovery Act funding.

A comprehensive application package will be due within 60 days of issuance of the Funding Opportunity Announcement. The detailed application process will be set forth in the announcement.

2.3 PUBLIC HEARING: All grantees are required to hold a public hearing on funding received through the Recovery Act prior to the submission of their application package. There are no other changes to this section.

Grantees are encouraged to work closely with their subgrantee network to assure that work can be completed within the designated time schedule. Individual subgrantee plans for ramp up are strongly suggested. These plans should to the maximum extent possible identify the increased number of workers/contractors required to effectively utilize PY 2009 funds in the time required and how these workers/contractors will be identified and recruited. The plans also should identify how training of the current and expanded workforce (employees and contractors) will be conducted. Grantees should also build in some flexibility to add or change subgrantees, if necessary, to meet Recovery Act goals. Selection of subgrantees must still meet the requirements outlined in Section 440.14 of the Weatherization rule.

2.4 BUDGET: The intent of the Recovery Act is to put the funding into the economy as quickly as possible, while spending the funds efficiently and wisely. Expending the Recovery Act funding is the first priority; therefore, Grantees are directed to expend the Recovery Act funds first.

Grantees must segregate the obligations and expenditures related to funding under the Recovery Act. Financial and accounting systems should be revised as necessary to segregate, track and maintain these funds apart and separate from other revenue streams. No part of the funds from the Recovery Act shall be commingled with any other funds or used for a purpose other than that of making payments for costs allowable for Recovery Act projects. Recovery Act funds can be used in conjunction with other funding sources as necessary to complete projects, but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and OMB Guidance.

DOE intends to obligate the Recovery Act funds based on the following milestones:

- 10% of total allocation at time of initial award
- 40% of total allocation upon DOE approval of the State Plan (due within 60 days after FOA issuance)
- Balance of total allocation based on DOE review of progress in obligating the funds, complying with all reporting requirements, and creating jobs. If Progress Reviews reveal deficiencies, such as funds not disbursed, jobs not created, insufficient technical monitoring, or failure to meet reporting requirements, DOE reserves the right to place a hold on current balances, and withhold further funding until deficiencies are corrected.

DOE will revise the current monitoring procedure for WAP grants and advise Grantees accordingly. Grantees should expect more frequent and more detailed monitoring by DOE. DOE will conduct periodic progress reviews to assess Grantees compliance with Program requirements. These reviews will include monitoring of subgrantee performance as well. Technical assistance will be provided to assist Grantees and subgrantees in meeting performance requirements.

2.5 LIABILITY INSURANCE: No changes were made to this section.

2.6 FINANCIAL AUDITS: No changes were made to this section. However, Grantees should be cognizant that many of the subgrantees that were previously below the OMB Circular A-133 threshold are now subject to these requirements.

3.0 TRAINING AND TECHNICAL ASSISTANCE (T&TA) PLAN

3.1 BASIC: T&TA activities are intended to maintain or increase the efficiency, quality and effectiveness of the Weatherization Program at all levels. Such activities should be designed to maximize energy savings, minimize production costs, improve program management and crew/contractor “quality of work,” and/or reduce the potential for waste, fraud, abuse and mismanagement. The local service providers should be the primary recipients of T&TA activities.

The T&TA funds may also be used to train contractors at the local agency level participating in the Program. In making the determination to pay for contractor training, Grantees and subgrantees should secure a retention agreement in exchange for the training. The contract agreement should stipulate that contractors will work in the Program, at a minimum, for a specific amount of time and should align with the cost of the T&TA provided.

Section II.6 of the Annual File, which describes specific activities, and Section III.5.4 of the “On-file” Information, which describes the overall approach in the current Application and Forms Package, should be used to describe how Grantees will identify and address the needs of the subgrantees in this area. At a minimum, such a description must include the following:

- A. How a Grantee assesses the training needs of its subgrantees and contractors in light of increased funding;
- B. What training the Grantee will provide for subgrantee staff and contractors and requirements for attendance;
- C. Whether the Grantee requires any certification or training of subgrantee staff and contractors prior to hire or by date certain of hire.

3.2 CLIENT EDUCATION: No changes were made to this section.

3.3 PROGRAM EVALUATION: No changes were made to this section.

4.0 GRANTEE PROGRAM OVERSIGHT (Program Monitoring)

The Grantee must conduct comprehensive monitoring of each subgrantee at least once a year. The

Grantee's Plan must include a monitoring plan to provide adequate oversight of use of DOE funds by subgrantees. The comprehensive monitoring must include review of client files and subgrantees records, as well as inspection of *at least* 5 percent of the completed units or units in the process of being weatherized. DOE strongly encourages a higher percentage of units be inspected. If inspection reveals quality control or other problems, Grantee shall increase the number of units monitored and frequency of inspection until all issues are resolved. Detailed review of subgrantee records and inspections must be maintained by the Grantee and be available at the request of DOE monitors.

5.0 POLICY, PROGRAM GUIDANCE, AND REGULATORY CHANGES

5.1 TEMPORARY DISQUALIFICATION OF CERTAIN NEWLY LEGALIZED

ALIENS FROM RECEIPT OF WEATHERIZATION BENEFITS: No changes were made to this section.

5.2 MULTI-FAMILY ELIGIBILITY: In light of the Recovery Act funding, DOE suggests Grantees review any policies that are beyond the DOE minimum requirement that may impede the ability of the Grantee to meet production expectations (e.g., landlord contributions, percentage set asides, etc.). Grantees should promptly notify DOE of any such policies or other obstacles that would prevent or restrict Grantee from achieving projected production levels.

5.3 PROCUREMENT OF BUILDING INSULATION PRODUCTS AND

MATERIALS CONTAINING RECOVERED MATERIALS: No changes were made to this section.

5.4 RENTAL REQUIREMENTS: No changes were made to this section.

5.5 ENERGY AUDIT CRITERIA: No changes were made to this section.

5.6 USE OF WEATHERIZATION FUNDS FOR RENEWABLE ENERGY

SYSTEMS: No changes were made to this section.

5.7 DISASTER RELIEF: No changes were made to this section.

5.8 ENERGY CRISIS RELIEF: No changes were made to this section.

5.9 DETERMINING ELIGIBILITY LEVELS AND DEFINING INCOME:

The Recovery Act amended the DOE Weatherization eligibility criterion by striking "150 percent" in both places it appears and inserting "200 percent." This raises the eligibility criterion for DOE Weatherization from 150 percent of poverty to 200 percent of poverty.

This may also cause the Low-Income Home Energy Assistance Program eligibility no longer to be the upper ceiling on the definition of income in any given state. Beginning with issuance of this guidance, the income eligibility level for the DOE Weatherization Program is 200 percent of the Poverty Income Guidelines.

In determining the level of eligibility, the Grantee may use either the DOE criteria of up to 200

percent of poverty or the LIHEAP criteria. This determination, made by the Grantee, must be applied throughout the Grantee's entire service territory. Grantees shall require all subgrantees to maintain records documenting weatherization assistance recipients' eligibility. Grantees shall require subgrantees to reimburse DOE funds provided to pay the cost of weatherizing a unit if it is determined that the family unit occupying the residence was not eligible for weatherization assistance at the time such services were provided.

5.10 DETERMINING PRIORITY SERVICE: No changes were made to this section.

5.11 FUEL SWITCHING: No changes were made to this section.

5.12 ENERGY-RELATED HEALTH AND SAFETY: No changes were made to this section.

5.13 LEAD PAINT HAZARD: Not related to the Recovery Act, but since issuance of WPN 09-1, the Environmental Protection Agency (EPA) has recognized two currently available lead test kits for use in determining whether lead paint exists in a pre-1978 house. One of the kits is available for use in only one state—Massachusetts. The other test kit is available at hardware and home renovation stores in most areas and also available online.

EPA intends to release the names of additional EPA-recognized test kits in the near future, which will be posted at <http://www.epa.gov/lead>. DOE will notify Grantees of their availability. Further information on Lead Paint and Lead Safe Weatherization can be found in WPN 09-6 and further guidance on the use of these kits will be issued as WPN 09-6A.

5.14 ENERGY-RELATED MOLD AND MOISTURE IMPACTS: No changes were made to this section.

5.15 REWEATHERIZATION: The Recovery Act amended this provision by striking “September 30, 1979” and inserting “September 30, 1994”.

5.16 VEHICLE AND EQUIPMENT OVER \$5000 PURCHASES: The regulations and guidance that include the requirement for approval for purchase of vehicles and equipment greater than \$5,000 are as follows. (10 CFR Part 440.18 (c) (6) and Weatherization Program Notice 05-1, Program Year 2005 Weatherization Grant Guidance, dated November 12, 2004, explains why this requirement could not be eliminated.)

For approval of Vehicle & Capital Equipment Purchases, the minimum information needed by DOE is:

- Name of requesting Grantee and Local Agency
- Where the vehicle will be used and how it will be used – Specify, full or part time use in Weatherization Program
- A statement of whether this is a replacement or an expansion for ramp-up. If this is a replacement, how is the trade-in being addressed?
- Brief description of how the procurement will be done, and confirmation that Agency, State and Federal procurement guidelines will be met

- 2 CFR 225 (former OMB Circular A-87) – Cost Principles for State, Local, and Indian Tribal Governments
- 2 CFR 230 (former OMB Circular A-122) – Cost Principles for Non-Profit Organizations
- What the funding source(s) will be (e.g., DOE Weatherization Program Operations funds). Subgrantee T&TA funds are not an allowable option as noted in bold at the end of Section 2.5 in the annual guidance.
- Copies of bid specs (vehicle description with options requested) and bids received
- Statement that lowest bid will be selected, or a sufficient justification of the “best value selection” if lowest bid not recommended for DOE approval.

This information can be submitted via e-mail, fax, or mailed letter, but the Grantee recommendation for approval must be submitted in writing to the applicable DOE Weatherization PMC Project Officer.

If a Grantee submits the above information via e-mail or fax, the DOE Project Officer should approve the request within three business days; pending all of the minimum information is adequately provided. If extenuating circumstances arise, the Project Officer will follow-up within three days, requesting additional details on the purchase.

Several Grantees have developed forms that help facilitate the process for subgrantees and make the process more consistent. Contact your PMC Project Officer for examples.

Grantees, as well as subgrantees, should consider and weigh the options on leasing versus purchasing. DOE would not need to approve a vehicle lease that does not include a “purchase option.” But if a lease-purchase option is proposed and even if the purchase price is as small as one dollar, DOE would need to approve the purchase of the vehicle.

5.17 POLICY ADVISORY COUNCIL: No changes were made to this section.

5.18 ELECTRIC BASE LOAD: No changes were made to this section.

5.19 PREVAILING WAGES: All laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, 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. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan numbered 14 of 1950 (64 Stat. 1267, 5 U.S.C. App.) and section 3145 of title 40 United States Code. See U.S. Department of Labor, Wage and Hour Division website at <http://www.dol.gov/esa/whd/contracts/dbra.htm>. Wage determinations can be found at <http://www.wdol.gov>.

5.20 ADMINISTRATIVE COSTS: No changes were made to this section. However, Grantees should be aware, with the increase in funding to the subgrantee network, many agencies will be

above the \$350,000 threshold, which will no longer make these agencies eligible for the additional 5% of administrative funding.

5.21 ADMINISTRATIVE: To meet the intent of the Recovery Act funding, it may be necessary to add additional subgrantees to the Program. Grantees are reminded that both 10 CFR 440.14, State Plans, and 10 CFR 440.15, Subgrantees, apply. 10 CFR 440.15, Subgrantees, states:

a) The Grantee shall ensure that:

(1) Each subgrantee is a CAA or other public or nonprofit entity;

(2) Each subgrantee is selected on the basis of public comment received during a public hearing conducted pursuant to Section 440.14(a) and other appropriate findings regarding:

(i) The subgrantee's experience and performance in Weatherization or housing renovation activities;

(ii) The subgrantee's experience in assisting low-income persons in the area to be served; and

(iii) The subgrantee's capacity to undertake a timely and effective Weatherization Program.

(3) In selecting a subgrantee, preference is given to any CAA or other public or nonprofit entity which has, or is currently administering, an effective program under this part or under title II of the Economic Opportunity Act of 1964, with program effectiveness evaluated by consideration of factors including, but not necessarily limited to, the following:

(i) The extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion;

(ii) The quality of work performed by the subgrantee;

(iii) The number, qualifications, and experience of the staff members of the subgrantee; and

(iv) The ability of the subgrantee to secure volunteers, training participants, public service employment workers, and other Federal or State training programs.

(b) The grantee shall ensure that the funds received under this part will be allocated to the entities selected in accordance with paragraph (a) of this section, such that funds will be allocated to areas on the basis of the relative need for a weatherization project by low-income persons.

(c) If DOE finds that a subgrantee selected to undertake Weatherization activities under this part has failed to comply substantially with the provisions of the Recovery Act or this part and should be replaced, such finding shall be treated as a finding under Section 440.30(i) for purposes of 440.30.

(d) Any new or additional subgrantee shall be selected at a hearing in accordance with Section 440.14(a) and upon the basis of the criteria in paragraph (a) of this section.

(e) A State may terminate financial assistance under a subgrant agreement for a grant period only in accordance with established State procedures that provide to the subgrantee appropriate notice of the State's reasons for termination and afford the subgrantee an adequate opportunity to be heard.

6.0 REPORTING

6.1 REPORTING REQUIREMENTS: The reporting requirements are set forth in Attachment 3 of Funding Opportunity Announcement No. DE-FOA-0000051. Financial and progress reports will be used to adhere to the transparency and oversight requirements detailed in the Recovery Act and posted on <http://www.recovery.gov>. Please note that the due date of certain reports may change.

DOE intends to modify the periodic Progress Report to include reporting on the following, at a minimum:

- Jobs created at the state agency level
- Jobs created using state contractors
- Jobs retained at the state agency level
- Jobs retained with state contractors
- Jobs created at the local agency level
- Jobs created using local agency contractors
- Jobs retained at the local agency level
- Jobs retained with local agency contractors
- State desk monitoring/oversight visits
- State on-site monitoring/oversight visits
- Hours trained at the state agency
- Hours trained at the local agency
- Equipment units purchased that are more than \$5,000.
- DOE may provide additional guidance regarding the calculation of jobs created
- DOE may provide additional guidance regarding the methodology for calculating energy savings.

Grantees also shall continue to report progress of subgrantees in meeting the Production Schedule included in the DOE approved State Plan.

6.2 REPORTING DOE COMPLETED UNITS: No changes were made to this section.

7.0 PROTECTION OF WHISTLEBLOWERS

Prohibition on Reprisals: An employee of any non-Federal employer receiving covered funds under the Recovery Act may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Accountability and Transparency Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory

authority over the employee (or other person working for the employer who has the authority to investigate, discover or terminate misconduct, a court or grant jury, the head of a Federal agency, or their representatives information that the employee believes is evidence of:

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

Agency Action: Not later than 30 days after receiving an inspector general report of an alleged reprisal, the head of the agency shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the employee to a prohibited reprisal. The agency shall either issue an order denying relief in whole or in part or shall take one or more of the following actions:

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

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

Requirement to Post Notice of Rights and Remedies: Any employer receiving covered funds under the Recovery Act shall post notice of the rights and remedies as required therein. See www.Recovery.gov for specific requirements of this section and prescribed language for the notices.

8.0 OTHER PROVISIONS

8.1 FALSE CLAIMS ACT: Grantees and subgrantees shall promptly refer to the DOE or other appropriate Inspector General any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity or similar misconduct involving those funds.

8.2 INFORMATION IN SUPPORTING OF RECOVERY ACT REPORTING: Recipient may be required to submit backup documentation for expenditures of funds under the Recovery Act including such items as timecards and invoices. Recipient shall provide copies of backup documentation at the request of the Contracting Officer or designee.

8.3 ACCESS TO RECORDS: With respect to each financial assistance agreement awarded utilizing at least some of the funds appropriated or otherwise made available by the Recovery Act any representative of an appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1988 (5 U.S.C. App.) or of the Comptroller General is authorized –

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

CONCLUSION: The Weatherization Network is being asked to assist Congress, the Administration and the Nation in increasing the energy efficiency of low-income housing stock, creating and maintaining jobs, and thereby assisting in stimulating the American economy.

Since the Program's inception in 1976, WAP has weatherized over 6.2 million households. That number will grow dramatically in a very short period of time as a result of Recovery Act funds.

This is an extraordinary challenge put before an extraordinary network. At DOE, we pledge to work in partnership with the Grantees, subgrantees and their Associations, to ensure that these purposes are met. We ask that you keep the lines of communication open and that you continue to work collaboratively with us to achieve these objectives.

DOE recognizes the complexity of this challenge and recognizes there may be elements that will require still further clarification. DOE will continue to provide additional updates through PMC Project Officers and, as needed, through Program Notices in an effort to keep the Weatherization network well informed.

It is a pleasure to work with you on this important challenge. I look forward to the growth of this Program and our continued partnership to ensure *Weatherization Works!*

Gilbert P. Sperling
Program Manager
Office of Weatherization and Intergovernmental Program
Energy Efficiency and Renewable Energy

Attachments:

American Recovery and Reinvestment Act of 2009 Grantee Allocations at \$5 Billion

NOTE:

1. The totals do not include funding reserved for DOE operations and for technical assistance provided by DOE.
3. Weatherization funding excludes Tribal grants: Navajo for \$9,068,150 and Northern Arapahoe for \$956,210

State/Territory	Weatherization
Alabama	\$71,800,599
Alaska	\$18,142,580
Arizona	\$57,023,278
Arkansas	\$48,114,415
California	\$185,811,061
Colorado	\$79,531,213
Connecticut	\$64,310,502
Delaware	\$13,733,668
District of Columbia	\$8,089,022
Florida	\$175,984,474
Georgia	\$124,756,312
Hawaii	\$4,041,461
Idaho	\$30,341,929
Illinois	\$242,526,619
Indiana	\$131,847,383
Iowa	\$80,834,411
Kansas	\$56,441,771
Kentucky	\$70,913,750
Louisiana	\$50,657,478
Maine	\$41,935,015
Maryland	\$61,441,745
Massachusetts	\$122,077,457
Michigan	\$243,398,975

Minnesota	\$131,937,411
Mississippi	\$49,421,193
Missouri	\$128,148,027
Montana	\$ 26,543,777
Nebraska	\$41,644,458
Nevada	\$37,281,937
New Hampshire	\$23,218,594
New Jersey	\$118,821,296
New Mexico	\$26,855,604
New York	\$394,686,513
North Carolina	\$131,954,536
North Dakota	\$ 25,266,330
Ohio	\$266,781,409
Oklahoma	\$60,903,196
Oregon	\$38,512,236
Pennsylvania	\$252,793,062
Rhode Island	\$20,073,615
South Carolina	\$58,892,771
South Dakota	\$24,487,296
Tennessee	\$99,112,101
Texas	\$326,975,732
Utah	\$37,897,203
Vermont	\$16,842,576
Virginia	\$94,134,276
Washington	\$59,545,074
West Virginia	\$37,583,874
Wisconsin	\$141,502,133
Wyoming	\$10,239,261
American Samoa	\$719,511

Guam	\$1,119,297
Puerto Rico	\$48,865,588
Northern Mariana Islands	\$795,206
Virgin Islands	\$1,415,429

TOTAL \$4,718,725,640

ATTACHMENT 2
Reporting Requirements Checklist
U.S. Department of Energy
FEDERAL ASSISTANCE REPORTING CHECKLIST
AND INSTRUCTIONS

1. Identification Number: DE-FOA-0000051	2. Program/Project Title: Weatherization Assistance Program for Low Income Persons		
3. Recipient:			
4. Reporting Requirements: A. MANAGEMENT REPORTING <input checked="" type="checkbox"/> Progress Report <input type="checkbox"/> Special Status Report	Frequency Q,F	No. of Copies Electronic Version	Addressees See Note 1
B. SCIENTIFIC/TECHNICAL REPORTING (Reports/Products must be submitted with appropriate DOE F 241. The 241 forms are available at www.osti.gov/elink) Report/Product Form <input type="checkbox"/> Final Scientific/Technical Report DOE F 241.3 <input type="checkbox"/> Conference papers/proceedings* DOE F 241.3 <input type="checkbox"/> Software/Manual DOE F 241.4 <input type="checkbox"/> Other (see Special Instructions) DOE F 241.3 <i>* Scientific and technical conferences only</i>			
C. FINANCIAL REPORTING <input checked="" type="checkbox"/> SF-425, Federal Financial Report	Q,F	Electronic Version	See Note 1
D. CLOSEOUT REPORTING <input type="checkbox"/> Patent Certification <input checked="" type="checkbox"/> Property Certification <input type="checkbox"/> Other (see Special Instructions)	F	Electronic Version	See Text
E. OTHER REPORTING <input checked="" type="checkbox"/> Annual Indirect Cost Proposal <input type="checkbox"/> Annual Inventory Report of Federally Owned Property, if any <input checked="" type="checkbox"/> Other	Y A	Electronic Version Electronic Version	See Text See Notes 1, 2, 3 and 4
FREQUENCY CODES AND DUE DATES: A - Within 5 calendar days after events or as specified. F - Final; 90 calendar days after expiration or termination of the award. Y - Yearly; 90 days after the end of the reporting period.			
S - Semiannually; within 30 days after end of reporting period. Q - Quarterly Reports are due within 30 days after end of the reporting period.			
5. Special Instructions: Forms are available at https://www.eere-pmc.energy.gov/forms.asp . 1. Submit reports (or provide email notification of Winsaga entry) to the DOE Program Officer. OTHER REPORTING 2. Weatherization Assistance Program Report (DOE F 540.3). This report shall be submitted quarterly, 30 days after the end of the reporting period. NOTE: Program category expenditure totals should reconcile with the financial status report amounts each quarter. When fourth quarter production information is submitted, recipients shall enter an updated estimate of annual energy savings in item II.A using the estimated per-home BTU energy savings estimate used in the approved state plan for this program year multiplied by the actual production total. 3. Annual Training and Technical Assistance, Monitoring, and Leveraging Report (DOE Form 540.4). This report shall be submitted annually, 30 days after the end of the reporting period. 4. ARRA – Performance Progress Report. Report shall be submitted quarterly, 10 days after the end of the reporting period.			

A. MANAGEMENT REPORTING

Progress Report

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

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

- c. Networks or collaborations fostered.
- d. Technologies/Techniques.
- e. Inventions/Patent Applications.
- f. Other products, such as data or databases, physical collections, audio or video, software or netware, models, educational aid or curricula, instruments or equipment.

B. FINANCIAL REPORTING

Recipients must complete the SF-425 as identified on the Reporting Checklist in accordance with the report instructions. The SF425A is not authorized for reporting under this award. A fillable version of the SF 425 form is available at http://www.whitehouse.gov/omb/grants/grants_forms.aspx.

C. CLOSEOUT REPORTS

Property Certification

The recipient must provide the Property Certification, including the required inventories of non-exempt property, located at <http://grants.pr.doe.gov>. A signed copy of the Property Certification shall be submitted in PDF format to the NETL Property Administrator at the following email address: Property.Administrator@netl.doe.gov.

D. OTHER REPORTING

Annual Indirect Cost Proposal and Reconciliation

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

Cognizant Agency. The recipient must submit its annual indirect cost proposal directly to the cognizant agency for negotiating and approving indirect costs. If the DOE awarding office is the cognizant agency, submit the annual indirect cost proposal to the address on the Reporting Requirements Checklist.

ARRA Performance Progress Report

Not later than 10 days after the end of each calendar quarter, each recipient shall submit a report to the grantor agency that contains:

- The total amount of American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, covered funds received from that agency;
- The amount of American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, covered funds received that were expended or obligated to project or activities;
- A detailed list of all projects or activities for which American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, covered funds were expended or obligated including:

- Name of project or activity
 - Description of project or activity
 - Evaluation of the completion status of project or activity
 - Estimate of number of jobs created and retained by project or activity *in the manner and form prescribed by DOE*
 - Infrastructure investments made by State and local governments, purpose, total cost, rationale or agency for funding infrastructure investment, name of agency contact.
 - Information on subcontracts or subgrants awarded by recipient to include data elements required to comply with the Federal Accountability and Transparency Act of 2006 (Pub. L. 109-282).
- Compliance: As a condition of receipt of funds under this Act, no later than 180 days of enactment, all recipients shall provide the information described above.

DOE intends to append the periodic ARRA – Performance Progress Report to include reporting on the following, at a minimum:

- Jobs created at the state agency level
- Jobs created using state contractors
- Jobs retained at the state agency level
- Jobs retained with state contractors
- Jobs created at the local agency level
- Jobs created using local agency contractors
- Jobs retained at the local agency level
- Jobs retained with local agency contractors
- State desk monitoring/oversight visits
- State on-site monitoring/oversight visits
- Hours trained at the state agency
- Hours trained at the local agency
- Equipment units purchased that are more than \$5,000.
- DOE may provide additional guidance regarding the calculation of jobs created
- DOE may provide additional guidance regarding the methodology for calculating energy savings.

Grantees also shall continue to report progress of subgrantees in meeting the Production Schedule included in the DOE approved State Plan.

Failure to comply with this reporting requirement may result in termination of that part of the award funding by Recovery Act.