

grantees may use the excess to fund additional measures if such measures have been recommended in the technical assistance report. If it is not possible to use the excess funding in this way, the grantee must reduce the cost—and DOE will reduce the Federal share—by the amount of the excess above the non-Federal share.

Subpart J—Applicant Responsibilities—Grants to Institutions and Coordinating Agencies

§ 455.110 Grant application submittals for technical assistance and energy conservation measures.

(a) Each eligible applicant desiring to receive financial assistance (either from DOE directly, through a State serving as a coordinating agency, or through another organization serving as a coordinating agency) shall file an application in accordance with the provisions of this subpart and the approved State Plan of the State in which such building is located. The application, which may be amended in accordance with applicable State procedures at any time prior to the State's final determination thereon, shall be filed with the State energy agency designated in the State Plan. Coordinating agencies shall file a single application with DOE which includes all of the information required below for each building for which assistance has been requested and to which is attached a copy of each application from each building owner.

(b) Applications from schools, hospitals, units of local government, public care institutions, and coordinating agencies for financial assistance for technical assistance programs shall include the certifications contained in § 455.111 and:

(1) The applicant's name and mailing address;

(2) The energy audit or energy use evaluation required by the State pursuant to § 455.20(k) for each building for which financial assistance is requested;

(3) A project budget, by building, which stipulates the intended use of all Federal and non-Federal funds, including in-kind contributions (valued in accordance with the guidelines in 10 CFR part 600), to be used to meet the cost-

sharing requirements described in subpart I of this part;

(4) A brief description, by building, of the proposed technical assistance program, including a schedule, with appropriate milestone dates, for completing the technical assistance program;

(5) Additional information required by the applicable State Plan and any other information which the applicant desires to have considered, such as information to support an application from a school or hospital for financial assistance in excess of the 50 percent Federal share on the basis of severe hardship or an application which proposes the use of Federal funds, paid under and authorized by another Federal agreement to meet cost sharing requirements.

(c) Applications from schools and hospitals and coordinating agencies for financial assistance for energy conservation measures, including renewable resource measures, shall include the certifications contained in § 455.111 and:

(1) The applicant's name and mailing address;

(2) A description of each building for which financial assistance is requested sufficient to determine the building's eligibility, ownership, use, and size in gross square feet;

(3) A project budget, by measure or building, as provided in the State Plan which stipulates the intended use of all Federal and non-Federal funds and identifies the sources and amounts of non-Federal funds, including in-kind contributions (valued in accordance with the guidelines in 10 CFR part 600) to be used to meet the cost-sharing requirements described in subpart I of this part;

(4) A schedule, including appropriate milestone dates, for the completion of the design, acquisition, and installation of the proposed energy conservation measures for each building;

(5) For each energy conservation measure proposed for funding, the projected cost, the projected simple payback period, and if appropriate, the life-cycle cost savings-to-investment ratio calculated under § 455.64. Applications with more than one energy conservation measure per building shall include projected costs and paybacks,

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and if appropriate, the savings-to-investment ratios for each measure and the average simple payback period or overall savings-to-investment ratio for all measures proposed for the building;

(6) The report of the technical assistance analyst (unless waived by DOE because the report is already in its possession). This report must have been completed since the most recent construction, reconfiguration, or utilization change to the building which significantly modified energy use, for each building;

(7) An update of the technical assistance program report if required by the State in its State Plan and as specified in § 455.20(q);

(8) If the applicant is aware of any adverse environmental impact which may arise from adoption of any energy conservation measure, an analysis of that impact and the applicant's plan to minimize or avoid such impact; and

(9) Additional information required by the applicable State Plan, and any additional information which the applicant desires to have considered, such as information to support an application for financial assistance in excess of the non-Federal share set forth in the State plan on the basis of severe hardship, or an application which proposes the use of Federal funds paid under and authorized by another Federal agreement to meet cost sharing requirements.

§ 455.111 Applicant certifications for technical assistance and energy conservation measure grants to institutions and coordinating agencies.

Applications for financial assistance for technical assistance programs and energy conservation measures, including renewable resource measures, shall include certification that the applicant:

(a) Is eligible under § 455.61 for technical assistance or § 455.71 for energy conservation measures;

(b) Has satisfied the requirements set forth in § 455.110;

(c) For applications for technical assistance, has implemented all energy conservation maintenance and operating procedures recommended in the energy audit pursuant to § 455.20(k), if done, and for applications for energy

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conservation measures, those recommended in the report obtained under a technical assistance program pursuant to § 455.62. If any such procedure has not been implemented, the application shall contain a satisfactory written justification consistent with the State plan for not implementing that procedure;

(d) Will obtain from the technical assistance analyst, before the analyst performs any work in connection with a technical assistance program or energy conservation measure, a signed statement certifying that the technical assistance analyst has no conflicting financial interest and is otherwise qualified to perform the duties of technical assistance analyst in accordance with the standards and criteria established in the approved State Plan;

(e) When using borrowed funds for the non-Federal share of an energy conservation project where a lien is placed by the lender on equipment funded under the grant, will obtain clauses in the financing contract:

(1) Stating the percent of DOE interest in the equipment (i.e., the percent of the total cost provided by the grant); and

(2) Requiring lender notification, with certified return receipt requested, to the applicable Support Office Director of the filing of a lawsuit seeking a remedy for a default; and

(f) Will comply with all reporting requirements contained in § 455.113.

§ 455.112 Davis-Bacon wage rate requirement.

When an energy conservation measure or group of measures in a building, funded under this part, has a total estimated cost for acquisition and installation of more than \$5,000, any construction contract or subcontract in excess of \$2,000, using any grant funds awarded under this part must include:

(a) Those contract labor standards provisions set forth in 29 CFR 5.5 and

(b) A provision for payment of laborers and mechanics at the minimum wage rates determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a) as set forth in 29 CFR part 1.