EECBG

Post-Project Approval Check List

Once you have your EECBG project approved by the Maryland Energy Administration (MEA), you may then proceed forward with the implementation of your energy efficiency and/or renewable energy project. Your project is "approved" once you have received a signed copy of the *Project Approval Form* from your original EECBG grant agreement with MEA. The following checklist outlines the process for implementing your energy efficiency and/or renewable energy project.

I. Procuring Products and Services

☐

A. Determine the Appropriate Procurement Process Option for your Project

Option 1: Existing, Competitively Bid Government Procurement Process
If a contract has previously been competitively bid using a formal government procurement process (e.g., a long term HVAC support contract or an indefinite delivery energy performance contract (EPC)) for services similar to those being performed in the EECBG program, the existing contract may be leveraged without issuing an additional procurement, assuming the previously bid contract was written to allow contract piggybacking to occur and complies with all of the requirements of the American Recovery and Reinvestment Act (ARRA) requirements listed below. ***After reviewing the ARRA requirements highlighted in gray on page 2, please proceed to step I.E. on page 3 of this document (*Develop a Procurement Contract with the Winning Contractor) *if you plan on leveraging Option 1.***

Option 2: Formalized State/Local Procurement Process
If a sub-grantee has a formalized procurement process (i.e., written procurement procedures that reflect applicable State and local laws and regulations), complete the EECBG procurement following your formalized procurement process. The procurement process must comply with all federal, state and ARRA requirements. The federal requirements and ARRA requirements are outlined in the gray highlighted section starting on page 2.

Option 3: Federal Procurement Regulations Process
If a sub-grantee does not have a formalized procurement process, the sub-grantee is required to follow federal procurement regulations. The procurement process must comply with all federal, state and ARRA requirements, described in the gray highlighted section starting on page 2.

- *If the total contract is less than $100,000*, the U.S. Department of Energy (DOE) allows "*small purchase procedures"* to be used. *Small purchase procedures* allow informal procurement methods for securing services, supplies, or other property for contracts under $100,000. *Small purchase procedures* require prices or rate quotations from an adequate number of qualified sources.
    - MEA recommends soliciting bids from at least three (3) companies.
- *If the total contract exceeds $100,000,* DOE requires the use of one of the following procurement processes:
    - *Sealed bids* (formal advertising) are publicly solicited using a variety of sources including internet, local newspapers as well as direct contact with potential bidders. The firm fixed-price contract is awarded to the bidder whose bid meets both the invitation to bid's terms and conditions and has the lowest price.

- *Procurement by competitive proposals* is normally solicited using a variety of sources including internet and local newspapers as well as direct contact with potential bidders.

Federal and American Recovery and Reinvestment Act (ARRA) Requirements: <u>These requirements must be followed when using Option 1, 2, or 3</u>.

- Solicit and take actions to encourage bids from *Minority Business Enterprises* (MBEs) and *Disadvantaged Business Enterprises* (DBEs) whenever they are potential sources, in addition to any existing customer bidders lists already established by your local government. In Maryland, a list of MBE and DBE qualified contractors is maintained on the Maryland Department of Transportation website at http://mbe.mdot.state.md.us/directory/search_select.asp.
  - For **Option 1**, the Sub-grantee must ensure the contract being leveraged was established using a competitive bidding process that solicited and took actions to encourage bids from MBE/DBEs. Sub-grantee should obtain and provide copies of the original procurement and/or original Request for Proposal (RFP) as well as evidence that the entity actively solicited bids from MBE/DBEs. <u>If a MBE/DBE solicitation effort was not made during the original procurement process or cannot be documented by the sub-grantee, the existing procurement CAN NOT be used for the EECBG grant.</u>
  - Please note, <u>posting the bid information to the *eMaryland Marketplace* website alone is not considered sufficient action to comply with the federal requirement of taking affirmative steps to ensure MBE/DBE compliance related to procurement</u>. If you feel that a previously completed procurement which leveraged the eMaryland Marketplace website was sufficient to meet the federal MBE/DBE requirements, please contact your Account Manager and/or MEA for a case-by-case review of your previously completed procurement.

- Ensure that your contractor complies with applicable Davis-Bacon labor and wage requirements. Your EECBG grant agreement requires that all sub-grantees must ensure compliance with all ARRA requirements, including paying Davis-Bacon labor and wage rates, submitting weekly certified payrolls, paying Davis-Bacon laborers and mechanics weekly, completing Davis-Bacon interviews, and posting the Davis-Bacon posters for any contracts awarded through the EECBG sub-grant. Davis-Bacon requirements may be found in Sections 11 and 12 of the revised Attachment D (July 2010) from the sub-grantee's EECBG grant agreement. <u>Davis-Bacon labor rates for Maryland, by county, can be found in Appendix A of this document. Based on clarification from DOE, the Davis-Bacon wage rates were revised on October 5, 2010.</u> If you have any questions about the Davis-Bacon wage rates, please contact your Account Manager.

  Additional guidance on Davis-Bacon is available at http://www.energy.state.md.us/Govt/EECBG.html under the section entitled *REVISED DAVIS-BACON GUIDANCE AND WAGE DETERMINATIONS.*

- Ensure that iron, steel, and manufactured goods purchased under the EECBG sub-grant comply with Buy American requirements. Your EECBG grant agreement requires that all sub-grantees must ensure compliance with all ARRA requirements, including Buy American, for any contracts awarded through the EECBG sub-grant. Buy American requirements may be found in the revised Attachment D (July 2010), Section 10 of the of the Sub-grantee's EECBG grant agreement.

  - Please note that there are waivers to Buy American requirements for certain types of equipment, as well as a *de minimis* waiver (of up to 5% of the total equipment and materials costs) for lower value items purchased through the EECBG grant.

Additional information on Buy American may be found at http://www.energy.state.md.us/Govt/EECBG.html under the section *BUY AMERICAN GUIDANCE AND WAIVERS.*

- Please also note that only goods permanently incorporated in a public work (i.e. government building) have to comply with the Buy American requirement. Examples of goods that are not permanently incorporated into a public work include most refrigerators and computers because they can easily be moved to a new location without the use of tools. If you are unclear if the good you are purchasing is being "permanently incorporated into a public work", please check with your Account Manager for further clarification.
- A complete list of Buy American exemptions can be found on DOE's website at http://www1.eere.energy.gov/recovery/ba_waivers.html.

- Ensure that all waste generated through an EECBG sub-grant is disposed of in a manner consistent with the waste management disposal process outlined in Attachment B of your EECBG sub-grant.
  - Your EECBG grant agreement requires that all Sub-grantees must ensure compliance with all ARRA requirements, including waste management, for any contracts awarded through the EECBG sub-grant. As part of the waste management process, you will be required to communicate to MEA where you are disposing and/or recycling any waste generated through the EECBG program.

- Ensure that the selected contractor can comply with federal Whistleblower Protection and Equal Employment Opportunity Commission (EEOC) requirements. As part of these requirements, contractors are required to post the Whistleblower Protection poster and the Equal Employment Opportunity poster (both are available in the Appendices of this document and on the MEA website at http://www.energy.state.md.us/Govt/EECBG.html under the sections *WHISTLEBLOWER PROTECTION* and *EQUAL EMPLOYMENT OPPORTUNITY*, respectively).

☐

C. Draft an RFP

If using a procurement method outlines in Option 2 or Option 3, draft and release a request for proposal (RFP).

- Per the terms of the grant agreement, sub-grantees should include the revised Attachment D (July 2010) from your EECBG grant agreement (*ARRA Addendum-Special Terms and Conditions for ARRA-Funded EECBG Grants*) in the procurement document in order to ensure that all potential vendors and contractors bidding on an ARRA funded project understand the ARRA requirements, including Davis-Bacon, Buy American, and waste management, as they develop their bids. An electronic copy of the ARRA addendum can be downloaded from MEA's EECBG website at http://www.energy.state.md.us/documents/RevisedARRAAddendumJuly2010.pdf.

☐

D. Conduct and Document Bid Review

- Select the winning contractor.
- Document your process, noting all vendors/contractors that supplied bids for the procurement as well as the MBE/DBE firms that were solicited to provide bids.
- Please be aware that MEA and the DOE require that all documents, including procurement documentation, be retained for a minimum of three (3) years for auditing purposes.

☐

E. Develop a Procurement Contract with the Winning Contractor

The contract must include:

	• A clear and accurate description of the technical requirements for the material, product, or service. • Pricing for materials, components, labor, and other cost elements. • Requirements for completing Part 2 of the Waste Management Disposal Plan. The Waste Management Plan is available on the MEA website at http://www.energy.state.md.us/Govt/EECBG.html under the section *MEA EECBG GRANT DOCUMENTS*. • The revised Attachment D (July 2010) from your EECBG grant agreement (*ARRA Addendum-Special Terms and Conditions for ARRA-Funded EECBG Grants*). Davis-Bacon and Buy American and other ARRA requirements are included in this document. An electronic copy of the ARRA Addendum can be downloaded from MEA's website at http://www.energy.state.md.us/documents/RevisedARRAAddendumJuly2010.pdf. • Any other procurement and contractual provisions specific to the sub-grantee.

II. Proceeding with Installation

☐	**A. Execute Project** After the contract has been executed and any project specific requirements have been met, the project may begin. • For all projects requiring payment of Davis-Bacon wages, ***continue to Section B (Submit Weekly Davis-Bacon Timesheets to MEA).*** • If Davis-Bacon wages are not required for your project, ***continue to Section D (Buy American Products).***
☐	**B. Submit Weekly Davis-Bacon Certified Payrolls to MEA** During construction, Davis-Bacon contractors and subcontractors are required to complete and mail hard-copy certified payrolls to MEA weekly. All Davis-Bacon Certified Payrolls should be mailed to MEA at the following address: Maryland Energy Administration **Attn: EECBG Program- Davis-Bacon Payrolls** 60 West Street, Suite 300 Annapolis, MD 21401 • In order to ensure that this grant requirement is being met, sub-grantees also have the option to consolidate timesheets from each of their contractors and sub-contractors and make a single submission to MEA. If this option is selected, certified payroll forms need to be consolidated and sent over to MEA on a weekly basis. • MEA recommends using the U.S. Department of Labor (DOL) Weekly Payroll Form (WH-347). The certified payroll form can be found at http://www.dol.gov/whd/forms/wh347.pdf and in *Appendix B* of this document. • In addition to submitting the Davis-Bacon certified payroll form, Davis-Bacon contractors and subcontractors are also required to pay DBA eligible employees on a weekly basis. • If your contractor has questions about how to fill out the Davis-Bacon certified payroll forms, please look at the guidance provided at http://www.energy.state.md.us/Govt/EECBG.html under the section entitled *Davis-Bacon Guidance and Wage Determinations* or contact your Account Manager.
☐	**C. Complete Davis-Bacon Interview** While construction activity is occurring, some EECBG sub-grantees will be required to complete Davis-Bacon interviews with at least one (1) person from each individual contractor and/or sub-

contractor company. At a minimum, the local governments receiving the 20 largest EECBG sub-grants (any grant in excess of $82,000 or more) will be required to complete Davis-Bacon interviews. The following EECBG sub-grantees fall in this category:

Calvert County	$454,692	Cecil County	$454,692
St. Mary's County	$454,692	Wicomico County	$454,692
Alleghany County	$433,692	Worcester County	$299,692
Queen Anne's County	$283,692	Talbot County	$224,692
Caroline County	$204,692	Dorchester County	$199,692
Garrett County	$186,692	Somerset County	$166,692
Kent County	$130,692	Greenbelt	$93,000
Cumberland	$93,000	Takoma Park	$93,000
Westminster	$93,000	Hyattsville	$89,000
Elkton	$85,000	Easton	$82,000

In addition, Davis-Bacon interviews will also be required for other EECBG sub-grantees where Davis-Bacon compliance issues are identified. Sub-grantees will be contacted by either MEA or your technical assistance Account Manager if you fall into this category and need to complete additional DBA interviews.

The DOL requires that Davis-Bacon interviews occur while construction activity is being performed, whenever possible. Davis-Bacon interviews may not be performed by the employee's supervisor or employer. Davis-Bacon interviews must be completed by either the sub-grantee or a representative of MEA.

Davis-Bacon only applies to laborers and mechanics working at the work site. Davis-Bacon wages (and interviews) are not required for other workers performing non-construction work (e.g., supervisors, engineers, architects, etc.).

Davis-Bacon interviews require the employee to confirm their work classification, pay rates (including overtime calculation), payroll frequency, and job duties. A copy of the *Davis-Bacon Interview Form* is attached in *Appendix G* of this document. The interview also covers required on-site posting of the *DBA Wage Rate Determinations (Appendix A)* and the *DBA Compliance Poster (Appendix C)*. These documents are also available electronically at http://www.energy.state.md.us/Govt/EECBG.html under the section *DAVIS-BACON GUIDANCE AND WAGE DETERMINATIONS.*

The original completed Davis-Bacon Act "Employee Interview Record" should be mailed back to MEA for processing and review at:

Maryland Energy Administration
Attn: Peter Parmenter – EECBG Grant Program
60 West Street, Suite 300
Annapolis, MD 21401

D. Buy American Products

EECBG projects are required to use iron, steel, and manufactured goods produced in the United States. Sub-grantees must ensure their contractors provide documentation to show that all iron, steel, and manufactured goods have been produced in the United States.

MEA has included a *Buy American Certification* form (*Appendix D*) that all sub-grantees (or their contractors) must use to certify Buy American compliance. Once completed, sub-grantees should submit the *Buy American Certification* forms to MEA. MEA must receive this certification form

	before any invoices can be paid. A list of Buy American exemptions may be found at http://www.energy.state.md.us/Govt/EECBG.html under the section *BUY AMERICAN GUIDANCE AND WAIVERS.* If your project does not need to comply with Buy American because the goods you are purchasing are not being permanently incorporated into a public work, please write "N/A- this good is not permanently incorporated into a public work" on the Buy American Certification form.
☐	**E. Submit Monthly Status Reports to MEA** While your project is underway, you must submit a *Monthly Status Report* to MEA each month. This document can be found in Attachment F of your EECBG grant agreement and is also available at http://www.energy.state.md.us/Govt/EECBG.html under the section *MEA EECBG GRANT DOCUMENTS*.

III. Submitting Invoices and Project Reports to MEA

This list represents the steps required to get reimbursed through the State's fiscal system. Once an invoice has been approved by MEA Program Managers, reimbursement will take approximately 30 days. Invoices will only be approved once it has been determined that all Federal and State requirements have been met. Federal and State requirements include MBE/DBE compliance documentation, Buy American certification, monthly progress reports, Davis-Bacon documentation, and Waste Management documentation.

☐	**A. Submit Local Government Invoice to MEA**
	
	Once work has been completed, you may invoice MEA for reimbursement. Invoices must meet the following requirements:
	
	• The invoice must be sent on Local Government Letterhead.
	• The invoice must list contain the following:
	  ○ Grantee contact information (address, phone number, etc.)
	  ○ The MEA Grant Number (e.g. 2010-XX-431FB). The MEA Grant Number can be found on page 1 of your grant agreement in the top right corner.
	  ○ Grantee Federal Tax Identification Number.
	• Invoices must be itemized by the following budget categories: equipment, labor, or materials.
	  ○ For equipment and material purchases, the invoice must list the specific purchases made using grant funds including, but not limited to: product name, model number, and serial number.
	  ○ For labor expenditures, please provide a breakdown of labor costs including, but not limited to: labor category description, hourly wage rate, and number of hours worked per labor category during each reporting period.
	• Supporting documentation must be submitted with the invoice (i.e. copies of receipts and/or invoices).

B. Submit Buy American Certification

- Ensure that the *Buy American Certificate (Appendix D)* has been filled out by the vendor/contractor and is sent to MEA.
  - Ensure that the form is correctly filled out with the appropriate boxes checked.
    - If all of your iron, steel, and manufactured goods comply with Buy American, check the first option ("I hereby certify that all of the iron, steel, or manufactured goods supplied…").
    - If you are relying on a Buy American exemption or waiver, check the second option ("I am relying on the following Buy American exemption and/or waivers…") and then indicate the applicable exemption/waiver.
  - In the "Project Description/Goods and Services provided By Vendor" section, provide a brief description of the iron, steel, and manufactured goods being purchased using your EECBG grant.
  - The vendor should fill out and sign the bottom of the form with the name of the company and the name of the individual certifying the Buy American compliance.
  - **The Buy American requirement only applies to goods that are permanently incorporated into a public work** (i.e. public building). Examples of goods that are <u>not permanently incorporated into a public work</u> include refrigerators and computers that can be easily removed from a building without the use of tools. If the Buy American requirement doesn't apply, please write "N/A- this good is not permanently incorporated into a public work" on the Buy American Certification form.

C. Submit Monthly Progress Report to MEA

- To find the Monthly Report metrics required by ARRA:
  - Annual energy savings/energy avoidance estimates, by fuel type, can be obtained from your EECBG Audit Report. <u>The energy estimates should only be entered once the measure has been completely installed and the energy savings have started to accrue</u>. If multiple measures are underway at the same time, report each individual measure's savings during the month that the particular measure is completed.
  - Greenhouse Gas savings and Criteria Air Pollutants savings can be obtained from you your Account Manager.
  - Federal and non-federal hours worked will come from your own payroll records and the payroll records of your contractors.
- Reports and Invoices have to be sent to MEA at the following address:

Maryland Energy Administration
Attn: EmPOWER EECBG Grant Program
60 West Street, Third Floor
Annapolis, MD 21401

Please check with your Account Manager if you have any questions about the ARRA Energy Reporting Metrics.

D. Davis-Bacon Documentation

- Davis-Bacon Certified Payrolls must be forwarded to MEA <u>at the conclusion of each payroll week</u>. For most projects, these will be sent independently of Project Reports and Invoices.
- Davis-Bacon certified payrolls must be created in accordance with the terms and conditions listed in the Revised Attachment D, for all construction activities occurring on an EmPOWER EECBG project.
- Paper copies of certified payroll records must be sent to MEA. Certified payroll records should be sent to the following address:

	Maryland Energy Administration **Attn: EmPOWER EECBG Grant Program - Davis-Bacon** 60 West Street, Third Floor Annapolis, MD 21401
☐	**E. Waste Management** • Part 2 of the *Maryland EECBG Waste Management Plan* needs to accompany any and all monthly invoices. MEA will not approve any invoices submitted without Part 2 of the Waste Management Plan. • Document that all waste generated through an EECBG sub-grant was disposed in a manner consistent with the waste management disposal process outlined in Attachment B of the EECBG sub-grant. <u>In order to receive reimbursement, Part 2 of the Waste Management Plan must clearly indicate the addresses of the facilities where all waste generated through the EECBG process was ultimately disposed and/or recycled</u>.

Appendix A: Davis Bacon Act Wages

A comprehensive listing of DBA wages by county can be found by accessing the following Internet link:

- http://www.energy.state.md.us/Govt/EECBG.html

County-specific DBA wage spreadsheets can be downloaded by accessing the following links:

- Allegany County: http://www.energy.state.md.us/documents/AlleganyCounty-Sep32010.xls
- Anne Arundel County: http://www.energy.state.md.us/documents/AnneArundelCounty-Sep32010.xls
- Baltimore City County: http://www.energy.state.md.us/documents/BaltimoreCity-Sep32010.xls
- Baltimore County: http://www.energy.state.md.us/documents/BaltimoreCounty-Sep32010.xls
- Calvert County: http://www.energy.state.md.us/documents/CalvertCounty-Sep242010.xls
- Caroline County: http://www.energy.state.md.us/documents/CarolineCounty-Sep32010.xls
- Carroll County: http://www.energy.state.md.us/documents/CarrollCounty-Oct12010.xls
- Cecil County: http://www.energy.state.md.us/documents/CecilCounty-Oct12010.xls
- Charles County: http://www.energy.state.md.us/documents/CharlesCounty-Sep242010.xls
- Dorchester County: http://www.energy.state.md.us/documents/DorchesterCounty-Sep32010.xls
- Frederick County: http://www.energy.state.md.us/documents/FrederickCounty-Sep32010.xls
- Garrett County: http://www.energy.state.md.us/documents/GarrettCounty-Sep32010.xls
- Harford County: http://www.energy.state.md.us/documents/HarfordCounty-Oct12010.xls
- Howard County: http://www.energy.state.md.us/documents/HowardCounty-Oct12010.xls
- Kent County: http://www.energy.state.md.us/documents/KentCounty-Sep32010.xls
- Montgomery County: http://www.energy.state.md.us/documents/MontgomeryCounty-Sep242010.xls
- Prince George's County: http://www.energy.state.md.us/documents/PrinceGeorgesCounty-Sep242010.xls
- Queen Anne's County: http://www.energy.state.md.us/documents/QueenAnnesCounty-Sep32010.xls
- Somerset County: http://www.energy.state.md.us/documents/SomersetCounty-Sep32010.xls
- St Mary's County: http://www.energy.state.md.us/documents/St.MarysCounty-Sep242010.xls
- Talbot County: http://www.energy.state.md.us/documents/TalbotCounty-Sep32010.xls
- Washington County: http://www.energy.state.md.us/documents/WashingtonCounty-Sep32010.xls
- Wicomico County: http://www.energy.state.md.us/documents/WicomicoCounty-Sep32010.xls
- Worcester: http://www.energy.state.md.us/documents/WorcesterCounty-Sep32010.xls

Appendix B: Davis Bacon Act Certified Payroll Form

U.S. Department of Labor
Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

U.S. Wage and Hour Division
Rev. Dec. 2008

OMB No.: 1215-0149
Expires: 12/31/2011

NAME OF CONTRACTOR ☐ OR SUBCONTRACTOR ☐ | ADDRESS

PAYROLL NO. | FOR WEEK ENDING | PROJECT AND LOCATION | PROJECT OR CONTRACT NO.

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT. OR ST.	(4) DAY AND DATE / HOURS WORKED EACH DAY							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS FICA	WITH-HOLDING TAX			OTHER	TOTAL DEDUCTIONS	(9) NET WAGES PAID FOR WEEK
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that is will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

(over)

Appendix B (continued)

Date _____

I, _____ _____
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

_____ on the
(Contractor or Subcontractor)

_____; that during the payroll period commencing on the
(Building or Work)

_____ day of _____, _____, and ending the _____ day of _____, _____,

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

_____ from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Start. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

_____

_____

_____

_____

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ – in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ – Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

Appendix C: Davis-Bacon Act Compliance Poster

EMPLOYEE RIGHTS
UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

PREVAILING WAGES You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

OVERTIME You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

APPRENTICES Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

Peter Parmenter
pparmenter@energy.state.md.us
410-260-2610

or contact the U.S. Department of Labor's Wage and Hour Division.

For additional information:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

WH-1321(Revised April 2009)

Appendix D: Buy American Certificate

Buy American Certification

This certification is to be used by Maryland Energy Administration EECBG Grantees to obtain from each of their vendors (including contractors, subcontractors, suppliers, distributors) a certification that the vendor is in compliance with the Buy American provisions of the American Recovery and Reinvestment Act of 2009 (ARRA). Grantees should make copies of this certification form and have a representative of each vendor complete and sign the form. Vendors should also attach (if available) receipts and/or other documentation with this form showing evidence of Buy American compliance. Return completed and signed forms to the Maryland Energy Administration, Attn: EECBG Grant Program – Buy American Certification, 60 West Street, Suite 300, Annapolis, MD 21140. For more information, refer to the attached Buy American Frequently Asked Questions and Answers.

_____ I hereby certify that all of the iron, steel and manufactured goods supplied or provided by me or my company for use on this project for the construction, alteration, maintenance, or repair of a public building or public work was produced in the United States of America, unless a United States Department of Energy exception or waiver applies.

_____ I am relying on the following Buy American exceptions and/or waivers (check all that apply):

___ Iron, steel and manufactured goods supplied/provided by me equal no more than 5% of the total cost of the iron, steel and manufactured goods used in and incorporated into this project.

___ I am supplying or providing a good(s) deemed by the United States Department of Energy to be not produced or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality (list good(s) below).

_____
_____
_____
Project Description/Goods and Services Provided By Vendor

_____
Vendor Name

_____ _____
Vendor Authorized Representative Signature Date

_____
Vendor Authorized Representative Printed Name

Appendix E: Equal Employment Opportunity Posters

Equal Employment Opportunity is

THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION
All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED
There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:
The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Appendix E: Equal Employment Opportunity Posters (cont.)

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

EEOC-P/E-1 (Revised 11/09)

Appendix E: Equal Employment Opportunity Posters (cont.)

"EEO is the Law" Poster Supplement

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations revisions

The Disability section is revised as follows:

DISABILITY
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

The following section is added:

GENETICS
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

The EEOC contact information is revised as follows:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts section revisions

The Individuals with Disabilities section is revised as follows:

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

The Vietnam Era, Special Disabled Veterans section is revised as follows:

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

The following section is added:

RETALIATION
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

The OFCCP contact information is revised as follows:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Mandatory Supplement to EEOC 9/02 and OFCCP 8/08 "EEO is the Law" Posters

Appendix F: Whistleblower Poster

Know Your Rights
Under the Recovery Act!

Did you know?

The American Recovery and Reinvestment Act of 2009 [1] provides protections for certain employees of non-federal employers who make specified disclosures relating to possible fraud, waste and/or abuse or Recovery Act funds.

Who is protected?

Employees of non-federal employers receiving recovery funds. This includes State and local governments, contractors, subcontractors, grantees or professional membership organizations acting in the interest of recovery fund recipients.

How are Whistleblowers Protected?

You cannot be discharged, demoted or otherwise discriminated against as a reprisal for making a protected disclosure.

What types of disclosures are protected?

The disclosure must be made by the employee to the Recovery 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, a court or grand jury, or the head of a federal agency or his/her representatives.

The disclosure must involve information that the employee believes is evidence of:

- gross mismanagement of an agency contract or grant relating to recovery funds;
- a gross waste of recovery funds;
- a substantial and specific danger to public health or safety related to the implementation or use of recovery funds;
- an abuse of authority related to the implementation or use of recovery funds; or
- a violation of law, rule, or regulation related to an agency contract or grant awarded or issued relating to recovery funds.

Take Action!

Log on to Recovery.gov for more information about your rights and details on how to report at www.recovery.gov.

[1] Section 1553 of Division A, Title XV of the American Recovery and Reinvestment Act of 2009, P.L. 111-5

Appendix G: Davis-Bacon Interview Form

EECBG Sub-Grant Receipient:_____

EECBG Sub- Grant Number:_____

I. Employee Interview: (To be completed by the Sub-Grantee)

Name of Contractor or Subcontractor (Employer): _____

Name of Employee being interviewed: _____

_____

Home -Street Address City State Zip Code

Employee Interview Questions

1. What is your Work Classification? _____

2. What is your Regular Hourly Rate of Pay? _____

3. Please describe your Duties: _____

4. Are you paid at Least Time and One-half for All Overtime hours worked? _____Yes _____ No
(In Maryland, overtime is paid for work that exceeds 40 hours/week)

5. Have you ever been Threatened, Intimidated, or Coerced into Giving up Any Part of Your Pay? ___Yes ___ No

6. What Tools or Equipment do you use?: _____

Site Observations

7. Is the Davis-Bacon Act Compliance Poster posted on the worksite? _____Yes _____ No

8. Are the Davis-Bacon wage rate determinations posted on the worksite? _____Yes _____ No

Duties Observed by Interviewer: _____

_____

Comments by Employee: _____

_____

Comments by Interviewer: _____

Name of Interviewer: _____

Signature of Interviewer: _____ Date: _____

Signature of Employee: _____ Date: _____

Sensitive Information. The information collected on this form is considered sensitive. Records must be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is obtained. All information provided shall be kept confidential.

II. Desk Top Monitoring After Interview: (Completed by MEA once the Interview Record is received from the Sub-Grantee)

Verification from Payroll Number for Week Ending: _____

Total Regular Hours Worked: _____

Total Overtime Hours Worked: _____

Rate of Pay for Regular Hours: _____

Rate of Pay for over Time Hours: _____

Does Information agree to US Dept of Labor published Davis Bacon Wage Rates? _____Yes ____ No

If No, Explain: _____

Mail completed forms to:
Maryland Energy Administration
Attn: Peter Parmenter – EECBG Grant Program
60 West Street, Suite 300
Annapolis, MD 21401

Please note: Forms cannot be faxed or e-mailed