



VINCENT C. GRAY
MAYOR

AUG 22 2013

Jeannie Chaffin
Director
Office of Community Services
Administration for Children and Families
U.S. Department of Health and Human Services
370 L'Enfant Promenade, S.W.
Washington, DC 20447

Dear Ms. Chaffin:

In response to your grant approval requirement, please be advised that for the Low Income Home Energy Assistance Program (LIHEAP), I have delegated signatory authority in all matters concerning this and all other District of Columbia energy grant applications to:

Keith A. Anderson
Director
District Department of the Environment
1200 First Street, N.E., 5th Floor
Washington, DC 20002

This delegation specifically includes certification of required assurances and monitoring procedures.

Thank you for your attention to this matter.

Sincerely,

Vincent C. Gray

ATTACHMENT 3

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

DETAILED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2014

GRANTEE: District Department of Environment

EIN: 1-536001131

ADDRESS: 1200 1st Street NE Fifth Floor, Washington DC 20002

NAME OF LIHEAP COORDINATOR: Isaac Cotton

EMAIL: Isaac.Cotton@dc.gov

TELEPHONE: (202) 478-2423 FAX: (202) 671-0802

PLEASE CHECK ONE: TRIBE _____ STATE X INSULAR AREA _____

Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, DC 20447

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01
OMB Approval No. 0970-0075
Expiration Date: 04/30/2014

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Assurances

The District Department of Environment agrees to:
(Grantee Name)

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) * beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

*** This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.**

Signature:  _____

Title: Director, District Department of Environment, District Department of Environment

Date: 08/29/13

*** Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**** If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

***** HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

statutory
references

2605(a)
2605(b)(1) → Please check which components you will operate under the LIHEAP program.
(Note: You must provide information for each component designated here as requested elsewhere in this plan.)

(use of funds)		<u>Dates of Operation</u>
	<u> X </u> heating assistance	<u>10/01/13 to 09/30/14</u>
	<u> X </u> cooling assistance	<u>10/01/13 to 09/30/14</u>
	<u> X </u> crisis assistance	<u>10/01/13 to 09/30/14</u>
	<u> X </u> weatherization assistance	<u>10/01/13 to 09/30/14</u>

2605(c)(1)(C) → Please estimate what amount of available LIHEAP funds will be used for each component that you will operate: **The total of all percentages must add up to 100%.**

(use of funds)

55 % heating assistance

10 % cooling assistance

5 % crisis assistance

2605(k)(1) 15 % weatherization assistance

0 % carryover to the following fiscal year

2605(b)(9) 10 % administrative and planning costs

2605(b)(16) 5 % services to reduce home energy needs including needs assessment (assurance 16)

0 % used to develop and implement leveraging activities (limited to the greater of 0.08% or \$35,000 for States, the greater of 2% or \$100 for territories, tribes and tribal organizations).

100% **TOTAL**

statutory
references

2605(c)(1)(C)

→The funds reserved for winter crisis assistance that have not been expended by March 15 will be reprogrammed to:

(alternate use
of crisis assistance
funds)

- heating assistance
- cooling assistance
- weatherization assistance
- Other(specify):

→Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes No

2605(b)(2)
2605(c)(1)(A)

→What are your maximum eligibility limits?
(Please check the components to which they apply.)
Current year guidelines must be used.

(eligibility)

- 150% of the poverty guidelines:
heating cooling crisis wx
- 125% of the poverty guidelines:
heating cooling crisis wx
- 110% of the poverty guidelines:
heating cooling crisis wx
- 60% of the State's median income:
heating cooling crisis wx
- Other (specify for each component)

Households automatically eligible if one person is receiving
 TANF, SSI, Food Stamps, Certain means-tested
veterans programs (heating cooling crisis wx

statutory
references

2605(c)(1)(A)
2605(b)(2)
(eligibility)

→Do you have additional eligibility requirements for:
HEATING ASSISTANCE _____ Yes X No)

→Do you use: Yes No

Assets test? _____ X

→Do you give priority in eligibility to:

Elderly? _____ X

Disabled? _____ X

Young children? _____ X

Other: _____ X
(If Yes, please describe)

FY 2014

statutory
references

2605(c)(1)(A)

2605(b)(2)

→Do you have additional eligibility requirements for:
COOLING ASSISTANCE (Yes X No)

(eligibility)

→Do you use: Yes No

Assets test? X

→Do you give priority in eligibility to:

Elderly? X

Disabled? X

Young children? X

Other: X
(If Yes, please describe)

statutory
references

2604(c)
2605(c)(1)(A)

→Do you have additional eligibility requirements for:
CRISIS ASSISTANCE (X Yes No)

(eligibility)

	<u>Yes</u>	<u>No</u>
→Do you use:		
Assets test?	<u> </u>	<u> X </u>
Must the household have received a shut-off notice or have an empty tank?	<u> X </u>	<u> X </u>
Must the household have exhausted regular benefit?	<u> X </u>	<u> </u>
Must the household have received a rent eviction notice?	<u> </u>	<u> X </u>
Must heating/cooling be medically necessary?	<u> </u>	<u> X </u>
Other (Please explain):	<u> X </u>	<u> </u>

→What constitutes a crisis? (Please describe)

A household is considered in crisis if they have received a shut-off notice, or their energy service has been disconnected or their household heating oil is at 5% or less of capacity.

statutory
references

2605(c)(1)(A) → Do you have additional eligibility requirements for:
WEATHERIZATION (___ Yes X No)

(eligibility)

→ Do you use: Yes No

Assets test? _____ X

Priority groups? (Please list) _____ X

→ Are you using Department of Energy (DOE) Low
Income Weatherization Assistance Program
(LIWAP) rules to establish eligibility or to establish
priority eligibility for households with certain
characteristics? _____ X

→ If Yes, are there exceptions?
Please list below. _____ X

statutory
references

2605(b)(3) **→** Please check the outreach activities that you conduct that are
2605(c)(3)(A) designed to assure that eligible households are made aware of all LIHEAP
(outreach) assistance available:

X provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).

 place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.

 publish articles in local newspapers or broadcast media announcements.

 include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.

 make mass mailing to past recipients of LIHEAP.

X inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.

 execute interagency agreements with other low-income program offices to perform outreach to target groups.

 other (Please specify):

statutory
references

2605(b)(4)

➔ Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

(coordination)

LIHEAP energy assistance offices are located in the same building with the District of Columbia's Department of Human Services (DHS), which increases the effectiveness of reaching low income residents and sharing program information. DHS administers the Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP) and Medicaid programs.

DDOE coordinates with DHS on the Heat and Eat program to maximize the allowable benefits participants receive. Awareness of LIHEAP is also increased with SNAP participants, who may not have been aware of its benefits, through this coordinated effort.

2605(b)(5)
2605(b)(2)
2605(b)(8A)

➔ The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.

(benefit
levels)

There are no categorically eligible households. All households must apply and the benefit levels are calculated on the same criteria: income level; household size; fuel type; and dwelling type.

statutory
references

HEATING COMPONENT

2605(b)(5) → Please check the variables you use to determine your benefit levels (check all that apply):

(determination
of benefits)

- income
- family (household) size
- home energy cost or need
 - fuel type
 - climate/region
 - individual bill
 - dwelling type
 - energy burden
(% of income spent on home energy)
 - energy need
 - other (describe)

2605(b)(5)
2605(c)(1)(B)

(benefit
levels)

→ Describe how you will assure that the highest benefits go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size.

Please describe benefit levels or attach a copy of your payment matrix.

Benefits are determined using a matrix based on household income, family size, type of dwelling (single or multifamily) and fuel type. (See attached matrix). The matrix was developed in order to allocate scarce resources in such a way that, while serving as many households as feasible, the highest benefits would go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account the households' size.

→ Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

Yes No If Yes, please describe.

Households with inoperative heating units may be provided with electric space heaters. Blankets may also be provided to households.

statutory
references

2605(b)(5)
2605(c)(1)(B)

COOLING COMPONENT

→ Please check the variables you use to determine your benefit levels (check all that apply):

(determination
of benefits)

- income
 family (household) size
 home energy cost or need
 fuel type
 climate/region
 individual bill
 dwelling type
 energy burden
 (% of income spent on home energy)
 energy need
 other (describe)

2605(b)(5)
2605(c)(1)(B)

(benefit
levels)

→ Describe how you will assure that the highest benefits will go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size. Please describe benefit levels or attach a copy of your payment matrix.

Benefits are determined using a matrix based on household income, family size, type of dwelling (single or multifamily), fuel type and home energy need or cost. (See attached matrix). The matrix was developed in order to allocate scarce resources in such a way that, while serving as many households as feasible, the highest benefits would go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account the households' size.

→ Do you provide in-kind (e.g. fans) and/or other forms of benefits?

Yes No If Yes, please describe.

Households may receive fans.

statutory
references

2605(b)(5)
2605(c)(1)(B)

CRISIS COMPONENT

(determination
of benefits)

→How do you handle crisis situations?

 X separate component other (please explain)

→If you have a separate component, how do you determine crisis assistance benefits?

 X amount to resolve crisis, up to maximum [**one (1) time benefit per fiscal year**]

 other (please describe)

(benefit
levels)

→Please indicate the maximum benefit for each type of crisis assistance offered.

heating \$ 600.00 maximum benefit

cooling \$ 600.00 maximum benefit

year-round \$ 600.00 maximum benefit

→Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

 X Yes No If Yes, please describe.

Households experiencing a crisis may receive heaters, fans and/or weatherization kits.

statutory
references

2605(b)(5)
2605(c)(1)
(B) & (D)

**WEATHERIZATION & OTHER ENERGY RELATED
HOME REPAIR AND IMPROVEMENTS**

➔What LIHEAP weatherization services/materials do you provide?
(Check all categories that apply.)

(types of
assistance)

- Weatherization needs assessments/audits.
 Caulking, insulation, storm windows, etc.
 Furnace/heating system modifications/repairs
 Furnace replacement
 Cooling efficiency mods/repairs/replacement
 Other (Please describe)

Also: Glazing, replacement doors and windows in certain situations,
testing for and correcting infiltration and leaks.

(benefit
levels)

➔Do you have a maximum LIHEAP weatherization benefit/expenditure
per household? Yes No
If Yes, what is the maximum amount? \$ 6,904.00

➔Under what rules do you administer LIHEAP weatherization? (Check
only one.)

(types of
rules)

- Entirely under LIHEAP (not DOE) rules
 Entirely under DOE LIWAP rules
 Mostly under LIHEAP rules with the following DOE LIWAP rule(s)
where LIHEAP and LIWAP rules differ (Check all that apply):

Weatherize buildings if at least 66% of units (50% in 2-
& 4-unit buildings) are eligible units or will become eligible within
180 days

Weatherize shelters temporarily housing primarily low
income persons (excluding nursing homes, prisons, and similar
institutional care facilities).

Other (Please describe)

Mostly under DOE LIWAP rules, with the following
LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check
all that apply.)

Weatherization not subject to DOE LIWAP maximum
statewide average cost per dwelling unit.

Other (Please describe.)

Maximum allowable per dwelling unit is federal maximum of
\$6,904.00.

2605(b)(6) The state or tribe administers LIHEAP through the following local agencies:

- (agency designation)
- county welfare offices
 - community action agencies (weatherization component)
 - community action agencies (heating, cooling or crisis)
 - charitable organizations
 - not applicable (i.e. state energy office)
 - tribal office
 - other, describe:

For the weatherization component, government agencies are allowed to apply to provide services as sub-grantee of DDOE.

→ Have you changed local administering agencies from last year?
 Yes No

If Yes, please describe how you selected them.

→ What components are affected by the change?

2605(c)(1)(E) → Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. **(This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)**

(targeting of assistance)

LIHEAP staff conduct during the summer months a targeted outreach to senior citizens, visiting senior citizen housing complexes, to present program information and perform on-site client intake/application for the upcoming fiscal year. After the start of the new fiscal year applications are processed that were accepted during the outreach visit.

statutory
references

2605(b)(7)
(energy
suppliers)

→ Do you make payments directly to home energy suppliers?

Heating X Yes No

Cooling X Yes No

Crisis X Yes No

If Yes, are there exceptions? Yes X No

If Yes, please describe.

2605(b)(7)(A)

→ If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

At the conclusion of the intake process, clients are provided with a written notice which states the exact amount of assistance that will be paid on their utility bill and the payee. All payments are made directly to the energy supplier.

2605(b)(7)
(B) & (C)

→ How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

Vendor agreements are executed with each energy supplier -- each of the electric and gas utilities and two oil suppliers. The agreements incorporate the applicable requirements of the assurance.

statutory
references

2605(b)(8)(B)

→ Is there any difference in the way owners and renters are treated? If Yes, please describe.

(owners
and
renters)

HEATING ASSISTANCE

_____ Yes No

COOLING ASSISTANCE

_____ Yes No

CRISIS ASSISTANCE

_____ Yes No

WEATHERIZATION

Yes _____ No

Renters must obtain authorization from the dwelling owner granting permission for an energy audit and the installation of energy efficiency measures. The owner must also provide assurance that they will not raise the rent of the current resident for 2 years because of the installation of the energy efficiency measures.

statutory
references

2605(b)(10)

→How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

Federally accepted accounting practices and fiscal controls are used to track administrative and benefit expenditures. Authorized funding is assigned budgetary codes by funding type for tracking, monitoring and compliance purposes. The program is also subject to District of Columbia audits.

(program,
fiscal
monitoring,
and audit)

→How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)

Heating, cooling and crisis component benefit expenditures to the electric and gas utility are monitored through online account review.

Weatherization component funds are awarded to a sub-grantee that must provide regular reports detailing dwellings serviced, measures installed and units inspected. DDOE performs desk audits and routine onsite monitoring visits. DDOE staff visit at least 10% of funded projects.

→How is your LIHEAP program audited?

Under the Single Audit Act? Yes No

If not, please describe:

For States and Territories:

→Is there an annual audit of local administering agencies? Yes

No

If not, please explain.

statutory
references

2605(b)(12)

➔How did you get timely and meaningful public participation in the development of the plan? (Please describe.)

(timely and
meaningful
public
partici-
pation)

A public hearing notice was published in the District of Columbia Register and the DDOE website to inform the public about the proposed State Plan, how to obtain and review a copy, and how to submit comments. (See 60 DCR 010038, attached) The State Plan was published on DDOE's website: www://green.dc.gov/service/energy-assistance-and-weatherization. Public comments closed on August 23, 2013.

2605(a)(2)

➔Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds? When and where?

X Yes No

(Not required for Tribes and tribal organizations)

(public
hearings)

A Public Hearing was held on August 13, 2013, at 4:00 PM, at 1200 First Street, NE, Conference Room 719, Washington DC 20002.

statutory
references

2605(b)(13)

→ Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?

(fair
hearings)

→ Denials

→ Applications Not Acted On In a Timely Manner

Hearings are held before an Administrative Law Judge at the independent Office of Administrative Hearings.

Every applicant for LIHEAP assistance receives as the agency decision a written packet containing (a) a letter describing the decision, (b) a printout of the database information on which the decision was based, (c) the matrix used to determine benefit level, and (d) detailed instructions on how to appeal if the applicant is dissatisfied with the decision. (See attached.)

statutory
references

2605(b)(15)

For States and Puerto Rico only (not applicable to Tribes and tribal organizations, or to territories whose annual regular LIHEAP allotments are \$200,000 or less):

→ Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

(alternate
outreach
and intake)

HEATING ASSISTANCE

_____ Yes X No

If Yes, describe alternate process for outreach and intake:

COOLING ASSISTANCE

_____ Yes X No

If Yes, describe alternate process for outreach and intake:

CRISIS ASSISTANCE

_____ Yes X No

If Yes, describe alternate process for outreach and intake:

statutory
references

2605(b)(16)

→ Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)

Yes No

If Yes, please describe these activities.

Up to five (5) percent of awarded funds are used to conduct educational workshops to educate participants on how to identify energy waste, increase energy efficiency, and to understand and read their utility bill. Educational workshops are conducted to assist clients in reducing their energy costs.

A separate budget is established for the funds that are used for this purpose. The funds are assigned an index number and are tracked and monitored on a monthly basis to assure compliance with funding guidelines.

statutory
references

2607A
(leveraging)

→ Please describe leveraging activities planned for the fiscal year. **(This entry is optional.)*** Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:

- (1) Identify and described each resource/benefit;
- (2) Identify the source(s) of each resource; and
- (3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

* Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

statutory
references

2605(b)

→ Please describe performance goals and measures planned for the fiscal year. **(This entry is optional.)**

(performance)
goals and
measures)

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence 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 this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

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

If any 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 this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

A handwritten signature in blue ink, appearing to be 'J. A. N.', written over a horizontal line.

Title

Director

Organization

District Department of the Environment

Attachment 2 - Regular Benefits
DDOE's LIHEAP Regular Benefits Table for FY 2013
See below for explanation

Explanation Key: How to use this table

Use this table to determine how much of a LIHEAP benefit a household may receive for this fiscal year.

Step 1: Before you start working through the table, you must see if the household is eligible for a LIHEAP benefit. That will depend on the size of the household and the combined income of its members. A household is people who live together. It may be one person, a family, or another group who share the home.

Income Limits for FY 2013

1 person	\$23,915	5 people	\$53,350
2 people	\$31,274	6 people	\$60,708
3 people	\$38,632	7 people	\$62,088
4 people	\$45,991	8 people	\$63,467

IF the household income is less than the income limit for the persons, go to step 2. IF NOT, stop here, because ineligible.

Step 2: Is your house a single family home (SF) or "multi-family" (MF)? Multifamily usually means apartments. Go to the "Home type" group for you -- SF or MF.

Step 3: Now, find the "Income Household's" line for your maximum benefit: find you income level for the number of "People" in your home. This is the number on the table that is just lower than your combined household income. Example: If you are in an apartment with 4 people, and your annual income is \$4100, you would go the line that says MF 4000 4.

Step 4: Find the kind of energy for which you need a benefit. That tells you the maximum benefit for you. Example of MF 4000 4: For gas the highest benefit is \$510, for electricity, \$856, for oil \$ 1500. The Oil benefit is never more than \$1500. But, you can instruct DDOE to pay the utility company that supplies cooking electricity or gas. Example MF 4000 4: Instead of paying the oil company, you can have DDOE pay a maximum of \$555 electric or \$333 gas. If your utilities are included in your rent, so that Heat is In Rent (HIR), the benefit can never be more than \$250, paid to your utility company for your electric or gas used for cooking or light, etc.

In other words, LIHEAP will pay a bill for you; it will not pay you directly.

(This table continues onto the next page.)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Home type	Income - Household's \$	People	Benefit Type	Benefit \$		Benefit type	Benefit \$	But, pay vendor \$ Electric		But, pay vendor \$ Gas		Benefit type	Benefit \$		Benefit Type	Benefit \$: to pay elec or gas
MF	0	1	Gas	467		Oil	1500	509		305		Electric	784		HIR	250
MF	0	2	Gas	559		Oil	1500	609		365		Electric	938		HIR	250
MF	0	3	Gas	605		Oil	1500	659		395		Electric	1016		HIR	250
MF	0	4	Gas	652		Oil	1500	710		426		Electric	1094		HIR	250
MF	2000	1	Gas	433		Oil	1500	471		283		Electric	727		HIR	250
MF	2000	2	Gas	518		Oil	1500	564		338		Electric	870		HIR	250
MF	2000	3	Gas	560		Oil	1500	610		366		Electric	941		HIR	250
MF	2000	4	Gas	602		Oil	1500	656		394		Electric	1011		HIR	250
MF	4000	1	Gas	365		Oil	1500	398		239		Electric	613		HIR	250
MF	4000	2	Gas	437		Oil	1500	475		285		Electric	733		HIR	250
MF	4000	3	Gas	475		Oil	1500	517		310		Electric	797		HIR	250
MF	4000	4	Gas	510		Oil	1500	555		333		Electric	856		HIR	250
MF	6000	1	Gas	358		Oil	1500	389		250		Electric	601		HIR	250
MF	6000	2	Gas	428		Oil	1500	466		280		Electric	719		HIR	250
MF	6000	3	Gas	464		Oil	1500	505		303		Electric	778		HIR	250
MF	6000	4	Gas	501		Oil	1500	546		328		Electric	841		HIR	250
MF	8000	1	Gas	335		Oil	1500	365		250		Electric	563		HIR	250
MF	8000	2	Gas	401		Oil	1500	436		262		Electric	672		HIR	250
MF	8000	3	Gas	434		Oil	1500	472		283		Electric	728		HIR	250
MF	8000	4	Gas	467		Oil	1500	509		305		Electric	784		HIR	250
MF	10000	1	Gas	299		Oil	1500	326		250		Electric	502		HIR	250
MF	10000	2	Gas	358		Oil	1500	389		250		Electric	601		HIR	250
MF	10000	3	Gas	390		Oil	1500	425		255		Electric	655		HIR	250
MF	10000	4	Gas	417		Oil	1500	454		272		Electric	700		HIR	250
MF	12000	1	Gas	250		Oil	1500	272		250		Electric	420		HIR	250
MF	12000	2	Gas	287		Oil	1500	312		250		Electric	481		HIR	250
MF	12000	3	Gas	320		Oil	1500	349		250		Electric	538		HIR	250
MF	12000	4	Gas	346		Oil	1500	376		250		Electric	580		HIR	250
MF	14000	1	Gas	250		Oil	1500	272		250		Electric	420		HIR	250

Attachment 2 - Regular Benefits
 DDOE's LIHEAP Regular Benefits Table for FY 2013
 See below for explanation

Home type	Income - Households \$	People	Benefit Type	Benefit \$	Benefit type	Benefit \$	But, pay vendor \$ Electric	But, pay vendor \$ Gas	Benefit type	Benefit \$	Benefit Type	Benefit \$: to pay elec or gas
MF	14000	2	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
MF	14000	3	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
MF	14000	4	Gas	253	Oil	1500	275	250	Electric	424	HIR	250
MF	16000	1	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
MF	16000	2	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
MF	16000	3	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
MF	16000	4	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
MF	18000	1	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
MF	18000	2	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
MF	18000	3	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
MF	18000	4	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
SF	0	1	Gas	620	Oil	1500	675	405	Electric	1040	HIR	250
SF	0	2	Gas	746	Oil	1500	812	487	Electric	1252	HIR	250
SF	0	3	Gas	805	Oil	1500	877	526	Electric	1351	HIR	250
SF	0	4	Gas	868	Oil	1500	945	567	Electric	1457	HIR	250
SF	2000	1	Gas	576	Oil	1500	627	376	Electric	967	HIR	250
SF	2000	2	Gas	691	Oil	1500	752	451	Electric	1160	HIR	250
SF	2000	3	Gas	749	Oil	1500	815	489	Electric	1257	HIR	250
SF	2000	4	Gas	805	Oil	1500	877	526	Electric	1351	HIR	250
SF	4000	1	Gas	485	Oil	1500	528	317	Electric	813	HIR	250
SF	4000	2	Gas	584	Oil	1500	636	382	Electric	981	HIR	250
SF	4000	3	Gas	631	Oil	1500	687	412	Electric	1059	HIR	250
SF	4000	4	Gas	678	Oil	1500	739	443	Electric	1139	HIR	250
SF	6000	1	Gas	476	Oil	1500	519	311	Electric	800	HIR	250
SF	6000	2	Gas	572	Oil	1500	622	373	Electric	960	HIR	250
SF	6000	3	Gas	620	Oil	1500	675	405	Electric	1040	HIR	250
SF	6000	4	Gas	665	Oil	1500	725	435	Electric	1117	HIR	250
SF	8000	1	Gas	446	Oil	1500	486	292	Electric	749	HIR	250
SF	8000	2	Gas	535	Oil	1500	582	349	Electric	898	HIR	250
SF	8000	3	Gas	580	Oil	1500	631	379	Electric	973	HIR	250
SF	8000	4	Gas	620	Oil	1500	675	405	Electric	1040	HIR	250
SF	10000	1	Gas	398	Oil	1500	433	260	Electric	667	HIR	250
SF	10000	2	Gas	479	Oil	1500	521	313	Electric	803	HIR	250
SF	10000	3	Gas	518	Oil	1500	564	338	Electric	870	HIR	250
SF	10000	4	Gas	559	Oil	1500	609	365	Electric	938	HIR	250
SF	12000	1	Gas	329	Oil	1500	358	250	Electric	551	HIR	250
SF	12000	2	Gas	395	Oil	1500	430	258	Electric	662	HIR	250
SF	12000	3	Gas	428	Oil	1500	466	280	Electric	719	HIR	250
SF	12000	4	Gas	459	Oil	1500	500	300	Electric	771	HIR	250
SF	14000	1	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
SF	14000	2	Gas	290	Oil	1500	315	250	Electric	486	HIR	250
SF	14000	3	Gas	312	Oil	1500	340	250	Electric	524	HIR	250
SF	14000	4	Gas	337	Oil	1500	367	250	Electric	565	HIR	250
SF	16000	1	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
SF	16000	2	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
SF	16000	3	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
SF	16000	4	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
SF	18000	1	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
SF	18000	2	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
SF	18000	3	Gas	250	Oil	1500	272	250	Electric	420	HIR	250
SF	18000	4	Gas	250	Oil	1500	272	250	Electric	420	HIR	250

Name of file: 0 Att 3 DDOE's LIHEAP Regular Benefits Table for FY 2013 Last revised on 11-30-12

Attachment 3: Your Appeal Rights

If you disagree with the decision which DDOE made on your LIHEAP application, you may request a fair hearing at "OAH", the District's Office of Administrative Hearings. **You MUST request a hearing within 90 calendar days of the date on this letter or lose your right to appeal.**

You can ask for the hearing in any one of these ways:

1. **Call 311** and ask for a fair hearing at the Office of Administrative Hearings, OAH.
2. **Write** the following address to ask for a fair hearing: OAH - LIHEAP Appeal, 441 4th Street, N.W., Suite 450 North, Washington, D.C. 20001.
3. **Visit** any one of DDOE's or OAH's offices in person and fill out a form requesting a fair hearing:
 - (a) **DDOE** has offices at: (1) 1207 Taylor St., NW, Washington, DC 20011; (2) 2100 Martin Luther King, Jr. Ave., SE, Washington, DC 20020; and (3) 1200 1st Street, NE, Washington DC 20002, 5th Floor reception desk;
 - (b) **OAH** is at: 441 4th Street, N.W., Suite 450 North, Washington, D.C. 20001
4. **Email** your appeal to: Liheap.Appeals@dc.gov;

Hearings: You have the right to be represented by legal counsel or by a lay person who is not an employee of the District at your hearing. You can ask for free legal services that might be available to you. You may bring witnesses. The District will pay reasonable expenses related to the hearing, such as transportation costs for you and your witnesses.

Interpreter: If you or a witness is deaf, or have problems reading, writing or understanding English, you can ask OAH to provide an interpreter.

Reasons to appeal your LIHEAP decision: You might appeal for one or more of these reasons: (1) DDOE denied your application; (2) the LIHEAP payment is less than you believe it should be; (3) the payment is less than DDOE told you it would be; or (4) DDOE took no action on your application for 45 calendar days.

Remember, you MUST request a hearing within 90 calendar days of the date on this letter or lose your right to appeal. OAH will notify you of the date and time that you must appear for the hearing.

Authority: DC Administrative Procedures Act, DC Official Code 2-509; Public Asst. Act, DC Official Code 4-210.04. See 1 DCMR 2970-78, OAH Public Benefits Regulations. Filename: 0 liheap appeal rights sheet.docx Revision date: 11-30-12

DISTRICT DEPARTMENT OF THE ENVIRONMENT

**NOTICE OF PUBLIC HEARING
AND
NOTICE TO COMMENT IN WRITING**

**LIHEAP State Plan for Fiscal Year 2014 –
Low Income Home Energy Assistance Program**

**WAP State Plan for Fiscal Year 2014 –
Weatherization Assistance Program**

Hearing: Tuesday, August 13, 2012, 4:00 pm

District Department of the Environment
1200 First Street, NE, 7th Floor Conference Room 718
NoMa-Gallaudet University Metro Stop, Washington, D.C.

Written Comments due by: August 23, 2012, 4:30 pm

The District Department of the Environment (“DDOE”) invites the public to present its views and comments on two aspects of its energy assistance: (1) DDOE’s Fiscal Year 2014 Draft State Plan for the District’s Low Income Home Energy Assistance Program (“LIHEAP” or “the LIHEAP Program”) and its FY 2014 Draft State Plan for Weatherization Assistance (“WAP”) (“State Plans”). DDOE intends to review all components of the two State Plans at the public hearing. Views may be expressed in person at the public hearing or in writing.

Authority for each program is provided by:

- Home Energy Assistance Act of 1980, in Title III of the Crude Oil Windfall Profit Tax Act of 1980, PL 96-223, §§ 301- 13 (Apr. 2, 1980), as amended; 42 USC 8601 *et seq.*;
- Low Income Home Energy Assistance Act of 1981, in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35 (Aug. 13, 1981), as amended, 42 USCA § 8621 *et seq.*;
- Implementing regulations of the US Department of Health and Human Services, 45 CFR 96.80 *et seq.*;
- District Department of the Environment Establishment Act of 2005, §§ 101 *et seq.*, effective February 15, 2006, as amended (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2008 Repl. & 2013 Supp.));
- District of Columbia Office of Energy Act of 1980, §§ 2 *et seq.*, effective March 4, 1981, as amended (D.C. Law 3-132; D.C. Official Code §§ 8-171.01 *et seq.* (2008 Repl. & 2013 Supp.));

- Clean and Affordable Energy Act of 2008, §§ 101 *et seq.*, effective Oct. 22, 2008, as amended (D.C. Law 17-250; D.C. Official Code §§ 8-1773.01, 8-1774.01 *et seq.* (2008 Repl. & 2013 Supp.)); and
- Mayor's Order 2006-61, dated June 14, 2006, and its delegations of authority.

Comments may be provided in person or in writing. A person need not attend the public hearing in order to submit comments on a State Plan.

The public hearing will take place at the above-stated time and place. The public hearing will continue until the presiding officer determines that everyone has had a meaningful opportunity to be heard. The presiding officer may limit the time in which to comment. A person who cannot be present at the opening time may reserve a time to speak, by contacting DDOE, as described below, in this notice. A person attending the public hearing should check in with the guard in the building lobby, then go to DDOE's reception desk on the 5th floor.

Written comments may be submitted directly to DDOE by mail, hand delivery, or email. Instructions for submitting written comments appear below, in this notice. DDOE will accept written comments until Friday, August 23, 2013 at 4:30 p.m.

Obtaining text of a State Plan for LIHEAP or WAP. Each document will be available at DDOE's website and from DDOE's offices, as described below in this notice. Each document will become available at the DDOE web page, described below, in this notice, as follows:

The LIHEAP Draft State plan on Tuesday, July 30, 2013, at noon;

The WAP Draft State plan on Thursday, July 18, 2013, at noon.

A person may obtain a copy of the document by any of the following methods:

- Download, by visiting DDOE's website, green.dc.gov. Look for the title/section, "Energy in DC", click on it, choose "Energy Assistance and Weatherization" and click on it. Page down to the section titled "Publications" to find the document's listing. Click on it. Follow the link to the document in PDF format, which can be downloaded;
- Email a request to StatePlan.Year2014@dc.gov with "Request copy of LIHEAP (or WAP, or both) State Plan 2014" in the subject line;
- In person by making an appointment to examine a copy in DDOE's offices at the 5th floor reception desk at the street address below (call DDOE reception at 202-535-2600 and mention the State Plan by name). DDOE is located one block west of the NOMA Red Line Station, at the corner of M Street and First Street NE; or

- Write DDOE at 1200 First Street, N.E., 5th Floor, Washington, DC 20002, "Attn: Request copy of LIHEAP (or WAP, or both) State Plan 2014" on the outside of the letter.

The State Plan contact: For additional information regarding the public hearing or written comments please send an email to StatePlan.Year2014@dc.gov.

DDOE appreciates the time, insight, and expertise that go into submitting comments. DDOE will carefully consider all of the comments that it receives.

Instructions for Submitting Written Comments

Written comments should: (1) identify the commenter, and commenter's organization, if any; (2) be clearly marked "LIHEAP FY 2014" or "WAP FY 2014", and be delivered in one of the following ways: (a) mailed or hand-delivered to DDOE Energy Administration, Energy Assistance Branch, 1200 First Street, NE, Washington DC 20002, marked "Attn: State Plan 2014"; (b) e-mailed to StatePlan.Year2014@dc.gov, with the subject indicated as "State Plan 2014,"; or (c) delivered in person to the above address, with similar identification.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS (PRIMARY)

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses

enumerated in paragraph (1)(b) of this certification; and
(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS (LOWER TIER)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-

WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to

the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about --

1. The dangers of drug abuse in the workplace;
2. The grantee's policy of maintaining a drug-free workplace;
3. Any available drug counseling, rehabilitation, and employee assistance programs;
and
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --

1. Abide by the terms of the statement; and
2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --

1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]