



GreenWorks Small Business Energy Efficiency Rebate

City of Philadelphia, Department of Commerce

PROGRAM GUIDELINES

Program Description

The purpose of the Small Business Energy Efficiency Rebate is to encourage Philadelphia businesses and commercial property owners – especially those near transit hubs and along commercial corridors – to improve the energy efficiency of their operations by investing in structural retrofits and energy efficient processes/equipment. The resulting reduction in energy consumption will lower operating costs, making these entities economically more viable and competitive in the local marketplace. The program reimburses owners of commercial buildings and businesses who make energy efficiency improvements. The program can reimburse up to 50% of the cost of eligible improvements to a maximum rebate of \$10,000.

Funding is limited and applications will be reviewed in the order they are received until appropriated funds are depleted.

Eligible Applicants

Owners of 1) commercially occupied property; and 2) operating tenant businesses with approval of property owners. Improvements to mixed use properties with commercial uses on the first floor are eligible. Applicants must be operating legally, properly registered, licensed with the City of Philadelphia and current with all city taxes. A structure improved under this program may apply for a maximum of \$10,000. **Applications submitted after construction has begun will not be considered.**

Eligible Applicants

All expenditures under this project will comply with federal regulations as outlined in Appendix A of this application.

To be considered, projects must meet at least two criteria: 1) a 20%* reduction in annual energy consumption; and 2) funds expended must result in pay-back period in funds saved due to energy improvements of no more than 10 years. Typical projects include:

- HVAC
- Lighting
- Energy Management Control Systems
- Building Envelope (i.e. windows and insulation)
- Commercial Equipment or Major Appliances
- Water Heating Systems
- Electric Motors
- Renewable Energy Projects**

All expenditures under this project will comply with federal regulations as outlined in Appendix A of this application.

**Projects achieving a 30% reduction are preferred; but those percentage savings as low as 20% will be considered.*

*** Renewable energy projects will be considered if extensive efficiency investments have already been made and/or business owner can identify a business case for the investment.*

Ineligible Improvements

Residential rental units without a ground-floor commercial use; vehicles; vending/coin operated equipment; window/through-wall air conditioning units; wood furnaces, boilers, and stoves; waste oil fired heaters; projects started before the rebate application has been approved; routine maintenance or repair of existing equipment or processes; projects that increase net pollution.

Application Process

1) Pre-Project Energy Assessment.

A) Projects involving insulating energy efficiency improvements such as windows, doors and insulation must have an energy assessment of the structure undergoing the upgrade that documents the projected energy savings and payback period from these improvements. The energy savings assessment must be provided by a trained energy assessment professional, a small business assistance organization or by a trained equipment vendor. In addition to experience conducting commercial energy assessments, qualified providers must hold one of the following qualifications: Professional Engineer (P.Eng.), a Certified Engineering Technologist (CET), an Architect, Certified Energy Manager (CEM), or Certified Energy Advisor (CEA). Other qualifications/certifications will be considered on a case-by-case basis

B) Projects involving mechanical equipment systems do not require an energy efficiency assessment of the building to be eligible. However, the applicant must show that the project or project component for which funding is sought has received an evaluation by a trained energy assessment professional, a small business assistance organization or by a trained equipment vendor documenting the projected energy savings and payback period from the investment. Energy Star rated equipment is required if the type or class of equipment being installed is rated under the Energy Star program.

C) Energy Assessments must have been completed in the last two years.

D) Any potential applicant can request for an energy assessment provided at no cost to the applicant by an energy professional hired by the City. However, requests will be approved on a case-by-case basis and could potentially delay the review of the application, risking the depletion of appropriated rebate funds prior to the applicants review.

Applicants requesting an energy assessment from the City of Philadelphia must submit the “Energy Rebate Consultant Request Application” for consideration, describing your business and why you would like to apply for the rebate, and what improvements you would like to make if known.

2) **Application Requirements – Energy Efficiency Rebate:** Incomplete applications will be returned without review. A complete application will require:

- a) Owner Information. Identifies the owner/company that is applying for the rebate as well as other information, including but not limited to: number of employees, location, Employer Identification Number (EIN), permit information (as applicable).
- b) Energy Assessment. See Section 1 above.
- c) Project Information. A simple, high-level overview of the eligible project (See Eligible Improvements section above). This should also include a stated rebate request amount and the total estimated cost of the project (see Application Requirement part e).
- d) Project Benefits.
 - Provide a detailed description of the project, including what and how this funding will impact the small business.
 - Provide a timetable for the project tasks. Explain how the project will reduce energy consumption over the current operations of the business.
 - Include any recommendations from the energy assessment relating to the proposed project (simply stating “See Attached” is insufficient).

- Include information quantifying projected reduction in energy consumption (e.g. kWh per year) and the corresponding savings (dollars per year). *Please keep in mind the criteria set out in the Eligible Improvements section above.*
- e) Contractor estimates detailing 1.) on-site labor and 2.) material and equipment costs. **They must also include a completed “Waste Disposal Plan” form (attached) detailing how all waste generated by the project will be disposed.** Two estimates are required. We recommend you secure at least three. All applicants must seek proposals from businesses owned and controlled by minority persons (MBEs), women (WBEs) or disabled persons (DSBEs) as described below.
 - f) A letter from building owner (if this is not you) granting permission for the proposed work.
 - g) Authorization to release utility data. This information will only be used for the tracking of the projects impact in reducing energy consumption.
- 3) **Fully documented applications should be delivered by mail to Jeremy Thomas, Commerce Department, 1515 Arch Street, 12th floor, Philadelphia PA 19102 or jeremy.thomas@phila.gov.** Applications will be reviewed for completeness. The applicant will be notified that the application has been received and whether anything is missing. Incomplete applications will not be considered.
 - 4) **Complete applications will be reviewed by a committee within three weeks of receipt.** The committee may suggest changes to the proposed scope of work or require specific changes for an application to be approved and the proposal to be eligible for reimbursement.
 - 5) **A grant agreement will be sent to all approved applicants.** It will include the signed application as originally submitted, along with any other instructions that must be followed to qualify for reimbursement.
 - 6) **The applicant must receive approval from the City – with the grant agreement – prior to commencing work.** Approved applicants have up to 4 months to complete proposed improvements; a 2 month extension will be considered by request due to special circumstances.
 - 7) **Approved applicants should proceed with the agreed upon scope of work in compliance with any special conditions set forth in the grant agreement.**
 - 8) **Upon completion, applicants must submit the following by mail:** invoices, receipts, cancelled checks, credit card statements or other payment verification, as well as copies of any required permits. If you pay your contractor in cash we will be unable to reimburse you. The City will randomly inspect properties to ensure compliance with program guidelines before reimbursements will be distributed.

Additional Program Requirements

Economic Opportunity: As part of Mayor Michael A. Nutter’s Strategic Plan for this Administration, a goal to create and retain jobs by fostering an improved business environment has been established. One of the strategies designed to achieve this end is strengthening supports to minority, women, and disabled residents and businesses. All applicants certify to make “best and good faith efforts” to include businesses owned and controlled by minority persons (MBEs), women (WBEs) and disabled persons (DSBEs) in their projects. In exercise of “best and good faith efforts” applicants for this program must solicit MBEs, WBEs and DSBEs for participation in the project. NOTE: Potential M/W/DSBE project participants can be found in the City of Philadelphia’s Office of Economic Opportunity Directory of Certified Firms (Contact OEO at 215-686-6232 or review the online directory at www.phila.gov/mbec/directory.asp) or the Pennsylvania Unified Certification Program’s Directory of Disadvantaged Business Enterprises (<http://www.paucp.com>). Assistance can also be provided by the Minority Business Enterprise Center (<http://www.pa-mbec.com>).

To demonstrate best and good faith efforts as detailed above, all applicants must fill-out the attached **“Solicitation and Commitment Form.”** Information about the solicitation of bids must be submitted with the application. The completed form with solicitation and commitment information must be submitted with proof of payment when applicant requests reimbursement for work completed.

Funds are awarded on a first come, first served basis.

The amount that this program is able to approve for reimbursement will not always be equal to 50% of the eligible costs or the maximum amount due to availability of funds and restrictions in how program funds can be spent.

Restaurants that serve alcohol will be asked to provide a copy of their Sunday Sales License which documents that a significant portion of their revenue comes from food sales. Bars that cannot provide this documentation will not be eligible.

Approved applicants who change the scope of their work, or elect to use a new contractor must submit new estimates and a revised proposal which must be reviewed and approved for the work to be eligible for reimbursement. **Changes may disqualify approved applicants from grant reimbursement.**

Other Resources

Applicants are encouraged to coordinate their projects in a way that leverages other funds and programs offered by the City of the State. These include the Storefront Improvement Program, the Commercial Fit-Out Program, the State of Pennsylvania's Small Business Energy Efficiency Rebate Program and others. For information on these programs, please contact the Program Manager, Jeremy Thomas at jeremy.thomas@phila.gov.

Additional Assistance

The City is exploring partnerships with small business assistance providers and lenders to help applicants who need to raise capital to cover up-front project costs (prior to program reimbursement) and/or to cover the required match. Please contact the Program Manager, Jeremy Thomas at jeremy.thomas@phila.gov for additional information.



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PART 1 - APPLICANT INFORMATION

Address of Property Being Improved _____ ZIP Code _____

Applicant Name (person or company applying for program) _____

Contact Person & Title _____

Phone Number _____ Fax Number _____

Email _____

Applicant's Mailing Address (if different than above) _____ ZIP Code _____

Business Privilege Tax # _____ EIN or SSN# _____

Name of Business in Property Being Improved _____

Type of Business (brief description) _____

Number of Employees: _____ Total _____ Full time _____ Part time

Legal Name of Real Estate Owner _____

If owner and applicant are not the same entity, the application must include a letter from the owner granting permission to implement the proposed improvements to be considered eligible for the program.

NOTE: Applications submitted after construction has begun will not be considered.

CERTIFICATION FOR COMPLIANCE WITH FEDERAL, STATE & LOCAL REQUIREMENTS. I certify:

1. The information contained here is accurate.
2. The business and property owner(s) are current with all City obligations, including but not limited to taxes, licenses, water revenue billings, etc. All permits, licenses, environmental and historical requirements associated with the above work will be complied with.
3. I have read and will comply with the requirements outlined in the Philadelphia Small Business Energy Efficiency Rebate Program.
4. I certify that all expenditures under this project will comply with federal regulations as outlined in **Appendix A** of this application.
5. I certify to make "best and good faith efforts" to include businesses owned and controlled by minority persons (MBEs), women (WBEs) and disabled persons (DSBEs) in the project NOTE: Potential M/W/DSBE project participants can be found in the City of Philadelphia's Office of Economic Opportunity Directory of Certified Firms (Contact OEO at 215-686-6232 or review the online directory at <http://www.phila.gov/mbec/directory.asp>) or the Pennsylvania Unified Certification Program's Directory of Disadvantaged Business Enterprises (<http://www.paucp.com>).

FAILURE TO COMPLY WITH THE ABOVE WILL MAKE YOU INELIGIBLE FOR THE REBATE

OWNER OR DESIGNATED REPRESENTATIVE

Name _____ Title _____

Signature _____ Date _____

PART 2 - BUSINESS DESCRIPTION

Describe the business associated with the property making energy improvements. Include business sector, number of employees, square footage of space occupied by the business.

PART 3 - BRIEF IMPROVEMENT DESCRIPTION

All expenditures under this project will comply with federal regulations as outlined in Appendix A of this application.

Please check all that apply to the energy improvement(s):

- | | |
|--|--|
| <input type="checkbox"/> HVAC | <input type="checkbox"/> Water Heating Systems |
| <input type="checkbox"/> Lighting | <input type="checkbox"/> Electric Motors |
| <input type="checkbox"/> Building Envelope (i.e. windows + insulation) | <input type="checkbox"/> Renewable Energy |
| <input type="checkbox"/> Energy Management Control System | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Commercial Equipment/Major Appliances | <i>(please specify)</i> |

Please briefly describe the energy improvement(s) to be made to the business.

PART 4 - PRE-PROJECT ENERGY AUDIT OR ASSESSMENT

An energy assessment is required for

an application to be approved. Please refer to the program guidelines for specifics. Any potential applicant can request for an energy assessment provided at no cost to the applicant by an energy professional hired by the City. **However, requests will be approved on a case-by-case basis and could potentially delay the review of the application, risking the depletion of appropriated grant funds prior to the applicants review.**

Please include the following information about the Completed Energy Audit, Equipment Assessment, Structural Assessment and/or Lighting Assessment (as relevant to project): Date the analysis was completed, qualified person who performed the analysis (include relevant credentials), his/her title, organization and contact information.

PART 5 - ADDITIONAL PROJECTS LEVERAGED

Please describe other project funds you are applying for or have received for improvements to your property or business, including the Storefront Improvement Program, the Commercial Fit-Out Program, the State of Pennsylvania's Small Business Energy Efficiency Grant Program and others.

PART 6 - CURRENT UTILITY CONSUMPTION

I authorize my utility providers to release my business's demand and consumption history data to the Philadelphia Department of Commerce. I understand that no records shall be sent to any other organ without a new authorization from my business. **This authorization will remain in effect until 36 months after the date on the approval letter received from the city.**

Energy Source Name of Utility Provider Related Account Number(s)*

Electricity		
Natural Gas		
Oil		
Other (specify)		

Historical Energy Consumption for Year: _____

Applicants can refer to attached energy assessment instead of completing this chart if the information is included.

	Electricity		Natural Gas		Oil		Other	
	kWH	Cost (\$)	Therm	Cost (\$)	Gallon	Cost (\$)	Unit (specify)	Cost (\$)
January								
February								
March								
April								
May								
June								
July								
August								
September								
October								
November								
December								
TOTAL								
TOTAL ANNUAL COST	\$							

PART 7 - WORK PLAN

Provide a detailed description of work to be completed. For project-related equipment, description of the replaced and new equipment. If available, include make, model and serial number. **You must also include a completed "Waste Disposal Plan" form (attached) detailing how all waste generated by the project will be disposed. This should be completed by each contractor providing estimates for the work plan below.**

PART 9 - POST-PROJECT ESTIMATED UTILITY CONSUMPTION

Please complete the estimated annual utility consumption and associated costs after the project is completed. As an estimate, use the blended utility rate charged for the year outlined in Part 6 – Current Utility Consumption.

Applicants can refer to attached energy assessment instead of completing this chart if the information is included.

	Electricity		Natural Gas		Oil		Other	
	kWH	Cost (\$)	Therm	Cost (\$)	Gallon	Cost (\$)	Unit (specify)	Cost (\$)
TOTAL								
TOTAL ANNUAL COST	\$							

PART 10 - SUMMARY OF SAVINGS AND INVESTMENT

Please complete the estimated utility consumption and associated costs after the project is completed. As an estimate, use the utility rate charged for each month in Part 6 – Current Utility Consumption.

1. Pre-Project Total Annual Utility Cost (Part 6)	\$
2. Post-Project Estimated Total Annual Utility Cost (Part 9)	\$
3. Annual Savings (#1 minus #2)	\$
4. Percentage Savings (#3 divided by #1)	%
5. Total Project Cost (Part 8)	\$
6. Pay-back period (#5 divided by #3)	years

PART 11 - JOB RETENTION AND CREATION

Please describe the projected number of jobs (distinguish either full-time or part-time) that will be created and/or retained as a result of the execution of this project. If possible include title and wage information as applicable.*

* Businesses that create new jobs may be eligible for the City's Job Creation Tax Credit. Please contact the Office of Business Services at 215-683-2100 for additional details.

ADDITIONAL DOCUMENTS REQUIRED - Please attach the following:

- Completed Energy Audit, Equipment Assessment, Structural Assessment and/or Lighting Assessment (as relevant to project).
- Documents related to other funds leveraged for the project (e.g. commitment letters from lenders or awards notifications for other city programs, state programs, utility company programs, grants, incentives, etc.).
- The previous 12 months of energy utility bills.
- Contractor estimates detailing 1. on-site labor and 2. material and equipment costs. Two estimates are required. We recommend you secure at least three. All applicants must seek proposals from businesses owned and controlled by minority persons (MBEs), women (WBEs) or disabled persons (DSBEs) as described above and in the program guidelines.
- Waste Disposal Plan form (should be filled-out by contractors).
- Letter from building owner (if this is not you) granting permission for the proposed work.
- Solicitation and Commitment form for engagement of M/W/DSBE contractors. Information about solicitation of bids must be submitted with this application. The completed form with solicitation and commitment information must be submitted with proof of payment when applicant requests reimbursement for work completed.

Please submit all applications via mail or email to:

**Jeremy Thomas
Philadelphia Department of Commerce
1 Parkway, 1515 Arch Street, 12th Floor
Philadelphia, PA 19102**

jeremy.thomas@phila.gov



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WASTE DISPOSAL PLAN FORM

Implementation of the proposed work plan submitted by _____
(insert name of business) will require disposal of the following:

<input type="checkbox"/> Light bulbs	<input type="checkbox"/> Lead ballast	<input type="checkbox"/> Piping
<input type="checkbox"/> Roofing material	<input type="checkbox"/> Discarded equipment	<input type="checkbox"/> Debris
<input type="checkbox"/> Asbestos		

<input type="checkbox"/> Other

Notes/details about above waste:

Please indicate the disposal plan for each waste item noted above; continue on additional sheet if needed:

Item	Plan



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APPENDIX A

Special Application Instructions Regarding Implementation of the American Recovery and Reinvestment Act of 2009 (ARRA)

1. Background. This Appendix addresses the applicability of the Special Terms and Conditions of the U.S. Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) to grant and loan recipients (the "Ultimate Recipients"). This Appendix does not address all of the terms and conditions that may be applicable to a particular Ultimate Recipient. For further guidance, please refer to the Special Terms and Conditions, attached as Attachment A.

The City and PIDC will make funding available to the Ultimate Recipients in accordance with all of the restrictions of the ARRA and the Special Terms and Conditions of the EECBG. The Ultimate Recipients will be required to comply with all of the terms, conditions, requirements and limitations as set forth below. These requirements may be revised by the City and PIDC pursuant to ongoing guidance from the relevant Federal, Commonwealth or City agencies. The Ultimate Recipients must abide by any such revisions upon receipt of written notification from DOE, the City or PIDC, which will automatically become a material part of this Appendix, without the necessity of either party executing any further instrument.

2. Prohibition of Use of Funds. The Ultimate Recipients may not use ARRA funds for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool, or any other items prohibited by ARRA.

3. General Environmental and Historic Preservation Requirements. The Ultimate Recipients and their agents, contractors and subcontractors will be required to comply with all applicable Federal, State, and local environmental and historic preservation requirements, including without limitation: NEPA, the National Historic Preservation Act (NHPA), the Endangered Species Act, the Clean Air Act, the Federal Water Pollution Control Act, the Resource Conservation and Recovery Act (RCRA), and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898). The Ultimate Recipients and their agents, contractors and subcontractors will also be required to provide any information requested by DOE, the City or PIDC to ensure compliance with all applicable laws.

4. NEPA Restrictions. The City and PIDC will give strong preference to projects that meet DOE guidelines for categorical exclusions from NEPA environmental review. Projects that do not meet these criteria may be considered if they demonstrate extreme energy savings and job creation potential, but will be required to go through a more extensive environmental review process in partnership with DOE. Unless otherwise specifically authorized in writing by DOE,

only activities that meet DOE's criteria for categorical exclusion from NEPA review will be eligible for funding. Based on DOE's Draft Guidance on NEPA Issues, dated August 21, 2009, the following activities will be considered eligible for categorical exclusion from NEPA review:

- Retrofits of existing buildings or facilities (residential, commercial, industrial, government, academic) with energy efficient equipment. Many types of projects can fall into this category – insulation, LED lighting, HVAC upgrades, weather sealing, ENERGY STAR appliances, replacement of windows and doors, etc. – however, it probably would not include massive expansions of buildings or facilities. For historic structures, it may be necessary that the retrofits maintain the building's historic character (e.g., replacement of windows and doors with appropriate designs).
- Installation of small renewable energy sources located on existing buildings or existing facilities – photovoltaics, wind turbines, solar thermal hot water, geothermal heat pumps, combined heat and power systems. There are no bright lines here, but the following are some rough rules of thumb as to what could be deemed to be small:
 - Photovoltaics – appropriately sized units on existing rooftops and parking shade structures; or 60kW systems or smaller installed on the ground within the boundaries of an existing facility.
 - Wind turbines – 20kW or smaller.
 - Solar thermal hot water – appropriately sized units for residences or small commercial buildings.
 - Geothermal heat pumps – 10 tons of capacity or smaller.
 - Geothermal power plants – 300kW or smaller (factors such as open or closed loop and fluid type play a role)
 - Combined heat and power systems – systems sized to boilers appropriate to the buildings in which they are located.
 - Hydropower – because of the site-specific issues relating to hydropower systems and the fact that they are rarely installed at the facility they serve, it is unlikely that they can be deemed small without additional information.
- Individual systems larger than those above may be categorically excluded based on additional information provided by the applicant regarding a specific installation. Very large renewable energy systems (e.g., wind farms or district geothermal heat systems) that serve many customers built on a green field site would definitely not fall within a categorical exclusion; nor would a large facility comprising many small sources. Finally, installing any renewable energy system on a historic structure could require further consideration under the National Historic Preservation Act or other statutes.
- Energy efficient or renewable energy-powered emergency systems (lighting, cooling, heat, shelter) installed in existing buildings and facilities.
- Alternative fueling tanks and systems installed on existing facilities (but not a large biorefinery); purchase of alternative fuel vehicles.

- Financial incentive programs – rebates and energy savings performance contracts for existing facilities or for energy efficient equipment, provided that the incentives are not so large that they would be deemed to be grants that essentially create projects that would not otherwise exist. For example, giving a wind farm that cost \$100 million a sum of \$50 million and calling it a rebate would not fall within such a categorical exclusion; a 10% rebate on the purchase and installation of energy-efficient windows would.

5. Specific Historic Preservation. Section 106 of NHPA requires Federal agencies to take into account the effects that their federally funded activities and programs have on significant historic properties. “Significant historic properties” are those properties that are included in, or eligible for, the National Register of Historic Places (National Register). The National Register is a list of districts, sites, buildings, structures and objects that are significant in American history, architecture, archeology and culture. Although the ultimate responsibility to comply with Section 106 rests with DOE, the City and PIDC may not release federal funds to alter any structure or site until the requirements of Section 106 have been met. In addition, under Section 110(k) of NHPA, an applicant for a loan or other assistance who, with intent to avoid the requirements of Section 106, has intentionally caused a significant adverse effect, or having the legal power to prevent it, allowed a significant adverse effect to occur, on a historic property to which the grant would relate may not be granted a loan, loan guarantee, permit, license or other assistance unless the relevant federal agency, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that the circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. Regulations issued by ACHP explain the Section 106 process in detail and appear in the U.S. Code of Federal Regulations at 36 CFR Part 800.

In order to fulfill the requirements of Section 106, applicants to the City or PIDC for grants or loans under this program will be required to coordinate the Section 106 review with the City and PIDC, and if necessary, the State Historic Preservation Officer (SHPO), and the Tribal Historic Preservation Officer (THPO). The Bureau of Historic Preservation is part of the Pennsylvania Historical and Museum Commission (PHMC) and serves as the SHPO for the Commonwealth of Pennsylvania. There currently are no THPOs in Pennsylvania.

To initiate the Section 106 consultation process, applicants may be required to provide specific information and documents to the City and PIDC. The required information may include, but not be limited to, the name and address of the applicant, project location, anticipated permits, total acres in the property under review, total acres of earth disturbance for the proposed activity, project plans, photographs, location maps, site plans, ownership information, and a detailed description of the project, including any ground disturbance, the current and any previous land use, the age of all affected buildings in the project area, the dates of original construction and subsequent alterations, and the methods and material used or proposed for use as part of the project. The required documents may include forms prepared by PHMC’s Bureau of Historic Preservation, including a “Request to Initiate Consultation in Compliance with the State History Code and Section 1066 of the National Historic Preservation Act” and a “Pennsylvania Historic Resource Survey Form.” These forms are available on the PHMC web site: <http://www.portal.state.pa.us/>.

The City and/or PIDC staff will review the information provided by the applicant to determine if the project involves a building or structure that is 50 years old or older or listed on the National Register or PHMC's list of "Properties Determined Eligible by the Bureau of Historic Preservation" (State Register). If City or PIDC determine that the project does not involve a building or structure that is 50 years old or older, or a district, site, building or structure that is listed on the National Register or State Register, the City and PHMC will document the basis for that determination and the application will be processed without further review by the PHMC. If the project involves a building or structure that is 50 years old or older, or a district, site, building, structure, or object that is listed on the National Register or State Register, the City or PIDC will forward the project information to PHMC and request PHMC to initiate consultation in compliance with Section 106. The City and PIDC will consider such projects to be in compliance with the Section 106 review requirements only after: (i) PHMC has provided a written response based on its review of the information submitted; and (ii) any and all objections or adverse effect finding(s) of PHMC are resolved in accordance with the requirements of 36 C.F.R. Part 800.

A successful applicant will be required to comply with all conditions placed on the project as a result of the historic preservation review. Any change to the approved project scope of work will require re-evaluation for compliance with historic preservation requirements. If ground disturbing activities occur during project implementation, a successful applicant must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, a successful applicant will be required to immediately cease construction in that area and notify the City, PIDC, and the Pennsylvania Historical and Museum Commission. Any construction activities that have been initiated prior to the historic preservation review will result in a non-compliance finding.

The City of Philadelphia has been designated a Certified Local Government under Section 101(c) of the National Historic Preservation Act, which allows local government to undertake the Section 106 review under certain circumstances. In an effort to expedite the Section 106 review, the City may seek approval of a programmatic agreement with DOE, ACHP and PHMC that will allow the Philadelphia Historical Commission, rather than PHMC, to perform the Section 106 review for this program.

6. Waste Streams. The City and PIDC will require the Ultimate Recipient to comply with all federal, state and local laws and regulations pertaining to the generation, storage, treatment, transportation, and disposal of sanitary or hazardous wastes generated by the proposed activities. Sanitary and hazardous wastes include, but are not limited to, old light bulbs, lead ballast, piping, roofing material, discarded equipment, debris, asbestos, etc. The City and PIDC shall consider compliance with this requirement completed only after the Ultimate Recipient has submitted a proposed waste disposal plan with adequate documentation to the City and/or PIDC, and the City and/or PIDC have provided a written response to the Ultimate Recipient.

7. Davis Bacon Prevailing Wage Compliance. The City and PIDC will require the Ultimate Recipient to comply with prevailing wage guidelines as specified in the Davis Bacon Act and

related directives from the Department of Labor (“DOL”). These guidelines will only apply if the Ultimate Recipient uses ARRA funds to pay for labor costs.

Upon receiving an award of funds, the Ultimate Recipient will be required to meet a number of conditions to ensure compliance, including but not limited to the following:

- Participation in a briefing session with the City’s Office of Labor Standards on the application of Davis Bacon requirements, which will include detailed enumeration of requirements, orally and in writing, and a focused application of requirements to the Ultimate Recipient’s specific project and scope of work;
- Submission of weekly certified payrolls to the Office of Labor Standards; and
- Opening of work sites to unscheduled inspections by staff from the Office of Labor Standards, including but not limited to interviews with workers and management staff, audits of payrolls or other records *consistent with the inspectors’ mandate to ensure compliance with the requirements of the Davis Bacon Act.*

8. Reporting Requirements. The City is required to submit quarterly reports to the DOE which include the information described in Section 1512(c) of the ARRA. While these reporting requirements are ultimately the City’s, the City and PIDC may request certain information from the Ultimate Recipients in order to fulfill these requirements. Such information requests may include, but not be limited to, the following:

- Completion status of ARRA-funded projects or activities;
- Number of jobs created and/or retained by ARRA-funded projects or activities;
- Location of the primary place of performance of ARRA-funded projects or activities; and
- Names and total compensation of the five most highly compensated officers of the Ultimate Recipient entity.

The City and PIDC may also require the Ultimate Recipients to submit backup documentation for expenditures of ARRA funds including such items as timecards and invoices.

9. Site Visits. Authorized representatives from DOE, the City and PIDC have the right to make site visits at reasonable times to review project accomplishments and management control systems. The Ultimate Recipient must provide, and must require subcontractors to provide, reasonable access to facilities, office space, resources, and assistance for the safety and convenience of authorized representatives in the performance of their duties.

10. Access to Records. The Ultimate Recipient must allow any representative of an appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1988 (5 U.S.C. App.) or of the U.S. Comptroller General to examine any records and interview any officers or employees of the Ultimate Recipient, or any of its subcontractors, regarding projects using ARRA funds.

11. Records Retention. The Ultimate Recipient must retain all records regarding projects using ARRA funds for at least three (3) years following termination of such project or for such longer prior of time as required by the City or PIDC. Such records must be original documents, or in a form as may be approved by the Federal Government.

12. Access to Information. Any contract, records or expenditures involving ARRA funds may be subject to disclosure under the Pennsylvania Right to Know Law, 65 P.S. 67.101, *et seq.*, and the Freedom of Information Act, 5 U.S.C. § 552.