



# STATE OF MINNESOTA

Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

March 9, 2011

Mr. Nick St. Angelo, Director  
Low Income Home Energy Assistance Program  
Health and Human Services, Administration for Children and Families  
Office of Community Services, Division of Energy Assistance  
Aerospace Building, Fifth Floor West  
370 L'Enfant Promenade Southwest  
Washington, DC 20447

Dear Mr. St. Angelo:

As you know, federal regulations require me to designate the state agency and the official authorized to submit plans and proposals to, and accept grants and contracts from, the United States Department of Health and Human Services for the Low Income Home Energy Assistance Program.

Effective immediately, Mr. William Grant, Deputy Commissioner and Director of the Office of Energy Security of the Minnesota Department of Commerce, is authorized to sign all documents necessary to apply for and receive U.S. Department of Health and Human Services contacts and grant awards for the Low Income Home Energy Assistance Program.

My best regards.

Sincerely,

A handwritten signature in black ink that reads "Mark Dayton".

Mark Dayton  
Governor.

MD:kdk

cc: Commissioner Mike Rothman, Minnesota Department of Commerce  
Deputy Commissioner William Grant, Minnesota Department of Commerce

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**LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

**DETAILED MODEL PLAN**

**PUBLIC LAW 97-35, AS AMENDED**

**FEDERAL FISCAL YEAR (FFY) 2014**

**GRANTEE: State of Minnesota**

**EIN: 1-416-7162-B2**

**ADDRESS: 85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101-2198**

**NAME OF LIHEAP DIRECTOR: John M. Harvanko**

**EMAIL: john.harvanko@state.mn.us**

**TELEPHONE: 651-539-1805    FAX: 651-539-0109**

**PLEASE CHECK ONE: STATE**

**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 State of Minnesota agrees to:

(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

(iii) 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.

(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 Chief Executive Officer of the State of Minnesota.\*

Signature:  \_\_\_\_\_

Title: Deputy Commissioner \_\_\_\_\_

Date: 8-29-13 \_\_\_\_\_

**DELEGATION of AUTHORITY that includes authority to sign the assurances is attached.**

\* 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.

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>
	<input checked="" type="checkbox"/> heating assistance	<u>October 1 to May 30</u>
	<input checked="" type="checkbox"/> crisis assistance	
	<input checked="" type="checkbox"/> Emergency Benefits	<u>October 1 to June 30</u>
	<input checked="" type="checkbox"/> Energy Related Repair (ERR)	<u>October 1 to June 30</u>
	<input checked="" type="checkbox"/> weatherization assistance	<u>October 1 to September 30</u>

**Explanation:**

When a date falls on a weekend or holiday, the effective date will be the first business day following the listed date with the exception of September 30. The last date of operation for the Federal Fiscal Year is September 30 or the last business day in September if September 30 is on a weekend.

Other significant dates:

- o Bulk mailing of applications for Minnesota Energy Assistance Programs will be completed by mid-September to eligible households from the previous federal fiscal year.
- o As new applications are received, Service Providers will begin entering data into the eHEAT system and contacting households for additional information if needed.
- o Heating assistance benefit payments will begin on October 1 or when federal funding is available, whichever comes second.
- o Applications must be received or postmarked by May 30; heating assistance payments must be obligated by July 15.
- o Crisis Assistance will begin on October 1 or when federal funding is available, whichever is later.
- o Emergency (Crisis) benefits and Energy Related Repair (ERR) benefits may be approved through June 30, if funding is available.

Funding for Weatherization Assistance will be available to the Weatherization Assistance Program in the Minnesota Department of Commerce (MDOC) after receipt of 100% of the regular LIHEAP federal allocation and the approval of the State EAPWX Plan.

2605(c)(l)(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)	<u>62.4</u> % heating assistance
	<u>0.0</u> % cooling assistance
	<u>7.6</u> % crisis assistance (Emergency Benefit)
2605(k)(1)	<u>7.5</u> % Energy Related Repair (ERR) (Energy-related home repair crisis) assistance) <u>4.5</u> % weatherization assistance*
	<u>3.0</u> % carryover to the following fiscal year
2605(b)(9)	<u>10.0</u> % administrative and planning costs
2605(b)(16)	<u>5.0</u> % services to reduce home energy needs including needs assessment (assurance 16)
	<u>0.0</u> % used to develop and implement leveraging activities
	<u>100.0</u> % <b>TOTAL</b>

**Explanation:**

Energy Related Repair (ERR) is a energy-related home repair (2605[k][1] component) managed as a crisis benefit addressing hazardous and life-threatening situations or cases where a home has no heat due to malfunctioning or nonfunctioning heating systems. As a crisis program, response to ERR requests must be immediate in life-threatening situations and the purchasing process may be expedited as needed to restore heat.

\*The portion of LIHEAP funds budgeted to Weatherization Assistance is 5% when administrative dollars for weatherization are taken into account. Weatherization administration funds are included in the 10% entered for the “administrative and planning costs” category above.

LIHEAP percent of funds estimated for 2605(K)(1) activities is 12.5% including weatherization (EAPWX) and ERR. Administrative costs to provide ERR are not included in the 7.5% for Energy Related Repair.

The portion of LIHEAP funds budgeted to Weatherization Assistance, Administrative and Planning Costs, and Assurance 16 is a fixed percent of the regular LIHEAP funding.

The portion of funding to Heating Assistance, Crisis Assistance and ERR may vary between categories depending upon demand for services.

statutory



references

2605(c)(1)(C) → The funds reserved for winter crisis assistance that have not been expended by March 15 may 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

**Explanation:**

In addition, Eligible households are not require to apply in person for energy crisis assistance.

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  NA crisis  ERR  wx

60% of the State's median income:  
Heating  cooling  crisis

Other: 50% of the State's median income:  
Heating  cooling  NA crisis  ERR  wx

**Explanation:**

Heating, Crisis, ERR  
and Weatherization

The greater of 50% of Minnesota's median  
income or 110% of federal poverty guidelines.

Yes \_\_\_ No  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) → Do you have additional eligibility requirements for:  
2605(b)(2) **HEATING ASSISTANCE**  Yes \_\_\_ No  
(eligibility)

**Explanation:**

The primary household member must have a verifiable Social Security Number or an Authorized Alternative Document. Households must be vulnerable to rising energy costs. For heat included in rent households, rising energy costs can result in higher rent if rent is not subsidized.

→ Do you use:	<u>Yes</u>	<u>No</u>
Assets test?	___	<input checked="" type="checkbox"/>
→ Do you give priority in eligibility to:		
Elderly?	___	<input checked="" type="checkbox"/>
Disabled?	___	<input checked="" type="checkbox"/>
Young children?	___	<input checked="" type="checkbox"/>
Other: (If Yes, please describe)	<input checked="" type="checkbox"/>	___

**Explanation:**

Applications are processed on a first-come first-served basis. Priority is given to households with an energy emergency (disconnect, disconnect notice, etc.)

Statutory  
References

2605(c)(1)(A)  
2605(b)(2) → Do you have additional eligibility requirements for:  
**COOLING ASSISTANCE** (\_\_\_ Yes  No)

**Explanation:** Cooling assistance is not provided.

statutory

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

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

(eligibility)

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

**Explanation:**

Additional Eligibility for crisis assistance

Energy  
Emergency

Households meeting the following requirements may receive basic crisis assistance of up to \$500:

- EAP eligible and has or is receiving a Heating Assistance benefit applied first to the energy emergency
- Have a disconnected service, current shut-off notice or a refusal to deliver and the tank has less than 20% fuel remaining
- Have a past due or current bill they can't pay (only households with at least one senior member age 60 or older).
- Households with heat-included-in-rent costs may receive crisis assistance for their electric service if electricity not included in rent.

Energy-Related  
Repair

Households:

- Must be eligible for heating assistance
- Must own their dwelling, which must be a residential housing structure, including a mobile or modular home, permanently connected to the required utilities (including plumbing, heating and electrical systems) and designed to be used as a permanent residence.

- Must have a mechanical heating system energy emergency that affects the heat in the dwelling or the health and safety of the occupants

**Explanation:**

Heating Crisis Assistance is available for:

- Furnace repair or replacement emergencies are limited to homeowners with installed heating systems.

→What constitutes a crisis? (Please describe)

**Explanation:**

- Household has a disconnected energy service or a current shut-off notice.
- Household with 20% or less fuel remaining and a vendor refusal to deliver fuel.
- Household has a past due or current bill they can't pay (only households with at least one senior member age 60 or older)

Or

- Homeowners must have a mechanical heating system energy emergency that affects the heat in the dwelling or the health and safety of the occupants.

statutory  
references

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

(eligibility)

→Do you use:	<u>Yes</u>	<u>No</u>
Assets test?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Priority groups? (Please list)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

→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? Priority for households with:

Senior Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disabled Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Children	<input checked="" type="checkbox"/>	<input type="checkbox"/>
High heat consumption	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heating system emergency	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

**Explanation:**

Households with any of the above characteristics have a higher priority to receive EAP weatherization services (EAPWX). All weatherized dwelling units must be occupied by EAP eligible households. EAPWX may be used for common space in a residential building if all dwelling units are weatherized and are occupied by EAP eligible households.

statutory  
references

2605(b)(3)  
2605(c)(3)(A)  
(outreach)

→ Please check the outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:

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.

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): Provide information and/or applications to various community organizations, local and state departments and programs including AARP.

statutory  
references

2605(b)(4)

→ Please describe how you will assure that LIHEAP is coordinated with

(coordination) similar and related programs. The description provided applies to all components unless specifically noted.

**Explanation:**

Minnesota administers LIHEAP and DOE Weatherization (WAP) in the Department of Commerce, Division of Energy Resources. This helps facilitate coordination between similar and related services. The *Minnesota Energy Assistance Programs Application* serves as the application for LIHEAP and weatherization activities funded by LIHEAP or DOE. LIHEAP Service Provider staff determine income for most recipients of weatherization programs.

The energy programs application instructions provide information for the Cold Weather Rule administered by the Public Utilities Commission (PUC). Coordination on the state level includes negotiations between state departments and with vendors. Eligibility for LIHEAP is one eligibility criterion for the state's telephone assistance program.

The EAP application consent section and accompanying Privacy Notice permits organizations with access to EAP data for EAP administration to use the data to identify eligible participants for low-income affordability and conservation programs. Energy vendors include Xcel Energy and CenterPoint Energy provide affordability programs for EAP-recipient households, and state-mandated low-income utility conservation improvement programs (CIP).

Local administering agencies (Service Providers) develop plans for local coordination with other human services providers and community organizations

Service Providers may also administer similar and related programs including the Community Services Block Grant, Head Start, income assistance programs and housing programs.

State law requires the local Service Providers to have a plan for registering eligible voters.

2605(b)(5) → The statute requires that there be no difference in the treatment  
 2605(b)(2) of households eligible because of their income and those eligible  
 2605(b)(8A) 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)

**Explanation:**

Minnesota households are not categorically eligible for LIHEAP. The Minnesota Energy Assistance Program determines eligibility for all households based upon Minnesota's State Median Income utilizing household income and household size.

Benefit levels are determined using income, household size, fuel type and heating energy cost. When fuel cost is not available, averaged benefits by fuel type and dwelling type are used.

statutory references

**HEATING COMPONENT**

2605(b)(5) apply:

→ 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)

**Explanation:**

When actual heating-fuel cost is not available, fuel type and dwelling type are used to determine average fuel costs in addition to income and household size.

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

→ 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.

(benefit levels)

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

A cost-based matrix provides benefits based on income, household size and heating cost for the year that includes the previous heating season.

- (1) The household's income as a percent of the State Median Income (SMI) or Poverty Level (whichever is higher) determines what portion of last year's heat costs will be paid. For example, a household with an income less than 10 percent of the SMI may receive the highest percent of heat costs from the previous year. For example: If two households used the same heating fuel type and had exactly the same fuel cost.

The household with the lower percent of SMI receives the larger benefit using a graduated scale.

- (2) The heating fuel type used by the household determines exactly what percent of last year's total bill for that fuel will be the benefit. If the household in the example above heated with oil, their benefit level would be calculated at 100 percent of the oil used for heating. If they heat with propane, natural gas, or electricity, the average percent of residential use of the fuel for heating is reduced.

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

\_\_\_ Yes  No If Yes, please describe.

statutory references

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

**CRISIS COMPONENT**

(determination of benefits)

→How do you handle crisis situations?

\_\_\_ separate component  other (please explain)

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

\_\_\_ amount to resolve crisis, up to maximum

\_\_\_ other (please describe)

**Description:** Heating component benefits may resolve the energy emergency. If heating assistance benefits are unavailable to resolve the energy emergency, crisis funds are used if available. If the \$500 maximum crisis benefit per household does not resolve the energy emergency, the crisis benefit will place the household in a better position to resolve the energy emergency. Additional services to assist the household include using Assurance 16 funds include advocating on behalf of the household and referring the household to additional programs and resources.

(benefit levels) offered.

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



heating	\$ <u>500</u> maximum benefit (see Explanation)
cooling	\$ <u>N/A</u> maximum benefit
year-round	\$ <u>N/A</u> maximum benefit

**Explanation:**

The maximum benefit for each type of crisis assistance offered is: Heating: up to \$500.

Energy Related Repair (ERR): ERR heating unit repairs or replacements are defined as other energy related home repairs and improvements. Crisis timelines are followed for heating system repair or replacement in life-threatening situations. In these situations there is an immediate life-threatening condition directly related to the heating system that must be addressed within 18 hours. If an allowable ERR request is not life-threatening, some form of assistance that will resolve the situation must be provide within 48 hours.

There is no maximum (ERR) benefit. Service Providers must not exceed a year-end agency average benefit of \$2,500.

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

Yes  No If Yes, please describe.

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 modifications/repairs/replacement
- Other (Please describe) Cost-effective, energy-related repairs that are necessary to allow installation of weatherization materials or to make installation of weatherization materials effective.

(benefit Levels)

→ Do you have a maximum LIHEAP weatherization benefit/expenditure levels) per household?  Yes  No

If Yes, what is the maximum amount? \$ \_\_\_\_\_

**Explanation:**

Other Energy Related Home Repair or Improvement - Standalone heating unit repairs or replacements are defined as other energy related home repairs and improvements. Crisis timelines are followed for heating system repair or replacement in life-threatening situations. In these situations there is an immediate life-threatening condition directly related to the heating system that must be addressed within 18 hours. If an allowable ERR request is not life-threatening, some form of assistance that will resolve the situation must be provided within 48 hours.

**Weatherization**

\$5,000 is the maximum **average per household** expenditure for LIHEAP Weatherization (EAPWX) activities. \$1,000 is the maximum average per household expenditure for health and safety measures. Health and Safety expenditures are not included in the \$5,000 average per household.

There is no limit on Health and Safety Hazard weatherization work for homeowners. The limit on Health and Safety Hazard weatherization work for renters is \$2000. The Health and Safety average cost per household cannot exceed \$1,000.

→ 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.)

**Explanation:**

Weatherization work is consistent with DOE rules and Minnesota Weatherization audits. EAP weatherization funds can be used for heating system replacements, oil retrofits, and other heating system repairs that increases the energy efficiency or safe operation of the heating system, heating system controls, or distribution system; and non-mechanical, cost-effective repairs that are necessary to allow installation of weatherization materials or to make installation of weatherization materials effective.

**Requirements for the EAPWX program are:**

1. Funds must be used to "provide low-cost residential weatherization and other cost-effective energy-related home repair;" PL 97-35, Sec. 2605 (b) (1) (c)
  - a) Weatherization needs assessments/audit and inspection
  - b) Bypass sealing, insulation and other cost-effective weatherization measures
  - c) Furnace/heating system modifications/repairs
  - d) Appliance repair and replacement is limited to heating systems and water heaters if needed when replacing a furnace.
  - e) Cost-effective energy-related repairs necessary to allow installation of weatherization materials or to make installation of weatherization materials effective.
2. Dwelling units must be occupied by EAP income-eligible households (at or below 50% of State Median Income or 110% of the federal poverty guideline, whichever is greater)
  - a) Common space in a residential building may be weatherized if all dwelling units are weatherized and are occupied by EAP eligible households.
3. Benefit Levels: EAPWX average costs
  - a) \$5,000 is the maximum allowable average expenditure per household for EAPWX activities
    - i. No limit on Health and Safety Hazard weatherization work for homeowners
    - ii. The limit on Health and Safety Hazard weatherization work for renters is \$2,000
4. The Health and Safety average cost per household cannot exceed \$1,000 and is not included in the \$5,000 average per household stated in 3.a.
5. If a dwelling is completed with a combination of DOE Regular and EAP/WX, or ARRA and EAP/WX, all DOE rules and regulations apply.
6. Multifamily
  - a) EAP/WX funding may only be used in multifamily buildings where tenants either directly or by meter pay their own heating bills.
  - b) Tenants must meet EAP eligibility requirements.
  - c) Multifamily conservation work will be limited to heating systems.
  - d) No showerheads or base load measures may be paid for with EAP/WX funds.
  - e) In a multifamily, where only the minimum of 66% of households meet the EAP eligibility requirement and the landlord agrees to pay for the work in the remaining dwellings, EAP/WX funding may be used.
  - f) Domestic hot water systems in multifamily buildings may only be addressed if they are in combination with the heating system, such as a boiler with a domestic hot water side arm.
7. For measures and work not covered in this document, follow DOE rules and regulations.
8. Require EAPWX Coordination Agreement at the Service Provider level to include but not limited to:
  - i. Ensuring eligible households in life-threatening no heat or other life-threatening heating system emergencies are provided some form of assistance to resolve the crisis within 18 hours when ERR funds are not available and within 48 hours if not life-threatening.
  - ii. Furnace replacement cost sharing as needed to reduce EAPWX and ERR average expenditures.
  - iii. Adherence to EAPWX policy and guidance by local Service Provider.
  - iv. Addressing approach to situations both when EAP is out of funds or has funds
9. State monitoring inspects a minimum of 5% of dwellings using EAPWX funds.
10. Service Provider inspections of 100% of expenditures over \$500 using EAPWX funds.

11. Funds cannot be used for T/TA, out-of-state travel or purchasing or leasing equipment, software, hardware or vehicles.
12. Funds must be expended by September 30 of the year following the FFY of the USDHHS LIHEAP grant award or be returned to EAP.
13. The grantee assures equitable EAPWX services are available in all areas of the state .

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

- |                      |   |
|----------------------|---|
| (agency designation) | <input checked="" type="checkbox"/> county welfare offices<br><input checked="" type="checkbox"/> community action agencies (weatherization component only)<br><input checked="" type="checkbox"/> community action agencies (heating, cooling or crisis)<br><input checked="" type="checkbox"/> charitable organizations<br><input type="checkbox"/> not applicable (i.e. state energy office)<br><input checked="" type="checkbox"/> tribal office<br><input type="checkbox"/> other, describe: |
|----------------------|---|

→Have you changed local administering agencies from last year?

Yes  No (see: Explanation)

If Yes, please describe how you selected them.

**Explanation: Selecting Successor Service Providers**

Upon learning an existing Service Provider will resign or has resigned as an EAP provider, the DOC will:

1. Solicit a letter of intent with attached documentation of a formal board resolution, both signed and dated by the chair of the governing board or the chair's designee, from Service Providers in the categories described in 1 and 2 in "Identification of a Successor Service Provider," below.
2. Issue a request for proposals to Service Providers in the categories described in category 3 in "Identification of a Successor Service Provider," below.
3. Issue a general request for proposals.

The successor Service Provider will be the one most closely matching these criteria:

- Is in the highest priority category as listed in number one of "Identification of a Successor Service Provider," below.
- Has demonstrated quality administration of programs, as shown by audits, reports to grantor Service Providers, and customer satisfaction.
- Has a strong history of successful program level advocacy.
- Has identified staff capable of operating the program.

**Identification of a Successor Service Provider**

The recommendation of the community and the resigning Service Provider will hold considerable weight when choosing a successor Service Provider. Current Service Providers in good standing and other private not-for-profit organizations will be considered for the successor Service Provider. The priority order for consideration of the successor Service Provider will be:

1. A current Service Provider serving the same service territory as the resigning Service Provider.
2. A current Service Provider serving a territory surrounding the resigning Service Provider's service territory.
3. A current Service Provider serving a territory contiguous to the resigning Service Provider's service territory.
4. A current Service Provider serving a non-contiguous territory for EAP, but providing Service Provider services in the resigning Service Provider's full service territory; and a private not-for-profit organization that provides services similar to EAP services in the resigning Service Provider's full service territory.

A current Service Provider serving a non-contiguous territory for EAP but providing Service Provider services in a significant portion of the resigning Service Provider's service territory; and a private not-for-profit organization that provides services similar to EAP services in a significant portion of the resigning Service Provider's service territory. A private not-for-profit organization that provides services similar to EAP services that demonstrates ability to provide EAP services in the resigning Service Provider's service territory.

→What components are affected by the change? None

**Explanation:**

One local LIHEAP administering agency merged with an existing LIHEAP agency. The service area of the existing LIHEAP agency was increased.

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)

The benefit table is constructed to target assistance to households with high home heating costs. Reports document that the benefit tables accomplish this.

LIHEAP/WAP program software (eHEAT) identifies and prioritizes high consumption households for weatherization.

statutory references

2605(b)(7) (energy suppliers) → Do you make payments directly to home energy suppliers?

Heating	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Cooling	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Crisis	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes, are there exceptions?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If Yes, please describe.

Payments are made directly to a household if they cannot be made to a energy utility of energy fuel vendor. Single party checks may be issued to:

- Renters with heat included in the rent. The electric vendor will receive a payment up to the total of the previous year's costs. The renter will receive a direct payment for the portion of their assistance that exceeds the previous year's electric costs.
- Households that heat with biofuel and have no established wood vendor available. The electric vendor will receive a payment up to the total of the previous year's costs. The wood user will receive a direct payment for the portion of their assistance that exceeds the previous year's electric costs to pay their out of pocket heating costs, which may be the purchase of wood or wood cutting costs.
- Households whose energy vendor does not have a valid vendor agreement.

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)

All eligible households receive notification letters with the amount of assistance and the name of the vendor(s) receiving payments. Heating benefit payments are also included on customer's vendor bill. Ineligible households receive notification that their application has been denied and the reason for the denial.

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.

Vendors must sign and comply with a vendor agreement to be eligible to receive payments for heating assistance or crisis assistance on household's energy accounts. Vendor payments are made through a centralized payment system. Local administering agencies work closely with vendors throughout the program year and perform ongoing formal monitoring of a percentage of the vendors annually to assure that all requirements of this assurance are met. State monitors review the vendor monitoring activity.

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

**CRISIS ASSISTANCE**

Yes  No

Crisis emergency benefits treats owners and renters the same. Renters in subsidized housing with heat and electricity included in their rent are not eligible for LIHEAP. Renters in subsidized housing with heat included and pay their own electricity are eligible for a minimum heating benefit paid to their electric vendor.

Crisis furnace **repair and replacement** assistance (Energy Related Repair) is not available to renters. Under Minnesota law, the landlord is responsible for making repairs and keeping a home habitable.

**WEATHERIZATION**

Yes  No

Weatherization limits the cost of repairs, replacements and correction of mechanical systems that are health or safety hazards to \$2,000 for renters. Although these activities are the responsibility of the landlords, this provision allows quick response in dangerous situations. Rental status and cooperation of the landlord may affect the kinds or levels of benefits provided.

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.)

Fiscal accounting and tracking of LIHEAP funds takes place on the state and local levels. Local administering agencies are allowed only three days' cash on hand. The MDOC requires local administering agencies to submit monthly financial status reports and tracks and monitors those reports on an on-going basis.

After initial allocations of funds to each LIHEAP Service Provider MDOC allocates funds as needed and reviews requests for Energy Related Repair on a weekly basis.

Quality and Performance Control tracking is performed to reduce late payments and process energy vendor refunds in a timely manner.

(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.)

Each local administering agency receives an initial visit near the start of the program year and is fully monitored on site at least once a year, with attention paid to reviewing the benefit determination process (an electronic process requiring accurate determination of income and data entry). Monitoring activities target all aspects of program compliance and quality. The monitoring process uses a standardized tool developed by the Energy Assistance staff. The State regularly reviews and analyzes program and fiscal reports to monitor local administering agency activity. The State also answers questions and follows up on complaints made to Minnesota Department of Commerce's Energy Information toll free number, which is distributed freely in outreach materials, advertising and public relations, as well as on Web pages.

→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.

Local administering agencies are audited annually per OMB Circular A-133. There is a formal resolution process and the State resolves questioned or disallowed costs or program deficiencies noted in the audit.

Minnesota's LIHEAP is audited each year by the Minnesota Office of the Legislative Auditor.

statutory references

2605(b)(12)

(timely and meaningful public

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



participation) The Policy Advisory Committee (PAC) for the Minnesota Energy Assistance Program has one or more meetings to consider and recommend changes to the Energy Assistance Program for the FFY2014 Minnesota State Plan for Energy Assistance. The PAC comprises 16 members representing stakeholder groups.

The Energy Assistance Coordinators' Association (EACA), affiliated with the Minnesota CAP Association, held a session in April to prepare and send recommend changes for the FFY2014 Energy Assistance Program.

At other times, EACA members and other local EAP Coordinators are asked to review and comment on proposed policies and procedures. Suggestions and recommendation are obtained during monitoring visits and when seeking advice throughout the year. For FFY2014 EAP Coordinators assisted in reviewing the energy vendor chapter and agreements signed by energy vendor.

Planning meetings for FFY2014 policy and procedures with local EAP Service Provider staff were held to revise and improve the EAP components. The work group discusses and makes recommendations for program improvements at Joint Approach to Development (JAD) meetings.

2605(a)(2) → Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds? When and where?

Yes  No

(public hearings)

Notice of the public hearing appeared in the Minnesota State Register, page 1855, Volume 37, Number 52, on Monday, June 24, 2013, at least 30 days before the hearing, as required by Minnesota law. Comment request notices were mailed to a list of interested parties maintained by the Department of Commerce.

The State Plan was available on the Department of Commerce web site for review by June 21, 2013. A public hearing on the proposed use and distribution of Minnesota's LIHEAP funds was held on July 30, 2013 in the State Office Building, St. Paul. Court reporter, Janet Shaddix, recorded the hearing and produced a transcript of the proceeding. Comments were accepted via telephone, mail, e-mail and in-person through 5:00 PM on July 30, 2013.

Each local administering EAP agency was sent an emailed containing the Office of Energy Assistance Programs' *The Energizer* newsletter that included an article notifying them of the public hearing and comment period. The local Service Providers were invited to comment on the draft LIHEAP State Plan.

Policy Advisory Committee members and other stakeholders were sent a notice of the LIHEAP public hearing and were invited to comment on the draft *LIHEAP State Plan*.

Information regarding received public comments is available upon request.

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)

Households have 30 days from the date they receive their notification letter to appeal decisions made regarding their energy assistance application. Applicants are informed of this right when they receive their application and again on their notification letter.

Grounds for appeal are:

- Disagreement about questions of fact (such as income, household size, previous year's heating costs, etc.) used to determine eligibility and amount of assistance.
- Application was denied.
- Application was not acted on in 30 days.
- The Energy Related Repair services at the time of completion or final inspection were not adequate or were inappropriate.

The three levels of appeal are:

- Local, including investigation and a written response.
- State, including investigation and a written response.
- Hearing with an administrative law judge followed by a written recommendation to the Commissioner of the Department of Commerce

statutory references

2605(b)(15)

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

(alternate outreach and intake)

**HEATING ASSISTANCE**

Yes  No

If Yes, describe alternate process for outreach and intake:

**COOLING ASSISTANCE**

Yes  N/A No

If Yes, describe alternate process for outreach and intake:

**CRISIS ASSISTANCE**

Yes  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.

Minnesota uses LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance. The supported activities are referred to as Assurance 16 (A16). Assurance 16 allowable activities may include:

- Budget counseling
- Energy conservation education
- Facilitation of household negotiations for budget payments
- Advocacy with fuel suppliers on behalf of households
- Household energy assessments
- Referrals
- Case management
- Public relations and outreach

If Yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

Funds for Assurance 16 activities are assigned a dedicated project code in the State Accounting System and a dedicated line item on the contract with local administering agencies. The use of Assurance 16 funds is monitored by field representatives and activities are recorded in LIHEAP software. This process assures expenditures for these activities do not exceed the allowable 5%. The use of Assurance 16 is an included monitoring activity.

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.

The Minnesota Department of Commerce and the local administering agencies acquire non-federal leveraged resources for Minnesota EAP. These leveraged resources are administered by the State or the local administering agencies or in collaboration and cooperation with the local administering agency and made available to federally qualified low-income households under 2605(b)(2). The following non-federal funds are distributed under this plan:

- A. Contributions to the State or local administering agencies that provide assistance to supplement LIHEAP payments, in accordance with federal program requirements. Sources of the contributions include local governments, foundations, individuals, businesses, and other entities.
- B. Contributions and monies received under Minnesota Statutes 216B.241, "Energy Conservation Improvements," known as CIP.
- C. Monies expended by local governments, foundations, individuals, businesses or other entities that supplement the energy assistance program, including primary heat, crisis, weatherization and energy related repair assistance. These monies assist low-income households to meet the costs of home energy in accordance with federal program requirements and are integrated into the energy assistance program through agreements that delineate coordination activities.
  1. Minnesota social services agencies have informally agreed on a protocol for providing low-income home energy assistance, beginning with federal funds, then state and local government funds. Community resources may be spent after federal funds or after state and local government funds, depending upon the purposes of the resources. The agreement also provides for coordination and collaboration of funding and advocacy efforts to assist households to meet home energy needs.
  2. The three types of fuel funds are integrated with the energy assistance program.

Type 1. REACH OUT FOR WARMTH is a statewide fuel fund initiated by the State of Minnesota. Funds are solicited by local EAP Service Providers from energy vendors and their customers, corporations, businesses and the general public. The fund is administered as a separate non-EAP program by local EAP Service Providers.

Type 2. Local delivery agencies contract with energy vendors to administer vendor sponsored fuel funds. These funds use energy assistance eligibility criteria and supplement energy assistance funding.

Type 3. Energy vendors and community groups operate fuel funds that integrate with the energy assistance program through coordination of eligibility determination and grant award determination. The energy assistance program maintains strong communications ties with these fuel funds, which piggy-back their activities on the energy assistance program.

- 3. The State of Minnesota, local administering agencies and the Salvation Army Heat Share Program will collaborate to ensure integration with the energy assistance program. Heat Share is a private fuel fund that receives voluntary contributions collected from energy vendor customers and stockholders.
  - a. Heat Share and the local administering agencies coordinate services though eligibility determination, referral networks, and joint training meetings.
  - b. Heat Share accepts EAP eligibility as proof of income eligibility and accepts EAP certified income as verified household income.
  - c. The State of Minnesota and the Salvation Army cooperate on many levels including reciprocal membership in advisory boards.
- D. Discounts or reductions in bulk fuel prices. Contracts at the local level with oil or liquid propane vendors will guarantee a negotiated price discount for an agreed-upon number of gallons of heating fuel. The agreed-upon number of gallons of heating fuel will be available to EAP households at the discounted price.
- E. The purchase of blankets, space heating devices and space cooling devices and equipment (including stoves and refrigerators) which meet MN Stat. 216C.19 Energy Conservation.
- F. The purchase, delivery and installation of electrical conservation materials to households where electricity is required to help meet the household's home heating needs.

The reduction in home energy bills obtained when a household participates in a utility or energy supplier's Special Rate or Practices Plan. These include programs designed to reduce the cost of home energy needs of the household and minimize the risk of an energy crisis. Special rate programs may include but are not limited to: discount rate, off-peak, time of day or dual heating plans.

statutory  
references  
2605(b)

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

(performance)  
goals and  
measures)

Performance goal:

- Households with a history of poor payment of energy bills will be encouraged to make regular monthly payments. Household will improve their payment performance.

- Fewer households receiving LIHEAP benefits will be without heat during the heating season.

### ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- \* **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted.
- \* **Debarment and suspension certification**, which must be filed by all grantees.
- \* **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here:
- \* One of the requirements included in the 1994 reauthorization of the statute is that state grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children. Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970- 0106.

Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970- 0106.

**MINNESOTA DEPARTMENT OF COMMERCE****CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

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, 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 an 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**

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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.

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## 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).

(B) 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)

85 7<sup>th</sup> Place E Suite 500, St. Paul, MN 55101

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

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

**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.

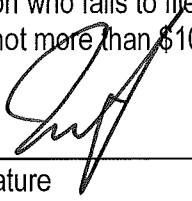
(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this 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.


8-29-13  


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Signature Date  


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Deputy Commissioner  


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Title  


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Minnesota Department of Commerce  


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Organization

**MINNESOTA DEPARTMENT OF COMMERCE****CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

## 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.

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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, 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.

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Certification Regarding Debarment, Suspension, Ineligibility an 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**

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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.

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## 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).

(B) 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)

85 7<sup>th</sup> Place E Suite 500, St. Paul, MN 55101

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

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

**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.

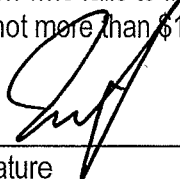
(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this 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.



8-29-13

Signature

Date

Deputy Commissioner

Title

Minnesota Department of Commerce

Organization