

ATTACHMENT 3
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

DETAILED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2014

GRANTEE State of Tennessee, Tennessee Housing Development Agency (THDA)

EIN: _____

ADDRESS 404 James Robertson Parkway, Suite 1200
Nashville, TN 37243-0900

NAME OF LIHEAP COORDINATOR: Pam Davenport

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PLEASE CHECK ONE: TRIBE _____ STATE X INSULAR AREA _____

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

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01

OMB Approval No. 0970-0075

Expiration Date: 04/30/2014

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

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

Assurances

The State of Tennessee, THDA agrees to:
(Grantee Name)

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

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

(B) intervene in energy crisis situations;

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

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

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

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

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

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

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

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

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

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

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

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

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

- (3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;
- (4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;
- (5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;
- (6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—
- (A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and
 - (B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;
- (7) if the State chooses to pay home energy suppliers directly, establish procedures to --
- (A) notify each participating household of the amount of assistance paid on its behalf;
 - (B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

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

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

(8) provide assurances that,

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

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

(9) provide that--

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

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

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

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

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

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

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

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

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

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

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

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

Signature:



Title:

Governor of Tennessee

Date:

August 26, 2013

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

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

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

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

statutory
references

2605(a)

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

(use of funds)	<u>Dates of Operation</u>
<u> X </u> heating assistance	Oct 1, 2013, Sept 30, 2014
<u> X </u> cooling assistance	Oct 1, 2013, Sept 30, 2014
<u> X </u> crisis assistance	Oct 1, 2013, Sept 30, 2014
<u> X </u> weatherization assistance	Oct 1, 2013, Sept 30, 2014

Tennessee does not separate heating and cooling components. Rather, combined heating/cooling program is run year round. Weatherization activities will also run year round as funding permits.

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

(use of funds)

48 % heating assistance

15 % cooling assistance

10 % crisis assistance

2605(k)(1) 15 % weatherization assistance

% carryover to the following fiscal year

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

2605(b)(16) 2 % services to reduce home energy needs including needs assessment (assurance 16)

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

100% **TOTAL**

statutory
references

2605(c)(1)(C)

(alternate use
of crisis assistance
funds)

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

heating assistance

cooling assistance

weatherization assistance

Other(specify):

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

Yes No

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

(eligibility)

→ What are your maximum eligibility limits?
(Please check the components to which they apply.)

Current year guidelines must be used.

150% of the poverty guidelines:
heating cooling crisis wx

125% of the poverty guidelines:
heating cooling crisis wx

110% of the poverty guidelines:
heating cooling crisis wx

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

Other (specify for each component)

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

statutory
references

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

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

→Do you use: Yes No

Assets test? _____ X _____

→Do you give priority in eligibility to:

Elderly? X _____

Disabled? X _____

Young children? X _____

Other:
(If Yes, please describe) _____ _____

Under the priority points system, applicants are given points based not only on the presence of above mentioned vulnerable members in the household but also applicants' incomes by family size and energy burden. Those applicants with the lowest incomes, highest energy burden, and greatest vulnerability receive the most number of points available.

After the total number of points is determined for each eligible household, the applicants are ranked from the highest number of points to those with the lowest number. Those households with the highest number of points receive priority in assistance and will be served subject to available funds. In addition, the number of points awarded to each household is the determining factor in the benefit level of assistance provided to each household, except for a household which is only subject to the payment of "overages".

statutory
references

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

(eligibility)

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

→ Do you use:

Yes No

Assets test?

 X

→ Do you give priority in eligibility to:

Elderly?

 X

Disabled?

 X

Young children?

 X

Other:

(If Yes, please describe)

Under the priority points system, applicants are given points based not only on the presence of above mentioned vulnerable members in the household but also applicants' incomes by family size and energy burden. Those applicants with the lowest incomes, highest energy burden, and greatest vulnerability receive the most number of points available.

After the total number of points is determined for each eligible household, the applicants are ranked from the highest number of points to those with the lowest number. Those households with the highest number of points receive priority in assistance and will be served subject to available funds. In addition, the number of points awarded to each household is the determining factor in the benefit level of assistance provided to each household, except for a household which is only subject to the payment of "overages".

statutory
references

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

(eligibility)

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

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

** Tennessee only allows one type of LIHEAP assistance per program year. Households cannot receive both regular LIHEAP and crisis assistance in the same program year. Also, if the client received a payment in a previous program year and it has not been expended, the household would not be eligible for crisis or regular LIHEAP assistance. The client must have an energy burden.

→ What constitutes a crisis? (Please describe)

The Crisis Assistance component will be based on **uncontrollable circumstances** which must include either a shut off notice, disconnected utilities or a lack of home delivered fuel notice in combination with at least one of the following:

- **Household has an unanticipated medical or major household expense.** Out of pocket expense should exceed 100% of current utility bill. Documentation could include: receipts of payments made to meet this unanticipated medical or major household expense.

- **Household wage earner with at least a year of stable work history has lost his/her job within the last twelve (12) months.** Documentation could include: letter from employer, termination or lay-off notice, UI claims, UI notification of eligibility.
- **Household wage earner has left the home within the past forty-five (45) days.** Documentation could include recent application for family assistance (Families First, Food Stamps), order of protection, police report, revised lease, or other legal documentation.
- **Death of wage earner within the last twelve (12) months.** Documentation could include obituary, death certificate, and funeral program.
- **Significant loss of work hours.** Documentation could include a letter from employer outlining details of loss of work hours or pay stubs.
- **Household wage earner is unable to work due to illness and does not receive sick leave or time away from work.** Documentation could include a statement from employer.
- **Household has a non-functioning or malfunctioning heating system.**
- **Child under the age of six (6) in the home.**
- **Elderly - 1 member of household is age 60 or above.**
- **Disabled – 1 member of household is disabled.**

Uncontrollable Circumstances must be explained by the client and documented to the extent possible.

Applications are continuously accepted for Crisis Assistance throughout the contract period, regardless of the availability of funds, and a waiting list is maintained, as necessary.

If an agency has expended all Crisis funding, a Crisis applicant may be served under Regular LIHEAP funding, if available.

statutory
references

2605(c)(1)(A)

(eligibility)

→ Do you have additional eligibility requirements for:
WEATHERIZATION (___ Yes ___ No)

→ Do you use:

Yes No

Assets test?

___ X ___

Priority groups? (Please list)

X ___

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

___ X ___

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

___ ___

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:

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

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

X publish articles in local newspapers or broadcast media announcements.

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

X make mass mailing to past recipients of LIHEAP.

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

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

 other (Please specify):

statutory
references

2605(b)(4) → Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

(coordination)

Effective outreach means that the most vulnerable households, as prioritized by the state, are made aware of the LIHEAP program. Agencies may use a portion of their grant funds (to a maximum of 5%) to execute outreach efforts. Agencies are required to conduct outreach activities throughout the program year as funding is available and needs are determined by the agency. Each agency must conduct outreach activities. Outreach activities by sub-grantees may include, but are not limited to, the following:

- Provide intake service through home visits or by telephone for elderly or disabled persons
- Place posters / flyers in local and county social services offices, office of aging, Social Security offices, VA offices, etc.
- Place posters / flyers in medical offices, senior citizens centers, etc.
- Place posters / flyers in malls, local recreation centers, and other common gathering places for seniors
- Publish articles in local newspapers or broadcast media announcements
- Billboards, metro buses, bus benches, other public transportation programs, etc.
- Include inserts in energy vendor billings
- Mass mailings to past recipients of LIHEAP
- Inform applicants of other low-income programs of the availability of LIHEAP
- Utilize early application period at the beginning of the program for elderly and disabled persons only prior to the general public
- Execute interagency agreements with other low-income program offices to perform outreach to target groups
- Toll-free phone line for information
- Special assistance such as translation and bilingual brochures to non-English speaking households
- Post application on-line for mail-in applicants
- Place copies of applications and program fact sheets in public libraries and senior centers
- Public speaking appearances by program staff to local community groups

- Provide agency contact information to local resource agencies and directories
- Include insert or information for church bulletins and faith-based newsletters
- Allow prior year SSI recipients to update their information by phone or email
- Provide informational flyers to local schools
- Agency staff participates in local community resource fairs

The Tennessee Housing Development Agency (THDA) will:

- Provide the general public with information on the program through media outlets releases as needed; and
- Provide the general public with information on the program on the THDA web page as well as telephone and electronic means of communication; and
- 3. Provide technical assistance to local contract agencies

statutory
references

2605(b)(4)

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

(coordination)

Local agencies administering the LIHEAP program typically administer the Weatherization Assistance Program (WAP), the Community Services Block Grant (CSBG) program, and various other programs that vary by agency to meet the needs of citizens in their service delivery area. Program staff in these agencies make interagency referrals on behalf of their clients and make referrals to other community programs known to the agency.

2605(b)(5)

2605(b)(2)

2605(b)(8A)

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

(benefit
levels)

Eligibility is based on Priority points. Consideration is made for the

elderly, disabled, and children under the age of 6, as long as the household is income eligible. There is no difference in determining eligibility or priority points.

statutory
references

HEATING COMPONENT

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

(determination
of benefits)

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

2605(b)(5) → Describe how you will assure that the highest benefits go to households
 2605(c)(1)(B) with the lowest incomes and the highest energy costs or needs in relation
 to income, taking into account family size.
 (benefit Please describe benefit levels or attach a copy of your payment matrix.
 levels)

LIHEAP Priority Point System – FY 2014

Revised 08/12/2013

Maximum Points Possible = 105

Income Based on Family Size (35 Point Maximum)

% of Federal Poverty Guidelines	Points
0-50%	35 points
51-75%	30 points
76-100%	25 points
101-125%	20 points
125-150%	15 points

Energy Burden (20 point maximum)

% of Income Used for Home Energy Cost	Points
14% or higher	20 points
9-13%	15 points
4-8%	10 points
3% or less	5 points

Vulnerable Household Members (50 point maximum)

Household with:	Points
*Elderly (70 years or older)	15 points
*Elderly (60-69 years)	10 points
Disabled	10 points
Children under 6 years of age	10 points
APS Referral	10 points
Households with six (6) or more persons	5 points

Benefit Levels

Total Points	Benefit Amount
0-50 points	300.00 150.00 if client lives in Public Housing and only pays utility "overage"
55-75	450.00 225.00 if client lives in Public Housing and only pays utility "overage"
80-105	600.00 300.00 if client lives in Public Housing and only pays utility "overage"

Benefits levels are established by the State and used by all LIHEAP agencies in the State of Tennessee. Benefit levels must be established in ranges as indicated in the chart above. Benefit levels are uniform statewide.

The benefit levels for Energy Assistance (Heating and Cooling) and for Crisis Assistance must be included in the agency's operational plan.

To determine which households are to receive priority in assistance when sufficient funds are not available to serve all households with the same number of points, the applications will be ranked based on the energy burden calculated. Those households with the highest energy burdens are to receive assistance first.

The Priority Points System for Energy Assistance will be used as a basis to initially determine the level of assistance with one exception. The calculation of the energy burden for electric and/or natural gas bills will be based on the amount of the bill concerned with the shut-off notice.

*The single largest point value the family qualifies for in the elderly category will be applied for the household. Points from **both** elderly categories will not be combined to increase the point value.

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

 Yes X No If Yes, please describe.

statutory references

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

COOLING COMPONENT

(determination of benefits)

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

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

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

(benefit levels)

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

The priority points system/benefit level is the same for both heating and cooling.

PRIORITY POINTS SYSTEM

The determination of which eligible households receive assistance is accomplished through the Priority Points System. Under this system, applicants are given points based on their incomes by family size, energy burden, and the presence of vulnerable members in the household. Those applicants with the lowest incomes, highest energy burden, and greatest

vulnerability receive the most number of points available. After the total number of points is determined for each eligible household, the applicants are ranked from the highest number of points to those with the lowest number. Those households with the highest number of points receive priority in assistance and will be served subject to available funds. In addition, the number of points awarded to each household is the determining factor in the benefit level of assistance provided to each household.

LIHEAP Priority Point System – FY 2014

Revised 08/12/2013

Maximum Points Possible = 105**Income Based on Family Size (35 Point Maximum)**

% of Federal Poverty Guidelines	Points
0-50%	35 points
51-75%	30 points
76-100%	25 points
101-125%	20 points
125-150%	15 points

Energy Burden (20 point maximum)

% of Income Used for Home Energy Cost	Points
14% or higher	20 points
9-13%	15 points
4-8%	10 points
3% or less	5 points

Vulnerable Household Members (50 point maximum)

Household with:	Points
*Elderly (70 years or older)	15 points
*Elderly (60-69 years)	10 points
Disabled	10 points
Children under 6 years of age	10 points
APS Referral	10 points
Households with six (6) or more persons	5 points

Benefit Levels

Total Points	Benefit Amount
0-50 points	300.00 150.00 if client lives in Public Housing and only pays utility "overage"
55-75	450.00 225.00 if client lives in Public Housing and only pays utility "overage"
80-105	600.00 300.00 if client lives in Public Housing and only pays utility "overage"

Benefits levels are established by the State and used by all LIHEAP agencies in the State of Tennessee. Benefit levels must be established in ranges as indicated in the chart above. Benefit levels are uniform statewide.

The benefit levels for Energy Assistance (Heating and Cooling) and for Crisis Assistance must be included in the agency's operational plan.

To determine which households are to receive priority in assistance when sufficient funds are not available to serve all households with the same number of points, the applications will be ranked based on the energy burden calculated. Those households with the highest energy burdens are to receive assistance first.

The Priority Points System for Energy Assistance will be used as a basis to initially determine the level of assistance with one exception. The calculation of the energy burden for electric and/or natural gas bills will be based on the amount of the bill concerned with the shut-off notice.

*The single largest point value the family qualifies for in the elderly category will be applied for the household. Points from **both** elderly categories will not be combined to increase the point value.

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

Yes No If Yes, please describe.

statutory
references

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

(determination
of benefits)

CRISIS COMPONENT

→ 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)

A crisis component is required, utilizing a minimum of 10% of the funds allocated on the —Specific Assistance to Individuals line of the Grant Budget.

Energy Crisis is defined as: Sudden, unexpected, uncontrollable loss of financial resources; life threatening conditions or any circumstances that threaten the stability of the household if energy assistance is not provided.

Energy Crisis Component is now defined Statewide as: program component which provides services to households which are subject to life-threatening conditions without immediate intervention to address their critical energy-related needs. Applications determined eligible to meet the Energy Crisis definition and which are based on

uncontrollable circumstances that have not allowed the payment of energy bills, will receive assistance on a —fast-trackll approach to alleviate the crisis situation.

Based on priority points system, the minimum benefit level for Crisis Assistance is \$300 and the maximum benefit level is \$600 per year.

Crisis Assistance will be provided to eligible households not later than 48 hours after a household applies and is determined eligible, or prior to the date and time of the termination or depletion of the primary energy source, if the application is made at least twenty-four (24) hours in advance excluding Saturdays, Sundays, and official agency holidays, whichever occurs first. Subject to availability in either the Crisis funds or Regular funds.

Crisis Assistance will be provided to eligible households not later than 18 hours after the household applies and is determined eligible if the household is in a life-threatening situation (utility service is disconnected or fuel is depleted). Subject to availability in either the Crisis funds or Regular funds.

Crisis Assistance will be provided in an amount sufficient to alleviate the crisis and within the applicant's determined benefit level amount.

Crisis Assistance will be provided in an amount sufficient to alleviate the crisis and within the applicant's determined benefit level amount.

Crisis applications will be accepted for the assistance at sites that are geographically accessible to all households in the area to be served.

Individuals who are physically infirm will be provided the means to submit Crisis applications without leaving their residence or to travel to the sites at which applications are accepted.

Agencies will determine the maximum benefit level for the Crisis component within the same parameters as the Regular LIHEAP program component.

(benefit
levels)

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

heating \$_____ maximum benefit

cooling \$_____ maximum benefit

year-round \$ \$600.00 maximum benefit

Assistance will be allowed one time in a program year up to a maximum of \$600 for LIHEAP assistance.

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

 Yes X 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.
- X Caulking, insulation, storm windows, etc.
- X Furnace/heating system modifications/repairs
- X Furnace replacement
- X Cooling efficiency mods/repairs/replacement
- Other (Please describe)

(benefit levels)

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

If Yes, what is the maximum amount? \$ 5000.00

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

(types of rules)

- X 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.)

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

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

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

If Yes, please describe how you selected them.

→ What components are affected by the change?

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

(targeting of assistance)

statutory
references2605(b)(7)
(energy
suppliers)**→**Do you make payments directly to home energy suppliers?Heating Yes NoCooling Yes NoCrisis Yes NoIf Yes, are there exceptions? Yes No

If Yes, please describe.

Payments are made to home energy suppliers by the sub-grantee agencies providing LIHEAP.

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)

Copies of the payment vouchers are provided by the sub-grantee to the client.

2605(b)(7)
(B) & (C)**→**How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

Vendor agreements (attached) are used by the sub-grantees for the heating, cooling and crisis assistance components of the program.

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 X _____ No

COOLING ASSISTANCE

_____ Yes X _____ No

CRISIS ASSISTANCE

_____ Yes X _____ No

WEATHERIZATION

X Yes X _____ No

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.)

General

Generally accepted accounting principles will be adhered to in preparation of reports. Each contract agency receiving funds under the program must be audited according to their contract.

Fiscal Control Procedures

THDA will use the following procedures to ensure fiscal control of funds:

1. Review all proposed budgets to assure that all proposed expenditures are allowable in accordance with applicable State and Federal requirements;
2. Review as received, all expenditures made by the agencies, in both client services and administrative categories, as reflected on the specified financial reporting form;
3. Make periodic on-site monitoring visits to the agencies to review fiscal procedures;
4. Provide technical assistance and training to agency personnel as needed;
5. Review agency audits to assure that required principles and guidelines were adhered to in administering the program; and
6. Require that contract agencies adhere to the Accounting Manual for Recipients of Grant Funds in Tennessee, published by the State of Tennessee, Comptroller of the Treasury, (available at: <http://www.comptroller.tn.gov/ma/finreptmanual.asp> and applicable federal and state fiscal guidance.

Fiscal Records

Local contract agencies are required to maintain fiscal and program records, books, papers and other evidence to support accounting and personnel procedures and practices which sufficiently reflect all direct and indirect costs expended in their operation of the LIHEAP. Such records shall be maintained until an audit has been performed and all questions related thereto have been resolved or for a minimum of three (3) years. These records shall be maintained in accordance with generally accepted accounting principles at no less than those recommended in the Accounting Manual for Recipients of Grant Funds in Tennessee, published by the Comptroller of the Treasury, State of Tennessee.

Such records shall be maintained in accessible form and shall be subject to monitoring, inspection, and audit by THDA, the State of

Tennessee's Comptroller of the Treasury or his designated representative, and Federal personnel including the U. S. Comptroller General or his designated representative and authorized representatives of the U. S. Department of Health and Human Services. In order to provide full audit disclosure, the scope of audits shall include the financial activities of all other entities managed or controlled by the board of the agency or by its employees. Agencies shall assume full financial liability for audit exceptions ruled as final after the agency has received notice and been offered the opportunity to participate in review of the audit exceptions with State or Federal officials, as appropriate.

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

Programmatic Monitoring

Program monitoring will be conducted by THDA's Program Staff. These same monitors are also responsible for monitoring the State's Weatherization Assistance Program.

Each agency will be monitored subject to federal program requirements. Visits will be announced and arranged through written and/or verbal communications. Each monitoring visit will serve to evaluate compliance with program policy areas.

All visits will consist of an entrance and exit conference. The policy areas to be reviewed will be presented by monitoring staff to local agency personnel during the entrance conference. The exit conference will involve a presentation of the findings of the review.

In addition, all monitoring visits will be followed by letters to agency board chairpersons and the Executive Director to communicate the findings of the reviews. Corrective Action Plans (CAP) must be submitted to THDA within 30 days of the date of the monitoring report unless a request is granted from THDA for an extension at THDA's discretion. In the event of program deficiencies, THDA will have the responsibility to confirm the correction of the deficiencies.

→How is your LIHEAP program audited?

Under the Single Audit Act? X Yes No

If not, please describe:

For States and Territories:

➔ Is there an annual audit of local administering agencies? Yes ___ No
If not, please explain.

statutory
references

2605(b)(12)

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

(timely and
meaningful
public
partici-
pation)

A meeting was held prior to the public hearing to discuss the transfer of LIHEAP funds from TDHS to THDA. This is an ongoing process and meetings will be scheduled throughout the year to plan and implement consistent, relevant policies and procedures. Operational plans are submitted by each agency to insure that each agency has an understanding and plan to meet the needs of LIHEAP recipients. A taskforce will be developed during the program year to further strengthen and enhance the communication between LIHEAP agencies and THDA staff.

2605(a)(2)

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

Yes ___ No

(Not required for Tribes and tribal organizations)

A public hearing will be held August 27. The application was distributed through media release and notification to local agencies

(public
hearings)

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)

Hearing Process

Individuals whose claims for LIHEAP assistance are denied or are not acted upon with reasonable promptness, except if the denial or lack of reasonable promptness is due to lack of funds, may request a hearing with the local contracting agency. No hearing shall be required if LIHEAP funds are no longer available to the local contracting agency.

Each local contracting agency shall establish processes and procedures for hearings at the local level. At a minimum, such process and procedures shall include the following requirements:

1. That requests for hearings be made in writing, on a form provided by the local contracting agency, with specific information about the error made by the local contracting agency in denying or not acting with reasonable promptness on an individual's claim for LIHEAP assistance;
2. That a copy of the completed form be given to the individual requesting the hearing, with one copy to THDA and a copy retained by the local contracting agency in the individual's permanent file;
3. That requests for a hearing shall be filed within 30 days of the denial of LIHEAP assistance or within 30 days following a claim for LIHEAP assistance that has not been acted upon by the local contracting agency;
4. That the local contracting agency will hold a hearing, in accordance with their policies and procedures, within a reasonable time, from the date of a proper request for a hearing and shall provide written notice of the results of the hearing to both the individual who requested the hearing and THDA.

Individuals who properly apply for LIHEAP assistance shall be informed by the local contracting agency at the time of a denial of their application the following:

1. the ability to request a hearing;
2. the requirements associated with requesting a hearing; and
3. the ability to be represented by an authorized representative, such as legal counsel, relative, or friend.

The local contracting agency shall also provide information and referral services regarding any legal services available in the community that may be available to the individual requesting the hearing.

The local contracting agency shall notify, in writing, all individuals who claim LIHEAP assistance whether their claim for assistance is approved or denied. If the claim for assistance is approved, the written notification shall also indicate the benefit amount to be provided. If the claim for assistance is denied, the written notification shall state the correct procedures to follow to request a hearing in connection with the denial and shall include the items stated above.

Individuals whose claim for LIHEAP assistance is denied and that denial is upheld by the local contracting agency may request a review by the Tennessee Housing Development Agency (THDA). Requests to THDA for a review may be made in writing, electronic mail, or telephone within thirty (30) days of the date of the written notification of the outcome of the hearing conducted by the local contracting agency. No request for a THDA review will be accepted until a hearing has been held by the local contracting agency and notification of the results have been made.

All requests to THDA for a review shall include all materials submitted by the individual to claim LIHEAP assistance and all other documentation and communication between the individual claiming LIHEAP assistance and the local contracting agency and shall be submitted to:

Pam Davenport, Senior Federal Program Coordinator
Tennessee Housing and Development Agency
404 James Robertson Parkway, Suite 1200
Nashville, TN 37243-0900

(615) 815.2040
pdavenport@thda.org

statutory
references

2605(b)(15)

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

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

(alternate
outreach
and intake)

HEATING ASSISTANCE

_____ Yes X No

If Yes, describe alternate process for outreach and intake:

COOLING ASSISTANCE

_____ Yes X No

If Yes, describe alternate process for outreach and intake:

CRISIS ASSISTANCE

_____ Yes X No

If Yes, describe alternate process for outreach and intake:

statutory
references

2605(b)(16)

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

X Yes No

If Yes, please describe these activities.

Local administering agencies provide clients with information on energy conservation tips, and provide assistance to clients when issues arise with cutoff notices and other problems with their energy suppliers.

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

The Outreach/Consumer Education program component is capped for the local administering agency budgets to ensure the 5% cap is not exceeded.

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).

Leveraging activities will not be performed in Tennessee for this program year.

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

statutory
references

2605(b)
(performance)
goals and
measures)

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



<http://www.acf.hhs.gov/grants/certification-regarding-drug-free-workplace-requirements>

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d) (2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

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

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

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

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

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

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

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

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

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --
 1. The dangers of drug abuse in the workplace;
 2. The grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 1. Abide by the terms of the statement; and
 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --
 1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

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

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

404 James Robertson Pky. Suite 1200
Nashville, TN 37243-0900

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

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

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



<http://www.acf.hhs.gov/grants/certification-regarding-debarment-suspension-and-other>

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

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

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

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

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

- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- 2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

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

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

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

Statement for Loan Guarantees and Loan Insurance

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

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

Signature

F. M. Perry

Title

Executive Director

Organization

TEDA