

Energy Efficiency and Conservation Branch Operations Manual



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Definition of Terms

For purposes of this Operations Manual, these terms have the following meaning:

Air infiltration: The exchange of air through the physical separator between the conditioned and unconditioned area of a dwelling. The most common air infiltration areas are around the crawl spaces, doors, windows, heating and cooling units, and wall top plates in attics.

Air sealing: Measures implemented to reduce the amount of air infiltration in a dwelling unit.

Blower Door Test: An apparatus used to measure the amount of air exchange in Cubic Feet per Minute (CFM). This tool draws air through all envelope openings by depressurizing the dwelling unit.

Building Performance Institute (BPI): A nonprofit organization that develops energy audit standards and provides the required inspection credential for the Weatherization Assistance Program (WAP).

Carbon monoxide (CO): An odorless, tasteless, and colorless toxic gas that is produced when insufficient combustion air is supplied to an appliance, an improperly tuned burner, or a malfunctioning appliance. Combustion appliances produce exhaust gases that should be directly vented to the outside to avoid introducing combustion byproducts into the dwelling.

Carbon monoxide analyzer: A tool used to determine the CO level of a combustible appliance in a dwelling unit.

Conditioned living space: The occupied area of a dwelling that is heated and/or cooled. This space can be weatherized by replacing the exterior door(s) and window(s), including weather-stripping and threshold components. Heating and cooling measures are only provided for this space.

Coordinator: The subgrantee's point of contact responsible for implementing Energy Efficiency and Conservation Branch (EECB) programs and assuring the diagnostic testing, inspections, work write-ups, bidding, and final inspections are performed in accordance with program guidelines. This individual is required to attend mandatory Department of Energy and Environment (DOEE) meetings and trainings.

District of Columbia Weatherization Field Guide (Field Guide): A guide developed by DOEE to serve as the consistent standard of best practices for the installation of weatherization measures. The Field Guide incorporates the Standard Work Specification (SWS) as mandated by the United States Department of Energy (U.S. DOE).

Dwelling or dwelling unit: A house, including a stationary manufactured home, apartment, group of rooms, or a single room, occupied as separate living quarters.

Elevated Blood Lead Level (EBLL): A blood level at or above the reference range value of 5 µg/dL established in 2012 as determined by a single blood lead test (capillary or venous).¹

Energy Efficiency Measure (EEM): A measure to improve the energy efficiency of a dwelling by installing more efficient lighting, utility systems, insulation, and other materials in a cost-effective manner. An EEM often includes the installation of ancillary items but does not include Incidental Repair Measures (IRM).

Envelope: The primary thermal barrier between the interior and exterior environments (includes the walls, windows, roof, and foundation of a structure).²

Healthy Homes Program: Program funded by local and federal funds that assists with the identification and remediation of identified risks within a dwelling that can contribute to an unhealthy home. A healthy home is housing that is designed, constructed, maintained, or rehabilitated in a manner that is conducive to good occupant health.

High-Efficiency Particulate Air (HEPA): An air filter manufactured, tested, and certified in accordance with HEPA filter standards.

Incidental Repair Measures (IRM): The repairs necessary for the effective performance or preservation of weatherization materials. Such repairs include, but are not limited to, framing, or repairing windows and doors that could not otherwise be caulked or weather-stripped and providing protective materials to seal the installed materials. IRMs must be included in the total project cost, and cumulatively the job SIR must be greater than 1.0.

Lead Service Replacement Program – In partnership with DC Water property owners are eligible to receive free or discounted replacements of lead water service pipes, the small diameter pipes that bring water from the water main into home.

Lead Reduction Program: A program funded by the United States Department of Housing and Urban Development (HUD) that uses federal funds to maximize the number of children age 5 and under protected from lead poisoning through lead abatement.

Low-Income Home Energy Assistance Program (LIHEAP): A program funded by the United States Department of Health and Human Services (HHS) that uses federal funds to assist low-income households in reducing their energy burden.

¹ <https://www.cdc.gov/nceh/lead/data/definitions.htm>

² <https://betterbuildingsinitiative.energy.gov/alliance/technology-solution/building-envelope>

LIHEAP Assurance 16: Provision for LIHEAP grantees to spend no more than five percent of their LIHEAP funds on services that encourage and enable households to reduce their home energy needs.

LIHEAP Emergency Mechanical System Program: A program funded by the United States Department of Health and Human Services (HHS) that assists single-family homeowners by repairing or replacing inoperable central air conditioning units, heating systems, hot water tanks, and chimney liners.

LIHEAP Statute 2605(b): Federal guidance pertaining to grantees' applications (also referred to as annual plans) for LIHEAP funds and the requirements for state grantees (also known as the 16 Assurances).

Measures: A generic term used to describe all the weatherization items to be addressed (repaired, replaced, or installed) in a dwelling unit.

Minor repair: Non-structural repairs made to a dwelling unit.

National Energy Audit Tool (NEAT): Diagnostic software used to evaluate single family dwellings' existing central heating and cooling equipment (and refrigerators in approved circumstances). NEAT is used to determine if replacement equipment will be cost effective and provides replacement size recommendations.

Priority list: A prioritized list of energy efficiency and energy savings measures for a dwelling unit. Multifamily dwellings require running the Targeted Retrofit Energy Analysis Tool (TREAT) while single family homes require running NEAT.

Quality Control Inspector (QCI): An individual certified as a Home Energy Professional Quality Control Inspector in accordance with the Weatherization Program Notice 14-4 (WPN 14-4), Quality Work Plan Requirement.

Savings to Investment Ratio (SIR): The estimated ratio of the present value savings to the present value costs of an energy or water conservation measure. For a conservation measure to be implemented, the SIR rating must exceed 1.0.

Subgrantee: An organization that has been awarded a sub-grant and is accountable to the Department of Energy and Environment (DOEE) for the use of funds provided by the Energy Efficiency and Conservation Branch (EECB) Programs.

Standard Work Specifications (SWS): An industry resource developed by U.S. DOE that establishes guidelines for home energy professionals working on home energy update projects.

The SWS defines the outcomes of quality work within the home energy upgrade industry and reflects a whole-house approach to installing energy-efficiency measures.³

Targeted Retrofit Energy Analysis Tool (TREAT): A multifamily comprehensive and flexible software auditing tool that projects energy savings from combined retrofits. TREAT features National Renewable Energy Laboratory (NREL) energy modeling, dynamic links to local weather logs, a unique model “true-up” feature, and concise energy savings reports to ensure projected energy savings are reliable.

U-value: Insulation value of windows. Measure of the heat flow per unit area per hour per degree F difference in temperature of either a component (i.e. center of glass) or an entire heterogeneous assembly.⁴

United States Department of Energy (U.S. DOE): The federal agency that provides weatherization funding to states, U.S. overseas territories, Indian tribal governments, and the District of Columbia. U.S. DOE allows these entities to, in turn; fund a network of local community action agencies and nonprofit organizations that provide the weatherization services to low-income families.

United States Department of Health and Human Services (HHS): The federal agency that provides LIHEAP funding to states, U.S. overseas territories, Indian tribal governments, and the District of Columbia to assist low-income households in managing their energy-related expenses.

United States Department of Housing and Urban Development (HUD): The federal agency that provides healthy homes and lead reduction funding to states, U.S. overseas territories, Indian tribal governments, and the District of Columbia. HUD allows these entities to, in turn; fund a network of local community action agencies and nonprofit organizations that provide the lead reduction and healthy home services to low-income families.

Weatherization Assistance Program (WAP): The U.S. DOE and HHS program that provides grants to states, territories, and Indian tribes to improve the energy efficiency of the homes of low-income families through education, conducting energy audits, and the installation of audit-recommended measures.

³ http://www.nrel.gov/tech_deployment/buildings_sws.html

⁴ <https://www.efficientwindows.org/ufactor.php>

Foreword

This Energy Efficiency and Conservation Branch Operations Manual (Manual) has been prepared by the Energy Efficiency and Conservation Branch (EECB) within the Affordability and Efficiency Division (AED) of the Department of Energy and Environment's (DOEE) Energy Administration (EA). This Manual is a reference for EECB program's operations. This document outlines DOEE's processes for the management and expenditure of grant funds received from both Federal and District Government sources for energy efficiency and addressing health and safety risks.

The main sources for this Manual include: 10 Code of Federal Regulations (CFR) Parts 440 and 600; periodic grant guidance issued by the U.S. Department of Energy (U.S. DOE) and the U.S. Department of Health and Human Services (HHS); and the District's Weatherization Field Guide. This Manual also includes guidance on LIHEAP Assurance 16, lead identification and remediation requirements, and identification and remediation for unhealthy conditions in the home (mold, asbestos, pests, etc.).

This Manual supports DOEE's goal of providing effective, efficient, and consistent management policies within EECB. In addition, this Manual provides policies for DOEE's implementation of the various federal regulations that govern the administration of EECB Programs to effectively serve the District's low-income households. This Manual is intended to be updated and edited on a regular basis, and therefore is subject to change at any time.

Revision Five: April 28, 2021

Introduction and Overview

1.1 Introduction

DOEE's Energy Administration (EA) is the primary resource for energy efficiency and renewable energy programs, products, and services for residential, commercial, institutional, and government sectors in the District of Columbia. EA plans, develops, coordinates, and facilitates energy-related policies and the overall efforts of the District Government to achieve reliable, clean, and affordable energy. EA provides direct financial assistance, administers discount programs for low-income residents to help offset their energy bills, and helps residents reduce their energy consumption by providing technical and financial assistance to identify and install audit-recommended energy efficiency measures. EA is dedicated to educating District residents about the efficient and safe use of energy.⁵

EECB Programs are designed to assist low-income residents with managing or reducing their energy costs through financial assistance, installing DOEE-approved energy efficiency measures, accessing energy-related educational materials, addressing health and safety hazards, and reducing exposure to lead. Applicants for EECB Programs must first be deemed income eligible by submitting the required income verification documentation to DOEE's Energy Affordability Branch.

DOEE implements EECB Programs through subgrantees that are selected via a competitive Request for Applications (RFA) grant award process. Subgrantees may be non-profits or Community Action Agencies (CAA). Subgrantees are charged with identifying hazards; installing energy efficiency, health, and safety measures; and completing lead remediation work and making the home a "healthy home".

To ensure program integrity, comply with applicable federal and state regulations, and ensure the use of the latest techniques and best practices, DOEE requires all personnel working for EECB, subgrantees, and contractors and relevant subcontractors performing EECB Program services to attend conferences and trainings on lead-safe work practices, lead hazard control, green and healthy housing, grant administration, energy efficiency training, and other relevant topics. DOEE regularly monitors each subgrantee's personnel for training compliance. DOEE also evaluates each subgrantee's performance of energy service, lead services, and healthy home services to ensure the required benefits are provided. Finally, U.S. DOE, HUD, and HHS regularly monitor, review, and audit DOEE's grant funded EECB Programs.

⁵ For more information, please visit DOEE's Energy Assistance and Weatherization website at <http://doee.dc.gov/service/energy-assistance-and-weatherization>.

1.2 Overview

This Manual is intended to be a comprehensive reference for the policies and procedures of EECB Programs to assist program managers and subgrantees in their efforts to meet the goals and objectives of the program. This Manual includes:

- WAP policies mandated by the District and Federal Government;
- LIHEAP Emergency Mechanical System Program overview;
- LIHEAP Assurance 16 guidelines;
- Lead Reduction Program guidelines;
- Healthy Homes Program overview;
- Procedures and processes that ensure the effective operation of EECB Programs; and
- Instructions and guidance for monitoring, reporting, and compliance.

1.3 Programs and Funding

1.3.1 Programs

EECB administers the following programs:

- Weatherization Assistance Program,
- LIHEAP Emergency Mechanical Systems Program,
- LIHEAP Assurance 16,
- Lead Reduction Program, and
- Healthy Homes Program.

When there is a demonstrated need and/or available funding, DOEE may also administer limited time programs (e.g. the Senior StayCool Program funded by the Department of Aging and Community Living to provide cooling assistance for low-income seniors).

1.3.2 Program Funding

Funding for the EECB Programs comes primarily from four sources:

1. **United States Department of Energy (U.S. DOE):** U.S. DOE funding for WAP is provided to the District based on funding appropriated by Congress annually.
2. **United States Department of Health and Human Services (HHS):** While HHS funding is primarily used for LIHEAP bill-payment assistance, up to 15% of the LIHEAP grant may be used for WAP. Additionally, up to 5% of LIHEAP funding may be allocated toward implementing LIHEAP Assurance 16.

3. **U.S. Department of Housing and Urban Development (HUD):** HUD awarded the District a Lead-Based Paint Hazard Reduction Grant for the Lead Reduction Program.
4. **District of Columbia General Funds:** The Council of the District of Columbia has appropriated local funds each year for EECB Programs.

In addition, DOEE may also receive funding from:

1. **U.S. Department of Housing and Urban Development (HUD):** Community Development Block Grant (CDBG) funds provided through a Memorandum of Understanding (MOU) with the Department of Housing and Community Development (DHCD) enable EECB to leverage and expand program services.
2. **Renewable Energy Development Fund (REDF):** A fund, as established by District Code § 34-1436, designated for new solar energy sources, covering any costs to the District associated with implementing the Renewable Portfolio Standard Expansion Amendment Act and authorized sustainable projects.
3. **Sustainable Energy Trust Fund (SETF):** A fund, as established by District Code § 8-1774.10, at least 30% of which must go the benefit of low-income residents, which may include bill assistance, energy efficiency, and weatherization.
4. **Temporary Agreements with Other Agencies:** DOEE may enter limited time MOUs with other agencies when there is a demonstrated need and/or available funding (e.g. the MOU with the Department of Aging and Community Living to provide cooling assistance for low-income seniors).
5. **Other:** DOEE may receive funds from other sources, such as utility merger funds, or District Local Funds.

1.4 Energy Efficiency and Conservation Branch (EECB) Program Organization

DOEE administers the programs described in Section 1.3.1 for the District.

DOEE's specific responsibilities include:

- Planning and administering EECB Programs;
- Following federal regulations and guidelines regarding the use of federal funding for EECB Programs;
- Executing sub-grant agreements in order to provide energy efficiency, lead reduction, and health and safety services to low-income households in the District;
- Transmitting program policy materials to subgrantees;
- Monitoring and regularly evaluating subgrantee performance;
- Assisting subgrantees in the development of corrective action plans; and

- Performing final inspections using licensed Quality Control Inspectors (QCIs).

DOEE, subgrantees, and other program partners, such as technical support providers, foster the technical advancement of the EECB Programs and serve as the weatherization, lead reduction, and health and safety representatives. DOEE enforces the rules and regulations governing the responsibilities of subgrantees.

Subgrantees implement EECB Programs on behalf of DOEE and are often the primary contact for the intended program beneficiaries, building owners, and residents of low-income households. Subgrantees perform the functions necessary to meet energy program goals and must follow the procedures to ensure compliance with all program requirements. As representatives of the DOEE's programs, subgrantees' performance and conduct must be exemplary.

Subgrantees are responsible for ensuring that energy, lead, and health and safety program funds are expended only on eligible activities and on behalf of eligible households. Subgrantees bear the primary responsibility for meeting the energy conservation, lead reduction, health and safety, and technical performance goals of the EECB Programs. Subgrantees are also responsible for cooperating with DOEE in providing information to U.S. DOE, HHS, and HUD as may be required. Subgrantees' financial management and record-keeping must be reliable.

Subgrantees must comply with all of the policies and procedures in this Manual. They must follow other DOEE requirements, including those of the grant materials they signed: The Request for Applications (RFA), the Grant Promises, Certifications, and Assurances (PCA), and the Grant Award Notice (GAN).

1.5 Documentation Updates and Conflict

DOEE publishes several documents for each program, which subgrantees are required to follow:

- Weatherization Assistance Program:
 - US DOE-approved District's Weatherization Field Guide⁶, and
 - US DOE-approved WAP State Plan;
- LIHEAP Mechanical Systems Program and LIHEAP Assurance 16:
 - HHS-approved LIHEAP State Plan; and
- Lead Reduction Program
 - HUD-approved Policies and Procedures.

⁶

<https://www.dropbox.com/sh/vxygiyoadrbyx3v/AAClnA3PxWaPSS0f18jFalLSa?dl=0&preview=Weatherization+Field+Guide+5+2018+-+Single-Family+Homes.pdf>

DOEE will review the program documentation, on an annual basis to ensure that policy changes identified in the annual approved State Plans are incorporated. DOEE will update this Manual, the Weatherization Field Guide, the Monitoring Checklist, and other pertinent program documentation as needed. Updated documents will be made available to the subgrantees and stakeholders at the annual weatherization, lead reduction, and health and safety kick-off meeting to ensure all relevant parties are aware of the modifications at the beginning of each fiscal year.

If the documents above conflict with this Manual, users should advise the Program Manager and seek instructions.

To ensure compliance with market analysis requirements of federal grants, DOEE will review applicable fuel, material, and labor costs 30-60 days prior to the start of each fiscal year. These prices will be determined by surveying a minimum of three (3) vendors to obtain an average price for materials in the quantities they are usually purchased. The fair market price list will be updated as necessary, based on applicable information received.

EECB Administrative Procedures

2.1 Selection of Subgrantees

DOEE selects subgrantees through a competitive RFA process. After the RFA has been released, DOEE adheres to the process detailed in 1 DCMR § 5000 when selecting subgrantees:

1. **Selection of a review panel.** DOEE shall appoint a review panel consisting of an odd number of panelists with a minimum of three (3) individuals. The review panel shall appoint one person as the review panel leader. All members of the review panel must have knowledge and expertise relating to the objectives of the grant, the RFA, and the administrative requirements mandated by the funding source.

DOEE must avoid potential conflict of interest or the appearance of a conflict of interest when appointing individuals to the review panel. One person from DOEE's Grants and Management Division (GMD) may be included as a review panel member, but this is not a requirement.

In accordance with 1 DCMR § 5000, other requirements for the selection of a review panel include:

- a. Panelists who are not employees of the District government may be compensated for time served on a panel;
- b. Panelists who are employees of the District government cannot be compensated for their service and may only serve on the panel if they have written authorization from their supervisors;

- c. Panelists must sign affidavits certifying that they have no personal or vested interest in the organizations that submitted applications in response to the RFA; and
 - d. Panelists must disclose whether they have a relationship or affiliation with members of the organizations that submitted applications in response to the RFA, including whether panelists and applicants previously served as staff of the same organization.
2. **Selection of a subgrantee.** The EECB Program Specialist will deliver all necessary materials to the review panel leader so that the members of the review panel may effectively fulfill their role.

Review panel activities include:

- a. Attending a meeting with the EECB Program Specialist to review roles and responsibilities, and to provide instruction on the goals and objectives of the grant, the RFA, the scoring criteria and instruments, and the timeframe for the completion of the review panel's work;
- b. Signing a Conflict of Interest Disclosure Form which must be signed and returned to the EECB Program Specialist prior to the review of an application;
- c. Acknowledging that the applicants' scoring will be available for a period of three (3) years after the close out of the grants or subgrants awarded by that panel;
- d. Signing a Confidentiality Agreement, as all materials received by a member of the review panel for an RFA applicant must be protected, treated as confidential, and used only for the purposes of evaluating the applicant's proposal; and
- e. Scoring the applications and making recommendations regarding which applications should be funded. Final decisions on grant awards and amounts are made by DOEE's Director after the EECB Chief and/or the Associate Director of the Affordability and Efficiency Division (AED) provide the recommendation.

Once a subgrantee has been selected, the EECB Program Specialist will prepare the formal subgrantee award documents. This is called the Grant Award Notice (GAN).

3. Steps for issuing a GAN include:
- a. Before a GAN is issued, DOEE conducts an internal review process and requires each of the following divisions, or their designees, to sign off on a transmittal sheet or electronically: Associate Director of the AED, Deputy Director of the EA, Office of General Counsel (OGC), Office of Chief Financial Officer (OCFO), and Associate Director of the GMD;
 - b. The EECB Chief or Associate Director approves any necessary changes to the formal subgrantee documents based on comments from the individuals named above;
 - c. The EECB Program Specialist obtains the Director's signature for the GAN and its cover letter; and

- d. The EECB Program Specialist ensures that the sub-grant agreement is returned with the signature of the grantee, as required on the GAN, before proceeding with grant activity.

2.1.1 Grant Award

All subgrantees receiving a DOEE grant award are bound by the instructions, guidance, and rules governing the grant funding source's award documents. Subgrantees must follow the outlined procedures to initiate grant activities, receive payments or reimbursements for expenditures, and report financial and program activities.

As a condition of applying for grant funds, applicants must affirm the obligations in the RFA and the appendix to the RFA titled 'Promises, Certifications and Assurances' (PCA). Additionally, the GAN may also include additional special conditions or amendments to the RFA and PCA requirements.

Federal rules governing each grant award for the EECB Programs include:

- 10 CFR § 440 - Weatherization Assistance for Low-Income Persons⁷
- 10 CFR § 600 - Financial Assistance Rules⁸
- 24 CFR § 35 (subparts B through R) - Lead Safe Housing Rule⁹
- 40 CFR § 745 - EPA's Renovation, Repair, and Painting (RRP) Rule¹⁰

NOTE: DOEE can revise or terminate a grant at any time, see Section 2.9.

Before activities under a GAN can commence, a purchase order must be created in the District's Procurement Automated Support System (PASS) for subgrantees. This ensures that the subgrantee can be paid for successfully completed work.

2.1.2 Grants Management

When administering weatherization, health and safety, and lead reduction grants, DOEE acts as a steward for federal and District funds. These funds are dedicated to helping the most in need District households. A grant may be written for at most three (3) program years.

Annual budgets follow the program year and are based on the estimated completion of a minimum number of dwelling units at the maximum allowed average cost per unit (ACPU). The ACPU is determined by dividing the number of units completed into the amount of expenditures

⁷ <https://www.law.cornell.edu/cfr/text/10/part-440>

⁸ <https://www.law.cornell.edu/cfr/text/10/part-600>

⁹ <https://www.law.cornell.edu/cfr/text/24/part-35>

¹⁰ <https://www.law.cornell.edu/cfr/text/40/part-745>

reported. DOEE will analyze a subgrantee's spending throughout the fiscal year to assess whether there are excess funds in the budget that allow for additional dwelling units to be completed. It is the responsibility of the subgrantee to monitor the ongoing ACPU metric regardless of their participation in other projects and programs.

2.1.3 Subgrantee Budget

DOEE requires subgrantees to report expenditures and unit completions throughout each fiscal year on a monthly or quarterly basis, as directed in the GAN, and to make any adjustments necessary to complete their production goal and fully expend the budgeted allocation.

DOEE also requires subgrantees to assess expenditures and completions at the mid-point of each budget period and again 90 days prior to the end date of the budget period. Each assessment should include expenditures and completion totals to-date as well as anticipated expenditures and completions through the end of the budget period.

If a subgrantee's budget will not be fully expended or production goals will not be completed by the end of the budget period, the subgrantee must inform DOEE immediately. DOEE will independently assess this information through work assignments provided to subgrantees and payments for completed work. DOEE will determine whether a budget amendment or a reduction in the allocation for that budget period will be required. If so, DOEE will issue an amended GAN to the subgrantee.

Subgrantees cannot be reimbursed by DOEE until all measures have been properly installed and inspected. Weatherization, health and safety, and lead reduction activities may be funded by multiple funding sources. When work on a dwelling is funded by multiple sources, the subgrantee must track the work done under each of the funding sources separately in order to document the energy, lead reduction, and health and safety measures completed and how they relate to each source of funds.

2.1.4 Scope and Timeline Modifications

Written DOEE approval is required for any changes to the scope or objectives of an approved project. If a subgrantee cannot complete the minimum production in accordance with the previously approved production schedule, written communication must be sent to DOEE stating the reason(s) why production goals cannot be met and include a proposal for a new production schedule.

Failure to comply with the production goals may result in the withholding of payments until the subgrantee is following the approved production schedule. The subgrantee must complete the minimum total number of dwellings required on or before the end date of the applicable project period.

2.1.5 Grant Award Payments

DOEE only reimburses subgrantees for completed and approved energy efficiency, lead reduction, and health and safety service costs. DOEE must provide written approval for an advance payment for materials for multifamily projects. The work for these projects must be completed within the allowable period of ninety (90) days.

Subgrantees must adhere to the budget and production schedule that are provided in the award package. DOEE will only reimburse those expenditures that are incurred in accordance with the DOEE approved energy audit report or change order, the standards of 10 CFR § 440, 10 CFR § 600, 24 CFR § 35, 40 CFR § 745, and the Field Guide.

NOTE: The subgrantee may not exceed budget line items without the express written authorization of the DOEE EECB Chief. If the subgrantee requests reimbursement for administrative costs that exceed the approved percentage of expenditures for administration, DOEE staff must deny the request as an unauthorized expense.

In order to receive a reimbursement for work completed in the prior month, subgrantees must provide DOEE with progress reports by the fifth (5th) day of the following month, or the first (1st) working day thereafter if the fifth (5th) day falls on a weekend or holiday. Completion reports must include accurate reimbursement reports and supporting documentation as specified in the GAN.

Completion reports must be submitted to DOEE via email or mail. Completion reports must also be sent to the EECB Program Specialist and DOEE's Accounts Payable with all required supporting documentation. The EECB Program Specialist will verify all required supporting documents are included in the reimbursement report and that all documents accurately match the previously approved energy audit report.

Detailed invoicing and reimbursement guidance are provided in Section 3.5 of this Manual.

2.1.6 Post-Installation Inspections

An EECB Quality Control Inspector (QCI) will conduct an in-progress inspection and a post-installation quality control inspection of 100% of the total dwelling units completed by the subgrantee. During the in-progress inspection, DOEE will identify possible missed opportunities and verify compliance to OSHA standards, sequential order of installing measures, and other safety compliance concerns. The post-installation inspection will verify the quality and installation of the energy efficiency, lead reduction, and health and safety measures, the accuracy of the quantity and prices reported on the invoice, and the overall performance of the subgrantee and its contractors and relevant subcontractors. The results of the QCI post-installation inspection (whether pass or fail) and photographs of the installation will be documented in a QCI report. The QCI report will be uploaded into the DOEE QuickBase system for the subgrantee to review. In addition, the Program Specialist will email the subgrantee the QCI report and require the failed items be addressed within seven (7) calendar days in adherence with the grant award.

The QCI will conduct a re-inspection to ensure failed items have been corrected. DOEE will track the QCI failure rate for all subgrantees to determine if additional training is required and if they are complying with the grant award conditions. In cases in which a subgrantee's measures continually fail inspection, the subgrantee's administrative allowable expenditures for the project will be reduced.

For further quality assurance, of the units that pass the post-installation inspection, EECB will conduct an in-office review of 100% of the subgrantee's client files to ensure the necessary documentation is in place and procedures were followed, and there will be a secondary in-person visit on 10% of the units. Prior to approving a subgrantee payment, the in-office review will be completed. This secondary visit will be conducted by an EECB Quality Control Inspector who is certified as a BPI Energy Auditor, and who conducted neither the initial Energy Audit nor the post-installation inspection.

2.1.7 Financial Audits

Pursuant to 2 CFR § 200, Subpart F, a subgrantee that expends more than \$750,000 from combined federal sources annually is required to undergo an annual audit by a licensed Certified Public Accountant (CPA).

Subgrantees must submit a copy of the audit report to:

Department of Energy and Environment
Energy Efficiency and Conservation Program
Attn: EECB Chief
1200 First Street NE, 5th Floor
Washington, DC 20002
Fax: 202-535-2881

The EECB Chief will provide a copy of the audit to the Office of the Chief Financial Officer (OCFO) and to DOEE's Grants Management Division (GMD) within five (5) days of receiving the report. These two offices will review the annual independent audit findings that require corrective action, if any. U.S. DOE may request the audit report in advance of its periodic reviews. DOEE staff should be prepared to provide the audit report upon request. The EECB Chief will report to the pertinent funding source and/or the District's Office of Inspector General (OIG), if the audit report has negative findings.

2.2 Insurance Requirements

DOEE requires prospective subgrantees to purchase and maintain various types of insurance and submit proof of insurance to DOEE as a condition of receipt of grant awards and grant award payments and consults the Office of Risk Management to ensure that proper requirements are in place. Details on the minimum insurance requirements appear in the Promises, Certifications, and Assurances (PCA) appendix and special conditions sections of the GAN. Certificates of

Insurance in accordance with the minimum requirements that verify coverage must be on file with DOEE prior to the commencement of EECB Programs by a subgrantee. DOEE shall only make separate payments for insurance upon prior written approval by DOEE to the subgrantee.

2.2.1 Types of Insurance Required

The types of insurance required by DOEE and/or federal requirements include policies covering:

- Claims under worker's compensation, disability benefit, and other similar employee benefit acts;
- Claims for damages due to bodily injury, occupational sickness or disease, or death of its employees;
- Claims for damages due to bodily injury, sickness or disease, or death of any person other than its employees;
- Claims for damages insured by personal injury liability coverage which are sustained (a) by any person because of an offense directly or indirectly related to the employment of such person by the subgrantee, or (b) by any other person;
- Claims for damages, other than due to the work itself, due to injury to or destruction of tangible property, including loss of use resulting therefrom;
- Claims for damages due to bodily injury or death of any person or property damage arising out of the ownership, maintenance, or use of any motor vehicle;
- Claims for damages due to loss of money or other property sustained through any fraudulent or dishonest acts committed by any board members, officers, or employers of the subgrantee; and
- Other claims as may be directed by the District Office of Risk Management.

EECB requires that a subgrantee's contractors and relevant subcontractors also be adequately insured in accordance with the requirements stated above. In some cases, the owner of a multifamily dwelling may request to be named as an insured on a subgrantee's or (sub)contractor's policy, in which case the EECB Program Specialist should be consulted.

Subgrantees are required to purchase liability insurance, greater than \$3 million in the aggregate and \$1 million per occurrence, to cover the subgrantee's general liability requirements for the EECB Programs. Any deductibles and self-insurance retention may not be greater than \$25,000. Liability insurance procurement must follow applicable OMB Circulars, which requirements are in the PCA. Contractors and relevant subcontractors of a subgrantee must provide DOEE with proof of coverage.

NOTE: If the scope of the insurance is restricted to work under the Lead Reduction Program grant, the cost is a direct cost. If the scope of the insurance is not restricted to work under this grant, such as insurance for facilities or those costs covered under an indirect cost rate plan, the insurance cost is considered an indirect cost.

2.2.2 Pollution Occurrence Insurance (POI)

U.S. DOE strongly recommends Weatherization Assistance Program subgrantees purchase the Pollution Occurrence Insurance (POI) as a part of their general liability insurance (see Weatherization Program Notice 11-1, 2010)¹¹ because many liability insurance policies do not cover particular health and safety measures such as lead and asbestos pollution. DOEE requires POI or its equivalent for liability purposes. POI is a reimbursable cost under the U.S. DOE funded program.

Subgrantees may purchase Pollution Occurrence Insurance (POI) as a part of, or an addendum to, general liability insurance however the policy cannot exclude lead if US DOE funds are used to purchase the policy.

If a subgrantee does not obtain POI coverage and damage occurs due to a failure to adhere to Lead Safe Weatherization procedures or the release of an environmental pollutant, the cost for remediation, clean up, relocation, medical expenses, or any other resulting costs will be the subgrantee's obligation.

Only subgrantees that receive U.S. DOE funding may receive a reimbursement for POI costs for EECB projects. Minimum coverage for pollution liability, each pollution condition, and general aggregate limits must meet U.S. DOE guidelines, which are subject to change on an annual basis.

Subgrantees that employ contractors to perform weatherization services must ensure that each private contractor and relevant subcontractor is adequately insured. Subgrantees shall review their existing policies to ensure that (sub)contractors have adequate coverage in accordance with the federal and District requirements. Further information can be found in the [Weatherization Program Notice 02-6](#).¹²

2.2.3 Lead-Based Paint Requirements

DOEE must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's and EPA's lead-based paint rules (24 CFR part 35 and 40 CFR part 745), and with the District's lead-based paint requirements. As per U.S. DOE, all subgrantees, contractors, and relevant subcontractors must be EPA-certified firms.

¹¹ For more information, please visit <https://nascsp.org/wp-content/uploads/2018/02/wpn11-120final20grant20guidance.pdf>

¹² For more information, please visit <https://nascsp.org/wp-content/uploads/2018/02/wpn-02-6-1.pdf>

2.3 Leveraged Funds

Non-federal funds used in eligible homes are considered leveraged funds and shall be reported separately to DOEE by all subgrantees. Other potential sources of leveraged funds include the DC Sustainable Energy Utility (DC SEU) funds, District’s appropriation of local funds, landlord or owner donations, volunteer labor, or contributions by other non-federal sources.

2.4 Training and Technical Assistance (T&TA)

Training and Technical Assistance (T&TA) activities are intended to maintain or increase the efficiency, quality, and effectiveness of the EECB Programs at all levels. T&TA activities can be reimbursed if they are approved by DOEE ten (10) days prior to the course start date and funding is available in the subgrantee’s T&TA or program support budgets.

The EECB QCI will conduct an in-progress inspection to identify opportunities for improvement and recommendations for potential training. In-progress inspection reports will be forwarded to the subgrantee(s) to inform them (in sequential order) if they have complied with the requirements for the installation of the measures. These requirements include OSHA and District lead safe work practices. If an issue of noncompliance is identified during the in-progress inspection, the EECB QCI will determine if it is an isolated incident that may require shadow training, or if a pattern exists that requires training at an Interstate Renewable Energy Council (IREC) accredited training facility.

U.S. DOE connects DOEE and subgrantees to training resources throughout the year on a variety of energy, lead, and health and safety-related topics. When topics involve a change in existing policies and procedures (e.g., new databases, changes to audit protocols, etc.), or emphasize an important program area, DOEE and subgrantee staff attendance may be mandatory. When training is mandatory, both parties are expected to assign appropriate personnel to attend.

DOEE may also recommend and approve training programs offered by other organizations. When the training is regional, or is otherwise limited to a certain group, DOEE will inform subgrantees if their attendance is required. If a subgrantee is unclear on attendance requirements, DOEE should be consulted.

The following training sessions are mandatory for the positions stated below. If a subgrantee hires a new employee into one of these positions or a current employee transfers into one of these positions, the employee must receive the required training within six (6) months of their start date. DOEE staff and subgrantee personnel who occupy these positions must attend these training sessions every three (3) years:

Contractor and Relevant Subcontractor Certifications
Training

Energy Efficiency and Conservation Branch Operations Manual

2 Hour Asbestos Awareness	Wx and H&S work	HVAC work	LRP work	Crew Chief
8 Hour OSHA Confined Space				
OSHA 10 Hour Training				
OSHA 40 Hour Training				
1 Day EPA Lead Renovator (RRP)				
2 Day Mold Remediation Worker				
3 Day Mold Inspection and Assessment				
3 Day Mold Remediation Supervisor				
4 Day Asbestos Worker				
5 Day Asbestos Supervisor				
ASHRAE 62.2 Ventilation for Single Family				
BPI Retrofit Installer Technician from IREC Accredited Facility				
BPI Building Analyst Certification from IREC Accredited Facility				
Dust Sampling Technician Training/Certification				
Envelope and Duct Leakage				
Ethics Training				
Fraud, Waste, and Abuse				
HVAC Duct Sizing from IREC Accredited Facility				
HVAC Fundamentals from IREC Accredited Facility				
Lead Abatement Supervisor (RRP)				
Lead Abatement Worker Certification				
Lead Inspector Technician Certification				
Lead Risk Assessor Certification				
Required company certifications: Business license, SAMs, EPA firm status, licensed electrician, and Master HVAC License (if doing HVAC work).				

Subgrantee Certifications		
Training	Coordinator/Admin	Inspector
8 Hour OSHA Confined Space		
OSHA 10 Hour Training		
1 Day EPA Lead Renovator		
2 Day Mold Remediation Worker		
3 Day Asbestos Inspector		
BPI Retrofit Installer Technician from IREC Accredited Facility		
Client Education from IREC Accredited Facility		
Ethics Training		
Fraud, Waste, and Abuse		
HUD Program Manager School		
Weatherization Management		
Required company certifications: Business license, Certificate of Clean Hands, SAMs, and EPA firm status.		

Subgrantees must set aside necessary resources and accommodations for staff training to ensure staff can meet all certification requirements as outlined in the Grant Award Notification. DOEE allows subgrantee’s staff the opportunity to achieve certification before the end of the fiscal year. In cases where subgrantee’s staff and DOEE personnel have not obtained the necessary certification, such personnel cannot perform work under EECB Programs.

T&TA funds may be used to train DOEE staff, subgrantees, and their contractors and relevant subcontractors. While determining whether to pay for (sub)contractor training, subgrantees should secure a retention agreement in exchange for training. This agreement should stipulate that contractors will work in the program, at a minimum, for a specific amount of time and that time should align with the cost of the T&TA provided. Examples of (sub)contractor/agency agreements can be found at www.waptac.org¹³.

The activities listed in the following table can be considered eligible T&TA costs (and can also be charged as program support costs).

Activity	Allowable Costs
Conferences	– Registration, travel, and lodging costs for conferences, seminars, workshops, and on-site training
Training	– Costs incurred to provide training and professional certification for grantee and subgrantee staff

¹³ www.waptac.org

Activity	Allowable Costs
Weatherization Equipment	<ul style="list-style-type: none"> – Purchase of weatherization equipment utilized to inspect/monitor work performed by contractors and relevant subcontractors
Membership and Subscriptions	<ul style="list-style-type: none"> – Membership fees for weatherization-related organizations – Subscriptions to trade papers and magazines
Computer/Electronic Media	<ul style="list-style-type: none"> – Purchase of computer/electronic media equipment, and the cost of training subgrantee staff to operate this equipment
Data Gathering	<ul style="list-style-type: none"> – Costs directly related to gathering, compiling, or copying information to be used in providing fuel usage and savings analysis data – Cost of inputting data in a historical database to track previously weatherized units
Client Education	<ul style="list-style-type: none"> – Development and distribution of client education materials or other forms of client education, such as meetings, workshops, presentations, videos, etc.

2.5 Prior Approvals for Certain Expenditures or Work

DOEE written approval is required for the grant-related expenditures listed below:

- Out-of-state travel by a subgrantee or a subgrantee’s personnel;
- Switching or converting an energy source;
- Participation in fee-for-service, lead reduction, health and safety, or WAP-related initiatives;
- Changes in the single or multifamily scope of work; or
- Purchase of any item costing more than \$5,000.

The following purchases are not allowable:

- Purchase or lease of a vehicle; or
- Purchase of capital equipment.

2.6 Program Oversight and Monitoring

The goal of the monitoring process is to: (1) ensure the proper and timely use of funds and the realization of expected benefits; (2) provide transparency and accountability; (3) provide quality control; and (4) provide technical assistance and training.

DOEE’s monitoring goals include:

- Monitoring is intended to be a constructive process and will be conducted in a professional manner with consistency, fairness, respect, and timeliness;
- DOEE staff is committed to fostering positive, open, and constructive working relationships. Monitoring is a two-way educational experience that promotes interaction, feedback, and improvement for both the District and the subgrantees;
- The subgrantee’s staff shares the same goals of optimizing program funds and resources to best serve the low-income population, striving for program improvement, and providing the most cost-effective and best quality program services possible;
- DOEE staff will promote improvement through the monitoring process by providing programmatic and technical assistance, reinforcing strengths, and sharing successes, innovations, best practices, and experiences encountered by other subgrantees; and
- Monitoring reports will be consistent with U.S. DOE, HHS, and HUD policies, procedures, and standards.

2.6.1 Annual Monitoring

In accordance with 10 CFR Part 440, DOEE is required to monitor all subgrantees at least once per year. Prior to the monitoring visit, DOEE’s *On-Site Monitoring Checklist* is shared with the subgrantee. During the visit, the checklist is used to verify and review the subgrantee’s programmatic and fiscal documents. A written report is issued to the subgrantee within thirty (30) days of the monitoring visit. The report includes the findings, concerns, recommendations, and best practices.

Finding	An observation of non-compliance with a federal regulation, or a repeated or previously identified non-addressed correction or concern. Examples include the misuse of funds, inadequate inventory control, illegal procurement, or insufficient insurance.
Concern	A violation of guidance that is not a regulation, or a correction of a minor problem. Examples include file omissions, failing to follow the state plan, policies, and procedures or improper training of staff.
Recommendation	Suggestions to improve the merits of the program or the identification of opportunities for training and technical assistance (T&TA) or guidance. Improvements may be noted under recommendations if corrections have been made since the last monitoring visit.

Best Practice	Unique ideas and implementation practices that could potentially be shared with other network partners.
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If there are findings, the relevant federal regulation, weatherization program notice¹⁴ (WPN), HUD policy guidance¹⁵, or the grantee’s award documents are cited. The subgrantee has fifteen (15) days to provide a written Corrective Action Plan (CAP) to DOEE. Corrective actions may also be requested for any concerns identified. For subgrantees with findings, additional monitoring visits may be scheduled. Files are maintained for all monitoring visits and are available for review by U.S. DOE, HHS, or HUD.

The monitoring visit will include, but is not limited to, the review and verification of documentation, implemented procedures, and EECB program operations to help eliminate fraud, waste, and abuse in the following areas:

- Reported expenditures by comparing periodic expenditure reports to a subgrantee’s books and records;
- Documentation of program income and leveraged funds;
- Subgrantee financial statements;
- Source documentation for the purchase of any items charged against DOEE-provided funds;
- Distribution of costs charged to more than one program;
- Payroll costs for consistency with the latest approved budgets;
- Records to trace material purchases from invoices to inventory, or to specified jobs and to programmatic reports;
- Bid procedures and records;
- Subgrantee agreements, analyzing payment schedules to verify payments made to (sub)contractors and vendors;
- (Sub)contractors’ cash balances;
- Subgrantee’s internal control structure;
- Subgrantee’s compliance with insurance requirements; and
- Subgrantee’s safeguarding of fixed assets.

Each subgrantee must provide the EECB Program Specialist and Branch Chief with copies of the following documents five (5) days prior to the monitoring visit:

¹⁴ <https://www.energy.gov/eere/wap/weatherization-program-notices-and-memorandums>

¹⁵ https://www.hud.gov/program_offices/healthy_homes/lbp/pg

- Contractor, relevant subcontractor, and vendor agreements;
- Lease agreements;
- Bids, solicitations for bids, notifications of bid awards, and vendor lists; and
- Books of account, including:
 - Cash disbursement;
 - Cash receipts;
 - Payroll sheets or ledgers;
 - General ledgers;
 - General journals;
 - Monthly general ledger trial balances;
 - Monthly reconciliation to budget;
 - Checking account reconciliations;
 - Bank account authorization signature cards;
 - List of all unpaid bills tied to the appropriate budget line item for which the cost was incurred; and
 - Invoices for purchases made with grant funds, program income, and leveraged funds, if applicable.

2.6.2 Periodic Monitoring

In addition to the annual monitoring, the EECB Program Specialist reviews the subgrantee's monthly reports and tracks production and expenditures monthly. Additionally, EECB staff will review monthly reports for accuracy and compliance criteria, including the average cost per completed dwelling unit (ACPU), the percentage of production goals achieved, and the percentage of total grant(s) and line items expended, including health and safety expenditures.

If necessary, DOEE will perform periodic in-person monitoring reviews of the subgrantee's programmatic and field operations. All findings from periodic monitoring reviews will be reported to the appropriate DOEE staff and funding project officer monthly. If the findings are egregious, then the information will be reported immediately to the DC Inspector General and/or the project officer(s) of the federal grant(s) affected.

The EECB Program Specialist will inform the subgrantee of program findings that require corrective written responses. Depending on the severity of problems reported, a subgrantee may receive a follow-up monitoring review that concentrates on prior deficiencies and required corrective action(s). Severe problems will be reported to DOEE staff, the District Office of the Inspector General, and/or the project officer(s) for the federal grant(s) affected. Work may be terminated based on consultations with DOEE and/or the project officer(s) of the federal grant(s) affected.

2.6.3 Field Monitoring

Once the subgrantee reports a job as completed and uploads the required documentation into QuickBase, EECB's QCI conducts field monitoring and records the information on a Quality Control Inspection Form. Jobs will be inspected for overall effectiveness, workmanship, appearance, and compliance with the District's Weatherization Field Guide and applicable District laws and regulations. An overall assessment of the subgrantee's field practices are performed using the Standard Work Specification (SWS) Guidelines developed by the National Renewable Energy Laboratory (NREL) and U.S. DOE.

2.6.4 Subgrantee Inspection Responsibilities

The post-installation inspection must be performed by a person who did not perform the installation.

The thoroughness and effectiveness of subgrantee inspections are important evaluation criteria and will be assessed during the field monitoring visit. Although the subgrantee is required to inspect all the completed projects, DOEE will conduct QCI inspections on 100% of dwellings reported completed to help eliminate fraud, waste, and abuse.

2.6.5 Performance Standards

The levels of performance standards include:

- 1. High Performance Standard:** To meet the High Performance Standard, a subgrantee must: 1) meet all the requirements of the "Standard Performance" (see below); and 2) demonstrate performance standards during the monitoring visit that meet or exceed those commonly observed in the following areas:
 - No more than one health and safety violation as identified in the previous monitoring report;
 - No more than one procedural finding related to program rules, policies, and procedures;
 - No annual program specific audit findings;
 - Accurate monthly reports are always submitted on time; and
 - Subgrantee provides cost-effective and comprehensive service in accordance with U.S. DOE, HHS, and HUD guidelines.

- 2. Standard Performance:** To meet the Standard Performance threshold, subgrantees must:
 - Comply with major program requirements (i.e., lead-based paint procedures, cost allocation plan/indirect rate, and required (sub)contractor information);
 - Receive no more than one specific program finding in the annual audit;
 - Ensure that staff is well-trained in performance standards and specific job duties;
 - Maintain complete and organized files;
 - Complete all required scopes of work;

- Ensure that all (sub)contractors and vendors have demonstrated proficiency in technical applications including diagnostics;
 - Comply with all applicable safety rules;
 - Maintain a professional working relationship with DOEE;
 - Resolve all prior findings and report such corrections to DOEE in a timely manner; and
 - Verify that none of the elements identified in the At-Risk Performance category (below) are present.
- 3. At-Risk Performance:** DOEE may categorize a subgrantee under At-Risk Performance for serious management and/or sub-standard field performance, including but not limited to any of the following findings:
- Unmet program goals;
 - Misplaced or unaccounted-for program resources;
 - Serious indications of misuse of funds, fraud, or theft;
 - Non-compliance with EECB Program policies and procedures;
 - Severely incomplete or disorganized files or records;
 - Repeated major field findings with little to no improvement over a previous monitoring visit; or
 - Delayed or unresponsive behavior regarding DOEE requests and deadlines.

When a subgrantee has been designated as At-Risk Performance status, DOEE will provide specific improvements that must be made by the subgrantee. The subgrantee will be instructed to submit a plan to identify the steps and timelines to make the noted improvements. When appropriate, related training and technical assistance will be provided by DOEE.

If the specified improvements in management or field practices are not instituted by the subgrantee within a specified period, DOEE will consider suspension or termination of the subgrantee agreement. DOEE will report At-Risk subgrantees to U.S. DOE, HHS, and/or HUD immediately.

2.6.6 Appeals of Monitoring Reports

A subgrantee may appeal the findings of a DOEE monitoring visit to the EECB Chief. This appeal should be sent in writing within thirty (30) days of receipt of the inspection report.

A subgrantee may submit a subsequent appeal to the Affordability and Efficiency Division Associate Director.

2.7 Required File Documentation

Subgrantees are required to keep the following documentation on file. This documentation must be presented to the EECB Program Specialist for review upon request:

- Contractor's Invoice (broken down by labor and material);
- Health and Safety Installation Acknowledgment Form;
- Contractor Assurance and Guarantee of Work Form;
- Blower Door Intermediate Reading Form;
- DCRA Permit and Inspection (if applicable);
- Contractor Combustion Tapes Form (if applicable);
- Contractor Spillage Test Form (if applicable);
- Lead Safe Renovation Recordkeeping Form;
- Decommissioning Form (if applicable);
- Customer Survey Form;
- Notice of Safety (if applicable);
- Deferral Form (if applicable); and
- Most Recent NEAT or TREAT Work Order.

2.8 Conflict of Interest

Subgrantees, their contractors and relevant subcontractors, acting either as individuals or under an agreement with a third party, may not solicit from, or provide additional services to, the low-income clients assigned to them to conduct EECB Programs that are outside of the DOEE-approved scope of work.

Subgrantees and their contractors must have a written agreement outlining the scope of work to be completed under EECB Programs. Additionally, the contractor must agree to only complete the work specified in the contract. All DOEE's grant-funded work must be completed in its entirety, successfully pass the post-installation inspection, and be paid for in full prior to the commencement of any additional work or entering into additional third-party agreements.

The purpose of this policy is to avoid the appearance of, or the existence of, an actual conflict of interest related to DOEE EECB Programs' scope of work.

Subgrantees' provision of services under the all EECB programs to employees and relatives of employees may appear as a conflict of interest. In these cases, subgrantees must obtain prior approval from DOEE before rendering service(s).

2.9 Subgrantee Termination

DOEE may terminate subgrantees if they fail to comply with the terms and conditions of the RFA, PCA, and GAN for the grant awarded, or if DOEE determines that termination would be in the best interest of the District.

Reasons for termination include, but are not limited to, the following:

- Work performance fails to substantially adhere to the requirements of GAN;

- Refusal to proceed with or complete the work;
- Disregard for laws, rules, ordinances, or regulations set by DOEE;
- Misuse of dedicated account funds, including but not limited to failure to pay vendors, failure to notify DOEE of fraud or the allegation of fraud, embezzlement, misappropriation, or abuse of funds;
- Disregard of competitive bidding requirements; or
- Other cases of severe conflict of interest.

If a DOEE employee uncovers significant problem areas with the work or actions of a subgrantee, that DOEE staff member must document the problem areas and provide a report to the EECB Chief. The EECB Chief will immediately report the information to the appropriate DOEE or federal funding project officer.

If significant problems are not resolved within thirty (30) days, DOEE will transmit a letter of non-compliance to the subgrantee's leadership and executive management (such as a board chairperson, weatherization director, or executive director). This letter will cite specific section(s) of the RFA, PCA, or GAN with a requirement that the subgrantee provide a written corrective action plan within five (5) calendar days and implementation of the plan within ten (10) calendar days.

If DOEE does not receive a response within five (5) calendar days of the issuance of the letter of non-compliance, the plan for resolving the alleged noncompliance is unacceptable to DOEE, or the plan to resolve the alleged noncompliance is not followed, a notice of default and intention to terminate will be transmitted to the subgrantee's leadership and executive management team. Failure to respond to the notice of default and intention to terminate within ten (10) calendar days will result in the issuance of a notice of termination. With the notice of termination, a public review will be scheduled to inform the public of the termination of the subgrantee and to identify a new subgrantee through a RFA process to provide energy program services.

NOTE: Notwithstanding the above, DOEE may suspend or terminate a subgrantee without prior written notice upon a finding of substantial noncompliance, substantial breach of agreement, or at the discretion of the DOEE Director.

2.10 Appeals and Dispute Resolution

2.10.1 Appeal Policy

Any applicant or client of the EECB Programs may appeal to a subgrantee its decision to deny or delay services. Subgrantees must ensure that each client or applicant is aware of that right and of any applicable time restrictions in filing an appeal. The subgrantee must secure acknowledgement via signature of the client or applicant that indicates the client or applicant has been provided with notice of the appeal process. The client or applicant may withdraw a request for appeal if the subgrantee agrees to the results of a negotiated settlement.

2.10.2 Complaint and Appeal Procedures

Subgrantees must develop and maintain procedures for appeals which include instructions for informing applicants and clients of their right to appeal, as detailed in Section 2.10.1 of this Manual, and a procedure for negotiating the dispute prior to an appeal, including a timely negotiation which does not preclude the right to appeal. For rental units, the owner of the unit will be kept notified if they are not the complainant. Subgrantees are encouraged to include provisions in the procedures that allow for a review of the decision by the project coordinator (if the project coordinator did not make the initial determination which is appealed) and the executive director of the subgrantee. Subgrantees must include, at a minimum, the following elements in their appeal procedures:

1. The client or applicant must log a complaint with the subgrantee's project coordinator;
2. The subgrantee must review the client complaint and any documentation pertaining to the client case and decide;
3. The subgrantee must send a copy of their decision to the client, EECB Chief, and Program Specialist; and
4. If the client does not agree with the subgrantee's decision, a request for appeal to DOEE must be submitted in writing to the EECB Chief and Program Specialist within thirty (30) calendar days of receipt of the subgrantee's decision.

Once DOEE receives the request for appeal:

1. Upon receipt of the request for appeal, DOEE will provide a copy of the request to the subgrantee whose decision has been appealed;
2. The subgrantee will be required to supply any documents relevant to the decision within seven (7) calendar days of receipt of the notice of the appeal by DOEE;
3. DOEE will forward the client complaint to the Office of General Counsel (OGC) and any other relevant parties;
4. DOEE will review the request for appeal and any supporting documents and will respond in writing to the applicant or client within thirty (30) calendar days of DOEE's receipt of the appeal; and
5. If the client is dissatisfied with DOEE's decision, they will be informed they may appeal to the District Office of Administrative Hearings (OAH) or the court system and may include additional documentation appropriate for review.

If a client or applicant contacts DOEE directly with a complaint, the following procedures will take place. DOEE will:

1. Log the client complaint on a client complaint form;
2. Schedule a site visit and/or obtain necessary documentation pertaining to the complaint from the client;
3. Assign the originating Energy Inspector to review documentation and/or prepare the necessary report based on the site visit and submit this information to the EECB Program Specialist;
4. Assign the EECB Program Specialist to notify the subgrantee that DOEE received the complaint;
5. Request the subgrantee forward DOEE all documents pertaining to the client file including correspondence, pictures, etc., within seven (7) calendar days of when the subgrantee was notified of the complaint;
6. Review all relevant documents pertaining to the client;
7. Provide notice of a decision to the client and the subgrantee;
8. Provide the subgrantee with written recommended steps for corrective action;
9. Verify that the subgrantee responds to the client complaint within a specified timeframe; and
10. Verify that the subgrantee sends a statement of findings and a resolution to DOEE and the client within thirty (30) calendar days.

In instances where the renter disagrees or dislikes the material to be installed or that was installed, the owner has the sole responsibility to resolve the issue.

Required Activities for EECB Programs

3.1 Service Provisions

3.1.1 Required Activities for EECB Programs

Three activities must be conducted for every dwelling unit addressed (weatherized, lead reduction, and/or health and safety) in the District:

1. All health measures, safety measures, and activities necessary to ensure the security of the occupants and installation personnel working in the home;
2. General heat waste reduction activities that increase the energy efficiency of the dwelling and reduce the household energy burden; and
3. Client education with information and tools they need to operate and maintain the weatherization, lead reduction, and/or health and safety measures installed. Through education outreach, clients can actively participate in reducing their home's energy consumption and improving their homes overall health.

For the technical aspects of each category, please refer to the District's Weatherization Field Guide.

3.1.2 Activities and Reasons to Use Leveraged Funds or for Deferrals

No federal grant funds will be expended on the following; however, leveraged funding may be used for:

- Animal feces present in the area where contractors will be working;
- Evidence of vermiculite insulation which is assumed to contain asbestos;
- Excessive clutter in area(s) where contractors will be working;
- Excessive mold or moisture;
- Excessive carbon monoxide (CO) levels exceeding the scope of weatherization;
- Sewage or sanitary issues;
- Situations where performing work would endanger the residents;
- Building structures, electrical systems, plumbing systems, or mechanical systems that prohibit effective and durable weatherization work from being completed;
- Residences with health and safety violations;
- Residences with dangerous levels of lead-based paint that could increase health and safety issues;
- Residences where the client is threatening, abusive, or uncooperative to the crew, (sub)contractors, auditors, inspectors, or program management; or
- Roof leaks, structural damage, and other house shell damage.

3.1.3 Client Education

Initial client education takes place during the DOEE Energy Audit and/or initial lead inspection and risk assessment. The inspector (either energy or lead) walks the client through the home to explain energy efficiency, lead safe practices, and health and safety preventive action. After the DOEE Energy Audit and/or initial lead inspection, the client and inspector (either energy or lead) sign an acknowledgement document highlighting education and materials shared with the client. Once the subgrantee receives the client information, they provide additional client education during the weatherization and/or remediation process. The client education includes:

- The weatherization, health, and safety, and/or lead reduction treatments installed, and how to use and maintain the installations properly to maximize savings and safety;
- Information on conserving energy, health, and safety, lead safe practices, and increasing comfort levels; and
- Materials that describe energy-savings behavior not directly related to the weatherization measures installed (thermostat setting/manual setback, energy efficient lighting, water conservation, etc.), health and safety, and/or lead safe practices.

Materials may include videos, CDs, coloring books, calendars, pamphlets, flyers, and brochures.

3.1.4 Incidental Repairs

Incidental repairs are those repairs necessary for the effective performance and preservation of weatherization, lead reduction, and health and safety materials. These costs are included in the cost of installing the proposed EEMs in each dwelling and those EEMs, including the related incidental repair costs, must have an SIR of 1.0 or more when using U.S. DOE funds. Local and/or leveraged funds can be used to address health and safety concerns such as asbestos, mold, and pest management.

3.1.5 Health and Safety Measures

Subgrantees must provide weatherization, health and safety, and lead reduction services that minimize risk to their workers and clients. Although the EECB Programs are not capable of providing solutions to all health and safety issues, awareness of potential hazards is essential to providing quality services. Subgrantees are required to adhere to the U.S. DOE-approved current fiscal year WAP State Plan for the District, HUD's Lead Safe Housing Rule, and U.S. EPA's Lead Renovation, Repair and Painting (RRP) Rule.

Procedures to address potential health and safety issues include:

- Each dwelling must be individually assessed to determine the existence of potential hazards to workers and clients;
- Subgrantees and their representatives must take reasonable precautions against performing work on dwellings that will introduce the client to health and safety risks.

When work activities constitute a health and safety hazard, action is required to limit or avoid measures that may exacerbate a health and safety problem. If a health and safety problem cannot be abated, the dwelling may be rejected from WAP, but may be eligible for services in DOE's Healthy Homes Program;

- Subgrantees must maintain awareness of potential immediate and long-term hazards associated with the weatherization, lead reduction, and/or healthy homes process. Specifications regarding the health and safety of workers in the construction industry can be found in U.S. Department of Labor's Construction Industry OSHA Safety and Health Standards (29 CFR § 1926, 1910). Subgrantees are not permitted to engage in practices prohibited under HUD's Lead Safe Housing Rule at 24 CFR 35.140, EPA's RRP Rule at 40 CFR 745.83(a)(3), or EPA's lead abatement rule at 40 CFR 745.227(e)(6); and
- DOE provides technical waivers for the non-performance of audits, installations, and/or inspections if, in the subgrantee's best judgment, such action will expose workers to unsafe or unhealthy conditions. Health and safety measures to be addressed by the client prior to any weatherization service include, but are not limited to:
 - Animal feces present in the area where contractors will be working;
 - Evidence of excessive amounts of garbage, rats, mice, roaches, fleas or other rodents or pests where contractors will be working;
 - Excessive clutter in area(s) where contractors will be working;
 - The presence or use of controlled substance in the residence where contractors will be working;
 - Pets not kenneled, leashed, or isolated where contractors will be working;
 - Threats of violence to EECB staff member during the audit and/or inspection process;
 - Major remodeling projects in progress;
 - Roof and/or plumbing leaks;
 - Mold or excessive moisture present; or
 - Evidence of vermiculite insulation which is assumed to contain asbestos.

Additional program requirements concerning health and safety are addressed in the District's Weatherization Field Guide.

Costs for the aforementioned health and safety measures under WAP will be those material and labor costs neither supported by energy savings of a weatherization measure(s), nor expended for the purposes of incidental repairs that do not exceed the approved ACPU for health and safety measures.

3.1.6 Final Inspection

Subgrantees are required to inspect 100% of units before reporting them as ready for QCI. Subgrantees are responsible for inspecting the completed work and obtaining a completed satisfaction verification signature from the client. The verification signature will be included in the permanent client file. Additionally, the client file will include the verification that the

installed measures (energy efficient, health and safety, and/or lead reduction) were explained to the client and verification of delivery of the educational package.

For monitoring purposes, the Post Installation Inspection Form and documentation of the units inspected are to be shared with DOEE. To assess the quality of work, each subgrantee's Crew Chief/Leader is to participate in on-site inspections on a representative number of units as determined by the Crew Chief/Leader, U.S. DOE, or U.S. HUD.

DOEE may impose more stringent requirements regarding final inspection if weaknesses are identified during the monitoring process. Although the subgrantee is required to inspect all their completed projects, DOEE will conduct an independent QCI of 100% of the subgrantee's total completed projects to help eliminate fraud, waste, and abuse.

If a quality inspection or client sign-off cannot be performed due to an uncooperative client, attempts to secure these documents must be thoroughly documented. The subgrantee must send a letter to the client indicating that the client has ten (10) business days to contact the subgrantee. The subgrantee will submit all documentation to DOEE for DOEE to schedule a quality control inspection.

3.1.7 Reporting a Unit as Ready for QCI

When subgrantees report a unit as Ready for QCI, all units in buildings containing 1 – 4 units qualify as single-family projects and all units in buildings containing 5 or more units qualify as multifamily projects. In eligible multifamily buildings that contain fewer than 100% income-eligible units, both income-eligible and non-income-eligible units are reported as part of the project.

A dwelling unit cannot be reported to DOEE as ready for QCI until a final inspection is performed and signed by the subgrantee's designated Crew Chief/Leader. If rework is needed, the subgrantee must communicate this need to the client. If no additional work is necessary, the subgrantee must obtain a signed and dated customer satisfaction form from the client.

3.1.8 Budgetary and Per-Unit Expenditure Limitations

DOEE has established limitations on allowable costs for the installation of EECB measures in accordance with the following:

- Expenditures for materials and operating costs (support and labor combined) may not exceed the ACPU, as defined by 10 CFR § 440.18(a) and (c). [ACPU = (Program Support + Labor + Materials) / number of completed units]; and
- Expenditures for health and safety activities are a separate cost category and are not included in the cost per unit average cost limit. The health and safety per-unit expenditure limitation cannot exceed the allotted amount as outlined in the U.S. DOE-approved WAP State Plan unless written approval is received from DOEE.

For DOEE's per unit limitation for the Lead Reduction Program and Healthy Homes Program, refer to the HUD-approved Policies and Procedures, which will be provided when subgrantees receive their grant awards. These costs include coverage for lead dust testing, soil and paint-chip testing, XRF testing, lead-based paint inspections, risk assessments, clearance examination, lead abatement measures (including temporary relocation for clients if needed), identification of unhealthy home conditions, and remediation/abatement of unhealthy home conditions.

3.2 Allowable Expenditures

Subgrantees must expend and report all U.S. DOE, U.S. HHS, U.S. HUD, and District general fund expenditures under the three (3) allowable cost categories of administrative costs, program support, and program operations, listed in this section.

Allowable expenditures are defined as the total of all qualifying expenditures in accordance with the terms and conditions of the U.S. DOE rules published at 10 CFR §§ 440, 600 and according to all other pertinent guidance from U.S. DOE, U.S. HHS, U.S. HUD, and DOEE, including this Manual. All expenditures must be properly documented as costs incurred on eligible dwelling units in the subgrantee's records.

3.2.1 Administrative Costs

Pursuant to 42 U.S.C. § 6865(a)(1) and 10 CFR § 440.18(e), no more than ten percent (10%) of any grant made to a State may be used by the subgrantee for administrative purposes.

Subgrantees may negotiate an indirect cost rate that adheres to the Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards¹⁶. In accordance with 10 CFR § 440.18(e), subgrantees receiving less than \$350,000 may receive an additional five percent (5%) of the award for administrative purposes.

Administrative costs are the expenses a subgrantee incurs that are not directly tied to the U.S. DOE, HHS, and/or HUD funded projects, but are necessary for the organization to operate the EECB Programs. Administrative costs include payroll processing costs, costs to administer health insurance programs, data processing costs, and indirect costs as allowable under the grant agreement, and bank service fees. As with the other weatherization cost categories, those costs applied to administration must be allowable under applicable federal regulation(s). DOEE only authorizes payments for the following items:

¹⁶ https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

- **Salaries and wages:** Payments of a fixed compensation for subgrantee's administrative, financial, and accounting personnel and any other employees performing subgrantee's administrative duties regardless of title.
- **Space, utilities, and telephone:** Payments made in accordance with approved budget for telephone, utility, and space costs incurred by the weatherization operations.
- **Travel:** Payments for mileage, per diem, and subsistence for positions listed in direct salaries and wages. All travel and subsistence payments must be in accordance with the subgrantee's travel policy.
- **Copier, postage, and computer costs:** Payments must be made in accordance with an appropriate cost allocation plan or approved indirect cost plan for positions listed above. Computer costs may include, but are not limited to, online services, computer supplies, and maintenance agreements.
- **Other costs:** Payments made for other costs related to direct salaries and wages which benefit the weatherization program. Other costs are those not included in the material or program support budget line items that are direct program costs.
- **Audit costs:** The cost of audits that are made in accordance with the provisions of OMB Circulars are an allowable cost under the U.S. DOE grant; however, the Subgrantee must request reimbursement of this cost thirty (30) days in advance. These charges may be considered a direct cost or an allocated indirect cost. Audit procurement must follow applicable OMB Circulars. The amount of funds expended by the subgrantee during the fiscal year should not exceed the total amount of costs charged to federal assistance programs for single audits.

3.2.2 Program Support

Program support costs are the direct expenditures incurred to provide energy efficiency upgrades, health and safety, and/or lead reduction and lead reduction measures to a dwelling unit. Allowable program support expenditures may include items such as utilities, telephones, or similar costs that are directly attributable to program support personnel. DOEE only authorizes payments for program support items listed below. Program support category costs exclude the labor category.

Direct costs may include:

- **Maintenance:** Repairs of tools and vehicles used in EECB Programs.
- **Purchase of tools:** Subgrantees must receive prior written approval from DOEE for equipment purchases of \$5,000 or more. All requests must include:
 - A brief narrative and description of the item;
 - A list of similar equipment that the subgrantee owns, including the condition of each item;
 - The purpose of the equipment and the benefits for the EECB Programs; and
 - Copies of requests for bids and responses received.

NOTE: Award recipients that purchase (XRF) analyzers must submit the General Services Administration's annual Tangible Personal Property Report, and its components, Standard Form (SF) 428 and SF 428-A through 428-D, the Annual Report, the Final (Award Closeout) Report, and the Disposition Report/Request, and, if needed, the Supplemental Sheet.¹⁷

3.2.2.1 Salaries and Wages

Salaries, wages, and fringe benefits for program support staff may be charged for the portion of time related to program support activities, except when the position is included in an indirect cost rate or cost allocation plan.

NOTE: Inspectors, on-site supervisors, and clerical support typically perform program support functions. If a subgrantee position is classified as administrative, is not a part of an indirect cost pool, and performs program support activities, that position may be charged as program support direct cost. Subgrantees must maintain detailed time records which must be made available to DOEE's monitors and inspectors for EECB Programs.

3.2.2.2 Space, Utilities, and Telephone Supplies:

DOEE reimburses for approved program support expenditures. Costs are to be allocated in accordance with a cost allocation basis as determined by the Office of Management and Budget (OMB).

3.2.3 Program Operations Costs

Program operations costs are direct material costs for implementing weatherization, health and safety, and/or lead reduction measures. Examples of costs include energy efficiency measures, health and safety measures, lead remediation, and weatherization-related repair measures.

3.2.3.1 Labor

DOEE authorizes payments in the approved subgrantee's budget and the items listed below:

- Payments to supplement wages paid to training participants;
- Crew worker expenditures for installing materials;
- Employment of on-site supervisory personnel installing materials; and
- Labor costs to install weatherization, health and safety, and/or lead reduction measures when agreements are issued in accordance with all appropriate federal and District procurement and contracting rules and regulations.

¹⁷ <https://www.gsa.gov/reference/forms>

3.2.3.2 Materials

As published in 10 CFR § 440, revised Appendix A, all weatherization materials must meet the latest weatherization standards. Materials listed in 10 CFR § 440, Appendix A, are cost effective and are allowable material costs. Subgrantees, (sub)contractors, and vendors must obtain and keep current Material Safety Data Sheets (MSDS) for each inventoried material item purchased.

Allowable material costs include costs for the:

- Purchase and delivery of materials;
- Transportation to a storage site or work site;
- Storage of weatherization, health and safety, and/or lead materials;
- Incidental repair materials needed to protect or aid in the installation of weatherization, health and safety, and/or lead materials. Subgrantees must give preference in their purchases to products containing the highest level of recovered or recycled materials; and
- Incidental repair costs, not to exceed 10% of the total material cost of the unit unless approved by DOEE. Repair materials are to protect or aid in the installation of weatherization, health and safety, and/or lead materials and are part of the total allowable expenditure.

3.2.3.3 Health and Safety

The cost of materials and labor used to abate health and safety hazards before, or because of, the installation of weatherization materials, or to comply with OSHA requirements are allowable costs for the following items:

- Repair of combustible gas leaks inside a dwelling unit, including the installation of the appropriate type of gas line piping;
- Repair of combustion appliance vent systems to ensure adequate draft, provide required clearances to combustible materials, and comply with applicable building codes;
- Mitigation of indoor air quality problems. This includes installing/providing additional combustion air and/or ventilation fans; and
- Installation of a smoke detector(s) in a living space that is attached to a garage.

DOEE requires the installation of one smoke detector in each home and on each floor, and carbon monoxide alarms in dwellings that do not have an operable, existing detector.

Health and safety measures are not required to be cost-justified under WAP but must remain below the amount stated in the District's WAP State Plan.

3.3 Procurement Practices

3.3.1 Procurement Requirements

All procurement items with EECB program funds must be made in accordance with 10 CFR § 600 Subpart C “Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations” for non-profits, 10 CFR § 600 Subpart B “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments” for state and local governments, and applicable sections of DC Municipal Regulations, which are identified in the Field Guide provided to subgrantees.

Subgrantees must establish and maintain written procurement procedures which reflect the grant agreement, applicable federal and District policies, and the standards identified in Section 3.3 of this Manual.

Subgrantees must maintain an administrative system agreement with contractors and relevant subcontractors to ensure they are performing in accordance with the terms, conditions, and specifications of their agreement(s) or purchase order(s) outlined by the subgrantee. Under the administrative system agreement, subgrantees must evaluate each (sub)contractor’s performance and document, as appropriate, whether (sub)contractors have met the terms, conditions, and specifications of the agreement(s) or purchase order(s).

3.3.2 Procurement Standards

Subgrantees will award contractors who are able to successfully perform under the terms and conditions of a proposed procurement. Consideration will be given to the contractor’s integrity, compliance with public policy, record of past performance, financial resources, and technical expertise.

3.3.2.1 Procurement Records

Subgrantees must maintain sufficient records of the procurement history process. These records must include, but are not necessarily limited to:

- The rationale for the selected method of procurement;
- Justification for the selected type of agreement;
- Reasons for the selection or rejection of a contractor;
- Justification for the lack of competition when competitive bids or offers are not obtained; and
- The basis or calculation of the agreement price.

Subgrantees award contracts to provide EECB Program services to organizations most suitable to the subgrantee’s requirements, considering price, quality of service, and other factors. All solicitations for bids must clearly outline the requirements that the contractor must fulfill to be evaluated by the subgrantee. Subgrantees may reject any bid that fails to meet the subgrantee’s requirements.

3.3.2.2 Full and Open Competition

Subgrantees must conduct procurement to ensure open competition is following federal and District procurement regulations. Scenarios that restrict competition include:

- Placing unreasonable requirements on firms for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive awards to consultants that are on retainer agreements;
- Organizational conflicts of interest;
- Specifying only a “brand name” product instead of allowing an equal product to be offered; and
- Arbitrary action in the procurement process.

3.3.2.3 Written Procedures

Subgrantees must have written procedures for all procurements which reflect applicable state and local laws and regulations. The written procedures ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, and service to be procured. Detailed product specifications should be avoided. When it is uneconomical to make an accurate description of the technical requirements, a “brand name or equal” description may be used to define the performance requirements of procurement.

Procedures should also include:

- Methods to avoid the purchase of unnecessary or duplicative items,
- Analysis of lease and purchase alternatives, and
- Preference for products and services that conserve natural resources and protect the environment.

Subgrantees are encouraged to give preference to minority firms, women’s business enterprises, and labor surplus area firms. There must be a cost or price analysis for every procurement action. Subgrantees must make proposed procurement technical specifications available upon request by the funding source. The bonding requirements of a subgrantee will be accepted if the funding source interest is adequately protected.

Agreements in excess of the small purchase threshold (over \$10,000) must contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies as may be appropriate in the event that a contractor or relevant subcontractor violates or breaches the terms of the agreement. See Section 3.2.2 of this Manual for additional information.

3.3.2.4 Code of Conduct

Subgrantees must maintain a written code of standards employees conducting procurement activities for the subgrantee. No employee, officer, or agent of the subgrantee will participate in the selection, award, or administration of an agreement supported by federal funds if a conflict of interest, real or apparent, would occur. A conflict can arise if the employee, officer, or agent, any member of his/her immediate family, his/her partner, or an organization which employs, or is about to employ, any of these parties, has a financial or other interest in the firm selected for award.

Subgrantee's officers, employees, or agents must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors.

3.3.2.5 Materials Standards

Any procured materials must meet the standards described in Section 3.3.3.2 of this Manual.

3.3.3 Types of Procurement

3.3.3.1 Procurement by Small Purchase Procedures

Small purchase procedures follow a procurement process for securing services, supplies, or other property that do not cost more than \$10,000 over the term of the agreement. A contracting officer shall obtain at least three (3) written quotations for procurements over \$10,000 but less than or equal to \$100,000 (see 27 DCMR § 1800.4).

For small purchase procedures, subgrantees must obtain and document price or rate quotations from an adequate number of qualified sources. At a minimum, documentation must include the name of the bidder, a description of the product or services, the date of solicitation, total quantity, per unit price, and the aggregate costs. Procurement of equipment more than \$10,000 requires prior approval from DOEE and U.S. DOE, HHS, and/or HUD, except for the purchase of tools.

Refer to Section 3.2.2 Program Support for additional information.

3.3.3.2 Procurement by Sealed Bids

After subgrantees publicly solicit bids, a firm fixed-price agreement (lump sum or unit price) will be awarded to the responsible bidder whose offer, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. For sealed bidding to be feasible, the following conditions must be present:

1. A complete, adequate, and realistic specification or purchase description;
2. Two (2) or more responsible bidders who can compete effectively for the business; and
3. The procurement lends itself to a firm fixed-price agreement and the selection of the successful bidder can be made principally based on price.

If sealed bids are used, the following requirements apply:

1. The invitation for bids, which must be publicly advertised, bids must be solicited from an adequate number of known suppliers, and bidders must be provided with sufficient time to respond prior to the date set for opening the bids;
2. The invitation for bids, which must include any specifications and pertinent attachments, must define the items or services to be provided to allow for the bidder to properly respond;
3. All bids will be opened publicly at the time and place prescribed in the invitation for bids; and
4. Bids may be rejected if there is a sound documented reason.

3.3.3.3 Procurement by Competitive Proposals

The procurement method of competitive proposals occurs when more than one source submits an offer and an agreement are awarded. This method is generally used when conditions are not appropriate for the use of procurement by sealed bids.

If procurement by competitive proposals is used, the following requirements apply:

- Requests for proposals must be publicized and all evaluation factors and their relative importance must be identified. Any response to publicized requests for proposals will be considered;
- Proposals must be solicited from a minimum of three (3) qualified sources;
- Subgrantees must conduct technical evaluations of the proposals received and for selecting awardees; and
- Awards will be made to the bidder whose proposal is most suitable to the program, with price and other factors considered.

3.3.3.4 Procurement by Noncompetitive Proposals

The procurement by noncompetitive proposals is an award granted through the solicitation of a proposal from a single source, or when, after the solicitation of several sources, the competition has been determined to be inadequate.

Procurement by noncompetitive proposals may only be used when the award of an agreement is not feasible under small purchase procedures, sealed bids, or competitive proposals.

Additionally, one of the following circumstances applies:

- The item is only available from one source;
- The public exigency or emergency for the requirement will not permit the time needed for a competitive solicitation;
- The awarding subgrantee authorizes noncompetitive proposals;
- After solicitation from several sources, the competition is determined inadequate; or

- A cost analysis is required as part of the procurement by noncompetitive proposal process.

Subgrantees may decide the type of procurement procedure. The selected procurement procedure must be appropriate for the service or material required and for promoting the best interest of the program or project involved.

3.4 Contractor Procedures

Contracting under EECB Programs are subject to all procurement policies provided in 10 CFR § 600. Procurement by sealed bids (formal advertising) may not be appropriate due to the need to procure services on an on-going and timely basis. When more than one qualified contractor is necessary to meet the production needs of the subgrantee, procurement through competitive proposals is an allowable means to secure services.

All provisions of the subgrantee's EECB program grant award is applicable to contractor agreements. Contractor agreements must clearly state appropriate program policies, applicable federal laws and regulations, applicable District laws and regulations, and expectations for each party.

After determining the desired contracted services, the subgrantee must develop a list of specifications for the items or services. Additionally, the price analysis using historical data, commercial pricing, and sales information must be included so the subgrantee can verify the price is market value.

Subgrantees must develop a Request for Proposal (RFP), including the scope of work, job specifications with an itemized price list, contractor qualifications, and contract expectations. Notice of available RFP's should be advertised on the subgrantee's website and sent directly to companies that the subgrantee believes meet the qualifications.

Subgrantees must develop written rating standards to be used to certify a contractor's program eligibility. This rating system must be an objective evaluation system for potential contractors.

After the eligibility determination, subgrantees must send written notification to all bidding contractors indicating their RFP acceptance or rejection. Each contractor's eligibility will be based on their overall rating. In addition, subgrantees will consider their production needs and requirements needed when selecting the number of eligible contractors. Subgrantees may provide applicants with the opportunity to revise their proposal to meet the requirements of the RFP. A notice of rejection must include an appeal procedure with a cut-off date for those contractors who fail to meet the eligibility criteria.

All acceptance notices must indicate a date and time for an initial contractor meeting. The agenda for the meeting must include, but is not necessarily limited to, a review of the:

- Program description;
- Anticipated production and the amount of work that may be afforded to the contractors;
- Content and requirements of the subgrantee agreement;
- Obligations of the subgrantee and the contractor;
- Scope of work, job specifications, and technical requirements of the program;
- Work scheduling, issuance of work orders, provisions for issuing and documenting change orders;
- Procedures for clearance testing, quality inspection, callbacks, and final signoff; and
- Invoicing and payment procedures.

During the initial meeting, the contractor's RFP price lists must be reviewed and compared to the subgrantee's cost analysis. After this meeting, the subgrantee can determine a fixed price for the contractor's services.

Once the subgrantee and a contractor agree to the necessary terms and conditions, a contractor agreement must be executed between the two parties. The subgrantee should provide each contractor with all necessary procedural background, technical information, and required forms to fulfill the terms of the agreement (including a copy of the District's Weatherization Field Guide).

If, after a subgrantee has fulfilled all the requirements of a competitive bid process, there is insufficient competition, the subgrantee may proceed to secure services through noncompetitive procurement (see Section 3.3.3.4). In this case, a cost analysis must be conducted to determine the market rate of the compensation requested by a contractor. Noncompetitive procurement, other than small purchases (less than \$10,000 over the life of the agreement), requires prior approval from DOEE.

3.5 Reimbursements

3.5.1 Request for Payment and Reimbursement

DOEE will not reimburse subgrantees for any work completed prior to the execution of the DOEE award or after the award end date. According to DOEE's Advance Payment Policy and Procedures for Grants, in limited cases, DOEE may pay start-up costs at the beginning of a large project (i.e., a multifamily dwelling). Subgrantees seeking start-up payments should explain the request in their proposal.

The subgrantee may submit a reimbursement request, or invoice, at any time during their grant award period.

Subgrantees must adhere to the following:

1. The following documentation must be uploaded to QuickBase:

- a. Contractor's Invoice (broken down by labor and material);
 - b. Health and Safety Installation Acknowledgment Form;
 - c. Contractor Assurance and Guarantee of Work Form;
 - d. Blower Door Intermediate Reading Form;
 - e. DCRA Permit and Inspection (if applicable);
 - f. Contractor Combustion Tapes Form (if applicable);
 - g. Contractor Spillage Test Form (if applicable);
 - h. Lead Safe Renovation Recordkeeping Form (if applicable);
 - i. Lead Assessment (if applicable);
 - j. Lead Testing (if applicable);
 - k. Lead Clearance Testing (if applicable);
 - l. Appropriate Lead Permits (if applicable);
 - m. Decommissioning Form (if applicable);
 - n. Customer Satisfaction Form;
 - o. Notice of Safety (if applicable);
 - p. Deferral Form (if applicable); and
 - q. Most Recent NEAT or TREAT Work Order.
2. Monthly Progress Reports must:
- a. Be submitted to the EECB Program Specialist and Branch Chief;
 - b. Be postmarked or transmitted electronically by the fifth (5th) day of each month, or the first working day thereafter if the fifth (5th) day falls on a weekend or holiday;
 - c. Include the work completed in the month prior; and
 - d. Be complete and adhere to DOEE's approved format, which includes details of the services performed and problems identified with the energy services, budget, schedule, or remedial action plan.
3. Subgrantees must submit, within ten (10) days after the program's specific end date, a financial report that provides an accounting of expenditures to close-out the program year. This report must include:
- a. A summary of the cumulative obligations and disbursement of funds to each contractor and vendor; and
 - b. A signed financial statement from each contractor identifying funds received and expended for each category of service for the term of the subgrantee award. Reports must include an accounting of all relevant funds, property, and other assets. Reports must be originals and contain signatures of all appropriate persons. Information reported must be consistent and relevant throughout all reports submitted.

3.5.2 Reimbursement Process

The subgrantee and contractor contract shall include a provision that incorporates the payment and interest clauses in paragraphs (1) and (2) of DC Official Code §2-221.02(d). The subgrantee shall require its contractors to include in their contracts with any lower tier contractors or suppliers the payment and interest clauses in paragraphs (1) and (2) of DC Official Code §2-221.02(d).

Upon receipt of a subgrantee's reimbursement request, DOEE will complete the following steps:

1. The EECB QCI will verify that all required supporting documents are included in the reimbursement report and match the previously approved energy audit report.
2. The EECB Program Specialist will verify the contractor was paid for work performed.
3. Approved reimbursements will be issued to the address or account on file for the subgrantee within thirty (30) calendar days of receipt in accordance with the Quick Payment Act, D.C. Official Code §2-221.01 et seq.

3.5.3 Withholding Payment

DOEE may delay a payment due to, but not limited to, the following reasons:

- Inaccurate reports;
- Untimely reports;
- Unsigned reports;
- Information submitted on an improper reporting form;
- Unable to verify contractor was paid; or
- Unavailability of federal funds or a delay in receiving quarterly allocations.

3.5.4 Cash Balance Review

DOEE reserves the right to periodically review the subgrantee's funds balance and evaluate the balances in accordance with 10 CFR § 600.122. DOEE may take remedial action if necessary, which may include reducing payments due under this Manual.

3.5.5 Disallowed Program Expenditures

Program funds cannot be expended in any manner that is inconsistent with these policies and procedures and such funds will be considered disallowed program expenditures.

3.5.6 Non-Reimbursement

DOEE will not reimburse for the following items including, but not limited to:

- Third party claims against the subgrantee or any of its contractors or vendors for labor, materials, or equipment claims;

- Costs incurred due to misrepresentation of materials such as work not performed or materials not supplied. Misrepresentation constitutes an event of breach in the subgrantee GAN and will be reported to the appropriate DOEE personnel and grantor; or
- Expenditures that may be expended on an eligible dwelling unit if the installation worker performed in an inappropriate manner, the materials installed do not conform to the materials specifications set forth in 10 CFR § 440, Appendix A, or the work is substandard and was not repaired after receiving written notice from DOEE.

3.6 Client Service

3.6.1 Outreach

When promoting EECB Programs in publications and advertisements, subgrantees must include statements to indicate that the program funding is provided by DOEE.

Subgrantees must coordinate EECB program outreach for all eligible households in their service area, including those with concentrations of minority groups or others that are not likely to apply without targeted outreach to encourage awareness of the EECB Programs. This may include outreach to neighborhoods or areas other than the one in which the subgrantee is located.

3.6.2 Priority Client Groups

Services will be provided to eligible clients on a first-come, first-serve basis; however, should a waiting list arise, priority will be given to emergency applications and to applications for the chronically ill, the elderly, persons with disabilities, families with children, and affected individuals during a state of federal declaration of a disaster.

In situations where the subgrantee is aware of an emergency, the subgrantee should contact DOEE for a case-by-case determination.

3.7 EECB Program Eligibility

Applicants receiving work funded by U.S. DOE and/or HHS must meet the Low-Income Home Energy Assistance program (LIHEAP) income qualifications. If an applicant receives SSI or TANF, they are categorically eligible.

The District has determined that occupants of dwelling units who are at or below 200% of the Federal Poverty Level, or who are at or below 60% of the District's median income level (as determined under the HHS eligibility guidelines), whichever is higher, are considered to be eligible for EECB services funded under U.S. DOE, LIHEAP-Federal and District general funds programs. Applicants must provide proof of income for all household members, including:

- A recent payroll stub or other proof that shows current gross income for thirty (30) days and is valid within the last ninety (90) days;

- Documentation showing income from Social Security, unemployment insurance, pension funds, disability, etc.;
- Proof of present address (e.g., rent receipt, lease or deed, property tax bill);
- Proof of total members living in the household (e.g., birth certificates, school records, etc.);
- Social Security cards (or documents with the Social Security number, such as a pay stub or birth certificate) for all members of the household; and
- Current Government-issued photo identification for the applicant.

Applicants receiving work funded by HUD must meet the eligibility requirements as outlined in the Lead Reduction Program Policies and Procedures.

3.7.1 Income Eligibility & Criteria

The federal poverty levels and definition of income are provided annually by HHS. The determination of income eligibility is based on the total income of all adult members residing in a dwelling unit and shall be calculated according to the District's approved LIHEAP State Plan. Applicants receiving work funded by HUD must meet the income requirements as outlined in the Lead Reduction Program Policies and Procedures.

3.7.2 Proof of Eligibility

To the maximum extent practicable, proof of income eligibility and the associated documentation should be included in the client file. Proof of eligibility includes:

- LIHEAP approval;
- LIHEAP denial with proof of SSI and/or TANF; and/or
- Lead Reduction Program (LRP): Program Approval Letter.

3.7.3 Limitations on Dwelling Eligibility

A dwelling unit will not be considered eligible for U.S. DOE funding, although it is occupied by an eligible household if:

- The dwelling has been damaged by fire, flood, or natural disaster;
- A federal, state, private, or local program designates the dwelling for acquisition or clearance within twelve months from the date weatherization of the dwelling unit is scheduled to be completed; or
- The cost exceeds the allowable cost per unit.

Weatherization Assistance Program

The Weatherization Assistance Program (WAP) reduces energy costs for low-income households by increasing the energy efficiency of their homes while ensuring their health and safety. WAP is funded by the United States Department of Energy (U.S. DOE), the United States Department of Health and Human Services (HHS), and the District general fund. The District works with local non-profit organizations to leverage resources and provide weatherization services throughout the District.

In the past, DOEE has received leveraged funding to expand services provided through the program from the following funding sources; the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds through the Department of Housing and Community Development (DHCD), and the District's Renewable Energy Development Fund (DC Code § 34-1436).

4.1 WAP Policy Advisory Council and State Plan

Each year, DOEE prepares and submits a WAP State Plan to U.S. DOE that details how WAP will be administered within the District during the program year, July 1st to June 30th of the following year. DOEE also submits a LIHEAP State Plan to HHS detailing the established percentage of LIHEAP funds (up to 15%) that will be allocated for weatherization activities. The State Plans address the District's goals and objectives related to each grant; the amount of funding available; and how the District will comply with federal regulations, meet production level requirements, provide staff training, monitor the work of subgrantees, and provide energy services to the elderly, persons with disabilities, and families with children.

As required by federal regulations (10 CFR § 440.17), a Policy Advisory Council (PAC) assists in the development and implementation of the WAP State Plan and advises DOEE on a broad range of issues relating to the WAP. The PAC is comprised of individuals who reflect the relevant groups related to the WAP, low-income households, the elderly, persons with disabilities, and families with children. PAC meetings are normally held twice each fiscal year.

District stakeholders interested in the operations of the weatherization program may either volunteer or be invited to participate as a PAC member. Stakeholders will receive a packet that identifies the roles and responsibilities of membership. Each fiscal year, DOEE contacts the interested parties to confirm their commitment of membership. The PAC is required to provide comments on the WAP State Plan prior to DOEE's submission of the plan to U.S. DOE.

The WAP State Plan is reviewed by PAC, DOEE's Office of the General Counsel (OGC), the Office of the Chief Financial Officer (OCFO), and DOEE's Grants Management Division (GMD). In addition, DOEE holds a public hearing to obtain comments on the WAP State Plan. The hearing provides an opportunity for potential subgrantees and District residents to provide input regarding current program operations.

Steps for finalizing the WAP State Plan:

1. Once the draft WAP State Plan has been internally approved, DOEE schedules a public hearing, posts the draft WAP State Plan on DOEE's website, and posts the draft in the DC Register at least 30 days prior to the public hearing, in accordance with 10 CFR § 440.14.
2. DOEE provides PAC members with a copy of the draft WAP State Plan and public hearing participation information.
3. DOEE accepts comments from PAC members and other interested parties at the public hearing, by mail or via email prior to the public hearing.
4. DOEE convenes the public hearing as scheduled. The public hearing will be transcribed by a court reporter. DOEE will obtain a sign language interpreter for the public hearing upon request.
5. The EECB Chief or Program Specialist updates the WAP State Plan based on the comments received from the PAC and the public.
6. The updated WAP State Plan is reviewed internally.
7. DOEE submits the WAP State Plan to U.S. DOE 30-60 days prior to the established U.S. DOE deadline.

During its review of the WAP State Plan, U.S. DOE may have questions or comments that require DOEE to make additional modifications or changes to the WAP State Plan.

If approved by U.S. DOE, DOEE can request to carry over funds from the previous fiscal year. DOEE will repeat the steps for publication, notice, comment, and hearing for the WAP State Plan. DOEE will then submit the updated WAP State Plan to U.S. DOE for approval.

4.2 Allowable Weatherization Measures

EECB Programs are designed to reduce dwelling energy consumption through the installation of U.S. DOE approved energy efficiency measures (EEMs) based on their savings-to-investment ratio (SIR). Additional measures are approved as incidental repairs necessary to the safe and effective installation of EEMs, or to assure health and safety in conjunction with the installation of EEMs in accordance with 10 CFR § 440.18(d).

The specific methodologies used to accomplish the program measures are based on the condition and design of the dwelling. These methodologies are further directed by the results of blower door air-sealing tests and the analysis and inspection of the heating system(s).

4.2.1 Energy Audit

DOEE's EECB Energy Inspectors apply a holistic approach when conducting site-specific energy audits using one of two U.S. DOE approved auditing tools:

- National Energy Audit Tool (NEAT) for single-family homes; and
- Targeted Retrofit Energy Analysis Tool (TREAT) for multifamily dwellings.

The energy audits include a blower door and heating system assessment to determine overall building energy usage and the estimated SIR for each potential EEM that could be considered in the building. Energy Inspectors also assess potential health and safety concerns within the dwelling unit.

The energy audit includes the following:

- Summary of an initial assessment including a household questionnaire;
- Blower-door test results for infiltration/exfiltration, except where Health and Safety issues are documented;
- Client education on energy conservation and Health and Safety matters;
- Determination of conductive heat loss based on square footage and U-values of windows, doors, ceilings, sidewalls and floors;
- Steady-state efficiency (SSE) test for heating appliance efficiency when possible;
- Assessment of heating distribution system efficiency and related controls including assessment and testing for duct leakage per U.S. DOE's Standard Work Specifications (SWS);
- Determination of hazards, if any;
- Inspection for moisture problems and the presence of mold or mildew;
- Inspection for potential lead-based paint hazards and compliance with lead-safe weatherization practices;
- Determination of the condition and effectiveness of previous weatherization measures, if any; and
- An assessment of the overall condition of the structure.

EECB Energy Inspectors prepare audit reports based upon the results of the energy analysis and the following established protocols. The outcome may result in the use of multiple funding sources as determined by the restrictions listed below. For U.S. DOE funds, the following restrictions apply:

- **Recommended work will be performed and paid for in full:** If the audit has an SIR of 1 or more, DOEE will fund 100% of the recommendations. An SIR greater than 1 is cost-effective under U.S. DOE's WAP method of determining cost-effectiveness.
- **A percentage of the work will be performed:** If the SIR is .99 or lower, DOEE will consider funding the measure from a different funding source or require an owner contribution. For example, if the SIR is .80, DOEE will fund 80% of the recommended work and the owner will have to fund the remaining 20% (the "buy down" amount).
- **Application is deferred:** DOEE will provide the applicant with a notification of deferral that outlines why the weatherization work cannot be performed at that time. Reasons for deferral may include, but are not limited to, criminal activity at the residence, the presence of lead-based paint, excessive mold or moisture, or sewage or sanitary

conditions that make it unsafe to work at the location. The DOEE Energy Inspector will indicate whether addressing the conditions is the responsibility of the subgrantee or the client.

- **No weatherization work may be performed:** No weatherization work will be performed if there is a presence of mold, moisture, asbestos, lead, pest control, structural damage, flooring and wall damage, roof leaks, cost prohibited, or if the client refuses participation.

In cases where a change of work order is required, due to the need for additional measures or a change in cost, EECB Energy Inspectors will re-run the appropriate audit tool to ensure that the correct measures are captured in the audit report. Further guidance regarding the selection of measures is provided in the District's Weatherization Field Guide.

4.2.2 Weatherization Measure Selection

DOEE selects weatherization measures for installation based on the SIR and by reviewing the:

- Structural, occupant, or other considerations specific to the dwelling;
- Need and associated costs for the installation of other required measures; and
- Contractual per unit cost limits of the program.

The resulting measures specified for the District single-family housing types are illustrated below in Figure 1.

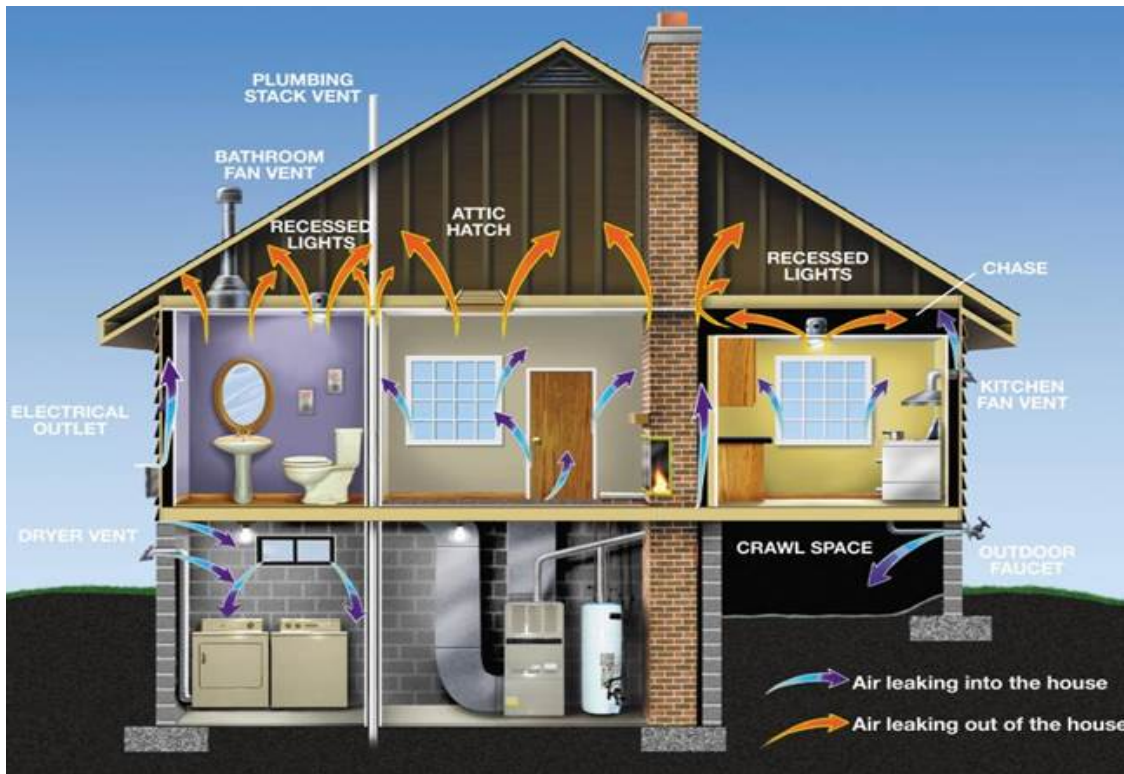


Figure 1: Home Envelope

Weatherization measures are prioritized in order of descending SIR.

Examples include:

- Blower door guided air sealing;
- Duct sealing in unconditioned spaces and sealing for building cavities used as vents that leak to the outside;
- Duct insulation in unconditioned spaces;
- New windows and/or doors (including the appropriate permits);
- Attic insulation – unfinished or finished;
- Insulation – exposed ceilings;
- Wall insulation; and
- Foundation insulation.

Additional Measures:

- Heating system improvements;
- General heat waste reduction; and
- Electric base load measures.

4.3 Rental Property

4.3.1 Rental Unit Requirements

Applicants that have rental dwelling units occupied by eligible program participants or units that are expected to be occupied by eligible program participants within 180 days of completion of the weatherization, health and safety, and/or lead reduction work (agreement must be in place prior to audit) may apply for the District's EECB Programs.

EECB program assessments will be performed based on the following:

- Rental buildings will be treated the same as owner-occupied buildings in determining appropriate measures to be performed; and
- Multifamily buildings with 5 or more units per building and 3 stories or less are eligible to receive weatherization services in the District and require a TREAT energy audit.

Once completed, DOEE will forward the approved Energy Audit to the subgrantee and all parties (including the owner of dwelling and EECB personnel) will meet to determine the scope of work and the owner's contribution. Owners are required to contribute to all projects that are renter occupied. Work will not commence until a landlord agreement has been executed. In the case of multifamily buildings, the subgrantee will weatherize the entire multifamily building once the building is approved by DOEE.

4.3.2 Multifamily Building Eligibility Requirements

Eligibility requirements are as follows:

- 66% or more (50% or more for duplexes and four-unit buildings) of the dwelling units in the building are occupied by eligible applicants;
- 66% or more of the dwelling units will be occupied by eligible households within 180 days under a federal, state, or local government program for rehabilitating the building or making similar improvements to the building; or
- The multifamily building is specifically identified for weatherization by U.S. DOE.

Unless otherwise directed by U.S. DOE or DOEE, the building will be denied weatherization services if the building does not have enough units occupied by eligible families.

4.3.2.1 Owner-Occupied Multifamily Buildings – Condominiums

Eligibility requirements for owner-occupied multifamily buildings are the same as those for multifamily buildings as stated in Section 4.2 above, including the requirement that if the entire building is not eligible for weatherization services because there are not enough units occupied by eligible families, service to the entire building will be denied.

4.3.2.2 Rental Units Containing Commercial Property

If a building contains one or more residential dwelling units, but also has commercial purposes, only the part of the building occupied by an eligible household may be weatherized. Commercial properties are not eligible for weatherization. Multifamily eligibility as described in 10 CFR § 440 applies to rental units containing commercial property. The commercial property cannot be counted as a unit when determining the number of units in the building.

If a measure must be installed on both the eligible dwelling units and the commercial areas in order to be effective (i.e., insulating sidewalls with balloon framing), the subgrantee will charge the installation associated with the eligible unit to the program and charge the portion associated with the commercial area to the property owner. The amount charged to the property owner may not be counted toward the owner contribution (if an owner contribution is required). If the property owner declines the measure or declines to pay the portion associated with the commercial area, the dwelling unit must be denied.

4.3.3 Policies and Procedures

4.3.3.1 Rental Work Agreement

Prior to any weatherization, health and safety, and/or lead reduction work taking place on a rental property where the owner is not the applicant, the owner must provide written permission for the work. The owner must agree with the program terms, including any required shared costs or contributions. The EECB Program Specialist will provide the subgrantee with an energy audit report which identifies the scope of work that must be agreed upon by the owner.

DOEE may conduct the following steps prior to the subgrantee's providing weatherization, health and safety, and/or lead reduction services:

1. Obtain evidence that the owner understands they may not raise rent(s) for a period of at least two (2) years based on the increased value of the dwelling unit(s) from the weatherization, health and safety, and/or lead reduction work. This evidence is obtained through the application process between the building owner and DOEE;
2. Ensure that the tenants are notified, through the application process, that rent cannot be increased due to the weatherization, health and safety, and/or lead reduction installation; and
3. Execute the property owner agreement.

Prior to performing weatherization, health and safety, and/or lead reduction work on rental units, subgrantees must:

1. Notify the property manager when entering or exiting the property to ensure the security and accountability of contractors and vendors;

2. Inform the tenants of the Weatherization Assistance Program, Healthy Homes Program, and/or Lead Reduction Program's health and safety requirements (i.e., lead and mold information, and health and safety issues); and
3. Notify tenants in writing of the formal complaint process.

4.3.3.2 Owner Contribution

Owners of rental dwelling units are required to make a minimum contribution from 1%-10% of the total cost of the weatherization, health and safety, and/or lead reduction work (please refer to the Landlord Agreement for more information). If heating/cooling system replacements are involved, the landlord may have to contribute to the overall cost.

The owner contribution requirement may be met by:

- Paying the subgrantee directly; or
- Rebate through additional energy measures installed by the building owner. If such measures are obtained through the DC SEU program, the rebate period cannot exceed two (2) years.

4.3.4 Multifamily Housing Weatherization Plan and Permission

Subgrantees must submit a multifamily housing weatherization project plan/schedule, receive approval for the plan, and gain building access from the owner or property manager before weatherizing any multifamily dwelling units and must thereafter comply with the approved plan.

4.3.4.1 Multifamily Preliminary Investigation and Permission Process for WAP

Subgrantees must submit the following documentation to DOEE for approval:

1. Tenant Related Documents:
 - a. A cover letter that details how tenants will be notified of the Weatherization Assistance Program and the health and safety requirements (i.e. lead and mold information) as required; and
 - b. A copy of written notification of the formal complaint process given to tenants (see Section 2.10 for this process).
2. Property Documents:
 - a. A preliminary assessment of the scope of work including any changes in quantity or additional incidentals that were not identified in the energy audit report;
 - b. A scope of work highlighting the proposed weatherization measures and any energy efficiency concerns;

- c. An explanation of matching funds if owner is using other programs for other repairs (i.e. Low-Income Housing Tax Credits);
- d. A letter of commitment from the owner confirming his or her contribution;
- e. Specification sheet(s) for materials being used and installed; and
- f. A project schedule and weekly updates on production and schedule adjustments.

DOEE may reject the submission if any of the aforementioned documents are found to be inaccurate or incomplete. Upon approval, the subgrantee can move forward with developing project budget and scope.

4.3.4.2 Final Application

Upon review, DOEE will issue either an approval or disapproval letter for the project to begin. Work cannot start on a multifamily project until there is a fully executed landlord agreement in place.

4.4 Special Considerations

4.4.1 Deferral/Denial of Assistance – When Not to Weatherize

A subgrantee's decision to defer work or not to provide weatherization services may be a necessary solution in some cases. In this scenario, it does not mean weatherization assistance will never be available for the dwelling unit, but that work must be postponed until the issue is resolved. This determination may become evident during the eligibility process, the energy audit, or once the work is started.

DOEE will determine if an eligible dwelling must be deferred or referred to the Healthy Homes Program, using the factors identified in Section 4.1.2.

In the event the subgrantee must defer services, subgrantees must:

1. Complete the deferral form and clearly identify circumstances that prevent weatherization activities from proceeding; and,
2. Provide the client and/or landlords a copy of the deferral form and explain how the problem relates to the decision to not continue the weatherization work. The signed deferral form and pictures must be uploaded into QuickBase within two (2) calendar days after the client is notified.

A copy of the signed deferral form, documentation regarding the determination, and other communications related to the case must be kept in the client's file.

4.4.2 Weatherization Standards

The required standards for weatherization materials can be found in 10 CFR § 440.21¹⁸. In scenarios not covered in 10 CFR § 440.21, consult DOEE.

If there are discrepancies between the information on the client's weatherization application and the observed conditions in the dwelling unit, the subgrantee must resolve these issues prior to beginning the weatherization process. Some examples of discrepancies include: a change in the client's status (e.g., the applicant is deceased), an unemployed client who is now working, a difference in the number of persons living in the dwelling unit (e.g., fewer or more persons than listed), or evidence of business being conducted in the unit.

If the subgrantee suspects that the client is no longer eligible at any time prior to the installation, the unit cannot be weatherized. When a subgrantee has reason to believe that the applicants' circumstances have changed the subgrantee must request an updated application or status from DOEE.

If a client is denied assistance under the EECB Programs, the subgrantee must follow the 'Appeals and Dispute Resolution' procedure detailed in Section 2.10 of this Manual.

4.4.3 Lead-Safe Weatherization

In WPN 09-6¹⁹, WPN 08-6²⁰, and in earlier guidance, U.S. DOE requires that all WAP-funded work be conducted in a lead-safe manner. The U.S. Environmental Protection Agency's (EPA) 2008 Lead-Based Paint Renovation, Repair and Painting Program Rule (as amended in 2010 and 2011) became effective April 22, 2010. To ensure compliance with this rule, all subgrantees are required to take mandatory training in lead-safe work practices. Lead-safe weatherization training is provided by the Energy Training Centers located around the country and online.

The EPA rule requires that all subgrantee's contractors and relevant subcontractors be certified by the EPA as a Certified Renovation firm. Subgrantees must have a Certified Renovator on their crew(s) or employed by their (sub)contractors to meet the EPA rule requirements on any pre-1978 home unless such home is exempt by DOEE. The rule also has provisions on worker protections, client notification, client health and safety, and documentation of lead-safe work. The requirements listed below apply to all subgrantees.

¹⁸ <https://www.govinfo.gov/app/details/CFR-2001-title10-vol3/CFR-2001-title10-vol3-sec440-21-id495>

¹⁹ <https://www.energy.gov/sites/prod/files/2015/12/f27/WAP-WPN-09-6.pdf>

²⁰ <https://www.energy.gov/sites/prod/files/2015/12/f27/WAP-WPN-08-6.pdf>

4.4.3.1 Lead-Based Paint Hazard Control Procedures

U.S. DOE requires that all work performed on pre-1978 homes be completed using Lead Safe Work (LSW) practices unless the building is exempt, pursuant to U.S. DOE Notice WPN 09-6.

Additionally, DOEE requires that:

- Subgrantees and their contractors are covered by Pollution Occurrence Insurance (POI). If subgrantees or contractors are not covered under POI, they must defer all work with lead paint or dust until they have secured the proper insurance. Certificates of Insurance must be submitted to DOEE and the District's Office of Risk Management (ORM) for approval prior to commencing installations in a dwelling with lead paint or dust. The certificates must identify DOEE and the additional insured parties as certificate holders. The certificates must contain a provision that coverage afforded under the policies will not be cancelled. Additionally, if the policy is going to be cancelled, then the certificate must state that DOEE's interest will not be affected unless a minimum thirty (30) day notice is provided.
- Subgrantees follow EPA's, OSHA's, state, and local worker protection and safety requirements. Subgrantees are required to use safety precautions to protect the workers and occupants in the weatherization homes from lead exposure.
- Subgrantees ensure residents and pets do not have access to the work area during the installation. Subgrantees and (sub)contractors must contain the work area and eliminate the tracking of lead dust or other contaminants.
- Subgrantees defer the work until the client can secure an offsite location if containment cannot be achieved.
- The owner is responsible for addressing existing lead hazards in a dwelling unit that is unrelated to the weatherization work.

4.4.3.2 Client Notification

DOEE requires subgrantees to follow EPA's notification requirements for lead-safe practices. Owners and occupants in dwellings built before 1978 must receive the EPA's new publication "The Lead-Safe Certified Guide to Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools"²¹.

4.4.3.3 Deferring Work Due to Lead Hazards

²¹ <https://www.epa.gov/sites/production/files/documents/renovaterightbrochure.pdf>

Weatherization work should not be deferred if there is just lead based paint in the dwelling. Subgrantees must follow lead-safe work practices in all units to ensure existing hazards do not pose a threat to the residents or workers.

Subgrantees should consider the following while determining to defer the weatherization work:

- If the contractor needs to apply to DOEE for a lead abatement or renovation permit (See 20 DCMR § Sections 3310 and 3316)²²;
- If the contractor is certified in lead remediation and adequately prepared to work with lead-based paint (i.e., workers are trained in lead safe work practices, the contractor has the necessary protective equipment);
- Condition of the interior and exterior painted surfaces;
- If recommended energy-efficiency measures will disturb painted surfaces; and
- The cost of conducting lead-safe weatherization practices in proportion to the total per unit cost.

Based on these factors, subgrantees should document their decision on the following:

- Proceed with lead-safe weatherization work;
- Proceed with certain weatherization measures and defer others;
- Defer all weatherization measures until a DOEE lead abatement or renovation permit is obtained;
- Defer all weatherization measures until the work can be performed by trained personnel who follow lead safe work practices; or
- Defer all weatherization work until another subgrantee has resolved all lead safety issues.

4.4.3.4 Lead-Safe Work Practices

Subgrantees must use the following lead-safe work practices when lead-based paint is disturbed:

1. When lead-based paint is disturbed, subgrantees and (sub)contractors must:
 - a. Adhere to work-area containment practices to prevent dust and debris from leaving the work area;
 - b. Inform the occupants to stay away from the work area;
 - c. Ensure workers wash their hands and face when leaving the work area;
 - d. Ensure workers do not smoke, eat, drink, or apply cosmetics in the work area;
 - e. Ensure workers wear a respirator;
 - f. Obtain a Ground-Fault Circuit Interrupter (GFCI) if using electrical equipment;

²² <https://dcregs.dc.gov/Common/DCMR/ChapterList.aspx?TitleNum=20>

- g. The following methods of removing lead-based paint are prohibited. See 20 DCMR § Section 3304.1.:
 - Open flame burning or torching;
 - Machine sanding without high-efficiency particulate air (HEPA) local exhaust control;
 - Abrasive blasting without HEPA local exhaust control;
 - Heat guns at temperatures above 1100°F;
 - Dry sanding or dry scraping, except:
 1. Dry scraping within 1 foot of electrical outlets.
 2. Dry scraping in conjunction with heat guns operating below 1100°F.
 3. Dry scraping when treating defective paint spots totaling no more than 2 square feet in any one interior room or space.
 - Paint stripping in a poorly ventilated space.
 - h. Lightly spray the paint with water before disturbing the surface and use wet sanding methods to minimize dust particles;
 - i. If equipment is to be reused, wash materials thoroughly before leaving residence;
 - j. Dispose all the lead-based paint, debris, coveralls, and plastic covering; and
 - k. Dispose all the water contaminated with lead-based paint in a sanitary sewer system.
2. In the event of minor lead-based paint disturbances where less than two square feet per room or 10% of an interior is disturbed, or less than 20 square feet of lead-based paint is disturbed outside, subgrantees and (sub)contractors must:
 - a. Follow all general requirements described in item (1) above;
 - b. Tape a plastic bag or sheeting on the horizontal surface below the paint to collect paint chips and any dust that may be formed; and
 - c. After work is done, wipe the surface to ensure no lead-based debris remains.

4.4.4 Mold and Mildew

Over the past few years, health professionals and building scientists have become increasingly concerned with the presence and health effects of mold in and around the home. The District's EECB Programs continue to pay close attention to the role moisture and ventilation play in affecting the indoor air quality. Although weatherization funds cannot be spent on mitigating mold, subgrantees must be aware of the conditions in and around the dwelling that may cause or worsen mold conditions. Dwellings that show a presence of mold and/or mildew may be eligible for EECB's Healthy Homes Program.

Mold is most often found in bathrooms, basements, and crawlspaces. Mold can produce from a water leak, water damage, flooding, or in a moist space. Water collecting around the dwelling's perimeter from improper drainage, underground water supply, excessive condensation, roof leaks, and lack of proper gutters can contribute to mold growth.

Although the presence of mold is best handled through a “whole house approach”, if mold is found, additional work will be required to determine the cause and possible ramifications for performing the traditional “whole house” weatherization protocols.

Subgrantees should proceed with caution when considering dwelling units for weatherization where the presence of mold has been discovered. The cleaning and removal of mold (i.e., improved ventilation, additional bathroom or kitchen fan) may be all that is necessary to effectively address the situation.

Subgrantees should refer clients to the EPA publication, “A Brief Guide to Mold, Moisture and Your Home”²³ for more information on how to proceed with mold cleanup and address mold-related questions.

Subgrantees and contractors must complete the following activities:

1. During the initial energy audit, the Energy Inspector and/or inspector should assess the building and environmental conditions surrounding the property. The Energy Inspector should speak with the client to determine whether the presence of mold exists, and if the present conditions could produce mold or exacerbate existing mold conditions.

If mold is found during the inspection process, subgrantees must:

- a) Document the mold with photos and include them in the client file;
 - b) Assess cause of the mold;
 - c) If the exposed mold surface area is less than two square feet, subgrantee may consider proceeding with weatherization if it will eliminate the moisture problem; and
 - d) If the weatherization work does not alleviate the water intrusion or the scope of work is beyond allowable measures, a Deferral of Services process should be pursued.
2. Subgrantees must complete a mold inspection as part of their routine pre-weatherization assessment of the dwelling. The presence of mold should be documented on the assessment form and supporting pictures placed in the client’s file. Before the weatherization work can begin, all visible signs of mold should be cleaned by the client, the client’s representative, or an accredited organization. Weatherization funds cannot be used for mold remediation activity.
 3. Under District law, if a tenant notifies the property owner that mold exists in their unit or building, property owners must inspect the area within seven (7) days and remediate the

²³ <http://www.epa.gov/mold/moldguide.html>

condition within thirty (30) days. If mold continues to exist, the tenant may seek relief in court and submit a referral to the Office of Tenant Advocate. Additionally, a referral may be warranted to the District Department of Consumer and Regulatory Affairs (DCRA). DCRA issues citations for unclean surfaces and works to find the underlying causes of contaminated surfaces. If the client indicates that a household member has experienced unusual symptoms (itchy eyes, sneezing, coughing, rash, flu-like symptoms, itchy skin, etc.) and there are signs of mold, then the client should consult a doctor. If the environment presents an emergency, the client should dial 911. Weatherization should be deferred pending the presence of mold.

4. Subgrantees may encounter mold conditions that are beyond the weatherization scope of work (i.e., the dwelling unit is constructed over a stream that permeates through the dirt floor crawl space or the dwelling unit has been constructed in an area with a high water table and poor drainage). In such cases, weatherization measures should be deferred, but if there is a health and safety issue (not heat or water), subgrantees may proceed with those measures, if feasible.
5. Rather than installing insulation or tightening the envelope of the building, the Energy Inspector and subgrantee may need to consider work that will address the presence of ground water and its ramifications to the dwelling structure. This work may include measures preventing moisture from entering the basement, dehumidification, adding mechanical ventilation, and removing standing water from the perimeter of the dwelling. In addition, the Energy Inspector should speak to the client about the energy performance of their home, its location in relation to the moisture source, and if the structure of the dwelling unit is affected.
6. Subgrantees should document the conditions of the dwelling units' interior and surrounding areas.

4.4.5 Asbestos

Asbestos removal is not an approved health and safety weatherization expense but may be addressed under EECB's Healthy Homes Program. If asbestos is found, it should not be disturbed. Requirements for asbestos removal include:

- All asbestos work must be completed by licensed individuals and in accordance with the District's asbestos air quality regulations;
- Removal or encapsulation is allowed and may be necessary when the measure will provide a cost-effective SIR;
- Asbestos siding can be removed and replaced with wall cavity insulation if permitted under District law. Subgrantees are required to contact DCRA and the Air Quality Division of DOEE to determine the correct course of action;

- When permitted by District or federal regulations, encapsulation (usually less costly than asbestos removal) may be used;
- Subgrantees encountering asbestos should contact DOEE for direction before proceeding with any weatherization work; and
- All major asbestos problems should be referred to DOEE and the U.S. EPA.

4.4.6 National Historic Preservation

In 2010, as the result of unprecedented funding and projects, the U.S. DOE, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers (NCSHPO) developed a Prototype Programmatic Agreement, which has since been extended. This Agreement has been signed by DOEE. The Agreement provides to US DOE's Energy Efficiency Conservation Block Grant, State Energy Program, and Weatherization Assistance Program recipients a streamlined method for complying with US DOE's responsibilities under Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470(f) and 36 CFR § 800, by establishing categories of exempt activities and processes for otherwise complying with Section 106 requirements.

In accordance with Section 106 of the National Historic Preservation Act DOEE will adhere to the following guidelines when implementing wall insulation and window repair or replacement measures on historic properties.²⁴

Note: Undertakings to interior spaces where the work will not be visible from the public right of way; no structural alterations are made; no demolition of walls, ceilings or floors occurs; no drop ceilings are added; or no walls are leveled with furring or moved, should be automatically excluded from SHPO review. The requirements for wall insulation blown from the exterior include:

- Installation of insulation must not result in visible holes on the exterior;
- Removal of siding to replace insulation must not cause any visible damage during removal, blowing insulation, capping holes, and replacing siding;
- Wood siding can be drilled to install insulation, but the holes must be properly sealed, sanded, and repainted; plugs cannot be visible;
- Cellulose insulation treated with aluminum or ammonium sulfate as the fire retardant cannot be used (cellulose treated with boric acid as the fire retardant is approved);
- Interior paint must operate as a vapor barrier for all interior surfaces and walls containing the newly blown insulation;

²⁴ See Appendix A of the Programmatic Agreement for US DOE WAP undertakings exempt from Section 106 review.

- Insulation installed under new siding is not permitted when it covers architectural features (no siding or insulation overlay replacement is allowed);
- Attaching insulation to the inside, or framing out with firing strips, is not allowed if it will cover original features such as cornices, chair rails, window trims, or cause the destruction of historical plaster or other wall finishes; and
- Manufacturer's instructions for installing insulation with appropriate fireproofing must be followed; rigid foam insulation must be covered by appropriate fireproof covering (1/2" gypsum wallboard), the insulation is not to remain exposed.

Requirements for wall insulation blown from the inside include:

- The installation must not damage historical plaster or other wall finishes;
- The process must follow U.S. EPA Lead-Based Paint guidelines; and,
- The surface must be refinished so that the signs of work cannot be seen once complete.

Requirements for window replacement include:

- Windows can be replaced only with the approval of the State Historic Preservation Office (SHPO).

LIHEAP Emergency Mechanical System Program

The Emergency Mechanical System Program provides for the repair or replacement of existing mechanical systems (i.e., hot water tanks, central air conditioners, furnaces or boilers) with high efficiency systems. The Emergency Mechanical System Program is funded by HHS. DOEE works with local non-profit organizations to leverage resources and provide emergency services throughout the District.

LIHEAP Assurance 16

The LIHEAP Statute 2605(b) includes 16 Assurances (or conditions) for grantees to administer the LIHEAP program. States, including the District of Columbia, that choose to allocate LIHEAP funds must comply with each Assurance. Grantees are required to certify compliance with the 16 assurances as part of their annual State Plan.

Assurance 16 focuses on helping clients reduce home energy needs. Up to 5% of LIHEAP funds may be allocated to provide services that encourage and enable households to reduce their home energy needs and ultimately their need for energy assistance. This includes, but is not limited to, needs assessments, counseling, and assistance with energy vendors.

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Assurance 16 activities may include short-term or long-term case management, such as:

- Developing information and materials about services available to LIHEAP clients;
- Developing an understanding of a client's needs and offering counseling;
- Developing a curriculum and training materials on energy reduction;
- Improving client's financial literacy; and
- Working with clients on energy education.

More information on federal compliance can be found here:

<https://liheapch.acf.hhs.gov/delivery/sufficiency.htm>

Additional details on the LIHEAP Assurance 16 process can also be found in DOEE's Assurance 16 Standard Operating Procedure (SOP).

LIHEAP Assurance 16 Client Education and Outreach

In the first quarter (October 1st – December 31st) of each fiscal year, EECB personnel will identify 150 clients from the previous program year with the highest levels of energy burden based on gas, electric, and oil consumption received through the Low Income Home Energy Assistance Program (LIHEAP); obtain necessary documentation to process client's application for energy assistance; conduct a meeting (either a home visit, virtual, or by phone) to teach the client how to access and log into their online Pepco account (which also provides resources to reduce energy consumption); and provide clients with a comprehensive report on steps to reduce their energy usage. To gauge the client's understanding of energy efficiency, they will take an energy efficiency pre-test. During the home visit, EECB personnel will also use a kilowatt (kW) reader to show the client how much phantom energy their television (or other home appliance) in their home is using.

In addition to reducing the client's energy consumption, EECB personnel will aid in improving the client's financial literacy by providing them a short quiz on the topic. EECB personnel will provide resources, such as the Salvation Army, that provide financial management education.

The staff will also identify and develop partnerships with nonprofit organizations and/or sister agencies that can provide assistance with utility bills, address hazardous conditions in the home, conduct training program(s), assist with obtaining employment, and other social services to improve the program participants' financial health.

In the second quarter (January 1st – March 31st) of each fiscal year, EECB will generate a case management report for each program participant to detail steps applicants must take to reduce their energy burden. EECB will also refer clients to the Weatherization Assistance Program (WAP), if eligible. The client will be encouraged to view educational videos on weatherization and energy efficiency, either emailed to them or by visiting one of DOEE's energy centers (1207 Taylor St., NW or 2100 Martin Luther King, Jr. Ave., SE). Additionally, the client will be referred to Community Forklift's Home Essential Program where clients can receive household furniture and appliance (microwaves, cabinets, tables, etc.) at no cost.

In the third quarter (April 1st - June 30th) of each fiscal year, case management will be implemented to ensure that all referred WAP participants receive installation of identified Energy Efficiency Measures (EEMs).

In the fourth quarter (July 1st – September 30th) of each fiscal year, the case will be closed, and an exit interview will be conducted with applicant.

Follow-up: The staff will re-examine client's utility bills to determine if reduction in energy usage occurred in the second quarter of the new fiscal year (February 1st). This information will be tracked in a spreadsheet containing the client's:

- Name,
- Address,
- Contact information,
- Beginning energy burden,
- Energy efficiency practices implemented (WAP, EEMs, lifestyle changes, etc.), and
- Energy burden in the second quarter of the following year (as stated above).

Lead Reduction Program

HUD's Lead Reduction Grant Program maximizes the number of children age 5 and under protected from lead poisoning. This program is authorized by Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, 42 U.S.C. 4852). The Healthy Homes Supplemental funding is intended to enhance the lead-based paint hazard control activities by comprehensively identifying and addressing other housing hazards that affect occupant health. The Healthy Homes Supplemental funding is authorized under Section 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-2).

Healthy Homes Program

The Healthy Homes Program is funded through local District and federal funding. DOEE has not fully implemented this program; however, DOEE aims to identify health hazards in households throughout the District and provide remediation services to the affected clients. Key residential health hazards include asthma and allergy triggers, such as mold, dampness, and pests (e.g., cockroaches, mice), injury hazards, and poor indoor air quality.²⁵

Although the health risks associated with homes are many and varied, the household hazards which can contribute to them tend to be interrelated. Excess moisture, poor indoor air quality, and high levels of contaminated dust are common root causes for residential health hazards. Addressing these deficiencies simultaneously, rather than attempting to tackle each hazard individually, will yield the greatest results in the most efficient, cost-effective manner. For example, dealing with uncontrolled moisture can alleviate conditions associated with allergies and asthma (mold and pests), unintentional injuries (structural safety), and poisoning (lead paint deterioration).

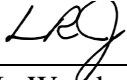
²⁵ https://www.hud.gov/sites/documents/DOC_13701.PDF

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Energy Efficiency and Conservation Branch Operations Manual


Signatories:

 05/03/2021

LaWanda Jones, Branch Chief
Energy Efficiency and Conservation Branch Date

 05/04/2021

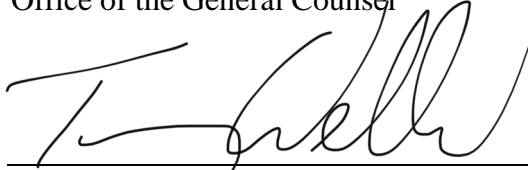
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Office of the General Counsel Date

 5/10/21

Tommy Wells, Director
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