

Green Gov't Rule Final

INTENT. The intent of this rule is to establish procedures for execution of the Florida Green Government Grant Act. Funds will be distributed to local governments including municipalities, counties and school districts to aid in the development and implementation of programs that provide cost-efficient energy-related solutions, reduce greenhouse gas emissions, improve quality of life, and strengthen the state's economy.

(1) REQUEST FOR GRANT PROPOSALS.

(a) The Florida Energy and Climate Commission ("Commission") shall issue a request for grant proposals ("RFGP"). The RFGP shall include a copy of the grant application form, instructions for submission of the grant application, and contact information for the Commission.

(b) The RFGP shall be issued by publication on the Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the Commission's website.

(2) QUALIFIED APPLICANTS. Qualified applicants include local government entities including but not limited to municipalities, counties and school districts.

(3) APPLICATIONS. Applications for the Florida Green Government Grants shall be submitted to the Florida Energy and Climate Commission, ATTN: Florida Green Government Grants, 600 South Calhoun Street, Holland Building, Tallahassee, FL 32399 as follows:

(a) Six copies of the application shall be submitted in hard copy format, using application Form 62-16.900(1##) which is adopted and incorporated by reference at subsection 62-16.900(1##), F.A.C. One copy of the complete application shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 62-16.900(1) from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(b) Applications must be accompanied by an affidavit from the applicant validating the statements contained in the application.

(c) Applications must be received by the Commission no later than 5:00 p.m. on the date specified by the Commission in the RFGP.

(d) The application filing deadline shall be extended when the Commission determines specifically for this grant program that extenuating circumstances exist, such as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The Department of Management Services shall publish notice of the deadline extension on the State Vendor Bid System under MyFlorida MarketPlace, and on the Commission's web site.

(4) PROJECT ELIGIBILITY CRITERIA.

(a) The criteria listed in Section 377.808(3), F.S., shall apply to grants evaluated pursuant to Sections 377.808(1) through 377.808(5), F.S.

(b) Eligible projects must be undertaken in conjunction with a greening government initiative utilizing standards promulgated by the Florida Green Building Coalition, the United States Green Building Council, the Green Building Initiative or the ICLEI – Local Governments for Sustainability.

(c) Eligible capital projects must reduce greenhouse gas emissions and be cost-effective, environmentally sound, permissible and implementable.

(d) Eligible projects include but are not limited to:

1. Developing/implementing an energy efficiency and conservation strategy and goals;
2. Retaining technical consultant services to assist in developing an energy efficiency and conservation strategy;
3. Conducting residential and commercial building energy audits;
4. Establishing financial incentive programs for energy efficiency improvements;
5. Providing funds to nonprofit organizations to perform energy audits;
6. Developing/implementing programs to conserve energy used in the transportation sector;
7. Developing/implementing enhanced building codes and inspection services to promote building energy efficiency;
8. Implementing energy distribution technologies;

- 9. Developing public education programs to increase participation in energy efficiency and sustainability programs, including recycling programs;
- 10. Purchasing/implementing technologies to reduce and capture methane and other greenhouse gases generated by landfills or similar sources; and
- 11. Developing, implementing, and installing on or in any government building of onsite renewable energy technology that generates electricity from renewable resources.

(5) MATCHING FUNDS. Recommended match requirements for Florida Green Government Grants are set forth below:

(a) Match ratios are determined according to county population. The following match ratios apply:

| Population | State Share | Grantee Share |
|------------------------|-------------|---------------|
| 50,000 or less | 100% | 0 |
| 50,000 to 250,000 | 75% | 25% |
| > 250,000 ¹ | 50% | 50% |

¹Source for county populations <http://edr.state.fl.us/population/population-1april07.pdf>

(b) Eligible Match Types. A grantee may utilize the following types of match sources for the grantee share:

- 1. Cash.
- 2. In-kind service costs.

(c) Ineligible Match Sources. Land value of property acquired through other state and federal grant programs.

(6) RANKING.

(a) The Commission shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

| Criteria | Maximum Points Possible |
|---------------------------------|-------------------------|
| Greenhouse Gas Reduction | |
| Energy Savings and Efficiency | |
| Renewable Energy Production | |
| Potential Cost Savings | |
| Economic Development Potential | |
| Proven Status of the Technology | |
| Measurable Results | |

GREEN HOUSE GAS REDUCTION: The degree to which a project reduces greenhouse gas emissions and demonstrates a commitment for implementation of best management practices to enact such reductions. Minimum (0 points): No consideration for greenhouse gas emission reductions or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project incorporates greenhouse gas reduction technologies and practices that lead to measurable reductions in emissions. Each project's measurement protocol is delineated by the green government standard selected in 4(b).

ENERGY SAVINGS AND EFFICIENCY: The degree to which a project demonstrates efficient use or savings of energy and material resources.

Minimum (0 points): No consideration for energy efficiency or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project incorporates significant energy efficient products and practices including process improvements that lead to increased energy efficiency and savings.

RENEWABLE ENERGY PRODUCTION: The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

Minimum (0 points): No production potential or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project incorporates significant renewable energy production.

POTENTIAL COST SAVINGS: The degree to which a project reduces operating costs to the entity served

Minimum (0 points): The project does not save costs or this element of the evaluation criteria was not addressed.

Maximum (20 points): The project saves measurable costs such as utility bills, future construction or decreases operation and maintenance costs.

ECONOMIC DEVELOPMENT POTENTIAL: The degree to which the project stimulates capital investment and economic development, including the creation of jobs and the future development of commercial markets.

Minimum (0 points): Negative contribution or this element of the evaluation criteria was not addressed.

Maximum (20 points): Significant potential for economic development in local communities.

PROVEN STATUS OF THE TECHNOLOGY: The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

Minimum (0 points): No proof of feasibility or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project demonstrated to be technically feasible and claims are fully supported.

MEASURABLE RESULTS: The degree to which project benefits are quantifiable and reportable.

Minimum (0 points): Project benefits cannot be quantified and weighed against other projects or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project benefits are quantifiable and success can be measured against a predetermined standard.

(b) The Commission's executive director shall establish a review group Florida Green Government Grant Selection Advisory Group (FGGG-SAG) of no less than 3 people, who shall each individually review grant applications, and score each application according to the point system provided in paragraph (6)(a).

(7) PROPOSALS. Scored points from all reviewers within the FGGG-SAG shall be ranked and averaged as follows:

(a) Each reviewer shall rank each eligible proposal by assigning a ranking number to each eligible proposal based on the score of the individual proposal compared to all other proposals reviewed by that reviewer. For example, the top scored proposal shall be assigned a ranking number of 1, the second highest scored proposal shall be assigned a ranking number of 2, the third highest scored proposal shall be assigned a ranking number of 3, and so on, until all eligible proposals are ranked.

(b) After all eligible proposals are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual proposal shall be averaged.

(c) The Commission's executive director shall develop a list based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. In the instance of a ranking tie between two or more proposals, the applicant proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more proposals, and those proposals contain the same percentage of match, the individual scores of the reviewers shall be added, and the proposal with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the proposal submitted earlier in date shall be ranked higher.

(8) AWARD.

(a) The Commission's executive director will make a presentation to the commission regarding grant awards based on the list of ranked full proposals submitted by the FGGG-SAG for their review and final decision.

(b) The Commission shall award up to the total amount requested in individual grant applications. The Commission may award partial grants to applicants. The total amount of grant awards shall not exceed the fiscal appropriation remaining in each state fiscal year.

(9) PROCUREMENT.

(a) An entity receiving funding under this grant shall issue requests for proposals consistent with competitive procurement policies adopted in that jurisdiction.

(b) The Commission has authority to review procurement procedures and recommend an alternate process if the jurisdiction does not offer a competitive procurement process.

(10) ADMINISTRATION.

- (a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the Commission and the grant applicant. Either party has the discretion to terminate negotiations if an agreement is not reached within 45 days of announcement of award. If the Commission and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.
- (b) Grant agreements shall be limited to no longer than three years in duration.
- (c) Each local government is limited to not more than two grant applications during each application period announced by the Commission. However, a local government may not have more than three active projects expending grant funds during any state fiscal year.
- (d) Grant funds shall be distributed as reimbursements to recipients upon receipt of a formal invoice, supporting documentation, and upon Commission grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.
- (e) Invoices shall be submitted by grantees not more frequently than once per month, and not less frequently than once per quarter.
- (f) Expenses incurred by a grantee and its project partners for its project after the execution of a formal grant agreement shall be considered as match based upon the requirements of Section 377.804, F.S., and this chapter.
- (g) Expenses incurred by a grantee and its project partners for its project between the date of a notice of grant award and execution of formal grant agreement shall be considered as match if the proposed match would meet all requirements of this rule chapter and Chapter 377, F.S., which would be otherwise applicable to an awarded grant, and if the proposed match would not violate any other provisions of the law. The Commission shall determine, on a case-by-case basis, whether such expenses qualify for match. Approval of such expenses as match are subject to negotiation of the grant agreement, and prior written approval by the Commission is required. Consideration as match is not guaranteed. *Specific Authority 377.808(3) F.S.*

(11) TERMINATION.

- (a) The Commission shall have the authority to cancel this agreement because of failure of the grantee to fulfill its obligations under this agreement or any other past or present grant award agreement with the State of Florida.
- (b) Satisfaction of obligations by the grantee shall be determined by the Commission.
- (c) Notice shall be sufficient if it is delivered to the party personally or mailed to its specified address. In the event of termination of this agreement, the grantee will be compensated for any work completed in accordance with this agreement prior to notification of termination. If the grantee violates any of the provisions of this agreement, the Commission shall have the right to demand the return of moneys delivered and withhold subsequent payments due under this or other grants.