



Request for Applications

Energy Resiliency Grant Program

June 2025

Idaho Governor's Office of Energy
and Mineral Resources

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II. ACRONYMS

BABA	Build America Buy America Act
CFR	Code of Federal Regulations
DBA	Davis-Bacon Act
DOE	U.S. Department of Energy
DOL	U.S. Department of Labor
ERGP	Energy Resiliency Grant Program
GDO	Grid Deployment Office
IIJA	Infrastructure Investment and Jobs Act
NEPA	National Environmental Policy Act
OEMR	Idaho Governor's Office of Energy and Mineral Resources
RFA	Request for Applications
USC	United States Code

III. DEFINITIONS

Addendum/Addenda	Written instruction issued by OEMR adding, deleting, or making material changes in provisions of the RFA or previously issued addenda.
Applicant	An eligible entity who in response to this RFA submits, or intends to submit, an Application.
Application	An Applicant's submitted documents in response to this RFA as outlined in Section VII "Application Instructions."
Award	DOE's 40101(d) award to OEMR under Award No. DE-GD0000013.
Conditional Award	The notice OEMR provides to an Applicant indicating that the Applicant was selected to proceed to DOE review.
Conditional Awardee	An Applicant who receives a Conditional Award.
Conditional Award Period	The time between a Conditional Award and a Conditional Awardee executing a Subaward Agreement.
Cost Match	The required portion of project costs not paid by federal funds that OEMR and Subrecipient must provide to participate in the Program.
Cost Share	The portion of project costs not paid by state or federal funds that the Subrecipient voluntarily contributes. Cost Share may be required if the total project cost exceeds the amount covered by the subaward and the Cost Match. See Section VIII "Cost Information" for more details.
Subaward Agreement	The legal contract between OEMR and the Applicant outlining the terms and responsibilities in accordance with the Award and the Application.
Subrecipient	A successful Applicant with whom OEMR has executed a Subaward Agreement for the purposes of the Award.
Program	Refers to ERGP Round 2
State	Refers to the State of Idaho

IV. INTRODUCTION

The Idaho Governor’s Office of Energy and Mineral Resources (OEMR) is pleased to announce the latest funding opportunity under the Energy Resiliency Grant Program (ERGP). Funding for this round of the Award, referred to as “Round 2”¹ in this Request for Applications (RFA), is available as a subaward pursuant to Section 40101(d) of the IIA (Award No. DE-GD0000013, CFID No. 81.254) and pursuant to funds appropriated to OEMR by the Legislature of the State of Idaho.

It is the policy of the State of Idaho to lead on reliable, affordable, sustainable, and innovative energy strategies that responsibly enhance Idaho’s quality of life and economy. As detailed in the *Idaho Energy Security Plan* (SESP), part of minimizing the damaging effects of energy disruptions requires building system resilience against major risks.² Additionally, Idaho Governor Brad Little’s *Wildfire Report Recommendations* emphasized the need for continued funding for wildfire resiliency and mitigation.³ To these ends, ERGP fosters strategic investments that demonstrate measurable improvements to grid resiliency, deliver modernized grid infrastructure, and mitigate risks from increased electrification and disruptive events.⁴ This Round 2 funding will use state and federal funds to prioritize investments that increase grid reliability and resilience, harden the grid against wildfire, and modernize existing infrastructure.

This RFA serves as OEMR’s formal solicitation request for Round 2 projects. Applicants shall refer to the Award Special Terms and Conditions, Award No. DE-GD0000013, located on OEMR’s ERGP webpage, for additional information and other requirements.

Applications are due no later than **July 25, 2025 at 11:59 PM MDT.**

Applications must be emailed to Jett Hawk, at jett.hawk@oer.idaho.gov, with the subject line “Idaho ERGP Round 2 Application – [Your Company Name].”

OEMR will reject incomplete Applications in their entirety.

¹ OEMR opened Round 1 of ERGP in December 2023 using federal funds.

² Idaho Governor’s Office of Energy and Mineral Resources. *Idaho Energy Security Plan*. 2024 Edition. <https://oemr.idaho.gov/wp-content/uploads/2024-Idaho-SESP-Final-Draft-Public.pdf>

³ Office of the Governor. *Wildfire Report Recommendations*. August 23, 2024. <https://gov.idaho.gov/wp-content/uploads/2024/08/2024-wildfire-report.pdf>

⁴ Per IIA section 40101(a)(1),17, a “disruptive event” is an event in which the operations of the electric grid are disrupted, preventatively shut off, or cannot operate safely due to extreme weather, wildfire, or natural disaster.

V. PROGRAM INFORMATION

A. Authorizing Statutes

- Executive Order 2024-09 states that OEMR’s duties, powers and authorities include “[assisting] state agencies, local government, and stakeholders to secure funding where available for energy and mineral projects and opportunities.”⁵
- In 2022, the Idaho Legislature appropriated funds to OEMR to establish and administer ERGP. ERGP funds were further appropriated in 2023, 2024, and 2025.⁶
- Section 40101(d) of the IJA established the “Preventing Outages and Enhancing the Resilience of the Electric Grid Formula Grants to States and Indian Tribes” program and instructs DOE on administration. OEMR’s award is under Award No. DE-GD0000013.

B. Program Overview

- *Program Mission Statement*

ERGP fosters strategic investments that demonstrate measurable improvements to grid resiliency, deliver modernized grid infrastructure, and mitigate risks from increased electrification and disruptive events.

- *Round 2 Goals*
 1. Fund projects that meaningfully increase Idaho’s electric utility reliability and resilience.
 2. Fund projects that reduce electric utility wildfire risk and increase utility wildfire response.
 3. Fund projects that modernize and improve existing electricity infrastructure.

C. Overview of Award Requirements

- Award type: Competitive
 - OEMR’s review committee will evaluate each Application based on its Project Resiliency, Customer Impact, and Administrative Compliance. Additional weight will be added to Applicants not having previously received an ERGP award from OEMR. See Section X “Project Evaluation and Review” for more information.
- Approximate Round 2 funding: \$7,700,000.
 - Selected projects are subject to project funding requested and total available Program funding.
- Recommended maximum total project cost: \$5,000,000.
 - Projects with total project costs greater than \$5,000,000 may experience additional DOE review time.

⁵ Executive Order 2024-09, “Continuing the Office of Energy and Mineral Resources with the Office of the Governor,” October 17, 2024.

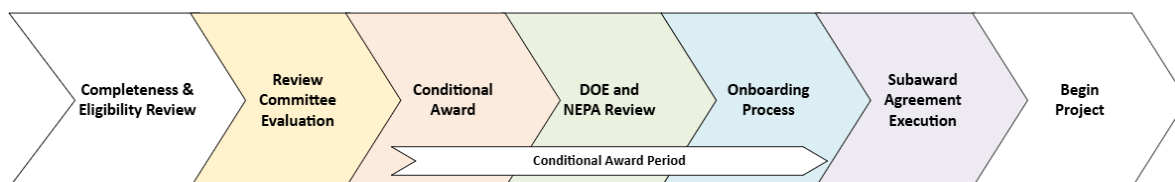
⁶ S.B. 1396, 66th Leg., 2nd Reg. Sess., (Id. 2022); S.B. 1192, 67th Leg., 1st Reg. Sess., (Id. 2023); H.B. 675, 67th Leg., 2nd Reg Sess., (Id. 2024); S.B 1110, 68th Leg., 1st Reg Session., (Id. 2025).

- Maximum requested subaward amount: \$1,500,000.
- Reimbursement mechanism: activity payments
 - Projects that contain multiple, discreet activities (for example, undergrounding three separate distribution line segments) may be eligible for reimbursement by activity upon completion of each activity. See Section XV(A) “Project Reimbursement” for more information.
- Project location: Projects shall be located in the State of Idaho.
- Project duration: Projects should be completed within three (3) years of a fully executed Subaward Agreement.
- Maximum number of Applications per Applicant: One (1)
- Minimum Applicant Cost Match (See Section VIII “Cost Information” for more details):
 - Large Utilities: At least 100% of federal award amount
 - Small Utilities: At least 1/3 of federal award amount

D. Application Process

Applicants shall submit their Applications to OEMR by the due date and in the manner described in Section VII “Application Instructions.” After the due date, OEMR will first conduct a completeness and eligibility review for each Application. Applications that are complete and eligible will then be evaluated by the review committee. The Applications that the review committee score the highest will be submitted to DOE for review. Applicants will then be notified of their Conditional Award and become Conditional Awardees. This begins the Conditional Award Period. Conditional Awardees whose Applications successfully complete DOE review will begin the OEMR onboarding process. Following onboarding and Subaward Agreement execution, the Conditional Award Period ends and a Conditional Awardee becomes a Subrecipient. The Subrecipient may then begin the project.

Figure 1: ERGP Application Process



E. Program Timeline

The anticipated timeline for the Program is displayed below in Table 1. OEMR reserves the right to modify these dates and will issue an RFA addendum if the dates are changed. All deadlines are in prevailing (Daylight or Standard) Mountain Time unless otherwise noted.

Table 1: ERGP Round 2 Timeline

Event	Date	Time (MT)
RFA issue date	June 6, 2025	
Pre-Application Meeting (see Section XIII)	June 17, 2025	10:00 AM
Applicant questions deadline (see Section XIII)	July 18, 2025	
Final answers to questions and addenda deadline	July 23, 2025	
Application Due Date	July 25, 2025	11:59 PM
Conditional Awardees selected (anticipated)	September 1, 2025	

VI. ELIGIBILITY INFORMATION

A. Eligible Applicants

The following entities are eligible to apply for the Program:

- an electric grid operator;
- an electricity storage operator;
- an electricity generator;
- a transmission owner or operator;
- a distribution provider;
- a fuel supplier; and
- any other relevant entity as determined by the Secretary of Energy (requires “Secretarial Eligible Entity Designation Request” form).

B. Eligible Projects

Eligible entities may use subawards under the Program for activities, technologies, equipment, and hardening measures to reduce the likelihood and consequences of disruptive events. These measures include, but are not limited to the following projects:

- Vegetation and fuel load management;
- Replacing old overhead conductors and underground cables;
- Fire-resistant technologies and fire prevention systems;
- Weatherization technologies and equipment;
- Monitoring and control technologies;
- Undergrounding electrical equipment;
- Utility pole management;
- Reconductoring power lines with low-sag, advanced conductors; and
- Hardening power lines, facilities, substations, or other systems.

C. Ineligible Projects

Program funding is not available for the following projects:

- Construction of a:
 - New electric generating facility, or
 - Large-scale battery-storage facility that is not used for enhancing system adaptive capacity during disruptive events.
- Cybersecurity

Please note that while new generation construction is ineligible, certain costs associated with building a microgrid that do not involve new generation sources may be allowable. Applicants considering microgrid projects are encouraged to read DOE's *Microgrid Overview* in Section XVI "Helpful Resources."

Although new cybersecurity investments are ineligible for Round 2 funds, all projects proposed in a Round 2 Application shall align with cybersecurity standards and best practices, including the North American Electric Reliability Corporation Critical Infrastructure Protection (NERC CIP) standards and National Institute of Standards and Technology (NIST) Cybersecurity Framework.

NOTE: IIJA also established separate Grid Resilience Utility and Industry Grant programs to eligible entities under IIJA Section 40101(c).

An eligible Applicant may not submit an application for a grant provided by the Secretary of Energy under IIJA Section 40101(c) and a grant provided by a state or Native American Tribe pursuant to IIJA Section 40101(d) during the same application cycle. DOE considers a "grant" to have a specific scope (i.e., a unique project). Accordingly, an eligible entity may not submit a grant application with the same scope under both Sections 40101(c) and 40101(d) in the same application cycle. Eligible entities can submit applications to both Sections 40101(c) and 40101(d) in the same application cycle as long as they are separate scopes of work that address different resilience measures. The same project cannot be under active consideration for both programs at the same time.

"Application cycle" in the context of this Program refers to 1) an open state, Tribal, or territory funding solicitation under IIJA Section 40101(d); and 2) an open funding opportunity under IIJA Section 40101(c).

VII. APPLICATION INSTRUCTIONS

Please see the [OEMR website](#) to obtain the following Application documents. OEMR will not accept additional documents with the Application unless specifically requested by the Application documents. Applications are only accepted via email to Jett Hawk at jett.hawk@oer.idaho.gov no later than 11:59PM MST on July 25, 2025. Applications shall be submitted with the subject line "Idaho ERGP Round 2 Application – [Your Company Name]."

OEMR will only evaluate eligible and complete Applications. To be deemed complete, Applicants must answer every question (if a question does not apply, “N/A” or “Does Not Apply” will suffice), complete every form, and ensure an authorized representative of the Applicant signs the Application documents. Applications that do not contain all required documents or contain incomplete information will be deemed incomplete. OEMR will reject incomplete Applications in their entirety.

Applications will not be opened or reviewed until after the Application due date. Applicants may submit a corrected Application prior to the Application due date. Applicants must submit whole corrected Applications, not individual corrected documents and must indicate which Application version should be evaluated.

OEMR may waive or allow Applicants to correct Application errors if such errors are minor and do not materially affect the project’s price, quantity, delivery, etc. These provisions do not change OEMR's completeness requirements as outlined above. However, significant errors or omissions that impact the core requirements of the project, budget, or deliverables may be grounds for rejection.

Applicants must thoroughly review their Applications, eliminate errors, and maintain consistency across all Application documents. After Conditional Award, if Conditional Awardee materially changes the project scope or discovers errors in their Application that materially affect the project scope or significantly alter the Applicant’s evaluated responses to the technical review criteria, OEMR may rescind the Conditional Award.

Application Documents

** Indicates document is required for Application to be considered complete*

Application Form *

Budget Justification Worksheet *

Environmental Questionnaire and Supplemental *

Cost Match Commitment Letter *

Disclosure of Lobbying Activities *

Foreign National Participation Document (if applicable)

Request for Unclassified Foreign National Access (if applicable)

Secretarial Eligible Entity Designation Request (if applicable)

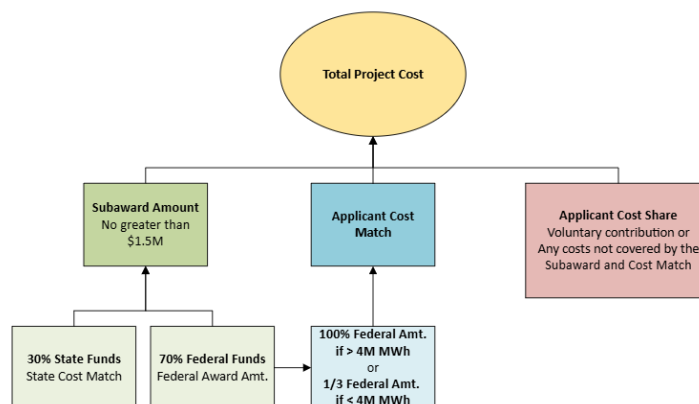
VIII. COST INFORMATION

Applicants should consider the following information when planning project budgets and determining what subaward amount to request.

A. Total Project Cost

The “Total Project Cost” is the comprehensive price to complete the proposed project. Applicants shall provide their Total Project Cost in their Application and budget. The Total Project Cost is considered equal to the sum of the subaward amount, Applicant Cost Match amount, and Applicant Cost Share amount; the following sections further explain these terms. The budget included in the Application must list the subaward amount requested, the Cost Match proposed, and any Applicant Cost Share committed. Figure 2 is a graphical representation of the Total Project Cost.

Figure 2: Total Project Cost Diagram



B. Funding Composition

Applicants shall request a subaward amount in their Applications. ERGP Round 2 subawards are composed of 30% state funds and 70% federal funds. The amount of federal funds in each subaward is important to know because an Applicant is required to match a certain percentage of the federal award amount with non-federal funds.

C. Cost Match

ERGP Round 2 includes a federal requirement that both the State and Applicant shall provide non-federal funds to participate. OEMR is meeting the State cost match requirement by funding 30% of the total subaward award amount with state funds (“State Cost Match”). The minimum required amount of Cost Match for the Applicant (“Applicant Cost Match”) depends on the utility type and the requested subaward amount, as shown below in Table 2. Together, these required non-federal funds are referred to as “Cost Match.”

Table 2: Minimum Required Applicant Cost Match Amounts

Definition	Cost Match Contribution
Large Utility: Sells more than 4M MWh electricity per year	At least 100% of federal award amount
Small Utility: Sells less than 4M MWh electricity per year	At least 1/3 of federal award amount

D. Cost Share

Cost Share is different from *Cost Match*. *Cost Share* is defined as non-federal funds provided by the Applicant in addition to the Applicant *Cost Match*. Applicants may choose to provide *Cost Share* in addition to the Applicant *Cost Match*. Applicants whose Total Project Cost is greater than the sum of the subaward amount and *Cost Match* amount will be required to provide *Cost Share*. The Applicant must indicate any *Cost Share* amount in section 4(a) of their Application Form. If the Applicant provides *Cost Share*, the *Cost Share* amount will be added to the Applicant *Cost Match* amount. If the Applicant is selected for funding, the Subaward Agreement will require the Applicant to contribute the combined Applicant *Cost Match* and *Cost Share* amount proposed in their Application and budget. Additional *Cost Share* information can be found at [2 CFR § 200.306](#) as amended by [2 CFR § 910.130](#).

E. ERGP Cost Calculator

OEMR created an ERGP Cost Calculator that Applicants can use to estimate subaward and Applicant *Cost Match* amounts and to complete the Budget Justification Worksheet. This Calculator is a Microsoft Excel file located on the ERGP webpage. The ERGP Cost Calculator has three tabs: “Instructions,” “Large Utility,” and “Small Utility.”

To use the ERGP Cost Calculator, select the tab on the bottom that corresponds to the Applicant’s utility type as defined in Table 2. Each page of the Cost Calculator has two parts: the top uses the Total Project Cost input to calculate subaward, *Cost Match*, and *Cost Share* amounts. The bottom part (in pink titled “For use in the Budget Justification Worksheet”) uses the calculated information to create data inputs for the Budget Justification Worksheet. In the top part next to the cell titled “Total Project Costs (TPC),” enter the Total Project Costs in the white cell. The Calculator will provide the federal and state shares of the subaward and the minimum required Applicant *Cost Match*. If the Applicant’s Total Project Cost is greater than the sum of the subaward and minimum required Applicant *Cost Match* amounts, the “Applicant *Cost Share* Required” cell will turn red and indicate the *Cost Share* amount needed to complete the project. If present, the “Applicant *Cost Share* Required” amount will be added to the minimum required *Cost Match*. This sum will be reflected in the “Applicant *Cost Match* + *Cost Share*” cell. This amount represents the total amount the Applicant would be responsible to contribute. The percentages of the subaward and the Applicant *Cost Match* to the Total Project Cost are indicated on the left. These percentages are important for budget deviation calculations, as described below.

The Budget Justification Worksheet information will automatically populate like the top part of the Cost Calculator. This section of the Cost Calculator populates three sections for use in the respective sheets of the Budget Justification Worksheet: “Instructions and Summary,” “i. *Cost Match*,” and “j. *Cost Match* Budget Cat.” Because ERGP Round 2 uses both Applicant and state funds, and the Budget Justification Worksheet considers only federal and non-federal funds, this part of the Cost Calculator was created to provide Applicants with accessible information to complete the Budget Justification Worksheet.

Figure 3 is a screenshot of the ERGP Cost Calculator for two large utility projects. The first has a Total Project Cost of \$1,000,000. The second has a total project cost of \$4,000,000 to demonstrate the “Applicant Cost Share Required” function. In the second example, the Total Award Amount (\$1,500,000) plus the Applicant Cost Match (\$1,050,000) is less than the Total Project Cost of \$4,000,000. Therefore, the required Applicant Cost Share of \$1,450,000 appears in red and is added to the Applicant Cost Match. This means that the Applicant must provide at least \$2,500,000, as indicated in the “Applicant Cost Match + Cost Share” cell. In both examples, the Budget Justification Worksheet information auto-populated and can be used in preparing the Budget Justification Worksheet.

Please note the ERGP Cost Calculator only provides the minimum required Applicant Cost Match; Cost Share is only calculated if large Total Project Costs require it. If you plan to voluntarily contribute additional Cost Share, take care to ensure the Budget Justification Worksheet is completed correctly. The ERGP Cost Calculator is provided as an estimation tool for Applicants and does not constitute any financial obligation between OEMR and Applicants.

F. Budget Deviation

Applicants who become Subrecipients should complete the project within the budget submitted in their Applications. OEMR may approve certain budget deviations in its discretion and may require amending the Subaward Agreement. However, OEMR will only provide a subaward up to the amount originally requested in the Application. During construction, should the budget deviate from the Application budget, OEMR will determine the final subaward and Applicant Cost Match amounts using the procedures described below.

Figure 3: ERGP Cost Calculator

Large Utility (Sells > 4M MWh/year)			
% of TPC	Project Parameters		
	Max. Award Amount	\$ 1,500,000.00	
	Total Project Cost (TPC)	\$ 1,000,000.00	
	Estimated Costs		
	Federal Award Amount	\$ 411,764.71	
	State Cost Match Amount	\$ 176,470.59	
	Minimum Req. Applicant Cost Match*	\$ 411,764.71	* 100% of the Federal Award Amount
	Applicant Cost Share Required	\$ (0.00)	
	58.82% Total Award Amount	\$ 588,235.29	What the government subawards
	41.18% Applicant Cost Match + Cost Share	\$ 411,764.71	What the Applicant must provide
For use in the Budget Justification Worksheet			
"Instructions and Summary" Sheet			
Total Federal Share		\$ 411,764.71	Enter in cell B12
Total Non-Federal Share		\$ 588,235.29	Enter in cell C12
"i. Cost Match" Sheet			
State Match Amount		\$ 176,470.59	Enter in cell D7
Applicant Match Amount		\$ 411,764.71	Enter in cell D8
"j. Cost Match Budget Cat." Sheet			
Total Non-Federal Share		\$ 588,235.29	In column E, split this amount among the budget categories of column D as it applies to your project budget. The amount in cell E14 must equal this amount.

Large Utility (Sells > 4M MWh/year)			
% of TPC	Project Parameters		
	Max. Award Amount	\$ 1,500,000.00	
	Total Project Cost (TPC)	\$ 4,000,000.00	
	Estimated Costs		
	Federal Award Amount	\$ 1,050,000.00	
	State Cost Match Amount	\$ 450,000.00	
	Minimum Req. Applicant Cost Match*	\$ 1,050,000.00	* 100% of the Federal Award Amount
	Applicant Cost Share Required	\$ 1,450,000.00	
	37.50% Total Award Amount	\$ 1,500,000.00	What the government subawards
	62.50% Applicant Cost Match + Cost Share	\$ 2,500,000.00	What the Applicant must provide
For use in the Budget Justification Worksheet			
"Instructions and Summary" Sheet			
Total Federal Share		\$ 1,050,000.00	Enter in cell B12
Total Non-Federal Share		\$ 2,950,000.00	Enter in cell C12
"i. Cost Match" Sheet			
State Match Amount		\$ 450,000.00	Enter in cell D7
Applicant Match Amount		\$ 2,500,000.00	Enter in cell D8
"j. Cost Match Budget Cat." Sheet			
Total Non-Federal Share		\$ 2,950,000.00	In column E, split this amount among the budget categories of column D as it applies to your project budget. The amount in cell E14 must equal this amount.

The following examples demonstrate how OEMR will determine the final subaward and Applicant Cost Match amounts. The example is for a small utility (as defined in Table 2) Subrecipient with an original Total Project Cost of \$800,000.00. The minimum required Applicant Cost Match is \$151,351.35. In this example, the Subrecipient chooses to provide Cost Share of \$48,648.65, bringing their total Cost Match to \$200,000.00. The subaward amount is \$600,000.00, \$420,000.00 of which is the federal subaward and \$180,000.00 is the state Cost Match.

<i>Original Budget</i>	<i>Amount</i>	<i>% of Total Project Costs</i>
Total Project Cost	\$800,000.00	100.00%
Subaward	\$600,000.00	75.00%
Applicant Cost Match + Cost Share	\$200,000.00	25.00%

If the Subrecipient's final Total Project Cost is lower than budgeted, the subaward amount and Cost Match amount will be lowered. The amounts of each will be lowered so that the percentages of each to the *new* Total Project Cost equal the percentages of each to the *original* Total Project Cost. For example:

<i>Lower than Budget</i>	<i>Amount</i>	<i>% of Total Project Costs</i>
Total Project Costs	\$700,000.00	100.00%
Subaward	\$525,000.00	75.00%
Applicant Cost Match + Cost Share	\$175,000.00	25.00%

If the Subrecipient's final Total Project Cost is higher than budgeted, the subaward amount and Cost Match will remain equal to the amounts in the original budget. OEMR will only provide a subaward up to the amount originally requested in the Application. The Subrecipient shall be responsible for any additional cost that is not covered by the Application budget's Cost Match and the subaward. For example:

<i>Higher than Budget</i>	<i>Amount</i>	<i>% of Total Project Costs</i>
Total Project Cost	\$900,000.00	100.00%
Subaward	\$600,000.00	66.67%
Applicant Cost Match + Cost Share	\$300,000.00	33.33%
Original Cost Share + Cost Match	\$200,000.00	22.22%
Additional Cost Share	\$100,000.00	11.11%

IX. PROGRAM REQUIREMENTS

A. Federal, State, and Local Requirements

Subrecipients are required to comply with all applicable federal, state, and local requirements for the duration and entirety of the project. These requirements apply to all project work regardless of funding source. Some of these requirements are listed below. These requirements are subject to change. Requirements are further detailed in Appendix B “Federal and State Requirements,” the Award Special Terms and Conditions (located on the ERGP webpage), and will be detailed in the Subaward Agreement.

- *Uniform Administrative Requirements* (2 CFR Part 200, also known as the “Uniform Guidance): Provides the government-wide framework for grants management.
- *Davis-Bacon Act* (DBA): Requires that all laborers on federally-funded projects in excess of \$2,000 be paid at least prevailing wages.
 - *Note:* OEMR will utilize the online platform [LCPtracker](#) for DBA compliance at no cost to Subrecipients.
- *National Environmental Policy Act* (NEPA): Requires the federal government to analyze the environmental impacts of all major federal actions.
 - *Note:* Some projects may take place on or near federally-owned lands (for example, United States Forest Service, Bureau of Land Management, National Park Service). Applicants should coordinate with the respective federal landowner as soon as possible to determine if letters of support or specific permits are required.
- *Build America Buy America Act* (BABA): Requires project materials and supplies consumed in, incorporated into, or permanently affixed to federally-funded projects be produced in the United States.

- *Note:* BABA requirement waivers may be available. See “OEMR BABA Waiver Notice” section below. For information about BABA and BABA waivers, see Appendix B(C) “Build America Buy America Act” or visit <https://www.energy.gov/management/doe-buy-america-requirement-waiver-requests>.
- *OEMR BABA Waiver Notice*

Before submitting an Application, Applicants are expected to assess project needs carefully and to thoroughly consider how BABA requirements will apply to their project. OEMR anticipates that the review process for Project-Specific BABA waivers will take longer than General Applicability Public Interest waivers. A Project-Specific Waiver may cause delays to a project’s schedule, and if it is not approved, could materially impact the project’s schedule, scope, and budget. Therefore, OEMR strongly encourages Applicants to thoroughly research how BABA impacts proposed project scope and requirements.

General Applicability Public Interest BABA waivers are currently available and may be applied to applicable projects. Applicants should ensure that projects are either fully BABA-compliant or eligible under one or more of the General Applicability Public Interest waivers, including the Small Grants, De Minimis, and Minor Components waivers to avoid potential significant delays to their project.

During the Conditional Award Period, OEMR intends to require proof of BABA compliance. This proof may take the form of certificates of compliance for applicable project materials or justifying whether a General Applicability Public Interest or Project-Specific waiver applies. This will occur prior to the execution of a Subaward Agreement. If a Project-Specific waiver is needed for the project, OEMR may rescind the Conditional Award under certain circumstances. These circumstances are if federal review of these waivers has ceased, if the estimated timeline for waiver approval is likely to cause the project to extend beyond the Award period of performance, or if OEMR determines the waiver process is expected to materially impact the project’s scope, schedule, or budget as submitted in the Application that was competitively evaluated.

DOE guidance for Small Grants, De Minimis, and Minor Components General Applicability Public Interest waivers can be found here: <https://www.energy.gov/management/baba-waiver-request-2023-01>.

B. Registration Requirements

Before submitting an Application to OEMR, Applicants must register (or renew registration if registration has lapsed) in the System for Award Management (SAM). Following SAM registration, Applicants shall designate an Electronic Business Point of Contact (EBiz POC) and shall obtain a special password called an MPIN. Applicants shall also obtain a Unique

Entity Identifier (UEI) from SAM and provide it in their Applications. The UEI is available in the SAM entity registration record.

Applicants shall maintain an active SAM registration with current information at all times during which it has an active award or an Application under consideration. SAM registration can be completed at www.sam.gov. More information about SAM registration can be found at https://www.fsd.gov/gsafsd_sp?id=kb_article_view&sysparm_article=KB0039524.

C. Insurance Requirements

Prior to beginning project work, Subrecipients must obtain all insurance required at least at the minimum levels and provide OEMR with copies of the certificates of insurance or furnish other forms showing proof of coverage as applicable. Depending on the project nature and Subrecipient type, Subrecipients may be subject to other insurance requirements. Subrecipients shall maintain insurance at the specified levels for the duration of the project. Minimum required insurance levels and further details are described in Appendix D “Insurance Requirements.”

X. PROJECT EVALUATION AND REVIEW

Applications submitted to OEMR will undergo various levels of evaluation as described below.

A. Application Evaluation

Applicants submit Applications to OEMR by the due date. OEMR will then evaluate Applications for completeness and eligibility. Then, a review committee will conduct a technical evaluation.

1. Completeness & Eligibility Evaluation

After the Application due date, OEMR will screen Applications for eligibility and completeness. To be deemed complete, Applicants must answer every question (if a question does not apply, “N/A” or “Does Not Apply” will suffice), complete every form, and ensure an authorized representative of the Applicant signs the Application documents. Applications that do not contain all required documents or contain incomplete information will be deemed incomplete. OEMR will reject incomplete Applications in their entirety.

OEMR will calculate the total amount of funding requested in all complete and eligible Applications. If the total amount of funding requested does not exceed the Round 2 funding, then OEMR will submit all complete and eligible Applications to DOE without any further review.

2. Technical Evaluation

If the total amount of funding requested does exceed the Round 2 funding, the review committee will evaluate all eligible and complete Applications. OEMR will then award projects based on the review committee’s evaluation scores. The review committee use the following Technical Evaluation criteria in Table 3 to individually evaluate and score all complete and eligible Applications. Applicants respond to these criteria in the Application Form. Review

committee members will evaluate each Applicant's responses to the criteria and assign a score for each. These scores will be multiplied by the weight assigned to a particular topic. That results in a topic score. The sum of the topic scores will become the Applicant's overall score.

Table 3: Technical Review Criteria

Project Resiliency: 50 Points	
Topic 1: Clear need for risk mitigation <ul style="list-style-type: none"> Clearly describe risks, vulnerabilities, age/lifespan of existing infrastructure and/or cascading impacts of disruptive events on economic activity, safety, property, or life. Provide a clear solution and roadmap that mitigates risks, vulnerabilities, and cascading impacts of disruptive events. Describe how the project aligns with the Program Narrative⁷ and <i>Idaho State Energy Security Plan</i> (SESP) sections titled “Risk Assessment” and “Energy Resiliency & Hazard Mitigation.”⁸ 	25
Topic 2: Increased wildfire resiliency and response <ul style="list-style-type: none"> Describe how project protects utility assets against wildfire and/or how project improves utility wildfire response capabilities. If available, consider referencing how project aligns with Applicant’s wildfire mitigation plan. 	15
Topic 3: Demonstrates increased utility technological capabilities <ul style="list-style-type: none"> Describe how project upgrades outdated equipment and/or modernizes utility monitoring/control capabilities. 	10
Customer Impact: 35 Points	
Topic 1: Cost-effective and value-driven strategy <ul style="list-style-type: none"> Describe financial need of Applicant and cost of no action or alternative actions to Applicant and ratepayers. Demonstrate how leveraging grant funds or additional Cost Share maximizes the overall value and impact of the project. 	15
Topic 2: Positive Idaho customer impacts <ul style="list-style-type: none"> Quantify and describe positive Idaho customer impacts from the project (for example, avoided outages, reduced operations and maintenance costs, deferred capital investments, critical service benefits, energy burden relief). Clearly describe any community support for the project. 	10
Topic 3: Clear metrics for tracking measurable improvements to resiliency <ul style="list-style-type: none"> Identify and justify metrics for ensuring measurable grid resiliency improvements. Include targets for improved performance according to metrics. 	5
Topic 4: Positive labor impacts <ul style="list-style-type: none"> Discuss estimated project impact on the labor market in Idaho (for example, new or maintained jobs, temporary or long-term jobs). Describe how the project will generate additional economic development opportunities. 	5
Administrative Compliance: 10 Points	
Topic 1: Build America Buy America Act compliance <ul style="list-style-type: none"> Describe research efforts undertaken to identify BABA-compliant materials and procure such materials and certifications in a time-sensitive and efficient manner. 	5
Topic 2: Ability to comply with Program requirements <ul style="list-style-type: none"> Describe experience and/or a clear plan for administrative compliance with the federal and state requirements described in Appendix B. If required, describe any efforts made to acquire letters of support from landowners, Tribes, local governments, businesses, etc. Describe control procedures to keep project within proposed budget and schedule. 	5
First-time Subrecipients: 5 Points	
First-time Subrecipients <ul style="list-style-type: none"> Indicate if Applicant has not previously received an ERGP grant from OEMR 	5
Total Available Points	100

⁷ See Appendix A⁸ Located in Section XVI “Helpful Resources” or on OEMR website

3. Conditional Awardee Selection

OEMR will use the review committee's overall scores for each Application to rank Applications from highest score to lowest score. Beginning with the highest scoring Applications, OEMR will conditionally award Applicants until available funding is exhausted. Next, OEMR will notify all Applicants of their funding status. This begins the Conditional Award Period. All conditionally awarded projects will then be sent to DOE for review. Upon request, unsuccessful Applicants may debrief with OEMR staff in a timely manner following this notification.

B. Conditional Award Period

During the Conditional Award Period, DOE will conduct NEPA analysis on each project's environmental impacts. A DOE NEPA compliance officer will review these documents and any other pertinent information to determine the likely level of NEPA documentation required for qualified projects. If any projects are likely to require an environmental assessment (EA) or environmental impact statement (EIS), the DOE NEPA compliance officer shall provide further guidance.

While NEPA compliance is a federal agency responsibility and the ultimate decisions remain with the federal agency, all Conditional Awardees selected for an award are required to assist in the timely and effective completion of the NEPA process in the manner most pertinent to their proposed project. If DOE determines certain records shall be prepared to complete the NEPA review process (for example, biological evaluations or environmental assessments), the costs to prepare the necessary records may be included as part of the project costs. However, Conditional Awardees are not entitled to reimbursement of costs until execution of the Subaward Agreement.

Additionally, During the Conditional Award Period, OEMR intends to require proof of BABA compliance. This proof may take the form of certificates of compliance for applicable project materials or justifying whether a General Applicability Public Interest or Project-Specific waiver applies. This will occur prior to the execution of a Subaward Agreement. If a Project-Specific waiver is needed for the project, OEMR may rescind the Conditional Award under certain circumstances. These circumstances are if federal review of these waivers has ceased, if the estimated timeline for waiver approval is likely to cause the project to extend beyond the Award period of performance, or if OEMR determines the waiver process is expected to materially impact the project's scope, schedule, or budget as submitted in the Application that was competitively evaluated.

NOTE: OEMR estimates that DOE review may take 3 – 12 months. Applicants should plan accordingly.

C. Conditional Awardee Onboarding

OEMR will notify Conditional Awardees when DOE completes its review. OEMR will then host an onboarding meeting to familiarize the Conditional Awardees with Program requirements and discuss the project scope and activities.

OEMR will determine whether each project can be split into separate activities that can be reimbursed individually. An activity is a discrete element within the larger project (for example, undergrounding one distribution line segment as part of a three-segment project). Some but not all projects may contain more than one activity. During project onboarding, Conditional Awardees will outline timelines and costs associated with project activities.

OEMR will then execute a Subaward Agreement with the Conditional Awardee. This concludes the Conditional Award Period, and Conditional Awardees become Subrecipients. All Subrecipients shall be subject to the terms and conditions of OEMR's Subaward Agreement. Terms will include, but not be limited to, various federal requirements outlined in the Special Terms and Conditions, located on OEMR's ERGP website. Appendix B "Federal and State Requirements" provides a general overview of requirements; this section is not an exhaustive list. Subrecipients must complete all project details discussed in the Applications.

XI. REPORTING REQUIREMENTS

To ensure compliance with federal and state requirements, and project schedule and budget expectations, Subrecipients must submit the following reports to OEMR:

- Quarterly Progress Reports
- Annual Metrics and Impact Reports
- Completion Report
- Reimbursement Request
- One-year Results Report

Anticipated submission details for each report are included in Appendix C "Reporting Requirements." These reporting requirements may be subject to change.

XII. PUBLIC RECORDS

Documents and information submitted to OEMR in an Application are subject to the Idaho Public Records Act (chapter 1, title 74, Idaho Code). Please avoid submitting information considered to be confidential, privileged, a trade secret, or otherwise exempt from disclosure unless it is necessary to the Application. If such information is necessary and an Applicant submits that information as part of its Application, an Applicant must:

- (1) Submit a specific citation to the law authorizing all claimed exemptions from disclosure and explain how the information meets those standards.
- (2) Submit two copies of any document that contains information claimed as exempt from disclosure. One copy must be clearly marked "CONFIDENTIAL" on every page that contains information claimed as exempt from disclosure. Information claimed as exempt from disclosure must be highlighted on that copy. Applicants must also submit a second

copy of the document marked “PUBLIC, REDACTED.” That copy must have redactions of all information claimed as exempt from disclosure.

If OEMR receives a public records request to which the document marked “CONFIDENTIAL” is responsive, OEMR will review the information’s applicability to the law. OEMR will contact and notify an Applicant of any public records request and the results of its review before releasing any document marked “CONFIDENTIAL” as a public record.

XIII. APPLICATION QUESTIONS

A. Pre-Application Webinar

OEMR will host a pre-application webinar to explain this Program and answer Applicant questions. Registration is not required. The webinar will be recorded and posted to OEMR’s ERGP webpage. Please use the following information to access the webinar:

ERGP Round 2 Pre-Application Webinar

June 17, 2025

10:00 AM Mountain Time

[*Microsoft Teams Link*](#)

Meeting ID: 275 227 371 988 6

Passcode: uY2gL2qi

Dial in by phone

[+1 208-985-2810,,765490767#](#) United States, Boise

[Find a local number](#)

Phone conference ID: 765 490 767#

Join on a video conferencing device

Tenant key: idahogov@m.webex.com

Video ID: 116 075 431 4

[More info](#)

B. Question Submission

OEMR will answer questions from Applicants. Questions shall be submitted in writing via email with the subject line “ERGP Question.” OEMR will answer all questions within three business days via a public FAQ document that is linked to the ERGP webpage. All Applicants are responsible for checking the ERGP Program website on a regular basis for FAQ document updates, addenda, and other Program updates. Questions must be submitted prior to the deadline in Table 1. Questions must be submitted to comments@oer.idaho.gov.

XIV. CONTACT INFORMATION

Should Applicants encounter technical issues, please reach out to OEMR’s primary Project Coordinator and copy the support Project Coordinator. Do not submit Application questions directly to the Project Coordinators.

Jett Hawk, Project Coordinator (*Primary*)

Jett.hawk@oer.idaho.gov

208-332-1677

Meghan Matyas, Project Coordinator (*Support*)

Meghan.matyas@oer.idaho.gov

208-332-1676

XV. POST-PROJECT INFORMATION**A. Project Reimbursement**

Costs incurred that are associated with preparing the Application are not eligible for reimbursement. OEMR will reimburse allowable, allocable, and reasonable eligible project expenses after a Subrecipient completes an activity and Subrecipient has submitted applicable reports and supporting documents. OEMR will provide further information during onboarding.

B. Project Closeout

Once a project or activity is complete, Subrecipient will submit a Completion Report and Reimbursement Request. After OEMR accepts a Project Completion Report, Subrecipient will continue tracking metrics for at least one year. One year after OEMR accepts a Completion Report, the Subrecipient will submit a One Year Results Report. After OEMR accepts a One Year Results Report, OEMR will issue a closeout letter.

The Subrecipient shall maintain all project records and financial documents allowing for a full and accurate accounting of all project assets and expenditures, as well as complying with applicable provisions of law and standard accounting practices, including Generally Accepted

Accounting Principles (GAAP). The Subrecipient shall provide OEMR access to these records upon request for three (3) years following the submittal date of the One Year Results Report.

XVI. HELPFUL RESOURCES

[OEMR ERGP Website](#): Online location for all ERGP Round 2 Application materials, Q&A documents, and other resources.

[Award Special Terms and Conditions](#) (Located on OEMR’s ERGP website): Detailed federal requirements for the federal 40101(d) program.

[2 CFR § 200](#): CFR webpage for the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards for all non-federal entities. Also known as the “Uniform Guidance.

[2 CFR § 910](#): CFR webpage for the DOE Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards for all for-profit entities.

[BABA Guidance and Resources](#): DOE webpage for BABA guidance and resources.

[BABA General Applicability Public Interest Waiver Guidance](#): DOE guidance discussing the General Applicability Public Interest waiver of the BABA requirements.

[DBA Guidance and Resources](#): DOL webpage for DBA guidance and resources.

[LCPtracker Guidance and Resources](#): DOE webpage for LCPtracker guidance and resources.

[Microgrid Overview](#): DOE report discussing microgrids, their resilience benefits, and the extent to which 40101(d) funds can be used to wards developing components of microgrid systems.

[Blue UAS Cleared List](#): Website detailing Department of Defense-approved unmanned aerial systems (UAS) that meet requirements of 2 CFR § 200.216, 2 CFR § 200.471, and section 889 of Public Law 115-232 (see Appendix B(G) “Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment).

[Blue UAS for First Responders](#): Website detailing Department of Homeland Security-approved unmanned aerial systems (UAS) that meet requirements of 2 CFR § 200.216, 2 CFR § 200.471, and section 889 of Public Law 115-232 (see Appendix B(G) “Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment) and related resources.

[Idaho State Energy Security Plan](#): OEMR’s overview of Idaho’s energy security landscape, risk profile, and risk mitigation strategies. Note the particular sections used in Application evaluation are available as a separate document on the ERGP website.

[2025 Idaho Energy and Mineral Landscape](#): OEMR’s annual report of the state of Idaho’s energy and mineral sectors.

APPENDIX A: PROGRAM NARRATIVE

1. Objectives and Metrics

Objectives

1. The Idaho Office of Energy and Mineral Resources (OEMR) assists Idahoans to make informed decisions to maintain a resilient and affordable electric grid. OEMR will strategically deploy resilience investments under the Preventing Outages and Enhancing the Resilience of the Electric Grid program in a manner that demonstrates measurable improvements to grid resiliency, delivers modernized grid infrastructure, accommodates increased electrification, and addresses all-hazards.

Metrics (provisional)

- Frequency (occurrences per year) of electricity service disruptions of one hour or more to critical facilities
 - Number of hours/days critical facilities are closed due to lack of electricity
 - Track and report performance indicators based on particular needs for improvements in reliability and resilience including specific data collection
 - Track and report progress towards key Program objectives – creating jobs, boosting domestic manufacturing, improving resilience, and advancing a pathway to private sector
2. Projects that enable greater consumer engagement and options for utilizing and providing energy services and enable consumer access to lower-cost energy. Idaho will prioritize project proposals that generate the greatest positive customer impact throughout the State and maximize the prevention and duration of disruptive events.

Metrics (provisional):

- Frequency (occurrences per year) of electricity service disruptions of one hour or more to critical facilities
 - Number of hours/days critical facilities are closed due to lack of electricity
 - Track and report performance indicators based on particular needs for improvements in reliability and resilience including specific data collection
 - Track and report progress towards key Program objectives –creating and maintaining jobs, boosting domestic manufacturing, improving resilience, and advancing a pathway to private sector
3. OEMR will enforce strong labor standards and protections (including for direct employees, contractors, and sub-contractors), such as through the use of project labor agreements or local hire agreements, use appropriately credentialed workforce (i.e., meeting all requirements for appropriate and relevant professional training, certification, and licensure), and meet all federal requirements under the guidance of DOE and other applicable federal entities.

4. In addition, the efforts undertaken under the Program will have alignment with the Idaho State Energy Security Plan, expand access to energy efficiency and clean energy for families, communities, and businesses, and deliver reliable and affordable power to Idahoans.

Metrics (provisional):

- Frequency (occurrences per year) of electricity service disruptions of one hour or more to critical facilities
- Number of hours/days critical facilities are closed due to lack of electricity

Additional Metrics

Accompanying these objectives, under the multi-year Program OEMR will use the following metrics to measure outcomes associated with improving resilience and creating good-paying jobs:

- Track and report progress towards key Program objectives – creating and maintaining jobs, boosting domestic manufacturing, improving resilience, and advancing a pathway to private sector – including specific data collection such as:
 - project locations,
 - transmission capacity upgraded, expanded, or built,
 - electricity storage capacity installed,
 - funding leveraged,
 - partners and stakeholders engaged,
 - technical assistance provided, and
 - job creation and preservation.
- Track and report performance indicators based on particular needs for improvements in reliability and resilience including specific data collection such as:
 - Customer Average Interruption Duration Index (CAIDI) – Average time required to restore service to a utility or customer (critical versus non-critical customers; with versus without islandable resources)
 - Customer Average Interruption Frequency Index (CAIFI) – Trends in customer interruptions and number of customers affected out of entire customer base (critical versus non-critical customers; with versus without islandable resources)
 - Average Service Availability Index (ASAI) – Percent of time electric service is unavailable to customers in a given year
 - System Average Interruption Duration Index (SAIDI) or Customer Minutes of Interruption or Outage (CMI or CMO) – Minutes of sustained outages per customer per year (low, medium, and high consequence geographies)

- System Average Interruption Frequency Index (SAIFI) – Number of sustained outages per customer per year (low, medium, and high consequence geographies)
- Customers Experiencing Multiple Interruptions (CEMI) - 3 – The percentage of customers that have experienced more than 3 interruptions per year.
- Customers Experiencing Long Duration Interruptions (CELDI) - 8 – The percentage of customer who have experienced eight or more hours of outage duration.
- Wildfire Risk Reduction

The listed metrics are provisional pending further discussion and consideration by OEMR with its stakeholders.

1. Criteria:

The following criteria will be used for selecting and determining the sub-awards to eligible entities for the multi-year Program:

- a. Priority will be given to projects that will generate the greatest positive customer impact to the greatest number of Idaho residents (whether rural or urban) in reducing the likelihood and consequences of disruptive events;
- b. Priority will be given to projects that best serve in-need and energy-burdened Idaho residents and provide wide geographic representation;
- c. Priority will be given to projects that demonstrate a strong need and clear and cost-effective solution for alleviating risks or improving resilience;
- d. Priority will be given to projects that fully meet all Program objectives;
- e. The percentage of funds made available to small utilities will not be less than the percentage of all customers in Idaho that are served by small utilities;
- f. Priority will be given to projects that create a large number of well-paying jobs and lead to additional economic development opportunities; and
- g. Eligible entities that receive a subaward under this Program will be required to match 100 percent of the amount of the subaward as required by Section 40101(h)(1). However, if the eligible entity sells not more than 4,000,000 megawatt hours of electricity per year, the required match will be one-third of the amount of the subaward as required by Section 40101(h)(2).

APPENDIX B: FEDERAL AND STATE REQUIREMENTS

Subrecipients are required to comply with certain requirements, including but not limited to those listed below. Some of these requirements are found in the Award Special Terms and Conditions, listed on the ERGP webpage. These requirements are subject to change. These and additional requirements will be further detailed in the Subaward Agreement. These requirements apply to all project work regardless of funding source.

A. Uniform Administrative Requirements

All projects shall comply with the Uniform Administrative Requirements (also known as the “Uniform Guidance”) found in [2 CFR Part 200](#) as amended by [2 CFR Part 910](#).

All project expenditures must be allowable, allocable, and reasonable in accordance with the applicable federal cost principles. Applicants are encouraged to refer to the following applicable federal administrative requirements for more information:

- [2 CFR Part 200, Subpart E – Cost Principles for All Non-federal Entities](#)
- [2 CFR 910 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#)

B. Performance of Work in the United States

The Subrecipient agrees that at least 100% of the direct labor cost for the project (including subcontractor labor) shall be incurred in the United States, unless the Subrecipient can demonstrate to the satisfaction of the DOE that the United States economic interest will be better served through a greater percentage of the work being performed outside the United States.

C. Build America Buy America Act

- Definitions

Components: See 2 CFR 184.3 “Definitions.”

Construction Materials: See 2 CFR 184.3 “Definitions.”

“Buy America Preference, Buy America Requirement, or domestic content procurement preference”: A requirement that no amount of funds made available through a program for federal financial assistance may be obligated for an infrastructure project unless—

1. all iron and steel used in the project are produced in the United States;
2. the manufactured products used in the project are produced in the United States;
- or
3. the construction materials used in the project are produced in the United States.

Infrastructure: See 2 CFR 184.4 (c) and (d).

Manufactured Products: See 2 CFR 184.3 “Definitions.”

Predominantly of iron or steel: See 2 CFR 184.3 “Definitions.”

Infrastructure Project: See 2 CFR 184.3 “Definitions.”

Public: The Buy America Requirement does not apply to non-public infrastructure. For purposes of this guidance, infrastructure should be considered “public” if it is: (1) publicly owned or (2) privately owned but utilized primarily for a public purpose. Infrastructure should be considered to be “utilized primarily for a public purpose” if it is privately operated on behalf of the public or is a place of public accommodation.

- Buy America Requirement for Infrastructure Projects (Buy America Requirement)

None of the funds provided under this Award (federal share or state Cost Match, Applicant Cost Match, or Applicant Cost Share) may be used for a project for infrastructure unless:

1. All iron and steel used in the project is produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation. See 2 CFR 184.5 for determining the cost of components for manufactured products; and
3. All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. See 2 CFR 184.6 for construction material standards.

The Buy America Requirement only applies to those articles, materials, and supplies that are consumed in, incorporated into, or permanently affixed to the infrastructure in the project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought into the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Requirement apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

The Buy America Requirement only applies to an article, material, or supply classified into one of the following categories⁹ based on its status at the time it is brought to the work site for incorporation into an infrastructure project:

1. Iron or steel products;
2. Manufactured products; or
3. Construction materials;

The Buy America Requirement only applies to the iron or steel products, manufactured products, and construction materials used for the construction, alteration, maintenance, or repair of public infrastructure in the United States when those items are consumed in, incorporated into, or permanently affixed to the infrastructure. An article, material, or supply incorporated into an infrastructure project should not be considered to fall into multiple categories, but rather must meet the Buy America Preference Requirement for only the single category in which it is classified.

All iron and steel, manufactured products, and construction materials used in the infrastructure project must be produced in the United States.

OEMR is responsible for administering its award in accordance with the terms and conditions, including the Buy America Requirement. OEMR must ensure that the Buy America Requirement flows down to all Subaward Agreements and that the Subrecipients and their subcontractors comply with the Buy America Requirement. The Buy America Requirement term and condition must be included all subawards, contracts, subcontracts, and purchase orders for work performed under the infrastructure project.

- Certification of Compliance

⁹ Section 70917(c) of the BABA states that “construction materials” do not include cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. Section 70917(c) materials are excluded from Construction materials. Asphalt concrete pavement mixes are typically composed of asphalt cement (a binding agent) and aggregates such as stone, sand, and gravel. Accordingly, asphalt is also excluded from the definition of Construction materials.

Section 70917(c) materials, on their own, are not manufactured products. Further, Section 70917(c) materials should not be considered manufactured products when they are used at or combined proximate to the work site—such as is the case with wet concrete or hot mix asphalt brought to the work site for incorporation. However, when certain Section 70917(c) materials (such as stone, sand, and gravel) are used to produce a manufactured product, such as is precast concrete processed into a specific shape or form, and is in such state when brought to the work site, then that product is subject to the BABA requirements. Further clarification is provided in 2 CFR 184 on the circumstances under which a determination is made that Section 70917(c) materials should be treated as components of a manufactured product. That determination is based on consideration of: (i) the revised definition of the “manufactured products” at 2 CFR 184.3; (ii) a new definition of “section 70917(c) materials” at 2 CFR 184.3; (iii) new instructions at 2 CFR 184.4(e) on how and when to categorize articles, materials, and supplies; and (iv) new instructions at 2 CFR 184.4(f) on how to apply the Buy America preference by category.

Subrecipients must certify or provide equivalent documentation for proof of compliance that a good faith effort was made to solicit bids for domestic products used in the infrastructure project under this award. Subrecipients must also maintain certifications or equivalent documentation for proof of compliance that those articles, materials, and supplies that are consumed in, incorporated into, affixed to, or otherwise used in the infrastructure project, not covered by a waiver or exemption provided in 2 CFR 184.8, are produced in the United States. The certification or proof of compliance must be provided by the suppliers or manufacturers of the iron, steel, manufactured products and construction materials and flow up from all subawardees, contractors and vendors to the recipient. OEMR and Subrecipients must keep these certifications with the award/project files and be able to produce them upon request from DOE, auditors or Office of Inspector General.

- Waivers

When necessary, recipients may apply for, and DOE may grant, a waiver from the Buy America Requirement. Waiver requests are subject to review by DOE and the Office of Management and Budget, as well as a public comment period of no less than 15 calendar days.

- Waivers must be based on one of the following justifications:
 - Public Interest: Applying the Buy America Requirement would be inconsistent with the public interest;
 - Non-Availability: The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
 - Unreasonable Cost: The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.
- Requests to waive the Buy America Requirement must include the following:
 - Waiver type (Public Interest, Non-Availability, or Unreasonable Cost);
 - Subrecipient name and Unique Entity Identifier (UEI);
 - Award information (Federal Award Identification Number, Assistance Listing number);
 - A brief description of the project, its location, and the specific infrastructure involved;
 - Total estimated project cost, with estimated federal share and recipient cost share breakdowns;
 - Total estimated infrastructure costs, with estimated federal share and recipient cost share breakdowns;
 - List and description of iron or steel item(s), manufactured goods, and/or construction material(s) the recipient seeks to waive from the Buy America

Preference, including name, cost, quantity(ies), country(ies) of origin, and relevant Product Service Codes (PSC) and North American Industry Classification System (NAICS) codes for each;

- A detailed justification as to how the non-domestic item(s) is/are essential the project;
 - A certification that the Subrecipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and non-proprietary communications with potential suppliers;
 - A justification statement—based on one of the applicable justifications outlined above—as to why the listed items cannot be procured domestically, including the due diligence performed (e.g., market research, industry outreach, cost analysis, cost-benefit analysis) by the recipient to attempt to avoid the need for a waiver. This justification may cite, if applicable, the absence of any Buy America-compliant bids received for domestic products in response to a solicitation;
 - A description of the market research conducted that includes who conducted the market research, when it was conducted, sources that were used, and the methods used to conduct the research; and
 - Anticipated impact to the project if no waiver is issued.
- How to submit a waiver

Requests to waive the application of the Buy America Requirement must be submitted in writing to OEMR. OEMR will submit the waiver to its cognizant Contracting Officer or Grants Officer.

DOE may request, and the recipient must provide, additional information for consideration of this waiver. DOE may reject or grant waivers in whole or in part depending on its review, analysis, and/or feedback from OMB or the public. DOE's final determination regarding approval or rejection of the waiver request may not be appealed. Waiver requests may take up to 90 calendar days to process.

- OEMR BABA Waiver Notice

Before submitting an Application, Applicants are expected to assess project needs carefully and to thoroughly consider how BABA requirements will apply to their project. OEMR anticipates that the review process for Project-Specific BABA waivers will take longer than General Applicability Public Interest waivers. A Project-Specific Waiver may cause delays to a project's schedule, and if it is not approved, could materially impact the project's schedule, scope, and budget. Therefore, OEMR strongly encourages Applicants to thoroughly research how BABA impacts proposed project scope and requirements.

General Applicability Public Interest BABA waivers are currently available and may be applied to applicable projects. Applicants should ensure that projects are either fully BABA-compliant or eligible under one or more of the General Applicability Public

Interest waivers, including the Small Grants, De Minimis, and Minor Components waivers to avoid potential significant delays to their project.

During the Conditional Award Period, OEMR intends to require proof of BABA compliance. This proof may take the form of certificates of compliance for applicable project materials or justifying whether a General Applicability Public Interest or Project-Specific waiver applies. This will occur prior to the execution of a Subaward Agreement. If a Project-Specific waiver is needed for the project, OEMR may rescind the Conditional Award under certain circumstances. These circumstances are if federal review of these waivers has ceased, if the estimated timeline for waiver approval is likely to cause the project to extend beyond the Award period of performance, or if OEMR determines the waiver process is expected to materially impact the project's scope, schedule, or budget as submitted in the Application that was competitively evaluated.

DOE guidance for Small Grants, De Minimis, and Minor Components General Applicability Public Interest waivers can be found here:

<https://www.energy.gov/management/baba-waiver-request-2023-01>.

D. Davis Bacon Act Requirements

This Award is funded under Division D of the IIJA. All laborers and mechanics employed by the Subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work in excess of \$2,000 on a project assisted in whole or in part by funds made available under this Award shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code commonly referred to as the "Davis-Bacon Act" (DBA) and its implementing regulations in 29 CFR parts 1, 3, and 5 (collectively the "Davis-Bacon Act Requirements").

Subrecipients shall provide written acknowledgement and confirmation of compliance with the Davis-Bacon Act Requirements which include but are not limited to:

1. Ensuring that laborers and mechanics on IIJA-funded/assisted projects are paid at least the prevailing wage for their work classification on applicable projects.
2. Ensuring that laborers and mechanics on IIJA-funded/assisted projects are paid on a weekly basis.
3. Ensuring that the applicable wage determination(s) for construction work performed by laborers and mechanics employed by Subrecipients, contractors, or subcontractors are identified and obtained from the database at www.sam.gov, by 1) selecting "Wage Determinations," then, 2) selecting "Public Buildings and Public Works," then, 3) filtering search results by State (selecting the appropriate state from the drop-down menus), and by County or Independent City (selecting the appropriate County/Independent City from the drop-down menu) in which the work will take place, then, 4) selecting the appropriate construction type (e.g., Building, Residential, Heavy, or Highway). The appropriate wage determination number hyperlink should be selected

from the result. If the wage determination which opens lists a “Last Revised Date” after the date of the contract award/start of construction, then scroll to the bottom of the document, and under History, click on the wage determination with the date closest to, but still before the date of contract award/start of construction.

4. Ensuring that applicable wage determination(s) are uploaded to LCPtracker (see below section on LCPtracker).
5. Ensuring that the applicable wage determination(s) and the required contract provisions per 29 CFR 5.5 are flowed down to and incorporated into any applicable contracts/subcontracts or subrecipient awards.
6. Preserving a copy of the applicable wage determination(s) identified and obtained from www.sam.gov, for a period of 3 years after the construction, alteration or repair work herein is completed.
7. Maintaining responsibility for compliance by any lower-tier subcontractors or subrecipients subject to the Davis-Bacon Act Requirements.
8. Receiving and reviewing certified weekly payrolls submitted by all subcontractors and subrecipients for accuracy as needed and identifying potential compliance issues.
9. Maintaining original certified weekly payrolls for 3 years after the completion of the project and making those payrolls available to the Department of Energy or the Department of Labor upon request.
10. Conducting site-visit interviews with employees as needed to provide reasonable assurance of compliance with subcontractors and subrecipients.
11. Cooperating with authorized representatives of the Department of Energy or Department of Labor in the inspection of DBA-related records, on-site interviews of laborers and mechanics, and other reasonable requests related to a DBA investigation.
12. Posting in a prominent and accessible place the applicable wage determination(s) and Department of Labor Publication: WH-1321, Notice to Employees Working on Federal or Federally Assisted Construction Projects.
13. Notifying the Contracting Officer of Davis-Bacon Act Requirement issues, including complaints, violations (as defined in 29 CFR 5.7), disputes (pursuant to 29 CFR parts 4, 6, and 8 and as defined in FAR 52.222-14), disputed DBA-related determinations, Department of Labor investigations, or legal/judicial proceedings related to the Davis-Bacon Act Requirements under this contract, subcontract, or subrecipient award.
14. Preparing and submitting the Semi-Annual Labor Enforcement Report, by April 21 and October 21 of each year, in accordance with the reporting instructions in Attachment 2, Federal Assistance Reporting Checklist.
15. Maintain competency in complying with Davis-Bacon Act Requirements. The Contracting Officer will notify the recipient of any DOE-sponsored Davis-Bacon Act compliance trainings. The Department of Labor offers free Prevailing Wage Seminars

several times a year that meet this requirement, at <https://www.dol.gov/agencies/whd/government-contracts/construction/seminars/events>.

To avoid voluminous attachments under this award, all applicable wage determination(s) included in the www.sam.gov database and uploaded to LCPtracker are incorporated by reference herein as if set forth and attached in full. The applicable wage determination(s) are effective herein even if they have not been attached to the contract/subcontract(s) or subrecipient awards thereunder or have not been correctly identified and obtained from www.sam.gov and/or uploaded to LCPtracker.

The Department of Energy has contracted with LCPtracker, a third-party DBA electronic payroll compliance software application. A waiver for the use of LCPtracker may be granted to a particular contractor or subcontractor if they are unable or limited in their ability to use or access the software.

Davis-Bacon Act Electronic Certified Payroll Submission Waiver

A waiver must be granted before the start of work subject to Davis-Bacon Act requirements (e.g., construction, alteration, or repair work). The recipient does not have the right to appeal DOE's decision concerning a waiver request.

For additional guidance on how to comply with the Davis-Bacon provisions and clauses, see <https://www.dol.gov/agencies/whd/government-contracts/construction> and <https://www.dol.gov/agencies/whd/government-contracts/protections-for-workers-in-construction>.

E. Statement of Federal Stewardship

DOE shall exercise normal federal stewardship in overseeing the project activities performed under the Award. This includes conducting site visits; reviewing performance and financial reports; providing assistance and/or temporary intervention in usual circumstances to correct deficiencies that develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the project objectives have been accomplished.

F. National Environmental Policy Act

DOE's decision whether and how to distribute federal funds under this Program is subject to the National Environmental Policy Act (42 USC § 4321 et seq.). NEPA requires federal agencies to integrate environmental values into their decision-making processes by considering the potential environmental impacts of their proposed actions. For additional background on NEPA, please see DOE's NEPA website, at <http://nepa.energy.gov/>.

G. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

In accordance with [2 CFR § 200.216](#), [2 CFR § 200.471](#), and section 889 of [Public Law 115-232](#), Subrecipients are prohibited from obligating or expending Round 2 funds to procure or obtain covered telecommunications equipment or services; extend or renew a contract to procure or obtain covered telecommunications equipment or services; or enter into a contract (or extend or renew a contract) to procure or obtain covered telecommunications equipment or services.

“Covered telecommunications equipment or services” means any of the following:

1. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);
2. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
3. Telecommunications or video surveillance services provided by such entities or using such equipment;
4. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

For the purposes of this section, “covered telecommunications equipment or services” also include systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

By accepting a Round 2 award, Subrecipient certifies that it will comply with the prohibition on covered telecommunications equipment and services in this section. Subrecipient is not required to certify that funds will not be expended on covered telecommunications equipment or services beyond the certification provided upon accepting the loan or grant and those provided upon submitting payment requests and financial reports.

H. Real Property – Grid Resilience

Acquisition of land or easements is not permitted under this Award. Improvements to real property for the purpose of grid hardening or resilience is not considered acquisition of real property for the purpose of this Award, and therefore may be permitted.

I. Equipment

Subject to the conditions provided in 2 CFR 200.313 and 2 CFR 910.360 (as applicable), title to equipment (property) acquired under a Federal award will vest conditionally with the non-Federal entity.

The non-Federal entity cannot encumber this property or permit encumbrance without prior written approval by the DOE Contracting Officer and must follow the requirements of 2 CFR 200.313 before disposing of the property.

States must use equipment acquired under a Federal award by the state in accordance with state laws and procedures.

Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as it is needed, whether or not the project or program continues to be supported by the Federal award. When no longer needed for the originally authorized purpose, the equipment may be used by programs supported by the Federal awarding agency in the priority order specified in 2 CFR 200.313(c)(1)(i) and (ii).

Management requirements, including inventory and control systems, for equipment are provided in 2 CFR 200.313(d).

When equipment acquired under a Federal award is no longer needed, the non-Federal entity must obtain disposition instructions from the Federal awarding agency or pass-through entity. However, pursuant to the FY23 Consolidated Appropriations Act (Pub. L. No. 117-328), Division D, Title III, Section 309, the Secretary, or a designee of the Secretary may, at their discretion, vest unconditional title or other property interests acquired under this project regardless of the fair market value of the property at the end of the award period.

Subject to the vesting of any property pursuant to Section 309 of the FY23 Consolidated Appropriations Act (Pub. L. No. 117-328), Division D, Title III, disposition will be made as follows: (a) items of equipment with a current fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to the Federal awarding agency; (b) non-Federal entity may retain title or sell the equipment after compensating the Federal awarding agency as described in 2 CFR 200.313(e)(2); or (c) transfer title to the Federal awarding agency or to an eligible third Party as specified in 2 CFR 200.313(e)(3).

See 2 CFR 200.313 for additional requirements pertaining to equipment acquired under a Federal award. Also see 2 CFR 200.439 Equipment and other capital expenditures.

See 2 CFR 910.360 for supplemental requirements for Equipment for for-profit Recipients.

J. Applicable State Laws and Requirements

In addition to applicable federal laws, Subrecipients must comply with all applicable state and local laws for all work performed under the Subaward Agreement. State laws include, but

not limited to, workers' compensation, public works and other required licensing and procurement, building codes, and certain certifications listed below.

- [Title 67, Chapter 28, Idaho Code](#) (Purchasing by Political Subdivisions)
- [Title 54, Chapter 19, Idaho Code](#) (Public Works Contractors)
- [Idaho Code § 54-1903](#) (Public Works Contractors – Exemptions)

Subrecipients must also comply with the following Idaho-specific requirements:

- [Idaho Code § 67-2346](#) (Anti-Boycott Against Israel Act)
- [Idaho Code § 67-2359](#) (Ownership or Operation by the Government of China Prohibited)
- [Idaho Code § 67-2347A](#) (Boycott of Certain Industries Prohibited)
- [Title 18, Chapter 87, Idaho Code](#) (No Public Funds for Abortion Act)

APPENDIX C: REPORTING REQUIREMENTS

Subrecipients will be required to submit the following reports. Please note that reporting requirements are subject to change and will be finalized in the Subaward Agreement. Subrecipient shall submit all reports via email to OEMR's primary Project Coordinator.

A. Quarterly Progress Report

The Subrecipient shall use the Quarterly Progress Report (QPR) to report the project progress made. Subrecipient must submit QPRs each quarter even if no or minimal work has been done. The final QPR shall reflect any final close-out activities, costs, payments and reimbursements that occurred following the submission of the QPR for the last reporting period of the Period of Performance. Subrecipients shall use a QPR form provided by OEMR.

QPRs shall include the following:

- Narrative of the project progress to date;
- Updates on the milestones achieved since the project start date;
- Quantitative metrics that are outlined in the Subaward Agreement, including, without limitation:
 - Project locations;
 - Measurable improvements of resilience;
 - Transmission capacity upgraded, expanded, or built;
 - Electricity storage capacity installed;
 - Funding leveraged;
 - Stakeholders engaged;
 - Technical assistance provided;
 - Improvements to distribution reliability indices (for example, CAIDI, SAIDI, SAIFI, CMI, ASAI);
 - Disruptive events that occur that implicate the project; and
 - Any requests for changes to the timeline;
 - If the project has been completed within the first year, the Progress Report shall follow the format of the Completion Report, supplemented as set forth above.
- Additional reporting metrics may vary by project. Examples of reporting metrics that may be required are listed on [OEMR's project website](#) in the QPR template under the Build Metrics Table Info tab.

Following the effective date of the Subaward Agreement, each QPR must be submitted by the following deadlines listed in bold:

- Quarter 1 (October 1 – December 31): **January 15** of the following year
- Quarter 2 (January 1 – March 15): **April 15**
- Quarter 3 (April 1 – June 30): **July 15**
- Quarter 4 (July 1 – September 30): **October 15**

B. Annual Metrics and Impact Report

Annual Metrics and Impact Reports will capture customer benefits from the project. Information collected shall include communities affected by specific projects, avoided outages and reduced restoration time because of projects, community and labor engagement, workforce and community agreements, project labor agreements, and investments in job quality and skilled workforce. The Annual ERGP Metrics and Impacts Report template will be provided by OEMR.

C. Completion Report

Subrecipients shall submit a Completion Report when all project activities are complete and operational and shall be submitted with the Subrecipient's request for reimbursement for project costs. For projects containing more than one activity, Subrecipient shall submit a Completion Report at the conclusion of each project activity. The Completion Report shall include information from the QPRs in addition to the following:

- **Before** and as-built pictures;
- Photographs of all the equipment installed and/or improvements made, and final site location(s);
- Photocopies of all permits obtained, and associated inspections completed, including any permits not reported in the Progress Report (if any);
- Updated actual quantitative metrics following completion as requested by OEMR (this provision shall survive termination of the Subaward Agreement). Quantitative metrics are project dependent. Examples of these metrics can be found in the Application Form; and
- Completed Reimbursement Request Form.

D. Reimbursement Request Form

Reimbursement Request Forms may be submitted in upon project or activity completion, with the Completion Report.

All Reimbursement Requests shall include at least the following information:

- A complete itemized invoice detailing all aspects of project expenses (for example, supplies, labor, travel);
- Itemized project invoices, or proof of incurred expenses reasonably acceptable to OEMR that correlate with the line items listed in the complete itemized invoice.
 - These shall correlate with the budget costs reporting in the quarterly financial reports.
 - **NOTE:** bills of lading, payment confirmations without shipping details, or other expense reports that do not demonstrate transfer of ownership from supplier to Subrecipient will not be accepted as invoices.

E. One-year Results Report

Subrecipients shall submit a One-year Results Report to OEMR one year after the Project Completion Report. One-year Results Reports shall include the following:

- Narrative of the project from inception to completion.
- Updated project pictures.
- Updates on improvements and milestones achieved since completion of the project.
 - Quantitative metrics that are outlined in the Subaward Agreement on energy resilience and reliability metrics of the project and its effect on energy prices for consumers, such as, but not limited to:
 - Project locations;
 - Measurable improvements of resilience;
 - Transmission capacity upgraded, expanded, or built;
 - Electricity storage capacity installed;
 - Funding leveraged;
 - Stakeholders engaged;
 - Technical assistance provided;
 - Disruptive events that occur that implicate the project; and
 - Improvements to distribution reliability indices (e.g. Improvements to distribution reliability indices such as CAIDI, SAIDI, SAIFI, CMI, ASAI).
 - Updated actual quantitative metrics following completion as requested by OEMR
- Additional reporting metrics vary by project. Examples of reporting metrics that may be required are listed on [OEMR's project website](#) in the QPR template under the Build Metrics Table Info tab.

APPENDIX D: INSURANCE REQUIREMENTS

Subrecipient shall not begin work under the Subaward Agreement until Subrecipient:

- (1) obtains all insurance required under this section at least at the minimum required levels specified below; and
- (2) provides OEMR with copies of the certificates of insurance required herein or furnish other form showing proof of coverage to OEMR.

All insurance policies and certificates must be signed copies. Failure to provide the certificates of insurance within the requisite time period may be cause for OEMR to terminate the Subaward Agreement.

After work begins, Subrecipient shall maintain the insurance at least at the minimum required levels and requirements specified below until the Subaward Agreement is terminated. There are no exceptions to this requirement. Depending on the project nature and eligible entity type, Subrecipients may be subject to other insurance requirements.

Subrecipient shall carry liability and property damage insurance that will protect it and the State of Idaho from claims for damages for bodily injury, including accidental death, as well as for claims for property damages, which may arise from operations under the Subaward Agreement whether such operations be by themselves or by anyone directly or indirectly employed by either of them.

- A. **Commercial General and Umbrella Liability Insurance.** Subrecipient shall maintain Commercial General Liability (CGL) insurance and, if necessary, Commercial Umbrella insurance with minimum limits of not less than \$1,000,000 each occurrence / \$2,000,000 general aggregate to protect its interest and that of OEMR and the State of Idaho. Unless Subrecipient's Commercial General Liability insurance covers its subcontractors, each subcontractor shall maintain such Commercial General Liability Insurance with minimum limits of \$1,000,000 each occurrence.

CGL insurance shall be written on ISO occurrence form CG 00 01 (or a substitute form providing equivalent coverage) and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal and advertising injury, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract).

- B. **Commercial Automobile and Commercial Umbrella Liability Insurance.** Subrecipient shall maintain Commercial Automobile Liability and, if necessary, Commercial Umbrella Liability insurance with a limit of not less than \$1,000,000 each accident. Such insurance shall cover liability arising out of any auto (including owned, hired, and non-owned autos).

- C. **Workers' Compensation Insurance and Employer's Liability.** Subrecipient shall maintain Workers' Compensation Insurance and employer's liability insurance to cover obligations imposed by federal and state statutes. The employer's liability shall have limits not less than \$1,000,000 each accident for bodily insurance by accident, \$1,000,000 each employee for bodily injury by disease, and \$1,000,000 disease policy limit. Subrecipient must provide either a certificate of worker's compensation insurance issued by a surety licensed to write worker's compensation insurance in the State of Idaho, as evidence that the contractor has in effect a current Idaho workers compensation policy, or an extraterritorial certificate approved by the Idaho Industrial Commission from a state that has a current reciprocity agreement with the Idaho Industrial Commission.
- D. **Acceptable Insurers and Deductibles.** All required insurance policies that are not provided through self-insurance shall be issued by insurance carriers rated an A-VII or above by Best's Insurance Rating Guide and in good standing and authorized to transact business in Idaho. Evidence of such insurance coverage or self-insurance shall be in the form of a certificate of insurance or statement of financial responsibility. Subrecipient shall be financially responsible for all deductibles, self-insured retentions, and/or self-insurance included hereunder. The coverage provided by such policy will be primary to any coverage of the State on or related to the Agreement and shall provide that the insurance afforded applies separately to each insured against whom a claim is made, except with respect to the limitation of liability.
- E. **State of Idaho as Additional Insured.** The liability coverage required in the Subaward Agreement shall include as additional insured the State of Idaho, OEMR, and its divisions, officers, employees, agents, and volunteers. If a liability insurance policy provides for automatically endorsing additional insured when required by contract, then, in that case, Subrecipient shall provide proof of the State of Idaho, OEMR, and its divisions, officers, employees, agents, and volunteers being additional insured by providing copies of the policy pages that clearly identify the blanket endorsement.
- F. **Waiver of Subrogation.** All policies shall contain waivers of subrogation. Subrecipient waives all rights against OEMR and the State and its officers, employees, agents, and volunteers for recovery of damages to the extent these damages are covered by the required policies. Policies may contain deductibles, but such deductibles will not be deducted from any damages due to the State.
- G. **Self-Insurance.** Self-insured retentions shall be declared to and approved by OEMR. OEMR may require the Subrecipient to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

- H. **Notice of Cancellation or Changes.** If above-described required policies are cancelled, material changed, not renewed, or a potential exhaustion of aggregate limits, Subrecipient shall immediately notify OEMR in writing of notice of knowledge of that cancellation, refusal to renew, potential limit exhaustion, or material change of the nature or extent of the coverage provided by the policies. In those situations where the insurance carrier refuses to provide notice to OEMR, Subrecipient shall immediately notify OEMR in writing of notice of knowledge of cancellation, refusal to renew, or material change of the nature or extent of the coverage provided by the policies required below.
- I. **Terms of Coverage.** If any of the insurance required under the Subaward Agreement is not available on an occurrence basis, Subrecipient shall obtain coverage on “claims made” basis. For claims made policies, the Retroactive Date must be shown and must be before the date of the Agreement or the beginning of contract work; insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the Agreement; if coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the contractor must purchase “extended reporting” (tail) coverage for a minimum of five (5) years after completion of this Agreement.