



# PENNSYLVANIA GREEN ENERGY LOAN FUND

## Procedures Manual for the Six GELF Affidavits

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NOTE: All of the GELF affidavits are available as Microsoft Word® forms  
on the GELF website: [www.reinvestment.com/GELF](http://www.reinvestment.com/GELF).

10/09/20

# 1. Small Diverse Businesses - Equal Opportunity

## A. Background

The Pennsylvania Green Energy Loan Fund (“**GELF**”) must ensure that all GELF energy loan recipients are in compliance with the certain equal opportunity provisions as mandated by the federal American Recovery and Reinvestment Act (“**ARRA**”) and Commonwealth law. These regulatory requirements flow from the U.S. Department of Energy (“**USDOE**”) to the Pennsylvania Department of Environmental Protection (“**PADEP**”) to Reinvestment Fund to all GELF loan recipients.

GELF loan recipients are required to comply with all applicable federal Disadvantaged Business Enterprise (“**DBE**”) requirements. Borrowers must also comply with the Commonwealth’s small disadvantaged business policies as well as with the Governor’s Executive Order 2009-02: *Creating Opportunities for Small and Disadvantaged Businesses in the Expenditure of Federal Stimulus Monies* (see [http://www.pabulletin.com/secure/data/vol39/39-48/39\\_48\\_gv.pdf](http://www.pabulletin.com/secure/data/vol39/39-48/39_48_gv.pdf)). This order established the goal that **10%** of all ARRA-supported contracts involve small disadvantaged businesses, which include Minority Business Enterprises (“**MBEs**”), Women Business Enterprises (“**WBEs**”), Veteran Owned Business Enterprise (“**VOBEs**”), LGBT, and Disability-Owned Business Enterprises.

All GELF Loan Recipients will make reasonable and good faith efforts to meet and or exceed the Governor’s goal of providing maximum practicable opportunities for small disadvantaged businesses to participate as contractors, professional service providers, subcontractors, and suppliers. As a condition to receiving a GELF energy loan, all GELF loan recipients must prepare and submit a **GELF Small Diverse Businesses Affidavit** certifying that they and their project is in compliance with the equal opportunity provisions. This affidavit is described in section 1.B.6 below and a copy of the affidavit is included in Attachment 1 of this *GELF Procedures Manual*.

## B. GELF Loan Recipient Actions

- 1) GELF loan recipients will make reasonable and good faith efforts to provide maximum practicable opportunities for small diverse businesses to participate as contractors, professional service providers, subcontractors, and suppliers. Early discussion with GELF staff about the small diverse business requirements and the affidavit are strongly encouraged. Any questions should be directed to [PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com).
- 2) GELF Loan Recipients will consult with the Pennsylvania Department of General Services’ Bureau of Diversity, Inclusion & Small Business Opportunities (“**BDISBO**”) to include Small Diverse Businesses, including Minority, Woman, Service-Disabled, Veteran, LGBT, and Disability-Owned Business Enterprises in project funded in whole or in part with GELF dollars. GELF Loan Recipients are required to make best efforts to ensure Small Diverse Businesses participate in all phases of a GELF project, from the engineering and design services to the suppliers of equipment, products and commodities used in the projects to the contractors who install the energy measures and implement the project.
- 3) The Small Diverse Business Program for Construction within Pennsylvania Department of General Services (<https://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Small-Diverse-Business-Construction/Pages/default.aspx>) encourages and ensures open and equitable

contracting practices are used by prime contractors in soliciting and contracting with Minority Business Enterprises, Women Business Enterprises, LGBT Business Enterprises, Disability-Owned Business Enterprises, and Service-Disabled Veteran Business Enterprises, together referred to hereafter as Small Diverse Businesses (“SDBs”), and Veteran Business Enterprises (“VBEs”).

The contact information for this office is:

PA Department of General Services  
Bureau of Diversity Inclusion and Small Business Opportunities  
611 North Office Building  
Harrisburg, PA 17120-0500

Harrisburg office phone: 717.787.4834

web: [www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Pages/default.aspx](http://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Pages/default.aspx)

The Bureau of Diversity Inclusion and Small Business Opportunities maintains a searchable database of small disadvantaged businesses that can be found in the online at:

[www.dgs.internet.state.pa.us/suppliersearch](http://www.dgs.internet.state.pa.us/suppliersearch).

- 4) GELF Loan Recipients will participate in outreach activities and events to increase small diverse business interest and participation in GELF projects. Guidance about these opportunities is available on the Bureau of Diversity Inclusion and Small Business Opportunities website.
- 5) GELF Loan Recipients will include SDBs and VBEs on all solicitation lists for services, equipment, products and commodities they seek through competitive bids for the project.
- 6) The GELF Loan Recipient will prepare and keep records of all solicitations for GELF projects, including a bid tabulation showing names of all firms solicited and the dollar amount of the bid, quote or proposal, as well as copies of all bids, quotes and proposals received.

The GELF Loan Recipient shall complete and submit a **GELF Small Diverse Business Participation Affidavit** that is provided as Attachment 1 of this Procedures Manual. This affidavit is a condition of loan closing and must be submitted prior to the GELF loan closing date. A Microsoft Word® version of the **GELF Small Diverse Business Participation Affidavit** is available on the GELF website. The form has fields that expand to the needed size for each answer. GELF loan applicants should fill out the Microsoft Word® version of the affidavit.

The completed affidavit in hard copy with an original signature is to be submitted to:

PA Green Energy Loan Fund  
Reinvestment Fund  
1700 Market Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19103.

In addition to the hard copy, an electronic version of the completed affidavit is to be emailed to:

[PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com)

- 7) Every GELF Loan Recipient will submit an updated **GELF Small Diverse Businesses Affidavit** as necessary to capture any changes to the status of compliance with the disadvantaged businesses provisions and the project's contractors.
- 8) Throughout the construction phase of the project, the GELF Loan Recipient will provide monthly reports to Reinvestment Fund on SDB and VBE utilization. These monthly reports will include a list of all SDBs and VBEs who receive contracts to provide services, equipment, products or commodities for a GELF project. The list will include a brief description of the services, equipment, products or commodities being provided and the dollar value of the contract.

### **C. Reinvestment Fund Actions**

- 1) Reinvestment Fund will provide a copy of this Small Diverse Businesses Affidavit procedures manual to each GELF loan applicant and will respond to any questions that the applicants have.
- 2) Reinvestment Fund will distribute the **GELF Small Diverse Business Participation Affidavit** to all GELF loan applicants and will work all GELF Loan Recipients to ensure the affidavit is completed and submitted to Reinvestment Fund prior to loan closing. The affidavits will be available to PADEP staff for inspection.
- 3) Reinvestment Fund will contact the Pennsylvania Department of General Services' Bureau of Diversity Inclusion and Small Business Opportunities on a regular basis to determine if the Bureau has any recommendations for increasing the opportunities for small diverse businesses to participate in GELF.
- 4) Reinvestment fund will review the monthly reports provided by the GELF Loan Recipient to the Bureau of Diversity Inclusion and Small Business Opportunities on SDB and VBE utilization. The monthly reports will be filed in the GELF Loan Recipient's project file.
- 5) Reinvestment Fund will provide a report to PADEP, on a format provided by PADEP to report participation of SDBs and VBEs. This report will be updated and sent to PADEP as new information is acquired.

**Attachment 1: GELF Small Diverse Business Participation Affidavit**



**PENNSYLVANIA GREEN ENERGY LOAN FUND  
Small Diverse Business Participation Affidavit**

1. Borrower			
Legal Name of Borrower:			FEIN:
Address: - Street:			DUNS Number:
City:	State:	Zip: -	SAM Number:
Main Telephone: - -		Website:	NAICS Number:

2. Contact Person	
Contact Person Name:	Contact Person Title:
Contact Person Phone:	Contact Person Email:

3. Proposed Energy Project		
Project Name:		
Project Address: Street:		City:
County:	State:	Zip:
Brief Project Description:		

4. Compliance with Small Diverse Business ("SDB") Participation Requirements	
Please select one of the following statements to indicate compliance with federal and state requirements:	
<input type="checkbox"/>	For this project, the Borrower will meet or exceed the Minimum Participation Levels for SDBs as determined by the Bureau of Small Business Opportunities in the Pennsylvania Department of General Services and as outlined in the GELF loan agreement.
<input type="checkbox"/>	For this project, the Borrower has not yet achieved the exceed the Minimum Participation Levels for SDBs as determined by the Bureau of Small Business Opportunities in the Pennsylvania Department of General Services and as outlined in the GELF loan agreement, but will meet the targeted participation levels by [enter date].
<input type="checkbox"/>	For this project, the Borrower does not expect to achieve the Minimum Participation Levels for SDBs as determined by the Bureau of Small Business Opportunities in the Pennsylvania Department of General Services and as outlined in the GELF loan agreement, but it has: <ul style="list-style-type: none"> <li>• Accessed the SDB database;</li> <li>• Negotiated fairly with SDBs;</li> <li>• Failed to contract with sufficient dollar value of contracts with SDBs because of capability or price; and</li> <li>• Submitted certifications of the above-listed efforts, along with a Small Diverse Business Utilization Report, to the Bureau of Small Business Opportunities.</li> </ul>

Website: [www.reinvestment.com/GELF](http://www.reinvestment.com/GELF)

10.09.20

5. List of Participating SDB Contractors and Subcontractors			
Contractor/Subcontractor Name	SDB Classification *	Contract Amount	Paid to Date

\* Classify all listed SDBs as one of the following: Minority Business Enterprises (“MBE”), Women Business Enterprises (“WBE”), Veteran Business Enterprises (“VBE”), and Service-Disabled Veteran Business Enterprises (“SDVBEs”).

**6. Certification**

I certify that the above information is true and correct and that I am authorized to prepare, sign, and submit this form on behalf of the Borrower.

I certify that the Borrower will comply with all federal, state and local laws protecting equal opportunity in the project financed by the Pennsylvania Green Energy Loan Fund and will notify GELF of all changes in our use of disadvantaged businesses in this project.

I acknowledge that: the information provided by me on behalf of the Borrower is material and important; the Commonwealth of Pennsylvania shall rely upon this information in submitting reports to the federal government pursuant to the *American Recovery and Reinvestment Act*; and the Commonwealth shall treat any misstatement, omission or misrepresentation as fraudulent concealment of the true facts, punishable pursuant to 18 Pa.C.S. §4904.

\_\_\_\_\_

(signature)

Name:

Title:

Date:

Please return this completed form with an original signature to:

PA Green Energy Loan Fund  
 Reinvestment Fund  
 1700 Market Street - 19<sup>th</sup> Floor  
 Philadelphia, PA 19003

[PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com)

Please direct any questions by email to [PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com).

## 2. Davis-Bacon Act and Prevailing Wages

### A. Background

The Pennsylvania Green Energy Loan Fund (“**GELF**”) must ensure that all GELF energy loan recipients are in compliance with the prevailing wage provisions of the Davis-Bacon Act, 40 U.S.C. §§3141 *et seq.*, as mandated by the American Recovery and Reinvestment Act (“**ARRA**”). Section 1606 of ARRA requires that all laborers and mechanics employed by contractors and subcontractors on projects involving construction, alteration, and/or repair valued in excess of \$2,000 funded directly by or assisted in whole or in part by and through the Federal Government pursuant to ARRA shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

These regulatory requirements flow from the U.S. Department of Energy (“**USDOE**”) to the Pennsylvania Department of Environmental Protection (“**PADEP**”) to Reinvestment Fund to all GELF loan recipients. As a condition to receiving a GELF energy loan, all GELF loan recipients must prepare and submit a **GELF Davis-Bacon Act Affidavit** certifying that they and their project is in compliance with the prevailing wage provisions of the Davis-Bacon Act. This affidavit is described in section 2.B.2 below and a copy of the affidavit is included in Attachment 2 of this *GELF Procedures Manual*.

DOE has issued *Guidance on Implementation of the Davis-Bacon Act Prevailing Wage Requirements for State Energy Program Grant Recipients Under the American Recovery and Reinvestment Act of 2009* on April 7, 2010. This document, State Energy Program Notice 10-003, is available at [http://www1.eere.energy.gov/wip/pdfs/sep\\_dba\\_program\\_notice\\_10-003A.pdf](http://www1.eere.energy.gov/wip/pdfs/sep_dba_program_notice_10-003A.pdf).

GELF will advise GELF Loan Recipients about the process for timely submission of the weekly certified payroll forms. A copy of a certified payroll form (WH-347) can be found at [www.dol.gov/whd/recovery/index.htm](http://www.dol.gov/whd/recovery/index.htm).

### B. GELF Loan Recipient Actions

- 1) The GELF Loan Recipient shall review the Davis-Bacon Act Desk Guide prepared by the USDOE and available for download at [www1.eere.energy.gov/wip/pdfs/doe\\_dba\\_desk\\_guide\\_061610.pdf](http://www1.eere.energy.gov/wip/pdfs/doe_dba_desk_guide_061610.pdf) and make certain that it and all of its contractors and subcontractors on the project are familiar with the prevailing wage provisions of the Davis-Bacon Act.

The GELF Loan Recipient shall complete and submit a **GELF Davis-Bacon Act Affidavit** that is provided as Attachment 2 of this Procedures Manual. This affidavit is a condition of loan closing and must be submitted prior to the GELF loan closing date. A Microsoft Word® version of the **GELF Davis-Bacon Act Affidavit** is available on the GELF website. The form has fields that expand to the needed size for each answer. GELF loan applicants should fill out the Microsoft Word® version of the affidavit.

Early discussion with GELF staff about this affidavit and the prevailing wage requirements are strongly encouraged. Any questions should be directed to [PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com).

The completed affidavit with an original signature is to be submitted to:

PA Green Energy Loan Fund  
Reinvestment Fund  
1700 Market Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19103.

In addition to the hard copy, an electronic version of the completed affidavit is to be emailed to:

[PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com)

- 2) Every GELF Loan Recipient will submit an updated **GELF Davis-Bacon Act Affidavit** as necessary to capture any changes to the status of compliance with the Davis-Bacon Act provisions.
- 3) Every GELF Loan Recipient will obtain wage determinations from the website of the U.S. Department of Labor at <http://www.wdol.gov/> for all work positions at its GELF project. The GELF Loan Recipient will provide a copy of all relevant wage determinations to Reinvestment Fund. Wage determinations shall be provided to Reinvestment Fund prior to the payment of Davis-Bacon Act wages.
- 4) Every GELF Loan Recipient will submit a weekly certified payroll to Reinvestment Fund. The weekly certified payroll form (WH-347) is available at <http://www.dol.gov/whd/forms/wh347.pdf>.
- 5) Every GELF Loan Recipient will agree to open its work sites to unscheduled inspections by staff from the USDOE and PADEP including but not limited to interviews with workers and management staff, audits of payrolls or other records consistent with the inspectors' mandate to ensure compliance with the requirements of the Davis-Bacon Act.

### **C. Reinvestment Fund Actions**

- 1) Reinvestment Fund will provide a copy of this Davis-Bacon Act procedure document to each GELF loan applicant and will respond to any questions that the applicants have.
- 2) Reinvestment Fund will distribute the **GELF Davis-Bacon Act Affidavit** to all GELF loan applicants and will work with all GELF Loan Recipients to ensure the affidavit is completed and submitted to Reinvestment Fund prior to loan closing. The affidavits will be available to PADEP staff for inspection.
- 3) Reinvestment Fund will receive the wage determination reports submitted by the GELF Loan Recipients and include it in the project file. Reinvestment Fund will contact the GELF Loan Recipients who fail obtain or submit these wage determination reports to Reinvestment Fund.
- 4) Reinvestment Fund will collect the weekly certified payrolls submitted by the GELF Loan Recipients. Reinvestment Fund will contact the GELF Loan Recipients who fail to submit the certified payrolls on a timely basis. Reinvestment Fund will review these for compliance and transmit the weekly certified payroll forms it receives from the GELF Loan Recipients to PADEP's program officer for the GELF Loan Program.

**Attachment 2: GELF Davis-Bacon Act Affidavit**



**REINVESTMENT  
FUND**



**PENNSYLVANIA GREEN ENERGY LOAN FUND  
Davis-Bacon Act Prevailing Wage Affidavit**

1. Borrower			
Legal Name of Borrower:			FEIN:
Address: - Street:			DUNS Number:
City:	State:	Zip: -	SAM Number:
Main Telephone: - -	Website:		NAICS Number:

2. Contact Person	
Contact Person Name:	Contact Person Title:
Contact Person Phone:	Contact Person Email:

3. Proposed Energy Project		
Project Name:		
Project Address: Street:		City:
County:	State:	Zip:
Brief Project Description:		

4. Compliance with the Davis-Bacon Act	
Based upon the guidance provided by the U.S. Department of Energy and the Pennsylvania Department of Environmental Protection, I have determined that my project ( <i>select one of the following</i> ):	
<input type="checkbox"/>	Is subject to the Davis-Bacon Act wage requirements.
<input type="checkbox"/>	Is NOT subject to Davis-Bacon Act wage requirements for this grant project. Explain why you claim that your is not subject to the Davis-Bacon Act:
Is your project receiving any other federal, state, or local government funding that triggers the Davis-Bacon Act, the Pennsylvania Prevailing Wage Act, or other laws? <input type="checkbox"/> Yes <input type="checkbox"/> No.	

**5. Certification**

I certify that the above information is true and correct and that I am authorized to prepare, sign, and submit this form on behalf of the Borrower.

I certify that the Borrower will comply with the provisions of the Davis-Bacon Act in the project being financed by the Pennsylvania Green Energy Loan Fund and will submit to GELF or to the entity directed by GELF the weekly certified payroll forms (WH-347) and will take all steps necessary to be in compliance with the Davis-Bacon Act.

I acknowledge that: the information provided by me on behalf of the Borrower is material and important; the Commonwealth of Pennsylvania shall rely upon this information in submitting reports to the federal government pursuant to the *American Recovery and Reinvestment Act*; and the Commonwealth shall treat any misstatement, omission or misrepresentation as fraudulent concealment of the true facts, punishable pursuant to 18 Pa.C.S. §4904.

\_\_\_\_\_  
(signature)

Name:

Title:

Date:

Please return this completed form with an original signature to:

PA Green Energy Loan Fund  
Reinvestment Fund  
1700 Market Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19003

[PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com)

Please direct any questions by email to [PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com).

### 3. National Environmental Policy Act (NEPA)

#### A. Background

Recipients of GELF energy loans will comply with all applicable Federal, State, and local environmental requirements, including: National Environmental Policy Act (“**NEPA**”), National Historic Preservation Act, Endangered Species Act, the Clean Air Act, the Federal Water Pollution and Control Act, and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898). These regulatory requirements flow from the U.S. Department of Energy (“**USDOE**”) to the Pennsylvania Department of Environmental Protection (“**PADEP**”) to Reinvestment Fund to all GELF loan recipients. As a condition to receiving a GELF energy loan, all GELF loan recipients must prepare and submit a **GELF NEPA Affidavit** certifying that they and their project is in compliance with environmental law. This affidavit is described in section 3.B.2 below and a copy of the affidavit is included in Attachment 3 of this *GELF Procedures Manual*.

Formal guidance on environmental compliance issues was issued by DOE on December 17, 2009. This guidance, SEP Program Notice 10-001, is available at [http://www1.eere.energy.gov/wip/pdfs/nepa\\_program\\_guidance\\_notice\\_10-003.pdf](http://www1.eere.energy.gov/wip/pdfs/nepa_program_guidance_notice_10-003.pdf). Additional NEPA guidance is available at the main DOE web page NEPA at [http://www1.eere.energy.gov/wip/nepa\\_guidance.html](http://www1.eere.energy.gov/wip/nepa_guidance.html).

DOE has concluded that many types (or classes) of actions *normally* do not have the potential to cause significant environmental impacts and, thus, are categorically excluded from the need for additional NEPA review. The list of DOE’s Categorical Exclusions is contained in Appendices A and B to Subpart D of DOE’s NEPA regulations (10 CFR Part 1021), which can be found at [http://www1.eere.energy.gov/wip/pdfs/template\\_nepa\\_review.pdf](http://www1.eere.energy.gov/wip/pdfs/template_nepa_review.pdf).

GELF will give strong preference to projects that meet DOE guidelines for Categorical Exclusions (or CX) from NEPA environmental review. If a project does not fully qualify for the Categorical Exclusion, the GELF loan recipient will assist Reinvestment Fund and PADEP in completing an ES-1 form to obtain approval from DOE. The ES-1 form template will be provided if needed. All ES-1 forms will be submitted to DOE by the DEP GELF program officer.

#### B. GELF Applicant Actions

- 1) All GELF applicants will carefully review the DOE guidance document on NEPA, available at [http://www1.eere.energy.gov/wip/pdfs/nepa\\_program\\_guidance\\_notice\\_10-003.pdf](http://www1.eere.energy.gov/wip/pdfs/nepa_program_guidance_notice_10-003.pdf), with special attention to the specific energy measures that are Categorically Excluded from NEPA review.
- 2) The GELF Loan Recipient shall complete and submit a **GELF NEPA Affidavit** that is provided as Attachment 3 of this Procedures Manual. This affidavit is a condition of loan closing and must be submitted prior to the GELF loan closing date. The copy of **GELF NEPA Affidavit** is provided as Attachment 3 for reference only. A Microsoft Word® version of the **GELF NEPA Affidavit** is available on the GELF website. The form has fields that expand to the needed size for each answer. GELF loan applicants should fill out the Microsoft Word® version of the affidavit.

Early discussion with GELF staff about this affidavit and the NEPA requirements are strongly encouraged. Any questions should be directed to [PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com).

The completed affidavit with an original signature is to be submitted to:

PA Green Energy Loan Fund  
Reinvestment Fund  
1700 Market Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19103.

In addition to the hard copy, an electronic version of the completed affidavit is to be emailed to:

[PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com)

- 3) In the **GELF NEPA Affidavit**, all GELF applicants will inform Reinvestment Fund of all proposed measures in their project that fall with the Categorical Exclusions and all proposed energy measures that fall outside the Categorical Exclusions. The strong preference is for GELF to fund energy measures that qualify for the Categorical Exclusion.
- 4) If the GELF applicant and Reinvestment Fund agree that there are energy measures of merit that fall outside the Categorical Exclusions, then the GELF applicant will complete the first draft of the ES-1 form, which will be provided as needed. The GELF applicant will submit to Reinvestment Fund an electronic version of the draft ES-1 form for review and editing. The GELF applicant will comply with the final DOE ruling on the ES-1 request and make appropriate modifications to the GELF financing request.
- 5) Every GELF Loan Recipient will submit an updated **GELF NEPA Affidavit** as necessary to capture any changes to the measures being implemented with GELF financing or the status of compliance with NEPA provisions.
- 6) Throughout the GELF project, the GELF Loan Recipient will comply with all local, state and federal environmental regulations and requirements and will secure all necessary permits.

### **C. Reinvestment Fund Actions**

- 1) Reinvestment Fund will provide a copy of this NEPA procedure document to each GELF loan applicant and will respond to any questions that the applicants have.
- 2) Reinvestment Fund will distribute the **GELF NEPA Affidavit** to all GELF loan applicants and will work all GELF Loan Recipients to ensure the affidavit is completed and submitted to Reinvestment Fund prior to loan closing. The affidavits will be available to PADEP staff for inspection.
- 3) Reinvestment Fund will review the list of proposed energy measures submitted by the GELF applicant and will determine whether the GELF applicant has correctly classified the proposed measures into those that qualify for Categorical Exclusion and those that do not. Reinvestment Fund will consult with the DEP GELF program officer on any issues or questions.
- 4) If an ES-1 form is necessary, Reinvestment Fund will review the GELF applicant's first draft of the ES-1 form and propose any appropriate changes. Once Reinvestment Fund and the GELF applicant are in agreement with the draft ES-1, Reinvestment Fund will forward the document

to the DEP GELF program officer for review and edits of the ES-1 form. The DEP GELF program officer will file the ES-1 form with DOE for review and approval.

- 5) Reinvestment Fund will communicate the DOE final action to the GELF applicant. Reinvestment Fund will work with the GELF applicant to bring the project's energy measures into compliance with the DOE determination on the ES-1 request.

**Attachment 3: GELF NEPA Affidavit**



**REINVESTMENT  
FUND**



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**PENNSYLVANIA GREEN ENERGY LOAN FUND  
National Environmental Policy Act (NEPA) Affidavit**

1. Borrower			
Legal Name of Borrower:			FEIN:
Address: - Street:			DUNS Number:
City:	State:	Zip: -	SAM Number:
Main Telephone: - -	Website:		NAICS Number:
2. Contact Person			
Contact Person Name:		Contact Person Title:	
Contact Person Phone:		Contact Person Email:	
3. Proposed Energy Project			
Project Name:			
Project Address: Street:		City:	
County:		State:	Zip:
Brief Project Description:			
4. Compliance with the National Environmental Policy Act of 1978			
Based upon the guidance provided by the U.S. Department of Energy and the Pennsylvania Department of Environmental Protection, I have determined that ( <i>select one of the following</i> ):			
<input type="checkbox"/>	All of energy measures which will be installed in my project with GELF funding <u>are</u> included in the list of measures that are Categorically Excluded from further NEPA review according to the terms of USDOE/PADEP grant agreement and the USDOE NEPA regulations. <i>If this box is checked, complete Part 5, skip Part 6 and complete Part 7 of this form.</i>		
<input type="checkbox"/>	Some of the energy measures which will be installed in my project with GELF funding are <u>not</u> included in the list of measures that are Categorically Excluded from further NEPA review according to the terms of USDOE/PADEP grant agreement and the USDOE NEPA regulations. <i>If this box is checked, complete Part 5, Part 6 and Part 7 of this form. GELF and the Borrower will need to file an ES-1 document with the US DOE to obtain a Finding of No Significant Impact for the non-CX measures before GELF can finance those measures.</i>		



PA GELF – NEPA

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**7. Certification**

I certify that the above information is true and correct and that I am authorized to prepare, sign, and submit this form on behalf of the Borrower.

I certify that the Borrower will comply with all federal, state and local laws protecting the environment in the project financed by the Pennsylvania Green Energy Loan Fund and will work with GELF to secure approval from US DOE for any non-CX measures in this project.

I acknowledge that: the information provided by me on behalf of the Borrower is material and important; the Commonwealth of Pennsylvania shall rely upon this information in submitting reports to the federal government pursuant to the *American Recovery and Reinvestment Act*; and the Commonwealth shall treat any misstatement, omission or misrepresentation as fraudulent concealment of the true facts, punishable pursuant to 18 Pa.C.S. §4904.

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(signature)

Name:

Title:

Date:

Please return this completed form with an original signature to:

PA Green Energy Loan Fund  
Reinvestment Fund  
1700 Market Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19003

[PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com)

Please direct any questions by email to [PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com).

## 4. Historical Preservation Provisions

### A. Background

The Pennsylvania Green Energy Loan Fund (“**GELF**”) must ensure that all GELF energy loan recipients are in compliance with the historic preservation provisions as mandated by the federal National Historic Preservation Act of 1966. These regulatory requirements flow from the U.S. Department of Energy (“**USDOE**”) to the Pennsylvania Department of Environmental Protection (“**PADEP**”) to Reinvestment Fund to all GELF loan recipients. As a condition to receiving a GELF energy loan, all GELF loan recipients must prepare and submit a **GELF Historic Preservation Affidavit** certifying that they and their project is in compliance with environmental law. This affidavit is described in section 4.B.1 below and a copy of the affidavit is included in Attachment 4 of this *GELF Procedures Manual*.

Historic preservation issues arise in projects that involve buildings that are:

- a) 50 or more years old;
- b) located in a building on the National Register of Historic Places (see <http://www.nps.gov/nr/>);  
or,
- c) located in a local historic district on the National Register of Historic Places (see <http://www.nps.gov/nr/>).

If none of these apply to a project, then no additional work is necessary on the issue of historic preservation. If the building involved meets one of more of these criteria, then additional work to comply with the historic preservation requirements is needed.

The U.S. Department of Energy (DOE) has created a web page that addresses the Section 106 review under the NHPA and other historic preservation issues that can be found at [http://eere.energy.gov/wip/historic\\_preservation.html](http://eere.energy.gov/wip/historic_preservation.html). GELF is subject to the DOE guidance on the historic preservation issued as SEP Program Notice 10-006 on February 11, 2010 and available at [http://eere.energy.gov/wip/pdfs/historic\\_preservation\\_program\\_guidance.pdf](http://eere.energy.gov/wip/pdfs/historic_preservation_program_guidance.pdf). The federal regulation implementing the Section 106 review process appear in the U.S. Code of Federal Regulations at 36 CFR Part 800 (see <http://www.achp.gov/regs-rev04.pdf>).

DOE has executed a Programmatic Agreement with PADEP and the Pennsylvania Historical and Museum Commission (“PHMC”) that lists the many energy measures that do not have the potential to negatively affect historic properties and makes those measure exempt from further Section 106 review. The Programmatic Agreement can be found at [http://www1.eere.energy.gov/wip/pdfs/historic\\_preservation\\_doe\\_prototype\\_pa.pdf](http://www1.eere.energy.gov/wip/pdfs/historic_preservation_doe_prototype_pa.pdf). Appendix A and Appendix B contain the list of energy measures that are exempt for purposes of GELF.

If the historic preservation rules apply to a project, the next issue is whether GELF is financing only energy measures that are on the exempt measure list in Appendix A and Appendix B of the Programmatic Agreement ( [http://www1.eere.energy.gov/wip/pdfs/historic\\_preservation\\_doe\\_prototype\\_pa.pdf](http://www1.eere.energy.gov/wip/pdfs/historic_preservation_doe_prototype_pa.pdf)). If so, then no formal review is needed by the PHMC.

For projects implementing measures not exempt under the Programmatic Agreement, GELF and the GELF applicant will need to work with PHMC to determine what level of Section 106 review is

needed. The PHMC website is [http://www.portal.state.pa.us/portal/server.pt/community/phmc\\_home/1426](http://www.portal.state.pa.us/portal/server.pt/community/phmc_home/1426). Information about the Bureau and its Section 106 review process is available at [http://www.portal.state.pa.us/portal/server.pt/community/historic\\_preservation/3741](http://www.portal.state.pa.us/portal/server.pt/community/historic_preservation/3741).

The contact person at the Bureau for Historic Preservation is Ann Safley. Her contact information is:

Ann Safley  
Bureau for Historic Preservation  
Pennsylvania Historical and Museum Commission  
Commonwealth Keystone Building - 2nd Floor  
400 North Street  
Harrisburg, PA 17120-0093

phone: 717.787.9121  
email: [rsafley@state.pa.us](mailto:rsafley@state.pa.us)

## B. GELF Applicant Actions

- 1) The GELF Loan Recipient shall complete and submit a **GELF Historic Preservation Affidavit** that is provided as Attachment 3 of this Procedures Manual. This affidavit is a condition of loan closing and must be submitted prior to the GELF loan closing date. The copy of **GELF Historic Preservation Affidavit** is provided as Attachment 3 for reference only. A Microsoft Word® version of the **GELF Historic Preservation Affidavit** is available on the GELF website. The form has fields that expand to the needed size for each answer. GELF loan applicants should fill out the Microsoft Word® version of the affidavit.
- 2) GELF staff will provide GELF loan applicants with the electronic version of the affidavit, which is a Microsoft Word form that has fields that expand to the needed size for each answer. GELF loan applicants should fill out the Microsoft Word version of the affidavit.

Early discussion with GELF staff about this affidavit and the historic preservation requirements are strongly encouraged. Any questions should be directed to [PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com).

The completed affidavit with an original signature is to be submitted to:

PA Green Energy Loan Fund  
Reinvestment Fund  
1700 Market Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19103.

In addition to the hard copy, an electronic version of the completed affidavit is to be emailed to:

[PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com)

- 2) If the proposed project involves a building subject to the historical preservation requirements and will have energy measures not exempt as listed in Appendix A and Appendix B of the Programmatic Agreement, the GELF applicant will pursue further historic preservation review of the project. The GELF applicant will, at the earliest feasible time, file a *Request to Initiate Consultation in Compliance with the State History Code and Section 106 of the National Historic Preservation*

*Act* with the Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission. The Request to Initiate Consultation form is available at: [http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS\\_0\\_77423\\_29938\\_3741\\_418107\\_43/http://pubcontent.state.pa.us/publishedcontent/publish/cop\\_environment/phmc/communities/extranet/preservationprograms/redolayout/section106pahistorycoderlinks/links/ER\\_submission\\_form.doc](http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS_0_77423_29938_3741_418107_43/http://pubcontent.state.pa.us/publishedcontent/publish/cop_environment/phmc/communities/extranet/preservationprograms/redolayout/section106pahistorycoderlinks/links/ER_submission_form.doc). The GELF Loan Recipients will inform the Bureau that they will be receiving financial assistance from the American Recovery and Reinvestment Act through the U.S Department of Energy and the Pennsylvania Department of Environmental Protection.

- 3) The GELF applicant will cooperate with the Bureau for Historic Preservation and submit in a timely manner all information requested by the Bureau in its Section 106 review.
- 4) The GELF applicant will provide Reinvestment Fund with a copy of all documents and materials it submits to the Bureau or that it receives from the Bureau.
- 5) Every GELF Loan Recipient will submit an updated **GELF Historic Preservation Affidavit** as necessary to capture any changes to the measures being implemented with GELF financing or the status of compliance with the historic preservation provisions.

### **C. Reinvestment Fund Actions**

- 1) Reinvestment Fund will provide a copy of this historical preservation procedure document to each GELF loan applicant and will respond to any questions that the applicants have.
- 2) Reinvestment Fund will distribute the **GELF Historic Preservation Affidavit** to all GELF loan applicants and will work all GELF Loan Recipients to ensure the affidavit is completed and submitted to Reinvestment Fund prior to loan closing. The affidavits will be available to PADEP staff for inspection.
- 3) If the Historic Preservation provisions do not apply, no further action is necessary.
- 4) For those projects that are subject to the historical preservation requirements and that are seeking to finance energy measures not in Appendix A and Appendix B of the Programmatic Agreement, Reinvestment Fund will monitor the Applicant's interaction with the Pennsylvania Historical and Museum Commission. Reinvestment Fund will receive a copy of the Request for Consultation form submitted by the GELF applicant. The Request for Consultation form will be filed in the GELF Loan Recipient's project file.
- 5) Reinvestment Fund will receive all other documents relevant to the Section 106 review submitted by the GELF applicant or the Bureau of Historic Preservation. All documents will be filed in the GELF Loan Recipient's project file. All Documents will be provided to PADEP's Program Officer for review and approval.

**Attachment 4: GELF Historic Preservation Affidavit**



**REINVESTMENT  
FUND**



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**PENNSYLVANIA GREEN ENERGY LOAN FUND  
Historic Preservation Affidavit**

1. Borrower			
Legal Name of Borrower:			FEIN:
Address: - Street:			DUNS Number:
City:	State:	Zip: -	SAM Number:
Main Telephone: - -	Website:		NAICS Number:

2. Contact Person	
Contact Person Name:	Contact Person Title:
Contact Person Phone:	Contact Person Email:

3. Proposed Energy Project			
Project Name:			
Project Address: Street:		City:	
County:		State:	Zip:
Date of Construction of the building:	Is building located in a Historic District? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Brief Project Description:			

4. Compliance with the National Historic Preservation Act of 1966	
Based upon the guidance provided by the U.S. Department of Energy and the Pennsylvania Department of Environmental Protection, I have determined that my project ( <i>select one of the following</i> ):	
<input type="checkbox"/>	Is <u>not</u> subject to a §106 review under the federal National Historic Preservation Act of 1966 because the building is not more than 50 years old and is not located in a Historic District. <i>If this box is checked, skip Part 5 and Part 6 and complete Part 7.</i>
<input type="checkbox"/>	Is subject to the federal National Historic Preservation Act (because the building is more than 50 years old and/or is located in a Historic District) but all of the work to be funded by GELF are energy measures listed in Appendix A and Appendix B of the Programmatic Agreement as having no potential to cause effects on historic properties. <i>If this box is checked, complete Part 5, skip Part 6 and complete Part 7.</i>

Website: [www.reinvestment.com/GELF](http://www.reinvestment.com/GELF)

10.09.20

<input type="checkbox"/>	Is subject to the federal National Historic Preservation Act (because the building is more than 50 years old and/or is located in a Historic District) and some of the work to be funded by GELF are not energy measures listed in Appendix A and Appendix B of the Programmatic Agreement, but the proposed building energy project has received the approval of the Pennsylvania Historical and Museum Commission. <i>If this box is checked, complete Part 5, Part 6 and Part 7 and attach a copy of the PHMC approval letter.</i>
<input type="checkbox"/>	Is subject to the federal National Historic Preservation Act (because the building is more than 50 years old and/or is located in a Historic District) and some of the work to be funded by GELF are not energy measures listed in Appendix A and Appendix B of the Programmatic Agreement, and a <i>Request to Initiate Consultation</i> form has been submitted (date: _____) to the Pennsylvania Historical and Museum Commission. <i>If this box is checked, complete Part 5, Part 6 and Part 7 and attach a copy of the Request to Initiate Consultation form submitted to PHMC.</i>
<input type="checkbox"/>	Is subject to the federal National Historic Preservation Act (because the building is more than 50 years old and/or is located in a Historic District) and some of the work to be funded by GELF are not energy measures listed in Appendix A and Appendix B of the Programmatic Agreement, and a <i>Request to Initiate Consultation</i> form has not yet been submitted to the Pennsylvania Historical and Museum Commission. <i>If this box is checked, complete Part 5, Part 6 and Part 7.</i>  The <i>Request to Initiate Consultation</i> form will be submitted by: _____ [date].

<b>5. Description of Measures to be Financed by GELF that <u>are</u> Listed in Appendix A and Appendix B of the Programmatic Agreement</b>	
If the building is more than 50 years old, list all of the energy measures to be financed by the Pennsylvania Green Energy Loan Fund that are listed in Appendix A and Appendix B of the Programmatic Agreement. <i>If the building is 50 or less years old and not in a Historic District (i.e. box 1 of Part 4), this section does not need to be completed.</i>	
	<b>Description of Measure</b>

<b>6. Description of Measures to be Financed by GELF that are <u>not</u> Listed in Appendix A and Appendix B of the Programmatic Agreement</b>	
If the building is more than 50 years old or in a Historic District, list all of the energy measures to be financed by the Pennsylvania Green Energy Loan Fund that are not listed in Appendix A and Appendix B of the Programmatic Agreement. <i>If the building is 50 or less years old and not in a Historic District, this section does not need to be completed.</i>	
	<b>Description of Measure</b>

PA GELF – Historic Preservation Affidavit

Page 3


**7. Certification**

I certify that the above information is true and correct and that I am authorized to prepare, sign, and submit this form on behalf of the Borrower.

I certify that the Borrower will comply with all federal, state and local laws protecting historical buildings in the project being financed by the Pennsylvania Green Energy Loan Fund and will work with GELF to secure any approvals needed by this project from the Pennsylvania Historical and Museum Commission.

I acknowledge that: the information provided by me on behalf of the Borrower is material and important; the Commonwealth of Pennsylvania shall rely upon this information in submitting reports to the federal government pursuant to the *American Recovery and Reinvestment Act*; and the Commonwealth shall treat any misstatement, omission or misrepresentation as fraudulent concealment of the true facts, punishable pursuant to 18 Pa.C.S. §4904.

\_\_\_\_\_

(signature)

Name:

Title:

Date:

Please return this completed form with an original signature to:

PA Green Energy Loan Fund  
Reinvestment Fund  
1700 Market Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19003

[PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com)

Please direct any questions by email to [PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com).

## 5. Project Waste Management Plan

### A. Background

The Pennsylvania Green Energy Loan Fund (“**GELF**”) must ensure that sound waste management plans are in place for all energy projects financed by GELF. These regulatory requirements flow from the U.S. Department of Energy (“**USDOE**”) to the Pennsylvania Department of Environmental Protection (“**PADEP**”) to Reinvestment Fund to all GELF loan recipients. As a condition to receiving a GELF energy loan, all GELF loan recipients must prepare and submit a **GELF Waste Management Plan Affidavit** that identifies the waste that their project will generate and their plans for handling, recycling and disposing of that waste. This affidavit is described in section 5.B.1 below and a copy of the affidavit is included in Attachment 5 of this *GELF Procedures Manual*.

### B. GELF Loan Recipient Actions

- 1) The GELF Loan Recipient shall complete and submit a **GELF Waste Management Plan Affidavit** that is provided as Attachment 5 of this Procedures Manual. This affidavit is a condition of loan closing and must be submitted prior to the GELF loan closing date. The copy of **GELF Waste Management Plan Affidavit** is provided as Attachment 5 for reference only. A Microsoft Word® version of the **GELF Waste Management Plan Affidavit** is available on the GELF website. The form has fields that expand to the needed size for each answer. GELF loan applicants should fill out the Microsoft Word® version of the affidavit.
- 2) Early discussion with GELF staff about this affidavit and the waste management issues are strongly encouraged. Any questions should be directed to [PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com).

The completed affidavit with an original signature is to be submitted to:

PA Green Energy Loan Fund  
Reinvestment Fund  
1700 Market Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19103.

In addition to the hard copy, an electronic version of the completed affidavit is to be emailed to:

[PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com)

- 3) Every GELF Loan Recipient will submit an updated **GELF Waste Management Plan Affidavit** as necessary to capture any changes to the waste management plan or the status of compliance with waste management provisions.

### C. Reinvestment Fund Actions

- 1) Reinvestment Fund will provide a copy of these Project Waste Management Plan procedures to each GELF loan applicant and will respond to any questions that the applicants have.
- 2) Reinvestment Fund will distribute the **GELF Waste Management Plan Affidavit** to all GELF loan applicants and will work with all GELF Loan Recipients to ensure the affidavit is

completed and submitted to Reinvestment Fund prior to loan closing. The affidavits will be available to PADEP staff for inspection.

**Attachment 5: GELF Waste Management Plan Affidavit**



**PENNSYLVANIA GREEN ENERGY LOAN FUND  
Waste Management Plan and Affidavit**

1. Borrower			
Legal Name of Borrower:			FEIN:
Address: - Street:			DUNS Number:
City:	State:	Zip: -	SAM Number:
Main Telephone: - -	Website:		NAICS Number:

2. Contact Person	
Contact Person Name:	Contact Person Title:
Contact Person Phone:	Contact Person Email:

3. Proposed Energy Project		
Project Name:		
Project Address: Street:		City:
County:	State:	Zip:
Brief Project Description:		

4. Information about Anticipated Waste Generated			
Implementation of the proposed project, will require disposal of the following sanitary or hazardous waste:			
Waste Type	Total Anticipated Weight (indicate lbs or kg)	Waste Type	Total Anticipated Weight (indicate lbs or kg)
<input type="checkbox"/> Demolition and Construction Debris		<input type="checkbox"/> Light Bulbs	
<input type="checkbox"/> Lamp ballasts		<input type="checkbox"/> Piping	
<input type="checkbox"/> Roofing Materials		<input type="checkbox"/> Discarded equipment	
<input type="checkbox"/> Asbestos		<input type="checkbox"/> Other - type:	
<input type="checkbox"/> Other - type:		<input type="checkbox"/> Other - type:	

5. Compliance with Waste Management Provisions	
Based upon the guidance provided by the U.S. Department of Energy and the Pennsylvania Department of Environmental Protection, I have determined that my project <i>[select one of the following]</i> :	
<input type="checkbox"/>	Will generate a combined total of <u>100 kilograms or less</u> of sanitary or hazardous waste. If this box is checked, complete Part 6, Information about the Waste Management Plan. <i>If this box is checked, you may skip Part 6 and go to Part 7.</i>
<input type="checkbox"/>	Will generate a combined total of <u>more than 100 kilograms</u> of sanitary or hazardous waste. <i>If this box is checked, complete Part 6 and Part 7.</i>

6. Waste Management Plan			
Please indicate the disposal plan for each waste item noted in Part 4. Provide name of permitted hauler as well as name and location of the facility receiving your sanitary or hazardous waste. Also describe the disposition of the waste (reused, recycled, burned for energy recovery, treated, disposed, etc.). <i>In addition to completing this Part, you may attach a waste management plan narrative document. NOTE: If the disposal plan changes during the course of the project, you must submit an updated Waste Management Affidavit and Plan.</i>			
Waste Type	Permitted Transporter Name and Address	Permitted Waste Facility Name and Address	Disposition
Demolition and Construction Debris			
Light bulbs			
Lamp ballast			
Piping			
Roofing material			
Discarded equipment			
Asbestos			
Other:			
Other:			

**7. Certification**

I certify that the information I have provided in this form is true and correct and that I am authorized to prepare, sign, and submit this form on behalf of the Borrower.

I certify that the Borrower will comply with all Federal, state and local laws and regulations for the disposal of waste from the project being financed by the Pennsylvania Green Energy Loan Fund and will notify GELF of all changes to the Waste Management Plan.

I acknowledge that: the information provided by me on behalf of the Borrower is material and important; the Commonwealth of Pennsylvania shall rely upon this information in submitting reports to the federal government pursuant to the American Recovery and Reinvestment Act; and the Commonwealth shall treat any misstatement, omission or misrepresentation as fraudulent concealment of the true facts, punishable pursuant to 18 Pa.C.S. §4904.

\_\_\_\_\_  
(signature)

Name:

Title:

Date:

Please return this completed form with an original signature to:

PA Green Energy Loan Fund  
Reinvestment Fund  
1700 Market Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19003

[PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com)

Please direct any questions by email to [PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com).

## 6. Buy American Provisions

### A. Background

If a GELF loan recipient is a government entity (the United States; the Commonwealth of Pennsylvania, a county or local government, or a multi-state, regional, or interstate entity which has governmental functions) and the financed project involves a public building, the Buy American provision in the American Recovery and Reinvestment Act of 2009 (§1605 of Title XVI) will apply. The Buy American provision requires that all the iron, steel, and manufactured goods used for the construction, alteration, or repair of a public building or public work must be produced in the United States, subject to three listed exceptions.

Important information about section 1605 of Title XVI of the Recovery Act (the Buy American provision) is available on a dedicated section of the website of DOE's Office of Energy Efficiency and Renewable Energy (EERE): [http://www1.eere.energy.gov/recovery/buy\\_american\\_provision.html](http://www1.eere.energy.gov/recovery/buy_american_provision.html). This section will be updated regularly with new documents pertaining to the Buy American provision (e.g., Frequently Asked Questions (FAQs), formal guidance, and waivers).

On December 19, 2009, the U.S. Department of Energy issued a guidance document entitled *Guidance on the Buy American Provisions as Applied to Energy Efficiency and Renewable Energy Projects Funded by the American Recovery and Reinvestment Act of 2009 and Administered by the Office of Energy Efficiency and Renewable Energy*. This Guidance is located at [http://apps1.eere.energy.gov/state\\_energy\\_program/pdfs/buy\\_american\\_program\\_guidance.pdf](http://apps1.eere.energy.gov/state_energy_program/pdfs/buy_american_program_guidance.pdf). DOE has issued additional materials regarding the Buy American Provision on its website at [http://www2.eere.energy.gov/recovery/buy\\_american\\_provision.html](http://www2.eere.energy.gov/recovery/buy_american_provision.html).

USDOE has prepared a useful Desk Guide to the Buy American Act. This document is available at [http://www1.eere.energy.gov/recovery/pdfs/buy\\_american\\_desk\\_guide.pdf](http://www1.eere.energy.gov/recovery/pdfs/buy_american_desk_guide.pdf)

### B. GELF Loan Recipient Actions

- 1) If the GELF Loan Recipient and the project are subject to the Buy American provisions of ARRA, the GELF Loan Recipient will review all U.S. Department of Energy guidance on Buy American and will comply with the Buy American requirements.
- 3) The GELF Loan Recipient shall complete and submit a **GELF Buy American Affidavit** that is provided as Attachment 6 of this Procedures Manual. This affidavit is a condition of loan closing and must be submitted prior to the GELF loan closing date. The copy of **GELF Buy American Affidavit** is provided as Attachment 6 for reference only. A Microsoft Word<sup>®</sup> version of the **GELF Buy American Affidavit** is available on the GELF website. The form has fields that expand to the needed size for each answer. GELF loan applicants should fill out the Microsoft Word<sup>®</sup> version of the affidavit.

Early discussion with GELF staff about this affidavit and the Buy American requirements are strongly encouraged. Any questions should be directed to [PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com).

The completed affidavit with an original signature is to be submitted to:

PA Green Energy Loan Fund  
Reinvestment Fund  
1700 Market Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19103.

In addition to the hard copy, an electronic version of the completed affidavit is to be emailed to:

[PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com)

- 2) Every GELF Loan Recipient will submit an updated **GELF Buy American Affidavit** as necessary to capture any changes to the status of compliance with the Buy American provisions.
- 3) If the GELF Loan Recipient intends to request a waiver of the Buy American requirements for any component of its project (see [http://www1.eere.energy.gov/recovery/pdfs/eere\\_buy\\_american\\_nonavailability\\_template.pdf](http://www1.eere.energy.gov/recovery/pdfs/eere_buy_american_nonavailability_template.pdf)), it will complete and submit to Reinvestment Fund the initial draft of the waiver request for review and comment.
- 4) The GELF Loan Recipient will comply with the procedures described in the U.S. Department of Energy's document (or its successor) *Guidance on Documenting Compliance with the Recovery Act Buy American Provisions*, effective May 24, 2010, at [http://www1.eere.energy.gov/recovery/pdfs/eere\\_buy\\_american\\_documentation\\_guidance.pdf](http://www1.eere.energy.gov/recovery/pdfs/eere_buy_american_documentation_guidance.pdf).
- 5) The GELF Loan Recipient will provide Reinvestment Fund with copies of any and all documents demonstrating compliance with the Buy American provisions.

### **C. Reinvestment Fund Actions**

- 1) Reinvestment Fund will provide a copy of these Buy American procedures to each GELF loan applicant and will respond to any questions that the applicants have.
- 2) Reinvestment Fund will distribute the GELF Buy American Affidavit to all GELF loan applicants and will work with all GELF Loan Recipients to ensure the affidavit is completed and submitted to Reinvestment Fund prior to loan closing. The affidavits will be available to PADEP staff for inspection.
- 3) If the Buy American provisions do not apply, no further action is necessary.
- 4) If the Buy American provisions do apply, Reinvestment Fund will:
  - a) Direct the GELF Loan Recipient to the Buy American webpage of the U.S. Department of Energy ([http://www1.eere.energy.gov/recovery/buy\\_american\\_provision.html](http://www1.eere.energy.gov/recovery/buy_american_provision.html)).
  - b) Direct the GELF Loan Recipient to the U.S. Department of Energy's document (or its successor) *Guidance on Documenting Compliance with the Recovery Act Buy American Provisions*, effective May 24, 2010, at [http://www1.eere.energy.gov/recovery/pdfs/eere\\_buy\\_american\\_documentation\\_guidance.pdf](http://www1.eere.energy.gov/recovery/pdfs/eere_buy_american_documentation_guidance.pdf).

- 5) If a GELF Loan Recipient is requesting a waiver, Reinvestment Fund will review the GELF Loan Recipient's first draft of the waiver request form and propose any appropriate changes. Once Reinvestment Fund and the GELF applicant are in agreement with the draft waiver request, Reinvestment Fund will forward the waiver request to the DEP GELF program officer for review and final edits. The DEP GELF program officer will file the waiver request form with DOE for review and approval.

Reinvestment Fund will communicate DOE's final action on the waiver request to the GELF Loan Recipient.

- 6) Reinvestment Fund will monitor whether it has received from the GELF Loan Recipient the documentation to show compliance with the Buy American provisions. Reinvestment Fund will contact the GELF Loan Recipients who fail submit the Buy American documentation. All documentation of Buy American compliance will be filed in the GELF Loan Recipient's project file. All Documents will be provided to DEP's Program Officer for review and approval.

**Attachment 6: GELF Buy American Affidavit**



**REINVESTMENT  
FUND**



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**PENNSYLVANIA GREEN ENERGY LOAN FUND  
Buy American Affidavit**

1. Borrower			
Legal Name of Borrower:			FEIN:
Address: - Street:			DUNS Number:
City:	State:	Zip: -	SAM Number:
Main Telephone: - -	Website:		NAICS Number:

2. Contact Person	
Contact Person Name:	Contact Person Title:
Contact Person Phone:	Contact Person Email:

3. Proposed Energy Project			
Project Name:			
Project Address: Street:		City:	
County:	State:	Zip:	
Owner of Building:	Is building owner the federal, state or local government: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Brief Project Description:			

4. Compliance with the Buy American Act	
Based upon the guidance provided by the U.S. Department of Energy and the Pennsylvania Department of Environmental Protection, I have determined that my project ( <i>select one of the following</i> ):	
<input type="checkbox"/>	Is not subject to the Buy American provisions because it does not involve a "public work." <i>All GELF energy projects except those involving buildings owned by the federal, state or local government should check this box. If this box is checked, skip Part 5 and proceed to Part 6.</i>
<input type="checkbox"/>	Is a "public work" subject to the provisions of the Buy American Act and MEETS the requirements of Act because all of the iron, steel and manufactured goods in the project are of domestic origin. <i>If this box is checked, skip Part 5 and proceed to Part 6.</i>



**6. Certification**

I certify that the information I have provided in this form is true and correct and that I am authorized to prepare, sign, and submit this form on behalf of the Borrower.

I certify that the Borrower will comply with the Buy American Act in this project financed by the Pennsylvania Green Energy Loan Fund and will notify GELF of any changes in the project that may affect the project's compliance with the Buy American Act.

I acknowledge that: the information provided by me on behalf of the Borrower is material and important; the Commonwealth of Pennsylvania shall rely upon this information in submitting reports to the federal government pursuant to the American Recovery and Reinvestment Act; and the Commonwealth shall treat any misstatement, omission or misrepresentation as fraudulent concealment of the true facts, punishable pursuant to 18 Pa.C.S. §4904.

\_\_\_\_\_  
(signature)

Name:

Title:

Date:

Please return this completed form with an original signature to:

PA Green Energy Loan Fund  
Reinvestment Fund  
1700 Market Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19003

[PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com)

Please submit any questions by email to [PaGELF@reinvestment.com](mailto:PaGELF@reinvestment.com).