

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF HOUSING AND COMMUNITY RESOURCES
WEATHERIZATION ASSISTANCE PROGRAM
WEATHERIZATION BULLETIN # 418

Updated and Reissued May 15,2013

TO: Executive Directors and Weatherization Managers

FROM Angie Armand, MAS, CPM
Acting Supervisor
Office of Low-Income Energy Conservation

RE: REFRIGERATOR REPLACEMENT PROGRAM POLICY & PROCEDURES

The purpose of the Refrigerator Replacement Program is to reduce the energy burden of low-income families. Electric base load measures when installed as part of a comprehensive energy conservation installation will result in a measurable reduction in the cost of home energy.

The following policies and procedures will apply to the Refrigerator Replacement Program. This list is not all-inclusive and may be amended to address other issues that become apparent after the start of the program.

Refrigerator Replacement Policy

Client Education Acceptance Form

The client must be given adequate information and sign an Acceptance Form to avoid problems with the delivery of the new refrigerator. If the client receives the information and declines to accept a replacement refrigerator, they are still entitled to have other work done that is recommended by the energy audit. It is most important that clients know that the replacement is based on the efficiency of the existing unit so the community does not think everyone who applies will get a new unit.

Payment for Refrigerators and Other Related Costs

The cost of the refrigerator includes delivery. However, if the client does not accept delivery of the unit, there will be a charge for the attempted delivery. To avoid these additional charges, each delivery request should have a backup or alternative delivery site. The alternate site must know that they may not receive the unit "early" so if it is successfully delivered to the primary location the alternate is not disappointed.

Unless there is a serious documented emergency, a client who fails to be available for delivery will forfeit the unit.

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The cost of the refrigerator includes the pickup of the existing unit and refrigerant recovery. If the household has two refrigerators and agrees to discard both to receive one larger new unit, the agency will pay additional fee to have the second refrigerator removed.

Replacement Justification

1. Before a refrigerator can be replaced it must be evaluated. Sub grantee will use the Line Logger database to measure the rate of consumption and maintain the results in the client file.
 - A. Testing is required on **all** refrigerators replaced in dwellings containing 1 -4 units.
 - B. 10% of the total refrigerators proposed to be replaced in a multi-family dwelling, 5 units or more, must be evaluated.
 - C. If no model number is available, then the unit must be metered.
2. Only one (1) new refrigerator per household. If the family has more than one refrigerator, two can be replaced with one large size refrigerator. If the household opts to have only one unit replaced, it will be replaced with a comparable size unit. Free standing freezer units are not included.
3. If two refrigerators exist and only one can be replaced, then the unit with the higher SIR must be replaced.
4. Side by Side refrigerators or bottom freezers are only allowed for disabled and handicapped clients.
5. A new refrigerator cannot be installed where none currently exists. If the refrigerator is inoperable, approval from the OLIEC will be required for replacement. Request must include a picture of the existing unit with efficiency information, if available.
6. The size of the refrigerator will be determined by the number of household members and amount of space available for the unit.
7. Three colors are available (white, black, and egg shell/almond).
8. The sub grantee will ensure that the client receives information regarding the make, model, and color of the refrigerator. The sub grantee will also have the client sign an acceptance form BEFORE the unit is delivered.
9. The client is to receive all instructional and warranty information for the refrigerator.

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10. If a client refuses to accept a refrigerator, does not allow the old unit to be removed, or fails to keep two (2) delivery appointments, no refrigerator will be delivered to the client.
11. If a new refrigerator is defective upon delivery, the sub grantee will notify Sears or Lowes and request a replacement.
12. Sub grantee is required to pay for all refrigerators delivered within 30 business days. Payment cannot be withheld because other Weatherization measures have not passed inspection.

RENTAL AND MULTI-UNITS

1. If tenants pay for electricity and own the existing refrigerator, sub grantees are to use the procedures for single-family owner-occupied units.
2. If tenants do not pay for electricity directly and do not own the existing refrigerator, the replacement should not be considered a priority. If the landlord wants replacements AND the energy audit recommendation supports the measure, leveraging applies. Landlords must pay 50% of the cost for replacements. Any measures ranked higher must be installed before refrigerator replacements.
3. If tenants do not pay for electricity but own the refrigerators, replacement units may be considered AFTER the installation of measures that will reduce heating cost.
4. Refrigerator replacement is part of the average cost, must be recommended by the energy audit, and cannot be installed as a health and safety measure.
5. Replacement is also allowed in vacant units.
6. When a unit becomes vacant and the landlord received the refrigerator through the weatherization program, the refrigerator is to remain in the unit.
7. Copy of invoice for the refrigerator must be included in the client file.

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WEATHERIZATION BULLETIN #419

To: Executive Directors & Weatherization Managers

From: Clarice Sabree-Sylla, Supervisor Office of Low-Income Energy Conservation

Date: March 05, 2003

References: DOE, DHS

Topic: **REFRIGERATOR CALCULATION FOR MOBILE HOMES**

Effective with the issue date of this bulletin, the attached Refrigeration Calculation for Mobile Homes Form must be completed and placed in the client's file when determining the annual consumption of the existing refrigeration in a Mobile Home.

This form must be utilized when replacing an existing refrigerator. Also attached to this bulletin, you will find an example on the completion of the form.

The calculation takes the total annual usage determined either from the database or Line Logger and subtracts the total annual usage of the new refrigerator. This gives the annual savings in KWH. Multiply this by the cost of electricity as found on the client's bill. In the attached example, \$.12 per KWH, multiplying this cost by the annual savings in KWH, gives you the annual savings. Divide this into the cost of the new refrigerator and it will give you the payback period.

Attachment

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REFRIGERATOR CALCULATION FOR MOBILE HOMES

Agency: _____
Job#: _____
Client Name: _____
Client address: _____

Refrigerator make: _____
Refrigerator model no. _____

1. Annual energy consumption as recorded on database: _____
2. Age of refrigerator adjustment factor based on line 1: _____
5-10 years old 10%
10-15 years old 20%
more than 15 years old 30%
3. Add lines 1,2: This number goes on line A _____

Determining the annual kilowatt usage of a refrigerator.

1. Date and time metering begun: _____
2. Reading when metering stopped: _____ kWh
3. Total number of minutes metered: _____
4. Convert to hourly usage: (kWh / minutes x 60 min/hr) _____ kWh/hr
5. Determine annual usage: (kWh/hr x 8766 hr /yr) _____ kWh/yr
6. 8% of number from line 5 if defrost cycle not on *.
7. Age of refrigerator adjustment factor based on line 5: _____
5-10 years old 10 %
10-15 years old 20%
more than 15 years old 30%
8. Add lines 5, 6, and 7: This number goes on line A _____

- A. _____ - 425 = _____ estimated annual savings in kWh.
B. _____ x cost per kWh = _____ estimated annual dollar savings to client.

The total replacement cost for the refrigerator is _____. Divided by the estimated annual dollar savings to client equals a payback period of _____ years. If this number is less than 15, the refrigerator can be replaced since the payback period is less than 15 years.

* If the defrost cycle comes on and you monitor consumption for 24 hours, enter 0 here.

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DIVISION OF HOUSING AND COMMUNITY RESOURCES
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WEATHERIZATION BULLETIN # 420

Updated and Reissued June 17, 2011

TO: Executive Directors and Weatherization Managers

FROM Angie Armand, MAS, CPM
Acting Supervisor
Office of Low-Income Energy Conservation

RE: REPLACEMENT WINDOW POLICY

Effective immediately the following policy will apply when replacing windows applicable to single, mobile, and multi-family units. **Please note that door and window replacement, repair, and/or installation are not eligible WAP health and safety expenses (WPN 11-6).**

1. Replacement of 5 windows or more must be approved by the assigned State Monitor.
2. There must be a SIR of 1 or greater on the NEAT and/or any other approved audit to justify replacement.
3. Existing storm windows must be removed before installing new windows. Clients must be informed of this policy before Weatherization work is completed. If a client refuses to allow storm windows to be removed, then new windows cannot be installed. If the client consents, he/she must sign an acknowledgment that will be placed in the file.
4. Pictures of the existing windows must be placed in the file.
5. Exterior framing must be finished. This means that either the wood is painted or capped and caulked.
6. Rotted wood must be replaced before painting or capping is completed. It is not acceptable to put capping over rotted wood.
7. Windows must operate properly after installation. This means that the window opens and closes smoothly and that locks operate as intended.
8. Pictures of installed replacement (new) windows must be placed in the file.

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WEATHERIZATION BULLETIN # 423

TO: Executive Directors and Weatherization Managers

FROM: Clarice Sabree-Sylla, Supervisor
Office of Low-Income Energy Conservation

Date: May 14, 2008

Topic: **Expandable Foam Products and Application**

Effective immediately, all commercially available expandable foam products are limited to air sealing applications.

Agency Managers/Field Technicians must specify to contractors or agency crewpersons where to apply expandable foam for the purpose of sealing air leaks.

Expandable foam shall not be used as a substitute for insulation and must meet ASTM E-84 Class I approval. This is a material installation standard only and is not intended to address methods of application that are supplied by the manufacturers of these products.

Expandable foam shall not be a substitute or utilized for the following:

- Attic, wall, floor, foundation, pipe, and duct insulation.
- Covering basement windows and/or sealing them shut
- Bilco door insulation
- Sealing around heat dissipating objects
- Sealing a chimney bypass
- Mobile home belly insulation
- Knee-wall door or attic hatches
- Exterior air sealing that is exposed to U.V.

The current method for addressing the rim joist when feasible is at minimum, 1-inch thick foamboard, (2-inch thick preferable), sealed in place with expandable foam. Where two building materials meet and there is not enough space for foamboard, it is allowable to apply a neat expandable foam seal. Further, Weatherization field personnel shall make sure the program is paying for the work-based on what is installed.

For example, the work order calls for the installation of approximately 100 linear feet of rim joist using foamboard and expandable foam priced at \$4.00 a linear foot, (total contracted price \$400), yet only 75 linear feet is actually done or can be done. The 25 linear feet not done cannot be charged to the Program.

To avoid disallowed cost, Weatherization Managers should consult their assigned monitor on the proper use of expandable foam.

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WEATHERIZATION BULLETIN #424

TO: Executive Directors and Weatherization Managers

FROM: Clarice Sabree-Sylla, Supervisor
Office of Low-Income Energy Conservation

Date: January 7, 2009

Subject: **LEAD SAFE WEATHERIZATION (LSW) - ADDITIONAL MATERIALS AND INFORMATION**

PURPOSE: To provide clarification and additional information to grantees as they implement WPN 08-6, Interim Lead-Safe Weatherization (LSW) Guidance. This guidance augments, but does not replace, WPN 08-6 and builds on the foundation provided in Weatherization Program Notice (WPN) 02-6, Weatherization Activities and Federal Lead-Based Paint Regulations.

SCOPE: The provisions of this guidance apply to all grantees applying for financial assistance under the Department of Energy's (DOE) Weatherization Assistance Program.

LEGAL AUTHORITY: Title IV, Energy Conservation and Production Act, as amended, authorizes the Department of Energy to administer the Low- Income Weatherization Assistance Program. All grant awards made under this Program shall comply with applicable law including regulations contained in 10 CFR Part 440 and other procedures applicable to this regulation as DOE may, from time-to-time, prescribe for the administration of financial assistance.

BACKGROUND: On September 22, 2008, DOE issued WPN 08-6, Interim Lead-Safe Weatherization (LSW) Guidance to augment WPN 02-6 which provides background information on the various regulations impacting the treatment of pre-1978 homes that may have lead paint hazards when Weatherization work is being performed. Both of these pieces of guidance remain in place.

GUIDANCE: WPN 08-6 does not relieve any requirements established by 02-6, and in particular, all weatherization staff are required to continue to perform LSW accordingly. However, grantees may choose, at their option, to incorporate any or all parts of the EPA regulations going into effect April 2010, including the option to allow exemptions from LSW.

EXEMPTIONS: LSW must be applied to all pre-1978 housing unless the house meets EPA's Final Rule Exemptions.

Note: State authorities may, at their discretion, be more stringent and NOT allow certain exemptions within their state.

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1. No Lead-Based Paint will be Disturbed. LSW must be applied to all pre-1978 housing unless there is existing evidence that the home has been certified as being lead-free or below the lead threshold limit (e.g., for paint containing lead below the regulated level, 1.0 mg/cm² or 0.5% by weight). One of the following methods must be used to determine the paint to be disturbed is not lead-based paint:

- Written determination by certified lead inspector or risk assessor; OR
- Proper use of EPA-recognized test kit provided agencies (documenting manufacturer and model of test kit used, description and location of components tested, and test kit results)

Note: Beginning in 2010, tests must be performed by a Certified Renovator, per EPA final rule. Test kits are currently being evaluated but none have been approved to-date. Updates and approved kits will be posted at <http://www.epa.gov/lead/>;

OR

- A State-approved lead-based paint test protocol (e.g., XRF scans verifying absence of lead paint).

2. Mobile Homes. Often, interiors of mobile homes were not painted but rather, paneling was applied to the surfaces. Therefore, pre-1978 mobile homes that were not painted by the manufacturer, occupant, landlord, or past owner of the unit before 1978, may be exempt from LSW. However, Weatherization Programs must verify the areas receiving weatherization services have never been painted or were painted for the first time after 1978. If this is not verifiable, then LSW protocols must be followed. Painted exterior surfaces on pre-1978 units should not be drilled, scraped, sanded, or receive any other work that disturbs the paint.

3. Exempt from training and work practice requirements if owner signs written statement that all apply:

- a. No pregnant women resides there; and
- b. Not a child-occupied facility ("occupied" includes being the child's primary residence or a home that is visited regularly by the same child, under age 6, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours).

4. Housing for the elderly or persons with disabilities (unless anyone or more children under age 6 resides or is expected to reside in such housing for the elderly or persons with disabilities).

5. Any zero-bedroom dwelling.

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6. Minor Repair or Maintenance Activities: Activities that will disturb less than the following square feet of paint surfaces in 30 calendar days (counting all paint surface areas of a removed component):

- 6 square feet per room for interior activities; or
- 20 square feet for exterior activities. But this exemption does NOT apply to the following:
 - Window replacement.
 - Demolition of painted surface areas.

Using any of the following:

- Open-flame burning or torching;
- Machines to remove paint through high-speed operation without HEPA exhaust control;
or
- Operating a heat gun at temperatures at or above 1100 degrees Fahrenheit.

7. Do- It-Yourself: Work performed by owners themselves in their residence.

THE EPA LRRPP RULE DOES NOT PRE-EMPT MORE PROTECTIVE REQUIREMENTS AND GRANTEES SHOULD KEEP ABREAST OF ANY OTHER RULES AND REGULATIONS GOVERNING AN AGENCY'S ACTIVITIES SUCH AS THOSE BY HUD, STATES OR COMMUNITIES.

Implementing Levels of Containment

WPN 08-6 Attachment 1, Minimum Standards for LSW, articulates the specific standards and provides levels of containment - giving agencies options for how to perform LSW depending on the measure being performed. This differentiation of containment levels can be implemented immediately upon notification to their respective PMC Project Officers. Grantees may also choose to wait until PY 09 after training on the specific containment levels identified in the Minimum Standards.

The revised LSW benchmark training curriculum is included on the DVD and CD as Attachment 2 of this guidance. Because of file size due to pictures and video clips, downloading additional copies from a website is prohibitive. Instead, grantees are strongly encouraged to make additional copies from the enclosed discs for local agencies and training staff within their service territory. For grantees that wish to purchase additional copies, the DVD/CD set is available for a nominal charge (cost of reproduction and shipping) from Montana State University (mvogel@montana.edu).

This benchmark training adheres to the standards of WPN 08-6 and helps prepare the network for the requirements that will be in effect in PY 2010.

Please note: The curriculum on disc is designed to support the classroom and hands-on curriculum, as required by DOE. It is expected that each individual LSW training session will include a hands-on training component to augment the curriculum.

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Pollution Occurrence Insurance

Beginning in PY09, DOE no longer requires Pollution Occurrence Insurance (POI) but still strongly recommends POI. The costs of POI can be charged to the grant as part of the Liability Insurance. However, if a state or local agency chooses to NOT hold POI coverage and damage occurs because of not following all aspects of Lead-Safe Weatherization or there is disturbance to any other environmental pollutants, the cost to do remediation, clean up, relocation, medical expenses or any other resulting costs may not be charged to the contract and must be covered by another funding mechanism.

POI is discussed further in Weatherization Program Notice 02-6. Additional information about POI coverage can also be found on the WAPTAC website.

Client Notification

As of December 22, 2008, all agencies must begin using the Lead Notification publication, "*Renovate Right - Important Lead Hazard Information for Families, Child Care Providers and Schools.*" This publication replaces "*Protect Your Child From Lead in Your Home.*" Agencies should be advised that the EPA does not have mass quantities available for purchase but instead, has provided the material on their website for agencies to duplicate.

The following link is the link for the "Renovate Right" publication:

<http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf>

CONCLUSION: DOE acknowledges the complexity of LSW issues, as well as unknown requirements for years beyond 2009, and recognizes that there may be elements that will still require further clarification.

Requirements, as mentioned in WPN 08-6, will be addressed in future notices relating to 2010 implementation of Certified Renovators, training issues, firm status and the costs related to future certifications.

DOE will continue to provide additional updates through Program Notices in an effort to keep the Weatherization network informed.

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WEATHERIZATION BULLETIN #501

To: Executive Directors and Weatherization Managers

From: Clarice Sabree-Sylla, Supervisor, OLIEC

Date: May 17, 1999

Affected Programs: DPE, DHS & HIP

Topic: Bid Package Review Checklist and Other Required Bid Documents

Reference: (1) DOE, DHS, & HIP Contracts

Summary: **Includes copy of Bid Package Review Forms and specifies when the forms must be submitted to OLIEC.**

Attached to this Weatherization Bulletin are the required forms which must be completed and maintained on file at the agency to document procedural compliance with N.J.S.A. 40 A:11-1 et seq., "*Local Public Contracts Law*", as well as the Common Rule (10CFR600 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments) and OMB Circular A-110 (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations) .

The Bid Package Review Checklist, Justification For Contractors' Selection, Non-Collusion Affidavit, Contractor Registration Application, and Affirmative Action Affidavit must be completed and maintained on file whenever Weatherization services and/or equipment are procured through a sealed bid procedure.

For those instances where there is only one bidder for services or equipment valued at \$5,000 or more, these forms and copies of supporting documentation must be submitted to the OLIEC for procedural approval of the contractor/vendor selection process. Do not submit originals of these documents when requesting this approval.

The state monitoring staff will conduct reviews of the adequacy of the procurement process for other transactions as part of the regular monitoring process. Any questions regarding these forms should be directed to your state monitor.

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Attachments (5)

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NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS OFFICE OF LOW-INCOME ENERGY CONSERVATION BID PACKAGE REVIEW CHECKLIST

Agency _____ Contractor Package _____ Date Reviewed _____

Are the following items included?
(Originals for agency records, Copies only for OLIEC review)

	YES	NO	INCOMPLETE	NOT APPLICABLE
1. "Justification for Contractor Selection" form				
2. List of Contractors who picked up and/or were mailed packages (to be used when less than three (3) contractors submit bids)				
3. Alpha/numeric contract package identification				
4. <u>Signed bids</u> submitted by contractors				
5. Identification of Grant to which this package is to be charged				
6. Copy of newspaper ad and proof of publication a. Was ad published at least ten (10) days prior to bid opening?				
7. Summary minutes of bid opening a. List of people present at opening (include names & affiliations) b. Date and time of bid opening specified				
8. List of labor and material costs per unit				
9. Are all units under the maximum allowable cost per unit as specified by the grant to be charged? a. If the answer to 9 above is no, is a plan included for handling the excess costs?				
10. Are units identified by Job #?				
11. Are work specifications included? a. Are material standards attached (from DOE regulations)?				
12. Are other sources of funds used? (Utilities, owner contribution, etc.) a. Are the amounts clearly specified? b. Are appropriate agreements in place (i.e., letter from owner agreeing to pay any balance)?				
13. Copies of Insurance Certificates a. Is coverage specified in amounts required				

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13. Copies of Insurance Certificates (cont'd) for architectural measures: (bodily injury – \$300,000; property damage - \$300,000; workmen’s compensation - \$100,000); for heating system improvement measures: (bodily injury - \$500,000; property damage – \$500,000; workmen’s compensation – \$100,000)				
b. Is policy current? (Check expiration dates)				
c. If no workmen’s compensation is required (i.e., contractor is sole employee), are affidavits and “hold-harmless” clauses included?				
d. Is self-protection coverage in place?				
14. Is a multi-dwelling included in this package?				
a. If the answer to 14 above is yes, is the total number of units in the building specified?				
b. Is the total number of eligible units specified?				
c. Is the total number of ineligible units specified?				
15. Are contract start and completion dates specified? Start _____ Completion _____				
16. Are vacant units included in this package? a. Are the units eligible for weatherization in accordance with federal regulations? (See page 12 of “Renter’s Handbook”)				

Additional Remarks: _____

_____ Date _____

Signature of Person
Completing Form

Printed Name

Title

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ATTACHMENT A

STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
OFFICE OF LOW-INCOME ENERGY CONSERVATION
101 SOUTH BROAD STREET
TRENTON, NEW JERSEY 08625-0814

**Justification for Selection of Contractor
To Provide
Weatherization Assistance for Low-Income Persons**

Pursuant to the Rules and Regulations of the Weatherization Assistance Program, U.S. Department of Energy, New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), and in compliance with the requirements of the Common Rule, 10CFR600.436, Procurement, or OMB Circular A-110, Attachment O, Procurement Standards;

_____ (Name of Agency)
has selected _____ to perform the
_____ (Name of Contractor)
weatherization services at _____
_____ (Name of Complex, Units, or Bid Package #)
in the county(ies) of _____
for the amount of _____ (\$ _____)
_____ (Spell out amount) _____ (Print \$ amount)

based upon the attached proposal and the following criteria:

Contractor:

- _____ has submitted the lowest responsible proposal (bid).
(Attach copies of proposals)
- _____ meets the minimum liability and property insurance requirements
(Attach copies of certificates of insurance)

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Contractor (continued):

_____ meets the State Workmen's Compensation insurance requirement
(Attach copy of certificate of insurance if required)

_____ meets the Bonding requirements
(Attach copy if required)

_____ has performed previous satisfactory work
(Attach copy of references)

_____ has sufficient credit or cash flow to proceed with work

_____ is capable of performing the weatherization work within the time
frame referenced

_____ has submitted the only response to this bid solicitation
(Sole Bidder)

_____ Other: Provide a detailed explanation

(Signature of Executive Director)

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NON-COLLUSION AFFIDAVIT OF PRIME BIDDER

State of New Jersey

ss:

County _____
(County of Residence)

_____, being first duly sworn, deposes and says that:
(Name of person completing form)

1. I am the (owner, partner, officer, representative or agency) of (circle one choice)

_____, the Bidder
(Name of Firm/Agency/Corporation submitting Bid)

that has submitted the attached Bid.

2. Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, has in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or that of any other Bidder, or, to fix any overhead, profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the _____ or any other person interested in the
(Agency Soliciting Bid)
proposed Contract; and

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3. I am fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;
4. Such Bid is genuine and is not a collusive or sham Bid;
5. The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties of interest.

(Signature - Bidder Representative)

(Title)

Subscribed and sworn before me

This _____ day of _____
(day) (month)

(year)

SEAL

(Signature of Witness)

(Name of Witness)

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NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

STATE OF NEW JERSEY
OFFICE OF LOW-INCOME ENERGY CONSERVATION

CONTRACTOR REGISTRATION APPLICATION

1. Firm Being Registered:

Name: _____

Address: _____

Phone Number: _____

Type Of Work Performed: _____

2. Names, Addresses and years of construction experience of all owners, partners and principal stockholders of the construction firm.

<u>Name</u>	<u>Address</u>	<u>Experience</u>	<u>Years</u>
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3. Other contracting firm names which the principals have operated.

<u>First Name</u>	<u>Address</u>	<u>Associated Principal</u>
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4. Business References:

a) Banks

<u>Name</u>	<u>Address</u>	<u>Type of Account</u>
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b) Suppliers

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
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c) Subcontractors

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
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5. Recent Customers:

(Include all previous Weatherization Assistance Program-funded work experience references)

<u>Name</u>	<u>Address</u>	<u>Date(s) Service Provided</u>
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6. Insurance: (Attach Insurance Certificates)

<u>Insurance Company</u>	<u>Agency</u>	<u>Type of Coverage</u>
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_____	_____	_____
_____	_____	_____
_____	_____	_____

Authorized Signature

Title

Date

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STATE OF NEW JERSEY

OFFICE OF LOW-INCOME ENERGY CONSERVATION

AFFIRMATIVE ACTION AFFIDAVIT

State of New Jersey

ss:

County of _____
(Your County)

I, _____ of the _____
(Name of person completing form) (Name of Firm/Agency/Corporation)

in the County of _____, and State of New Jersey,
(Your County)

of full age, being duly sworn according to law on my oath depose and say that:

I am (owner, partner, officer, representative or agent) of the firm of
Circle one

_____, the bidder making the proposal for the weatherization of
(Name of Firm/Agency/Corporation)

_____ and that I executed the said proposal with full
(Name of Project or Bid Package #)

authority to do so; that said bidder hereby affirms that the bidder will abide by all terms of the

“Affirmative Action Law”, P.L., 1975, c. 127, as set forth in the specifications; and that all statements

contained in said proposal and in this Affidavit are true and correct, and made with full knowledge that

the _____ relies
(Name of Weatherization Agency)

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

AFFIRMATIVE ACTION AFFIDAVIT (cont'd)

upon the truth of the statements contained in this Affidavit in awarding the Contract for the said project.

Signature

Title

Name of Witness

Signature of Witness

Sworn and subscribed before

me this _____ day of
(day)
_____,
(month)
_____.
(year)

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NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

WEATHERIZATION BULLETIN #501A

To: Executive Directors and Weatherization Managers

From: Clarice Sabree-Sylla, Supervisor, OLIEC

Date: May 5, 2010

Topic: **Responsible Contractor**

Re: American Recovery and Reinvestment Act Weatherization Projects

Summary: The 2009-2012 New Jersey State Plan and Application for U.S. Department of Energy's American Recovery and Reinvestment Act Weatherization Assistance Program Grant (ARRA WAP) contained several provisions which impact the contract bidding process, including a Responsible Contractor bidding requirement. The purpose of this Policy Bulletin is to provide guidance on how this bidding requirement is to be implemented. This provision is only applicable to jobs funded in whole or in part with ARRA Weatherization funds.

Responsible Contractor:

Each bidder for a contract to perform weatherization work shall state in its bid whether or not it is a "Responsible Contractor". The Contractor shall certify on the attached "Responsible Contractor Certification" that the conditions to be considered a Responsible Contractor for the purpose of doing business with the ARRA WAP have been met.

Statement of Policy:

The 2009-2012 New Jersey State Plan and Grant Application for U.S. Department of Energy's American Recovery and Reinvestment Act (ARRA) Weatherization Assistance Program (WAP) Grant requires that all contractors bidding on a job funded in whole or in part by the ARRA WAP funds "state in its bid whether or not it is a Responsible Contractor". The purpose of this bulletin is to provide guidance on the definition of a Responsible Contractor.

A weatherization agency shall require all bidders to complete and sign the attached Responsible Contractor Certification. The contractor shall attach supporting documentation relative to the following items:

1. Licensing and Registration
2. Violations
3. Work History

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For the purpose of the Responsible Contractor Certification a “trained and qualified workforce” shall be:

- 1) A workforce where half the individuals working on the job have a completed a weatherization training program that meets the following minimum requirements:
 - a. Offers open enrollment
 - b. Wherein a minimum of 50% of all training participants meet the following requirements:
 - i. resides in a distressed neighborhood
 - ii. is a low-income individual and
 - iii. in the 365 days prior to commencement of work on the covered project,
 - 1) has not registered as a apprentice in a certified apprenticeship program
 - 2) has not performed craft labor as a licensed journeyman.

Contractors who weatherized units under WAP in each of the last three fiscal years:

Contractors who weatherized units under WAP in each of the last three fiscal years can meet the requirements of employing a “trained and qualified workforce” if half the individuals working on the job:

1. have completed weatherization training program that meets the requirements set forth above OR
2. meet all four (4) of the following requirements:
 - a. was hired prior to May 15, 2009; and
 - b. has worked at least 1000 hours on projects funded by WAP during the prior three (3) years; and
 - c. were on the bidder’s active payroll for at least sixty (60) out of the one hundred and eighty (180) days; and
 - d. resides in a distressed neighborhood or is a low-income individual.

Any contractor that relies on existing workers that have not completed the weatherization training program detailed above must ensure that prior to completion of all the units within the bid, those current workers receive at least forty (40) hours of training from an approved weatherization training program. The contractor must also certify that “all new crew workers and supervisors hired subsequent to acceptance of the WAP contract and performing work on the project funded under the WAP contract shall meet the requirements of a “trained and qualified workforce” as set forth in the State of New Jersey’s Plan and Application for Weatherization Assistance Program American Recovery and Reinvestment Act funding

Contractor’s that currently do not employ a “trained and qualified workforce” as defined above.

A Bidder that does not currently employ a trained and qualified workforce, as defined above may still submit a bid provided they certify that: “A minimum of 50% of the total monthly work hours required to complete the contract will be performed by workers who have met the requirements of a “trained and qualified workforce” as set forth in the State of New Jersey’s State Plan and Application for

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Weatherization Assistance Program American Recovery and Reinvestment Act funding. The Bidder will make every effort to satisfy this requirement as soon as possible and shall submit to the contracting Weatherization Agency a plan for compliance as part of the bid package.

The trained and qualified workforce compliance plan referenced in the paragraph above must include, at a minimum:

1. the names and dates of hire for all current employees of the bidder that will be performing work under the contract;
2. the estimated number of crew labor and crew supervisor hours to be worked on during the course of the contract
3. the estimated number of new jobs created (expressed in Full Time Equivalent (FTE) positions, number of labor hours divided by number of hours in a work week) during the course of the WAP contract; and
4. the process by which a trained and qualified workforce will be selected.

Small Business Bidder Exception:

A small business bidder does **NOT** have to certify that “A minimum of 50% of the total monthly work hours required to complete the contract will be performed by workers who have met the requirements of a “trained and qualified workforce” as set forth in the State of New Jersey’s State Plan and Application for Weatherization Assistance Program American Recovery and Reinvestment Act funding. To qualify, the small business bidder must meet the following requirements at the time of its bid submission:

1. the small business bidder has its principal place of business in a distressed neighborhood for at least twenty-four (24) months; and
2. weatherizes less than twenty-five (25) units per calendar year funded by ARRA WAP; and
3. employs no more than five (5) crew members at a time.

However, the small business bidder must submit a trained and qualified workforce compliance plan. This plan must provide for at least forty (40) hours of training for its current workforce in an approved weatherization training program and must certify that “all new crew workers and supervisors hired subsequent to acceptance of the WAP contract shall meet the requirements of a “trained and qualified workforce” as set forth in the State of New Jersey’s State Plan and Application for Weatherization Assistance Program American Recovery and Reinvestment Act funding. The small business bidder’s qualified workforce compliance plan must include the following:

1. the names and dates of hire for all current employees of the small business bidder that will be performing work under the contract;
2. the estimated number of crew labor and crew supervisor hours to be worked on during the course of the contract;
3. the estimated number of new jobs created (expressed in Full Time Equivalent (FTE) positions, number of labor hours divided by number of hours in a work week) during the course of the WAP contract; and
4. the process by which any new hires will be selected.

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Weatherization Agencies shall be responsible for ensuring all bids either:

1. fully comply with having a trained and qualified workforce; or
2. if the contractor does not fully comply with having a trained and qualified workforce, but does have:
 - a. the required certification; AND
 - b. a trained and qualified workforce compliance plan with the minimum requirements above and which has a realistic trained and qualified compliance plan;

Bidders must agree to hire from Weatherization Training Program

The New Jersey Department of Labor and Workforce Development (DLWD) administers a grant for the Weatherization Training Program. This Weatherization Training Program is funded by the American Recovery and Reinvestment Act (ARRA) through a grant from the U.S. Department of Energy to the N.J. Department of Community Affairs (DCA). The Weatherization Training Program will train up to 600 participants in the areas of academic readiness, life/employability skills, career exploration and the essential core competency skills required for weatherization worker. This initiative will develop a skilled workforce that will assist the DCA's Weatherization Assistance Program to provide income-qualified residents with services that reduce household energy use and costs by improving the energy efficiency of their homes.

As a condition of responding to a bid for ARRA funded work under the WAP, each bidder must agree that all new crew workers and supervisors hired subsequent to Bid Opening of the WAP contract and performing work on the project funded under the WAP contract shall be graduates of the Weatherization Training Program.

Waiver:

During the term of ARRA WAP contract, a contractor may request a waiver of the provision requiring all new hires to come from the Weatherization Training Program where:

1. The contractor can demonstrate that they took diligent effort to hire a graduate(s) of the Weatherization Training Program and trainees were not available. The contractor must include dates and names of who was contacted in these efforts.
2. Other extraordinary circumstances exist, and written approval was granted by the DCA, prior to the labor being performed by the intended new hire.

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All requests for a waiver should be made to the appropriate Weatherization Agency with respect to the specific contract awarded by the Weatherization Agency. The Weatherization Agency may seek guidance from the DCA on any specific waiver request. The Weatherization Agency must notify DCA in writing of all approved or denied Waiver Requests.

Weatherization Agencies shall be responsible for determining whether the bidder is a Responsible Contractor:

Weatherization Agencies shall:

1. Verify that the Responsible Contractor Certification is completely and satisfactorily completed.
2. Include as part of the bid package and contracts for Weatherization work funded by ARRA a clear statement that all new crew workers and supervisors hired subsequent to acceptance of the WAP contract and performing work on the project funded under the WAP contract shall be graduates of the Weatherization Training Program at DLWD.
3. Monitor the work of contractors in order to ensure that all new hires of the contractor are graduates of the Weatherization Training Program. Any labor costs associated with new hires that are not graduates of the Weatherization Training Program may be disallowed by the OLIEC.

Attachment (1)

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

RESPONSIBLE CONTRACTOR CERTIFICATION

I, _____ certify that I am knowledgeable of requirements to bid on a project funded in whole or in part through the ARRA WAP. Further, _____ ("Bidder") complies with the definition of a Responsible Contractor contained in the 2009-2012 New Jersey State Plan and Grant Application for the U.S. Department of Energy ARRA Weatherization Assistance Program, as set forth below:

After reading and understanding, please initial each line:

Failure to submit attachments will deem application incomplete-Include attachments where applicable.

1. Bidder possesses appropriate business and contracting licensing (New Jersey Home Improvement Contractors' Registration), insurance and bonding. Copies attached.

2. Bidder agrees to perform all work through utilization of individuals properly classified as employees, rather than independent contractors (except where subcontracting to a subcontractor).

3. Bidder has had no more than six governmental determinations of a violation of federal, state, or local laws relating to public safety, workplace safety or employment in the past three years. (Attach a description of each such violation and the resolution)

4. Bidder has not been disbarred from any public contract (federal, state, or local).

5. Bidder has successfully completed a job of this size and this type or a similar type of work in the past five years with a satisfactory record of on-time performance. (Attach documentation).

6. Bidder will require all employees on weatherization program work to complete at least 10 hours of OSHA safety training.

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7. Bidder will comply with any applicable local hiring or first source policy.

8. Bidder currently utilizes a “trained and qualified workforce” as defined in the WAP State Plan. (Initial the statement that accurately reflects how the Bidder intends to comply, and complete and submit the attached schedule of employees.)

Half the individuals working on the job have completed a weatherization training program that meets the following minimum requirements:

- a. offers open enrollment
- b. which a minimum of 50% of all training participants meet the following requirements:
 - i. resides in a distressed neighborhood
 - ii. is a low-income individual and
 - iii. in the 365 days prior to commencement of work on the covered project;
 - 1) has not registered as an apprentice in a certified apprenticeship program; and
 - 2) has not performed craft labor as a licensed journeyman.

Half the individuals that will work under this contract meet all four (4) of the following requirements:

- a. was hired prior to May 13, 2009; and
- b. has worked at least 1000 hours on projects funded by WAP during the prior three (3) years; and
- c. were on the bidder’s active payroll for at least sixty (60) out of the one hundred and eighty (180) prior days; and
- d. resides in a distressed neighborhood or is a low-income individual.

Bidder does not currently employ a “trained and qualified workforce” as defined in the WAP State Plan, but agrees to provide a trained and qualified workforce compliance plan as part of this bid.

9. Bidder certifies that a minimum of 50% of the total monthly work hours required to complete the contract will be performed by workers who have

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

met the requirements of a “trained and qualified workforce” as set forth in the State of New Jersey’s State Plan and Application for Weatherization Assistance Program American Recovery and Reinvestment Act funding (State Plan), and as further clarified in Weatherization Bulletin #501. The Bidder will make every effort to satisfy this requirement as soon as possible and shall submit to the contracting Weatherization Agency a plan for compliance as part of the bid package. (Not required for Small Business Bidders)

All new crew workers and supervisors hired subsequent to acceptance of the WAP contract and performing work on the project funded under the WAP contract shall meet the requirements of a “trained and qualified workforce” as set forth in the State of New Jersey’s Plan and Application for Weatherization Assistance Program American Recovery and Reinvestment Act funding, until the Bidder is fully compliant with the requirements of employing a “trained and qualified” workforce as set forth in the state Plan.

10. Bidder is a Small Business Bidder as that term is defined in Weatherization Bulletin #501.

I certify that the foregoing statements made by me are true. I am aware that any false statement contained herein may be punished by fine, imprisonment, or both. I further declare that I have examined this certification and, to the best of my knowledge and belief, it is true, correct and complete.

Name

Date: _____

Title

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

DEPARTMENT OF COMMUNITY AFFAIRS DIVISION OF HOUSING AND COMMUNITY RESOURCES

MEMORANDUM

WEATHERIZATION BULLETIN #501A

To: Executive Directors and Weatherization Managers

From: Paul Stridick, AIA Director, Division of Housing & Community Resources

Date: September 21, 2010

Supersedes: Weatherization Bulletin #507A

Topic: **Responsible Contractor**

Re: American Recovery and Reinvestment Act Weatherization Projects

Summary: The 2009-2012 New Jersey State Plan and Application for U.S. Department of Energy's American Recovery and Reinvestment Act Weatherization Assistance Program Grant (ARRA WAP) contained several provisions which impact the contract bidding process, including a Responsible Contractor bidding requirement. The purpose of this Policy Bulletin is to provide guidance on how this bidding requirement is to be implemented. This provision is only applicable to jobs funded in whole or in part with ARRA Weatherization funds.

Responsible Contractor:

Each bidder for a contract to perform weatherization work shall state in its bid whether or not it is a "Responsible Contractor". The Contractor shall certify on the attached "Responsible Contractor Certification" that the conditions to be considered a Responsible Contractor for the purpose of doing business with the ARRA WAP have been met.

Statement of Policy:

The 2009-2012 New Jersey State Plan and Grant Application for U.S. Department of Energy's American Recovery and Reinvestment Act (ARRA) Weatherization Assistance Program (WAP) Grant requires that all contractors bidding on a job funded in whole or in part by the ARRA WAP funds "state in its bid whether or not it is a Responsible Contractor". The purpose of this bulletin is to provide guidance on the definition of a Responsible Contractor.

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A weatherization agency shall require all bidders to complete and sign the attached Responsible Contractor Certification. The contractor shall attach supporting documentation relative to the following items:

1. Licensing and Registration
2. Violations
3. Work History; and
4. Current employees.

The Responsible Contractor Certification must be completed by all bidders, regardless of the type of work being performed.

Bidders must agree to hire from Weatherization Training Program:

The New Jersey Department of Labor and Workforce Development administers a grant for the Weatherization Training Program. This Weatherization Training Program is funded by the American Recovery and Reinvestment Act (ARRA) through a grant from the U.S. Department of Energy to the N.J. Department of Community Affairs (DCA). The Weatherization Training Program will develop a skilled workforce that will assist the DCA Weatherization Assistance Program to provide income-qualified residents with services that reduce household energy use and costs by improving the energy efficiency of their homes.

As a condition of responding to a bid for ARRA funded work under the WAP, each bidder must agree that all new crew workers and supervisors hired subsequent to submitting a bid to perform work funded under the WAP contract shall be graduates of the Weatherization Training Program. This requirement to hire from the Weatherization Training Program is applicable only to new crew workers and supervisors performing work under the “weatherization worker” job classification established by the U.S. Department of Labor. Any new hires which perform skilled labor requiring a special training or licensing that is not provided through the Weatherization Training Program, such as HVAC, electrical or plumbing work, are exempt from the requirement.

This requirement shall apply to all bidders as well as sub-contractors hired by the Bidders. Bidders are responsible for ensuring that any and all sub-contractors hired by them are compliant with the hiring provisions contained in this Bulletin.

Waiver:

During the term of ARRA/WAP contract, a contractor may request a waiver of the provision requiring all new hires to come from the Weatherization Training Program where:

1. The contractor can demonstrate that they took diligent effort to hire a graduate of the Weatherization Training Program and no trainees were available. The contractor must include dates and names of who was contacted in these efforts;
2. Other extraordinary circumstances exist; and
3. Written approval was granted by the DCA or Weatherization Agency, prior to the labor being performed by the intended new hire.

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

All requests for a waiver should be made to the appropriate Weatherization Agency with respect to the specific contract awarded by the Weatherization Agency. The Weatherization Agency may seek guidance from the DCA on any specific waiver request. The Weatherization Agency must notify the DCA in writing of all approved or denied Waiver Requests.

Contractors in need of hiring graduates of the Weatherization Training Program should contact:

NJ Building Laborers Training and Apprenticeship Fund
Donald Howard, Training Director
732-521-0200

Weatherization Agencies shall be responsible for determining whether the bidder is a Responsible Contractor:

Weatherization Agencies shall:

1. Verify that the Responsible Contractor Certification is completely and satisfactorily completed.
2. Include as part of the bid package and contracts for Weatherization work funded by ARRA a clear statement that all new crew workers and supervisors hired subsequent to acceptance of the WAP contract and performing work on the project funded under the WAP contract shall be graduates of the Weatherization Training Program.
3. Monitor the work of contractors in order to ensure that all new hires of the contractor are graduates of the Weatherization Training Program. Any labor costs associated with new hires that are not graduates of the Weatherization Training Program may be disallowed by the OLIEC.

Attachment (1)

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

RESPONSIBLE CONTRACTOR CERTIFICATION

I, _____ certify that I am familiar with the requirements to bid on a project funded in whole or in part through the ARRA/WAP. Further, _____ ("Bidder") complies with the definition of a Responsible Contractor contained in the 2009-2012 New Jersey State Plan and Grant Application for the U.S. Department of Energy ARRA Weatherization Assistance Program, as set forth below:

After reading and understanding, please initial each line:

1. Bidder possesses appropriate business and contracting licensing (New Jersey Home Improvement Contractors' Registration), insurance and bonding. Copies attached.

2. Bidder agrees to perform all work through utilization of individuals properly classified as employees, rather than independent contractors (except where subcontracting to a subcontractor).

3. Bidder has had no more than six governmental determinations of a violation of federal, state, or local laws relating to public safety, workplace safety or employment in the past three years. (Attach a description of each such violation)

4. Bidder has not been disbarred from any public contract (federal, state, or local).

5. Bidder has successfully completed a job of this size and this type or a similar type of work in the past five years with a satisfactory record of on-time performance. (Attach documentation).

6. Bidder will require all employees on weatherization program work to complete at least 10 hours of OSHA safety training.

7. Bidder will comply with any applicable local hiring or first source policy.

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

8. All new crew workers and supervisors hired subsequent to submitting a bid perform work funded under the WAP contract shall be graduates of the Weatherization Training Program.	
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I certify that the foregoing statements made by me are true. I am aware that any false statement contained herein may be punished by fine, imprisonment, termination/suspension of the WAP contract, withholding of payment or any combination of the above. I further declare that I have examined this certification and, to the best of my knowledge and belief, it is true, correct and complete.

Name

Date: _____

Title

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

WEATHERIZATION BULLETIN #502

To: Executive Directors and Weatherization Managers

From: Clarice Sabree-Sylla, Supervisor, OLIEC

Date: May 14, 1999

Supersedes: None

Affected Programs: All

Topic: Bidding Procedures for Heating System Upgrades

Reference: Weatherization Bulletins #501, #709, #714 and Local Public Contracts Law

Summary: Provides guidelines for soliciting bids for heating system upgrades, hot water tank repair and replacement.

Effective immediately, the following procedures must be utilized when soliciting bids from contractors for heating systems and hot water tank upgrades.

WRITTEN REQUEST FOR BIDS

The agency will send each contractor a letter inviting them to bid on a job or package of jobs that consist of heating system and/or hot water tank replacement or repair.

A minimum of three (3) bids must be requested for each non-emergency job.

Emergency jobs, i.e. where the client is at the top of the waiting list, and is in a no heat and/or no hot water situation due to faulty appliance operation, will require only one bid per Weatherization Bulletin #709.

A copy of each bid letter will be placed in the client file.

The letter must advise the contractor to submit a sealed bid for the job(s) in question, and provide a cut-off date for the submission of bid(s).

BID OPENING PROCEDURES

The Agency must open the bids at the time specified in the letter, in the presence of agency staff and any contractors that wish to attend the bid opening.

If the agency rejects all the bids and intends to solicit additional proposals, contractors that originally submitted bids must be advised in writing that those jobs will be re-bid.

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Any heating system upgrade with a total cost of \$9,500 or more must be awarded utilizing the procedures in Local Public Contracts Law. The procedures and required forms are outlined in Weatherization Bulletin #501.

COMPETITIVE BIDDING

To ensure that agencies develop an adequate pool of contractors for heating system improvement, the OLIEC strongly suggests that an ad is placed in the local paper at the beginning of each grant period inviting area heating contractors to submit the documentation required to be included in the bidding process.

CSS/bam/2646R

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

WEATHERIZATION BULLETIN #503

To: Executive Directors and Weatherization Managers

From: Clarice Sabree-Sylla, Supervisor, OLIEC

Date: June 4, 1999

Supersedes: Not Applicable

Affected Programs: All

Topic: Procurement of insulation products containing recovered materials

Reference: (1) Weatherization Bulletin #403 and (2) 54 Federal Register 7328 - 7360

Summary: Federal Environmental Protection Agency regulations require that agencies who annually procure \$10,000 or more of insulation with Federal funds must institute an affirmative procurement program to ensure that procurement of those insulation products which contain the highest practicable percentage of recoverable materials.

Section 6002 of the Solid Waste Disposal Act, as amended by the Resources Conservation and Recovery Act of 1976 (RCRA), states that such items must be composed of the highest percentage of recovered materials practicable. On February 17, 1989, the Federal Environmental Protection Agency (EPA) promulgated the final rule applicable to the procurement of building insulation products.

The EPA final guideline states that by February 17, 1990, those agencies using Federal funds to procure building insulation products must put into effect an affirmative procurement program to insure the procurement of insulation products composed of the highest percentage of recoverable materials practicable, taking into consideration competition, availability, technical performance and cost.

The insulation products covered by the final rule include cellulose, fiberglass, perlite composite board, plastic foams and boards, and rock wool. Only those agencies which procure \$10,000 or more of these products annually are required to put into effect an affirmative action program.

The EPA guideline does not require any agency to shift from the use of one insulation product to another. The intent of the guideline is to encourage agencies in the selection of their preferred insulation products to procure those with the highest practicable percentage of recovered materials.

Please review the attached article, "[U.S. EPA Guideline for Purchasing Building Insulation Containing Recovered Materials](#)" for additional information on this topic.

CSS/bam/2647R

Attachment

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

U.S. EPA GUIDELINE FOR PURCHASING BUILDING INSULATION CONTAINING RECOVERED MATERIALS

by

Dana F. Arnold

During the past year, the U.S. Environmental Protection Agency (EPA) has issued several procurement guidelines, which are regulations that require government agencies to buy products made with recycled materials. The purpose of these guidelines is to encourage recycling and reduce the amount of trash and garbage that must be thrown away. The guidelines implement Section 6002 of the Resource Conservation and Recovery Act (RCRA). Each guideline designates specific items which governments must purchase containing recycled or recovered materials and provides recommendations for implementing the requirements of RCRA. The most recent guideline covers building insulation products.

What is the Scope of the Guideline? The guideline applies to building insulation products, whether used in residential, commercial, or industrial applications. It does not cover other types of insulation, such as air handling, acoustic, pipe, and cold storage insulation.

A number of building insulation materials can be manufactured with recovered materials, including cellulose, fiberglass, perlite composite board, plastic foams and boards, and rock wool. All of these products fall within the scope of the guideline.

To Whom Does the Guideline Apply? The requirements of RCRA apply to "procuring agencies," which is defined in the law as federal agencies, and state and local agencies using appropriated federal funds, but only if they buy more than \$10,000 a year worth of the designated item. Thus, for example, if a county government spends more than \$10,000 a year on building insulation, and all or part of that money is from appropriated federal funds, then the county government is a "procuring agency" for building insulation and is required to follow the requirements of RCRA in procuring building insulation products.

How is the \$10,000 Threshold Calculated? The law states that the guidelines apply "with respect to any purchase or acquisition of a procurement item where the purchase price of the item exceeds \$10,000 or where the quantity of such items or functionally equivalent items purchased or

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acquired in the course of the preceding fiscal year was \$10,000 or more". In other words, there is a two-step procedure for determining whether the \$10,000 threshold has been reached. First, the agency must determine whether it purchased \$10,000 worth of building insulation products in the preceding fiscal year. If so, the guideline applies to all purchases of building insulation products in the current fiscal year. Second, if an agency did not purchase \$10,000 worth of building insulation products during the preceding fiscal year, it is not subject to the guideline unless it makes a \$10,000 purchase, using at least some federal funds, in the current fiscal year. In that case, the guideline applies to the \$10,000 purchase; to all subsequent purchases of building insulation products made during the current fiscal year, regardless of size; and to all purchases of building insulation products in the following fiscal year.

What are the RCRA Requirements? There are two requirements: (1) review and revision of specifications and (2) establishment of an affirmative procurement program for purchasing the designated item to the maximum extent practicable. Once EPA issues a procurement guideline designating a specific item, procuring agencies have one year to meet these requirements for that item.

Specifications: Agencies are required to review their specifications for the designated items and to revise them, as appropriate, to allow procurement of items containing recovered material. Typical provisions that should be revised include restrictions of acceptable materials to virgin materials, exclusions of recovered materials, and performance standards that in effect exclude items containing recovered materials and that are more stringent than necessary to satisfy the agency's needs. Use of recovered materials can be restricted; however, if the agency can document that such use will jeopardize the intended end use of the item.

Affirmative Procurement Program: The programs must have the following four components: (1) preference program, (2) promotion program, (3) procedures for obtaining and verifying estimates and certifications of recovered materials content, and (4) annual review and monitoring.

Each guideline issued by the EPA recommends the approach(es) that the EPA believes will be most effective for procurement of the designated item to the maximum extent practicable. EPA believes that agencies following its recommendations will be in compliance with RCRA; however, each procuring agency is free to implement its own affirmative procurement program if it chooses.

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What Does the Building Insulation Guideline Recommend for a Preference Program? The statute provides three options for preference program - - minimum content standards, which are specifications identifying the minimum recovered materials content of an item; case-by-case procurement, which means competition between products made of virgin materials and products made of recovered materials; and any approach that is substantially equivalent to the other two approaches. The guideline recommends that procuring agencies use minimum content standards for insulation materials commercially available with recovered materials, such as cellulose, perlite composite board, most of the plastic foams and boards, and rock wool. The specific standards recommended by the EPA are shown below in Table 1. The guideline further recommends that agencies use case-by-case procurement when purchasing insulation materials for which minimum content standards have not been established (e.g., fiberglass and polystyrene rigid foam).

TABLE 1

EPA Recommended Minimum Content Standards for Recovered Materials in Building Insulation Products

<u>Material Type</u>	<u>Percent by Weight</u>
Cellulose loose-fill and spray-on	75% post-consumer recovered paper
Perlite composite board	23% post-consumer recovered paper
Plastic Rigid Foams	
Polyisocyanurate/polyurethane	
Rigid foam	9% recovered material
Foam-in-place	5% recovered material
Glass Fiber Reinforced	6% recovered material
Phenolic rigid foam	5% recovered material
Rock wool	50% recovered material

Note: The minimum content standards are based on the weight of material (not volume) in the insulating core only.

EPA also recommends that agencies place the responsibility for choosing building insulation products containing recovered materials in the lap of the designing architect or engineer, whether a contractor or employee. Recommended methods for doing so include requiring the designing architect or engineer (1) to incorporate the agency's minimum content standards into their insulation selection

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criteria, (2) to review and advise the agency about the availability of building insulation containing recovered materials, and (3) to document selection of a building insulation product not containing recovered materials or containing less than the agency's minimum content.

When Is the Building Insulation Guideline Effective? The guideline was effective on the date it was published in the Federal Register, February 17, 1989. As noted above, once a guideline is published, affected procuring agencies have one year to revise their specifications and to establish affirmative procurement programs. Thus, agencies must begin purchasing building insulation containing recovered materials on February 17, 1990.

How will the Guideline Be Enforced? There are no provisions in RCRA for federal enforcement of the guidelines. This does not mean, of course, that the law can be ignored. Anyone who is injured by the failure of an agency to implement the law can take appropriate civil action, including protests and appeals.

How Is EPA Implementing the Guideline? EPA is monitoring the progress of federal agencies in establishing affirmative procurement programs. This knowledge will be used to measure their success in achieving the recycling goals set out in the guideline. EPA can both learn from problems experienced by agencies and promote information sharing between the agencies. EPA has also established several outreach activities to assist all federal and non-federal agencies in setting up programs and to help vendors of recovered materials in dealing with procuring agencies. A computer database is being set up which will be used to keep track of vendors and to bring them in contact with procuring agencies. An information brochure on purchasing building insulation products containing recovered materials is being prepared. It will include lists of manufacturers and vendors.

Is More Information Available? EPA has established a procurement guidelines telephone hotline to answer questions from government agencies, vendors, and the public. As noted above, EPA is also developing lists of manufacturers and vendors. Copies of the lists as well as the guidelines can be obtained from the hotline. The number is (703) 941-4452.

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References:

Resource Conservation and Recovery Act (RCRA), Section 6002, Federal Procurement, 42 USC 6962.

Procurement Guideline for Building Insulation Products, 40 CFR Part 248, 54 FR 7328 (February 17, 1989).

Dana F. Arnold is Program Manager for Solid and Hazardous Waste at E. H. Pechan & Associates, Inc. She has provided technical support to the EPA in developing the procurement guidelines and manages the guideline implementation effort.

2647R

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

WEATHERIZATION BULLETIN #504

To: Executive Directors and Weatherization Managers

From: Clarice Sabree-Sylla, Supervisor, OLIEC

Date: June 4, 1999

Topic: Payment to Contractors for Weatherization Materials Not Installed

Reference: (1) DOE and DHS and (2) Weatherization Bulletin #806

Summary: Payments to contractors for weatherization materials not installed are permitted only under specific and limited circumstances. Agencies and their contractors must work together to avoid this situation whenever possible. Payment to contractors for uninstalled materials may only be made with advance written approval from OLIEC. This approval will only be granted when the reason for the non-installation is neither agency nor contractor related. Uninstalled weatherization materials which are paid for with grant funds become the property of the agency, with a lien held by the New Jersey Department of Community Affairs, Office of Low-Income Energy Conservation. The ultimate disposition of this property is subject to OLIEC approval.

Weatherization contracts provide specific authority for agencies to subcontract for weatherization services (Program Provisions Section VIII). Section A.11 of this part requires that, "All materials must be installed in accordance with the procedures and priorities outlined in the New Jersey Weatherization Installation Standards Manual, EA-QUIP, the DOE approved waiver audit, or any energy audit specified by the Department".

It is also possible for agencies to make payments to contractors for weatherization materials which are not installed under specific and limited circumstances. Agencies must first receive advance written approval from the Office of Low-Income Energy Conservation before making any payment to contractors for uninstalled weatherization materials.

This approval will only be granted when the reason for the non-installation is neither agency nor contractor related. It is anticipated that this situation will be a rare occurrence. OLIEC will evaluate each agency's request to pay a contractor for uninstalled materials individually, as the cause for the non-completion of the weatherization work will be different in each case. For example, a building owner may decide to withdraw from participation in the program after the contractor has received the materials designated for that building. Similarly, a building scheduled for weatherization may be substantially damaged by fire, flood or storm before the materials are installed.

Prior to requesting OLIEC permission to pay the contractor, the agency and the contractor should seek a mutually satisfactory solution which does not involve a payment for uninstalled materials. At a minimum, the contractor should seek to return the materials to the supplier for a refund,

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and the agency and contractor should determine if the materials can be used on another weatherization service or another project.

When seeking OLIEC approval for this type of payment, the agency should submit a detailed narrative report describing the circumstances of the particular case. The report should also include the material specifications, a copy of the supplier's invoice for the material, and a notarized statement from the contractor concerning the contractor's inability to return or find an alternate use for the material.

If the request to pay the contractor is approved, the OLIEC Fiscal Office will make the necessary adjustments when calculating allowable expenditures and reimbursements.

Uninstalled weatherization materials which are paid for with grant funds become the property of the agency, with a lien held by the New Jersey Department of Community Affairs, Office of Low-Income Energy Conservation. Management of this property must comply with the provisions outlined in Weatherization Bulletin #806. The ultimate disposition of the material will be subject to OLIEC approval.

CSS/bam/2662R

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

WEATHERIZATION BULLETIN #505

To: Executive Directors and Weatherization Managers

From: Clarice Sabree-Sylla, Supervisor, OLIEC

Date: May 28, 1999

Affected Programs: DOE, DHS and HIP

Topic: Purchase of Vehicles

Reference: DOE, DHS, HIP Contracts, Attachment D OMB Circular A-110

Attached to this Weatherization Bulletin is the required form which must be completed and submitted to the Supervisor of the Office of Low-Income Energy Conservation (OLIEC) when the acquisition of a vehicle becomes necessary. A copy must be maintained on file at the agency to document procedural compliance with the above-referenced contracts and circular.

The agency is to adhere to the rules and regulations contained in the aforementioned documents.

CSS/bam/2663R

Attachment (1)

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

SPECIAL INSTRUCTIONS FOR VEHICLE PURCHASES/LEASES

Please allow a minimum of 30 days for processing of this request and receipt of approval from US DOE.

Property management standards contained in OMB Circular A-110 shall apply for vehicles purchased/leased under Department of Energy grants.

No purchases/leases of vehicles may be made without prior approval from the Department of Energy. A justification for the purchase/lease must be submitted to the Office of Low-Income Energy Conservation and must include the following points:

AGENCY: _____

AGENCY VEHICLE: /__/ Additional /__/ Replacement

1. Is the vehicle budgeted in the contract? /__/ Yes /__/ No

2. How many vehicles does the program currently have? _____

3. What is the need for an additional vehicle? _____

4. Will the vehicle replace any currently owned vehicle? /__/ Yes /__/ No

(a) if "Yes", type of vehicle to be disposed of:

Year _____ Make _____ Model _____ Mileage _____

(b) if "No", explain reason for not replacing vehicle: _____

(c) Disposition Method: /__/ Private Sale /__/ Trade-In /__/ Junk

5. Reason for disposing of vehicle: _____

6. How many crews does the agency currently have? _____

7. How large an area does the agency serve? _____ square miles

8. How many units does the agency serve per week? _____

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9. How will the number of units served be increased by the purchase/lease of the new vehicle if this is not a replacement vehicle? _____

10. If vehicle is to be sold, see Notes, below.

List of quotes and summary: _____

11. Which is the acceptable quote? _____

Why? _____

12. Description of vehicle to be purchased/leased: _____

13. (a) Cost/Percentage of funds in subgrantee Weatherization Program:

Source	Contract #	Funding Year	Amt. Charged	% Total Charged
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
			Total \$ _____	Total \$ _____

I certify that the above information is true and correct. The vehicle requested is needed for the effective operation of the Weatherization Assistance Program.

Agency Organization: _____

Authorized Signature: _____

Date: _____

DCA USE ONLY:

Field Monitor: _____

Weatherization Supervisor: _____

Date: _____

NOTES:

a. If a vehicle is to be sold or junked you must submit three quotes indicating the price to be paid.

b. All purchase/lease requests must include a copy of the bid solicitation, non-collusive bidding forms signed by the bidder and the actual bid documents. If a vehicle is being traded in, the trade-in value must be clearly indicated on the documents.

2663R

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

WEATHERIZATION BULLETIN #505-A

To: Executive Directors and Weatherization Managers

From: Clarice Sabree-Sylla, Supervisor, OLIEC

Date: October 2, 2009

Topic: **Request to Purchase Equipment Form**

The attached form must be used to request approval of equipment with a cost that exceeds \$5,000. The form will be added to the Weatherization Bulletin Series and can be used immediately to get approval to purchase equipment with DOE Weatherization funds, including the ARRA Grant.

If you have any questions, I can be reach at (609) 984-3301.

CS/dw

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

SPECIAL INSTRUCTIONS FOR EQUIPMENT PURCHASES OVER \$5,000

All equipment purchases with a cost that exceeds \$5,000 must be approved before purchase. Three (3) estimates are required for each item to be purchased.

Please complete this form and forward to the Office of Low-Income Energy Conservation with the required attachments via e-mail in PDF format. Please allow up to thirty (30) days for review and approval. Leased equipment does not need to be approved, unless the lease includes an option to buy the equipment.

AGENCY _____

EQUIPMENT DESCRIPTION _____

_____ ADDITIONAL _____ REPLACEMENT

1. Is the equipment budgeted in the contract? _____yes _____ no

2. What is the need for this equipment? _____

3. Will this equipment replace currently owned equipment? _____ yes _____ no

a. If yes, how will the existing equipment be exposed of? _____

4. Which is the acceptable Quote? _____

5. List equipment to be purchased including make and model number.

6. Cost/percentage of funds in subgrantee Weatherization Program:

Source	Contract#	Funding Year	Amount Charged	% Total Charged
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Total _____ Total _____

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I certify that the above information is true and correct. The equipment requested is need for the effective operation of the Weatherization Assistance Program.

Agency Organization _____

Authorized Signature _____ Date _____

Notes:

All purchases/lease requests for equipment must include a copy of three (3) bids. If there is existing equipment being sold or traded, the value must be clearly indicated on the document.

To expedite the approval process documents must be sent electronically in a PDF file formant.

If the lowest bidder is not selected, a justification is required.

DCA USE ONLY:

Weatherization Supervisor _____ Date _____

Department of Energy Approval Date _____

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WEATHERIZATION BULLETIN # 506

To: Executive Directors and Weatherization Managers

From: Clarice Sabree-Sylla, Supervisor, OLIEC

Date: January 24, 2001

Re: **Debarred Lists**

Local contracting agencies utilizing federal funds are expected to access the GSA Debarred Lists and verify eligibility for all prime contractors prior to contract award. Although subcontractor clearance is the responsibility of the prime contractor, it is wise to check the subcontractor eligibility at the same time to ensure compliance. The GSA's [Lists of Parties Excluded From Federal Procurement or Nonprocurement Programs](#) (AKA Debarred List) is available on the Internet. The direct address is: www.arnet.gov/epls.

The New Jersey Prevailing Wage Act requires public bodies to obtain a list of contractors or subcontractors who failed to pay prevailing wage rates. No contract is to be awarded to such contractor or subcontractor. [The New Jersey Consolidated Department Report](#) is available through INFOBANK on the Garden State Network. The report is also available on the Internet at the following address: www.state.nj.us/treasury/gsa/debarch.htm.

CSS/sc/3192R

NEW JERSEY WEATHERIZATION ASSISTANCE PROGRAM

WEATHERIZATION BULLETIN #507

To: Executive Directors and Weatherization Managers

From: Clarice Sabree-Sylla, Supervisor, OLIEC

Date: December 12, 2008

Re: **POLLUTION OCCURRENCE INSURANCE AND LEAD SAFE WORK PRACTICES**

Summary: The U.S. Department of Energy requires all Weatherization subgrantees to maintain insurance that includes coverage for pollution occurrences. Weatherization subgrantee installers and contractors must undergo approved Lead-Safe Work Practices Training.

Subgrantees that have failed to acquire insurance must advise this office immediately. If the required insurance is not in effect, windows, doors and other painted surfaces cannot be disturbed if the dwelling unit was built before 1978.

This restriction does not mean that blower door guided air sealing cannot be completed.

Subgrantees must submit copies of the required insurance with contracts. Subgrantees (crew workers) and contractors must include a copy of the Lead-Safe Work Practices Certificate with bid packages.

Additionally, Contractors are required to maintain Pollution Occurrence Insurance that covers lead contamination when lead-safe work practices are utilized during the Weatherization process, unless the work to be completed does not entail the treatment, repair, or removal of any materials that may be covered with lead-based paint.

The Grantee is required to maintain Pollution Occurrence Insurance that covers lead contamination when lead-safe work practices are utilized during the weatherization process. This coverage may be waived only if the primary Liability Insurance policy does not include exclusion for lead-related pollution occurrence.

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WEATHERIZATION BULLETIN #508

To: Executive Directors and Weatherization Managers

From: Clarice Sabree-Sylla, Supervisor, OLIEC

Date: September 12, 2005

Re: **CONTRACTOR'S REGISTRATION ACT**

New Jersey's Contractor's Registration Act approved in May, 2004 requires that contractors engaged in the business of selling or making home improvements must be registered with the Division of Consumer Affairs by December 31, 2005.

Home improvements are defined as the remodeling, altering, renovating, repairing, restoring, modernizing, moving, demolishing or otherwise improving or modifying of the whole or any part of any residential or non-commercial property, insulation installation and the conversion of existing commercial structures into residential or non-commercial property.

The Act exempts from the registration requirement: any person performing a home improvement upon a residential or non-commercial property he owns, or that is owned by a family member, a bona fide charity, or other non-profit organization; any person who is in a profession (i.e., architect, engineer, plumber, electrician) requiring registration, certification or licensure by the State who is acting within the scope of his profession; any person employed by a community association or cooperative corporation; any public utility and home improvement retailer (Sears, Home Depot) with a net worth of \$50,000,000 or employee of that retailer.

Construction code officials will not issue a construction permit to a contractor who is not in compliance with the Act.

Information about the registration requirements is available at the offices of local construction code officials and online at www.state.nj.us/lps/ca/contrator.htm.