

Oregon Administrative Rules  
Division 290 (new)  
Energy Efficient Technologies Training Grant Program

**330-290-0000**

**Purpose and application of rules in Division 290**

- (1) The purpose of these rules is to implement a grant program to provide education and training to contractors, subcontractors, technicians, community-based organizations and other installers of energy efficient appliances for heating and cooling and to other workers in industries related to construction and energy appliance installation to fulfill the requirements of Oregon Laws 2023, Chapter 442, section 4.
- (2) These Division 290 rules apply to all applicants for energy efficient technologies training grants under the program established to fulfill the requirements of Oregon Laws 2023, Chapter 442, section 4. The rules provide procedures for submitting applications, department review and selection of grant awardees, the development of performance agreements, and reporting and compliance requirements.

**330-290-0010**

**Definitions**

- (1) "Department" means the Oregon Department of Energy.
- (2) "Environmental justice communities" means communities meeting the definition of environmental justice communities under the Community Renewable Energy Program as specified by Oregon Laws 2021, Section 1, subsection 5. The definition includes communities of color, communities experiencing lower incomes, tribal communities, rural communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth and persons with disabilities.
- (3) "Disadvantaged communities" as outlined in federal Executive Order (EO) 14008, signed January 27, 2021, means a census tract identified by the Climate and Economic Justice Screening Tool (CEJST) as being economically disadvantaged and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care. A community qualifies as "disadvantaged" if the census tract is above the threshold for one or more environmental or climate indicators and the tract is above the threshold for the socioeconomic indicators.
- (4) "Climate and Economic Justice Screening Tool (CEJST)" means the screening tool developed by the Council on Environmental Quality as directed by presidential Executive Order 14008, consisting of an interactive map identifying disadvantaged communities.

**330-290-0020**

**Contracts under program**

- (1) The Department may contract with eligible entities to provide needed information, assistance, training and support to contractors and/or training providers.

(2) Eligible entities entering into a contract with the Department under these rules shall use financial assistance under the contract for the development and delivery of training related to energy efficiency technologies and incentives as outlined in the funding opportunity announcement.

(3) An eligible entity may partner with other eligible entities, but the entity awarded a grant shall take a lead role in administering the grant funds, including record-keeping and reporting, and providing financial assistance.

(4) A partner entity may assist the entity awarded a grant by providing, or assisting in the provision of:

- (a) financial assistance to program participants;
- (b) development of training materials; and/or
- (c) delivery of training material.

### **330-290-0030**

#### **Eligibility**

(1) Funding from this grant program is available to organizations for training programs in one or more training paths identified in the funding announcement including but not limited to:

- (a) Community-based organizations;
- (b) Labor organizations;
- (c) Pre-apprenticeship/apprenticeship programs;
- (d) Training centers;
- (e) Community colleges.

### **330-290-0040**

#### **Funding opportunity announcements and application requirements**

(1) The department shall announce the availability of grants for education and training for installation of energy efficiency technologies by issuing one or more funding opportunity announcements.

(2) An applicant may apply for a grant by submitting a complete grant application. The application must meet requirements provided by relevant statutes, these rules, and the funding opportunity announcement.

(3) The application must be submitted using a form specified by the Department and include at a minimum the following information:

- (a) Identification of applicant and partners;
- (b) The name, address, email address and telephone number for the applicant;
- (c) The names and roles of any partners to the application;
- (d) How the program aligns with the Department's goal to prioritize disadvantaged or environmental justice communities;
- (e) A description of:
  - (A) The entity's capacity to administer any grant funds received;

- (B) The objective from the funding opportunity that this program intends to address;
  - (C) Information on the current program the funding will be expanding, if applicable;
  - (D) The estimated budget for administrative and marketing expenses;
  - (E) Other information about the applicant as requested in the application.
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- (f) An explanation of how the program will meet one of the stated program objectives from the posted funding opportunity announcement;
  - (g) A description of how the program will connect workers to prospective employers or pre-apprentice/apprenticeship programs, where appropriate;
  - (h) A description of wraparound services will be available to participants;
  - (i) An explanation of how the program will contribute to a sustainable energy efficiency workforce in Oregon; and
  - (j) Other information the department considers necessary.
- (4) The Department will only consider complete applications in its selection and funding allocation process.

### **330-290-0050**

#### **Application evaluation and funding allocation process**

- (1) The Department will evaluate all complete applications for funding to ensure the requirements in statute, rule, and in the funding announcement are met. In awarding grants, the Department shall give preference to eligible entities with:
- (a) Experience in administering state grant programs or programs with similar reporting requirements;
  - (b) Experience with community program development within disadvantaged or environmental justice communities; and
  - (c) Connections to community partners.
- (2) The department shall allocate grant funds to grantees based upon the following criteria:
- (a) 40 percent of the available grant funding shall be allocated to programs training participants from or providing services to disadvantaged communities as identified on the federal CEJST Map.
  - (b) 60 percent of available grant funds may be allocated to programs meeting the requirements of the funding announcement that do not specifically benefit disadvantaged communities; however, programs that demonstrate economic development to participants from disadvantaged or environmental justice communities will receive priority.
  - (c) The Department shall provide resources on its website to assist applicants in demonstrating that the program(s) in the application will serve one or more disadvantaged or environmental justice community.

### **330-290-0060**

#### **Use of funds**

- (1) An eligible entity may use a percentage, as specified in a performance agreement, not to exceed 15 percent, of the awarded grant funds for program-related administrative expenses and marketing costs.
- (2) Eligible administrative and marketing costs include the following costs if they are necessary to administer and market the program:
  - (a) Direct costs to implement, and monitor the program including staffing, materials, supplies, and travel.
  - (b) Other costs the department determines should be eligible because they are necessary to administer or market the program.
- (3) Ineligible administrative and marketing costs include the following:
  - (a) Existing indirect costs including rent and utility costs.
  - (b) Other costs the department determines should be ineligible.
- (4) Financial assistance may be provided to program participants in the following forms:
  - (a) Training and training materials such as textbooks and manuals;
  - (b) Certification exam fees;
  - (c) Travel reimbursement;
  - (d) Wage stipends;
  - (e) Technical assistance;
  - (f) Software licenses;
  - (g) Wraparound services deemed by the Department to be necessary for the successful completion of the program by participants;
  - (h) Employer engagement and hiring incentives.
- (5) Eligible costs include costs associated with training material development, including addition of culturally-specific materials.
- (6) Staffing associated with providing training to program participants by grantee or partner entity are not considered administrative costs.
- (7) The creation of informational material not directly related to the delivery of training under the program is allowable as long as it falls within the following categories and is made available to the Department for public outreach and education:
  - (a) Information on the availability of moneys, programs, rebates and other incentives for acquiring and installing energy efficient appliances for heating and cooling;
  - (b) Materials describing methods, techniques, available incentives and funding available for upgrading electrical panels and wiring to accommodate energy efficient appliances for heating and cooling; and
  - (c) Information to assist contractors and property owners in planning for, installing and operating heat pumps.

### **330-290-0070**

#### **Performance agreements**

- (1) The Department will offer a performance agreement to each grant awardee under the program outlining the terms under which the Department will award funds.
- (2) Eligible entities selected to be awarded a grant shall have 30 calendar days from the date on which the performance agreement is provided to the applicant to accept the performance

agreement. An applicant's failure to accept the performance agreement by the deadline may cause the rejection of the grant application;

- (3) If an eligible entity fails to enter into a performance agreement within 30 calendar days of the date on which the department provided the performance agreement to the entity, the department may select an alternative applicant.
- (4) The performance agreement must include the following terms and may also include additional terms:
  - (a) The maximum amount of the grant and the entity to which funds will be disbursed.
  - (b) The maximum duration of the performance agreement;
  - (c) Record keeping, reporting, and compliance monitoring requirements as detailed in the performance agreement or applicable federal law;
  - (d) A provision allowing the performance agreement to be terminated for reasons stated in the agreement and subject to terms described in the agreement;
  - (e) The grant payment schedule; and
  - (f) Provisions regarding repayment of unspent funds at checkpoints specified in the agreement and at the end of the of the agreement. Unspent funds that are repaid may be reallocated by the Department to one or more grantees or deposited in the Energy Efficiency Information and Education fund for future distribution.

### **330-290-0080**

#### **Record keeping and reporting**

- (1) Grantees and their partners must maintain accurate financial records satisfactory to the department, which document the receipt and disbursement of funds. Grantees must have an accounting system in place satisfactory to the department.
- (2) Grantees and their partners must maintain other program records satisfactory to the Department.
- (3) Grantees shall collect project data and report on project outcomes as stated in the funding opportunity announcement and as specified in each grantee's performance agreement.

### **330-290-0090**

#### **Compliance and monitoring**

- (4) To ensure proper compliance and monitoring of the program, grantees and their partners must.
  - (a) Provide the Department access to and permit copying of all electronic and hardcopy accounts, documents, audits, and records;
  - (b) Cooperate fully in any inspections or other monitoring actions taken by the Department;
  - (c) Retain and keep accessible all program records and data as requested by the Department;
  - (d) Conduct and keep records of program participants as specified in the performance agreement.
- (5) The department may conduct reviews, audits, inspections and other compliance monitoring as it deems appropriate with respect to each grantee and its partners to verify compliance with

the program requirements. Grantees and their partners must cooperate fully with the Department in its compliance monitoring activities.

(6) Grantees must require by contract and monitor their partners' compliance with all program requirements including, but not limited to, recordkeeping and retention of records.

(7) Each grantee must provide a report to the Department prior to June 30 of each year with data through a date specified in the performance agreement. The report shall not include the personal information of the recipients of financial assistance, but must include:

(a) A detailed description of the grantee's, and their partner's, use of grant funds;

(b) The nature and amounts of the administrative expenses and marketing costs the grantee has incurred in providing payments under the program; and

(c) Any other information required by the Department.

(8) In addition to the reporting requirements in (6), each grantee must provide reports during the year at a frequency determined by the Department and specified in the performance agreement. The required information may be different from those outlined in (6).

### **330-290-0100**

#### **Remedies for unsatisfactory performance**

(1) The Department reserves the right to identify deficiencies in the performance of any grantee or their partners discovered during compliance monitoring activities and take remedial action upon the grantees, including, but not limited to terminating its funding agreement with a grantee and requiring repayment of program funding.

(2) To remedy any identified deficiencies, the Department:

(a) Must issue a deficiency notice notifying a grantee of deficiencies identified through the monitoring process and provide documentation for the basis of such determination and the specific deficiencies that must be corrected;

(b) Must require the grantee to correct any deficiencies in a manner and time satisfactory to the Department.

(3) A grantee must repay to the Department grant funds that the grantee, or their partners, does not use in accordance with the provisions of the performance agreement.

(4) The Director of the Oregon Department of Energy may order the grantee repay a portion or all of the grant funds if the Director finds that there are grounds of misappropriation, fraud or similar reasons after auditing or investigating the grantee's, or their partner's, operations and conducting a contested case hearing under ORS 183.413 to 183.470.

### **330-290-0110**

#### **Amendments to Performance Agreement**

(1) If a grantee wishes to amend a performance agreement entered into with the Department under OAR 330-270-0050 the grantee must submit a written request to the director.

(2) The grantee must describe the proposed change to the performance agreement and the reasons for the change.

(3) The grantee must demonstrate that the program operated by the grantee will continue to meet the requirements of statute, rule, and the opportunity announcement.

(4) The Department shall evaluate amendment requests to determine whether the proposed change(s) would have affected the outcome of competitive review, which may result in denial of the amendment request.

(5) The Department shall decide whether to approve the amendment request.

(a) If approved, the Department shall draft an amended performance agreement, which may contain new or amended conditions and requirements. The amended performance agreement shall become effective upon signature by all parties;

(b) If denied, the Department shall notify the grantee in writing. The notice will include the reasons for the denial of the amendment request.

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