

## MINNESOTA SOLAR ELECTRIC REBATE Instructions for Business Rebate Applications



### INTRODUCTION

The Minnesota Solar Electric Rebate for Businesses provides financial support for the installation of solar electric systems with rated capacities of between 0.5 and 10 kilowatts (kW). (Homeowners should refer to the *MINNESOTA SOLAR ELECTRIC REBATE for Residences* instructions.) To be eligible:

- a business must be in Minnesota;
- a business must have 20 or fewer full-time equivalent employees (FTE);
- a system must be installed by a licensed contractor that meets program participation criteria;
- the installation must comply with all applicable federal, state and local requirements; and
- the installation must be completed within nine months of approval of the rebate application.

This program is funded by the American Recovery and Reinvestment Act of 2009 (ARRA), Pub. L. 111-5 and authorized by Laws of Minnesota 2009 Chapter 138. Federal and state guidelines require that projects adhere to a number of reporting and project implementation standards as outlined in this application.

The basic steps to receiving a solar electric rebate for your business are listed below.

1. Employ energy efficiency and conservation measures first: make your building as efficient as possible.
2. Learn about solar energy system options.
3. Find out whether your location can benefit from solar energy by conducting a solar site assessment. A solar site assessor can provide an objective evaluation of your specific location. Office of Energy Security (OES) requires a site assessment prior to applying for state solar rebate incentives. The solar site assessor need not be the solar installer who completes the installation for the purpose of this program.
4. Select a solar installer. See the publication *Hiring a Renewable Energy Contractor* at [www.energy.mn.gov](http://www.energy.mn.gov) > *Renewables* > *Solar* > *Purchase & Installation*. It includes a list of solar installers serving Minnesota. Note that not all installers listed are eligible to participate in the program.
5. Your installer should work with your electric utility on an interconnection application, if applicable, and local building officials on any applicable building codes.
6. Submit an application AFTER assembling all supporting documentation with help from your installer. (See checklist on the following page.) Additional funding may be available through federal tax incentives or your local utility. For a current list of federal, state, and utility energy incentives, visit the Database of State Incentives for Renewable Energy website at [www.dsireusa.org](http://www.dsireusa.org).

Make a copy of the rebate application materials for your files and mail or hand deliver the originals to:

**Solar Electric Rebate Program  
Minnesota Office of Energy Security  
85 7<sup>th</sup> Place East, Suite 500  
Saint Paul, MN 55101-2198**

**IMPORTANT: Do not order, purchase or install any equipment before receiving a Rebate Confirmation Form indicating that the application has been approved. Failure to comply with any requirement at any point in the rebate process may disqualify the applicant from receiving a state rebate.**

7. OES will make every effort to notify you whether your application is approved within 30 days of receiving a completed application. Your solar installer may be notified as well. If approved, you will also receive a **Rebate Claim Form** that you will need to complete and return after your system is installed.

8. After the installation is complete, submit the original **Rebate Claim Form** and supporting materials to the Solar Electric Rebate Program. If the rebate claim package is complete, a rebate check will be issued within 30 days.

**IMPORTANT: System installation must be completed by the expiration date indicated on the Rebate Confirmation Form. Extensions may be made on a case-by-case basis and must be requested at least five business days prior to the expiration date.**

### REBATE APPLICATION CHECKLIST

- 1. Rebate Application Form with original signatures
- 2. Evidence of Intent from applicant (application for interconnection OR evidence of \$500 minimum down payment)
- 3. Photos
  - A panoramic photo or series of five photos from 90° to 270° through south, labeled
  - A photo of the proposed installation site, labeled
- 4. Solar shading analysis (Pathfinder, SunEye, or similar)
- 5. Solar Site Diagram—Top View
- 6. End-User Agreement
- 7. Historical preservation documentation (See Exhibit B.)

### CONTRACTOR QUALIFICATIONS AND BUSINESS REBATE LIMITS

Solar Contractor Qualifications	Applications submitted by April 30, 2010	Applications submitted After April 30, 2010
Licensed electrical contractor with at least two solar PV installations of at least 0.5 kW in previous 12 months	Project completed and claim submitted by Sept. 30, 2010: \$1.75 per watt up to \$17,500 maximum rebate	\$1.50 per watt
Licensed general contractor with at least two solar PV installations of at least 0.5 kW in previous 12 months	Claim submitted after Sept. 30, 2010: \$1.50 per watt up to \$15,000 maximum rebate	
Above plus NABCEP certified PV installer	Project completed and claim submitted by Sept. 30, 2010 \$2.00 per watt up to \$20,000 maximum rebate  Claim submitted after Sept. 30, 2010: \$1.75 per watt up to \$17,500 maximum rebate	\$1.75 per watt

## MINNESOTA SOLAR ELECTRIC REBATE Instructions for Business Rebate Applications



### TERMS AND CONDITIONS

Complete rebate applications are processed on a first-come, first-served basis until all available funds have been reserved. Mailed applications will be time stamped as having been submitted at 4:00 p.m. on the postmark date.

A **Rebate Confirmation Form** and **Rebate Claim Form** will be mailed to the applicant upon application approval. Claim the rebate by completing the installation and submitting the **Rebate Claim Form** with supporting documentation within nine months of receiving the **Rebate Confirmation Form**. Note that the rebate amount may be based on date of rebate claim submission. (See table on previous page.) **No installation work should be done before receiving the Rebate Confirmation Form. Failure to adhere to this requirement may void the rebate.**

The rebate amount will not exceed the total cost of an installation minus federal, utility and other incentives. See [www.DSIREUSA.ORG](http://www.DSIREUSA.ORG) for a comprehensive list of incentives from federal, state, and utility sources.

Past Minnesota Solar Rebate Program participants are eligible for up to 10 kW combined capacity.

The total funding for all state solar rebate programs is up to \$3 million. See [www.energy.mn.gov](http://www.energy.mn.gov) for state solar rebate program information including the Solar Hot Water Rebate Program and the Solar Air Heat Program.

The Office of Energy Security website hosts a solar section with information and web links that may be useful: [www.energy.mn.gov](http://www.energy.mn.gov), then click on *Renewables > Solar*. Questions regarding this application should be directed to the Energy Information Center at (651) 296-5175 or [energy.info@state.mn.us](mailto:energy.info@state.mn.us).

OES reserves the right to adjust these terms and conditions as necessary.

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#### Eligible Equipment

1. All of the major system components including modules and inverters must be new.
2. Photovoltaic modules must come with a 20-year or greater manufacturer's performance warranty and must be certified as meeting the most current edition of Underwriters Laboratory Standard 1703 (UL1703). (As of February 2010, the current edition of UL1703, the Standard for Flat-Plat Photovoltaic Modules and Panels, is Third Edition published March 2002, Revised April 2008.)
3. All inverters must be certified as meeting the current edition of Underwriters Laboratory Standard 1741 (UL1741) and come with a minimum five-year manufacturer's warranty. (As of February 2010 the most current edition of UL1741, the Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources, is Second Edition, published January 28, 2010.)

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#### Installation Requirements

1. Installations are subject to the requirements and provisions of Minnesota statute (216B.164), Minnesota rules (Chapter 7835), the currently adopted edition of the National Electrical Code, and electric utility requirements.
2. Installations must comply with all applicable building and zoning codes.
3. Fixed-tilt installations should have a tilt angle between 20 and 60 degrees.
4. Applicants must demonstrate that the system will not be shaded by buildings, trees, electricity poles, towers, chimneys, etc. using a shading analysis tool and site photos.
  - a. Installers are responsible for ensuring an accurate representation of the site.
  - b. Installations should result in energy production equivalent to a minimum net effect of 90% of an ideally sited system.
  - c. The Program Administrator or its subcontractor reserves the right to reject any application if the installation site is compromised by shading.

- d. OES or its subcontractor reserves the right to conduct site inspections to verify compliance with program guidelines.
5. Installations must be performed by appropriately licensed, professional solar installers in order to qualify for a rebate. All electrical work must be performed by a licensed electrician working for a licensed electrical contractor.
6. The installer must provide information to the applicant about operation and performance considerations relating to shading, snow cover, and maintenance of the system.
7. The system must include performance monitoring equipment that records the electricity generated by the solar electric system. The applicant must agree to share the energy production data from the solar electric system.

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### **Prevailing Wage Requirements**

Contractors whose clients participate in the Minnesota Solar Electric Rebate for Businesses must pay employees the higher of state and federal prevailing wage rates. Forms for weekly payroll reporting for contractors and subcontractors will be available from [www.energy.mn.gov](http://www.energy.mn.gov) > Funding > Rebates and Credits or by request from [stacy.miller@state.mn.us](mailto:stacy.miller@state.mn.us). Payroll forms must be completed weekly for the project by both the installer and any subcontractors while work is being performed and records must be maintained for a period of three years after project completion. **To be eligible for program funds, prevailing wages must be paid for all aspects of installation work as part of this project. (For example, such categories as electrician, roofer, lift operator, laborer, carpenter, painter, and other applicable classification codes outlined in the prevailing wage law.)** Payroll reports must be submitted to:

**Davis-Bacon Solar Forms  
Minnesota Office of Energy Security  
85 7<sup>th</sup> Place East, Suite 500  
Saint Paul, MN 55101-2198**

### **Davis-Bacon Act (DBA) Requirements**

Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on construction, alteration, or repair projects funded directly by or assisted in whole or in part by ARRA Funds shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (USC). Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 USC 3145, the United States Department of Labor has issued regulations 29 CFR Parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard DBA contract clauses set forth in that section (See Exhibit A). DBA wage determinations can be found at: [www.wdol.gov](http://www.wdol.gov) and additional information on DBA Requirements can be found at: [www.dol.gov/esa/whd](http://www.dol.gov/esa/whd).

### **Minnesota State Prevailing Wages**

Laws of Minnesota 2009 Chapter 138 requires employees working on solar electric projects under this program be paid wage-rates comparable to wages paid for similar work in the area where the project is located. Specifically, all contractors and subcontractors must pay all laborers and mechanics the established prevailing wages for work performed under the contract. Minnesota State Prevailing wages are established by the Minnesota Department of Labor and Industry. State wage determinations can be found at [www.doli.state.mn.us/Laborlaw.asp](http://www.doli.state.mn.us/Laborlaw.asp) > Prevailing Wage. Failure to comply with the aforementioned may result in civil or criminal penalties. If you have questions about job classification contact Department of Labor and Industry at [dli.prevwage@state.mn.us](mailto:dli.prevwage@state.mn.us) or complete a [classification clarification request form](#).

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### **Solar Installer/Contractor Requirements**

By signing the Minnesota Solar Electric Rebate Application, a Solar Installer/Contractor agrees to:

- Provide the state with accurate information regarding the full scope of the project, including but not limited to: itemized pricing of equipment, labor, work performed, wages paid, and total system cost.
- Abide by all state and federal guidelines and requirements, including reporting, associated with the Minnesota Solar Electric Rebate Program.
- Require subcontractors to abide by all state and federal guidelines and requirements associated with the Minnesota Solar Electric Rebate Program.

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### **Application Changes**

- Major changes (such as change of purchaser, location, or increases in system size) require reapplication or prior written approval. Decreases in the size of the solar system to be installed must be documented on the **Rebate Claim Form** and supporting materials.
- Requests for extension of the rebate expiration date must be made in writing at least five business days prior to expiration.

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## **ARRA Requirements**

### **National Environmental Policy Act (NEPA)**

OES is required to notify DOE if it determines that an activity categorically excluded from NEPA review appears to present an extraordinary circumstance as defined under 10 CFR § 1021.410(b). Applicants will need to certify to OES that the proposed solar installation activities will NOT:

1. Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, including requirements of DOE and/or Executive Orders;
2. Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators);
3. Disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; or
4. Adversely affect environmentally sensitive resources. Environmentally sensitive resources include, but are not limited to:
  - (i) Property (e.g., sites, buildings, structures, objects) of historic, archeological, or architectural significance designated by federal, state, or local governments or property eligible for listing on the National Register of Historic Places;
  - (ii) Federally listed threatened or endangered species or their habitat (including critical habitat), federally proposed or candidate species or their habitat, or state-listed endangered or threatened species or their habitat;
  - (iii) Wetlands regulated under the Clean Water Act (33 U.S.C. 1344) and floodplains;
  - (iv) Areas having a special designation such as federally and state-designated wilderness areas, national parks, national natural landmarks, wild and scenic rivers, state and federal wildlife refuges, and marine sanctuaries;
  - (v) Prime agricultural lands;
  - (vi) Special sources of water (such as sole-source aquifers, wellhead protection areas, and other water sources that are vital in a region); and
  - (vii) Tundra, coral reefs, or rain forests.

### **National Historic Preservation Act**

Any federally funded, licensed or permitted project requires consideration of historic resources under Section 106 of National Historic Preservation Act of 1966. Projects receiving funds through ARRA are subject to review for the identification and preservation of historic resources.

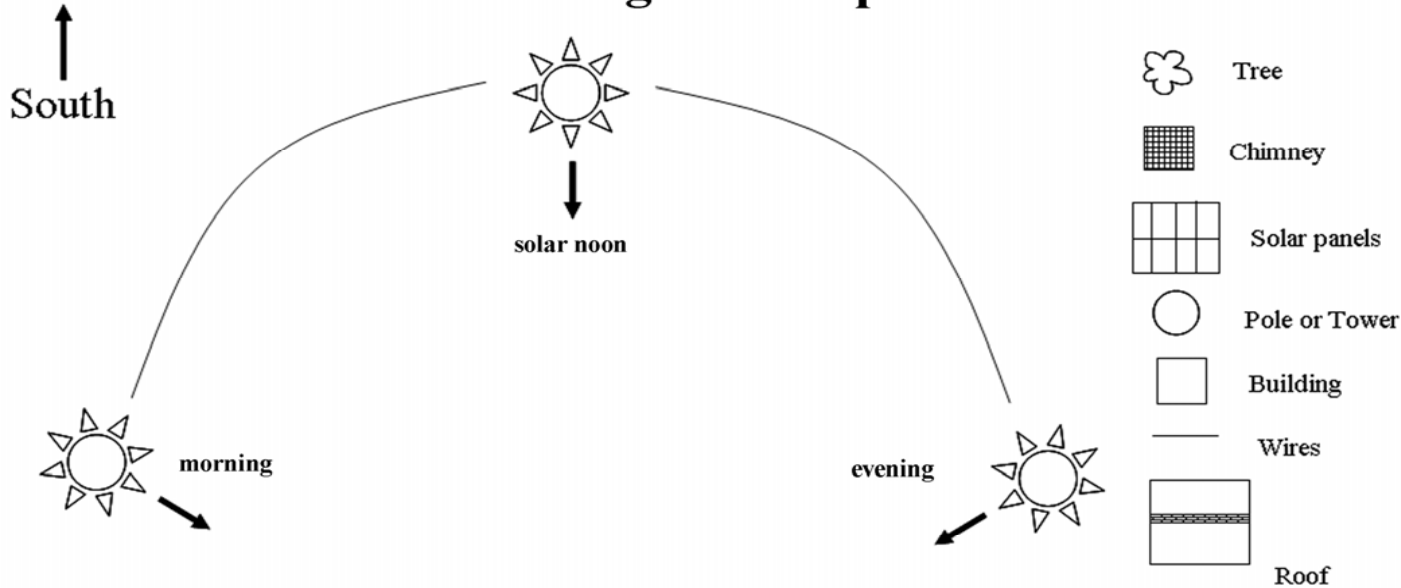
### **Minnesota Data Privacy Act/Tennessee Warning**

The Minnesota Data Privacy Act requires that certain information you provide on this form remain as private data. The information about you that is collected on the Solar Electric Rebate Program application will be classified as either public or private data. Public data will be accessible to the public. Private data about you will be accessible only to you and state personnel and their authorized subcontractors who administer the program and reporting requirements. The data you give us about yourself is needed to:

- Identify you;
- Contact you in case of program or energy use evaluation;
- Comply with certain federal and state reporting requirements;
- Evaluate program effectiveness; and
- Administer the Solar Hot Water Rebate Program.

If you choose to supply all of the requested data, your completed rebate application will be processed on a first-come, first-served basis. If you refuse to supply data requested on the rebate application form, your application will not be processed. Please note that rebates and rebate applications may be considered public documents and may be subject to disclosure to the public upon request.

## Solar Site Diagram - Top View



**This diagram must be completed as part of the MN Solar Electric Rebate Application.**

Using the symbols (at right) sketch the locations and distances between the proposed array and surrounding objects. Include estimated heights above ground for all objects.

**What angle will the array face? \_\_\_\_\_ (180° = due South)**

1. Draw the proposed location of the solar system using the appropriate symbols. Label all existing structures on property. Sketch and label streets within view of the proposed system.
2. Determine the orientation of the system.
3. Draw any objects that appear in the photos of the horizon. Pay particular attention to those objects which may appear to present a shading obstruction in the horizon photos.
  - a. You do not need to draw objects that are located behind the solar panels unless they reach over the top of the solar panels.
  - b. Estimate the appropriate width at the widest point of each object.
  - c. Measure and make note of the distance from the solar array to each object on the diagram.
  - d. Include heights of objects and the height of the lowest point of the PV array.



## DECLARATION

The undersigned warrants, certifies and represents that: (1) the information provided in this form is true and correct to the best of my knowledge; (2) if applicable, the installer agrees to payment of prevailing wages for the labor on this project; (3) the installer agrees to send payroll documentation to OES; and (4) the installation will meet all Minnesota Solar Electric Rebate Program requirements.

## SIGNATURE

Signature \_\_\_\_\_  
*Applicant (original signature required)*

Signature \_\_\_\_\_  
*Solar Installer (original signature required)*

Print Name \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

**The following supporting documentation is included in this application:**

- Evidence of intent
- Site photos
- Shading analysis
- Solar site diagram
- End-User Agreement
- Historic preservation documentation (See Exhibit B)
  - photos of structures on the property unless pole mounted
  - aerial view as shown by <http://mapper.acme.com/> unless pole mounted



**END-USER AGREEMENT**  
**Minnesota Solar Electric Rebate Program**  
(To be completed by the applicant)

- I. I agree to provide the Minnesota Department of Commerce Office of Energy Security (OES) with solar electricity generation data from my solar electric system for a period of four years either through inverter or separate meter readings.
- II. I agree to provide OES, or its contractors, access to the proposed solar installation site for the purpose of conducting a site audit. The results of the audit may be used to verify the data submitted in the Solar Electric Rebate Application and to determine eligibility.
- III. If necessary, I agree to provide OES, or its contractors, with access to any photovoltaic hardware and related components on my property as necessary for the completion of ongoing research related to the Minnesota Solar Electric Rebate Program. Access will be scheduled with the applicant at least seven working days in advance.
- IV. If requested, I agree to allow OES and its contractors or subcontractors to install electricity data collection devices on my property so that information from my solar electric energy system may be retrieved and included in research being conducted by OES. I understand that data collected from the photovoltaic system on the property may be made available to the public. Access will be scheduled with the applicant at least seven working days in advance.
- V. For grid-connected systems, I authorize my electric utility to release data related to the amount of electricity produced by my solar electric installation.
- VI. Minnesota Data Privacy Act/Tennessee Warning:  
The Minnesota Data Privacy Act requires that certain information you provide on this form remain as private data. The information about you that is collected on the Solar Electric Rebate Program application will be classified as either public or private data. Public data will be accessible to the public. Private data about you will be accessible only to you and state personnel and their authorized subcontractors who administer the program and reporting requirements. The data you give us about yourself is needed to:
  - Identify you;
  - Contact you in case of program or energy use evaluation;
  - Comply with certain federal and state reporting requirements;
  - Evaluate program effectiveness; and
  - Administer the Solar Electric Rebate Program.

If you choose to supply all of the requested data, your completed rebate application will be processed on a first-come, first-served basis. If you refuse to supply data requested on the rebate application form, your application will not be processed.

Applicant name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

If grid-connected:

Electric Utility \_\_\_\_\_ Electric Utility Account # \_\_\_\_\_

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## Definitions:

**Anti-islanding test** – a utility engineer will test the completed system for safety before an interconnection contract is processed

**Azimuth** – the direction measured in degrees from North that the solar installation is oriented

**Building code** – check with city and/or county to identify permits needed for the solar installation

**Davis-Bacon Act (DBA)** – Under DBA, certain contractors and their subcontractors must pay workers employed directly on the project site no less than the locally prevailing wages and fringe benefits paid on projects of a similar character. Commercial and residential solar photovoltaic projects funded by ARRA under this program are subject to the higher of the federal and the state prevailing wage rates

**DC rating** – solar capacity, measured in watts

**End-User Agreement** – agreement between applicant and the Office of Energy Security to provide data on the electricity produced by the solar energy system

**Evidence of Intent** – evidence that the applicant is serious about participating in the solar rebate program: \$500 down payment to the installer or utility interconnection application is acceptable

**Grid-connected** – PV system is interconnected to an electric utility; grid connected systems in Minnesota benefit from net metering if the capacity is not more than 40 kW

**Interconnection contract** – a contract with the electric utility to let a customer sell electricity back to the utility; utilities must use standard state contract (MN Rule 7835.9910 [www.leg.state.mn.us](http://www.leg.state.mn.us))

**Interconnection guidelines** – safety and technical requirements for the solar installation

**Inverter** – converts DC electricity from the solar panels into AC electricity

**Kilowatt (kW)** – 1000 watts (five 200 watt solar modules = 1 kilowatt)

**Maximum Power Point Tracking (MPPT)** – Devices incorporated into the PV system which allow each individual panel to deliver continuously at maximum available power based on total panel illumination, irrespective of conditions of other panels in the system (such as local shading and soiling, panel matching, other panel or interconnect failures, etc.)

**Minnesota Rules Chapter 7835** – Minnesota's net metering rules ([www.leg.state.mn.us](http://www.leg.state.mn.us))

**Minnesota Statute 216B.164** – Minnesota's net metering statute ([www.leg.state.mn.us](http://www.leg.state.mn.us))

**National Environmental Protection Act (NEPA)** – requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions. As a federally funded program, the Minnesota Solar Electric Rebate Program is subject to NEPA provisions. The following solar electric systems are categorically excluded:

- Ground mounted installations sized to serve the site load and not more than 60 kW
- Building mounted installations sized to serve the building load

**National Electrical Code Article 690** – national electrical safety standards for photovoltaic systems established by the National Fire Protection Association ([www.nfpa.org](http://www.nfpa.org))

**National Historic Preservation Act of 1966** – Any federally funded, licensed or permitted project requires consideration of historic resources under Section 106 of National Historic Preservation Act of 1966. Projects receiving funds through ARRA are subject to review by a state authorized authority for the identification and preservation of historic resources

**Off-grid PV system** – not interconnected to an electric utility; integrates battery storage

**Solar module warranty** – solar modules in the rebate program must have a 20-year or greater performance warranty

**Photovoltaics** – (PV) a semiconductor technology that converts sunlight to direct current electricity

**Prevailing wages** – The Minnesota Solar Electric Rebate for Businesses is funded by ARRA and subject to payment of the higher of state and federal prevailing wages. Federal wage determinations can be found at

<http://www.wdol.gov/dba.aspx> and state prevailing wages are at <http://www.doli.state.mn.us/Laborlaw.asp> > Prevailing Wage. (See also Davis Bacon Act.)

**Renewable Development Fund (RDF)** – an Xcel Energy fund for renewable energy

**Rebate Claim Form** – a form to complete to receive the rebate once the solar installation is complete; the form is mailed to applicant upon application approval (sent with Confirmation Form)

**Rebate Confirmation Form** – the form received once the applicant is approved for a rebate; work must not begin before receiving this form

**Renewable Energy Credit (REC)** – also known as green tags, a REC represents the value of all environmental and social attributes in a Megawatt-hour of renewable energy; RECs can be sold or traded independently from the electricity associated with them

**Site pictures** – a labeled photo of the proposed solar energy system installation location AND labeled panoramic photos of the horizon from East to West through South

**Shading Analysis Tool** – a device used to accurately chart the total shading at a specific location. (Pathfinder, SunEye, Asset, or comparable tools are acceptable)

**System rating** – the sum of all of the solar modules to be used in the system (# of solar modules x DC rating of solar modules)

**Tilt angle** – the elevation angle from horizontal at which the solar modules are positioned

29 CFR Part 5.5

Davis-Bacon Act: 29 CFR Part 5.5

**The “recipient” referred to throughout the Davis-Bacon contract conditions is the “grantee”.**  
This language must be included in all Davis-Bacon covered contracts and any and all subcontracts.

(a) The Agency head shall cause or require the contracting officer to insert in full in any contract in excess of \$2,000 which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a public building or public work, or building or work financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution (except where a different meaning is expressly indicated), and which is subject to the labor standards provisions of any of the acts listed in Sec. 5.1, the following clauses (or any modifications thereof to meet the particular needs of the agency, Provided, That such modifications are first approved by the Department of Labor):

**(1) Minimum wages.** (i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in Sec. 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(ii)(A) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

- (1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

**(2) Withholding.** The (write in name of Federal Agency or the loan or grant recipient) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, the (Agency) may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

**(3) Payrolls and basic records.** (i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide

fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)(A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the (write in name of appropriate federal agency) if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to the (write in name of agency). The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site.

The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the (write in name of appropriate federal agency) if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit them to the applicant, sponsor, or owner, as the case may be, for transmission to the (write in name of agency), the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the sponsoring government agency (or the applicant, sponsor, or owner).

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be provided under Sec. 5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under Sec. 5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the (write the name of the agency) or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

**(4) Apprentices and trainees--**(i) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program.

If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the

full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

**(5) Compliance with Copeland Act requirements.** The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

**(6) Subcontracts.** The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the (write in the name of the Federal agency) may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

**(7) Contract termination: debarment.** A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

**(8) Compliance with Davis-Bacon and Related Act requirements.** All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

**(9) Disputes concerning labor standards.** Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

**(10) Certification of eligibility.** (i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1). (ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1). (iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

**(b) Contract Work Hours and Safety Standards Act.** The Agency Head shall cause or require the contracting officer to insert the following clauses set forth in paragraphs (b)(1), (2), (3), and (4) of this section in full in any contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by Sec. 5.5(a) or 4.6 of part 4 of this title. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (b)(1) of this section the contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States

(in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (b)(1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (b)(1) of this section.

(3) Withholding for unpaid wages and liquidated damages. The (write in the name of the Federal agency or the loan or grant recipient) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b)(2) of this section.

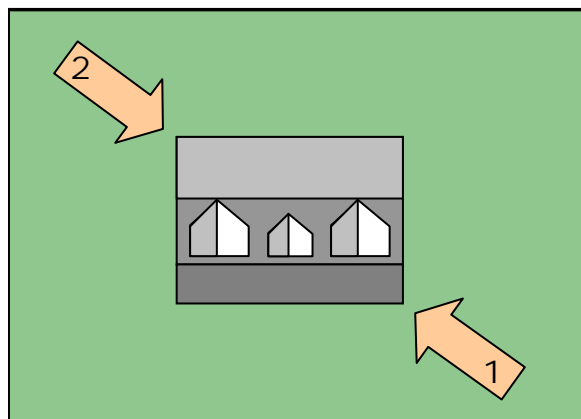
(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (b)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (b)(1) through (4) of this section. (c) In addition to the clauses contained in paragraph (b), in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in Sec. 5.1, the Agency Head shall cause or require the contracting officer to insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, the Agency Head shall cause or require the contracting officer to insert in any such contract a clause providing that the records to be maintained under this paragraph shall be made available by the contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the (write the name of agency) and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

# Historic Preservation 101

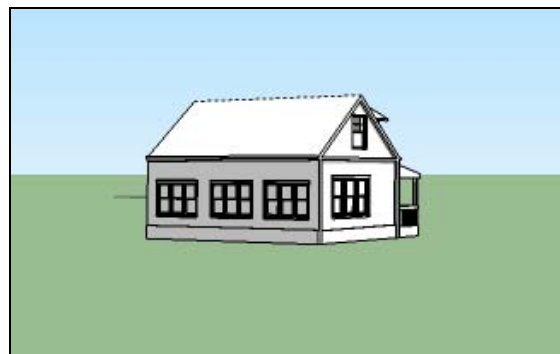
## *Photographs and Maps*

### Photography

Take at least two photographs of each major structure on the property. Shoot from opposite corners so that two sides of the building are visible in each photo.



View one



View two

### Maps

Provide a topographical map and an aerial photo for properties within designated historic districts, in rural areas, or involving substantial ground disturbance. This information is available online at <http://mapper.acme.com/>. Applicants can print hard copies to submit with project proposals, and can also create electronic copies by clicking the “Link to this page” button to create a unique URL.