

Emissions Reduction Incentive Grant (ERIG) Application

TCEQ-10430

Solicitation No. 582-18-80795-0249



ELIGIBLE COUNTIES

Austin Area: Bastrop, Caldwell, Hays, Travis, and Williamson Counties

Beaumont-Port Arthur Area: Hardin, Jefferson, and Orange Counties

Corpus Christi Area: Nueces and San Patricio Counties

Dallas-Fort Worth Area: Collin, Dallas, Denton, Ellis, Henderson, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties

El Paso Area: El Paso County

Houston-Galveston-Brazoria Area: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties

San Antonio Area: Bexar, Comal, Guadalupe, and Wilson Counties

Tyler-Longview Area: Gregg, Harrison, Rusk, Smith, and Upshur Counties

Victoria Area: Victoria County

Note: The term "equipment" refers to one of the eligible emission sources: on-road heavy-duty vehicles, non-road equipment, stationary equipment, marine vessels, and locomotives.

Eligible Applicants:

Eligible applicants include individuals, corporations, organizations, governments or governmental subdivisions or agencies, business trusts, partnerships, associations, or any other legal entity. This may include a corporation headquartered outside of the state of Texas, but which operates equipment primarily in an eligible county in Texas.

Hurricane Harvey Exception:

Applicants whose equipment were damaged or destroyed as a result of Hurricane Harvey, can submit a request for one or more eligibility requirements to be waived. Applicants applying under this exception should complete Supplemental Form 1: Hurricane Harvey Exception, and submit the form with the required project application forms.

Application Deadline:

This application form is only valid for the application period ending August 15, 2018 or subsequent end date if the application period is extended.

Regular Postal Delivery

Texas Commission on Environmental Quality
Air Quality Division
Implementation Grants Section (ERIG), MC-204
P.O. Box 13087
Austin, TX 78711-3087



Express Delivery or Hand Delivery

Texas Commission on Environmental Quality
Air Quality Division
Implementation Grants Section (ERIG), MC-204
12100 Park 35 Circle
Building F, 1st Floor, Room 1301
Austin, Texas 78753

<http://www.terpgrants.org>

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Form 1: Applicant Information

1. Applicant Legal Name

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2. Business Information

<p style="text-align: center;">Ownership Code (Business Type):</p> <p>Identify the ownership type of your business by selecting from the dropdown list.</p>	
<p style="text-align: center;">Payee Identification Number (PIN):</p> <p>Provide one of the numbers requested on the right to be used as your PIN.</p>	<p>SSN:</p>
<p style="text-align: center;">Do you qualify as a TERP Small Business?</p> <p style="text-align: center;">Refer to the Application Instructions.</p>	<p>FEI:</p>

3. Authorized Official: The applicant or an employee of the applicant who has legal authority to sign for and speak on behalf of the entity.

Prefix:		First:		MI:		Last:		Suffix:	
Title:									
Primary Phone:				Cell Phone:					
Fax Number:				E-Mail Address:					
Mailing Address:									
City:				State:			Zip code:		
<input type="checkbox"/> Check here if the physical address is the same as the mailing address, and then continue to Section 4.									
Physical Address:									
City:				State:			Zip code:		

4. Designated Project Representative: The applicant or an employee of the applicant who will serve as the point of contact for this application.

<input type="checkbox"/> Check here if the Designated Project Representative is the same as the Authorized Official, and then continue to Section 5.									
Prefix:		First:		MI:		Last:		Suffix:	
Title:									
Primary Phone:				Cell Phone:					
Fax Number:				E-Mail Address:					
Mailing Address:									
City:				State:			Zip code:		
<input type="checkbox"/> Check here if the physical address is the same as the mailing address, and then continue to Section 5.									
Physical Address:									
City:				State:			Zip code:		

5. Designated Location for Records Access and Review by the TCEQ or its Representative: Please provide the physical address where records relating to this project may be accessed and reviewed.

Physical Address:									
City:				State:			Zip code:		

Emissions Reduction Incentive Grant (ERIG) Application Form 2: Third-Party Preparer Signature Page

1. Was this application prepared by a third-party? Mark Yes or No. A third-party preparer is someone who is assisting in the preparation of the grant application, but who is not related to or a current employee of the applicant.

Yes:		No:	
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2. Third-Party Preparer Certification. I hereby certify that to the best of my knowledge and belief all information provided in this application and any attachments is true and correct, as represented to me by the applicant. I understand that failure to sign the application or signing it with a false statement may make the submitted offer or any resulting contracts voidable.

Printed Name (include Mr. or Ms.):	
Title:	
Company Name:	
Street Address:	
City, State, Zip Code:	
Phone Number:	
E-Mail Address:	
Signature of Third-Party Preparer:	
Date of Signature:	

Intentional falsification of these forms will be prosecuted to the extent allowed under the law and may be used as an adverse factor in future grant approval decisions for applications involving the third-party preparer.

Faxed or photocopied signature pages will not be accepted. This form must have an original signature, or the application will not be accepted

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Form 3: Program-Specific Certifications

By signing this form, the applicant indicates its understanding of and agreement to adhere to the identified program-specific requirements. The applicant hereby assures and certifies compliance with all state statutes, regulations, policies, guidelines, and requirements as they relate to the application, acceptance, and use of funds for this project. The applicant further understands, assures, and/or certifies to the conditions listed below unless a waiver or exception is approved by the TCEQ.

- 1. Ownership.** The equipment has been continuously owned for the preceding two years. For titles, the applicant has been listed on the front of the title document for the preceding two years.
- 2. Operation & Registration.** The equipment has been continuously located and used in Texas for the preceding two years. In addition, the on-road vehicles have been continuously registered for operation in Texas for the preceding two years. On-road vehicles with apportioned registration will be required to submit previous year's annual usage summaries with the
- 3. Condition.** The equipment is currently in good operating condition and capable of performing its primary function in the routine operations of the applicant at the time of signature. To the best of the applicant's knowledge, the equipment is capable of continuing to perform its primary function for the duration of the Activity Life, taking into account normal maintenance, repairs, and upkeep.
- 4. Continued Operation and Use.** If the grant funds were not available, the applicant expects to otherwise continue to operate the equipment in Texas for at least the duration of the Activity Life and the applicant otherwise would not have planned to replace the equipment.
- 5. Destruction.** The applicant has the legal authority to complete the approved method of destruction (disposition) of the equipment or engine being replaced. In general, the old equipment, including the engine, must be rendered permanently inoperable within 90 days of receiving financial reimbursement.
- 6.** To the best of the applicant's knowledge, the proposed activities are not required by any state or federal law, rule, or regulation, memorandum of agreement, or other legally binding document.
- 7.** The applicant understands that any marketable credits under state or federal emissions reduction credit averaging, banking, or trading programs, that may be generated by the proposed activities, are transferred to the state implementation plan or permanently retired, and may not be used by the applicant. If the project is funded, the applicant waives, for all time, its right to claim emissions reduction credits which may accrue during the activity life as a result of the use of the low-emission technology which is funded under this program, and agrees not to apply for any such credits based on reductions generated in the eligible counties. Credits that accrue after the end of the activity life are not transferred, but may not be used to calculate the cost-effectiveness of the project.
- 8.** All public financial incentives that will be used by the applicant that directly offset the costs of the proposed activities, including tax credits or deductions, other grants, or any other public financial assistance have been properly listed where indicated on the application forms and the incentive amounts requested reflect a reduction in the eligible incremental costs based on the value of those incentives.
- 9.** The applicant understands that failure to achieve the NOx emissions reductions projected to be achieved for this project may result in the TCEQ requiring the return of all or a share of the grant funds. Achievement of the emission reductions will be based on the grant equipment being used for the annual amount of hours, miles, or fuel use that occurs in the eligible counties, as designated in the application for that activity.
- 10.** The applicant understands that failure to operate the grant equipment for the annual usage and percentage of annual use in the eligible counties as designated in the application may be considered non-compliance with the grant agreement and may result in the TCEQ requiring return of all or a share of the grant funds.
- 11.** The applicant will monitor the use of grant-funded equipment or infrastructure, and report semi-annually to the TCEQ over the designated activity life. If a TCEQ-approved GPS system is installed, the applicant agrees to maintain and use that system and to verify the data reported in accordance with the provisions of the grant contract.
- 12.** The applicant will notify the TCEQ of any termination of use, change in use, sale, transfer, or destruction of grant-funded equipment, during the activity life. The applicant further agrees that, during the activity life, the TCEQ may be entitled to the return of all or a share of the grant funds for any loss of emissions reductions compared with the emissions reductions projected in awarding the grant.
- 13.** The applicant will maintain, for the term of the activity, property loss insurance or self-insurance coverage on any equipment or infrastructure acquired, leased, repowered, retrofitted, or constructed using these funds, sufficient to cover the costs of reimbursing the state for its pro rata share of the activity costs.

Signature of Authorized Official:		Date:	
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Emissions Reduction Incentive Grant (ERIG) Application

Form 4: General Certifications (Page 1)

This section serves to assure the TCEQ that you understand and agree to the statements below. These provisions relate to the basic contract form which will be in force between the applicant and the TCEQ upon award of a grant. TCEQ urges applicants to download a copy of the example grant contract from www.terpgrants.org and review it so that any questions can be discussed early in the application review process. By signing this application, the applicant assures and certifies that:

- 1. Legal Authority.** It possesses legal authority in the State of Texas to apply for the grant and that the applicant's governing body has authorized the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the authorized official to act in connection with the application and to provide such additional information as may be required.
- 2. Uniform Grant Management Standards.** It will comply with the Uniform Grant Management Standards (UGMS), adopted June 2004 by the Texas Comptroller of Public Accounts in accordance with Chapter 783, Texas Government Code. This document is available at: <https://comptroller.texas.gov/purchasing/docs/ugms.pdf>
- 3. Procurement of Goods and Services.** In procuring goods and services, it will comply with Part II. Cost Principles for State and Local Governments and Other Affected Parties and Part III. State Uniform Administrative Requirements for Grants of the UGMS. All procurement transactions will be conducted in a manner providing full and open competition.
- 4. Historically Underutilized Businesses (HUBs).** Qualified HUBs, as defined and designated under state law, shall have the maximum practicable opportunity to participate in the performance of the work arising out of this project.
- 5. Conflict of Interest.** Applicant has not given, offered to give, nor intends to give at anytime hereafter, any economic opportunity, future employment, gift, loan gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted application. Under Government Code § 2155.004, no person involved in the preparation of the Request for Grant Applications may have any financial interest in this application. If applicant is not eligible, then any contract resulting from this application shall be immediately terminated. Furthermore, under Section 2155.004, Government Code, the applicant certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate.
- 6. Nondiscrimination.** It will comply with all State and Federal statutes relating to nondiscrimination.
- 7. Grant Administration.** It will maintain an appropriate grant administration system to ensure that all terms, conditions, and specifications of the grant, including these certifications and assurances, are met.
- 8. Audit.** Pursuant to Section 2262.154 of the Texas Government Code, the state auditor may conduct an audit or investigation of the vendor or any other entity or person receiving funds from the state directly under this contract or indirectly through a subcontract under this contract. The acceptance of funds by the applicant or any other entity or person directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, the applicant or other entity that is the subject of an audit or investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit. Applicant will ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through the vendor and the requirement to cooperate is included in any subcontract it awards.
- 9. Debt to the State.** It is not indebted to the state or have an outstanding tax delinquency. It further understands that the Texas Comptroller is precluded by law from paying a person who is indebted to the state or has a tax delinquency. The applicant must comply with all State and Federal tax laws and fee requirements and is solely responsible for filing all State and Federal tax and fee forms.

Continued on next page

Emissions Reduction Incentive Grant (ERIG) Application Form 4: General Certifications (Page 2)

10. Grant Contract. It understands that a copy of the grant contract shell is available from the TCEQ, including a copy posted on the TCEQ's web site at www.terpgrants.org. It further understands that the TCEQ will not normally change the contract language to deal with individual requests from grant recipients.

11. Contracting with an Executive of a State Agency. Under Government Code § 669.003, relating to contracting with an executive of a state agency, Applicant represents that no person who, in the past four years, served as an executive of the Texas Commission on Environmental Quality (TCEQ) or any other state agency, was involved with or has any interest in this Application. If Applicant employs or has used the services of a former executive head of TCEQ or other state agency, then Respondent shall provide the following information: name of former executive, name of state agency, date of separation from state agency, position with Applicant, and date of employment with Applicant.

12. Debarment. Applicant certifies that the applying entity and its principals are eligible to participate in this transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity and that Respondent is in compliance with the State of Texas statutes and rules relating to procurement and that Respondent is not listed on the federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at <http://www.epls.gov>.

13. Hurricane Katrina and Other Natural Disasters. Under Section 2155.006(b) of the Texas Government Code, a state agency may not accept a bid or award a contract, including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been: (1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or (2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005. Under Section 2155.006 of the Texas Government Code, the applicant certifies that the individual or business entity named in this Application is not ineligible to receive the specified contract and acknowledges that any contract resulting from this RFGA may be terminated and payment withheld if this certification is inaccurate.

14. The applicant has not been adjudicated during the preceding three-year period to have committed substantive, non-clerical violations resulting in an actual release of hazardous waste that presented an imminent and substantial danger to the public health and safety or the environment.

15. Applicant, nor any of its officers, have been adjudicated by a court of law to have violated the Texas Deceptive Trade Practices Act.

16. If any of these certifications change between submittal of the Application and award of a contract or cancellation of the Solicitation, you will promptly notify TCEQ.

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Form 5: Certification of Eligibility to Receive a State-Funded Grant

All applicants must complete this form to certify eligibility to receive a rebate under this program, regardless if child support obligations apply to the applicant. Failure to submit this form may result in rejection of the application.

Certification Regarding Child Support Obligations

Under Section 231.006, Texas Family Code, a child support obligor who is more than 30 days delinquent in paying child support and a business entity in which the obligor is a sole proprietor, partner, shareholder, or owner with an ownership interest of at least 25% is not eligible to receive a state-funded grant or loan. All applicants must include in the application the name and social security number of the individual or sole proprietor and each partner, shareholder, or owner with an ownership interest of 25% of the business entity submitting the applications.

FEDERAL PRIVACY ACT NOTICE. This notice is given pursuant to the Federal Privacy Act. Disclosure of your Social Security Number (SSN) is required under Section 231.006 (c) and Section 231.302(c)(2) of the Texas Family Code. The SSN will be used to identify persons that may owe child support. The SSN will be kept confidential to the fullest extent allowed under Section 231(302)(e).

Please check one of the following applicant options.

1. Individual or sole proprietorship.	
2. One or more individuals own 25% or more of the business entity.	
3. No individual owns 25% or more of the business entity.	
4. Governmental entity.	

If option 1 or 2 is checked, list the names(s) and social security numbers(s) (SSN) below.

Name:		SSN:	

I certify that to the best of my knowledge and belief that the individual or business entity submitting this application is eligible to receive a grant. I acknowledge that the grant contract may be terminated and any payments withheld if this certification is inaccurate.

Signature of Authorized Official:

Date:

*Faxed or photocopied signature pages will not be accepted.
This form must have an original signature, or the application will not be accepted.*

TCEQ USE ONLY
Application #

TCEQ USE ONLY
Contract #

Print and sign the Summary Page, and place the Summary Page in front of your completed application.

Emissions Reduction Incentive Grant (ERIG) Application

Form 6: Summary Page

1. Applicant Information If completing this application electronically, this section will automatically fill after Form 1 is completed.

Applicant Legal Name:			
Applicant Type:			
Social Security Number (SSN):		Federal Employer's Identification (FEI):	

2. Project Information

Primary Area for Project:		Emission Source:	
Incremental Cost of the Project:		Requested Grant Amount:	
Total Number of Activities:		Activity Type:	
Default Usage:		Is the Applicant a Small Business?	

3. Mailing Address If completing this application electronically, this section will automatically fill after Form 1 is completed.

Mailing Address:					
City:		State:		Zip:	

4. Authorized Official: The Authorized Official is the applicant or an employee of the applicant who has the legal authority to sign on behalf of the entity.

I hereby certify that to the best of my knowledge and belief all information provided in this application and any attachments is true and correct. I certify that I have read the complete application after all forms and information were completed, I agree with the information provided, and the date provided below is the date I signed the form. I further understand that prior to incorporating these forms and information into a grant contract the data and information may be revised by the TCEQ for accuracy and the acceptance of a grant contract will constitute agreement with those revisions. Failure to sign the application or signing it with an incorrect statement may make the submitted offer or any resulting contracts voidable.

Printed Name of Authorized Official:			
Authorized Official Title:			

Faxed or photocopied signature pages will not be accepted. The application, with an original signature, must be received by the application deadline or the application will not be accepted.

Signature of Authorized Official:			
Date of Signature:			

Intentional falsification of these forms will be prosecuted to the extent allowed under the law and may be used as an adverse factor in future grant selection decisions.

Upon submission, all proposals become the property of the State of Texas and as such become subject to the Texas Public Information Act, Texas Government Code Chapter 552.

Personal Information Policy: Individuals are entitled to request and review their personal information that the agency gathers on its forms. Individuals may also have any errors in their information corrected. To review such information, contact the TCEQ TERP program at 1-800-919-TERP (8377).

Do NOT alter forms. Altered forms will be void.

This form is only valid for the application period ending August 15, 2018.