

## EXHIBIT B PROCEDURES AND REQUIREMENTS

### SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP GRANT PROGRAM Fiscal Year 2015–16

**Copies of these Procedures and Requirements should be shared with BOTH the Finance Department AND the staff responsible for implementing the grant activities.**

#### INTRODUCTION

The Solid Waste Disposal and Codisposal Site Cleanup Grant Program is administered through the Department of Resources Recycling and Recovery (CalRecycle). These Procedures and Requirements describe project and reporting requirements, report due dates, report contents, grant payment conditions, eligible and ineligible project costs, project completion and closeout procedures, records and audit requirements.

This document is attached to, and incorporated by reference, into the Grant Agreement.

**No extensions will be granted for submittal of Final Progress Report and final Payment Request.** Failure to submit the Final Progress Report and final Payment Request with appropriate documentation by **June 30, 2018** may result in rejection of the Payment Request and/or forfeiture by the grantee of claims for costs incurred that might otherwise have been eligible for grant funding.

#### GRANT MANAGEMENT SYSTEM (GMS)

GMS is CalRecycle's web-based grant application and grant management system. Access to GMS is secure; grantees must log in using a WebPass. WebPass accounts are tied to a specific email address. If an email address changes, or if it becomes inactive, the grantee must create a new WebPass account to continue accessing GMS. Establish or manage a WebPass at [CalRecycle's WebPass page](https://secure.calrecycle.ca.gov/WebPass/) (<https://secure.calrecycle.ca.gov/WebPass/>).

#### Accessing the grant

Grantees must [log into GMS](https://secure.calrecycle.ca.gov/Grants) (<https://secure.calrecycle.ca.gov/Grants>) using their web pass. After login, locate the grant in the **My Awarded/Open Grants** table and select the **Grant Management** button. The **Grant Management Module** includes the following sections:

- **Summary tab** – shows approved budget, paid and remaining amounts. (This section is available to the grantee in read-only mode.)
- **Payment Request tab** – requests reimbursement.
- **Reports tab** – uploads required reports.
- **Match** – reports match requirement. Applicable to Legacy Disposal Site Abatement Partial Grant Program only. Not applicable to Illegal Disposal Site Abatement Grant Program.
- **Documents tab** – uploads other grant documents that are not considered supporting documents to a payment request or a report. This section also provides access to documents that were uploaded within other sections of GMS.
- **Sites tab** – lists approved project sites.

Follow the instructions in GMS to work in the system. Use the information in the following sections to determine what reports, transactions, and supporting documents are required.

### **Contact Updates**

Access to the grant is limited to those listed in the **Contacts** tab of the **Application Module** with the access check box marked. A contact may be listed but not granted access by not checking the box. Please note, if a contact is granted access to a grant they will be able to edit contacts, submit payment requests, upload reports, and view all documents. Those with access may update contact information for all contact types except Signature Authority. Email the assigned Grant Manager regarding any changes to Signature Authority information.

### **PRIOR TO COMMENCING WORK**

Prior to commencing work under this grant, the grantee's Grant Manager or primary contact and authorized grant Signature Authority should review the Terms and Conditions (Exhibit A) and the Procedures and Requirements (Exhibit B) to identify key grant administrative requirements. Evaluation of the grantee's compliance with these requirements is a major focus of grant audits.

### **Reliable Contractor Declaration**

Prior to authorizing a contractor(s) to commence work under this grant, the grantee shall submit to the Grant Manager a declaration from the contractor(s), signed under penalty of perjury, stating that within the preceding three (3) years, none of the events listed in [Section 17050 of Title 14](#) ([www.calrecycle.ca.gov/Laws/Regulations/Title14/ch1.htm#ch1a5](http://www.calrecycle.ca.gov/Laws/Regulations/Title14/ch1.htm#ch1a5)), California Code of Regulations, Natural Resources, Division 7, has occurred with respect to the contractor(s) and the subcontractor(s), respectively.

If a (sub) contractor is placed on the CalRecycle Unreliable List after award of this grant, the grantee may be required to terminate that contract. Obtain the Reliable Contractor Declaration form (CalRecycle 168) from [CalRecycle's Grant Form web page](#) ([www.calrecycle.ca.gov/Funding/Forms](http://www.calrecycle.ca.gov/Funding/Forms)).

A scanned copy of the signed Reliable Contractor Declaration form must be uploaded in GMS. To upload the form:

1. Go to the **Reports** tab.
2. Click on **Reliable Contractor Declaration** under **Report Type**.
3. Click the **Add Document** button.
4. Select Reliable Contractor Declaration in the **Document Type** drop down box, enter a document title, click the **Browse** button to search and upload the document, and then **Save**.
5. Click on the **Submit Report** button.

### **GRANT TERM**

The Grant Term begins on the date indicated in the Notice to Proceed (NTP) letter that the grantee will receive from CalRecycle and ends on **June 30, 2018**. Eligible expenditures under the grant may only occur between the start date on the NTP and **June 30, 2018**. The Final Progress Report and final Payment Request are due to CalRecycle no later than **June 30, 2018**.

CalRecycle recommends reserving the period from **May 15, 2018** to **June 30, 2018** exclusively for the preparation of the Final Progress Report and final Payment Request, though they may be completed earlier. **Costs incurred to prepare the Final Progress Report and final Payment Request are only eligible for reimbursement during the Grant Term.**

### **ELIGIBLE COSTS**

All grant expenditures must be for activities, products, and costs specifically included in the approved Work Plan and approved Budget. Eligible costs must be incurred, services provided and goods received after receiving a NTP and before the end of the Grant Term.

Any proposed revision(s) to the Work Plan and/or Budget must be submitted in writing and pre-approved in writing by the Grant Manager prior to grantee incurring the proposed expenditure. The approval document should be retained by the grantee for audit purposes. See Audit Record/Access section of the Terms and Conditions (Exhibit A).

Eligible costs are limited to the following:

- Waste removal and disposal.
- Security measures such as fences, barriers, and warning signs.
- Measures to prevent recurring illegal dumping at the remediated sites. These prevention measures are limited to no more than twenty-five (25) percent of the overall grant amount.
- Site grading and drainage controls to minimize erosion.
- Slope and foundation stabilization.
- Excavation, consolidation, and capping of waste areas.
- Installation of landfill gas and leachate control systems.
- Field and laboratory testing.
- Health and safety measures required for eligible project work.

### **INELIGIBLE COSTS**

Any costs not specifically included in the approved Work Plan and Budget and not directly related to the approved grant project are ineligible for reimbursement. Contact the Grant Manager if clarification is needed. Ineligible costs include, but are not limited to:

- Costs incurred prior to the date of the NTP letter or after **June 30, 2018**.
- Expenses for services rendered or goods purchased prior to the date indicated in the NTP, or any expenses incurred after the end of the Grant Term.
- Public Agency overhead or indirect costs (unless pre-approved in writing by the Grant Manager, but in no event an amount in excess of 10 percent of the amount approved for reimbursement).
- Costs explicitly for the profit of the grantee.
- Bonus payments for early completion of grant project or any phase of the grant project.
- Any portion of a program currently covered or incurred under any other CalRecycle contract, loan or grant or grant cycle.

- Overtime costs (except for local government staffing during specially scheduled evening or weekend events that have been pre-approved in writing by the Grant Manager when law or labor contracts REQUIRE overtime compensation or when such staffing and/or costs are pre-approved in writing by the Grant Manager).
- Cellular phones, personal digital assistants, personal electronic devices, pagers, and similar electronic and telecommunications devices.
- Activities that are not cost effective, as determined by the Grant Manager.
- Travel and per diem expenses (unless pre-approved in writing by the Grant Manager) (See Terms and Conditions (Exhibit A), subsection (e) under Payment).
- Any food or beverages (e.g. as part of meetings, workshops, training, events, etc.).
- Equipment or other materials that are not primarily used to implement the approved project.
- Staff training that is not directly related to the implementation of the approved project.
- Interest charges or other payments on bonds or indebtedness required to finance the project.
- Any personnel costs incurred as a result of time an employee assigned to the project funded by the grant does not actually work on the project (e.g. use of accrued vacation, sick leave, etc.).
- Costs connected with contractor claims/liens against the grantee.
- Fines or penalties due to violation of federal, state or local laws, ordinances, or regulations.
- Permit, inspection and use fees.
- Closure activities as defined by 27 CCR § 20164.
- Ground water remediation.
- Operation and maintenance of monitoring systems.
- Postclosure maintenance activities.
- Preparation of closure and/or postclosure maintenance plans.
- Improvements to property for postclosure land uses.
- Removal, abatement, and cleanup or otherwise handling of only hazardous substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 [42 U.S.C. § 9601(14)] not codisposed with nonhazardous waste.
- Any other costs not deemed reasonable or related to the purpose of the grant by the Grant Manager.

## **ACKNOWLEDGEMENTS**

The grantee shall acknowledge CalRecycle's support each time projects funded, in whole or in part, by this Agreement are publicized in any medium, including news media, brochures, or other types of promotional materials. The acknowledgement of CalRecycle's support must incorporate the CalRecycle logo. Initials or abbreviations for CalRecycle shall not be used. The Grant Manager may approve deviation from this requirement on a case-by-case basis where such deviation is consistent with CalRecycle's Communication Strategy and Outreach Plan.

## **PUBLIC INFORMATION**

All documents submitted in relation to the grant, including, but not limited to, Payment Requests and Reports, become the property of CalRecycle and are subject to disclosure under the Public Records Act. Do not submit confidential information.

## **SITE ACCESS**

Grantee shall allow CalRecycle and other state agency representatives to inspect the site cleanup and related work being performed at any time during the performance of the work, and shall provide full access to all project records.

## **CHANGE OF FINANCIAL CONDITION**

The grantee agrees to immediately notify the Grant Manager of any changes in the financial condition or circumstances that would make the owner and/or responsible party financially able to accomplish the required site cleanup without CalRecycle funds. This notification shall be required during the term of this Agreement. Changes in the financial condition of the owner and/or responsible party may negate the need for grant funds.

## **INTERDEPARTMENTAL AGREEMENTS**

Agreements between departments or divisions of the same local jurisdiction or between jurisdictions participating in a regional grant agreement will not be recognized as subcontracts.

## **COST RECOVERY**

The grantee agrees to pursue cost recovery for funds expended on private properties to the extent possible, unless waived by CalRecycle. The grantee agrees to repay CalRecycle any funds collected through cost recovery, sale of lien properties, special tax assessments, or other methods of collection, less any reasonable administrative costs incurred by the grantee in obtaining repayment.

## **SALE OF PROPERTY**

If any of the public property(ies), remediated with grant funds, are sold within 12 months of completion of the cleanup, a portion of the proceeds from the sale shall be remitted to CalRecycle in an amount commensurate with that expended by CalRecycle to remediate the site.

## **REPORTING REQUIREMENTS**

Progress Reports and a Final Progress Report are required by this Agreement.

All reports must be uploaded in GMS. For further instructions regarding GMS, including login directions, see the section above entitled, Grant Management System.

To upload a report:

1. Go to the **Reports** tab.
2. Click on the appropriate Report Type.
3. Click on the **Add Document** button.
4. Choose the Document Type, enter a document title, click the **Browse** button to search and upload the document, and then **Save**.
  - You may upload multiple documents to complete reporting requirements.
  - The maximum allowable file size is 35MB.
5. Click the **Submit** button when the report is complete.

The reports must be current, include all required sections and documents, and must be approved by the Grant Manager before any Payment Request can be processed. Failure to comply with the specified reporting requirements may be considered a breach of this Agreement and may result in the termination of this Agreement or rejection of the Payment Request and/or forfeiture by the grantee of claims for costs incurred that might otherwise have been eligible for grant funding. Any problems or delays must be reported immediately to the Grant Manager.

## **PROGRESS REPORTS AND FINAL PROGRESS REPORT**

A Progress Report must be submitted with each Grant Payment Request and should cover grant activities that occurred during the period covered by the Grant Payment Request. The following items must be included in every Progress Report:

1. Introduction
  - a. The Grant Number, Grantee's name and Grant Term. The following disclaimer statement on the cover page:  
"The statements and conclusions of this report are those of the grantee and not necessarily those of the Department of Resources Recycling and Recovery (CalRecycle), its employees, or the State of California. The state makes no warranty, express or implied, and assumes no liability for the information contained in the succeeding text."
  - b. Report Purpose
2. Project Information
  - a. Site Location
  - b. Site Background
  - c. Project Participants
3. Construction/Cleanup Activities
  - a. Project Scope of Work
  - b. Summary of Construction/Cleanup Activities Ongoing/Completed
  - c. Summary of Sampling and Analyses Conducted (if applicable)
  - d. Updated Project Schedule
4. Summary of Expenditures
5. Statement that all contractors and subcontractors have completed the [Reliable Contractor Declaration \(CalRecycle 168\)](http://www.calrecycle.ca.gov/Funding/forms/)  
(<http://www.calrecycle.ca.gov/Funding/forms/>).

**The Final Progress Report** is due **June 30, 2018**. This report should cover grant activities **from the NTP** through **June 30, 2018**. The Final Progress Report should include the same items required for the Progress Report as well as the following:

1. Construction/Cleanup Activities
  - a. Reference Documents (if applicable)
  - b. As-Built Plans and Specifications
  - c. Final Construction Report
2. Operations and Maintenance Plans to ensure ongoing compliance with applicable CalRecycle State Minimum Standards (include as standalone documents or incorporate documents submitted previously by reference)
3. Summary of Final Total Expenditures.

## UNTIMELY FINAL REPORT AND PAYMENT REQUEST

Failure to submit the final Payment Request and Final Report, with appropriate documentation, by **June 30, 2018**, may result in rejection of the Payment Request and/or forfeiture by the grantee of claims for costs incurred that might otherwise have been eligible for grant funding.

## GRANT PAYMENT INFORMATION

1. Payment to the grantee for eligible grant expenses is made on a reimbursement basis only and for only those materials and services specified in the approved grant application.
2. Reimbursement may be requested only once per month in conjunction with (or after) submission of the Progress Report and in conjunction with the Final Progress Report.
3. The grantee must submit the required Progress Report/Final Progress Report, and the Grant Manager must approve the report prior to, or concurrent with, submission of the Grant Payment Request.
4. The grantee must submit a completed Grant Payment Request and provide supporting documentation as described in the "Payment Request and Documentation" section for completed project(s) only.
5. Grant payments will only be made to the grantee. It is the grantee's responsibility to pay all contractors and subcontractors for purchased goods and services, and provide proof of payment for contracted goods and services. Ten (10) percent of each approved Grant Payment Request will be withheld and retained until all conditions stipulated in the Agreement, including submission and Grant Manager approval of the Progress and/or Final Progress Report, have been satisfied. Reimbursement of the ten percent retention must be requested in the final Grant Payment Request.
6. CalRecycle will make payments to the grantee as promptly as fiscal procedures permit. The grantee can typically expect payment approximately 45 days from the date a Grant Payment Request is approved by the Grant Manager.
7. The grantee must provide a [Reliable Contractor Declaration \(CalRecycle 168\)](http://www.calrecycle.ca.gov/Funding/forms/) (<http://www.calrecycle.ca.gov/Funding/forms/>) signed under penalty of perjury by the grantee's contractor(s) and subcontractor(s) in accordance with the "Unreliable List" provision of the Terms and Conditions (Exhibit A). The declaration must be received and approved by the Grant Manager prior to commencement of work. See "Unreliable List" provision in Terms and Conditions (Exhibit A) for more information.

## PAYMENT REQUEST AND DOCUMENTATION

Payment requests must be submitted in GMS. For further instructions regarding GMS, including login directions, see the section above entitled, Grant Management System.

To submit a Grant Payment Request:

1. Go to the **Payment Request** tab.
2. Click on the **Create a Payment Request** button.
  - Choose **Reimburse** for the Transaction Type and enter the amount spent in each budget sub category.
  - When the transaction is complete, click the **Save** button.
  - After the transaction is saved, the **Upload Supporting Documentation** button will appear in the lower right corner.

3. Click the **Upload Supporting Documentation** button.
  - Choose the Document Type, enter a document title, click the **Browse** button to search and upload the document, and then **Save**.
  - Select the **Back** button to upload another document and continue this process until all required supporting documents as listed below are uploaded.
  - The maximum allowable file size for each document is 35MB.
4. Click the **Submit Transaction** button, located on the transaction page, to complete your payment request (including uploading all the documents listed below).

**Supporting Documentation**

- A. A scanned copy of the **Grant Payment Request form**. Mail only the **original** Grant Payment Request form (CalRecycle 87), with the original signature of the signatory or his/her designee\*, as authorized by grantee’s Resolution or Letter of Commitment to:

Via standard mail:	Via courier/personal delivery:
CalRecycle Grant Manager Engineering Support Branch Compliance & Enforcement Division P.O. Box 4025 Sacramento, CA 95812-4025	CalRecycle Grant Manager Engineering Support Branch Compliance & Enforcement Division 1001 I Street Sacramento, CA 95814

\*A designee may sign on behalf of the grantee if a) authorized by the Resolution or Letter of Commitment, and b) a Letter of Designation has been provided to the Grant Manager.

- B. **Cost and payment documentation.** Types of acceptable documentation include, but are not limited to one of the following:
- **Invoices:** should include the name of the vendor, vendor’s telephone number and address, a description of goods or services purchased, amount due, and date.
  - **Receipts:** should include the same information as invoices.
  - **Purchase orders with proof of payment:** should include the same information as invoices. Purchase orders must be accompanied by proof of payment (e.g., copies of cancelled checks).
- C. **Personnel Expenditure Summary Form:** must document these costs based on actual time spent on grant related activities. (NOTE: These forms are not required if you have an alternate time reporting method pre-approved in writing by the Grant Manager).

All forms listed above can be downloaded from the [CalRecycle Grant Forms website](http://www.calrecycle.ca.gov/Funding/Forms) (http://www.calrecycle.ca.gov/Funding/Forms).



## **AUDIT CONSIDERATIONS**

The grantee agrees to maintain records and supporting documentation pertaining to the performance of this grant subject to possible audit for a minimum of three (3) years after final payment date or Grant Term end date, whichever is later. A longer period of records retention may be stipulated in order to complete any action and/or resolution of all issues which may arise as a result of any litigation, dispute, or audit, whichever is later.

Examples of audit documentation include, but are not limited to, expenditure ledger, payroll register entries, time sheets, personnel expenditure summary form, travel expense log, paid warrants, contracts and change orders, samples of items and materials developed with grant funds, invoices and/or cancelled checks. Please refer to the Terms and Conditions (Exhibit A) for more information.