

The East Texas Council of Governments
In Cooperation with the Texas Natural Resource Conservation Commission

**Announces Availability of Municipal Solid Waste Grant Funding
for Fiscal Year 2000 and Issues This Request for Project Proposals**

Note that underlined sections are new from last year (excluding headings)

Applications are Due 13 October 1999 (See Section 13.1)

1.0 PURPOSE:

The purpose of this program is to provide funding for eligible local and regional municipal solid waste management projects in support of the goals and objectives of the adopted regional solid waste management plan for the East Texas Council of Governments (ETCOG) Region. Funding for this program is provided through a grant from the Texas Natural Resource Conservation Commission (TNRCC).

2.0 FUNDING AMOUNTS—FUTURE FUNDING:

The ETCOG is prepared to make multiple grant awards under this RFP. Selected recipients may receive funding with no mandatory local match requirement (except for second and third year continued funding proposed projects as described in Section 11.0-I of this RFP). The expected total grant funding that ETCOG will have available is approximately \$256,000. At least six projects will be funded (may include partially funded projects).

Assistance grants awarded under this RFP are NOT automatically renewable. Any additional funds awarded by the East Texas Council of Governments for subsequent program support would have to be re-applied for with a new and separate application. ETCOG reserves the right to make recommendations regarding equipment, logistical considerations, and other program elements and to require implementation of such recommendations on a case by case basis as a condition of any and all grant awards. ETCOG reserves the right to select parts of a proposal for funding and may offer to fund smaller amounts of money than requested in a proposal.

3.0 ELIGIBLE RECIPIENTS:

The following public entities are eligible for grant funding (professional services or appropriate tasks for conducting the funded project may be authorized for subcontracting by the funds recipient except for non-educational local enforcement activities. No contractual costs should be incurred by a pass-through grant recipient unless the subcontract is approved in advance by ETCOG):

- Cities
- Counties
- Public schools and school districts (excluding universities and other post-secondary educational institutions)
- General and special law districts created as political subdivisions of the state, with the authority and responsibility for water quality protection or municipal solid waste management, to include river authorities

- Councils of governments

Private and non-profit companies and organizations are not eligible to receive grant funding. However, recipients of a grant may contract with private and non-profit entities to provide specific grant-funded services.

Note that all funded project facilities and activities must benefit the 14-county ETCOG Region.

4.0 GOVERNING STANDARDS:

The conduct of projects provided funding under this program shall be in accordance with all applicable state and local statutes, rules, regulations, and guidelines. The main governing standards include, but may not be limited to, the following:

- Chapter 361.014, Texas Health & Safety Code (as amended by H.B. 3072, 74th Texas Legislature);
- Section 330.569 of the TNRCC Municipal Solid Waste Regulations (30 TAC Chapter 330);
- The main grant agreement (contract) between ETCOG and grant recipient;
- TNRCC Policy Guidelines and Directives.
- Except as may be modified by the grant agreement, the *Uniform Grant Management Standards* (UGMS) developed under directive of the Uniform Grant and Contract Management Act of 1981, Chapter 783, Texas Government Code. The UGMS has been developed and published by the Governor's Office of Budget and Planning to provide uniform grant administrative procedures. The UGMS adopts, with state annotations, the provisions of five federal circulars promulgated by the Office of Management and Budget; those are:
 - Circular No. A-87: Cost Principles for State and Local Governments;
 - Circular No. A-110: Grants and Agreements with Institutions of Higher Education, Hospitals, and other Private Nonprofit Corporations: Uniform Administrative Requirements. Attachment A (Cash Depositories), Attachment F (Standards for Financial Management Systems), and Attachment O (Procurement Standards);
 - Common Rule for Circular A-102: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Sections 20 (Standards for Financial Management Systems) and 36 (Procurement);
 - Circular No. A-128: Audits of State and Local Governments; and
 - Circular No. A-133: Audits of Institutions of Higher Education and Other Private Nonprofit Corporations

5.0 TYPES OF PROJECTS:

The following project categories are eligible for funding. Under each category heading is a brief description of the purpose of that category, as well as special requirements pertaining to that project category.

Category 1: Local Enforcement

This category consists of projects which contribute to the prevention of illegal dumping of municipal solid waste, including liquid wastes. Under this category, grant recipients may investigate illegal dumping problems; enforce laws and regulations pertaining to the illegal dumping of municipal solid waste, including liquid waste; establish a program to monitor the

collection and transport of municipal liquid wastes, through administration of a manifesting system; and educate the public on illegal dumping laws and regulations.

Funding Limitations:

- Grant funds may not be used for enforcement activities related to the illegal disposal of industrial and/or hazardous waste. Instances where industrial or hazardous waste may be discovered at an investigation site do not preclude the investigation of that site, so long as the funded program is specifically aimed at the illegal disposal of municipal solid waste.
- Grant funds may not be used for either the cleanup of illegal disposal sites nor the transportation and/or disposal of wastes collected at those sites. Note that while this restriction applies to ongoing enforcement programs dealing with illegal dumping, general community cleanup events that may include the cleanup and transportation of general litter and materials may be authorized under a separate category.

Category 2: Source Reduction and Recycling.

This category includes projects which are intended to provide a direct and measurable effect on reducing the amount of municipal solid waste going into landfills, by diverting various materials from the municipal solid waste disposal stream for recycling or reuse or by reducing waste generation at the source. Activities funded under this category may include: diversion from the waste stream and/or collection, processing for transport, and transportation of materials for reuse and/or recycling; implementation of efficiency improvements in order to increase source reduction and recycling, to include full-cost accounting systems and cost-based rate structures, establishment of a solid waste services enterprise fund, and mechanisms to track and assess the level of recycling activity in the community on a regular basis; and educational and promotional activities to increase source reduction and recycling.

Funding Limitations.

- Programs and projects funded under this category shall have as a goal and be designed to provide a measurable effect on reducing the amount of municipal solid waste being disposed of in landfills.
- Any program or project aimed at demonstrating the use of products made from recycled and/or reused materials shall have as its primary function the education and training of residents, governmental officials, and others, in order to encourage support for recycling efforts.
- Programs aimed at efficiency improvements in the local government's solid waste management system to increase the source reduction of solid waste must be coordinated with the TNRCC. Any program to develop a full-cost accounting system shall utilize the full-cost accounting guidance prepared by the TNRCC.
- Projects funded under this category may not include programs dedicated to the collection and/or recycling of automotive wastes, to include scrap tires, used oil, oil filters, antifreeze, or lead-acid batteries. This restriction includes the purchase of equipment to shred or split scrap tires. However, this restriction does not apply to the ancillary collection of these materials as part of a comprehensive Household Hazardous Waste collection facility or program.

Category 3: Citizen's Collection Stations and "Small" Registered Transfer Stations.

This category includes projects to construct municipal solid waste collection facilities in areas of the state which are under-served by collection services or do not have access to proper disposal facilities. Projects funded under this category include citizens' collection stations, as these facilities are defined under 30 TAC Chapter 330, §330.2 the Municipal Solid Waste regulations.

Municipal solid waste transfer stations that qualify for registration under §330.4(d)(1)-(3) or §330.4(r) of the Municipal Solid Waste regulations may also be funded. A project funded under this category shall include consideration of an integrated approach to solid waste management, to include providing recycling services at the site, if appropriate to the management system in place.

Funding Limitations.

- Transfer stations that require a permit from the TNRCC may not be funded.
- Municipal solid waste transfer stations that qualify for registration under §330.4(d)(1) - (3) of the Municipal Solid Waste regulations may be funded.
- Transfer stations that qualify for a registration solely due to their location within a permitted municipal solid waste facility, under §330.4(d)(4), may not be funded.
- Municipal solid waste transfer stations that qualify for a registration only under the provisions of §330.4(q) of the Municipal Solid Waste regulations allowing for registration of facilities that recover 10% or more of the waste stream for reuse or recycling, but not also under the provisions of §330.4(d) of the Municipal Solid Waste regulations, may not be funded. However, those components of a transfer facility dedicated to the reuse or recycling activities may qualify for funding under the source reduction and recycling grant category.
- Municipal solid waste transfer stations that are used only in the transfer of grease trap waste, grit trap waste, septage, or other similar liquid waste, and which qualify for registration under §330.4(r) of the Municipal Solid Waste regulations may be funded under this category. Specifically, §330.4(r) of the Municipal Solid Waste regulations allows for registration of a liquid waste transfer facility that will receive 32,000 gallons a day or less.
- Only the costs necessary to construct the facility and/or purchase and install necessary equipment may be funded. Costs associated with operating a facility once it is completed may not be funded.
- Transfer stations that require a registration must have already received that registration from the TNRCC before a grant may be awarded.

Category 4: Educational and Training Projects.

Educational components are encouraged under the other categories in order to better ensure public participation in projects; those educational components should be funded as part of those projects and not separately under this category. This category may include "stand-alone" educational projects dealing with a variety of solid waste management topics.

Funding Limitations.

- Programs and projects funded under this category shall be primarily related to issues involved in the management of municipal solid waste. Education or training events that cover a broader range of environmental issues may be funded on a partial basis appropriate to the extent to which municipal solid waste issues are covered.

Category 5: Community Cleanup Events

This category includes projects to support periodic community cleanup activities, to include Lake and River Cleanup events and the TNRCC's Texas Country Cleanup program. Projects included under this category may include general community cleanup events designed to involve the residents and the community in periodic cleanup of litter and trash within the community. In addition, projects may include Lake and River Cleanup events conducted in close cooperation with the TNRCC's Lake and River Cleanup program. These activities include periodic events involving the community to clean up litter and trash along the state's rivers and lakes.

Finally, projects may be conducted to support Texas Country Cleanups conducted in cooperation with the TNRCC's Texas Country Cleanup program to collect empty, properly rinsed pesticide containers, batteries, tires, used oil, and oil filters in rural areas which have historically had limited options in handling these types of waste.

Funding Limitations.

- Funding under this category is for periodic events involving residents and the community to clean up litter and to collect materials for recycling. Funding may not be provided for ongoing activities aimed at cleanup of chronic illegal dumping sites, major debris removal from waterways, and similar activities that go beyond the scope of general community cleanup activities.
- Lake and River Cleanups and Texas Country Cleanups must be closely coordinated with the appropriate TNRCC cleanup program staff. Prior to developing a proposal for these events, the applicant must contact the TNRCC program staff to discuss potential program activities. Lake and River Cleanup programs must be coordinated with the appropriate local or state Keep Texas Beautiful organization, which is coordinating the Lake and River Cleanup program under contract with the TNRCC.
- Agriculture and household chemicals must not be accepted under this program, unless a portion of the grant is also designated for a household hazardous waste collection event, in accordance with the standards and procedures under the HHW project category.
- Funds may not be used for the disposal of collected wastes.

Category 6: Technical Studies.

This category includes projects which include the collection of pertinent data, analysis of issues and needs, evaluation of alternative solutions, public input, and recommended actions, to assist in making solid waste management decisions at the local level. Projects under this category may also include research and investigations to determine the location and boundaries of closed municipal solid waste landfills in support of the regional solid waste landfill inventory program.

Funding Limitations.

- All technical studies shall be consistent with the adopted regional solid waste management plan and any applicable adopted local solid waste management plan, and prepared in accordance with the Content and Format Guidelines provided by the TNRCC.
- Funding may not be used for final engineering work, designs, or construction plans.

- A landfill or landfilling may be the topic of a technical study only if it is part of an overall, integrated solid waste management system. However, this restriction does not apply to research related to an inventory of closed municipal solid waste landfill sites.

Category 7: Local Solid Waste Management Plans

This category includes projects to develop and have adopted by the TNRCC a local solid waste management plan by local governments, in accordance with Subchapter D, §363, TX Health & Safety Code, as implemented by TNRCC rule, 30 TAC Chapter 330, Subchapter O., or to amend an existing local solid waste management plan that has been adopted by the TNRCC. Funding limitations applicable to this category include:

Funding Limitations.

- The local planning area must be consistent with one or a combination of local solid waste management planning subregions identified by the COG in its regional solid waste management plan.
- All local solid waste management plans shall be consistent with the adopted regional solid waste management plan, and prepared in accordance with Subchapter O of the TNRCC Municipal Solid Waste regulations (30 TAC Chapter 330) and the Content and Format Guidelines provided by the TNRCC.
- Funding provided under this category may not be used for final engineering work, designs, or construction plans.
- At least one year should be allowed for the completion and adoption of the local plan.

Category 8: Household Hazardous Waste Management.

This category includes projects which provide a means for the collection, recycling or reuse, and/or proper disposal of household hazardous waste, including household chemicals and other materials. Projects may include collection events, consolidation and transportation costs associated with collection activities, permanent collection facilities, and education and public awareness programs.

Funding Limitations.

- Projects under this category must be coordinated with the TNRCC’s HHW program staff to ensure that all applicable regulations and guidelines are followed.
- Funds may not be used for costs related to the disposal of collected wastes.
- Funds may not be used for programs and activities for the collection and management of commercial, industrial, and hazardous wastes.
- Funds may not be used for programs and activities solely related to the management of scrap tires, used oil, oil filters, antifreeze, lead-acid batteries, or other special wastes excluded from disposal in municipal solid waste landfills. However, collection of these materials may be included as part of a comprehensive Household Hazardous Waste collection and management program, so long as that is not the sole intent of the program.

Category 9: Installation of Scales at Municipal Solid Waste Landfills.

This category includes projects for the installation of scales and related equipment for the operation of those scales at a Municipal Solid Waste landfill. Projects under this category may include design and engineering work, purchase and installation of scales and related equipment, site improvements necessary for equipment installation, and the purchase and installation of computer hardware and software necessary to operate scales.

Funding Limitations.

- Funds may not be used for the operation of a scales system, once the system is in place.
- Funds may only be used for those costs directly related to the scales system. Ancillary equipment or facilities, such as a gate house, fencing, landfill entrances road work, and other similar activities may not be funded unless they are clearly necessary for the installation and operation of the scales.
- Onboard truck scales are not eligible for funding.

6.0 ELIGIBLE EXPENSES

The following categories of expenses may be eligible for funding under this program. All expenses must directly relate to the conduct of the proposed project.

- 1. Personnel.** Appropriate salaries and fringe benefits for employees working directly on the funded project may be authorized under all of the grant categories.
- 2. Travel.** Travel expenses directly related to the conduct of the funded program may be authorized. Only the employees of the pass-through grant recipient assigned to the project should receive reimbursement for travel expenses. In accordance with the UGCMS, in those instances where grantees do not have an established organization-wide written travel policy approved by the governing board of the local jurisdiction, all employee-related travel expenses must be claimed at no higher than the same rates allowed by the State of Texas for its employees.
- 3. Supplies.** Expenses for supplies necessary for the conduct of the funded project may be authorized. Expenses included under the Supplies expense category of a project budget should be for non-construction related costs for goods and materials having a unit acquisition cost (including freight) of less than \$1,000. Such expenditures must generally relate to the routine purchase of office supplies (paper, pencils, and staplers) or other goods which are consumed in a relatively short period of time, in the regular performance of the general activities of the proposed project.
- 4. Equipment.** Equipment necessary and appropriate for the proposed project may be authorized. No equipment is to be purchased by a pass-through grant recipient unless approved in advance by ETCOG. Expenses included under the Equipment expense category should be for non-construction related, tangible, personal property having a unit acquisition cost of \$1,000 or more (including freight and set up costs) with an estimated useful life of over one year. Any equipment that will be used for other projects or activities, in addition to the funded project, may only be funded at an amount reflecting the appropriate percentage of time it will be directly used for the funded project. The special conditions and requirements set forth in the grant agreement (relating to Title to and Management of Equipment and Constructed Facilities), also apply to equipment purchased with pass-through grant funding.
- 5. Construction.** Appropriate construction costs may be authorized. Expenses budgeted under this category should be for costs related to the enhancement or building of permanent facilities. No construction costs shall be incurred by a pass-through grant unless the construction details are approved in advance by ETCOG. Appropriate costs that may be included are:

- The cost of planning the project;
- The cost of materials and labor connected to the construction project;
- The cost of equipment attached to the permanent structure; and
- Any subcontracts, including contracts for services, performed as part of the construction.

6. Contractual Expenses. Professional services or appropriate tasks provided by a firm or individual who is not employed by the pass-through grant recipient for conducting the funded project may be authorized for subcontracting by the funds recipient. No contractual costs shall be incurred by a funds recipient unless the subcontract is approved in advance by ETCOG. Applicable laws and regulations concerning bidding and contracting for services must be followed. Any amendment to a subcontract which will result in or require substantive changes to any of the tasks required to be performed must be approved in writing by the COG.

7. Other Expenses. Other expenses, not falling under the main expense categories, may be included, if connected with the tasks and activities of the proposed project. The restrictions set forth in the UGCMS and the main grant agreement apply. The expenses budgeted under this “Other” category must be itemized by the pass-through grant recipient. Some expenses that may be appropriate include:

- Postage/delivery
- Telephone/FAX
- Utilities
- Printing/reproduction
- Advertising/public notices
- Signs
- Training
- Office space
- Basic office furnishing
- Computer hardware (under \$1,000 and not listed under Equipment category)
- Computer software

8. Indirect. Indirect costs may be funded, if applicable to the project. In accordance with the UGMS, indirect charges may be authorized if the applicant has a negotiated indirect cost rate agreement signed within the past 24 months by a federal cognizant agency or state single audit coordinating agency. Alternatively, the applicant may be authorized to recover up to 10% of direct salary and wage costs (excluding overtime, shift premiums, and fringe benefits) as indirect costs, subject to adequate documentation. If the Applicant has an approved cost allocation plan, enclose documentation of the approved indirect rate with the project application.

Following are examples of types of expenses that may be appropriate under each of the project categories.

Category 1: Local Enforcement

- Equipment, such as vehicles, trailers, communications equipment, and surveillance equipment;

- Program administration expenses, such as salaries/fringe benefits, office supplies and equipment, travel, training, and vehicle maintenance;
- Protective gear and supplies;
- Educational materials.

Category 2: Source Reduction and Recycling

- Facility design and construction;
- Equipment, such as chippers, balers, crushers, recycling and composting containers, trailers, forklifts, and trucks;
- Program administration expenses, such as salaries/fringe benefits, office supplies and equipment, travel, and training;
- Educational materials;
- Printing and advertisement expenses.

Category 3: Citizens' Collection Stations and “Small” Registered Transfer Stations

- Facility design and construction;
- Equipment, such as dumpsters or roll-off containers, compactors, crushers, scales, and recycling containers;
- Protective gear.

Category 4: Educational and Training Projects

- Educational materials;
- Printing and advertising expenses;
- Contractual services;
- Program administrative expenses, such as salaries/fringe benefits, office supplies, and travel.

Category 5: Community Cleanup Events

- Collection sacks
- Protective gear
- Educational materials
- Printing and advertising expenses
- Appreciation items for volunteers (e.g., T-shirts, caps, etc.)

Category 6: Technical Studies

- Consultant services
- Printing and advertising expenses
- Program administration expenses, such as salaries/fringe benefits, office supplies, and travel

Category 7: Local Solid Waste Management Plans

- Consultant services
- Printing and advertising expenses
- Program administration expenses, such as salaries/fringe benefits, office supplies, and travel

Category 8: Household Hazardous Waste Management

- Design and construction of permanent collection facilities

- Equipment for permanent collection facilities, such as recycling containers, trailers, forklifts, and crushers
- Protective gear
- Contractual services for special collection events
- Educational materials

Category 9: Installation of Scales at MSW Landfills

- Platform truck scales
- Electronic data-recording equipment
- Installation costs

7.0 SUPPLEMENTAL FUNDING STANDARDS

In addition to the standards set forth in applicable statutes and regulations, as well as the category-specific funding limitations, the standards outlined below apply to all uses of the FY 99 solid waste grant funds.

- a) **Payment of Fees.** Local and regional subdivisions subject to the payment of state solid waste disposal fees and whose payments are in arrears are not eligible to receive grant funding.
- b) **Land Acquisition Costs.** Funds may not be used to acquire land or an interest in land.
- c) **Municipal Solid Waste-Related Programs Only.** Funds may not be used for programs dealing with wastes that are not considered municipal solid waste (MSW), including programs dealing with industrial or hazardous wastes.
- d) **Programs Solely Related to Collection of Certain Special Wastes.** Funds may not be used for programs and activities solely related to the management of automotive wastes, to include: scrap tires, used oil, oil filters, antifreeze, lead-acid batteries, or other similar wastes excluded from disposal in MSW landfills. Funds may also not be used for the processing of scrap tires, such as through the purchase of equipment to shred or split the tires. However, collection of these materials may be included as part of a comprehensive household hazardous waste collection and management program, so long as that is not the sole intent of the program. No used oil or used oil filter collection centers may be funded.
- e) **Activities Related to the Disposal of Municipal Solid Waste.** Except as may be specifically authorized under an eligible project category, funds may not be used for activities related to the disposal of municipal solid waste. This restriction includes: solid waste collection and transportation to a disposal facility; waste combustion (incineration or waste-to-energy); processing for reducing the volume of solid waste which is to be disposed of; any landfill-related facilities or activities, including the closure and post-closure care of a landfill; or other activities and facilities associated with the ultimate disposal of municipal solid waste. This provision does not apply to activities specifically included under an authorized project category, to include landfill scales, citizens' collection stations, and small registered transfer stations.
- f) **Projects Requiring a TNRCC Permit.** Funds may not be used for expenses related to projects or facilities that require a permit from the TNRCC and/or that are located within

the boundaries of a permitted facility, including landfills, wastewater treatment plants, and other facilities. This provision, however, may be waived by the TNRCC, at its discretion, for otherwise eligible activities to be located at a closed permitted facility and/or for recycling activities that will take place within the boundaries of an open facility. Recycling activities that may qualify for such a waiver may include recyclables collection, composting, and land application of biosolids for beneficial use. The applicant and/or the COG should request a preliminary determination from the TNRCC as to the eligibility of the project prior to consideration for funding.

- g) Projects Requiring a TNRCC Registration.** Projects or facilities that require registration from the TNRCC, and which are otherwise eligible for funding, may be funded. However, the registration for the facility must be finally received before that project can be selected for funding.
- h) Projects that Create a Competitive Advantage over Private Industry.** In accordance with Section 361.014(b), Texas Health and Safety Code, a project or service funded under this program must promote cooperation between public and private entities, and may not be otherwise readily available or create a competitive advantage over private industry that provides recycling or solid waste services. Under this definition, the term private industry includes non-profit entities.
- i) Supplanting existing funds.** Funds may not be used to supplant existing funds. In particular, staff positions where the functions assigned to that position will remain the same and that were active at the time of the grant application, and were funded from a source other than a previous solid waste grant, are not eligible for grant funding.
- j) Acquisition of Goods and Services.** Recipients of grant funds must comply with all state and local laws and regulations pertaining to the acquisition of goods and services. In recognition of the requirement that projects not create a competitive advantage over a private industry, it is a goal of this program that competitive processes be used to the extent possible for all purchases using grant funds. In addition, grant recipients are encouraged to participate in the Cooperative Purchasing Program.
- k) Funds to Law Enforcement Agencies.** Funds may not be provided to any law enforcement agency regulated by Chapter 415 of the Texas Government Code, unless the law enforcement agency is in compliance with all rules developed by the Commission on Law Enforcement Officer Standards and Education pursuant to Chapter 415 of the Texas Government Code, or the Commission on Law Enforcement Officer Standards and Education certifies that the requesting agency is in the process of achieving compliance with such rules.
- l) Food/Entertainment Expenses.** Funds may not be used for food or entertainment expenses, including refreshments at meetings and other functions. This provision does not include authorized travel and per diem expenses.
- m) Use of Alcoholic Beverages.** Funds may not be used for payment of salaries to any employee who uses alcoholic beverages on active duty. None of these funds may be used for the purchase of alcoholic beverages, including travel expenses reimbursed with these funds.

8.0 PROGRAM EDUCATION/PROMOTION:

To make maximum use of grant funds for public education and promotion and to ensure maximum media coverage of outreach efforts, grantees under this RFP shall:

- Provide specific information to ETCOG concerning proposed public education materials to avoid duplication of effort with TNRCC's statewide public education effort;
- Use camera-ready art developed and provided by TNRCC or ETCOG for promotional material such as flyers, utility bill inserts, and brochures, if appropriate;
- Allow the use of the name and a description of the program in TNRCC informational materials or media programs;
- Include the following credit on any media coverage of the program: "This project is funded in part by a grant from the East Texas Council of Governments in cooperation with the Texas Natural Resource Conservation Commission"; and
- Be able to participate in sharing information from the project with others interested in becoming involved with similar projects.

9.0 NOTIFICATION OF PRIVATE INDUSTRY REQUIRED:

According to state law (Section 361.014 (b) TX Health & Safety Code), a project or service funded under this program must promote cooperation between public and private entities, and the grant-funded project or service may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services. In accordance with grant requirements established by the Texas Natural Resource Conservation Commission, an applicant for funding under one of the listed project categories below must adhere to the requirements listed below.

Applicable Categories

- Source Reduction and Recycling
- Citizens' Collection Stations and "Small" Registered Transfer Stations
- Installation of Scales at Municipal Solid Waste Landfills
- A demonstration project under the Educational and Training Projects category

Applicant Notification Requirements

- Contact in person or in writing the known private service providers of similar services which, at the time of the application development, are providing services within the geographic service area that the project intends to serve, prior to making the application. A list of private service providers within the region is available from the COG.
- Inform the private service providers of the basic details of the proposed project and consider any input and concerns from the private service providers about the project when completing the project proposal.

- Consider, where appropriate, meeting directly with private service providers that may have a concern about the proposed project to attempt to resolve any concerns before an application is submitted.
- Complete applicable information on the appropriate grant application forms to provide documentation that private service providers were notified of the project prior to submission of the application and submit written comments provided by any private service provider.

10.0 **SELECTION PROCEDURES:**

- a) Copies of all project applications will be made available for public inspection during regular business hours at the ETCOG offices for at least ten (10) working days after the deadline for application submittal, and before the meeting of the Solid Waste Advisory Committee (SWAC) to review and rank those proposals.
- b) ETCOG staff will review submitted proposals for **minimum screening criteria** listed in that section.
- c) ETCOG's Solid Waste Advisory Committee will review, and may rank, all applications and project proposals. The review and ranking of projects will be on a competitive basis to ensure that the best proposals are selected for funding. ETCOG will establish appropriate procedures to preclude any conflict of interest by advisory committee members. ETCOG will require proposal applicants to make a brief presentation to the Solid Waste Advisory Committee to further explain their proposals or answer questions, or both. Note that the application says: If the applicant has been previously funded from an ETCOG/TNRCC solid waste grant, then provide at least a one page summary report of the impact of such project(s). Therefore, the SWAC may ask such an applicant about its previously funded project.

Note that ETCOG and the SWAC may choose to offer partial amounts of the total requested for each selected proposal. In addition, after ranking the applications and project proposals, the ETCOG SWAC may choose not to fund some of the projects if the SWAC decides that some projects are not viable as proposed.

- d) ETCOG may also propose to conduct COG-managed projects; such proposed projects would be subject to the same application and review procedures as used for projects proposed by eligible recipients and scored along with other proposals by the Solid Waste Advisory Committee.
- e) The ETCOG Executive Committee will give final approval before ETCOG can enter an interlocal contract agreement with a potential grant recipient. The East Texas Council of Governments reserves the right to reject any or all proposals and is under no obligation to execute a contract with any applicant based on this RFP. The East Texas Council of Governments shall not be liable for any costs incurred in the preparation or submission of a proposal. The recommendations of the Solid Waste Advisory Committee will be approved by the ETCOG Executive Committee in a meeting open to the public.
- f) The TNRCC requires ETCOG to provide TNRCC a list of implementation projects approved for funding by its governing body, with written certification by ETCOG that the projects were reviewed for eligibility by ETCOG and found to meet the minimum

criteria. If TNRCC does notify ETCOG of a question or problem concerning a particular project, ETCOG may not proceed with funding that project until notified that it may do so by TNRCC. Even though a proposal meets ETCOG staff minimum requirements and is forwarded to TNRCC after the ETCOG Regional Solid Waste Advisory Committee scoring and Executive Committee approval, TNRCC may reject all or part of the proposal or require it to be amended. Therefore, ETCOG reserves the right to reject all or part of a proposal or require it to be amended after the SWAC scoring meeting and ETCOG Executive Committee approval based on the requirements of the TNRCC.

- g) ETCOG must also provide TNRCC with copies of any written comments received concerning a project's competition with the private sector. In particular, under the terms of the grant agreement, comments received from a private industry dealing with whether the project unfairly competes with a private industry must be submitted with the project list. Therefore, as stated above, TNRCC may reject all or part of the proposal or require it to be amended. Therefore, ETCOG reserves the right to reject all or part of a proposal or require it to be amended after the SWAC scoring meeting and ETCOG Executive Committee approval based on the requirements of the TNRCC.
- h) If a sufficient number of projects are not selected under the open and competitive project selection process, ETCOG may proceed with identifying additional projects for funding, without conducting another project selection process for that fiscal year. Any additional projects selected for funding must still meet all of the eligibility requirements, and will be reviewed by the Solid Waste Advisory Committee. The ETCOG Executive Committee will officially act on the additional project selections, and a list of those selections will be provided to TNRCC. TNRCC will again have ten (10) working days to respond to ETCOG with any questions or concerns about a project, before ETCOG may execute a pass-through grant agreement or begin a COG-managed project.

Additionally, if there are more projects requesting funds than are available, then ETCOG may maintain the listing of the ranking order of unfunded projects which may be considered for funding should funds become available due to termination of projects that were funded with FY 2000 funds. The SWAC would ultimately decide whether to fund any of these ranked—but unfunded— projects. That is, the SWAC may choose not to fund such ranked projects depending on each project's merits and objectives of the region. Again the ETCOG Executive Committee will officially act on the additional project selections, and a list of those selections will be provided to TNRCC. TNRCC will again have ten (10) working days to respond to ETCOG with any questions or concerns about a project, before ETCOG may execute a pass-through grant agreement or begin a COG-managed project.

11.0 HOW PROPOSALS WILL BE CONSIDERED

Proposals will be reviewed by the Solid Waste Advisory Committee of the East Texas Council of Governments, using the following screening and selection criteria developed in cooperation with the Texas Natural Resource Conservation Commission (TNRCC). The committee consists of representatives of various interests involved in solid waste management in the region, according to TNRCC guidelines.

Minimum Screening Criteria

In order for any proposed project to be considered, the following screening criteria must be met. If these screening criteria are not met, the proposed project will receive no further consideration for grant funding.

The following screening criteria apply to **all** proposed projects:

- A. The application must be complete and all application requirements and procedures followed, including requirements to notify private service providers of the proposed project, when applicable.
- B. The proposed project must conform to eligible **category standards, eligible recipient standards, and allowable expense standards**, as established by TNRCC and as listed in this RFP.
- C. The applicant must agree to document the results of the project as required by ETCOG.
- D. The proposed project must be technically feasible, and there must be a reasonable expectation that the project can be satisfactorily completed within the required time frames.
- E. The proposed project activities and expenses must be reasonable and necessary to accomplish the goals and objectives of the project. One factor in determining reasonableness of expenses shall be whether comparable costs are proposed for comparable goods and services.
- F. The proposed project must be consistent with applicable goals, objectives, and recommendations of the adopted regional solid waste management plan.
- G. If the applicant is subject to **solid waste disposal fees**; payments to the State of Texas must not be in **arrears**.
- H. All proposals must include an official resolution with assurances from the governing body of the applicant (see the accompanying application). Note that a draft resolution may be accepted with the application, but the official resolution must be received by ETCOG before the Solid Waste Advisory Committee begins scoring. The scoring meeting is planned for the week of 20 July 98.
- I. **SECOND AND THIRD YEAR CONTINUED FUNDING PROPOSED PROJECTS:**
 - 1. A continued funding proposed project is defined as a previously funded project that is proposed to maintain the previously funded project which includes the same scope of work.
 - 2. A second year continued funding project will be eligible only for sixty-six percent (66%) of the amount of ETCOG grant funding that the project received in the first year.
 - 3. A third year continued funding project will be eligible only for thirty-three percent (33%) of the amount of ETCOG grant funding that the project received in the first year.
 - 4. A fourth year continued funding proposed project is ineligible for ETCOG grant funds.

5. If an eligible organization wants to expand upon a previously ETCOG funded project that significantly increases the scope of work or significantly improves the effectiveness of the project, then that organization may propose such expansion of the previously funded project. Such expansion would be treated on the 100%-first year, 66% second-year, and 33% third-year scale.
 6. Grandfather clause: This section does not apply to projects funded before FY 98; in other words, a continued funding project that began in FY 97 would only be subject to this section beginning in FY 98 (FY 98 would be considered its first year).
- J. **PROJECT TERM: Projects** proposed under this round of RFP must not begin operation until an interlocal agreement has been executed between ETCOG and the funds recipient. Contract dates are expected to begin no earlier¹ September 99 and must end by 31 July 2001. However, the applicant may propose projects which vary in the number of months of operation within these parameters.
- K. **Selection Criteria/Guidelines:** If a proposed project meets all of the applicable screening criteria, it will be evaluated by the Solid Waste Advisory Committee of the East Texas Council of Governments using the following selection and scoring criteria. The committee will base its decisions on information from application forms and presentations.

See Page Seventeen (17) for Scoring Criteria.

11.1 SCORING CRITERIA:

Those proposal applications that are evaluated and ranked by the Regional Solid Waste Advisory Committee will be scored using the following point system:

- (a) Project Description including evaluation of public education/awareness component 0 to 5 points
- (b) Feasibility: effectiveness of tasks in achieving goals and objectives as listed in the work program 0 to 5 points
- (c) Ability to continue the proposed project beyond the grant funding period 0 to 5 points
- (d) Community support 0 to 5 points
- (e) **Level of regional or cooperative efforts** _____
 One proposal including two local governments = +2 points
 For each additional local government, + 2 points to the above 2 points
 E.g., a cooperative proposal including five local governments = +8 points
Maximum number of points for this item is 10
- (f) **Project Cost Evaluation** 0 to 10 points
Regarding Waste Reduction and Recycling Applications and relating Educational and Training Projects:
 New program: significance of diversion of MSW from waste stream (amount of expected diversion per project dollar); **or**
 Existing program: significance of diversion of MSW from waste stream of the expansion or improvement
Regarding Local Enforcement and Citizens' Collection Centers/Small Transfer Stations, River and Lake Cleanups and Texas Country Cleanups:
 Level of need: identification of problems e.g., for illegal dumping, documentation of complaints or dump sites (number of people served and geographic area per project dollar).
Regarding Educational and Training Projects, Household Hazardous Waste Applications, Scales at Landfills, and Technical Studies and Local Solid Waste Management Plans
 Project impact per dollar
- (g) First time that proposed service is offered to the area planned to be served 0 or 5 points
- (h) **Bonus points for proposed cash matching funds (excluding any other grant funds)** _____
 1 points /10% match: e.g., 50% match = +5 points
Maximum number of points for this item is 10
- (i) **Previously funded project(s)** _____
 Project impact: example, activity resulting from previously funded project which includes associated need for the past project.
 Activity/need: minus ten points (-10) for least to plus three (+3) for most.
 Zero points (0) for new proposed projects.

Total points: _____

12.0 **INTERLOCAL CONTRACT:**

Entities selected to receive grant funding under this RFP will be required to execute an interlocal contract with ETCOG. All services or work performed under a contract awarded as a result of this RFP will be completed within the scope, time frame, and funding limitations specified in the contract. The following are some of the general contents of a sample contract:

- a) The following will be incorporated into the contract:
 - Authorized Budget Summary Sheet from the proposal application;
 - Authorized Work Program;
 - Authorized Schedule of Deliverables.
- b) Grant funding will be provided on a reimbursement basis only, and all requests for reimbursement must be handled through the East Texas Council of Governments. All requests for reimbursement must include a progress report on the project in order to justify expenditures.
- c) Grant recipients must agree to provide data related to the results of the project to the East Texas Council of Governments and/or TNRCC.
- d) Grant recipients must agree to allow staff of the East Texas Council of Governments and/or TNRCC to perform on-site visits to monitor the progress of projects.
- e) The funding recipient will become the owner/operator of any equipment or facility established or enhanced with these grant funds (this does not preclude the equipment utilization conditions that will be included in the interlocal contracts with funding recipients). ETCOG shall have no responsibility or liability for the operation of such equipment or facility.
- f) The grant recipient whose project includes funding for equipment and constructed facilities shall conduct physical property inventories to maintain property records and necessary control procedures and to provide adequate maintenance with respect to all property acquired under the Contract.
- g) ETCOG's sole responsibility shall be limited to funding the project, except as stated in items (h) through (j) below.
- h) ETCOG will coordinate with the grant recipient and TNRCC regarding public awareness.
- i) ETCOG will provide templates to the grant recipient for educational flyers as they are made available by TNRCC.
- j) ETCOG will respond to inquiries for technical assistance and information made by the grant recipient.
- k) As an extension of the contract between TNRCC and ETCOG, activities carried out with these grant funds must be in accordance with all applicable TNRCC rules and regulations.
- l) No obligations exist under this Contract, with respect to ETCOG, for payments of any kind to the grant recipient, except as such payments relate to the reimbursement of actual

grant recipient incurred expenditures necessary to carry out those activities identified or described in this Contract. Reimbursement payments to the grant recipient under the contract are contingent upon ETCOG's actual receipt of funds from TNRCC and upon the grant recipient's full and satisfactory performance of its obligations under the contract.

- m) The grant recipient will be responsible for purchasing any equipment, supplies, and contractual services as allowed in the authorized budget summary sheet included in the contract. The grant recipient may account for expenses incurred and request reimbursement of outlays under either a cash or an accrual basis, as defined and authorized under the UGCMS. To be eligible for reimbursement under this Contract, a cost must have been incurred and either paid by the pass-through grant recipient prior to claiming reimbursement from the ETCOG or incurred by the last day of the time period indicated on a request for reimbursement form and liquidated no later than thirty (30) days after the end of that time period.

The grant recipient shall also submit a request for reimbursement, which shall include attached legible documentation of expenses issued by the contractor or vendor providing the products or services, that substantiates the expenditure amounts. In addition, all requests for reimbursement of expenditures must be itemized and described in such a way that the acquired item can be readily matched to any TNRCC pre-acquisition approvals.

- n) Grant recipients must maintain records and documentation materials consistent with the records listed in ETCOG's Financial Monitoring Program.
- o) The PERFORMING PARTY may submit the Request for Reimbursement vouchers as frequently as monthly. If submitted monthly, they should be submitted with the required progress and results reports.
- p) Reimbursement method (refer to hypothetical table below for example): The monthly reimbursement to the grants recipient by ETCOG is determined by the following, which are all dependent upon item (q) below and any other requirements included in the Contract:
 - a) 10% will be deducted from the total authorized budget and will be allocated to the grant recipient after the grant recipient submits a close-out report to ETCOG at the end of the contract period;
 - b) Dividing 90% of the total authorized budget by the number of months included in the time-frame of this contract which will provide a contingent monthly budget allocation;
 - c) The actual expenses that the grant recipient has incurred; and
 - d) Paying the lesser amount of the two numbers listed above in p(b) and p(c) within one month from receipt of Request for Reimbursement voucher; unless
 - e) If a grant recipient's request for reimbursement for a particular month is less than the contingent allocation available for that month, then a monthly balance shall accrue. Therefore, the grant recipient may request for reimbursement its total monthly balance, if the grant recipient has incurred such costs.
- q) Note that ETCOG is forwarded a percentage of its estimated solid waste fee budget on a quarterly basis. Reimbursement payments to the grant recipient under this Contract are contingent upon the ETCOG'S actual receipt of funds from TNRCC and upon the

grant recipient's full and satisfactory performance of its obligations under this Contract. If ETCOG has receipt of some such solid waste fee funds, but not enough to pay in total the determined amounts as stated above for all its grant recipients, then ETCOG will use a prorated formula to pay the grant recipients from what solid waste fee funds it may have available for pass-through. Any remaining owed pass-through funds will be paid with the next authorized voucher payment, dependent, again, on receipt of solid waste fee funds from TNRCC.

- r) Notes for hypothetical table below: **The** following chart is a hypothetical scenario which includes ETCOG having a TNRCC-authorized budget of \$100,000 (B1) to pass-through to three grant recipients identified below as Project A, Project B, and Project C (A7 through A9). The total approved respective budgets for the three projects are listed in B7 through B9. To determine the contingent monthly budget allocation for each project, 10% is deducted from the total of \$100,000 which determines that \$90,000 (B2) will be available for monthly allocations over the course of the grant period. The \$90,000 is divided by 12 months, since in this hypothetical case the grant term is 12 months, which determines the contingent total monthly budget allocation for all projects (B3). A percentage of the total monthly budget allocation is determined for each project by dividing the total approved budget for each project by \$90,000 (C7 through C9). The percentage for each project is multiplied by the contingent total monthly budget allocation to determine the contingent monthly budget allocation for each project (D7 through D9). E7 through E9 include hypothetical amounts that each project charges to its contingent monthly budget allocation. F7 through F8 indicates the balance of the contingent monthly budget allocation for each project. G7 through G9 indicates the contingent monthly budget allocation balance available for the next month. Note that to charge the amount available in column G, each project must incur costs equal to or greater than the amount listed. Also, if ETCOG has not received enough funding from TNRCC to equal the contingent total monthly budget allocation, then ETCOG will use the same percentages to prorate what pass-through funds ETCOG does have available. The difference for each project's contingent monthly budget allocation will be added to the next month's payment (if funding is by then received from TNRCC).

	A	B	C	D	E	F	G
1	Total Funding:	\$ 100,000.00		*dependent upon receipt of TNRCC funds			
2	Minus 10%	\$ 90,000.00		If not charged against previously, performing party			
3	Divided by 12	\$ 7,500.00		may draw on monthly balance of accumulated funds			
4							
5	Project	Total Approved	%	Available*	Charged	Balance fr	Available for
6	Number	Budget		Monthly	Month One	Month One	Month Two
7	Project A	\$50,000	0.5	\$3,750	\$3,750	\$0	\$3,750
8	Project B	\$30,000	0.3	\$2,250	\$0	\$2,250	\$4,500
9	Project C	\$20,000	0.2	\$1,500	\$700	\$800	\$2,300

- s)
- t) Note that in the event that ETCOG has received pass-through funds from TNRCC in such a time-frame that ETCOG has more funds available for pass-through than the contingent total monthly allocation amount determined above in this section, then at ETCOG's discretion, ETCOG may adjust each grantee's contingent monthly budget allocation balance based on the same method used for determining each grantee's contingent monthly budget allocation (that is, ETCOG may multiply the determined percentage of each grantee's total allocation by 90% of the excess amount available).

Each grantee (grant recipient) will be notified in writing of such adjustment. If ETCOG does adjust the balances, in no case can the PERFORMING PARTY draw more than 90% of its total authorized project budget over the term of this contract until the close-out report is submitted to ETCOG. In addition, ETCOG will in no case reimburse to the PERFORMING PARTY more funds than the total authorized budget.

- u) The grant recipient shall notify and get approval from ETCOG for any changes in personnel whose salaries will be funded under a pass-through grant.
- v) This interlocal contract is in furtherance of a contract between ETCOG and TNRCC. Therefore, additional contract provisions will be included.

13.0 PROPOSAL (APPLICATION) CONTENTS:

The proposal must be completed on an ETCOG FY 2000 Implementation Application Form. The application form includes: 1) Application Information and Signature Page; 2) Authorized Representatives; 3) Certifications and Assurances; 4) Resolution; 5) Explanation Regarding Private Industry Notification; 5b) Summaries of Discussions with Private Industry; 6) Project Summary; 6b) Scope of Work; 6c) Level of Commitment of the Applicant; 6d) Community Support; 6e) Regional or Cooperative Efforts; 6f) Project Cost Evaluation; 7) Grant Budget Summary; 7a) Detailed Matching Funds/In-Kind Services; 7b) Detailed Personnel/Salaries Expenses; 7c) Detailed Travel Expenses; 7d) Detailed Supply Expenses; 7e) Detailed Equipment Expenses; 7f) Detailed Construction Expenses; 7g) Detailed Contractual Expenses; 7h) Detailed Other Expenses; 8) Previously Funded Projects.

An application form for this grant category is attached. You may duplicate the blank form for additional use. A separate form must be submitted for each individual project proposed. In completing your application, please be concise, but provide a sufficient level of detail to facilitate the consideration of your proposed project.

Please remember to ...

- Complete all parts of the application as requested. Detailed budget sheets need to be completed only as applicable.
- Make sure the application is properly signed and dated.
- Keep a copy of your application for your records.

13.1 APPLICATION SUBMITTAL INSTRUCTIONS:

Copies Required to be Delivered. Five (5) copies of the Grant Application should be mailed or delivered to: East Texas Council of Governments; Attn. Environmental Resources; 3800 Stone Road; Kilgore, Texas 75662.

Five P.M. Deadline. Applications will be accepted for consideration, only if received no later than 5 p.m. on **Wednesday, 13 October 1999**. The East Texas Council of Governments will not accept applications via FAX machine or email.

Status of Application. Upon submittal, all proposals become the property of the East Texas Council of Governments. The contents of all proposals shall be considered public record unless deemed otherwise by law.