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Department of Resources Recycling and Recovery (CalRecycle)

# LOCAL ENFORCEMENT AGENCY GRANT PROGRAM APPLICATION GUIDELINES & INSTRUCTIONS

23rd Cycle (EA23) – Fiscal Year (FY) 2012/13

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## GRANT CYCLE OVERVIEW

This resource document provides Applicants with a cycle overview, instructions about how to access and complete the application online, and information about grant administration. The online application, Grant Management System Web (GMSWeb), can be found at <http://www.calrecycle.ca.gov/Grants/GMS/default.htm>.

The Department of Resources Recycling and Recovery (CalRecycle) offers the Local Enforcement Agency (LEA) Grant Program pursuant to [Section 43230 of the Public Resources Code](#) (PRC). These noncompetitive grant awards are to be used exclusively for the support of the solid waste facilities permit and inspection programs.

### ELIGIBLE APPLICANTS

Applicants are limited to CalRecycle certified Local Enforcement Agencies pursuant to [PRC 43200 and Title 14, California Code of Regulations, Chapter 5, Article 2.1, LEA Certification Requirements](#).

### ELIGIBLE PROJECTS/PRODUCTS

Grant funds will supplement the LEA's existing budget for equipment, supplies, training, technical support, etc.

### REGIONAL APPLICATION REQUIREMENTS

Local governments may join together in a regional program. A Regional Lead jurisdiction must be designated to act on behalf of all participating jurisdictions (*see "Resolution Information" for specific instructions regarding authorization documentation*). The Regional Lead is the Grantee, which will be responsible for the performance of the grant and all required documentation. CalRecycle will direct all official correspondence and grant payments to the Regional Lead. If a jurisdiction is a participant in a regional program, it may not apply individually.

The LEA (Regional LEA) with permitting and enforcement duties covering multiple counties shall be responsible for the submittal of a regional Grant Application to CalRecycle. A Regional LEA is an LEA that has been authorized by resolution of one or more LEAs to carry out LEA duties for the authorizing jurisdiction(s).

### AVAILABLE FUNDS

- CalRecycle will disburse approximately \$1,500,000 in grant funds from the Integrated Waste Management Account for this grant cycle, fiscal year (FY) 2012/13, subject to funding availability and passage and enrollment of the FY 2012/13 Budget Act.
- A total of \$96,000 of the \$1,500,000 appropriation will be set aside for LEA training and outreach. The remaining \$1,404,000 will be distributed among the grant Applicants on a pro-rata basis.
- The amount for which each LEA is eligible will be determined when all applications are processed. This figure will be provided to each grant Applicant when it becomes available.
- The grant amount is established from a base grant award of \$15,000 per jurisdiction, plus additional grant funds based on population and the number of permitted, active solid waste facilities in each local enforcement agency jurisdiction.
- Each Regional LEA shall receive a base grant multiplied by the number of counties for which the LEA is responsible, plus an additional amount based on the population of the jurisdictions served by the Regional LEA and the number of active, permitted solid waste facilities located within those jurisdictions.

## GRANT TERM, GRANT PERFORMANCE PERIOD, AND REPORT PREPARATION PERIOD

The Grant Term begins on July 1, 2012, and ends on October 28, 2013. The Grant Term begins on the first day of the Grant Performance Period and ends on the last day of the Report Preparation Period, thus encompassing the entire grant cycle.

The Grant Performance Period begins on July 1, 2012, and ends on June 30, 2013. All eligible Program costs must be incurred no later than June 30, 2013. Program costs incurred after June 30, 2013, are ineligible for reimbursement.

The period between July 1, 2013, and October 28, 2013, is referred to as the Report Preparation Period. **Costs incurred to prepare the Final Report and Final Payment Request are the only costs that are eligible for reimbursement during the Report Preparation Period.** The Final Report and Final Payment Request are due to CalRecycle no later than October 28, 2013.

Grant Term	Grant Performance Period	Report Preparation Period
July 1, 2012 - October 28, 2013	July 1, 2012 - June 30, 2013	July 1, 2013 – October 28, 2013

### ELIGIBLE COSTS

Eligible costs may be incurred only during the Grant Performance Period which begins July 1, 2012, and ends on June 30, 2013. All costs must be directly related to the implementation of the solid waste facilities permit and inspection programs as set forth in the approved projected Budget. Your projected Budget will be approved as part of your application. Costs must be reasonable and cost-effective and must be entered into the Budget tab of the online application. Eligible costs include, but are not limited to:

- Consulting services;
- Education;
- Purchase of equipment or materials;
- Staffing;
- Training; and
- Travel within the State.

Travel and per diem reimbursement is limited to a maximum of the State rate as described in the *California State Administrative Manual*. Please consult the Grant Manager for guidance.

Personnel expenditures must be computed on the actual time spent on grant-related activities. For calculating total personnel expenses for each employee, the expenditures should be broken out by the classification(s) of the employee(s), the hourly wage, fringe benefits rate, and number of hours worked on grant-related activities. These records must be available for audit purposes.

### INELIGIBLE COSTS

Any costs not directly related to the implementation of the facilities permit and inspection programs as set forth in the approved budget are ineligible. Ineligible costs include, but are not limited to:

- Any costs that are not consistent with local, state, and federal statutes, ordinances and/or regulations;
- Any food or beverages (supplied as part of meetings, workshops, training, or events);
- Any personnel costs incurred as a result of time an employee assigned to the solid waste program does not actually work on the solid waste program (e.g. use of accrued vacation, sick leave, etc.);

- Any pre-paid expenditures for future goods or services delivered after the end of the Grant Performance Period. (Exemption: The Grant Manager may consider approving products purchased in full before the end of the Grant Performance Period but delivered after the Grant Performance Period if the delay is caused solely by the supplier and through no fault of the Grantee. The Grantee must request an exemption in writing and receive written approval from the Grant Manager.);
- Cleanup of illegal dumping;
- Costs currently covered or incurred under another CalRecycle loan, grant, grant cycle or contract;
- Costs incurred prior to or after the Grant Performance Period, except for costs incurred to prepare the Final Report and final Payment Request, which are eligible for reimbursement during the Report Preparation Period;
- Landfill operations;
- Out-of-state travel, unless pre-approved in writing by the Grant Manager;
- Overhead and indirect costs;
- 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);
- Purchasing or leasing of vehicles; and
- Any other costs not deemed reasonable or related to the purpose of the grant by the Grant Manager.

#### **TIMELINE FOR LOCAL ENFORCEMENT AGENCY GRANT, EA23, FY 2012/13**

<b>Date</b>	<b>Activity</b>
May 24, 2012	<b>Application Deadline</b> <ul style="list-style-type: none"> <li>• Applications must be submitted in GMSWeb by this date</li> <li>• Customer Service will only be available until 5:00 p.m. on this date</li> </ul>
June 28, 2012	<b>If Resolution not submitted with the application</b> <ul style="list-style-type: none"> <li>• Approved Resolution must be uploaded in GMSWeb by this date</li> </ul> <b>If Applicant does not have an EPPP policy at time of application</b> <ul style="list-style-type: none"> <li>• EPPP Policy must be adopted and Notification must be <b>uploaded in GMSWeb</b> by this date</li> </ul>
July 1, 2012 (tentative)	<b>Grants Awarded</b> <ul style="list-style-type: none"> <li>• CalRecycle considers funding recommendations, and if approved, awards grants</li> </ul>
July 1, 2012 – October 28, 2013	<b>Grant Term</b>
July 1, 2012 – June 30, 2013	<b>Grant Performance Period—may incur program or project costs</b>
July 1, 2013 – October 28, 2013	<b>Report Preparation Period – may only incur costs for preparation of Final Report and Final Payment Request</b>
October 28, 2013	<b>Final Report, Final Payment Request and Request for 10% withhold Deadline</b>

## APPLICATION INSTRUCTIONS

### APPLICATION ACCESS

The application is available in CalRecycle's web-based Grants Management System (GMSWeb). Access to GMSWeb is secure; therefore you must have a CalRecycle WebPass in order to log into the system. Applicants who have not previously obtained a CalRecycle WebPass can create an account at <https://secure.calrecycle.ca.gov/WebPass/>.

After logging into GMSWeb at <https://secure.calrecycle.ca.gov/Grants/SignIn>, select "Grant Application Search" from the left navigation bar. Open grant cycles are displayed in a table. Find Local Enforcement Agency EA23 and select "Apply."

### APPLICATION CONTENTS AND INSTRUCTIONS

The components of the application are divided into tabs. To fill out an application, click on each tab and complete the sections in each tab as required. General directions are on the top of each tab and detailed information about requirements for each tab is listed below.

#### **Summary**

This tab provides a summary of the application, directions, and resources. In addition, it contains several checklists to assist Applicants with completing the application:

- Application Checklist
- Required Document(s) By Application Due Date
- Other Supporting Document(s) as applicable for your Application/Project
- Required Document(s) By Secondary Due Date

The checklists are provided for the Applicant's convenience and are not intended to be all inclusive. It is the Applicant's responsibility to ensure that all required documents, based on the individual grant application/project, are submitted by the appropriate due date.

#### **Applicant/Participant**

The Applicant's name is entered in this tab. The Applicant name is the legal name of the jurisdiction/organization that is legally responsible for grant administration, if awarded.

- Department or unit names are not included in the Applicant name.
- County names must be listed with the name first followed by the word "County" e.g., "Sacramento County."
- City names must be listed as "City of" followed by the city's name, e.g., "City of Sacramento."
- Every application must have a Lead Applicant, even if it is for an individual application with no participating jurisdictions. Setting the Lead Applicant is a separate step in the application process. See GMSWeb instructions for more information.

*For a list of eligible applicants, please see the Grant Cycle Overview section entitled "Eligible Applicants."*

For Regional or Collaborative Applications, add the name of each eligible participating jurisdiction.

#### **Detail**

This tab contains several required elements of the application.

- Enter a dollar amount in the Grant Funds Requested field. Matching Funds are not required for this grant, so skip the Matching Funds field.
- Enter the Assembly District and Senate District for the Lead Applicant. Only one Assembly District and Senate District can be selected for each application. If the Applicant's jurisdiction covers more than one district, select the district of the Applicant's headquarters office.

- For advance payments only: to request an advance of grant funds. check the Request Advance Payment box. If you are electing to receive a reimbursement payment, skip this section.
- Project Summary/Statement of Use:

A Statement of Use is a general description of how the Applicant intends to use grant funds to benefit its solid waste facilities permit and inspection program.

*Example:*

The goal of our solid waste program is to protect public health, safety and the environment with regard to solid waste facilities within our jurisdiction.

Arrowhead County’s Environmental Health Division intends to use FY 2012/13 LEA grant funds for new safety and computer equipment, medical monitoring (annual check-up and tests for enforcement staff who perform inspections at solid waste facilities) and for maintenance on vehicles assigned to the LEA Solid Waste Program. Any interest earned will be used for training and education.

- Select the appropriate option for the Resolution or Letter of Commitment Requirement and optional Letter of Designation.

**Contacts**

The application must include only one Primary Contact and at least one Signature Authority. Each contact entered into the application may be granted access by checking the box on the bottom of the contact’s detail screen. The contact will be able to log into GMSWeb using their own CalRecycle WebPass and access the application.

Primary Contact	One person who has been authorized by the Signature Authority/Designee to manage and oversee the grant. This person will be the first contact with whom the Grant Manager will communicate.
Secondary Contact	A person authorized (by the Primary Contact or Signature Authority/Designee) as the alternate person with whom the Grant Manager will communicate. (Not required)
Signature Authority	The person(s) authorized to sign CalRecycle documents, such as grant applications, grant agreements, etc., as authorized by a board/council-adopted Resolution, Letter of Designation, or Letter of Commitment (if applicable). <i>Please see Applicant’s Documents section for more information about documentation for Signature Authorities.</i>
Consultant	A professional who provides advice in a particular area of expertise. The consultant may manage the grant for the Applicant, if awarded, or only conduct specific activities based on a written agreement between the Applicant and the consultant outlining work to be performed. (Not required)

**Budget**

Enter a dollar amount in each applicable budget category. Total budgeted amount must equal the Grant Funds Requested amount.

If the Request Advance Payment box was checked to request an advance of grant funds, and the Grantee intends to utilize the interest accrued on the advance payment, add a note in the appropriate Budget category. For example: “Interest earned will be spent in this category.”

<b>Budget:</b> Analysis/Evaluation/Testing/Demo
<b>Note:</b> Interest accrued will be spent in this category.

*See Grant Cycle Overview section for “Eligible Costs” information.*

**Address/Site(s)**

All applications must contain a payment address. Enter the **department name only** (do not include the Applicant name in this field). Choose Payment Address as the Address/Site Type and enter the complete mailing address. The budget amount or summary fields are not required for the payment address entry.

**Documents**

Application documents must be uploaded to the Documents tab to complete the application. When uploading a document, enter a unique title, select the appropriate document type from the drop down list, and enter the date that it was executed/signed, if applicable, or select “today’s date.”

*See the “Application Documents” section for more information about document requirements.*

**APPLICATION DEADLINE**

Applications must be submitted in GMSWeb no later than **May 24, 2012**. Customer Service will only be available until **5:00 p.m.** on the application due date.

## APPLICATION DOCUMENTS

Each Applicant must upload certain documents in addition to filling out the application. The application is not complete until all required documents have been uploaded to the Documents tab of the GMSWeb application.

### APPLICANT'S DOCUMENTS

The following provides information and examples of documents that you, as the Applicant, must provide. It is the Applicant's responsibility to ensure that the documents necessary to complete its application are uploaded to the Documents tab of GMSWeb.

### RESOLUTION, LETTER OF COMMITMENT, LETTER OF DESIGNATION, AND LETTER OF AUTHORIZATION INFORMATION AND EXAMPLES

#### Resolution Information

#### **-for Applicants subject to a governing body, e.g., City Council, Board of Directors**

A copy of the authorizing Resolution is a required application document. However, if Applicant needs additional time to obtain the Resolution, it must be uploaded no later than the secondary due date of **June 28, 2012**, or the application will be deemed incomplete and will be disqualified.

Applicants that are subject to a governing body must submit a Resolution that specifically authorizes certain grant-related matters. The following identifies the required Resolution provisions.

- The Resolution must authorize submittal of an application for one or more specifically named CalRecycle grant(s) or for all CalRecycle grants for which the Applicant is eligible.
- The Resolution must identify the period of time, up to five years, during which the authorizations are valid. Five years is encouraged; however, periods of less than five years are acceptable. If a Resolution submitted to CalRecycle does not specifically identify a period of time, it will be considered valid for one year from the date of adoption.
- The Resolution must identify the job title of the person authorized to sign all grant-related documents necessary to implement and close-out the grant(s) (Signature Authority).

*(Optional, but encouraged) The Resolution should authorize the Signature Authority to delegate his/her signature authority to another person identified by job title. The Signature Authority must sign a Letter of Designation prior to the Designee's exercise of his/her authority.*

#### Regional Applications:

- The Lead Applicant must submit an approved Resolution that authorizes it to act as a lead for a regional program. This Resolution authorizes submittal of a regional application on behalf of the Lead Applicant and specifically named regional participants, and includes authorization letters with **original signatures** dated within the last 12 months from the participating jurisdictions authorizing the Lead Applicant to act on their behalf for this cycle. (see example below)
- If the Resolution is valid for more than one year, it is **highly** recommended a) that the list of participants be provided as an attachment rather than embedded in the Resolution, and b) that the Signature Authority be authorized to revise the list as necessary with each subsequent application (this allows a Signature Authority to add or remove regional participants with each new application without the necessity of obtaining a new Resolution).
- Regional participants subject to a governing body must provide a letter of authorization, dated within the last 12 months, to the Regional Lead authorizing the Lead Applicant to act on its behalf for this cycle. Copies of the letters of authorization must be submitted with the application.

## Resolution Example

*The following Resolution is for example purposes only. Please consult with your attorney to determine the Resolution language most appropriate for the application.*

RESOLUTION OF THE **(Name Of The Governing Body)** APPROVING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANTS FOR WHICH **(Name Of Applicant)** IS ELIGIBLE

*The following “Whereas” provisions are applicable to all CalRecycle grants; however, they are not required.*

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), , to administer various Grant Programs (grants) in furtherance of the state of California’s (State) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an Applicant’s governing body to declare by Resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Governing Body)** authorizes the submittal of application(s) to CalRecycle for (choose one of the following options) 1) (names(s) of specific grants)) or 2) all grants for which **(Name of Applicant)** is eligible. [Note: this provision is either/or; do not include both options]; and

BE IT FURTHER RESOLVED that the **(Job Title)**, or his/her designee is hereby authorized and empowered to execute in the name of the **(Name of Applicant)** all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for (*choose one of the following options*) 1) five (5) years from the date of adoption of this Resolution **or** 2) for a period less than five (5) years (**insert Time Period: from Month, Day, Year through Month, Day, Year**). [Note: this provision is either/or; do not include both options.].

## Letter of Designation

- *A Letter of Designation (LOD) is required when the authorized Signature Authority delegates his/her authority to another person.* The approved Resolution must indicate the Signature Authority’s ability to delegate or designate his/her authority. The letter must be submitted prior to the Designee’s exercise of his/her authority. If the Designee signs any documents in the application, the letter must be submitted with the application.

The letter must:

- be on the Applicant’s letterhead
- be dated after the effective date of the approved Resolution
- identify the job title of the Designee
- identify the scope of the Designee’s authority; and
- identify the period during which the Designee may exercise the authority. The Designee’s authority may not extend beyond the effective date of the approved Resolution (for example, if the Resolution is effective until December 31, 2013, then the LOD may be effective only until December 31, 2013)
- it must be signed by the Signature Authority.

### Letter of Designation Example

*The following letter is for example purposes only. Please consult with your attorney to determine the language most appropriate for the application.*

Date

Pursuant to the Resolution authorizing an application for (**Grant Program Name**), I am the designated Signature Authority for (**Name of Applicant/Grantee**). I am authorized by the Resolution to execute on behalf of (**Name of Applicant/Grantee**) all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project for this grant. The Resolution also authorizes me to delegate this authority. Accordingly, I hereby delegate this authority to the (**Job Title of Designee**). This delegation is effective as long as the Resolution is in effect.

The current (Job Title) is identified below:

Name & Job Title  
Mailing Address  
City, State, Zip Code  
Telephone Number

### Letter of Authorization Information

A Letter of Authorization is a letter submitted by a jurisdiction (Regional Participant) to authorize another jurisdiction (Regional Lead) to apply for and to act on its behalf in the implementation and administration of the CalRecycle Grant/Program.

The letter must be on the participating jurisdiction's official letterhead and dated within 12 months prior to the application deadline. The letter must authorize the submittal of the regional grant/program application, designate the Applicant as the lead agency, and signed by an individual authorized to contractually bind the Applicant. The document with the original signature must be maintained in Applicant/Grantee grant file.

### Letter of Authorization Example

Date

I am (**Job Title**) of (**Name of Regional Participant**). I am authorized to contractually bind (**Name of Regional Participant**). Pursuant to this authority, I hereby authorize (**Name of Regional Lead Agency**) to submit a regional application and act as Lead Agency on behalf of (**Name of Regional Participant**). The (**Name of Regional Lead Agency**) is hereby authorized to execute all documents necessary to implement the grant under the **Local Enforcement Agency Grant Program (EA23)**.

Signature  
Name & Job Title  
Mailing Address  
City, State, Zip

## **GRANT REVIEW AND AWARD PROCESS**

### **GRANT APPLICATION REVIEW PROCESS**

After the close of the application period, CalRecycle Staff will review the applications for completeness and eligibility. Only complete applications can be considered for award.

### **GRANT AWARD PROCESS**

For qualifying applications, CalRecycle Staff will develop funding recommendations for the consideration and approval of CalRecycle's Director, or his/her designee; this is tentatively scheduled for July 2012, but is subject to passage and enrollment of the FY 2012/13 Budget Act. CalRecycle reserves the right to partially fund or fund individual phases of selected proposals, and CalRecycle may fund an amount less than requested.

CalRecycle reserves the right to not award any grant funds under one or more cycles.

### **GRANT AWARDS CONDITIONS**

Award of this Grant will be subject to two conditions: 1) that the Grantee's Signature Authority or his/her Designee (if properly authorized and delegated) must sign and return the Grant Agreement to CalRecycle within 90 days from the date of emailing by CalRecycle; and 2) that the recommended Grantee must a) pay all outstanding debts due CalRecycle, or b) bring current outstanding payments owed to CalRecycle within 90 days from the date CalRecycle conditionally awarded the Grant.

*Failure to comply with either requirement will disqualify Applicant from receiving the grant award.*

## GRANT PROGRAM ADMINISTRATION

### GRANT AGREEMENT

The Grant Agreement consists of the following items:

- Grant Agreement Cover Sheet (CalRecycle 110)
- The following items incorporated by reference, as specified on the Grant Agreement Cover Sheet:
- Exhibit A – Terms and Conditions
- Exhibit B – Procedures and Requirements
- Exhibit C – Application with revisions, if any, and any amendments
- Exhibit D – Application Guidelines and Instructions

Because your Budget is approved as part of the Approved Application (Exhibit C), the Budget is included in and is a part of the Grant Agreement.

Following CalRecycle's conditional approval of the Grant awards, Grantees will be emailed the following:

- Award cover letter
- Grant Agreement Cover Sheet (CalRecycle 110).
- Exhibit A – Terms and Conditions: contain CalRecycle standard legal requirements for Grants.  
*Note: See [www.calrecycle.ca.gov/lea/GrantsLoans/LEA/FY 2012/13](http://www.calrecycle.ca.gov/lea/GrantsLoans/LEA/FY%2012/13) to download the Terms & Conditions.*
- Exhibit B – Procedures and Requirements: contain specific requirements for administering this Grant, including but not limited to project, reporting, and audit requirements.  
*Note: See [www.calrecycle.ca.gov/lea/GrantsLoans/LEA/FY 2012/13](http://www.calrecycle.ca.gov/lea/GrantsLoans/LEA/FY%2012/13) to download the Procedures & Requirements.*
- Exhibit C - Application with revisions, if any, and any amendments
- Exhibit D – Application Guidelines and Instructions
- Attachment I–Forms Guide: CalRecycle forms to be used throughout the Grant Performance Period, such as Grant Payment Request form (CalRecycle 87), if applicable

### REPORTING PROCESS

Grantees are required to report on the progress of their Grant on an annual basis. Expenditures must be reported by October 28, 2013. Detailed reporting information is included in Exhibit B – Procedures & Requirements of the Grant Agreement.

### PAYMENT REQUEST PROCESS

Grantees have the option of requesting an advance payment in their applications. If no affirmative request is made for an advance payment, grant funds will be disbursed as a reimbursement payment, as described below.

#### Advance Payment

As provided for in the Terms and Conditions, CalRecycle may, at the discretion of the Grant Manager, advance up to ninety percent (90%) of the grant funds to the Grantee. The remaining ten percent (10%) shall be reimbursed to the Grantee upon satisfactory completion of the Grant Agreement.

To be considered for the ninety percent (90%) advance payment, the Grantee must return the signed Grant Agreement within ninety (90) days from the date e-mailed by CalRecycle, with a completed Grant Payment Request form (CalRecycle 87). This form may be found at: <http://www.calrecycle.ca.gov/Grants/Forms/> or may be obtained by contacting the Grant Manager.

The designated signature authority, or his/her designee, if authorized in the resolution, must sign the Grant Agreement Cover Sheet and Grant Payment Request form.

Payment will be made only to the Grantee. It is the responsibility of the Grantee to pay all contractors and subcontractors for purchased goods and services.

Upon receipt of advanced grant funds, the Grantee shall deposit and maintain, until expended, all grant funds in an interest-bearing account within a federally insured financial institution. Grantee shall maintain a separate accounting system for the grant funds including the earned interest. All earned interest must be tracked for reporting purposes. Spending of earned interest must be pre-approved by the Grant Manager.

Grant funds must be used for eligible costs as described in the *Eligible Costs* section above and must be spent in the following order:

1. Advance payment
2. Reimbursement payment [ten percent (10%) withhold]
3. Interest earned on advance payment, if approved by the Grant Manager.

Any unspent grant funds or unspent earned interest must be returned to CalRecycle by the end of the Grant Term.

### **Reimbursement Payment**

Grantees may request a reimbursement payment for the grant award by not checking the Advance Payment box in the application. Reimbursement payment will be made to the Grantee once all conditions stipulated in the Grant Agreement have been satisfied.

## **GRANT AGREEMENT PROVISIONS**

### **AUDIT REQUIREMENTS AND WAIVER OF PERSONAL JURISDICTION**

As with all Grant Agreement provisions, the following provisions are non-negotiable. Submittal of an application constitutes acceptance of the provisions.

1. **Audit/Records Access:** The Grantee agrees that CalRecycle, the Bureau of State Audits, or their designated representative(s) shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. The Grantee agrees to maintain such records for possible audit for a minimum of three years after final payment or the end of the Grant Term, whichever is later, unless a longer period of records retention is stipulated, or until completion of any action and resolution of all issues which may arise as a result of any litigation, dispute or audit, whichever is later. The Grantee agrees to allow the designated representative(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the Grantee agrees to include a similar right of the State to audit records and interview staff in any contract or subcontract related to performance of this Agreement.
2. **Waiver of Personal Jurisdiction:** Should CalRecycle seek reimbursement of costs paid to a Grantee as a result of an audit finding, the Grantee hereby waives any jurisdictional defenses and expressly waives tribal sovereign immunity as a defense to any action in any court of the State of California for the recovery of such funds.