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California Environmental Protection Agency

California Integrated Waste Management Board (CIWMB)

**Targeted Rubberized Asphalt Concrete Incentive (TRI) Grant Program
APPENDICES**

Fiscal Year (FY) 2007/08

The Appendices which accompany the application contain grant program information, processes, examples, and definitions.

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Appendix A

GRANT PROGRAM OVERVIEW AND GUIDELINES

BACKGROUND

The California Integrated Waste Management Board (CIWMB) receives an annual appropriation from the California Tire Recycling Management Fund (Tire Fund) to administer the Tire Recycling Act (Act) (Senate Bill 937 [Vuich] Statutes of 1990, Chapter 35) and related legislation. Public Resources Code (PRC) Section 42872(a) allows for the awarding of grants to public entities involved in activities and applications that result in reduced landfill disposal or stockpiling of waste tires.

The Targeted Rubberized Asphalt Concrete Incentive (TRI) Grant Program is aimed at first-time or limited users of rubberized asphalt concrete (RAC). This grant program is set up to cover the additional costs of using RAC. The TRI grant award is based on the differential cost of using RAC vs. conventional asphalt concrete, tonnage of RAC used and testing costs associated with constructing the project based on the specific conditions in each jurisdiction.

APPLICANT ELIGIBILITY

Cities, counties and qualifying Indian tribes that fund public works projects located in California. For the purposes of this grant program, a “qualifying Indian tribe” is defined as an Indian tribe, band, nation, or other organized group or community, residing within the borders of California, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

PROJECT ELIGIBILITY

Eligible projects must use a minimum of 3,500 tons of RAC within the jurisdiction. The RAC material must meet American Society for Testing and Materials (ASTM) D 6114-97(2002) “Standard Specification for Asphalt-Rubber Binder” and use crumb rubber derived from 100% California waste tires.

INELIGIBLE PROJECTS

- Projects that use crumb rubber derived from non-California waste tires.
- Projects that do not meet the eligibility requirements.
- Projects that have begun placement/construction of the RAC before the CIWMB considers the application for award.

FUNDING AVAILABLE

The TRI Grant Program has \$3,551,583 for FY 2007/08. Maximum available per grant is \$150,000 for southern jurisdictions (the counties and respective cities south of, and including San Luis Obispo, Kern and San Bernardino Counties), \$175,000 for northern jurisdictions (the counties and respective cities north of, and including Monterey, Kings, Tulare and Inyo counties, and \$225,000 for rural jurisdictions (any county, including cities and/or qualifying Indian tribes within the county, which has a 2000 U.S. Census population of less than 400,000).

COOPERATIVE PROJECTS

If three or more jurisdictions purchase RAC under a cooperative purchase agreement, then each participating jurisdiction will be eligible to receive a 10% increase in its grant award above the applicable limit. For example, if a rural jurisdiction applicant requests the maximum grant available for a rural applicant (\$225,000) and is part of a cooperative purchase agreement, the applicant could qualify to receive an additional 10% for a total grant award of \$247,500.

ELIGIBLE COSTS

Testing costs may include: pre-construction deflection testing and/or construction/post-construction material quality assurance/quality control (QA/QC) testing. Testing costs shall not include the costs of project design or construction. For calculation purposes, historical, estimated, and/or actual bid costs can be used. These costs must be incurred during the term of the grant, i.e., receipt of the Notice to Proceed from CIWMB through April 2, 2010.

INELIGIBLE COSTS

Costs incurred prior to the receipt of the Notice to Proceed or after April 2, 2010, are ineligible.

APPLICATION REVIEW PROCESS

After the close of the application period, staff will record the grant application as received and conduct a completeness review for each application. Program staff will conduct an eligibility review to verify that the applicant meets the eligibility and project requirements and rank the projects.

GRANT AWARD PROCESS

Based on the ranking process for complete applications, staff will develop funding recommendations for the Board's consideration at the Market Development and Sustainability Committee Meeting and subsequent Board Meeting. If the total amount of funds requested by the successful applications exceeds the funding amount available, the CIWMB will award grant funds by ranked order. In the event CIWMB awards only a portion of an applicant's grant request, CIWMB staff will incorporate additional conditions or amend the Grant Agreement. The CIWMB reserves the right to not award any grant funds under this program.

All applicants will be notified of staff's recommendations by email. Approximately four weeks after the Board meeting at which the application is considered, applicants selected for grant funding will receive instructions to initiate the Grant Agreement process.

Appendix B

GRANT PROGRAM ADMINISTRATION

GRANT AGREEMENT PROCESS

Following the Board's approval of grant awards, the successful applicants will be mailed a Grant Agreement Package which includes the Grant Agreement Form (CIWMB 110) and the Exhibits (Terms and Conditions; Procedures and Requirements; and Signage.)

The Signature Authority will be required to sign the Grant Agreement Form (CIWMB 110) and return it to the CIWMB within 90 days from the date of mailing by the CIWMB or the grant award will be null and void. Grantees are required to pay all outstanding debts due the CIWMB within 90 days from the Board's award date or the grant award will be null and void.

As stated in the grant agreement, applicant must:

- Certify that any contractors hired for the project are reliable by completing the Reliable Contractor Declaration (CIWMB 168). <http://www.ciwmb.ca.gov/Grants/Forms/CIWMB168.doc>
- Provide signage/acknowledgement of completed project.

GRANT ADMINISTRATION AND REPORTS

The requirements for properly administering the grant will be fully set forth in the Grant Agreement Exhibits (Terms and Conditions, and Procedures and Requirements) referenced above.

Grantees are required to submit annual progress reports and a final report by April 2, 2010. The final report will provide an evaluation of the RAC project, the amount of RAC used, amount of crumb rubber used, cost, and any other information requested by the Grant Manager.

CIWMB PAYMENTS FOR GRANT EXPENDITURES

Grant funds are paid on a reimbursement basis for costs incurred as specified in the Grant Agreement. All payment requests must include itemizations with documentation of claimed expenses (e.g., receipts, invoices, weigh tickets, proof of payment, etc.). The authorized signature authority or designee (if applicable) must sign the payment request. Ten percent (10%) of the amount requested for reimbursement from each payment request will be retained until completion of the grantee's obligations under the Grant Agreement. At the end of the grant term, or upon completion of the grant project, and after the CIWMB Grant Manager receives and approves the Final Report and Final Payment Request, the 10% withhold will be reimbursed.

Grantees who fail to submit the Final Report, with all required supporting documentation, by April 2, 2010, may forfeit the right to reimbursement of otherwise eligible costs and/or cause the Final Payment Request to be rejected.

AUDIT REQUIREMENTS

All grantees are required to comply with the following provisions:

Audit/Records Access. The grantee agrees that the CIWMB, 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.

Should CIWMB 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.

Appendix C CALCULATION FOR REQUESTED GRANT AMOUNT INFORMATION AND EXAMPLE

Use the example calculation below to help determine the requested amount of grant funds; the final grant reimbursement will be determined by the actual project cost, not to exceed the grant award amount. Testing costs may include: pre-construction deflection testing and/or construction/post-construction material quality assurance/quality control (QA/QC) testing. Testing costs shall not include the costs of project design or construction. For calculation purposes, historical, estimated, and/or actual bid costs can be used.

Table 1: Calculation for Requested Grant Amount Example

Amount of RAC* (Tons)	X	Differential Cost of RAC (RAC Cost minus AC* Cost) \$/Ton	+	Testing Costs (Deflection, QA*/QC*)	=	Total (must match req. grant amount)
4,000	X	(\$100 - \$75) = \$25	+	\$15,000	=	\$115,000

*Definitions:

RAC = Rubberized Asphalt Concrete AC = Asphalt Concrete
QA = Quality Assurance QC = Quality Control

Appendix D
RESOLUTION INFORMATION AND EXAMPLES

The grant application package must include a current approved resolution from the applicants' governing body authorizing submittal of an application to CIWMB. The resolution must identify the position title of the official authorized to execute any agreements, contracts, and requests for payment.

RESOLUTION EXAMPLE – 5 year

The following language is presented for sample purposes only. Please consult with your attorney.

WHEREAS, Public Resources Code sections 40000 et seq. authorize the California Integrated Waste Management Board (CIWMB) to administer various grant programs in furtherance of the State's 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 the CIWMB is required to establish necessary procedures governing the application, awarding and management of the grants; and

WHEREAS, procedures established by the State of California and the CIWMB require each jurisdiction/applicant to certify by resolution the approval of the jurisdiction/applicant's governing body for submittal of a grant application before submission of said application to the CIWMB; and

WHEREAS, if awarded a grant, **(Name of Jurisdiction/Applicant)** will enter into a Grant Agreement with the CIWMB for implementation of a Rubberized Asphalt Concrete Grant;

NOW, THEREFORE, BE IT RESOLVED that the **(Name of Governing Authority)** authorizes the submittal of an application to the CIWMB for all available CIWMB grants for the period of **(Indicate Time Period- not to exceed 5 years)**.

BE IT FURTHER RESOLVED that the **(Name of Governing Authority)** approves **(Title of Signature Authority)** of the **(Name of Applicant)**, or his or her designee, is hereby authorized and empowered to execute in the name of the **(Name of Applicant)** all necessary applications, contracts, agreements, amendments and payment requests hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

The foregoing resolution was passed by the **(Name of Governing Authority)** on **(Date)**.
Effective on **(Date)**.

ATTEST:

X

Governing Authority Signature(s)

Date

Note: This example can be modified for less than 5 years and/or for specific grants.

RESOLUTION EXAMPLE – 1 year (All CIWMB Grants)

The following language is presented for sample purposes only. Please consult with your attorney.

WHEREAS, Public Resources Code sections 40000 et seq. authorize the California Integrated Waste Management Board (CIWMB) to administer various grant programs in furtherance of the State's 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 the CIWMB is required to establish necessary procedures governing the application, awarding and management of the grants; and

WHEREAS, procedures established by the State of California and the CIWMB require each jurisdiction/applicant to certify by resolution the approval of the jurisdiction/applicant's governing body for submittal of a grant application before submission of said application to the CIWMB; and

WHEREAS, if awarded a grant, **(Name of Jurisdiction/Applicant)** will enter into a Grant Agreement with the CIWMB for implementation of a Rubberized Asphalt Concrete Grant;

NOW, THEREFORE, BE IT RESOLVED that the _____ *(Title of Governing Body)* _____ authorizes the submittal of an application to the CIWMB for a Fiscal Year _____ Rubberized Asphalt Concrete Grant.

BE IT FURTHER RESOLVED that the _____ *(Title of Official)*, _____ of the _____ *---(Name of Jurisdiction)* _____ or his/her designee, is hereby authorized and empowered to execute in the name of the _____ *(Name of Jurisdiction)* _____ all necessary grant-related documents, including, but not limited to, applications, contracts, agreements, amendments, and payment requests for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

The foregoing resolution was passed by the _____ *(Title of Governing Body)* _____ this _____ day of _____, _____. Effective _____, _____.

ATTEST:

Signed: _____

Date: _____

(Name and Title of Official Authorized to Sign Resolution)

RESOLUTION EXAMPLE – 1 year (TRI Grant)

The following language is presented for sample purposes only. Please consult with your attorney.

WHEREAS, Public Resources Code Sections 42800 et seq. established the waste tire program for the State of California and assigns responsibility for its implementation to the California Integrated Waste Management Board (CIWMB); and

WHEREAS, CIWMB is authorized to award grants under the waste tire program as identified in its *Five-Year Plan for the Waste Tire Recycling Management Program*; and

WHEREAS, the CIWMB has been delegated the responsibility for the administration of the program, setting up necessary procedures governing application by local governments and their subdivisions under the program; and

WHEREAS, procedures established by the State of California and the CIWMB require each jurisdiction/applicant to certify by resolution the approval of the jurisdiction/applicant’s governing body for submittal of a grant application before submission of said application to the CIWMB; and

WHEREAS, if awarded a grant, **(Name of Jurisdiction/Applicant)** will enter into a Grant Agreement with the CIWMB for implementation of a Rubberized Asphalt Concrete Grant;

NOW, THEREFORE, BE IT RESOLVED that the _____ *(Title of Governing Body)* _____ authorizes the submittal of an application to the CIWMB for a Fiscal Year _____ Targeted Rubberized Asphalt Concrete Incentive Grant.

BE IT FURTHER RESOLVED that the _____ *(Title of Official)*, _____ of the _____ *---(Name of Jurisdiction)* or his/her designee, is hereby authorized and empowered to execute in the name of the _____ *(Name of Jurisdiction)* all necessary grant-related documents, including, but not limited to, applications, contracts, agreements, amendments, and payment requests for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

The foregoing resolution was passed by the _____ *(Title of Governing Body)* this _____ day of _____, _____. Effective _____, _____.

ATTEST:

Signed: _____

Date: _____
(Name and Title of Official Authorized to Sign Resolution)

Appendix E

COOPERATIVE PROJECT INFORMATION AND EXAMPLES

COOPERATIVE PROJECTS

If three or more jurisdictions purchase RAC under a cooperative purchase agreement, then each participating jurisdiction will be eligible to receive a 10% increase in its grant award above the applicable limit. For example, if a rural jurisdiction applicant requests the maximum grant available for a rural applicant (\$225,000) and is part of a cooperative purchase agreement, the applicant could qualify to receive an additional ten percent (10%) for a total grant award of \$247,500.

Cooperative projects must include additional resolution language for either a (1) Joint Powers Authority (JPA) or (2) Memorandum of Understanding (MOU).

JOINT POWERS AUTHORITY (JPA)

Definition

A contract between a city, a county and/or a special district in which the city or county agrees to perform services, cooperate with, or lend its powers to the special district or other government entity.

Resolution Example Language - for lead applicants only:

NOW, THEREFORE, BE IT RESOLVED that the **(Lead Applicant Name)** authorizes the submittal of an application for a cooperative purchase project on behalf of **(Jurisdictions Name(s))** to the California Integrated Waste Management Board Targeted Rubberized Asphalt Incentive Grant Program. The **(Title of Signature Authority)**, or designee, is hereby authorized and empowered to execute in the name of the above named entities all necessary applications, contracts, payment requests, agreements and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

Additional Requirements

In addition, lead applicants and participating jurisdictions may be required to submit the following:

- The lead applicant may be required to provide a copy of the JPA agreement or Memorandum of Understanding.
- Each participating jurisdiction must provide a current letter (dated within the last 12 months) authorizing the lead applicant to act on its behalf as both applicant and administrator.

MEMORANDUM OF UNDERSTANDING (MOU)

Definition

A formal agreement between three or more agencies which specifies the responsibilities of each agency in implementing the project.

Resolution Example Language - for lead applicants only:

NOW, THEREFORE, BE IT RESOLVED that the **(Lead Applicant Name)** authorizes the submittal of an application for a cooperative purchase project on behalf of **(Jurisdictions Name(s))** to the California Integrated Waste Management Board Targeted Rubberized Asphalt Concrete Grant Program. The **(Title of Signature Authority)**, or designee, is hereby authorized and empowered to execute in the name of the above named entities all necessary applications, contracts, payment requests, agreements and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

Resolution Example Language - for participating jurisdictions only:

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Official)** of **(Jurisdiction Name)** authorizes the **(Title of Lead Signature Authority)** of **(Lead Applicant Name)** to submit to the California Integrated Waste Management Board an application for a cooperative purchase project for the Targeted Rubberized Asphalt Concrete Grant Program on its behalf. The **(Title of Lead Signature Authority)** of **(Lead Applicant Name)** is hereby authorized and empowered to execute all necessary

applications, contracts, payment requests, agreements and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

Additional Requirements

In addition, lead applicants and participating jurisdictions may be required to submit the following:

- Each participating jurisdiction may be required to provide a copy of an MOU, specifically for this grant application, authorizing the lead applicant to act on its behalf as both applicant and administrator.

Appendix F
LETTER OF AUTHORIZATION (LOA) EXAMPLE

The following language is presented for example purpose only and is to be used to designate another individual as the signature authority, if the approved resolution allows the signature authority to delegate his or her signature authority to another individual. Please consult with your attorney.

[Letterhead – Should include applicant’s address]

Date

California Integrated Waste Management Board
Targeted RAC Incentive (TRI) Grant Program
1001 “I” Street, 9th Floor
P.O. Box 4025
Sacramento, CA 95812-4025

To Whom It May Concern:

Enclosed is an application for \$ (amount) for the Targeted RAC Incentive (TRI) Grant Program. By submitting this application, I am making a commitment to complete the proposed project as described in the enclosed application. I certify that this document and all attachments were prepared under my direction, and hereby certify under the penalty of perjury, under the laws of the State of California, that the information submitted is true and accurate to the best of my knowledge and belief.

I have authority to execute a binding agreement on behalf of (name of applicant). In addition to myself, I authorize the following individual to sign payment requests and other official correspondence relating to this project:

Name (**Authorized Designee**)

Title

Name of Applicant

Mailing Address

City, State, Zip Code

Telephone Number

Sincerely,

Name (**Authorized Signatory per Resolution**)

Title

Name of Applicant

Appendix G
ENVIRONMENTALLY PREFERABLE PURCHASES AND PRACTICES POLICY
EXAMPLE

The following language is presented for example purpose only. Please consult with your attorney.

ENVIRONMENTALLY PREFERABLE PURCHASES

The (applicant name) provides that all departments shall, whenever possible, use recycled products and recycled materials to meet their needs. This policy is enacted to demonstrate compliance with the Waste Management Reduction Act and foster market development for recycled products. See Appendices -- Appendix G for definitions

PURCHASE POLICIES

- A. All (applicant name) departments shall use recycled products whenever practicable. Special emphasis shall be placed on the purchase of products manufactured with post-consumer recycled materials.
- B. All (applicant name) departments may, at their option and with purchasing concurrence, require procurement of designated recycled products or recycled products above the levels required by this policy.
- C. The (applicant name) shall require its contractors and consultants to use and specify recycled products in fulfilling contractual obligations whenever practicable.
- D. The (applicant name) shall promote the use of recycled products publicizing its procurement policy whenever practicable.

PURCHASE RESPONSIBILITIES OF RECYCLED PRODUCTS AND MATERIALS COORDINATOR

The (title) shall coordinate the implementation of this policy. He/she will establish a list of recycled products that shall be purchased by all (applicant name) departments whenever practicable and will develop the mechanism for maintenance, additions, and deletions to the list of recycled products available for procurement. Maintenance of the list will include addition of new products containing recycled material as they become available and make available to departments specifications on the new product along with a list of suggested uses. The (title) will also work with all departments to establish minimum recycled content standards for designated recycled products to maximize recycled product availability, recycled content, and competition. The (title) will also be responsible for annual policy review.

ENVIRONMENTALLY PREFERABLE PRACTICES

The (applicant name) will act to make resource conservation an integral part of its waste reduction and recycling programs. The practice of discarding materials used in the (applicant name) facilities is wasteful of natural resources, energy, and money.

PRACTICE POLICIES

- 1. The (applicant name) will integrate the concept of resource conservation, including waste reduction and recycling, into its environmental programs.
- 2. The (applicant name) will decrease the amount of waste of consumable materials by: a) reduction of the consumption of consumable materials wherever possible; b) full utilization of all materials prior to disposal; and c) minimization of the use of non-biodegradable products wherever possible.
- 3. The (applicant name) will cooperate with, and participate in, recycling efforts being made by the city and county. As systems for the recovering of waste and recycling are developed within the (applicant name), they will participate by appropriately separating and allowing recovery of recyclable waste products.
- 4. The (applicant name) will purchase, where financially viable, recycled products. The (applicant name) will also encourage suppliers, both private and public, to make recyclable products and unbleached paper products available for purchase.
- 5. Representatives of the (applicant name) will actively advocate, where appropriate, for resource conservation practices to be adopted at the local, regional, and national levels.