



**CITY OF SAINT PAUL**

*Christopher B. Coleman, Mayor*

*390 City Hall  
15 West Kellogg Boulevard  
Saint Paul, MN 55102*

*Telephone: 651-266-8510  
Facsimile: 651-266-8513*

July 30, 2009

Re: Davis-Bacon-Assurances

To Whom It May Concern:

At a public hearing on July 22, 2009, the Saint Paul City Council authorized that the Mayor of Saint Paul or his designated representative submit, on behalf of the City of Saint Paul, the 2009 Solar America Cities Special Projects (Funding Opportunity Number DE-FOA-0000078, CFDA Number 81.117) application to the U.S. Department of Energy.

Please see attached Resolution Number 09-784 documenting eligibility and authority to implement the program.

Further, I assure that the City of Saint Paul does and will comply with the provisions of the Davis-Bacon Act.

Finally I designate that Luz Maria Frias, Director of the Human Rights and Equal Economic Opportunity Department, serve as the City of Saint Paul's Designated Responsible Employee for complying with national policies prohibiting discrimination. Ms Frias can be contacted at [luz.frias@ci.stpaul.mn.us](mailto:luz.frias@ci.stpaul.mn.us) or 651.266.8903.

If you have any further questions about the application, please contact Anne Hunt, Deputy Policy Director-Environment at [anne.hunt@ci.stpaul.mn.us](mailto:anne.hunt@ci.stpaul.mn.us) or 651.266.8520. Thank you for your consideration of this application.

Sincerely,

Christopher B. Coleman  
Mayor

**RESOLUTION  
CITY OF SAINT PAUL, MINNESOTA**

Presented by

*Kath Kanty* *Russ J. Kelly* *Chris Coleman*

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF SAINT PAUL, MINNESOTA  
AUTHORIZING SUBMITTING THE SOLAR AMERICA CITIES GRANT APPLICATION**

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WHEREAS, the City of Saint Paul (the "City") is committed to opportunities to make Saint Paul one of the most sustainable cities in the United States; and

WHEREAS, Congress passed and President Barack Obama signed the American Recovery and Reinvestment Act (ARRA) of 2009; and

WHEREAS, on May 27, 2009, President Obama announced an additional \$10 million in funding through the American Recovery and Reinvestment Act for Special Projects in the 25 Solar America Cities Grant program; and

WHEREAS, in April of 2008 the City of Saint Paul with the City of Minneapolis received a two year grant in the amount of \$200,000 from the U.S. Department of Energy to administer a Solar America Cities Grant and examine the barriers to widespread solar energy adoption; and

WHEREAS, the City of Saint Paul is eligible to apply to the U.S. Department of Energy for additional funds for the Solar America Cities program (DE-FOA-0000078) due July 30,2009; and

WHEREAS, the City of Saint Paul is interested in partnering with the City of Minneapolis, State of Minnesota's Office Energy Security, District Energy Saint Paul, NRG Thermal, Xcel Energy, Hennepin County and other organizations to submit a grant to investigate and test the viability of integrating solar photovoltaic and solar thermal technologies with district energy systems; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Saint Paul authorizes that, Mayor Chris Coleman, as Chief Executive Officer of the City of Saint Paul, is hereby authorized and directed to submit the 2009 Solar America Cities application to the U.S. Department of Energy; and be it

FURTHER RESOLVED, that the Mayor or his designated representative, submit to the U.S. Department of Energy any assurances, certifications, technical changes or additional information that may be required by said Department; and be it

FURTHER RESOLVED, that upon notification of approval of the City of Saint Paul's 2009 Energy Efficiency and Conservation Block Grant program be award by the U.S. Department of Energy, the Council does hereby authorize the proper City officials to execute the grant agreements and contracts between the U.S. Department of Energy and the City of Saint Paul.

	Yeas	Nays	Absent
Bostrom			✓
Carter	✓		
Harris	✓		
Helgen	✓		
Lantry	✓		
Stark	✓		
Thune	✓		
	6	0	1

Adopted by Council: Date 7/22/09

Adoption Certified by Council Secretary

By: Mary Erickson

Approved by Mayor: Date 7/26/09

By: Ara Harris

Requested by Department of: Mayor's Office

By: [Signature]

Approved by the Office of Financial Services

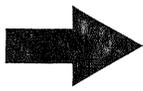
By: \_\_\_\_\_

Approved by City Attorney

By: [Signature]

Approved by Mayor for Submission to Council

By: [Signature]



**Green Sheet Green Sheet Green Sheet Green Sheet Green Sheet Green Sheet**



**Green Sheet NO: 3072611**

Department/Office/Council: MO - Mayor's Office	Date Initiated: 15-JUL-09																														
Contact Person & Phone: Anne Hunt 266-8520	Assign Number For Routing Order	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;"></th> <th style="width:60%; text-align: left;">Department</th> <th style="width:20%; text-align: left;">Sent To Person</th> <th style="width:15%; text-align: left;">Initial/Date</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>Mayor's Office</td> <td></td> <td></td> </tr> <tr> <td>1</td> <td>Mayor's Office</td> <td>Department Director</td> <td></td> </tr> <tr> <td>2</td> <td>City Attorney</td> <td></td> <td></td> </tr> <tr> <td>3</td> <td>Mayor's Office</td> <td>Mayor/Assistant</td> <td></td> </tr> <tr> <td>4</td> <td>Council</td> <td></td> <td></td> </tr> <tr> <td>5</td> <td>City Clerk</td> <td>City Clerk</td> <td></td> </tr> </tbody> </table>		Department	Sent To Person	Initial/Date	0	Mayor's Office			1	Mayor's Office	Department Director		2	City Attorney			3	Mayor's Office	Mayor/Assistant		4	Council			5	City Clerk	City Clerk		
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Must Be on Council Agenda by (Date):																															
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Total # of Signature Pages ____ (Clip All Locations for Signature)																															
<b>Action Requested:</b> That the Saint Paul City Council authorizes that Mayor Chris Coleman, as Chief Executive Officer of the City of Saint Paul is hereby authorized and directed to submit the 2009 Solar America Cities application to the United States Department of Energy.																															
Recommendations: Approve (A) or Reject (R): _____ Planning Commission _____ CIB Committee _____ Civil Service Commission _____ _____ _____	<b>Personal Service Contracts Must Answer the Following Questions:</b> 1. Has this person/firm ever worked under a contract for this department? Yes    No 2. Has this person/firm ever been a city employee? Yes    No 3. Does this person/firm possess a skill not normally possessed by any current city employee? Yes    No <b>Explain all yes answers on separate sheet and attach to green sheet.</b>																														
<b>Initiating Problem, Issues, Opportunity (Who, What, When, Where, Why):</b> None.																															
<b>Advantages If Approved:</b>																															
<b>Disadvantages If Approved:</b>																															
<b>Disadvantages If Not Approved:</b>																															
Total Amount of Transaction:	Cost/Revenue Budgeted:																														
Funding Source:	Activity Number:																														
Financial Information: (Explain)																															

**U.S. DEPARTMENT OF ENERGY**

**FINANCIAL ASSISTANCE**  
**CERTIFICATIONS AND ASSURANCES**  
**FOR USE WITH SF 424**

Applicant: City of Saint Paul

Solicitation No.: DE-FOA-000078

*The following certifications and assurances must be completed and submitted with each application for financial assistance. The name of the person responsible for making the certifications and assurances must be typed in the signature block on the forms.*

*Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug Free Workplace Requirements*

*DOE F 1600.5, Assurance of Compliance Nondiscrimination in Federally Assisted Programs*

**CERTIFICATIONS REGARDING LOBBYING;  
DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS;  
AND DRUG FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 10 CFR Part 601 "New Restrictions on Lobbying," 10 CFR Part 606 "Governmentwide Debarment and Suspension (Nonprocurement) and 10 CFR Part 607 "Governmentwide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Energy determines to award the covered transaction, grant, or cooperative agreement.

**1. LOBBYING**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**2. ADDITIONAL LOBBYING REPRESENTATION**

Applicant organizations which are described in section 501(c)(4) of the Internal Revenue Code of 1986 and engage in lobbying activities after December 31, 1995, are not eligible for the receipt of Federal funds constituting an award, grant, or loan.

As set forth in section 3 of the Lobbying Disclosure Act of 1995 as amended, (2 U.S.C. 1602), lobbying activities are defined broadly to include, among other things, contacts on behalf of an organization with specified employees of the Executive Branch and Congress with regard to Federal legislative, regulatory, and program administrative matters.

Check the appropriate block:

The applicant is an organization described in section 501(c)(4) of the Internal Revenue Code of 1986?  Yes  No

If you checked "Yes" above, check the appropriate block:

The applicant represents that after December 31, 1995 it  has  has not engaged in any lobbying activities as defined in the Lobbying Disclosure Act of 1995, as amended.

**3. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust

statutes or commission of embezzlement, theft, forgery, bribery; falsification or destruction of records, making false statements, or receiving stolen property;

- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### **4. DRUG-FREE WORKPLACE**

This certification is required by the Drug-Free Workplace Act of 1988 (Pub.L. 100-690, Title V, Subtitle D) and is implemented through additions to the Debarment and Suspension regulations, published in the Federal Register on January 31, 1989, and May 25, 1990.

##### ***ALTERNATE I (GRANTEES OTHER THAN INDIVIDUALS)***

- (1) The grantee certifies that it will or will continue to provide a drug-free workplace by:
  - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing an ongoing drug-free awareness program to inform employees about:
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee's policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
  - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
    - (1) Abide by the terms of the statement; and
    - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace not later than five calendar days after such conviction;
  - (e) Notifying the agency, in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
  - (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
    - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
  - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a),(b),(c),(d),(e), and (f).

- (2) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance: (Street address, city, county, state, zip code)

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Check if there are workplaces on file that are not identified here.

***ALTERNATE II (GRANTEES WHO ARE INDIVIDUALS)***

- (1) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant.
- (2) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

**5. SIGNATURE**

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Name of Applicant: City of Saint Paul

Printed Name and Title of

Authorized Representative: Anne Hunt, Deputy Policy Director - Environment

\_\_\_\_\_  
SIGNATURE

7/30/09  
DATE

U.S. Department of Energy  
Assurance of Compliance

**Nondiscrimination in Federally Assisted Programs**

**OMB Burden Disclosure Statement**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Office of Information Resources Management Policy, Plans, and Oversight, Records Management Division, HR-422 - GTN, Paperwork Reduction Project (1900-0400), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585; and to the Office of Management and Budget (OMB), Paperwork Reduction Project (1900-0400), Washington, DC 20503.

**City of Saint Paul**

(Hereinafter called the "Applicant")

HEREBY AGREES to comply with Title VI of the Civil Rights Act of 1964 (Pub. L.88-352), Section 16 of the Federal Energy Administration Act of 1974 (Pub.L.93-275), Section 401 of the Energy Reorganization Act of 1974 (Pub.L.93-438), Title IX of the Education Amendments of 1972, as amended (Pub.L.92-318, Pub.L.93-568, and Pub.L.94-482), Section 504 of the Rehabilitation Act of 1973 (Pub.L.93-112), the Age Discrimination Act of 1975 (Pub.L.94-135), Title VIII of the Civil Rights Act of 1968 (Pub.L.90-284), the Department of Energy Organization Act of 1977 (Pub.L.95-91), and the Energy Conservation and Production Act of 1976, as amended (Pub.L.94-385) and Title 10, Code of Federal Regulations, Part 1040. In accordance with the above laws and regulations issued pursuant thereto, the Applicant agrees to assure that no person in the United States shall, on the ground of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity in which the Applicant receives Federal assistance from the Department of Energy.

**Applicability and Period of Obligation**

In the case of any service, financial aid, covered employment, equipment, property, or structure provided, leased, or improved with Federal assistance extended to the Applicant by the Department of Energy, this assurance obligates the Applicant for the period during which Federal assistance is extended. In the case of any transfer of such service, financial aid, equipment, property, or structure, this assurance obligates the transferee for the period during which Federal assistance is extended. If any personal property is so provided, this assurance obligates the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Applicant for the period during which the Federal assistance is extended to the Applicant by the Department of Energy.

**Employment Practices**

Where a primary objective of the Federal assistance is to provide employment or where the Applicant's employment practices affect the delivery of services in programs or activities resulting from Federal assistance extended by the Department, the Applicant agrees not to discriminate on the ground of race, color, national origin, sex, age, or disability, in its employment practices. Such employment practices may include, but are not limited to, recruitment advertising, hiring, layoff or termination, promotion, demotion, transfer, rates of pay, training and participation in upward mobility programs; or other forms of compensation and use of facilities.

**Subrecipient Assurance**

The Applicant shall require any individual, organization, or other entity with whom it subcontracts, subgrants, or subleases for the purpose of providing any service, financial aid, equipment, property, or structure to comply with laws cited above. To this end, the subrecipient shall be required to sign a written assurance form, however, the obligation or both recipient and subrecipient to ensure compliance is not relieved by the collection or submission of written assurance forms.

**Data Collection and Access to Records**

The Applicant agrees to compile and maintain information pertaining to programs or activities developed as a result of the Applicant's receipt of Federal assistance from the Department of Energy. Such information shall include, but is not limited to, the following: (1) the manner in which services are or will be provided and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination; (2) the population eligible to be served by race, color, national origin, sex, age, and disability; (3) data regarding covered employment including use or planned use of bilingual public contact employees serving beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English; (4) the location of existing or proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any person on the basis of prohibited discrimination; (5) the present or proposed membership by race, color, national origin, sex, age, and disability, in any planning or advisory body which is an integral part of the program; and (6) any additional written data determined by the Department of Energy to be relevant to its obligation to assure compliance by recipients with laws cited in the first paragraph of this assurance.

The Applicant agrees to submit requested data to the Department of Energy regarding programs and activities developed by the Applicant from the use of Federal assistance funds extended by the Department of Energy, Facilities of the Applicant (including the physical plants, building, or other structures) and all records, books, accounts, and other sources of information pertinent to the Applicant's compliance with the civil rights laws shall be made available for inspection during normal business hours on request of an officer or employee of the Department of Energy specifically authorized to make such inspections. Instructions in this regard will be provided by the Director, Office of Civil Rights, U.S. Department of Energy.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts (excluding procurement contracts), property, discounts or other Federal assistance extended after the date hereto, to the Applicants by the Department of Energy, including installment payments on account after such data of application for Federal assistance which are approved before such date. The Applicant recognizes and agrees that such Federal assistance will be extended in reliance upon the representation and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, the successors, transferees, and assignees, as well as the person(s) whose signature appears below and who are authorized to sign this assurance on behalf of the Applicant.

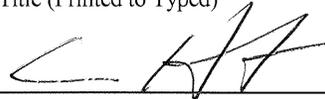
**Applicant Certification**

The Applicant certifies that it has complied, or that, within 90 days of the date of the grant, it will comply with all applicable requirements of 10 C.F.R. § 1040.5 (a copy will be furnished to the Applicant upon written request to DOE).

Designated Responsible Employee

**Anne Hunt, Deputy Policy Director - Environment**  
Name and Title (Printed to Typed)

**(651) 266 - 8520**  
Telephone Number

  
Signature

**07/30/09**  
Date

**City of Saint Paul**  
Applicant's Name

**(651) 266 - 8520**  
Telephone Number

**15 W. Kellogg Blvd; Room 390**  
Address:

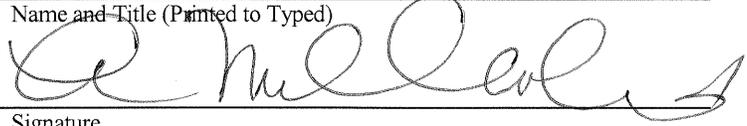
**7/30/09**  
Date

**St. Paul, MN 55102**

Authorized Official:  
President, Chief Executive Officer  
or Authorized Designee

**Ann Mulholland, Deputy Mayor**  
Name and Title (Printed to Typed)

**(651) 266 - 8510**  
Telephone Number

  
Signature

**7/30/09**  
Date