

## CHAPTER 7660

### DEPARTMENT OF PUBLIC SERVICE

### COST-SHARE MAXI-AUDIT GRANTS

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#### 7660.0010 PURPOSE.

This chapter establishes the criteria and procedures for granting financial assistance to Minnesota public and private institutions for conducting building energy audits using money allocated to the department from the state's allocation of petroleum violation escrow funds.

**Statutory Authority:** *MS s 216C.09*

**History:** *13 SR 2713; 17 SR 1457*

#### 7660.0020 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the following terms have the meanings given them.

Subp. 2. **Applicant.** "Applicant" means any statutory or home rule charter city, county, town, or school or hospital as defined in this part, located in Minnesota, or joint power entity consisting of these units, that is making application for grant funds under this program.

Subp. 3. **Authorized cost-share maxi-auditor or auditor.** "Authorized cost-share maxi-auditor" or "auditor" is a person who has met the requirements of part 7660.0040.

Subp. 4. **Building.** "Building" means any existing, separate, enclosed structure owned and operated by an applicant as defined in this part.

Subp. 5. **Cost-share maxi-audit.** "Cost-share maxi-audit" means a detailed engineering analysis of a building and its energy using systems, including the plumbing, lighting, heating, ventilating, and air conditioning systems. The primary objective of a cost-share maxi-audit is to identify and quantify the economic and engineering feasibility of energy conservation measures for a building and its energy using systems.

Subp. 6. **Cost-share maxi-audit manual or manual.** "Cost-share maxi-audit manual" or "manual" means the manual incorporated by reference in part 7660.0100.

Subp. 7. **Cost-share maxi-audit report or report.** "Cost-share maxi-audit report" or "report" means a written document prepared according to the cost-share maxi-audit manual, as the result of a cost-share maxi-audit of a building.

Subp. 8. **Department.** "Department" means the Minnesota Department of Public Service.

Subp. 9. **Hospital.** "Hospital" means a public or private facility licensed under Minnesota Statutes, sections 144.50 to 144.55.

Subp. 10. **School.** "School" means a public school district or private institution that:

A. provides, and is legally authorized to provide, elementary education or secondary education or both on a day or residential basis;

B. (1) provides, and is legally authorized to provide, a program of education beyond secondary education, on a day or residential basis;

(2) admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of a certificate;

(3) is accredited by a nationally recognized accrediting agency or association; and

(4) provides an educational program for which it awards a bachelor's degree or higher degree or provides not less than a two-year program that is acceptable for full credit toward such a degree at any institution that meets the preceding requirements and provides such a program; or

C. provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and meets the provisions in item B, subitems (1), (2), and (3).

Subp. 11. **TA.** "TA" means Institutional Conservation Program Technical Assistance.

**Statutory Authority:** *MS s 216C.09*

**History:** *13 SR 2713; 17 SR 1457*

### 7660.0030 ELIGIBILITY.

All applicants are eligible for cost-share maxi-audit grants for buildings that they own and operate. A building for which an applicant has received cost-share maxi-audit funds or TA funds is not eligible for another cost-share maxi-audit grant until five years after the date of the previous cost-share maxi-audit or TA grant payment.

**Statutory Authority:** *MS s 216C.09*

**History:** *13 SR 2713*

### 7660.0040 COST-SHARE MAXI-AUDITOR AUTHORIZATION.

An authorized cost-share maxi-auditor is a person who is a professional electrical or mechanical engineer or architect, registered in Minnesota, and who has:

A. agreed to abide by the requirements of this part when conducting cost-share maxi-audits;

B. agreed to attend mandatory cost-share maxi-audit information training sessions conducted by the department;

C. signed and submitted to the department, upon completion of the mandatory cost-share maxi-audit training, the authorization agreement for cost-share maxi-auditors that is provided in the manual, and is available upon request from the department; and

D. agreed to make appropriate changes and additions to a cost-share maxi-audit report within 30 days after being sent written notification from the department of the required changes and additions.

The requirements in this part must be adhered to in order for a person to maintain authorized cost-share maxi-auditor status.

**Statutory Authority:** *MS s 216C.09*

**History:** *13 SR 2713*

### 7660.0050 APPLICATION.

Subpart 1. **Process.** The applicant must submit to the department an application for cost-share maxi-audit funds on a form provided by the department. This application must include the following:

A. the applicant's name and address;

B. the name and address of the building;

C. the area of the building in square feet;

D. the building audit status as to whether it has been previously maxi-audited or unaudited;

E. the date of the application; and

F. the contact person's name, title, and telephone number.

Subp. 2. **Application period.** The department will process applications in accordance with part 7660.0060, subpart 1, until all funds have been encumbered.

**Statutory Authority:** *MS s 216C.09*

**History:** *13 SR 2713*

### 7660.0060 CONTRACT PROCESS.

Subpart 1. **Application review.** Upon receipt of an eligible application, the department will determine the funding limits for each building according to part 7660.0090, subpart 2, and will prepare a cost-share maxi-audit grant contract for each building.

Subp. 2. **General.** The department will send the prepared contract to the applicant for signatures by two of the applicant's officials authorized to sign contracts. Grant contracts

must be signed and received by the department within 45 days of the department's mailing date to the applicant. If the grant contract has not been returned within 45 days, the funds may be redistributed to other applicants. After complete execution of the grant contract by the state of Minnesota, the department will send to the applicant a copy of the fully executed contract, required scope of work, and a list of authorized cost-share maxi-auditors.

**Statutory Authority:** *MS s 216C.09*

**History:** *13 SR 2713*

#### **7660.0070 COST-SHARE MAXI-AUDIT REPORT REVIEW.**

The department will review cost-share maxi-audit reports to verify that all requirements of the manual have been fulfilled. If the department review identifies requirements that have not been fulfilled, the department will notify both the grantee and the authorized cost-share maxi-auditor of the necessary changes and additions. The department may conduct an on-site verification of the data contained in the report. When the report has been determined to fulfill all requirements, notice of acceptance will be sent to the grantee.

**Statutory Authority:** *MS s 216C.09*

**History:** *13 SR 2713*

#### **7660.0080 REIMBURSEMENT.**

To be reimbursed for the funds approved in part 7660.0090, subpart 2, the following conditions must be met:

A. The grantee must not have contracted for or begun work before the fully executed grant contract was received by the grantee.

B. The cost-share maxi-audit must have been conducted by an authorized cost-share maxi-auditor.

C. The grantee must have submitted to the department no later than 90 days before the expiration date of the contract, the following:

(1) one copy of the cost-share maxi-audit report signed by an authorized cost-share maxi-auditor for each building that was awarded a cost-share maxi-audit grant; and

(2) one copy of the invoice for the cost-share maxi-audit work, itemized by building.

D. The cost-share maxi-audit report must have met the requirements of the manual.

**Statutory Authority:** *MS s 216C.09*

**History:** *13 SR 2713*

#### **7660.0090 FUNDING.**

**Subpart 1. Priorities.** The department will process grant applications that comply with parts 7660.0010 to 7660.0070 on a first-come first-served basis, based on the day an eligible and complete application is received by the department. If eligible and complete applications received on the same day cannot all be funded due to lack of available funds, the department will first process applications for previously unaudited buildings. If funds are not available for all eligible applications for previously unaudited buildings, the department will process grants so that each affected application receives an equal percentage of the eligible grant amount. If funds are available after processing all eligible applications for previously unaudited buildings, the department will process eligible grant applications for previously audited buildings. If funds are not available for all eligible applications for previously audited buildings, the department will process grants so that each affected application receives an equal percentage of the eligible grant amount. When all available funds have been encumbered, the department will not process any further applications and affected applicants will be notified.

**Subp. 2. Limits.** Grants will be issued by the department for eligible applications based on a formula of \$.04 per square foot of area plus \$2,000. The department will reimburse grantees for 80 percent of the actual cost of a cost-share maxi-audit or the approved grant amount, whichever is less, when the requirements of part 7660.0080 have been met.

Subp. 3. **Restrictions.** Institutions awarded cost-share maxi-audit grants with money from the state's cost-share maxi-audit program or TA funds cannot use funding from this program for the applicant's share of the cost of their cost-share maxi-audit.

**Statutory Authority:** *MS s 216C.09*

**History:** *13 SR 2713*

**7660.0100 INCORPORATION BY REFERENCE.**

The Cost-Share Maxi-Audit Manual (1992), written and published by the Energy Division of the Department of Public Service, is incorporated by reference. The manual is not subject to frequent change and is available from the Department of Public Service and on the Minitex interlibrary loan system from the Minnesota State Law Library.

**Statutory Authority:** *MS s 216C.09*

**History:** *17 SR 1457*