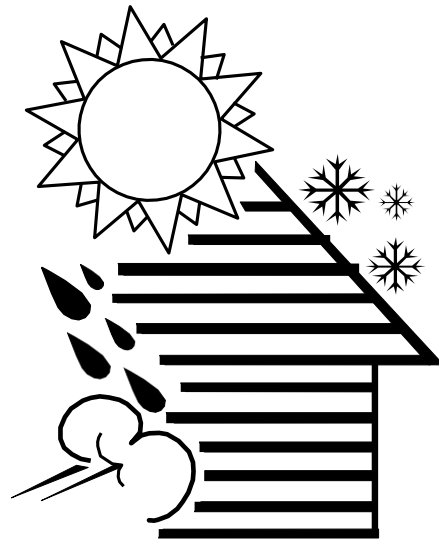


# Minnesota Weatherization Assistance Program Policy Manual



*Weatherization  
Works*

Updated July 1, 2025

*produced with*  
U.S. Department of Energy  
Weatherization Assistance Program Funds





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Located on the Commerce Website at:

[Weatherization Assistance Providers / Minnesota Department of Commerce - Energy \(mn.gov\)](#)

## **Appendix A, State Plans**

US DOE State Plan (PY25)  
IIJA State Plan (PY22 – PY27)  
EAPWX A2124 State Plan

## **Appendix B, Field Guidance**

Standard Work Specifications (SWS)

- Retrofitting Minnesota, Standard Work Specification - Aligned Field Guide
- Standard Work Specifications (SWS) (US DOE/NREL)

Additional Guidance

- Allowable Measure Chart (Audit Event)
- Allowable Measures Chart (Standalone)
- Approved Doors and Windows for Manufactured Homes
- Combustion Appliance Zone Depressurization Remediation Guidance
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- Hierarchy of Housing Needs
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- Gas Boiler
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- ASHRAE Guidance FAQ

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- MN WAPLink User Guide
- Weighted Average R-Value Calculator

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- Manufactured Housing Added R-value Disclosure

EA-QUIP/Multifamily

- EA-QUIP User Manual
- Multifamily Intake Form
- Multifamily Procedures Guide
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## **Appendix D, Diagnostic Testing**

- ANSI BPI-1200-S-2017 Standard Practice for Basic Analysis of Buildings
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## **Appendix E, Policy Manual Addendums**

- Healthy Air Policy Manual Addendum
- Pre-Weatherization Policy Manual Addendum
- Priority List Audit Events Policy Manual Addendum
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- Solar Photovoltaic Systems Policy Manual Addendum
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## **Appendix F, Forms**

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- Historic Preservation Worksheet Template
- Lead Safe Renovation Record Keeping Form
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- Pre-weatherization Service Agreement
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- Safety Assessment – Mold and Moisture Form
- Standalone Service Agreement & Completion Certificate
- Wall Insulation Preparation – Home Energy Guide
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- Weatherization Service Agreement – Audit Event

### Diagnostic Testing Forms

- Blower Door and House Pressures Form
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### Service Provider Forms

- Client Complaint Form
- Out-of-State Travel Request Form
- Staff Change Notification Form
- Vehicle or Equipment Purchase, Disposition, or Transfer Request Form

## Section 1: Program Management

### 1.1 Notification of Staff Changes

**POLICY:** Service Providers must inform the MN Department of Commerce (Commerce) in a timely manner when there are changes in leadership or key staff and when significant program or operational changes occur. Key weatherization staff include, but are not limited to, the Executive Director, Fiscal Director, Program Coordinator/Director, Auditor, Quality Control Inspector, lead administrative and field staff or other staff that spend significant amount of time performing weatherization activities.

Complete and send the Staff Change Notification Form (Appendix F, Forms) to the Commerce Weatherization Assistance Program (WAP) email box at [weatherization.commerce@state.mn.us](mailto:weatherization.commerce@state.mn.us).

### 1.2 Reporting Requirements

**POLICY:** Service Providers must provide all reports required by Commerce and any federal or state funding sources. Reports include but are not limited to:

- Quarterly training reports, no later than 15 calendar days following the end of each quarter or the first business day after if the 15th falls on a holiday or weekend.
  - Emailed to [weatherization.commerce@state.mn.us](mailto:weatherization.commerce@state.mn.us)
- Monthly Financial Status Report (FSR) must be entered and submitted by the 15th of each month or the first business day after, if the 15th falls on a holiday or weekend.
  - Submitted in WAPLink
- Final Financial Status Report (FSR), no later than the last day of the month following the expiration of the grant contract or the expiration of the fund as defined on the Notice of Funds Available (NFA), whichever is first, including a listing of unliquidated obligations of grant funds, if any, and a list of equipment purchased with funds under this award.
  - Submitted in WAPLink
- Copy of the Service Provider's single or program specific audit.
  - Mailed to 85 7<sup>th</sup> Place East, Suite #280, St Paul, MN 55101 or emailed to [weatherization.commerce@state.mn.us](mailto:weatherization.commerce@state.mn.us)

Additional information about financial reporting requirements found in Section 6, Fiscal Policy.

### 1.3 Service Provider Production

#### 1.3.1 Unit Averages

The Average Cost Per Unit (ACPU) is defined by US DOE as the amount of expenditure of financial assistance provided under WAP for labor, weatherization materials, and related matters that cannot be exceeded.

For Service Providers, the ACPU or unit average serves as both a planning and an accountability tool. In planning budgets at the outset of the program year, the unit average determines the number of units that can be weatherized when compared to allocation amounts. During production, the unit average is a benchmark to determine the "reasonableness" of weatherization investments.

Commonly referred to as unit average, this amount is set for US DOE funds in [10 CFR 440.18](#) (a) and (c) and reiterated each year when US DOE releases the Grant Application guidelines for Weatherization Funds.

#### US DOE Formula

Per [WPN 25-1](#), the ACPU for US DOE Formula funds for PY25 is \$8,547.

### **WAP Infrastructure Investment and Jobs Act (IIJA)**

The ACPU for US DOE WAP IJA funds, set by [WPN IJA-7](#) will follow a 7-year average of annual ACPU limits from Program Years (PY) 2022-2029. The ACPU for IIJA in PY25 is \$9,547.

### **Weatherization Readiness Funds (WRF)**

- There is no ACPU for WRF funds.

### **SOLAR**

Solar Photovoltaic (PV) installations may be funded with US DOE funds braided with EAPWX funds, utility funds, or other leveraged (non-federal) funds. EAPWX funding can only be used when US DOE funds also exist on the project.

- The US DOE ACPU for PY25 is \$4,302. This ACPU is for the solar measure itself. The solar ACPU is a subset of a project ACPU and therefore included as a part of the total unit average above.
- EAPWX funding does not have a stipulated solar ACPU.

### **EAPWX**

EAPWX funds will not be subject to the US DOE Average Cost Per Unit (ACPU) limit. Dwellings that have a total EAPWX cost greater than twice the US DOE ACPU will be regularly reviewed by Commerce WAP staff.

Service Providers are responsible for managing costs to stay within the average cost per unit over a program year.

### **ACPU or unit average calculation**

To determine the ACPU or unit average, go to your agencies last submitted Financial Status Report (FSR) in WAPLink and use the amounts listed for the referenced fund category or sub fund category as indicated in the calculations below.

### **US DOE Formula and US DOE IIJA**

- $ACPU = [Direct\ Service - Health\ \&\ Safety + Program\ Support] / Completed\ Units$
- Administrative, Weatherization Readiness Funds (WRF), and Training and Technical Assistance (TTA) funds are not included in the unit average calculation. Refer to Section 6, Fiscal Policy, for further definition of these categories.
- These Program sub-fund categories are not included in the unit average calculation: Fiscal Audits, Liability Insurance, and Leveraging Activity Support Fund (LASF). US DOE Formula funds have additional subcategories for Intake/Eligibility, Energy Audit, and Final Inspection which are also not included in the unit average calculation. See WAP policy 6.9.1 for details.
- Vehicle and equipment purchases, and Program Support and are included in the ACPU calculation under Program Support.

### **HEALTH AND SAFETY Average**

Health & Safety costs have a separate average cost per unit. For PY25, the US DOE average is \$2,000 and EAPWX average is \$3,500. The Health and Safety Average for IIJA is \$1,435 for the life of the grant.

## **1.3.2 Production Planning**

**POLICY:** Service Providers must have a system and tools in place to plan production and maximize available funding in each service territory.

In planning production, Service Providers must meet the following requirements:

1. Meet the minimum unit goals as set forth in Minnesota's annual U.S. Department of Energy (US DOE) State Plan and as defined below:
  - a. The minimum number of US DOE units required of individual Service Providers, per program year, is indicated on Minnesota's annual US DOE State Plan (Appendix A, State Plans). Adjustment to the minimum number of US DOE units may be granted by submitting justification and obtaining approval from Commerce.



2. Meet the minimum unit goals as set forth in Minnesota's U.S. Department of Energy (US DOE) IIJA State Plan and as defined below:
  - a. The minimum number of US DOE units required of individual Service Providers for the life of the grant is indicated in Minnesota's US DOE IIJA State Plan (Appendix A, State Plans).
  - b. Commerce will provide Service Provider annual goals at the time annual allocations are released.
  - c. Adjustment to the minimum number of IIJA units may be granted by submitting justification and obtaining approval from Commerce.
3. Establish and meet the minimum unit goals for the EAPWX and Propane funds.
  - a. Service Providers calculate their minimum number of EAPWX and Propane units.
  - b. The amount budgeted for Standalone Events is determined at the local level and should be based on the anticipated need. The Standalone Event budget is then deducted from the total allocation and the remainder is divided by the anticipated unit average and provided health and safety average to determine the Audit Event unit count. Standalones are included in federal reporting to US HHS, but do not count towards the minimum unit count.
4. Perform to the quarterly production plans as submitted in annual WAPLink budgets, for each available fund.
5. Compare actual production against the quarterly breakdown as submitted in WAPLink.
  - a. If production deviates from the quarterly breakdown submitted in WAPLink, Service Providers are expected to revise their internal production plan to ensure that the minimum unit goal is met, and jobs are completed in a timely manner. Updates to internal production plans must be made available to Commerce upon request.
6. Notify Commerce immediately if it is determined that the minimum unit goal cannot be met or if the Service Provider is not able to spend down its full allocation.

### 1.3.3 Unit Completions

**POLICY:** Work activities and inspections for all event types must be completed within one program year. Service Providers can complete energy audits during the end of one program year, though final inspections, work orders and the measures within them must not be split between two program years, except within the conditions identified below.

Exceptions may be made in three cases:

1. A job is paid for entirely with EAPWX funds. While every effort should be made to close all jobs by June 30 of each program year, delays or other issues may arise that cause a job to carry over into the following program year. There are two ways to handle these situations:
  - a. In an Audit Event where both the building shell and mechanical work cannot be completed/ inspected by June 30, a Standalone Event for mechanical work only may be created, provided that:
    - i. Building shell work has not begun.
    - ii. Mechanical work has not been paid for as part of the original audit event.
    - iii. Mechanical systems measures can be completed and inspected (where required) on or before June 30; and
    - iv. All other weatherization work will take place in the following program year.
  - b. If a job cannot be addressed with option a., notify Commerce of any jobs that will carry over. This practice is not recommended, and Service Providers are reminded of the risk in carrying jobs into the next program year, as payment is contingent on a fully executed contract and NFA.
2. Solar Measures installed in different Program Year than weatherization completed:
  - a. Solar measures can be completed for weatherization projects in the program year after weatherization was completed.

- b. Unit completions are counted in the program year the entire project is completed. Individual audit measures must be started and completed, including passing inspection, within the same program year.
3. Multifamily Building Measures
  - a. Weatherization measures can be completed on multifamily projects within different program years.
  - b. Multifamily unit completions are counted in the program year the entire project is completed. Individual multifamily measures must be started and completed, including passing inspection, within the same program year. All program procurement policies apply.

#### 1.3.4 Timely Service

**POLICY:** Weatherization services shall be provided in the most cost-effective, efficient, and timely way possible. Service Providers must complete the minimum number of units as calculated by the program year allocation and maximize the use of available funding.

Service Providers should develop processes that allow work to move smoothly from audit to final inspection. This includes:

- Tracking jobs at various stages in the process to view the status and keep jobs moving through the system.
- Adapting the program year production plan as needed to ensure the minimum number of required units is met.
- Minimizing the time elapsed between energy audits, entering the audit into the WAPLink software, bidding jobs, and issuing work orders.
- Giving deadlines to contractors and minimizing the time elapsed between visits from the different contractors needed to complete weatherization work.
- Ensuring that mechanical systems are operating in a safe and dependable manner if work is delayed; and
- Document, in the Work Order Details notes screen, the reason for any major delays.

If no work has been performed within 90 days of completing the energy audit, any combustion analysis tests must be redone, and the WAPLink file updated. The audit data should also be reviewed to verify if any other relevant conditions may have changed.

#### 1.4 Record Retention

**POLICY:** Financial records, supporting documents, statistical records, and all program or other records pertaining to the contract must be retained for a period of six years from the date of submission of the final annual expenditure report. If any litigation, claim, or audit is started before the expiration of the six-year period, the records must be maintained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Records for equipment and vehicles acquired with WAP funds must be maintained for six years after final disposition of the equipment or vehicle.

#### 1.5 Data Privacy

All client data and records are considered private data.

**POLICY:** Service Providers must keep client data private in accordance with [MN Statute 216C.266](#). Private client data must be stored in a secure location to prevent unauthorized access while providing access to those who have a right to see the data, including federal and state funding source representatives. In addition, clients have the right to see the contents of their own file(s), upon request.

Service Provider staff may release only data relevant to a contractor to enable them to perform work. Contractors are required to keep such data private and cannot use the data to solicit other business with the household.

Private data may only be released to external third parties to better assist clients, provided the household signs and understands a written release of information document that specifies the reason for release.

Email communication shall not contain household name, address or other private data unless sent through a secure email or shared through Commerce's secure file transfer (FTP) website.

## **1.6 Client Appeals and Complaints**

**POLICY:** Per DOE requirements, Commerce must provide a Dispute Resolution Process outlining procedures to resolve issues that arise with owners of assisted buildings, tenants, subcontractors, or others involved in providing WAP services. In cases where a complaint is received that does not follow the process detailed in this section, a formal response is not required by the Service Provider or Commerce. However, both parties are required to document such complaints, when received, and follow up as warranted to resolve the complaint to the best of their ability.

The appeals process helps clients receive fair consideration and appropriate assistance. The appeals process is designed to be non-confrontational and reasonably resolve disputes.

There are three levels of appeal. Remedies at level one must be exhausted before an appeal can be filed at the next level. The appeals levels must be completed in the order in which they are listed below.

Appeals for work performed must be submitted to the Service Provider within one year of the date of project completion, or final inspection, when required. Client appeals must be received in writing. The letter must state what decision the client is appealing and provide sufficient documentation of the problem.

Appeals for deferral decisions are considered fully resolved at Level 2 and cannot rise to Level 3 (Office of Administrative Hearings/Commissioner).

### **Level 1 (Local Service Provider)**

Appeals must be in writing to allow the Service Provider to act. The letter must state what decision the client is appealing and provide sufficient documentation of the problem. Once the letter and any documentation provided by the client have been received, the Service Provider will:

1. Review the following:
  - Appeal letter and documentation provided by the client.
  - WAPLink data or notes, household file information, and any other documentation
  - Pertinent federal/state rules and WAP policies
2. Take no more than fifteen (15) business days to reach a decision on the appeal, unless additional investigation, research, or inspection is required. If additional time is needed, the client must be sent a letter within fifteen (15) business days that explains why a decision has not been made, what information is needed and the anticipated timeline.
3. Inform the client in writing of its decision, including:
  - Reason for the decision
  - Any action the Service Provider will take to resolve the issue.
  - Information about how to appeal to the next level that includes a minimum of the following information:
    - o That the appeal to Commerce must be in writing and postmarked no more than 15 business days from the date of the Service Provider's decision.
    - o Commerce's address
    - o Name and phone number of the Commerce's Authorized Representative or Weatherization Program Director.
4. Notify Commerce in cases where the Service Provider receives an appeal and upholds the decision made. Commerce does not need to be notified if the decision is reversed at level one.

**Level 2 (Commerce)**

If the complainant is not satisfied with the Service Provider's decision, they may file a written appeal to Commerce. To be considered by Commerce, the appeal must be postmarked within fifteen (15) business days of the date of the Service Provider's decision. Commerce will:

1. Notify the local Service Provider that an appeal has been received.
2. Request that the Service Provider forward all documents in the file, including the complainant's local appeal letter and the Service Provider's response to the appeal. In addition, Commerce will review the most recent WAPLink file data, if applicable.
3. Review all documents/details without preference to previous decisions made by the Service Provider (de novo) and relevant to the appeal.
4. Analyze the appeal issues in relation to federal, state, and program rules and policies.
5. Issue a written decision to the complainant by certified mail within fifteen (15) business days of the receipt of all appeals material, unless additional investigation, research, or inspection is required. If additional time is needed, the complainant must be sent a letter within 15 days that explains why a decision has not been made, what information is needed, and an anticipated timeline. The written decision must include, at minimum:
  - Reason for the decision
  - In the case of an appeal regarding a deferral, Commerce's decision constitutes the last step in the administrative appeals process.
  - If the complainant chooses to appeal further, they should be made aware that Level 3 is a public legal process. Information submitted at that stage may become public record unless protected by law or a judge's order.

**Level 3 (Office of Administrative Hearings/Commissioner)**

Except for appeals related to WAP service deferral, if the complainant is not satisfied with Commerce decision, the complainant may make a written request to the Energy Affordability Section Director for an appeal to the Office of Administrative Hearings (OAH) and the Commissioner of Commerce. When a request for appeal is received, Commerce will, within a reasonable time:

1. Arrange a hearing date that allows adequate time for notification of the complainant, the Service Provider and other applicable persons as described below.
2. Reserve a room for the hearing.
3. Prepare/send proper forms and documents.
4. Prepare evidence to support its decision.

The OAH hearing will be presided over by an Administrative Law Judge (ALJ). Hearing attendees may include:

1. Complainant
2. Complainant's lawyer (if desired by the Complainant)
3. Commerce, which will be represented by an Assistant Attorney General from the Office of the Attorney General
4. Service Provider representative.

The ALJ will review Commerce's decision to determine whether it is arbitrary or capricious, which means that the decision was unreasonable or made without regard to substantial evidence or law. A determination is not arbitrary or capricious if Commerce has articulated a rational connection between the facts that it found and the decision that it made. Once hearing is complete:

1. The ALJ considers the arguments that have been presented and renders a written recommendation to the Commissioner of Commerce.
2. The Commissioner reviews the recommendation and makes the final decision regarding the appeal.
3. The Commissioner's decision constitutes the last step in the administrative appeals process.

## 1.7 Code of Conduct

**POLICY:** All Service Providers must maintain written standards of conduct that at minimum:

1. Prohibit:
  - Real or apparent conflicts of interest in the selection, award, and administration of grants supported by federal funds; and
  - The solicitation or acceptance of gratuities or anything else of value from contractors or parties to sub-agreements.
2. Include employees, officers, agents of the Service Provider, their families, partners, or related organizations that:
  - Employ or are about to employ any of the parties indicated.
  - Have a financial or other interest in the organization selected for the award. This includes immediate family members, partners or organizations that employ or are about to employ any of the affected parties; and
3. Provide disciplinary actions to be applied if such conflicts or gratuities do occur.

The Code of Conduct should also cover nepotism, political participation, and bribery. Service Providers' Code of Conduct may set standards of acceptable conduct for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value.

## 1.8 Repayment

**POLICY:** Service Providers will repay Commerce for any costs that Commerce determines are not eligible under the WAP contract, costs for which the Service Provider has been or will be compensated by another entity, costs which the Service Providers' records do not clearly substantiate as eligible under the WAP contract, or costs identified as a financial audit exception.

## 1.9 Service Provider Liability Insurance

**POLICY:** All Service Providers are required to obtain sufficient liability insurance for all WAP work. Liability insurance costs can be charged to the liability insurance line item in the US DOE budget(s). Proof of Service Provider liability insurance coverage must be made available to Commerce upon request.

Pollution Occurrence Insurance (POI) is not required. However, if the Service Provider does not have POI coverage and weatherization activities disturb environmental pollutants (such as lead), the cost of remediation, cleanup, relocation, medical expenses, or any other resulting costs cannot be charged to any Commerce administered funds.

## 1.10 Assignment Agreements

**POLICY:** Service Providers may neither assign nor transfer any rights nor obligations under the WAP contract without the prior consent of Commerce and a fully executed Assignment Agreement. The Assignment Agreement must be executed and approved by the same parties who approve grant contracts, or their successors.

## **1.11 Internal Controls**

**POLICY:** Service Providers must establish and maintain effective internal controls over federal awards in accordance with [2 CFR 200.303](#). Internal controls must provide reasonable assurance that Service Providers are managing funds in compliance with applicable federal and state statutes, regulations, and reporting requirements and that prompt action is taken when noncompliance issues are identified through monitoring and audits.

## **1.12 Training Requirements**

**POLICY:** Regular comprehensive training is required for all Service Provider staff working as Energy Auditors, Quality Control Inspectors, Crew Leaders, and Retrofit Installers.

Crew and contractor work will be monitored to the Standard Work Specifications (SWS). As such, Service Providers are strongly encouraged to also train contractors who regularly complete work that falls within the Standard Work Specifications (SWS). For additional policy on contractor training and retention agreements, see MN WAP Policy 7.4.3.1

### **1.12.1 Health and Safety Training**

Any Service Provider technical or field staff must complete Health and Safety training that aligns with [WPN 22-7](#) and the [WPN 22-7 Table of Issues](#), within six (6) months of their date of hire. Staff can complete this requirement through Commerce-provided online training or through another training approved by Commerce.

Health and Safety Training must be successfully repeated every five (5) years.

Service Provider technical or field staff must complete OSHA 10 Certification within six (6) months of their date of hire.

### **1.12.2 Energy Auditor Training and Certification**

Any Service Provider staff who conduct energy audits must maintain Building Performance Institute's HEP Energy Auditor (EA), HEP Quality Control Inspector (QCI) Certification, or another Commerce approved certification. HEP Energy Auditor (EA) Staff who conduct energy audits have one year from date of hire to acquire the appropriate certification. Prior to receiving certification, staff with Building Performance Institute (BPI) Building Analyst-Technician (BA-T), Building Analyst-Professional (BA-P) Certification, or Building Analyst (BA) Certification (discontinued, valid through PY 2025), may conduct audits under close agency supervision to ensure compliance to program guidelines.

Energy Auditor Certification must be renewed every five (5) years.

### **1.12.3 Quality Control Inspector Training and Certification**

Any Service Provider staff who conduct Quality Control Inspections must maintain Building Performance Institute's HEP Quality Control Inspector (QCI) Certification, or another Commerce approved certification

Quality Control Inspector Certification must be renewed every five (5) years.

### **1.12.4 Installer Training and Certification**

Any Service Provider staff or crew members who are installing weatherization measures in a dwelling must complete the Minnesota Core Installer Badges within 6 months of their date of hire. The 15 Minnesota Core Installer Badges can either be completed through in-person training, or through the online Minnesota Installer Badges. If completed online, a field approval is required by a supervisor or QCI, which affirms that the installer has successfully demonstrated the skills that align with that Badge in the field.

Only Badges designated as "Core" badges are required, although the remaining Badges are

recommended. Commerce may require additional badges as part of a Corrective Action Plan.

Installer Badges Training must be successfully repeated at least every five (5) years.

#### **1.12.5 Crew Leader Training and Certification**

Any Service Provider staff who leads installer crews must attain Building Performance Institute's HEP Crew Leader Training, or another Commerce-approved Certification within one (1) year of their date of hire.

Successful completion of OSHA 30 training is a prerequisite to Crew Leader Certification

Crew Leader Certification must be renewed every five (5) years.

#### **1.12.6 Lead-Safe Work Training and Certification**

All WAP contractors and staff must follow EPA's Lead Renovation, Repair and Painting Program (RRP) when performing projects that disturb lead paint. This includes:

- All job-site employees working in a WAP household must be trained to install measures in a lead-safe manner in accordance with the Standard Work Specifications (SWS) and EPA protocols. This requirement can be met by attaining Minnesota Installer Badge 1: Work Lead Safe.

Additionally, projects which require lead-safe work practices must have an EPA Certified RRP Renovator on site while work is being conducted. RRP Renovator training will be offered occasionally through Commerce and can also be completed with any EPA- certified trainer. For more information on RRP requirements, please see MN WAP Policy 4.4.2.6.

#### **1.12.7 Fiscal Staff Training**

Any fiscal staff working with the weatherization program must attend initial training on Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards Guidelines within one (1) year of the hire date. In addition, staff must take refresher courses within one (1) year of changes to the OMB Guidelines. Commerce will notify Service Providers when this is the case.

#### **1.13 Infectious Disease Policy**

**POLICY:** Service Providers will adopt agency specific Weatherization Infectious Disease Safe Site Visit Protocols to apply to agency and contractor staff weatherization site visits. Service provider site visit protocols must incorporate all required Federal, State, and local requirements.





## Section 2: Eligibility and Service Requirements

### 2.1 Household Eligibility

**POLICY:** Dwelling units must be occupied by a household whose income is at or below 200% of Federal Poverty Income Guidelines or is eligible for assistance under the LIHEAP income guidelines, whichever is greater at the time of eligibility determination. Eligibility for weatherization, and related services, must be determined by the Service Provider using WAPLink to ensure household eligibility at the time of the Audit Event Site Visit.

Eligible households will be downloaded from eHEAT to WAPLink. Annual Energy Assistance Program (EAP) eligibility ends September 30 of each year. If a household's new EAP application has not yet been approved, a Service Provider may utilize the previous year's eligibility to perform energy audits through October 31. In the case of a standalone event, the previous year's eligibility may be used if the standalone event is initiated by October 31.

An applicant must be re-certified when eligibility lapses due to the length of time the applicant was waiting to receive Weatherization services. As a reminder, recertification of eligibility must occur within 12 months of service.

Categorical Eligibility: U. S. Department of Energy (US DOE) allows households to be determined categorically eligible to receive weatherization services. Categorical eligibility exists when one or more members of the household received either Supplemental Security Income (SSI) or Temporary Assistance to Needy Families (TANF) benefits at any time in the 12 months preceding the date of the application or when client households meet the eligibility standards outlined in [WPN 22-5](#) and [WAP Memo 109](#).

Categorically-eligible-multifamily properties can be weatherized using US DOE funds and can be braided with EAPWX funds following US DOE rules. The use of only EAPWX funds for categorically eligible properties is not allowed. EAP eligibility must be verified for all individual units and Service Providers must follow the procedures outlined in the MN WAPLink User Guide for adding ineligible clients or vacant units to WAPLink.

### 2.2 Priority for Providing Weatherization Services

**POLICY:** In accordance with [10 CFR 440.16](#), when identifying and providing weatherization assistance to households, priority must be given where one or more of the following exist:

- High energy consumption (high energy use)
- High energy burden
- Elderly household member(s) (60 years or over)
- Disabled household member(s)
- Household member(s) under the age of 19

Households that do not meet at least one of the priority categories may only be served if all eligible priority households in the Service Provider's territory have been served, with the exception detailed in Section 2.2.1. Within the above listed priorities, Service Providers may choose the order in which households are served. Priority systems must be applied equally to both renter and owner-occupied dwellings and applied equitably to all areas of the Service Provider's territory.

Within the priority categories, Service Providers may choose to consider additional criteria for order of service including but not limited to:

- Using the oldest application approval date for positioning applicants within the same category.
- An emergency referral from the Energy Assistance Program (EAP) for a life-threatening emergency.
- Opportunity to complete other rehabilitation work with non-weatherization funds; or
- An official state or federal disaster designation.

Each Service Provider determines the order in which they will serve the priority categories. Priority categories may be treated equally, ranked so that one group is served before another, or combined to create a ranking based on a household having multiple priority designations. The approach each Service Provider chooses, or any subsequent changes must be communicated to Commerce by entering the sorting criteria into WAPLink.

### **2.2.1 Priority List Exception**

Any income eligible household, whether they have a priority category or not, may be moved to the top of the priority list for immediate service when either non-federal leveraged funds are available for use on the household, or the household is part of a targeted outreach strategy. In such cases where this exception is utilized, no US DOE funds may be used on the household and a note documenting why the exception was used must be entered into WAPLink.

## **2.3 Safe at Home Program**

The Safe at Home (SAH) program is offered by the Office of the Minnesota Secretary of State and helps survivors of domestic violence, sexual assault, stalking, or others who fear for their safety. SAH assigns a substitute address that must be accepted and used by all private and public entities in lieu of a program participant's real address. Their correspondence goes to their assigned P.O. Box address and is forwarded to their real physical address by the SAH office. The SAH office may be contacted at 1-866-723-3035 with questions or to confirm a SAH applicant's participation in SAH.

Client Record in WAPLink:

When a SAH client is identified for service, the Service Provider must contact Commerce via email at [weatherization.commerce@state.mn.us](mailto:weatherization.commerce@state.mn.us) to request the client record be moved into WAPLink. The request must include only the Client ID and County where the client resides. Commerce will facilitate the process and notify the Service Provider when complete. Any correspondence regarding the client must only include the Client ID. If any other private data is required for an inquiry, the request must be made via encryption or uploaded to Box.com.

Paper Safe at Home Client File:

Service Providers are advised to keep SAH files locked up, with access limited to the WAP Coordinator. This is particularly important in cases where a SAH participant has work done resulting in a work order with their actual address included.

If a SAH participant chooses to receive weatherization services, Service Providers must keep the SAH participant name and home address separate. For example, when a work order is created, include the client address, and use just the SAH participant's Client ID on the work order, rather than their name. The idea is to reduce the paper trail as much as possible and never to have the SAH participant's name and address linked.

## Section 3: Dwelling Eligibility

### 3.1 Proof of Home Ownership – Owner-Occupied Dwellings

**POLICY:** In addition to verifying income eligibility in WAPLink, Service Providers must verify home ownership and must document ownership in owner-occupied household files. Proof of home ownership ensures that proper authorization is obtained prior to weatherizing a dwelling. In the case of a trust, documentation of the party with authorization to approve weatherization activities is required.

Manufactured homes may be either personal or real property. If the manufactured home is titled through Driver and Vehicle Services, it is considered personal property and Driver and Vehicle Services can issue a certificate of title that serves as proof of home ownership. If the manufactured home title was surrendered to the county, then the home is considered real property and documentation of ownership would be the same as for other non-manufactured homes.

Proof of ownership documentation includes:

- Property tax statements
- Mortgage statements.
- Contract for deeds recorded with the county.
- Quit claim deeds recorded with the county.
- Online or written information from a county recorder or assessor
- Official county receipt for transfer of title
- Home ownership validation from a tribal government
- Other documentation pre-approved by the MN Department of Commerce (Commerce)

### 3.2 Single-Family Owner-Occupied Dwellings

**POLICY:** To weatherize an owner-occupied single-family dwelling, an eligible homeowner must occupy the home. Owner-occupied townhomes may be treated as single-family dwellings provided there is physical separation between units of building thermal barrier, air pressure boundary, mechanical systems, and individually metered units.

### 3.3 Rental Dwelling Requirements

#### 3.3.1 Single-Family Rental Requirements

**POLICY:** To be weatherized, a single-family dwelling (one unit) must be occupied by an eligible household prior to the start of any weatherization activities.

#### 3.3.2 Multifamily Rental Requirements

**POLICY:** Service Providers may weatherize multifamily buildings containing two or more units. Weatherization is designed to take place with a whole building as a system approach. A single unit within a multi-unit building may not be weatherized.

Rented townhomes with complete separation between the building units' thermal barriers, air pressure boundaries, mechanical systems, and with individually metered units may be treated either as individual units, or, if eligibility is met, as a multifamily building. To achieve unit separation, retrofits must include common-wall air sealing and insulation dams between units.

In the Weatherization Assistance Program (WAP), a multifamily building is any residential building containing two or more units. In [WPN 23-6](#), US Department of Energy (US DOE) further breaks down the various types of multifamily units in the following way.

- Large Multifamily – This housing category consists of buildings containing 5 or more dwelling units that are 4 or more stories above grade, or that contain 5 or more units with centralized or shared mechanical systems (e.g., heating, cooling, hot water, ventilation).
- Low-Rise Multifamily – (Formerly known as Small Multifamily). This housing category consists of buildings containing 5 or more dwelling units per building, no more than 3 stories above grade, with each individual unit containing its own mechanical system (no centralized mechanical systems).
- 2-4 Unit Buildings – These buildings are treated as single-family residences from the perspective of the energy audit procedures, though they are reported as multifamily units to US DOE.

The regional priority lists in [WPN 22-8](#) provides broader applicability based on building height which generally dictates what building codes apply.

The low-rise multifamily priority list applies to any buildings that contain 5 or more dwelling units per building, 3 stories or less above grade, regardless of the total number of buildings or dwelling units or the design of the mechanical systems (e.g., central vs. individual).

Refer to the Multifamily Procedures Guide, found in Appendix C, for more information.

#### **3.3.2.1 Multifamily Income Eligibility**

**POLICY:** Eligibility for each building in a multifamily complex of buildings is determined separately. For a multifamily building to be weatherized, at least 66% (50% for duplex and four-plex, and with Commerce approval, certain multifamily buildings that meet requirements found in [WPN 22-12](#)) of units in the building must meet one of the following:

- Are income eligible dwelling units, or
- Will become an eligible dwelling unit within 180 days under a Federal, State, or local government program for rehabilitating the building or making similar improvements to the building, or
- Meet the WAP Multifamily-Specific categorical eligibility criteria as outlined in the Multifamily Procedures Guide (Appendix C, Energy Modeling).

Service Providers must collect client demographic information. Demographic data must be reported by individual units. Contact Commerce for procedures on how to set up individual WAPLink, or EA-QUIP files for vacant or ineligible units.

#### **3.3.2.2 Maximum WAP Expenditures for 5+ Units**

**POLICY:** When weatherizing a building containing five or more units, Service Providers must calculate the maximum amount of WAP expenditures using the calculation below. Per Section 1.3.1, program support costs are included in the DOE unit average and therefore should be included in the maximum WAP share.

Maximum WAP share = [statewide DOE unit average + statewide DOE health & safety average] x number of qualified units.

#### **3.3.2.3 Measure Buy Down**

**POLICY:** In multifamily buildings, non-federal funds (Property Owner contribution, CIP funds, etc.) may be used to buy down WAP measures that do not achieve a Savings to Investment Ratio (SIR) of 1.0 or greater. Refer to Multifamily Property Owner Buy Down Guidance, found in Appendix C, Energy Modeling.

Property Owner contributions are allowed to pay for costs above Priority List price caps for measures.

### 3.3.3 EAPWX Transfer Funds

**POLICY:** EAPWX funds may be used for measures in income-qualified units at a level proportional to the number of eligible units. For example, if a building had 82 income eligible units out of 100 units, EAPWX funds could pay for up to 82% of the cost of a central boiler replacement. This includes buildings with shared systems such as central space or water heating, common area lighting or ventilation, etc. EAPWX funds may not be used in vacant or ineligible units.

### 3.3.4 Accrual of Benefits

**POLICY:** Per [10 CFR 440.22](#), Service Providers may weatherize rental properties where tenants do not directly pay heating bills, provided the benefits of weatherization accrue primarily to the income eligible tenant(s).

Property Owners must provide detailed justification to Service Providers indicating how benefits of weatherization will accrue to tenants. Once deemed sufficient by the Service Provider, Commerce approval is required prior to beginning weatherization work.

Examples of accrual of benefits to tenants who do not directly pay heating bills include, but are not limited to:

- Investment of the energy savings from weatherization work in specific health and safety improvements with measurable benefits to tenants,
- Longer term preservation of the property as affordable housing,
- Investment of the energy savings in facilities or services that offer measurable and direct benefits to tenants,
- Improvements to heat or water distribution and ventilation to improve the comfort of residents,
- Continuation of protection against rent increased beyond the local written agreements required under the WAP regulations [10 CFR 440.22](#), and
- Establishment of a shared savings program.

### 3.3.5 Property Owner Agreement

**POLICY:** When weatherizing rental units, written permission of the property owner or its agent must be obtained prior to the start of weatherization activities and kept in the household file. Details about what an agreement typically includes can be found in [10 CFR 440.22](#), including that property owners must agree to the following:

*For a reasonable period of time after weatherization work has been completed on a dwelling containing a unit occupied by an eligible household, the tenants in that unit (including households paying for their energy through their rent) will not be subjected to rent increases unless those increases are demonstrably related to matters other than the weatherization work performed. Furthermore, no undue or excessive enhancement shall occur to the value of the dwelling unit(s) being weatherized.*

Tenants may file complaints to Service Providers, Commerce, or both if concerns arise over the agreed upon terms of the Property Owner Agreement. Property Owners, in response to such complaints, shall demonstrate that the rent increase concerned is related to matters other than the weatherization work performed.

Property Owner Agreements may contain language allowing tenants to sign the forms detailed in Section 4.3.3.

**Solar Photovoltaic projects:** The Property Owner Agreement, or a separate, signed attachment, must specifically mention that the Property Owner is granting approval to install a solar photovoltaic system on the roof of the rental property. The agreement must also acknowledge that the solar installation has an expected life of 20 years, and that the property owner does not intend on removing the system prior

to the end of useful life. Lastly, Property Owner Agreements for multifamily buildings (2-4 units) must spell out the expected property owner contribution as defined in Section 3.3.6, in instances where a property owner contribution is required by the Service Provider. The Property owner Agreement must also state that the Property Owner agrees that the Department of Commerce will receive monthly production information on the amount of electricity generated. If needed, the Property Owner will add the Commerce email address ([weatherization.solar.comm@state.mn.us](mailto:weatherization.solar.comm@state.mn.us)) to the inverter functionality that provides kwh generation reports.

### 3.3.6 Property Owner Contribution

**POLICY:** Except in cases where the property owner also qualifies for weatherization services, property owner contributions must be handled as follows:

- Five or more units: Property Owner contribution is required. The amount of financial contribution is determined by the Service Provider and must be documented in local policy.
- 2-4 units: Service Providers may choose to require Property Owner contributions. The amount of financial contribution is determined by the Service Provider and must be documented in local policy.
- One unit: Service Providers may not require Property Owner contributions for one single unit rental properties.

Property Owner contribution for rental properties containing two or more units may be used to pay for the entire cost of an individual measure/s or to complete work beyond the scope of WAP, as determined by the Service Provider. Property Owner contributions are not reported as Program Income.

Property Owners must complete work to come into compliance with [MN Statute 504B.161](#) or other local rental code, if identified through the audit and applicable to weatherization. This work must be completed prior to or in conjunction with weatherization projects. This work is not counted towards Property Owner contribution requirements.

### 3.3.7 WAP Infrastructure Investment and Jobs Act (IIJA) Multifamily Rental Requirements - Prevailing Wage

**POLICY:** In accordance with [WPN IIJA-6](#), all laborers and mechanics employed by contractors and subcontractors on multifamily building projects with no fewer than 5 units funded directly by or assisted in whole or in part by IIJA funds shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor. The LCPtracker system must be used to input and certify payroll for such projects.

While wage determinations are based on the size of multifamily buildings (no fewer than 5 units), Service Providers may use the Residential wage determinations when modeling the cost-effectiveness of multifamily projects regardless of the wage determination.

**ENERGY MODELING AND WAGE DETERMINATION:** IIJA projects can fall under two different wage determinations, depending on the building construction. Residential (for buildings with no more than four stories) and Building (for buildings, including residential buildings, with 5 or more stories). Under IIJA, weatherization work must be paid the wage aligning with the building type.

Higher wage rates required by the Davis Bacon Act (DBA), may result in multifamily weatherization measures exceeding the cost effectiveness requirement (see [10 CFR 440.21 \(d\)](#)).

Therefore, for the purpose of calculating cost-effectiveness, a Service Provider may use its established labor rates instead of the prevailing wage rates when modeling the cost-effectiveness of the project. This is only for calculating the installation cost of measures in energy audit models. Actual wages paid must align with the prevailing wages as determined by the building type.

### 3.4 Mixed-Use Buildings

**POLICY:** Federal rules require that US DOE funds may only be used on residential buildings or space. Mixed-use buildings, which include both residential and non-residential space, present special challenges to determine their eligibility and the viability of providing services using WAP funds.

Mixed-use buildings may be weatherized in some circumstances if the building, or a portion of the building, meets one of the following criteria:

Criteria 1: The building is a single-family dwelling where the business use and the residential use completely or almost completely overlap (e.g., home daycare).

DETERMINATION PROCEDURE: Document the nature of the business in the dwelling and the amount of overlap between the business and residential portions. Complete weatherization activities in the same manner as any other eligible single-family dwelling.

Criteria 2: The building contains residential and commercial units (ex: living quarters above a store-front).

DETERMINATION PROCEDURE: Evaluate the building prior to the energy audit to determine feasibility of weatherization activities. In cases where there is not a complete separation between units, the entire building must be weatherized which requires contribution from the business owner. Owner contribution, as a percentage of the cost of weatherizing the common areas, must be equal to or greater than the commercial use percentage of the total floor area. Because situations vary widely, Commerce pre-approval is required when weatherizing a building under these criteria.

### 3.5 Group Homes

**POLICY:** Weatherization services may be provided to group homes that have a room and board license from the Minnesota Department of Health (MDH) and whose residents meet current eligibility guidelines.

Documentation must be kept in the household file to demonstrate these criteria have been met.

Service Providers may only weatherize portions of the building that are associated with the actual living environment of the residents. Because the entire building must be weatherized, building owner contribution is required for any non-living spaces (ex: office space, gyms, etc.). Owner contribution, as a percentage of the cost of weatherizing the common areas, must be equal to or greater than the commercial use percentage of the total floor area.

For production purposes, group homes will be counted using the method that allows the Service Provider to report the highest number of completions. Each floor of the building used for living space may be counted as a separate unit or each 800 square feet of the living space may be counted as a separate unit.

### 3.6 Previously Weatherized Dwellings

**POLICY:** Except in cases of disaster as discussed below, units that received weatherization services may not receive further financial assistance for weatherization until the date that is 15 years after the date such previous weatherization was completed where those services were paid for with US DOE funds. In most situations, previously weatherized status is verified in WAPLink.

If completing weatherization on a multifamily project where there are no clients in WAPLink, the address should be looked up in the Address History under Home Information in WAPLink. Document, in WAPLink, the date and results of the search. Service Providers must make all reasonable attempts to show that no previous weatherization has been completed on the property, or it has been at least 15 years since work has been done.

Non-US DOE funds may be used for previously weatherized units so long as an eligible client occupies the dwelling and there are additional cost-effective energy conservation measures that can be completed as documented by a current energy audit.

Solar PV may be installed on previously weatherized dwellings if US DOE funds were spent on the initial weatherization project.

Dwellings previously weatherized at any time constitute the lowest priority for current weatherization services. These dwellings should not make up any more than a small percentage of dwellings weatherized in any program year.

If a previously weatherized dwelling is re-weatherized, check the “Previously Weatherized” check box and enter the date in WAPLink.

Disaster Plan: Previously weatherized dwellings may be considered for services in the case of a federal or state declared disaster. Refer to Section V.9 of Minnesota’s current US DOE State Plan (Appendix A, State Plans) for dwelling eligibility, eligible activities, required documentation, and reporting requirements. EAPWX funds may be used for disaster response and follow the same guidelines found in the US DOE State Plan.

### **3.7 State Historic Preservation Office Review**

**POLICY:** The Minnesota State Historic Preservation Office (SHPO) must review all dwellings on non-tribal land to be weatherized, including those built after 1979 (45 years) and manufactured homes, prior to issuing work orders. Commerce uses an online preservation data system that indicates if further review is needed by SHPO. SHPO reviews do not need to be conducted for mechanical system standalone events. SHPO verification documentation must be kept in the client file.

For multifamily projects, SHPO verification is only needed for the entire building, and not individual units. If multiple buildings are being completed, SHPO verification will be needed on each building.

When Solar PV will be included in the original list of measures, answer “yes” to both “...require alterations to roofing material or to the rooflines?” and “Does your project involve installation of rooftop solar panels?” on the SHPO submission form. An attachment section will appear to allow for the upload of an aerial and a street photo of the roof where Solar PV is to be installed. If Solar PV, as a potential measure, is added after the initial SHPO request is completed, the Service Provider must submit an additional SHPO submission form.

#### **3.7.1 State Historic Preservation Office Review on Tribal Lands**

**POLICY:** All dwellings to be weatherized that are on Tribal Land must be reviewed by the Department of Energy prior to the issuing of work orders. This includes those dwellings 45 years or older, including manufactured homes.

To initiate the review process, Service Providers must submit a Historic Preservation Data Sheet through Commerce’s online data system to determine if further review is needed. If determined that additional review is required, follow the Historic Preservation Review Process shown on [WAP Memo 110](#) and fill out a Historic Preservation Worksheet per project. See Appendix F for a MN specific form. Send in the completed Historic Preservation Worksheet to Commerce by emailing it to [weatherization.commerce@state.mn.us](mailto:weatherization.commerce@state.mn.us). Commerce will notify the Service Provider when US DOE review process is complete.

### **3.8 Deferrals**

There are conditions or situations when a dwelling unit containing an eligible household cannot or should not be immediately weatherized. This does not mean that weatherization assistance will never be available, but that work must be postponed until the problems can be resolved or alternative resources are found.

**POLICY:** Service Providers may elect to defer a home from receiving weatherization services where health and safety hazards exist for the staff, contractors, or clients, or where conditions exist that cannot be addressed by WAP funds, preventing the safe and effective implementation of weatherization measures. A determination can be made any time during the eligibility process, during the audit, or after work has begun.



Service Providers shall not simply defer service without pursuing other options or identifying other resources to address the identified reason(s) for deferral. Whenever appropriate, educational information on how to address the hazard shall be shared with the occupant.

Service Providers must determine and then document that circumstances exist which prevent weatherization activities from proceeding and provide the household with Commerce's Deferral Form. If a household successfully addresses the deferral reason(s) identified, weatherization may proceed or resume, so long as the household's EAP application is current and approved (Section 2.1). Service Providers must maintain a current list of deferred dwellings in WAPLink.

### **3.8.1 Conditions where Service Providers Must Not Weatherize**

- The dwelling was weatherized was last completed less than 15 Years ago and the work was paid for by US DOE funding. See 3.6 "Previously weatherized dwellings" for more information.
- The dwelling is scheduled for demolition.
- The condition of the structure would make weatherization impossible or impractical (e.g., inability to meet Standard Work Specifications (SWS). See Appendix B, Field Guidance – Retrofitting Minnesota, Standard Work Specification - Aligned Field Guide).

### **3.8.2 Conditions Where a Service Provider May Defer (Not limited to these situations)**

- The dwelling is in the process of being sold.
- The dwelling is in the process of being remodeled.
- If homeowner refuses cost-effective measures as determined by the WAPLink, Service Providers must follow [WPN 23-6](#). For programmable thermostats, refer to the MN WAPLink User Guide (Appendix C, Energy Modeling) for guidance.  
*Note: The MN Energy Code requires programmable thermostats with all furnace installations.*
- The building structure or its mechanical systems, including electrical and plumbing, are in such a state of disrepair that failure is imminent, and the conditions cannot be resolved cost-effectively.
- The house has sewage or other sanitary problems that would endanger the client and weatherization installers if weatherization work were performed.
- The house has been condemned or electrical, heating, plumbing, or other equipment has been "red tagged" by local or state building officials or utilities.
- Moisture problems are so severe they cannot be resolved under policy limits.
- Dangerous conditions exist due to high carbon monoxide levels in combustion appliances and cannot be resolved under existing health and safety measures.
- The extent and condition of lead-based paint in the house would potentially create further health and safety hazards.
- In the judgment of the energy auditor, if any condition exists which may endanger the health or safety of the work crew or contractor, the work should not proceed until the condition is corrected.
- The client has known health conditions that prohibit the installation of insulation or other weatherization materials.
- Weatherization of a dwelling containing vermiculite may only proceed if an MDH certified contractor removes the vermiculite and the work is done assuming the material is an Asbestos Containing Material.
- The cost to weatherize a home is so significant that it will negatively affect the Service Provider's ability to meet the statewide average cost per dwelling. Commerce must be notified in writing prior to deferring a dwelling for this reason.

### **3.8.3 Other Acceptable Deferment Scenarios**

Households may also be deferred for the following reasons:

- The presence or use of any controlled substance is evident or observed by auditors, inspectors, contractors, crews, or anyone else who must work on or visit the home.
- The client is uncooperative, abusive, or threatening to anyone who must work on or visit the home.

In these cases, Service Providers must issue, in a timely manner, written notification to the client. Client signatures on the Deferral Form is not required in cases where Service Provider staff feel threatened or unsafe. In this case, notification by certified mail is recommended.

## Section 4: Audit Event

### 4.1 Definition

An Audit Event is the primary method of delivering services under the Weatherization Assistance Program (WAP). An audit event can be funded with U.S. Department of Energy (US DOE), EAPWX, Propane, or other special revenue. Audit events focus primarily on measures that save energy while protecting the health and safety of the household. An audit event is created and tracked through WAPLink.

**POLICY:** The Minnesota Weatherization Assistance Program (WAP) uses WAPLink to generate energy conservation measures for single-family dwellings, manufactured dwellings, and multifamily buildings containing 2-4 units. WAP uses the EA-QUIP online software for multifamily buildings containing five or more units.

### 4.2 Types of Measures

#### 4.2.1 Energy Conservation Measure

As defined in [WPN 19-5](#), an Energy Conservation Measure (ECM) is “a procedure, including materials and installation, which is considered or performed for its anticipated energy savings.”

**POLICY:** ECMs are to be evaluated based on a Savings to Investment Ratio (SIR), which is equal to the energy savings over the life span of the measure divided by the total cost of the installation. Costs are entered and energy savings are calculated by WAPLink. Estimated energy conservation measure costs must be reasonable and accurate representations of the costs in a Service Provider's service territory. All ECMs with an SIR of 1.0 for US DOE or 0.75 for EAPWX or greater must be completed.

There are instances where a measure can be considered either an Energy Conservation Measure, a Health and Safety Measure, or an Incidental Repair Measure. Where a measure has the potential to be an ECM, always attempt to cost justify the measure using your energy audit procedures prior to considering it for a Health and Safety Measure (HSM) or an Incidental Repair Measure (IRM).

The regulatory purpose of this program is to save energy for our clients while maintaining their health and safety. When a potential measure meets an SIR of 1.0 or greater, it must be categorized as an ECM per [10 CFR 440.16](#) (h).

In homes that utilize both US DOE and EAPWX funds, a minimum of one ECM per fund is required. If a home utilizes both EAPWX and EAPWX Carryover funds, each fund must have an ECM.

ECMs must be installed in the order of descending SIR with the following exceptions:

- Major health and safety issues must first be addressed.
- Any solar PV systems must be installed coincidentally with or after other weatherization work, not in advance of weatherization work.
- Air sealing measures must be done before insulation.

#### 4.2.2 Incidental Repair Measure

As defined in [WPN 19-5](#), an Incidental Repair Measure (IRM) is a repair necessary for the effective performance or preservation of newly installed weatherization materials, but not part of a standard installation. IRM installations must be associated with a specific ECM or group of ECMs. IRMs must be justified by written and photo documentation in the client file. IRM costs must be included in the SIR calculation of the total package of weatherization measures.

**POLICY:** Justification for IRM's must be noted in the WAPLink, including an explanation of their need and relationship to a specific conservation measure or a group of conservation measures. The cost of all IRMs is added to the cost of all ECMs combined to calculate a cumulative job SIR. The resulting cumulative SIR calculation for the total job cost must be 1.0 or greater for DOE funded jobs. If the job is funded by EAPWX only, the total job SIR must be 0.75 or greater. Estimated incidental repair measure costs must be reasonable and accurate representations of the costs in a Service Provider's service territory.

Incidental Repairs are limited to those activities listed in the Allowable Measures Chart (Audit Event) and costs must result in a cumulative job SIR of 1.0 or greater.

**Solar PV:** An IRM may be used to address minor roof repairs or add blocking, bracing, or other support needed to accommodate installation of rooftop PV. An IRM may also be used on solar PV measures for electrical upgrades. For additional details, see the Allowable Measures Chart (Audit Event) (Appendix B, Field Guidance). Please note the IRM for electrical service upgrades has a lower per fund allowance than other IRM measures.

Each IRM should be included on the Energy Savings Measure Economics Report in WAPLink, and the cumulative SIR for rooftop solar PV and related IRM work must be 1.0 or greater.

**Reminder:** IRMs are not allowed for Standalone Events.

#### 4.2.3 Health & Safety Measure

As defined in [WPN 19-5](#), a Health & Safety Measure (HSM) is a procedure, including materials and installation, "necessary to maintain the physical well-being of the occupants and/or weatherization workers where the actions MUST be taken to effectively perform weatherization work, or the actions are necessary as a result of weatherization work."

**POLICY:** All Audit and Standalone Events must include an assessment of the health and safety issues of the home. Clients must be provided with a written notice of identified health and safety risks, including those that go beyond the scope of WAP.

The Health & Safety portion of the US DOE State Plan (Appendix A, State Plans) and the Allowable Measures Chart (Audit Event) (Appendix B, Field Guidance) give detailed guidance on what health and safety activities are allowed. Service Providers are responsible for managing costs to stay within the average cost per unit over a program year. For PY24 the US DOE average is \$2,000 and the EAPWX average is \$3,500. The Health and Safety Average for IJA is \$1,435 for the life of the grant.

The Allowable Measures Chart (Audit Event) (AMC) also provides details on when written justification for specific measures is required in WAPLink.

Health and Safety appliance replacements may be justified by comparing the cost of replacement versus the cost of repair. Factors such as anticipated useful life and condition of the appliance should be considered. In such cases, a cost comparison between replacement and repair justifying the course of action must be placed in the client file.

Health and Safety Measure repair limits are per fund source. See the Allowable Measures Chart (Audit Event) for repair limits.

**Reminder:** A HSM is the only allowed measure type in a Standalone Event.

#### 4.2.4 General Heat Waste Measure (GHW)

As defined in [WPN 23-6 Attachment 1](#) GHW weatherization materials have been determined by US DOE to be generally cost effective, and do not require justification by a site-specific energy audit. GHW reduction materials are intended to be relatively low-cost items that are quickly and easily installed.

**POLICY:** Minnesota GHW measures include furnace and air conditioner filters and limited air sealing (weatherstripping, door sweeps, and caulking). Total GHW measure costs will not exceed \$250 per dwelling. Additional caulking and weatherstripping are allowable as air infiltration reduction measures.

#### **4.2.5 Measure Skipping and Major Measures**

**POLICY:** Measure skipping of cost-justified major measures is not permitted at any time.

Measure skipping is defined as not installing, in order of decreasing Savings to Investment Ratio (SIR), the cost-justified Energy Conservation Measures (ECM) and related Incidental Repair Measures (IRM) included in the work scope produced by WAPLink or the priority list. This could also be the result of failure to evaluate all applicable energy saving measures for the dwelling.

A Major measure is defined as a high priority measure, which if skipped, would result in partial weatherization of a unit. Major measures are air sealing, duct sealing outside the thermal boundary, thermal boundary insulation (attic, wall, floor or belly, foundation, sill, etc.).

Client refusal of work must be addressed in the following ways:

1. The work order must remain overall cost-effective, or the job must be deferred. Necessary Health and Safety (HSM) measures may not be removed from the work order.
2. Client refusal prior to work beginning: Client education is important to inform a client of planned measures and material use. Resistance from a client to install any measures and/or materials planned because of an energy audit-directed work order or priority list should be addressed with either additional education or re-running the energy audit with a different, but acceptable, material to determine if the substitute material is cost effective.

If no cost-effective option for the material can be identified, the auditor should again explain and discuss the situation with the occupant. If the occupant still declines a measure, not defined as a major measure, the auditor must include, in the client file, a comprehensive justification, including documents that support the decision to skip a specific measure. All other weatherization measures must be installed.

If a Major measure is declined, the job must be deferred due to the client's refusal and the Client Refusal Form must be completed and signed.

3. Client refusal after a job has begun: Due to scheduling, measures are sometimes installed with a lower priority first. If during the installation process, the client declines a higher priority measure, work must stop at the time the client declined the higher priority measure. No further installation is allowed, and the job must be inspected by a Quality Control Inspector (QCI) and closed out as a completed unit. This should be clearly explained in the client file documentation, including completion of the Client Refusal form. If the client refuses to allow for the inspection, follow 4.6.4 of the Policy Manual.

#### **4.3 Household File Contents**

**POLICY:** All household files must contain the following completed forms and documentation. Service Providers should develop local procedures to ensure that household files contain all required documents. Files may be maintained electronically or in paper form. Any forms requiring a signature must be completed prior to being dated and signed by all related parties.

##### **4.3.1 Eligibility Forms**

- Income Eligibility - WAP Application Summary
- If unable to verify previously weatherized status in WAPLink, follow Section 3.6
- SHPO Review - Historic Preservation Data Sheet (prior to start of work)
- Proof of home ownership (if owner-occupied)
- Property Owner Agreement (if renter occupied)

### 4.3.2 Forms

The following forms must be used and are found in the Appendices:

- Blower Door and House Pressure Form
  - Documents blower door and house pressure testing
- Clean and Tune Forms (when applicable)
- Client Participation Form
  - Records activities to be completed by clients prior to weatherization work and recommendations to increase client energy savings.
- Client Refusal of Work Form (when applicable)
  - Tracks any weatherization work refused by client (Section 3.8)
- Deferral Form (when applicable)
  - Documents specific conditions that must be met for a home to become eligible for weatherization.
- Completion Certificate - Audit Event
  - Details the final inspection of an audit event.
  - By signing, client acknowledges weatherization measures were performed.
- Fuel Switch Request Form – Client Authorization (when applicable)
  - Documents client request for fuel switch and whether the request is approved by Commerce.
- Fuel Switch Request Summary (when applicable)
  - Documents fuel switch request information
- Fuel Switch Request Form - Electric to Fossil (when applicable)
  - Documents the efficiency conversion from electric to fossil fuel.
  - Used with the Fuel Switch Request forms & Fuel Switch Request Summary forms.
- Lead Safe Renovation Record Keeping Form (when applicable)
  - Documents lead safe practices.
- Lead Test Kit Documentation Form (when applicable)
  - Details information about the resident and the site to undergo lead safe renovation.
- Manufactured Housing Added R-Value Disclosure (when applicable)
  - Documents any added R-value to HUD code manufactured homes.
- Mechanical Testing Form – Contractors
  - Documents mechanical systems testing performed by contractors.
- Mechanical Testing Form – Inspectors
  - Documents mechanical systems testing performed by inspectors.
- Quality Control Inspection Form
  - Documents data collection and procedures necessary as part of a Quality Control Inspection
- Confirmation of Receipt of a Citizen’s Guide to Radon Pamphlet
- Confirmation of Receipt of Renovate Right Pamphlet when applicable. (See Section 4.4.2.6)
  - Documents client has received the lead hazard renovation pamphlet.
- Safety Assessment Form
  - Documents any safety hazards found in the home and subsequent client education provided by the Service Provider
- Safety Assessment—Mold and Moisture Form
  - Used when mold and moisture issues are documented on the Safety Assessment Form
  - Documents any mold and moisture issues found in the home by the Service Provider
- Change Order form (when applicable)
- Weatherization Service Agreement – Audit Event
  - Records the agreement between the client and Service Provider on weatherization measures to be completed. Service Providers may modify the existing Weatherization Service Agreement to meet business practices if the modified form is approved by Commerce prior to use.

If there are any changes to the measures identified on the Weatherization Service Agreement – Audit Event form between the energy audit and the point of issuing work orders, file documentation must indicate that the client was informed of any changes.

### 4.3.3 Forms for Rental Property

It is important to share relevant information with tenants as well as property owners. The following forms must be signed and distributed as noted below:

- Property Owner Agreement: Signed by Service Provider, Property Owner, and tenant, copy to Property Owner and Tenant
- Weatherization Service Agreement – Audit Events: Signed by Property Owner, copy to Tenant.
- Safety Assessment Form: Signed by Service Provider and Property Owner, copy to Tenant.
- Safety Assessment – Mold and Moisture Form (if applicable): Signed by Service Provider and Property Owner, copy to Tenant.
- Client Participation Form: Signed by Service Provider and Tenant, copy to Property Owner
- Completion Certificate – Audit Event: Signed by Service Provider and Property Owner

Property Owner Agreements (Section 3.3.5) may include language that allows the tenant to sign in place of the Property Owner. In such cases, copies of the signed forms must be sent to the Property Owner and included in the client file.

### 4.3.4 Energy Audit Information

- Data collected during audit (for example see Audit Data Collection Form)
- Photo documentation
- Additional documentation
- Other relevant notes
- Correspondence between Service Provider and client
- Correspondence between the Service Provider and Commerce

### 4.3.5 WAPLink Data

All relevant data inputs needed to accurately model the house as described in the Mn WAPLink User Guide.

### 4.3.6 Quality Control Inspection Documentation

- Quality Control Inspection Form
  - Documents data collection and procedures necessary as part of a Quality Control Inspection
- Change Order form (when applicable) (Section 4.4.3.2)
- All relevant permits
- Lien waivers from all contractors and material suppliers
- Bid process documentation (when applicable)
  - A bid form that includes bid specifications for the project
  - A list of contractors invited to bid the project
    - A copy of all bids received (Labor and materials split)
  - Notification of bid selection to all bidders
  - If the lowest responsive bid was not selected, include documentation showing sufficient justification for the bid selection
- Payment documentation
  - Purchase, payment authorization, or both, including date and signature(s) of approver(s) (Purchase order, voucher, etc.)
  - Itemized invoices, labor and materials must be split
- Additional warranty documentation (when applicable)
- Lead Test Kit Documentation Form (when applicable) (Section 4.4.2.6)
  - Document the renovation site, firm, certified renovator, and lead test kit information
- Lead Safe Renovation Record Keeping Form (when applicable) (Section 4.4.2.6)
  - Document utilization of lead safe practice, including any training provided on-site to include a description of specific actions taken; and photos of site and containment set up. Include the location of photos referenced if not in file.

- Contractor/crew notes
- Air Conditioning Contractors Association (ACCA) approved Manual J or WAPLink calculation (for heating plant replacements)
- Photos of inspected work
- When applicable, all solar PV related documentation, such as the Solar Book and the household informational “Phase I, II, III” packets previously sent to Commerce for approval. See the Solar Photovoltaic Systems Policy Manual Addendum (Appendix E, Policy Manual Addendums) for more information.

#### **4.4 Energy Audit**

**POLICY:** Each eligible dwelling unit scheduled for weatherization must have an energy audit. The audit must take place after household eligibility is established and prior to the start of any weatherization work. An energy audit includes a site visit where data is collected, a diagnostic test process, a client education process, and site-specific energy modeling within WAPLink.

The audit must be conducted by an individual with a valid certification, as described in section 1.12.2.

##### **4.4.1 Site Visit**

Conducted by an energy auditor, a site visit is used to collect relevant data about each dwelling, including the data listed in section 4.4.1.1.

##### **4.4.1.1 Data Collection**

- Site map per the MN WAPLink User Guide
- Mechanical systems data plate info.
- All observed health & safety issues.
- Items related to the client survey.
- Photos:
  - All sides of the exterior.
  - For solar PV projects:
    - A picture from the south, looking to the north, and including the specific location where the solar PV is to be mounted.
    - A picture from (or close to) proposed solar PV installation site, looking to E, SE, SW, S, and W to identify if any shading obstacles exist.
  - Insulation type and levels.
  - Heating plant and water heater, venting, labels, and appliance.
  - Items within the scope of work.
  - Information that will affect the scope of work.
  - Health and safety hazards.
  - Information needed to understand the existing conditions and the scope of work.
  - Information needed by crews or contractors to perform their work properly.
  - For potential Solar PV households, this would include:
    - Pictures documenting roof support structure.
    - Pictures documenting Electrical Service panel and surrounding area.
    - Picture of external location available for meter installation.
    - Pictures of shingle/roof condition if possible.
  - Justification for deferral/walk away.
  - Pictures documenting lead safe work practices (when applicable).

##### **4.4.1.2 Diagnostic Tests**

Conducted by an energy auditor, the diagnostic tests are conducted to inform consideration for all measure types (Appendix D, Diagnostic Testing - Audit Event – Energy Audit Diagnostic Tests).



#### 4.4.1.3 Client Education

Client will be informed about the following areas:

- Building, mechanical, and solar PV systems operations and required maintenance.
- Weatherization process.
- Observed Health and Safety items, including those that are outside the scope of the Weatherization Assistance Program.
- Appeals process.

#### 4.4.1.4 WAPLink Data Entry

- Enter all relevant data (MN WAPLink User Manual).
- WAPLink Setup Libraries must meet current program requirements for WA Fuel Costs, Key Parameters, WA Insulation Values, and Library Measure Settings. Estimated measure costs entered in WAPLink must be reasonable and accurate representations of actual costs in a Service Provider's service territory.
- Generate Recommended Measures in WAPLink.

#### 4.4.1.5 Inaccessible Spaces

If a space, such as an attic or crawlspace, is inaccessible at the time of the audit, effort should be made during the audit to gather as much information as possible about the space. The risk of proceeding based on assumptions is that a potential deferral issue may be missed, such as vermiculite insulation or knob and tube wiring. Additionally, assumptions do not provide a sound basis for accurate energy modeling and often require re-running of the audit which can risk measure and job SIRs.

It is allowable to pay for the crew or a contractor to gain access to a space to accurately audit and model the home as Program Support for EAPWX and IJA funds or under the Energy Audit subcategory for US DOE Formula funds. Refer to Program Funds under section 6.9.1 of the Policy Manual.

When access is gained, if a reason is found to defer, Weatherization Readiness Funds (WRF) or State Pre-Weatherization funds may be used to address the deferral.

If during the audit the information about the space is obtained, it is allowable to pay for gaining access to the area within the measure(s) being installed. This can be either ECM or HSM. If needed, IRM can be used if protecting or ensuring the effectiveness of an installed ECM.

#### 4.4.2 Measure Consideration

**POLICY:** All measures (ECM, IRM, HSM, & GHW) that can be done within the program guidelines shall be done. A complete list of measures can be found in the Allowable Measures Chart (Audit Event) (AMC) - (Appendix B, Field Guidance). Listed below are measures with additional, specific policies related to them.

Note: It is beyond the scope of WAP to bring existing homes up to current code. Only where installation of weatherization measures triggers a code compliance issue, are we required to bring items in a home up to code standards. Specific exceptions are outlined in the Health and Safety portion of the US DOE State Plan.

##### 4.4.2.1 Mechanical System Replacements

###### Heating Plant

**POLICY:** Federal regulation and local codes require permanently installed heating systems, and no weatherized home may be left without a primary heating system for the conditioned space.

After weatherization, all homes must have a permanently installed primary heat source that provides heat for the entirety of the conditioned dwelling space. If there is not a central system previously installed in the home, then the home should have a new system installed using either WAP funds or an alternative source (e.g., LIHEAP, Utility). This new system may be installed as a H & S measure, or as an ECM if the energy audit supports its installation.

The primary system (or system of units) is the heating plant system that is most relied upon to provide heating throughout the season. The system may or may not be centralized. Unsafe or non-functioning units within the primary heating plant system must be repaired, replaced, and removed, or rendered inoperable.

The secondary system or unit is a system employed only in extreme weather or as a backup to the primary system and does not provide heat to the entire dwelling. Units that work in tandem with off peak electric heat are not considered backup units. Replacement or installation of secondary units is not allowed. Unsafe or non-functioning secondary units, including space heaters, must be repaired, removed, or rendered inoperable.

The replacement heating plant must meet or exceed the following criteria:

- Annual Fuel Utilization Efficiency (AFUE) of at least 95%
- For fuel oil units the AFUE must be at least 85%.
- Sealed combustion two-pipe system except when physical conditions in the dwelling prevent it. Conditions that prevent a two-pipe system must be clearly documented in the household file.
- Burner with a minimum of two (2) stages
- Electronically commutated (EC) motor

In addition, all non-manufactured home heating plant replacements require an ACCA approved Manual J or the heating load calculation generated by WAPLink. The calculation can be completed by either the Service Provider or a licensed/bonded mechanical contractor before the installation of the heating plant. Local code officials have the authority to approve or disapprove any calculation other than an ACCA approved Manual J. A copy of the Manual J or WA engine calculation is required in the household file. When the calculation is done by a mechanical contractor the Service Provider will provide the contractor with the proposed changes to all building insulation levels and the estimated post blower door number for use in the calculations.

If the measure SIR is less than 1.0 or 0.75 for EAPWX, and the heating plant poses a health and safety risk, replacement should be done as an HSM. Health and Safety heating plant replacements must meet the above criteria.

### **Water Heater Replacement**

**POLICY:** Install an expansion tank anytime a storage water heater is supplied with cold water that passes through a check valve, pressure reducing valve, or backflow preventer or when required by the authority having jurisdiction. Health and safety water heater replacements must be included in WAPLink energy model per the procedure outlined in the MN WAPLink User Guide.

### **Air Conditioning**

Minnesota (MN) includes air conditioning systems in its energy modeling. MN will repair or replace air conditioners as an ECM or allow repair or replacement of air conditioners as an HSM in any of the following situations:

- Medical necessity provided by a doctor's note.
- Leaking component causes a mold hazard.
- Leaking component could drip onto a heat exchanger of a heating plant.

US DOE and EAPWX requires justification for specific instances of cooling system repair or replacement as a H & S measure.

MN also allows repair or replacement to air conditioning components as an IRM when needed to protect heating plant components from water damage or to ensure proper effectiveness of appliance.

Enter all appropriate data into WAPLink regarding the cooling system. This should include information such as: make, model, year manufactured, efficiency, sizing, and controls.

#### 4.4.2.2 Clean and Tune

**POLICY:** A clean and tune is required when one or more of the following conditions are present:

##### Heating Plant:

- Carbon monoxide levels in the flue exceed the standards indicated in BPI 1200 2017 or authority having jurisdiction, whichever is more stringent.
- Visual indicators of soot or flame rollout
- Burners or distribution fan are visibly dirty.

Heating plant clean and tunes must follow the Standard Work Specifications (SWS) and the Clean and Tune forms (Appendix B, Field Guidance). If during the clean and tune it is discovered that the heating plant has a cracked heat exchanger or is otherwise unrepairable, follow Section 4.4.2.1. The contractor that performed the clean and tune must not be awarded the replacement until procurement procedures have been followed (Section 7, Procurement).

##### Water Heater

- Carbon monoxide levels in the flue exceed the standards indicated in BPI 1200 2017 or authority having jurisdiction, whichever is more stringent.

##### Oven/Stove Top

- Carbon monoxide levels in the oven exceed the standard indicated in BPI 1200 2017.

#### 4.4.2.3 Electronically Commutated (EC) Motor

**POLICY:** All households with forced air systems that are not being replaced will be evaluated for an Electronically Commutated (EC) motor upgrade.

#### 4.4.2.4 ASHRAE 62.2-2016

**POLICY:** All households will meet all aspects of the ASHRAE 62.2-2016 standard. ASHRAE calculations must be done using WAPLink. The continuous flow rate must be set according to the final blower door readings and be within 15 CFM over the continuous flow rate. A circuit breaker may serve as the power off switch to meet Section 4.4 of the ASHRAE standard so long as the fan has local control that allows the continuous function to be turned to zero CFM.

#### 4.4.2.5 Duct Sealing

**POLICY:** Ductwork will be sealed and insulated according to the SWS (Appendix B, Field Guidance - Duct Sealing Guidance). When intake air is found to be directly tied into the return ductwork, remove the intake from the return ductwork, patch the duct work and add a J-trap/bucket to the intake air.

#### 4.4.2.6 Lead Safe Work Practices

**POLICY:** All work done in dwellings built prior to 1978 will meet the requirements of the Environmental Protection Agency's (EPA's) Lead Renovation, Repair, and Painting Rule (RRP Rule). All work must conform to RRP Rules unless testing confirms the work area to be lead-free.

- Deferral is required when the extent and condition of the lead-based paint in the house would potentially create further H&S hazards. When deferral is necessary, provide information in writing to the client which describes the conditions that must be met for weatherization to commence.
- Occupants of dwellings built prior to 1978 must be provided with a copy of the EPA's Renovate Right brochure, which will be documented on the Confirmation of Receipt of Renovate Right Pamphlet form.

**TESTING:** Testing to determine the presence of lead in paint that will be disturbed by WAP measure installation is allowed with EPA-approved testing methods.

- Testing methods must be economically feasible and justified.
- Job site set up and cleaning procedures require verification by an EPA RRP Certified Renovator.
- For any work that disturbs a painted surface greater than the de minimis level, a Lead Test Kit Documentation Form is required. Any work done on painted surfaces that have tested positive for lead or any untested surface presumed to contain lead will be documented on the Lead Safe Renovation Record Keeping Form.

#### 4.4.2.7 Asbestos

**POLICY:** Service Providers must take steps to identify Presumed Asbestos Containing Material (PACM) that would be disturbed during normal weatherization activities. Handle PACM situations as per the Minnesota WAP Health and Safety State Plan (Appendix A, State Plans) and all rules and regulations outlined by the Minnesota Department of Health [Asbestos MN Statutes and Rules - MN Dept. of Health](#)

- When a material within the pressure boundary of the dwelling is suspected of being a PACM and is friable, blower door testing is not allowed until either the friable material is confirmed to be a non- ACM, or it has been encapsulated or remediated.
- If you suspect a material as being PACM, the material must not be disturbed. If the suspect material must be disturbed through the normal work of weatherization, it should be abated or encapsulated.
- Document this information on the Safety Assessment Form and provide the household the Asbestos in Weatherization client education document.

#### 4.4.2.8 Air Sealing

**POLICY:** Infiltration reduction will be modeled in all dwellings. All work must be completed in accordance with the SWS. Required air sealing for all dwellings must include the following:

- Chimney and flue bypasses
- Soil stack bypasses
- Exhaust fan bypasses

Dense packed insulation is an allowed air sealing technique for inaccessible building assemblies such as: cantilevers, bay window attics, drop soffits, etc. The air sealing must be either an ECM or IRM and the cost and bag count must be detailed in the air sealing measure in WAPLink and verified by the QCI.

Soffits that are open to the attic should be covered with a rigid material (drywall, rigid foam, plywood) and sealed. Soffits connected to an exterior wall must be covered and dense packed with cellulose. See the SWS for guidance.

#### 4.4.2.9 Fuel Switching

**POLICY:** The Minnesota WAP does not permit the general practice of fuel type switching when replacing heating systems and other appliances. However, Commerce does consider fuel switching on a limited, case- by-case basis in two scenarios:

- When a site-specific energy audit, based on all related costs, demonstrates the cost-effectiveness of the fuel switch over the life of the measure as indicated by the SIR; or,
- When a compelling health and safety concern can feasibly be addressed by a fuel switch to meet the mandate to provide safe and effective heat to eligible households.

To request a fuel switch, Service Providers must submit:

- Fuel Switch Request form – Client Authorization
- Fuel Switch Request Summary form
- Fuel Switch Request Form – Electric to Fossil Fuel (when applicable)

- Bids for the heating plant replacement options
- Pictures of the existing heating plant and any related items

The cost associated with installing a new fuel line or pipe to a home is not allowed with WAP funds.

**Note:** Fuel switch requests must be submitted to Commerce for pre-approval. See Fuel Switching Guidance (Appendix F, Forms)

#### **4.4.2.10 Remediation of CAZ Depressurization**

**POLICY:** When either the measured or calculated worst case CAZ depressurization is two pascals or more negative than the CAZ depressurization limit, action to remediate the condition can be taken. (Appendix B, Field Guidance – Combustion Appliance Zone Depressurization Remediation Guidance).

#### **4.4.2.11 Crawlspaces**

**POLICY:** Crawlspaces will be evaluated to determine the location of the pressure boundary and for accessibility (Appendix B, Field Guidance - Crawlspace Guidance).

#### **4.4.2.12 Replacement of Compressed Attic Insulation**

**POLICY:** In cases where attic insulation is compressed due to weatherization work and adding attic insulation does not achieve an SIR of 1.0 or 0.75 for EAPWX, or greater in WAPLink, replacement insulation can be added to return the attic to its original insulation level. There is a \$500 limit per dwelling and the cost must be categorized the same as the measure that caused the insulation compression. Bag counts must be recorded by the contractor/crew and verified by the QCI.

#### **4.4.2.13 Gas Line Drip T Replacement**

**POLICY:** Missing or non-code compliant gas line drip T's will be addressed in the following manner:

- Ovens and dryers - drip T's will be brought up to code only when work is done to the gas line of those appliances.
- Heating plants and water heaters - will be brought up to code when:
- The unit/s are being replaced or repaired.
- A clean and tune is performed.
- Work is being done to the gas line.

#### **4.4.2.14 Solar Photovoltaic Systems**

**POLICY:** Solar Photovoltaic (PV) installations may be utilized as a WAP measure following current Solar into WAP program rules. EAPWX funding can be braided onto projects with US DOE WAP funds; EAPWX funding should be braided together on weatherization projects with US DOE and leveraged funding when possible. US DOE fund stipulations must be adhered to on all projects on which US DOE funding is utilized, with three exceptions:

- The EAPWX funding requires a minimum SIR of .75 on the portion of project cost funded by EAPWX.
- The SIR calculation on the EAPWX portion of funding allows use of a 25-year measure lifetime.
- There is not a solar ACPU attached to EAPWX funding used on the solar measure.

See Appendix E, Solar Photovoltaics Systems Policy Manual Addendum for full details.

All solar PV measures must be undertaken in accordance with the Solar Photovoltaic Systems Policy Manual Addendum (Appendix E, Policy Manual Addendums), and in line with the following stipulations:

- Prior to installation, all solar PV projects must be approved by Commerce.
- EXCEPTION: Service Providers who have completed the Commerce solar project review process and have been released by Commerce from needing to submit approval packages on single- family households, are exempt from this requirement. All required steps must be taken as set forth under Commerce solar- approval process, and complete documentation

of entire solar project must be maintained and available for review during Administrative Monitoring.

- Client owned buildings and rental properties with 1-4 units are eligible to receive solar. A Property Owner with rental property with 2-4 units may be required to provide a Property Owner contribution toward the Solar PV project (Section 3.3.6).
- For single-family households, installed solar PV project size must be no smaller than 1.8 kW and no larger than 5 kW. The system can be sized to generate no more than 100% of the annual pre- weatherization kwh usage.
- For multifamily residential facilities of 2-4 units; the installed solar PV system may be sized up to 15.0 kW. The system can be sized to generate no more than 100% of the annual pre-weatherization kwh usage. The maximum system installed must be forecast to generate no more than 100% of the household's historical (pre-weatherization) annual electrical use.
- Battery back-up systems are not eligible for inclusion on solar systems installed as part of the Solar into WAP program.
- PV panels must be roof-mounted or attached elsewhere to the building.
- Installations on a manufactured housing are not permitted.
- Solar PV projects must be able to utilize leveraged or EAPWX funding to cover any up-front installation costs not covered by the available US DOE amount.
- For Households served by electric utilities offering either front-end or back-end production incentives for installation of solar PV systems:

Installers should apply for any applicable utility incentives, and if approved, any utility front-end or back-end incentives will be assigned by the WAP household to the solar installer of record.

The dollar amount of any utility front-end incentive should be deducted off the installer's gross installation price bid and the service contract issued at the net (gross minus utility rebate) installation price bid. In exchange for assignment of any utility back-end production incentives, installers must agree to extend the required workmanship warranty to the length of time covered by the back-end production incentive payments.

- EAPWX funding may also be used to cover upfront installation costs, either in coordination with other leveraged funding or without (See Appendix E, Solar Photovoltaics System Policy Manual Addendum for full details on using EAPWX funding).
- The average cost per unit (ACPU) allowed by the US DOE for the Solar PV portion of WAP work in PY24 is \$4,169. This solar ACPU is part of the overall ACPU, not in addition to, the overall ACPU.
- WAPLink SIR calculation must be done, and results included in the household file. SIR for the DOE- funded portion of the solar measure (and associated IRM) and for the job overall must be at 1.0 or greater. The solar measure must be the last measure to clear SIR on the overall Job SIR list of measures or receive pre-approval from Commerce prior to start of work.

A separate SIR must be run for the EAPWX funded portion of the project, if EAPWX funds are utilized. The SIR for the EAPWX-funded portion of the solar measure (with any associated IRM) must be .75 or greater. EAPWX funded portion of cost should not be included in calculation of the overall job SIR.

Directions on how to add the solar measure as an itemized cost are included in Appendix E, Policy Manual Addendums.

- A solar-specific SHPO review must be completed on buildings 45 years old and older. (See Policy Manual Section 3.7).

#### 4.4.2.15 Radiant Barriers

**POLICY:** In cases where a radiant barrier installed in an attic is causing condensation or will cause condensation if left in place after weatherization work is completed, the radiant barrier must be removed prior to completing weatherization work.

#### 4.4.2.16 Fireplaces and Wood Stoves

**POLICY:** Visual inspection and combustion appliance zone depressurization testing is required for fireplaces and wood stoves, unless decommissioned. If an issue is detected, the client must be informed and, if not addressable as part of the weatherization process, other local resources suggestions are provided to address the issue.

**Process:**

- Visually inspect the entirety of solid fuel-fired appliance installations (e.g., wood stoves, coal stoves, pellet stoves, fireplaces) including the venting system to ensure it adheres to the applicable code or local authority having jurisdiction. Appliances must be inspected pre- and post-weatherization, and any safety issues found should be included on the Safety Assessment form.
- Conduct pre- and post- weatherization worst case CAZ depressurization testing in spaces having a fireplace or woodstove. The vent must meet national or local codes, or the home cannot be weatherized.
- Safety inspections related to space heaters, fireplaces, and woodstoves must include, but not be limited to, verification of adequate floor protection, and code-compliant clearances to walls and other combustible materials.

**Exception:** If the Service Provider is unable to meet CAZ Depressurization limits or standards, the reasonable efforts attempted, the actions taken, and the education provided to the client shall be documented in the client file.

Additionally, if a fireplace is decommissioned or not used, use the following to air seal a fireplace damper: Discuss with the client whether the fireplace will be used in the future or whether it can be taken out of service. Because existing fireplace damper or airtight doors seldom provide a good air seal, consider these solutions for chimneys with ineffective or missing dampers.

- Install an inflatable chimney seal along with a notice of its installation to alert anyone wanting to start a fire to remove the seal first.
- Air seal the chimney top from the roof with a watertight, airtight seal. Also seal the chimney from the living space with foam board and drywall. If you install a permanent chimney seal such as this, post a notice at the fireplace saying that it is permanently disabled.

#### 4.4.3 Work Orders

**POLICY:** Work orders will be created within the WAPLink Audit View by selecting Create Work Orders. Work orders will include a split of material and labor costs for each measure that are consistent with a set price list or job specific bids. Work orders must include specific performance requirements such as R-value, U-value, equipment efficiency or rating, and target air leakage reduction. Work orders also include funding type and funding source for each measure.

Service Providers prioritize work orders based on the project uniquely based on a hierarchy of housing needs set forth by the auditor on the project.

There may be times where mechanical work will need to be done first and other times, based on the home's safety and needs, where mechanical work will need to be done somewhere during the project or even at the end of the weatherization project.

#### **4.4.3.1 Changes to Energy Model**

**POLICY:** Service Providers will verify that all estimated and actual measure SIRs and the cumulative job SIR are 1.0 or 0.75 for jobs exclusively funded with EAPWX funds or greater, considering any changes to the energy modeling in WAPLink.

#### **4.4.3.2 Change Orders**

**POLICY:** When a contractor is performing work, a Change Order is required when the scope of work deviates from an issued work order. This includes the addition or removal of a measure or the change in measure cost from the agreed upon bid or set price list.

When a Service Provider employee is performing work, a Change Order is required when a measure is added or removed or there is a change in the total work order cost of more than 15% from an issued work order.

In all cases, all relevant fields of the Change Order form must be complete and reflect the updated scope of work and associated cost, the justification for the change and be included in the client file. A client's signature is required on the Change Order form when a measure is added or deleted; a client signature is not needed when the change is only in the cost of a measure.

#### **4.4.4 Manufactured Housing Requirements**

##### **4.4.4.1 Codes**

**POLICY:** Per [24 CFR 3280](#) and [MN Rules Chapter 1350](#), weatherization activities related to manufactured homes are governed by the code in effect when the home was manufactured as listed on the data plate.

- Pre-code: Prior to July 1, 1972 (local ordinances may apply)
- Minnesota code: Between July 1, 1972, and June 14, 1976
- HUD code: After June 14, 1976

##### **4.4.4.2 Alterations**

Alterations are the replacement, addition, modification, or removal of any equipment or installation after sale by a manufacturer to a dealer or distributor, but prior to sale by a dealer to a purchaser, which may affect the construction, fire safety, occupancy, plumbing, and heat-producing or electrical systems. This includes any modification made in the manufactured home, which may affect the compliance of the home with the code standards.

**POLICY:** Per [24 CFR 3282.7](#), no alterations are permitted to manufactured homes covered by either the Minnesota or HUD manufactured home codes, except when the Service Provider obtains written permission from either the manufacturer of the unit or the Department of Labor and Industry.

The Minnesota Department of Labor and Industry must approve all windows and doors prior to installation. For a list of approved Manufactured Home doors and windows, see Appendix B, Field Guidance - Approved Doors and Windows for Manufactured Homes.

##### **4.4.4.3 Added R-value**

**POLICY:** When a manufactured home's design and existing conditions allow, insulation beyond its designed R- values may be added to its belly, attic cavities, or both.

- A completed Minnesota Weatherization Assistance Program (MNWAP) Manufactured Housing Added R- value Certificate must be attached in a durable manner near the manufactured home's Data Plate.
- A copy of the MNWAP Manufactured Housing Added R-value Certificate must be included in the client file.
- Belly repairs must use approved materials that meet SWS standards, [24 CFR 3280.305](#), [24](#)



[CFR 3280.307](#), and [ASTM D781](#) for corrosion resistance; air and moisture barrier; expansion and contraction; rodent resistance; and sealant air and moisture resistance, such as “Flex-Mend” and “Belly-Flex” or equivalent.

- Insulation added to attics must not compromise the attic venting design and must conform to [24 CFR 3280.504](#). If attic ventilation is added it must conform to [24 CFR 3280.504](#) and the vent type and additional free air square inches must be recorded on the MNWAP Manufactured Housing Added R-value Certificate. Attic ventilation may not be added to a sealed cavity.

## **4.5 Work Orders Issued to Contractors/Crews**

### **4.5.1 Work Standards and Materials**

**POLICY:** All weatherization materials must meet or exceed the specifications in [10 CFR Part 440](#) or listed in the current US DOE approved State Plan (Appendix A, State Plans). All work must be done in accordance with the SWS (as stated in [WPN 22-4](#)); Retrofitting Minnesota: Standard Work Specification - Aligned Field Guide; applicable state building codes, and manufacturer's specification.

### **4.5.2 Warranty**

**POLICY:** Unless otherwise noted, labor and materials are warrantied for one year from the completion date. Service Providers and clients should refer to [MN Statute 327A](#) for more information.

- **EXCEPTION for Solar Photovoltaic:** All major system components for Solar PV systems must have a minimum 20-year manufacturer warranty, and a 5-year workmanship warranty (from the installer) to cover labor / materials cost of Operations and Maintenance (O&M) repairs not covered by manufacturer warranty.
- **Workmanship warranty on projects receiving utility back-end rebates or production incentives:** Projects which are confirmed to receive any utility incentives payable after installation, with the incentive based on system kwh production for a selected term and on which the back-end production incentive is assigned to the solar installer, must be covered by a Workmanship warranty for at least 5 years, or for the period of time the incentive is paid out, whichever is longer.

### **4.5.3 Required Tests**

**POLICY:** Contractors will conduct and document the tests listed below when applicable for each home. The result will be included with the invoice.

#### **4.5.3.1 Mechanical Contractors**

(Combustion safety-testing requirements apply only to combustion appliances)

- Gas Pressure Test - on replacements, clean and tune, or repair. Gas pressure testing is required in cases where a mechanical contractor will go to the home as part of weatherization work.
- Combustion Analysis/CO in Flue - on replacements, clean and tune, or repair (BPI 1200 2017 or the authority having jurisdiction, whichever is more stringent).
- CAZ Depressurization Test - at the end of each day on replacements, exhaust fan work, and any changes to building tightness. This test is required on natural draft appliances equipped with a barometric draft control or Category I appliances equipped with a draft hood or connected to a natural draft venting system. (BPI 1200 2017)
- Combustion Spillage Test – at the end of each day on replacements, clean and tune, or repair. This test is required on natural draft appliances equipped with a barometric draft control or Category I appliances equipped with a draft hood or connected to a natural draft venting system. (BPI 1200 2017)
- Heat Rise Test on replacements, clean and tune, or repair. (BPI 1200 2017)

#### **4.5.3.2 Building Shell Contractors/Crews**

(Combustion safety-testing requirements apply only to combustion appliances)

- Blower Door @ 50 Pa: pre and post (BPI 1200 2017)
- Attic Zonal Pressures: pre and post (BPI 1200 2017)
- CAZ Depressurization Test: required at the end of each day. This test is required on natural draft appliances equipped with a barometric draft control or Category I appliances equipped with a draft hood or connected to a natural draft venting system. (BPI 1200 2017)
- Combustion Spillage Test: required at the end of each day. This test is on natural draft appliances equipped with a barometric draft control or Category I appliances equipped with a draft hood or connected to a natural draft venting system. (BPI 1200 2017)
- Room-to-Room Pressure Balance: pre and post on homes with forced air systems.

### **4.6 Quality Control Inspection**

The role of Quality Control Inspector sets the tone for quality of a Service Provider's weatherization program. A thorough Quality Control Inspection will reduce monitoring issues, improve performance of auditing staff and contractors, focus on continuous improvement, provide accuracy in fiscal management practices, and overall, provide the highest quality of work performed for the household.

A Quality Control Inspection (QCI) verifies that all aspects of the Audit Event have been satisfactorily completed, and the payment and reporting process may proceed. The QCI includes a complete file review, site visit (including a sensory inspection and diagnostic tests), a client education process, and a file closeout process, as well as a review and verification of the initial field data collection and energy audits to ensure the energy modeling software called for the correct measures.

**POLICY:** A qualified person, who has been awarded a Quality Control Inspector Certification from the Building Performance Institute, must conduct the QCI. The QCI must not be conducted by the person who conducted the original energy audit on the dwelling, or by anyone who installed any work called for in the energy audit. The QCI must take place after work has been completed and before payment is issued. A QCI includes the tasks listed below. Other staff may conduct items in Sections 4.6.1, 4.6.5.2, and 4.6.5.3 if that work is verified by a certified Quality Control Inspector. The Quality Control Inspector is ultimately responsible for all elements of the QCI process. The Quality Control Inspection Form completed by the Quality Control Inspector must include the printed name, signature, date, and BPI certification number.

#### **4.6.1 File Review**

Verify that all required forms and documentation are present and completed as detailed in Section 4.3.

#### **4.6.2 QCI On-Site Inspection**

##### **4.6.2.1 Verification of Audit Data**

**POLICY:** Service Providers will develop an internal plan to ensure that data gathered at the energy audit is collected correctly, accurate, and correctly entered in WAPLink.

##### **4.6.2.2 Sensory Inspection**

- Verify that work was done in accordance with the SWS and applicable codes and in a professional manner.
- Take photos of all work

#### 4.6.2.3 Diagnostic Testing

Conducted by a Quality Control Inspector, the diagnostic tests are conducted to help verify that measures have been installed properly (Appendix D, Diagnostic Testing - Audit Event – QCI Diagnostic Tests).

#### 4.6.2.4 Client Education

- Interview client about entire weatherization process.
  - WX staff interactions Contractor/crew professionalism
  - Overall satisfaction
- Verify that all needed client education was done.
- Complete the Completion Certificate – Audit Event

#### 4.6.2.5 Interim Inspections for Mechanical and Electrical work

**POLICY:** Interim inspections may be completed for mechanical and electrical work to authorize payment. A qualified person, who has been awarded a Quality Control Inspector Certification from the Building Performance Institute must conduct an interim inspection.

The interim inspection on mechanical systems must include all required QCI diagnostic testing related to the work order measures to ensure performance and combustion safety.

The interim inspection must verify that work was done in accordance with the SWS, applicable codes and in a professional manner.

The interim inspection may be completed by a Quality Control Inspector who completed the audit site visit. The final on-site inspection and QCI process must not be conducted by the person who conducted the original energy audit on the dwelling.

The interim inspection may be completed by a different Quality Control Inspector than the inspector who will complete the final QCI on-site inspection.

When this is the case, all aspects of the final QCI on-site inspection must be completed including a re-inspection of all work passed at the interim inspection and full diagnostic testing.

#### 4.6.3 Call for Re-work (if needed)

**POLICY:** If any work does not meet the standard detailed in the SWS, the Quality Control Inspector must document the situation and call for the work to be re-done. A re-inspection of all re-work must be completed.

#### 4.6.4 Final Inspection Not Completed

**POLICY:** In cases where a final inspection cannot be completed such as a client moving or not responding to local weatherization staff. Weatherization funds can be used to pay for the completed measures. Service Providers shall document all attempts made to reach the client.

Units in which a final inspection cannot be completed, may be included as a completion under certain circumstances and with Commerce's prior approval.

1. Service provider must:
  - a. Ensure all measures are complete.
  - b. Document efforts to reach the household to include at least three phone call attempts.
  - c. Send a certified letter to the client and obtain a receipt that the client received or refused the document.
  - d. Obtain Contractor pictures that show any completed work and testing including post blower door testing, post work, etc.
2. Submit the documentation noted above, with your request for approval, to Commerce (using a secure method).

3. Jobs that are not inspected and do not have Commerce approval, may not be counted as a completed unit. Weatherization funds can be used to pay for the completed measures.
  - a. In WAPLink, change the Audit status to “Other,” do not lock the job, and include justification in the comment field on the Client Information or Audit Information that work was completed but not inspected.

#### **4.6.5 File Close Out**

**POLICY:** All jobs need to be completed and locked within 60 days of final QCI inspection.

##### **4.6.5.1 Provide feedback to all relevant parties:**

- Weatherization staff
- Contractors/crews

The feedback should include ways in which the weatherization process worked well, areas that could be improved, and information regarding whether the energy model goals were met, and if not, how the situation was resolved.

##### **4.6.5.2 WAPLink data entry**

- Enter in diagnostic results from QCI site visit.
- Enter contractor/crew notes.
- Update relevant work statuses

##### **4.6.5.3 Fiscal verification**

- Enter quantity and cost information from contractor/crew invoice.
- Compare invoices to WAPLink work orders and bids or set price list to identify and resolve any discrepancies.
- Verify the appropriate use of cost centers and that the cost centers align between WAPLink and other fiscal documentation (purchase order, etc.).
- Verify that invoices were not paid before the final inspection was completed.
- Update relevant fiscal statuses.

#### **4.6.6 Quality Control Inspector Mentorship Programs**

**POLICY:** Service Providers may implement a QCI Mentorship program with Commerce approval. Commerce will consider Service Provider requests for individuals to become QCI mentees based on the credentials and experience of the proposed QCI mentor; the likely timeframe of the mentee attaining the QCI certification; and Commerce’s capacity to perform the additional required monitoring per [WPN 22-4](#).

Service Providers shall submit the following information in their QCI mentorship program approval requests:

- Confirmation that the QCI mentee is a Service Provider employee or contractor pursuing QCI certification.
- A timeline and the number of dwelling units for the QCI mentee to complete training and obtain QCI certification.
- The designated QCI mentor (or mentors) including their credentials and experience.
- Service provider QCI mentors shall:
  - Review field inspections.
  - Provide on-the-job training and coaching.
  - A certified QCI shall review and attest all work performed by the mentee.

The Quality Control Inspection Form for each dwelling unit inspected by a QCI mentee shall include the printed name and dated signature of the mentee and the printed name, dated signature, and QCI

certification number of the QCI attesting the mentees work.

Commerce will monitor at least 10 percent of all completed units inspected by a QCI mentee.

#### **4.7 Callback Event**

**POLICY:** If it is determined that additional, non-warranty work is needed for a dwelling after an Audit Event is completed and reported to the Department of Energy (US DOE), a Callback Event must be used. Service Providers may use US DOE funds or EAPWX funds for callback work. Prior approval from Commerce must be obtained for all Callback Events.

##### **4.7.1 US DOE Callback**

**PROCEDURE** (per [WPN 11-3](#)):

1. The previously completed unit must be taken out of the US DOE reporting system and the associated costs subtracted from the US DOE fund category.
2. The US DOE Project Officer must be notified in writing of the number of units, total costs, and reporting period (monthly, quarterly, or both) for any units that are to be backed out of the US DOE reporting system.
3. The Project Officer will then reject the report so that the revised reporting adjustments can be made.
4. Commerce must coordinate with its financial office to ensure the appropriate accounting methods follow federal cash management procedures.
5. After making any necessary repairs or other callback measures, the Service Provider must re-inspect the unit and report the completion to Commerce.
6. Commerce will then report the unit to US DOE, including all final costs for the unit, in the month the completed work takes place.

##### **4.7.2 EAPWX Callback**

**POLICY:** EAPWX funds may be used to pay to complete a measure that was inadvertently missed and not called for by the energy auditor in the scope of work. Work that was incorrectly completed or missed by a contractor or crew during an Audit Event is not eligible for a Callback Event.

EAPWX funds used must follow LIHEAP rules in Section 2605 (k)(1)(B) limiting the use of funds to low-cost weatherization and or other energy-related home repair for households with highest consumption and for currently EAP-eligible households in an eligible dwelling unit, excluding unoccupied units. If EAPWX funds that are used for Callbacks exceed 20% of an agency's EAPWX allocation on an annual basis, Commerce reserves the right to discontinue permission for the use of EAPWX for financing Callbacks.



## Section 5: Standalone Event

### 5.1 Definition

A Standalone Event is a method of delivering services in the Weatherization Assistance Program (WAP) that focuses on the health and safety measures related to a dwelling's space and water heating systems. A standalone event can be funded with either EAPWX or Propane funds and has different requirements than an Audit Event (Section 4).

**POLICY:** Standalone Events are budgeted separately from Audit Events as described in Section 1.3.2. The Allowable Measures Chart (Standalone Event), found in Appendix B, Field Guidance, details which Standalone measures are allowed. Standalone Events may not be used in lieu of a Callback Event to correct issues with a completed and reported Audit Event. Heating plant replacements done as part of a Standalone Event must follow the policy portion of Section 4.4.2.1.

### 5.2 Eligible Dwellings

Standalone Events have the same dwelling eligibility as Audit Events with the following exceptions:

- Rental dwellings are eligible for a Standalone Event only if there is written documentation in the household file that the property owner is unable to make needed repairs/replacements.
- There is a \$3,000 limit per Standalone Event on rental properties.
- Owner occupied dwellings are not subject to the \$3,000 limit.
- Vacant or otherwise ineligible rental units are not eligible for a Standalone Event.
- If an eligible owner-occupied dwelling is a multifamily property with a shared heating system, and a standalone event is being requested, contact Commerce for direction.

### 5.3 Standalone Event Types

There are three types of Standalone Events, Emergency, Non-emergency, and EAPWX Expansion Measure Standalone. Each has separate site visit and inspection requirements.

#### 5.3.1 Emergency Standalone

A situation where a space heating system is not able to provide heat to a dwelling (no-heat) or a space or water heating system is causing a life-threatening situation such as high carbon monoxide levels in the flue gas. (Note: the lack of hot water does not constitute a life-threatening situation).

During an Emergency Standalone, the following policies apply:

- A Service Provider must take immediate action to restore households in no-heat/life-threatening conditions to a safe situation.
- When LIHEAP ERR, funds are unavailable and Energy Assistance Program (EAP) refers clients in a no-heat/life-threatening situation, WAP Service Providers will give that household priority with budgeted Standalone funds.
- Service Providers must have a mechanical procurement process in place that ensures fair contractor competition while allowing for prompt service in response to no-heat/life-threatening situation (see Section 7.4.6).
- When completing heating plant replacements in non-manufactured housing, a heating load calculation must be included in the standalone file as outlined in Section 4.4.2.1.
- Emergency Standalones may not be performed in dwellings that currently do not have an existing space or water heating system.
- A no-heat or life-threatening situation that is identified outside of the heating season is still considered an Emergency Standalone and immediate action must be taken to correct the issue.
- CO alarms and smoke detectors may be added when required by code as part of a space or water heating plant replacement or repair.

### **5.3.2 Non-Emergency Standalone**

A situation where the dwelling does not have a no-heat life-threatening situation, but there are eligible activities that can be done. During a Non-Emergency Standalone, the following policies apply:

- Service Providers are not required to address Non-Emergency Standalones.
- Each Service Provider will create an internal policy that details how Non-Emergency Standalones will be handled.
- Non-Emergency Standalones may not be performed in dwellings that currently do not have an existing space or water heating system.

### **5.4 Standalone Event - Site Visits**

**POLICY:** Site visits are utilized to assess the conditions in a dwelling and determine an appropriate course of action within program guidelines. There are different site visit requirements depending on the Standalone event type.

#### **5.4.1 Emergency Standalone Event - Site Visit**

Due to the need to take immediate action to address an Emergency Standalone, a site visit by a Service Provider staff member is not required. Based on the information provided by the eligible household, a contractor can be sent to home to assess a situation and perform work. Contractors responding to an Emergency Standalone must complete the requirements in Sections 5.7.2 and 5.9 including completing all the required forms and diagnostic tests. A Quality Control Inspector will complete any remaining aspects of the site visit including the procedures in Section 5.4 in cases where an on-site quality control inspection is required (Section 5.10). Procurement of contractors performing Emergency Standalone work must comply with Section 7.4.6.

#### **5.4.2 Non-Emergency Standalone Event - Site Visit**

A site visit is required for all Non-Emergency Standalones. The site visit must take place after household eligibility is established and prior to the start of work. A site visit includes photo and written documentation of health and safety issues related to the mechanical systems as well as diagnostic testing detailed in Standalone Event – Site Visit Diagnostic Tests (Appendix D, Diagnostic Testing). In addition, client education on the mechanical systems operation, standalone process, and appeals process must be conducted. Service Providers shall provide written notice to the client of health and safety risks identified during the site visit that cannot be addressed because they go beyond the scope of a WAP standalone event.

#### **5.4.3 EAPWX Expansion Standalone Event - Site Visit**

See the MN WAPLink User Guide for guidance.

### **5.5 Lead Safe Work Practices**

**POLICY:** All work done in dwellings built prior to 1978 will meet the requirements of the Environmental Protection Agency's (EPA's) Lead Renovation, Repair and Painting Rule (RRP Rule); all work must conform to RRP rules unless testing confirms the work area to be lead-free.

- Deferral is required when the extent and condition of the lead-based paint in the house would potentially create further health and safety hazards. When deferral is necessary, provide information in writing to the client, which describes the conditions that must be met for weatherization to commence.
- Occupants of dwellings built prior to 1978 must be provided with a copy of the EPA's Renovate Right Brochure, which will be documented on the Confirmation of Receipt of Renovate Right Pamphlet (Appendix F, Forms).



**TESTING:** Testing to determine the presence of lead in paint that will be disturbed by WAP measure installation is allowed with EPA-approved testing methods.

- Testing methods must be economically feasible and justified.
- Job site set up and cleaning verification by a Certified Renovator is required.
- For any work that disturbs a painted surface greater than the de minimis level, a Lead Test Kit Documentation Form is required. Any work done on painted surfaces that have tested positive for lead or any untested surface presumed to contain lead will be documented on the Lead Safe Renovation Record Keeping Form.

## **5.6 Fuel Switching**

**POLICY:** The Minnesota WAP does not permit the general practice of fuel type switching when replacing heating systems and other appliances. However, it does consider fuel switching on a limited, case-by-case basis when a fuel switch can feasibly address a compelling health and safety concern to meet the mandate to provide safe and effective heat to eligible households.

The cost associated with installing a new fuel line or pipe to a home is not allowed with WAP funds. Fuel switch requests must be submitted to the MN Department of Commerce (Commerce) for pre-approval. See Fuel Switching Guidance (Appendix F, Forms).

## **5.7 Household File Contents**

**POLICY:** All Standalone Event household files must contain the following completed forms and documentation. Service Providers should develop local procedures that ensure the household file contains all required documents. Files may be maintained electronically or in paper form. Any forms requiring a signature must be completed prior to being dated and signed by all related parties.

### **5.7.1 Eligibility Documentation**

- Income Eligibility - WAP Application
- Proof of home ownership (owner-occupied)
- Property Owner Agreement (renter-occupied)

### **5.7.2 Client/Contractor Forms**

- Standalone Service Agreement & Completion Certificate: Signed by Property Owner
- Mechanical Testing Form - Standalone
- Confirmation of Receipt of Renovate Right Pamphlet (when applicable)
- Lead Test Kit Documentation Form (when applicable)
- Lead Safe Renovation Record Keeping Form (when applicable)
- If a standalone event occurs concurrently with weatherization, separate standalone forms are not required, if relevant information is included in Audit forms.

### **5.7.3 Quality Control Inspection Documentation**

- Work orders
- All relevant permits
- Lien waivers from all contractors and material suppliers
- Bid process documentation (when applicable)
- A bid form that includes bid specifications for the project
  - A list of contractors invited to bid the project
  - A copy of all bids received, with Labor and Materials noted separately
  - Notification of bid selection to all bidders
  - If the lowest responsive bid is not selected, include documentation showing sufficient justification for the bid selection.
- Payment documentation

- Purchase or payment authorization, or both, including date and signature(s) of approver(s) (purchase order, voucher, etc.)
- Itemized invoices: labor and materials must be split
- Additional warranty documentation (when applicable)
- Lead Test Kit Documentation Form (when applicable)
- Document the renovation site, firm, certified renovator, and lead test kit information.
- Lead Safe Renovation Record Keeping Form (when applicable)
- Document utilization of lead safe practice, including any training provided on-site; description of specific actions taken; and photos of site and containment set up. Include the location of photos referenced if not in file.
- Contractor/crew notes
- Contractors' ACCA Manual J or WAPLink calculation (for all non-manufactured housing heating plant replacements)

#### 5.7.4 Photos

- Relevant pre-existing conditions (such as a leaking water heater)
- Health and safety concerns
- All completed work order measures
- Pictures documenting lead safe work practices (when applicable)

#### 5.8 Standalone Event – Work Order

**POLICY:** The Allowable Measures Chart (Standalone) (Appendix B, Field Guidance) will be used to determine all allowable measures needed. All work must be done in accordance with the Standard Work Specification (SWS) as detailed in the Retrofitting Minnesota, Standard Work Specification - Aligned Field Guide (Appendix B, Field Guidance). When working in manufactured housing, follow all the policies in Section 4.4.4.

Additional work orders will be created as needed within the Standalone Event in WAPLink.

Any changes to the original scope of work or costs must be documented in the WAPLink work order or on a change order.

#### 5.9 Standalone Event – Contractor Requirements

**POLICY:** All weatherization materials must meet or exceed the specifications in [10 CFR Part 440](#) - Appendix A, State Plans or listed in the current U. S. Department of Energy (US DOE) approved Minnesota State Plan (Appendix A, State Plans). All work must be done in accordance with the SWS, as stated in [WPN 22-4](#), applicable state building codes, and manufacturer's specification.

Mechanical contractors will conduct and document the required tests listed below, when applicable, for each home. The result will be included with the invoice. Combustion safety testing requirements apply only to combustion appliances.

- Gas Pressure Test: required at the completion of work on a space or water heating plant replacement, clean and tune, or repair (BPI 1200 2017).
- Combustion Analysis/CO in Flue: required at the completion of work on a space or water heating plant replacement, clean and tune, or repair. This test is required on natural draft appliances equipped with a barometric draft control or Category I appliances equipped with a draft hood or connected to a natural draft venting system. (BPI 1200 2017 or the authority having jurisdiction, whichever is more stringent).
- CAZ Depressurization Test: required at the end of each day of work on a space or water heating plant replacement. This test is required on natural draft appliances equipped with a barometric draft control or Category I appliances equipped with a draft hood or connected to a natural draft venting system. (BPI 1200 2017).

- Combustion Spillage Test: required at the end of each day of work on a space or water heating plant replacement (BPI 1200 2017).
- Heat Rise Test: required at the completion of work on a space or water heating plant replacement, clean and tune, or repair (BPI 1200 2017).

### 5.9.1 Warranty

Unless otherwise noted, labor and materials are warrantied for one year from the completion date. If a standalone event is not required to be inspected (Section 5.10), the warranty is for one year from the date of completion. Service Providers and clients should refer to [MN Statute 327A](#) for more information.

## 5.10 Quality Control Inspection

A Quality Control Inspection (QCI) verifies all aspects of the Standalone Event have been satisfactorily completed and the payment and reporting process may proceed.

**POLICY:** All Standalone Events costing more than \$500.00 must pass a QCI. It is recommended that Standalone Events with lesser costs be inspected whenever possible.

The QCI must not be conducted by the person who conducted the original site visit on the dwelling, or by anyone who installed work on the dwelling. The QCI must take place after work has been completed and before payment is issued.

A QCI for a Standalone Event is different from a QCI for an Audit Event and includes the tasks listed in this section. A Standalone QCI must be completed by an individual with a Building Performance Institute (BPI) - Building Analyst-Technician (BA-T) Certification, Building Analyst-Professional (BA-P) Certification, Building Analyst certification (discontinued, valid through PY 2025), HEP Energy Auditor (EA) Certification, or HEP Quality Control Inspector (QCI) Certification, or another Commerce approved certification. Though some aspects may be conducted by other staff, the certified individual is responsible for ensuring that all elements of the QCI process are completed in accordance with program guidelines.

The following procedure will be followed in cases where a final inspection cannot be completed:

1. Service provider must:
  - a. Ensure all measures are complete.
  - b. Document efforts to reach the household to include at least three phone call attempts.
  - c. Obtain any available Contractor pictures that show any completed work and required testing forms.
2. Weatherization funds can be used to pay for the completed measures.
  - a. In WAPLink, change the Inspection status to "Passed" and include justification in the comment field on the Client Information tab that work was completed but not inspected.

### 5.10.1 File Review

Verify that all required forms and documentation are present and completed as detailed in Section 5.7. In cases where an on-site quality control inspection is not required because the cost of the work is \$500 or less, weatherization staff will review contractor's diagnostic test results to ensure that they do not indicate a risk to the health and safety of the household.

### 5.10.2 Sensory Inspection

- Verify that work was done in accordance with the SWS and applicable codes and in a professional manner.
- Take photos of all inspected work.

### **5.10.3 Diagnostic Testing**

Conducted by a Quality Control Inspector, the diagnostic tests are conducted to help verify that measures have been installed properly (Appendix D, Diagnostic Testing - QCI Diagnostic Tests - Standalone Event).

### **5.10.4 Client Education**

Survey client for satisfaction of work performed, contractor professionalism, and WX staff interactions. Document the replies received from the client and complete the Completion Certificate section of the Standalone Service Agreement & Completion Certificate form (Section 5.7).

### **5.10.5 Call for Re-work (if needed)**

If any work does not meet the standards detailed in the SWS, then the Quality Control Inspector should document the situation and call for the work to be redone. An inspection of all re-works must be completed.

## **5.11 File Close Out**

Once all work has been completed to the SWS standards, complete the following in WAPLink:

- Enter the quantity and cost information from contractor/crew invoice.
- Compare invoices to WAPLink work orders and bids to identify and resolve any discrepancies.
- Verify the appropriate use of cost center and that cost centers align between WAPLink and other fiscal documentation (purchase order, etc.).
- Verify that invoices were not paid before final inspection was complete.
- Update relevant work and fiscal statuses.
- Report the Standalone Event to Commerce via the regular monthly export or a special export.

## Section 6: Fiscal Policy

### 6.1 Spending Authority

**POLICY:** Service Providers may not begin work or incur expenses until a fully executed contract has been issued and the Service Provider has received a Notice of Funds Available (NFA). Each NFA issued by the MN Department of Commerce (Commerce) will specify the period during which the Service Provider may perform work and incur eligible costs. Such time periods specified on the NFA may begin on or after the effective date of the executed contract and may end on or before the expiration date of the contract.

### 6.2 Weatherization Assistance Program (WAP) Funds

Minnesota WAP is funded by two federal sources: the U.S. Department of Energy (US DOE) and the U.S. Department of Health and Human Services (US HHS). In addition, ongoing funding for households primarily fueled by propane is allocated through MN State Statute. All three funding sources are held to requirements found in the state contract.

At times, other funding sources may be allocated through legislation. Guidelines for special or temporary funding sources will be made available (when applicable).

Funding sources may be combined for individual jobs. When combining funds, consideration must be made to funding source policy differences as indicated throughout this manual or addendums to this manual.

#### 6.2.1 U.S. Department of Energy (US DOE) WAP Funds

US DOE allocates funds to Minnesota on an annual basis contingent on a federal appropriation for WAP and an approved State Plan submitted annually to US DOE by Commerce. The mission of WAP is to reduce energy costs for low-income households by increasing the energy efficiency of their homes, while ensuring their health and safety. US DOE WAP funds are regulated by [2 CFR Part 200](#), [10 CFR Part 440](#), [10 CFR Part 600](#), US DOE Weatherization Program Notices (WPNs), US DOE Memorandum, Minnesota's annual DOE State Plan, and the state contract.

##### 6.2.1.1 Weatherization Readiness Funds (US DOE Sub Fund)

US DOE Weatherization Readiness Funds (WRF) are used to reduce the frequency of deferred homes that require services outside the scope of weatherization for weatherization services to be successful. WRF are distributed to Minnesota Service Providers using the standard weatherization funding formula. The spending cap is \$20,000 per household.

There is no pre-approval required if the measure(s) are on the Allowable Measures Chart (AMC) and under the \$20,000 per household cap. If the measure(s) are not on the AMC or above \$20,000, then prior approval by Commerce is required. All regular procurement requirements apply to WRF.

These funds are intended for repairs, that if left uncorrected, would lead to deferral or to address items that resulted in a deferral.

**POLICY:** WRF may be used to complete measures in one program year with the audit measures being completed in the following program year. The project must be completed within a reasonable period.

- WRF can be used on jobs paid for with either DOE Formula or Infrastructure Investment and Jobs Act (IIJA) funded weatherization projects. WRF can also be used in combination with other non-DOE funds if DOE funds are used.

Service Providers will consider the following factors to determine which dwellings receive WRF:

- WRF should generally be used in homes which cannot be made weatherization ready using other means.
- The total cost of required repairs in each home shall be considered in deciding which homes will receive WRF.
- See Allowable Measures Chart (Audit Event) for allowable measures. Measures not listed will be considered on a case-by-case basis and must receive Commerce approval. Maintain documentation of the approval of additional repairs in the client file.
- Service Providers must analyze all potential reasons for deferral within a home prior to utilizing WRF to ensure WRF will correct all causes of deferral and result in a US DOE completion.
- Only weatherization projects that will be “weatherization ready” after WRF repairs are made and will result in a US DOE completion may use WRF funds.
- Any home receiving more than \$20,000 in WRF must receive prior approval from the Minnesota Department of Commerce (Commerce).
- Document in WAPLink the reason for the deferral and the decision process used to determine the use of these funds.

#### **6.2.2 U.S. Department of Health and Human Services (US HHS) Low Income Home Energy Assistance Program (LIHEAP) Funds**

The LIHEAP block grant from US HHS allows states to transfer a percentage of LIHEAP funding to WAP. The transfer is referred to as EAPWX funding. The objective of the use of EAPWX funding is to provide low-cost residential weatherization and other cost-effective energy-related home repair to reduce energy costs for low-income households. EAPWX funds may be used for audit events and standalone events. MN’s annual EAPWX State Plan (Appendix A, State Plans), this policy manual, and any addendums provide guidance and any exceptions to US DOE policy.

EAPWX awards are typically allocated annually on or before the start of the WAP Program Year (July 1) and after the LIHEAP funds are awarded to Commerce. The EAPWX allocation covers the time remaining until September 30 of the following year.

When the initial allocation is made, 90% of the EAPWX funds will be immediately assigned to Service Providers. The remaining 10% will be held in reserve to prevent over obligation of funds.

Any un-spent balance will be disseminated after a final fiscal reconciliation occurs. Final reconciliations are typically completed within 45 days of the end of the program year.

Service Providers may request release of the reserved 10% with a plan to expend those funds in the current program year. If those funds are not requested in the current program year, they will be added to the initial NFA of the following program year.

Carryover of funds is allowed for the EAPWX program; these funds must be spent by September 30. The maximum carryover allowed is 25% of the total EAPWX allocation. Un-spent balances of more than 25% may be de-allocated. Any requests to carryover more than 25% must be submitted in writing on or before June 15 annually.

#### **6.2.3 Propane Funds**

In accordance with [MN Statute 239.785](#) Subdivision 6, Propane funds are appropriated by the Minnesota Legislature and may be used to improve the energy efficiency of residential liquefied petroleum gas heating equipment in low-income households, and, when necessary, to provide weatherization services to the homes. Propane funds may be used for audit events and standalone events for households whose primary fuel is propane.

## 6.2.4 U.S. Department of Energy (US DOE) IJJA Funds

Under the IJJA, the Weatherization Assistance Program received funding from the Department of Energy in addition to the annual base funding referenced in Section 6.2.1. The purpose of these funds remains to reduce energy costs for low-income households by increasing the energy efficiency of their homes, while ensuring their health and safety. All policies that apply to U.S. Department of Energy (US DOE) WAP funds (as referenced in Section 6.2.1) apply to U.S. Department of Energy (US DOE) IJJA Funds unless specifically called out in this Policy Manual.

**POLICY:** IJJA funds may not be used in conjunction with U.S. Department of Energy (US DOE) WAP funds (as referenced in Section 6.2.1). IJJA funds may be used in conjunction with other funding sources as necessary to complete projects. Tracking and reporting must be separate from other funding sources to meet reporting requirements.

While the IJJA did not significantly alter the statute governing the Weatherization Assistance Program, some key impacts and federal requirements are noted here and throughout this Policy Manual as relevant. IJJA follows all policies for US DOE WAP funds unless called out.

## 6.3 Work Plan and Budgets

**POLICY:** Each Service Provider receiving WAP program funds from Commerce must complete budgets, work plans, and production plans. Service Providers will submit, in WAPLink for each fund, the budget details and the answers to budget planning questions.

All budgets and associated information will be reviewed and approved by Commerce staff. If allocations are increased or decreased during the program year, budgets must be revised and resubmitted to Commerce. Once approved, budgets cannot be edited unless a Commerce staff member reopens the budget in WAPLink.

If a Service Provider does not submit a budget by the respective due date, as identified by Commerce, Commerce may choose to hold funds until budgets have been received.

## 6.4 Financial and Program Report Submissions

The Financial Status Reports (FSRs) provide uniform reporting of expenditures according to the Service Provider's accounting records. Commerce uses FSRs to track, monitor, and report Service Provider expenditures on an ongoing basis.

**POLICY:** Service Providers are required to submit monthly FSRs in WAPLink by the date prescribed in the WAP Contract reporting section. A separate FSR is required for each allocated federal and state fund. FSRs are required for each fund even if zero expenses have occurred for a fund in the month reported. Both the Program Manager and the WAP Fiscal Manager/Staff Person must review the FSR prior to submission, which is documented in WAPLink.

Accrued interest and program income earned/expended, as defined in [2 CFR 200.1](#), must be reported on the corresponding monthly FSR.

Documentation of expenditures reported on monthly FSRs must be made available to Commerce upon request.

If monthly FSRs are not submitted by the due date, Commerce may choose to hold funds until FSRs are submitted. If unforeseen circumstances will prohibit on-time FSR submission, Service Providers may request an extension to the submission deadline. Requests for consideration must be sent in writing to Commerce before the end of business on the due date.

## 6.5 Cash Requests

**POLICY:** Cash requests must be submitted electronically in WAPLink. They may be submitted as frequently as needed but no more than once a week for the Service Provider to effectively manage cash. Cash requests have no specific due date, except for the final cash request which is detailed in Section 6.6.

Commerce processes cash requests as follows:

- Will be reviewed for reasonableness and accuracy; and
- Will be processed on a first-in, first-out basis; Commerce will make every effort to process requests as quickly as possible and no later than 30 days after receipt.

### Advance Requests

Requests may be submitted in advance if the time elapsing between the disbursement and the actual occurrence of expenditures is as minimal as administratively feasible and are timed to be in accordance with the actual, immediate cash needs of the Service Provider, in compliance with [2 CFR 200.305](#).

### Reimbursement Requests

If cash is requested on a reimbursement basis, requests are to be submitted at least monthly, if expenses have occurred in the month.

### Returning Funds

If a Service Provider's costs are disallowed or if funds must be returned to Commerce for any reason, a negative cash request must be submitted via WAPLink. Commerce may choose to offset overpayments and disallowed expenses by reducing cash payments on any grants to the Service Provider. If returned funds were previously reported as Direct Service expenses, cost centers must be updated in WAPLink once funds are returned. In the event a grant has already closed, funds will need to be mailed back to Commerce. Contact the Fiscal Department at Commerce by sending an email to the Weatherization inbox at [weatherization.commerce@state.mn.us](mailto:weatherization.commerce@state.mn.us) for more information.

## 6.6 Financial Closeout

**POLICY:** At the close of each program year (June 30), all Service Providers must close out all WAP funds and submit an electronic closeout package for each fund. All closeout packages must be submitted no later than 30 days after closeout for each fund.

In the case of unforeseen circumstances prohibiting timely, final FSR submission, Service Providers may send a written request to Commerce to request a short extension to the due date. Requests must be submitted on/before the 30-day deadline.

Packages must be submitted in WAPLink no later than the close-out due date and include the following:

- A final FSR:
  1. Total expenditures cannot exceed the total allocation for each fund.
  2. Total expenditures reported on the final FSR should not include any leveraged funds.
  3. A separate final FSR must be submitted for each WAP fund.
- For Service Providers that are on a reimbursement basis, a final cash request for all funds submitted.
- A check for the balance of any funds that were requested but remain unspent. Make the check payable to The Department of Commerce. The check record must contain the Fund ID number and the program name.
- A list of any continuing liabilities on the fund or a statement that there are no continuing liabilities. This note must be typed into the Service Provider Note Box on the final FSR.
- An inventory of non-expendable personal property purchased during the program year. This note must be typed into the Service Provider Note Box on the final FSR or emailed to the WAP mailbox.



- Service Providers must verify that the cumulative total of fund payments received matches the cumulative total of expenditures reported on the final FSR.

If requested by Commerce, Service Providers must provide documentation of reconciled cash draws and expenditures. The reconciliation must identify each cash payment received, the payment date, and the corresponding monthly total of FSR expenditures reported for the fund.

If the closeout package or any missing documents have not been received by the due date, Commerce may choose to hold funds until the package is received.

Except in the case of state error, Commerce cannot honor past due liabilities after the closeout period ends.

## 6.7 Financial Audits

**POLICY:** One copy of the most recent third-party financial audit must be submitted to Commerce within nine months of the Service Provider's fiscal year end, as required by [2 CFR 200.512](#). Submit audits electronically via email to Donna Leonard at [donna.leonard@state.mn.us](mailto:donna.leonard@state.mn.us). Service Provider must send Commerce a copy of any management decision letter received from another state agency to Donna Leonard at [donna.leonard@state.mn.us](mailto:donna.leonard@state.mn.us).

## 6.8 Budget Revisions

To request a budget revision, Service Providers should send an email to the Weatherization inbox. The request must include the requested amount to be transferred and a justification for the transfer. If approved, Commerce will send written confirmation of the approval, create a new NFA, if applicable, and open the budget in WAPLink to allow the Service Provider to adjust the budget. Service Providers must submit any request to Commerce on or before June 15 (or September 15 for an expiring EAPWX fund). Revisions to funds cannot take place after the end of the program year (June 30) or after the expiration of a fund (ex: EAPWX funds that end on September 30), whichever occurs first.

Budget revisions are handled differently whether a revision relates to a fund category (Admin, TTA, Program, etc.) or when a sub-fund (standalone, health and safety, program support) deviates from the originally budgeted amount.

### 6.8.1 Fund Categories

**POLICY:** The original allocation of Admin and TTA funds cannot be increased. Admin and TTA funds may be re-allocated to the program fund, upon request and with Commerce's written approval, to complete more units.

### 6.8.2 Sub-Fund Categories

**POLICY:** Service Providers may deviate from their budgeted amounts for sub-funds/sub-categories as needed and within reason (health & safety, energy conservation, standalones, financial audit, etc.) WAPLink budgets do not need to be revised when sub-funds deviate from the originally budgeted amount. Commerce may require written justification for questioned or major deviations. Service Providers should consider major deviations when budgeting for future program years.

## 6.9 Allowable Expenditures

This section identifies allowable expenses and what fund or sub-fund to which they can be charged. The list includes general expenses and is not all-inclusive; other expenses that are not included may also be allowable. Service Providers should send an email to the Weatherization inbox with questions about allowable expenses.

## 6.9.1 Fund Categories

### Administration Funds (Admin)

Service Providers shall align their administrative costs consistent with the generally accepted accounting practices and procedures within their organization and as allowed by Office of Management and Budget (OMB) [2 CFR Part 200](#). Allowable admin costs for WAP include planning, oversight, general WAP administration, and reporting and accountability for WAP funds and services.

### Training & Technical Assistance (TTA) Funds

TTA activities are intended to maintain or increase the efficiency, quality, and effectiveness of WAP across the program. TTA is a fund category under US DOE only.

### Program Funds

Program funds include sub-categories. Some of these impact Average Cost Per Unit (ACPU) and others do not.

- **Direct Service:** Material and labor costs directly attributable to individual households. This includes measure installation costs performed by crews or contractors in eligible households. Direct Service costs are always entered in WAPLink. This item is included in the ACPU calculation.
- **Intake/Eligibility:** This line item is wage specific. It may include activities like client intake, eligibility search, initial contact for weatherization services, pre-audit activities, including those resulting in deferral. This item is not included in the ACPU calculation for US DOE Formula Funds.
- **Energy Audit:** This line item is wage specific. It may include onsite audit activities including those resulting in deferral, client education prior to weatherization and setting expectations, forms completion, in office audit running and issuing work orders. This item is not included in the ACPU calculation for US DOE Formula Funds.
- **Final Inspection:** This line item is wage specific. It may include on-site QCI activities, including diagnostic testing, post-weatherization client education, forms completion and in office client file data entry. This item is not included in the ACPU calculation for US DOE Formula Funds.
- **Program Support:** Costs associated with delivering weatherization services to households that are not reportable in WAPLink (may include WAP share of a fiscal audit and Program Support supplies) and are not included in the three wage categories outlined above. This item is included in the ACPU calculation.

### Leveraging Assistance Support Funds (LASF)

LASF support Service Provider staff undertaking local leveraging activities to expand the scope and/or scale of services to WAP clients. LASF is a budget category under US DOE Formula funds only.

Activities can include work necessary to research, develop, and pursue leveraged funding and design, implement, and manage programs which use leveraged funding. Leveraged funding is defined as funding provided by non-federal sources to add to weatherization-funded in-home work.

Examples of eligible LASF activities include:

- Meeting with utility or other organizations' personnel to discuss the usage of existing leveraged funds or to jointly develop a newly funded program.
- Administrative work to account for and report the use of leveraged funds on WAP homes.
- Partnerships with AmeriCorps Program, Clean Energy Resource Teams – or other service-based organizations to assist in developing in-kind contributions to increase client education or other services.
- Grant writing to foundations to meet program gaps or address program inequities.
- Time spent implementing and tracking other locally driven partnerships.
- Implementing WAPMAP and other tools to support equitable services.
- Hiring and paying a development staff to build on the activities mentioned above.

## **6.9.2 Expenditure Categories**

This section further defines allowable expenditures by expense type and provides examples for each type. Service Providers should contact Commerce with questions about any costs that do not fit within the following expense type categories.

### **6.9.2.0 Allowable Personnel Expenses**

This includes salaries, wages, benefits, and payroll taxes for the performance of WAP-related activities. Actual payroll costs are charged by fund category or sub-category according to the activity being completed.

US DOE Formula funds have additional subcategories for allowable personnel expenses: intake/eligibility, audit, and QCI costs. See WAP Policy 6.9.1 for details.

### **6.9.2.1 Allowable Training and Technical Assistance (TTA) Expenses**

All training activities paid for with TTA funds (including training for Program, Administrative, and Fiscal staff) must be reasonable and have a direct and documentable relationship to WAP.

The primary uses of TTA funds are:

- Conference or training registration fees or trainer fees.
- Training materials.
- Travel, lodging, and logistics for training activities.

When funds allow, TTA may also be used for:

- Wages and benefits of Service Provider staff to attend a WAP training event.
- Contractor stipends and training expenses (Section 7.4.3.1).

Note: Contractor stipends may not be used to pay for licenses or certifications required by state, federal or local law. Stipends may only be used to pay for contractors to attend trainings at the request of the Service Provider or Commerce for WAP-related training.

Out-of-State Travel: Commerce pre-approval is required when TTA funds are used for out-of-state travel. Complete the MN WAP T&TA Authorization for Out-of-State Travel request form (Appendix F, Forms). Email completed form to the Weatherization inbox. Allow at least one week for processing.

Note: TTA funds typically cannot be used to purchase vehicles or equipment for Service Providers. The cost of these vehicles or equipment to support the program must be charged to the vehicle/equipment or program support categories. Any exceptions must be pre-approved in writing by Commerce.

### **6.9.2.2 Allowable Direct Service Expenses**

Direct Service expenses must be reported under the appropriate budget category on monthly FSRs. All Direct Service expenses are reported in WAPLink. Direct Service expenses entered in WAPLink must be accurate and align with supporting fiscal data. Expenses must be allowable under applicable WAP policies and may include:

- Materials installed in eligible dwellings: energy conservation, health and safety, and incidental repair, and general heat waste measures.
- Payments made to contractors for activities in eligible dwellings.
- Crew personnel and applicable travel expenses (Sections 6.9.2.0 and 6.9.2.7).
- The cost of any permits required for work to be performed at a specific dwelling.

### **6.9.2.3 Fiscal Audit**

US DOE allows the WAP share of a fiscal audit to be charged to Program Support. The WAP share charged to EAPWX, or Propane must be charged to the Admin category.

### **6.9.2.4 Allowable Occupancy Expenses**

Occupancy expenses include any of the following costs and must follow the Service Provider's cost allocation plan. Costs can be charged to Admin and Program Support. The split generally follows the same breakdown as personnel costs. This means that occupancy costs for administrative staff are charged to Admin; occupancy costs for non-administrative staff are charged to Program Support.

Examples of Allowable Occupancy Expenses

- Space costs (rent, mortgage payments, property insurance, cleaning services, etc.)
- Utilities (heat, electric, water, garbage collection, etc.)
- Connectivity (phone and internet services, etc.)

### **6.9.2.5 Allowable Equipment Expenses**

Equipment is defined as tangible personal property having a useful life of more than one year and a per-unit acquisition cost of \$10,000 or more. Commerce approval is required for all equipment purchases. US DOE approval is required for all purchases using US DOE funds.

**Note:** Equipment purchases, and lease-to-own arrangements are only allowed using US DOE and EAP/WX funds.

### **6.9.2.6 Allowable Supply Expenses**

Supply expenses include tangible personal property other than those that meet the definition of equipment (Section 6.9.2.5 and [2 CFR 200.1](#)).

**Examples of Administrative Supplies**

- Electronics (computers, software, printers used for WAP admin functions)
- Office (WAP share of furnishings, copy machines, faxes, phones, postage meters)

**Examples of Program Support Supplies**

- Auditor/inspector testing tools
- Blower doors
- Personal CO monitors
- Power tools
- Cameras for auditor/QCI photos
- Office (WAP share of furnishings and other supplies used for program support functions)

### **6.9.2.7 Vehicle Operations, Maintenance, and Insurance Costs**

Operational costs include gas, oil, license tabs, and other small incidental costs. Maintenance costs include all scheduled and unscheduled repairs necessary to keep the vehicle in good and safe operating condition.

Service Providers are required to keep operations and maintenance logs for all Service Provider-owned vehicles.

**Admin Vehicle Expenses**

Travel costs of administrative staff work trips.

- Proportionate share of insurance cost if a vehicle is used for admin functions
- Proportionate share of maintenance costs if a vehicle is used for admin functions

**Program Support Vehicle Expenses**

Travel costs of trips for audits or inspections or other program support related functions

- Insurance costs when a vehicle is used for program support functions
- Maintenance costs when a vehicle is used for program support functions

**Direct Service Vehicle Expenses**

Travel costs of crews traveling to and from job sites or transporting materials to a job site.

**6.9.2.8 Insurance and Bonds****(Non-Personnel) Allowable Admin Expenses**

- WAP share of insurance, including but not limited to Property, Crime, Liability, Directors, and Officers, Employment Practices and Umbrella policies.
- WAP share of any required Service Provider-level bonds.

**Allowable Program Support Costs**

- Liability insurance (WAP related)
- Pollution Occurrence, if carried by the Service Provider

**6.9.2.9 Additional Allowed Costs**

The following are additional expenses that may be allowable to charge to WAP funds.

**Admin Expenses**

- Office supplies, postage, and printing
- Consultants and professional services

**Program Support Expenses**

Residential Building Contractor license for crew-based programs.

**Allowed for US DOE and EAPWX Funds**

- EPA Lead Firm certification for crew-based programs
- Allowed for US DOE and EAPWX funds
- Not allowable under Propane funds
- License and certification fees for auditors and inspectors as required by WAP policy
- Printing of client forms and client education materials
- Health and safety supplies for staff (masks, respirators, etc.)

**Note:** License and certificate costs in this section are only for the fee to obtain the license or certificate. Costs to train staff to qualify for the required licenses or certificates are TTA expenses.

**6.10 Program Income**

Program income means gross income earned by Service Providers that is directly generated by a supported activity or earned because of the use of federal funds. Program income includes but is not limited to income from fees or services performed, rebates, the use or rental of property acquired with WAP funds, and the sale of items purchased or fabricated with WAP funds.

**POLICY:** Service Providers must use funds received from credits including but not limited to program income, rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds, before expending available program funds and prior to requesting additional WAP funds. Program income received and expended must be reported on corresponding monthly FSRs.

Program income received through the rental, use, or sale of vehicles and equipment purchased with WAP funds from current or prior awards, must be returned to the Program category of the relevant WAP fund, and used to weatherize additional dwellings.

Program income received through rebates, must be returned to the Program category of the relevant WAP fund, and used to weatherize additional dwellings, or can be reflected on the contractor's invoice as a reduction of the total cost. Consideration should be given to the Utilities rebate requirements.

Program income received through rebates, or the rental or use of equipment may not be added to the Admin or TTA fund categories.

## Section 7: Procurement

**POLICY:** Service Providers are required to comply with federal standards, as set forth in [2 CFR 200.317-326](#), in the purchase of supplies, equipment and services. All Service Providers must establish written procurement procedures to govern local procurement activities.

### 7.1 Competition

**POLICY:** All procurement transactions must be conducted in a manner to provide, to the maximum extent possible, free, and open competition. Federal rules provide for the right of bidders to compete, but do not provide a right to be awarded a bid. Federal rules state that:

- Awards shall be made to the bidder whose bid is the most responsive to the solicitation and is most advantageous to the Service Providers. Price, quality, and other factors must be considered.
- The Service Provider may accept or reject any or all bids when it is in its best interest to do so.
- Service Providers must be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade.
- Those vendors responding within the requested response time must be considered.
- After solicitation from several sources, if competition is determined inadequate, acquire bids from available vendors and make a selection.

Additionally:

- Procurement actions with costs of \$5,001 up to \$24,999 must utilize a competitive process by soliciting written bids from no less than two (2) vendors.
- All job costs must come from a Set Price list or bid with an exception for small purchases as below:
  - For weatherization jobs where the per work order dollar amount does not exceed \$5,000, no competitive bids are required if it is determined the price is reasonable.
  - Determination of “reasonable” should be set by the Service Provider using experience, local job quotes, or other applicable pricing mechanisms and documented.
- Procurement utilizing annually contracted set-price lists have already met the requirement for solicitations and a contractor can be selected for the job from the set-price list contractors without seeking multiple bids at that time.
- Service Providers may use Minnesota’s Cooperative Purchasing Venture (CPV) to procure contractors, equipment, and services as needed. Using the CPV eliminates the need to go through the solicitation, competitive bid and bid analysis process. All other WAP program rules and regulations are applicable to contractors, equipment, and services, including the requirements covering contractor eligibility. For further information on Minnesota’s CPV, see the CPV website: [Cooperative Purchasing Venture \(CPV\)](#).
- All procurement actions must be fully documented as outlined in Section 7.3 and Sections 4.3 - 4.3.6 (Audit Events) or Sections 5.7 – 5.7.4 (Standalone Events) as applicable.

### 7.2 Cost and Price Analysis

**POLICY:** Some form of cost and price analysis should be made and documented in connection with every procurement action. The exact form of the analysis varies with the nature of the purchase and the amount of funds to be spent. Service Providers must analyze price by reviewing and evaluating each cost element to determine if it is reasonable, can be cost-allocated, and is allowable. Prices should be compared to price quotes, market prices, and similar indices.

### 7.3 Solicitation

**POLICY:** Service Providers are required to publicize their need to purchase goods, equipment, or services as widely as possible. Documentation must be maintained to show the method to publicize procurement actions. Advertisements for contractors, contractor RFP, or a contractor recruitment process must take place at least every three years.

Solicitations for goods or services must provide the following:

- A clear and accurate description of the requirements that the desired material / product / service must meet; the description must not unduly limit competition.
  - [2 CFR 200.319](#) explicitly prohibits wording which restricts or unduly limits competition.
  - Specifically prohibited wording includes descriptions, which include a “brand name” product without including “or equal.” See the OMB Guidance for further information.
- Requirements that all responders must fulfill.
- All factors to be used to evaluate, measure, and verify bids.
- Description of functions to be performed or performance required.
- Range of acceptable characteristics or minimum acceptable standards.
- Consideration of products that conserve natural resources, protect the environment, and are energy efficient.
- Other factors relevant to the specific procurement action.

Service Providers must maintain documentation verifying that procurement actions meet the criteria above. Procurement records include the following, at a minimum:

- Basis for contractor/vendor selection.
- Justification for lack of competition when competitive bids are not obtained (sole source).
- Basis for award cost or price.

See Sections 4 and 5 for minimum file documentation requirements when bidding individual jobs.

### 7.4 Specific Requirements for Contractor Procurement

#### 7.4.1 Affirmative Action

**POLICY:** Federal rules, as stated in [2 CFR 200.321](#), require that Service Providers ensure that minority businesses, women’s business enterprises, veteran-owned businesses, and labor surplus area firms are considered when possible.

Considerations include:

- Placing these qualified businesses on solicitation lists.
- Ensuring that these businesses are solicited whenever they are deemed eligible as potential sources.
- Dividing procurement transactions into separate procurement s to permit maximum participation by these business types.
- Establishing delivery schedules, that encourage participation by these business types.
- Utilizing organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- Requiring the contractor under an award, to apply this section to their subcontractors. As indicated in the MN WAP contract, Service Providers must comply with the provisions of [MN Statute §181.59](#), which prohibits discrimination on account of race, creed, or color.



## 7.4.2 Contractor Eligibility

**POLICY:** Service Providers are required to verify that contractors and crews meet all applicable state and federal certification requirements, are insured, and meet all other program specific requirements as detailed below. Clear, adequate, and up-to-date documentation must be maintained in WAPLink to ensure that all contractors and their subcontractors and crews meet these standards.

All contractors and their subcontractors and crews must:

- Warranty all work and materials. The warranty must be in writing and must be signed by the contractor and by the client, building owners, or authorized agent. See Sections 4.5.2 and 5.9.1 for minimum warranty requirements.
- Licensed and bonded as required by pertinent laws, ordinances, regulations, or codes.
  - Building shell contractors or crews are required to hold and maintain a residential building contractor (BC) or residential remodeler (CR) license. Minnesota requires those who contract work in residential real estate that complete multiple special skills as defined by Department of Labor and Industry be licensed.
- Obtain required permits from authorities with jurisdiction, as applicable.
- Provide lien waivers to the weatherization Service Provider for all work completed in accordance with [MN Statute 514.07](#).
- Meet the minimum insurance coverage requirements:
  - Property damage, bodily injury, and liability as determined by the Service Provider, and,
  - Basic worker's compensation, where required by law or regulation.
- Have the capacity to implement program requirements and have the access to necessary tools and equipment.
- Understand and complete all work in accordance with U. S. Department of Energy (US DOE), MN Department of Commerce (Commerce) and other relevant energy program policies, standards, and requirements.
- Service Providers are responsible for establishing and maintaining internal written policies on background checks for contractors and subcontractors and documenting such in the contractor or crew file. Commerce reserves the right to request documentation demonstrating compliance with this provision.
- Not be excluded from receiving federal funds. Service Providers must annually document that contractor debarment status has been verified using the System for Award Management. It is recommended that Service Providers search by federal tax ID number.
- All WAP contractors must follow EPA's Lead Renovation, Repair and Painting Program (RRP) if performing projects that disturb lead paint. RRP requires:
  - The contractor firm (or their sub-contractors) must be certified by the EPA as a RRP (Renovation, Repair, Painting) Lead Firm.
  - Have an EPA Certified RRP Renovator on site at projects needing lead-safe work practices, as dictated by EPA requirements.
  - All job-site employees working in a WAP household must be trained to install measures in a lead- safe manner in accordance with the Standard Work Specifications (SWS) and EPA protocols.

**Note:** EPA RRP certifications are not the same as the Lead Certifications issued by the Minnesota Department of Health (MDH); MDH certifications cover lead abatement. For the difference between RRP and Lead Abatement, see the EPA web site.

- When working with all Presumed Asbestos Containing Materials (PACM), follow MN WAP procedures and rules pertaining to asbestos.
- Treat clients with respect and dignity.

### 7.4.3 Minimum Contract Requirements

**POLICY:** Contract administration systems are developed at the Service Provider level. The local system should be designed to meet local needs and conditions and should not be lengthy or complicated.

The minimum contract requirements for WAP contractors are as follows:

- There is written agreement with all contractors specifying the terms and conditions under which work will be performed, including consequences for non-compliance or underperformance.
- Contractors confirm terms, conditions, and specifications of the agreement.
- Contractors complete work that is in accordance with the policies in this manual.
- Service Provider must either maintain the contractor file documentation for sub-contractors hired by a contractor or include documentation in their contracts with the general contractor that it is the Contractor's responsibility to maintain that documentation.

In compliance with US DOE's [WPN 22-4](#), Service Providers must provide contractors with technical requirements for fieldwork including the Retrofitting Minnesota, Standard Work Specification - Aligned Field Guide. Contractors must confirm receipt of the requirements as part of their contract or an alternate signed document and include a copy in the contractor file.

#### 7.4.3.1 Retention Agreements

**POLICY:** Service Provider Training and Technical Assistance (TTA) funds may be used to train WAP contractors who attend training at the request of the Service Provider. Reasonable stipends may be included as part of the training expense. US DOE requires, in their annual application instructions, that all such contractors must sign a retention agreement. The agreement should require that contractors will work in the program for a specific amount of time, to be determined by the Service Provider, and must align with the cost of the TTA provided.

### 7.4.4 Contractor Performance

**POLICY:** Service Providers, in compliance with [2 CFR 200.318](#), must maintain a contract administration system to ensure that contracts are only awarded to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration should be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

Contractor performance must be evaluated fairly and objectivity with results documented by the Service Provider.

### 7.4.5 Set Price Lists (Annual Bids)

**POLICY:** Once contractors have been procured through a formal and documented bidding and evaluation process, set price lists for services and materials may be established as an alternative to bidding by job. Set price lists may be made for any or all measures performed for WAP.

- The goal of the Set Price list is to add efficiency to the procurement process by bidding work once at the beginning of the Program Year rather than per job through-out the year. This process must adhere to the open and fair procurement regulations for solicitation and bid analysis. See Section 7.3 Solicitation and Section 7.2 Bid/Cost analysis.
- Set price lists are valid for use for one contract year, with an option to extend the applicability for two, 1- year periods.
- Procedures must be established regarding the process and frequency of price re-negotiation, to ensure market fairness and compliance with federal and state procurement standards.

- The Set Price list must have a labor and materials breakdown to satisfy the policy outlined in Section 4.4.3, which requires that work orders include a labor and materials split based on either a bid or Set Price list.
- The Set Price list will include as many tasks and items as practical with the understanding that tasks not represented must be solicited and bid per the policy. The Set Price list may take into consideration geography; for example, contractors may limit the area they will serve for a certain price.
- When Set Price lists are used and contractors are selected on a rotating basis, Service Providers must have a documented system in place to indicate how contractors are selected. Uneven distribution of jobs between contractors of the same trade must be justified and documented. Rotation procedures do not need to be documented in individual household files.

#### **7.4.6 Procurement for Emergency Services**

**POLICY:** In emergency no-heat or other life-threatening standalone events, Service Providers must have procurement procedures in place that ensure fair contractor competition while allowing for prompt services when a household is in imminent danger. Procurement for emergency services may deviate from normal policy, so long as the procedures are reasonable and are documented by the Service Provider. If temporary heat can be provided or conditions allow, normal procurement procedures should be followed.

Service Providers may choose to have shorter contractor bid deadlines when bidding standalone events versus audit events.

### **7.5 Specific Requirements for Property Purchased with WAP Funds**

#### **7.5.1 Property Standards**

**POLICY:** All Service Providers must comply with the following standards for the management of equipment and vehicles purchased with WAP funds:

- Provide adequate insurance coverage.
- Maintain a control system that ensures adequate safeguards to prevent loss, damage, or theft.
- Implement adequate maintenance procedures to keep the equipment in good and safe operating condition.
- Inventory and document the equipment at least once every two years to verify the existence, current use, and continued need.
- Keep accurate equipment records that include the following, in compliance with [2 CFR 200.313](#):
  - Description of the equipment.
  - Manufacturer's serial number, VIN number or other identification.
  - Funding source(s) of the equipment, including the award number.
  - Who holds the title.
  - Acquisition date and cost.
  - Percentage of federal participation (if other non-federal funds are used towards the purchase price).
  - Location, use and condition of the equipment; and
  - Disposition data to include the date of disposal and the sale or trade-in price.
- Treat program income received in compliance with Section 6.10.

### 7.5.2 Vehicle and Equipment Purchases (\$10,000 or Higher)

**POLICY:** All purchases must be approved, prior to purchase, by the appropriate authority. In compliance with [2 CFR 200.313](#), Commerce and US DOE must approve vehicles, and equipment purchases that exceed \$10,000 per unit and are purchased using US DOE funds. Commerce must approve vehicles, and equipment purchases that exceed \$10,000 per unit and are purchased using EAPWX funds.

**Note:** Service Providers should plan their purchases and incorporate these expenses when submitting their annual budget. Service Providers should make every effort to avoid requesting vehicles or equipment if these purchases were not part of the original annual budget.

The following information must be submitted to Commerce for review:

- Completed Vehicle or Equipment Purchase, Disposition, or Transfer Request Form (Appendix F, Forms).
- Copy of bid specifications or request for proposal (RFP) or both.
- List of contractors/vendors who received the solicitation.
- Copies of public notice of the availability of the request for proposals such as newspaper ads or web postings, including the date and name or site of the publication.
- Copies of all bids submitted by contractors/vendors, and a
- Bid analysis indicating at a minimum, each bidder, their bid price, a determination whether each proposal met the bid specification, a statement that the lowest responsive bid was selected, or sufficient justification of the “best value selection” if the lowest bid is not recommended for approval and written analysis of lease option (if available) versus purchase alternative to determine the most economical approach, if applicable..

Once the item has been received, submit an updated purchase request form with the bottom section filled out. Include a copy of the invoice and copy of the delivery receipt, if applicable.

If an existing vehicle or piece of equipment was purchased with US DOE funds and will be traded in as part of the purchase transaction, follow the disposition instructions in Section 7.5.3.

### 7.5.3 Disposal of Property Acquired with WAP Funds

**POLICY:** All property acquired with US DOE funds must be disposed of in compliance with [2 CFR 200.313](#), and Commerce policy. The term property includes vehicles, technical equipment, office equipment, supplies, and weatherization materials.

Policy varies depending on the purchase price and current fair market value. Fair market means the best estimate of gross proceeds if the property is sold in a public sale.

#### 7.5.3.1 Property Currently Valued Between \$5,001 and \$9,999

US DOE and Commerce approval is not required for property purchased for and currently valued under less than \$5,000. Proceeds from the disposal must be returned to the Program Income line of the Service Provider’s budget and used to provide further weatherization services to eligible households.

#### 7.5.3.2 Property Purchased for \$5,000 or More and Currently Valued Under \$5,000

Service Providers must submit a disposition request to Commerce using the form provided on the Commerce website (Appendix F, Forms). Once approval is obtained, equipment may be sold, and the proceeds must be returned to the Program Income line of the Service Provider’s budget and used to provide further weatherization services to eligible household.

### 7.5.3.3 Property Valued at \$10,000 or Higher

Property valued at \$10,000 or more and which a Service Provider desires to dispose of must first be offered as a “no- cost” transfer to other in-state weatherization programs. If other WAP agencies are not able to accept a transfer of the property, the property then must be offered to other federally funded programs within the state. Please review [2 CFR 200.313](#) and contact Commerce for further guidance. Service Providers should retain documentation to show completion of all steps of the transfer procedure to attach to the Vehicle or Equipment Purchase, Disposition, or Transfer Request Form as noted below.

Items 1-3 listed below must be completed when a Service Provider no longer has a use for property and

- Desires to sell the property after exhausting the above transfer procedure; or
  - Is trading in the property as part of a purchase transaction; or
  - Chooses to “buy-out” US DOE’s share of the property:
1. Completed disposition form (Appendix F).
  2. When vehicles are being sold out right, transfer procedure documentation must be attached and include:
    - a. Federal disposition form SF-428.
    - b. Federal disposition form SF-428-C.
    - c. Federal disposition form SF-428-S (only if funds will be returned to US DOE), and
  3. At least two credible estimates of fair market value.
    - a. Estimates must come from reputable sources and be based on visual inspection of the vehicle.
    - b. Blue Book estimates are not acceptable as estimates per US DOE.

Commerce will review the disposition documents and send to US DOE for their review and approval. Service Providers may not dispose of the property until they have received final US DOE/Commerce approval.

Unless property is traded in as part of a purchase transaction, proceeds of the sale must be returned to Commerce, who will return the funds to the U.S. Treasury.

### 7.5.3.4 Prohibition of Certain Telecommunications and Video Surveillance Services or Equipment

Follow [2 CFR 200.216](#), for guidance regarding the use of certain telecommunications and video surveillance services or equipment.

## 7.6 Infrastructure Investment and Jobs Act (IIJA) Buy America Provision

**POLICY:** The IIJA made changes to domestic content preference laws, which require that certain goods purchased with federal funds be manufactured primarily in the United States. “Buy America” requirements applied to iron, steel, and certain manufactured goods. They have now been broadened to include nonferrous metals, such as copper, plastic- and polymer-based products, glass, and certain other construction materials. Additional program direction from US DOE will be released as available.

Awards made by DOE WAP after May 14, 2022, are subject to this law under specific circumstances including: WAP Annual Formula Grants for Program Year (PY) 2022 and beyond, IIJA Grants, WAP Enhancement & Innovation (E&I) Grants, WAP Sustainable Energy Resources for Consumers (SERC) Grants, WAP Community Scale Pilot Program (CSPP) Grant.

Per “Build America, Buy America” (BABA) requirements, most projects typically addressed by WAP will not be subject to these requirements. Only weatherization on public housing, or on privately owned buildings that serve a public function are required to comply with the BABA requirements.

Service Providers working on a project that requires BABA, or projects for which BABA may apply, should reach out to Commerce for additional guidance.

Energy Audit Considerations: When performing energy audits to determine the cost effectiveness (savings to investment ratio (SIR)) of measure installations for dwellings where BABA applies, auditors may use previously procured material pricing that is applied to other WAP projects. This will prevent delays in the energy auditing process related to future materials price fluctuations and the extended procurement procedures necessary to comply with the provisions of BABA. Only the energy audit may use non-BABA compliant material pricing. All materials installed in dwellings where BABA applies, must still comply with BABA requirements.

## Section 8: Service Provider Monitoring & Compliance

### 8.1 Service Provider Monitoring

MN Department of Commerce (Commerce) will conduct annual comprehensive monitoring of all Service Providers, as required by the U. S. Department of Energy (US DOE) and the EAPWX State Plans (Appendix A, State Plans). Technical monitoring includes inspection of a minimum of 5% of completed units weatherized per Service Provider with US DOE, WAP Infrastructure and Investment and Jobs Act (IIJA), and EAPWX funding each program year. For each grant cycle, Service Providers receive at least one administrative monitoring visit. In addition, Commerce conducts regular desk monitoring of Service Provider production and spending statuses using reports and data available in WAPLink. Additional monitoring or technical assistance visits are scheduled as needed.

The purpose of monitoring is to document local Service Provider performance, ensure compliance with all applicable policy and regulation, ensure program quality and effectiveness, identify areas where improvement is needed, and identify training/technical assistance needed to achieve performance improvements.

Monitoring also serves to recognize program successes and best practices of Service Providers.

Monitoring visits include, but are not limited to:

1. Program/Service Provider overview.
2. Service Provider review.
3. Inventory and maintenance of vehicles, equipment, and materials.
4. Household file review.
5. Distribution of services between renters and homeowners to ensure equal access.
6. Distribution between counties within the Service Provider territory.
7. Feedback and reporting.
8. Internal controls related to financial management and operations.
9. Fiscal audits.
10. Payroll/personnel.
11. Procurement.
12. Outreach efforts to hire minority, woman-owned, and disadvantaged businesses.
13. Sub-awards/monitoring of contracts.
14. Invoicing.
15. Record retention.
16. Staff qualifications and training.
17. How monitoring results are handled and required follow-up procedures.
18. Contractor/crew qualifications.
19. Review of WAPLink reports.
20. Administrative field work (client file review, work order, audit reporting).
21. Energy audits and diagnostic testing.
22. Training & technical assistance activities and needs.
23. Weatherization of units.
24. Health & safety (issues will be noted during inspection, particularly if they present an imminent danger to occupants).
25. Final inspections and verification that all inspections are performed by a Quality Control Inspector (QCI).
26. Lead-safe work practices and Quality Assurance.
27. Compliance with Standard Work Specifications (SWS).

Service Providers may review the Quality Assurance (QA) Inspection form to see a list of items that the field monitoring staff use for the onsite inspection. Field monitors will follow the Service Provider's QCI process and will complete all diagnostics testing for at least one household per Service Provider.

The results of a monitoring visit fall into one of the following categories:

**Observation:** May include positive outcomes and/or an opportunity for improvement.

**Compliance Issue:** Act that does not follow applicable policies.

**Finding:** Act that may endanger a client, gross negligence, possible disallowed costs, or recurring compliance issues.

### 8.1.1 Service Provider Monitoring Requirements

**POLICY:** Service Providers must ensure the following before, during, and after a monitoring visit:

- Electronic client files or monitoring tools must be submitted to the appropriate monitor by the date specified, a minimum of six business days in advance of the visit. Commerce will provide a list of potential households to be monitored a minimum of 15 business days in advance of the visit.
- Arrangements for field visits must be made with households in advance of the visits; expectations for visits must be provided to the household. In the event of a household cancellation, a request for an alternative household may be made. If the minimum 5% of DOE, IJJA, and EAPWX funds cannot be achieved during the visit, an additional visit will be required later.
- Unrestricted access must be given for any books, records, electronic or paper client files, or other documents pertinent to the monitoring review and WAP contract.
- Reasonable access must be made to Service Provider staff for interviews or questions.
- Monitoring reports must be responded to by the date specified. Responses must include steps the Service Provider is taking to address issues raised in the report (letter or issues log) and must include timeframes for resolution, if applicable.

### 8.2 High Risk Sub-Grantee Designation

**POLICY:** Commerce is responsible for ensuring all WAP Service Providers have the internal controls and administrative capacity to effectively deliver the Weatherization Assistance Program, resolve issues of non-compliance, and meet all legislative and regulatory program requirements. Program monitoring and follow-up activities determine Service Providers' level of compliance.

Commerce may deem a Service Provider "high-risk" if the Service Provider:

- Has a history of unsatisfactory performance.
- Is not financially stable.
- Has financial or program management systems that do not meet federal requirements.
- Lacks the organizational capability to carry out its responsibilities.
- Has not conformed to terms and conditions of current or previous WAP contracts, or
- Is otherwise not responsible.

### 8.3 Corrective Action Plan

**POLICY:** In response to Service Provider non-compliance, Commerce may, at its discretion, impose additional requirements on a Service Provider in a written Corrective Action Plan. Corrective Action Plans may be issued in response to single issues of non-compliance or larger internal control, administrative, or programmatic issues. Written Corrective Action Plans include:

- Nature of the requirements and why they are being imposed.
- Corrective actions that are needed; and
- Deadline(s) for meeting terms of the Corrective Action Plan.



#### 8.4 Non-Compliance Sanctions

**POLICY:** With or without a Corrective Action Plan in place, Commerce may take one or more of the following actions in response to non-compliant activity, as appropriate:

- Conduct additional monitoring visits.
- Impose additional training or technical assistance requirements on the Service Provider.
- Require additional, more detailed financial reports.
- Make payments to the Service Provider on a reimbursement basis only.
- Withhold cash payments to the Service Provider, on a temporary basis, pending correction of deficiencies or until stated performance benchmarks are reached.
- Disallow costs for non-compliant activities and/or expenses.
- Suspend or terminate the current contract, either wholly or partially.
- Withhold further contracts with the Service Provider, or
- Institute other actions as needed.

#### 8.5 Contract Termination

**POLICY:** Commerce may immediately terminate a Service Provider's WAP contract, with or without cause, upon 30 days written notice, in accordance with the terms set forth in the grant contract. Commerce may elect to immediately terminate the contract if it is found that the Service Provider has failed to comply with the contract, reasonable progress has not been made, or the purposes for which the funds were granted have not been or will not be fulfilled.



## REFERENCE LINKS

This page gives links to some of the documents referenced within this Policy Manual and within the sub-grantee Weatherization Assistance Program contract issued by the State of Minnesota.

Applicable federal and state laws, rules, and requirements covering the Weatherization Assistance Program include, but are not limited to:

- Weatherization Assistance for Low Income Persons Rule [10 CFR Part 440](#)
- US DOE Financial Assistance Rules ([2 CFR 200](#), [10 CFR 600](#), [2 CFR 910](#))
- Minnesota Weatherization Assistance Program (Mn WAP) State Plans as found in [Appendix A, State Plans](#)
- Mn WAP Policy Manual, [WPN's and WAP Memos](#)
- [Retrofitting Minnesota, Standard Work Specification - Aligned Field Guide](#) which includes the Minnesota State Work Specifications for single family, multifamily and manufactured homes and other MN WAP issued guidance
- [Weatherization Assistance Providers](#)
- Minnesota Low Income Home Energy Assistance State Plans (LIHEAP) for Federal Fiscal Years (FFY) as found in Appendix A, State Plans
- Liquefied Petroleum Gas Account ([§239.785, subd. 6](#))
- Non-discrimination requirements under the Civil Rights Act of 1964 ([42 USC 2000d](#)) as amended by the [Equal Employment Opportunity Act of 1972 | U.S. Equal Employment Opportunity Commission](#)), [Sections 501 and 505 of the Rehabilitation Act of 1973 | U.S. Equal Employment Opportunity Commission](#)) ([29 USC 794](#)), the Age Discrimination Act of 1975 ([42 USC 794](#)), and the Americans with Disabilities Act of 1990 ([42 USC 12101](#));
- [President's Executive Order 12549](#) and the implementation regulation Non-procurement Debarment and Suspension, Notice and Final Rule and Interim Final Rule found at [53 FR 19189, May 26, 1988](#), as amended at [60 FR 33041](#), June 26, 1995, [32 CFR Appendix B to Part 25](#). Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions”
- Interim Final Rule, New Restrictions on Lobbying, February 26, 1990, and any permanent rule adopted in place of the Interim Final Rule ([Lobbying | Department of Energy](#))
- [Political Activity provisions of Title 5 of the United States Code](#)
- [Drug-Free Workplace Act of 1988](#)
- [Wages and the Fair Labor Standards Act | U.S. Department of Labor](#)
- Other Federal and State regulations, laws, statutes, chapters, rules, or codes or other governing document referenced in the documents listed above.