

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

ABBREVIATED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2012

GRANTEE State of Montana

EIN: 1-81-030-2402-B2

ADDRESS Intergovernmental Human Services Bureau

PO Box 202956

Helena, MT 59624-2956

NAME OF LIHEAP COORDINATOR Jim Nolan

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TELEPHONE: (406) 447-4260 FAX: 406) 447- 4287

LAST DETAILED MODEL PLAN FILED: FY 2011

PLEASE CHECK ONE: TRIBE STATE X INSULAR AREA

Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, D.C. 20447

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01
OMB Approval No. 0970-0075, Expiration Date: 04/30/2014

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)
Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which a grantee is not required to use the detailed model plan. Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

GRANTEE State of Montana FFY 2012

Assurances

The State of Montana agrees to:
(Grantee Name)

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that--

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendored payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year and not transferred pursuant to section 2604(f) for use under another block grant; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15)* beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

*** This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Territories with annual allotments of \$200,000 or less and Indian tribes/tribal organizations are not subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.**

Signature: Linda Inediga

Title: Administrator, Human and Community Services Division

Date: 8-19-11

*** Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**** If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

***** HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

Modified LIHEAP FY 2011 Application

Please list all changes made from your most recent detailed plan.

<u>Page</u>	<u>Subject</u>	<u>Modification</u>
28– 34	Planned leveraging activities	Update leveraging activities are included below in the Continuation Pages

Please specify whether you are using calendar year 2011 poverty level or FY 2012 median income estimates in determining eligibility:

2011 poverty level 150 %

OR

FY 2012 median income 60% %

Note: Montana uses 60% of the State’s median income for household of up to seven members and if greater uses 150% of the poverty guidelines.

Please describe how you obtained public participation in the development of your 2011 plan. (For States, please also provide information on your public hearings.):

The Agency holds Roundtable meetings with Montana’s Community Action Agencies known as Human Resource Councils on a semi-annual basis. Input and discussion on the rules and regulations regarding the Low Income Energy Assistance Program are solicited at these meetings.

Advertising is placed in all major newspapers announcing the Public Hearing. The plan was available to the public on July 20, 2011. A Public Hearing was held August 9, 2011 to allow for public comment. The hearing was advertised in local newspapers for 7 days prior to August 9, 2011. All interested and concerned parties are invited and encouraged to attend the Hearing and provide input. Any input and public comment will be submitted as an addendum to this application.

Date Carryover and Reallotment Report submitted: August 1, 2011

Submit Continuation Pages as Necessary

State Plan Application FY 2012

(1) UTILITY COMPANY LOW INCOME DISCOUNT

NorthWestern Energy (NWE) Low Income Discount. LIHEAP eligible NWE customers receive twenty-five percent (25%) discount for electric usage and 30% discount for Natural Gas from November through April. Approximately 24,304 households qualify for these discounts which results in approximately \$4,000,000 in benefits to NWE LIHEAP customers. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the NorthWestern Energy company to eligible LIHEAP households.

Montana Dakota Utilities (MDU) Low Income Discount. LIHEAP eligible MDU customers receive fifteen percent (15%) average discount for natural gas and electric residential usage from October through September of the program year. Approximately 5,500 households qualify for this discount which results in an approximate \$850,000 benefit to MDU low-income customers. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the Montana Dakota Utilities to eligible LIHEAP households.

Missoula Electric Cooperative Discount. LIHEAP eligible customers receive a ten percent (10%) discount for residential electricity usage from October through April of the program year. Approximately 145 households in Missoula County receive this discount in the amount of \$14,000. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the Missoula Electric Cooperative to eligible LIHEAP households.

Energy West Gas Company Low Income Discount. LIHEAP eligible Energy West Gas Company customers receive an average fifteen percent (15%) discount for natural gas and propane residential usage from October through September of the program year. Approximately 1,450 households qualify for this discount which results in nearly \$110,000 of benefit to Energy West Gas Company LIHEAP customers. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the Energy West Gas Company to eligible LIHEAP households.

Flathead Electric Cooperative Low-Income Discount Program. LIHEAP eligible households receive a low-income discount. Approximately 2,600 households in Flathead County receive this assistance for a total of \$181,000. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the Flathead Electric to eligible LIHEAP households.

(2) NORTHWESTERN ENERGY FREE WEATHERIZATION PROGRAM

NorthWestern Energy (NWE) Free Weatherization Program. The NorthWestern Energy company provides annual funding to weatherize LIHEAP eligible low-income dwellings statewide. These monies can also be used to fuel switch if cost effective. Approximately 870 low-income households are served with approximately \$1,900,000 from NWE. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by

the NorthWestern Energy company to eligible LIHEAP households who are NorthWestern Energy customers.

(3) ENERGY SHARE OF MONTANA FUEL FUND

Energy Share of Montana Fuel Fund. The Energy Share of Montana program makes utility and private contributions available to LIHEAP eligible and other low-income individuals for energy needs not provided by the LIHEAP and weatherization programs. Approximately 2,400 households statewide received an average benefit of \$365 from the \$896,000 that was available to Energy Share. Funding is provided for weatherizing approximately 58 homes with approximately \$152,000, providing funding for furnaces of 75,000 assisting 75 households. Approximately 135 households are assisted with replacing old refrigerators with energy efficient model with approximately \$72,000 in funding. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by Energy Share to eligible LIHEAP and other low-income households throughout the state.

(4) ELDERLY/DISABLED DISCOUNTS AND FEE WAIVERS

Lincoln Electric Co-op Discount Program. LIHEAP eligible senior and disabled households receive a discount year-round. Approximately 255 households in Lincoln County receive this discount for a total of \$27,650. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the company to eligible LIHEAP households.

Mission Valley Power Senior Discount Program. LIHEAP eligible elderly households receive a discount from October through April of the program year. Approximately 800 households in Lake County receive this discount for a total of \$24,120. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by Mission Valley Power to eligible LIHEAP households.

Propane Vendors Senior Discount. Propane vendors provide a senior discount for eligible households. Approximately 150 households in Flathead, Lake, Sanders and Lincoln Counties receive a discount for a total of \$1,500. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the vendors to eligible LIHEAP households.

Flathead Electric Cooperative Fee Waivers. LIHEAP eligible households, including elderly, receive waivers or reductions of deposits, reconnect fees, or collection service fees. Approximately 150 households in Flathead, Lake and Lincoln Counties receive these waivers for a total of about \$15,000. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the Flathead Electric Cooperative to eligible LIHEAP households.

(5) LOW INCOME WEATHERIZATION MATERIAL SUPPLIER'S DISCOUNT

Low income weatherization materials suppliers discount. Weatherization subgrantees receive supplier's discounts when purchasing weatherization materials for the low-income weatherization program. A ten percent (10%) discount is given for weatherization materials and a twenty percent (20%) discount is given for furnaces and furnace repair materials.

Approximately 40 households throughout the state received a supplier's discount in the amount of \$1,500. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided to weatherization subgrantees by suppliers throughout the state.

(6) WEATHERIZATION CONTRIBUTIONS - LANDLORDS

Landlord weatherization contributions. Landlords of low-income dwellings buy down the costs of furnace replacements and other weatherization measures. Approximately 140 landlords throughout the state bought down \$27,800 in furnace replacements and other weatherization measures. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided through negotiations between weatherization sub-grantees and landlords and low-income homeowners which benefits LIHEAP eligible clients throughout the state.

(7) WEATHERIZATION CONTRIBUTIONS - UTILITY COMPANIES AND BUSINESSES

Sun River Electric Weatherization Program. The Sun River Electric COOP Company provides funding to weatherize residential homes for low-income households located within the service delivery area of Sun River Electric Coop from January through December. Approximately 7 households participate with a funding level of \$25,000. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the Sun River Electric Coop to eligible LIHEAP households within their service delivery area.

Lambros Reality. The Lambros Reality will provide \$500 to assist approximately 4 households with funds for Weatherization buy downs, health and safety issues and other heating costs. This will be used for LIHEAP eligible low-income families.

(8) ENERGY WEST GAS COMPANY LOW-INCOME FURNACE PROGRAM

Energy West Gas Company Low Income Furnace Program. The Energy West Gas Company provides funding to repair or replace natural gas furnace for low-income households located within the city limits of Great Falls from October through September. Approximately 140 households participate with a funding level of \$48,000. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the Energy West Gas Company to eligible LIHEAP households within the city.

(9) MONTANA DAKOTA UTILITY LOW-INCOME FURNACE PROGRAM

Montana Dakota Utilities (MDU) Low Income Furnace Program. MDU provides funding to repair or replace natural gas furnaces for low-income households. Approximately, \$22,750 was expended for approximately 13 low-income LIHEAP clients in the MDU service area during the last heating season. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the Montana Dakota Utilities to eligible LIHEAP households within the city. Additionally, MDU provides funds to Billings for a Furnace Replacement program with \$50,000 expended assisting 15 households.

(10) MONTANA DAKOTA UTILITIES UNIVERSAL SYSTEM BENEFITS PROGRAM

Montana Dakota Utilities (MDU) Universal Systems Benefits Program. MDU provides USBC of about \$22,000 to Action for Eastern Montana and the District VII Human Resource Development Council. The funds are used to supplement other funding for LIEAP households that need substantial weatherization work. The benefit to low-income, LIHEAP eligible households ranges from \$500 to \$3,000 per household. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided to eligible LIHEAP households.

(11) EMERGENCY ASSISTANCE PROGRAMS

Neighbors in Need Emergency Assistance Program. LIHEAP eligible households receive emergency assistance. Approximately 365 households in Flathead County receive this assistance for a total of \$24,600. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the program to eligible LIHEAP households.

Northern Lights. LIHEAP eligible households receive emergency assistance. Approximately 7 households in Lincoln and Sanders Counties receive emergency assistance for a total of about \$2,100. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the program to eligible LIHEAP households.

Flathead Electric Cooperative Emergency Assistance Program. Low-income households may receive emergency assistance through a program entitled “Keep the Lights On”. Approximately 625 households in Flathead, Lake and Lincoln County receive this assistance for a total of \$83,000. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the Flathead Electric Cooperative to eligible LIHEAP households.

Lincoln Electric Co-op Emergency Assistance. LIEAP eligible households receive emergency assistance. Approximately 25 households in Lincoln County receive this assistance for a total of \$3,600. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the company to eligible LIHEAP households.

Energy payments by service organizations. Organizations of churches, ministerial associations and other charitable institutions make energy-related payments to energy providers on behalf of low-income households. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided to low income households by these charitable organizations.

(12) ENERGY BILL ASSISTANCE PROGRAM

Hill County Electric Bill Assistance Program. The Hill County Electric Cooperative gives District IV HRDC (the LIEAP office for three counties in Northern Montana) Energy Programs \$16,000 per year to be given out in \$100 increments to approximately 100 its LIEAP clients. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the company to eligible LIHEAP households.

Big Flat Electric Bill Assistance Program. The Big Flat Electric Co. gives District IV HRDC Energy Programs \$5,880 per year to be given out in \$175 increments to approximately 33 of its

LIEAP eligible clients. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the company to eligible LIHEAP households.

Missoula Electric Cooperative. The Missoula Electric Cooperative gives District XI HRDC Energy Programs \$10,000 per year to be given out in \$250 increments to approximately 40 of its LIEAP eligible low-income clients. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the company to eligible LIHEAP households.

(13) UNIVERSAL SYSTEM BENEFIT CHARGES

Universal Systems Benefits Charges – Department of Revenue. Funds collected from USB charges by the Montana Department of Revenue, per Montana Code Annotated 69.8.412, will be distributed to benefit eligible applicants of Montana’s LIEAP program and/or other low-income persons, as identified by the Department of Public Health and Human Services (Department). The funds will be distributed as much as possible to benefit the customers of the utilities from which the funds are collected, subject to overall program and Department goals and objectives. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are eligible LIHEAP households.

(14) HEATING OIL ASSISTANCE PROGRAM.

CITCO via Citizens Programs Corporation is providing heating oil assistance to low-income LIEAP eligible tribal households. Approximately \$135,000 is being provided to serve 600 households with a benefit in the amount of about \$225 per household.

(15) ENERGY WEST WEATHERIZATION PROGRAM.

Energy West Weatherization Program. The Energy West company provides funding to weatherize LIHEAP eligible low-income dwellings in the District V service area. Approximately 59 low-income households are served with approximately \$205,000 from Energy West. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided by the Energy West to eligible LIHEAP households who are Energy West customers.

(16) DELIVERABLE FUEL DISCOUNT.

Deliverable fuel discount. Cash discounts provided by propane, fuel oil, wood and coal vendors to eligible LIHEAP clients. Approximately \$1,500 in discounts will be given to approximately 175 households throughout the state. These benefits are not appropriated or mandated for distribution in the LIHEAP program, but are provided to low income households through negotiations with the vendors.

ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- * **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. (**Tribes and tribal organizations are EXEMPT.**)
- * **Debarment and suspension certification**, which must be filed by all grantees.
- * **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here: _____
- * One of the requirements included in the 1994 reauthorization of the statute is that grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

All Tribes and those territories with allotments of less than \$200,000 need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.
- * Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106.

OFFICE OF THE GOVERNOR
STATE OF MONTANA

BRIAN SCHWEITZER
GOVERNOR



JOHN BOHLINGER
LT. GOVERNOR

August 12, 2005

Margaret Washnitzer, D.S.W., Director
U.S. Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Division of State Assistance
Attention: Community Services Block Grant Program
370 L'Enfant Promenade, S.W., 5th Floor West
Washington D.C. 20447

AUG 17 2005
DPHHS
HUMAN & COMMUNITY
SERVICES DIVISION

Dear Ms. Washnitzer:

Pursuant to Section 676 of the Community Services Block Grant Act, I do hereby designate the Montana Department of Public Health and Human Services (DPHHS) as the lead agency for purposes of carrying out State activities under Subtitle B.

I also do hereby authorize the Administrator of the Human and Community Services Division of DPHHS to act on my behalf in all matters pertaining to the Community Services Block Grant, The Low Income Home Energy Assistance Program and the Community Food and Nutrition Program. Such authorization includes committing the state to comply with all assurances necessary to receive and expend federal funds for any of these programs.

Sincerely,

A handwritten signature in black ink, appearing to be "B" followed by a flourish.

BRIAN SCHWEITZER
Governor

cc: John Chappuis, Acting Director, DPHHS
Hank Hudson, Administrator, DPHHS
✓ Jim Nolan, Chief, DPHHS



U.S. Department of Health & Human Services

Administration for Children & Families

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CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

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

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Linda Smediga
 Signature
HCSD Division Administrator
 Title
DPHHS - Montana
 Organization



U.S. Department of Health & Human Services

Administration for Children & Families

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CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may

terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

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

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CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of

work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
- (B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

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

1400 CARTER DRIVE
Helena, Lewis & Clark County, MT 59601

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

Alternate II. (Grantees Who Are Individuals)

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

[55 FR 21690, 21702, May 25, 1990]