

**SUBJECT: GUIDANCE FOR THE TRIBAL CONSORTIUM MODEL APPLICATION OPTION UNDER THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM**

Contents

**PURPOSE**..... 2

**BENEFITS OF APPLYING AS A TRIBAL CONSORTIUM**..... 2

**SCOPE**..... 2

**LEGAL AUTHORITY**..... 2

**SUMMARY** ..... 2

**LIMITATIONS**..... 3

**FAQs**..... 3

## PURPOSE

This document provides guidance to Tribes eligible for the Energy Efficiency and Conservation Block Grant (EECBG) Program in utilizing a Tribal Consortium to apply for and administer their EECBG Program award.

## BENEFITS OF APPLYING AS A TRIBAL CONSORTIUM

Establishing and applying to the EECBG Program as a Tribal Consortium provides the following benefits to Tribes:

- ✓ Allows Tribes to authorize a third-party administrator to assist in administering and managing the consortium's award
- ✓ Allows the third-party administrator to assist with preparing one application on behalf of a group of eligible Tribes that is submitted by the "lead" Tribe, using the lead Tribe's Unique Entity Identifier (UEI) number
- ✓ Consolidates reporting requirements for Tribes participating in the consortium, and
- ✓ Provides a streamlined mechanism for Tribes to pool funding to achieve greater impact.

## SCOPE

The guidance provided herein applies to Tribal recipients of EECBG Program funds appropriated under the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL).

## LEGAL AUTHORITY

The EECBG Program is authorized under Title V, Subtitle E of the Energy Independence and Security Act of 2007 (EISA), as amended<sup>1</sup>, and signed on December 19, 2007. All awards made under this program shall comply with applicable laws and regulations including, but not limited to, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200, 2 CFR Part 910, and Section 40552 of IIJA.

## SUMMARY

The EECBG Program is allowing eligible Tribes to establish and apply for EECBG Program funding as a Tribal Consortium. For purposes of the EECBG Program, a "Tribal Consortium" is defined as two or more eligible Tribes that form a team and designate a third-party administrator to act on behalf of the consortia's lead Tribe to assist in applying for and administering the consortia's collective funding.

The Tribal Consortium allows eligible Tribes to form a consortia and apply for EECBG Program funding as a group. Under the Consortium Model, a single Tribal entity applies for the consortium's combined total eligible funding via a single traditional grant application. What distinguishes the Consortium Model from the existing Teaming option offered by the EECBG Program is the determination that a third-party administrator designated by a lead Tribe may assist the Tribal Consortium with applying, using the lead Tribe's UEI number. Reimbursements for allowable expenses under the grant may then be paid directly to the third-party administrator, if authorized by the lead Tribe. The third-party administrator may also assist in administering the grant, filing reports, and dispensing funds. However, the lead Tribe is ultimately responsible for complying with the requirements of the federal award.

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<sup>1</sup> 42 U.S.C. 17151 et seq.

**All Tribal Consortium applications must be submitted using the lead Tribe's UEI number. The consortium's funds may be directed to the third-party administrator if the lead Tribe designates a third-party to assist with managing the federal award.**

Tribes interested in applying to the EECBG Program as a Tribal Consortium can do so by following these steps:

1. Identify Tribes who are eligible for EECBG Program funding and wish to apply under a Tribal Consortium.
2. Identify a lead Tribe for the Tribal Consortium as well as a third-party administrator.
3. The lead Tribe collects a "Tribal Council Resolution" or "Head of Government Letter" from each participating Tribe providing authority to the lead Tribe to act on behalf of the Tribal Consortium.
4. The lead Tribe provides a Third-Party Authorization letter providing authority to a third-party administrator to assist with applying and managing the grant as well as an Assignment of Claims form authorizing the third-party to receive reimbursement for allowable expenses.
5. The lead Tribe notifies the EECBG Program of their intent to apply as a Tribal Consortium by submitting an email to [EECBG@hq.doe.gov](mailto:EECBG@hq.doe.gov) that:
  - a. Includes a list of participating Tribes with an associated point of contact and contact information for each Tribe;
  - b. Identifies the lead Tribe and third-party administrator; and
  - c. Includes applicable Tribal Council Resolution or Head of Government Letters from each participating Tribe designating the lead Tribe as well as a Third-Party Authorization letter and Assignment of Claims form for the third-party administrator.
6. Third-party administrator helps prepare an application in accordance with the application requirements of the EECBG Program for review that is submitted by lead tribe under its own UEI number.
7. Third-party administrator receives reimbursement for allowable expenses as well as prepares and submits associated reporting requirements in accordance with the federal award.
  - a. *Note: the lead Tribe is ultimately responsible for complying with the requirements of the federal award.*

## LIMITATIONS

The Tribal Consortium model is only available for the traditional grant option under the EECBG Program. Tribal Consortia may not apply for a technical assistance or equipment rebate voucher.

For additional information on the Tribal Consortium model, see the following FAQs:

## FAQs

### What is the definition of a Tribal Consortium?

- For purposes of the EECBG Program, a "Tribal Consortium" is defined as two or more eligible Tribes that form a team and designate a third-party administrator to act on behalf of the consortia to apply for and administer the consortia's collective funding. The third-party administrator can assist with applying for and administering the grant, including receiving reimbursement for allowable expenses on behalf of the consortia and preparing and submitting

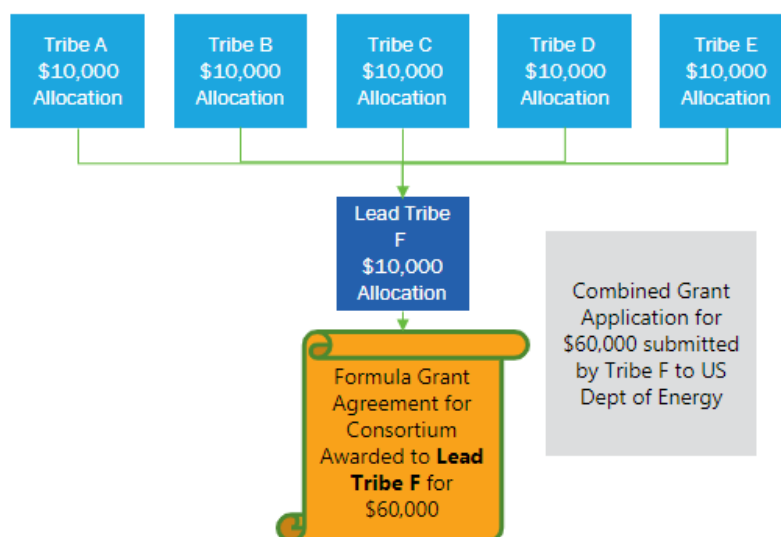
associated reports. However, the lead Tribe is ultimately responsible for ensuring compliance with all the requirements of the federal award.

### How is a Tribal Consortium model different from teaming?

- The EECBG program offers two methods for Tribes to pool allocations, activities, and reporting:
  1. Teaming: Tribes pool allocations and activities and file a single application, designate a lead Tribe to administer funds and complete reporting on behalf of the team of Tribes (see additional information below).
  2. Tribal Consortium: Tribes pool allocations and activities and file a single application, using the lead Tribe's UEI number but assisted by a third-party administrator designated by the lead Tribe. The third-party administrator may assist with administering, reporting, and dispensing funds. The lead Tribe is ultimately responsible for compliance with federal award requirements (see additional information below).

### Teaming

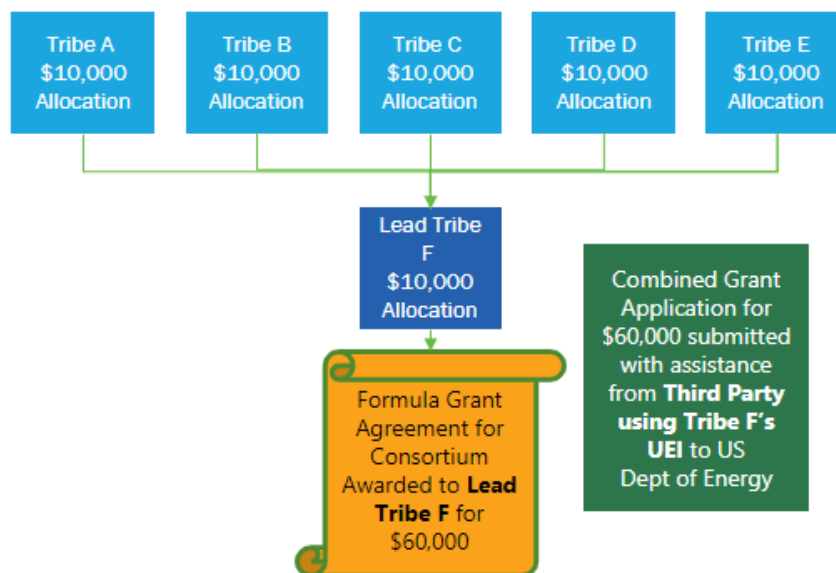
- Tribes A, B, C, D, E, and F are all eligible to receive an allocation from the EECBG Program and decide to form a Team. Tribes A, B, C, D, and E each provide a Head of Government Letter or Tribal Council Resolution, as appropriate, designating Tribe F as the lead Tribe to act on behalf of the Team. Tribe F, as the lead Indian Tribe, provides a Head of Government Letter or Tribal Council Resolution, as appropriate, accepting the designation of lead Tribe. The lead Tribe may then act on behalf of the Team and apply, receive funding, and administer the EECBG Program funding on behalf of Tribes A, B, C, D, E, and F. As the lead Tribe, Tribe F would be the awardee and would use its Unique Entity Identifier (UEI) number in FedConnect, and would be responsible for meeting all award requirements including submitting the application, receiving the combined award funding, and fulfilling all reporting requirements (see diagram).



US Department of Energy issues a single \$60,000 Grant Agreement to Tribe F, who will administer the grant, and make payments to vendors & receive reimbursements directly from DOE (ASAP), on behalf of the Tribal Consortium

### Tribal Consortium

- Tribes A, B, C, D, E, and F are all eligible to receive an allocation from the EECBG Program and decide to form a Tribal Consortium. Tribes A, B, C, D, and E each provide a Head of Government Letter or Tribal Council Resolution, as appropriate, designating Tribe F as the lead Tribe to act on its behalf as lead Tribe of the Tribal Consortium. Tribe F, as the lead Indian Tribe, provides a Head of Government Letter or Tribal Council Resolution, as appropriate, accepting the designation of lead Tribe for the Tribal Consortium and may then act on behalf of the Tribal Consortium. The lead Tribe may then submit a Third-Party Authorization letter **and designate a third-party administrator to assist with preparing an application, receiving reimbursement of allowable expenses, and administering the EECBG Program funds on behalf of Tribes A, B, C, D, E, and F. The third-party administrator would receive reimbursement of allowable expenses and assist in meeting all reporting requirements.** While a third-party administrator may assist in preparing the grant application, the application must be submitted by the lead Tribe using the lead Tribe's UEI number. Reporting requirements may be consolidated for a Tribal Consortium, however the lead Tribe is ultimately responsible for complying with the requirements of the federal award (see diagram).



US Department of Energy issues a single \$60,000 Grant Agreement to Tribe F **and the Third Party** will administer the grant, and make payments to vendors & receive reimbursements for allowable costs on behalf of the Tribal Consortium

**What is the definition of a Third-Party administrator?**

- For award purposes, a third-party administrator is an independent entity that is not a recipient of the award. The third-party administrator is an independent entity that aids in preparing an application, submitting it using the Tribe's UEI, and managing grant funds by making payments for allowable expenses and receiving reimbursement from DOE. The third-party administrator may not receive a fee or profit for administering the award from the grant funds, although the third-party administrator's administrative costs may be covered up to 10% of the award amount or \$75,000 (whichever is greater).

**How do I designate a third-party administrator to access grant funds?**

- With the lead Tribe's consent and authorization through an Assignment of Claim form, the third-party administrator may receive reimbursement for allowable expenses on behalf of the Tribal Consortium. The lead Tribe, however, is solely responsible for adhering to the Terms and Conditions of the grant and is accountable for appropriate use of grant funds regardless of where reimbursements are made (i.e., to third-party's bank account or lead Tribe's bank account).

**Our Tribe plans to submit our application independently but will likely work with a third-party administrator later to administer the grant and submit reporting requirements. Can we authorize a third-party as a representative of the Tribe after the application deadline?**

- Yes, a Tribe may apply independently and authorize a third-party administrator to represent the Tribe after the application deadline.

**Can grant funds be used to cover the administrative costs of the designated third-party administrator?**

- Yes, up to the 10% or \$75,000 (whichever is greater) cap for administrative fees for EECBG Program grantees may be used to cover administrative costs of the third-party. Administrative costs can be used for actual costs incurred; however, these administrative costs cannot be used to fund a fee or profit of the third-party administrator.

**Can a 638 contract or compact, Tribal Health Consortium, or similar tribal organization apply on behalf of their member Tribes?**

- A 638 contract or compact, tribal health consortium, or any other tribal organization may act as a third-party administrator for their tribal membership. The lead Tribe of the consortia may authorize a third-party administrator to help prepare the grant application and manage the grant funds on behalf of the Tribal Consortium. If authorized by the Tribe, a third-party administrator may receive reimbursement of allowable expenses (and deposit them into designated bank accounts) as needed to pay for allowable costs for the grant. The lead Tribe is ultimately responsible for the grant requirements as the awardee. The application must be submitted in the name of the lead Tribe and use the lead Tribe's UEI.

**What documents must a participating Tribe provide for a Tribal Consortium application?**

- Participating Tribes, or Tribes that are not designated as the lead Tribe of a Tribal Consortium must provide a "Tribal Council Resolution" or "Head of Government Letter" to the lead Tribe providing authority to the lead Tribe to act on its behalf. The lead Tribe must also submit a Third-Party Authorization letter and Assignment of Claims form designating the third-party administrator and granting them permission to receive reimbursement for allowable expenses.

**Does the Tribal Consortium option impact a Tribe that would like to apply individually?**

- No, if the Tribe would like to apply individually, there are no changes to the application process.

Specific questions concerning the Tribal Consortium option should be directed to the EECBG Program Team at [EECBG@hq.doe.gov](mailto:EECBG@hq.doe.gov).

/s/Michael Li

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