



north carolina
Energy R&D
Cost-Sharing Program

Helping NC institutions win federal dollars for Energy R&D under:

U.S. Department of Energy (DOE) Programs:

- Advanced Research Projects Agency–Energy (ARPA-E)
- Energy Efficiency and Renewable Energy (EERE) R&D programs
- Fossil Energy (Fossil) R&D programs

FY 2012 Program Solicitation

Submission Deadlines:

October 1, 2011 through June 30, 2012

Closing Date: 5:00 PM, June 30, 2012

Funding Opportunity Number: NCBST-FY1112ERD

North Carolina Board of Science and Technology

North Carolina Department of Commerce

301 North Wilmington Street

1326 Mail Service Center

Raleigh, NC 27699-1326

919-733-6500

www.nccommerce.com/scitech

ncbst@nccommerce.com

**Notice of Availability of Funds and FY 2012 Program Solicitation for
North Carolina Energy R&D Cost-Sharing Program**

Announcement Type: Solicitation (the “Solicitation”) for Grant Applications under the North Carolina Energy Research & Development (R&D) Cost-Sharing Program (the “Program”).

Funding Opportunity Number: NCBST-FY1112ERD.

Statute and Requirements: This Solicitation is issued pursuant to the appropriation for Energy R&D Cost-Sharing Grants (“Grants,” and each one officially awarded under this Solicitation, after Federal notification of an award, a “Grant.”) provided under Session Law 2010-31, Senate Bill 897. **The eligibility requirements for applicants (“Applicants”) wishing to apply for Grants under this Program are provided in their entirety in this Solicitation.**

Eligibility: This Solicitation is open to any university or other I.R.S. Section 501(c)(3) non-profit organization *chartered in North Carolina* that intends to apply for U.S. Department of Energy (“DOE”) R&D funds under DOE programs that have a statutory requirement for cost-sharing (the “DOE Programs”). **To be eligible for a Grant, an Applicant must comply with all requirements of this Solicitation, including submission of a complete application (an “Application”) addressing all required elements.**

Solicitation Period: October 1, 2011- June 30, 2012 by 5 PM (the “Solicitation Period”).

Key Dates: Applicants must have identified, and must show sufficient intent to apply under, relevant DOE Program solicitation(s) with due dates occurring during this Solicitation. Applicants may not apply for a Grant for a proposal they have *previously* submitted to one or more of the DOE Programs.

Maximum Grant Amount: 20% of the Total Amount of a DOE Cooperative or DOE Grant Agreement award (10% of the Total Amount in the case of an ARPA-E award), where “Total Amount” is the sum of the Federal funds and the amount required as cost-sharing by the Applicant. Initially, a Grant is *conditionally* awarded (a “Conditional Grant”) for a qualifying proposal for DOE Program funding to enable the Applicant to include that amount in its cost-sharing plans to DOE. Subsequently, subject to the availability of Program funding, up to 100% of the Conditional Grant may be *officially* awarded (an “Official Award”), based upon the Applicant’s receipt of Official Notification of Award from DOE (“DOE Official Notification”) and remaining availability of Program funding.

Available Funding: The maximum amount of funding available for all grants awarded under this Solicitation, subject to the availability of funding, is \$778,500 (the final amount that will be available under this Solicitation, the “Available Funds”).

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I. SUMMARY

This Program is designed to help North Carolina research institutions win Federally funded Energy R&D projects that require cost-sharing, expand the volume and range of Energy R&D in North Carolina, and generate intellectual property that can lead to energy-related jobs in the long term. Research organizations compete for funding by submitting proposals in response to solicitations issued for the DOE Programs.

More information about the DOE Programs eligible under this funding opportunity, including funding solicitations, may be found at:

- <http://www.arpa-e.energy.gov/>
- <http://www.eere.energy.gov/>
- <http://www.fossil.energy.gov/>

The North Carolina Board of Science and Technology (the “Board”), a division of the North Carolina Department of Commerce, through its Executive Director, administers the Program based on the requirements contained in this Solicitation.

II. PROGRAM PURPOSE

The purpose of the Program is to foster job creation and economic development in North Carolina by accomplishing the following goals:

1. Increase the amount of Federal Energy R&D dollars received by North Carolina research institutions;
2. Help these institutions reduce the extent to which they surrender intellectual property control to cost-sharing partners outside North Carolina;
3. Increase the diversity, intensity, and volume of Energy R&D conducted in North Carolina; and
4. Encourage commercialization of the resulting technologies within North Carolina.

III. ELIGIBILITY & LIMITATIONS ON AWARDS

An Applicant must satisfy the eligibility requirements. Eligible entities for the FY 2012 Program are:

- Universities chartered in North Carolina that conduct Energy R&D; and
- 501(c)(3) non-profit corporations chartered in North Carolina that conduct Energy R&D.

An Applicant may receive no more than three (3) Grants during the period covered by this Solicitation. Grants may be used only for the portion of a project that is performed within North Carolina or for the acquisition of equipment or specialized materials from in-state sources. If a funded project includes work to be performed outside of North Carolina or the acquisition of specialized equipment or materials from out-of-state sources, the Applicant must secure additional sources of cost-sharing for any out-of-state portion.

IV. “CONDITIONAL GRANT” VS “OFFICIAL AWARD”; AWARD MILESTONES AND DISBURSEMENTS

Applications will be considered, and funds will be *conditionally* awarded, through the end of the Solicitation Period or until Available Funds have been exhausted. Specifically, subject to satisfaction of all other requirements, a Conditional Grant may be awarded for a qualifying proposal for DOE Program funding to enable the Applicant to include that amount in its proposal to DOE. The Board will select Applicants in advance of their submission of proposals to DOE. Applicants are encouraged to submit Applications at least 15 business days prior to the applicable DOE solicitation due date. Within 10 business days of receiving an Application, the Board will provide a selected Applicant with a letter of conditional commitment, outlining the terms and amount of the Conditional Grant, to be included in the Applicant’s DOE application.

Subsequently, subject to the availability of Program funding, up to 100% of the Conditional Grant will be *officially* awarded with a “Notice of Grant Award” based upon the Board’s receipt of the Applicant’s DOE Official Notification. Official Awards will be made on a first-come, first-served basis, based on the date of the Applicant’s DOE Official Notification. DOE Official Notifications may be issued only by the finance, accounting, contracting, or other unit of DOE officially authorized to commit and obligate DOE under the terms of the DOE solicitation. All other forms of notification are not considered official for the purposes of this Program.

Official Awards will be disbursed to successful Applicants in a manner proportionate to the actual DOE disbursement, for Projects of up to three years duration. The amount disbursed will be the amount that represents the same proportion of the Grant as the percentage that the DOE disbursement bears to the total DOE award. The Board recognizes that the DOE awards may vary in their disbursement schedules, and, as such, the Grant disbursement schedule will be structured so that the Applicant will be able to meet the requirements of the DOE award in showing that the cost-sharing requirement has been met. This may involve periodic deposits to trust accounts against which cost-sharing amounts may be drawn, with appropriate clawback provisions in the event the Applicant fails to qualify for the DOE disbursement. Applicants that receive multi-year (or other period) DOE awards that require receipt of “Continuing Award Notices” or equivalent from the DOE in order for the Applicant to receive continuing DOE disbursements, must provide such Continuing Award Notices or equivalent authorizations to the Board in order for continuing Grant payments to be made.

V. APPLICATION REQUIREMENTS; ELECTRONIC SUBMISSION

Applicants must use the required Application forms and methods provided in this Solicitation and must comply with all requirements of this Solicitation in order to be eligible for funding. All Applications under this Solicitation must be submitted electronically using the Board’s “*sciGrants*” system, accessible through its website at: www.nccommerce.com/scitech. Applications that do not include ALL required responses, documents, and information will be considered incomplete and will not be considered for funding.

In addition to completing all required sections of the online Application, each Applicant will be required to submit the following documents and information during the online Application process:

1. A completed **Application Certification Document**. This document is available for download on the *sciGrants* system during the Application process.
2. A copy of the relevant page(s) of the DOE Program solicitation under which the Applicant will apply, showing the solicitation topic description, closing date, and top reference number. **Submission of a link to the solicitation does not satisfy this requirement.** *Note: An Applicant may apply for a Grant in anticipation of a forthcoming DOE Program solicitation if DOE has published a notice of intent to issue the solicitation. In this case, the Applicant must include a copy of the DOE notice of intent.*
3. An abstract of the proposed project (up to one page in length).
4. A draft work plan, including a budget for total funding, the amount of DOE funding anticipated, the amount of cost-sharing funds required, and the duration of the planned project. *Note: if a portion of the proposed project will be performed outside of North Carolina or involves acquisition of specialized equipment or materials from out-of-state sources, separate budgets are required for the in-state and out-of-state components.*
5. A signed statement from the Applicant institution’s research executive officer, attesting that the Applicant:
 - Has determined that its proposal to DOE has a high probability of success, based upon the institution’s

criteria for allocating its grant-preparation resources;

- Has the capability and capacity to perform the proposed project;
 - Has the necessary administrative processes and financial controls to manage a Federal cooperative agreement and a Grant Agreement entered with the State;
 - Has the necessary administrative processes to protect intellectual property that results from the project;
 - Will use the Grant exclusively for cost-sharing with a DOE Program project for Energy R&D performed *within North Carolina* (the part of the project that will be performed in North Carolina, and for which the Applicant seeks a Program award, the “Project”); and
 - Has explored other sources of cost-sharing funds, either without success, or has found other sources of cost-sharing funds that are insufficient so that Program funds are needed to supplement the other source(s). *Note: preference will be given to Applicants that increase the leverage of the Program by using the Program’s funds to supplement other sources of cost-sharing.*
6. Names and addresses of all consultants retained to advise and assist the Applicant in securing a Program award.

VI. APPLICATION DEADLINE; ELECTRONIC FILING WAIVER

Applications and all required supporting materials must be received in full by 5 p.m. eastern standard time on June 30, 2012. No Applications or supplemental materials received in response to this Solicitation shall be accepted after that time, except for supplemental material requested by the Board. Applicants are strongly encouraged to secure proof of submission and delivery for materials that must be transmitted in hard copy form. The Board is not responsible for Applications or materials lost in transmission. Applicants not able to obtain Internet access or for whom the electronic filing requirement causes an undue hardship may request a waiver from the electronic filing requirement in writing to:

North Carolina Board of Science & Technology
301 N. Wilmington Street
1326 Mail Service Center
Raleigh, NC 27699-1326
ATTN: NC Energy R&D Cost-Sharing Program, FY12 Solicitation

In this request, the Applicant must clearly indicate why the electronic filing requirement causes undue hardship and provide a list of all factors that make compliance difficult, expensive or cumbersome. All waiver requests will be handled on a case-by-case basis.

VII. APPLICATION REVIEW AND APPROVAL

1. Applications received through the end of the Solicitation Period will be reviewed to ascertain compliance with the requirements of this Solicitation.

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2. To qualify for a Grant, Applications must be complete and in full compliance with all requirements. Incomplete or non-compliant Applications will be rejected without further review. At its discretion, the Board may request supplemental materials from the Applicant and such materials must be received within 10 business days of the date of request or the Application may be rejected without further review.
3. Applications that meet all the requirements set forth herein will be approved on a rolling, first-come, first-served basis during the earlier of the end of the Solicitation Period or until all Available Funds have been officially awarded.

VIII. GRANT AGREEMENT & PAYMENT OF AWARDS

Prior to receiving a Grant disbursement, all recipients of Official Awards (each, a “Recipient”) will enter into a Grant Agreement with the State of North Carolina.

Terms of performance for all Recipients, which are set forth in the Grant Agreement and will be executed after receipt of the State’s Notice of Grant Award, include but are not limited to the following:

1. The Recipient shall comply with all requirements described in this Solicitation.
2. The Recipient shall prepare and submit regular Interim Status Reports to the Board as outlined in the Solicitation and Grant Agreement.
3. The Recipient shall prepare and submit a Final Report as described in the Solicitation, to the Board within thirty (30) days of termination of the Project.
4. The Recipient, or designated agent, shall maintain records and accounts that properly document and account for the application of all Grant funds for a minimum of five (5) years after the date of the Official Award. All such records and accounts shall be made available on demand by authorized representatives of the Board for inspection and use in carrying out its responsibilities with respect to the administration of the Program.
5. The Recipient or designated agent shall comply with the audit policy of the State of North Carolina with respect to the disposition of Grant funds and shall comply with the certifications made by the Recipient as a condition of its Grant. Upon request, the Recipient shall also provide the Board with timely copies of reports on any audits that review the use of the Grant.
6. In the event that an audit results in the determination that the Recipient has expended the Grant improperly, or that the Recipient has not complied with the certifications made by it as a condition of its Grant, the Recipient shall, at a minimum, be required to reimburse the State of North Carolina for all such costs, up to the full amount of the Grant.

Prior to any disbursement, Recipients will also be required to supply additional information, including:

1. A sworn statement certifying that there are no overdue tax debts owed by the Recipient (N.C. Gen. Stat. § 143C-6-23(c); See Exhibit A for relevant definitions);
2. A notarized copy of the Recipient’s policy addressing conflicts of interest. (N.C. Gen. Stat. §143C-6-

23(b)); See Exhibit B for more information);

3. A Request for Electronic Payment.

After execution and return of the Grant Agreement, submission of all required additional information, and receipt of the DOE Official Notification or Continuing Award Notice, as applicable, the State of North Carolina will disburse Grant payments to Recipients electronically, in accordance with the terms set forth in the Grant Agreement. Payments will be deposited into a duly designated campus institutional trust fund established specifically for the Project.

IX. REPORTING REQUIREMENTS

Recipients are responsible for managing the day-to-day operations of their Grant-supported activities using their established controls and policies, consistent with State and Federal requirements. However, in order to fulfill its role regarding the stewardship of State funds, the Board monitors its grants to identify potential problems and areas where assistance might be necessary. This active monitoring is accomplished through review of reports and correspondence from Recipients and other information available to the Board. In addition, these reports allow the Board to measure and report on the impacts of the Program. All Recipients must submit electronically via *sciGrants*:

1. **Interim Status Reports** in the form and manner described in **Appendix A**, every six months after receipt of a Grant (the Board, however, may require these reports more frequently at its discretion) until the Project is completed; and a
2. **Final Report** in the form and manner described in **Appendix B**, within thirty (30) days of completion of the Project.
3. **Quarterly Cost-Sharing Report** shall be provided in the form of a copy of the quarterly report submitted to DOE that includes DOE and cost-sharing amounts spent during the previous quarter. This report shall be provided to the Board at the same time the Recipient provides the report to DOE.

In addition, Recipients that are non-State entities (See Exhibit C for definition) must submit all reports described in **Appendix C**, within six (6) months after the end of the Recipient's fiscal year in which the Grant was received. State institutions of higher learning are State grantees and are thus not subject to the reporting requirements in Appendix C.

X. APPEAL

If the Executive Director denies an Application, the Applicant may appeal this decision to the full Board, by written notice within thirty (30) days of the date of the denial notification or return of the Application, requesting reconsideration of the Application. Any reconsideration will be subject to availability of funds.

XI. GENERAL TERMS

1. No oral statement of any person shall modify or otherwise affect the terms and conditions of the Solicitation.
1. The Board may reject any Application that does not comply with the requirements of the Program.
2. The Board may refuse to approve an Application if it is not in keeping with the purpose of the Program.
4. The Board may withdraw a Solicitation at any time.
5. The Program is funded by State appropriations and awards are contingent upon the availability of State funds for these purposes.

XII. PUBLIC RECORDS AND RELEASE OF INFORMATION

All documents submitted to the Board, including Applications, are public records governed by Chapter 132 of the General Statutes and applicable provisions of the General Statutes protecting confidential information. When specific information in an Application is regarded by the Applicant and by law as confidential and not subject to disclosure under the North Carolina Public Records Act, the Applicant should specifically and clearly designate it as such in writing on that portion of the Application in which the information appears. An Applicant should provide an explanation for why particular information is regarded as confidential. Applications should not be indiscriminately marked as confidential. Exhibit D provides information on North Carolina’s public records provisions and the protection of confidential information.

XIII. GENERAL INFORMATION; INQUIRIES

Inquiries about the Program should be addressed to:

John Hardin, Executive Director
North Carolina Board of Science & Technology
301 N. Wilmington Street
1326 Mail Service Center
Raleigh, NC 27699-1326
jhardin@nccommerce.com
919-715-0516
ATTN: Information Request - NC Energy R&D Cost-Sharing Program FY2012

Current solicitation information for all Board funding programs is available on the Board website at:

www.nccommerce.com/scitech.

XIV. EXHIBITS

Exhibit A – N.C. General Statutes Addressing the Collection of Tax and Tax Debts

§ 105-241.22. Collection of tax.

The Department may collect a tax in the following circumstances:

- (1) When a taxpayer files a return showing an amount due with the return and does not pay the amount shown due. This subdivision does not apply to a consolidated or combined return filed at the request of the Secretary under Part 1 of Article 4 of this Chapter.
- (2) When the Department sends a notice of collection after a taxpayer does not file a timely request for a Departmental review of a proposed assessment of tax.
- (3) When a taxpayer and the Department agree on a settlement concerning the amount of tax due.
- (4) When the Department sends a notice of final determination concerning an assessment of tax and the taxpayer does not file a timely petition for a contested case hearing on the assessment.
- (5) When a final decision is issued on a proposed assessment of tax after a contested case hearing.
- (6) When the Office of Administrative Hearings dismisses a petition for a contested case for lack of jurisdiction because the sole issue is the constitutionality of a statute and not the application of a statute.

§ 105-243.1. Collection of tax debts

(a) Definitions. – The following definitions apply in this section:

- (1) Overdue tax debt. – Any part of a tax debt that remains unpaid 90 days or more after it becomes collectible under G.S. 105-241.22. The term does not include a tax debt for which the taxpayer entered into an installment agreement for the tax debt under G.S. 105-237 within 90 days after the tax debt became collectible, if the taxpayer has not failed to make any payments due under the installment agreement.
- (2) Tax debt. – The total amount of tax, penalty, and interest collectible under G.S. 105-241.22.

Exhibit B – Policy Addressing Conflicts of Interest

All Recipients are required to file with the Board a copy of that Recipient's policy addressing conflicts of interest that may arise involving the Recipient's management employees and the members of its board of directors or other governing body. The policy shall address situations in which any of these individuals may directly or indirectly benefit, except as the Recipient's employees or members of its board or other governing body, from the Recipient's disbursing of State funds, and shall include actions to be taken by the Recipient or the individual, or both to avoid conflicts of interest and the appearance of impropriety. **The policy shall be filed before the Agency may disburse the Grant funds.** (N.C. Gen. Stat. § 143-6-23(b)).

Sample Policy Addressing Conflicts of Interest:

A conflict of interest is defined as an actual or perceived interest by an Employee/Board member in an action that results in, or has the appearance of resulting in, personal, organizational or professional gain. A conflict of interest occurs when an Employee/Board member has a direct or fiduciary interest, which includes:

- Ownership with
- Employment of or by
- Contractual relationship with
- Creditor or debtor to
- Consultative or consumer relationship with:

a member of the Board of Directors/Trustees or an employee where one or the other has supervisory authority over the other or with a client who receives services. The definition of conflict of interest includes any bias or the appearance of bias in a decision-making process that would reflect a dual role played by a member of the organization or group. An example, for instance, might involve a person who is an employee and a Board member, or a person who is an employee and who hires family members as consultants.

It is in the interest of the organization, employees and Board members to strengthen trust and confidence in each other, to expedite resolution of problems, to mitigate the effect and to minimize organizational and individual stress that can be caused by a conflict of interest.

Employees are to avoid any conflict of interest, even the appearance of a conflict of interest. This organization serves the community as a whole rather than only serving a special interest group. The appearance of a conflict of interest can cause embarrassment to the organization and jeopardize the credibility of the organization. Any conflict of interest, potential conflict of interest, or the appearance of a conflict of interest is to be reported to your supervisor immediately. Employees are to maintain independence and objectivity with clients, the community, and organization. Employees are called to maintain a sense of fairness, civility, ethics and personal integrity even though law, regulation or custom does not require them.

Employees, members of employee's immediate family, and members of the Board are prohibited from accepting gifts, money or gratuities from the following:

- a. Persons receiving benefits or services from the organization;
- b. Any person or organization performing or seeking to perform services under contract with the organization; and
- c. Persons who are otherwise in a position to benefit from the actions of any employee of the organization.

Employees may, with the prior written approval of their supervisor, receive honoraria for lectures and other such activities while on personal days, compensatory time, annual leave or leave without pay. If the employee is acting in any official capacity, honoraria received by an employee in connection with activities relating to employment with the organization are to be paid to the organization.

Exhibit C – N.C. General Statutes Addressing the Use of State Funds by Non-State Entities

§ 143C-1-1. Purpose and definitions

(18) Non-State entity. – Any of the following that is not a State agency: an individual, a firm, a partnership, an association, a county, a corporation, or any other organization or group acting as a unit. The term includes a unit of local government and public authority.

(22) Public authority. – A municipal corporation that is not a unit of local government or a local governmental authority, board, commission, council, or agency that (i) is not a municipal corporation and (ii) operates on an area, regional, or multiunit basis, and the budgeting and accounting systems of which are not fully a part of the budgeting and accounting systems of a unit of local government.

(29) Unit of local government. – A municipal corporation that has the power to levy taxes, including a consolidated city-county as defined by G.S. 160B-2(1), and all boards, agencies, commissions, authorities, and institutions thereof that are not municipal corporations.

§ 143C-6-22. Use of State funds by non-State entities.

(a) Disbursement and Use of State Funds. – Every non-State entity that receives, uses, or expends any State funds shall use or expend the funds only for the purposes for which they were appropriated by the General Assembly. State funds include federal funds that flow through the State Treasury.

(b) Compliance by Non-State Entities. – If the Director of the Budget finds that a non-State entity has spent or encumbered State funds for an unauthorized purpose, or fails to submit or falsifies the information required by G.S. 143C-6-23 or any other provision of law, the Director shall take appropriate administrative action to ensure that no further irregularities or violations of law occur and shall report to the Attorney General any facts that pertain to an apparent violation of a criminal law or an apparent instance of malfeasance, misfeasance, or nonfeasance in connection with the use of State funds. Appropriate administrative action may include suspending or withholding the disbursement of State funds and recovering State funds previously disbursed.

(c) Civil Actions. – Civil actions to recover State funds or to obtain other mandatory orders in the name of the State on relation of the Attorney General, or in the name of the Office of State Budget and Management, shall be filed in the General Court of Justice in Wake County.

§ 143C-6-23. State grant funds: administration; oversight and reporting requirements.

(a) Definitions.- The following definitions apply in this section:

- (1) "Grant" and "grant funds" means State funds disbursed as a grant by a State agency; however, the terms do not include any payment made by the Medicaid program, the State Health Plan for Teachers and State Employees, or other similar medical programs.
- (2) "Grantee" means a non-State entity that receives State funds as a grant from a State agency but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission.
- (3) "Subgrantee" means a non-State entity that receives State funds as a grant from a grantee or from another subgrantee but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission.

(b) Conflict of Interest Policy. – Every grantee shall file with the State agency disbursing funds to the grantee a copy of that grantee's policy addressing conflicts of interest that may arise involving the grantee's management employees and the members of its board of directors or other governing body. The policy shall address situations in which any of these individuals may directly or indirectly benefit, except as the grantee's employees or members of its board or other governing body, from the grantee's disbursing of State funds, and shall include actions to be taken by the grantee or the individual, or both, to avoid conflicts of interest and the appearance of impropriety. **The policy shall be filed before the disbursing State agency may disburse the grant funds.**

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- (c) No Overdue Tax Debts – Every grantee shall file with the State agency or department disbursing funds to the grantee a written statement completed by that grantee's board of directors or other governing body stating that the grantee does not have any overdue tax debts, as defined by G.S. 105-243.1, at the federal, State, or local level. **The written statement shall be made under oath and shall be filed before the disbursing State agency or department may disburse the grant funds.** A person who makes a false statement in violation of this subsection is guilty of a criminal offense punishable as provided by G.S. 143C-10-1.

...

- (f) Suspension and Recovery of Funds to Grant Recipients for Noncompliance – The Office of State Budget and Management, after consultation with the administering State agency, shall have the power to suspend disbursement of grant funds to grantees or subgrantees, to prevent further use of grant funds already disbursed, and to recover grant funds already disbursed for noncompliance with rules adopted pursuant to subsection (d) of this section.
- (g) Audit Oversight – The State Auditor has audit oversight, with respect to grant funds received by the grantee or subgrantee, pursuant to Article 5A of Chapter 147 of the General Statutes, of every grantee or subgrantee that receives, uses, or expends grant funds. A grantee or subgrantee must, upon request, furnish to the State Auditor for audit all books, records, and other information necessary for the State Auditor to account fully for the use and expenditure of grant funds received by the grantee or subgrantee. The grantee or subgrantee must furnish any additional financial or budgetary information requested by the State Auditor, including audit work papers in the possession of any auditor of a grantee or subgrantee directly related to the use and expenditure of grant funds.

Exhibit D – N.C. General Statutes Addressing Public Records and Confidential Information

§ 132-1. "Public records" defined

(a) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

(b) The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. As used herein, "minimal cost" shall mean the actual cost of reproducing the public record or public information.

§ 132-1.1. State tax information

(b) **State and Local Tax Information.** – Tax information may not be disclosed except as provided in G.S. 105-259. As used in this subsection, "tax information" has the same meaning as in G.S. 105-259. Local tax records that contain information about a taxpayer's income or receipts may not be disclosed except as provided in G.S. 153A-148.1 and G.S. 160A-208.1.

§ 132-1.2. Confidential information

Nothing in this Chapter shall be construed to require or authorize a public agency or its subdivision to disclose any information that:

- (1) Meets all of the following conditions:
 - a. Constitutes a "trade secret" as defined in G.S. 66-152(3).
 - b. Is the property of a private "person" as defined in G.S. 66-152(2).
 - c. Is disclosed or furnished to the public agency in connection with the owner's performance of a public contract or in connection with a bid, application, proposal, industrial development project, or in compliance with laws, regulations, rules, or ordinances of the United States, the State, or political subdivisions of the State.
 - d. Is designated or indicated as "confidential" or as a "trade secret" at the time of its initial disclosure to the public agency.

§ 66-152. Definitions (Trade Secrets Protection Act)

As used in this Article, unless the context requires otherwise:

- (2) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, joint venture, or any other legal or commercial entity.
- (3) "Trade secret" means business or technical information, including but not limited to a formula, pattern, program, device, compilation of information, method, technique, or process that:
 - a. Derives independent actual or potential commercial value from not being generally known or readily ascertainable through independent development or reverse engineering by persons who can obtain economic value from its disclosure or use; and
 - b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The existence of a trade secret shall not be negated merely because the information comprising the trade secret has also been developed, used, or owned independently by more than one person, or licensed to other persons.

§ 132-6. Inspection and examination of records

- (a) Every custodian of public records shall permit any record in the custodian's custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law.

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- (b) No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.
- (c) No request to inspect, examine, or obtain copies of public records shall be denied on the grounds that confidential information is commingled with the requested nonconfidential information. If it is necessary to separate confidential from nonconfidential information in order to permit the inspection, examination, or copying of the public records, the public agency shall bear the cost of such separation.

XV. APPENDICES

Appendix A – Interim Status Report Requirements

NC ENERGY R&D COST-SHARING PROGRAM INTERIM STATUS REPORT REQUIREMENTS

All required Interim Status Reports must be submitted via *sciGrants* using the tools and forms provided therein for this purpose. As part of an Interim Status Report, Recipients will be required to provide a thorough and complete report of their progress to date, including summaries of their Project's interim status at the time of the report in terms of:

1. Research progress;
2. The adequacy of Program funds in meeting the Project's needs; and
3. Whether the institution is still prepared to complete second and/or third year(s) of the Project (if applicable).

If the institution is unable to continue the Project, even with the Grant, it must provide a detailed explanation.

This report is due every six months after receipt of a Grant until the term of the Project is completed. However, the Board at its discretion may require these reports more frequently.

Appendix B – Final Report Requirements

NC ENERGY R&D COST-SHARING PROGRAM FINAL REPORT REQUIREMENTS

All Final Reports must be submitted via *sciGrants* using the tools and forms provided therein for this purpose. Final Reports must be filed within thirty (30) days of termination of the Project. As part of the Final Report, Recipients will be required to provide a thorough and complete report of their Program performance, including responses to the following questions:

1. If the institution has applied for, or intends to apply for, a follow-on Energy R&D project, identify the existing or anticipated DOE Program solicitation.
2. Discuss any material effects the Grant had on the institution's success in winning funding from DOE, including impacts on growth of the institution's Energy R&D programs.
3. Provide any general comments about this Program.
4. Provide a summary of progress toward the achievement of the originally stated aims, a list of the results (positive or negative) considered significant, and a list of publications resulting from Project activities.

Appendix C – State Grant Compliance Reporting Requirements

A firm, corporation, partnership, association, unit of local government, public authority, or any other person, organization, group, or governmental entity that is not a State agency, department, or institution that receives, uses, or expends at least \$25,000 but less than \$500,000 in NC State funds within its fiscal year must file annually with the State agency that disbursed the funds the following:

1. Certification completed by the grantee Board and management stating that the funds were received, used, or expended for the purpose intended;
2. Schedule of Grantee Receipts and Expenditures accounting for those funds;
3. Description of activities and accomplishments undertaken with those State funds.

For purposes of the required reports, the grantee's fiscal year is used in determining the amounts received, used, or expended. The **due date** for filing the required report is **six months after the grantee organization's fiscal year-end**, and the **accounting must be certified and sworn to by the Treasurer and one other authorized officer of the grantee**. This certification is a representation by management and is not intended to be an independent assessment.

The Office of the State Auditor has developed, in coordination with the Office of State Budget and Management and other key State agencies, standard reporting formats for meeting the reporting requirements outlined in North Carolina General Statute Section § 143C-6-23 and Title 9, Subchapter 03M of the North Carolina Administrative Code. There are no exceptions to using financial reporting formats specified by the State Auditor.

The standard reporting formats for grantees receiving at least \$25,000 but less than \$500,000 include:

- Certification and sworn statement by the Treasurer and a second authorized officer on the entity's letterhead;
- State Grants Compliance report, which includes supplemental compliance information;
- Schedule of Grantee Receipts and Expenditures (cash basis);
- Program Activities and Accomplishments Report.

The Office of State Budget and Management has responsibility for the State Grant Compliance Reporting requirements via the NC Grants website, www.NCGrants.gov. Approximately two months before a grantee organization's State Grant Compliance Report is due, the Board will notify the grantee organization via e-mail and provide additional information regarding procedures for submitting the State Grant Compliance Report. If a grantee organization wishes to submit the report sooner, it should contact the Board at ncbst@nccommerce.com or 919-715-0033.