

Commitment of Funds for FY22 Streetlight & Outdoor Lighting Efficiency Pilot Program #2022-04-449S1



Maryland
Energy
Administration

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Mary Beth Tung, Director

June 15, 2022

Town of Boonsboro
21 North Main Street
Boonsboro, MD 21713

Re: Streetlight & Outdoor Lighting Efficiency Pilot Grant Program
Commitment of Funds for Fiscal Year 2022 (FY22) Grant #2022-04-449S1

The Maryland Energy Administration ("MEA"), an agency of the State of Maryland, is pleased to conditionally offer **the Town of Boonsboro** ("Applicant"), by this grant commitment letter ("Commitment") under its **Streetlight & Outdoor Lighting Pilot** ("SOLE" or "Program"), a grant in an amount not to exceed **Forty Thousand, Two Hundred Fifty Dollars (\$40,250.00)** ("Grant"), for a scope of work representing an upgrade of existing, pole-mounted outdoor light fixtures to LED technology (the "Project"), described in its Application package dated April 20, 2022.

This Commitment is conditional. The Administration may rescind this Commitment if the timeline outlined in Section 1 of the Commitment is not or cannot be met. In addition, the Administration may rescind this Commitment if the Applicant is unable to agree to or comply with all provisions set forth in the Maryland Energy Administration [Grant Agreement General Provisions Version 3 for Fiscal Year 2022](#) (Attachment A), and in the FY22 SOLE Program Funding Announcement (Attachment B). The Applicant may request a rescission at any time while the Commitment is in effect before the Grant Agreement is fully executed.

Prior to execution of the Grant Commitment Letter, Grant funds are subject to change in amount and availability. The final award value is contingent upon the awardee's ability to certify the final scope and cost of completed work. Additionally, for situations where the scope of work is not part of the Funding Opportunity Announcement, the Applicant and MEA must develop a scope of work, which will be part of the Grant Agreement. **Any work performed prior to execution of the Grant Agreement is at the risk of the Applicant and might not be eligible for reimbursement under the Program.**

Commitment of Funds for FY22 Streetlight & Outdoor Lighting Efficiency Pilot Program #2022-04-449SI

The following constitute terms and conditions of this Commitment:

1. Timeline of Commitment

- (a) This Commitment shall not become effective unless the accompanying document is duly executed by the Applicant and returned to the Administration by June 22, 2022.
- (b) Execution of the Grant Agreement shall occur no later than 90 days after the date of this Commitment unless extended by the Administration.
- (c) If Execution of the Grant Agreement does not occur within the time set forth herein or if this Commitment terminates, this Commitment shall be deemed null and void and shall not have further force and effect.

3. Assignment. **This Commitment is not assignable or transferable. The Applicant's signature to this Commitment constitutes an acknowledgement that the Applicant Name and Applicant address on this Commitment matches the name and federal tax identification number on the IRS W-9 form that the Applicant provided, or will provide, to MEA. In addition, the Applicant understands that any change to the Applicant Name, the federal tax identification number, or Applicant Mailing Address for Grant Disbursement may invalidate this Commitment.**

4. Merger. No statements, agreements, or representations, oral or written, which may have been made to the Applicant or to any employee or agent of the Applicant, either by the Administration or by an employee or agent acting on behalf of the Administration, with respect to the Grant, shall be of any force or effect, except to the extent stated in this Commitment. This Commitment may not be changed except by written agreement signed by the Administration.

5. Governing Law.

- (a) This Commitment shall be governed by and construed under the laws of the State of Maryland.
- (b) If any term, covenant, or condition of this Commitment shall be held to be invalid, illegal, or unenforceable in any respect, this Commitment shall be construed without such provision to the fullest extent possible and shall remain in full force and effect.

6. Survival of Commitment. The obligations agreed to by the Grantee in executing this Commitment shall survive the execution of the Grant Agreement. In the event of any conflict between this Commitment and the Grant Agreement, the Grant Agreement shall prevail.

7. Historical Review –State law requires that all projects undergo a review to analyze whether proposed work will adversely affect properties of historical significance. If adverse

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effects are indicated, alternatives must be considered or else federal and State funding will be unavailable. If applicable to the Project being funded by this Grant, **the Applicant is strongly urged to refrain from any construction, renovation or similar work until notified by the Administration that the proposal has cleared the historical review process. Failure of the proposal to clear the historical review process may prohibit the Administration from funding the Grant.**

NOTE: THIS IS A BINDING LEGAL DOCUMENT. IF YOU HAVE QUESTIONS CONCERNING ANY OF THE PROVISIONS OF THIS DOCUMENT, YOU SHOULD CONSULT WITH YOUR LEGAL COUNSEL BEFORE SIGNING AND RETURNING THIS DOCUMENT.

MARYLAND ENERGY ADMINISTRATION

DocuSigned by:
Mary Beth Tung
8320E614D8504CC

6/22/2022

Mary Beth Tung, Ph.D., Esq.

Director

Approved as to form and legal sufficiency

this 16th day of June, 2022.

DocuSigned by:
Michelle Honick
F720E4C6F0743E

Assistant Attorney General

ACCEPTED:

Howard Long

Name: Hon. Howard Long

Position: Mayor of Boonsboro

Town of Boonsboro

Attachment:

1. Attachment A: [Grant Agreement General Provisions Version 3 for Fiscal Year 2022](#)
2. Attachment B: FY22 SOLE Program Funding Announcement