



New Technology Research and Development Grants:

Guidelines for Grants

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Environmental Planning and Implementation Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

New Technology Research and Development Program:

Guidelines for Grants

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Draft

Chapter 1

Summary

These guidelines contain the criteria for grants under the Texas New Technology Research and Development Program (NTRD), authorized under Chapter 387, Subchapter C of the Texas Health and Safety Code.

The Texas Council on Environmental Technology (TCET) was established by Senate Bill 5, 77th Texas Legislature and is promulgated into the Texas Health and Safety Code Chapter 387. TCET was charged with enhancing the entrepreneurial and inventive spirit of Texas to assist in developing solutions to air, water, and waste problems by identifying, supporting, and evaluating new environmental technologies. Since this funding for the TCET program has been limited in its first two years, the focus has been on technologies that improve air quality that may be used for projects eligible for awards under the Texas Emission Reduction Plan (TERP) Emissions Reduction Incentive Grants Program. TCET was housed at the University of Texas, Austin, during its first biennium.

Governor Rick Perry, using his line-item veto authority in the Appropriations Bill, eliminated the TCET as a stand-alone agency and noted his desire to transfer the functions of the program to the Texas Commission on Environmental Quality (TCEQ). HB 37, 78th Legislative Session, Third Special Session, formalized the transfer of the functions of the former TCET to the TCEQ as the New Technology Research and Development Program (NTRD).

The “Texas Council on Environmental Technology” (Council) now refers only to the council consisting of 11 members appointed by the governor to represent the academic and nonprofit communities and act in an advisory capacity to the New Technology Research and Development Program.

Purpose

The New Technology Research and Development Program (NTRD) was established by the Texas Legislature to assist in developing solutions to air, water and waste problems. In FY 04/05, the program will concentrate efforts and priorities on providing grants to be used to support development of emissions-reducing technologies that may be used for projects eligible for awards under the TERP Emissions Reduction Incentive Grants Program and other new technologies that show promise for commercialization. This prioritization will ensure that these projects have the potential to reduce NO_x emissions, primarily from diesel on- and off-road mobile sources, to improve air quality in the state’s nonattainment areas. These areas have been determined to not meet certain air quality standards established by the Environmental Protection Agency (EPA). Other eligible counties of the state that are at risk of being designated nonattainment in the future are also eligible for funding under this program.

Potential projects for the NTRD program will be for technologies where vendors have developed and demonstrated the technology but it is yet unverified or certified for emission credits; technologies that have been developed and warrant a demonstration of its applicability, technologies that still require further development or development for other applications; and research for emerging technologies. As NTRD projects are ready for deployment and commercialization, they will have the potential to be available for funding under the TERP program.

These guidelines establish the standards and criteria for grants issued under the NTRD. Along with the statutory provisions applicable to this program, the criteria set forth in these guidelines must be adhered to by recipients of grant funding.

The TCEQ may also establish more specific criteria, through contracts or other funding mechanisms (Request for Applications), consistent with these guidelines.

Funding

This program is funded through revenue from the Texas Emissions Reduction Plan (TERP) Fund. The fund consists of fees and surcharges established by the Texas Legislature. Texas Health and Safety Code §386.252(a)(2) establishes that 9.5% of the TERP fund is appropriated to the NTRD and the fund is expected to accrue \$11,314,310 in FY 04, and \$13,850,335 in FY 05

The amount of funds available for grants during each year may vary depending upon the cash flow to the program and the amount of revenues received, as well as the appropriations made to the program. The TCEQ will periodically issue notices and information regarding the grants, including information on the amount of funds available.

How to Contact Us

Interested entities should check our Web site for information about the grants program. Go to www.tceq.state.tx.us click on "SUBJECT INDEX" and follow the link to the *Texas New Technology Research and Development Program (NTRD)*. The NTRD Web page also contains copies of this guidance document and the application forms, as well as other information that may be helpful to a potential applicant.

If you are unable to access the web site or you wish additional information, staff at the TCEQ are available to answer questions about this program. If you are unclear as to whether your proposed project would qualify for a grant, please feel free to contact us to discuss the project.

You may contact the program by calling 512/239-4900 between 8:00 a.m. and 5:00 p.m., Monday – Friday. You may contact us by mail at:

Texas Commission on Environmental Quality
Environmental Planning and Implementation Division, MC-206
New Technology Research and Development Program
P.O. Box 13087
Austin, TX 78711-3087

You may also contact us by email at: ntrd@tceq.state.tx.us

Members of the Council are good sources of information regarding inventive projects in Texas.

Gubernatorial Appointees:

Member

Organization

David Allen, Ph.D., Chair	The University of Texas at Austin
Robert Glover	Electric Power Research Institute
Randal Charbeneau, Ph.D.	The University of Texas at Austin
Purnendu Dasgupta, Ph.D.	Texas Tech University
Richard Ewing, Ph.D.	Texas A&M University
Kuruvilla John, Ph.D.	Texas A&M University, Kingsville
Deborah Roberts, Ph.D.	University of Houston
Richard Tock, Ph.D.	Texas Tech University
Arthur Vailas, Ph.D.	University of Houston
Mark Wiesner, Ph.D.	Rice University
Kyriacos Zygorakis, Ph.D.	Rice University

The verification procedure for demonstrating emission reduction technologies is described in EPA publications. Information and an outline of the verification process is at <http://www.epa.gov/otaq/retrofit/documents/flowchrt.gif>, for fuel reformulation see <http://www.epa.gov/otaq/models/analysis.htm>.

EPA offers several programs to assist the public and private sectors in developing and commercializing new environmental technologies, including testing protocols. More information is available through EPA at <http://www.epa.gov/etop/>.

Chapter 2

Definitions

Terms as they are defined in Texas Health and Safety Code, Chapter 386, and TCEQ rules (30 TAC §114.620) apply to this program, except as such terms are further defined and have the meanings as explained below.

- (1) **Activity Factors** - The miles driven or hours operated, when multiplied by the emissions factor give the anticipated emissions associated with the use of the vehicle or equipment.
- (2) **Affected County** - See list affected counties in TX Health and Safety Code, Chapter 386.001(2).
- (3) **After-Market Part/Equipment** - A piece/part that is physically added to a vehicle or piece of equipment after the original manufacture.
- (4) **Commercialization Plan** - Plan for bringing technology to market for public use in the State of Texas.
- (5) **Emission Factors** - The amount of emissions that are associated with a particular engine family, vehicle or equipment type.
- (6) **Emissions Inventory** - The inventory used in the modeling supporting photochemical modeling for an affected area.
- (7) **EPA** - The U.S. Environmental Protection Agency.
- (8) **Motor vehicle** - A self-propelled device designed for transporting persons or property on a public highway that is required to be registered under Texas Transportation Code, Chapter 502.
- (9) **Non-road equipment** - A piece of equipment, excluding a motor vehicle or on-road heavy-duty vehicle, that is powered by a non-road engine, including: non-road and non-recreational equipment and vehicles; construction equipment; industrial equipment; mining equipment; locomotives; marine vessels; and other high-emitting engine categories.
- (10) **Non-road engine** - An internal combustion engine that is in or on a piece of equipment that is self-propelled or that propels itself and performs another function, excluding a vehicle that is used solely for competition, or a piece of equipment that is intended to be propelled while performing its function, or a piece of equipment designed to be capable of being carried or moved from one location or another. In general an engine that will stay at a single site for at least a full year will be considered a stationary engine, rather than a non-road engine. The TCEQ will make the final determination of the type of engine.

- (11) **Notice to Proceed** - A written notice given by the TCEQ to the PERFORMING PARTY that confirms that adequate funding is available to support the Agreement.
- (12) **On-road heavy-duty vehicle** - An on-road motor vehicle that has a gross vehicle weight rating of 8,500 pounds or more.
- (13) **Person** - An individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity. This may include a corporation headquartered outside of the state of Texas, but which operates equipment or vehicles primarily in an eligible county in Texas.
- (14) **Qualifying fuel** - Any liquid or gaseous fuel or additive that is ultimately dispensed into a motor vehicle, on-road heavy-duty vehicle, non-road equipment, or a stationary engine that provides reductions of nitrogen oxides emissions, as determined by the TCEQ, beyond reductions required by state or federal law, rule, regulation, memorandum of agreement, or other binding document.
- (15) **Retrofit** - To equip an engine and/or fuel system with new emissions-reducing parts or technology after the manufacture of the original engine and/or fuel system.
- (16) **Stationary Engine** - An internal combustion engine used either in a fixed application or in a portable (transportable) application in which the engine will stay at a single site for at least a full year (12 consecutive months). The TCEQ will make the final determination of the type of engine.
- (17) **Texas Council on Environmental Technology (TCET)** - The Council was established by Senate Bill 5, 77th Texas Legislature and charged with assisting TCEQ with this program. The mission of TCET is to encourage and support, through research, the development and commercialization of technologies and products that will reduce air emissions, water pollution, and promote waste reduction.
- (18) **Testing Protocol** - A written document detailing how, when and where testing of new technologies will be conducted. Potential applicants should review EPA's criteria for testing new technologies.
- (19) **Verification** - EPA or California Air Resources Board (CARB) verify the emission reductions from new technologies.

Chapter 3

Eligibility Requirements

Eligible Applicants

The primary objective of the NTRD program is to promote the development of commercialization for technologies that will support projects that may be funded under the TERP Emissions Reduction Incentive Grants Program, Chapter 386 of the TX Health and Safety Code, including advanced technologies such as fuel cells, catalysts, and fuel additives.

An individual, business, governmental agency or educational organization may apply for a grant. All applicants must certify that the entity is in compliance with all applicable Texas laws.

Each proposed new technology applicant will need to demonstrate the projected potential for reduced emissions of NO_x and the cost-effectiveness of the technology once it has been commercialized; the potential for the technology to contribute significantly to air quality goals; and a strong commercialization plan.

The NTRD program will evaluate proposals according to the selection criteria in the RFA. In order to stimulate varied technology development and deployment, these criteria will focus on the emission reduction potential, but will remain technology neutral as to the type of technology proposed.

Applicants will be required to submit the following (if applicable):

- ▶ Articles of Incorporation
- ▶ Authorization to sign grants or contracts
- ▶ Evidence of required insurance
- ▶ Resumes of all staff involved in the project
- ▶ Commercialization Plan
- ▶ Project Plan (including drawings, photos, etc., to clarify the project)
- ▶ Project Schedule (including schedule of deliverables)
- ▶ Testing Plan/Protocol
- ▶ Subcontracting Plan
- ▶ Detailed budget

Eligible Activities

Activities eligible for funding under this program, at this time, are intended to reduce NO_x emissions in Texas. NO_x is usually a byproduct of high-temperature combustion. Everyday functions, like driving a motor vehicle or operating heavy equipment, contribute to the creation of NO_x. It reacts with volatile organic compounds (VOCs) in the presence of sunlight to form harmful ground-level ozone.

Activities that may be eligible under this program are outlined below. Vehicles and equipment used primarily for competition or recreational purposes are not eligible for funding under any of the project categories. The TCEQ may more narrowly define or limit the types of eligible activities for a particular funding period.

Activities eligible for funding will be projects for the research; development; verification and/or certification; demonstration; deployment; of:

- 1) Retrofit and add-on technologies to reduce emissions from the existing stock of vehicles targeted by the Texas emissions reduction plan, for example:
 - **On-Road Heavy-Duty Vehicles (8,500 lb or more) such as:**
 - 18 wheel vehicles
 - Dump trucks
 - Buses
 - Garbage trucks
 - Delivery equipment
 - **Non-Road Equipment Such As:**
 - Agricultural
 - Lawn and garden
 - Construction
 - Ground support equipment at ports
 - **Marine Vessels**
 - **Locomotives**
 - **Stationary Engines**
- 2) Advanced technologies for new engines and vehicles that produce very-low or zero emissions of oxides of nitrogen, including stationary and mobile fuel cells;
- 3) Studies may be funded that focus on improvements to air quality assessment and modeling;
- 4) Advanced technologies that promote increased building and appliance energy performance;
- 5) Projects for the demonstration of new technologies that reduce emissions from significant sources; and

- 6) The TCEQ may consider technology projects that would allow qualifying fuels to be produced from energy resources in Texas, with preference given to projects involving otherwise unusable energy resources in this state and producing qualifying fuels at prices lower than otherwise available, and low enough to make projects to be funded under the program economically attractive to local businesses in the area for which the project is proposed.

Role of the Council

In accordance with Section 387.002(b), TX Health and Safety Code, the Council shall work to enhance the entrepreneurial and inventive spirit of Texans to assist in developing solutions to air, water, and waste problems by: 1) identifying and evaluating new technologies and seeking approval of the EPA for and facilitating the deployment of those technologies, and 2) assisting the commission and the EPA in the process of ensuring credit for new, innovative, and creative technologies. The Texas Health and Safety Code §387.003(a) also states that the commission will consult with the Council when establishing and administering the New Technology Research and Development Program.

The statute charges the Council to enhance the inventive and entrepreneurial spirit of Texans to assist in developing solutions to air, water and waste problems by (1) identifying and evaluating new technologies and seeking the approval of the EPA, and facilitate the deployment of those technologies and (2) assisting the TCEQ and the EPA in the process of ensuring credit for technology.

The Council will provide:

- A recruiting and information sharing role for providers of new technology;
- An evaluation of the feasibility of a limited number of applications (approximately 20 per year);
- Limited consultative services during the life of a project to assist TCEQ in evaluating progress;
- Assist in developing a Texas protocol to ensure that the appropriate documentation and process has occurred to accurately evaluate the technology;
- Work with EPA to evaluate technologies in a timely manner; and
- Facilitate the deployment of new technologies.

TCEQ staff will continue to meet with the Council to develop a process to utilize the expertise of the Council in the best way.

Chapter 4

Application and Award Procedures

How to Apply

The TCEQ will issue a Request for Applications (RFA) periodically during each year and indicate the dates that project selections will be made. Copies of the RFAs and the necessary application forms will be made available on the TCEQ's NTRD Web page and directly from the TCEQ.

In order to find more about the grants process, or to obtain copies of the application forms, you should check our Web site at www.tceq.state.tx.us. Go to the "Index" and choose New Technology Research and Development Program Grants. You may also contact the TCEQ directly to discuss your potential project. Program staff members may be reached at 512/239-4900.

Each different project should be submitted as a separate request. Costs should be broken down so that partial funding could be considered for any grant. The application forms will include a space for you to indicate if you want your project to continue to be considered for award during a subsequent RFA opportunity, it is not initially selected for funding as a result of the RFA under which you submitted it. If you indicate this on your application, the TCEQ will retain your application for consideration at a future project selection date during that fiscal year. If the project is eligible but was not selected during the current round of funding and is retained for consideration in a later round, it will be ranked against the other eligible projects during each round of funding that it is eligible.

Please enter all necessary information onto the application forms, in accordance with the instructions provided with the forms. The required number of copies of the application and all necessary attachments should be submitted to the following address:

Regular Mail: Texas Commission on Environmental Quality
Environmental Planning and Implementation Division
New Technology Research and Development Programs Grants, MC-206
P.O. Box 13087
Austin, TX 78711-3087

Express Mail: Texas Commission on Environmental Quality
Environmental Planning and Implementation Division
New Technology Research and Development Programs Grants, MC-206
12100 Park 35 Circle, Bldg. F
Austin, TX 78753

Project Review

Initial Review

The TCEQ will review the application for completeness. If the application is found to be incomplete or ineligible for funding during initial review, the TCEQ will notify the applicant. The TCEQ staff members will provide details about what is missing from the application or why the proposed project is not eligible for funding.

Project Evaluation

Properly completed applications for eligible projects will be evaluated according to criteria established in these guidelines and the RFA. The funding eligibility of each activity included in the project application will be determined.

An application for a technology grant awarded under the New Technology Research and Development Program, per Chapter 387 of the Health and Safety Code, must show clear and compelling evidence that the proposed technology project has a strong commercialization plan and organization; and the technology proposed:

- 1) is likely to be offered for commercial sale in this state as soon as practical but no later than 5 years after you request funding; and
- 2) once commercialized, the technology would be eligible for Texas Emission Reduction Plan funding (see Chapter 386 of the Health and Safety Code or TCEQ's TERP Web pages. The publication *Texas Emissions Reduction Plan: Guidelines for Emissions Reductions Incentive Grants, RG-388* contains information on TERP eligibility.)

TCEQ will consider in each application:

- 1) the projected potential for reduced emissions of oxides of nitrogen;
- 2) project maturity
- 3) cost-effectiveness of the commercial product;
- 4) potential air quality benefit;
- 5) strength of the commercialization plan;
- 6) other environmental impacts;
- 7) strength of the development team;
- 8) project timeline/schedule, including timeframe for obtaining verification and/or certification of the technology;
- 9) potential funding from other sources;
- 10) the uniqueness of the plan/product being considered for funding to offer long term environmental benefits.

Testing Protocol

The process begins with a testing protocol. There are few protocols currently in place for the EPA and CARB. Testing protocols must be developed considering a broad range of interests (the original equipment manufacturer, the developer of the new technology, testing facilities, potential manufacturers or installers of the new equipment, etc.) which must reach agreement about how the test will be conducted. A common issue to be addressed during this process is how any warranty issues will be handled between the original equipment manufacturer and the new technology provider. The applicant must provide information explaining how the applicant and the original equipment manufacturer will address any warranty issues that may arise during testing or subsequent deployment.

Testing can be divided into two parts. The first part is the initial readings or analysis before and after the new technology is applied. The second part is the durability testing, demonstrating how long will the new technology last. The end of the process is a consensus-developed final report presenting all of the data, including the engine families that would experience similar results. An acceptable written testing protocol initiates the process and carries it through to the final report. This testing data and final report will be utilized as documentation to EPA for determination of emission reduction credits.

There are a limited number of facilities in the U.S. that have the capability of performing the full range of testing that is required to evaluate a qualifying fuel, add-on, retro-fit, or new technology.

To address some of the issues that have been encountered in determining the reductions that new technologies would receive, TCEQ is asking for the testing protocol as part of the application. The protocol may not be accepted by the appropriate community, but it will allow us to work through those issues in parallel with the grant negotiations and grant award to minimize the time lapse before testing can begin.

Project Selection

Project selections will be made using ranking and scoring procedures that will be explained in the RFA. In general, the selection priorities may include priority funding among different types of technology, the maturity of the project, and air quality benefits. TCEQ Executive Management will make the final project selections.

Grant Award and Contracting

Projects selected for funding will be awarded a grant, through the development and execution of a grant contract by the grant recipient and by the TCEQ. If needed, grants staff will coordinate with the recipient on any additional information necessary to complete the contract, including the scope of work. All grant recipients should review the contract language carefully before accepting and signing the contract.

Because the funding for this program is provided by revenue that is received throughout the year, all grant awards and contracts will be contingent upon the receipt of sufficient revenue to cover the grant. Grant contracts may be issued on a contingency basis, subject to a follow-on *Notice to Proceed* being issued by the TCEQ once sufficient funds are received.

The applicant will need to sign the grant contract and return the document to the TCEQ for final signature and execution. A copy of the signed contract will then be provided to the applicant.

An application for a Texas Payee Identification Number (PIN) will also be provided to the grant recipient with the contract. This number must be assigned before the Texas Comptroller will make payment to an entity from state funds. Potential applicants without a PIN should consider applying for a PIN as soon as possible. If the grant recipient has not already been assigned a PIN, the completed application form will need to be returned to the TCEQ along with the signed contract. The TCEQ will forward the application to the Comptroller, so that the required number can be assigned. Lack of a PIN will not impact project evaluation or selection.

Chapter 5

Grant Administration

Reimbursement and Reporting

Grant payments will be on a reimbursement basis, meaning that payment will be made after the eligible expense has been incurred by the grant recipient. The grant recipient must request reimbursement of expenses by submitting a completed and original signed TCEQ request for reimbursement. Each request for reimbursement must be accompanied by a properly completed financial status report for each activity conducted under the overall project.

The grant contract and the reimbursement forms will include requirements for documentation of expenses. Copies of all purchase orders, receipts, and paid invoices for expenditures will need to be submitted with each request for reimbursement of payments. Depending on the nature of the expense and the provisions of the applicable grant contract, copies of checks may be required to demonstrate the claim of reimbursement. Also, documentation of any required insurance must be submitted in accordance with the requirements of the applicable grant contract.

A project status and completion report must also be submitted quarterly and with each request for funds, and upon final completion of all activities conducted under the overall project. The project status report will be posted on the Agency's Web site. Each report should clearly identify the project and be written so the average lay person can understand the project.

The reimbursement form and reporting forms will be available on our Web site, or may be obtained directly from the TCEQ. All completed forms should be submitted to:

Regular Mail: Texas Commission on Environmental Quality
Environmental Planning and Implementation Division
New Technology Research and Development Programs Grants, MC-206
P.O. Box 13087
Austin, TX 78711-3087

Express Mail: Texas Commission on Environmental Quality
Environmental Planning and Implementation Division
New Technology Research and Development Programs Grants, MC-206
12100 Park 35 Circle, Bldg F
Austin, TX 78753

The TCEQ staff will review the forms and accompanying documentation.

Grant Adjustments and Authorizations

Grants recipients must complete the project according to the timelines established in the grant agreement. Approval for adjustments to the schedule should be requested as needed, according to the provisions of the grant agreement, however, a thorough explanation as to why additional time is needed must be given. TCEQ will have sole discretion to approve any modifications to timelines. Any changes to the timeline must be justified since the timing element was considered in the evaluation process.

Once the grant contract is signed and the project begins, any desired changes to the grant agreement, including work activities, authorized representative, schedule, or budget, must be requested in writing to the TCEQ. In accordance with the grant agreement provisions, the TCEQ may approve any changes through an adjustment to the contract. TCEQ will have sole discretion to approve any changes to the contract. Instructions for budget changes will be included in the contract provisions. Applicants are encouraged to carefully analyze all costs in the grant application.

Closeout Procedure and Release of Claims

Upon completion of the project, the grant recipient must submit a request for reimbursement for all remaining un-reimbursed expenses; a final financial status report for each activity; all required expense documentation; and a final project status and completion report. These forms must be submitted by no later than the deadline established in the grant contract.

All deliverables due as part of the grant project must be reviewed and accepted by the TCEQ, prior to final reimbursement or closeout of the grant. The contract will contain provisions for the grantee to provide deliverables to the TCEQ for review and comment. This must be planned for in the project timeline and schedule of deliverables. The grantee will also have a contract obligation to respond to TCEQ's review comments prior to finalization of reports or other deliverables.

The final project status and completion report must include a completed and signed release of claims. Once a release of claims is provided, the TCEQ will close out the grant contract.

The TCEQ will also complete a contractor evaluation, in accordance with the provisions that will be outlined in the grant contract. The grant recipient will be notified of the results of the evaluation, and will be given the opportunity to respond. This evaluation, which is required for all contracts administered by the TCEQ, is used to track the compliance and effectiveness of the contractors and grant recipients in administering contracts with the TCEQ.