ADMINISTRATIVE AND LEGAL REQUIREMENTS DOCUMENT (ALRD)

Department of Energy (DOE)
National Energy Technology Laboratory (NETL)
Office of Fossil Energy and Carbon Management (FECM)
Environmental Protection Agency (EPA)

Inflation Reduction Act (IRA) – Mitigating Emissions from Marginal Conventional Wells

Administrative and Legal Requirements Document (ALRD)
Number: DE-FOA-0003109
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Assistance Listing Number: 81.089 (Fossil Energy Research and Development)

ALRD Issue Date:	August 30, 2023
Submission Deadline for Full Applications:	September 30, 2023 5:00pm ET
Expected Timeframe for Award Negotiations	October/November 2023
Expected Timeframe for Award:	December 2023

Registration Requirements

There are several one-time actions that must be completed before submitting an application in response to this Administrative and Legal Requirements Document (ALRD) (e.g., register with the System for Award Management (SAM), obtain a Unique Entity Identifier (UEI) number, register with Grants.gov, and register with FedConnect.net to submit questions). It is vital that applicants address these items as soon as possible. Some may take several weeks, and failure to complete them could interfere with an applicant's ability to apply to this ALRD.

- **SAM** – Applicants must register with SAM at https://www.sam.gov/ prior to submitting an application in response to this ALRD. Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in SAM registration. Failure to register with SAM will prevent your organization from applying through Grants.gov. The applicant must maintain an active SAM registration with current information at all times during which it has an active Federal award or application under consideration. More information about SAM registration for applicants is found at: https://www.fsd.gov/gsafsd_sp?id=gsafsd_kb_articles&sys_id=650d493e1bab7c105465eaccac4bcbcb.

  NOTE: If clicking the SAM links do not work, please copy and paste the link into your browser.

  Due to the high demand of SAM registrations and UEI requests, entity legal business name and address validations are taking longer than expected to process. Entities should start the SAM and UEI registration process as soon as possible. If entities have technical difficulties with the SAM registration or UEI validation process they should utilize the HELP feature on SAM.gov. SAM.gov will work entity service tickets in the order in which they are received and asks that entities not create multiple service tickets for the same request or technical issue. Additional entity validation resources can be found here: GSAFSD Tier 0 Knowledge Base - Validating your Entity.

- **UEI** – Applicants must obtain an UEI from the SAM to uniquely identify the entity. The UEI is available in the SAM entity registration record.

  NOTE: Subawardees/subrecipients at all tiers must also obtain an UEI from the SAM and provide the UEI to the Prime Recipient before the subaward can be issued. Full registration in SAM is not required to obtain an UEI for subaward reporting.

- **Grants.gov** – Applicants must register with Grants.gov and set up your WorkSpace. You cannot submit an application through Grants.gov unless you are registered. Please read the registration requirements carefully and start the process immediately.

1) The Authorized Organizational Representative (AOR) must register at: https://www.grants.gov/web/grants/register.html.

2) An email is sent to the E-Business (E-Biz) POC listed in SAM. The E-Biz POC must approve the AOR registration using their MPIN from their SAM registration.

   More information about the registration steps for Grants.gov is provided at: https://www.grants.gov/web/grants/applicants/registration.html.

   In addition:

   - Add a Profile to a Grants.gov Account: A profile in Grants.gov corresponds to a single applicant organization the user represents (i.e., an applicant) or an individual applicant. If you work for or consult with multiple organizations and have a profile for each, you may log in to one Grants.gov account to access all of your grant applications. To add an organizational profile to your Grants.gov account, enter the UEI for the organization in the UEI field while adding a profile. For more detailed instructions about creating a profile on Grants.gov, refer to: https://www.grants.gov/web/grants/applicants/registration/add-profile.html.

   - *EBiz POC Authorized Profile Roles*: After you register with Grants.gov and create an Organization Applicant Profile, the organization applicant's request for Grants.gov roles and access is sent to the EBiz POC. The EBiz POC will then log in to Grants.gov and authorize the appropriate roles, which may include the AOR role, thereby giving you permission to complete and submit applications on behalf of the organization. You will be able to submit your application online any time after you have been assigned the AOR role.

     NOTE: When applications are submitted through Grants.gov, the name of the organization applicant with the AOR role that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The EBiz POC **must** authorize people who are able to make legally binding commitments on behalf of the organization as a user with the AOR role; **this step is often missed, and it is crucial for valid and timely submissions**.

     For more detailed instructions about creating a profile on Grants.gov, refer to: https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html.

     To track your role request, refer to: https://www.grants.gov/web/grants/applicants/registration/track-role-status.html.

Questions relating to the **registration process, system requirements, or how an application form works** must be directed to Grants.gov at 1-800-518-4726 or support@grants.gov.

- **FedConnect.net** – Applicants must register with FedConnect to submit questions. FedConnect website: https://www.fedconnect.net/

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I. Funding Opportunity Description

A. Background and Context

In August 2022, Congress passed and President Biden signed the Inflation Reduction Act into law. The Inflation Reduction Act makes a historic commitment to build a new clean energy economy, powered by American innovators, American workers, and American manufacturers, that will create good-paying jobs with a free and fair chance to join a union, decrease the pollution fueling the climate crisis, and advance environmental justice.

Section 60113 of the Inflation Reduction Act (Methane Emissions Reduction Program (MERP)) amended the Clean Air Act (CAA) by adding section 136, "Methane Emissions and Waste Reduction Incentive Program for Petroleum and Natural Gas Systems" (also referred to as the "Methane Emissions Reduction Program") (codified at 42 U.S.C. 7436). CAA section 136 appropriates funds to the U.S. Environmental Protection Agency (EPA) to provide financial and technical assistance (i.e., grants, rebates, contracts, loans, and other activities). CAA section 136(b) allocates up to $700 million for financial and technical assistance activities at marginal conventional wells (MCWs), of which up to $350 million is being made available for activities under this ALRD. For purposes of this ALRD, a MCW is an onshore conventional well producing less than or equal to 15 barrels of oil equivalent per day (BOED), or less than or equal to 90 thousand cubic feet (Mcf) gas per day (1 BOE = 6 Mcf) over a calendar year. These are producing or idle wells with known operators/well owners.

i. Program Purpose

The U.S. Department of Energy (DOE) is partnering with EPA to make funds available to eligible States for the purpose of mitigating methane emissions from MCWs by providing financial assistance to operators/well owners to voluntarily and permanently plug and abandon MCWs (including elements of environmental restoration required to comply with applicable State or Federal plugging and abandonment standards and regulations) on non-Federal lands as well as monitor methane emissions from MCWs to verify that plugged wells are no longer emitting methane. It is noted that within the bounds of this ALRD, the specific monitoring sought is limited to collection of methane emissions measurements from MCWs prior to and following the well plugging to quantify mitigated methane emissions as well as for the purposes of informing the prioritization of well-plugging projects. Hereafter the term "measurement" is used to define the type of monitoring requested.

Applicants are highly encouraged to optimize the available allocated funds to maximize the volume of methane emissions mitigated through the plugging and abandonment efforts.

Applicants are encouraged to contact Tribal Governments for purposes of identifying and permanently plugging and abandoning MCWs located on Tribal lands within State borders, where applicable.

These activities are expected to result in methane and other greenhouse gas emission (GHG) reductions and provide environmental benefits through the restoration completed as part of well abandonment requirements for the wells. Results of these activities are also anticipated to mitigate legacy air pollution (through reduction of associated non-greenhouse gas emissions) from oil and gas systems in low-income and disadvantaged communities and provide potential benefits to such communities, including improved ambient air quality, surface and groundwater quality, climate resiliency, and human health as well as creation of high-quality jobs. This ALRD is making available up to $350 million in formula grants through a non-competitive process to eligible States.

The formula is based on a State's proportion of the total national MCWs located on non-Federal land, with a minimum allocation of $125,000 for any State with one or more MCWs. Allocations may be adjusted by the number of States applying to participate in the program.

With the funding allocated under this ALRD, the following goals are targeted:

- Mitigate, to the maximum extent possible, methane and other greenhouse gas emissions by assisting operators to voluntarily identify and permanently plug MCWs;
- Measure methane emissions to provide a preliminary screening of emissions from MCWs as a mechanism to inform plugging prioritization;
- Measure methane emissions from MCWs (in accordance with the forthcoming DOE methane measurement guidelines for MCWs) prior to and following plugging and abandonment to quantify mitigated emissions; and
- Support elements of environmental restoration required for full compliance with applicable State or Federal well plugging and abandonment standards and regulations.

As part of the whole-of-government approach to advance equity and encourage worker organizing and collective bargaining[1,2,3] this ALRD and any related activities will seek to encourage meaningful engagement and participation of workforce organizations, including labor unions, as well as underserved communities and underrepresented groups, including Tribal nations[4]. Consistent with Executive Order 14008[5] this ALRD is designed to help meet the goal that 40% of the overall economic, environmental, and other benefits of certain federal investments flow to disadvantaged communities and to drive creation of accessible, good-paying jobs with the free and fair chance for workers to join a union.

B. Objectives and Scope

Applications are limited to projects that are directly related to the permanent plugging and abandonment of MCWs on non-Federal lands in accordance with applicable State or Federal standards and regulations. These activities will include:

- permanently plugging MCWs located on non-Federal lands;
- measuring methane emissions associated with MCWs; and
- administering the Statement of Project Objectives (SOPO) identified in the grant agreement in accordance with all applicable State and Federal standards and regulations.

These activities may also include:

- supporting elements of environmental restoration associated with the plugged MCWs as required for compliance with any applicable State and Federal standards and regulations for well plugging and abandonment.

In particular, projects will support permanent well plugging and abandonment activities on MCWs. These well plugging activities may include, but are not limited to:

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[1] EO 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," January 20, 2021. EO 14091, "Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," February 16, 2023.

[2] EO 14025, "Worker Organizing and Empowerment," April 26, 2021.

[3] EO 14052, "Implementation of the Infrastructure Investment and Jobs Act," November 18, 2021.

[4] EO 13175, November 6, 2000, "Consultation and Coordination with Indian Tribal Governments," charges all executive departments and agencies with engaging in regular, meaningful, and robust consultation with tribal officials in the development of federal policies that have tribal implications. Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships | The White House.

[5] EO 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021.

- preparation of well pad to permanently plug and abandon the well;
- removal of well bore casing and other associated equipment or infrastructure;
- placement of cement plugs in the borehole;
- excavation around well head and capping of the well prior to surface restoration as required by applicable State or Federal well plugging and abandonment standards and regulations; and
- support of activities necessary for well plugging.

Projects will also support monitoring (via discrete measurements) of methane emissions associated with the MCWs in accordance with the following guidelines.

Monitoring must include measurement of methane emissions prior to and following the plugging and abandonment of any MCW (in accordance with the forthcoming DOE methane measurement guidelines for MCWs), quantification of the methane emissions mitigated for plugged wells, and verification that plugged wells are no longer emitting methane emissions as required for full compliance with State or Federal well plugging and abandonment standards and regulations. It is to be clearly noted that for these pre and post plugging methane measurements, States will follow the forthcoming DOE methane measurement guidelines for MCWs. These guidelines will include requirements associated with methane measurement under this specific MCW program.

Monitoring can also include the use of existing methane emissions data or direct detection and measurement of methane emissions to provide a preliminary screening of emissions from MCWs as a mechanism to inform plugging prioritization. Methane emissions measurement associated with screening may consider, but are not required to follow, the forthcoming DOE methane measurement guidelines for MCWs.
Projects may also support elements of environmental restoration required for full compliance with applicable State or Federal well plugging and abandonment standards and regulations.

In addition to the guidance provided above, DOE has generated a Statement of Project Objectives (SOPO) to be used on all awards resulting from this ALRD. Applicants should review the SOPO to be aware of project requirements. The SOPO is located in Appendix B of this ALRD.

C. Applications Specifically Not of Interest

The following types of applications will be deemed nonresponsive and will not be reviewed or considered (See Section III.D. of the ALRD):

- Applications that fall outside the technical parameters specified in Sections I.A. and I.B. of the ALRD.
- Applications from States not included on the formula allocation list in Appendix A to this ALRD.

D. Community Benefits Plan: Job Quality and Equity

To support the goal of building a clean and equitable energy economy, the IRA-funded projects are expected to (1) support meaningful community and labor engagement; (2) invest in America's workforce; (3) advance diversity, equity, inclusion, and accessibility (DEIA); and (4) contribute to the President's goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities (the Justice40 Initiative). [6] To ensure these goals are met, applications must include a Community Benefits Plan that describes how the proposed project would incorporate the four objectives stated above.

Applicants are encouraged to submit Community and Labor Partnership Documentation from established labor and community-based organizations that demonstrate the applicant's ability to achieve the above goals as outlined in the Community Benefits Plan. Within the Community Benefits Plan, the applicant is encouraged to provide details on how to ensure the delivery of measurable community and jobs benefits, ideally using negotiated agreements between the applicant and the community, and/or the applicant and labor unions referred to collectively here as "Workforce and Community Agreements." These include good neighbor agreements, community benefits agreements, community workforce agreements, project labor agreements, and other collective bargaining agreements. See Section IV.C.xii. for the Community Benefits Plan content requirements.

[6] Pursuant to Executive Order (E.O.) 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021, and the Office of Management and Budget's Interim Justice40 Implementation Guidance M-21-28 and M-23-09 (whitehouse.gov), DOE recognizes disadvantaged communities as defined and identified by the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool (CEJST), located at https://screeningtool.geoplatform.gov/. DOE's Justice40 Implementation Guidance is located at https://www.energy.gov/sites/default/files/2022-07/Final%20DOE%20Justice40%20General%20Guidance%20072522.pdf and https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf defines disadvantaged communities

E. Authorizing Statutes

This ALRD is issued in accordance with statutory authority provided by:

Clean Air Act (CAA), Section 136, as added by Inflation Reduction Act (IRA), Section 60113, (codified at 42 U.S.C. 7436).

Awards made under this announcement will fall under the purview of 2 Code of Federal Regulation (CFR) Part 200 as amended by 2 CFR Part 910.

II. Award Information

A. Award Overview

i. Estimated Funding

This ALRD is expected to make available up to $350 million for new awards under this announcement. Funds will be distributed on a formula basis in accordance with the formula allocations included as Appendix A – State Formula Allocation List to this ALRD.

ii. Period of Performance

DOE anticipates making awards that will run for up to approximately five (5) years in length with one coextensive project/budget period.

iii. New Applications Only

DOE will accept only new applications under this ALRD. DOE will not consider applications for renewals of existing DOE-funded awards through this ALRD.

B. DOE Funding Agreements

i. Formula Grants

DOE has the authority to provide financial support to prime recipients through formula grants.

III. Eligibility Information

To be considered for substantive evaluation, an applicant's submission must meet the criteria set forth below. If the application does not meet these eligibility requirements, it will be considered ineligible and removed from further evaluation.

A. Eligible Applicants

i. Restricted Eligibility

In accordance with 2 CFR 910.126, Competition, and Section 136, of the CAA, eligibility for award is restricted to the 30 states identified in Appendix A – State Formula Allocation List.

ii. Individuals

U.S. citizens and lawful permanent residents are eligible to apply for funding as a subrecipient or subcontractor.

iii. Domestic Entities

For-profit entities, educational institutions, and nonprofits that are organized, chartered, or incorporated (or otherwise formed) under the laws of a particular State or territory of the United States and have a physical location for business operations in the United States are eligible to apply for funding as a subrecipient or subcontractor.

iv. Foreign Entities

In limited circumstances, DOE may approve a waiver to allow a foreign entity to participate as a subrecipient. If the applicant seeks to include a foreign entity as a subrecipient, the applicant must submit a separate explicit written waiver request in the Full Application for each proposed foreign subrecipient.

Appendix C lists the information that must be included in a foreign entity waiver request. The applicant does not have the right to appeal DOE's decision concerning a waiver request.

B. Cost Sharing

In accordance with Section 136 of the Clean Air Act CAA, cost sharing is not required under this ALRD.

C. Compliance Criteria

All applicant submissions must:

- Be submitted by an eligible State identified in Appendix A – State Formula Allocation List;
- Comply with the allocation amount for their respective State identified in Appendix A – State Formula Allocation List;
- Comply with the applicable content and form requirements listed in Section IV. of the ALRD;
- Include all required documents;
- Be successfully uploaded in Grants.gov at https://www.grants.gov/, including clicking the "Submit" button; and
- Be submitted by the deadline stated in the ALRD.

Applicants are strongly encouraged to submit their Full Applications at least 48 hours in advance of the submission deadline. Under normal conditions (i.e., at least 48 hours before the submission deadline), applicants should allow at least one hour to submit a Full Application. Once the Full Application is submitted in Grants.gov, applicants may revise or update that submission until the expiration of the applicable deadline. If changes are made to any of these documents, the applicant must resubmit the Full Application before the applicable deadline. DOE will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

D. Responsiveness Criteria

All "Applications Specifically Not of Interest," as described in Section I.C. of the ALRD, are deemed nonresponsive and are not reviewed or considered.

IV. Application and Submission Information

A. Application Process

All submissions must conform to the form and content requirements described below, including maximum page lengths.

- Each must be submitted in Adobe PDF format unless stated otherwise;
- Each must be written in English;
- All pages must be formatted to fit on 8.5 x 11-inch paper with margins not less than one inch on every side. Use Calibri typeface, a black font color, and a font size of 12 point or larger (except in figures or tables, which may be 10-point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References must be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement;
- Page numbers must be included in the footer of every page; and
- Each submission must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths indicated below, DOE will review only the authorized number of pages and disregard any additional pages.

B. Application Forms

The application forms and instructions are available on Grants.gov at https://www.grants.gov/.

Note: The maximum file size that can be uploaded to the Grants.gov website is 10MB. Files in excess of 10MB cannot be uploaded, and hence cannot be submitted for review. If a file exceeds 10MB but is still within the maximum page limit specified in the ALRD, it must be broken into parts and denoted to that effect. For example:

TechnicalVolume_Part_1
TechnicalVolume_Part_2

C. Content and Form of the Full Application

Applicants must complete the following application forms found on the Grants.gov website at https://www.grants.gov/.

i. Full Application Content Requirements

Full Applications must conform to the following requirements and must not exceed the stated page limits.

Component	File Format	Page Limit	File Name
SF-424	Form	N/A	N/A
Project/Performance Site Location(s)	Form	N/A	N/A
Technical Volume	PDF	15	TechnicalVolume.pdf
Resumes	PDF	3 pages each	Resumes.pdf
Community Partnership Documentation (if applicable)	PDF	10	PartnershipDocs.pdf
Budget Justification Workbook	MS Excel	N/A	Budget_Justification.xls or xlsx
Subrecipient Budget Justification (if applicable)	MS Excel	N/A	Subrecipient_Budget_Justification.xls or xlsx
Head of State Government Letter	PDF	1	HGLetter.pdf
Pre-Award Information Sheet	PDF	N/A	Pre-Award Info.pdf
SF-LLL Disclosure of Lobbying Activities	Form	N/A	N/A
Foreign Entity Waiver Requests and Foreign Work Waiver Requests	PDF	N/A	FN_Waiver.pdf
Community Benefits Plan: Job Quality and Equity	PDF	10	CBenefits.pdf
Environmental Plan	PDF	3	EnvPlan.pdf
Transparency of Foreign Connections	PDF	N/A	BusinessSensitive.pdf
Potentially Duplicative Funding Notice (if applicable)	PDF	N/A	PDFN.pdf

Note: The maximum file size that can be uploaded to the Grants.gov website is 10MB.

DOE provides detailed guidance on the content and form of each component below.

ii. SF-424: Application for Federal Assistance

Complete the SF 424 form first to populate data in other forms. Complete all required fields in accordance with the instructions on the form. The list of certifications and assurances in Field 21 can be found at https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients, under Certifications and Assurances. Note: The dates and dollar amounts on the SF-424 are for the complete project period of performance and not just the first project year, first phase or other subset of the project period of performance.

iii. Project/Performance Site Location(s)

Indicate the primary site where the administrative work will be performed by the prime recipient. If a portion of the administrative work will be performed at any other site(s), identify the site location(s) in the blocks provided.

Note that the Project/Performance Site Congressional District is entered in the format of the 2-digit state code followed by a dash and a 3-digit Congressional district code, for example VA-001. Hover over this field for additional instructions.

Use the Next Site button to expand the form to add additional Project/Performance Site Locations.

iv. Technical Volume

The Technical Volume must conform to the following content and form requirements.

Save the Technical Volume in a single PDF file named "TechnicalVolume.pdf" and click on "Add Mandatory Other Attachment" to attach.

The Technical Volume to the Full Application may not be more **than 15 pages**, including the cover page, table of contents, and all citations, charts, graphs, maps, photos, or other graphics, and must include all of the information in the table below.

Technical Volume Content Requirements	
SECTION/PAGE LIMIT	**DESCRIPTION**
Cover Page	The cover page should include the project title, the specific ALRD Topic Area being addressed, both the technical and business points of contact, names of all team member organizations, names of project managers, senior/key personnel and their organizations, the project location(s) where the administrative work will be performed, and any statements regarding confidentiality.
Workplan	The workplan should include the following information: 1. Approach: a. Describe the proposed scope of activities to be carried out with the grant, including permanently plugging MCWs, measuring of methane emissions from MCWs, and supporting elements of environmental restoration required by applicable State or Federal well plugging and abandonment standards and regulations. Include a description of the proposed methods to:

	i. Measure methane emissions to screen wells and inform plugging prioritization; 1. Document any planned use of existing emissions data for MCWs to be used in screening 2. Document any planned collection of new measurements of methane emissions or other data for MCWs to be used in screening ii. Plug and abandon MCWs in accordance with applicable State or Federal standards and regulations; and iii. Verify that plugged wells are no longer emitting methane at detectable levels, as required for full compliance with applicable State or Federal well plugging and abandonment standards and regulations. b. Describe the proposed process and methodology that will be used to identify and prioritize plugging and abandonment of eligible MCWs, including elements of environmental restoration required by applicable State or Federal well plugging and abandonment standards and regulations. 2. Coordination and Engagement: a. Describe the proposed methods the State will use to solicit input from and share process information with local and other State officials, Tribal Governments, and the public regarding the process to identify and prioritize MCWs. b. Describe the proposed process for coordinating and/or collaborating with entities within the State (i.e., State agencies, municipalities, local Government) as necessary in the conduct of planned project activities. i. Define any anticipated coordination among State entities that are required to be involved in the activities planned under the project, including identification of those entities and their anticipated role / responsibility associated with project activities. ii. If a Tribal Government exists within State borders and MCWs are located on Tribal land, describe the proposed process for coordinating as relevant with the Tribal Government(s) or other types of relevant bodies for the identification, prioritization, plugging and abandonment of MCWs, and pre- and post-plugging methane emissions measurement from MCWs. c. Describe how information regarding the activities of the State under this grant will be made available on a public website. d. Describe any subawards that are expected to be issued to State regulatory agencies, municipalities, or other organizations. 3. Estimated Impacts of the Approach

	a. Provide an estimate of the number of MCWs on non-Federal lands in the State that will be permanently plugged and abandoned under this program, including the basis of estimates. b. Provide an estimate of the amount of methane emissions to be mitigated by well plugging activities, including the basis of estimates. 4. Buy America Requirements for Infrastructure Projects a. Within the first 2 pages of the Workplan, include a short statement on whether the project will involve the construction, alteration, and/or repair of infrastructure in the United States. See Appendix D for applicable definitions and other information to inform this statement.

v. Resumes

A resume provides information that can be used by reviewers to evaluate the individual's relevant skills and experience of the key project personnel. Applicants must submit a no more than three-page resume for each project manager and Senior/Key personnel that includes the following:

1. Contact Information;
2. Education: Include all academic institutions attended, major/area, degree;
3. Training: e.g. certification or credential from a Registered Apprenticeship or Labor Management Partnership
4. Professional Experience: Beginning with the current position, list professional/academic positions in chronological order with a brief description;
5. List all current academic, professional, or institutional appointments, foreign or domestic, at the applicant institution or elsewhere, whether or not remuneration is received, and, whether full-time, part-time, or voluntary; and
6. There should be no lapses in time over the past ten years or since age 18, whichever time period is shorter.

Save the resumes in a single PDF file named "Resumes.pdf" and click on "Add Optional Other Attachment" to attach.

vi. Community Partnership Documentation (if applicable)

In support of the Community Benefits Plan, applicants may submit documentation to demonstrate existing or planned partnerships with community entities, such as organizations that work with local stakeholders most vulnerable to or affected by the project. Examples of such as entities include organizations that carry out workforce development programs, labor unions, Tribal organizations, and community-based organizations that work with disadvantaged communities. The Partnership Documentation can be a letter on the partner's letterhead outlining the planned partnership signed by an officer of

the entity, a Memorandum of Understanding, or other similar agreement. Such letters must state the specific nature of the partnership and must not be general letters of support. If the applicant intends to enter into Workforce and Community Agreements as part of the Community Benefits Plan, they should include letters from proposed partners. Each letter must not exceed 1 page. In total, the partnership documentation must not exceed 10 pages.

Save the Community Partnership Documentation in a single PDF file named "PartnershipDoc.pdf" and click on "Add Optional Other Attachment" to attach.

vii. Budget Justification Workbook

Applicants must complete the Budget Justification Workbook. This workbook is included as an attachment to this announcement for use and to describe the level of detail required in the budget justification. Although the data requested is mandatory, the use of the budget justification workbook is not. Applicants must complete each tab of the Budget Justification Workbook for the project as a whole, including all work to be performed by the prime recipient and its subrecipients and contractors. Applicants should include costs associated with implementing the various requirements (e.g., Buy America Requirements for Infrastructure projects, Davis Bacon, Community Benefits Plan, reporting, oversight) and with required annual audits and incurred cost proposals in their proposed budget documents. Such costs may be reimbursed as a direct or indirect cost. The "Instructions and Summary" included with the Budget Justification Workbook will auto-populate as the applicant enters information into the Workbook. Applicants must carefully read the "Instructions and Summary" tab provided within the Budget Justification Workbook.

Save the Budget Justification Workbook in a single Microsoft Excel file named "Recipient_Budget_Justification.xls or xlsx" and click on "Add Optional Other Attachment" to attach.

viii. Subrecipient Budget Justification (if applicable)

Applicants must provide a separate budget justification for each subrecipient that is expected to perform work estimated to be more than $250,000 or 25 percent of the total work effort, if that amount is less than $250,000 (whichever is less). The budget justification must include the same justification information described in the "Budget Justification Workbook" section above.

Save each subrecipient budget justification in a Microsoft Excel file named "Subrecipient_Budget_Justification.xls or xlsx" and click on "Add Optional Other Attachment" to attach.

ix. Head of State Government Letter

Applicants shall provide a "Head of State Government Letter", documenting their appointment as the sole entity within the State to apply for, receive, and administer the award as authorized by this ALRD.

Save the information in a single PDF file named "HGLetter.pdf" and click on "Add Optional Other Attachment" to attach.

x. Pre-Award Information Sheet

Applicants are required to complete a Pre-Award Information Sheet and submit it with their application. The Pre-Award Information Sheet is included as an attachment to this announcement.

Save the information in a single PDF file named "Pre-Award Info.pdf" and click on "Add Optional Other Attachment" to attach.

xi. SF-LLL: Disclosure of Lobbying Activities

Recipients and subrecipients may not use any federal funds to influence or attempt to influence, directly or indirectly, congressional action on any legislative or appropriation matters.

Recipients and subrecipients are required to complete and submit SF-LLL, "Disclosure of Lobbying Activities" (https://www.grants.gov/web/grants/forms/sf-424-individual-family.html) to ensure that non-federal funds have not been paid and will not be paid to any person for influencing or attempting to influence any of the following in connection with the application:

- An officer or employee of any federal agency;
- A member of Congress;
- An officer or employee of Congress; or
- An employee of a member of Congress.

xii. Foreign Entity Waiver Requests and Foreign Work Waiver Requests

Foreign Entity Participation

For projects selected under this ALRD, all subrecipients and subcontractors must qualify as domestic entities. To request a waiver of this requirement, the applicant must submit an explicit waiver request in the Full Application. Appendix C lists the information that must be included in a waiver request.

Foreign Work Waiver Request

As set forth in Section IV.F.iv., all work for projects selected under this ALRD must be performed in the United States. To request a waiver of this requirement, the applicant must submit an explicit waiver request in the Full Application. Appendix C lists the information that must be included in a foreign work waiver request.

Save the Waivers in single PDF file named "FN_Waiver.pdf" and click on "Add Optional Other Attachment" to attach.

xiii. Community Benefits Plan: Job Quality and Equity

The Community Benefits Plan: Job Quality and Equity (Community Benefits Plan or Plan) must set forth the applicant's approach to ensuring that federal investments advance four goals: 1) community and labor engagement; 2) investing in job quality and workforce continuity; 3) advancing diversity, equity, inclusion, and accessibility (DEIA); and 4) contributing to the Justice40 Initiative. The below sections include the requirements for each goal. The Community Benefits Plan should indicate the applicant's intention to engage meaningfully with labor and community stakeholders on these goals, including the potential of entering into formal Workforce and Community Agreements. Given project complexity and sensitivities, applicants should consider pursuing multiple agreements.

For your convenience, a Community Benefits Plan template is available at: About Community Benefits Plans. Applicants are strongly encouraged to use the template to complete their specific Plan. If the template is not used, the Plan must address all of the elements described below, and as outlined in the template.

The applicant's Community Benefits Plan must include at least one Specific, Measurable, Attainable, Realistic, and Timely (SMART) milestone per budget period to measure progress on the proposed actions. The Plan will be evaluated as part of the technical review process. If DOE selects a project, DOE will incorporate the Community Benefits Plan into the award, and the recipient must implement its Community Benefits Plan when carrying out its project. Public transparency around the plan and SMART commitments ensures accountability. In addition, DOE will evaluate the recipient's progress during the award period of performance, including as part of the Go/No-Go review process.

The Community Benefits Plan must not exceed 10 pages. It must be submitted in PDF format. This Plan must address the technical review criterion titled, "Community Benefits Plan: Job Quality & Equity." See Section V. of the ALRD.

For additional information, see About Community Benefits Plans.

The Community Benefits Plan must address the following:

1. Community and Labor Engagement: The Community Benefits Plan must describe the applicant's actions to date and plans to engage with community partners, such as local and/or Tribal Governments, labor unions, and community-based organizations that support or work with underserved communities, including Disadvantaged Communities as defined for purposes of the Justice40 Initiative. By facilitating community input, social buy-in, and accountability, such engagement can substantially reduce or eliminate stalls or slowdowns, litigation, and other risks associated with project implementation. Community and labor engagement should lay the groundwork for the negotiation of Workforce and Community Agreements, which could take the form of one or more kinds of negotiated agreements with communities, labor unions, or, ideally, both. Registered apprenticeship programs, labor-management training partnerships, quality pre-apprenticeship programs, a card check provision, and local and targeted hiring goals are all examples of provisions that Workforce and Community Agreements could cover that would increase the success of a DOE-funded project.

Applicants should also provide Community and Labor Partnership Documentation from representative organizations reflecting substantive engagement and feedback on applicant's approach to community benefits including job quality and workforce continuity; diversity, equity, inclusion, and accessibility; and the Justice40 Initiative detailed below.

2. Investing in Job Quality and Workforce Continuity: A well-qualified, skilled, and trained workforce is necessary to ensure project stability, continuity, and success, and to meet program goals. High-quality jobs are critical to attracting and retaining the qualified workforce required.

The Plan must describe the applicant's approach to investing in workforce education and training of both new and incumbent workers and ensuring jobs are of sufficient quality to attract and retain skilled workers in the industry.

As the 1935 National Labor Relations Act states, employees' ability to organize, bargain collectively, and participate, through labor organizations of their choosing, in decisions that affect them contributes to the effective conduct of business and facilitates amicable settlements of any potential disputes between employees and employers, providing assurances of project efficiency, continuity, and multiple public benefits.

The Plan must include:

a. A summary of the applicant's plan to attract, train, and retain a skilled and well qualified workforce for both construction and ongoing operations/production activities. A collective bargaining agreement, labor-management partnership, or other similar agreement would provide evidence of such a plan. Alternatively, applicants may describe:
    i) wages, benefits, and other worker supports to be provided as benchmarking against prevailing wages for construction and local median wages for other occupations;
    ii) commitments to invest in workforce education and training, including measures to reduce attrition, increase productivity from a committed and engaged workforce, and support the development of resilient, skilled, and stable workforce for the project; and
    iii) efforts to engage employees in the design and execution of workplace safety and health plans.

b. It is the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association. Applicant should provide a description of how and if they plan to affirmatively support worker organizing and collective bargaining. This might include a commitment to negotiate pre-hire project labor agreements for construction activity, a pledge to remain neutral during any union organizing campaigns, intention or willingness to permit union recognition through card check (as opposed to requiring union elections), intention or willingness to enter into binding arbitration to settle first contracts, a pledge to allow union organizers access to appropriate onsite non-work places (e.g., lunch rooms), a pledge to refrain from holding captive audience meetings, and other supportive commitments or pledges.

3. DEIA: The Community Benefits Plan must include a section describing how diversity, equity, inclusion, and accessibility (DEIA) objectives will be incorporated into the project. The section should detail how the applicant will partner with underrepresented businesses, educational institutions, and training organizations that serve workers who face barriers to accessing quality jobs, and/or other project partners to help address DEIA.

The following is a list of potential DEIA actions that could be included in a Plan. This list is offered to provide guidance to applicants and is not intended to be comprehensive.

a. Commit to partner with Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, and Veteran Owned Businesses for contractor support needs;
b. To fill open positions for the DOE-funded project, partner with workforce training organizations serving under-represented communities and those facing systemic barriers to quality employment such as those with disabilities, women, returning citizens, opportunity youth, and veterans; and
c. Provide workers with comprehensive support services, such as childcare and transportation, to increase representation and access in project's construction and operations jobs.

4. Justice40 Initiative: Applicants must provide an overview of benefits to disadvantaged communities that the project can deliver, supported by measurable milestones.

Specifically, the Justice40 Initiative section must include:

1. Identification of applicable disadvantaged communities to which the anticipated project benefits will flow.
2. Identification of Applicable Benefits that are quantifiable, measurable, and trackable, including, at a minimum, a discussion of the relevance of each of the eight DOE Justice40 Initiative benefits outlined below. Benefits include (but are not limited to) measurable direct or indirect investments or positive project outcomes that achieve or contribute to the following in disadvantaged communities: (1) a decrease in energy burden; (2) a decrease in environmental exposure and burdens; (3) an increase in access to low-cost capital; (4) an increase in high-quality job creation, the clean energy job pipeline, and job training for individuals; (5) increases in clean energy enterprise creation and contracting (e.g., minority-owned or disadvantaged business enterprises); (6) increases in energy democracy, including community ownership; (7) increased parity in clean energy technology access and adoption; and (8) an increase in energy resilience. Applicants should also discuss how the project will maximize all of the benefits listed in #4 above.
3. A description of how and when anticipated benefits are expected to flow to disadvantaged communities. For example, will the benefits be provided directly within the disadvantaged communities identified in the Justice40 Initiative section, or another way; whether the benefits will flow during project development or after project completion, and how applicant will track benefits delivered.
4. A discussion of anticipated negative and cumulative environmental impacts on disadvantaged communities. Applicants should discuss any anticipated negative or positive environmental impacts associated with the project, and how they will mitigate any negative impacts. Within the

context of cumulative impacts created by the project, applicants should use Environmental Protection Agency EJSCREEN tool to quantitatively discuss existing environmental impacts in the project area.
See EJScreen: Environmental Justice Screening and Mapping Tool | US EPA

Save the Community Benefits Plan in a single PDF file named "CBenefits.pdf" and click on "Add Optional Other Attachment" to attach.

xiv. Environmental Plan

Applicants must submit an Environmental Plan (EP) that outlines their processes for identifying and communicating to the DOE any "locations of concern" selected for well plugging and abandonment. These locations of concern are potential well locations that, based on surrounding conditions, could trigger the applicability of non-exempt Federal authorities (including but not limited to the Endangered Species Act and the National Historic Preservation Act). The EP will explain the processes the applicants will utilize to identify well locations in areas where sensitive resources may exist, requiring additional consultation and coordination with DOE and other federal or state agencies. The sensitive resources that need to be evaluated, include, but are not limited to, threatened and endangered species and their habitats under the Endangered Species Act; historic and prehistoric/archaeological sites/resources under the Archaeological Resources Protection Act and National Historic Preservation Act; wetlands/floodplains under the Clean Water Act; migratory bird flyways under the Migratory Bird Treaty Act; underground sources of drinking water under the Safe Water Drinking Act; and Tribal lands or areas of cultural or religious significance to Tribal Nations under the Native American Graves Protection and Repatriation Act. The EP should include a process of notifying the DOE Project Officer (PO) of any identified locations of concern where sensitive resources may exist and conveying sufficient information to the DOE PO so that DOE can initiate any required associated actions. Associated actions include, but are not limited to, reviews of site-specific details at "locations of concern," consultations with personnel at applicable Fish and Wildlife Service/U.S. Army Corps of Engineers/state historic preservation offices and Tribal Historic Preservation Officers regarding potential impacts, development of mitigation action plans at locations of concern, and final approval prior to proceeding with federally funded work on an abandoned well.

Recipients will be required to adhere to their EP throughout the Period of Performance to assist in the timely and effective identification of locations of concern and to complete required environmental and regulatory review process(es) at their proposed work locations. If DOE determines that certain records must be prepared to complete the environmental and regulatory review process (e.g., biological evaluations, identification of historic properties, consultations with other federal agencies and Tribal Nations, mitigation action

plans), the Recipient may be required to prepare the records, and the costs to prepare the necessary records may be included as part of the project costs. Recipients will be restricted from taking any action towards an identified "location of concern" until DOE completes all required environmental and regulatory reviews.

Save the Environmental Plan in a single PDF file named "EnvPlan.pdf" and click on "Add Mandatory Other Attachment" to attach.

xv. Transparency of Foreign Connections

Applicants must provide the following as it relates to the proposed recipient and subrecipients. Include a separate disclosure for the applicant and each proposed subrecipient, U.S. National Laboratories, domestic Government entities, and institutions of higher education are only required to respond to items 1, 2 and 9, and if applying as to serve as the prime recipient, must provide complete responses for project team members that are not U.S. National Laboratories, domestic Government entities, or institutions of higher education.

1. Entity name, website address, and mailing address;
2. The identity of all owners, lead technical program manager(s), and senior/key personnel who are a party to any *Foreign Government-Sponsored Talent Recruitment Program* of a foreign country of risk (i.e., China, Iran, North Korea, and Russia);
3. The existence of any joint venture or subsidiary that is based in, funded by, or has a foreign affiliation with any foreign country of risk;
4. Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;
5. Percentage, if any, that the proposed recipient or subrecipient has foreign ownership or control;
6. Percentage, if any, that the proposed recipient or subrecipient is wholly or partially owned by an entity in a foreign country of risk;
7. Percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk;
8. Any technology licensing or intellectual property sales to a foreign country of risk, during the 5-year period preceding submission of the proposal;
9. Any foreign business entity, offshore entity, or entity outside the United States related to the proposed recipient or subrecipient;
10. Complete list of all directors (and board observers), including their full name, citizenship and shareholder affiliation, date of appointment, duration of term, as well as a description of observer rights as applicable;

11. Complete capitalization table for your entity, including all equity interests (including LLC and partnership interests, as well as derivative securities). Include both the number of shares issued to each equity holder, as well as the percentage of that series and all equity on a fully diluted basis. Identify the principal place of incorporation (or organization) for each equity holder. If the equity holder is a natural person, identify the citizenship(s). If the recipient or subrecipient is a publicly traded company, provide the above information for shareholders with an interest greater than 5%;
12. A summary table identifying all rounds of financing, the purchase dates, the investors for each round, and all the associated governance and information rights obtained by investors during each round of financing; and
13. An organization chart to illustrate the relationship between your entity and the immediate parent, ultimate parent, and any intermediate parent, as well as any subsidiary or affiliates. Identify where each entity is incorporated.

    DOE reserves the right to request additional or clarifying information based on the information submitted.

Save the Transparency of Foreign Connections in a single PDF file named "BusinessSensitive.pdf" and click on "Add Optional Other Attachment" to attach.

xvi. Potentially Duplicative Funding Notice (if applicable)

If the applicant or project team member has other active awards of federal funds, the applicant must determine whether the activities of those awards potentially overlap with the activities set forth in its application to this ALRD. If there is a potential overlap, the applicant must notify DOE in writing of the potential overlap and state how it will ensure any project funds (i.e., recipient cost share and federal funds) will not be used for identical cost items under multiple awards. Likewise, for projects that receive funding under this ALRD, if a recipient or project team member receives any other award of federal funds for activities that potentially overlap with the activities funded the DOE award, the recipient must promptly notify DOE in writing of the potential overlap and state whether project funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items under the DOE award. If there are identical cost items, the recipient must promptly notify the DOE Contracting Officer in writing of the potential duplication and eliminate any inappropriate duplication of funding.

Save the Potentially Duplicative Funding Notice in a single PDF file named "PDFN.pdf" and click on "Add Optional Other Attachment" to attach.

D. Unique Entity Identifier (UEI) and System for Award Management (SAM)

Each applicant (unless the applicant is an individual or federal awarding agency that is excepted from those requirements under 2 CFR 25.110(b) or (c), or has an exception approved by the federal awarding agency under 2 CFR 25.110(d)) is required to: (1) Be registered in the SAM at https://www.sam.gov before submitting its application; (2) provide a valid UEI number in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. DOE may not make a federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOE is ready to make a federal award, the DOE will determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

NOTE: Due to the high demand of UEI requests and SAM registrations, entity legal business name and address validations are taking longer than expected to process. Entities should start the UEI and SAM registration process as soon as possible. If entities have technical difficulties with the UEI validation or SAM registration process, they should utilize the **HELP** feature on **SAM.gov**. SAM.gov will work entity service tickets in the order in which they are received and asks that entities not create multiple service tickets for the same request or technical issue. Additional entity validation resources can be found here: GSAFSD Tier 0 Knowledge Base - Validating your Entity.

E. Intergovernmental Review

This ALRD is not subject to Executive Order 12372 – Intergovernmental Review of Federal Programs.

F. Funding Restrictions

i. Allowable Costs

All expenditures must be allowable, allocable, and reasonable in accordance with the applicable federal cost principles. Pursuant to 2 CFR 910.352, the cost principles in the Federal Acquisition Regulations (48 CFR 31.2) apply to for-profit entities. The cost principles contained in 2 CFR Part 200, Subpart E apply to all entities other than for-profits.

ii. Administrative Cost Cap

For Applicants who receive an award under this ALRD, costs associated with administrative activities are limited to 10% of the allocation amount.

iii. Pre-Award Costs

Applicants who receive an award under this ALRD may charge pre-award costs as herein prescribed. Pre-award costs are those costs incurred prior to the effective date of the Federal grant award. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal grant award, and if they are consistent with the applicable Federal cost principles referenced in 2 CFR part 200 as amended by 2 CFR part 910.

Pre-award expenditures are made at the selectee's risk. DOE is not obligated to reimburse costs: (1) in the absence of appropriations; (2) if an award is not made; or (3) if an award is made for a lesser amount than the selectee anticipated.

iv. Performance of Work in the United States (Foreign Work Waiver)

1. **Requirement**
   All work performed under DOE awards issued under this ALRD must be performed in the United States. The prime recipient must flow down this requirement to its subrecipients.

2. **Failure to Comply**
   If the prime recipient fails to comply with the Performance of Work in the United States requirement, DOE may deny reimbursement for the work conducted outside the United States and such costs may not be recognized as allowable recipient cost share. The prime recipient is responsible should any work under this award be performed outside the United States, absent a waiver, regardless of whether the work is performed by the prime recipient, subrecipients, contractors or other project partners.

3. **Waiver**
   To seek a foreign work waiver, the applicant must submit a written waiver request to DOE. Appendix C lists the information that must be included in a request for a foreign work waiver.

v. Construction

Recipients are required to obtain written authorization from the Contracting Officer before incurring any major construction costs.

vi. Davis-Bacon Act Requirements

Pursuant to Clean Air Act Sections 314 (42 USC 7614) and 136, all laborers and mechanics employed by the recipient, subrecipients, contractors, or subcontractors in the performance of construction, alteration, or repair work funded in whole or in part under this ALRD shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the Davis-Bacon Act (DBA).

Applicants shall provide written assurance acknowledging the DBA requirements above, confirming that the laborers and mechanics performing construction, alteration, or repair work on projects funded in whole or in part by awards made as a result of this ALRD are paid or will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act). Applicants acknowledge that they will comply with all the Davis-Bacon Act requirements, including but not limited to:

(1) Ensuring that the wage determination(s) and appropriate Davis-Bacon clauses and requirements are flowed down to and incorporated into any applicable subcontracts or subrecipient awards;

(2) Ensuring that if wage determination(s) and appropriate Davis-Bacon clauses and requirements are improperly omitted from contracts and subrecipient awards, the applicable wage determination(s) and clauses are retroactively incorporated to the start of performance;

(3) Being responsible for compliance by any subcontractor or subrecipient with the Davis-Bacon labor standards;

(4) Receiving and reviewing certified weekly payrolls submitted by all subcontractors and subrecipients for accuracy and to identify potential compliance issues;

(5) Maintaining original certified weekly payrolls for three years after the completion of the project and making those payrolls available to DOE or the U.S. Department of Labor (DOL) upon request, as required by 29 CFR 5.6(a)(2);

(6) Conducting payroll and job-site reviews for construction work, including interviews with employees, with such frequency as may be necessary to assure compliance by its subcontractors and subrecipients and as requested or directed by DOE;

(7) Cooperating with any authorized representative of DOL in its inspection of records, interviews with employees, and other actions undertaken as part of a DOL investigation;

(8) Posting in a prominent and accessible place the wage determination(s) and DOL Publication: WH-1321, Notice to Employees Working on Federal or Federally Assisted Construction Projects;

(9) Notifying the Contracting Officer of all labor standards issues, including all complaints regarding incorrect payment of prevailing wages and/or fringe benefits, received from the recipient, subrecipient, contractor, or subcontractor employees; significant labor standards violations, as defined in 29 CFR 5.7; disputes concerning labor standards pursuant to 29 CFR Parts 4, 6, and 8 and as defined in FAR 52.222-14; disputed labor standards determinations; DOL investigations; or legal or judicial proceedings related to the labor standards under this contract, a subcontract, or subrecipient award; and

(10) Preparing and submitting to the Contracting Officer, the Office of Management and Budget Control Number 1910-5165, Davis Bacon Semi-Annual Labor Compliance Report, by April 21 and October 21 of each year. Form submittal will be administered through the iBenefits system (https://doeibenefits2.energy.gov), its successor system, or other manner of compliance as directed by the Contracting Officer.

Recipients of funding under this ALRD will also be required to undergo Davis-Bacon Act compliance training and maintain competency in Davis-Bacon Act compliance. The Contracting Officer will notify the recipient of any DOE-sponsored Davis-Bacon Act compliance trainings. DOL offers free Prevailing Wage Seminars several times a year that meet this requirement, at https://www.dol.gov/agencies/whd/government-contracts/construction/seminars/events.

For additional guidance on how to comply with the Davis-Bacon provisions and clauses, see https://www.dol.gov/agencies/whd/government-contracts/construction and https://www.dol.gov/agencies/whd/government-contracts/protections-for-workers-in-construction.

DOE anticipates contracting with a third party for a Davis-Bacon Act electronic payroll compliance software application. Recipients of funding under this ALRD must ensure the timely electronic submission of weekly certified payrolls through this software as part of its compliance with the Davis-Bacon Act unless a waiver is granted to a particular contractor or

subcontractor because it is unable or limited in its ability to use or access. Applicants should indicate if they will seek a waiver.

vii. Foreign Travel

Foreign travel costs are not allowable under this ALRD.

viii. Equipment and Supplies

Property disposition may be required at the end of a project if the current fair market value of property exceeds $5,000. For-profit entity disposition requirements are set forth at 2 CFR 910.360. Property disposition requirements for other non-federal entities are set forth in 2 CFR 200.310 – 200.316.

ix. Buy America Requirements for Infrastructure Projects

Pursuant to the Build America Buy America Act (BABA), subtitle IX of the Infrastructure Investment and Jobs Act (IIJA), Federally assisted projects that involve infrastructure work, undertaken by applicable recipient types, require that:

- all iron, steel, and manufactured products used in the infrastructure work are produced in the United States; and
- all construction materials used in the infrastructure work are manufactured in the United States.

Whether a given project must apply this requirement is project-specific and dependent on several factors, such as the recipient's entity type, whether the work involves "infrastructure," as that term is defined in Section 70914 of the Bipartisan Infrastructure Law (BIL), and whether the infrastructure in question is publicly owned or serves a public function.

Applicants are strongly encouraged to consult Appendix D of this ALRD to determine whether their project may have to apply this requirement, both to make an early determination as to the need of a waiver, as well as to determine what impact, if any, this requirement may have on the proposed project's budget.

Please note that, based on the implementation guidance from the Office of Management and Budget (OMB) issued on April 18, 2022, the Buy America requirements of the BIL do not apply to DOE projects in which the prime recipient is a for-profit entity; the requirements only apply to projects whose prime recipient is a "non-Federal entity," e.g., a State, local Government, Indian tribe, Institution of Higher Education, or nonprofit organization. Subawards should conform to the terms of the prime award from which they flow; in other words, for-profit prime recipients are not required to flow down these Buy America requirements to subrecipients, even if those subrecipients are non-

Federal entities as defined above. Conversely, prime recipients which are non-Federal entities must flow the Buy America requirements down to all subrecipients, even if those subrecipients are for-profit entities.
Finally, for all applicants—both non-Federal entities and for-profit entities—DOE is including a Program Policy Factor that the Selection Official may consider in determining which Full Applications to select for award negotiations that considers whether the applicant has made a commitment to procure U.S. iron, steel, manufactured products, and construction materials in its project.

The DOE financial assistance agreement will require each recipient: (1) to fulfill the commitments made in its application regarding the procurement of U.S.-produced products and (2) to fulfill the commitments made in its application regarding the procurement of other key component metals and manufactured products domestically that are deemed available in sufficient and reasonably available quantities or of a satisfactory quality at the time of award negotiation. Applicants may seek waivers of these requirements in very limited circumstances and for good cause shown. Further details on requesting a waiver can be found in Appendix D and the terms and conditions of an award

Applicants are strongly encouraged to consult Appendix D for more information.

x. Lobbying

Recipients and subrecipients may not use any federal funds to influence or attempt to influence, directly or indirectly, congressional action on any legislative or appropriation matters.

Recipients and subrecipients are required to complete and submit SF-LLL, "Disclosure of Lobbying Activities" (https://www.grants.gov/web/grants/forms/sf-424-individual-family.html) to ensure that non-federal funds have not been paid and will not be paid to any person for influencing or attempting to influence any of the following in connection with the application:

- An officer or employee of any federal agency;
- A Member of Congress;
- An officer or employee of Congress; or
- An employee of a Member of Congress.

xi. Risk Assessment

Pursuant to 2 CFR 200.206, DOE will conduct an additional review of the risk posed by applications submitted under this ALRD. Such risk assessment will consider:

1. Financial stability;
2. Quality of management systems and ability to meet the management standards prescribed in 2 CFR 200 as amended and adopted by 2 CFR 910;
3. History of performance;
4. Audit reports and findings; and
5. The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities.

DOE may make use of other publicly available information and the history of an applicant's performance under DOE or other federal agency awards.

Depending on the severity of the findings and whether the findings were resolved, DOE may elect not to fund the applicant.

In addition to this review, DOE must comply with the guidelines on Government-wide suspension and debarment in 2 CFR Part 180 and must require non-federal entities to comply with these provisions. These provisions restrict federal awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal programs or activities.

Further, as DOE invests in critical infrastructure and funds critical and emerging technology areas, DOE also considers possible threats to United States research, technology, and economic security from undue foreign Government influence when evaluating risk. If high risks are identified and cannot be sufficiently mitigated, DOE may elect to not fund the applicant.

xii. Prohibition related to Foreign Government-Sponsored Talent Recruitment Programs

a. Prohibition

Persons participating in a *Foreign Government-Sponsored Talent Recruitment Program of a Foreign Country of Risk* are prohibited from participating in projects selected for federal funding under this ALRD. Should an award result from this ALRD, the recipient must exercise ongoing due diligence to reasonably ensure that no individuals participating on the DOE-funded project are participating in a *Foreign Government-Sponsored Talent Recruitment Program of a Foreign Country of Risk*. Consequences for violations of this prohibition will be determined according to applicable law, regulations, and policy. Further, the recipient must notify DOE within five (5) business days upon learning that an individual on the project team is or is believed to be participating in a foreign Government talent recruitment

program of a foreign country of risk. DOE may modify and add requirements related to this prohibition to the extent required by law.

b. Definitions

1. **Foreign Government-Sponsored Talent Recruitment Program.** An effort directly or indirectly organized, managed, or funded by a foreign Government, or a foreign Government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign Government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign Government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of Federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to U.S. entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

2. **Foreign Country of Risk.** DOE has designated the following countries as foreign countries of risk: Iran, North Korea, Russia, and China. This list is subject to change.

xiii. Affirmative Action and Pay Transparency Requirements

All applicants must comply with all applicable federal labor and employment laws, including but not limited to Title VII of the Civil Rights Act of 1964, the Fair Labor Standards Act, the Occupational Safety and Health Act, and the National Labor Relations Act, which protects employees' right to bargain collectively and engage in concerted activities for the purpose of workers' mutual aid or protection.

All federally assisted construction contracts exceeding $10,000 annually will be subject to the requirements of Executive Order 11246, Equal Employment Opportunity:

(1) Recipients, subrecipients, contractors, and subcontractors are prohibited from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin.
(2) Recipients and contractors are required to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment. This includes flowing down the appropriate language to all subrecipients contractors, and subcontractors.
(3) Recipients, subrecipients, contractors, and subcontractors are prohibited from taking adverse employment actions against applicants and employees for asking about, discussing, or sharing information about their pay or, under certain circumstances, the pay of their co-workers.

The Department of Labor's (DOL) Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule compliance evaluations. Consult OFCCP's Technical Assistance Guide[7] to gain an understanding of the requirements and possible required actions the recipients, subrecipients, contractors, and subcontractors must take. Additional guidance may also be found in the National Policy Assurances, produced by DOE.

Additionally, for construction projects valued at $35 million or more and lasting more than one year, the recipients, subrecipients, contractors, and subcontractors may be selected by the OFCCP to participate in the *Mega Construction Project Program*. DOE, under relevant legal authorities including Sections 205 and 303(a) of Executive Order 11246, will require participation as a condition of the award. This program offers extensive compliance assistance with EO 11246. For more information regarding this program, see https://www.dol.gov/agencies/ofccp/construction/mega-program.

xiv. Foreign Collaborations Considerations

a. **Consideration of new collaborations with foreign entities and Governments.** The recipient will be required to provide DOE with advanced written notification of any potential collaboration with foreign entities or Governments in connection with its DOE-funded award scope. The recipient will then be required to await further guidance from DOE prior to contacting the proposed foreign entity or Government regarding the potential collaboration or negotiating the terms of any potential agreement.

[7] See OFCCP's Technical Assistance Guide at: https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf?msclkid=9e397d68c4b111ec9d8e6fecb6c710ec Also see the National Policy Assurances http://www.nsf.gov/awards/managing/rtc.jsp

b. **Existing collaborations with foreign entities and Governments.** The recipient will be required to provide DOE with a written list of all existing foreign collaborations in which has entered in connection with its DOE-funded award scope.

d. **Description of collaborations that should be reported.** In general, a collaboration will involve some provision of a thing of value to, or from, the recipient. A thing of value includes but may not be limited to all resources made available to, or from, the recipient in support of and/or related to the DOE award, regardless of whether or not they have monetary value. Things of value also may include in-kind contributions (such as office/laboratory space, data, equipment, supplies, employees, students). In-kind contributions not intended for direct use on the DOE award but resulting in provision of a thing of value from or to the DOE award must also be reported. Collaborations do not include routine workshops, conferences, use of the recipient's services and facilities by foreign investigators resulting from its standard published process for evaluating requests for access, or the routine use of foreign facilities by awardee staff in accordance with the recipient's standard polies and procedures.

V. Application Review Information

A. Compliance/Responsiveness Review

DOE will perform a Compliance Review as set forth in Section III.C of the ALRD and if compliant, will perform a Responsiveness Review (see Section III.D of the ALRD) to determine that the Applicant is eligible for an award and that the technical requirements set forth in the ALRD are met.

VI. Award Administration Information

A. Award Notices

i. Notice of Award

An Assistance Agreement issued by the Contracting Officer is the authorizing award document. It normally includes either as an attachment or by reference: (1) Special Terms and Conditions; (2) Applicable program regulations, if any; (3) Application, which includes the project description and budget, as approved by DOE; (4) 2 CFR part 200 as amended by 2 CFR part 910; (5) National Policy Assurances To Be Incorporated As Award Terms; (6) Budget Summary; (7) Federal Assistance Reporting Checklist and Instructions, which identifies the reporting requirements; (8) Intellectual Property; (9) Federal-wide Research Terms and Conditions; (10) Agency Specific Requirements; and (11) any award specific terms and conditions.

B. Administrative and National Policy Requirements

i. Award Administrative Requirements

The administrative requirements for DOE grants and cooperative agreements are contained in 2 CFR Part 200 as amended by 2 CFR Part 910.

ii. Foreign National Participation (April 2023)

All applicants selected for an award under this ALRD and project participants (including subrecipients and contractors) who anticipate involving foreign nationals in the performance of an award, will be required to provide DOE with specific information about each foreign national to satisfy requirements for foreign national participation and access approvals. The volume and type of information collected may depend on various factors associated with the award. DOE concurrence may be required before a foreign national can participate in the performance of any work under an award.

Approval for foreign nationals in Lead, or Co-Technical Program Manager roles, from countries of risk (i.e., China, Iran, North Korea, and Russia), or from countries identified on the U.S. Department of State's list of State Sponsors of Terrorism (https://www.state.gov/state-sponsors-of-terrorism/) may require written authorization from DOE before they can participate in the performance of any work under an award.

A "foreign national" is defined as any person who is not a United States citizen by birth or naturalization. DOE may elect to deny foreign national's participation

in the award. Likewise, DOE may elect to deny a foreign national's access to a DOE sites, information, technologies, equipment, programs, or personnel.

Applicants selected for award negotiations must include this requirement in subawards.

iii. Subaward and Executive Reporting

Additional administrative requirements necessary for DOE grants and cooperative agreements to comply with the Federal Funding and Transparency Act of 2006 (FFATA) are contained in 2 CFR Part 170. Prime recipients must register with the new FFATA Subaward Reporting System database and report the required data on their first tier subrecipients. Prime recipients must report the executive compensation for their own executives as part of their registration profile in SAM.

iv. National Policy Requirements

The National Policy Assurances that are incorporated as a term and condition of award are located at: http://www.nsf.gov/awards/managing/rtc.jsp.

v. Environmental Review in Accordance with Federal Authorities

This ALRD is issued in accordance with statutory authority provided by:

Clean Air Act (CAA), Section 136, as added by Inflation Reduction Act (IRA), Section 60113, codified at 42 U.S.C. 7436.

Because this action is taken under the Clean Air Act and "[n]o action taken under the Clean Air Act (42 U.S.C. 7401 et seq.) shall be deemed a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)," Federal agencies, such as DOE, are exempt from NEPA compliance in these types of actions, including NEPA Environmental Questionnaires and Categorical Exclusions. (15 U.S.C. § 793(c)(1)).

However, the Clean Air Act does not exempt compliance with other Federal authorities (including but not limited to the Endangered Species Act and the National Historic Preservation Act). Therefore, DOE's decision whether and how to distribute federal funds under this ALRD is subject to the adequacy of the State's "Environmental Plan" for addressing these non-exempt Federal authorities.

vi. Flood Resilience

Applications should indicate whether the proposed project location(s) is within a floodplain, how the floodplain was defined, and how future flooding will factor into the project's design. The base floodplain long used for planning has been

the 100-year floodplain, that is, a floodplain with a 1.0 percent chance of flooding in any given year. As directed by Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (2015), Federal agencies, including DOE, continue to avoid development in a floodplain to the extent possible. When doing so is not possible, Federal agencies are directed to "expand management from the current base flood level to a higher vertical elevation and corresponding horizontal floodplain to address current and future flood risk and ensure that projects funded with taxpayer dollars last as long as intended." The higher flood elevation is based on one of three approaches: climate-informed science (preferred), freeboard value, or 0.2 percent annual flood change (500-year floodplain). EO 13690 and related information is available at https://www.energy.gov/nepa/articles/eo-13690-establishing-federal-flood-risk-management-standard-and-process-further.

vii. Applicant Representations and Certifications

1. **Lobbying Restrictions**
   By accepting funds under this award, the prime recipient agrees that none of the funds obligated on the award shall be expended, directly or indirectly, to influence Congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. § 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

2. **Corporate Felony Conviction and Federal Tax Liability Representations**
   In submitting an application in response to this ALRD, the applicant represents that:
   - **a.** It is **not** a corporation that has been convicted of a felony criminal violation under any federal law within the preceding 24 months; and
   - **b.** It is **not** a corporation that has any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

   For purposes of these representations the following definitions apply:
   A Corporation includes any entity that has filed articles of incorporation in any of the 50 states, the District of Columbia, or the various territories of the United States [but not foreign corporations]. It includes both for-profit and non-profit organizations.

3. **Nondisclosure and Confidentiality Agreements Representations**
   In submitting an application in response to this ALRD the applicant represents that:
   - **a.** It **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or contactors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.
   - **b.** It **does not and will not** use any federal funds to implement or enforce any nondisclosure and/or confidentiality policy, form, or agreement it uses unless it contains the following provisions:
     - **(1)** *''These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive Order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive Orders and statutory provisions are incorporated into this agreement and are controlling.''*
     - **(2)** The limitation above shall not contravene requirements applicable to Standard Form 312 Classified Information Nondisclosure Agreement (https://fas.org/sgp/othergov/sf312.pdf), Form 4414 Sensitive Compartmented Information Disclosure Agreement (https://fas.org/sgp/othergov/intel/sf4414.pdf), or any other form issued by a federal department or agency governing the nondisclosure of classified information.
     - **(3)** Notwithstanding the provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the Federal Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the Federal

Government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

viii. Statement of Federal Stewardship

DOE will exercise normal federal stewardship in overseeing the project activities performed under DOE awards. Stewardship Activities include, but are not limited to, conducting site visits; reviewing performance and financial reports; providing assistance and/or temporary intervention in unusual circumstances to correct deficiencies that develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the project objectives have been accomplished.

ix. Intellectual Property Provisions

The standard DOE financial assistance intellectual property provisions applicable to the various types of recipients are located at http://energy.gov/gc/standard-intellectual-property-ip-provisions-financial-assistance-awards.

Intellectual property rights are subject to 2 CFR 200.315 (e.g. institution of higher education or nonprofit organizations) or 2 CFR 910.362 (e.g. for-profit).

Rights in Data: The government has unlimited rights in data created under these DOE agreements.

x. Reporting

Reporting requirements are identified on the Federal Assistance Reporting Checklist and Instructions, DOE F 4600.2, attached to the award agreement.

Additional reporting requirements apply to projects funded by IRA. DOE may require specific data collection to track progress toward key departmental goals: ensuring justice and equity, investing in the American workforce, boosting domestic manufacturing, reducing greenhouse gas emissions, and advancing a pathway to private sector deployment. Examples of data that may be collected include:

- Jobs data including
  - Number and types of jobs provided, wages and benefits paid
  - Workforce demographics, including local hires
  - Efforts to minimize risks of labor disputes and disruptions
  - Contributions to ratio of apprentice-to-journey level workers employed

- Number of trainings completed, trainees placed in full-time employment, or number of trainings with workforce partnerships involving employers, community-based organizations, or labor unions.
- Justice and Equity data, including:
    - Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses and Veteran Owned Businesses acting as vendors and sub-contractors for bids on supplies, services and equipment.
    - Value, number, and type of partnerships with MSIs
    - Stakeholder engagement events, consent-based siting activities
    - Other relevant indicators from the Community Benefits Plan

xi. Conference Spending

The recipient shall not expend any funds on a conference not directly and programmatically related to the purpose for which the grant or cooperative agreement was awarded that would defray the cost to the Federal Government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the Federal Government would otherwise exceed $20,000, thereby circumventing the required notification by the head of any such Executive Branch department, agency, board, commission, or office to the Inspector General (or senior ethics official for any entity without an Inspector General), of the date, location, and number of employees attending such conference.

xii. Indemnity

The Recipient must include the following indemnity provision in any subaward or contract at any tier:

> The [fill in eligible entity] shall indemnify the Federal Government and its officers, agents, or employees for any and all liability, including litigation expenses and attorneys' fees, arising from suits, actions, or claims of any character for death, bodily injury, or loss of or damage to property or to the environment, resulting from the project, except to the extent that such liability results from the direct fault or negligence of Federal Government officers, agents or employees, or to the extent such liability may be covered by applicable allowable costs provisions.

xiii. Uniform Commercial Code (UCC) Financing Statements

Per 2 CFR 910.360 (Real Property and Equipment) when a piece of equipment is purchased by a for-profit recipient or subrecipient with federal funds, and when the federal share of the financial assistance agreement is more than $1,000,000, the recipient or subrecipient must:

Properly record, and consent to the Department's ability to properly record if the recipient fails to do so, UCC financing statement(s) for all equipment in excess of $5,000 purchased with project funds. These financing statement(s) must be approved in writing by the Contracting Officer prior to the recording, and they shall provide notice that the recipient's title to all equipment (not real property) purchased with federal funds under the financial assistance agreement is conditional pursuant to the terms of this section, and that the Federal Government retains an undivided reversionary interest in the equipment. The UCC financing statement(s) must be filed before the Contracting Officer may reimburse the recipient for the federal share of the equipment unless otherwise provided for in the relevant financial assistance agreement. The recipient shall further make any amendments to the financing statements or additional recordings, including appropriate continuation statements, as necessary or as the Contracting Officer may direct.

xiv. Implementation of Executive Order 13798, Promoting Free Speech and Religious Liberty

States, local Governments, or other public entities may not condition sub-awards in a manner that would discriminate, or disadvantage sub-recipients based on their religious character.

xv. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)[8] is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOE financial assistance award. The term “Investigator” means the lead technical program manager(s) and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. Recipients must flow down the requirements of the interim COI Policy to any subrecipient non-Federal entities. Further, for DOE funded projects, the recipient must include all financial conflicts of interest (FCOI) (i.e., managed, and unmanaged/unmanageable) in their initial and ongoing FCOI reports.

It is understood that non-Federal entities and individuals receiving DOE financial assistance awards will need sufficient time to come into full compliance with DOE’s interim COI Policy. To provide some flexibility, DOE allows for a staggered implementation. Specifically, prior to award, applicants selected for award

[8] DOE’s interim COI Policy can be found at PF 2022-17 FAL 2022-02 Department of Energy Interim Conflict of Interest Policy Requirements for Financial Assistance.

negotiations must: ensure all Investigators complete their significant financial disclosures; review the disclosures; determine whether a FCOI exists; develop and implement a management plan for FCOIs; and provide DOE with an initial FCOI report that includes all FCOIs (i.e., managed, and unmanaged/unmanageable). Recipients will have 180 days from the date of the award to come into full compliance with the other requirements set forth in DOE's interim COI Policy. Prior to award, the applicant must certify that it is, or will be within 180 days of the award, compliant with all requirements in the COI Policy.

xvi. Fraud, Waste and Abuse

The mission of the DOE Office of Inspector General (OIG) is to strengthen the integrity, economy and efficiency of the Department's programs and operations including deterring and detecting fraud, waste, abuse and mismanagement. The OIG accomplishes this mission primarily through investigations, audits, and inspections of DOE activities to include grants, cooperative agreements, loans, and contracts.

The OIG maintains a Hotline for reporting allegations of fraud, waste, abuse, or mismanagement. To report such allegations, please visit https://www.energy.gov/ig/ig-hotline.

Additionally, recipients of DOE awards must be cognizant of the requirements of 2 CFR 200.113 Mandatory disclosures, which states:

> The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in appendix XII of 2 CFR Part 200 are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339. (See also 2 CFR part 180, 31 U.S.C. § 3321, and 41 U.S.C. § 2313.) [85 FR 49539, Aug. 13, 2020]

Applicants and subrecipients (if applicable) are encouraged to allocate sufficient costs in the project budget to cover the costs associated for personnel and data infrastructure needs to support performance management and program evaluation needs including but not limited to independent program and project audits to mitigate risks for fraud, waste, and abuse.

xvii. Human Subjects Research

Research involving human subjects, biospecimens, or identifiable private information conducted with DOE funding is subject to the requirements of DOE Order 443.1C, Protection of Human Research Subjects, 45 CFR Part 46, Protection of Human Subjects (subpart A which is referred to as the "Common Rule"), and 10 CFR Part 745, Protection of Human Subjects.

Additional information on the DOE Human Subjects Research Program can be found at: HUMAN SUBJECTS Human Subjects Pr... | U.S. DOE Office of Science (SC) (osti.gov).

C. Federal Government Generated Statement of Project Objectives (SOPO)

DOE has generated a Statement of Project Objectives (SOPO) to be used on all awards. Applicants should review the SOPO to be aware of project requirements. The SOPO is located in Appendix B of this ALRD.

VII. Questions/Agency Contacts

Upon the issuance of an ALRD, DOE personnel are prohibited from communicating (in writing or otherwise) with applicants regarding the ALRD except through the established question and answer process as described below. Specifically, questions regarding this ALRD must be submitted through the FedConnect portal. You must register with FedConnect to respond as an interested party to submit questions, and to view responses to questions. It is recommended that you register as soon after release of the ALRD as possible to have the benefit of all responses. Applicants are encouraged to review previously issued Questions and Answers prior to the submission of questions.

Questions and comments concerning this ALRD shall be submitted not later than three business days prior to the application due date. Please note, feedback on individual concepts will not be provided through Q&A.

All questions and answers related to this ALRD will be posted on the FedConnect portal at: https://www.FedConnect.net. DOE will attempt to respond to a question within three business days, unless a similar question and answer has already been posted on the website.

Questions relating to the registration process, system requirements, how an application form works, or the submittal process must be directed to Grants.gov at 1-800-518-4726 or support@grants.gov. DOE/NNSA cannot answer these questions.

VIII. Other Information

A. ALRD Modifications

Amendments to this ALRD will be posted on the Grants.gov system and the FedConnect portal. However, you will only receive an email when an amendment or a ALRD is posted on these sites by registering with FedConnect as an interested party for this ALRD. DOE recommends that you register as soon after the release of the ALRD as possible to ensure you receive timely notice of any amendments or other ALRDs.

B. Federal Government Right to Reject or Negotiate

DOE reserves the right, without qualification, to reject any or all applications received in response to this ALRD and to select any application, in whole or in part, as a basis for negotiation and/or award.

C. Commitment of Public Funds

The Contracting Officer is the only individual who can make awards or commit the Federal Government to the expenditure of public funds. A commitment by anyone other than the Contracting Officer, either express or implied, is invalid.

D. Treatment of Application Information

Applicants should not include trade secrets or business sensitive proprietary, or otherwise confidential information in their application unless such information is necessary to convey an understanding of the proposed project or to comply with a requirement in the ALRD. Applicants are advised to not include any critically sensitive proprietary detail.

If an application includes trade secrets or business sensitive, proprietary, or otherwise confidential information, it is furnished to the Federal Government in confidence with the understanding that the information shall be used or disclosed only for evaluation of the application. Such information will be withheld from public disclosure to the extent permitted by law, including the Freedom of Information Act. Without assuming any liability for inadvertent disclosure, DOE will seek to limit disclosure of such information to its employees and to outside reviewers when necessary for merit review of the application or as otherwise authorized by law. This restriction does not limit the Federal Government's right to use the information if it is obtained from another source.

If an applicant chooses to submit business sensitive, trade secrets, proprietary, or otherwise confidential information, the applicant must provide **two copies** of the submission (e.g., Concept Paper, Full Application). The first copy should be marked, "non-confidential" with the information believed to be confidential deleted. The second copy should be marked "confidential" and must clearly and conspicuously identify the business sensitive, trade secrets, proprietary, or otherwise confidential information and must be marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The Federal Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose as authorized by law.

The cover sheet of the Full Application, and other applicant submission must be marked as follows and identify the specific pages business sensitive, trade secrets, proprietary, or otherwise confidential information:

> **Notice of Restriction on Disclosure and Use of Data:**
> Pages [list applicable pages] of this document may contain business sensitive, trade secrets, proprietary, or otherwise confidential information that is exempt from public disclosure. Such information shall be used or disclosed only for evaluation purposes or in accordance with a financial assistance between the submitter and the Federal Government. The Federal Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source. [End of Notice]

In addition, (1) the header and footer of every page that contains business sensitive, trade secrets, proprietary, or otherwise confidential information must be marked as follows: "Contains Business Sensitive, Trade Secrets, Proprietary, or Otherwise Confidential Information Exempt from Public Disclosure," and (2) every line or paragraph containing such information must be clearly marked with double brackets or highlighting. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

E. Evaluation and Administration by Non-Federal Personnel

In conducting the evaluation, the Go/No-Go Reviews and Peer Reviews, the Federal Government may seek the advice of qualified non-federal personnel as reviewers. The Federal Government may also use non-federal personnel to conduct routine, nondiscretionary administrative activities, including DOE contractors. The applicant, by submitting its application, consents to the use of non-federal reviewers/administrators. Non-federal reviewers must sign conflict

of interest (COI) and non-disclosure acknowledgements (NDA) prior to reviewing an application. Non-federal personnel conducting administrative activities must sign an NDA.

F. Notice of Right to Conduct a Review of Financial Capability

DOE reserves the right to conduct an independent third-party review of financial capability for applicants that are selected for negotiation of award (including personal credit information of principal(s) of a small business if there is insufficient information to determine financial capability of the organization).

G. Requirement for Full and Complete Disclosure

Applicants are required to make a full and complete disclosure of all information requested. Any failure to make a full and complete disclosure of the requested information may result in:

- The termination of award negotiations;
- The modification, suspension, and/or termination of a funding agreement;
- The initiation of debarment proceedings, debarment, and/or a declaration of ineligibility for receipt of federal contracts, subcontracts, and financial assistance and benefits; and
- Civil and/or criminal penalties.

H. Retention of Submissions

DOE expects to retain copies of all Full Applications and other submissions. No submissions will be returned. By applying to DOE for funding, applicants consent to DOE's retention of their submissions.

I. Copyright

The prime recipient and subrecipients may assert copyright in copyrightable works, such as software, first produced under the award without DOE approval. When copyright is asserted, the Federal Government retains a paid-up nonexclusive, irrevocable worldwide license to reproduce, prepare derivative works, distribute copies to the public, and to perform publicly and display publicly the copyrighted work. This license extends to contractors and others doing work on behalf of the Federal Government.

J. Export Control

The Federal Government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the United States to protect national security, foreign policy, and economic interests without imposing undue regulatory burdens on legitimate international trade. There is a network of federal agencies and regulations that govern exports that are collectively referred to as “Export Controls”. All recipients and subrecipients are responsible for ensuring compliance with all applicable United States Export Control Laws and regulations relating to any work performed under a resulting award.

The recipient must immediately report to DOE any export control violations related to the project funded under the DOE award, at the recipient or subrecipient level, and provide the corrective action(s) to prevent future violations.

K. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

As set forth in 2 CFR 200.216, recipients and subrecipients are prohibited from obligating or expending project funds (federal funds and recipient cost share) to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses *covered telecommunications equipment or services* as a substantial or essential component of any system, or as critical technology as part of any system. As described in section 889 of Public Law 115-232, *covered telecommunications equipment* is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

See Public Law 115-232, section 889, 2 CFR 200.216, and 2 CFR 200.471 for additional information.

L. Personally Identifiable Information (PII)

All information provided by the applicant must to the greatest extent possible exclude PII. The term “PII” refers to information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother’s maiden name. (See OMB Memorandum M-07-16 dated

May 22, 2007, found at: https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2007/m07-16.pdf.

By way of example, applicants must screen resumes to ensure that they do not contain PII such as personal addresses, personal landline/cell phone numbers, and personal emails. **Under no circumstances should Social Security Numbers (SSNs) be included in the application**. Federal agencies are prohibited from the collecting, using, and displaying unnecessary SSNs. (See, the Federal Information Security Modernization Act of 2014 (Pub. L. No. 113-283, Dec 18, 2014; 44 U.S.C. § 3551).

M. Annual Independent Audits

If a for-profit entity is a prime recipient and has expended $750,000 or more of DOE awards during the entity's fiscal year, an annual compliance audit performed by an independent auditor is required. For additional information, please refer to 2 CFR 910.501 and Subpart F.

If an educational institution, non-profit organization, or state/local Government is a prime recipient or subrecipient and has expended $750,000 or more of federal awards during the non-federal entity's fiscal year, then a Single or Program-Specific Audit is required. For additional information, please refer to 2 CFR 200.501 and Subpart F.

APPENDIX A – STATE FORMULA ALLOCATION LIST

Marginal Conventional Well Formula Allocation List				
Number of Eligible States	**State**	**Marginal Conventional Well (MCW) Count (non-Federal land)**	**% of US MCW count**	**Allocation^**
1	TX	175,069	29.29%	$ 101,554,542
2	KS	64,221	10.75%	$ 37,332,653
3	PA	57,908	9.69%	$ 33,675,097
4	WV	49,201	8.23%	$ 28,630,531
5	OK	48,460	8.11%	$ 28,201,219
6	CA	28,461	4.76%	$ 16,614,420
7	OH	25,885	4.33%	$ 15,121,965
8	IL*	22,522	3.77%	$ 13,173,547
9	LA	20,294	3.40%	$ 11,882,713
10	NM	18,981	3.18%	$ 11,122,002
11	KY	16,703	2.79%	$ 9,802,199
12	CO	16,306	2.73%	$ 9,572,190
13	NY	10,448	1.75%	$ 6,178,247
14	WY	9,493	1.59%	$ 5,624,949
15	MI	6,397	1.07%	$ 3,831,223
16	MT	6,300	1.05%	$ 3,775,024
17	IN*	4,486	0.75%	$ 2,724,049
18	AR	3,966	0.66%	$ 2,422,777
19	UT	3,429	0.57%	$ 2,111,656
20	VA	3,290	0.55%	$ 2,031,124
21	MS	1,703	0.28%	$ 1,111,665
22	AL	1,667	0.28%	$ 1,090,808
23	NE	1,383	0.23%	$ 926,267
24	ND	956	0.16%	$ 678,877
25	SD	64	0.0107%	$ 162,080
26	AK	15	0.0025%	$ 133,691
27	AZ	12	0.0020%	$ 131,952
28	OR	6	0.0010%	$ 128,476
29	FL	5	0.0008%	$ 127,897
30	NV	2	0.0003%	$ 126,159
TOTAL (all states)		597,633	100%	$ 350,000,000

FORMULA

$$\text{Allocation } = \$125{,}000\ (State\ Base) + \frac{State\ MCWs}{Total\ MCWs}\ x\ (\$350{,}000{,}000 - 30\ (eligible\ States) x\ \$125{,}000\ (State\ Base))$$

* For IL and IN, the # of MCWs is through 2020 data. For all other states, data is through 2022.
^ Allocations may be adjusted by the number of States applying to participate in the program

Data source: Enverus, Illinois Environmental Protection Agency, Indiana Department of Environmental Management

APPENDIX B – FEDERAL GOVERNMENT GENERATED STATEMENT OF PROJECT OBJECTIVES (SOPO)

STATEMENT OF PROJECT OBJECTIVES

Methane Emissions Reduction Program for Marginal Conventional Wells - [*Insert State*]

A. Objectives

The objective of this project is to mitigate methane emissions from marginal conventional wells (MCWs) by assisting operators/well owners to voluntarily and permanently plug and abandon MCWs on non-Federal lands and measure methane emissions from MCWs both pre- and post-plugging operations. This project may also support elements of environmental restoration required for full compliance with applicable State or Federal well plugging and abandonment standards and regulations. The project is expected to result in methane and other greenhouse gas emission reductions and provide environmental benefits through the restoration of MCW pads. These activities are expected to mitigate legacy air pollution from MCWs in low-income and disadvantaged communities and provide potential benefits to such communities, including improved ambient air quality, surface and groundwater quality, climate resilience, and human health as well as creation of high-quality jobs.

B. Scope of Project

The project will develop a process and methodology to identify and prioritize MCWs for permanent plugging and abandonment, monitor (via discrete measurements) methane emissions from MCWs, and support elements of environmental restoration required for full compliance with applicable State or Federal well plugging and abandonment standards and regulations. Monitoring can include detection and measurement of methane emissions used to provide a preliminary screening of emissions from MCWs as a mechanism to inform plugging prioritization. Monitoring must include measurement of methane emissions (in accordance with the DOE methane measurement guidelines for MCWs) prior to and following the plugging and abandonment of any MCW, quantification of the methane emissions mitigated for plugged wells, and verification that plugged wells are no longer emitting methane emissions as required for full compliance with applicable State or Federal well plugging and abandonment standards and regulations. Stakeholder engagement and outreach are key to this project, and it is anticipated that the outcomes of the project will result in substantial benefits with specific impact on disadvantaged communities.

C. Tasks and Subtasks to Be Performed

The project consists of six tasks, with Tasks 1-2 focusing on the administrative and community engagement aspects of the award and Tasks 3-6 focusing on efforts to define the prioritization of MCWs for plugging, measuring pre- and post- plugging methane emissions from MCWs, plugging MCWs, and conducting elements of environmental restoration required for full compliance with applicable State or Federal well plugging and abandonment standards and regulations.

Task 1.0 – Project Management and Planning

The Recipient will manage and administer activities in order to achieve project objectives. The activities will include tracking and disseminating information regarding the performance of the project, as well as administrative tasks associated with Government reporting.

An initial Project Management Plan (PMP) will be provided within ninety (90) days after the initial award. Revised PMPs will be submitted when major project changes are proposed, with less significant changes documented in the submitted Quarterly Progress Reports (QPR).

Task 2.0 – Stakeholder Engagement and Community Benefits

Subtask 2.1 – Community Benefits Plan

The Recipient will manage and direct Societal Considerations and Impacts (SCI) related activities under the project in accordance with a Community Benefits Plan (CBP), initially submitted as part of the award application package, and updated in collaboration with the NETL Project Manager as needed throughout the project at any point at which substantial change to the document is necessitated. The plan will include clearly defined Specific, Measurable, Attainable, Realistic, and Timely (SMART) milestones that will be used in guiding planned SCI efforts. The Recipient will coordinate activities in order to effectively accomplish the work identified by the CBP and its associated milestones. The Recipient will ensure that the CBP, as well as the costs, implementation efforts, key decisions and results of the efforts are appropriately documented throughout the project period.

The results and status of SCI-related activities will be provided as an element of performance during project reviews, in quarterly progress reports, as part of the project final report, and as otherwise requested by the NETL Project Officer or their designee.

Subtask 2.2 – Stakeholder Outreach and Engagement

To maximize the impact and transparency of the project, the Recipient will solicit input from and share process information with local and other State agencies, Tribal Governments, industry stakeholders, and the public regarding the identification and prioritization of MCWs to be permanently plugged, methods to monitor methane emissions associated with MCWs, elements of environmental restoration required for full compliance with applicable State or Federal well plugging and abandonment standards and regulations, and any other processes the Recipient will use to conduct outreach and engagement.

The Recipient will coordinate and collaborate with appropriate local and other State agencies (e.g., State agencies, municipalities, local Governments) to achieve the objectives of the project. If a Tribal Government exists within State borders and MCWs are located on Tribal land, the Recipient will coordinate with the Tribal Government(s) or other types of relevant bodies for the identification, prioritization, measuring methane emissions from MCWs, plugging of MCWs, and environmental restoration activities if applicable.

Subtask 2.3 Website Development and Maintenance

The Recipient is required to develop and maintain a public website, or leverage a pre-existing website, to share information related to the overall project activities being conducted, and the results of those activities.

Subtask 2.4 Data Sharing of Community Benefits Information

The Recipient will update the public website developed in Subtask 2.3 with relevant community benefits information that will include:

- Actions to date and plans to engage with community partners, such as local and/or Tribal Governments, labor unions, and community-based organizations that support or work with underserved communities, including disadvantaged communities as defined for purposes of the Justice40 Initiative;
- Creation of high-quality jobs, including workers from underserved populations;
- Activities to date targeting advancement of diversity, equity, inclusion, and accessibility (DEIA); and
- Activities to date contributing to the Justice40 Initiative.

This website will be updated to include any changes to community benefits information at a minimum of one time a month.

Task 3.0 Prioritization of MCWs

Subtask 3.1 – Well Prioritization Process

The Recipient will develop a process and methodology to: identify and prioritize MCWs for plugging, measure methane emissions, and support elements of environmental restoration required for full compliance with applicable State or Federal well plugging and abandonment standards and regulations.

As part of the process and methodology, it is expected that the State should engage with operators/well owners to explain: the nature and aspects of the program, how to indicate interest in participating in the program, how the State will prioritize the wells for which the operators/well owners have expressed interest to be plugged and abandoned, and what activities will be allowable as part of environmental restoration included within applicable abandonment standards and regulations.

The prioritization process will include, but not be limited to, the consideration of the likely impact of the plugging and abandonment of a given well on the following criteria (primary goal of prioritization will focus on maximizing the amount of methane emissions mitigated):

- methane and other potential greenhouse gases emissions, with priority given to the higher methane emitters based on pre-existing data or initial screening of methane emissions;
- proximity to disadvantaged communities as identified by the Climate and Economic Justice Screening Tool (CEJST); and
- location of the MCW on Tribal land.

The Recipient may also consider, but is not limited to the following criteria:

- current production rates at the MCW;
- potential impacts of well plugging on small businesses;
- impact on access to oil and gas within disadvantaged communities where oil and gas are not otherwise commercially available;
- landowner and operator agreements;
- potential impacts on surface and groundwater quality and flood resilience;
- potential climate and human health impacts;
- potential risk of the well becoming orphaned if not plugged;
- potential post-plugging land use; and
- other State priorities in the prioritization process.

The prioritization process should contribute to meeting the objective that 40 percent of the overall economic, environmental, and other benefits flow to disadvantaged communities.

Within this Task, the Recipient will also identify requirements for operators/well owners to be eligible to participate in the program in accordance with all necessary state requirements and local requirements for activities of this type.

Subtask 3.2 – Well Prioritization Data Sharing

The Recipient will update the public website developed in Subtask 2.3 to report information on the process and status of identifying and prioritizing MCWs to be permanently plugged. This website will be updated to include any changes to the prioritization process, methodology and results at a minimum of one time a month.

Task 4.0 Measuring Methane Emissions at MCWs

Subtask 4.1 – Methane Emissions Measurements

The Recipient will allocate funds to operators/well owners for methane measurements at MCWs.

Monitoring must include measurement of methane emissions prior to and following the plugging and abandonment of any MCW (in accordance with the methane measurement guidelines for MCWs provided by DOE), quantification of the methane emissions mitigated for plugged wells, and verification that plugged wells are no longer emitting methane emissions as required for full compliance with applicable State or Federal well plugging and abandonment standards and regulations.

Monitoring can include detection and measurement of methane emissions used to provide a preliminary screening of emissions from MCWs as a mechanism to inform plugging prioritization. Methane emissions measurements associated with screening may consider, but are not required to follow, the methane measurement guidelines for MCWs provided by DOE.

The Recipient will use this data to quantify the amount of methane mitigated by each plugging project as well as aggregating data for all plugging efforts under the program to determine and report total methane emissions mitigated for the program overall.

Subtask 4.2 – Data Sharing on Emissions Reductions

The Recipient will update the public website developed in Subtask 2.3 to report data on the methane emissions measured. The website will include the following information: well locations, estimated annual reduction of methane emissions from each plugged well, and the total estimated annual reduction of methane emissions from all plugged wells. The website will be updated to include this data at a minimum of one time a month.

Task 5.0 – Plugging MCWs on Non-Federal Land

Subtask 5.1 – Well Plugging

The Recipient will allocate funds to operators/well owners for the purpose of permanently plugging MCWs on non-Federal land in their state, utilizing the prioritization of MCWs developed in Task 3.0 as enabled by willingness of operators/well owners of prioritized wells to voluntarily participate in the plugging program. Well-plugging activities may include:

- Preparation of the well pad to permanently plug and abandon the well;
- Removal of wellbore casing and other associated equipment or infrastructure;
- Placement of cement plugs in the borehole;
- Excavation around the well head and capping of the well prior to surface restoration; and
- Support of activities necessary for well plugging.

The Recipient will require well plugging contractors hired by the State or the operators/well owners to permanently plug wells under this program to meet or exceed applicable State or Federal well plugging and abandonment standards and regulations.

Subtask 5.2 – Data Sharing on Well Plugging

The Recipient will update the public website developed in Subtask 2.3 to report data associated with each plugged well. The website will include the following for each well location: operator/well owner, well type (e.g., oil, gas), production rate prior to plugging, total cost of well plugging, and whether the plugged well is located in a disadvantaged community as identified using the CEJST. In addition, data on the website will be aggregated to include the total number of wells plugged, the total number of plugged wells of each type, the total production rate of plugged wells prior to plugging, total costs of well plugging, and number of wells plugged in disadvantaged communities as identified by the CEJST. The website will be updated to include this data at a minimum of one time a month.

Task 6.0 – Well Abandonment and Environmental Restoration of Well Pads

Subtask 6.1 – Well Abandonment Related Environmental Restoration

The Recipient may allocate funds to operators/well owners for the purpose of conducting elements of environmental restoration required for full compliance with applicable State or Federal well plugging and abandonment standards and regulations.

Subtask 6.2 – Data Sharing on Environmental Restoration

The Recipient will update the website developed in Subtask 2.3 to report data associated with environmental restoration activities, if applicable. The website will include the following for each well location: environmental restoration activities performed at each well pad, acreage of reclaimed and restored land, and cost of environmental restoration activities. In addition, data on the website will be aggregated to include the total acreage of reclaimed and restored land and total cost of environmental restoration activities completed. The website will be updated to include this data at a minimum of one time a month.

D. Deliverables

The periodic and final reports will be submitted in accordance with the "Federal Assistance Reporting Checklist" and the instructions accompanying the checklist. In addition to the reports specified in the "Federal Assistance Reporting Checklist", the Recipient will provide the following deliverables to the NETL Project Manager (identified in Block 15 of the Assistance Agreement as the Program Manager).

Task/Subtask Number	Deliverable Title	Due Date
1.0	Project Management Plan	Due 90 days post award and updated as necessary throughout the project.
2.0	Community Benefits Plan	Updated throughout the project at any point at which substantial change to the document is necessitated.
3.0	Marginal Conventional Well Prioritization	Submitted 6 months post-award and updated as necessary throughout the course of the project.
2.0 – 6.0	Public website with data on wells plugged, methane emissions, environmental restoration, and benefits/impacts of the completed work.	Ongoing. Updated monthly.

E. BRIEFINGS/TECHNICAL PRESENTATIONS

The Recipient will prepare detailed briefings for presentation to the NETL Project Manager at their facility located in Pittsburgh, PA, Morgantown, WV, Albany, OR, or via WebEx or Microsoft Teams. The Recipient will make a presentation to the NETL Project Manager at a project kick-off meeting held within ninety (90) days of the project start date. At a minimum, annual briefings will also be given by The Recipient to explain the plans, progress, and results of the technical effort, and a final project briefing at the close of the project will also be given.

APPENDIX C – WAIVER REQUESTS FOR: 1. FOREIGN ENTITY PARTICIPATION; AND 2. FOREIGN WORK

1. Waiver for Subrecipient Foreign Entity Participation

Many of the technology areas DOE funds fall in the category of critical and emerging technologies (CETs). CETs are a subset of advanced technologies that are potentially significant to United States national and economy security.[9] For projects selected under this ALRD, all subrecipients must be organized, chartered, or incorporated (or otherwise formed) under the laws of a state or territory of the United States; have majority domestic ownership and control; and have a physical location for business operations in the United States. To request a waiver of this requirement, a prime applicant must submit an explicit waiver request in the Full Application.

Waiver Criteria

A prime applicant seeking to utilize a foreign subrecipient in a project funded under this ALRD must demonstrate to the satisfaction of DOE that:

a. Its participation is in the best interest of the United States industry and United States economic development;
b. The project team has appropriate measures in place to control sensitive information and protect against unauthorized transfer of scientific and technical information;
c. Adequate protocols exist between the United States subsidiary and its foreign parent organization to comply with export control laws and any obligations to protect proprietary information from the foreign parent organization;
d. The work is conducted within the United States;
e. The foreign entity will satisfy other conditions that may be deemed necessary by DOE to protect Federal Government interests.

Content for Waiver Request

A Foreign Entity waiver request must include the following:

a. Information about the entity: name, point of contact, and proposed type of involvement in the project;
b. Country of incorporation, the extent of the ownership/level control by foreign entities, whether the entity is state owned or controlled, a summary of the ownership breakdown of the foreign entity and the percentage of ownership/control by foreign entities, foreign shareholders, foreign state, or foreign individuals;
c. The rationale for proposing a foreign entity participate (must address criteria above);
d. A description of the project's anticipated contributions to the United States economy;

[9] See Critical and Emerging Technologies List Update (whitehouse.gov).

- How the project will benefit the United States, including manufacturing, contributions to employment in the United States and growth in new markets and jobs in the United States;
- How the project will promote manufacturing of products and/or services in the United States;

e. A description of how the foreign entity's participation is essential to the project;
f. A description of the likelihood of Intellectual Property (IP) being created from the work and the treatment of any such IP; and
g. Countries where the work will be performed (Note: if any work is proposed to be conducted outside the United States, the applicant must also complete a separate request foreign work waiver).

DOE may also require:

- A risk assessment with respect to IP and data protection protocols that includes the export control risk based on the data protection protocols, the technology being developed and the foreign entity and country. These submissions could be prepared by the project lead (if not the prime recipient), but the prime recipient must make a representation to DOE as to whether it believes the data protection protocols are adequate and make a representation of the risk assessment – high, medium, or low risk of data leakage to a foreign entity;
- Additional language be added to any agreement or subagreement to protect IP, mitigate risk or other related purposes.

DOE may require additional information before considering the waiver request.

DOE's decision concerning a waiver request is not appealable.

2. Waiver for Performance of Work in the United States (Foreign Work Waiver)

As set forth in this ALRD, ***all*** work under funding under this ALRD must be performed in the United States. To seek a waiver of the Performance of Work in the United States requirement, the applicant must submit an explicit waiver request in the Full Application. A separate waiver request must be submitted for each entity proposing performance of work outside of the United States.

Overall, a waiver request must demonstrate to the satisfaction of DOE that it would further the purposes of this ALRD and is otherwise in the economic interests of the United States to perform work outside of the United States. A request for a foreign work waiver must include the following:

1. The rationale for performing the work outside the United States ("foreign work");
2. A description of the work proposed to be performed outside the United States;
3. An explanation as to how the foreign work is essential to the project;
4. A description of the anticipated benefits to be realized by the proposed foreign work and the anticipated contributions to the United States economy;

5. The associated benefits to be realized and the contribution to the project from the foreign work;
6. How the foreign work will benefit the United States, including manufacturing, contributions to employment in the United States and growth in new markets and jobs in the United States;
7. How the foreign work will promote manufacturing of products and/or services in the United States;
8. A description of the likelihood of Intellectual Property (IP) being created from the foreign work and the treatment of any such IP;
9. The total estimated cost (DOE and recipient cost share) of the proposed foreign work;
10. The countries in which the foreign work is proposed to be performed; and
11. The name of the entity that would perform the foreign work.

DOE may require additional information before considering the waiver request.

DOE's decision concerning a waiver request is not appealable.

APPENDIX D – REQUIRED USE OF AMERICAN IRON, STEEL, MANUFACTURED PRODUCTS, AND CONSTRUCTION MATERIALS BUY AMERICA REQUIREMENT FOR INFRASTRUCTURE PROJECTS

A. Definitions

For purposes of the Buy America Requirement, based both on the statute and OMB Guidance Document dated April 18, 2022, the following definitions apply:

Construction materials includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives[10]—that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

Infrastructure includes, at a minimum, the structures, facilities, and equipment for, in the United States, Roads, highways, and bridges; public transportation; Dams, ports, harbors, and other maritime facilities; Intercity passenger and freight railroads; Freight and intermodal facilities; airports; Water systems, including drinking water and wastewater systems; Electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

Moreover, according to the OMB guidance document:

> When determining if a program has infrastructure expenditures, Federal agencies should interpret the term "infrastructure" broadly and consider the definition provided above as illustrative and not exhaustive. When determining if a particular construction project of a type not listed in the definition above constitutes "infrastructure," agencies should consider whether the project will serve a public function, including whether the project is publicly owned and operated, privately operated on behalf of the public, or is a place of public accommodation, as opposed to a project that is privately owned and not open to the public. Projects with the former qualities have greater indicia of infrastructure, while projects with the latter quality have fewer. Projects consisting solely of the purchase, construction, or improvement of a private home for personal use, for example, would not constitute an infrastructure project.

[10] BIL, § 70917(c)(1).

The Agency, not the applicant, will have the final say as to whether a given project includes infrastructure, as defined herein. Accordingly, in cases where the "public" nature of the infrastructure is unclear, but the other relevant criteria are met, DOE strongly recommends that applicants complete their full application with the assumption that Buy America requirements will apply to the proposed project.

Project means the construction, alteration, maintenance, or repair of infrastructure in the United States.

B. Buy America Requirement for Infrastructure Projects ("Buy America" Requirements)
In accordance with section 70914 of the BIL, none of the project funds (includes federal share and Recipient cost share) may be used for a project for infrastructure unless:

(1) all iron and steel used in the project are produced in the United States--This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
(2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
(3) all construction materials[11] are produced in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America Requirement only apply to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does the Buy America Requirement apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

These requirements must flow down to all sub-awards, all contracts, subcontracts, and purchase orders for work performed under the proposed project, except where the prime recipient is a for-profit entity. Based on guidance from the Office of Management and Budget (OMB), the Buy America requirements of the BIL do not apply to DOE projects in which the prime recipient is a for-profit entity; the requirements only apply to projects whose prime recipient is a State, local Government, Indian tribe, Institute of Higher Education, or nonprofit organization.

[11] Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

For additional information related to the application and implementation of these Buy America requirements, please see OMB Memorandum M-22-11, issued April 18, 2022: https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf

Note that for all applicants – both non-Federal entities and for-profit entities – DOE is including a Program Policy Factor that the Selection Official may consider in determining which Full Applications to select for award negotiations that considers whether the applicant has made a commitment to procure U.S. iron, steel, manufactured products, and construction materials in its project.

C. Waivers

The DOE financial assistance agreement will require each recipient: (1) to fulfill the commitments made in its application regarding the procurement of U.S.-produced products and (2) to fulfill the commitments made in its application regarding the procurement of other key component metals and manufactured products domestically that are deemed available in sufficient and reasonable available quantities or of a satisfactory quality at the time of award negotiation.

In limited circumstances, DOE may waive the application of the Buy America Requirement where DOE determines that:

(1) applying the Buy America requirements would be inconsistent with the public interest;
(2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

If an applicant or recipient is seeking a waiver of the Buy America requirements, it may submit a waiver request after it has been notified of its selection for award negotiations. A waiver request must include:

- A detailed justification for the use of "non-domestic" iron, steel, manufactured products, or construction materials to include an explanation as to how the non-domestic item(s) is essential to the project;
- A certification that the applicant or recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with potential suppliers;
- Applicant /Recipient name and Unique Entity Identifier (UEI)
- Total estimated project cost, DOE and cost-share amounts
- Project description and location (to the extent known)
- List and description of iron or steel item(s), manufactured goods, and construction material(s) the applicant or recipient seeks to waive from Domestic Content Procurement Preference requirement, including name, cost, country(ies) of origin (if

known), and relevant Product Service Codes (PSC) and North American Industry Classification System (NAICS) code for each
- Waiver justification including due diligence performed (e.g., market research, industry outreach) by the applicant or recipient
- Anticipated impact if no waiver is issued.

DOE may require additional information before considering the waiver request.

Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at DOE Buy America Requirement Waiver Requests

DOE's decision concerning a waiver request is not appealable.

APPENDIX E – ACRONYMS/DEFINITIONS

Acronyms:

ALRD	Administrative and Legal Requirements Document
BABA	Build America Buy America Act
BIL	Bipartisan Infrastructure Law
CAA	Clean Air Act
CBP	Community Benefits Plan
CETs	Critical and Emerging Technologies
CEJST	Climate and Economic Justice Screening Tool
COI	Conflict of Interest
DEIA	Diversity, Equity, Inclusion, and Accessibility
DOE	Department of Energy
DOL	Department of Labor
EPAct	Energy Policy Act
EJ	Environmental Justice
EPA	Environmental Protection Agency
FAR	Federal Acquisition Regulation
FCOI	Financial Conflicts of Interest
FFATA	Federal Funding and Transparency Act of 2006
FOIA	Freedom of Information Act
FFRDC	Federally Funded Research and Development Center
GAAP	Generally Accepted Accounting Principles
GHG	Greenhouse Gas
IRA	Inflation Reduction Act
LCA	Life Cycle Analysis
MCW	Marginal Conventional Well
MERP	Methane Emissions Reduction Program
MFA	Multi-Factor Authentication
MPIN	Marketing Partner ID Number
MSI	Minority-Serving Institution
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NETL	National Energy Technology Laboratory
NNSA	National Nuclear Security Administration
NSF	National Science Foundation
OFCCP	Office of Federal Contractor Compliance Program
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSTI	Office of Scientific and Technical Information
PII	Personal Identifiable Information
SAM	System for Award Management
SMART	Specific, Measurable, Attainable, Realistic, and Timely
SOPO	Statement of Project Objectives
SPOC	Single Point of Contact
UCC	Uniform Commercial Code
UEI	Unique Entity Identifier

DEFINITIONS:

Conventional Well – A vertical well producing oil or natural gas that is drilled into a geologic formation in which the reservoir and fluid characteristics permit the oil and natural gas to readily flow to the wellbore. This excludes deviated, horizontal, tight-gas, and mudrock or shale wells. This excludes deviated, horizontal, tight-gas, and mudrock or shale wells.

Environmental Restoration - Elements required for full compliance with applicable State or Federal well plugging and abandonment standards and regulations.

Greenhouse gas – Per the IRA statute, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

Marginal Conventional Well – An onshore conventional well producing less than or equal to 15 barrels of oil equivalent per day (BOED), or less than or equal to 90 thousand cubic feet (Mcf) gas per day (1 BOE = 6 Mcf) over a calendar year. These are producing or idle wells with known operators/well owners.

Non-Federal Lands – State, private, and Tribal lands not owned by a Federal agency (e.g., Department of the Interior (DOI), U.S. Department of Agriculture (USDA), Department of Defense (DOD)). A well is considered to be on non-Federal lands if the wellhead surface location is on non-Federal lands, even if the subsurface mineral rights are owned by the federal government.