FINANCIAL ASSISTANCE
FUNDING OPPORTUNITY ANNOUNCEMENT

Department of Energy (DOE)
Office of Fossil Energy and Carbon Management (FECM)

GASIFICATION OF ALTERNATIVE FEEDSTOCKS

Funding Opportunity Announcement (FOA) Number: DE-FOA-0003394
FOA Type: Modification
Assistance Listing Number: 81.089 Fossil Energy Research and Development

FOA Issue Date:	September 20, 2024
FOA Modification 0002 Issue Date:	October 17, 2024
Submission Deadline for Full Applications:	November 22, 2024 /11:59:59 PM ET
Expected Date for Selection Notifications:	February 28, 2025
Expected Date for Award:	May 2025

Awards issued under this Notice of Funding Opportunity (NOFO, previously Funding Opportunity Announcement (FOA)) will adopt the 2024 Revisions to 2 CFR.

Applicants may review a summary of changes at https://www.cfo.gov/coffa/uniform-guidance-coffa/2024/

Modifications

All modifications to the Notice of Funding Opportunity are highlighted in the body of the NOFO.

Mod. No.	Date	Description of Modification
000001 and 000002	10/16/2024, then 10/17/2024	The following language is inserted on page one of this FOA: "Awards issued under this Notice of Funding Opportunity (NOFO, previously Funding Opportunity Announcement (FOA)) will adopt the 2024 Revisions to 2 CFR. Applicants may review a summary of changes at https://www.cfo.gov/coffa/uniform-guidance-coffa/2024/" *Due to an error in the systems, mod 1 did not publish correctly, so mod 2 will republish it.

* Applicants are discouraged from submitting information considered proprietary unless it is deemed essential for proper evaluation of the application. If the application contains information that the applicant organization considers to be trade secrets, information that is commercial or financial, or information that is privileged or confidential, the pages containing that information should be identified as specified in the application instructions. When such information is included in the application, it is furnished to the Federal government in confidence, with the understanding that the information will be used or disclosed only for evaluation of the application. The information contained in the application will be protected by DOE from unauthorized disclosure, consistent with the need for merit review of applications of financial assistance awards to assure the integrity of the competitive process and the accuracy and completeness of the information. If a Federal financial assistance award is made as a result of or in connection with an application, the Federal government has the right to use or disclose the information to the extent authorized by law. This restriction does not limit the Federal government's right to use the information if it is obtained without restriction from another source.

Registration Requirements

There are several one-time actions that must be completed before submitting an application in response to this Funding Opportunity Announcement (FOA) (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 FOA.

- **SAM –** Applicants must register with SAM at https://www.sam.gov/ prior to submitting an application in response to this FOA (unless the applicant is exempt from those requirements under 2 CFR 25.110). 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.

- **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://apply07.grants.gov/apply/OrcRegister
  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 are 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: www.fedconnect.net.

  See Section IV for Application and Submission Information (including how to create a WorkSpace).

Table of Contents

I. Funding Opportunity Description 10

A. Authorizing Statutes 10
B. Background/Description 10
i. Background and Purpose 10
ii. Research and Development Community Benefits Plan (April 2023) 11
C. Objectives/Areas of Interest 12
D. Applications Specifically Not of Interest 14

II. Award Information 15

A. Type of Application 15
B. Type of Award Instrument 15
C. Award Overview 15
i. Estimated Funding, Number of Awards, Anticipated Award Size, and Maximum DOE Share 15
ii. Estimated Project Period of Performance per Area of Interest 16

III. Eligibility Information 17

A. General 17
B. Eligible Applicants 17
i. Individuals 17
ii. Domestic Entities 17
iii. Domestic Public Entities (excluding Federal entities) 17
iv. Federally Funded Research and Development Centers and National Laboratories 18
v. Federal Entities 19
vi. Foreign Entities 19
vii. DOE/NNSA FFRDC Participation in Project Teams 19
C. Cost Sharing 20
i. Cost Share Requirements 20
ii. Legal Responsibility 20
iii. Cost Share Allocation 21
iv. Cost Share Types and Allowability 21
v. Cost Share Verification 22
vi. Cost Share Contributions by FFRDCs 22
D. Compliance Criteria 22
E. Responsiveness Criteria 23
F. Number of Submittals Eligible for Review 23
G. Questions Regarding Eligibility 23

IV. Application and Submission Information 24

A. Form and Content Requirements 24
B. Full Applications 25
i. Application Package 25
ii. Content and Form of Full Application 25
iii. SF-424: Application for Federal Assistance 27
iv. Project/Performance Site Location(s) 27
v. Other Attachments Form 27
vi. Project Narrative File – Mandatory Other Attachment 27
vii. Summary for Public Release File (April 2023) 30
viii. Project Management Plan 30
ix. Resume File (April 2023) 31
x. SF 424A Budget Information – Non-Construction Programs (SF424) File 32
xi. Budget Justification File 32

xii. Subaward Budget Justification (if applicable) 33
xiii. Budget for DOE/NNSA FFRDC/NLs or non-DOE/NNSA FFRDC/NLs, (if applicable) 33
xiv. Authorization for DOE/NNSA FFRDC/NLs or non-DOE/NNSA FFRDCs/NLs (if applicable) 34
xv. Environmental Questionnaire 34
xvi. Cost Share Commitment Letters (if applicable) 34
xvii. SF-LLL: Disclosure of Lobbying Activities (if applicable) 35
xviii. Waiver Requests (if applicable) (April 2023) 35
xix. Data Management Plan 35
xx. R&D Community Benefits Plan (April 2023) 36
xxi. Current and Pending Support (April 2023) 37
xxii. U.S. Competitiveness 40
xxiii. Transparency of Foreign Connections 41
xxiv. Potentially Duplicative Funding Notice 42
C. Post Selection Information Requests (April 2023) 43
D. Submission Dates and Times 43
E. Intergovernmental Review 43
F. Other Submission and Registration Requirements 43
i. Registration Process 43
ii. Where to Submit 44
iii. Full Application Proof of Timely Submissions 45
iv. Electronic Authorization of Applications and Award Documents 46
G. Funding Restrictions (April 2023) 46
H. Pre-Award Costs 46
I. Pre-Award Costs Related to National Environmental Policy Act (NEPA) Requirements 46
J. Performance of Work in the United States (Foreign Work Waiver) (April 2023) 47
i. Requirement 47
ii. Failure to Comply 47
iii. Waiver 47
K. Foreign Travel 48
L. Equipment and Supplies 48
M. Buy America Requirements for Infrastructure Projects (April 2023) 48

V. Application Review Information 50

A. Review Criteria 50
i. Compliance/Responsiveness Review 50
ii. Full Application Merit Review Criteria 50
B. Other Selection Factors 51
i. Program Policy Factors 51
C. Other Review Requirements 52
i. Risk Assessment (May 2023) 52
ii. Recipient Responsibility and Qualifications (May 2023) 53
D. Review and Selection Process 54
i. Merit Review 54
ii. Selection 54
iii. Discussions and Award 54

VI. Award Administration Information 55

A. Notices 55
i. Ineligible Submissions 55
ii. Full Application Notifications 55
B. Administrative and National Policy Requirements 56
i. Award Administrative Requirements 56
ii. Unique Entity Identifier Requirements and System for Award Management (April 2023) 57

iii. Uniform Commercial Code (UCC) Financing Statements 57
iv. Foreign National Participation (April 2023) 58
v. Export Control (April 2023) 58
vi. Statement of Federal Stewardship 59
vii. Statement of Substantial Involvement 59
viii. Subject Invention Utilization Reporting 60
ix. Environmental Review in Accordance with National Environmental Policy Act (NEPA) 60
x. Conference Spending 61
xi. Indemnity 61
xii. Interim Conflict of Interest Policy for Financial Assistance 61
xiii. Participants and Collaborating Organizations 62
xiv. Current and Pending Support 62
xv. Fraud, Waste and Abuse (April 2023) 63
xvi. Human Subjects Research (April 2023) 63
xvii. Real Property and Equipment 64
C. Reporting 64
i. Reporting Requirements 64
ii. Subaward and Executive Reporting 64
D. Applicant Representations and Certifications 65
i. Lobbying Restrictions 65
ii. Nondisclosure and Confidentiality Agreements Representations 65
iii. Corporate Felony Convictions and Tax Liabilities Representations (March 2014) 66

VII. Questions/Agency Contacts 67

A. Questions 67
B. Agency Contact 67

VIII. Other Information 68

A. Modifications 68
B. Government Right to Reject or Negotiate 68
C. Commitment of Public Funds 68
D. Treatment of Application Information (April 2023) 68
E. Evaluation and Administration by Non-Federal Personnel 69
F. Intellectual Property Developed Under This Program (September 2021) 70
G. Government Rights in Subject Inventions 71
H. Rights in Technical Data 72
I. Copyright 72
J. Energy Data eXchange (EDX) Requirements (December 2022) 72
K. Notice Regarding Eligible/Ineligible Activities 73
L. Notice of Right to Conduct a Review of Financial Capability 74
M. Notice of Potential Disclosure Under Freedom of Information Act (FOIA) 74
N. Requirement for Full and Complete Disclosure 74
O. Retention of Submissions 74
P. Protected Personally Identifiable Information 74
Q. Annual Compliance Audits 75
R. Accounting System 76
S. Indirect Rates 76
T. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment (April 2023) 76
U. Prohibition Related to Foreign Government-Sponsored Talent Recruitment Programs (April 2023) 77
i. Prohibition 77
ii. Definitions 77
V. Implementation of Executive Order 13798, Promoting Free Speech and Religious Liberty (November 2020) 78

W. Affirmative Action and Pay Transparency Requirements 78
X. Foreign Collaboration Considerations....79

IX. Appendices....80

Appendix A – Cost Share Information....80

Appendix B – Waiver Requests: Foreign Entity Participation and Performance of Work in the United States. 85

i. Waiver for Foreign Entity Participation as the Prime Recipient....85
ii. Waiver for Performance of Work in the United States (Foreign Work Waiver) 87

Appendix C – Required Use of American Iron, Steel, Manufactured Products, and Construction Materials - Buy America Requirements for Infrastructure Projects (April 2023) 88

Appendix D – Statement of Project Objectives Template 92

Appendix E – Project Management Plan Template 96

Appendix F – Data Management Plan.... 101

Appendix G – Technology Readiness Levels 105

Appendix H – Community Benefits Plan Template.... 108

I. Funding Opportunity Description

A. Authorizing Statutes

The programmatic authorizing statutes are:

- DOE Organization Act 42 U.S.C. § 7101., et seq. (Public Law 95-91), as amended
- Energy Policy Act of 2005, 42 U.S.C. § 15801., et seq. (Public Law 109-58) as amended, TITLE VIII, Subtitle F, Sec. 805, 42 U.S.C. § 16154

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

B. Background/Description

i. Background and Purpose

The U.S. Department of Energy (DOE) Office of Fossil Energy and Carbon Management's Hydrogen with Carbon Management (HCM) Program sponsors and conducts research on the development and use of carbon-neutral or net-negative carbon emission energy systems and associated technologies. The HCM program's efforts are an integral part of the DOE's Hydrogen Shot, with a goal of reducing clean hydrogen costs by 80% to $1 per 1 kilogram within 1 decade (1-1-1), while expanding employment of the U.S. energy workforce. Gasification of alternative or non-traditional feedstocks such as biomass and wastes to produce clean hydrogen with genuine net-zero to net-negative carbon emissions performance is of continued interest. Challenges remain with exclusive use of non-traditional feedstocks in gasification systems faced with the ambitious Hydrogen Shot goals.

DOE is offering potential funding via this FOA for development of innovative gasification designs/systems for converting alternative feedstocks into syngas to enable the low-cost production of clean hydrogen. The program is motivated by the unique potential of carbon capture-friendly oxygen-blown gasification processes to convert solid mixed biomass and waste feedstocks to clean hydrogen, which is useful as a decarbonized energy carrier and for synthesis of decarbonized transportation fuels, chemicals, electricity, and other useful products. Specifically, Research and Development (R&D) towards demonstration of entrained flow gasification and fluidized bed technologies is sought.

Alternative feedstocks are defined as biomass or biomass wastes, municipal solid waste (MSW), industrial wastes, carbonaceous waste materials (e.g., plastics wastes), or any combination of the components above. These feedstocks have different reactivities and

other properties that face challenges not well understood from the available gasification knowledge base. These technical issues and challenges include:

- Feeding issues—Non-uniform feedstocks with diverse physical characteristics and chemical compositions.
- Low mass density—Compounds feeding issues.
- Low energy density—Larger amounts needed compared to other fuels compounding feeding issues.
- Limited availability—Decays over time (half-life varies from one to 20 years, depending on species), requires large amounts of land to create, seasonal availability.
- High corrosivity—Ammonia, alkaline compounds in ash damage downstream components.

These issues limit the use of biomass as a primary feedstock, especially for mid- to large-scale applications, as is in the United States, which does not host large-scale biomass gasification projects—though small-scale biomass gasification demo projects currently exist worldwide.

ii. Research and Development Community Benefits Plan (April 2023)

DOE is committed to investing in research and development (R&D) innovations that deliver benefits to the American public and leads to commercialization of technologies and products that foster sustainable, resilient, and equitable access to clean energy. Further, DOE is committed to supporting the development of more diverse, equitable, inclusive, and accessible workplaces to help maintain the nation's leadership in science and technology.

To support the goal of building a clean and equitable energy economy, projects funded under this Funding Opportunity Announcement are expected to (1) advance diversity, equity, inclusion, and accessibility (DEIA); (2) contribute to energy equality; and (3) invest in America's workforce. To ensure these objectives are met, applications must include a R&D Community Benefits Plan (R&D Community Benefits Plan) that addresses the three objectives stated above. See Section IV, "Application and Submission Information, R&D Community Benefits Plan" and the "R&D Community Benefits Plan" Appendix for more information on the R&D Community Benefits Plan content requirements.

C. Objectives/Areas of Interest

Area of Interest 1:
R&D Towards Demonstration of Entrained Flow Gasification Technologies for Alternative Feedstocks

R&D is sought towards demonstration of an entrained flow gasification system using alternative feedstocks to produce clean syngas. The scale of the system must be of sufficient size/throughput to constitute a prototype for future system designs. Of particular importance are feedstock preparation and slag handling, and as such the system tested must include and functionally integrate all unit operations pertaining to feedstock preparation, gasification, syngas cleanup, and slag handling. The system should be operated on alternative feedstocks containing at least two components for 250+ hours. Higher efficiency and higher-pressure systems are favored.

Area of Interest (AOI)-1 also requires preparation of a Techno-Economic Analysis (TEA) and Life Cycle Assessment (LCA) to document complete process performance for clean hydrogen production, where the demonstrated entrained flow gasification system technology for alternative feedstocks is incorporated within this process.

Technology Readiness Level (TRL)
Beginning TRL: **3 – 4**
Ending TRL: **4 – 5**

Ending TRL is expected to advance at least one level from starting TRL.

Requirements and Exclusions

- Process basis—Gasification for clean hydrogen production (clean hydrogen defined as decarbonized hydrogen with zero carbon emissions or better on a life cycle analysis basis).
- Feedstocks—Alternative feedstocks with possible components of biomass, carbonaceous waste materials (e.g., plastics), municipal solid waste (MSW), organic construction and demolition waste, industrial wastes.
- Gasifier type—Higher-pressure, high-temperature, high-efficiency gasifiers.
- Restrictions on gasifiers—Oxygen-blown gasifiers enabling ease of carbon capture (no air-blown gasifiers).
- Restrictions on feedstocks—Up to 20% coal and/or petcoke may be used as feedstocks.
- **Recipients will be required to deliver with unlimited rights feedstock and kinetic data generated through these awards with NETL through an EDX data repository site to be specified. This data will be used by NETL researchers to help develop a gasification kinetics database and machine learning tool for broader use by the gasification community, though recipients may request that their data be anonymized in the public-facing version of this database.**

Area of Interest 2:

R&D Towards Demonstration of Fluidized Bed Gasification Technologies for Alternative Feedstocks

R&D is sought towards demonstration of a fluidized bed gasification system using alternative feedstocks to produce clean syngas. The scale of the system must be of sufficient size/throughput to constitute a prototype for future system designs. Of particular importance are feedstock preparation, tar mitigation for clean syngas production, and ash handling, and as such the system tested must include and functionally integrate all unit operations pertaining to feedstock preparation, gasification, syngas cleanup, and ash handling. The system should be operated on alternative feedstocks containing at least two components for 250+ hours. Higher efficiency and higher-pressure systems are favored.

AOI-2 also requires preparation of a TEA and LCA to document complete process performance for clean hydrogen production, where the demonstrated fluidized bed gasification system technology for alternative feedstocks is incorporated within this process.

Technology Readiness Level (TRL)
Beginning TRL: **3 – 4**
Ending TRL: **4 – 5**

Ending TRL is expected to advance at least one level from starting TRL.

Requirements and Exclusions

- Process basis—Gasification for clean hydrogen production (clean hydrogen defined as decarbonized hydrogen with zero carbon emissions or better on a life cycle analysis basis).
- Feedstocks—Alternative feedstocks with possible components of biomass, carbonaceous waste materials (e.g., plastics), municipal solid waste (MSW), organic construction and demolition waste, industrial wastes.
- Gasifier type—Higher-pressure, high-temperature, high-efficiency gasifiers.
- Restrictions on gasifiers—Oxygen-blown gasifiers enabling ease of carbon capture (no air-blown gasifiers).
- Restrictions on feedstocks—Up to 20% coal and/or petcoke may be used as feedstocks.
- **Recipients will be required to deliver with unlimited rights feedstock and kinetic data generated through these awards with NETL through an EDX data repository site to be specified. This data will be used by NETL researchers to help develop a gasification kinetics database and machine learning tool for broader use by the gasification community, though recipients may request that their data be anonymized in the public-facing version of this database.**

D. Applications Specifically Not of Interest

The following types of applications will be deemed nonresponsive and will not be reviewed or considered (See Section III, Eligibility Information; Responsiveness Criteria):

- Submissions that fall outside the technical parameters specified in Section I, "Funding Opportunity Description; Objectives/Topic Areas/Areas of Interest" of the FOA, including but not limited to
    - Gasification processes NOT for clean hydrogen production
    - Gasification processes using non-alternative feedstocks
    - Low-pressure, low-temperature, and/or low efficiency gasifiers
    - Non-oxygen blown gasifiers
    - Air-blown gasifiers
    - Gasification of feedstocks containing more than 20% coal and/or petcoke
    - Technologies with starting TRLs outside 3 – 4
    - Projects that do not advance the TRL at least one level from beginning TRL
- Submissions for proposed technologies that are not based on sound scientific principles (e.g., violates the laws of thermodynamics).
- Submissions for large-scale demonstration projects of existing technologies.
- Submissions for proposed technologies that do not address the technical issues and challenges, as described in Section I, Funding Opportunity Description; Objectives/Topic Areas/Areas of Interest" of the FOA. Technologies must be scalable such that they could be disruptive with sufficient technical progress.
- Submissions that describe a technology but do not propose a R&D plan that allows DOE to evaluate the submission under the applicable merit review criteria provided in Section V, "Application Review Information; Review Criteria" of the FOA.

II. Award Information

A. Type of Application

DOE will accept only new applications under this announcement.

B. Type of Award Instrument

Cooperative Agreements
DOE anticipates awarding cooperative agreements under this funding opportunity announcement (See Section VI, "Award Administration Information; Statement of Substantial Involvement").

C. Award Overview

i. Estimated Funding, Number of Awards, Anticipated Award Size, and Maximum DOE Share

DOE expects to make Federal funding available for new awards under this FOA as follows:

Area of Interest	Estimated Federal Funding	Anticipated No. of Awards	Anticipated Individual Award Size			Maximum DOE Share of Award
			DOE Share $/%	Cost Share $/%	Total $	
1	$7.5 M	2 – 3	Up to $3M	$750k (20%)	$3.75 M	$3 M
2	$7.5 M	2 – 3	Up to $3M	$750k (20%)	$3.75 M	$3 M
Total	**$15 M**	**5**				

DOE may issue awards in one, multiple or none of the areas of interests.

APPLICATIONS WHICH EXCEED THE "MAXIMUM DOE SHARE OF AWARD" SPECIFIED ABOVE WILL BE CONSIDERED NONCOMPLIANT (SEE SECTION III, "ELIGIBILITY INFORMATION; COMPLIANCE CRITERIA"). DOE WILL NOT REVIEW OR CONSIDER NONCOMPLIANT APPLICATIONS.

DOE may establish more than one budget period for each award and fund only the initial budget period(s). Funding for all budget periods, including the initial budget period, is not guaranteed. Funding for all awards and future budget periods are contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.

ii. Estimated Project Period of Performance per Area of Interest

The anticipated project period of performance for projects under each Area of Interest in this announcement is:

Area of Interest	Project Period of Performance
1	3 years (36 months)
2	3 years (36 months)

III. Eligibility Information

A. General

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

B. Eligible Applicants

i. Individuals

U.S. citizens and lawful permanent residents are eligible to apply for funding as a Prime Recipient or Subrecipient.

ii. 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 Prime Recipient or Subrecipient.

Nonprofit organizations described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities after December 31, 1995, **are not eligible to apply for funding**.

iii. Domestic Public Entities (excluding Federal entities)

State, local, and tribal government entities are eligible to apply for funding as a Prime Recipient or Subrecipient.

Entities banned from doing business with the United States government such as entities debarred, suspended, or otherwise excluded from or ineligible for participating in Federal programs are not eligible.

Nonprofit organizations described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities after December 31, 1995, are **not** eligible to apply for funding.

Federal entity eligibility is discussed below.

iv. Federally Funded Research and Development Centers and National Laboratories

DOE/National Nuclear Security Administration (NNSA) Federally Funded Research and Development Centers (FFRDCs) and National Laboratories (NL) are eligible to apply for funding as a Subrecipient (only) but are not eligible to apply as a Prime Recipient. Non-DOE/NNSA FFRDCs and National Laboratories are eligible to apply for funding as a Subrecipient but are not eligible to apply as a Prime Recipient.

FFRDC scope of work may not be more significant than the Prime Applicant's (as measured by proportion of total project costs proposed).

NETL is not eligible for award under this announcement and may not be proposed as a subrecipient on another entity's application. An application that includes NETL as a prime recipient or subrecipient will be considered non-responsive.

Authorization. The cognizant contracting officer for the DOE/NNSA FFRDC/NL or the non-DOE/NNSA Federal agency sponsoring the FFRDC/NL contractor must authorize in writing the use of the FFRDC/NL on the proposed project and this authorization must be submitted with the application. The use of a FFRDC/NL must be consistent with its authority under its award and will not place the laboratory in direct competition with the domestic private sector.

The following wording is acceptable for this authorization:

> "Authorization is granted for the [Name] Laboratory to participate in the proposed project. The work proposed for the laboratory is consistent with or complimentary to the missions of the laboratory, will not adversely impact execution of the [DOE/NNSA/or FEDERAL AGENCY] assigned programs at the laboratory, and will not place the laboratory in direct competition with the domestic private sector."

DOE will NOT fund DOE/NNSA FFRDCs participating as a subrecipient through the DOE field work authorization process. DOE will NOT fund non-DOE/NNSA FFRDCs through an interagency agreement with the sponsoring agency. Therefore, the prime recipient and FFRDC are responsible for entering into an appropriate subaward that will govern, among other things, the funding of the FFRDC portion of the work from the prime recipient under its DOE award. Such an agreement must be entered into before any project work begins.

The applicant should prepare the budgets using rates appropriate for funding the FFRDCs through subawards. The applicant's cost share requirement will be based on the total cost of the project, including the applicant's, the subrecipient's, and the FFRDC's portions of the project.

Responsibility. The applicant, if successful, will be the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues, including but not limited to, disputes and claims arising out of any agreement between the applicant and the FFRDC/NL.

v. Federal Entities

Federal agencies and instrumentalities (other than DOE) are eligible to apply for funding as a Subrecipient but are not eligible to apply as a Prime Recipient.

vi. Foreign Entities

Foreign entities, whether for-profit or otherwise, are eligible to apply for funding as a Prime Recipient or Subrecipient under this FOA. Other than as provided in the "Individuals" or "Domestic Entities" sections above, all Prime Recipients receiving funding under this FOA must be incorporated (or otherwise formed) under the laws of a State or territory of the United States. If a foreign entity applies for funding as a Prime Recipient, it must designate in the Full Application a subsidiary or affiliate incorporated (or otherwise formed) under the laws of a State or territory of the United States to be the Prime Recipient. The Full Application must state the nature of the corporate relationship between the foreign entity and domestic subsidiary or affiliate.

Foreign entities may request a waiver of the requirement to designate a subsidiary in the United States as the Prime Recipient in the Full Application (i.e., a foreign entity may request that it remains the Prime Recipient on an award). To do so, the Applicant must submit an explicit written waiver request in the Full Application. The "Waiver Requests: Foreign Entity Participation as the Prime Recipient and Performance of Work in the United States" Appendix lists the necessary information that must be included in a request to waive this requirement. The applicant does not have the right to appeal DOE's decision concerning a waiver request.

In the waiver request, the applicant must demonstrate to the satisfaction of DOE that it would further the purposes of this FOA and is otherwise in the economic interests of the United States to have a foreign entity serve as the Prime Recipient. DOE may require additional information before considering the waiver request.

vii. DOE/NNSA FFRDC Participation in Project Teams

DOE/NNSA FFRDC project team members funded directly by DOE must work with their fellow project team members under a cooperative research and development agreement (CRADA), unless otherwise approved by the Contracting Officer, to ensure accountability for project work and appropriate management of intellectual property (IP), e.g., data protection and background IP.

C. Cost Sharing

i. Cost Share Requirements

The cost share must be at least 20% of the total allowable costs for research and development projects (i.e., the sum of the Government share, including FFRDC/NL costs if applicable, and the recipient share of allowable costs equals the total allowable cost of the project) and must come from non-Federal sources unless otherwise allowed by law. See 2 CFR part 200.306 as amended by 2 CFR part 910.130 for the applicable cost sharing requirements.

DOE understands that projects selected under this FOA may require the use of existing data. For purposes of this FOA, DOE will consider data that is commercially available at an established market price to be an allowable cost under the project (either as DOE share or non-federal cost share) but DOE will not consider in-kind data (e.g., data, owned by an entity, that is not routinely sold commercially but is instead donated to the project and assigned a value) to be an allowable cost under the project, including as Recipient cost share. Estimation methods used by the Recipient to assign a value to in-kind data cannot be objectively verified by DOE and therefore will not be accepted by DOE as an allowable cost under any project selected from this FOA. Consequently, DOE will not recognize in-kind data costs in any resulting approved DOE budget.

To assist applicants in calculating proper cost share amounts, DOE has included a cost share information sheet and sample cost share calculation in the "Cost Share Information" Appendix of this FOA.

ii. Legal Responsibility

Applicants will be bound by the cost share proposed in their applications and incorporated into their award.

The cost share requirement applies to the project as a whole, including work performed by members of the project team other than the Prime Recipient. The Prime Recipient is legally responsible for paying the entire cost share. The Prime Recipient's cost share obligation is expressed in the Assistance Agreement as a static amount in U.S. dollars (cost share amount) and as a percentage of the Total Project Cost (cost share percentage). If the funding agreement is terminated prior to the end of the project period, the Prime Recipient is required to contribute at least the cost share percentage of total expenditures incurred through the date of termination.

The Prime Recipient is solely responsible for managing cost share contributions by the Project Team and enforcing cost share obligation assumed by Project Team members in subawards or related agreements.

iii. Cost Share Allocation

Each Project Team is free to determine how best to allocate the cost share requirement among the team members. The amount contributed by individual Project Team members may vary, as long as the cost share requirement for the project as a whole is met.

iv. Cost Share Types and Allowability

Every cost share contribution must be allowable under the applicable Federal cost principles, as described in Section IV, "Application and Submission Information; Funding Restrictions". In addition, cost share must be verifiable upon submission of the Full Application. Cost share may be provided in the form of cash or cash equivalents, or in-kind contributions. Cost share must come from non-federal sources (unless otherwise allowed by law), such as project participants, state or local governments, or other third-party financing. DOE Loan Guarantee cannot be leveraged by applicants to provide the required cost share or otherwise support the same scope that is proposed under a project.

Cost share may be provided by the prime recipient, subrecipients, or third parties (entities that do not have a role in performing the scope of work). Vendors/contractors may not provide cost share. Any partial donation of goods or services is considered a discount and is not allowable.

Cash contributions include, but are not limited to: personnel costs, fringe costs, supply and equipment costs, indirect costs and other direct costs.

In-kind contributions are those where a value of the contribution can be readily determined, verified and justified but where no actual cash is transacted in securing the good or service comprising the contribution. Allowable in-kind contributions include but are not limited to: the donation of volunteer time or the donation of space or use of equipment.

Project teams may use funding or property received from state or local governments to meet the cost share requirement, so long as Federal Government did not provide the funding to the state or local government.

The Recipient may not use the following sources to meet its cost share obligations including, but not limited to:

- Revenues or royalties from the prospective operation of an activity beyond the project period;
- Proceeds from the prospective sale of an asset of an activity;

- Federal funding or property (e.g., Federal grants, equipment owned by the Federal Government); or
- Expenditures that were reimbursed under a separate Federal Program.

Project Teams may not use the same cash or in-kind contributions to meet cost share requirements for more than one project or program.

Cost share contributions must be specified in the project budget, verifiable from the Prime Recipient's records, and necessary and reasonable for proper and efficient accomplishment of the project. As all sources of cost share are considered part of total project cost, the cost share dollars will be scrutinized under the same Federal regulations as Federal dollars to the project. Every cost share contribution must be reviewed and approved in advance by the Contracting Officer and incorporated into the project budget before the expenditures are incurred.

Applicants are encouraged to refer to 2 CFR 200.306 as amended by 2 CFR 910.130 for additional cost sharing requirements.

Please refer to the "Cost Share Information" Appendix of the FOA.

v. Cost Share Verification

Applicants are required to provide written assurance of their proposed cost share contributions in their Full Applications.

Upon selection for award negotiations, applicants are required to provide additional information and documentation regarding their cost share contributions. Please refer to the "Cost Share Information" Appendix of the FOA.

vi. Cost Share Contributions by FFRDCs

Because FFRDCs and NLs are funded by the Federal Government, costs incurred by FFRDCs, and NLs generally may not be used to meet the cost share requirement. FFRDCs and NLs may contribute cost share only if the contributions are paid directly from the contractor's Management Fee or another non-Federal source. In such instance, the FFRDC and NLs must certify in writing that the cost share comes from non-Federal sources.

D. Compliance Criteria

A review of all submitted documents and information is performed to determine if the submissions are in compliance with the FOA requirements. **All submitted information and documents must meet all Compliance Criteria listed below to be eligible for review or the**

submission will be considered noncompliant. DOE will NOT review or consider noncompliant submissions.

Full Applications are deemed compliant if:

- The Full Application complies with the maximum DOE share of the individual award size in Section II, "Award Information; Award Overview" of the FOA;
- The Full Application complies with the content and form requirements in Section IV, "Application and Submission Information; Form and Content Requirements," and Section IV, "Application and Submission Information; Full Applications" of the FOA; and
- The applicant successfully uploaded all required documents and clicked the "Submit" button in Grants.gov by the deadline stated in the FOA. DOE will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

E. Responsiveness Criteria

A review of all submitted documents and information is performed to determine if the submissions are responsive to the FOA requirements. **All submitted information and documents must meet all of the Responsiveness Criteria listed below to be eligible for review or the submission will be considered non-responsive. DOE will NOT review or consider non-responsive submissions.**

Full Applications are deemed responsive if:

- The application meets the technical requirements as described in the "Objectives/Areas of Interest" contained in Section I, "Funding Opportunity Description" of the FOA; and
- The Applicant/application meets the Eligibility Criteria in Section III, "Eligibility Information" of the FOA.

Only compliant/responsive applications will be eligible for a comprehensive merit review.

F. Number of Submittals Eligible for Review

Applicants may submit multiple applications under each area of interest of this FOA; **HOWEVER**, applicants may not submit duplicate applications under multiple areas of interest. Put simply, each submitted application should be distinct and tailored to the specific area of interest.

G. Questions Regarding Eligibility

DOE will not make eligibility determinations for potential applicants prior to the date on which applications to this FOA must be submitted. The decision whether to submit an application in response to this FOA lies solely with the applicant.

IV. Application and Submission Information

A. Form and Content Requirements

All submissions must conform to the following form and content requirements, including maximum page limits (described below) and must be submitted as specifically stated. **Applications which do not meet ALL of the form and content requirements listed below will be considered noncompliant (See Section III, "Eligibility Information; Compliance Criteria"). DOE will NOT review or consider noncompliant applications.** DOE will not review or consider submissions submitted through means other than specifically stated in the FOA, submissions submitted after the applicable deadline, and incomplete submissions. DOE will not extend deadlines for applicants who fail to submit required information and documents by the applicable deadline due to server/connection congestion.

Full Applications must conform to ALL of the following requirements in order to be considered compliant:

- 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 Times New Roman typeface, a black font color, and a font size of 11 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.
- Each submission must not exceed the specified maximum page limit (described below) when printed using the formatting requirements set forth above and **single** spaced. The maximum page limitation includes the cover page, references, charts, graphs, data, maps, photographs, other pictorial presentations, and other reference material the applicant may include its submission.

Full Applications which do not conform to ALL of the requirements listed above will be considered noncompliant (See Section III, "Eligibility Information; Compliance Criteria"). DOE will not review or consider noncompliant submissions.

Applicants are responsible for meeting the submission deadline. 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 in advance of the submission deadline), applicants should allow at least 1 hour to submit a Full Application. Once the Full Application is submitted, applicants may revise or update that submission until the expiration of the applicable

deadline. If changes are made, the applicant must resubmit the Full Application, before the applicable deadline.

DOE urges applicants to carefully review their Full Applications and to allow sufficient time for the submission of required information and documents. All Full Applications that pass the initial eligibility review will undergo comprehensive technical merit review according to the criteria identified in Section V, "Application Review Information; Review Criteria" of the FOA.

B. Full Applications

Applicants must submit a Full Application by the specified due date and time to be considered for funding under this FOA. Applicants must complete the mandatory forms and any applicable optional forms (e.g., SF-LLL- Disclosure of Lobbying Activities) in accordance with the instructions on the forms and the additional instructions below. Files that are attached to the forms must be in Adobe Portable Document Format (PDF) unless otherwise specified in this announcement.

i. Application Package

Application forms and instructions are available at https://www.grants.gov/.

ii. Content and Form of Full Application

DOE will not review or consider ineligible Full Applications (see Section III, "Eligibility Information; Compliance Criteria" of the FOA).

Each Full Application must be limited to a **single** area of interest. Concepts or technologies unrelated to the specific area of interest should not be consolidated into a single Full Application.

Full Applications must conform to the following requirements:

Submission	Components	Format	File Name
Full Application (PDF, unless stated otherwise)	SF-424	Form	N/A
	Project/Performance Site Location(s)	Form	N/A
	Project Narrative (**25**-page limitation, see chart below for further instruction)	PDF	Project.pdf
	Summary for Public Release (1 page limit)	PDF	Summary.pdf
	Project Management Plan (10-page limitation, see chart below for further instruction)	PDF	PMP.pdf
	Resume	PDF	Resume.pdf
	SF424a Budget Information – Non-Construction Programs File	Microsoft Excel	SF424A.xls or .xlsx

	Budget Justification – SEE DETAILED INSTRUCTIONS BELOW	Microsoft Excel	Recipient Budget Justification.xls or .xlsx
	Subaward Budget Justification, if applicable – SEE DETAILED INSTRUCTIONS BELOW	Microsoft Excel	Subawardee name BudgetJustification.xls or xlsx
	Budget for DOE/NNSA FFRDC/NL or non-DOE/NNSA FFRDC/NL, if applicable	PDF	Use up to 10 letters of the FFRDC/NL name plus "Budget" as the file name (e.g., FFRDC/NL_nameBudget.xls or xlsx), and click on "Add Optional Other Attachment" to attach.
	Authorization from cognizant Contracting Officer for DOE/NNSA FFRDC/NL or non-DOE FFRDC/NL, if applicable	PDF	Use up to 10 letters of the FFRDC/NL name plus FFRDC as the file name (e.g. an FFRDC or lincolnFFRDC.pdf)
	Environmental Questionnaire	PDF	Env.pdf
	Cost Share Commitment Letters, if applicable	PDF	CSCL.pdf
	SF-LLL Disclosure of Lobbying Activities, if applicable	Form	N/A
	Foreign Entity Participation Waiver Requests if applicable	PDF	FN_Waiver.pdf
	Performance of Work in the United States waiver request, if applicable	PDF	PerformanceofWork_Waiver.pdf
	Data Management Plan	PDF	DMP.pdf
	R&D Community Benefits Plan (5-page limit)	PDF	CBP.pdf
	Current and Pending Support	PDF	CPS.pdf
	Transparency of Foreign Connections	PDF	BusinessSensitive.pdf
	Potentially Duplicative Funding	PDF	PDFN.pdf

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 FOA, it must be broken into parts and denoted to that effect. For example:

Project Part 1
Project Part 2, etc.

DOE will not accept late submissions that resulted from technical difficulties due to uploading files that exceed 10MB.

Detailed guidance on the content and form of each component is listed below.

iii. 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.

iv. Project/Performance Site Location(s)

Indicate the primary site where the work will be performed by the prime recipient or subrecipient(s). If a portion of the project 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.

v. Other Attachments Form

Submit the following files with your application and attach them to the Other Attachments Form. Click on "Add Mandatory Other Attachment" to attach the Project Narrative. Click on "Add Optional Other Attachment," to attach the other files.

vi. Project Narrative File – Mandatory Other Attachment

The Project Narrative File must be submitted in Adobe PDF format. The project narrative must not exceed **25** pages, including cover page, table of contents, footnotes/endnotes, charts, graphs, maps, photographs, and other pictorial presentations, when printed using standard 8.5" by 11" paper with 1-inch margins (top, bottom, left, and right) **single** spaced. The font must not be smaller than 11 point. The **Identification of Potential Conflicts of Interest or Bias in Selection of Reviewers, and Bibliography sections are NOT included in the project narrative page limitation**. Do not include any Internet addresses (URLs) that provide information necessary to review the application. See Section VIII, "Other Information; Treatment of Application Information" for instructions on how to mark proprietary application information.

Submissions that exceed the maximum page limits indicated above will be considered noncompliant and DOE will not review

or consider the submission (See Section III, "Eligibility Information; Compliance Criteria").

Save the information in a single file named "Project.pdf," and click on "Add Mandatory Other Attachment" to attach.

The project narrative (**25**-page limitation) must include:

SECTION	MAXIMUM PAGE LIMIT* (if applicable)	DESCRIPTION
Cover Page	Included in the page limitation (1-page maximum)	The cover page should include the project title, the specific FOA area of interest being addressed, the Applicant's name, and the names of all team member organizations. In addition, provide the Applicant's technical and business points of contact along with e-mail addresses and telephone numbers, names of project manager, Senior/Key personnel and their organizations. The cover page should also include the federal and non-federal share of costs associated with each team member's proposed effort. Applicants should ensure the cost information is consistent with the submitted budget justification(s).
Table of Contents	Included in the page limitation	Applicant to capture, at a minimum, all of the required sections identified in this table.
Project Objectives	Included in the page limitation	This section should provide a clear, concise statement of the specific objectives/aims of the proposed project. Buy America Requirements for Infrastructure Projects: Within the first two (2) pages of the Narrative, include a short statement on whether the project will involve the construction, alteration, and/or repair of infrastructure in the United States. See the "Required Use of American Iron, Steel, Manufactured Products, and Construction Materials – Buy America Requirements for Infrastructure Projects" Appendix for applicable definitions and other information to inform this statement.
Merit Review Criterion Discussion	Included in the page limitation	The section should be formatted to address each of the merit review criterion and sub-criterion listed in Section V, "Application Review Information; Review Criteria". Provide sufficient information so that reviewers will be able to evaluate the application in accordance with these merit review criteria. DOE/NNSA WILL EVALUATE AND CONSIDER ONLY THOSE APPLICATIONS THAT ADDRESS SEPARATELY EACH OF THE MERIT REVIEW CRITERION AND SUB-CRITERION.
Statement of Project Objectives	**Included in the page limitation**	The project narrative must contain a single, detailed Statement of Project Objectives that addresses how the project objectives will be met. The Statement of Project Objectives must contain a clear, concise description of all activities to be completed during project performance. It is therefore required that it shall not contain proprietary or confidential business information.

		The Statement of Project Objectives is generally less than 10 pages in total for the proposed work. Applicants shall prepare the Statement of Project Objectives in the format provided in the "Statement of Project objectives Template" Appendix of the FOA.
Relevance and Outcomes/Impacts	Included in the page limitation	This section should explain the relevance of the effort to the objectives in the program announcement and the expected outcomes and/or impacts. The justification for the proposed project should include a clear statement of the importance of the project in terms of the utility of the outcomes and the target community of beneficiaries.
Roles of Participants	Included in the page limitation	For multi-organizational or multi-investigator projects, describe the roles and the work to be performed by each participant/investigator, business agreements between the applicant and participants, and how the various efforts will be integrated and managed.
Multiple Principal Investigators	Included in the page limitation	The applicant, whether a single organization or team/partnership/consortium, must indicate if the project will include multiple PIs. This decision is solely the responsibility of the applicant. If multiple PIs will be designated, the application must identify the Contact PI/Project Coordinator and provide a "Coordination and Management Plan" that describes the organization structure of the project as it pertains to the designation of multiple PIs. This plan should, at a minimum, include: - process for making decisions on scientific/technical direction; - publications; - intellectual property issues; - communication plans; - procedures for resolving conflicts; and - PIs' roles and administrative, technical, and scientific responsibilities for the project.
Facilities and Other Resources	Included in the page limitation	Identify the facilities (e.g., office, laboratory, computer, etc.) to be used at each performance site listed and, if appropriate, indicate their capacities, pertinent capabilities, relative proximity, and extent of availability to the project. Describe only those resources that are directly applicable to the proposed work. Provide any information describing the other resources available to the project such as machine and electronics shops.
Equipment	Included in the page limitation	List important items of equipment already available for this project and, if appropriate, note the location and pertinent capabilities of each. If you are proposing to acquire equipment, describe comparable equipment, if any, already at your organization and explain why it cannot be used.
Identification of Potential Conflicts of Interest or Bias in Selection of Reviewers	**<u>Not</u> included in the page limitation**	Provide the following information in this section: ▪ Collaborators and Co-editors: List in alphabetical order all persons, including their current organizational affiliation, who are, or who have been, collaborators or co-authors with you on

		a research project, book or book article, report, abstract, or paper during the 48 months preceding the submission of this application. Also, list any individuals who are currently, or have been, co-editors with you on a special issue of a journal, compendium, or conference proceedings during the 24 months preceding the submission of this application. If there are no collaborators or co-editors to report, state "None." ▪ Graduate and Postdoctoral Advisors and Advisees: List the names and current organizational affiliations of your graduate advisor(s) and principal postdoctoral sponsor(s) during the last 5 years. Also, list the names and current organizational affiliations of your graduate students and postdoctoral associates.
Bibliography	Not included in the page limitation	If applicable: Provide a bibliography for any references cited in the Project Narrative section. This section must include only bibliographic citations.

*As indicated above, a maximum page limit has been established for the project narrative so when the project narrative sections identified in the table above as included in the page limitation are totaled together (including the cover page, table of contents, footnotes/endnotes, charts, graphs, maps, photographs, and other pictorial presentations) it should not exceed **25** pages. Full Applications which do not conform to ALL of the requirements listed above will be considered noncompliant (See Section III, "Eligibility Information; Compliance Criteria"). DOE will not review or consider noncompliant submissions.

vii. Summary for Public Release File (April 2023)

The project summary/abstract must contain a one-page summary of the proposed activity suitable for dissemination to the public. It should be a self-contained document that identifies the name of the applicant, the project director/principal investigator(s), the project title, the objectives of the project, a description of the project, including methods to be employed, the potential impact of the project (i.e., benefits, outcomes), major participants (for collaborative projects), and the project's commitments and goals described in the Community Benefits Plan. This document must not include any proprietary or sensitive business information as the Department may make it available to the public after selections. The project summary must not exceed one (1) page when printed using standard 8.5" by 11" paper with 1" margins (top, bottom, left and right) **single** spaced with font no smaller than 11 point. Save this information in a file named "Summary.pdf," and click on "Add Optional Other Attachment" to attach.

viii. Project Management Plan

The Project Management Plan (PMP) must not exceed 10 pages including cover page, table of contents, footnotes/endnotes, charts, graphs, maps, photographs, and other pictorial presentations, when printed using standard 8.5" by 11" paper with 1" margins

(top, bottom, left and right) **single** spaced with font no smaller than 11 point. Applicants shall prepare the PMP in the format provided in the "Project Management Plan Template" Appendix of the FOA. Save this information in a file named "PMP.pdf," and click on "Add Optional Other Attachment" to attach.

ix. Resume File (April 2023)

Provide a resume for each key person proposed, including subawardees and consultants if they meet the definition of key person. A key person is any individual who contributes in a substantive, measurable way to the execution of the project. The biographical information for each resume must not exceed 3 pages when printed on 8.5" by 11" paper with 1-inch margins (top, bottom, left, and right) **single** spaced with font no smaller than 11 point and should include the following information, if applicable:

- Contact Information;
- Education and Training. Undergraduate, graduate and postdoctoral training, provide institution, major/area, degree and year.
- Research and Professional Experience. Beginning with the current position list, in chronological order, professional/academic positions with a brief description. 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;
- Awards and honors;
- Publications. Provide a list of up to 10 publications most closely related to the proposed project. For each publication, identify the names of all authors (in the same sequence in which they appear in the publication), the article title, book or journal title, volume number, page numbers, year of publication, and website address if available electronically. An abbreviated style such as the Physical Review Letters (PRL) convention for citations (list only the first author) may be used for publications with more than 10 authors;
- Patents, copyrights, and software systems developed may be provided in addition to or substituted for publications.
- Synergistic Activities. List no more than 5 professional and scholarly activities related to the effort proposed.
- There should be no lapses in time over the past ten years or since age 18, which ever time period is shorter.

As an alternative to a resume, it is acceptable to use the biographical sketch format approved by the National Science Foundation (NSF). The biographical sketch format may be generated by the Science Experts Network Curriculum Vita (SciENcv), a cooperative venture maintained at https://www.ncbi.nlm.nih.gov/sciencv/, and is also available at https://nsf.gov/bfa/dias/policy/nsfapprovedformats/biosketch.pdf. The use of a format

required by another agency is intended to reduce the administrative burden to researchers by promoting the use of common formats.

Save all resumes in a single file named "Resume.pdf" and click on "Add Optional Other Attachment" to attach.

x. SF 424A Budget Information – Non-Construction Programs (SF424) File

You must provide a separate budget for each year of support requested and a cumulative budget for the total project period of performance. Use the SF 424 A Excel, "Budget Information - Non Construction Programs" form on the DOE Financial Assistance Forms Page at https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients under DOE budget forms.

You may request funds under any of the Object Class Categories as long as the item and amount are necessary to perform the proposed work, meet all the criteria for allowability under the applicable Federal cost principles, and are not prohibited by the funding restrictions in this announcement (See Section IV, "Application and Submission Information; Funding Restrictions"). Save the information in a single file named "SF424A.xls or xlsx," and click on "Add Optional Other Attachment" to attach.

xi. Budget Justification File

Applicants are required to provide a detailed budget justification for the project as a whole, including all work to be performed by the Applicant and its Subrecipients and Contractors, and provide all requested documentation (e.g., a Federally approved rate agreement, contractor quotes). Applicants should include costs associated with the Buy America Requirements for Infrastructure projects and Community Benefits Plan, required annual audits and incurred cost proposals in their proposed budget documents. Such costs may be reimbursed as direct or indirect costs.

A Budget Justification Workbook is included at the link below 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. The Budget Justification Workbook can be found at https://netl.doe.gov/business/business-forms/financial-assistance.

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. In addition, Applicants must carefully read and note each "Instructions" Summary contained within each individual tab of the Budget Justification workbook. **As stipulated within the Budget Justification workbook, all direct costs must**

be identified by specific task. All cost should include the basis of cost and justification of need, as applicable. Of specific note is the necessity to identify personnel costs for each individual proposed for all tasks to which they are assigned. Note EXAMPLES provided within each tab for further clarification.

Save the Budget Justification workbook in a single file named "RecipientBudgetJustification.xls or xlsx" and click on "Add Optional Other Attachment" to attach.

xii. Subaward Budget Justification (if applicable)

Applicants must provide a separate detailed 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 (whichever is less). A Budget Justification Workbook is included at the link below 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. The level of detail to be included in the subaward budget justification (if applicable) must be commensurate with that provided by the Prime Recipient.

The Budget Justification Workbook can be found at https://netl.doe.gov/business/business-forms/financial-assistance. Save the information in a single file named "Subawardee_name BudgetJustification.xls or xlsx" and click on "Add Optional Other Attachment" to attach.

xiii. Budget for DOE/NNSA FFRDC/NLs or non-DOE/NNSA FFRDC/NLs, (if applicable)

If proposed, FFRDC/NLs will be treated as subawards for applicants. Therefore, prepare the budgets utilizing rates appropriate for such an arrangement. You must provide a separate detailed budget justification for each FFRDC/NL proposed that is expected to perform work estimated to be more than $250,000 or 25 percent of the total work effort (whichever is less). A Budget Justification Workbook is included at the link below. Although the data requested is mandatory, the use of the budget justification workbook is not. The level of detail to be included in the FFRDC/NL budget justification (if applicable) must be commensurate with that provided by the Prime Recipient.

The Budget Justification Workbook can be found at https://netl.doe.gov/business/business-forms/financial-assistance. Use up to 10 letters of the FFRDC/NL name plus "Budget" as the file name (e.g., FFRDC/NL_nameBudget.xls or xlsx), and click on "Add Optional Other Attachment" to attach.

If a DOE/NNSA FFRDC/NL is to perform a portion of the work, you shall use the Department's Strategic Partnership Projects program in accordance with the requirements of DOE Order 481.1 Strategic Partnership Projects (SPP) [formerly known as "Work for Others" (WFO)]. This order and the applicable terms and conditions are available at https://www.directives.doe.gov/directives-documents/400-series/0481.1-BOrder-e-chg1-ltdchg. Subawards to other FFRDCs will utilize the terms and conditions of the sponsoring agency.

xiv. Authorization for DOE/NNSA FFRDC/NLs or non-DOE/NNSA FFRDCs/NLs (if applicable)

The cognizant contracting officer for the DOE/NNSA FFRDC/NL or the non-DOE/NNSA Federal agency sponsoring the FFRDC must authorize in writing the use of the FFRDC on the proposed project, and this authorization, as specified in Section III, "Eligibility Information" of the FOA, must be submitted with the application. The use of a FFRDC must be consistent with the contractor's authority under its award. Use up to 10 letters of the FFRDC name plus FFRDC as the file name (e.g., lanlFFRDC.pdf or lincolnFFRDC.pdf), and click on "Add Optional Other Attachment" to attach.

xv. Environmental Questionnaire

The Applicant must submit an environmental questionnaire providing for the work of the entire project. The Applicant is also responsible for submitting a separate environmental questionnaire for each proposed subrecipient performing at a different location. The environmental questionnaire is available at https://netl.doe.gov/sites/default/files/2018-02/451_1-1-3.pdf. Save the questionnaire in a single file named "Env.pdf" (or "Env-FILL IN TEAM MEMBER.pdf" if more than questionnaire is submitted) and click on "Add Optional Other Attachment" to attach.

NOTE: If selected for award and if a subrecipient's location is not known at the time of application, a subsequent environmental questionnaire will be needed prior to them beginning work at an alternate location.

xvi. Cost Share Commitment Letters (if applicable)

Cost share commitment letters are required from any party (other than the organization submitting the application) proposing to provide all or part of the required cost share (including subrecipients). The letter should state the party is committed to providing a specific minimum dollar amount of cost share, identify the type of proposed cost share (e.g., cash, services, and/or property) to be contributed, and be signed by the person authorized to commit the expenditure of funds by the entity. The applicant should submit the letter(s) in PDF format. Save this information in a single file named "CSCL.pdf" and click on "Add Optional Other Attachment" to attach.

xvii. SF-LLL: Disclosure of Lobbying Activities (if applicable)

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.

If applicable, complete SF-LLL. Applicability: If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the grant/cooperative agreement, you must complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities."

xviii. Waiver Requests (if applicable) (April 2023)

i. Foreign Entity Participation

As set forth in Section III, "Eligibility Information, Eligible Applicants", all recipients must qualify as domestic entities. To request a waiver of this requirement, the applicant must submit an explicit waiver request in the Full Application. The "Waiver Requests: Foreign Entity Participation and Performance of Work in the United States Appendix lists the information that must be included in a waiver request.

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

As set forth in Section IV, Application and Submission Information; Performance of Work in the United States (Foreign Work Waiver", all work for the projects selected under this FOA 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. The "Waiver Requests: Foreign Entity Participation and Performance of Work in the United States Appendix lists the information that must be included in a foreign work waiver request.

Save the Waivers in a single PDF file using the following naming convention for the title "FN_Waiver.pdf" and click on "Add Optional Other Attachment" to attach.

xix. Data Management Plan

Applicants are required to submit a Data Management Plan as part of their Full Application. The Data Management Plan is a document that outlines the proposed plan for data sharing or preservation. Submission of this plan is required with the full application, and failure to submit the plan may result in rejection of the application without further consideration. Applicants shall prepare the DMP in the format provided in the "Data Management Plan" Appendix of this FOA. Save this plan in a single file named "DMP.pdf" and click on "Add Optional Other Attachment" to attach.

xx. R&D Community Benefits Plan (April 2023)

The R&D Community Benefits Plan must set forth the applicant's approach to ensuring the Federal investments advance the following three (3) objectives: (1) advance diversity, equity, inclusion and accessibility (DEIA); (2) contribute to energy equity; and (3) invest in America's workforce. The below sections set forth the content requirements for the R&D Community Benefits Plan, which addresses each of the foregoing objectives. Applicants must address all three (3) sections.

The applicant's R&D 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 R&D Community Benefits Plan will be evaluated as part of the technical review process. If a project is selected and awarded, the R&D Community Benefits Plan will be incorporated into the award and the recipient must implement its R&D Community Benefits Plan as part of carrying out its project. During the life of the award, the DOE will evaluate the recipient's progress.

The plan should be specific to the proposed project and not a restatement of organizational policies. Applicants should describe the future implications or a milestone-based plan for identifying future implications of their research on energy equity, including, but not limited to, benefits for the U.S. workforce. These impacts may be uncertain, occur over a long period of time, and/or have many factors within and outside the specific proposed research. Applicants are encouraged to describe the influencing factors and the most likely workforce and energy equity implications of the proposed research if the research is successful. While some guidance and example activities are provided in the "R&D Community Benefits Plan Guidance" Appendix, applicants are encouraged to leverage promising practices and develop a plan that is tailored for their project.

The Applicant's R&D Community Benefits Plan must address the following three (3) sections:

1) Diversity, Equity, Inclusion, and Accessibility (DEIA):
To building a clean and equitable energy economy, it is important that there are opportunities for people of all racial, ethnic, socioeconomic and geographic backgrounds, sexual orientation, gender identify, persons with disabilities, and those re-entering the workforce from incarceration. This section of the plan must demonstrate how DEIA is incorporated in the technical project objectives. The plan must identify the specific action the applicant would undertake that integrated into the research goals and project teams. Submitting an institutional DEIA plan without specific integration into the project will be deemed insufficient.

2) Energy Equity:
This section must articulate the applicant's consideration of long-term equity implications of the research. It must identify how the specific project integrates equity considerations into the project design to support equitable outcomes should the innovation be successful. Like cost reductions and commercialization plans, the R&D Community Benefits Plan requires description of the equity implications of the innovation.

3) Workforce Implications:
This section must articulate the applicant's consideration of long-term workforce impacts and opportunities for the research. It must identify how the project is designed and executed to include an understanding of the future workforce needs should the resulting innovations be successful.

See "Community Benefits Plan Template" Appendix for additional guidance.

The R&D Community Benefits Plan must not exceed **5 pages**. Save this plan in a single file named 'CBP.pdf' and click on "Add Optional Other Attachment" to attach.

xxi. Current and Pending Support (April 2023)

Current and pending support is intended to allow the identification of potential duplication, overcommitment, potential conflicts of interest or commitment, and all other sources of support. As part of the application, the principal investigator and all senior/key personnel at the applicant and subrecipient level must provide a list of all sponsored activities, awards, and appointments, whether paid or unpaid; provided as a gift with terms or conditions or provided as a gift without terms or conditions; full-time, part-time, or voluntary; faculty, visiting, adjunct, or honorary; cash or in-kind; foreign or domestic; governmental or private-sector; directly supporting the individual's research or indirectly supporting the individual by supporting students, research staff, space, equipment, or other research expenses. All connections with foreign government-sponsored talent recruitment programs must be identified in current and pending support.

For every activity, list the following items:

- The sponsor of the activity or the source of funding;
- The award or other identifying number;
- The title of the award or activity. If the title of the award or activity is not descriptive, add a brief description of the research being performed that would identify any overlaps or synergies with the proposed research;
- The total cost or value of the award or activity, including direct and indirect costs and cost share. For pending proposals, provide the total amount of requested funding;

- The award period (start date through end date); and
- The person-months of effort per year being dedicated to the award or activity.

To identify overlap, duplication of effort, or synergistic efforts, append a description of the other award or activity to the current and pending support.

Details of any obligations, contractual or otherwise, to any program, entity, or organization sponsored by a foreign government must be provided on request to either the applicant institution or DOE. Supporting documents of any identified source of support must be provided to DOE on request, including certified translations of any document.

PIs and senior/key personnel must provide a separate disclosure statement listing the required information above regarding current and pending support. Each individual must sign and date their respective disclosure statement and include the following certification statement:

> *I, [Full Name and Title], certify to the best of my knowledge and belief that the information contained in this Current and Pending Support Disclosure Statement is true, complete and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. §§ 3729-3733 and 3801-3812). I further understand and agree that (1) the statements and representations made herein are material to DOE's funding decision, and (2) I have a responsibility to update the disclosures during the project period of performance of the award should circumstances change which impact the responses provided above.*

The information may be provided in the format approved by the National Science Foundation (NSF), which may be generated by the Science Experts Network Curriculum Vita (SciENcv), a cooperative venture maintained at https://www.ncbi.nlm.nih.gov/sciencv/, and is also available at https://www.nsf.gov/bfa/dias/policy/researchprotection/commonform_cps.pdf.

The use of a format required by another agency is intended to reduce the administrative burden to researchers by promoting the use of common formats. If the NSF format is used, the individual must still include a signature, date, and a certification statement using the language included in the paragraph above.

Save this plan in a single file named "CPS.pdf" and click on "Add Optional Other Attachment" to attach.

Definitions:

Current and pending support – (a) All resources made available, or expected to be made available, to an individual in support of the individual's RD&D efforts, regardless of (i) whether the source is foreign or domestic; (ii) whether the resource is made available through the entity applying for an award or directly to the individual; or (iii) whether the resource has monetary value; and (b) includes in-kind contributions requiring a commitment of time and directly supporting the individual's RD&D efforts, such as the provision of office or laboratory space, equipment, supplies, employees, or students. This term has the same meaning as the term Other Support as applied to researchers in NSPM-33: For researchers, Other Support includes all resources made available to a researcher in support of and/or related to all of their professional RD&D efforts, including resources provided directly to the individual or through the organization, and regardless of whether or not they have monetary value (e.g., even if the support received is only in-kind, such as office/laboratory space, equipment, supplies, or employees). This includes resource and/or financial support from all foreign and domestic entities, including but not limited to, gifts provided with terms or conditions, financial support for laboratory personnel, and participation of student and visiting researchers supported by other sources of funding.

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 United States 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.

Senior/Key Personnel – An individual who contributes in a substantive, meaningful way to the scientific development or execution of a research, development and demonstration (RD&D) project proposed to be carried out with DOE award.[1]

[1] Typically, these individuals have doctoral or other professional degrees, although individuals at the master's or baccalaureate level may be considered senior/key personnel if their involvement meets this definition. Consultants,

xxii. U.S. Competitiveness

A primary objective of DOE's multibillion-dollar research, development and demonstration investments is to cultivate new research and development ecosystems, manufacturing capabilities, and supply chains for and by U.S. industry and labor. Therefore, in exchange for receiving taxpayer dollars to support an applicant's project, the applicant must agree to the following U.S. Competitiveness Provision as part of an award under this FOA.

> *U.S. Competitiveness*
> *The Recipient agrees that any products embodying any subject invention or produced through the use of any subject invention will be manufactured substantially in the United States unless the Recipient can show to the satisfaction of DOE that it is not commercially feasible. In the event DOE agrees to foreign manufacture, there will be a requirement that the Government's support of the technology be recognized in some appropriate manner, e.g., alternative binding commitments to provide an overall net benefit to the U.S. economy. The Recipient agrees that it will not license, assign or otherwise transfer any subject invention to any entity, at any tier, unless that entity agrees to these same requirements. Should the Recipient or other such entity receiving rights in the invention(s): (1) undergo a change in ownership amounting to a controlling interest, or (2) sell, assign, or otherwise transfer title or exclusive rights in the invention(s), then the assignment, license, or other transfer of rights in the subject invention(s) is/are suspended until approved in writing by DOE. The Recipient and any successor assignee will convey to DOE, upon written request from DOE, title to any subject invention, upon a breach of this paragraph. The Recipient will include this paragraph in all subawards/contracts, regardless of tier, for experimental, developmental or research work.*

Please note that a subject invention is any invention conceived or first actually reduced to practice in performance of work under an award. An invention is any invention or discovery which is or may be patentable. The recipient shall ensure that these requirements also apply to subrecipients.

As noted in the U.S. Competitiveness Provision, if any entity cannot meet the requirements of the U.S. Competitiveness Provision, the entity may request a modification or waiver of the U.S. Competitiveness Provision. For example, the entity may propose modifying the language of the U.S. Competitiveness Provision in order to change the scope of the requirements or to provide more specifics on the application of the requirements for a particular technology. As another example, the entity may request that the U.S. Competitiveness Provision be waived in lieu of a net benefits statement or U.S. manufacturing plan. The statement or plan would contain specific and enforceable

---

graduate students, and those with a postdoctoral role also may be considered senior/key personnel if they meet this definition.

commitments that would be beneficial to the U.S. economy and competitiveness. Examples of such commitments could include manufacturing specific products in the U.S., making a specific investment in a new or existing U.S. manufacturing facility, keeping certain activities based in the U.S. or supporting a certain number of jobs in the U.S. related to the technology. DOE may, in its sole discretion, determine that the proposed modification or waiver promotes commercialization and provides sufficient U.S. economic benefits, and grant the request. If granted, DOE will modify the award terms and conditions for the requesting entity accordingly. If not granted, the requesting entity must continue to perform according to the existing terms and conditions. More information and guidance on the waiver and modification request process can be found in the DOE Financial Assistance Letter on this topic.

The U.S. Competitiveness Provision is implemented by DOE pursuant to a Determination of Exceptional Circumstances (DEC) under the Bayh-Dole Act and DOE Patent Waivers. See Section VIII, "Other Information; Intellectual Property Developed Under This Program" of this FOA for more information on the DEC and DOE Patent Waiver.

xxiii. 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, principal investigators, project managers, 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 this plan in a single file named "BusinessSensitive.pdf" and click on "Add Optional Other Attachment" to attach.

xxiv. Potentially Duplicative Funding Notice

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 FOA. 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 FOA, if a recipient or project team member receives any other award of federal funds for activities that potentially overlap with the activities funded under 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 this plan in a single file named "PDFN.pdf" and click on "Add Optional Other Attachment" to attach.

C. Post Selection Information Requests (April 2023)

If selected for award negotiations, DOE reserves the right to require that selected applicants provide additional or clarifying information regarding the application submissions, the project, the project team, the award requirements, and any other matters related to anticipated award. The following is a non-exhaustive list of examples of information that may be required:

- Personnel proposed to work on the project and collaborating organizations (See Section VI, "Award Administration Information; Participants and Collaborating Organizations");
- Current and Pending Support (See Section VI, "Award Administration Information; Current and Pending Support");
- Indirect cost information;
- Other budget information;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5);
- Listing of Protected Data and Unlimited Rights Data, if applicable;
- Representation of Limited Rights Data and Restricted Software, if applicable;
- Updated Commitment Letters from Third Parties Contributing to Cost Share, if applicable;
- Updated Environmental Questionnaire, if applicable;
- Foreign National Participation;
- Information for the DOE Office of Civil Rights to process assurance reviews under 10 CFR 1040;

D. Submission Dates and Times

Full Applications must be received no later than the time/dates provided on the cover page of this FOA. **APPLICATIONS RECEIVED AFTER THE DEADLINE WILL NOT BE REVIEWED OR CONSIDERED FOR AWARD.**

E. Intergovernmental Review

This program is not subject to Executive Order 12372 - Intergovernmental Review of Federal Programs.

F. Other Submission and Registration Requirements

i. Registration Process

There are several one-time actions before submitting an application in response to this FOA, and 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 FOA, or to meet the negotiation deadlines and receive an award if the

application is selected. These requirements are provided immediately following the FOA cover page or modification summary, if applicable.

ii. Where to Submit

You cannot submit an application through Grants.gov unless you are registered. Please read the registration requirements carefully and start the process immediately. **Applications submitted via e-mail will not be accepted.**

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application. For each funding opportunity announcement (FOA), you can create individual instances of a workspace.

Below is an overview of submitting an application using Workspace on Grants.gov. For access to complete instructions on how to apply for opportunities using Workspace, refer to: https://www.grants.gov/web/grants/applicants/workspace-overview.html

1) *Create a Workspace*: Creating a workspace allows you to complete it online and route it through your organization for review before submitting.
2) *Complete a Workspace*: Add participants to the workspace to work on the application together, complete all the required forms online or by downloading PDF versions, and check for errors before submission. The Workspace progress bar will display the state of your application process as you apply. As you apply using Workspace, you may click the blue question mark icon near the upper-right corner of each page to access context-sensitive help.
    a. *Adobe Reader*: If you decide not to apply by filling out webforms you can download individual PDF forms in Workspace. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.
    NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at: https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html
    b. *Mandatory Fields in Forms:* In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.
    c. *Complete SF-424 Fields First:* The forms are designed to fill in common required fields across other forms, such as the applicant's name, address, and UEI. Once it is completed, the information will transfer to the other forms.
3) *Submit a Workspace:* An application may be submitted through workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package at least 24-

48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.

4) *Track a Workspace Submission:* After successfully submitting a workspace application, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the application. The number will be listed on the Confirmation page that is generated after submission. Using the tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

For additional training resources, including video tutorials, refer to: https://www.grants.gov/web/grants/applicants/applicant-training.html

Applicant Support: Grants.gov provides applicants 24/7 support via the toll-free number 1-800-518-4726 and email at support@grants.gov. For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for.

If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist the DOE with tracking your issue and understanding background information on the issue.

iii. Full Application Proof of Timely Submissions

Proof of timely submission is automatically recorded by Grants.gov. An electronic date/time stamp is generated within the system when the application is successfully received by Grants.gov. The applicant with the AOR role who submitted the application will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov with the successful transmission of their application. The applicant with the AOR role will also receive the official date/time stamp and Grants.gov Tracking number in an email serving as proof of their timely submission. The Grants.gov Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process. Please be patient and give the system time to process the application.

When DOE successfully retrieves the application from Grants.gov, and acknowledges the download of submissions, Grants.gov will provide an electronic acknowledgment of receipt of the application to the email address of the applicant with the AOR role who submitted the application. Again, proof of timely submission shall be the official date and time that Grants.gov receives your application. Applications received by Grants.gov after the established due date for the FOA will be considered non-compliant.

iv. Electronic Authorization of Applications and Award Documents

Submission of an application and supplemental information under this FOA through electronic systems used by the DOE, including Grants.gov and FedConnect.net, constitutes the authorized representative's approval and electronic signature.

G. Funding Restrictions (April 2023)

Funding for all awards and future budget periods are contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.

Costs must be allowable, allocable and reasonable in accordance with the applicable federal cost principles referenced in 2 CFR part 200 as amended by 2 CFR part 910. 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.

H. Pre-Award Costs

Recipients may charge to an award resulting from this announcement pre-award costs that were incurred within the ninety (90) calendar day period immediately preceding the effective date of the award, if the costs are allowable in accordance with the applicable Federal cost principles referenced in 2 CFR part 200 as amended by 2 CFR part 910 [DOE Financial Assistance Regulation]. Recipients must obtain the prior approval of the contracting officer for any pre-award costs that are for periods greater than this 90-day calendar period.

Pre-award costs are incurred at the applicant's risk. DOE is under no obligation to reimburse such costs if for any reason the applicant does not receive an award or if the award is made for a lesser amount than the applicant expected.

I. Pre-Award Costs Related to National Environmental Policy Act (NEPA) Requirements

DOE's decision whether and how to distribute Federal funds under this FOA is subject to NEPA. Applicants should carefully consider and should seek legal counsel or other expert advice before taking any action related to the proposed project that would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to DOE completing the NEPA review process.

DOE does not guarantee or assume any obligation to reimburse pre-award costs incurred prior to receiving written authorization from the Contracting Officer. If the applicant elects to

undertake activities that DOE determines may have an adverse effect on the environment or limit the choice of reasonable alternatives prior to receiving such written authorization from the Contracting Officer, the applicant is doing so at risk of not receiving Federal funding for the project and such costs may not be recognized as allowable cost share. Nothing contained in the pre-award cost reimbursement regulations or any pre-award costs approval letter from the Contracting Officer override these NEPA requirements to obtain the written authorization from the Contracting Officer prior to taking any action that may have an adverse effect on the environment or limit the choice of reasonable alternatives. Likewise, if a project is selected for negotiation of award, and the Prime Recipient elects to undertake activities that are not authorized for Federal funding by the Contracting Officer in advance of DOE completing a NEPA review, the Prime Recipient is doing so at risk of not receiving Federal Funding and such costs may not be recognized as allowable cost share.

J. Performance of Work in the United States (Foreign Work Waiver) (April 2023)

i. Requirement

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

ii. 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.

iii. Waiver

To seek a foreign work waiver, the applicant must submit a written waiver request to DOE. The "Waiver Requests: Foreign Entity Participation and Performance of Work in the United States" Appendix lists the information that must be included in a request for a foreign work waiver.

It is noted that direct labor associated with foreign travel to attend or present at a scientific/technical conference or consortium that has been approved by DOE does not require a waiver.

K. Foreign Travel

With prior contracting approval, Foreign Travel may be allowed under this FOA. If international travel is proposed for your project, please note that your organization must comply with the International Air Transportation Fair Competitive Practices Act of 1974 (49 USC 40118), commonly referred to as the "Fly America Act," and implementing regulations at 41 CFR 301-10.131 through 301-10.143. The law and regulations require air transport of people or property to, from, between, or within a country other than the United States, the cost of which is supported under this award, to be performed by or under a cost-sharing arrangement with a U.S. flag carrier, if service is available.

L. 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.

M. Buy America Requirements for Infrastructure Projects (April 2023)

Pursuant to the Build America Buy America Act, subtitle IX of the Infrastructure Investment and Jobs Act[2], more commonly known as the Bipartisan Infrastructure Law (BIL) (Buy America, or "BABA"), 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, and whether the infrastructure in question is publicly owned or serves a public function.

Applicants are strongly encouraged to consult the "Required Use of American Iron, Steel, Manufactured Products, and Construction Materials-Buy America Requirement for Infrastructure Projects" Appendix of this FOA to determine whether their project may have to apply this

[2] Infrastructure Investment and Jobs Act, Public Law 117-58 (November 15, 2021). https://www.congress.gov/bill/117th-congress/house-bill/3684.

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 the "Required Use of American Iron, Steel, Manufactured Products, and Construction Materials – Buy America Requirements for Infrastructure Projects" Appendix and the terms and conditions of an award.

Applicants are strongly encouraged to consult the "Required Use of American Iron, Steel, Manufactured Products, and Construction Materials – Buy America Requirements for Infrastructure Projects" Appendix for more information.

V. Application Review Information

A. Review Criteria

i. Compliance/Responsiveness Review

Prior to a comprehensive merit evaluation, DOE will (1) perform a compliance review to determine that submissions are timely, and the information required by the FOA has been submitted (form and content requirements); and (2) perform a responsiveness review to determine that the Applicant is eligible for an award and the proposed project is responsive to the objectives of the FOA. Applications that fail the compliance and responsiveness review will not be forwarded for merit review and will be eliminated from further consideration.

ii. Full Application Merit Review Criteria

The following evaluation criteria will be utilized by the Technical Evaluation Committee and Federal Merit Review Panel members in conducting their evaluations of applications subjected to comprehensive merit review.

Merit Review Criterion 1: Scientific and Technological Merit (40%)

- Thoroughness of the description of the proposed technology and degree to which the proposed technology or methodology meets the stated objectives of the FOA and the relevant AOI.
- Degree to which the Applicant comprehensively advances arguments and provides details that clearly distinguishes the proposed R&D and why it is needed now relative to prior work.
- Feasibility of the proposed concept; the degree to which the proposed work is based on sound scientific and engineering principles.

Merit Review Criterion 2: Technical Approach and Understanding (30%)

- Adequacy and feasibility of the Applicant's approach to achieving the objectives of the AOI.
- Feasibility, appropriateness, rationale, and completeness of the proposed Statement of Project Objectives, resulting in a logical progression of work.
- The adequacy and completeness of the Project Management Plan (PMP) in establishing baselines (technical scope, budget, schedule) and in managing project performance relative to those baselines; defining the actions to be taken when these baselines must be revised; and identification of project risks and strategies for mitigation.

<u>Merit Review Criterion 3:</u> Technical and Management Capabilities (20%)

- Demonstrated experience of the Applicant and partnering organizations in the technology areas addressed in the application and in managing projects of similar size, scope, and complexity.
- Credentials, capabilities, and experience of key personnel and partnering organizations.
- Clarity and likely effectiveness of the project organization, including Sub-recipients or partners, to successfully complete the project.
- Adequacy and availability of proposed personnel, facilities, and equipment to perform project tasks.

<u>Merit Review Criterion 4:</u> R&D Community Benefits Plan (10%)

- Clear articulation and quality of the project's goals related to Diversity, Equity, Inclusion, and Accessibility (DEIA), as measured by the goals' depth, breadth, likelihood of success, inclusion of appropriate and relevant SMART milestones, and overall project integration.
- Degree of commitment and ability to track progress toward meeting each of the DEIA goals.
- Extent of engagement of organizations that represent disadvantaged communities or underrepresented populations as a core element of their mission, including Minority Serving Institutions (MSIs), underrepresented businesses, and Tribal, nonprofit, or community-based organizations.
- Description of how the project will advance the Justice40 Initiative's goal of having 40% of the overall benefits of covered investments flow to disadvantaged communities.
- Articulation of the future workforce implications of the innovation, including documenting knowledge, skills, and abilities of the workforce required for eventual successful commercial deployment of innovations resulting from this research.

B. Other Selection Factors

i. Program Policy Factors

In addition to the above criteria, the Selection Official may consider the following program policy factors in determining which Full Applications to select for award negotiations:

- It may be desirable to select for award a project, or group of projects, that represent a diversity of technical approaches and methods under this FOA or the overall program.
- It may be desirable to support complementary and/or similar projects which, when taken together, will best achieve the program's research goals and objectives.

- It may be desirable that different kinds and sizes of organizations be selected for award in order to provide a balanced programmatic effort and a variety of technical perspectives under this FOA or the overall program. For example, it may be desirable to select a project, or group of projects, that exhibit team member diversity, with participants including but not limited to those from MSIs (e.g. HBCUs/OMIs)[3].
- In order to best achieve the program's research goals and objectives, it may be desirable to select for award a project or group of projects with a broad or specific geographic distribution under this FOA or the overall program.
- It may be desirable to select a project, or group of projects, if such a selection will optimize use of available funds.
- It may be desirable to select a project, or group of projects, if such a selection presents lesser schedule risk, lesser budget risk, lesser technical risk, and/or lesser environmental risks. Environmental risk includes, but is not limited to, an adverse impact to air, soil, water, or increase in overall cradle to grave greenhouse gas footprint (carbon dioxide equivalent, CO2e).
- It may be desirable to select an entity located in an urban and economically distressed area including a Qualified Opportunity Zone (QOZ) or to select a project, or group of projects, if the proposed project(s) will occur in a QOZ or otherwise advance the goals of a QOZ, including spurring economic development and job creation in distressed communities throughout the United States.
- The degree to which the proposed project will employ procurement of U.S. iron, steel, manufactured products, and construction materials.
- The degree to which the proposed project, when compared to the existing DOE project portfolio and other projects to be selected from the subject FOA, contributes to the total portfolio meeting the goals reflected in the Community Benefits Plan criteria.
- Willingness to publicly share unlimited rights data.

C. Other Review Requirements

i. Risk Assessment (May 2023)

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

- Financial stability;
- Quality of management systems and ability to meet the management standards prescribed in 2 CFR 200 as amended by 2 CFR 910;

[3] Minority Serving Institutions (MSIs), including HBCUs/OMIs as educational entities recognized by the Office of Civil Rights (OCR), U.S. Department of Education, and identified on the OCR's Department of Education U.S. accredited postsecondary minorities' institution list. See https://www2.ed.gov/about/offices/list/ocr/edlite-minorityinst.html.

- History of performance;
- Audit reports and findings; and
- 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 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 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. As part of the research, technology, and economic security risk review, DOE may contact the applicant and/or proposed project team members for additional information to inform the review.

ii. Recipient Responsibility and Qualifications (May 2023)

DOE, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any responsibility and qualification information about the applicant that is in entity information domain in SAM.gov (see 41 U.S.C. 2313).

The applicant, at its option, may review information in the entity information domain in SAM.gov and comment on any information about itself that a federal awarding agency previously entered and is currently in the entity information domain in SAM.gov.

DOE will consider any written comments by the applicant, in addition to the other information in the entity information domain in SAM.gov, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.206 - Federal awarding agency review of risk posed by applicants.

D. Review and Selection Process

i. Merit Review

Applications that pass the compliance/responsiveness review will be subjected to a merit review in accordance with the Merit Review Criteria listed in the FOA and the guidance provided in the "Merit Review Guide for Financial Assistance and Unsolicited Proposals." This guide is available at https://energy.gov/management/financial-assistance.

ii. Selection

The Selection Official may consider the merit review, program policy factors, and the amount of funds available in arriving at selections for this FOA.

iii. Discussions and Award

The Government may enter into discussions with a selected applicant for any reason deemed necessary, including but not limited to: (1) the budget is not appropriate or reasonable for the requirement; (2) only a portion of the application is selected for award; (3) the Government needs additional information to determine that the recipient is capable of complying with the requirements in 2 CFR part 200 as amended by 2 CFR part 910 [DOE Financial Assistance Regulation]; and/or (4) special terms and conditions are required. Failure to resolve satisfactorily the issues identified by the Government will preclude award to the applicant.

VI. Award Administration Information

A. Notices

i. Ineligible Submissions

Ineligible Full Applications will not be further reviewed or considered for award. The Contracting Officer will send a notification letter by email to the technical and administrative points of contact designated by the applicant in Grants.gov. The notification letter will state the basis upon which the Full Application is ineligible and not considered for further review.

ii. Full Application Notifications

DOE will notify applicants of its determination via a notification letter by email to the technical and administrative points of contact designated by the applicant in Grants.gov. The notification letter will inform the applicant whether or not its Full Application was selected for award negotiations. Alternatively, DOE may notify one or more applicants that a final selection determination on particular Full Applications will be made at a later date, subject to the availability of funds or other factors.

(a) Successful Applicants

Receipt of a notification letter selecting a Full Application for award negotiations does not authorize the applicant to commence performance of the project. If an application is selected for award negotiations, it is not a commitment by DOE to issue an award. Applicants do not receive an award until award negotiations are complete and the Contracting Officer executes the funding agreement, accessible by the Prime Recipient in FedConnect.

The award negotiation process may take up to 60 days. Applicants must designate a primary and a backup point-of-contact in Grants.gov with whom DOE will communicate to conduct award negotiations. The applicant must be responsive during award negotiations (i.e., provide requested documentation) and meet the negotiation deadlines. If the applicant fails to do so or if award negotiations are otherwise unsuccessful, DOE will cancel the award negotiations and rescind the Selection. DOE reserves the right to terminate award negotiations at any time for any reason.

Please refer to Section IV, “Application and Submission Information; Pre-Award Costs” of the FOA for guidance on pre-award costs.

(b) Unsuccessful Applicants

DOE shall promptly notify in writing each applicant whose application has not been selected for negotiation or award. This notice will explain why the application was not selected.

(c) Alternate Selection Determinations

In some instances, an applicant may receive a notification that its application was not selected for award and DOE designated the application to be an alternate. As an alternate, DOE may consider the Full Application for Federal funding in the future. A notification letter stating the Full Application is designated as an alternate does not authorize the applicant to commence performance of the project. DOE may ultimately determine to select or not select the Full Application for award negotiations.

(d) 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.

DOE Special Terms and Conditions for Use in Most Grants and Cooperative Agreements. The DOE Special Terms and Conditions for Use in Most Grants and Cooperative Agreements are located at https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients under Award Terms.

National Policy Requirements. The National Policy Assurances that are incorporated as a term and condition of award are located at: https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients.

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

ii. Unique Entity Identifier Requirements and System for Award Management (April 2023)

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**.**

iii. 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 (federal and/or non-federal), 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, Uniform Commercial Code (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 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.

Note: All costs associated with filing UCC financing statements, UCC financing statement amendments, and UCC financing statement terminations, are allowable and allocable costs to be charged to the Federal award.

iv. Foreign National Participation (April 2023)

All applicants selected for an award under this FOA 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 Principal Investigator/Co-Investigator 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.

v. Export Control (April 2023)

The United States 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 selected applicant must immediately report to DOE any export control violations related to the projected funded under the DOE award, at the prime or subrecipient level, and provide corrective action(s) to prevent future violations.

vi. 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 usual 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.

vii. Statement of Substantial Involvement

Cooperative agreements will be awarded under this announcement. There will be substantial involvement between the DOE and the Recipient during performance of this Cooperative Agreement.

Recipient's Responsibilities. The Recipient is responsible for:

- Performing the activities supported by this award in accordance with the Project Management Plan, including providing the required personnel, facilities, equipment, supplies and services;
- Managing and controlling project activities in accordance with established processes and procedures to ensure tasks and subtasks are completed within schedule and budget constraints defined by the current Project Management Plan;
- Implementing an approach to identify, analyze, and respond to project risks that is commensurate with the complexity of the project;
- Defining and revising approaches and plans, submitting the plans to DOE for review, and incorporating DOE comments;
- Coordinating related project activities with subrecipients and external suppliers, including contractors, to ensure effective integration of all work elements;
- Attending annual project review meetings and reporting project status;
- Participating in peer review evaluations of the project, or peer review evaluations of the program that their project supports;
- Submitting technical reports and publicly releasable documents that incorporate DOE comments; and

- Presenting the project results at appropriate technical conferences or meetings as directed by the DOE Project Officer.

DOE Responsibilities. DOE is responsible for:

- Reviewing in a timely manner project plans, including project management, testing and technology transfer plans, and recommending alternate approaches, if the plans do not address critical programmatic issues;
- Participating in project management planning activities, including risk analysis, to ensure DOE's program requirements or limitations are considered in performance of the work elements;
- Conducting annual project review meetings to ensure adequate progress and that the work accomplishes the program and project objectives. Recommending alternate approaches or shifting work emphasis, if needed;
- Providing substantial involvement to ensure that project results address critical system and programmatic goals established by the DOE Office of Fossil Energy, in coordination with DOE's FECM program;
- Promoting and facilitating technology transfer activities, including disseminating program results through presentations and publications;
- Serving as scientific/technical liaison between awardees and other program or industry staff; and
- Reviewing and concurring with ongoing technical performance to ensure that adequate progress has been obtained within the current Budget Period authorized by DOE before work can commence on subsequent Budget Periods.

viii. Subject Invention Utilization Reporting

To ensure that prime recipients, subrecipients, and contractors holding title to subject inventions are taking the appropriate steps to commercialize subject inventions, DOE may require that each prime recipient holding title to a subject invention submit annual reports for 10 years from the date the subject invention was disclosed to DOE on the utilization of the subject invention and efforts made by prime recipient or its licensees or assignees to stimulate such utilization. The reports must include information regarding the status of development, date of first commercial sale or use, gross royalties received by the prime recipient, and such other data and information as DOE may specify.

ix. Environmental Review in Accordance with National Environmental Policy Act (NEPA)

DOE's decision whether and how to distribute federal funds under this FOA is subject to the National Environmental Policy Act (42 USC 4321, *et seq.*). NEPA requires Federal agencies to integrate environmental values into their decision-making processes by

considering the potential environmental impacts of their proposed actions. For additional background on NEPA, please see DOE's NEPA website, at http://nepa.energy.gov/.

While NEPA compliance is a Federal agency responsibility and the ultimate decisions remain with the Federal agency, all recipients selected for an award will be required to assist in the timely and effective completion of the NEPA process in the manner most pertinent to their proposed project. If DOE determines certain records must be prepared to complete the NEPA review process (e.g., biological evaluations or environmental assessments), 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.

x. 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 United States Government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the United States 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.

xi. Indemnity

Awards resulting from this FOA will contain the following provision reminding Recipients of DOE's rights of indemnification.

The Recipient shall indemnify the 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 Government officers, agents or employees, or to the extent such liability may be covered by applicable allowable costs provisions.

xii. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)[4] is applicable to all non-Federal entities applying for, or that receive, DOE funding by means

[4] 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.

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 PI 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 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 interim COI Policy.**

xiii. Participants and Collaborating Organizations

If selected for award negotiations, the selected applicant must submit a list of personnel who are proposed to work on the project, both at the recipient and subrecipient level and a list of proposed collaborating organizations within 30 days after the applicant is notified of the selection. Recipients will have an ongoing responsibility to notify DOE of changes to the personnel and collaborating organizations and submit updated information during the life of the award.

xiv. Current and Pending Support

If selected for award negotiations, within 30 days of the selection notice, the selectee must submit 1) current and pending support disclosures and resumes for any new PIs or senior/key personnel and 2) updated disclosures if there have been any changes to the current and pending support submitted with the application. Throughout the life of the award, the Recipient has an ongoing responsibility to submit 1) current and pending support disclosure statements and resumes for any new PI and senior/key personnel and 2) updated disclosures if there are changes to the current and pending support previously

submitted to DOE. Also See Section IV, "Application and Submission Information; Current and Pending Support".

xv. Fraud, Waste and Abuse (April 2023)

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:

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 § 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.

xvi. Human Subjects Research (April 2023)

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: https://science.osti.gov/ber/human-subjects.

xvii. Real Property and Equipment

Real property and equipment purchased with project funds (federal share and recipient cost share) are subject to the requirements at 2 CFR 200.310, 200.311, 200.313, and 200.316 (non-Federal entities, except for-profit entities) and 2 CFR 910.360 (for-profit entities). For projects selected for award under this FOA, the recipient may (1) take disposition action on the real property and equipment; or (2) continue to use the real property and equipment after the conclusion of the award period of performance, with Contracting Officer approval.

The recipient's written Request for Continued Use must identify the property and include: a summary of how the property will be used (must align with the authorized project purposes); a proposed use period, (e.g., perpetuity, until fully depreciated, or a calendar date where the recipient expects to submit disposition instructions); acknowledgement that the recipient shall not sell or encumber the property or permit any encumbrance without prior written DOE approval; current fair market value of the property; and an Estimated Useful Life or depreciation schedule for equipment.

When the property is no longer needed for authorized project purposes, the recipient must request disposition instructions from DOE. 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 310-200.316.

C. Reporting

i. Reporting Requirements

Reporting requirements are identified on the Federal Assistance Reporting Checklist and Instructions, DOE F 4600.2, attached to the award agreement. A sample checklist is available at: https://www.netl.doe.gov/sites/default/files/netl-file/4600.2-FE.pdf.

ii. Subaward and Executive Reporting

Prime Recipients awarded a new Federal financial assistance award greater than or equal to $30,000 as of October 1, 2010, are subject to Federal Funding and Transparency Act of 2006 (FFATA) sub-award reporting requirements as outlined in 2 CFR Chapter 1, Part 170 REPORTING SUB-AWARD AND EXECUTIVE COMPENSATION INFORMATION.

The FFATA Subaward Reporting System (FSRS) is the reporting tool Federal prime awardees (i.e. prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements. Prime awardees must register with the new FSRS

database and report the required data on their first tier subawardees/subrecipient at https://www.fsrs.gov.

Prime awardees must report the executive compensation for their own executives as part of their registration profile in the System for Award Management (SAM). The sub-award information entered in FSRS will then be displayed on https://www.usaspending.gov/ associated with the prime award furthering Federal spending transparency.

Applicants must ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding.

D. Applicant Representations and Certifications

i. 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.

ii. Nondisclosure and Confidentiality Agreements Representations

In submitting an application in response to this FOA the applicant represents that:

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.

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.''

The limitation above shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

2) 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 United States 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 United States 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.

iii. Corporate Felony Convictions and Tax Liabilities Representations (March 2014)

In submitting an application in response to this FOA the Applicant represents that:

1) It is **not** a corporation that has been convicted of a felony criminal violation under any Federal law within the preceding 24 months; and

2) 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 definition applies:

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.

VII. Questions/Agency Contacts

A. Questions

Questions regarding the **content of the funding opportunity announcement** 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 FOA 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. DOE/NNSA will try to respond to a question within 3 business days, unless a similar question and answer have already been posted on the website.

Questions and comments concerning this FOA shall be submitted not later than **3** business days prior to the application due date. Questions submitted after that date may not allow the Government sufficient time to respond.

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.

B. Agency Contact

Name:	Davina Reed
E-mail:	FOA3394@netl.doe.gov

VIII. Other Information

A. Modifications

Notices of any modifications to this FOA will be posted on Grants.gov and the FedConnect portal. You can receive an email when a modification or an announcement message is posted by registering with FedConnect as an interested party for this FOA. It is recommended that you register as soon after release of the FOA as possible to ensure you receive timely notice of any modifications or other announcements.

B. Government Right to Reject or Negotiate

DOE reserves the right, without qualification, to reject any or all applications received in response to this FOA 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 Government to the expenditure of public funds. A commitment by anyone other than the Contracting Officer, either express or implied, is invalid.

Funding for all awards and future budget periods are contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.

D. Treatment of Application Information (April 2023)

Applicants should not include trade secret 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 FOA. Applicants are advised to not include any critically sensitive proprietary detail.

If an application includes trade secret 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 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 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 Government. The 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, 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 merit review, the Government may seek the advice of qualified non-Federal personnel as reviewers. The Government may also use non-Federal personnel to conduct routine, nondiscretionary administrative activities. The applicant, by submitting its application, consents to the use of non-Federal reviewers/administrators. Non-Federal reviewers must sign conflict of interest and non-disclosure agreements prior to reviewing an application. Non-Federal personnel conducting administrative activities must sign a non-disclosure agreement.

F. Intellectual Property Developed Under This Program (September 2021)

Patent Rights: The government will have certain statutory rights in an invention that is conceived or first actually reduced to practice under a DOE award. 42 U.S.C. 5908 provides that title to such inventions vests in the United States, except where 35 U.S.C. 202 provides otherwise for nonprofit organizations or small business firms. However, the Secretary of Energy may waive all or any part of the rights of the United States subject to certain conditions.

Class Patent Waiver: Pursuant to 10 CFR Part 784, the DOE has issued a class patent waiver that applies to this FOA. Under this class waiver, any domestic entity other than a domestic small business firm or domestic nonprofit organization may elect title to their subject inventions similar to the right provided to domestic small business firms and domestic nonprofit organization by law (see below). In order to avail itself of the class waiver, such a domestic entity must agree, among other things, that any products embodying or produced through the use of a subject invention (conceived or first actually reduced to practice under this program) will be substantially manufactured in the United States, unless DOE agrees otherwise.

Right to Request Patent Waiver: A selected entity may request a waiver of all or any part of the rights of the United States in inventions conceived or first actually reduced to practice in performance of an agreement as a result of this announcement, in advance of or within 30 days after the effective date of the award. Even if such advance waiver is not requested or the request is denied, the recipient will have a continuing right under the award to request a waiver of the rights of the United States in identified inventions, i.e., individual inventions conceived or first actually reduced to practice in performance of the award. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784 see https://www.energy.gov/gc/services/technology-transfer-and-procurement/office-assistant-general-counsel-technology-transf-1 for further information.

Domestic small businesses and domestic nonprofit organizations: Domestic small businesses and domestic nonprofit organizations will receive the patent rights clause at 37 CFR 401.14, i.e., the implementation of the Bayh-Dole Act. This clause permits domestic small business and domestic nonprofit organizations to retain title to subject inventions. Therefore, small businesses and nonprofit organizations do not need to request a patent waiver.

- DEC: On June 07, 2021, DOE approved a DETERMINATION OF EXCEPTIONAL CIRCUMSTANCES (DEC) UNDER THE BAYH-DOLE ACT TO FURTHER PROMOTE DOMESTIC MANUFACTURE OF DOE SCIENCE AND ENERGY TECHNOLOGIES. In accordance with this DEC, all awards, including sub-awards, under this FOA shall include the U.S. Competitiveness Provision in accordance with Section IV, "Application and Submission Information; U.S. Competitiveness" of this FOA. A copy of the DEC can be found at https://www.energy.gov/gc/determination-exceptional-circumstances-decs.

- Pursuant to 37 CFR § 401.4, any nonprofit organization or small business firm as defined by 35 U.S.C. 201 affected by any DEC has the right to appeal it by providing written notice to DOE within 30 working days from the time it receives a copy of the determination.
- DOE may issue and publish on the website above further DECs prior to the issuance of awards under this FOA. DOE may require additional submissions or requirements as authorized by any applicable DEC.

G. Government Rights in Subject Inventions

Where prime recipients, subrecipients, and contractors retain title to subject inventions, the United States government retains certain rights.

Government Use License

The United States government retains a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any subject invention throughout the world. This license extends to government contractors.

March-In Rights

The United States government retains march-in rights with respect to all subject inventions. Through "march-in rights," the government may require a prime recipient or subrecipient who has elected to retain title to a subject invention (or their assignees or exclusive licensees), to grant a license for use of the invention to a third party. In addition, the government may grant licenses for use of the subject invention when a prime recipient, subrecipient, or their assignees and exclusive licensees refuse to do so.

DOE may exercise its march-in rights only if it determines that such action is necessary under any of the four following conditions:

- The owner or licensee has not taken or is not expected to take effective steps to achieve practical application of the invention within a reasonable time;
- The owner or licensee has not taken action to alleviate health or safety needs in a reasonably satisfied manner;
- The owner has not met public use requirements specified by federal statutes in a reasonably satisfied manner; or
- The United States manufacturing requirement has not been met.

Any determination that march-in rights are warranted must follow a fact-finding process in which the recipient has certain rights to present evidence and witnesses, confront witnesses and appear with counsel and appeal any adverse decision. To date, DOE has never exercised its march-in rights to any subject inventions.

H. Rights in Technical Data

Data rights differ based on whether data is first produced under an award or instead was developed at private expense outside the award.

"Limited Rights Data": The United States government will not normally require delivery of confidential or trade secret-type technical data developed solely at private expense prior to issuance of an award, except as necessary to monitor technical progress and evaluate the potential of proposed technologies to reach specific technical and cost metrics.

Government Rights in Technical Data Produced Under Awards: The United States government normally retains unlimited rights in technical data produced under government financial assistance awards, including the right to distribute to the public. However, pursuant to special statutory authority, certain categories of data generated under DOE awards under this FOA may be protected from public disclosure for up to five years after the data is generated ("Protected Data"). For awards permitting Protected Data, the protected data must be marked as set forth in the award's intellectual property terms and conditions and a listing of unlimited rights data (i.e., non-protected data) must be inserted into the data clause in the award. In addition, invention disclosures may be protected from public disclosure for a reasonable time in order to allow for filing a patent application.

Recipients shall be required to deliver with unlimited rights feedstock and kinetic data generated under awards under this FOA. Such data shall be delivered through an EDX data repository site to be specified. Among other things, such data will be used by DOE to help develop a gasification kinetics database and machine learning tool for ongoing broader use by the gasification community.

I. Copyright

Except as otherwise provided herein, the prime recipient and subrecipient(s) may assert copyright in copyrightable works, such as software, first produced under the award without DOE approval. When copyright is asserted, the 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 government.

J. Energy Data eXchange (EDX) Requirements (December 2022)

The DOE is required to improve access to federally funded research results, proper archiving of digital data, and expanded discovery and reuse of research datasets per DOE and Executive Orders. The Energy Data eXchange (EDX) is a data laboratory developed and maintained by NETL to find, connect, curate, use, and re-use data to advance fossil energy and environmental research and development (R&D).

Data products generated under the resulting award will be required to be submitted in the EDX at https://edx.netl.doe.gov/. Data products include but are not limited to software code, tools, applications, webpages, portfolios, images, videos, and datasets.

EDX uses federation and web services to elevate visibility for publicly approved assets in the system, including connections with DOE's Office of Scientific and Technical Information (OSTI) systems, Data.gov, and Re3Data. This ensures compliance with federal requirements, while raising visibility for researcher's published data products to promote discoverability and reuse.

EDX supports a wide variety of file types and formats including: 1) data, 2) metadata, 3) software/tools, and 4) articles (provided that there is an accompanying Government use license). A partial list of file formats accepted by EDX is provided below, however, EDX is designed for flexibility and accepts all types of file formats.

- Common Data Product Submission Formats: ASC, AmiraMesh, AVI, CAD, CSV, DAT, DBF, DOC, DSV, DWG, GIF, HDF, HTML, JPEG2000, JPG, MOV, MPEG4, MSH/CAS/DAT, NetCDF, PDF, PNG, PostScript, PPT, RTF, Surface, TAB, TIFF, TIFF Stacks, TXT, XLS, SML, Xradio, ZIP, and others.
- Geographic Formats: APR, DBF, DEM, DLG, DRG, DXF, E00, ECW, GDB, GeoPDF, GeoTIFF, GML, GPX, GRID, IMG, KML, KMZ, MOB, MrSID, SHP, and others.

Information provided to EDX will be made publicly available, unless authorized under the resulting award. Additional information on EDX is available at https://edx.netl.doe.gov/about.

When data products are submitted to EDX, the data product will need to be registered with a digital object identifier (DOI) through OSTI to ensure more visibility in other search repositories (i.e., osti.gov, data.gov, Google Scholar, etc.). The OSTI DOI can be established through an application programming interface (API) by completing just a few additional fields.

The Recipient or subrecipient should coordinate with the Project Manager on an annual basis to assess if there is data that should be submitted to EDX and identify the proper file formats prior to submission. All final data products shall be submitted to EDX by the Recipient prior to the completion of the project.

K. Notice Regarding Eligible/Ineligible Activities

Eligible activities under this program include those which describe and promote the understanding of scientific and technical aspects of specific energy technologies, but not those which encourage or support political activities such as the collection and dissemination of information related to potential, planned or pending legislation.

L. 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).

M. Notice of Potential Disclosure Under Freedom of Information Act (FOIA)

Applicants should be advised identifying information regarding all applicants, including applicant names and/or points of contact, may be subject to public disclosure under the Freedom of Information Act, whether or not such applicants are selected for negotiation of award. The Freedom of Information Act, 5 U.S.C. 552, requires DOE to release certain Federal financial assistance documents and records requested by members of the public regardless of the intended use of the information. DOE will release funded applications and funded progress reports, including award data, as legally releasable at the conclusion of the competitive funding process. However, DOE will generally withhold this information during the pendency of competitive stages of the funding process.

N. 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.

O. Retention of Submissions

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

P. Protected Personally Identifiable Information

In responding to this FOA, applicants must ensure that Protected Personally Identifiable Information (PII) is not included in the application documents. These documents will be used by the Merit Review Committee in the review process to evaluate each application. PII is defined by the Office of Management and Budget (OMB) as:

Any information about an individual maintained by an agency, including but not limited to, education, financial transactions, medical history, and criminal or employment history and information that can be used to distinguish or trace an individual's identity, such as their name, social security number, date and place of birth, mother's maiden name, biometric records, etc., including any other personal information that is linked or linkable to an individual.

This definition of PII can be further defined as: (1) Public PII and (2) Protected PII.

1. Public PII: PII found in public sources such as telephone books, public websites, business cards, university listing, etc. Public PII includes first and last name, address, work telephone number, email address, home telephone number, and general education credentials.

2. Protected PII: PII that requires enhanced protection. This information includes data that if compromised could cause harm to an individual such as identity theft.

Listed below are examples of Protected PII that applicants must not include in the application files listed above to be evaluated by the Merit Review Committee. This list is not all inclusive.

- Social Security Numbers in any form
- Place of Birth associated with an individual
- Date of Birth associated with an individual
- Mother's maiden name associated with an individual
- Biometric record associated with an individual
- Fingerprint
- Iris scan
- DNA
- Medical history information associated with an individual
- Medical conditions, including history of disease
- Metric information, e.g. weight, height, blood pressure
- Criminal history associated with an individual
- Employment history and other employment information associated with an individual
- Ratings
- Disciplinary actions
- Performance elements and standards (or work expectations) are PII when they are so intertwined with performance appraisals that their disclosure would reveal an individual's performance appraisal
- Financial information associated with an individual
- Credit card numbers
- Bank account numbers
- Security clearance history or related information (not including actual clearances held)

Q. Annual Compliance Audits

If an institution of higher education, non-profit organization, or state/local government is a Prime Recipient or Subrecipient and has expended $750,000 or more of Federal funds during the non-Federal entity's fiscal year, then a single or program-specific audit is required. For additional information, please refer to 2 C.F.R. § 200.501 and Subpart F.

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

Applicants and subrecipients (if applicable) should propose sufficient costs in the project budget to cover the costs associated with the audit. DOE will share in the cost of the audit at its applicable cost share ratio.

R. Accounting System

If your application is selected for negotiation toward award, you should have an accounting system that meets government standards for recording and collecting costs. Reference 2 CFR 200 Subpart D for the applicable standards. If you have not had prior government awards or a recent accounting system review, DOE may request that the Defense Contract Audit Agency (DCAA) or an independent auditor verify that the accounting system is acceptable. A resulting award may contain a Term and Condition that prohibits DOE reimbursement until the system is deemed acceptable.

S. Indirect Rates

Potential recipients and major subrecipients will need to demonstrate how indirect rates are developed using an acceptable government methodology or current rate agreement. The Prime Recipient and major subrecipients may be subject to a DCAA or independent auditor indirect rate review if there has not been a certified rate audit within the previous twelve months. Additionally, annual indirect cost reconciliations are required, as applicable.

T. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment (April 2023)

As set forth in 2 CFR 200.216, recipients and subrecipients are prohibited from obligating or expending project funds (federal 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 Public Law 115-232, section 889, 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.

U. Prohibition Related to Foreign Government-Sponsored Talent Recruitment Programs (April 2023)

i. 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 FOA. Should an award result from this FOA, 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.

ii. 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 U.S. 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.

V. Implementation of Executive Order 13798, Promoting Free Speech and Religious Liberty (November 2020)

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

W. 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:

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.

DOL's Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule compliance evaluations. Consult OFCCP's Technical Assistance Guide[5] to gain an understanding of the requirements and possible actions the recipients, subrecipients, contractors, and subcontractors must take. Additional guidance may also be found in the National Policy Assurances, produced by DOE.

[5] 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

X. Foreign Collaboration 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.

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.

c. 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 policies and procedures.

IX. Appendices

Appendix A – Cost Share Information

Cost Sharing or Cost Matching

The terms "cost sharing" and "cost matching" are often used synonymously. Even the DOE Financial Assistance Regulations, 2 CFR 200.306, use both of the terms in the titles specific to regulations applicable to cost sharing. DOE almost always uses the term "cost sharing," as it conveys the concept that non-federal share is calculated as a percentage of the Total Project Cost. An exception is the State Energy Program Regulation, 10 CFR 420.12, State Matching Contribution. Here "cost matching" for the non-federal share is calculated as a percentage of the Federal funds only, rather than the Total Project Cost.

How Cost Sharing Is Calculated

As stated above, cost sharing is calculated as a percentage of the Total Project Cost. FFRDC/NL costs must be included in Total Project Costs.

The following is an example of how to calculate cost sharing amounts for a project with $1,000,000 in federal funds with a minimum 20% non-federal cost sharing requirement:

- Formula: Federal share ($) divided by Federal share (%) = Total Project Cost
  Example: $1,000,000 divided by 80% = $1,250,000

- Formula: Total Project Cost ($) minus Federal share ($) = Non-federal share ($)
  Example: $1,250,000 minus $1,000,000 = $250,000

- Formula: Non-federal share ($) divided by Total Project Cost ($) = Non-federal share (%)
  Example: $250,000 divided by $1,250,000 = 20%

What Qualifies for Cost Sharing

While it is not possible to explain what specifically qualifies for cost sharing in one or even a couple of sentences, in general, if a cost is allowable under the cost principles applicable to the organization incurring the cost and is eligible for reimbursement under a DOE grant or cooperative agreement, then it is allowable as cost share. Conversely, if the cost is not allowable under the cost principles and not eligible for reimbursement, then it is not allowable as cost share. In addition, costs may not be counted as cost share if they are paid by the Federal Government under another award unless authorized by Federal statute to be used for cost sharing.

The rules associated with what is allowable as cost share are specific to the type of organization that is receiving funds under the grant or cooperative agreement, though are generally the same for all types of entities. The specific rules applicable to:

- FAR Part 31 for For-Profit entities, (48 CFR Part 31); and
- 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.

In addition to the regulations referenced above, other factors may also come into play such as timing of donations and length of the project period of performance. For example, the value of ten years of donated maintenance on a project that has a project period of performance of five years would not be fully allowable as cost share. Only the value for the five years of donated maintenance that corresponds to the project period of performance is allowable and may be counted as cost share.

Additionally, DOE generally does not allow pre-award costs for either cost share or reimbursement when these costs precede the signing of the appropriation bill that funds the award. In the case of a competitive award, DOE generally does not allow pre-award costs prior to the signing of the Selection Statement by the DOE Selection Official.

General Cost Sharing Rules on a DOE Award

1. Cash Cost Share – encompasses all contributions to the project made by the recipient or subrecipient(s), for costs incurred and paid for during the project. This includes when an organization pays for personnel, supplies, equipment for their own company with organizational resources. If the item or service is reimbursed for, it is cash cost share. All cost share items must be necessary to the performance of the project.

2. In-Kind Cost Share – encompasses all contributions to the project made by the recipient or subrecipient(s) that do not involve a payment or reimbursement and represent donated items or services. In-Kind cost share items include volunteer personnel hours, donated existing equipment, donated existing supplies. The cash value and calculations thereof for all In-Kind cost share items must be justified and explained in the Cost Share section of the project Budget Justification. All cost share items must be necessary to the performance of the project. If questions exist, consult your DOE contact before filling out the In-Kind cost share section of the Budget Justification.

3. Funds from other federal sources MAY NOT be counted as cost share. This prohibition includes FFRDC subrecipients. Non-federal sources include any source not originally derived from federal funds. Cost sharing commitment letters from subrecipients must be provided with the original application.

4. Fee or profit, including foregone fee or profit, are not allowable as project costs (including cost share) under any resulting award. The project may only incur those costs that are allowable and allocable to the project (including cost share) as determined in accordance with

the applicable cost principles prescribed in FAR Part 31 for For-Profit entities and 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.

DOE Financial Assistance Rules 2 CFR Part 200 as amended by 2 CFR Part 910

As stated above, the rules associated with what is allowable cost share are generally the same for all types of organizations. Following are the rules found to be common, but again, the specifics are contained in the regulations and cost principles specific to the type of entity:

(A) Acceptable contributions. All contributions, including cash contributions and third-party in-kind contributions, must be accepted as part of the Prime Recipient's cost sharing if such contributions meet all of the following criteria:

(1) They are verifiable from the recipient's records.

(2) They are not included as contributions for any other federally assisted project or program.

(3) They are necessary and reasonable for the proper and efficient accomplishment of project or program objectives.

(4) They are allowable under the cost principles applicable to the type of entity incurring the cost as follows:

a. For-profit organizations. Allowability of costs incurred by for-profit organizations and those nonprofit organizations listed in Attachment C to OMB Circular A–122 is determined in accordance with the for-profit cost principles in 48 CFR Part 31 in the Federal Acquisition Regulation, except that patent prosecution costs are not allowable unless specifically authorized in the award document. (v) Commercial Organizations. FAR Subpart 31.2—Contracts with Commercial Organizations

b. Other types of organizations. For all other non-federal entities, allowability of costs is determined in accordance with 2 CFR Part 200 Subpart E.

(5) They are not paid by the Federal Government under another award unless authorized by Federal statute to be used for cost sharing or matching.

(6) They are provided for in the approved budget.

(B) Valuing and documenting contributions

(1) Valuing recipient's property or services of recipient's employees. Values are established in accordance with the applicable cost principles, which mean that amounts chargeable to the project are determined on the basis of costs incurred. For

real property or equipment used on the project, the cost principles authorize depreciation or use charges. The full value of the item may be applied when the item will be consumed in the performance of the award or fully depreciated by the end of the award. In cases where the full value of a donated capital asset is to be applied as cost sharing or matching, that full value must be the lesser or the following:

a. The certified value of the remaining life of the property recorded in the recipient's accounting records at the time of donation; or
b. The current fair market value. If there is sufficient justification, the Contracting Officer may approve the use of the current fair market value of the donated property, even if it exceeds the certified value at the time of donation to the project. The Contracting Officer may accept the use of any reasonable basis for determining the fair market value of the property.

(2) Valuing services of others' employees. If an employer other than the recipient furnishes the services of an employee, those services are valued at the employee's regular rate of pay, provided these services are for the same skill level for which the employee is normally paid.

(3) Valuing volunteer services. Volunteer services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is an integral and necessary part of an approved project or program. Rates for volunteer services must be consistent with those paid for similar work in the recipient's organization. In those markets in which the required skills are not found in the recipient organization, rates must be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, allowable, and allocable may be included in the valuation.

(4) Valuing property donated by third parties.

a. Donated supplies may include such items as office supplies or laboratory supplies. Value assessed to donated supplies included in the cost sharing or matching share must be reasonable and must not exceed the fair market value of the property at the time of the donation.

b. Normally only depreciation or use charges for equipment and buildings may be applied. However, the fair rental charges for land and the full value of equipment or other capital assets may be allowed, when they will be consumed in the performance of the award or fully depreciated by the end of the award, provided that the Contracting Officer has approved the charges. When use charges are applied, values must be determined in accordance with the usual accounting policies of the recipient, with the following qualifications:

i. The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.
ii. The value of loaned equipment must not exceed its fair rental value.

(5) Documentation. The following requirements pertain to the recipient's supporting records for in-kind contributions from third parties:

a. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.

b. The basis for determining the valuation for personal services and property must be documented.

Appendix B – Waiver Requests: Foreign Entity Participation and Performance of Work in the United States

i. Waiver for Foreign Entity Participation as the Prime Recipient

As set forth in Section III, "Eligibility Information", all Prime Recipients receiving funding under this FOA must be incorporated (or otherwise formed) under the laws of a State or territory of the United States. To request a waiver of this requirement, an applicant must submit an explicit waiver request in the Full Application.

Overall, the applicant must demonstrate to the satisfaction of DOE that it would further the purposes of this FOA and is otherwise in the economic interests of the United States to have a foreign entity serve as the Prime Recipient. A request to waive the *Foreign Entity Participation as the Prime Recipient* requirement must include the following:

- Entity name;
- The rationale for proposing a foreign entity to serve as the Prime Recipient;
- Country of incorporation; and the extent, if any, the entity is state owned or controlled;
- A description of the project's anticipated contributions to the US economy;
    - How the project will benefit U.S. research, development and manufacturing, including contributions to employment in the U.S. and growth in new markets and jobs in the U.S.;
    - How the project will promote domestic American manufacturing of products and/or services;
- A description of how the foreign entity's participation as the Prime Recipient is essential to the project;
- A description of the likelihood of Intellectual Property (IP) being created from the work and the treatment of any such IP;
- Countries where the work will be performed (Note: if any work is proposed to be conducted outside the U.S., the applicant must also complete a separate request for waiver of the Performance of Work in the United States requirement).

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.

The applicant does not have the right to appeal DOE's decision concerning a waiver request.

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

As set forth in Section IV, "Application and Submission Information", all work under DOE funding agreements must be performed in the United States. This requirement does not apply to the purchase of supplies and equipment, so a waiver is not required for foreign purchases of these items. However, the Prime Recipient should make every effort to purchase supplies and equipment within the United States. There may be limited circumstances where it is in the interest of the project to perform a portion of the work outside 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 FOA and is otherwise in the economic interests of the United States to perform work outside of the United States. A request to waive the *Performance of Work in the United States* requirement must include the following:

- The rationale for performing the work outside the U.S. ("foreign work");
- A description of the work and the percentage of the direct labor (including subrecipients) proposed to be performed outside the U.S.;
- An explanation as to how the foreign work is essential to the project;
- A description of the anticipated benefits to be realized by the proposed foreign work and the anticipated contributions to the US economy;
    - The associated benefits to be realized and the contribution to the project from the foreign work;
    - How the foreign work will benefit U.S. research, development and manufacturing, including contributions to employment in the U.S. and growth in new markets and jobs in the U.S.;
    - How the foreign work will promote domestic American manufacturing of products and/or services;
- A description of the likelihood of Intellectual Property (IP) being created from the foreign work and the treatment of any such IP;
- The total estimated cost (DOE and Recipient cost share) of the proposed foreign work;
- The countries in which the foreign work is proposed to be performed; and
- The name of the entity that would perform the foreign work, by country (if more than one foreign country is proposed).
- Information about the entity(ies) involved in the work proposed to be conducted outside the United States. (i.e., entity seeks a waiver and the entity(ies) that will conduct the work).

DOE may require additional information before considering the waiver request.

The applicant does not have the right to appeal DOE's decision concerning a waiver request.

Appendix C – Required Use of American Iron, Steel, Manufactured Products, and Construction Materials - Buy America Requirements for Infrastructure Projects (April 2023)

A. Definitions

For purposes of the Buy America Requirements, based both on 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[6] — 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 non-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 indication 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.

[6] 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 Requirements 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[7] are produced in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America Requirements 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 Requirements 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

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

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.

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 Requirements 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

The applicant does not have the right to appeal DOE's decision concerning a waiver request.

Appendix D – Statement of Project Objectives Template

STATEMENT OF PROJECT OBJECTIVES

Title of Project

(Insert the title of the work to be performed. Be concise and descriptive)

This should be a standalone document that states the work to be conducted and should not include any proprietary/confidential information.

A. OBJECTIVES

Include one paragraph on the overall objective(s) of the work. Note: if the project will be performed in phases, include specific objective(s) for each phase of the work.

B. SCOPE OF WORK

This section should not exceed one-half page and should summarize the effort and approach to achieve the objective(s) of the work. Note: if the project will be performed in phases, includes specific scope statement(s) for each phase.

C. TASKS TO BE PERFORMED

This section provides a brief summary of the planned approach to this project. Tasks/subtasks, concisely written, should be provided in a logical sequence and should be divided into the phases of the project, as appropriate. In writing the Statement of Project Objectives (SOPO), avoid 1) the use of proper nouns to minimize SOPO modifications in the event of changes to the project team, facilities, etc.; 2) figures and equations; 3) references to other documents and publications; and 4) details about past work and discussion of technical background (which should be covered elsewhere in the application narrative).

Task 1.0 - Project Management and Planning *(REQUIRED; APPLICANT INSERT THIS TASK)*

Subtask 1.1 – Project Management Plan *(REQUIRED; APPLICANT INSERT THE LANGUAGE PROVIDED BELOW IN QUOTES. SEE THE "PROJECT MANAGEMENT PLAN TEMPLATE" APPENDIX FOR FORMAT.)*
"The Recipient shall manage and direct the project in accordance with a Project Management Plan to meet all technical, schedule and budget objectives and requirements. The Recipient will coordinate activities in order to effectively accomplish the work. The Recipient will ensure that project plans, results, and decisions are appropriately documented, and project reporting and briefing requirements are satisfied.

The Recipient shall update the Project Management Plan 30 days after award and as necessary throughout the project to accurately reflect the current status of the project. Examples of when it may be appropriate to update the Project Management Plan include: (a) project management policy and procedural changes; (b) changes to the technical, cost, and/or schedule baseline for the project; (c) significant changes in scope, methods, or approaches; or (d) as otherwise required to ensure that the plan is the appropriate governing document for the work required to accomplish the project objectives.

Management of project risks will occur in accordance with the risk management methodology delineated in the Project Management Plan in order to identify, assess, monitor and mitigate technical uncertainties as well as schedule, budgetary and environmental risks associated with all aspects of the project. The results and status of the risk management process will be presented during project reviews and in quarterly progress reports with emphasis placed on the medium- and high-risk items."

Subtask 1.2 – Community Benefits Outcomes and Objectives *(REQUIRED; APPLICANT INSERT THE LANGUAGE PROVIDED BELOW IN QUOTES. REFERENCE THE "COMMUNITY BENEFITS PLAN" APPENDIX FOR FORMAT.)*
"The Recipient will manage and direct activities under the project in order to effectively accomplish the commitments and associated milestones established in the Community Benefits Outcomes and Objectives (CBOO) summary table, initially submitted as part of the award application package, and updated in collaboration with the NETL Project Manager at any point at which substantial change to the document is necessitated. The Recipient will ensure that the CBOO, 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 these objectives and outcomes 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 Manager or dictated by the Reporting Requirements."

APPLICANT continue with tasks/sub-tasks as necessary. If the project is structured in Phases, clearly delineate which tasks/subtasks are in each Phase.

Task 2.0 - (Title)
Task descriptions should include a concise description of the work to be conducted for each task. If the task includes subtasks, provide a general description of how each subtask is related to the overall scope of the task.

Subtask 2.1 - (Title)
Subtask descriptions should include a concise description of the work to be conducted for each subtask.

Subtask 2.2 - (Title)

D. DELIVERABLES (*Required: Applicant insert the Language provided below in quotes and continue to complete.)*

"The periodic and final reports shall 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 must provide the following to the NETL Project Manager (identified in Block 15 of the Assistance Agreement as the Program Manager)**."**

Task / Subtask Number	Deliverable Title	Due Date
1.1	Project Management Plan (PMP)	Update due 30 days after award. Revisions to the PMP shall be submitted as requested by the NETL Project Manager.
1.2	Community Benefits Outcomes and Objectives (CBOO)	Revise at any point at which substantial change to the document is necessitated. Progress updates provided during project reviews, in quarterly progress reports, as part of the project final report, and as otherwise requested by the NETL project manager.
X.X	Techno-Economic Analysis (TEA)	Submit to NETL Project Manager before the end of the period of performance
X.X	Life Cycle Assessment (LCA)	Submit to NETL Project Manager before the end of the period of performance
X.X	**Feedstock and Kinetic Data**	**Recipients shall deliver with unlimited rights feedstock and kinetic data generated under awards under this FOA through an EDX data repository site to be specified. This data shall be uploaded to the repository in the required format within 30 days of generation.**

APPLICANT continue to identify deliverables (other than those identified on the "Federal Assistance Reporting Checklist") that will be delivered using the format provided in the table above. Ensure the delivery date to NETL is also identified. For examples: Delivery to NETL X months after completion of task/subtask X.

NOTE: If the application is selected for award, DOE may require the Recipient to include additional deliverables, provided that such deliverables are consistent with the budget, schedule, and scope of the project.

E. BRIEFINGS/TECHNICAL PRESENTATIONS *(Required: Applicant insert the language provided below in quotes and continue to complete.)*

"The Recipient shall prepare detailed briefings for presentation to the NETL Project Manager at their facility located in Pittsburgh, PA, Morgantown, WV, Albany, OR, or via WebEx. The Recipient shall 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 shall 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 shall also be given."

At the Applicant's discretion, other briefings/presentations may be added to Section E of the SOPO.

NOTE: If the application is selected for award, DOE may require the Recipient to include additional briefings/presentations, provided that such briefings/presentations are consistent with the budget, schedule, and scope of the project.

Appendix E – Project Management Plan Template

The Applicant's Project Management Plan (PMP) is an approved document that defines how the Applicant will execute, monitor, and control the project to accomplish the objectives. The specific contents, level of detail, and inclusion of subsidiary planning documents are tailored according to the needs of the project. Consequently, every PMP will be different based on the risk, visibility, and/or complexity of the project and the Recipient's established processes, procedures, and systems.

Title Page:

PROJECT MANAGEMENT PLAN
{Insert Project Title}

{Date Prepared}

SUBMITTED BY
{Organization Name}
{Organization Address}
{City, State, Zip Code}

PRINCIPAL INVESTIGATOR
{Name}
{Phone Number}
{E-mail}

SUBMITTED TO
U.S. Department of Energy
National Energy Technology Laboratory

This plan should be formatted to include the following sections with each section to include the information as described below:

A. Executive Summary:

Provide a description of the project that includes the objective, project goals, and expected results. For purposes of the application, this information is included in the Project Narrative and should be simply copied to this document for completeness, so that the Project Management Plan is a stand-alone document.

B. Project Organization and Structure:

Provide the following information in this section:

- Organizational Chart(s): Include a complete project organizational chart and sub-organization charts (if applicable), accompanied by a discussion of how the organizational structure will facilitate the performance of the Tasks and achievement of the objectives described in the SOPO within the time frame specified in the application.
- Roles and Responsibilities of Participants: Provide a discussion of key project team members, and the capacity in which each team member will assist in achieving the overall objective(s) of the proposed project. For multi-organizational or multi-investigator projects, describe the roles to be performed by each participant/investigator within the context of the Task/subtask structure contained in the SOPO. Include descriptions of any business agreements or intellectual property issues between the applicant and other members of the project team, and how these agreements will be integrated and managed.
- Decision-making and Communication Strategy: Provide a discussion of how communication and decision-making will occur within the context of the organizational structure, with particular emphasis on scientific/technical direction and mechanisms for controlling project scope, cost, and schedule. Include a discussion of how the project team will communicate with DOE and external stakeholders during the performance of the project.
- Management Capabilities: Provide information relevant to the capabilities and experience of the PI and key project team members in managing technical projects of similar nature and complexity. If applicable, include examples that demonstrate the ability to successfully meet research objectives within scope, budget and schedule.

C. Risk Management Plan:

Provide a summary description of the proposed approach to identify, analyze, and respond to perceived risks associated with the proposed project. Project risk events are uncertain future events that, if realized, impact the success of the project. Risk is inherent to all projects regardless of complexity, cost, or visibility. An effective Risk Management Plan will identify perceived risks and explain mitigation strategies for each risk. At a minimum, the Risk Management Plan shall include the initial identification of significant financial, cost/schedule, technical/scope, management, planning and oversight, ES&H, external factors, and management issues that have the potential to impede project progress and strategies to minimize impacts from those issues.

The following table format is provided but is not required:

Perceived Risks and Mitigation Strategies

Perceived Risk	Risk Rating			Mitigation/Response Strategy
	Probability	Impact	Overall	
	(Low, Med, High)			
Financial Risks:				
Cost/Schedule Risks:				
Technical/Scope Risks:				
Management, Planning, and Oversight Risks:				
ES&H Risks:				
External Factor Risks:				

D. Milestone Log:

Provide milestones for each budget period of the project. Each milestone should be linked to a specific Task or Subtask and include a title, planned completion date, and a description of the method/process/measure used to verify completion. Milestones should be quantitative and show progress toward budget period and/or project goals. Conversely, periodic, mandatory progress reports are not considered to be Milestones.

Milestones are presumed to lie on the critical path of the project, i.e., unless all milestones are achieved, the Objectives as defined in the SOPO cannot be met completely. Applicants must provide at least two milestones per year throughout the course of the project.

Milestone Format

Task/ Subtask	Milestone Title & Description	Planned Completion Date	Verification method

[Note: During project performance, the Recipient will report the Milestone Status as part of the required quarterly progress report as prescribed under the Federal Assistance Reporting Checklist. The Milestone Status will present actual performance in comparison with Planned Milestones and include: (1) the actual status and progress of the project, (2) specific progress made toward achieving the project's milestones, and (3) any proposed changes in the project's schedule required to complete milestones.]

E. Costing Profile:

Provide a table (the Spend Plan) that projects the expenditures of government funds by fiscal year for each project team member.

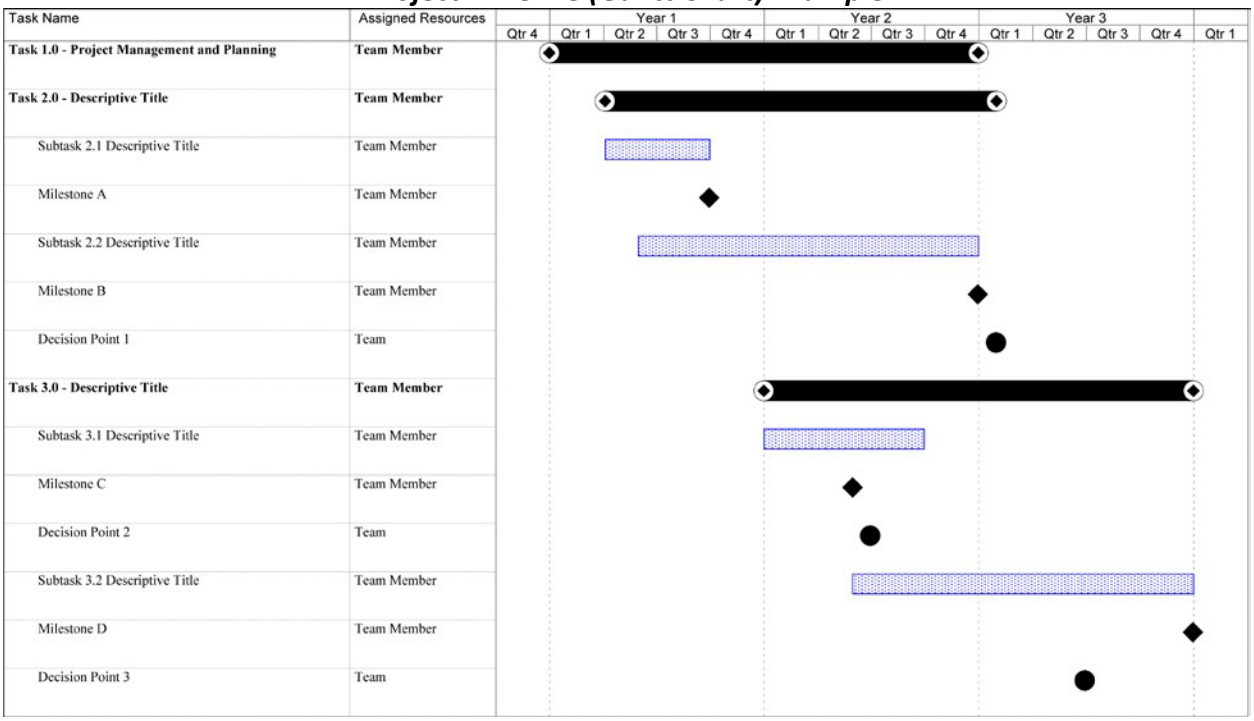
Spend Plan by Fiscal Year Format

	FY 20XX		FY 20XX		FY 20XX		FY 20XX		Total	
	DOE Funds	Cost Share	DOE Funds	Cost Share	DOE Funds	Cost Share	DOE Funds	Cost Share	DOE Funds	Cost Share
Applicant										
Subrecipient A, if proposed										
Subrecipient B, if proposed										
FFRDC/NL, if proposed										
Total ($)										
Total Cost Share %										

F. Project Timeline:

Provide a timeline of the project (similar to a Gantt chart) broken down by each task and subtask, as described in the Statement of Project Objectives. The timeline should include for each task, a start date, and end date. The timeline should show interdependencies between tasks and include the milestones that are identified in the Milestone Log (Section C).

Project Timeline (Gantt Chart) Example



G. Success Criteria:

Success criteria are used by the DOE to determine if specific goals and objectives were met at the end of budget period(s), go/no-go decision points, and/or project completion. The success criteria should be objective and stated in terms of specific, measurable, and repeatable data. Usually, the success criteria pertain to desirable outcomes, results, and observations from the project.

[Note: As the first task in the Statement of Project Objectives, successful applicants will revise the version of the Project Management Plan that is submitted with their applications by including details from the negotiation process. This Project Management Plan will be updated by the Recipient as the project progresses, and the Recipient must use this plan to report scope, schedule, and budget variances.]

Appendix F – Data Management Plan

A Data Management Plan ("DMP") explains how data generated in the course of the research or work performed under an assistance award will be shared and preserved or, when justified, explains why data sharing or preservation is not possible or scientifically appropriate.

DMP Requirements

In order for a DMP to be considered acceptable, the DMP must address the following:

At a minimum, the DMP must describe how data sharing and preservation will enable validation of the results from the proposed work, or how results could be validated if data are not shared or preserved.

The DMP must provide a plan for making all research data displayed in publications resulting from the proposed work digitally accessible at the time of publication. This includes data that are displayed in charts, figures, images, etc. In addition, the underlying digital research data used to generate the displayed data should be made as accessible as possible in accordance with the principles stated above. This requirement could be met by including the data as supplementary information to the published article, or through other means. The published article should indicate how these data can be accessed.

The DMP should consult and reference available information about data management resources to be used in the course of the proposed work. In particular, a DMP that explicitly or implicitly commits data management resources at a facility beyond what is conventionally made available to approved users should be accompanied by written approval from that facility. In determining the resources available for data management at DOE User Facilities, researchers should consult the published description of data management resources and practices at that facility and reference it in the DMP. Information about other DOE facilities can be found in the additional guidance from the sponsoring program.

The DMP must protect confidentiality, personal privacy, Personally Identifiable Information, and U.S. national, homeland, and economic security; recognize proprietary interests, business confidential information, and intellectual property rights; avoid significant negative impact on innovation, and U.S. competitiveness; and otherwise, be consistent with all laws (i.e., export control laws), and DOE regulations, orders, and policies.

Data Determination for a DMP

The Principal Investigator should determine which data should be the subject of the DMP and, in the DMP, propose which data should be shared and/or preserved in accordance with the DMP Requirements noted above.

For data that will be generated through the course of the proposed work, the Principal Investigator should indicate what types of data should be protected from immediate public disclosure by DOE (referred to as "protected data") and what types of data that DOE should be able to release immediately. Similarly, for data developed outside of the proposed work at private expense that will be used in the course of the proposed work, the Principal Investigator should indicate whether that type of data will be subject to public release or kept confidential (referred to as "limited rights data"). Any use of limited rights data or labeling of data as "protected data" must be consistent with the DMP Requirements noted above.

Suggested Elements for a DMP

The following list of elements for a DMP provides suggestions regarding the data management planning process and the structure of the DMP:

Data Types and Sources: A brief, high-level description of the data to be generated or used through the course of the proposed work and which of these are considered digital research data necessary to validate the research findings or results.

Content and Format: A statement of plans for data and metadata content and format including, where applicable, a description of documentation plans, annotation of relevant software, and the rationale for the selection of appropriate standards. Existing, accepted community standards should be used where possible. Where community standards are missing or inadequate, the DMP could propose alternate strategies for facilitating sharing, and should advise the sponsoring program of any need to develop or generalize standards.

Sharing and Preservation: A description of the plans for data sharing and preservation. This should include, when appropriate: the anticipated means for sharing and the rationale for any restrictions on who may access the data and under what conditions; a timeline for sharing and preservation that addresses both the minimum length of time the data will be available and any anticipated delay to data access after research findings are published; any special requirements for data sharing, for example, proprietary software needed to access or interpret data, applicable policies, provisions, and licenses for re-use and re-distribution, and for the production of derivatives, including guidance for how data and data products should be cited; any resources and capabilities (equipment, connections, systems, software, expertise, etc.) requested in the research proposal that are needed to meet the stated goals for sharing and preservation (this could reference the relevant section of the associated research proposal and budget request); and whether/where the data will be preserved after direct project funding ends and any plans for the transfer of responsibilities for sharing and preservation. A description of how the recipient intends to make the results of any resulting DOE-funded work available to the public, including the relevant technical community.

Protection: A statement of plans, where appropriate and necessary, to protect confidentiality, personal privacy, Personally Identifiable Information, and U.S. national, homeland, and economic security; recognize proprietary interests, business confidential information, and

intellectual property rights; and avoid significant negative impact on innovation, and U.S. competitiveness.

Rationale: A discussion of the rationale or justification for the proposed data management plan including, for example, the potential impact of the data within the immediate field and in other fields, and any broader societal impact.

Additional Guidance

In determining which data should be shared and preserved, researchers must consider the data needed to validate research findings as described in the Requirements and are encouraged to consider the potential benefits of their data to their own fields of research, fields other than their own, and society at large.

DMPs should reflect relevant standards and community best practices and make use of community accepted repositories whenever practicable.

Costs associated with the scope of work and resources articulated in a DMP may be included in the proposed research budget as permitted by the applicable cost principles.

To improve the discoverability of and attribution for datasets created and used in the course of research, DOE encourages the citation of publicly available datasets within the reference section of publications, and the identification of datasets with persistent identifiers such as Digital Object Identifiers (DOIs). In most cases, DOE can provide DOIs free of charge for data resulting from DOE-funded research through its Office of Scientific and Technical Information (OSTI) DataID Service.

Definitions

Data Preservation: Data preservation means providing for the usability of data beyond the lifetime of the research activity that generated them.

Data Sharing: Data sharing means making data available to people other than those who have generated them. Examples of data sharing range from bilateral communications with colleagues, to providing free, unrestricted access to anyone through, for example, a web-based platform.

Digital Research Data: The term digital data encompasses a wide variety of information stored in digital form including: experimental, observational, and simulation data; codes, software and algorithms; text; numeric information; images; video; audio; and associated metadata. It also encompasses information in a variety of different forms including raw, processed, and analyzed data, published and archived data.

Research Data: The recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This 'recorded' material excludes physical objects (e.g., laboratory samples). Research data also do not include:

(A) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and

(B) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study."

Validate: In the context of DMPs, validate means to support, corroborate, verify, or otherwise determine the legitimacy of the research findings. Validation of research findings could be accomplished by reproducing the original experiment or analyses; comparing and contrasting the results against those of a new experiment or analyses; or by some other means.

Appendix G – Technology Readiness Levels

The following is a description of the DOE Technology Readiness Levels.

Relative Level of Technology Development	Technology Readiness Level	TRL Definition	Description
System Operations	TRL 9	Actual system operated over the full range of expected mission conditions.	The technology is in its final form and operated under the full range of operating mission conditions. Examples include using the actual system with the full range of wastes in hot operations.
System Commissioning	TRL 8	Actual system completed and qualified through test and demonstration.	The technology has been proven to work in its final form and under expected conditions. In almost all cases, this TRL represents the end of true system development. Examples include developmental testing and evaluation of the system with actual waste in hot commissioning. Supporting information includes operational procedures that are virtually complete. An Operational Readiness Review (ORR) has been successfully completed prior to the start of hot testing.
	TRL 7	Full-scale, similar (prototypical) system demonstrated in relevant environment	This represents a major step up from TRL 6, requiring demonstration of an actual system prototype in a relevant environment. Examples include testing full-scale prototype in the field with a range of simulants in cold commissioning (1). Supporting information includes results from the full-scale testing and analysis of the differences between the test environment, and analysis of what the experimental results mean for the eventual operating system/environment. Final design is virtually complete.
Technology Demonstration	TRL 6	Engineering/pilot-scale, similar (prototypical) system validation in relevant environment	Engineering-scale models or prototypes are tested in a relevant environment. This represents a major step up in a technology's demonstrated readiness. Examples include testing an engineering scale prototypical system with a range of simulants. (1) Supporting information includes results from the engineering scale testing and analysis of the differences between the engineering scale, prototypical system/environment, and analysis of what the experimental results mean for the eventual operating system/environment. TRL 6 begins true engineering development of the technology as an operational system. The major difference between TRL 5 and 6 is the step up from laboratory scale to engineering scale and the determination of scaling factors that will enable design of the operating system. The prototype should be capable of performing all the functions that will be required of the operational system. The operating environment for the testing should closely represent the actual operating environment.

Relative Level of Technology Development	Technology Readiness Level	TRL Definition	Description
Technology Development	TRL 5	Laboratory scale, similar system validation in relevant environment	The basic technological components are integrated so that the system configuration is similar to (matches) the final application in almost all respects. Examples include testing a high-fidelity, laboratory scale system in a simulated environment with a range of simulants (1) and actual waste (2). Supporting information includes results from the laboratory scale testing, analysis of the differences between the laboratory and eventual operating system/environment, and analysis of what the experimental results mean for the eventual operating system/environment. The major difference between TRL 4 and 5 is the increase in the fidelity of the system and environment to the actual application. The system tested is almost prototypical.
Technology Development	TRL 4	Component and/or system validation in laboratory environment	The basic technological components are integrated to establish that the pieces will work together. This is relatively "low fidelity" compared with the eventual system. Examples include integration of ad hoc hardware in a laboratory and testing with a range of simulants and small-scale tests on actual waste (2). Supporting information includes the results of the integrated experiments and estimates of how the experimental components and experimental test results differ from the expected system performance goals. TRL 4-6 represent the bridge from scientific research to engineering. TRL 4 is the first step in determining whether the individual components will work together as a system. The laboratory system will probably be a mix of on hand equipment and a few special purpose components that may require special handling, calibration, or alignment to get them to function.
Research to Prove Feasibility	TRL 3	Analytical and experimental critical function and/or characteristic proof of concept	Active research and development (R&D) is initiated. This includes analytical studies and laboratory-scale studies to physically validate the analytical predictions of separate elements of the technology. Examples include components that are not yet integrated, or representative tested with simulants. (1) Supporting information includes results of laboratory tests performed to measure parameters of interest and comparison to analytical predictions for critical subsystems. At TRL 3 the work has moved beyond the paper phase to experimental work that verifies that the concept works as expected on simulants. Components of the technology are validated, but there is no attempt to integrate the components into a complete system. Modeling and simulation may be used to complement physical experiments.

Relative Level of Technology Development	Technology Readiness Level	TRL Definition	Description
Basic Technology Research	TRL 2	Technology concept and/or application formulated	Once basic principles are observed, practical applications can be invented. Applications are speculative, and there may be no proof or detailed analysis to support the assumptions. Examples are still limited to analytic studies. Supporting information includes publications or other references that outline the application being considered and that provide analysis to support the concept. The step up from TRL 1 to TRL 2 moves the ideas from pure to applied research. Most of the work is analytical or paper studies with the emphasis on understanding the science better. Experimental work is designed to corroborate the basic scientific observations made during TRL 1 work.
	TRL 1	Basic principles observed and reported	This is the lowest level of technology readiness. Scientific research begins to be translated into applied R&D. Examples might include paper studies of a technology's basic properties or experimental work that consists mainly of observations of the physical world. Supporting Information includes published research or other references that identify the principles that underlie the technology.

[1] Simulants should match relevant chemical and physical properties.

[2] Testing with as wide a range of actual waste as practicable and consistent with waste availability, safety, ALARA, cost and project risk is highly desirable.

Source: U.S. Department of Energy, "Technology Readiness Assessment Guide". Office of Management. 2011.

Appendix H – Community Benefits Plan Template

Instructions

The DOE is committed to pushing the frontiers of science and engineering; catalyzing high-quality domestic clean energy jobs through research, development, demonstration, and deployment; and ensuring energy equity and energy justice[8] for disadvantaged communities. Therefore, and in accordance with EO 14008 (Executive Order on Tackling the Climate Crisis at Home and Abroad)[9], it is important to consider the community impacts of the successful commercial deployment of any innovations resulting from this FOA.

The goal of the Community Benefits Plan (CBP) is to allow the Applicant to illustrate engagement in critical thought about implications of how the proposed work will benefit the American people and lead to broadly shared prosperity, including for workers and disadvantaged communities[10]. The three sections of the CBP are considered together because there may be significant overlap among audiences considered in workforce and disadvantaged communities.

The purpose of this document is to summarize the specific objectives the Applicant is committing to, broken into specific commitments and tasks. Wherever possible and relevant, each commitment or task should be stated in quantifiable or measurable terms, and SMART (Specific, Measurable, Achievable, Relevant, and Timely) milestones with timelines should be identified. The CBP may include multiple milestones but should have at least one SMART milestone per budget period as well as one SMART end of project goal. Milestones will be incorporated into the Community Benefits Objectives and Outcomes (CBOO) summary table in the Community Benefits Plan Template, as provided below in this FOA, which will be included by reference in the Statement of Project Objectives (SOPO).

All information included in this CBP Template must be consistent with other parts of the application, such as the Project Narrative and Project Management Plan (PMP). The CBP should accurately define the work that is planned and the progress that will be expected to be achieved throughout the project. Applicants should propose activities that best fit their research goals, institutional environment, team composition, and other factors. Creativity is encouraged.

---

[8] DOE defines energy justice as "the goal of achieving equity in both the social and economic participation in the energy system, which also remediating social, economic, and health burdens on those disproportionately harmed by the energy system" (Initiative for Energy Justice, 2019). Aligned with that document refers to this as, 'energy equity,' and is meant to encompass energy justice as well as DOE's efforts related to Justice40. https://www.energy.gov/justice/articles/how-energy-justice-presidential-initiatives-and-executive-orders-shape-equity-doe

[9] https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad

[10] See footnote 2 for guidance on the definition and tools to locate and identify disadvantaged communities.

Definitions:

Throughout this document, certain terms are used regularly. Please refer to the definitions below for these commonly used terms and apply them throughout.

Underrepresented

"Underrepresented" refers to populations sharing a particular characteristic, as well as geographic communities, that are shown to have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by communities that have been denied fair, just, and impartial treatment, which may include Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; persons otherwise adversely affected by persistent poverty or inequality; women; and veterans.

Justice40 Initiative and Disadvantaged Communities

Established by Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad*, the Justice40 Initiative sets a goal that 40% of the overall benefits of certain federal investments in climate, clean energy, and other areas flow to "disadvantaged communities" that are marginalized by underinvestment and overburdened by pollution. Pursuant to M-21-28 and M-23-09, issued by the White House Office of Management and Budget, White House Council on Environmental Quality, and White House Office of Domestic Climate Policy, DOE recognizes disadvantaged communities as the census tracts that are identified as disadvantaged by the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool (CEJST), as well as all Federally Recognized Tribes. For information about whether a particular DOE program is covered under the Justice40 Initiative, please see DOE's Justice40 Initiative webpage.

Minority-Serving Institution

Minority-Serving Institution is defined in 7 CFR § 3430.302.

Collective Bargaining Agreement

A collective bargaining agreement is an agreement that is consistent with the National Labor Relations Act (29 U.S.C. 151 et seq.).

Title Page:

COMMUNITY BENEFITS PLAN TEMPLATE
{Insert Project Title}

{Date Prepared}

SUBMITTED BY
{Organization Name}
{Organization Address}
{City, State, Zip Code}

SUBMITTED TO
U.S. Department of Energy
National Energy Technology Laboratory

IN RESPONSE TO
DE-FOA-0003394
Gasification of Alternative Feedstocks

This plan should be formatted to include the following sections, with each section to include the information as described below:

A. General Project Information

Provide a 2-3 sentence high-level description of the CBP and how it integrates with the project. Describe the community representatives and project personnel overseeing the CBP, their qualifications, and time allocated for the activities proposed. Describe community support and/or opposition for the project, if applicable.

B. Diversity, Equity, Inclusion, and Accessibility

DOE strongly encourages Applicants to involve individuals and entities from disadvantaged communities. Tapping all available talent requires intentional approaches and yields broad benefits. This section should summarize the Applicant's plan to incorporate diversity, equity, inclusion, and accessibility (DEIA) objectives into the project.

In this context, efforts toward DEIA are defined as:

a) the practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people,
b) the consistent and systematic fair, just, and impartial treatment of all individuals, including protecting workers' rights and adhering to Equal Employment Opportunity (EEO) laws,

c) the recognition, appreciation, and use of the talents and skills of employees of all backgrounds, and
d) the provision of accommodations so that all people, including people with disabilities, can fully and independently access facilities, information, and communication technology, programs, and services.

When crafting the DEIA section of the Plan, Applicants should describe how they will act to promote each of the four DEIA efforts above into their investigation. It is important to note that diversity, equity, inclusion, and accessibility are four different but related concepts that should not be conflated. For instance, you can achieve diversity without equity; all four must be addressed. Applicants could discuss how the proposed investigation could contribute to training and developing a diverse scientific workforce. Applicants could describe the efforts they plan to take or will continue to take to create an inclusive workplace, free from retaliation, harassment, and discrimination. Applicants could outline any barriers to creating an equitable and inclusive workplace and address the ways in which the team will work to overcome these barriers within the bounds of the specific research project. This plan could detail specific efforts to inform project team members in any capacity of their labor rights and rights under EEO laws, and their free and fair chances to join a union.

Successful plans will not only describe how the project team seeks to increase DEIA but also will describe the overall approaches to retention, engagement, professional development, and career advancement. Specifically, they will demonstrate clear approaches to ensure all team members' strengths are meaningfully leveraged, and all members are provided opportunities and paths for career development, especially including paths for interns and trainees to secure permanent positions. Diversity should be considered at all levels of the project team, not just leveraging early career individuals to meet diversity goals.

Examples include, but are not limited to:

- *Building collaborations and partnerships with researchers and staff at Minority Serving Institutions (MSIs) or community colleges that may not otherwise meet the eligibility requirements*
- *Creating partnerships with local communities, especially under-resourced and disadvantaged communities, and diverse businesses, such as Minority Business Enterprises, Minority Owned Businesses, Disability Owned Businesses, Women Owned Businesses, Native American-owned Businesses, or Veteran Owned Businesses*
- *Establishing and executing an inclusive recruitment strategy (e.g., a strategy to support broad recruitment via outreach to entities that carry out workforce development programs, labor unions, local government, or community-based organizations that represent, support, or work with disadvantaged communities)*
- *Offering training, mentorship, education, and other support to students and early/mid-career professionals from disadvantaged communities and/or underrepresented groups*
- *Providing anti-bias training and education in the project team*
- *Providing efforts toward improving a workplace culture of inclusion*

- *Measures like childcare, flexible schedules, paid parental leave, pay transparency, and other supports to ensure that sometimes hidden societal barriers are not hindering realization of equal opportunity*
- *Making research products and engagement materials accessible in a greater variety of formats to increase accessibility of research outputs*
- *Voluntary recognition of a union and informing employees of their rights, regardless of their classification*

C. Justice40 Initiative

As per Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad, the federal government has established a goal that 40% of overall benefits of certain Federal investments flow to disadvantaged communities[11]. Evaluation of the anticipated long-term costs and benefits that will accrue to disadvantaged groups as a result of the project is essential to support historically disadvantaged communities' engagement in clean energy decisions. Like potential cost reductions or groundbreaking research findings resulting from the research, energy equity and justice benefits may be uncertain, occur over a long period of time, and have many factors within and outside the specific proposed research influencing them.

This section should articulate how project proposals will drive equitable access to, participation in, and distribution of the overall benefits produced from successful technology innovations to disadvantaged communities and groups[12]. These near- and long-term outcomes may include, but are not limited to: a decrease in the percent of income a household spends on energy costs (energy burden); an increase in access to low-cost capital; a decrease in environmental exposure and burdens; increases in clean energy enterprise creation and contracting (e.g., local businesses, women or minority-owned business enterprises); increased parity in clean energy technology access and adoption; increases in energy democracy, including Tribal Nation and community ownership of project assets; and an increase in energy and climate resilience.

Applicants should describe the influencing factors and the most likely energy equity implications of the proposed research. Applicants should describe any long-term constraints the proposed technology may pose to communities' access to natural resources and Tribal cultural resources. There may be existing equity research available to use and cite in this description. For each anticipated benefit of the research to disadvantaged communities, the Applicant should describe the disadvantaged communities that will benefit; how the benefit will be delivered (e.g., direct or indirect, who will deliver); when the benefit will be delivered; potential milestones towards benefit delivery; and metrics that could be used to track and report on the benefit.

[11] https://www.whitehouse.gov/environmentaljustice/justice40/

[12] Applicants should use the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool (CEJST), a geospatial mapping tool used by federal agencies, as the primary tool to identify disadvantaged communities.

D. Workforce Implications

This section should articulate the future workforce implications of the innovation. This includes documenting the skills, knowledge, and abilities that would be required of workers installing, maintaining, and operating the technology that may be derivative of the Applicant's research, as well as the training pathways and their accessibility for workers to acquire the necessary skills.

There may be field-specific or relevant existing research that could be cited in this section. In addition, Applicants could detail the process they will use to evaluate long-term impacts on jobs, including job growth or job loss, a change in job quality, disruptions to existing industry, and resulting changes to relationships between employers and employees, improvements or reductions in the ability of workers to organize for collective representation, and anything else that could result in changes to regional or national labor markets.

E. Summary Table: Community Benefits Outcomes and Objectives

This table should be filled in to reflect the commitments and relevant time-based milestones covered through this document. The CBP may include multiple milestones but should have at least one SMART milestone per budget period as well as one SMART end of project goal. As permitted by prevailing law this table will be included by reference in the SOPO.

Do not include:

- *Specific dates – only include general time frames (i.e. Demonstrate XYZ result by Month 3, not Demonstrate XYZ by June 8th, 2013)*
- *Subcontractors, vendors, or individuals by name. The award is provided to the Prime Recipient and, as such, the CBOO should not generally reference subcontractors.*

	S	**M**	**A**	**R**	**T**
	Specific	Measurable	Achievable	Relevant	Timely
Milestone No.	*What needs to be accomplished?*	*What measures and deliverables will be used to track progress toward accomplishment?*	*What evidence suggests that the accomplishment is achievable?*	*Why choose this milestone?*	*When will the milestone be reached?*
Diversity, Equity, Inclusion, and Accessibility					
B.1					
B.2					
… etc.					
Justice40 Initiative					
C.1					
C.2					

… etc.					
Workforce Implications					
D.1					
D.2					
… etc.					