

**FINANCIAL ASSISTANCE  
FUNDING OPPORTUNITY ANNOUNCEMENT (FOA)**



**U. S. Department of Energy  
Idaho Operations Office  
U.S. Industry Opportunities for  
Uranium Production Technology Development**

**Funding Opportunity Number: DE-FOA-0002491**

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**Amendment 000001 (06/10/2021)**

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**Application Due Date: June 25, 2021, 7:00 PM Eastern Daylight Time**

**The following changes were incorporated with Amendment 000001 (06/10/2021):**

- Make administrative changes, such as spelling, format, clarifications etc.
- Section III.A. “Eligible Applicants” was updated to clarify eligibility.
- Section V.A.2. “Merit Review Criteria” was updated to include the relative weight for each criterion.

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## **Section I - FUNDING OPPORTUNITY DESCRIPTION**

### **A. DESCRIPTION**

The Department of Energy (DOE), Office of Nuclear Energy (NE), Office of Nuclear Fuel Cycle and Supply Chain (NE-4), conducts Research and Development (R&D) focused on technological advances for the front and back end of the nuclear fuel cycle. One area of research includes Uranium Mining, Conversion, and Transportation (UMCAT) R&D activities. The goal of this program is to fund R&D for technological advances that benefit the front end of the nuclear fuel cycle and enable competitive domestic uranium production and supply chain stability.

The purpose of this Funding Opportunity Announcement (FOA) is to fund projects that enable cost competitive domestic uranium production and conserve water. Specifically, this FOA seeks proposals for R&D projects focused on uranium mining water treatment technologies that reduce the volume of water usage associated with and/or improve extraction efficiency and resource utilization for uranium production. This may include subsurface in situ treatment as well as surface treatment processes for in situ recovery (ISR) and processing facilities, as well as conventional mines and mills.

Applicants are invited to provide a proposed project with a project period of up to two years that supports the objective of achieving cost-reducing water treatment technologies, which could be employed rapidly following the successful completion of the FOA. The proposed project should show how the proposed work addresses current gaps in technology. Proposals should demonstrate reduction in water use, reduced costs, and/or improvements to resource utilization and efficiencies in uranium production. Proposals should demonstrate the ability of proposed technologies and improvements to be adopted quickly by U.S. uranium producers following the completion of the project. The ability for rapid adoption includes the ability of new technologies to meet or exceed all pertinent federal, state, and local environmental regulations governing water treatment and use.

### **B. AUTHORIZING STATUTES AND REGULATIONS**

The programmatic authorizing statutes are Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq. and the Department of Energy Organization Act of 1977, 42 U.S.C. §§ 7101 et seq.

Funding for the cooperative agreement(s) awarded under this FOA is subject to Congressional appropriations. The cooperative agreement(s) will be awarded in accordance with Title 2 of the Code of Federal Regulations, Chapter II Subchapter H, Part 200 (2 CFR part 200) and Chapter II Subchapter H, part 910 (2 CFR part 910).

## **Section II - AWARD INFORMATION**

### **A. TYPE OF AWARD INSTRUMENT**

DOE will award up to two cooperative agreements under this FOA. The recipient(s) for this award may partner with DOE National Laboratories, universities, non-profit organizations, and for-profit organizations.

### **B. ESTIMATED FUNDING**

DOE expects to make available approximately \$1,400,000 of federal funding over a period of two years for award(s) under this FOA.

### **C. MAXIMUM AND MINIMUM AWARD SIZE**

Ceiling (i.e., the maximum amount for an individual award made under this announcement):

\$1,750,000

Floor (i.e., the minimum amount for an individual award made under this announcement):

\$ None

The ceiling, which is the maximum amount for an individual award made under this announcement, is \$1,750,000. The ceiling includes up to \$1,400,000 of government funds and the awardee's 20% cost share requirement. In the event an applicant proposes more than a 20% cost share, the maximum amount for the award may exceed the ceiling; however, the Government's portion shall not exceed \$1,400,000 for this award. (This is subject to the cost share requirements of Section III.)

There is no floor amount, which is the minimum amount for an individual award made under this announcement.

### **D. EXPECTED NUMBER OF AWARDS**

DOE anticipates making one or two awards under this FOA. Depending on the quality of the submissions and the availability of funds, DOE reserves the right to make fewer or no awards under this announcement.

### **E. ANTICIPATED AWARD SIZE**

The anticipated individual award size is approximately \$700,000 per award, up to two awards, or \$1,400,000 for one award, excluding cost share, but individual awards may be higher or lower, as proposed by the applicant.

**F. PERIOD OF PERFORMANCE**

DOE anticipates making awards for an estimated project period of up to two years, with an anticipated start date of approximately 4 months after the application deadline. Applicants may propose project periods of two years or less.

**G. TYPE OF APPLICATION**

DOE will accept only new applications under this announcement.

### **Section III - ELIGIBILITY INFORMATION**

#### **A. ELIGIBLE APPLICANTS**

To be considered for evaluation, an applicant's submission must meet the criteria set forth in this FOA. If the application does not meet these requirements, it will be considered nonresponsive, removed from further evaluation, and ineligible for an award. Throughout this document, unless stated otherwise, requirements of the "applicant" must be met by the prime recipient.

This FOA provides award opportunities to U.S. owned industry company where U.S. included the several States, the District of Columbia, and all commonwealths, territories, and possessions of the United States.

For the purposes of this FOA, a U.S. owned company means a company that is either –

- (i) Owned by U.S. persons; or
- (ii) Incorporated or organized under the laws of any U.S. State.

For the purposes of this FOA, a U.S. owned company may have a parent company, which is incorporated or organized under the laws of a country which –

- (a) Affords to U.S. owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those authorized under the Energy Policy Act of 1992<sup>1</sup>;
- (b) Affords to U.S. owned companies local investment opportunities comparable to those afforded to any other company; and
- (c) Affords adequate and effective protection for the intellectual property rights of U.S. owned companies.

DOE has restricted eligibility for award in accordance with 2 CFR 910.126(b). It has been determined necessary to restrict eligibility to apply as a prime recipient to entities meeting the definition above. Foreign governments, foreign entities, foreign public entities, foreign organizations, state and local governments, institutes of higher education and Federally Funded Research and Development Centers/National Laboratories (FFRDC/NL) are not eligible to participate as a prime applicant. This eligibility restriction does not apply to subrecipients, subawards, vendors, or team members of the prime/lead applicant.

All applicants must disclose any percentage of foreign ownership or interest in its company. See Section IV.C. Table, form 17.

#### **B. FFRDC/NL**

An applicant may propose a DOE/National Nuclear Security Administration (NNSA) FFRDC/NL contractor as a subrecipient to an entity's application subject to the following guidelines:

- Authorization for DOE/NNSA FFRDC/NL. The cognizant contracting officer for the FFRDC/NL must authorize in writing the use of a DOE/NNSA FFRDC/NL contractor on the proposed project and this authorization must be submitted with the application. The following wording is acceptable for this authorization.

---

<sup>1</sup> Energy Policy Act of 1992, 42 U.S.C. § 13525 (1992).

"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 assigned programs at the laboratory, and will not place the laboratory in direct competition with the domestic private sector."

- **Value/Funding.** The value of, and funding for, the FFRDC/NL contractor portion of the work will not be included in the award amount to a successful applicant. DOE/NNSA will fund a DOE/NNSA FFRDC/NL contractor through the DOE field work proposal system and other FFRDC/NL contractors through an interagency agreement with the sponsoring agency.
- **Cost-share.** The applicant's cost-share requirement will be based on the total cost of the project, this includes the applicant's and the FFRDC/NL contractor's portions of the effort.
- **Scope of Work.** The scope of work to be performed by the FFRDC/NL contractor must not be more significant than the scope of work to be performed by the applicant.
- **Responsibility.** The applicant, if successful, will be the responsible authority (prime recipient) 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 contractor.

### **C. COST SHARING**

The cost share must be at least 20% of the total allowable costs for R&D projects and must come from non-federal sources unless otherwise allowed by law. See 2 CFR part 200 and 2 CFR part 910 [DOE Financial Assistance Regulations] for the applicable cost sharing requirements. See also part VIII.E of this FOA, 2 CFR 200.306, and 2 CFR 910.130 for specific information on cost sharing requirements.

DOE will not reimburse an applicant at a higher cost share portion in the beginning budget periods of the project with the condition that the applicant catches up its proposed cost share contribution in later budget periods. Applicants shall provide the minimum, or higher if proposed, cost share amount throughout the term of the award. For each invoice submitted to DOE for payment, the awardee will be required to pay at least 20% of the total submitted invoice cost.

## **Section IV - APPLICATION AND SUBMISSION INFORMATION**

### **A. ADDRESS TO REQUEST APPLICATION PACKAGE**

The application forms and application package submission instructions are available online at <http://www.grants.gov>. To access these materials, go to <http://www.grants.gov>, select “FORMS” and then select “R&R Family.” (R&R is Research and Related.)

### **B. LETTER OF INTENT AND PRE-APPLICATION**

#### **1. LETTER OF INTENT**

Letters of Intent are not required.

#### **2. PRE-APPLICATION**

Pre-applications are not required.

### **C. CONTENT AND APPLICATION FORMS**

Applications must conform to the following requirements:

- Applicants must complete all 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.
- Document format: Each document must be submitted in Adobe Portable Document Format (PDF), except for spreadsheets, unless otherwise specified in this announcement.
- Spreadsheet format: All spreadsheets must be created and submitted in a Microsoft Excel file format. Do **NOT** lock any cells in the spreadsheet.
- Language: Each document must be written in English.
- All non-budget documentation (use templates where provided) must be prepared using standard 8.5” by 11” paper with 1” margins (top, bottom, left, right), using a font size no smaller than Times New Roman 11 point.

- Limit: Each submission must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs, when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths, **evaluators will review only the authorized number of pages and disregard any additional pages.**
- DOE will not review or consider incomplete or noncompliant applications.
- Each application shall be limited to a single concept or technology. Unrelated concepts and technologies shall not be consolidated in a single application.
- Applications must include the documentation specified in the table below (if applicable). Detailed guidance on the content and form of each application component follows the table.

**Note:** Applicants must access document formats labeled as “Form” at: <http://www.grants.gov>, select “FORMS” and then select “R&R Family.” Applicant must create documents in Word format and then save in PDF format.

|    | <b>Name of Document</b>                                                                                                                                                                                                                                    | <b>Format</b> | <b>Required From</b>                            |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------|
| 1  | Conflict of Interest Acknowledgement<br>(Attach to Research and Related Other Project Information, 12. Other Attachments)                                                                                                                                  | PDF           | Affirmed by Lead Applicant for all Participants |
| 2  | SF 424 (R&R) (Application)                                                                                                                                                                                                                                 | Form          | Lead Applicant                                  |
| 3  | Research and Related Other Project Information                                                                                                                                                                                                             | Form          | Lead Applicant                                  |
| 3a | Project Summary/Abstract <b>(1 page limit)</b><br>(Attach to Research and Related Other Project Information, 7. Project Summary/Abstract)                                                                                                                  | PDF           | Lead Applicant                                  |
| 3b | Project Narrative File <b>(30 page limit)</b><br>(Attach to Research and Related Other Project Information, 8. Project Narrative. A separate attachment is not needed for 9. Bibliography & References Cited. This is part of the Project Narrative File.) | PDF           | Lead Applicant                                  |
| 4  | Project Management Plan <b>(15 page limit)</b><br>(Attach to Research and Related Other Project Information, 12. Other Attachments)                                                                                                                        | PDF           | Lead Applicant                                  |
| 5  | Research and Related Senior/Key Person Profile (Expanded) <b>(2 page limit each)</b><br>(Attach Resume / Vitae – Technical Expertise and Qualifications to Biographical Sketch field)                                                                      | PDF           | Lead Applicant and Collaborators                |

|    | <b>Name of Document</b>                                                                                                                                                                                                                                               | <b>Format</b> | <b>Required From</b>                                                                |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------|
| 6  | Benefit of Collaborations ( <b>4 page limit</b> )<br>(Attach to Research and Related Other Project Information, 12. Other Attachments)                                                                                                                                | PDF           | Lead Applicant                                                                      |
| 7  | Capabilities ( <b>5 page limit</b> )<br>(Attach to Research and Related Other Project Information, 12. Other Attachments. Separate attachments for 10. Facilities & Other Resources and 11. Equipment are not needed. These are part of the Capabilities attachment.) | PDF           | Lead Applicant                                                                      |
| 8  | Research & Related Budget (Total Fed + Non-Fed)                                                                                                                                                                                                                       | Form          | Lead Applicant and Subrecipients                                                    |
| 8a | R&R Subaward (Total Fed + non-Fed) Attachment Form                                                                                                                                                                                                                    | Form          | Lead Applicant and Subrecipients                                                    |
| 9  | Budget for DOE National Laboratory Contractor or FFRDC/NL (if applicable) and Letter of Authorization from Cognizant Contracting Officer<br>(If applicable, attach to Research and Related Other Project Information, 12. Other Attachments)                          | PDF           | National Laboratory Leads and Collaborators<br>(Including non-funded Collaborators) |
| 10 | Budget Justification Document<br>(Attach to Research & Related Budget (Total Fed + Non-Fed), L. Budget Justification)                                                                                                                                                 | PDF           | Lead Applicant and Collaborators                                                    |
| 11 | Current and Pending Support ( <b>5-page limit</b> )<br>(Attach to Research & Related Senior/Key Person Profile (Expanded))                                                                                                                                            | PDF           | Lead Applicant and Collaborators                                                    |
| 12 | Project/Performance Site Location(s)                                                                                                                                                                                                                                  | Form/<br>PDF  | All sites performing work                                                           |
| 13 | SF-LLL Disclosure of Lobbying Activities<br>(If applicable, attach to SF 424, 18. SFLLL)                                                                                                                                                                              | PDF           | Lead Applicant                                                                      |
| 14 | Waiver Requests: Performance of Work in the United States<br>(If applicable, attach to Research and Related Other Project Information, 12. Other Attachments)                                                                                                         | PDF           | Lead Applicant                                                                      |
| 15 | Funding Commitment Letters from Third Parties Contributing to Cost Sharing<br>(If applicable, attach to Research and Related Other Project Information, 12. Other Attachments)                                                                                        | PDF           | Lead Applicant                                                                      |
| 16 | Past Performance                                                                                                                                                                                                                                                      | PDF           | Lead Applicant and Collaborators                                                    |

|    | <b>Name of Document</b>                                                                                                    | <b>Format</b>                                   | <b>Required From</b>             |
|----|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------------------------|
|    | (Attach to Research and Related Other Project Information, 12. Other Attachments)                                          |                                                 |                                  |
| 17 | Foreign Interest/Ownership Disclosure<br>(Attach to Research and Related Other Project Information, 12. Other Attachments) | PDF                                             | Lead Applicant and Collaborators |
| 18 | Certifications and Assurances                                                                                              | See #2 below for directions to obtain this form | Lead Applicant                   |

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

### **1. CONFLICT OF INTEREST ACKNOWLEDGEMENT**

Conflicts of interest (COI) may exist due to previous efforts performed by the Labs or assistance provided in program direction and other mission related activities. A file that explains the conflict must be attached, which includes a statement identifying the potential conflict and how the potential conflict will be avoided, neutralized, or mitigated. This document must be attached even if the conflict appears to be insignificant. If no COI exists, include a written statement that there is no COI.

For each subapplicant that is DOE/NNSA FFRDC/NL or non-DOE FFRDC/NL, identify any potential COI, fully explain the conflict, whether you feel it is significant or not, along with your rationale and, if significant, how you will avoid, neutralize, or mitigate the potential conflict.

### **2. SF 424 (R&R)**

Complete this form first to populate data in other forms. Complete all the required fields in accordance with the pop-up instructions on the form. The list of certifications and assurances referenced in Field 17 can be found on the DOE Financial Assistance Forms Page at <http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms> under Certifications and Assurances.

### **3. RESEARCH AND RELATED OTHER PROJECT INFORMATION**

On the form, complete questions 1 through 6 and attach files. The files must comply with the following instructions:

#### **a. Project Summary/Abstract**

The project summary/abstract must contain a 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 Principal Investigator(s) (PI) and Co-PI(s);

the project title; a list of major deliverables; the scope and objectives of the project; a description of the project, including major tasks (phases, planned approach, etc.) and methods to be employed; the potential impact of the project (i.e., benefits, outcomes); and major participants (for collaborative projects). This document must not include any proprietary or sensitive business information as DOE may make it available to the public. 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.

b. Project Narrative File

The project narrative must include:

- 1) Narrative Cover Page which must indicate:
  - a) The name and type of organization;
  - b) The FOA announcement number;
  - c) The project title;
  - d) The technical and business points of contact for the applicant, denoting the names, titles, addresses, telephone and facsimile numbers, and e-mail addresses;
  - e) PI's name, telephone number, facsimile number, e-mail address, and organization name/unit; and
  - f) Names of team/partnership/consortium members and funding split.
- 2) Project Objectives. This section should provide a clear, concise statement of the specific objectives/aims of the proposed project and a concise description on the proposed project.
- 3) Merit Review Criterion and Other Selection Factors Discussion: This section should be formatted to address each of the merit review criterion and sub-criterion listed in Section V.A, as well as each Other Selection Factors. In addressing the merit review criterion and sub-criterion, applicants are encouraged to reference any correlation between the responses provided under this item, and the responses provided for other information requests, including technical concept descriptions and applicable elements of the technical description as discussed below. Applicants shall provide enough information so that reviewers will be able to evaluate the application in accordance with these merit review criteria and Other Selection Factors. DOE WILL EVALUATE AND CONSIDER ONLY THOSE APPLICATIONS THAT ADDRESS SEPARATELY EACH OF THE MERIT REVIEW CRITERION AND SUB-CRITERION AND OTHER SELECTION FACTORS.
- 4) Relevance and Outcomes/Impacts: Should explain the relevance of the near-term project plan to the objectives of the longer-term program plan and 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.

- 5) Roles of Participants and Key Personnel: Describe the roles and the work to be performed by each organization (including estimates of percentages of total project effort to be accomplished by each participant), business agreements between the applicant and participants, and how the various efforts will be integrated and managed. This will include identification of work to be accomplished by FFRDCs/NLs and indication of which FFRDCs/NLs will be used.
- 6) If applicable, Multiple PIs: The applicant, whether a single organization or team/partnership/consortium, must indicate if the project will include multiple PIs. While DOE's preference is to have only one PI specified, this decision is solely the responsibility of the applicant; having multiple PIs specified will not affect the selection for award of applications submitted in response to this FOA.

If multiple PIs will be designated, the application must identify the Contact PI/Project Coordinator and provide a "Coordination and Management Plan" (4-page limit) that describes the organization structure of the project as it pertains to the designation of multiple PIs. This plan, at a minimum, will include:

- a. process for making decisions on scientific/technical direction;
  - b. publications;
  - c. intellectual property issues;
  - d. communication plans;
  - e. procedures for resolving conflicts; and
  - f. PIs' roles and administrative, technical, and scientific responsibilities for the project.
- 7) Facilities and Other Resources: Identify the facilities (e.g., office, laboratory, computer, testing, etc.) to be used at each performance site listed and, if appropriate, indicate capacities, pertinent capabilities, relative proximity, and extent of availability to the project. Describe only those resources that are directly applicable to the proposed work.
  - 8) Equipment: List critical items of equipment (e.g., items involved in key test programs or important long-lead procurements) required for successful completion of this project and identify whether the item of equipment is already available or proposed for acquisition, the pertinent capabilities of each, the location of available equipment and the estimated acquisition cost of equipment proposed for acquisition.
  - 9) Statement of Project Objectives: The project narrative must contain a single, detailed Statement of Project Objectives (SOP) that addresses how both the

near-term, short-term and project objectives will be met. The SOPO must contain a clear, concise description of all activities to be completed during project performance and follow the structure discussed below. The SOPO may be released to the public by DOE in whole or in part at any time. Therefore, it is required that it shall not contain proprietary or confidential business information.

Applicants shall prepare the SOPO in the following format:

**TITLE OF WORK TO BE PERFORMED**

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

**A. OBJECTIVES**

Include one paragraph on the overall objective(s) 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.

**C. TASKS TO BE PERFORMED**

Tasks, concisely written, should be provided in a logical sequence, and should be divided into the project phases, as appropriate. This section should provide a brief summary of the planned approach to this project.

**D. DELIVERABLES**

The periodic, topical, and final reports shall be submitted in accordance with the attached Appendix A, “Federal Assistance Reporting Checklist,” and the instructions accompanying the checklist.

[Note: The Recipient shall provide a list of deliverables other than those identified on the “Federal Assistance Reporting Checklist” that will be delivered, including the expected delivery dates. These reports shall also be identified within the text of the Statement of Project Objectives.] See the following examples:

1. Task 1.1 - (Report Description)
2. Task 2.2 - (Report Description)

#### **4. PROJECT MANAGEMENT PLAN**

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. Risk Management: 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. As a minimum, include the initial identification of significant technical, resource, and management issues that have the potential to impede project progress and strategies to minimize impacts from those issues.
- c. Milestone Log: Provide milestones for each budget period (or phase) of the project. Each milestone should include a title and planned completion date. Milestones should be quantitative and show progress toward budget period and/or project goals.

Note: During project performance, the recipient will report the Milestone Status as part of the required quarterly Progress Report as prescribed under the Reporting Requirements Checklist. The Milestone Status will present actual performance in comparison with Milestone Log, 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.
- d. Funding and Costing Profile: Provide a table (the Project Funding Profile) that shows, by budget period, the amount of government funding going to each project team member. Also provide a table (the Project Costing Profile) that projects at a minimum the monthly expenditure of government funds for the first budget period.
  - e. 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 and end date. The timeline should show interdependencies between tasks and include the milestones that are identified in the Milestone Log (Section 4.c.).
  - f. Success Criteria at Decision Points: Provide success criteria for each decision point in the project, including go/no-go decision points and the conclusions of budget periods and the entire project. 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 schedule and budget variances.

## **5. RESEARCH AND RELATED SENIOR/KEY PERSON PROFILE (EXPANDED) – (RESUME/VITAE TECHNICAL EXPERTISE AND QUALIFICATIONS)**

Applicant shall name all teaming partners by name and organization, as well as their proposed roles and responsibilities. For collaborators (including senior key person) who will contribute in a substantial, measurable way to the project (including for subrecipients and consultants), the applicant shall provide a brief vita that lists the following:

- Contact information.
- Education and Training: Provide institution, major/area, degree, and year for undergraduate, graduate, and postdoctoral training.
- Research and Professional Experience: Beginning with the current position list, in chronological order, professional/academic positions with a brief description.
- 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.
- Patents, copyrights, and software systems developed may be provided in addition to or substituted for publications.
- Synergistic Activities: List no more than five professional and scholarly activities related to the effort proposed.

Technical expertise and qualifications are to be provided for individual participants, whether the participant is receiving funding or not (including consultants or FFRDC/NL personnel). All participants making a defined, material contribution that is critical to the success of the project must be listed on the online application. A separate resume/vita for each individual collaborator must be uploaded to the application website.

## **6. BENEFITS OF COLLABORATORS**

The applicant shall provide a narrative that includes an explanation of the contribution that will be made by the collaborating organizations and/or facilities to be utilized. Please indicate within this section if the application has benefit or influence on other ongoing or proposed NE R&D projects.

## **7. CAPABILITIES**

Infrastructure Requirements: The applicant shall identify the infrastructure (e.g., facilities, equipment, instrumentation, and other resources) required to execute the proposed scope of work, including its location, availability, capabilities, and how it will be used in the project. Describe the non-labor (e.g., facilities, equipment, and instrumentation) resources that are available and accessible to the applicant and are required to execute the scope of work. Describe any unique equipment and facilities that are needed, are accessible, and will be used to execute the scope of work. Discuss the adequacy of these resources and identify any gaps and how these will be addressed.

This FOA allows the applicant to propose the purchase of any needed equipment to conduct the proposed work. If equipment purchases are proposed, describe comparable equipment, if any, already available and explain why it cannot be used.

Facilities & Other Resources: Describe the capability of the organizational resources, including subrecipient resources, available to perform the effort proposed. Identify the facilities to be used (laboratory, computer, office, clinical, and other). If appropriate, indicate capacities, pertinent capabilities, relative proximity, and extent of availability to the project. Describe only those resources that are directly applicable to the proposed work. Describe other resources available to the project (e.g., machine shop, electronic shop) and the extent to which it would be available to the project.

Equipment Appendix: If applicable provide a list of major items or equipment already available for this project and, if appropriate, identify location and pertinent capabilities.

## **8. RESEARCH AND RELATED BUDGET (TOTAL FED + NON-FED FORM)**

The name of the form on Grants.gov is Research and Related Budget (Total Fed + Non-Fed). Complete the form in accordance with the instructions on the form (Activate Help Mode to see instructions) and the following instructions. You must complete a separate budget for each year of support requested. The form will generate a cumulative budget for the total project period. You must complete all the mandatory information on the form before the NEXT PERIOD button is activated. You may request funds under any of the categories listed 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.

### **8a. R&R SUBAWARD (Total Fed + Non-Fed) ATTACHMENT(s) FORM**

Provide a separate cumulative R&R budget for each subrecipient, other than DOE/NNSA FFRDC/NL contractors, expected to perform work estimated to be more than \$250,000 or 50 percent of the total work effort (whichever is less). Use the same R&R budget (total Fed + Non-Fed) form (the same form the prime applicant uses) and e-mail the form to each subrecipient that is required to submit a separate budget. After the subrecipient has e-mailed its completed budget back, attach it to one of the blocks provided on the form. Use up to 10 letters of the sub-awardee's name as the file name.

## **9. BUDGET FOR DOE/NNSA FFRDC/NL CONTRACTOR**

If a DOE/NNSA FFRDC/NL contractor is applying as a collaborator, it must provide a DOE Field Work Proposal (FWP), in accordance with the requirements in DOE Order 412.1A, Administrative (Admin) Change 1, Work Authorization System, dated May 21, 2014. Include an FFRDC/NL budget justification, to include a breakdown of the cost categories and rationale regarding the necessity of the expenditures, as well as the basis of estimate for each of the budget cost categories (e.g., labor, travel, materials, etc.).

FWPs will be provided by the respective FFRDC/NL financial administrators. FRDC/NL are permitted to propose costs in accordance with their established DOE contracts (e.g., overhead, fees, etc.). Normally no justification is required for FFRDC/NL rates (direct costs, indirect costs, and fee) as these are already pre-established on the FFRDC/NL contract.

Written authorization for the use of the FFRDC/NL contractor on the proposed project from the contracting officer of the federal agency sponsoring the FFRDC/NL contractor must be submitted with the application. (See Section III.B.)

## **10. BUDGET JUSTIFICATION DOCUMENT**

Provide the required supporting information for all proposed costs such as: equipment; domestic and foreign travel; participant/trainees; material and supplies; publication; consultant services; ADP/computer services; subaward/consortium/contractual; equipment or facility rental/user fees; alterations and renovations; and indirect cost type. Provide any other information you wish to submit to justify your budget request. Attach a single budget justification document file for the entire project period in Field L of the Research & Related Budget (Total Fed + Non-Fed). The file automatically carries over to each budget year. Therefore, only attach one budget justification document to cover all the award budget periods.

The budget is the financial plan for the proposed project. Following selection of applications for award consideration, but prior to the award being made, DOE will perform a budget review to determine whether the proposed activities are supported by adequate resources in this plan, as well as to verify cost data, including that specific elements of the proposed budget are allowable, allocable, reasonable, and are consistently treated in accordance with generally accepted accounting principles and applicable cost principles. Both the applicant's budget, as well as all subrecipient's budgets (over \$250,000), will be reviewed from both a technical and cost perspective. This evaluation will provide a comparison between the budget and the project narrative. Subrecipient budget justifications must also be submitted for subrecipient proposed budgets over \$250,000.

DOE will not conduct a budget review of subcontractor costs. However, prime award recipients will be required to explain how they determined subcontractor costs to be fair and reasonable. The technical review will also include reviewing subcontractor proposals and scope of works to determine if the proposed scope to be performed by the subcontractor supports the award's overall project scope. All award amounts for subcontracts will have a technical review of the proposed scope of work. Please ensure the scope of work to be performed by subcontractors is discussed in the project narrative.

In order to permit DOE to conduct budget reviews and to ensure that the issuance of the award will not be delayed, the applicant must provide a budget justification, including supporting information. Provide the following for supporting information for the budget justification:

- 1) General
  - a) Applicant assessment of how the total project cost is reasonable for the effort.

- b) Applicant assurance that all costs proposed are:
    - i) In accordance with any limitations, exclusions, or special conditions set forth in the FOA;
    - ii) In accordance with generally accepted accounting and applicable costs principles; and
    - iii) Allocable and allowable.
  - c) Specify whether your proposed indirect rates have been audited and approved, include a copy of the audit or information on where the audit can be obtained by DOE.
  - d) If the applicant is in a partnership or consortium, describe the relationships among each member and specify how this is included in the budget.
- 2) Personnel
- a) Identify individuals or positions, describe the different levels of personnel required (experience/skill/education, etc.), and state time commitment percentages for individuals and/or positions working on the forthcoming DOE award.
  - b) State rates/compensation to be paid to individuals or positions. In the budget justification document explain how each labor rate(s) are established. Also explain how the labor rates were determined to be fair and reasonable.
- 3) Other Direct Costs
- a) Travel: If travel is proposed, provide the following data on a Microsoft Excel spreadsheet:
    - i. Identify the proposed trips; specify the purpose of the trip, as well as the number of people traveling on each trip, the number of days per trip, and an explanation of why the specified number of travelers is required for each trip.
    - ii. Specify whether the travel costs proposed are consistent with the applicant's established travel policy; include a copy of the relevant portions of the travel policy or specify where DOE can access the travel policy.
    - iii. Estimated airline cost and an explanation on how airline ticket cost was estimated for each trip; if business or first-class airfares are included, provide a complete justification for the additional cost.
    - iv. Identify city pairs, to include cities leaving from and destination cities.
    - v. Federal Travel Regulation daily approved per diem rates for each destination city (travel day costs can't be higher than 75% of the destination city per diem rate).
    - vi. Federal Travel Regulation daily incidental rates for each destination city.
    - vii. Federal Travel Regulation maximum hotel rates for each destination city.
    - viii. If applicable, estimated car rental costs, estimated car fuel costs for each trip, estimated parking fees or other costs such as tolls.
    - ix. If applicable, estimated train, taxi, or other transportation costs.

- b) Equipment: For proposed equipment, provide the following:
  - i. Explain the need for the equipment and clearly indicate the unit cost for each item to be purchased; and
  - ii. Explain how the cost estimates for equipment purchases are established and how the cost estimates were determined to be fair and reasonable.
- c) Other direct costs: If any other direct costs are proposed, identify such costs, and provide an explanation/justification for each cost, such as what is required in paragraphs 3.a) and 3.b) above.
- 4) Subrecipients: See Section IV number 10 above for a discussion of subrecipient budget justifications.
- 5) Subcontractors: Describe the goods or services to be acquired and justify how the costs were determined fair and reasonable in accordance with the awardee's 2 CFR 200 Procurement Standards. Prime awardees must have a DOE approved procurement standard as outlined in 2 CFR 200.317 through 200.326. If the prime awardee does not possess an approved procurement standards document at time of award selection, the prime award recipient will be given time before the award is approved to create the procurement standard document. Award selection cannot be completed until the prime recipient's procurement standard document is submitted to DOE (the award administrator) and then reviewed and approved by DOE.

## **11. CURRENT AND PENDING SUPPORT**

Provide a list of all current and pending support (both federal and non-federal) for the PI(s) and senior/key persons, including subrecipients, for ongoing projects and pending applications. For each organization providing support, show the total award amount for the entire award period (including indirect costs), the length of term, and the number of person-months per year to be devoted to the project by the senior/key person. Concurrent submission of an application to other organizations for simultaneous consideration will not prejudice its review.

## **12. PROJECT/PERFORMANCE SITE LOCATION(S)**

Indicate the primary site where the work will be performed. 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.

### **13. DISCLOSURE OF LOBBYING ACTIVITIES (SF-LLL)**

If applicable, complete SF-LLL. Applicability: if any funds other than Congressionally appropriated federal 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 or cooperative agreement, you must complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying."

### **14. WAIVER REQUEST: PERFORMANCE OF WORK IN THE UNITED STATES**

Requirement: All work under DOE awards 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. The prime recipient must flow down this requirement to its subrecipients.

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 if the work is performed by the prime recipient, subrecipients, contractors, or other project partners.

Waiver: 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 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 a waiver 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 United States ("foreign work");
- A description of the work proposed to be performed outside the United States;
- 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 United States economy;
- The associated benefits to be realized and the contribution to the project from the foreign work;

- How the foreign work will benefit United States research, development and manufacturing, including contributions to employment in the United States and growth in new markets and jobs in the United States;
- 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.

DOE may require additional information before considering the waiver request. The applicant has no right to appeal DOE's decision concerning a waiver request.

## **15. FUNDING COMMITMENT LETTERS FROM THIRD PARTY CONTRIBUTING TO COST SHARING**

If applicable, at the time the application is submitted it must include a letter from each third party (i.e., a party other than the organization submitting the application). The letter must state that the third party is committed to providing a specific minimum dollar amount of cost sharing. Submitting the application provides assurance that the letters of commitment have been signed.

In an appendix to the Budget Justification, the following information for each third party contribution to cost sharing must be identified: (1) the name of the organization; (2) the proposed dollar amount to be provided; (3) the amount as a percentage of the total project cost; and (4) the proposed cost sharing – cash, services, or property; and (5) must be signed. Successful applicants must provide the signed letters of commitment.

## **16. PAST PERFORMANCE**

Applicants must submit data on past performance that demonstrates the applicant team (not required for FFRDC/NL) has demonstrated successful experience/past performance, knowledge and understanding of the business and regulatory requirements for projects of similar size, scope and complexity in achieving project technical success within budget and on time with no significant safety and quality issues.

## **17. FOREIGN GOVERNMENT OWNERSHIP DISCLOSURE**

Applicants must disclose to the DOE all foreign interest in applicant's company or corporation, as defined in this FOA. In this FOA, foreign interest is defined as: all *foreign government ownership, investment, interest, and/or influence*, as well as *foreign nongovernment public, private ownership, interest, and/or investment* in an applicant's company or corporation. Foreign interest applies at all levels of the corporate structure, including the executive and board levels, from parent (e.g., trust, holding company, corporation, etc.) to subsidiary, as well as ancillary levels, regardless of the applicant entity's place of incorporation and operation. Moreover, foreign interest includes, but is not limited to, political influence and participation in foreign

talent recruitment programs. A foreign government is defined as a non-United States government. Applicants with no foreign interest, as defined in this FOA, shall certify to the DOE in writing that they have none.

## **18. CERTIFICATIONS AND ASSURANCES**

See Section IV.C.2.

### **D. SUBMISSIONS FROM SUCCESSFUL APPLICANTS**

If selected for award, DOE/NNSA reserves the right to request additional or clarifying information for any reason deemed necessary, including, but not limited to:

- 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)
- Representation of Limited Rights Data and Restricted Software, if applicable
- Commitment Letter from Third Parties Contributing to Cost Sharing, if applicable
- Policies and Procedures (i.e., Procurement, Property, Travel, Financial Reporting, etc.) and other business information required to complete a risk assessment (and responsibility determination in accordance with 2 CFR 200, Subpart D).

### **E. SUBMISSION DATES AND TIMES**

#### **1. PRE-APPLICATION DUE DATE**

Not applicable.

#### **2. APPLICATION DUE DATE**

Applications must be received by June 25, 2021, no later than 7:00 PM Eastern Daylight Time (EDT) in accordance with Section IV instructions. Applicants are encouraged to transmit applications well before the deadline. APPLICATIONS RECEIVED AFTER THE DEADLINE WILL NOT BE REVIEWED OR CONSIDERED FOR AWARD.

### **F. INTERGOVERNMENTAL REVIEW**

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

### **G. FUNDING RESTRICTIONS (DECEMBER 2014)**

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.

Cost Principles. 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 [DOE Financial Assistance Regulation]. The cost principles for commercial organization are in FAR Part 31.

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.

## **H. OTHER SUBMISSION AND REGISTRATION REQUIREMENTS**

### **1. WHERE TO SUBMIT**

Applications must be submitted in Grants.gov on or before the application due date of June 25, 2021.

### **2. REGISTRATION PROCESS**

#### **ONE TIME REGISTRATION PROCESS**

You must COMPLETE the one-time registration process (all steps) before you can submit your first application through Grants.gov (See [http://www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp)). We recommend that you start this process at least six weeks before the application due date. It may take 44 days or more to complete the entire process. See the Grants.gov web page for Registering as an Organization at <http://www.grants.gov/web/grants/applicants/organization-registration.html> to guide you through the process. [IMPORTANT: During the SAM registration process, you will be asked to designate an E-Business Point of Contact (EBIZ POC). The EBIZ POC must obtain a special password called "Marketing Partner Identification Number" (MPIN). The EBIZ POC will need the MPIN to complete the Grants.gov registration process.] When you have completed the Grants.gov registration process, you should call the Grants.gov Helpdesk at 1-800-518-4726 to verify that you have completed the final step.

### **3. APPLICATION RECEIPT NOTICES**

After an application is submitted, the Authorized Organization Representative (AOR) will receive a series of four e-mails. It is extremely important that the AOR watch for and save each of the emails. It may take up to two (2) business days from application submission to receipt of email Number 2. The titles of the four e-mails are:

- Number 1 - Grants.gov Submission Receipt Number
- Number 2 - Grants.gov Submission Validation Receipt for Application Number
- Number 3 - Grants.gov Grantor Agency Retrieval Receipt for Application Number
- Number 4 - Grants.gov Agency Tracking Number Assignment for Application Number

## **Section V - APPLICATION REVIEW INFORMATION**

### **A. CRITERIA**

#### **1. INITIAL REVIEW CRITERIA**

Prior to a comprehensive merit evaluation, DOE will perform an initial review to determine that (1) the applicant is eligible for an award; (2) the information required by the announcement has been submitted; (3) all mandatory requirements are satisfied; and (4) the proposed project is responsive to the objectives and stated goals of the FOA. If the application fails to meet these requirements, then it may be deemed ineligible and eliminated from full merit review.

Applicants must be individual participants within industry-led teams that have demonstrated expertise in developing and applying technologies for water treatment related to uranium ISR and processing facilities and/or conventional mines and mills. In order to enable rapid adoption of the technology, applicants must propose solutions that meet or exceed U.S. federal, state, and local regulations related to water management.

#### **2. MERIT REVIEW CRITERIA**

Selection will be made in accordance with the following review criteria and relative weights, and all applications will be evaluated, using an adjectival rating, against these criteria.

##### **Criterion 1 –Technical Expertise for Developing Water Treatment Technologies. (Relative Weight 40%)**

DOE will evaluate the proposed uranium mining water management concept with respect to technical merit. This criterion will consider evaluation of the following:

- a) As indicated by past performance and current capabilities, the applicant's expertise to successfully develop and employ technological advances in water management. Specifically, past performance should demonstrate successful development and employment of water treatment technologies that reduce water usage and/or improve extraction efficiency and resource utilization.

##### **Criterion 2 – Proposed Scope of Work (Relative Weight 30%)**

The proposed research will be evaluated as to the extent to which the proposed project supports reduction in water use, reduced costs, and/or improvements to resource utilization and efficiencies in uranium production. Specifically, DOE will consider the following in the proposal's scope of work:

- a) Project scope should indicate how it addresses gaps or inefficiencies in existing domestic uranium production technologies and practices;

- b) Project scope should address the ability to reduce costs and/or reduce water production while meeting or exceeding federal, state, and local environmental regulations;
- c) Project scope should indicate how it will lead to rapid adoption as a commercially viable technology for use in the uranium production industry; and
- d) Project scope should describe the extent of collaboration with companies experienced in the field of uranium production.

**Criterion 3 - Applicant Team Capabilities and Experience, Including Management Capability (Relative Weight 30%)**

Applicant Team Capabilities and Experience will be evaluated as to the extent to which the applicant provides evidence that the applicant has the resources and abilities to successfully complete the proposed scope of the agreement and to progress the proposed concept. Current activities, relevance, and depth of the organization's experience and capabilities, together with that of key personnel, will be evaluated as it relates to the likely successful completion of the project activities. In evaluating this criterion, DOE will consider the extent to which the applicant team demonstrates the following:

- a) Successful experience/past performance, knowledge and understanding of the business and regulatory requirements for projects of similar size, scope and complexity in achieving project technical success within budget and on time with no significant safety and quality issues; and
- b) An acceptable assessment of how the experience and capabilities described above will translate into adoption of the technology(-ies) developed into industry use.

**Program Policy Factors**

The DOE Selection Official may also consider the following program policy factors in the selection process:

- a) Application selection will be balanced to best optimize the selection of an appropriate mix of technologies to meet program goals;
- b) Applications that have no potential, apparent, or actual organizational and individual conflicts of interest may be given preferential consideration; and
- c) Extent of industry cost-share (i.e., proposed contributions greater than 20%) may be given preferential consideration.

The above program policy factors may be used by the Selection Official to assist in determining which application shall receive DOE funding support. These factors, while not indicators of the application's merit (e.g., technical excellence, applicant's ability, etc.) may be essential to the process of selecting the application that individually or collectively will best achieve the program objectives. Such factors are often beyond the control of the applicant. Each applicant should recognize that some very good applications might not receive an award because the project does not fit within a mix of projects that maximizes the probability of achieving the DOE's overall research and development objectives.

## **REPORTING OF MATTERS RELATED TO RECIPIENT INTEGRITY AND PERFORMANCE (DECEMBER 2015)**

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 information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313).

The applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM.

DOE will consider any written comments by the applicant, in addition to the other information in the designated integrity and performance system, 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 200.205 - Federal awarding agency review of risk posed by applicants.

### **B. REVIEW AND SELECTION PROCESS**

#### **1. MERIT REVIEW**

Applications that pass the initial review will be subjected to a merit review in accordance with the Merit Review Criteria list in the FOA, using the general guidance provided in the "Department of Energy Merit Review Guide for Financial Assistance and Unsolicited Proposals." This guide is available at: <http://energy.gov/management/office-management/operational-management/financial-assistance> under Financial Assistance Policy and Guidance.

#### **2. SELECTION**

The Selection Official will consider the technical merit, the Merit Review Panel's recommendation, program policy factors, and the amount of funds available in arriving at selections for this FOA.

#### **3. DISCUSSIONS AND AWARD**

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

### **C. ANTICIPATED NOTICE OF SELECTION AND AWARD DATES**

DOE anticipates notifying the applicants selected for award not later than 60 days after the applications are due. DOE reserves the right to make additional award selections, using applications submitted in response to this FOA, for up to two years after the initial award selection date, if agreed to by the applicant(s) selected for additional award(s). Award(s) for this project are subject to the availability of Congressionally appropriated funds.

## **Section VI - AWARD ADMINISTRATION INFORMATION**

### **A. AWARD NOTICES**

#### **1. NOTICE OF SELECTION**

DOE will notify applicants selected for award. This notice of selection is not an authorization to begin performance. 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.

Applicants must designate a primary and a backup point-of-contact 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.

Organizations whose applications have not been selected will be advised as promptly as possible. The notice will explain why the application was not selected.

#### **2. 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 the following: (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 and 2 CFR part 910 [DOE Financial Assistance Regulations]; (5) National Policy Assurances to be incorporated as terms of the award; (6) Budget Summary; (7) Federal Assistance Reporting Checklist, which identifies the reporting requirements; (8) Federal-wide Research Terms and Conditions; (9) Agency Specific Requirements; and (10) any award specific terms and conditions.

### **B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS**

#### **1. ADMINISTRATIVE REQUIREMENTS (DECEMBER 2014)**

The administrative requirements for DOE grants and cooperative agreements are contained in 2 CFR part 200 as amended by 2 CFR part 910 [DOE Financial Assistance Regulation] (See: <http://www.eCFR.gov>). For grants and cooperative agreements made to universities, non-profits and other entities subject to Title 2 CFR, awards made under this funding opportunity will include the government-wide Research Terms and Conditions. A new version of these Terms and Conditions based on the changes to 2 CFR 200 is not yet available. Once they become available, they will be located at <http://www.nsf.gov/bfa/dias/policy/rtrc/index.jsp>

If an award is made under this funding opportunity before the Terms and Conditions are posted, alternative Terms and Conditions may be included in the award.

## **2. DUNS AND SAM REQUIREMENTS**

Additional administrative requirements for DOE grants and cooperative agreements are contained in 2 CFR part 25 (See: <http://www.eCFR.gov>). Prime awardees must keep their data at the System for Award Management (SAM) current at <http://www.sam.gov> current SAM is the government-wide system that replaced the CCR. If you had an active registration in the CCR, you have an active registration in SAM. Subawardees at all tiers must obtain DUNS numbers and provide the DUNS to the prime awardee before the subaward can be issued.

## **3. SUBAWARD AND EXECUTIVE REPORTING**

Additional administrative requirements necessary for DOE grants and cooperative agreements to comply with the Federal Funding and Transparency Act of 2006 (FFATA) are contained in 2 CFR part 170. (See: <http://www.eCFR.gov>). Prime awardees must register with the new FSRs database and report the required data on their first tier subawardees. Prime awardees must report the executive compensation for their own executives as part of their registration profile in the System for Award Management (SAM).

## **4. SPECIAL TERMS AND CONDITIONS AND NATIONAL POLICY REQUIREMENTS (DECEMBER 2014)**

The DOE Special Terms and Conditions for Use in Most Grants and Cooperative Agreements are located at <http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms> under Award Terms.

The National Policy Assurances To Be Incorporated As Award Terms are located at <http://www.nsf.gov/bfa/dias/policy/rtc/appc.pdf>

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

Lobbying Restrictions. By accepting funds under this award, you agree 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.

## **5. CORPORATE FELONY CONVICTION AND FEDERAL TAX LIABILITY 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.

## **6. NONDISCLOSURE AND CONFIDENTIALITY AGREEMENTS REPRESENTATIONS (JUNE 2015)**

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

(1) 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 contractors 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.

(2) 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:

a. "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."

b. 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.

Notwithstanding 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.

## **7. STATEMENT OF SUBSTANTIAL INVOLVEMENT AND STATEMENT OF FEDERAL STEWARDSHIP**

DOE anticipates having substantial involvement during the project period, through technical assistance, advice, intervention, integration with other awardees performing related activities, and technical transfer activities. The Statement of Substantial Involvement may be negotiated with the recipient prior to award and may incorporate lists of recipient and DOE responsibilities and activities similar to the following:

- a. Recipient Responsibilities: The recipient is responsible for:
  - 1) Performing the activities supported by this award, including providing the required personnel, facilities, equipment, supplies and services;
  - 2) Defining approaches and plans, submitting the plans to DOE for review, and incorporating DOE's comments;
  - 3) Managing and conducting the project activities, including coordinating with a DOE management and operating (M&O) contractor on activities performed under the M&O contract that are related to the project;
  - 4) Attending annual program review meetings and reporting project status;
  - 5) Providing DOE appropriate levels of proprietary and non-proprietary information on an as-needed basis to assist in response to external and internal private inquiry. DOE will protect information in accordance with the agreements set forth in the financial assistance award language;
  - 6) Submitting technical reports as stated in the Federal Assistance Reporting Checklist, and incorporating DOE comments; and
  - 7) Presenting the project results at appropriate technical conferences or meetings as directed by the DOE Project Officer (it is anticipated that the number of conferences/meetings will not exceed two per year, not counting program review meetings).
- b. DOE Responsibilities: DOE's involvement will consist of the following normal federal stewardship responsibilities below, as well as Substantial Involvement activities.
  - 1) Normal Federal Stewardship Activities:
    - Approving recipient plans prior to award;
    - Providing technical assistance prior to the start of the activity, if requested by the recipient and agreed to by DOE;

- Providing technical assistance to correct deficiencies in project or financial performance when reports or monitoring indicates some sort of problem;
- Performing site visits;
- Reviewing financial, performance, and audit reports;
- Performing technical reviews to determine whether to continue funding the next budget period;
- Reviewing performance to ensure that the objectives, terms, and conditions of the award are accomplished;
- Providing general administrative requirements, such as prior approvals required by the financial assistance regulations and/or OMB Circulars; and
- Reviewing performance after completion.

2) Substantial Involvement Activities:

- Reviewing project plans and redirecting the work effort if the plans do not address critical programmatic issues;
- Conducting program review meetings (annually or more often if needed) to ensure adequate progress and that the work accomplishes the program and project activities. Redirecting work or shifting work emphasis, if needed. Recommending continued funding;
- Promoting and facilitating technology awareness activities, including disseminating program results through presentations and publications;
- Serving as scientific/technical liaison between awardees and other project stakeholders;
- Reviewing and approving of one stage before work can begin on a subsequent stage;
- Additional monitoring to permit specified kinds of direction or redirection of the work because of interrelationships with other projects; and
- The power to immediately halt an activity if detailed performance specifications are not met.

There are limitations on recipient and DOE responsibilities and authorities in the performance of the project activities. Performance of the project activities must be within the scope of the Statement of Objectives, the terms and conditions of the cooperative agreement, and the funding and schedule constraints.

## **8. RECIPIENT INTEGRITY AND PERFORMANCE MATTERS**

If the federal share of any federal award is more than \$500,000 over the period of performance, post award reporting requirements reflected in 2 CFR part 200, Appendix XII – Award Term and Condition for Recipient Integrity and Performance Matters, may also apply to any resultant award made under this FOA.

## **9. 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, 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 costs to prepare the necessary records may be included as part of the project costs. Applicants selected for award will be required to submit an environmental checklist.

## **10. FOREIGN NATIONAL ACCESS TO DOE SITES**

All applicants that ultimately enter into an award resulting from this FOA will be subject to the following requirement concerning foreign national involvement. Upon DOE's request, prime recipients must provide information to facilitate DOE's responsibilities associated with foreign national access to DOE sites, information, technologies, and equipment. A foreign national is defined as any person who was born outside the jurisdiction of the United States, is a citizen of a foreign government, and has not been naturalized under United States law. If the prime recipient or subrecipients, contractors or vendors under the award anticipate utilizing a foreign national person in the performance of an award, the prime recipient is responsible for providing to the contracting officer specific information of the foreign national(s) to satisfy compliance with all of the requirements for access approval.

## **C. REPORTING**

Reporting requirements are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2, attached to the award agreement. The checklist is available at: <http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms> under Award Forms.

## **Section VII - QUESTIONS/AGENCY CONTACTS**

### **A. QUESTIONS**

Questions regarding the content of the 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. 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 fifteen calendar 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: Grace Ruiz

E-mail: ruizgh@id.doe.gov

## **Section VIII - OTHER INFORMATION**

### **A. MODIFICATIONS**

Notices of any modifications to this announcement will be posted on Grants.gov and FedConnect portal. Applicants 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 applicants register as soon after release of the FOA as possible to ensure applicants 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 announcement and to select any application, in whole or in part, as a basis for negotiation and/or award.

### **C. PROPRIETARY APPLICATION INFORMATION**

Patentable ideas, trade secrets, proprietary or confidential commercial or financial information, disclosure of which may harm the applicant, should be included in an application only when such information is necessary to convey an understanding of the proposed project. The use and disclosure of such data may be restricted, provided the applicant includes the following legend on the first page of the project narrative and specifies the pages of the application that are to be restricted:

“The data contained in pages *[Insert pages]* of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data herein to the extent provided in the award. This restriction does not limit the government's right to use or disclose data obtained without restriction from any source, including the applicant.”

To protect such data, each line or paragraph on the pages containing such data must be specifically identified and marked with a legend similar to the following:

“The following contains proprietary information that (name of applicant) requests not be released to persons outside the Government, except for purposes of review and evaluation.”

Applicants shall not identify the entire Project Narrative as proprietary and shall only identify those specific pages and lines that do indeed contain proprietary information.

### **D. EVALUATION AND ADMINISTRATION BY NON-FEDERAL PERSONNEL**

In conducting the merit review evaluation, DOE may seek the advice of qualified non-federal personnel as reviewers. DOE 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 will be required to sign a non-disclosure agreement.

## **E. UNDERSTANDING COST SHARING REQUIREMENTS**

Department-wide cost sharing requirements are established by Section 988 of the Energy Policy Act (EPA) of 2005. The DOE Financial Assistance Rules are located in 2 CFR parts 200 and 910. For cost sharing requirements, see 2 CFR subparts 200.29, 200.306, and 910.130. This FOA requires a minimum of 20% cost sharing for research and development projects by awardees.

In accordance with EPA 2005, section 988 (d), Calculation of Amount, when calculating the amount of the non-federal cost share contribution, DOE:

1. May include the following costs as allowable in accordance with the applicable cost principles:
  - a. Cash;
  - b. Personnel costs;
  - c. The value of a service, other resource, or third-party in-kind contribution determined in accordance with the applicable circular of the Office of Management and Budget

**Note:** In-kind contributions, like any other cost, need to be incurred during the award project period (e.g., Recipient cannot give credit for costs incurred prior to the award, including prior development costs, unless otherwise authorized by the applicable cost principles);

  - d. Indirect costs or facilities and administrative costs; or
  - e. Any funds received under the power program of the Tennessee Valley Authority (TVA) (except to the extent that such funds are made available under an annual appropriation Act).
2. Shall not include:
  - a. Revenues or royalties from the prospective operation of an activity beyond the time considered in the award;
  - b. Proceeds from the prospective sale of an asset of an activity; or
  - c. Other appropriated federal funds.

The terms and conditions of the grant will include appropriate provisions on cost allowability. The federal share shall not be required to be repaid as a condition of award. Royalties should not be used to repay or recover the federal share but may be used as a reward for technology transfer activities.

Cost share is often confused with some form of cost matching. The key to understanding how cost share works is to understand the base from which the cost share percentage is calculated. Cost share percentage is a percentage of the Total Allowable Costs of the project. When determining the cost share requirement in dollars, it is first necessary to determine the entire project cost. Initially, no consideration would be given as to where the funds would come from. An applicant would determine that a certain cost (e.g., hours, travel, supplies, etc.) would be needed to complete the project as proposed in the application. Once the project cost is determined, an applicant can then calculate the cost share requirement by multiplying the cost share percentage by the project cost. The resulting dollar figure would be the dollar requirement that the applicant must provide as cost share.

**Note:** Total Allowable Costs are NOT a percentage of the DOE funds, but rather a percentage of the entire project that includes all awardee funds, DOE funds, and all FFRDC/NL requirements.

Below are two examples of how the cost share amount would be calculated:

### **Example 1**

The applicant determines that the following budget requirements are needed to carry out the work described in its proposal to DOE:

|                           |                  |
|---------------------------|------------------|
| Direct Labor              | \$100,000        |
| Travel                    | 3,000            |
| Equipment                 | 17,000           |
| Supplies                  | 10,000           |
| Subcontract               | <u>20,000</u>    |
| <b>Total Project Cost</b> | <b>\$150,000</b> |

A cost share requirement of 20% was specified in the funding announcement.

Cost Share = (cost share percentage) x (**total project cost**)

Cost Share = (20%) x (\$150,000)

Cost Share = \$30,000

The applicant must now identify \$30,000 of \$150,000 as “Cost Share.” The applicant would then request DOE funding in the amount of \$120,000.

DOE Share = \$120,000      Awardee Share = \$30,000

### **Example 2**

The applicant determines that the following budget requirements are needed to carry out the work described in its proposal to DOE:

|                           |                  |
|---------------------------|------------------|
| Direct labor              | \$200,000        |
| Travel                    | 10,000           |
| Equipment                 | 17,000           |
| Supplies                  | 10,000           |
| FFRDC                     | 60,000           |
| Subcontract               | <u>3,000</u>     |
| <b>Total Project Cost</b> | <b>\$300,000</b> |

A cost share requirement of 20% was specified in the funding announcement.

Cost Share = (cost share percentage) x (**total project cost**)

Cost Share = (20%) x (\$300,000)

Cost Share = \$60,000

The applicant must now identify \$60,000 of \$300,000 as “Cost Share”.

The applicant would then request DOE funding in the amount of \$180,000.

DOE Share = \$180,000 (funds to Awardee) + \$60,000 (FFRDC) = \$240,000

Awardee Share = \$60,000

**Note: FFRDC funds are paid directly to the FFRDC by DOE. The work provided by the FFRDC is still considered part of the Total Project Cost; therefore, it is included in the base from which the awardee cost share is calculated.**

In all cases, the applicant must specify the individual costs that make up each part of the total project cost and indicate whether DOE or Non-DOE funds will be used to cover the cost.

The budget from **Example 1** might look something like the following:

|                           | <b>Total</b>     | <b>DOE</b>       | <b>Non-Federal</b> |
|---------------------------|------------------|------------------|--------------------|
| Direct Labor              | \$100,000        | \$70,000         | \$30,000           |
| Travel                    | 3,000            | 3,000            | 0                  |
| Equipment                 | 17,000           | 17,000           | 0                  |
| Supplies                  | 10,000           | 10,000           | 0                  |
| Subcontract               | <u>20,000</u>    | <u>20,000</u>    | <u>0</u>           |
| <b>Total Project Cost</b> | <b>\$150,000</b> | <b>\$120,000</b> | <b>\$30,000</b>    |

The application forms in this FOA will facilitate the identification of funding sources.

## **F. INTELLECTUAL PROPERTY DEVELOPED UNDER THIS PROGRAM**

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. (See "Notice of Right to Request Patent Waiver" in paragraph H below.)

**Rights in Technical Data:** Normally, the government has unlimited rights in technical data created under a DOE agreement. Delivery or third-party licensing of proprietary software or data developed solely at private expense will not normally be required except as specifically negotiated in a particular agreement to satisfy DOE's own needs or to ensure the commercialization of technology developed under a DOE agreement.

**Special Protected Data Statutes:** This program is covered by a special protected data statute. The provisions of the statute provide for the protection from public disclosure, for a period of up to five years from the development of the information, of data that would be trade secret, or commercial or financial information that is privileged or confidential, if the information had been obtained from a non-federal party. Generally, the provision entitled, Rights in Data Programs Covered Under Special Protected Data Statutes (Item 4 under 2 CFR 910 Appendix A to Subpart D), would apply to an award made under this announcement. This provision will identify data or categories of data first produced in the performance of the award that will be made available to the public, notwithstanding the statutory authority to withhold data from public dissemination, and will also identify data that will be recognized by the parties as protected data.

## **G. NOTICE OF RIGHT TO REQUEST PATENT WAIVER**

Applicants 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 (e.g., 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 part 784. Further information from DOE on submitting a patent rights waiver can be found online at: <http://www.energy.gov/gc/services/technology-transfer-and-procurement/office-assistant-general-counsel-technology-transf-1>

Domestic small businesses and domestic nonprofit organizations will receive the patent rights clause at 2 CFR part 910, Appendix A to Subpart D. 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 waiver.

## **H. NOTICE REGARDING ELIGIBLE/INELIGIBLE ACTIVITIES**

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

## **I. CONFERENCE SPENDING (FEBRUARY 2015)**

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.

## **J. 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).

## **K. NOTICE OF POTENTIAL DISCLOSURE UNDER FREEDOM OF INFORMATION ACT**

Applicants should be advised that 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.

## **L. 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.

## **M. 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.

## **N. PROTECTED PERSONALLY IDENTIFIABLE INFORMATION**

Personally, Identifiable Information (PII) provided in the resume/vitae will be protected according to DOE requirements and processes. Applicants must ensure that PII is not included in any of the other required application documents. These documents will be used by the Merit Review Panel 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 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 Panel. This list is not all inclusive.

- Social Security Number 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 clearance held)

## **O. ANNUAL COMPLIANCE AUDITS**

If an institute 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, refer to 2 CFR 200.501 and Subpart F.

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