FINANCIAL ASSISTANCE
FUNDING OPPORTUNITY ANNOUNCEMENT

Department of Energy (DOE)
Grid Deployment Office (GDO)

Inflation Reduction Act - Transmission Siting and Economic Development Program

Funding Opportunity Announcement (FOA) Number: DE-FOA-0003101
FOA Type: Modification 000004
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FOA Issue Date:	August 29, 2023
Submission Deadline for Concept Papers:	November 17, 2023, 5:00pm ET
Submission Deadline for Full Applications:	April 5, 2024, 5:00pm ET
Expected Date for DOE Selection Notifications:	Summer 2024
Submission Deadline for Concept Papers:	August 2024
Submission Deadline for Full Applications:	Winter 2025
Expected Date for DOE Selection Notifications:	Summer 2025
Submission Deadline for Concept Papers:	Fall 2025
Submission Deadline for Full Applications:	Winter 2026
Expected Date for DOE Selection Notifications:	Summer 2026

- Applicants must submit a Concept Paper by 5:00pm ET on the due date listed above to be eligible to submit a Full Application.

- To apply to this FOA, applicants must register with and submit application materials through the Clean Energy Infrastructure Funding Opportunity Exchange (INFRASTRUCTURE eXCHANGE) online application portal at https://infrastructure-exchange.energy.gov.

- Applicants must designate primary and backup points-of-contact with whom DOE will communicate to conduct award negotiations. If an application is selected for award negotiations, it is not a commitment to issue an award. It is imperative that the applicant/selectee be responsive during award negotiations and meet negotiation deadlines. Failure to do so may result in cancelation of further award negotiations and rescission of the selection.

MODIFICATIONS

All modifications to the Funding Opportunity Announcement are highlighted in the body of the FOA.

Modification No.	Date	Description of Modification
000001	10/16/2023	The purpose of this modification is to extend the due date regarding concept paper submission for the first phase as well as adding two additional phases of concept paper and full application submissions and awards.
000002	3/7/2024	The purpose of this modification is to correct a page limitation discrepancy regarding the Technical Volume document (please see page 23).
000003	3/15/2024	The purpose of this modification is to revise Section III Technical Volume, Table: Technical Volume Content Requirements, specifically the cover page requirements (please see page 23).
000004	3/27/2024	The purpose of this modification is to: • Revise the Community Benefits Plan Area of Interest 2 ONLY on page 22; page limit changed from 5 to 14. • Section IV.E.xvii. **Community Benefits Plan: Job Quality and Equity – Applicable to AOI 2 Only** on page 33 – page limit changed from 12 to 14. • Section IV.E.iv. **Resumes** on page 27 – page limit changed from three to two. • Section IV.E.xviii. **Community Benefits Plan Budget Justification – AOI 2 Only** on page 36 – remove reference to Appendix K. • Page 38 – link updated **from** https://www.nsf.gov/bfa/dias/policy/nsfapprovedformats/cps.pdf **to** https://seedfund.nsf.gov/assets/files/applicants/Current.and.Pending.Support.Form.pdf.

Registration Requirements

There are several one-time actions that must be completed before submitting an application in response to this Funding Opportunity Announcement (FOA) (e.g., register with the System for Award Management (SAM), obtain a Unique Entity Identifier (UEI) number, and register with the Clean Energy Infrastructure Funding Opportunity Exchange (INFRASTRUCTURE eXCHANGE). It is vital that applicants address these items as soon as possible. Some of these steps may take several weeks, and failure to complete them could interfere with an applicant's ability to apply to this FOA.

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

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

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

- **UEI** – Applicants must obtain an UEI from the SAM to uniquely identify the entity. The UEI is available in the SAM entity registration record. Due to extended wait-times, if an applicant is unable to secure a UEI by the deadline for submittal of a concept paper, the applicant may provisionally mark the UEI "N/A."

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

- **INFRASTRUCTURE FUNDING OPPORTUNITY EXCHANGE (INFRASTRUCTURE eXCHANGE) –** Register and create an account on INFRASTRUCTURE eXCHANGE at https://infrastructure-exchange.energy.gov . This account will allow the user to apply to any open FOAs that are currently in INFRASTRUCTURE eXCHANGE.

  It is recommended that each organization or business unit, whether acting as a team or a single entity, use only one account as the contact point for each submission. Applicants should also

designate backup points of contact so they may be easily contacted if deemed necessary. **This step is required to apply to this FOA.** The INFRASTRUCTURE eXCHANGE registration does not have a delay; however, **the remaining registration requirements below could take several weeks to process and are necessary for a potential applicant to receive an award under this FOA.**

Questions related to the registration process and use of the INFRASTRUCTURE eXCHANGE website should be submitted to: InfrastructureExchangeSupport@hq.doe.gov

- **FedConnect.net** – Register in FedConnect (https://www.fedconnect.net). To create an organization account, your organization's SAM MPIN is required. For more information about the SAM MPIN or other registration requirements, review the FedConnect Ready, Set, Go! Guide at https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf.

- **Electronic Authorization of Applications and Award Documents** – Submission of an application and supplemental information under this FOA through electronic systems used by the DOE, including INFRASTRUCTURE eXCHANGE and FedConnect, constitutes the authorized representative's approval and electronic signature.

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I. Funding Opportunity Description

A. Background and Context

The U.S. Department of Energy (DOE)/National Energy Technology Laboratory (NETL) is issuing, on behalf of the Grid Deployment Office (GDO), this Funding Opportunity Announcement (FOA). Awards made under this FOA will be funded, in whole or in part, with funds appropriated by Section 50152 of the Inflation Reduction Act of 2022 (IRA) – Grants to Facilitate the Siting of Interstate Electricity Transmission Lines.

The IRA makes the single largest investment in energy and climate in American history, putting the United States on a pathway to achieving the Biden-Harris Administration's clean energy and climate goals, including a carbon pollution-free power sector by 2035, while securing America's position as a world leader in domestic clean energy manufacturing, creating quality jobs, investing in communities, and advancing environmental justice.

Under Section 50152(a), the IRA appropriated $760 million to make grants to siting authorities to carry out eligible activities that will facilitate the siting and permitting of "covered transmission projects" or to siting authorities and other governmental entities for economic development activities in communities that may be affected by the construction and operation of a "covered transmission project." A "covered transmission project" is defined in Section 50152(e)(1) as a "high voltage interstate or offshore electricity transmission line" for which an entity has applied for, or informed a siting authority of an intent to apply for, regulatory approval, and that is proposed to be constructed and to operate:

- At a minimum of 275 kilovolts of either alternating-current or direct-current electric energy by an entity; or
- Offshore and at a minimum of 200 kilovolts of either alternating-current or direct-current electric energy by an entity.

These investments, particularly when combined with programs authorized and funded by the Infrastructure Investment and Jobs Act (otherwise known as the Bipartisan Infrastructure Law), will support the timely construction of new or upgraded electric transmission facilities and facilitate the siting of transmission facilities, while doing so in a manner consistent with affected community priorities, including considerations of environmental and energy justice, equity, job quality, and Tribal cultural resources.

i. Program Purpose

This program aims to ensure the timely siting and construction of new or upgraded interstate or offshore electric transmission facilities while providing economic benefits to impacted communities. In order to accelerate and strengthen siting and permitting activities carried out by state, local, and Tribal siting and permitting authorities, this program will support efforts to standardize and streamline siting and permitting processes, coordinate across jurisdictions, and carry out robust public engagement, among other things. In order to provide economic benefits to communities impacted by the construction and operation of interstate or offshore transmission lines, including economically disadvantaged communities and environmental justice communities, this program will provide funds to siting authorities or other types of state, local, or Tribal governmental entities to support a wide range of projects that provide benefits targeted to the needs of impacted communities.

B. Areas of Interest

Consistent with IRA Section 50152(b)(1) and (2), this FOA invites applications for two areas of interest. As described in more detail below, the first area of interest pertains to siting and permitting activities and the second area of interest pertains to economic development initiatives. If an applicant is eligible to apply for both types of awards, a separate application must be submitted for each area of interest because each area of interest has distinct requirements. However, an applicant may propose more than one qualifying activity under a single area of interest within one application (for example, two siting and permitting activities, or three economic development projects).

If an applicant is eligible to apply for awards under both areas of interest, the applicant is welcome to do so. However, a separate application must be submitted for Area of Interest 1 (siting and permitting) versus Area of Interest 2 (economic development), as each has distinct requirements. DOE will evaluate each application separately. **An applicant may propose more than one qualifying activity under a single area of interest within one application (for example, two siting and permitting activities, or three economic development projects), but DOE does not guarantee funding for more than one activity.**

In accordance with IRA Section 50152(e)(1), each Application for funds must indicate on what basis the applicable transmission project qualifies as a "covered transmission project," as defined in Section I(A) of this FOA (Background and Context). This requirement applies to both areas of interest.

Area of Interest 1 - Siting and Permitting Activities:

Applicants applying for support for siting and permitting activities under IRA Section 50152(b)(1) may propose one or more of the activities in paragraphs (A)-(E) below.

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be sited.

(C) Participation by the siting authority in regulatory proceedings or negotiations in another jurisdiction, or under the auspices of a Transmission Organization (as defined in section 796 of title 16[1]) that is also considering the siting or permitting of the covered transmission project.

(D) Participation by the siting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory commission, or relevant authority within an Indian Tribe, for determining applicable rates and cost allocation for the covered transmission project.

(E) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the siting authority of the application relating to the siting or permitting of the covered transmission project, as the Secretary determines appropriate.

The following are examples of activities that may qualify as "other measures and actions" eligible for grant support under paragraph (E). DOE emphasizes that this list is not exhaustive and is intended only to provide examples of activities that could be considered eligible for grant support under paragraph (E). Other types of novel programs or pilots may also be eligible.

1. Human resources capacity, including funds to support staff or consultants

[1] The term "Transmission Organization" means "a Regional Transmission Organization, Independent System Operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities." 16 U.S.C. 796(29). The term "Regional Transmission Organization" means "an entity of sufficient regional scope approved by the Commission—(A) to exercise operational or functional control of facilities used for the transmission of electric energy in interstate commerce; and (B) to ensure nondiscriminatory access to the facilities." 16 U.S.C. 796(27). The term "Independent System Operator" means "an entity approved by the Commission—(A) to exercise operational or functional control of facilities used for the transmission of electric energy in interstate commerce; and (B) to ensure nondiscriminatory access to the facilities. 16 U.S.C. 769(28).

to carry out activities related to permitting and siting of a covered transmission project.

2. Coordination with other state, Tribal or federal jurisdictions relevant to the siting and permitting of a covered transmission project.

3. Coordination regarding a covered transmission project with other siting and permitting entities within the same state.

4. Engagement and communication with stakeholders including impacted communities regarding a covered transmission project, not limited to:
    i. The development of plain language informational and educational materials to support the siting and permitting of a covered transmission project, such as (1) materials that describe siting and permitting regulatory processes and identify opportunities for the public to engage with those processes, or (2) materials that describe the benefits and impacts of a covered transmission project.
    ii. Convening members of the public including impacted community members for meetings concerning siting and permitting of a covered transmission project, to include the costs of neutral meeting facilitators and other miscellaneous meeting facilitation costs.

5. Other activities proposed by the applicant to increase the efficiency of and otherwise strengthen siting and permitting processes applicable to a covered transmission project.

Please note that with respect to siting and permitting activities, IRA Section 50152(c)(1) directs that DOE "shall require a siting authority to agree, in writing, to reach a final decision on the application relating to the siting or permitting of the applicable covered transmission project" within two years of receiving a grant to support siting and permitting activities under subpart 50152(b)(1) "unless the Secretary authorizes an extension for good cause." In the event that, in the future, a request for extension of a final decision is received, DOE will review that request based on the specific facts and circumstances. A delay due to the awardee is not likely to constitute "good cause." Facts and circumstances that could be deemed to support a good cause basis for an extension of the two-year deadline for a final decision may include, among other things:

- Changed circumstances outside the control of the awardee. For instance, these could include fundamental changes to the economics or siting of a covered transmission project that arise due to requirements imposed by a

jurisdictional authority other than the awardee.
- Global events causing unavoidable delay, such as a public health emergency.

In addition, with respect to grant funds provided for siting and permitting activities, IRA Section 50152(d) directs that **a siting authority must return to DOE any grant funds that have not been used within two years of receipt**. The IRA does not provide for any waiver of the requirement to spend all siting and permitting funds within two years of receipt, or otherwise to return unspent funds to DOE.

Area of Interest 2 – Economic Development Activities:

Under IRA Sec. 50152(b)(2), this FOA supports economic development activities that benefit communities impacted by a covered transmission project. These economic development grants can be awarded to siting authorities or to any other state, local, or Tribal governmental entity for activities that will promote economic development in communities that may be affected by the construction and operation of a covered transmission project.

Applicants will need to show that the activities proposed will benefit communities expected to be impacted by the construction or operation of a covered transmission project, i.e., an interstate transmission line proposed to operate at no less than 275 kV on land or an offshore transmission line expected to operate at no less than 200 kV. In addition, achieving environmental and energy justice objectives is a priority for these funds.

Below is a list of examples of economic development activities that could benefit affected communities and be eligible for award under this Area of Interest. However, DOE emphasizes that this list is intended only to provide examples; applicants are not limited to this list of activities and DOE does not guarantee that these types of activities will be funded. Rather, DOE urges applicants to consider local community needs and to consult local communities directly in order to identify one or more economic development activities that are tailored to community needs. Activities associated with a clear local need and interest may be given a higher priority than these examples depending on the facts and circumstances.

Examples of possible economic development activities include:

1. Sub-grant programs offered by eligible applicants to impacted communities and community-based organizations, soliciting community-proposed activities that will positively impact the local economy.

2. Local energy democratization and resilience projects, including but not limited to the development of microgrids, distributed generation, energy storage, or electric vehicle charging infrastructure.

3. Affordable and sustainable housing opportunities.

4. Co-location of broadband that will serve a local community or communities in the transmission corridor.

5. Development of community facilities including but not limited to facilities for the following uses: public safety services such as fire departments or police stations; healthcare services; utility services; education facilities; public facilities such as town halls, courthouses, community centers, airport hangars or street improvements.

6. Development or improvement of environmental resources, such as the establishment of green spaces, restoration of disturbed lands, or expansion of endangered species habitat.

7. Job training and apprenticeship programs.

8. Establishment of a Low-income energy fund, e.g., to provide bill relief or support energy optimization initiatives for income-eligible populations.

9. Other activities proposed by the applicant that will provide benefit to impacted communities consistent with IRA Sec. 50152(b)(2).

Applicants may propose more than one economic development activity in a single application.

Applicants should demonstrate that the activities proposed will benefit communities that will be impacted by the construction or operation of a covered transmission project.

Please note that under IRA Sec. 50152(c), **DOE can select awardees for economic development grants prior to a decision to site and permit the relevant transmission project and obligate federal funds for such awardees, but DOE cannot authorize disbursement of the funds to an awardee until either a siting decision has been issued (if the grantee is a siting authority) or**

construction has commenced[2] on the portion of the transmission project in the area under the jurisdiction of the grantee (for grantees that are not siting agencies). This restriction on the disbursement of funds will help to ensure that only impacted communities ultimately receive grant support.

Applicants are strongly encouraged to seek funding for economic development activities prior to a siting decision (if the grantee is a siting authority) or prior to construction commencing on the applicable project in the area under the jurisdiction of the entity (if the grantee is another state, local, or Tribal governmental entity), however DOE will only disburse funds once those conditions have been met.

C. Applications Specifically Not of Interest

The following types of applications will be deemed nonresponsive and will not be reviewed or considered (see Section III of the FOA):

- Applications that clearly fall outside the parameters and objectives specified in Section I of the FOA.
- Applications for activities that have no nexus to a covered transmission project, as that term is defined in IRA Section 50152(e)(1).
- Applications for activities that pertain to transmission infrastructure that has already been fully permitted and that is fully operational in all relevant jurisdictions.

D. Community Benefits Plan: Job Quality and Equity – Area of Interest 2 Only

To support the goal of building a clean and equitable energy economy, IRA-funded projects are expected to (1) support meaningful community and labor engagement; (2) invest in America's workforce; (3) advance diversity, equity, inclusion, and accessibility (DEIA); and (4) contribute to the President's goal that 40% of the overall

[2] There are two methods to establish the beginning of construction requirement under IRA Sec. 50152(c) has been satisfied: (1) construction of a covered transmission project begins when physical work of a significant nature begins and is maintained continuously based on the particular facts and circumstances; or (2) the grantee pays or incurs five percent or more of the total cost of the covered transmission project and make continuous effort to advance towards completion of the covered transmission project. Facts and circumstances indicating continuous efforts to advance towards completion of the covered transmission project may include, but are not limited to: (a) paying or incurring additional amounts included in the total cost of the covered transmission project; (b) entering into binding written contracts for components or future work on construction of the covered transmission project; (c) obtaining necessary permits; and (d) performing physical work of a significant nature. If a covered transmission project is placed into service within [6 Years] then the covered transmission project would have satisfied the continuous effort requirements of 1 and 2 above.

benefits of certain federal investments flow to disadvantaged communities (the Justice40 Initiative).[3] To ensure these goals are met, applications must include a Community Benefits Plan when applying for AOI 2 that describes how the proposed project would incorporate the four objectives stated above.

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

Applicants to AOI1 (siting and permitting activities) are not required to submit a Community Benefits Plan, as the focus of that area of interest is on governmental siting and permitting review processes and does not involve carrying out activities in communities where transmission projects will be constructed and operated.

E. Authorizing Statutes

The programmatic authorizing statute is:

- Public Law (PL) 95-91, DOE Organization Act
- PL 117-169, Inflation Reduction Act of 2022
    - Section 50152 – 42 USC § 18715a

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

[3] The Justice40 initiative, established by E.O. 14008, sets a goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities. Pursuant to E.O. 14008 and the Office of Management and Budget's Interim Justice40 Implementation Guidance M-21-28 and M-23-09 (whitehouse.gov), DOE recognizes disadvantaged communities as defined and identified by the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool (CEJST), located at https://screeningtool.geoplatform.gov/. DOE's Justice40 Implementation Guidance is located at https://www.energy.gov/sites/default/files/2022-07/Final%20DOE%20Justice40%20General%20Guidance%20072522.pdf.

II. Award Information

A. Award Overview

i. Estimated Funding

DOE expects to make a total of approximately $300,000,000 of federal funding available for awards through this FOA, subject to the availability of appropriated funds. DOE may issue one, multiple, or no awards in the Areas of Interest identified below.

Areas of Interest Number	Areas of Interest Title	Anticipated Number of Awards	Anticipated Minimum Award Size for Any One Individual Award (Fed Share)	Anticipated Maximum Award Size for Any One Individual Award (Fed Share)	Approximate Total Federal Funding Available for All Awards	Anticipated Period of Performance (months)
1A-1E	Siting and Permitting	14-40	$100,000	$10,000,000	$100,000,000	24
2	Economic Development	4-40	$100,000	$50,000,000	$200,000,000	24-48

The approximate total federal funding available for all awards under each Area of Interest is subject to change.

DOE may establish more than one budget period for each award and fund only the initial budget period(s). Funding for all budget periods, including the initial budget period, is not guaranteed.

ii. Period of Performance

<u>Area of Interest 1 – Siting and Permitting</u>

For Area of Interest 1, DOE anticipates making awards that will run for 24 months in length, comprised of one or more budget periods.

<u>Area of Interest 2 – Economic Development</u>

For Area of Interest 2, DOE anticipates making awards that will run for 24-48 months in length from the time that the awardee receives disbursed funds. DOE may make awards for longer periods based on the facts and circumstances of a specific project proposal, but generally the term will not exceed 60 months from the time the awardee receives the first disbursal of funds. The term of an award may be comprised of one or more budget periods. Project continuation will be contingent upon several elements, including satisfactory performance and any Go/No-Go decisions that may be necessary from DOE. For a complete list and more information on the potential for Go/No-Go review, see Section VI.

iii. New Applications Only

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

B. DOE Funding Agreements

Through cooperative agreements and other similar agreements, DOE provides financial and other support to projects that have the potential to realize the FOA objectives. DOE does not use such agreements to acquire property or services for the direct benefit or use of the United States government.

i. Grants

DOE has the authority to provide financial support to prime recipients through grants. It is anticipated that DOE may fund projects through grants, as appropriate for awards made under Area of Interest 1.

ii. Cooperative Agreements

It is anticipated that DOE may use cooperative agreements to provide financial and other support to prime recipients under Area of Interest 2.

Through cooperative agreements, DOE provides financial or other support to accomplish a public purpose of support or stimulation authorized by federal statute. Under cooperative agreements, the government and prime recipients share responsibility for the direction of projects.

DOE has substantial involvement in all projects funded via cooperative agreement. See Section VI of the FOA for more information on what substantial involvement may involve.

iii. Funding Agreements with Federally Funded Research and Development Centers (FFRDCs)[4]

In most cases, FFRDCs are funded independently of the remainder of the project team. The FFRDC then executes an agreement with any non-FFRDC project team members to arrange work structure, project execution, and any other matters. Regardless of these arrangements, the entity that applied as the prime recipient for the project will remain the prime recipient for the project. See Section III.E.iii.

[4] FFRDCs are public-private partnerships that conduct research for the United States government. A listing of FFRDCs can be found at http://www.nsf.gov/statistics/ffrdclist/.

III. Eligibility Information

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

A. Eligible Applicants

i. Restricted Eligibility

In accordance with 2 CFR 910.126, Competition, eligibility for awards is restricted per Area of Interest as follows:

Area of Interest 1 – Siting and Permitting: Eligible applicants must be a state, local, or Tribal governmental entity with the authority to make a final determination regarding the siting, permitting, or regulatory status of a covered transmission project that is proposed to be located in an area under the jurisdiction of the entity. Applicants for funds for siting and permitting activities are not limited to one per state. If there is more than one eligible siting and permitting authority in a state, each eligible siting and permitting authority may be eligible for funds to support siting and permitting activities under IRA Section 50152.

Area of Interest 2 – Economic Development: Eligible applicants must be a state, local, or Tribal governmental entity. Applicants eligible to receive economic development funds under this program include any non-federal siting authority, as defined within IRA Section 50152, any state government entity including but not limited to state energy offices and state transmission authorities, or any local or Tribal government entity. DOE intends to enter into cooperative agreements with successful awardees that propose to operate subaward programs in order to ensure that subaward programs accord with the intent of IRA Section 50152.

For the purposes of this FOA:

The term "State governmental entity" is not statutorily defined for the purposes of section 50152 of the IRA. Accordingly, GDO will use the following definition of the term to be consistent with 2 C.F.R. 200.1:

"State governmental entity" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, U.S. Virgin Islands, Guam, American

Samoa, the Commonwealth of the Northern Mariana Islands, and any agency or instrumentality thereof exclusive of local governments.

The term "Tribal governmental entity" is not statutorily defined for the purpose of section 50152 of the IRA. Accordingly, GDO will use the following definition of the term as follows:

"Tribal governmental entity" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. Chapter 33), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 U.S.C. §5304), and which performs Tribal governmental functions. See annually published Bureau of Indian Affairs list of Indian Entities Recognized and Eligible to Receive Services available on https://www.federalregister.gov/documents/2023/01/12/2023-00504/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of.

The term "local governmental entity" is not statutorily defined for the purpose of section 50152 of the IRA. Accordingly, GDO will use the following definition of the term as follows:

"local governmental entity" means any unit of government within a state, including a:
(1) County;
(2) Borough;
(3) Municipality;
(4) City;
(5) Town;
(6) Township;
(7) Parish;
(8) Local public authority, including any public housing agency under the United States Housing Act of 1937;
(9) Special district;
(10) School district;
(11) Intrastate district;
(12) Council of governments, whether or not incorporated as a nonprofit corporation under State law; and
(13) Any other agency or instrumentality of a multi-, regional, or intra-State or local government.

B. Cost Sharing

Cost share requirements are summarized below:

Area of Interest	Area of Interest Title	Cost Share Requirement
1A-1B-1E	Siting and Permitting	5%
1C-1D	Siting and Permitting	50%
2	Economic Development	5%

i. Legal Responsibility

Although the cost share requirement applies to the project as a whole, including work performed by members of the project team other than the prime recipient, the prime recipient is legally responsible for paying the entire cost share. If the funding agreement is terminated prior to the end of the project period, the prime recipient is required to contribute at least the cost share percentage of total expenditures incurred through the date of termination.

The prime recipient is solely responsible for managing cost share contributions by the project team and enforcing cost share obligation assumed by project team members in subawards or related agreements.

ii. Cost Share Allocation

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

iii. Cost Share Types and Allowability

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

Cost share may be provided by the prime recipient, subrecipients, or third parties (entities that do not have a role in performing the scope of work).

Vendors/contractors may not provide cost share. Any partial donation of goods or services is considered a discount and is not allowable.

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

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

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

The recipient may not use the following sources to meet its cost share obligations:

- Revenues or royalties from the prospective operation of an activity beyond the project period;
- Proceeds from the prospective sale of an asset of an activity;
- Federal funding or property (e.g., federal grants, equipment owned by the federal government); or
- Expenditures that were reimbursed under a separate federal program.

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

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

Applicants are encouraged to refer to 2 CFR 200.306 and 2 CFR 910.130 for additional cost sharing requirements.

iv. Cost Share Contributions by FFRDCs

Because FFRDCs are funded by the federal government, costs incurred by FFRDCs generally may not be used to meet the cost share requirement. FFRDCs may

contribute cost share only if the contributions are paid directly from the contractor's Management Fee or another non-federal source.

v. Cost Share Verification

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

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

C. Compliance Criteria

All applicant submissions must:

- comply with the applicable content and form requirements listed in Section IV. of the FOA;
- include all required documents;
- be successfully uploaded and submitted to the Clean Energy Infrastructure Funding Opportunity Exchange (INFRASTRUCTURE eXCHANGE) at https://infrastructure-eXCHANGE.energy.gov; and
- be submitted by the deadline stated in the FOA.

DOE will not review or consider submissions submitted through means other than INFRASTRUCTURE eXCHANGE, submissions submitted after the applicable deadline, or incomplete submissions.

Applicants are strongly encouraged to submit their Concept Paper and Full Applications at least 48 hours in advance of the submission deadline. Under normal conditions (i.e., at least 48 hours in advance of the submission deadline), applicants should allow at least 1 hour to submit a Concept Paper or Full Application. Once the Concept Paper or Full Application are submitted by means specified in the FOA, applicants may revise or update that submission until the expiration of the applicable deadline. If changes are made to any of these documents, the applicant must resubmit the Concept Paper or Full Application before the applicable deadline. DOE will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

D. Responsiveness Criteria

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

E. Other Eligibility Requirements

Requirements for DOE/NNSA and non-DOE/NNSA FFRDCs Included as a Subrecipient

DOE/NNSA and non-DOE/NNSA FFRDCs may be proposed as a subrecipient on another entity's application subject to the following guidelines:

i. Authorization for non-DOE/NNSA FFRDCs

The federal agency sponsoring the FFRDC must authorize in writing the use of the FFRDC on the proposed project and this authorization must be submitted with the application. The use of a FFRDC must be consistent with its authority under its award.

ii. Authorization for DOE/NNSA FFRDCs

The cognizant Contracting Officer for the FFRDC must authorize in writing the use of the FFRDC on the proposed project and this authorization must be submitted with the application. The following wording is acceptable for this authorization:

> Authorization is granted for the Laboratory to participate in the proposed project. The work proposed for the Laboratory is consistent with or complementary to the missions of the Laboratory, and will not adversely impact execution of the DOE assigned programs at the Laboratory.

iii. Funding, Cost Share, and Subaward with FFRDCs

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

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

iv. Responsibility

The prime recipient will be the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues,

including, but not limited to disputes and claims arising out of any agreement between the prime recipient and the FFRDC.

v. Limit on FFRDC Effort

The scope of work to be performed by the FFRDC may not be more significant than the scope of work to be performed by the applicant.

F. Limitation on Number of Concept Papers and Full Applications Eligible for Review

An eligible entity may submit more than one Concept Paper and Full Application in response to this FOA. DOE cannot accept a single application that proposes activities in more than one area of interest, but entities that are eligible for grants under both Area of Interest 1 (siting and permitting) and Area of Interest 2 (economic development) are welcome to submit separate applications for each area of interest. In addition, an applicant may propose more than one activity within a single area of interest within the same application (e.g., 2 siting and permitting activities or 3 economic development activities) or may choose to do so in separate applications.

G. Questions Regarding Eligibility

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

IV. Application and Submission Information

A. Application Process

The application process includes multiple phases: a Concept Paper phase and a Full Application phase. **Only applicants who have submitted an eligible Concept Paper will be eligible to submit a Full Application**. Applicants who have submitted a Concept Paper prior to the final submission deadline for concept papers will be eligible to submit a Full Application at any of the deadlines provided under this FOA. Applicants need not be limited to the first deadline.

B. Form and Content Requirements

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

- Each must be submitted in Adobe PDF format unless stated otherwise;
- Each must be written in English;
- All pages must be formatted to fit on 8.5 x 11-inch paper with margins not less than one inch on every side. Use Calibri typeface, a black font color, and a font size of 12 point or larger (except in figures or tables, which may be 10-point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References must be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement;
- A control number will be issued when an applicant begins the Clean Energy Infrastructure Funding Opportunity eXCHANGE application process. The control number must be included with all application documents. Specifically, the control number must be prominently displayed on the upper right corner of the header of every page and included in the file name (i.e., Control Number_Applicant Name_Full Application);
- Page numbers must be included in the footer of every page; and
- Each submission must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths indicated below, DOE will review only the authorized number of pages and disregard any additional pages.

C. Application Forms

To access application forms and instructions available on Clean Energy Infrastructure Funding Opportunity eXCHANGE, go to https://infrastructure-eXCHANGE.energy.gov and select the appropriate funding opportunity number.

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

TechnicalVolume_Part_1
TechnicalVolume_Part_2

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

D. Content and Form of the Concept Paper

Concept Papers are brief writeups that express to DOE the applicant's interest in funding. Concept Papers should contain preliminary information that identifies eligibility and briefly describes the proposed project or projects at a high level.

The applicant should use the checklist below to ensure that the Concept Paper satisfies the requirements. DOE strongly encourages applicants to limit the Concept Paper to the recommended page limits.

DOE's assessment of each Concept Paper will be based on the criteria listed in Section IV of this FOA. Within 90 days after the deadline for Concept Papers, DOE will encourage certain applicants to submit Full Applications. Other applicants may be discouraged from submitting a Full Application. More information on this process can be found in this FOA in Section VI.

The checklist below identifies recommended page lengths for each section of the Concept Paper. Concept Papers should be 4-6 pages in length, single-spaced. Concept Papers that are longer than 10 pages will be considered non-compliant and will not be accepted for review.

CONCEPT PAPER CHECKLIST			
Concept Paper Requirements and Review Criteria			
	Section	**Recommended Page Limit**	**Description**
☐	I. COVER PAGE	1 page	The cover page should include the project title, the specific Area of Interest, the technical and business points of contact, names of all team member organizations, the project location(s), and any statements regarding confidentiality.
☐	II. DESCRIPTION OF APPLICANT AND PROPOSED PROJECT(S)	3-5 pages recommended	Applicants are required to include the following 7 pieces of information. This information should be limited to 3-5 pages in total.
☐	1. State the Basis for Eligibility	1 paragraph	Identify the primary applicant and the basis for determining that applicant is eligible for a grant under either Area of Interest 1 or 2 (i.e., siting and permitting grants or economic development grants). Please refer to the requirements of eligibility of described in Section IV of the FOA.
☐	2. Describe the Proposed Project and Its Objectives	1 page	Describe how the project(s) will meet the objectives described in the FOA for Areas of Interest 1 or 2, as those objectives are described in Section IV of the FOA.
☐	3. Identify Risks	1-2 paragraphs	Identify two to three high-level risks and challenges for the proposed project(s) and describe preliminary thoughts about possible risk mitigation strategies.
☐	4. Provide an Overall Schedule	1 paragraph	Describe the schedule for the proposed project(s). The schedule proposed must be consistent with timing parameters in Section IV of the FOA, including any applicable deadlines or start dates for spending grant funds.
☐	5. Identify the Transmission Project	1 paragraph	Identify the interstate or offshore transmission project that is relevant to the proposed activity and whether the transmission project meets the size and type requirements listed in Section IV of the FOA.
☐	6. Qualifications, Experience, and Resources	1 paragraph	Identify the qualifications, experience, capabilities, and resources that the applicant and any planned partners have to help ensure the completion and success of the proposed project(s).
☐	7. Partners (if applicable)	1 paragraph	If any partners are likely to be needed for the proposed project(s), describe the types of partners that the applicant envisions collaborating with.

E. Content and Form of the Full Application

Applicants must complete the following application forms found on the INFRASTRUCTURE eXCHANGE website at https://infrastructure-eXCHANGE.energy.gov. The submission deadline for applications is the date and time stated on the FOA cover page.

All application documents must be marked with the control number issued to the Applicant.

Applicants will have approximately 90 days from receipt of the Concept Paper Encourage/Discourage notification to prepare and submit a Full Application in order to be eligible for the first funding cycle. Regardless of the date the applicant receives the Encourage/Discourage notification, the submission deadline for the Full Application remains the date and time stated on the FOA cover page. However, once an applicant has submitted a Concept Paper, an applicant may elect to submit a Full Application at any time prior to the last Full Application submission deadline included this FOA.

i. Full Application Content Requirements

Each Full Application must be limited to a single area of interest, but a single application may propose more than one activity within that area of interest. Full Applications must conform to the following requirements and must not exceed the stated page limits.

Component	File Format	Page Limit	File Name
SF-424	Form	N/A	ControlNumber_LeadOrganization_424
Technical Volume	PDF	25	ControlNumber_LeadOrganization_TechnicalVolume
Resumes	PDF	2 pages each	ControlNumber_LeadOrganization_Resumes
Letters of Commitment	PDF	1 page each	ControlNumber_LeadOrganization_LOC
Community Partnership Documentation Area of Interest 2 ONLY	PDF	10	ControlNumber_LeadOrganization_PartnershipDoc
Statement of Project Objectives	MS Word	5	ControlNumber_LeadOrganization_SOPO
Budget Justification Workbook	MS Excel	N/A	ControlNumber_LeadOrganization_Budget_Justification
Summary for Public Release	PDF	1	ControlNumber_Summary
Summary Slide	MS PowerPoint	1	ControlNumber_Slide

Subrecipient Budget Justification (if applicable)	MS Excel	N/A	ControlNumber_Subrecipient_Budget_Justification
DOE Work Proposal for FFRDC, if applicable (see DOE O 412.1A, Attachment 3)	PDF	N/A	ControlNumber_WP
Authorization from cognizant Contracting Officer for FFRDC	PDF	N/A	ControlNumber_FFRDCAuth
Environmental Questionnaire	PDF	N/A	ControlNumber_Env
SF-LLL Disclosure of Lobbying Activities	Form	N/A	ControlNumber_LeadOrganization_SF-LLL
Foreign Entity Waiver Requests and Foreign Work Waiver Requests	PDF	N/A	ControlNumber_FN_Waiver
Community Benefits Plan Budget Justification Area of Interest 2 ONLY	MS Excel	N/A	ControlNumber_CBP_Budget_Justification
Community Benefits Plan Area of Interest 2 ONLY	PDF	14	ControlNumber_CBenefits
Current and Pending Support	PDF	N/A	ControlNumber_CPS
Locations of Work	PDF	N/A	ControlNumber_LOW
Transparency of Foreign Connections	PDF	N/A	ControlNumber_BusinessSensitive
Potentially Duplicative Funding Notice (if applicable)	PDF	N/A	ControlNumber_PDFN
Project Management Plan	PDF	N/A	ControlNumber_PMP

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

TechnicalVolume_Part_1
TechnicalVolume_Part_2

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

ii. SF-424: Application for Federal Assistance

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

using the following convention for the title "ControlNumber_LeadOrganization_424".

iii. Technical Volume

The Technical Volume must conform to the following content and form requirements. This volume must address the technical review criteria as discussed in Section V of the FOA. Save the Technical Volume in a single PDF file using the following convention for the title

"ControlNumber_LeadOrganization_TechnicalVolume".

Applicants must provide sufficient citations and references to the primary research literature to justify the claims and approaches made in the Technical Volume. However, DOE and reviewers are under no obligation to review cited sources.

The Technical Volume to the Full Application may not be more than 25 pages, including the cover page, table of contents, and all citations, charts, graphs, maps, photos, or other graphics, and must include all of the information in the table below. The applicant should consider the weighting of each of the technical review criterion (see Section V of the FOA) when preparing the Technical Volume.

The Technical Volume should clearly describe and expand upon information provided in the Concept Paper.

Technical Volume Content Requirements	
SECTION/PAGE LIMIT	**DESCRIPTION**
Cover Page	The cover page should include the project title, the specific FOA Area of Interest being addressed, both the technical and business points of contact, names of all team member organizations, names of project managers, senior/key personnel and their organizations, the project location(s), any statements regarding confidentiality and identify the eligible covered transmission project related to this submission.
Project Overview (Approximately 10% of the total length of the Technical Volume)	The Project Overview should contain the following information: • Background: The applicant should discuss the background of its organization and status relevant to the Area of Interest being addressed in the Full Application. • Project Goal: The applicant should explicitly identify the intended benefits that the project will provide, including improvements to baseline processes or community welfare, and the critical factors in achieving those goals.

	• DOE Impact: The applicant should discuss the impact that DOE funding would have on the proposed project, including to the pace of siting or permitting and/or success of the covered transmission project. Applicants should specifically explain how DOE funding, relative to prior, current, or anticipated funding from other public and private sources, is necessary to achieve the project objectives.

Technical Description, Innovation, and Impact (Approximately 30% of the total length of the Technical Volume)	The Technical Description section of the application should contain the following information:
	• Relevance and Outcomes: The applicant should provide a detailed description of the project, including the outcomes, approaches, and other principles and objectives that will be pursued during the project. This section should describe the relevance of the proposed project to the goals and objectives of the FOA. The applicant should clearly specify the expected outcomes of the project.
	• Feasibility: The applicant should explain and support the feasibility of the proposed activity (or activities) and how it can help to achieve the project objectives. This section should include information about any past or foundational work that has been done to set the stage for the project and to help ensure positive outcomes. This section should also address the project's access to any infrastructure, resources, experts, or skilled workers that may be needed to ensure project success.
	• Innovation and Impacts: The applicant should describe the current context of the project and how the proposed activity represents a change or improvement, including the advantages of the proposal over current practices and the overall anticipated impact of the proposed approach relative to the baseline/starting point if the project is completely successfully. The applicant should describe the impacts and benefits of the covered transmission project, that may include clean energy deployment impacts, electricity cost impacts, and/or grid reliability impacts.
	• **<u>Area of Interest 1 (Siting and Permitting Grants) applications must:</u>**
	  ○ Address how the project will accelerate and/or strengthen permitting and siting processes relevant to a covered transmission project.
	• **<u>Area of Interest 2 (Economic Development Grants) applications must:</u>**
	  ○ Address how the project will promote economic development in areas that may be affected by the construction and operation of a covered transmission project.

Workplan (Approximately 40% of the total length of the Technical Volume)	The Workplan should include a summary of the Project Objectives, Scope of Activities, Work Breakdown Structure (WBS), Milestones, any applicable Go/No-Go Decision Points, and Project Schedule. A detailed Statement of Project Objectives (SOPO) is separately requested. The Workplan should contain the following information:

	• Project Objectives: The applicant should provide a clear and concise high-level statement of the goals and objectives of the project as well as the expected outcomes. • Project Scope Summary: The applicant should provide a summary description of the overall work scope and approach to achieve the objective(s). The overall work scope is to be divided by performance periods that are separated by discrete, approximately annual decision points (see below for more information on Go/No-Go decision points). The applicant should describe the specific expected end result for each performance period, including milestones in the Community Benefits Plan, as applicable. • Project Budget: The applicant should discuss the proposed project budget, key risks, and associated potential range of impacts to project costs and / or success. The data should be broken down annually at a minimum, but can be in greater frequency if it supports applicant operations and management. The budget should be consistent with the project objectives and summary. • WBS and Task Description Summary: The Workplan should describe the work to be accomplished and how the applicant will achieve the milestones, will accomplish the final project goal(s), and will produce all deliverables. The Workplan should be structured to show all tasks and subtasks in order of execution within the period of performance (approximately annual). The Workplan must contain a concise description of the specific activities to be conducted over the life of the project. It is the applicant's responsibility to prepare an adequately detailed task plan to describe the proposed project and the plan for addressing the objectives of this FOA. The summary provided should be consistent with the Statement of Project Objectives, which will be separately required and will contain more detailed descriptions of the planned work and tasks. • Milestone Summary: The applicant should provide a summary of specific milestones that will be achieved throughout the project to demonstrate progress toward the goals and, collectively, the overall success of the project. A milestone may be either a progress measure such as the completion of planned activities or can be a specific, measurable milestone. Unless otherwise specified in the FOA, the minimum requirement is that each project must have at least one milestone per quarter for the duration of the project with at least one specific and measurable milestone per year (depending on the project, more milestones may be necessary to comprehensively demonstrate progress). The applicant should also provide the means by which the milestone will be verified. The summary provided should be consistent with the Milestone Summary Table in the Statement of Project Objectives. • Go/No-Go Decision Points (see Section VI for more information on the Go/No-Go Review): Successful applicants for economic development sub-grants programs may be asked to sign a cooperative agreement. In the application, the applicant should provide a summary of any project-wide

	Go/No-Go decision points at appropriate points in the Workplan. A Go/No-Go decision point is a point at which the applicant must report progress before receiving the next tranche of funds. At a minimum, each project must have at least one project-wide Go/No-Go decision point for each budget period (12-month period) of the project. See Section VI. The applicant should also provide the specific process and community benefits plan criteria to be used to evaluate the project at the Go/No-Go decision point. The summary provided should be consistent with the SOPO. Go/No-Go decision points are considered "SMART" and can fulfill the requirement for an annual SMART milestone.
	• End-of-Project Goal: The applicant should provide a summary of the end-of-project goal(s). At a minimum, each project must have one specific and measurable end-of-project goal. The summary provided should be consistent with the detailed Statement of Project Objectives that is separately required.
	• Project Schedule (Gantt Chart, spreadsheet, outline, or similar): The applicant should provide a schedule for the entire project, including task and subtask durations, milestones, and any Go/No-Go decision points.
	• Buy America Requirements for Infrastructure Projects: Within the first 2 pages of the Workplan, include a short statement on whether the project will involve the construction, alteration, and/or repair of infrastructure in the United States. See Appendix D for applicable definitions and other information to inform this statement.
	• Project Management: The applicant should discuss the team's proposed management plan, including the following:
	  ○ The overall approach to and organization for managing the work.
	  ○ The roles of each project team member.
	  ○ Any critical handoffs/interdependencies among project team members.
	  ○ The process and management aspects of the management plan, including systems and practices, such as financial and project management practices.
	  ○ The approach to project risk management, including a plan for securing a qualified workforce and mitigating risks to project performance including but not limited to community or labor disputes.
	  ○ A description of how project changes will be handled.
	  ○ If applicable, the approach to Quality Assurance/Control.
	  ○ How communications will be maintained among project team members.

Technical Qualifications and Resources (Approximately 20% of the total length of the Technical Volume)	The Technical Qualifications and Resources section should contain the following information:
	• Describe the project team's qualifications and expertise, including those of key subrecipients.
	• Describe the project team's existing resources, including staff, equipment, and facilities, that will facilitate the successful completion of the proposed project; include a justification of any new resources such as staff, equipment, and facilities requested in order to complete the project.
	• This section should also include relevant prior work, demonstrated progress, and how these foundations enable the applicant to achieve the project objectives.
	• Describe the time commitment of the key team members to support the project.
	• Describe the technical services to be provided by third parties, if applicable.
	• Describe the skills, certifications, or other credentials key staff, workers, or others expected to be involved with the project.
	• For multi-organizational projects, describe succinctly:
	  ○ The roles and the work to be performed by each project manager and senior/key personnel at the prime and sub-recipient (or partner) levels;
	  ○ Business agreements or other arrangements between the applicant and sub-recipient (or partner);
	  ○ How the various efforts will be integrated and managed;
	  ○ Process for making decisions;
	  ○ Any relevant publication arrangements;
	  ○ Any relevant intellectual Property issues; and
	  ○ Communication plans.

iv. Resumes

A resume provides information reviewers can use to evaluate an individual's relevant skills and the experience of the key project personnel. Applicants must submit a resume (limited to two pages) for each project manager and Senior/Key Personnel that includes the following:

1. Contact information;
2. Education: All academic institutions attended, major/area, degree;
3. Training: (e.g.,) certification or credential from a Registered Apprenticeship or Labor Management Partnership

4. Professional experience: Beginning with the current position, list professional/academic positions in chronological order with a brief description;
5. List all current academic, professional, or institutional appointments, foreign or domestic, at the applicant institution or elsewhere, whether or not remuneration is received, and whether full-time, part-time, or voluntary; and
6. There should be no lapses in time over the past 10 years or since age 18, whichever period is shorter.

Save the resumes in a single PDF file using the following naming convention for the title "ControlNumber_LeadOrganization_Resumes".

v. Letters of Commitment

Submit letters of commitment from all subrecipient and third-party cost share providers. If applicable, the letter must state that the third party is committed to providing a specific minimum dollar amount or value of in-kind contributions allocated to cost sharing. The following information for each third party contributing to cost sharing should be identified: (1) the name of the organization; (2) the proposed dollar amount to be provided; and (3) the proposed cost sharing type – e.g., cash or in-kind contributions. Each letter must not exceed 1 page. Save the letters of commitment in a single PDF file using the following naming convention for the title "ControlNumber_LeadOrganization_LOC".

Letters of support or endorsement for the project from entities that do not have a substantive role in the project are not accepted.

vi. Community Partnership Documentation – AOI 2 Only

In support of the Community Benefits Plan, applicants may submit documentation to demonstrate existing or planned partnerships with community entities, such as organizations that work with local stakeholders most vulnerable to or affected by the project. Examples of such as entities include organizations that carry out workforce development programs, labor unions, Tribal organizations, and community-based organizations that work with disadvantaged communities. The Partnership Documentation can be a letter on the partner's letterhead outlining the planned partnership signed by an officer of the entity, a Memorandum of Understanding, or other similar agreement. Such letters must state the specific nature of the partnership and must not be general letters of support. If the applicant intends to enter into Workforce and Community Agreements as part of the Community Benefits Plan, they should include letters from proposed partners. Each letter must not exceed 1 page. In total, the partnership documentation must not exceed 10 pages.

Save the Community Partnership Documentation in a single PDF file using the following naming convention for the title "ControlNumber_LeadOrganization_PartnershipDoc".

vii. Statement of Project Objectives (SOPO)

Applicants are required to complete a Statement of Project Objectives (SOPO). A template for the SOPO is available as Appendix G of this FOA. The SOPO, including the Milestone Table, must not exceed 5 pages when printed using standard 8.5 x 11 paper with 1" margins (top, bottom, left, and right) with font not smaller than 12-point (except in figures or tables, which may be 10-point font). Please save the SOPO in a single Microsoft Word file using the following naming convention for the title "ControlNumber_LeadOrganization_SOPO".

viii. Budget Justification Workbook

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

ix. Summary for Public Release

Applicants must submit a one-page summary of their project that is suitable for dissemination to the public. It should be a self-contained document that identifies the name of the applicant, the lead project manager/project director/principal investigator(s), the project title, the objectives of the project, a description of the project, including methods to be employed, the potential impact of the project (e.g., benefits, outcomes), major participants (for collaborative projects), and the project's commitments and goals described in the Community Benefits Plan. This document must not include any proprietary or sensitive business information as DOE may make it available to the public

after selections are made. The summary must not exceed 1 page when printed using standard 8.5 x 11 paper with 1" margins (top, bottom, left, and right) with font not smaller than 12 point. Please save the Summary for Public Release in a single PDF file using the following naming convention for the title "ControlNumber_Summary".

x. Summary Slide

Applicants must provide a single slide summarizing the proposed project.

The Summary Slide template must include the following information:

- A technology summary;
- A description of the technology's impact;
- Proposed project goals;
- Any key graphics (illustrations, charts and/or tables);
- The project's key idea/takeaway;
- Topline community benefits;
- Project title, prime recipient, and senior/key personnel information; and
- Requested DOE funds and proposed applicant cost share.

Save the Summary Slide in a single Microsoft PowerPoint file using the following naming convention for the title "ControlNumber_Slide".

xi. Subrecipient Budget Justification (if applicable)

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

xii. Budget for DOE/NNSA FFRDC (if applicable)

If a DOE/NNSA FFRDC is to perform a portion of the work, the applicant must provide a DOE Workplan in accordance with the requirements in DOE Order 412.1A, Work Authorization System, Attachment 3, available at: https://www.directives.doe.gov/directives-documents/400-series/0412.1-BOrder-a-chg1-AdmChg. Save the WP in a single PDF file using the following naming convention for the title "ControlNumber_WP".

xiii. Authorization for non-DOE/NNSA or DOE/NNSA FFRDCs (if applicable)

The federal agency sponsoring the FFRDC must authorize in writing the use of the FFRDC on the proposed project and this authorization must be submitted with the application. The use of a FFRDC must be consistent with the contractor's authority under its award. Save the Authorization in a single PDF file using the following naming convention for the title "ControlNumber_FFRDCAuth".

xiv. Environmental Questionnaire

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

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

xv. SF-LLL: Disclosure of Lobbying Activities (required)

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

Recipients and subrecipients are required to complete and submit SF-LLL, "Disclosure of Lobbying Activities" to ensure that non-federal funds have not been paid and will not be paid to any person for influencing or attempting to influence any of the following in connection with the application:

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

Save the SF-LLL in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_SF-LLL".

xvi. Waiver Requests (if applicable)

i. Foreign Entity Participation

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

ii. **Foreign Work Waiver Request**

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

Save the Waivers in a single PDF file using the following naming convention for the title "ControlNumber_FN_Waiver".

xvii. Community Benefits Plan: Job Quality and Equity – Applicable to AOI 2 Only

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

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

The applicant's Community Benefits Plan must include at least one Specific, Measurable, Achievable, Relevant and Timely (SMART) milestone per budget period to measure progress on the proposed actions. The Plan will be evaluated as part of the technical review process. If DOE selects a project, DOE will incorporate the Community Benefits Plan into the award, and the recipient must implement its Community Benefits Plan when carrying out its project. Public

transparency around the plan and SMART commitments ensure accountability. In addition, DOE will evaluate the recipient's progress during the award period of performance, including as part of the Go/No-Go review process.

The Community Benefits Plan must not exceed 14 pages. It must be submitted in PDF format. This Plan must address the technical review criterion titled, "Community Benefits Plan: Job Quality & Equity." See Section V. of the FOA.

For additional information, see About Community Benefits Plans.

Save the Community Benefits Plan in a single PDF file using the following naming convention for the title "ControlNumber_CBenefits".

The Community Benefits Plan must address the following:

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

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

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

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

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

The Plan must include:

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

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

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

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

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

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

Specifically, the Justice40 Initiative section must include:

1. Identification of applicable disadvantaged communities to which the anticipated project benefits will flow.
2. Identification of Applicable Benefits that are quantifiable, measurable, and trackable, including, at a minimum, a discussion of the relevance of each of the eight DOE Justice40 Initiative benefits outlined below. Benefits include (but are not limited to) measurable direct or indirect investments or positive project outcomes that achieve or contribute to the following in disadvantaged communities: (1) a decrease in energy burden; (2) a decrease in environmental exposure and burdens; (3) an increase in access to low-cost capital; (4) an increase in high-quality job creation, the clean energy job pipeline, and job training for individuals; (5) increases in clean energy enterprise creation and contracting (e.g., minority-owned or disadvantaged business enterprises); (6) increases in energy democracy, including community ownership; (7) increased parity in clean energy technology access and adoption; and (8) an increase in energy resilience. Applicants should also discuss how the project will maximize all of the benefits listed in #4 above.

3. A description of how and when anticipated benefits are expected to flow to disadvantaged communities. For example, will the benefits be provided directly within the disadvantaged communities identified in the Justice40 Initiative section, or another way; whether the benefits will flow during project development or after project completion, and how applicant will track benefits delivered.
4. A discussion of anticipated negative and cumulative environmental impacts on disadvantaged communities. Applicants should discuss any anticipated negative or positive environmental impacts associated with the project, and how they will mitigate any negative impacts. Within the context of cumulative impacts created by the project, applicants should use Environmental Protection Agency EJSCREEN tool to quantitatively discuss existing environmental impacts in the project area. See EJScreen: Environmental Justice Screening and Mapping Tool | US EPA

For projects funded under this FOA, DOE will provide specific reporting guidance for the benefits described above.

xviii. Community Benefits Plan Budget Justification – AOI 2 Only

Applicants must provide a separate budget justification identifying the Community Benefit Plan costs included in the "Budget Justification Workbook." This Community Benefits Plan Budget Justification must include the same justification information described in the "Budget Justification Workbook" section above but should only include Community Benefits Plan costs.

Save the Community Benefits Plan in a Microsoft Excel file using the following naming convention for the title "ControlNumber_CBP_Budget_Justification".

~~See Appendix K for more guidance.~~

xix. Current and Pending Support

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

government-sponsored talent recruitment programs must be identified in current and pending support.

For every activity, list the following items:

- The sponsor of the activity or the source of funding;
- The award or other identifying number;
- The title of the award or activity. If the title of the award or activity is not descriptive, add a brief description of the research being performed that would identify any overlaps or synergies with the proposed research;
- The total cost or value of the award or activity, including direct and indirect costs and cost share. For pending proposals, provide the total amount of requested funding;
- The award period (start date – end date); and
- The person-months of effort per year being dedicated to the award or activity.

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

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

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

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

circumstances change which impact the responses provided above.

The information may be provided in the format approved by the National Science Foundation (NSF), which may be generated by the Science Experts Network Curriculum Vita (SciENcv), a cooperative venture maintained at https://www.ncbi.nlm.nih.gov/sciencv/, and is also available at https://seedfund.nsf.gov/assets/files/applicants/Current.and.Pending.Support.Form.pdf.

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

Save the Current and Pending Support in a single PDF file using the following naming convention for the title "ControlNumber_CPS" and click on "Add Optional Other Attachment" to attach.

Definitions:

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

Foreign Government-Sponsored Talent Recruitment Program – An effort directly or indirectly organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether

having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to United States entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

Senior/key personnel – an individual who contributes in a substantive, meaningful way to the scientific development or execution of a research, development and demonstration (RD&D) project proposed to be carried out with DOE award.[5]

xx. Locations of Work

The applicant must complete the supplied template by listing the city, state, and zip code + 4 for each location where project work will be performed by the prime recipient or subrecipient(s). Save the Location of Work in a single Microsoft Excel file using the following naming convention for the title "ControlNumber_LOW" and click on "Add Optional Other Attachment" to attach.

xxi. Transparency of Foreign Connections

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

1. Entity name, website address, and mailing address;

[5] Typically, these individuals have doctoral or other professional degrees, although individuals at the masters or baccalaureate level may be considered senior/key personnel if their involvement meets this definition. Consultants, graduate students, and those with a postdoctoral role also may be considered senior/key personnel if they meet this definition.

2. The identity of all owners, principal investigators, project managers, and senior/key personnel who are a party to any *Foreign Government-Sponsored Talent Recruitment Program* of a foreign country of risk (i.e., China, Iran, North Korea, and Russia);
3. The existence of any joint venture or subsidiary that is based in, funded by, or has a foreign affiliation with any foreign country of risk;
4. Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;
5. Percentage, if any, that the proposed recipient or subrecipient has foreign ownership or control;
6. Percentage, if any, that the proposed recipient or subrecipient is wholly or partially owned by an entity in a foreign country of risk;
7. Percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk;
8. Any technology licensing or intellectual property sales to a foreign country of risk, during the 5-year period preceding submission of the proposal;
9. Any foreign business entity, offshore entity, or entity outside the United States related to the proposed recipient or subrecipient;
10. Complete list of all directors (and board observers), including their full name, citizenship and shareholder affiliation, date of appointment, duration of term, as well as a description of observer rights as applicable;
11. Complete capitalization table for your entity, including all equity interests (including LLC and partnership interests, as well as derivative securities). Include both the number of shares issued to each equity holder, as well as the percentage of that series and all equity on a fully diluted basis. Identify the principal place of incorporation (or organization) for each equity holder. If the equity holder is a natural person, identify the citizenship(s). If the recipient or subrecipient is a publicly traded company, provide the above information for shareholders with an interest greater than 5%;
12. A summary table identifying all rounds of financing, the purchase dates, the investors for each round, and all the associated governance and information rights obtained by investors during each round of financing; and
13. An organization chart to illustrate the relationship between your entity and the immediate parent, ultimate parent, and any intermediate parent, as well as any subsidiary or affiliates. Identify where each entity is incorporated.
14. DOE reserves the right to request additional or clarifying information based on the information submitted.

Save the Transparency of Foreign Connections Notice in a single PDF file using the following naming convention for the title "ControlNumber_BusinessSensitive".

xxii. Potentially Duplicative Funding Notice (if applicable)

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

Save the Potentially Duplicative Funding Notice in a single PDF file using the following naming convention for the title "ControlNumber_PDFN".

xxiii. Project Management Plan

Please see Appendix G for the Project Management Plan template.

Save the Project Management Plan in a single PDF file using the following naming convention for the title "ControlNumber_PMP".

F. Post-Selection Information

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

- Personnel proposed to work on the project and collaborating organizations (See Section VI.B.xviii. Participants and Collaborating Organizations);
- Current and Pending Support (See Sections IV.E.xvii. and VI.B.xix. Current and Pending Support);
- Indirect cost information;

- Other budget information;
- Letters of Commitment from third parties contributing to cost share, if applicable;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5);
- Information for the DOE Office of Civil Rights to process assurance reviews under 10 CFR 1040;
- Representation of Limited Rights Data and Restricted Software, if applicable;
- Information related to any proposed Workforce and Community Agreement, as defined above in "Community Benefits Plan: Job Quality and Equity," that applicants may have made with the relevant community;
- Any proposed or required Project Labor Agreements; and
- Updated Environmental Questionnaire, if applicable.

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

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

NOTE: Due to the high demand of UEI requests and SAM registrations, entity legal business name and address validations are taking longer than expected to process. **Entities should start the UEI and SAM registration process as soon as possible.** If entities have technical difficulties with the UEI validation or SAM registration process, they should utilize the **HELP** feature on **SAM.gov**. SAM.gov will work entity service tickets in the order in which they are received and asks

that entities not create multiple service tickets for the same request or technical issue. Additional entity validation resources can be found here: GSAFSD Tier 0 Knowledge Base - Validating your Entity.

H. Intergovernmental Review

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

I. Funding Restrictions

i. Allowable Costs

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

ii. Pre-Award Costs

Applicants selected for award negotiations (selectee) must request prior written approval to charge pre-award costs. Pre-award costs are those incurred prior to the effective date of the federal award directly pursuant to the negotiation and in anticipation of the federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the federal award and **only** with the written approval of the federal awarding agency, through the DOE Contracting Officer.

Pre-award costs cannot be incurred prior to the Selection Official signing the Selection Statement and Analysis.

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

1. **National Environmental Policy Act (NEPA) Requirements Related to Pre-Award Costs**
   DOE's decision whether and how to distribute federal funds under this FOA is subject to NEPA. Applicants should carefully consider and should seek legal counsel or other expert advice before taking any action related to the proposed project that would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to DOE completing the NEPA review process.

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

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

1. Requirement

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

2. Failure to Comply

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

3. Waiver

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

Save the waiver request(s) in a single PDF file. The applicant does not have the right to appeal DOE's decision concerning a waiver request.

iv. Construction

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

DOE strongly encourages the use of project labor agreements (PLAs) in connection with construction projects. A PLA is a pre-hire agreement between a private entity (or entities) and a labor organization (or organizations) representing individuals who will be working on the construction project. Applicants that commit to using best-practice project labor agreements will generally be likely to produce a construction workforce plan that meets the criteria in this FOA. By contrast, applicants that do not commit to using a PLA will be required to submit workforce continuity plans and show that they have taken other measures to reduce the risk of delays in project delivery.

For large construction projects, DOE may require a PLA. Assessment of applicability will be conducted on a case-by-case basis.

v. Foreign Travel

Foreign travel costs are not allowable under this FOA.

vi. Equipment and Supplies

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

vii. Buy America Requirements for Infrastructure Projects

Pursuant to the Build America Buy America Act, subtitle IX of IRA (Buy America, or "BABA"), federally assisted projects that involve infrastructure work, undertaken by applicable recipient types, require that:

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

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

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

Please note that, based on the implementation guidance from the Office of Management and Budget (OMB) issued on April 18, 2022, the Buy America requirements of the IRA do not apply to DOE projects in which the prime recipient is a for-profit entity; the requirements only apply to projects whose prime recipient is a "non-Federal entity," e.g., a State, local government, Indian tribe, Institution of Higher Education, or nonprofit organization. Subawards should conform to the terms of the prime award from which they flow; in other words, for-profit prime recipients are not required to flow down these Buy America requirements to subrecipients, even if those subrecipients are non-Federal entities as defined above. Conversely, prime recipients which are non-Federal entities must flow the Buy America requirements down to all subrecipients, even if those subrecipients are for-profit entities. Finally, for all applicants—both non-Federal entities and for-profit entities—DOE is including a Program Policy Factor that the Selection Official may consider in determining which Full Applications to select for award negotiations that considers whether the applicant has made a commitment to procure U.S. iron, steel, manufactured products, and construction materials in its project.

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

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

viii. Lobbying

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

Recipients and subrecipients are required to complete and submit SF-LLL, "Disclosure of Lobbying Activities"

(https://www.grants.gov/web/grants/forms/sf-424-individual-family.html) to ensure that non-federal funds have not been paid and will not be paid to any person for influencing or attempting to influence any of the following in connection with the application:

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

Save the SF-LLL in a single PDF file using the following naming convention: "ControlNumber_LeadOrganization_SF-LLL".

ix. Risk Assessment

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

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

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

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

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

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

x. Invoice Review and Approval

DOE employs a risk-based approach to determine the level of supporting documentation required for approving invoice payments. Recipients may be required to provide some or all of the following items with their requests for reimbursement:

- Summary of costs by cost categories;
- Timesheets or personnel hours report;
- Invoices/receipts for all travel, equipment, supplies, contractual, and other costs;
- UCC filing proof for equipment acquired with project funds by for-profit recipients and subrecipients;
- Explanation of cost share for invoicing period;
- Analogous information for some subrecipients; and
- Other items as required by DOE.

xi. Prohibition Related to Foreign Government-Sponsored Talent Recruitment Programs

a. Prohibition

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

b. Definitions

1. **Foreign Government-Sponsored Talent Recruitment Program.** An effort directly or indirectly organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment

programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to U.S. entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

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

xii. Affirmative Action and Pay Transparency Requirements

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

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

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

The Department of Labor's (DOL) Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule compliance evaluations. Consult OFCCP's Technical Assistance Guide[6] to gain an understanding of the requirements and possible required actions the recipients, subrecipients, contractors, and subcontractors must take. Additional guidance may also be found in the National Policy Assurances, produced by DOE.

xiii. Foreign Collaboration Considerations

a. Consideration of new collaborations with foreign entities and governments. The recipient will be required to provide DOE with advanced written notification of any potential collaboration with foreign entities or governments in connection with its DOE-funded award scope. The recipient will then be required to await further guidance from DOE prior to contacting the proposed foreign entity or government regarding the potential collaboration or negotiating the terms of any potential agreement.
b. Existing collaborations with foreign entities and governments. The recipient will be required to provide DOE with a written list of all existing foreign collaborations in which has entered in connection with its DOE-funded award scope.
c. Description of collaborations that should be reported. In general, a collaboration will involve some provision of a thing of value to, or from, the recipient. A thing of value includes but may not be limited to all resources made available to, or from, the recipient in support of and/or related to the DOE award, regardless of whether or not they have monetary value. Things of value also may include in-kind contributions (such as office/laboratory space, data, equipment, supplies, employees, students). In-kind contributions not intended for direct use on the DOE award but resulting in provision of a thing of value from or to the DOE award must also be reported. Collaborations do not include routine workshops, conferences, use of the recipient's services and facilities by foreign investigators resulting from its standard published process for evaluating requests for access, or the routine use of foreign facilities by awardee staff in accordance with the recipient's standard polies and procedures.

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

V. Application Review Information

A. Technical Review Criteria

i. Concept Papers

Concept Papers are evaluated based on consideration the following eligibility requirements and review criteria.

Concept Paper Criterion – Eligibility Requirements and Review Criteria (Weight: 100%)

1. The **primary applicant** has provided sufficient information to support a finding that the applicant is **eligible to apply for a grant** under the selected Area of Interest (i.e., siting/permitting grants or economic development grants), consistent with the eligibility requirements described in Section III of the FOA.
2. The applicant has provided a **draft project schedule** consistent with parameters in the FOA. The proposed scheduled must be **consistent with the statutory requirements** applicable to the chosen Area of Interest, including parameters specifying when funds can be received and when they must be used by. These parameters are described in Section IV of the FOA.
3. The applicant has provided information sufficient to support a finding that the proposed project (or projects) is related to an **eligible covered transmission project**, either because it pertains to the siting and permitting of a covered transmission project, or because it pertains to economic development in communities that may be impacted by the construction or operation of a covered transmission project**.** The term "eligible covered transmission project" refers to certain onshore transmission projects that are interstate in nature and meet minimum voltage criteria, or certain offshore transmission projects, as defined in detail in Section I of the FOA.
4. The proposed project (or projects), if successfully accomplished, **would likely advance the objectives set out in the FOA** for the selected Area of Interest (i.e. siting/permitting grants or economic development grants), such as the goals of (1) supporting the timely permitting and construction of new or upgraded transmission facilities in a manner consistent with the priorities of affected communities, and (2) supporting economic development in communities that may be impacted by covered transmission facilities.
5. The applicant has identified at least two to three key **high-level risks and challenges** that the project may face, as well as possible **mitigation strategies** to

address those risks and challenges. This information need not be lengthy or detailed.

6. Preliminary information provided indicates that the applicant and any proposed partners are likely to have the **qualifications, experience, capabilities, and other resources** necessary to complete the proposed project.
7. The applicant has provided initial information indicating they have begun to **consider appropriate partners** to support the successful implementation of the proposed project (or projects), if any partners are likely to be needed.

ii. Full Applications

Full applications will be evaluated against the technical review criteria shown below.

<u>Area of Interest 1 (Siting and Permitting):</u>

Merit Review Criterion 1: Technical Merit (50%)

- Thoroughness of the description of the proposed activities, clarity with respect to the applicant's plan to carry out those activities, and feasibility of the activities.
- Degree to which the activities proposed are likely to improve the chances of successful siting and permitting of a covered transmission project.
- Degree to which the activities proposed are likely to shorten the time required to secure siting or permitting approvals for a covered transmission project.
- Feasibility of achieving a final siting or permitting decision within two years.
- Adequacy, reasonableness, and soundness of the project budget and schedule, as well as any applicable Go/No-Go decisions, interim milestones, and metrics that have been proposed to track progress.
- Degree to which the proposed solution or strategy will be replicable or otherwise demonstrate or set the stage for long-term or future improvements to siting and permitting processes including but not limited to cross-jurisdictional coordination and stakeholder engagement.
- Degree to which the application supports a conclusion that DOE funding of the proposed project will have a clearly additive and beneficial effect relative to baselines.

Merit Review Criterion 2: Technical Approach and Understanding (35%)

- Adequacy and feasibility of the Applicant's approach to achieving the objectives of the FOA.
- Degree to which the Proposed Project reflects innovative and effective approaches to accomplishing its goals, including but not limited to

innovative approaches to (1) coordinating across jurisdictions or regions, (2) standardizing application requirements or review processes across jurisdictions or regions, (3) informing and engaging with potentially impacted communities and stakeholders, and (4) streamlining or otherwise strengthening siting and permitting processes.

- Degree to which the applicant establishes that preliminary steps necessary to ensure timely success of permitting and siting processes have already been carried out, including but not limited to (1) early engagement with potentially impacted communities and other stakeholders, and (2) initiating channels of communication for robust ongoing stakeholder engagement.
- Feasibility, appropriateness, rationale, and completeness of the proposed Statement of Project Objectives, such that there is a logical progression of work.
- Adequacy and completeness of the Project Management Plan in establishing starting point baselines (e.g., scope, budget, schedule) and in clearly setting a plan to manage project performance relative to those baselines.
- Identification and clear understanding of key project risks and challenges, along with well-supported strategies for mitigation.

Merit Review Criterion 3: Technical and Management Capabilities (15%)

- Degree to which the applicant indicates that any beneficial or necessary partnerships have been established, including partnerships with neutral third parties or community liaisons who can facilitate effective engagement with communities that may be impacted by the covered project and other stakeholders.
- Credentials, capabilities, and experience of key personnel and partnering organizations.
- Clarity and likely effectiveness of the project organization, including sub-recipients or partners, to successfully complete the project.
- Adequacy and availability of proposed personnel, facilities, and equipment to perform project tasks.

<u>Area of Interest 2 (Economic Development):</u>

Merit Review Criterion 1: Technical Merit (30%)

- Thoroughness of the description of the proposed activities, clarity with respect to the applicant's plan to carry out those activities, and feasibility of the proposed activities.
- The extent to which the applicant demonstrates that the proposed economic development activities will accelerate transmission siting

timelines and/or increase chance that a transmission project will be developed.

- The extent and clarity of the connection described in the Application between the proposed activities and economic development benefits in communities that are likely to be impacted by a covered transmission project.
- The extent to which the applicant establishes that the proposed economic development activities are likely to accord with or reflect the desires of the communities that the activities are intended to benefit.
- The extent to which the applicant demonstrates community and labor engagement to date that is likely to result in broad public support for the proposed activities.
- Degree to which the applicant indicates that any beneficial or necessary partnerships or relationships with affected communities have been established, or otherwise the clarity of the applicant's plan to establish any such partnerships and relationships.
- Adequacy, reasonableness, and soundness of the project budget and schedule, as well as any applicable annual Go/No-Go decisions, interim milestones, and metrics that have been proposed to track progress.
- Degree to which the application supports a conclusion that DOE funding of the proposed project will have a clearly additive and beneficial effect relative to baselines.

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

- Adequacy and feasibility of the applicant's approach to achieving the objectives of the FOA.
- Feasibility, appropriateness, rationale, and completeness of the proposed Statement of Project Objectives, such that there is a logical progression of work.
- Adequacy and completeness of the Project Management Plan in establishing baselines (e.g., scope, budget, schedule) and in clearly setting a plan to manage project performance relative to those baselines Thoroughness and adequacy of the identification of project risks and strategies for mitigation.
- The extent to which the approach proposed by the applicant and any sub-recipients reflects engagement with the communities impacted by a covered transmission project and knowledge of community needs.
- The rigor of consideration given to the potential of the project to mitigate the impacts of a covered transmission project on potentially impacted communities.
- The extent to which any proposed energy or resilience-related activities are likely to provide concrete benefits including by increasing reliability

and storm-related resilience, empowering communities, or expanding access to modern technologies.
- Adequacy of plans to demonstrate that actual benefits have been achieved.
- Identification and clear understanding of key project risks and challenges, along with well-supported strategies for mitigation.

Merit Review Criterion 3: Technical and Management Capabilities (20%)

- Credentials, capabilities, and experience of key personnel and any likely partnering organizations.
- Clarity and likely effectiveness of the project organization, including sub-recipients or partners, to successfully complete the project.
- Adequacy and availability of proposed personnel, facilities, and equipment to perform project tasks and related requirements.
- If additional staffing or resources are needed beyond current resource levels at the project organization, or at any subrecipient or partner organization, in order to carry out the proposed activities, the adequacy of the applicant's plan and budget to ensure that sufficient personnel and resources will be retained or otherwise available when needed.
- Demonstrated experience of the applicant, subrecipients, and partnering organizations in the areas addressed in the application and in managing projects of similar size, scope, and complexity.

Merit Review Criterion 4: Community Benefits Plan (20%)

This criterion involves consideration of the following factors:

<u>Community and Labor Engagement</u>

- Extent to which the applicant demonstrates community and labor engagement to date that results in support for the proposed project;
- Extent to which the applicant has a clear and appropriately robust plan to engage—ideally through a clear commitment to negotiate enforceable Workforce & Community Agreements—with labor unions, Tribal entities, and community-based organizations that support or work with disadvantaged communities and other affected stakeholders;
- Extent to which the applicant has considered accountability to affected workers and community stakeholders, including those most vulnerable to project activities, with a plan to publicly share SMART Community Benefits Plan commitments; and
- Extent to which the applicant demonstrates that community and labor engagement will lead to the delivery of high-quality jobs, minimal environmental impact, and allocation of project benefits to disadvantaged communities.

Job Quality and Workforce Continuity

- Quality and manner in which the proposed project will create and/or retain high quality, good-paying jobs with employer-sponsored benefits for all classifications and phases of work;
- Extent to which the project provides employees with the ability to organize, bargain collectively, and participate, through labor organizations of their choosing, in decisions that affect them and that contribute to the effective conduct of business and facilitates amicable settlements of any potential disputes between employees and employers, providing assurances of project efficiency, continuity, and multiple public benefits; and
- Extent to which applicant demonstrates that they are a responsible employer, with ready access to a sufficient supply of appropriately skilled labor, and an effective plan to minimize the risk of labor disputes or disruptions.

Diversity, Equity, Inclusion, and Accessibility

- Extent to which the Community Benefits Plan includes specific and high-quality actions to meet DEIA goals, which may include DEIA recruitment procedures, supplier diversity plans, and other DEIA initiatives; and
- Quality of any partnerships and agreements with apprenticeship readiness programs, or community-based workforce training and support organizations serving workers facing systematic barriers to employment to facilitate participation in the project's construction and operations.

Justice40 Initiative

- Extent to which the Community Benefits Plan identifies: specific, measurable benefits for disadvantaged communities, how the benefits will flow to disadvantaged communities, and how negative environmental impacts affecting disadvantaged communities would be mitigated; and
- Extent to which the project would contribute to meeting the objective that 40% of the overall benefits of climate and clean energy investments flow to disadvantaged communities.

B. Standards for Application Evaluation

Applications that are determined to be eligible will be evaluated in accordance with this FOA and the guidance provided in the "DOE Merit Review Guide for Financial Assistance," effective September 2020, which is available at: https://energy.gov/management/downloads/merit-review-guide-financial-assistance-and-unsolicited-proposals-current.

C. Other Selection Factors

i. Program Policy Factors

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

- The degree to which the relevant covered transmission project will advance the goals of the IRA and the Administration, including by deploying interregional transmission, improving electric reliability, controlling consumer costs, reducing carbon emissions from the energy sector, supporting union jobs, and strengthening domestic manufacturing;
- The degree to which the relevant covered transmission project is consistent with and furthers priorities and needs identified by DOE for the electric grid, including in issuances such as the National Transmission Needs Study, the National Transmission Planning Study, and the National Interest Electric Transmission Corridors designation program;
- The degree to which the relevant covered transmission project has initial public support from the communities most directly impacted by the project;
- The degree to which the relevant covered transmission project has the potential to model valuable norms such as siting in existing rights-of-way, advancing Justice40 communities, and partnering with Tribal entities, local governments, local non-profit or publicly owned utilities, or local community organizations;
- The degree to which the proposed project optimizes the use of available DOE and federal funding to achieve programmatic objectives;
- The degree to which the proposed project contributes to a desired geographic distribution, as well as a diversity of applicant types, considering past awards and current applications;
- The degree to which the proposed project incorporates team members from Minority Serving Institutions (e.g., Historically Black Colleges and Universities (HBCUs)/other Minority Institutions); and partnerships with Minority Business Enterprises, minority-owned businesses, woman-owned businesses, veteran-owned businesses, or Tribes; and
- The degree to which the proposed project avoids duplication or overlap with other publicly or privately funded work; and
- The degree to which the proposed project, when compared to the existing DOE project portfolio and other projects to be selected from the subject FOA, contributes to the total portfolio meeting the goals reflected in the Community Benefits Plan criteria.

D. Evaluation and Selection Process

i. Overview

The evaluation process consists of multiple phases; each phase includes an initial eligibility review and a thorough technical review. Rigorous technical reviews of eligible submissions are conducted by reviewers that are experts in the subject matter of the FOA. Ultimately, the Selection Official considers the recommendations of the reviewers, along with other considerations such as program policy factors in determining which applications to select. recommendations of the reviewers, along with other considerations such as program policy factors in determining which applications to select.

ii. Pre-Selection Interviews

As part of the evaluation and selection process, DOE may invite one or more applicants to participate in pre-selection interviews. Pre-selection interviews are distinct from and more formal than pre-selection clarifications (See Section V.D.iii. of the FOA). The invited applicant(s) will meet with DOE representatives to provide clarification on the contents of the Full Applications and to provide DOE an opportunity to ask questions regarding the proposed project. The information provided by applicants to DOE through pre-selection interviews contributes to DOE's selection decisions.

DOE will arrange to meet with the invited applicants in person at DOE's offices or a mutually agreed upon location. DOE may also arrange site visits at certain applicants' facilities. In the alternative, DOE may invite certain applicants to participate in a one-on-one conference with DOE via webinar, videoconference, or conference call.

DOE will not reimburse applicants for travel and other expenses relating to the pre-selection interviews, nor will these costs be eligible for reimbursement as pre-award costs.

Participation in pre-selection interviews with DOE does not signify that applicants have been selected for award negotiations.

iii. Pre-Selection Clarification

DOE may determine that pre-selection clarifications are necessary from one or more applicants. Pre-selection clarifications are distinct from and less formal than pre-selection interviews. These pre-selection clarifications will solely be for the purposes of clarifying the application. The pre-selection clarifications may occur before, during or after the merit review evaluation process. Information provided by an applicant that is not necessary to address the pre-selection clarification question will not be reviewed or considered. Typically, a pre-selection clarification will be carried out through either written responses to

DOE's written clarification questions or video or conference calls with DOE representatives.

The information provided by applicants to DOE through pre-selection clarifications is incorporated in their applications and contributes to the merit review evaluation and DOE's selection decisions. If DOE contacts an applicant for pre-selection clarification purposes, it does not signify that the applicant has been selected for negotiation of award or that the applicant is among the top ranked applications.

DOE will not reimburse applicants for expenses relating to the pre-selection clarifications, nor will these costs be eligible for reimbursement as pre-award costs.

iv. Recipient Responsibility and Qualifications

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

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

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

v. Selection

The Selection Official may consider the technical merit, the Federal Consensus Board's recommendations, program policy factors, and the amount of funds available in arriving at selections for this FOA.

E. Anticipated Notice of Selection and Award Negotiation Dates

DOE anticipates notifying applicants selected for negotiation of award and negotiating awards by the dates provided on the cover page of this FOA.

VI. Award Administration Information

A. Award Notices

i. Ineligible Submissions

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

ii. Concept Paper Notifications

DOE will notify applicants of its determination to encourage or discourage the submission of a Full Application. DOE will send a notification letter by email to the technical and administrative points of contact designated by the applicant on the Concept Paper cover page.

Applicants may submit a Full Application even if they receive a notification discouraging them from doing so. By discouraging the submission of a Full Application, DOE intends to convey its lack of programmatic interest in the proposed project. Such assessments do not necessarily reflect judgments on the merits of the proposed project. The purpose of the Concept Paper phase is to save applicants the considerable time and expense of preparing a Full Application that is unlikely to be selected for award negotiations.

A notification encouraging the submission of a Full Application does not authorize the applicant to commence performance of the project. Please refer to Section IV of the FOA for guidance on pre-award costs.

iii. Full Application Notifications

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

iv. Successful Applicants

Receipt of a notification letter selecting a Full Application for award negotiations does not authorize the applicant to commence performance of the project. If an application is selected for award negotiations, it is not a commitment by DOE to

issue an award. Applicants do not receive an award until award negotiations are complete and the Contracting Officer executes the funding agreement, accessible by the prime recipient in FedConnect.

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

Please refer to Section IV of the FOA for guidance on pre-award costs.

v. Alternate Selection Determinations

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

vi. Unsuccessful Applicants

DOE shall promptly notify in writing each applicant whose application has not been selected for award or whose application cannot be funded because of the unavailability of appropriated funds.

B. Administrative and National Policy Requirements

i. Award Administrative Requirements

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

ii. Foreign National Participation (April 2023)

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

DOE concurrence may be required before a foreign national can participate in the performance of any work under an award.

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

A "foreign national" is defined as any person who is not a United States citizen by birth or naturalization. DOE may elect to deny foreign national's participation in the award. Likewise, DOE may elect to deny a foreign national's access to a DOE sites, information, technologies, equipment, programs, or personnel.

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

iii. Subaward and Executive Reporting

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

iv. National Policy Requirements

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

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

DOE's decision whether and how to distribute federal funds under this FOA is subject to NEPA (42 U.S.C. § 4321, *et seq.*). NEPA requires federal agencies to integrate environmental values into their decision-making processes by considering the potential environmental impacts of their proposed actions. For additional background on NEPA, please see DOE's NEPA website, at https://www.energy.gov/nepa.

NEPA ensures agencies consider the significant environmental consequences of their proposed actions and inform the public about their decision making. While NEPA compliance is a federal agency responsibility and the ultimate decisions

remain with the federal agency, all recipients selected for an award will be required to assist in the timely and effective completion of the NEPA process in the manner most pertinent to their proposed project. If DOE determines certain records must be prepared to complete the NEPA review process (e.g., biological evaluations or environmental assessments), the recipient may be required to prepare the records and the costs to prepare the necessary records may be included as part of the project costs.

Applicants applying for support for siting and permitting activities under AOI 1 including support for studies, data analysis, computer and geospatial modeling, lab and bench-scale work in existing laboratories, coordination with local and state authorities are actions that generally do not present any extraordinary circumstances and would be covered by a CX outlined in Appendices A and B to the Subpart D of the DOE NEPA Implementing Procedures (10 CFR 1021).

For additional information on DOE NEPA Implementing Procedures and applicable CXs, please follow the link: eCFR :: 10 CFR Part 1021 -- National Environmental Policy Act Implementing Procedures

vi. Applicant Representations and Certifications

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

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

   For purposes of these representations the following definitions apply:

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

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

vii. Statement of Federal Stewardship

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

viii. Statement of Substantial Involvement (Applicable to Area of Interest 2 only)

With respect to Area of Interest 2, DOE may have substantial involvement in work performed under awards made as a result of this FOA. DOE need not limit its involvement to the administrative requirements of the award. Instead, DOE may have substantial involvement in the direction and redirection of the technical aspects of the project, particularly for sub-grant programs. Substantial involvement includes, but is not limited to, the following:

1. DOE may participate in major project decision-making processes, including the review of sub-grant applications.
2. DOE may redirect or discontinue funding the project based on the outcome of DOE's evaluation of the project at any applicable Go/No-Go decision point(s).
3. DOE may intervene in the conduct or performance of work under this award for programmatic reasons. Intervention includes the interruption or modification of the conduct or performance of project activities.

ix. Intellectual Property Provisions

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

x. Reporting

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

xi. Go/No-Go Review

Certain projects in Area of Interest 2 that are selected under this FOA, particularly economic development sub-grant programs that employ cooperative agreements, may be subject to a periodic project evaluation referred to as a Go/No-Go Review. A Go/No-Go Review is a risk management tool and a project management best practice to ensure that, for the current phase or period of performance, technical success is definitively achieved and potential for success in future phases or periods of performance is evaluated, prior to actually beginning the execution of future phases. At the Go/No-Go decision points, DOE will evaluate project performance, project schedule adherence, the extent milestone objectives are met, compliance with reporting requirements, and overall contribution to the program goals and objectives. Federal funding beyond the Go/No-Go decision point (continuation funding) is contingent upon (1) availability of federal funds appropriated by Congress for the purpose of this program; (2) the availability of future-year budget authority; (3) recipient's technical progress compared to the Milestone Summary Table stated in Attachment 1 of the award; (4) recipient's submittal of required reports; (5) recipient's compliance with the terms and conditions of the award; (6) DOE's Go/No-Go decision; (7) the recipient's submission of a continuation application[7]; and (8) written approval of the continuation application issued by the Contracting Officer.

As a result of the Go/No-Go Review, DOE may, at its discretion, authorize the following actions: (1) continue to fund the project, contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority; (2) recommend redirection of work under the project; (3) place a hold on federal funding for the project,

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[7] A continuation application is a non-competitive application for an additional budget period within a previously approved project period. At least ninety (90) days before the end of each budget period, the recipient must submit its continuation application, which includes the following information:

i. A progress report on the project objectives, including significant findings, conclusions, or developments, and an estimate of any unobligated balances remaining at the end of the budget period. If the remaining unobligated balance is estimated to exceed 20 percent of the funds available for the budget period, explain why the excess funds have not been obligated and how they will be used in the next budget period.
ii. A detailed budget and supporting justification if there are changes to the negotiated budget, or a budget for the upcoming budget period was not approved at the time of award.
iii. A description of any planned changes from the SOPO and/or Milestone Summary Table.

pending further supporting data or funding; or (4) discontinue funding the project because of insufficient progress, change in strategic direction, or lack of funding.

The Go/No-Go decision is distinct from a non-compliance determination. In the event a recipient fails to comply with the requirements of an award, DOE may take appropriate action, including but not limited to, redirecting, suspending or terminating the award.

xii. Conference Spending

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

xiii. Indemnity

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

The Recipient shall indemnify the Government and its officers, agents, or employees for any and all liability, including litigation expenses and attorney's fees, arising from suits, actions, or claims of any character for death, bodily injury, or loss of damage to property or to the environment, resulting from the project, except to the extent that such liability results from the direct fault or negligence of Government officers, agents or employees, or to the extent such liability may not be covered by applicable allowable costs provisions.

xiv. Uniform Commercial Code (UCC) Financing Statements

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

Properly record, and consent to the Department's ability to properly record if the recipient fails to do so, UCC financing statement(s) for all equipment in excess of $5,000 purchased with project funds. These financing statement(s) must be approved in writing by the Contracting Officer prior to the recording, and they

shall provide notice that the recipient's title to all equipment (not real property) purchased with federal funds under the financial assistance agreement is conditional pursuant to the terms of this section, and that the government retains an undivided reversionary interest in the equipment. The UCC financing statement(s) must be filed before the Contracting Officer may reimburse the recipient for the federal share of the equipment unless otherwise provided for in the relevant financial assistance agreement. The recipient shall further make any amendments to the financing statements or additional recordings, including appropriate continuation statements, as necessary or as the Contracting Officer may direct.

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

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

xvi. Participants and Collaborating Organizations

If selected for award negotiations, the selected applicant must submit a list of personnel who are proposed to work on the project, both at the recipient and subrecipient level, along with a list of proposed collaborating organizations, prior to award. Over the life of the award, recipients will have an ongoing responsibility to notify DOE of changes to the personnel and collaborating organizations, and to submit updated information periodically as needed.

xvii. Current and Pending Support

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

xviii. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)[8] is applicable to all non-federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or

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

technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOE financial assistance award. The term "Investigator" means the PI and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. Recipients must flow down the requirements of the interim COI Policy to any subrecipient non-Federal entities. Further, for DOE funded projects, the recipient must include all financial conflicts of interest (FCOI) (i.e., managed and unmanaged/unmanageable) in their initial and ongoing FCOI reports.

It is understood that non-Federal entities and individuals receiving DOE financial assistance awards will need sufficient time to come into full compliance with DOE's interim COI Policy. To provide some flexibility, DOE allows for a staggered implementation. Specifically, prior to award, applicants selected for award negotiations must: ensure all Investigators complete their significant financial disclosures; review the disclosures; determine whether a FCOI exists; develop and implement a management plan for FCOIs; and provide DOE with an initial FCOI report that includes all FCOIs (i.e., managed and unmanaged/unmanageable). Recipients will have 180 days from the date of the award to come into full compliance with the other requirements set forth in DOE's interim COI Policy. Prior to award, the applicant must certify that it is, or will be within 180 days of the award, compliant with all requirements in the COI Policy.

xix. Fraud, Waste and Abuse

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

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

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

> The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law

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

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

xx. Human Subjects Research

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

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

xxi. Real Property and Equipment[9]

Real property and equipment purchased with project funds (federal share and recipient cost share) are subject to the requirements at 2 CFR 200.310, 200.311, 200.313, and 200.316 (non-Federal entities, except for-profit entities) and 2 CFR 910.360 (for-profit entities). For projects selected for award under this FOA, the

[9] Pursuant to the FY23 Consolidated Appropriations Act (Pub. L. No. 117-328), Division D, Title III, Section 309, "(a) [h]ereafter, for energy development, demonstration, and deployment programs funded under Department of Energy appropriations (other than those for the National Nuclear Security Administration and Office of Environmental Management) provided for fiscal year 2022, the current fiscal year, or any fiscal year thereafter (including by Acts other than appropriations Acts), the Secretary may vest unconditional title or other property interests acquired under projects in an award recipient, subrecipient, or successor in interest, including the United States, at the conclusion of the award period for projects receiving an initial award in fiscal year 2022 or later. (b) Upon vesting unconditional title pursuant to subsection (a) in an award recipient, subrecipient, or successor in interest other than the United States, the United States shall have no liabilities or obligations to the property. (c) For purposes of this section, the term 'property interest' does not include any interest in intellectual property developed using funding provided under a project." Use of this authority by DOE is not guaranteed under this award.

recipient may (1) take disposition action on the real property and equipment; or (2) continue to use the real property and equipment after the conclusion of the award period of performance, with Contracting Officer approval.

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

When the property is no longer needed for authorized project purposes, the recipient must request disposition instructions from DOE. For-profit entity disposition requirements are set forth at 2 CFR 910.360. Property disposition requirements for other non-federal entities are set forth in 2 CFR 200.310-200.316.

VII. Questions/Agency Contacts

Upon the issuance of a FOA, DOE personnel are prohibited from communicating (in writing or otherwise) with applicants regarding the FOA except through the established question and answer process as described below. Specifically, questions regarding this FOA must be submitted to: FOA3101@netl.doe.gov. Questions must be submitted not later than 3 business days prior to the application due date and time. Please note, feedback on individual concepts will not be provided through Q&A.

All questions and answers related to this FOA will be posted on Exchange at: https://infrastructure-exchange.energy.gov/. **You must first select this specific FOA Number to view the questions and answers specific to this FOA**. GDO will attempt to respond to a question within 3 business days, unless a similar question and answer has already been posted on the website.

Questions related to the registration process and use of the Exchange website should be submitted to: InfrastructureExchangeSupport@hq.doe.gov.

VIII. Other Information

A. FOA Modifications

Amendments to this FOA will be posted on the Exchange website. However, you will only receive an email when an amendment or a FOA is posted on this site if you register for email notifications for this FOA in Exchange. GDO recommends that you register as soon after the release of the FOA as possible to ensure you receive timely notice of any amendments or other FOAs.

B. Government Right to Reject or Negotiate

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

C. Commitment of Public Funds

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

D. Treatment of Application Information

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

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

If an applicant chooses to submit business sensitive, trade secrets, proprietary, or otherwise confidential information, the applicant must provide **two copies** of the submission (e.g., Concept Paper, Full Application). The first copy should be marked,

"non-confidential" with the information believed to be confidential deleted. The second copy should be marked "confidential" and must clearly and conspicuously identify the business sensitive, trade secrets, proprietary, or otherwise confidential information and must be marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose as authorized by law.

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

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

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

E. Evaluation and Administration by Non-Federal Personnel

In conducting the merit review evaluation, the Go/No-Go Reviews and Peer Reviews, the government may seek the advice of qualified non-federal personnel as reviewers. The government may also use non-federal personnel to conduct routine, nondiscretionary administrative activities, including DOE contractors. The applicant, by submitting its application, consents to the use of non-federal reviewers/administrators. Non-federal reviewers must sign conflict of interest (COI) and non-disclosure acknowledgements (NDA) prior to reviewing an application. Non-federal personnel conducting administrative activities must sign an NDA.

F. Notice Regarding Eligible/Ineligible Activities

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

G. 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).

H. 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.

I. Retention of Submissions

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

J. Rights in Technical Data

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

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

Government Rights in Technical Data Produced Under Awards: The United States government normally retains unlimited rights in technical data produced under

government financial assistance awards, including the right to distribute to the public.

K. Copyright

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

L. Export Control

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

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

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

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

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

N. Personally Identifiable Information (PII)

All information provided by the applicant must to the greatest extent possible exclude PII. The term "PII" refers to information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name. (See OMB Memorandum M-07-16 dated May 22, 2007, found at:
https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2007/m07-16.pdf

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

O. Annual Independent Audits

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

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

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

APPENDIX A – COST SHARE INFORMATION

Cost Sharing or Cost Matching

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

How Cost Sharing Is Calculated

As stated above, cost sharing is calculated as a percentage of the Total Project Cost. FFRDC costs must be included in Total Project Costs. The following is an example of how to calculate cost sharing amounts for a project with $1,000,000 in federal funds with a minimum 20% non-federal cost sharing requirement:

- Formula: Federal share ($) divided by federal share (%) = Total Project Cost
  Example: $1,000,000 divided by 80% = $1,250,000
- Formula: Total Project Cost ($) minus federal share ($) = Non-federal share ($)
  Example: $1,250,000 minus $1,000,000 = $250,000
- Formula: Non-federal share ($) divided by Total Project Cost ($) = Non-federal share (%)
  Example: $250,000 divided by $1,250,000 = 20%

What Qualifies for Cost Sharing

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

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

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

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

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

General Cost Sharing Rules on a DOE Award

1. Cash Cost Share – encompasses all contributions to the project made by the recipient or subrecipient(s), for costs incurred and paid for during the project. This includes when an organization pays for personnel, supplies, equipment for their own company with organizational resources. If the item or service is reimbursed for, it is cash cost share. All cost share items must be necessary to the performance of the project.
2. In-Kind Cost Share – encompasses all contributions to the project made by the recipient or subrecipient(s) that do not involve a payment or reimbursement and represent donated items or services. In-Kind cost share items include volunteer personnel hours, donated existing equipment, donated existing supplies. The cash value and calculations thereof for all In-Kind cost share items must be justified and explained in the Cost Share section of the project Budget Justification. All cost share items must be necessary to the performance of the project. If questions exist, consult your DOE contact before filling out the In-Kind cost share section of the Budget Justification.
3. Funds from other federal sources MAY NOT be counted as cost share. This prohibition includes FFRDC subrecipients. Non-federal sources include any source not originally derived from federal funds. Cost sharing commitment letters from subrecipients must be provided with the original application.
4. Fee or profit, including foregone fee or profit, are not allowable as project costs (including cost share) under any resulting award. The project may only incur those costs that are allowable and allocable to the project (including cost share) as determined in accordance with the applicable cost principles prescribed in FAR Part 31 for For-Profit entities and 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.

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

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

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

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

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

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

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

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

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

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

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

(B) Valuing and documenting contributions

(1) Valuing recipient's property or services of recipient's employees. Values are established in accordance with the applicable cost principles, which mean that amounts chargeable to the project are determined on the basis of costs incurred. For real property or equipment used on the project, the cost principles authorize depreciation or use charges. The full value of the item may be applied when the item will be consumed in the performance of the award or fully depreciated by the end of the award. In cases where the full value of a donated capital asset is to be applied as cost sharing or matching, that full value must be the lesser or the following:

a. The certified value of the remaining life of the property recorded in the recipient's accounting records at the time of donation; or

b. The current fair market value. If there is sufficient justification, the Contracting Officer may approve the use of the current fair market value of the donated property, even if it exceeds the certified value at the time of donation to the project. The Contracting Officer may accept the use of any reasonable basis for determining the fair market value of the property.

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

(3) Valuing volunteer services. Volunteer services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor may be

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

(4) Valuing property donated by third parties.

- **a.** Donated supplies may include such items as office supplies or laboratory supplies. Value assessed to donated supplies included in the cost sharing or matching share must be reasonable and must not exceed the fair market value of the property at the time of the donation.
- **b.** Normally only depreciation or use charges for equipment and buildings may be applied. However, the fair rental charges for land and the full value of equipment or other capital assets may be allowed, when they will be consumed in the performance of the award or fully depreciated by the end of the award, provided that the Contracting Officer has approved the charges. When use charges are applied, values must be determined in accordance with the usual accounting policies of the recipient, with the following qualifications:
  - **i.** The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.
  - **ii.** The value of loaned equipment must not exceed its fair rental value.

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

- **a.** Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.
- **b.** The basis for determining the valuation for personal services and property must be documented.

APPENDIX B – SAMPLE COST SHARE CALCULATION FOR BLENDED COST SHARE PERCENTAGE

The following example shows the math for calculating required cost share for a project with $2,000,000 in federal funds with four tasks requiring different non-federal cost share percentages:

Task	Proposed Federal Share	Federal Share %	Recipient Share %
Task 1 (R&D)	$1,000,000	80%	20%
Task 2 (R&D)	$500,000	80%	20%
Task 3 (Demonstration)	$400,000	50%	50%
Task 4 (Outreach)	$100,000	100%	0%

Federal share ($) divided by federal share (%) = Task Cost

Each task must be calculated individually as follows:

Task 1
$1,000,000 divided by 80% = $1,250,000 (Task 1 Cost)
Task 1 Cost minus federal share = non-federal share
$1,250,000 - $1,000,000 = $250,000 (non-federal share)

Task 2
$500,000 divided 80% = $625,000 (Task 2 Cost)
Task 2 Cost minus federal share = non-federal share
$625,000 - $500,000 = $125,000 (non-federal share)

Task 3
$400,000 / 50% = $800,000 (Task 3 Cost)
Task 3 Cost minus federal share = non-federal share
$800,000 - $400,000 = $400,000 (non-federal share)

Task 4
Federal share = $100,000
Non-federal cost share is not mandated for outreach = $0 (non-federal share)

The calculation may then be completed as follows:

Tasks	$ Federal Share	% Federal Share	$ Non-Federal Share	% Non-Federal Share	Total Project Cost
Task 1	$1,000,000	80%	$250,000	20%	$1,250,000
Task 2	$500,000	80%	$125,000	20%	$625,000
Task 3	$400,000	50%	$400,000	50%	$800,000
Task 4	$100,000	100%	$0	0%	$100,000
Totals	$2,000,000		$775,000		$2,775,000

Blended Cost Share %
Non-federal share ($775,000) divided by Total Project Cost ($2,775,000) = 27.9% (non-federal)
Federal share ($2,000,000) divided by Total Project Cost ($2,775,000) = 72.1% (federal)

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

1. Waiver for Foreign Entity Participation

Many of the technology areas DOE funds fall in the category of critical and emerging technologies (CETs). CETs are a subset of advanced technologies that are potentially significant to United States national and economy security.[10] For projects selected under this FOA, all recipients and subrecipients must be organized, chartered or incorporated (or otherwise formed) under the laws of a state or territory of the United States; have majority domestic ownership and control; and have a physical location for business operations in the United States. To request a waiver of this requirement, an applicant must submit an explicit waiver request in the Full Application.

Waiver Criteria

Foreign entities seeking to participate in a project funded under this FOA must demonstrate to the satisfaction of DOE that:

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

Content for Waiver Request

A Foreign Entity waiver request must include the following:

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

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

d. A description of the project's anticipated contributions to the United States economy;
    - How the project will benefit the United States, including manufacturing, contributions to employment in the United States and growth in new markets and jobs in the United States;
    - How the project will promote manufacturing of products and/or services in the United States;
e. A description of how the foreign entity's participation is essential to the project;
f. A description of the likelihood of Intellectual Property (IP) being created from the work and the treatment of any such IP; and
g. Countries where the work will be performed (Note: if any work is proposed to be conducted outside the United States, the applicant must also complete a separate request foreign work waiver).

DOE may also require:

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

DOE may require additional information before considering the waiver request.

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

2. Waiver for Foreign Entity Participation as the Prime Recipient

As set forth in Section III, all prime recipients receiving funding under this FOA must be incorporated (or otherwise formed) under the laws of a state or territory of the United States and have a physical location for business operations in the United States. To request a waiver of this requirement, an applicant must submit an explicit waiver request in the Full Application.

Waiver Criteria

Foreign entities seeking to participate in a project funded under this FOA must demonstrate to the satisfaction of DOE that:

a. Its participation is in the best interest of the United States industry and United States economic development;
b. The project team has appropriate measures in place to control sensitive information and protect against unauthorized transfer of scientific and technical information;

c. Adequate protocols exist between the United States subsidiary and its foreign parent organization to comply with export control laws and any obligations to protect proprietary information from the foreign parent organization;
d. The work is conducted within the United States and the entity acknowledges and demonstrates that it has the intent and ability to comply with the U.S. Competitiveness Provision (see Section VI); and
e. The foreign entity will satisfy other conditions that may be deemed necessary by DOE to protect United States government interests.

Content for Waiver Request

A Foreign Entity waiver request must include the following:

a. Information about the entity(ies) involved in the proposed work to be conducted outside the United States (i.e., the entity seeking a waiver and the entity(ies) that will conduct the work): name, website, point of contact, and proposed type of involvement in the project;
b. Country of incorporation, the extent of the ownership/level control by foreign entities, whether the entity is state owned or controlled, a summary of the ownership breakdown of the foreign entity, and the percentage of ownership/control by foreign entities, foreign shareholders, foreign state or foreign individuals;
c. The rationale for proposing a foreign entity participate (must address criteria above);
d. A description of the project's anticipated contributions to the United States economy;
    - How the project 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 project will promote domestic American manufacturing of products and/or services;
e. A description of how the foreign entity's participation is essential to the project;
f. A description of the likelihood of Intellectual Property (IP) being created from the work and the treatment of any such IP; and
g. Countries where the work will be performed (Note: if any work is proposed to be conducted outside the United States, the applicant must also complete a separate request foreign work waiver).

DOE may also require:

- A risk assessment with respect to IP and data protection protocols that includes the export control risk based on the data protection protocols, the technology being developed and the foreign entity and country. These submissions could be prepared by the project lead (if not the prime recipient), but the prime recipient must make a representation to DOE as to whether it believes the data protection protocols are

adequate and make a representation of the risk assessment – high, medium or low risk of data leakage to a foreign entity.

- Additional language be added to any agreement or subagreement to protect IP, mitigate risk or other related purposes.

DOE may require additional information before considering the waiver request.

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

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

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

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

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

DOE may require additional information before considering the waiver request.

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

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

A. Definitions

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

Construction materials includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives[11]—that is or consists primarily of:

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

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

Moreover, according to the OMB guidance document:

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

[11] BIL, § 70917(c)(1).

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

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

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

(1) all iron and steel used in the project are produced in the United States--This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
(2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
(3) all construction materials12 are produced in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

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

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

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

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

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

C. Waivers

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

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

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

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

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

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

DOE may require additional information before considering the waiver request.

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

APPENDIX E – LIST OF ACRONYMS

BIL	Bipartisan Infrastructure Law
CETs	Critical and Emerging Technologies
CEJST	Climate and Economic Justice Screening Tool
COI	Conflict of Interest
CRADA	Cooperative Research and Development Agreement
DEC	Determination of Exceptional Circumstances
DEIA	Diversity, Equity, Inclusion, and Accessibility
DOE	Department of Energy
DOI	Digital Object Identifier
DOL	Department of Labor
FAR	Federal Acquisition Regulation
FCOI	Financial Conflicts of Interest
FFATA	Federal Funding and Transparency Act of 2006
FOA	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FFRDC	Federally Funded Research and Development Center
GAAP	Generally Accepted Accounting Principles
HBCUs	Historically Black Colleges and Universities
IPMP	Intellectual Property Management Plan
IRB	Institutional Review Board
M&O	Management and Operating
MFA	Multi-Factor Authentication
MPIN	Marketing Partner ID Number
MSI	Minority-Serving Institution
MYPP	Multi-Year Program Plan
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NNSA	National Nuclear Security Administration
NSF	National Science Foundation
OFCCP	Office of Federal Contractor Compliance Program
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSS	Open-Source Software
OSTI	Office of Scientific and Technical Information
OTA	Other Transactions Authority
PII	Personal Identifiable Information
RD&D	Research, Development, and Demonstration
SAM	System for Award Management

DRAFT

SciENcv	Science Experts Network Curriculum Vita
SMART	Specific, Measurable, Achievable, Relevant, and Timely
SOPO	Statement of Project Objectives
SPOC	Single Point of Contact
STEM	Science, Technology, Engineering, and Mathematics
TAA	Technical Assistance Agreement
TIA	Technology Investment Agreement
TRL	Technology Readiness Level
UCC	Uniform Commercial Code
UEI	Unique Entity Identifier
WBS	Work Breakdown Structure
WP	Work Proposal

APPENDIX F – STATEMENT OF PROJECT OBJECTIVES

STATEMENT OF PROJECT OBJECTIVES
Title of Project
(Insert the title of the work to be performed. Be concise and descriptive)

This should be a standalone document that describes the work to be conducted and its objectives. This statement should not include any proprietary or confidential information.

A. OBJECTIVES

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

B. SCOPE OF WORK

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

C. TASKS TO BE PERFORMED

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

Task 1.0 - Project Management and Planning (REQUIRED; APPLICANT INSERT THE LANGUAGE PROVIDED BELOW IN QUOTES)

"The Recipient shall manage and direct the project in accordance with a Project Management Plan to meet all technical, schedule and budget objectives and requirements. The Recipient will coordinate activities in order to effectively accomplish the work. The Recipient will ensure that project plans, results, and decisions are appropriately documented and project reporting and briefing requirements are satisfied.

The Recipient shall update the Project Management Plan 30 days after award and as necessary throughout the project to accurately reflect the current status of the project. Examples of when it may be appropriate to update the Project Management Plan include: (a) project management policy and procedural changes; (b) changes to the technical, cost, and/or schedule baseline for

the project; (c) significant changes in scope, methods, or approaches; or (d) as otherwise required to ensure that the plan is the appropriate governing document for the work required to accomplish the project objectives.

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

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

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

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

Subtask 2.2 - (Title)

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

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

Task / Subtask Number	Deliverable Title	Due Date
1.0	Project Management Plan	Update due 30 days after award. Revisions to the PMP shall be submitted as requested by the NETL Project Manager.

APPLICANT continue to identify deliverables (other than those identified on the "Federal Assistance Reporting Checklist") that will be delivered using the format provided in the table

above. Ensure the delivery date to NETL is also identified. For examples: Delivery to NETL X months after completion of task/subtask X.

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

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

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

Any entity that is applying for an economic development sub-grant program should plan to provide a briefing to DOE before a solicitation is issued for sub-grants (detailing the scope and nature of the planned solicitation) and also after sub-grant applications have been received (providing a synopsis of applications received). Note that DOE may also request to participate in or monitor the selection process.

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

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

APPENDIX G – PROJECT MANAGEMENT PLAN

{*Title of Project***}**

WORK PERFORMED UNDER AGREEMENT
{*Agreement Number*}

{*Recipient Organization Name*}
{*Address*}
{*City, State, Zip Code*}

Period of Performance: {*start date*} **to** {*end date*}
Current Budget Period: {start date} to {end date}
[REMOVE IF YOUR PROJECT HAS A SINGLE BUDGET PERIOD]

Submitted: {*date*}
Revision: {*#*}

PRINCIPAL INVESTIGATOR
{*Name*}
{*Phone Number*}
{*E-Mail*}

BUSINESS CONTACT
{*Name*}
{*Phone Number*}
{*E-Mail*}

SUBMITTED TO
U. S. Department of Energy
National Energy Technology Laboratory
DOE Project Officer: {*Name*}

This report should not contain any proprietary, business sensitive, or other information not subject to public release.

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DRAFT

ACRONYM LIST

DOE: Department of Energy

FOA: Funding Opportunity Announcement

FY: Fiscal Year (federal)

PMP: Project Management Plan

Q#: Quarter #

SOPO: Statement of Project Objectives

Add project specific acronyms as needed.

RECIPIENT SHOULD REMOVE ALL ITALICIZED INSTRUCTIONS AND EXAMPLES FROM EACH.

EXECUTIVE SUMMARY AND TECHNICAL APPROACH

Provide a synopsis of the overall project that briefly describes the technical approach, objective(s), goals, and expected results. Identify and discuss technology or techniques resulting from the project. Discuss technology transfer activities and information dissemination/sharing that will occur during this project.

KEY PERSONNEL

List the project team's key personnel, their role, and contact information. Key personnel are identified in the Financial Assistance Agreement and, at a minimum, include the Principal Investigator and Business Point of Contact. Note that changes to key personnel require prior DOE approval.

KEY PERSONNEL			
Role	**Name**	**Phone**	**Email**
Principal Investigator			
Business Point of Contact			

TEAM MEMBERS

Complete the following table to provide a summary of Prime Recipient and Team Member planned activities by SOPO task and/or subtask number(s).

SUMMARY OF TEAM MEMBER PLANNED ACTIVITIES	
Team Member	**Planned Activities by SOPO Task/Subtask Number(s)**
Prime Recipient	*1.0 - Manage and execute the project. Develop required plans.* *X.Y - Design evaluations.*
Utility ABC	*X.Y - Providing data.* *X.Y - Software demonstration host; will install at backup/secondary control center.*
Professor Tom Smith, (University Name)	*X.Y - Engineering code development.*

Complete the following table to provide information about the roles, location, and funding for members of the project team. If a team member has multiple roles and/or multiple locations, include a separate entry for each role and location. Include any team member:

- *receiving or providing project funds (government or cost share) equal to or greater than $25,000;*
- *providing intellectual property (include value if applicable); and/or*
- *serving as demonstration host/location regardless of value.*

For each team member listed in the table, select the role description from the following:

- *Subrecipient,*
- *Demonstration Host/Location,*
- *Vendor (e.g., services, equipment, supplies, etc.)*
- *Intellectual Property Provider (e.g., source code, data, algorithms, etc.),*
- *Cost Share Provider, and*
- *Other*

Use the address that is closest to where the team member's work will be performed.

SUMMARY OF TEAM MEMBER ROLES AND FUNDING			
Team Member	**Role**	**Location**	**Value**
Utility XYZ	*Demo Host/Location*	*123 Main Street Morgantown, WV 26505*	*$0*
Utility XYZ	*Demo Host/Location*	*14 Main Street Pittsburgh, PA 15219*	*$0*
Vendor ABC	*Vendor*	*456 Main Street Pittsburgh, PA 15219*	*$100,000*
Another Utility	*Cost Share Provider*	*1 Another Utility Drive Morgantown, PA 19543*	*$250,000*

PROJECT BUDGET AND SPEND PLAN

Complete the following table, and ensure that each budget category is consistent with the SF-424A form included with the Financial Assistance Agreement.

PLANNED BUDGET			
Budget Category	**Federal Share**	**Non-Federal Share**	**Total**
Personnel			
Fringe Benefits			
Travel			
Equipment			
Supplies			
Contractual (List each contract valued at $25,000 or more. Add rows as necessary)			
Remaining Contractual (Sum of all contracts that are individually valued at under $25,000)			
Construction			
Other			
Sub-Total Direct Charges			
Indirect Charges			
Total			

Complete the following table to outline the planned spending for each quarter during the project. The list should correspond to the Federal Fiscal Year (FY). For example, "FY18, Q1" would refer to the quarter that began October 1, 2017.

QUARTERLY SPEND PLAN			
Quarter	**Federal Share**	**Non-Federal Share**	**Total**
FY##, Q1			
FY##, Q2			
FY##, Q3			
FY##, Q4			
FY##, Q1			
Add/Remove rows as needed.			
TOTAL			

MILESTONE LOG

Complete the following table to identify milestones that demonstrate significant progress toward meeting the overall project goals. If the project contains any go/no-go decision points, include them and their associated decision criteria in the table. A milestone is a time-based marker that indicates that a significant activity, process, or phase of work has been initiated or completed. For each milestone, list the associated SOPO task/subtask and how the achievement of the milestone will be verified. Additional milestone guidance is provided immediately following this PMP template.

MILESTONE LOG			
Milestone (or Decision Point)	**SOPO Task/ Subtask Number**	**Planned Completion Date**	**Verification Method (or Decision Criteria)**
NDAs with industry partners are signed	*X.Y*	*MM/DD/YY*	*Confirmation email to Federal Project Officer.*
Design specification complete.	*X.Y*	*MM/DD/YY*	*Confirmed in quarterly report.*

PROJECT SCHEDULE AND DELIVERABLES

Complete the following table to provide the schedule and estimated cost for executing each of the tasks and subtasks described in the SOPO.

SCHEDULE & COST SUMMARY				
SOPO Task/ Subtask Number	**SOPO Task/ Subtask Title**	**Planned Start Date**	**Planned Completion Date**	**Planned Total Cost**
1.0	*Project Management and Planning*	*MM/DD/YY*	*MM/DD/YY*	

Complete the following table to include only the deliverables defined in the SOPO.

DELIVERABLES LOG		
SOPO Task/ Subtask Number	**Deliverable**	**Planned Completion Date**
1.1	*Project Management Plan*	*MM/DD/YY*

METRICS

Complete the following table to include all the metrics stipulated in the FOA, and any metrics defined by the Recipient.

PROJECT MANAGER:
SELECT APPROPRIATE COLUMN HEADERS BASED ON BUDGET PERIOD.

PROJECT METRICS			
SOPO Task/ Subtask Number	**Tracking Metric**	**Units** (%, $, #, etc.)	**Goal [OR] Goal for Budget Period**
X.X	*Estimated capital cost*	*$/unit*	*$1,000*
X.X	*Number of utilities participating in energy emergency exercises*	*#*	*15*
X.X	*System energy efficiencies*	*%*	*Improvement by >20%*
X.X	*Outage time of critical loads*	*Hours/ Interruption*	*Reduced by >98%*

RISK MANAGEMENT

Complete the following table to identify both internal and external risks (i.e., technical, resource, management, etc.), that may impact the likelihood of project success. For each identified risk, indicate any relevant task/subtask, likelihood of occurrence and the extent and potential impact on successful project completion. Provide a narrative below the table that describes the project's risk management process, including at a minimum: monitoring frequency, new risk identification, risk retirement, and team member involvement.

RISK MANAGEMENT LOG			
Risk	**Likelihood** (High, Medium, Low) **Impact** (High, Medium, Low)	**Potential Impact** (Identify SOPO Task/Subtask, if applicable)	**Mitigation Strategy**
Inability to secure required cost share.	*Low* *High*	*Scope of project will be reduced or project may be terminated.*	*{Insert appropriate mitigation strategy here}*
Loss of utility partner.	*Low* *Medium*	*Significant delay in starting demonstration phase in Task 5.0.*	*{Insert appropriate mitigation strategy here}*

<u>Guidance for Creating Project Management Plan Milestones</u>

A milestone is used to gauge overall progress toward achieving the project goals. In order to exhibit project progress/achievement as accurately as possible, a milestone must be specific, measurable, attainable, relevant, and timely. While DOE expects all projects to have at least one high-level milestone per year, a sufficient number of milestones should be included that demonstrate work completed or progress made towards achieving project goals. Fundamentally, a milestone:

- *Marks the end or the beginning of an event;*
- *Occurs by a specific date;*

- *Has no duration of time, expends no resources, and has no associated costs; and*
- *Can be verified.*

A milestone is not a process, task, activity, or deliverable. However, as shown in the following examples, the completion of a process, task, activity; or submission of a deliverable can be a milestone.

- ***A process**: "Oversight of the NEPA program" may be a significant element of the project, however it does not help measure actual progress. On the other hand, "Obtain a NEPA Categorical Exclusion" (as part of the NEPA process) can be a milestone.*
- ***A SOPO task/subtask or activity**: While the task "Development of the Preliminary Design" may be substantial, it is not a milestone. However, "Complete the Preliminary Design" could be a milestone since it would be a measure of progress made towards achieving the project goals.*
- ***A deliverable**: "Submit the Communications Plan" may be considered a milestone since it marks completion of a significant task, activity, phase, etc. As such, the deliverable can provide a measure of project progress. However, unless the deliverable marks the completion of an important work package or phase, it may not possess sufficient significance to warrant being a milestone.*

It is understood that Recipients will use a variety of internal indicators, benchmarks, etc. to track/gauge the progress made by the team toward completing the planned project. However, many of these may not have the significance to be included as a PMP milestone.