U.S. Department of Energy (DOE)
Office of State and Community Energy Programs

Bipartisan Infrastructure Law (BIL) 40513: Career Skills Training

Funding Opportunity Announcement (FOA) Number: DE-FOA-0003132
FOA Type: Initial
Assistance Listing Number: 81.086

FOA Issue Date:	09/20/2023 5:00pm ET
Informational Webinar:	10/03/2023 3:00pm ET
Submission Deadline for Full Applications:	11/27/2023 5:00pm ET
Expected Submission Deadline for Replies to Reviewer Comments:	01/10/2023 5:00pm ET
Expected Date for DOE Selection Notifications:	02/20/2024
Expected Timeframe for Award Negotiations:	05/14/2024

- To apply to this FOA, applicants must register with and submit application materials through Infrastructure eXCHANGE at S3 eXCHANGE: Registration (energy.gov), SCEP's online application portal.

- Applicants must designate primary and backup points-of-contact in Infrastructure eXCHANGE 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.

- **Unique Entity Identifier (UEI) and System for Award Management (SAM)** - Each applicant (unless the applicant is excepted from those requirements under 2 CFR 25.110) 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; and (3) maintain an active SAM registration with current information when 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 number 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 use the HELP feature on SAM.gov. SAM.gov will address 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.

Overview of Key Information

Agency: U.S. Department of Energy (DOE)

Program Overview: The Career Skills Training Program will provide grants to eligible entities to pay the Federal share of Career Skills Training Programs under which students concurrently receive classroom instruction and on-the-job training for the purpose of obtaining an industry-related certification to install energy efficient building technologies.[1]

This program was established by Section 40513 of the Infrastructure Investment and Jobs Act, more commonly known as the Bipartisan Infrastructure Law (BIL). The goals of the program are to promote the collaboration between labor organizations and industry to attract, train, and employ workers; enhances existing programs for replication; and creates a diverse, skilled, and credentialed workforce that is positioned to install energy technologies to buildings.

Eligible Applicants: In accordance with the BIL Section 40513, funding is only available to nonprofit partnerships (as that term is defined in section 40513 of the BIL)[2].

Funding Overview: The BIL will invest $10 million dollars on training programs, and that fund will be available until expended. Of the amount appropriated by the BIL, DOE expects to make up to $8,350,000 of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. DOE anticipates making approximately eight (8) awards under this FOA. DOE may issue one, multiple, or no awards. Individual awards may vary between $200,000 and $1,081,250. Projects funded under this FOA will provide a range of training and education services that lead to middle-and high-skilled jobs in the energy sector. An innovative mix of services will include assessment, coaching and counseling, and occupational skills trainings that lead to industry recognized credentials.

Cost Matching: BIL 40513 requires that the cost share must be at least 50% of the total project costs for the Career Skills Training Program[3] [4]. The cost share must come from non-federal sources unless otherwise allowed by law. All sources of cost match are considered part of total project costs, and the cost match dollars will be scrutinized under the same Federal regulations as Federal dollars. Further information on cost match is detailed in section III.B in the Eligibility Information and at 2 CFR 200.306.

Partnership: Applicants must identify their partner organizations and demonstrate that they are already committed to the Career Skills Training nonprofit partnership. We will consider an application from each partner organization, but one applicant must be listed as the lead applicant.

[1] 42 U.S.C. 18802(b).
[2] 42 U.S.C. 18802(a).
[3] Energy Policy Act of 2005, Pub.L. 109-58, sec. 988. Also see 2 CFR 200.306 and 2 CFR 910.130 for additional cost sharing requirements.
[4] 42 U.S.C. 18802(c).

Organizations that are eligible lead partners include:

1. **Industry related to** energy efficiency and renewable energy industries.
2. **Labor Unions and Organizations, Labor-Management Partnerships, and Worker Centers and Organizations** that represent workers in the identified industries.

To aid in identifying related unions within the target service area(s), applicant can use the Department of Labor's Office of Labor-Management Standards' (OLMS) *Union Search* Tool, by which you can search on union type, city, state, zip code, and other criteria to identify labor unions for outreach and partnership. The tool can be found at https://olmsapps.dol.gov/query/getOrgQry.do.

To support applicants in finding partners, DOE is compiling a Teaming Partner List to facilitate the formation of project teams for this FOA. The teaming partner list will be available three (3) days after the FOA is released. The Teaming Partner List allows organizations that may wish to participate on a project to express their interest to other applicants and explore potential partnerships.

Timeline:

FOA Issue Date:	09/20/2023
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Expected Date for DOE Selection Notification	02/20/2024
Negotiations	05/14/2024
First Funding Installment (50% of total award)	Executed Assistance Agreement 05/14/2024
Second Funding Installment (50% of total award)	05/14/2026 Applicant submits: • Evidence of achieving at least 35% of the performance outcomes • Evidence of utilization of match or cost sharing • Corrective action plans to address outstanding issues or concerns • Plans for improving partnerships

Period of Performance: The expected period of performance is 48 months and includes all necessary implementation and start-up activities. DOE will consider applications that contain justification for a period of performances longer or shorter than 48 months.

Application Components: The Application consists of the following:

1. Project Narrative (section IV.C.ii) **Required.**
2. Letters of Commitment (section IV.C.iii) **Required.**
   - Partnership (Partners and advisory board) (section IV.C.iv) **Required.**
   - Community Partnership Documentation (section IV.C.iv) **Optional.**
3. Community Benefits Plan (section IV.C.xv) **Required.**
   - Community Benefits Plan Budget Justification (section IV.C.xvi) **Required.**
4. Performance Metrics **Required.**
5. Statement of Project Objectives (section IV.C.v) **Required.**
6. Standard Form-424 (Application for Federal Assistance) (section IV.C.vi) **Required.**
7. Budget Justification Workbook (section IV.C.vii) **Required.**
8. Summary/Abstract for Public Release (section IV.C.viii) **Required.**
9. Summary Slide (section IV.C.ix) **Required.**
10. Potentially Duplicative Funding Notice (section IV.C.x.vii) **Required.**
11. Other Forms, as applicable
    - Authorization from Cognizant Contracting Officer for FFRDC
    - Negotiated Indirect Rate Agreement or Rate Proposal
    - A document providing the name, phone number and email address of the Authorized Representative and Business Officer
    - Certifications regarding Lobbying (SF-LLL Disclosure Form to report lobbying)

Questions/Agency Contacts:
Questions relating to the Infrastructure eXCHANGE website should be directed to InfrastructureExchangeSupport@hq.doe.gov.

Interested applicants should reach out to the SCEP Workforce Development Team with any FOA-specific questions: CareerSkillsTraining@hq.doe.gov.

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I. Funding Opportunity Description

A. Background and Context

DOE's Office of State and Community Energy Programs (SCEP) works with state and local organizations to significantly accelerate the deployment of clean energy technologies, catalyze local economic development and create jobs, reduce energy costs, and avoid pollution through place-based strategies involving a wide range of government, community, business and other stakeholders.

SCEP is issuing this Funding Opportunity Announcement (FOA). Awards made under this FOA will be funded, in whole or in part, with funds appropriated by the Infrastructure Investment and Jobs Act,[5] more commonly known as the Bipartisan Infrastructure Law (BIL).

BIL is a once-in-a-generation investment in modernizing and upgrading American infrastructure to enhance U.S. competitiveness, drive the creation of good-paying union jobs, tackle the climate crisis, and ensure strong access to economic, environmental, and other benefits for disadvantaged communities.[6] BIL appropriates more than $62 billion to the U.S. Department of Energy (DOE)[7] to invest in American manufacturing and workers; expand access to energy efficiency and clean energy; deliver reliable, clean, and affordable power to more Americans; and demonstrate and deploy the technologies of tomorrow through clean energy demonstrations.

DOE's BIL investments will support efforts to build a clean and equitable energy economy that achieves a zero-carbon electricity sector by 2035, and to put the United States on a path to achieve net-zero emissions economy-wide by no later than 2050[8] to benefit all Americans.

Through this program, BIL will invest $10,000,000 to nonprofit partnerships to establish training programs, under which students concurrently receive classroom instruction and on-the-job training for the purpose of obtaining an industry-related certification to install energy efficient buildings technologies. DOE intends to make competitive grant awards under this program in February 2024.

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[5] Infrastructure Investment and Jobs Act, Public Law 117-58 (November 15, 2021). https://www.congress.gov/bill/117th-congress/house-bill/3684. This FOA uses the more common name Bipartisan Infrastructure Law.

[6] Pursuant to E.O. 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021, and the Office of Management and Budget's Interim Justice40 Implementation Guidance M-21-28 and M-23-09, 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.

[7] U.S. Department of Energy. November 2021. "DOE Fact Sheet: The Bipartisan Infrastructure Deal Will Deliver for American Workers, Families and Usher in the Clean Energy Future." https://www.energy.gov/articles/doe-fact-sheet-bipartisan-infrastructure-deal-will-deliver-american-workers-families-and-0

[8] Executive Order (EO) 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021.

The activities to be funded under the BIL Section 40513 FOA will address workforce gaps, such as accessing training, addressing employers hiring challenges, and diversifying the workforce. These activities support the administration's broader effort to:
(1) Train students and workers and place them into high quality energy efficiency jobs;
(2) Create a diverse pipeline of workers and businesses in the energy efficiency sector;
(3) Build on and replicate existing successful programs & resources; and
(4) Deliver high quality energy upgrades to homes, businesses, and institutions.

This broader, government-wide approach will enhance and expand both new and established nonprofit and locally driven efforts to scale a well-trained, diverse workforce through partnerships between industry and labor organizations. This will include, revitalizing the appeal of building energy jobs, expanding training program offerings, and creating more diverse and inclusive pipelines of talent, including those from disadvantaged communities to maximize the benefits of the clean energy transition as the nation works to curb the climate crisis, empower workers, and advance environmental justice.

i. Program Purpose

The Career Skills Training Program authorized under BIL section 40513 is designed to provide grants to eligible entities to pay the Federal share of Career Skills Training Programs under which students simultaneously receive classroom instruction and on-the-job training for the purpose of obtaining an industry-related certification to install energy efficient building technologies.[9] Relatedly, the long-term goals of the program are to evolve the collaboration of industry and labor organization to address the gap between the available skilled workers and the demand for a skilled workforce. Meeting this goal will require that nonprofit partnerships identify best practices for industry and labor partnerships, Career Skills Training Programs that lead to industry credentials, and recruiting individuals from disadvantaged communities to pursue careers in the energy industry.

This FOA supports the administration goals laid out above because it is designed to promote the collaboration between labor organizations and industry to attract, train, and employ workers; enhances existing programs for replication; and creates a diverse, skilled, and credentialed workforce that is positioned to install energy efficient technologies to buildings.

ii. Program Overview and Strategic Goals

Through this funding action, the BIL will invest $10,000,000 to be distributed to nonprofit partnerships for the development of the Career Skills Training Programs focused on occupations to install energy efficient buildings technologies. [10] The energy efficiency industry is opening up an array of exciting, well-paying jobs with long-term professional development opportunities and high levels of career satisfaction. Employment in the energy efficiency industry covers both the

[9] 42 U.S.C. 18802(b).
[10] 42 U.S.C. 18802(d).

production, distribution, and installation of energy-saving products. The research, design, manufacturing, wholesale distribution, and installation of ENERGY STAR appliances, employed over 826,500 Americans in 2019 according to the 2020 U.S. Energy & Employment Report.[11] Installation or repair positions occupy the largest occupation group in the Energy Efficiency sector. USEER identifies that 32.8% of all EE jobs are found in the installation and repair positions.[12] While this BIL provision does not mandate that DOE targets specific occupations, the Career Skills Training (CST) program will prioritize training for "new-collar jobs", the 32 Energy Efficiency Industry jobs that do not require a college degree. While prioritizing these jobs, SCEP will be open to funding training programs from applicants for a variety of jobs based on demonstrated local needs. This will increase access by nontraditional students and workers to energy efficiency jobs at entry, mid-level, and advanced positions.[13]

The Career Skills Training Program will build a pipeline of workers that positions local areas and regions in meeting current and future workforce challenges and expand partnerships between industry and labor organizations. Successful applicants will design their grant projects from both (1) a strategic level, such as describing their planned activities for convening partnerships, assessing the needs in order to devise a comprehensive workforce strategy; and (2) an operational level, such as incorporating in their plans how they would implement their comprehensive workforce strategy and deploy the training activities.

Example of the types of activities allowable under this FOA include but are not limited to:

- Hiring a full-time program manager
- Establishing new partnerships and/or enhancing existing partnerships
- Collaborating with industry experts
- Conducting outreach and recruitment to attract, train, certify, place, and retain a diverse set of local workers to deliver the influx of new federally funded energy efficiency and renewable technologies programs
- Aligning training curriculum to industry standards
- Funding instructors & on-the-job trainers
- Providing classroom instruction and on-the-job training
- Offering personalized career counseling services
- Forming partnerships to provide supportive services
- Covering the costs to obtain industry-recognized credentials
- Placing student in jobs
- Fostering effective communications between partners

[11] U.S. Department of Energy. The 2020 U.S. Energy & Employment Report
[12] U.S Department of Energy. The United States & Employment Report 2023. 2023 USEER REPORT-v2.pdf (energy.gov)
[13] The "New-Collar Jobs" tab in the Green Buildings Career Map for the full list of 32 energy efficiency "new-collar jobs": greenbuildingscareermap.org/.

- Prioritizing new collar jobs[14]
- Compliantly managing Federal funds and grant implementation

Strategic Goals:
This FOA seeks applications to address the skills and labor shortage by focusing on:
(1) increasing enrollment in energy efficiency career training programs;
(2) improving access to classroom instruction and on-the-job training opportunities for underserved, underrepresented, and disadvantaged communities;
(3) providing students with the necessary skills and industry-recognized certifications required to pursue a career in the energy efficiency industry;
(4) placing students to ensure economic self-sufficiency and career success; and
(5) evolving the collaboration of industry and labor organizations to address the gap between available skilled workers and the demand for a skilled workforce.

The energy efficiency sector remained one of the largest energy technology sectors, with over 2.2 million workers. [15] In order to support growth in that sector, we need to expand access to trainings that lead to industry-recognized credential to meet the industry demand. **To support goal (1), increasing enrollment in energy efficiency career training programs,** applicants may consider increasing the awareness of training program and its benefits. Meeting this objective include conducting targeted marketing and promotional campaigns to reach potential students (i.e., social media; local media; community events; etc.) and developing partnerships to expand outreach efforts, receive referrals, and encourage an increase in minority students. Promoting the creation and/or integrated use of community-driven training programs especially in disadvantaged communities.

A diverse and highly skilled workforce is needed to identify and implement accessible energy efficiency solutions that maximize energy efficiency and cost savings, and ultimately contribute to a net-zero-carbon economy by 2050. The pandemic dramatically altered the sector's employment demographics, with Hispanic and Latino workers suffering a disproportionate share

[14] New-collar workers: individuals who develop the technical and soft skills needed to work in jobs through nontraditional education paths. New-collar workers do not have a four-year degree from college. Instead, new-collar workers gain skills through on-the-job training, high school technical education, on-the-job apprenticeships, vocational schools, technical certification programs, community colleges, the military, and internships. The mid-level and advanced-level new-collar jobs identified in this career map typically require more experience or certification to advance. Home | Green Buildings Career Map

[15] From 2021 to 2022, energy efficiency firms added 50,517 jobs (+2.3%) and underwent positive job growth in all efficiency technologies, most notably in traditional heating, ventilation, and cooling (HVAC), which added 15,118 jobs and grew by 2.8%. Energy efficiency was hit especially hard by the COVID-19 pandemic in 2020, resulting in across-the-board declines amounting to a loss of 271,719 jobs. Since 2020, energy efficiency employers have added 163,461 workers, recovering 60.2% of the total lost during the pandemic. Despite modest gains in 2022, energy efficiency grew more slowly than the energy sector as a whole (2.3% versus 3.8%). U.S Department of Energy. The United States & Employment Report 2023. 2023 USEER REPORT-v2.pdf (energy.gov).

of the job losses. [16] **To support goal (2), improving access to classroom instruction and on-the-job training opportunities for underserved, underrepresented, disadvantaged communities,** applicants may consider enabling more diverse and inclusive pipelines of talent, including those from disadvantaged communities. Meeting this objective entails reducing financial barriers by providing funding for tuition assistance to disadvantaged students. Confirming training programs are accessible to individual with disabilities. In addition, activities could include providing multiple sessions, a variety of training locations, and flexible scheduling to accommodate participant availability and transportation concerns. Lastly, ensuring that all hands-on training opportunities allow students to gain practical experience in installing, operating, and maintaining energy efficiency and renewable energy technologies.

Recent surveys indicate that energy efficiency employers experience consistent difficulty in hiring skilled personnel, particularly engineers, construction technicians and other skilled professionals.[17] Employers from all industries such as construction, manufacturing, wholesale trade, professional and business services, and other services reported the following challenges including a lack of technical skills or training, small applicant pools, and lack of industry-specific skills.[18] These issues are further exacerbated by the fact that many workers in this space are nearing retirement. The energy industry is in critical need of a diverse workforce with the skills to properly assess and install building energy technologies. **To support goal (3), providing students with the necessary skills and industry-recognized certifications required to pursue a career in the energy efficiency industry**, applicants may consider maintaining high-quality instruction, experienced trainers and mentors, and industry partnerships. This can include aligning the curriculum with industry standards, emerging needs, and the requirements and knowledge areas covered in the certification exams. Offering formal or informal practice exams, study materials, review sessions etc. which will provide the grantee better flexibility to accomplish this task. Offering soft skills development, career and employment counseling, and/or mentorship to guide students through the training and employment journey. This also include incorporating industry feedback into the program to ensure its relevance and applicability.

Career routes in the energy efficiency industry is not always linear. Individuals who have already acquired related education and skill sets could enter at mid and advanced levels (e.g., HVAC/R technician, electrician, salesperson, auditor, engineering technician, veteran)[19].
To support goal (4), placing students in good jobs to ensure economic self-sufficiency and career success, applicants may consider advocating for diversity and inclusion in the workforce. This can include engaging employers to promote opportunities for disadvantaged individuals

[16] Even though energy efficiency employment grew by 50,517 jobs or 2.3% from 2021 to 2022 grew, the workforce tended to be disproportionately male, with an average the same as the overall energy workforce average, at 73%, and the percentage of non-white workers was lower than the energy workforce average, 24% compared to 25%. The United States Energy & Employment Report 2023. 2023 USEER REPORT-v2.pdf (energy.gov)
[17] The United States Energy & Employment Report 2023. 2023 USEER REPORT-v2.pdf (energy.gov)
[18] The United States Energy & Employment Report 2023. 2023 USEER REPORT-v2.pdf (energy.gov)
[19] Frequently Asked Questions | Green Buildings Career Map.

through networking. For instance, applicants can establish partnerships with local employers and industry representatives to create on-the-job training opportunities, apprenticeship, and/or job placement pathways for students. Applicants can provide job search, professional development, and life skills (basic skills such as decision making and interpersonal skills) to prepare students for their careers. This can include training students on how to prepare and/or update a resume; write a cover letter; and prepare for job interviews.

Applicants should also consider ways to promote worker voice and engagement. This can include training on worker's rights and responsibilities and employing strategies that may include but are not limited to giving workers a free and fair choice to join and form a union; consulting workers on the development and implementation of workplace safety and health plans; and creating a mechanism to solicit feedback from workers in the design and implementation of the training program. To ensure that students are successful after the program, applicants can provide customized pre- and post-separation employment services.

As part of the whole-of-government approach to advance equity and encourage worker organizing and collective bargaining,[20,21,22] and in alignment with BIL section 40513, this FOA and any related activities will seek to encourage meaningful engagement and participation of workforce organizations, including labor unions, as well as underserved communities and underrepresented groups, including Indian Tribes.[23] Consistent with Executive Order 14008,[24] this FOA is designed to help meet the goal that 40% of the overall benefits of the Administration's investments in clean energy and climate solutions flow to disadvantaged communities, as defined and identified by CEJST pursuant to the Executive Order, and to drive creation of accessible, good-paying jobs with the free and fair chance for workers to join a union. DOE encourages meaningful engagement and participation of a variety of partners, this FOA requires the implementation of the training program through a nonprofit partnership. **To support goal (5), evolve the collaboration of industry and labor organizations to address the gap between available skilled workers and the demand for a skilled workforce,** applicants may consider strengthening the alliance between energy efficiency industries and labor organizations. Meeting this objective can include identifying best practices for industry and labor partnerships, Career Skills Training Programs that lead to industry-recognized credentials and recruiting individuals from disadvantaged communities to pursue careers in the energy industry. In

[20] EO 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," January 20, 2021. EO 14091, "Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," February 16, 2023.
[21] EO 14025, "Worker Organizing and Empowerment," April 26, 2021.
[22] EO 14052, "Implementation of the Infrastructure Investment and Jobs Act," November 18, 2021.
[23] EO 13175, "Consultation and Coordination with Indian Tribal Governments," November 6, 2000, charges all executive departments and agencies with engaging in regular, meaningful, and robust consultation with tribal officials in the development of federal policies that have tribal implications. Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships | The White House.
[24] EO 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021.

addition, maintaining equal participation in the operation and management of the program to ensure the gap between skilled workers and demand is reduced.

The nonprofit partnership must fully represent the entities necessary for a robust partnership connected to the workforce development system. An example of a partnership may be a combination of two required partners or two required partners and one optional partner such as Workforce Intermediaries[25]. For instance, an applicant may meet this employer partnership requirement by partnering with Workforce Development Entities. These organizations have expertise in workforce development and may provide leadership in implementing the following types of activities: (1) understanding and analyzing the need for education and training in the local area, including identifying key employers and industry contacts within the energy efficiency industry; (2) addressing hiring needs, identifying target populations, and providing relevant sources of data, including labor market information and other tools or reports; (3) assessing potential students for the grant program; (4) identifying and referring candidates for education and training in the grant program; (5) developing and delivering training programs; (6) providing additional supportive services; (7) connecting and placing students that have job openings; or (8) collecting, tracking, and reporting participant data to DOE.

iii. Teaming Partner List

DOE is compiling a Teaming Partner List to facilitate the formation of project teams for this FOA. The Teaming Partner List allows organizations that may wish to participate on a project to express their interest to other applicants and explore potential partnerships.

The Teaming Partner List will be available on Infrastructure eXCHANGE website under this Funding Opportunity three (3) days after the FOA is released and will be regularly updated to reflect new teaming partners who provide their organization's information.

SUBMISSION INSTRUCTIONS: View the Teaming Partner List by visiting the Infrastructure eXCHANGE homepage and clicking on "Teaming Partners" within the left-hand navigation pane. This page allows users to view published Teaming Partner Lists. To join the Teaming Partner List for this FOA, submit a request within eXCHANGE. Select the appropriate Teaming Partner List from the drop-down menu, and fill in the following information: Investigator Name, Organization Name, Organization Type, Topic Area, Background and Capabilities, Website, Contact Address, Contact Email, and Contact Phone.

DISCLAIMER: By submitting a request to be included on the Teaming Partner List, the requesting organization consents to the publication of the above-referenced information. By facilitating the Teaming Partner List, DOE is not endorsing, sponsoring, or otherwise evaluating the qualifications of the individuals and organizations that are identifying themselves for

[25] Workforce Intermediaries are organizations that bring together partners in the workforce system to identify workforce needs; plan, develop, and implement strategies; and raise funds to support these strategies.

placement on this Teaming Partner List. DOE will not pay for the provision of any information, nor will it compensate any applicants or requesting organizations for the development of such information.

B. Topic Areas

There are no topic areas. All work for projects selected under this FOA must be performed in the United States. See Section IV.I.iii. and Appendix C.

C. Applications Specifically Not of Interest

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

- Applications that fall outside the technical parameters specified in Sections I.A. and I.B. of the FOA.
- Applications that do not have the required evidence of partnership commitments to support the program.
- Applications that failed to include a signed memorandum of understanding for each partnership.
- Applications that do not include an energy workforce need.
- Applicants that do not demonstrate compliance with the provision requirements. This means a nonprofit partnership that does not demonstrate in the application— (A) experience in implementing and operating worker skills training and education programs; (B) the ability to identify and involve in training programs carried out under this section, target populations of individuals who would benefit from training and be actively involved in activities relating to energy efficiency and renewable energy industries; and (C) the ability to help individuals achieve economic self-sufficiency.

D. Community Benefits Plan: Job Quality and Equity

To support the goal of building a clean and equitable energy economy, BIL-funded projects are expected to (1) support meaningful community and labor engagement; (2) invest in America's workforce; (3) advance diversity, equity, inclusion, and accessibility (DEIA); and (4) contribute to the President's goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities (the Justice40 Initiative).[26] To ensure these goals are met, applications must include a Community Benefits Plan that describes how the proposed project would incorporate the four objectives stated above.

Applicants must 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

[26] 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.

and jobs benefits, ideally using negotiated agreements between the applicant and the community, and/or the applicant and labor unions referred to collectively here as "Workforce and Community Agreements." These include good neighbor agreements, community benefits agreements, community workforce agreements, project labor agreements, and other collective bargaining agreements. See Section IV.C.xv. for the Community Benefits Plan content requirements.

E. Authorizing Statutes

The programmatic authorizing statute is BIL, Section 40513, as codified at 42 U.S.C. 18802. Awards made under this announcement will fall under the purview of 2 CFR Part 200 as amended by 2 CFR Part 910.

F. Notice of Bipartisan Infrastructure Law–Specific Requirements

Be advised that special terms and conditions apply to projects funded by the BIL relating to:

- Reporting, tracking, and segregation of incurred costs;
- Reporting on job creation and preservation;
- Publication of information on the internet;
- Access to records by Inspectors General and the Government Accountability Office;
- Requiring all of the iron, steel, manufactured goods, and construction materials used in the infrastructure activities of applicable projects are produced in the United States;
- Ensuring laborers and mechanics employed by contractors or subcontractors on BIL-funded projects are paid wages equivalent to prevailing wages on similar projects in the area;
- Protecting whistleblowers and requiring prompt referral of evidence of a false claim to an appropriate inspector general; and
- Certification and registration.

Recipients of funding appropriated by the BIL must comply with requirements of all applicable federal, state, and local laws, regulations, DOE policy and guidance, and instructions in this FOA. Recipients must flow down the requirements to subrecipients to ensure the recipient's compliance with the requirements.

II. Award Information

A. Award Overview

i. Estimated Funding

DOE expects to make a total of approximately $8,350,000 of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. DOE anticipates

making approximately eight (8) awards under this FOA. DOE may issue one, multiple, or no awards. Individual awards may vary between $200,000 and $1,081,250.

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

DOE anticipates making awards that will run for a period of performance of 48 months.

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 U.S. government.

DOE generally does not fund projects through grants but cooperative agreements. For this FOA, DOE will fund a limited number of projects through grants. These grants will be awarded to the applicant from the industry or the labor organization.

i. Cooperative Agreements

DOE generally uses cooperative agreements to provide financial and other support to prime recipients.

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.

ii. Funding Agreements with Federally Funded Research and Development Center (FFRDCs)[27]

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.i.

[27] FFRDCs are public-private partnerships that conduct research for the U.S. 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

In accordance with the BIL Section 40513, eligible entities are nonprofit partnerships that—
(1) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs[28];
(2) may include workforce investment boards, community-based organizations, qualified service and conservation corps, educational institutions, small businesses, cooperatives, State and local veterans' agencies, and veterans service organizations.[29]

Eligible applicants may also include the following potential partners[30] but are not limited to:

- Workforce Investment Boards
- Community-Based Organizations
- Qualified Service and Conservation Corps
- State And Local Veterans Agencies
- Small Businesses and Associations
- Energy Utilities and Associations
- Coalitions
- Veterans Service Organizations
- State Service Commissions
- Workforce Development Providers
- Faith-Based Organization
- Non-Profit Organization
- State Energy Offices
- Educational Institutions:
  - Accredited, Two-Year, Public Community Colleges and Four-Year, Universities
  - Accredited, Public Two and Four-Year Minority Serving Institutions (MSIs), Otherwise Categorized as Historically Black Colleges and Universities (HBCUs), Hispanic-Serving Institutions (HSIs), and Tribal Colleges and Universities (TCUs)
  - Short-Term Career Training Providers
  - Vocational Schools

[28] 42 U.S.C. 18802(a)(1).
[29] 42 U.S.C. 18802(a)(2).
[30] 42 U.S.C. 18802(a)(3).

DOE encourages applicants to forge robust partnerships to implement the grant and to sustain activities beyond the grant period of performance. One applicant in that nonprofit partnership will serve as lead. While an eligible lead applicant may represent one of the required partners, it is expected that all applicants demonstrate eligibility and submit documentation that outlines the roles for the proposed program. If an entity decides to serve as lead in one partnership but co-lead in another partnership, the applications must be unique and not duplicative.

i. Domestic Entities as Prime and subrecipients

The proposed prime recipient and subrecipient(s) must be domestic entities. The following types of domestic entities are eligible to participate as a prime recipient or subrecipient of this FOA:

1. Institutions of higher education;
2. For-profit entities;
3. Nonprofit entities; and
4. State and local governmental entities and Indian tribes.

To qualify as a domestic entity, the entity must be organized, chartered, or incorporated (or otherwise formed) under the laws of a particular state or territory of the United States; have majority domestic ownership and control; and have a physical place of business in the United States.

DOE/NNSA FFRDCs are eligible to apply for funding as a subrecipient but are not eligible to apply as a prime recipient.

Non-DOE/NNSA FFRDCs are eligible to participate as a subrecipient but are not eligible to apply as a prime recipient.

Federal agencies and instrumentalities (other than DOE) are eligible to participate as a subrecipient but are not eligible to apply as a prime recipient.

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

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

ii. Foreign Entities

In limited circumstances, DOE may approve a waiver to allow a foreign entity to participate as a prime recipient or subrecipient. A foreign entity may submit a Full Application to this FOA, but the Full Application must be accompanied by an explicit written waiver request. Likewise, if the

applicant seeks to include a foreign entity as a subrecipient, the applicant must submit a separate explicit written waiver request in the Full Application for each proposed foreign subrecipient.

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

iii. Required Partners

The required partners for the Career Skills Training Grants are related to energy efficiency and renewable technology industries, and labor organizations which include labor unions, labor-management organizations, worker centers, or worker organizations.

Labor Unions and Organizations, Labor-Management Partnerships, and Worker Centers and Organizations: Required partners include worker organizations, labor unions, labor-management organizations representing workers, or worker centers that target populations of workers in the energy efficiency and renewable technologies field. Outside of a union, this could include worker associations, coalitions, alliances, guilds, or another similar worker advocacy group that is not considered a formal union. These entities may identify necessary skills and competencies; provide related skills-based training in collaboration with the required education/training provider; work with employer and education partners to develop new or modifying existing curricula; advise on recruitment, retention, and advancement strategies within an employer or industry; communicate with current and potential workers within the sector; act as mentors and on the-job trainers to new workers; and/or provide supportive services.

Industry and Employer Partners: At least one (1) representative group or employer partner who is committed to enhancing job quality, recruiting diverse and underserved populations for training and potential hiring, and actively engaging throughout the grant project. An applicant may meet this employer partnership requirement by collaborating with an industry/trade association that represents at least one (1) employer in the service area who are committed to enhancing job quality, recruiting diverse and underserved populations for training and potential hiring, and actively engaging throughout the grant project. An industry/trade association, also known as an industry trade group, business association, sector association, or industry body, is an organization founded and funded by businesses that operate in a specific industry.

The lead partner will serve as the grantee and have overall fiscal and administrative responsibility for the grant. Lead partners must identify their institution type in Section 9 of the SF-424 Application for Federal Assistance.

Role of the Lead partner:

(1) Identify their partnering industry/labor organization and if applicable the supporting potential partners in their applications;

(2) Establish a partnership that includes the one of the entities described as required partners above to form the nonprofit partnership; and

(3) Function as implementers, supporting the assessment of skill needs and workforce trends and working with employers to increase the number of workers in the energy workforce.

It is the expectation of the Department that the lead partner has the organizational capacity to carry out the programmatic functions of the grant, and the Department strongly discourages applications that result in "pass-through" grants (i.e., where the lead applicant sub-awards the majority of grant funds and operational activities to one or several subrecipients).

iv. Optional Partners

DOE strongly encourages applicants to collaborate with other partners that can support and advance the work of proposed training programs. Applicants must outline the strategies by which they will identify and engage optional partners.

While it is not a requirement under this FOA, DOE encourages the inclusion of education and training providers. Education and training providers offer a range of in-demand, customizable, and short-term training, and competency-based training, as well as longer-term training programs that result in recognized postsecondary credentials. Such credentials may include associate degrees and certificates which encompass basic skills training, technical skills training, supportive services, and workforce development services.

v. Eligibility Criteria

Eligible applicants must also demonstrate— (1) experience in implementing and operating worker skills training and education programs; (2) the ability to identify target populations of individuals who would benefit from training and be actively involved in activities relating to energy efficiency and renewable energy industries, and involve those populations in training programs carried out under the program, and (3) the ability to help individuals achieve economic self-sufficiency. [31]

Applicants must identify the organizations that they plan to approach to form their partnership and demonstrate that they are already committed to the Career Skills Training nonprofit partnership. To aid in identifying related unions within the target service area(s), applicant can use the Department of Labor's Office of Labor-Management Standards' (OLMS) Union Search Tool, by which you can search on union type, city, state, zip code, and other criteria to identify labor unions for outreach and partnership. The tool can be found at https://olmsapps.dol.gov/query/getOrgQry.do. See also section I.A.iii on DOE's Teaming Partner List to find partners for this FOA.

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[31] 42 U.S.C. 18802(a)(3).

B. Cost Sharing

BIL 40513 requires that cost share be at least 50% of the total project costs[32] for the Career Skills Training Programs.[33] [34] The cost share must come from non-federal sources unless otherwise allowed by law. Applicants are bound by the cost share proposed in their Full Applications if selected for award negotiations.

DOE encourages the maximization of Federal and other available resources and the minimization of duplicative services. Through effective partnership building, alignment with state and local workforce systems, and the use of Federal and non-Federal funds, applicants are strongly encouraged to leverage resources and additional funds to increase stakeholder investment in the project and broaden the impact of the project itself. Leveraged resources include non-grant funds that help the grantee carry out the program (e.g., in-kind contributions that support administrative staff not funded by the grant). They also include those resources outside of enrollment in another program that can assist individual participants (e.g., scholarships). They can come from a variety of sources, including, but not limited to, businesses, industry associations, labor organizations, community-based organizations, education and training providers, philanthropic organizations, and/or federal, state, and local government programs.

Valuation of leveraged resources follows the same requirements as match. In addition, the use of leveraged resources must not conflict with any term of the grantee's grant agreement, the Uniform Guidance, the Federal Acquisition Regulations, or any other applicable federal law.

To help applicants calculate proper cost share amounts, DOE has included a cost share information sheet and sample cost share calculation as Appendices A and B to this FOA.

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.

[32] Total project costs are the sum of the government share, including FFRDC costs if applicable, and the recipient share of project costs.
[33] Energy Policy Act of 2005, Pub.L. 109-58, sec. 988. Also see 2 CFR 200.306 and 2 CFR 910.130 for additional cost sharing requirements.
[34] 42 U.S.C. 18802(c).

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 entire project 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.I.i. 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 any of the following sources to meet 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 and 10 CFR 420 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.

vi. Cost Share Payment

DOE requires prime recipients to contribute the cost share amount incrementally over the life of the award. Specifically, the prime recipient's cost share for each billing period must always reflect the overall cost share ratio negotiated by the parties (i.e., the total amount of cost sharing on each invoice when considered cumulatively with previous invoices must reflect, at a minimum, the cost sharing percentage negotiated). As FFRDC funding will be provided directly to the FFRDC(s) by DOE, prime recipients will be required to provide project cost share at a percentage commensurate with the FFRDC costs, on a budget period basis, resulting in a higher interim invoicing cost share ratio than the total award ratio.

In limited circumstances, and where it is in the government's interest, the DOE Contracting Officer may approve a request by the prime recipient to meet its cost share requirements on a less frequent basis, such as monthly or quarterly. Regardless of the interval requested, the prime recipient must be up to date on cost share at each interval. Such requests must be sent to the Contracting Officer during award negotiations and include the following information: (1) a detailed justification for the request; (2) a proposed schedule of payments, including amounts and dates; (3) a written commitment to meet that schedule; and (4) such evidence as necessary to demonstrate that the prime recipient has complied with its cost share obligations to date. The Contracting Officer must approve all such requests before they go into effect.

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 uploaded and submitted to Infrastructure eXCHANGE Infrastructure eXCHANGE: Login (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 Full Applications and Replies to Reviewer Comments at least 48 hours in advance of the submission deadline. Under normal conditions (i.e., at least 48 hours before the submission deadline), applicants should allow at least one hour to submit a Full Application or Reply to Reviewer Comments. Once Full Application or Reply to Reviewer Comments is submitted in Infrastructure eXCHANGE, applicants may revise or update that submission until the expiration of the applicable deadline. If changes are made to any of these documents, the applicant must resubmit the full application, or reply to reviewer comments before the applicable deadline. DOE will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

D. Responsiveness Criteria

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

E. Other Eligibility Requirements

i. 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:

a. 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.

b. 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.

c. Funding, Cost Share, and Subaward with FFRDCs

The value of and funding for the FFRDC portion of the work will not normally be included in the award. DOE/NNSA FFRDCs participating as a subrecipient on a project will be funded directly through the DOE field work proposal (WP) process. Non-DOE/NNSA FFRDCs participating as a subrecipient will be funded through an interagency agreement with the sponsoring agency.

Although the FFRDC portion of the work is excluded from the award, 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.

Unless instructed otherwise by the DOE Contracting Officer for the DOE award, all FFRDCs are required to enter into a Cooperative Research and Development Agreement[35] (CRADA) or, if the role of the DOE/NNSA FFRDC is limited to technical assistance and intellectual property is not anticipated to be generated from the DOE/NNSA FFRDC's work, a Technical Assistance Agreement (TAA), with at least the prime recipient before any project work begins. Any questions regarding the use of a CRADA or TAA should be directed to the cognizant DOE field intellectual property (IP) counsel.

The CRADA or TAA is used to ensure accountability for project work and provide the appropriate management of IP, e.g., data protection and background IP. The CRADA or TAA must be agreed upon by all parties and submitted to DOE or other sponsoring agency, when applicable, for approval, or submitted to DOE for notice under the Master Scope of Work process, when applicable, using any DOE or other sponsoring agency approved CRADA or TAA template without substantive changes by the time the award is made to the prime recipient.

[35] A cooperative research and development agreement is a contractual agreement between a national laboratory contractor and a private company or university to work together on research and development. For more information, see https://www.energy.gov/gc/downloads/doe-cooperative-research-and-development-agreements

d. 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.

e. Limit on FFRDC Effort
The scope of work to be performed by the FFRDC should not be more significant than the scope of work to be performed by the applicant.

F. Limitation on Number of Full Applications Eligible for Review

An entity may submit more than one Full Application to this FOA, provided that each application describes a unique, scientifically distinct project.

DOE will consider an application from each partner organization, but one applicant must be listed as the lead applicant. If we receive multiple applications from the same lead applicant organization for the same application funding open period, we will consider only the most recently received application that met the deadline for that open period. If the most recent application is disqualified for any reason, we will not replace it with an earlier application.

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 apply in response to this FOA lies solely with the applicant.

IV. Application and Submission Information

A. Application Process

The application process includes one submission: Full Application.
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" paper with margins not less than one inch on every side. Use Times New Roman typeface, a black font color, and a font size of 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 infrastructure 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.

i. Additional Information on Infrastructure eXCHANGE

Infrastructure eXCHANGE is designed to enforce the deadlines specified in this FOA. The "Apply" and "Submit" buttons will automatically disable at the defined submission deadlines.

Applicants who experience technical difficulties with submission PRIOR to the FOA deadline should contact the Infrastructure eXCHANGE helpdesk for assistance (InfrastructureExchangeSupport@hq.doe.gov).

B. Application Forms

To access application forms and instructions available on Infrastructure eXCHANGE, go to Infrastructure eXCHANGE: Funding Opportunity (energy.gov)and select the appropriate funding opportunity number.

Note: The maximum file size that can be uploaded to the Infrastructure eXCHANGE website is 50MB. Files larger than 50MB cannot be uploaded and hence cannot be submitted for review. If a file is larger than 50MB but is still within the maximum page limit specified in the FOA, it must be broken into parts and denoted to that effect. For example:
Project Narrative_Part_1
Project Narrative_Part_2

DOE will not accept late submissions that resulted from technical difficulties due to uploading files that exceed 50MB.

C. Content and Form of the Full Application

Applicants must complete the following application forms found on the Infrastructure eXCHANGE website at Infrastructure eXCHANGE: Funding Opportunity (energy.gov).
Applicants will have approximately **60 days** to prepare and submit a Full Application.
All Full Application documents must be marked with the control number issued to the applicant.

i. Full Application Content Requirements

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

Component	File Format	Page Limit	File Name
Project Narrative	PDF	20 pages	ControlNumber_LeadOrganization_ Project Narrative
Letters of Commitment	PDF	1 page each	ControlNumber_LeadOrganization_ LOCs
Community Partnership Documentation	PDF	10 pages	ControlNumber_LeadOrganization_ PartnerDocs
Statement of Project Objectives	MS Word	3 pages	ControlNumber_LeadOrganization_ SOPO
SF-424: Application for Federal Assistance	PDF	n/a	ControlNumber_LeadOrganization_ App424
Budget Justification Workbook Including breakdown of the 50% cost match	MS Excel	n/a	ControlNumber_LeadOrganization_ Budget_Justification
Summary/Abstract for Public Release	PDF	1 page	ControlNumber_LeadOrganization_ Summary
Summary Slide	MS PowerPoint	1 page	ControlNumber_LeadOrganization_ Slide
Subrecipient Budget Justification	MS Excel	n/a	ControlNumber_LeadOrganization_ Subrecipient_Budget_Justification
DOE Work Proposal for FFRDC, if applicable (see DOE O 412.1A, Attachment 2)	PDF	n/a	ControlNumber_LeadOrganization_ WP
Authorization from cognizant Contracting Officer for FFRDC	PDF	n/a	ControlNumber_LeadOrganization_ FFRDCAuth
SF-LLL Disclosure of Lobbying Activities	PDF	n/a	ControlNumber_LeadOrganization_ SF-LLL
Foreign Entity Waiver Requests and Foreign Work Waiver Requests	PDF	n/a	ControlNumber_LeadOrganization_ Waiver
Community Benefits Plan: Job Quality and Equity	PDF	12 pages	ControlNumber_LeadOrganization_ CBP
Community Benefits Plan Budget Justification	MS Excel	n/a	ControlNumber_CBP_Budget_Justif ication
Potentially Duplicative Funding Notice	PDF	n/a	ControlNumber_LeadOrganization_ PDFN

Other Forms as Applicable

Component	File Format	Page Limit	File Name
Pre and Post metrics (optional)	PDF	n/a	ControlNumber_LeadOrganizationPreandpostmetrics
Negotiated Indirect Rate Agreement or Rate Proposal;	PDF	n/a	ControlNumber_LeadOrganization_Indirect rate proposal
A Document Containing a Link to the Organization's Latest Single or Program-Specific Audit as required by 2 CFR 200 Subpart F	PDF	n/a	ControlNumber_LeadOrganization_audit

Note: The maximum file size that can be uploaded to the Infrastructure eXCHANGE website is 50MB. See Section IV.B.

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

ii. Project Narrative

The Project Narrative must conform to the following content and form requirements. This narrative must address the technical review criteria as discussed in Section V. of the FOA. Save the Project Narrative in a single PDF file using the following convention for the title:
"ControlNumber_LeadOrganization_Project Narrative".

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

The Project Narrative to the Full Application may not be more than 20 pages, including the cover page, table of contents, and all citations, charts, graphs, maps, photos, or other graphics, and must include all information in the table below. The applicant should consider the weighting of each of the technical review criteria (see Section V. of the FOA) when preparing the Project Narrative.

Project Narrative Content Requirements	
SECTION/PAGE LIMIT	**DESCRIPTION**
Cover Page	The cover page should include the project title, both the technical and business points of contact, names of all team member organizations, names of project managers, Senior/Key Personnel and their organizations, phone numbers, email addresses, the authorized representative, the project location(s), and any statements regarding confidentiality.

FOA- Specific Requirements	All projects must incorporate a strong upfront assessment component that allows for a customization of services and training to meet the needs of the students to get a job, retain their employment, or advance to a new position. This could include the use of customized online assessment tools. Co-enrolling students in other federally funded training programs, such as those supported by the Departments of Education, Labor, Transportation, Veterans Affairs, and others, where appropriate, to leverage training costs is encouraged. The intent of co-enrollment is to meet the training and employment needs of program participants by leveraging resources and services available through other funding sources. Applicants must: 1. Align training curriculum to industry standards and collaborate with industry experts to implement the training and train and certify students in the energy efficiency field for the purpose of installing energy efficient building technologies. 2. Train and certify activities adhere to the requirements of the respective applicant's DOE executed Historic Preservation Programmatic Agreement (PA), or all projects are installed in or on existing buildings, do not require structural reinforcement, or tree removal, and are appropriately sized. Applicants must explain how they will provide personalized career-based counseling services to students to include participant skill and career assessments pre- and post-award. These counseling services must be tailored to meet the individual's needs and support the participant during the program. Applicants may propose these strategies, or a combination of these strategies, to meet the needs of employers, and jobs seekers, and allow flexibility for program delivery. On-the-Job Training (OJT) can bridge the divide between unemployment and employment by addressing the gap between an individual's skills and what is required for a particular occupation. Individuals who participated in OJT in the past have demonstrated improved labor market attachment and enhanced job tenure, as illustrated by higher rates of job placement and retention. OJT also offers students a "learn and earn" training option, allowing individuals to learn new skills while earning a regular paycheck. OJT is distinguished from other types of workplace training, including customized training, in several ways: • Students are hired by an employer and earn wages during training. • OJT is based on an individualized training plan that reflects the results of an individual skills assessment and analysis of job requirements. Cohort-based customized training is designed to meet the specific requirements of an employer or group of employers with the commitment that the employer(s) hire an individual upon successful completion of the training. If applicants are proposing to leverage funding for this activity, then the employer must be related to the energy efficiency sector. **Outcomes**

	This section should describe the relevance of the proposed project to the goals and objectives of the FOA, including the potential to meet specific DOE technical targets or other relevant performance targets. The applicant should clearly specify the expected outputs and outcomes[36] that the project will achieve as a direct result of the proposed project. For instance, applicants should describe how the partnership strategy will impact historically marginalized populations and communities, including how the target populations will benefit from increased in recruitment, training, job placement in proportion to the community average, or how the partnership led training program focus will increase the number of skilled workers for this population in the service area. Applicant must create skill and career assessments to describe the impact of training for students pre- and post- award. The applicant should describe overall impact on students if the project is successful. Applicants can provide a table that clearly identifies the outcomes and the outputs (listed below) that will result from the project. This table must be accompanied with supportive narrative to explain how these outcomes and outputs align with their project goals. Applicants must explain how they plan to report on the participant training and employment performance outcomes and include numerical outcome projections for outcome measures below. ▪ Total students that the program plan to outreach. ▪ Total students that will enroll in training activities. ▪ Total students that will complete training activities. ▪ Total students that will receive certifications. ▪ Total number of students from disadvantaged communities that will complete training activities and obtain employment. A thorough explanation of how the outcome projections are feasible and appropriate numerical targets for the project design—specifically, detailing how the targets were derived and how the targets fit into the overall timeline of grant implementation Applicants must provide proposed total target numbers for the four-year grant period of performance. Successful applicants will be required to provide annual outcome targets within the first year of the grant. The Department uses these annual targets to better track performance and provide technical assistance support to help grantees meet their four-year outcome goals. Comprehensive description of a coordinated outreach, recruitment, and enrollment strategy for engaging the target population(s) served. This must include a strategy to recruit the proposed number of students and provide a thorough description of the assessment process to determine if individuals are an appropriate fit for the education/training activities.

[36] Outcomes are measurable characteristics that directly result from the implementation of specific project design activities.

Project Overview (Approximately 10% of the Project Narrative) (2 Pages)	The Project Overview should contain the following information: • Background: The applicant should discuss the background of its organization, including the history, successes and existing research and reports as well as existing curricula relevant to the proposed program. Any partners must be identified. ○ Existing Research and Reports: The applicant may identify existing programs that meet provided educational instruction and on –the-job training, including a list of organizations currently provide training, credentialing, and/or wrap around services to enhance their own program activities as appropriate. Applicants should submit any publications, reports on existing education and training programs, such as on new energy technologies, partnerships, latest best practices, or newly launching programs. • Project Goal: The applicant should explicitly identify the targeted goal and the critical success factors in achieving that goal, including the ways in which the proposed project location and related infrastructure, skilled workforce, community benefits, etc. will contribute to the success of the project. • DOE Impact: The applicant should discuss the impact that DOE funding would have on the proposed 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. • Constraints on Resources: The applicant should identify any potential long-term constraints the project may face. If applicable, describe a how to alleviate the impact of these constraints.
Project Description, Innovation, and Impact (Approximately 30% of the Project Narrative) (5 Pages)	The Project Description should contain the following information: **Energy Workforce Needs Assessment** • Programs focused on occupations to install energy efficient buildings technologies will provide a statement of need that clearly articulates the current supply of qualified skilled energy efficiency workers compared to the projected future demand. (DOE encourages applicants to partner with State Workforce Agencies to conduct a gap analysis to identify the labor supply needed to meet the labor demands.) • The statement of need should include the following: Type of industry/ recognized credentials / labor market information data that demonstrate that their proposed career skills and training program align with the skills and needs of their service area(s) and Relevance and the target population(s), with an emphasis on those from historically marginalized and underrepresented population. • Applicants must identify specific occupations, demonstrate that their proposed certifications align with the skills and needs of their service

	area(s), meet energy workforce demands, and prepare the workforce to install energy efficient buildings technologies. • Additionally, the applicant may use labor market information produced by federal or state departments of labor, as well as other sources, including current rates of employment in key occupations and forecasts of growing or declining industries and wage distributions across relevant occupations. Applicants must provide an assessment of occupational skills needs from the region. • In the description, applicants must propose a strategic plan through their partnership that identifies the key activities to be undertaken, the short and longer-term milestones for the grant project, and how performance metrics will be tracked and reported. The plan must support the proposed training and the occupations in energy efficiency sector demonstrated through knowledge and experience in the sector and based on the need assessment. Applicants can use the county-level data USEER data to build their analysis on the workforce needs and the Home | Green Buildings Career Map to identify and prioritize occupations within the energy efficiency sector. **Development and Implementation of Classroom and/or On-The-Job Training Programs** Applicants must provide a description of the proposed curriculum that incorporates training, education services, counseling and supportive services.
Workplan (Approximately 40% of the Project Narrative) (10 Pages)	The Workplan should include a summary of the Project Objectives, Technical Scope, Work Breakdown Structure (WBS), Milestones, and Project Schedule. A detailed SOPO is separately requested. Detailed workplan that describes the key areas of the training program and the proposed approach for implementation. The workplan must list the activities, the baseline, metrics, and deliverables that will be used to measure performance outputs and outcomes. Applicants must identify the type of needs assessment that will be used to determine what help a participant might need to advance in their career and how they could obtain it. Applicants can select between designing a personal needs assessment or a career assessment. In addition, the applicant must have a statement of project objectives that accompanies the workplan. The applicant must consider the risk involved and provide mitigation measures to address them. The Workplan should contain the following information: 1. **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. 2. **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 of each

performance period, including milestones in the Community Benefits Plan.

3. **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 is to be structured with a hierarchy of performance period (approximately annual), task and subtasks, which is typical of a standard WBS for any project. The Workplan shall contain a concise description of the specific activities to be conducted over the life of the project. The description shall be a full explanation and disclosure of the project being proposed (i.e., a statement such as "we will then complete a proprietary process" is unacceptable). 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 SOPO. The SOPO will contain a more detailed description of the WBS and tasks.

4. **Milestone Summary:** The applicant should provide a summary of appropriate milestones throughout the project to demonstrate success. A milestone should be Specific, Measurable, Attainable, Realistic, and Timely (SMART). . 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 SMART technical 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 SOPO.

5. **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 SMART end of project goal. The summary provided should be consistent with the SOPO.

6. **Project Schedule (Gantt Chart or similar):** The applicant should provide a schedule for the entire project, including task and subtask durations, milestones, and Go/No-Go decision points.

7. **Buy America Requirements for Infrastructure Projects:** Within the first two 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.

8. **Team's Organization, administrative and fiscal capacity Summary:**

   Applicants should discuss the team's proposed management. Lead applicants must be able to demonstrate their capacity in managing the program, grant funds and possible subrecipients to ensure efficient and effective management of the project with all partners and staff. Lead and non-lead applicants must have established systems and procedures in place to manage the grant. The nonprofit partnership must provide an

organizational chart that describes the structure of the relationships of all partners involved in the project. The chart must also identify the proposed project's staffing plan to illustrate that partners have the capacity to support the lead applicant to carry out the proposed project. The staffing plan must describe the qualifications and experience of all executive and administrative staff, as well as other personnel, such as board members, advisors, and consultants, to fulfill the needs and requirements of the proposed project. Such qualifications and experience must demonstrate the ability to manage a strategic partnership, including fiscal and administrative management, outreach, and promotion.

9. **Project Management Summary:** 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 technical 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.

10. **List of strategies and plans:** The applicant should provide a list of strategies or plans; they plan to use including the following:

    a) **Participant Outreach, Engagement, and Service Plan**

    In their plans, applicants must outline how the funds will be used to attract, train, certify, place, and retain a diverse set of local workers and identify what methods will be used to target the selected audience(s) for recruitment and training and serve the identified audience(s). Applicants must list the organizations that will be involved in identifying and recruiting potential students; and describe the methods that were used to recruit required program staff i.e., Program Manager, Coordinator and Counselor to manage the program, experts from energy industries for classroom instruction, and employers for on-the-job training.

    b) **Partnership Collaboration / Business Services and Employer Engagement / Labor Organization Plan**

    Partners involvements are important for achieving results. Other than the required partners established by the provision as industry and labor organization, applicants may identify additional potential

partners that can create and support the program activities, including contributing leveraged resources; recruiting students; creating new curriculum and/or utilizing already established curriculum; training students on-the-job training; providing credentialing; and offering wrap around services among other applicable activities. Potential partners can include the following, but it is not limited to those described in the eligible applicant section III. A.

Applicants must describe how the partnership strategy will impact historically marginalized populations and communities, including how the target populations will benefit from increased in recruitment, training, job placement in proportion to the community average, or how the partnership led training program focus will increase the number of skilled workers for this population in the service area.

If applicants are considering additional potential partners, applicants must obtain a signed commitment from partners in the form of a memorandum of understanding (MOU) which formalizes the relationship between each party including the operating budget and each partners contributions to meet the match requirement. Additionally, to ensure proportionate share of costs between partners, applicants must describe the methods that will be used to allocate indirect costs.

This MOU must explain how the applicant engages in employer-driven partnerships of industry, education and training, and other stakeholders to focus on the labor market's workforce needs. Part of the program may be designated as a subaward and would require the applicant to identify potential subrecipients prior to establishing the subrecipient relationship.

Lastly, the applicant must provide action plan for how the applicant will maintain effective communication and equal participation between partners.

c) **Placement of Students in Energy Efficiency Jobs**

Applicant should provide method for referring students to appropriate services and hiring companies that lead to placing students in energy efficiency jobs to install energy efficient building technologies.

d) **Development and Implementation of A Sustainability Plan**

A robust program should be able to continuously operate after the grant funding has expired. The applicant should identify action steps to ensure program's continuation post DOE funding. This may include identifying:

	a) Future partnership involvement for continued participant education and skill development post award. b) Anticipated funding, funding sources i.e., grants, sponsorship, fundraising. c) Equity sustainability – how the applicant will continue to prioritize disadvantaged communities. d) Report on workforce skill mapping to demonstrate the anticipated skills needs and qualifications for future jobs. e) **Development of Supportive Services Strategies** Supportive services are those necessary to enable an individual to participate in education and training activities funded through this grant program. Examples of such services include, but are not limited to transportation, childcare, dependent care, housing, and needs related payments. Grantees may fund supportive services through various means, including providing the actual supportive service (e.g., childcare), providing students with a voucher for the service (e.g., public transportation cards or tokens), or providing a stipend directly to the participant. Applicants are encouraged to identify partnership strategies that could provide supportive services to students attending the training program. f) **Monitoring Plan** Applicants should have a plan to monitor progress. This plan will be used to help the applicant monitor the grant's progress and identify areas of concerns that needs to be addressed.
Technical Qualifications and Resources (Approximately 20% of the Project Narrative) (3 Pages)	The Technical Qualifications and Resources should contain the following information: • Information about the applicant's: (A) experience in implementing and operating worker skills training and education programs; (B) the ability to identify and involve in training programs carried out under this section, target populations of individuals who would benefit from training and be actively involved in activities relating to energy efficiency and renewable energy industries; and (C) the ability to help individuals achieve economic self-sufficiency. The applicant must provide information on all available resources that are intended to implement the program. This includes staff personnel, (i.e., Program manager, coordinator, counselor, trainer) anyone with decision making authority to shape the outcome of the program. Applicants must provide capability of the project manager(s) and the proposed team to address all aspects of the proposed work with a high probability of success. Valuable information also includes the qualifications, relevant expertise, and time commitment of the

	individuals on the team and the diversity of expertise and perspectives of the team and the inclusion of industry partners that will amplify impact. • A signed Memorandum of Understanding (MOU) that describes clear roles and responsibilities and how the applicant plans to meet the equal participation in the partnership criteria set by the provision. • A description of the project team's unique qualifications and expertise, including those of key subrecipients. • A description of the project team's existing equipment and facilities, or equipment or facilities already in place on the proposed project site, that will facilitate the successful completion of the proposed project; include a justification of any new equipment or facilities requested as part of the project. • Relevant, previous work efforts, demonstrated innovations, and how these enable the applicant to achieve the project objectives. • The time commitment of the key team members to support the project. • A description of the technical services to be provided by DOE/NNSA FFRDCs, if applicable.

iii. 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 (cash-or in-kind contributions). Each letter must not exceed one page. Save the letters of commitment in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_LOCs".

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

iv. Community Partnership Documentation

Partnership (Partners and advisory board): Applicants must describe how they will identify and convene the required partners in a strategic and coordinated manner to identify the policies and actions that can be implemented to add more skilled workers into the workforce and adopt more strategic partnerships to support the target population.

Applicants must describe the role that each required and optional partner will hold within the partnership, including commitments to share data on workforce pay, benefits, organizational culture, and worker safety, among others, and to undertake a gap analysis to identify key equity and job quality gaps within occupations in the energy efficiency workforce.

Applicants must demonstrate that they plan to pursue partnerships with organizations that serve historically marginalized populations and communities as either required and/or optional partners. These may include, but are not limited to, national or community-based nonprofit organizations that serve underrepresented and marginalized communities; Tribes and Tribal nonprofits; employer partners such as Minority Business Enterprises, Minority- Owned Businesses, Woman-Owned Businesses, Veteran-Owned Businesses, and small businesses; or education and training partners, such as HBCUs, TCCUs and MSIs including PBIs, HSIs, NANTIs, ANNHIs, and AANAPISIs.

Applicants are encouraged to identify and use other funds to support the program which will count towards the match requirement. This FOA has a training and educational component and for students that are enrolled in an educational institution, the use of Pell Grants funds can help meet the match requirement.

The success of this program is dependent on the use of partners and efforts to support students with supportive services. Leveraged Resources means any contribution that is used to support the program. Unlike match, they are not required; however, present an opportunity to expand the impact that the program can have on the community. This means that applicants must identify ways to access supportive services based on the needs of students, applicants should:

- Find local Partners to help with clothing, food, over the counter medicine and bus passes.
- Collaborate with existing Federal agency programs with similar mission such as the Workforce Innovation Opportunity Act (WIOA) for day care, employment gear needs.

For students with housing issues, applicants can access support provided by the Department of Housing and Urban Development (HUD).

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 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 a partner's letterhead outlining the planned partnership and signed by an officer of the entity, a Memorandum of Understanding, or another 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 one page. In total, the partnership documentation must not exceed 10 pages. Save the partnership documentation in a single PDF file using the following convention for the title:
"ControlNumber_LeadOrganization_PartnerDoc".

v. Statement of Project Objectives (SOPO)

Applicants must complete a SOPO. A SOPO template is available on Infrastructure eXCHANGE at https://infrastructure-exchange.energy.gov/Infrastructure eXCHANGE: Manuals (energy.gov). The SOPO, including the Milestone Table, must not exceed 3 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). Save the SOPO in a single Microsoft Word file using the following convention for the title: "ControlNumber_LeadOrganization_SOPO".

vi. SF-424: Application for Federal Assistance

Applicants must complete the SF-424: Application for Federal Assistance, which is available on Infrastructure eXCHANGE at https://infrastructure-exchange.energy.gov/. The list of certifications and assurances in Field 21 can be found at http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms, under Certifications and Assurances. Note: The dates and dollar amounts on the SF-424 are for the complete project period and not just the first project year, first phase, or other subset of the project period. Save the SF-424 in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_424".

vii. Budget Justification Workbook

Applicants must complete the Budget Justification Workbook, available on Infrastructure eXCHANGE at Infrastructure eXCHANGE: Funding Opportunity (energy.gov)/. Applicants must complete each tab of the Budget Justification Workbook for the project, including all work to be performed by the prime recipient and its subrecipients and contractors. Applicants should include costs associated with implementing the various BIL-specific requirements (e.g., Buy America requirements for infrastructure projects, Davis-Bacon, Community Benefits Plan, reporting, oversight) and with required annual audits and incurred cost proposals in their proposed budget documents. Such costs may be reimbursed as a direct or indirect cost. The "Instructions and Summary" included with the Budget Justification Workbook will auto-populate as the applicant enters information into the Workbook. Applicants must carefully read the "Instructions and Summary" tab provided within the Budget Justification Workbook. Save the Budget Justification Workbook in a single Microsoft Excel file using the following convention for the title: "ControlNumber_LeadOrganization_Budget_Justification".

viii. 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/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 business-sensitive information, as DOE may make it available to the public after selections are made. The summary must not exceed one 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. Save the Summary for Public Release in a single PDF file using the following naming convention: "ControlNumber_LeadOrganization_Summary".

ix. Summary Slide

Applicants must provide a single slide summarizing the proposed project. The Summary Slide template is available on Infrastructure eXCHANGE at Infrastructure eXCHANGE: Funding Opportunity (energy.gov)/ and must include the following information:

- A project summary;
- A description of the project'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, PI/LPM, 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 convention for the title: "ControlNumber_LeadOrganization_Slide".

x. 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% of the total work effort, whichever is less. The budget justification must include the same justification information described in the "Budget Justification" section above. Save each subrecipient budget justification in a Microsoft Excel file using the following convention for the title: "ControlNumber_LeadOrganization_Subrecipient_Budget_Justification".

xi. 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 work proposal (WP) in accordance with the requirements in DOE Order 412.1A, Work Authorization System, Attachment 2, 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 convention for the title: "ControlNumber_LeadOrganization_WP".

xii. 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 convention for the title:
"ControlNumber_LeadOrganization_FFRDCAuth".

xiii. 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" (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 convention for the title: "ControlNumber_LeadOrganization_SF-LLL".

xiv. Waiver Requests (if applicable)

Foreign Entity Participation

For projects selected under this FOA, 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.

Foreign Work Waiver Request

As set forth in Section IV.K.iii., 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 convention for the title: "ControlNumber_LeadOrganization_Waiver".

xv. Community Benefits Plan: Job Quality and Equity

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

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

The applicant's Community Benefits Plan must include at least one Specific, Measurable, Attainable, Realistic and Timely (SMART) milestone per budget period to measure progress on the proposed actions. The Plan will be evaluated as part of the technical review process. If DOE selects a project, DOE will incorporate the Community Benefits Plan into the award and the recipient must implement its Community Benefits Plan when carrying out its project. Public transparency around the plan and SMART commitments 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 [12] pages. It must be submitted in PDF format using the following convention name for the title: "Control Number_LeadOrganization_CBP." 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.

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 the 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 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 a resilient, skilled, and stable workforce for the project; and
   iii. Efforts to engage employees in the design and execution of workplace safety and health plans.

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

C) Commit to preparing individuals to fulfill occupations that lead to the installation of energy efficient technologies by investing in training that leads to industry-

recognized credentials, as demonstrated by formal partnership agreements with registered apprenticeship programs and/or employers in the energy efficiency industry.

3. DEIA: The Community Benefits Plan must include a section describing how 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 partnering with Minority Business Enterprises, minority-owned businesses, women-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 underrepresented 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. The Justice40 Initiative section must include:

A) Identification of applicable disadvantaged communities to which the anticipated project benefits will flow.

B) 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 discuss how the project will maximize benefits, with specific emphasis on priorities four and five listed above.

C) A description of how and when anticipated benefits are expected to flow to disadvantaged communities. For example, whether the benefits will be provided directly within the disadvantaged communities identified in the Justice40 Initiative section or in another way; whether the benefits will flow during project development or after project completion; and how the applicant will track benefits delivered.

D) 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's EJSCREEN tool to quantitatively discuss existing environmental impacts in the project area. See EJScreen: Environmental Justice Screening and Mapping Tool.

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

xvi. Community Benefits Plan Budget Justification

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 Budget Justification in a Microsoft Excel file using the following convention for the title: "ControlNumber_CBP_Budget_Justification".

xvii. Potentially Duplicative Funding Notice

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

promptly notify the DOE Contracting Officer in writing of the potential duplication and eliminate any inappropriate duplication of funding.

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

D. Content and Form of Replies to Reviewer Comments

DOE will provide applicants with reviewer comments following the evaluation of all eligible Full Applications. Applicants have a brief opportunity to prepare a short Reply to Reviewer Comments (Reply). The Reply must not exceed three pages. If a Reply is more than three pages in length, DOE will review only the first three pages and disregard additional pages. Applicants may use the Reply to respond to one or more comments or to supplement their Full Application. The Reply may include text, graphs, charts, or data.

DOE will post the reviewer comments in Infrastructure eXCHANGE. The expected submission deadline is on the cover page of the FOA; however, it is the applicant's responsibility to monitor Infrastructure eXCHANGE if the expected date changes. The deadline will not be extended for applicants who are unable to timely submit their Reply due to failure to check Infrastructure eXCHANGE or relying on the expected date alone. Applicants should anticipate having approximately three (3) business days to submit a Reply.

Applicants are not required to submit a Reply to Reviewer Comments. DOE will review and consider each eligible Full Application, even if no Reply is submitted or if the Reply is found to be ineligible.

E. Post Selection Information Requests

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 list of examples of information that may be required:

- Personnel proposed to work on the project and collaborating organizations (See Section VI.B.xiv Participants and Collaborating Organizations);Indirect cost information;
- Other budget information;
- Letters of Commitment from third parties contributing to cost share;
- 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 Davis-Bacon Act requirements;

- 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
- Sustainability Plan;
- Monitoring Plan
- Communication Plan
- Project Management (Work Plan)

F. 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 in the application; and (3) maintain an active SAM registration with current information when 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. 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 use 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.

G. Submission Dates and Times

All required submissions must be submitted in Infrastructure eXCHANGE no later than 5 p.m. ET on the dates provided on the cover page of this FOA.

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 its 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 overrides the requirement 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 an application 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 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. 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.

v. Build America Buy America Requirements for Infrastructure Projects

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

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

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

Applicants are strongly encouraged to consult Appendix D of this 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 implementation guidance from the Office of Management and Budget issued on April 18, 2022, the Buy America requirements of the BIL do not apply to DOE projects in which the prime recipient is a for-profit entity; the requirements only apply to projects whose prime recipient is a "non-Federal entity," e.g., a State, local government, Indian tribe, Institution of Higher Education, or

nonprofit organization. Subawards should conform to the terms of the prime award from which they flow; in other words, for-profit prime recipients are not required to flow down these Buy America requirements to subrecipients, even if those subrecipients are non-Federal entities as defined above. Conversely, prime recipients which are non-Federal entities must flow the Buy America requirements down to all subrecipients, even if those subrecipients are for-profit entities. Finally, for all applicants—both non-Federal entities and for-profit entities—DOE is including a Program Policy Factor that the Selection Official may consider in determining which Full Applications to select for award negotiations that considers whether the applicant has made a commitment to procure U.S. iron, steel, manufactured products, and construction materials in its project.

The DOE financial assistance agreement will require each recipient to: (1) fulfill the commitments made in its application regarding the procurement of U.S.-produced products and (2) fulfill the commitments made in its application regarding the procurement of other key component metals and domestically manufactured products 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.

vi. Davis-Bacon Act Requirements

Projects awarded under this FOA will be funded under Division D of BIL. Accordingly, per Section 41101 of that law, all laborers and mechanics employed by the recipient, subrecipients, contractors, or subcontractors in the performance of construction, alteration, or repair work funded in whole or in part under this FOA shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the Davis-Bacon Act (DBA).

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

Applicants acknowledge that they will comply with all the Davis-Bacon Act requirements, including but not limited to:

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

(2) Ensuring that if wage determination(s) and appropriate Davis-Bacon clauses and requirements are improperly omitted from contracts and subrecipient awards, the

applicable wage determination(s) and clauses are retroactively incorporated to the start of performance;

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

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

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

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

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

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

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

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

Recipients of funding under this FOA will also be required to undergo Davis-Bacon Act compliance training and maintain competency in Davis-Bacon Act compliance. The Contracting Officer will notify the recipient of any DOE-sponsored Davis-Bacon Act compliance trainings. DOL offers free Prevailing

Wage Seminars several times a year that meet this requirement, at https://www.dol.gov/agencies/whd/government-contracts/construction/seminars/events.

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

DOE anticipates contracting with a third party for a Davis-Bacon Act electronic payroll compliance software application. Recipients of funding under this FOA must ensure the timely electronic submission of weekly certified payrolls through this software as part of its compliance with the Davis-Bacon Act unless a waiver is granted to a particular contractor or subcontractor because it is unable or limited in its ability to use or access. Applicants should indicate if they will seek a waiver.

vii. 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.

viii. 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 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.

ix. 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;
- Proof of compliance with the Davis-Bacon Act and electronic submittals of certified payroll reports;
- 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.

x. 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.

DOL's Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule compliance evaluations. Consult OFCCP's Technical Assistance Guide[37] to gain an understanding of the requirements and possible actions the recipients, subrecipients, contractors, and subcontractors must take. Additional guidance may also be found in the National Policy Assurances, produced by DOE.

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

V. Application Review Information

A. Technical Review Criteria

i. Full Applications

Applications will be evaluated against the technical review criteria shown below. All sub-criteria are of equal weight.

Criterion 1: Technical Merit, Innovation, and Impact (30%)
This criterion involves consideration of the following factors:

[37] 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

Technical Merit and Innovation

- A statement of need that clearly articulates the occupational skills needed; current supply of qualified skilled energy efficiency workers compared to the projected future demand for the selected geographic scope.
- Citations for the projected demand, such as Bureau of Labor Statistics or other DOL sources, state workforce agency sources, employers, or other labor market information provided by employers or other reliable/credible knowledgeable parties.
- Existing or new training programs, or best practices that can be used in their proposal, and how they plan to integrate that information into the educational instruction and on the job training elements of the program.
- A description of the target populations that include demographic characteristics, skill levels, and an explanation of how training the target population(s) will meet the requirements of this FOA.
- Sufficiency of technical detail in the application to assess whether the proposed work is feasible, including relevant data, and discussion of prior work with analyses that support the viability of the proposed work.
- Extent to which project has buy-in from needed partners to ensure success.
    - Level of participation by partner, required and optional (if applicable) as evidenced by letter(s) of commitment and how well they are integrated into the Workplan.
- Sufficiency of existing organizational structure, capacity in place to support the proposed project.

Impact of the Project

- Extent to which the project supports the FOA objectives and metrics.
- Potential impact of the project on energy efficiency field; i.e., jobs.
- Ability of the project to advance and replicate the industry/labor organization's new partnership model for future projects.
- Extent to which the project facilitates stakeholder relationships across new or existing stakeholders to gain technical buy-in.
- Details on the anticipated short- and long-term impact of the program on all students from disadvantaged communities, and the type of assessment that will be used to measure impact.
- Explanation on how DOE funding, relative to prior, current, or anticipated funding from other public and private sources, is necessary to achieve the project objectives.

Criterion 2: Project Framework, Workplan, Strategies and Plans (40%)
This criterion involves consideration of the following factors:

Framework, Workplan, and SOPO

- The approach including the task descriptions, are clear, detailed, timely, and reasonable, resulting in a high likelihood that the proposed Workplan and SOPO will succeed in meeting the project goals.
- Thorough description of how the proposed education and training activities for the project will meet the needs of employers, support the achievement of the proposed training outcomes, and lead to more skilled workers in the workforce.
- Thorough and convincing description of how the proposed education and training activities are appropriate for the target populations to be served; and other needs of students as identified in the statement of needs.
- Clear and convincing demonstration that students will achieve the necessary recognized credential(s), to qualify for job placement upon completion of the grant program.
- A discussion and demonstrated understanding of the key technical risk areas involved in the proposed work and the quality of the mitigation strategies to address them.
- Clear baseline, metrics, and milestones to monitor progress and report on performance.
- Type of need assessment that will be used for students.
- The proposed process that will be used to measure outputs and collect data and feedback mechanisms for assessing the efficacy of the workforce solutions.
- Outputs and outcomes that the project will achieve as a direct result of the proposed program.

Identification of Technical Risks

- Discussion and demonstrated understanding of the key technical risk areas involved in the proposed work and the quality of the mitigation strategies to address them.

Project Management

- An organizational chart to identify the lead applicant, required partners, and optional partners.
- Demonstrated capacity to effectively manage each component of the program, and include a project management plan, and a communications plan.
- Demonstrated capacity to manage the grant by identifying the systems and procedures that are in place to manage the grant.
- Adequacy of proposed project management systems including the ability to track scope, cost, and schedule progress and changes.
    - Reasonableness of budget and spend plan as detailed in the budget justification workbook for proposed project and objectives.
- Adequacy of contingency funding based on quality of cost estimate and identified risks.
- Adequacy, reasonableness, and soundness of the project schedule, interim milestones, and metrics to track process.
- Adequacy of the identification of risks, including labor and community opposition or disputes, and timely and appropriate strategies for mitigation and resolution.

Baseline, and Metrics

- Level of clarity in the definition of the baseline, metrics, and milestone.
    - An explanation on how the applicant will report on the participant training and employment performance.

Strategies and Plans Deliverables

- Level of detail in the description of strategies and/ plans including but not limited to: Participant Outreach, Engagement and Service Plan; Partnership Collaboration / Business Services and Employer Engagement / Labor Organization Plan; Placement of Students in Energy Efficiency Jobs plan; A Sustainability Plan / Supportive Services Strategies

Criterion 3: Technical Qualification and Resources (Team and Resources (20%))
This criterion involves consideration of the following factors:

- Clarity, adequacy, and completeness of roles and contributions of each team member in development of the project, including financial support of partners, and subrecipients.
- Capability of the project manager(s) and the proposed team to address all aspects of the proposed work with a high probability of success. The qualifications, relevant expertise, and time commitment of the individuals on the team.
- Diversity of expertise and perspectives of the team and the inclusion of industry and labor partners that will amplify impact.
- Degree to which the team demonstrates the ability to facilitate and expedite the project.
- Level of participation by project participants as evidenced by letter(s) of commitment and how well they are integrated into the Workplan.
- Reasonableness of the budget and spend plan for the proposed project and objectives.

Criterion 4: Community Benefits Plan (10%)
This criterion involves consideration of the following factors:

Community and Labor Engagement

- 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.

- Extent to which the applicant plans to provide training that results in industry-recognized credentials, such as a journey card from a registered apprenticeship program.

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 and retention 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.

ii. Criteria for Replies to Reviewer Comments

DOE has not established separate criteria to evaluate Replies to Reviewer Comments. Instead, Replies to Reviewer Comments are attached to the original applications and evaluated as an extension of the Full Application.

B. Standards for Application Evaluation

Applications that are determined to be eligible will be evaluated in accordance with this FOA, by the standards set forth in DOE's Notice of Objective Merit Review Procedure (76 Fed. Reg. 17846, March 31, 2011) 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:

- The degree to which the proposed project collectively represents a diversity of applicant types and sizes of applicant organizations.
- The degree to which the proposed project, including proposed cost share, optimizes the use of available DOE funding to achieve programmatic objectives.
- The degree to which the proposed project enables new and expanding market segments.
- The degree to which the proposed project supports complementary efforts or projects, which, when taken together, will best achieve the research goals and objectives.
- The degree to which the proposed project has broad public support from the communities most directly impacted by the project.
- The degree to which the proposed project is likely to lead to increased high-quality employment.
- The degree to which the proposed project, or group of projects, represent a desired geographic distribution (considering past awards and current applications).
- The degree to which the proposed project incorporates applicant or 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 Indian Tribes.
- 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 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.

ii. 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.

iii. 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

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

ii. Full Application Notifications

DOE will notify applicants of its determination via a notification letter by email to the technical and administrative points of contact designated by the applicant in Infrastructure 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.

iii. Applicants Selected for Award Negotiations

Successful applicants will receive written notification that they have been selected for award negotiations. 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 nor is it a guarantee of federal government funding. Applicants do not receive an award unless and until award negotiations are complete and the Contracting Officer executes the funding agreement, accessible by the prime recipient in FedConnect.

The award negotiation process takes approximately 60 days. Applicants must designate a primary and a backup point-of-contact in Infrastructure 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.I.ii. of the FOA for guidance on pre-award costs.

iv. 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, which means 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.

v. 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. Registration Requirements

There are several required one-time actions applicants must take before applying to this FOA. Some of these actions may take several weeks, so it is vital applicants build in enough time to complete them. Failure to complete these actions could interfere with application or negotiation deadlines or the ability to receive an award if selected. These requirements are as follows:

1. **DOE Funding Opportunity Exchange (eXCHANGE)**
   Register and create an account on Infrastructure eXCHANGE Infrastructure eXCHANGE: Funding Opportunity (energy.gov). This account will allow the user to apply to any open DOE FOAs in Infrastructure eXCHANGE.

   To access Infrastructure eXCHANGE, potential applicants must have a Login.gov account. As part of the eXCHANGE registration process, new users will be directed to create an account in Login.gov. Please note that the email address associated with Login.gov must match the email address associated with the eXCHANGE account.

For more information, refer to the eXCHANGE Multi-Factor Authentication (MFA) Quick Guide in the Manuals section of eXCHANGE.

Each organization or business unit, whether acting as a team or a single entity, should use only one account as the contact point for each submission. Applicants must also designate backup points of contact. **This step is required to apply to this FOA.** The 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.**

2. **System for Award Management**
   Register in SAM (https://www.sam.gov). Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called a Marketing Partner ID Number (MPIN) are important steps in SAM registration. Please update your SAM registration annually.

3. **FedConnect**
   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.

4. **Grants.gov**
   Register in Grants.gov (http://www.grants.gov) to receive automatic updates when Amendments to this FOA are posted. Please note Full Applications will **not** be accepted through Grants.gov.

5. **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.

ii. 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.

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.

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.

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 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, a corporation is any for-profit or nonprofit 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].

3. **Nondisclosure and Confidentiality Agreements Representations**
In submitting an application 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:

''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.''

(1) 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.

(2) Notwithstanding the provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the U.S. government, may contain provisions appropriate to the 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 during such activity unless specifically authorized to do so by the U.S. 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 U.S. 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. 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.

ix. Reporting

Reporting requirements are identified on the Federal Assistance Reporting Checklist, attached to the award agreement.

CST recipients will fulfill most reporting requirements by reporting via the Project Management Center system. The chart below (Figure 1) indicates which reports are required for CST. This is not a conclusive list as additional reports may be required.

Method	Report	Frequency of Report
Project Management Center	1a. Federal Financial Report (FFR) (SF-425)	Quarterly
	1b. Quarterly Performance Report (QPR)	Quarterly
	1c. Federal Financial Programs Report (FPR)	Quarterly
	1d. Semi Annual Davis Bacon Report	Semi Annual
	1e. Annual Historic Preservation Report	Annual
Email	Annual Summary	Annual

The quarterly reporting requirements are authorized by an approved Information Collection Request, OMB Control Number 1910-5126. Financial reporting requirements are identified on the Financial Assistance Reporting Checklist (FARC), DOE EERE 355, attached to the award agreement.

All quarterly reports are required to be submitted to DOE via the Project Management Center no later than the 30th day of the month following the end of the reporting period. Note that the QPR

and FFR are reviewed and compared simultaneously, and neither will be approved until they are both submitted. Quantitative data which will be reported on the quarterly report may include the metrics below:

1. Total students reached.
2. Total students enrolled in training activities.
3. Total students who completed training activities.
4. Total students who completed training activities and received certifications.
6. Number of individuals enrolled in the program entered employment in the energy industry.
7. Valuation percentage of leveraged resources received to support this program.
8. Types of supportive services used for students.
9. Percent separation rate (i.e., completion of the in the classroom and on the job training).
10. Number of students that pursuit additional education.
11. Number of students enrolled in the armed services.
12. Number of students enrolled in an apprenticeship program.
13. Number of students with Full-time employment.
14. Number of students Part-time employment.
15. Percent dropout rate (i.e., withdrawal, dismissal, or termination from the grantee institution or the grant program).

Additional Reporting Requirements after First Funding Installment
To release allocations (see Figure 2), applicants must submit the following:
Results of the program evaluation (Program Evaluation Plans); and
Plans for incorporating the evaluation results into improving the current program.

Upon receiving the first installment of 50% of the award, applicants must demonstrate that they have achieved at least 35% of the performance outcomes during the first year of the project. In addition, this FOA requires a match of 50%, applicants must show evidence of:

(1) Partners committed to support the match and used of the match in installments.
(2) Corrective action plans to address outstanding issues or concerns; and
(3) Plans for improving partnerships.

Close-Out Reporting Requirements
Recipients must submit, no later than 120 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the Federal award (see 2 CFR 200.344 Closeout.)
The closeout reporting requirements will be detailed in the terms and conditions of the grant Agreement and posted on this website:

In the final report, grant recipients must report on the status of each performance metric and the data and metrics listed, and described, in this section below. In addition to the metrics listed in the quarterly report, performance may include qualitative and quantitative milestones and measures, which will be reported on the report, related to these:

1. Percent separation rate (i.e., completion of the in the classroom and on the job training).
2. What is the Dropout rate (i.e., withdrawal, dismissal, or termination from the grantee institution or the grant program)?
3. Number of students that pursuit additional education.
4. Number of students enrolled in the armed services.
5. Number of students enrolled in an apprenticeship program.
6. Number of students with Full-time employment.
7. Number of students Part-time employment.
8. Percent dropout rate (i.e., withdrawal, dismissal, or termination from the grantee institution or the grant program).
9. Success rate pre and post program results

Qualitative Data from Program Students: grant recipients should collect qualitative data and feedback from program students, but is not limited to, the following:

Qualitative Data	By Target Audience
What were the program benefits?	Students
What were the most valuable aspects of trainings/program?	Students
What metrics for success has the grantee identified for this program? For example, in what ways did employer partners in the grant plan for changes to increase skilled workforce?	Partners
What opportunity exist to improve the program?	Students
Why did the participant pursue the training/program?	Students
How did the program assist with employment placement?	Students
How did the program increase career advancement?	Students
How did the program increase access to hire new workers?	Students
How were the curricula/trainings offered to workers beneficial?	Students

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

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

- Number of trainings completed, trainees placed in full-time employment, or number of trainings with workforce partnerships involving employers, community-based organizations, or labor unions.
- Justice and Equity data, including:
    - Minority Business Enterprises, minority-owned businesses, woman-owned businesses, and veteran-owned businesses acting as vendors and subcontractors for bids on supplies, services, and equipment.
    - Value, number, and type of partnerships with MSIs.
    - Stakeholder engagement events, consent-based siting activities.
    - Other relevant indicators from the Community Benefits Plan.
- Number and type of energy efficient and clean energy equipment installed.
- Funding leveraged, follow-on-funding, intellectual property generation and utilization.

x. Conference Spending

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

xi. 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 million 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.

xii. Real Property and Equipment

Real property and equipment purchased with project funds (federal share and recipient cost share) are subject to the requirements at 2 CFR 200.310, 200.311, 200.313, and 200.316 (non-federal entities, except for-profit entities) and 2 CFR 910.360 (for-profit entities). For projects selected for awards under this FOA, the recipients 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 when 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 in 2 CFR 910.360. Property disposition requirements for other non-federal entities are set forth in 2 CFR 200.310 – 200.316.

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

States, local governments, and other public entities may not condition subawards in a manner that would discriminate against or otherwise disadvantage subrecipients based on their religious character.

xiv. Participants and Collaborating Organizations

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

xv. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)[38] is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOE financial assistance award. The term "Investigator" means the PI and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of

[38] 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.

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 its 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.

xvi. Fraud, Waste, and Abuse

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

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

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

> The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in appendix XII of 2 CFR Part 200 are required to report certain civil, criminal, or administrative proceedings to SAM.gov. 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.

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 described below. Questions regarding this FOA must be submitted to CareerSkillsTraining@hq.doe.gov no later than three (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 Infrastructure eXCHANGE at https://infrastructure-exchange.energy.gov/. **You must first select the FOA Number to view the questions and answers specific to this FOA**. Infrastructure eXCHANGE will attempt to respond to a question within three (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 Infrastructure eXCHANGE website should be submitted to InfrastructureExchangeSupport@hq.doe.gov.

VIII. Other Information

A. FOA Modifications

Amendments to this FOA will be posted on Infrastructure eXCHANGE and the Grants.gov system. However, you will only receive an email when an amendment or a FOA is posted on these sites if you register for email notifications for this FOA in Grants.gov. DOE 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 federal government's right to use the information if it is obtained from another source.

If an applicant chooses to submit trade secrets or business-sensitive, 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 trade secrets or business-sensitive, proprietary, or otherwise confidential information and must be marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The federal government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose as authorized by law.

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

Notice of Restriction on Disclosure and Use of Data:
Pages [list applicable pages] of this document may contain trade secrets or business-sensitive, 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 agreement 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 trade secrets or business-sensitive, proprietary, or otherwise confidential information must be marked as follows: "Contains Business Sensitive Information, Trade Secrets, or 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 that 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 cancellation of award negotiations;
- The modification, suspension, and/or cancellation 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. 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.

K. 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.

L. 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 use *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.

M. Personally Identifiable Information (PII)

All information provided by the applicant must to the greatest extent possible exclude PII. "PII" refers to information that can be used to distinguish or trace an individual's identity, such as their name, Social Security number, or biometric records, alone or combined with other personal or identifying information linked or linkable to a specific individual, such as date and place of birth or mother's maiden name. (See OMB Memorandum M-17-12 dated January 3, 2017.)

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).

N. 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, nonprofit 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, 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.

O. Informational Webinar

DOE will conduct one informational webinar during the FOA process. It will be held after the initial FOA release. Attendance is not mandatory and will not positively or negatively impact the overall review of any applicant submissions. The webinar will be open to all applicants who wish to participate. Applicants should refrain from asking questions or communicating information that would reveal confidential and/or proprietary information specific to their project. The webinar date is listed on the cover page of the FOA.

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 terms in the titles specific to regulations applicable to cost sharing. DOE almost always uses "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 million 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 two 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, it is allowable as cost share. Conversely, if the cost is not allowable under the cost principles and not eligible for reimbursement, 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 they 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 above regulations, other factors may come into play, such as timing of donations and length of the project period. For example, the value of 10 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, or equipment for their company with organizational resources. If the cost of the item or service is reimbursed, 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,

and 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. Consult your DOE contact if you have questions 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 incur only 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 million 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 economic security.[39] 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 United States Competitiveness Provision (see Section VI.B.xxi.); 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

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

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 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.

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

A. Definitions
For purposes of the Buy America requirements, 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[40]—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

[40] BIL, § 70917(c)(1).

improvement of a private home for personal use, for example, would not constitute an infrastructure project.

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

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

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

(1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) all construction materials[41] are produced in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

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

These requirements must flow down to all sub-awards, all contracts, subcontracts, and purchase orders for work performed under the proposed project, except where the prime recipient is a for-

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

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, Institution of Higher Education, or nonprofit organization.

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

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

C. Waivers

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

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

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

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 PSC and NAICS code for each
- Waiver justification including due diligence performed (e.g., market research, industry outreach) by the applicant or recipient
- Anticipated impact if no waiver is issued

DOE may require additional information before considering the waiver request.

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

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

APPENDIX E – LIST OF ACRONYMS

BIL	Bipartisan Infrastructure Law
CEJST	Climate and Economic Justice Screening Tool
COI	Conflict of Interest
CRADA	Cooperative Research and Development Agreement
DEIA	Diversity, Equity, Inclusion, and Accessibility
DOE	Department of Energy
DOL	Department of Labor
FAR	Federal Acquisition Regulations
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
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
OFCCP	Office of Federal Contractor Compliance Programs
OIG	Office of Inspector General
OMB	Office of Management and Budget
PII	Personal Identifiable Information
SAM	System for Award Management
SCEP	State and Community Energy Programs
SMART	Specific, Measurable, Attainable, Realistic, and Timely
SOPO	Statement of Project Objectives
TAA	Technical Assistance Agreement
UCC	Uniform Commercial Code
UEI	Unique Entity Identifier
WBS	Work Breakdown Structure
WP	Work Proposal