U.S. Department of Energy (DOE)

Office of State and Community Energy Programs (SCEP)

Inflation Reduction Act (IRA) of 2022: State-Based Home Energy Efficiency Contractor Training Competitive Grant Program

Funding Opportunity Announcement (FOA) Number: DE-FOA-0003316

FOA Type: Mod 0001

Assistance Listing Number: 81.041

FOA Issue Date:	03/28/2024
Informational Webinar:	04/04/2024 3:00pm ET
Submission Deadline for Letter of Intent:	06/07/2024 5:00 p.m. ET
Submission Deadline for Full Applications:	07/12/2024 5:00 p.m. ET
Expected Date for DOE Selection Notifications:	10/24/2024
Expected Timeframe for Award Negotiations:	10/25/2024 – 1/10/2025

- Applicants must submit a Letter of Intent (LOI) by 5 p.m. ET on the due date listed above to be eligible to submit a Full Application.

- To apply to this FOA, applicants must register with and submit application materials through Infrastructure eXCHANGE at https://infrastructure-exchange.energy.gov, the online application portal for the DOE Office of State and Community Energy Programs (SCEP).

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

Questions about this FOA?
Email: TRECgrants@hq.doe.gov
Subject line: "TREC FOA Question"

Problems with Infrastructure eXCHANGE?
Email InfrastructureEXCHANGESupport@hq.doe.gov
Subject line: Include FOA name and number.

Failure to do so may result in cancellation 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.

Modifications

All modifications to the FOA are HIGHLIGHTED in the body of the FOA.

Modification Number	Date	Description of Modifications
0001	5/8/2024	1. Extend the Letter of Intent submission deadline on FOA page 1; 2. Revise the Letter of Intent submission process in FOA Section V.C; and 3. Increase the Resume page limit in FOA Section V.D.iii.

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I. Overview of Key Information

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

Program Overview: The State-Based Home Energy Efficiency Contractor Training Grants competitive program will provide Grant funding to States for the purpose of training, testing, and certifying residential energy contractors.

The Inflation Reduction Act (IRA) Section 50123 established the State-Based Home Energy Efficiency Contractor Training Grants, hereafter referred to as Training for Residential Energy Contractors (TREC).[1] This program seeks to accomplish three goals: (1) reduce the cost of training contractor employees by providing workforce development tools for contractors, their employees, and individuals including, but not limited to, subsidizing available training, testing certifications, and licenses for high-quality jobs; (2) provide testing and certifications of contractors trained and educated to install home energy efficiency and electrification technologies and deliver residential energy efficiency and electrification improvements; and (3) fund states to partner with nonprofit organizations to develop and implement a State sponsored workforce program that attracts and trains a diverse set of local workers to deliver the influx of new federally-funded energy efficiency and electrification programs—including the IRA-funded Home Efficiency Rebates Program, Home Electrification and Appliance Rebates Program (Home Energy Rebates Programs)[2]; and Energy Efficiency Home Improvement Credit.[3]

Eligible Applicants: In accordance with the IRA Section 50123, funding is only available to States, the District of Columbia, and a United States Insular Area (as that term is defined in section 50211 of the IRA).[4] These eligible entities are referred to throughout this FOA as "States". No other entity types may be considered for this funding. In accordance with 2 CFR Part 910.126 and DOE Program Rule 10 CFR Part 420, eligibility for these awards is restricted to State Energy Offices.

Funding Overview: The IRA appropriated $200 million for State Energy Offices to develop and implement a program to train, test, and certify residential energy contractors through section 50123(a). For this competitive program, DOE is making up to $40 million in TREC funds available to states to complement the previously announced TREC formula funding.[5] DOE may issue one, multiple, or no

[1] 42 U.S.C. 18795b(b)(1)-(3).
[2] 42 U.S.C. 18795, 42 U.S.C. 18795.
[3] Energy Efficient Home Improvement Credit | Internal Revenue Service (irs.gov) *(https://www.irs.gov/credits-deductions/energy-efficient-home-improvement-credit).*
[4] As referenced in IRA section 50111, section 50211 defines a United States Insular Area to mean American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, and the United States Virgin Islands.
[5] In July 2023, DOE announced the first round of TREC funds through a formula to states as part of an administrative and legal requirements document (ALRD): ALRD for State-Based Home Energy Efficiency Contractor. Training Grants Program | U.S. Department of Energy *(https://www.energy.gov/sites/default/files/2023-10/ira-50123-alrd-contractor-training-program_modification.pdf).*

awards under this FOA. Individual awards may vary between $250,000 and $5,000,000. DOE expects to make awards over $2 million only in exceptional cases. DOE anticipates making approximately ten (10) to thirty (30) awards under this FOA. DOE reserves the right to determine the final award amount of selected eligible States.

Cost Matching: Cost match is not required for these awards. DOE encourages States to consider how they could leverage philanthropic and private sector funding to advance their goals and amplify the impact of the IRA funding. If cost match is proposed, it must be included in the budget and budget narrative. All sources of cost match are considered part of total project costs, and the cost match dollars will receive oversight under the same Federal regulations as Federal dollars. DOE may consider proposed cost share as a program policy factor in determining which Full Applications to select for award negotiations, as described in Section VI.C.i. Appendix A contains additional information on cost share.

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 performance longer or shorter than 48 months.

Application Components: Eligible applicants seeking a Grant through this program must submit a proposed training curriculum for TREC participants and contractor firms; plans to connect TREC participants and contractor firms with opportunities to deliver the Home Energy Rebates Programs and audit tax credits; identify the certification(s) that those participants and contractor firms will receive on completion of that training program; describe the expected per-individual cost of training; submit a plan for connecting participants and contractor firms with employment and project opportunities; and include any additional information required by this FOA.

The application consists of the following requirement documents, as detailed in FOA Section VI:

Application Requirements	**FOA Section Reference**
Statement of Work Content Requirements • Cover Page • Project Overview • TREC Project Plan • Statement of Project Objectives, Activities, and Workplan • Technical Qualifications and Resources • Sustainability Plan • Community Benefits Plan and Community Benefits Plan Budget Justification	Section V.D.ii.
Budget Forms	
Standard Form-424 (Application for Federal Assistance)	Section V.D.vii
Budget Justification Workbook	Section V.D.viii.
Summary Assets	
Summary/Abstract for Public Release	Section V.D.ix.
Summary Slide	Section V.D.x.
Other Forms	

Certifications regarding Lobbying (SF-LLL Disclosure Form to report lobbying) NEPA Statements of Work (SOWs)	Section V.D.xii.
As applicable: ○ *Current and Pending Support*	Section VII.B.xvii

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: TRECgrants@hq.doe.gov.

II. Funding Opportunity Description

A. Background and Context

The Office of State and Community Energy Programs 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 Inflation Reduction Act.[6]

On August 16, 2022, President Joseph R. Biden signed the Inflation Reduction Act (IRA) into law, making the single largest investment in addressing climate change through clean energy technologies. The IRA is a historic $369 billion investment that will modernize the American energy system. The DOE estimates that this law will help lower economy-wide greenhouse gas emissions to 40% below 2005 levels by 2030. The IRA will fund incentives that lower emissions in the power sector, industrial facilities, buildings, and transportation. These programs will also offer workforce development for high-quality jobs; lower energy costs for homes and businesses; invest in energy communities that host(ed) fossil energy infrastructure; and support domestic manufacturing of clean energy technologies.[7]

The IRA appropriated $200 million for State Energy Offices to develop and implement a program to train, test, and certify residential energy contractors. The State-Based Home Energy Efficiency Contractor Training Grants, hereafter referred to as Training for Residential Energy Contractors (TREC), will prepare a qualified and diverse energy efficiency workforce to deliver billions of dollars in local, utility, state, and federally funded incentives, such as the Home Efficiency Rebates Program, Home Electrification and Appliance Rebates Program (Home Energy Rebates Programs)[8]; and Energy Efficiency Home Improvement Credit. Trained contractors will help residents upgrade or repair heating, ventilation, and air conditioning systems; improve building envelopes; electrify appliances; and install other energy-saving technologies. TREC-funded education and training programs will equip contractors, and their employees, with industry recognized certifications and the soft skills necessary to bring these technologies to all community members. These home energy upgrades will lower utility bills and increase home comfort for families across the United States. TREC-trained participants and contractor firms will deliver energy efficiency and electrification measures that cut emissions and decarbonize the residential building sector.

B. Program Purpose

SCEP provides funding and technical assistance to states, local, and Tribal governments, nonprofit organizations, schools, and community partners. SCEP supports place-based clean energy projects that create jobs, catalyze local economic development, reduce energy costs, and avoid pollution.9 SCEP is issuing this FOA to support clean energy workforce development programs. This IRA funding opportunity will support States in this effort with funding available through September 20, 2031.

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[6] Inflation Reduction Act, Public Law 117-169 (August 16, 2022) (*https://www.congress.gov/bill/117th-congress/house-bill/5376/text).*

[7] Inflation Reduction Act Factsheet | Department of Energy (*https://www.energy.gov/sites/default/files/2022-08/8.18%20InflationReductionAct_Factsheet_Final.pdf*).

[8] 42 U.S.C. 18795, 42 U.S.C. 18795.

[9] SCEP at a Glance: Saving Energy and Money for American Homes, Communities, Businesses and Industries (*https://www.energy.gov/sites/default/files/2023-12/SCEP-Overview-Fact-Sheet-FY23_0.pdf*).

Specifically, this provision funds States to:

1. **Reduce the cost for contractors to acquire requisite skills** by subsidizing available training, testing and certifications and developing training tools that contractors, their employees, and new entrants can access. Funding may be used to compensate contractors for the time required to take training and testing, as well as for the cost of the training, testing, certifications, and licenses for high-quality jobs.[10]
2. **Provide testing and certifications for contractors trained and educated** to install home energy efficiency and electrification technologies and deliver residential energy efficiency and electrification improvements.
3. **Partner with nonprofit organizations to develop and implement a State sponsored workforce program** that attracts and trains a diverse set of local participants to deliver the influx of new federally-funded energy efficiency and electrification programs—including the IRA-funded Home Energy Rebates Programs.[11]

For this competitive program, DOE is making up to $40 million in TREC funds available to states to complement the previously announced TREC formula funding.[12] This competitive FOA for up to $40 million is designed to complement the $150 million in TREC formula funds that DOE announced on July 17, 2023, through an administrative and legal requirements document.[13] These funds are intended to help states build a workforce qualified to scale delivery of energy efficiency and electrification upgrades, associated with the $8.8 billion IRA Home Energy Rebates Programs. Potential activities under the IRA 50123 FOA that support the Home Energy Rebates Programs could include, but are not limited to:[14]

- Training contractors to meet qualifications and certification requirements to join a state qualified contractor list.
- Training contractors how to use a state- or federally issued tool[15] for contractors to identify disadvantaged communities in order to target their outreach to these communities.
- Training contractors how to conduct home energy assessments, including how to determine heating and cooling needs under the Home Efficiency Rebate Programs.
- Training contractors about the relationship between a building's envelope and heating and cooling systems, including how the sequencing of different improvements can impact the overall home.

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[10] As defined by the Department of Labor's Good Jobs Principles: Good Jobs Principles | dol.gov *(https://www.dol.gov/sites/dolgov/files/goodjobs/Good-Jobs-Summit-Principles-Factsheet.pdf)*.

[11] 42 U.S.C. 18795, 42 U.S.C. 18795.

[12] In July 2023, DOE announced the first round of TREC funds through a formula to states as part of an administrative and legal requirements document (ALRD). ALRD for State-Based Home Energy Efficiency Contractor Training Grants Program | U.S. Department of Energy *(https://www.energy.gov/sites/default/files/2023-10/ira-50123-alrd-contractor-training-program_modification.pdf).*

[13] ALRD for State-Based Home Energy Efficiency Contractor Training Grants Program - Modified 10/6/2023 *(https://www.energy.gov/sites/default/files/2023-10/IRA-50123-ALRD_published-modification_10-12-23.pdf).*

[14] The Home Efficiency Rebate Program Sample Application Responses and Guidance contains many of these ideas, among others, for coordinating Home Efficiency Rebate Program delivery with contractor training activities. Home Efficiency Rebates Program: Sample Application Responses and Guidance *(https://www.energy.gov/sites/default/files/2024-01/50121 Sample Application Responses Revised.pdf).*

[15] DOE recognizes as disadvantaged those census tracts identified by the White House Climate and Economic Justice Screening Tool (CEJST) *(https://screeningtool.geoplatform.gov)* and Federally Recognized Tribes and Tribal entities

- Training contractors, auditors, or others to become Home Energy Score Assessors and provide certificates to homeowners as required by the Home Efficiency Rebates Program.[16,17]
- Training contractors to understand invoicing requirements for the Home Energy Rebates Programs.
- Training contractors on Home Energy Rebates Programs' Quality Assurance and Quality Control requirements and protocols.
- Training contractors to use diagnostics during assessments (to help identify appropriate improvements) as well as while completing retrofits (to ensure proper installation).
- Integrating employment placement for certified contractors to deploy the rebates program.

C. Program Overview and Strategic Goals

This FOA seeks applications to prepare energy contractors to install energy efficiency and electrification technologies in homes. Detailed technical descriptions of the specific Topic Areas are provided in the sections that follow.

This FOA seeks applications to address skills and labor shortages by focusing on the following goals:

1. Train small contractors and their employees to effectively deliver the Home Energy Rebates Programs.
2. Reduce barriers to trainings and certifications for those in rural and underserved communities.
3. Support State Energy Office partnerships with non-profits to design and implement community-focused workforce development program models.
4. Implement innovative, replicable workforce development program models for energy efficiency and electrification upgrades.
5. Provide training for contractor firms that offer high-quality jobs with family-sustaining wages, benefits, and career pathways with opportunities for worker advancement.

DOE will use TREC competitive funds to increase access to energy efficiency opportunities for underrepresented workers and businesses. The energy efficiency workforce is disproportionately male, comprising of 73% men compared to 53% in the national workforce. Compared to the overall energy sector, the energy efficiency workforce has lower proportions of workers of two or more races (4% compared to 5%), Asian workers (6% compared to 7%), and Hispanic or Latino workers (17% compared to 18%). The energy efficiency workforce also has a lower portion of Black or African American workers than the national workforce, but the same as the overall energy workforce (9% compared to 13%). In no energy sub-sector are Black and African American workers represented proportionally to their representation in the overall U.S. workforce. Slightly more workers request accommodation for a disability in energy efficiency than in the overall energy workforce (3% compared to 2%), underscoring the importance of offering such accommodations to energy efficiency workers with disabilities.[18]

[16] Home Energy Score | Department of Energy *(https://www.energy.gov/eere/buildings/articles/home-energy-score)*.
[17] 42 U.S.C. 18795.
[18] These data reflect 2022 workforce demographics. 2023 U.S. Energy Employment Report | Department of Energy *(https://www.energy.gov/sites/default/files/2023-06/2023%20USEER%20REPORT-v2.pdf)*.

As part of the whole-of-government approach to advance equity and encourage worker organizing and collective bargaining,[19,20,21] and in alignment with IRA Section 50123, this FOA and any related activities seek to encourage meaningful engagement and participation of workforce organizations, including labor unions, as well as underserved communities and underrepresented groups, including Indian Tribes.[22] Consistent with Executive Order 14008,[23] this FOA is designed to help meet the goal that 40% of the benefits of the Administration's investments in clean energy and climate solutions be delivered to disadvantaged communities, as defined by the Department[24] 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 States to partner with nonprofit organizations to develop and implement TREC programs. Doing so can help States leverage and support nonprofit's expertise in order to deliver innovative, effective, and equitable training programs. Potential activities under the IRA 50123 FOA that support State partnerships with nonprofit organizations could include, but are not limited to:

- Designing and implementing TREC programs.
- Recruiting small contractor firm engagement in TREC programs.
- Mapping out how residential energy efficiency work in a state can fit into a career pathway with employer-validated credentials and relevant trainings in the state.
- Assessing job quality in residential energy efficiency jobs in order to place trainees with employers that offer high-quality jobs.
- Identifying underserved community members to recruit into TREC programs.
- Identifying existing and/or developing new retention initiatives, like wraparound services, support services, professional development resources, incentives, stipends, participant wages, etc.

D. Teaming Partner List (Optional)

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 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.

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[19] EO 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," January 20, 2021.
[20] EO 14025, "Worker Organizing and Empowerment," April 26, 2021.
[21] EO 14052, "Implementation of the Infrastructure Investment and Jobs Act," November 18, 2021.
[22] EO 13175, November 6, 2000, "Consultation and Coordination with Indian Tribal Governments," charges all executive departments and agencies with engaging in regular, meaningful, and robust consultation with tribal officials in the development of federal policies that have tribal implications.
[23] EO 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021.
[24] DOE recognizes as disadvantaged those census tracts identified by the White House Climate and Economic Justice Screening Tool (CEJST) *(https://screeningtool.geoplatform.gov)*.

To join the Teaming Partner List for this FOA, submit a request within eXCHANGE and submit the following information:

1. Organization Name;
2. Organization Type;
3. General Business Email Address (that does not include an individual's name to protect again Personal Identifiable Information (PII)specifically used for this Teaming Partners List);
4. Area of Technical Expertise;
5. Brief Description of Capabilities; and
6. Area of Interest (including interest in Topic Area One and/or Topic Area Two above).

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 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.

E. Topic Areas

This FOA includes two topic areas: 1) Training Small Contractor Firms and 2) Innovative, Effective, and Equitable Workforce Development Programs. Applicants must submit one application for one topic area through this FOA.

i. Topic Area One: Training Small Contractor Firms

State Energy Offices may use funding to train and certify small contractor firms and their employees to deliver energy efficiency and electrification improvements. DOE will fund States to support existing small contractor firms through training and certifications so that the contractor firm employees can deliver energy efficiency and electrification improvements eligible for rebates under the Home Efficiency Rebates Program or the Home Electrification and Appliance Rebates Program.[25]

Potential program activities could include, but are not limited to:

- Supporting socially-disadvantaged contractors to scale and enter a new market.[26]
- Supporting underrepresented workers.
- Supplementing the cost for participants and contractor firms through payment for training; scholarships to participants and contractor firms; and/or stipends for their participation.
- Providing testing and certification of participants and contractor firms to deliver home improvements and rebates.
- Engaging with nonprofit organizations to recruit small contractor firm engagement.

[25] 42 U.S.C. 18795; 42 U.S.C. 18795a.

[26] For more information regarding socially-disadvantaged businesses, please see the U.S. Small Business Administration's website: Updates on the 8(a) Business Development program | U.S. Small Business Administration (sba.gov) (https://www.sba.gov/federal-contracting/contracting-assistance-programs/8a-business-development-program/updates-8a-business-development-program).

- Engaging non-traditional contracting firms (e.g., remodelers, siding companies) to encourage effective integration of the residential rebates in their projects.
- Training contractors on marketing and sales, including around financial analysis and payback times, so they can better understand and describe the benefits of energy efficiency and electrification technologies for consumers.
- Training contractors how to conduct home energy assessments, including how to determine heating and cooling needs under the Home Efficiency Rebates Programs.
- Training contractors about the relationship between a building's envelope and heating and cooling systems, including how the sequencing of different improvements can impact the overall home.
- Training contractors, auditors, or others to become Home Energy Score Assessors and provide certificates to homeowners as required by the Home Efficiency Rebates Program.
- Training contractors to use diagnostics during assessments (to help identify appropriate improvements) as well as while completing retrofits (to ensure proper installation).
- Pursuing any of the activities related to the Home Energy Rebates Programs listed in Section II.B.

ii. Topic Area Two: Innovative, Effective, and Equitable Workforce Development Programs

State Energy Offices may use funding to implement innovative, effective, and equitable workforce development program models that deliver contractor training program curriculum.[27] States can collaborate with nonprofit organizations to design/enhance and implement workforce development, training, certification, and employment programs that train, test, and certify underrepresented populations, new entrants to the workforce, youth ages 17-25, incumbent workers, displaced workers, and contractors to conduct home energy efficiency and electrification improvements under the Home Energy Rebates Programs.

Potential program activities could include, but are not limited to:

- Offering, or working with already existing, quality pre-apprenticeship[28] with preferential entry to registered apprenticeship, and/or registered apprenticeship programs.
- Implementing rural workforce development strategies to provide accessible training for residents in rural communities (e.g., mobile training centers, virtual training programs, working with local governments and/or Tribes, etc.).
- Collaborating with high schools and/or nonprofit organizations to integrate green building training and certification into career and technical education programs that lead to energy efficiency certifications.
- Supporting the goals of American Climate Corps by implementing workforce development that serves youth populations and provides participants with paid skills-based training; prepares

[27] Effective workforce development program models lead to high-quality jobs with opportunities for career mobility potential, or to career advancement for existing workers.
[28] The Department of Labor has identified the elements of a quality pre-apprenticeship program that can place individuals on potential career pathways to employability through a registered apprenticeship program. Explore Pre-Apprenticeship | Apprenticeship.gov (https://www.apprenticeship.gov/employers/explore-pre-apprenticeship)

participants to enter into a Registered Apprenticeship program (e.g. an apprenticeship readiness program with preferential or direct entry into a Registered Apprenticeship program that can meet the demand for new apprentices); and prepares participants to obtain a private or public-sector job in the field of residential energy efficiency and electrification.[29]
- Collaboration with Indian Tribes on training and workforce development.

All work for projects selected under this FOA must be performed in the United States. See Section V.I.ii.

F. Applications Specifically Not of Interest

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

- Applications that fall outside the technical parameters specified in sections II.A. and II.B. of the FOA.
- Applications from entities that are not state energy offices.
- Applications that do not present plans to train residential energy contractors.

G. Community Benefits Plan: Job Quality and Equity

To support the goal of building a clean and equitable energy economy, IRA-funded projects are expected to:

1. support meaningful community and labor engagement;
2. invest in America's workforce through quality jobs;
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).[30]

[29] The American Climate Corps (ACC) is a cross-agency federal initiative to prepare and connect young people to high-quality, in-demand jobs in the clean energy, climate resilience and conservation economy. For applicants focusing on high-quality, youth-serving training models, applicants may opt in to be considered for formal program designation. ACC-designated programs will receive additional program publicity and support to source qualified program applicants. All ACC programs must meet the following core requirements: (1) provide youth (no formal age limit) with paid skills-based training; (2) do one of the following: A. prepare participants to enter into a Registered Apprenticeship program (e.g. an apprenticeship readiness program with preferential or direct entry into a Registered Apprenticeship program that can meet the demand for new apprentices) and/or B. prepare participants to obtain a private or public-sector job in the clean energy, climate resilience and conservation economy; (3) be willing to provide website and/or contact information for ACC to share with Corps members so that they can learn about the training or service program; and (4) agree to consider Corps members as candidates for participation, as appropriate. American Climate Corps | The White House ((https://www.whitehouse.gov/climatecorps/).

[30] 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. Consistent with E.O. 14008 and Justice40 interim implementation guidance, M-23-09, DOE recognizes defined disadvantaged communities as the census tracts defined and identified by the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool (CEJST), and all Federally Recognized Tribes and Tribal entities

To ensure these goals are met, applications must include a Community Benefits Plan that describes how the proposed project would incorporate the four objectives stated above.

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

H. Statutes

The programmatic authorizing statute is IRA Section 50123 (codified at 42 U.S.C. § 18795b).

Awards made under this announcement will fall under the purview of 2 CFR Part 200 as amended by 2 CFR Part 910.

III. Award Information

A. Award Overview

i. Estimated Funding

DOE expects to make a total of up to $40,000,000 of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. DOE anticipates making approximately ten (10) to thirty (30) awards under this FOA. DOE may issue one, multiple, or no awards. Individual awards may vary between $250,000 and $5,000,000 (with the target range of $2,000,000).

DOE may issue awards in one, multiple, or none of the following topic areas:

Topic Area Number	Topic Area Title	Anticipated Number of Awards	Anticipated Minimum Award Size for Any One Individual Award (Fed Share)	Anticipated Maximum Award Size for Any One Individual Award* (Fed Share)	Anticipated Period of Performance (months)
1	Training Small Contractor Firms	0-15	$250,000	$5,000,000	48 Months
2	Innovative, Effective, and Equitable Workforce Development Programs	0-15	$250,000	$5,000,000	48 Months

*DOE reserves the right to determine the final award amount.

ii. Period of Performance

Awards will run a maximum of forty-eight (48) months in length and will consist of one or more budget periods ending no later than December 2029.

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 Grants, 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.

i. Grants

DOE has the authority to provide financial support to prime recipients through Grants. DOE anticipates funding these projects through Grants, as appropriate.

IV. Eligibility Information

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

A. Eligible Applicants

i. Eligible Applicants

In accordance with the IRA Section 50123, funding is only available to States, the District of Columbia, and a United States Insular Area (as that term is defined in Section 50211 of the IRA).[31] These eligible entities are referred to throughout this FOA as "States". No other entity types may be considered for this funding. In accordance with 2 CFR Part 910.126 and DOE Program Rule 10 CFR Part 420, eligibility for these awards is restricted to State Energy Offices.

ii. Domestic Entities

The proposed subrecipient(s) must be domestic entities. The following types of domestic entities are eligible to participate as a 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 not eligible to apply for funding as a subrecipient or 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.

[31] As referenced in IRA Section 50111, Section 50211 defines a United States Insular Area to mean American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

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.

B. Cost Sharing

Applicants are bound by the cost share proposed in their Full Applications if selected for award negotiations.

Cost sharing is encouraged but not required under 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.

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 V.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 Appendix A for additional cost sharing information.

iv. 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.

v. 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 V. of the FOA;
- Include all required documents;
- Be uploaded and submitted to Infrastructure eXCHANGE https://infrastructure-exchange.energy.gov; and
- Be submitted by the deadline stated in the FOA.

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

Applicants are strongly encouraged to submit their Letters of Intent and Full Applications at least 48 hours in advance of the submission deadline. Under normal conditions (i.e., at least 48 hours before the submission deadline), applicants should allow at least one hour to submit a Letter of Intent, or Full Application. Once the Letter of Intent or Full Application 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 Letter of Intent or Full Application before the applicable deadline. DOE will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

D. Responsiveness Criteria

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

E. Limitation on Number of Full Applications Eligible for Review

An entity may submit only one Full Application to this FOA. The Full Application must address no more than one topic area identified in Section II.F. of the FOA. If an entity submits more than one Full Application, DOE will request a determination from the applicant's authorizing representative as to which application should be reviewed. Any other submissions received listing the same entity as the applicant will not be eligible for further consideration. This limitation does not prohibit an applicant

from collaborating on other applications (e.g., as a potential subrecipient or partner) so long as the entity is listed as the applicant on only one Full Application submitted under this FOA.

F. 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.

V. Application and Submission Information

A. Application Process

The application process includes multiple submission phases: Letter of Intent and Full Application. **Only applicants who have submitted an eligible Letter of Intent will be eligible to submit a Full Application**.

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

- Must be submitted in Adobe PDF format unless stated otherwise;
- 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 Calibri typeface, a black font color, and a font size of 12-point or larger (except in figures or tables, which may be 10-point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References must be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement;
- A control number will be issued when an applicant begins the 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 https://infrastructure-exchange.energy.gov and select the appropriate funding opportunity number.

Note: The maximum file size that can be uploaded to the Infrastructure eXCHANGE website is 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:

Statement of Work_Part_1

Statement of Work_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 Letter of Intent

Applicants must submit a Letter of Intent by the specified due date and time to be eligible to submit a Full Application. DOE has provided a Letter of Intent form to assist with submitting the required information. The Letter of Intent form is available on the SCEP Clean Energy Infrastructure Funding Opportunity eXCHANGE under this FOA (DE-FOA-0003316).

DOE will use Letters of Intent to plan for the merit review process. The letter should not contain any proprietary or business-sensitive information. The letter will not be used for down-selection purposes and does not commit an applicant to submit an application.

Each applicant must provide the following information as part of the Letter of Intent:

- In the Abstract field, type "LOI";
- Lead Organization;
- Main Point of Contact; and
- Topic Area of Interest.

D. Content and Form of the Full Application

Applicants must complete the following application forms found on the Infrastructure eXCHANGE website at https://infrastructure-exchange.energy.gov.

The submission deadline for the Full Application is stated on the FOA cover page.

All Full Application documents must be marked with the control number issued to the applicant.

i. Full Application Content Requirements

Each Full Application must be limited to a single concept. Full Applications must conform to the following components as applicable.

Component	File Format	File Name
Statement of Work	PDF	ControlNumber_LeadOrganization_StatementofWork
Resumes	PDF	ControlNumber_LeadOrganization_Resumes
Letters of Commitment	PDF	ControlNumber_LeadOrganization_LOCs
Community Partnership Documentation	PDF	ControlNumber_LeadOrganization_PartnerDocs
Statement of Project Objectives	MS Word	ControlNumber_LeadOrganization_SOPO
SF-424: Application for Federal Assistance	PDF	ControlNumber_LeadOrganization_App424
Budget Justification Workbook	MS Excel	ControlNumber_LeadOrganization_Budget_Justification
Summary/Abstract for Public Release	PDF	ControlNumber_LeadOrganization_Summary
Summary Slide	MS PowerPoint	ControlNumber_LeadOrganization_Slide
Subrecipient Budget Justification, if applicable	MS Excel	ControlNumber_LeadOrganization_Subrecipient_Budget_Justification
SF-LLL Disclosure of Lobbying Activities	PDF	ControlNumber_LeadOrganization_SF-LLL
Community Benefits Plan: Job Quality and Equity	PDF	ControlNumber_LeadOrganization_CBP
Community Benefits Plan Budget Justification	MS Excel	ControlNumber_CBP_Budget_Justification
Current and Pending Support	PDF	ControlNumber_LeadOrganization_CPS
Location(s) of Work	Excel	ControlNumber_LeadOrganization_LOW
Transparency of Foreign Connections	PDF	BusinessSensitive_ControlNumber_LeadOrganization_TFC
Potentially Duplicative Funding Notice	PDF	ControlNumber_LeadOrganization_PDFN

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

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

ii. Statement of Work

The Statement of Work must conform to the following content and form requirements. The statement of work must address the technical review criteria as discussed in section VI.A. of the FOA. Save the Statement of Work in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_StatementofWork".

The Statement of Work to the Full Application may not be more than 75 pages, include 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 VI.A. of the FOA) when preparing the Statement of Work.

SECTION	PAGE LIMIT	WEIGHT of TECHNICAL REVIEW CRITERION
Cover Page	**3 pages**	**0%**
Project Overview	**5 pages**	**10%**
TREC Project Plan	**15 pages**	**30%**
Statement of Project Objectives, Activities, and Workplan	**15 pages**	**30%**
Technical Qualifications and Resources	**5 pages**	**10%**
Sustainability Plan	**5 pages**	**10%**
Community Benefits Plan	**12 pages**	**20%**
Totals for the Statement of Work	**60 pages**	**100%**

Statement of Work Content Requirements	
SECTION/PAGE LIMIT	**DESCRIPTION**

Cover Page/3 pages maximum
(Approximately 5% of the Technical Volume)
	The cover page must include:
	• Control number;
	• Prime applicant organization'
	• Project title;
	• Specific Topic Area being addressed:
	  • Training Small Contractor Firms
	  • Innovative, Effective, and Equitable Workforce Development Programs
	• Description of the workforce needs being addressed by the project;
	• Summary of the project and proposed outcomes;
	• Description of the area and/or target populations to be served;
	• Names of all partner organizations or types of proposed partners;
	• Federal budget requested, as divided amount prime and sub-recipients, if applicable; and
	• Any statements regarding confidentiality.

Project Overview / 5 pages maximum (Approximately 10% of the Technical Volume)	The Project Overview must contain the following information: **Summary**. The applicant must provide a succent overview of its proposed project and how it will meet the goals of the TREC program (see Section II.B.) which are: • reduce the cost of training contractor employees by providing workforce development tools for contractors, their employees, and individuals including, but not limited to, subsidizing available training, testing certifications, and licenses for high-quality jobs; • provide testing, certifications, and licenses of contractors trained and educated to install home energy efficiency and electrification technologies and deliver residential energy efficiency and electrification improvements; or • partner with nonprofit organizations to develop and implement a State sponsored workforce program. **Project Goals**. The applicant must explicitly identify the targeted goal(s) (see list below) and the critical success factors in achieving that goal, including the ways in which the proposed project increases the engagement of diverse talent and reduces disparities with underrepresented groups or communities. Targeted goals are as follows: • Train small contractors and their employees to deliver the Home Energy Rebates Programs. • Reduce barriers to trainings, certifications, and licenses for those rural and underserved communities. • Support partnerships with non-profits to design and implement community-focused workforce development program models. • Implement innovative, replicable workforce development program models in energy efficiency technology and electrification. • Provide training for contractor firms that offer high-quality jobs with family-sustaining wages, benefits, and career pathways with opportunities for worker advancement. **Partners**. The applicant must list the partners (or types of partners) that can support and advance the work of the project plan. If available, provide the list of partners already engaged that will implement the Grant and assist to sustain activities beyond the Grant period of performance. **Coordination:** The applicant must discuss how the proposed project plan supports or supplements the applicant's TREC formula program. **DOE Impact**. The applicant must 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 must identify any potential long-term constraints the project may face. If applicable, describe a how to alleviate the impact of these constraints. **Risks**. The applicant must list the key technical, practical, regulatory, and/or financial risks and issues associated with the proposed project. **Leverage**. The applicant must explain the efforts that will be taken to braid existing programs, resources, and services in effort to create comprehensive development opportunities and leverage existing programs. If applicable, describe how the proposed TREC Project Plan supports, coordinates, or collaborates, with the State Energy Program[32]; Energy Efficiency Revolving Loan Fund Capitalization Grant Program[33]; Weatherization Assistance Program[34]; State-Based Home Energy Efficiency Contractor Training Formula Grants[35]; Home Energy Rebates Programs[36]; Building Energy Codes Program[37]; Energy Efficiency Home Improvement Credit[38]; or other relevant programs.
TREC Project Plan / 15 pages maximum (Approximately 30% of the Technical Volume)	The TREC Project Plan must include the following: **Proposed training curriculum for TREC participants.** Explain how the: • curriculum aligns with industry, association, state, and federal standards; • training standards promote integration with current practices and future trends in the industry; • curriculum and training design will prepare participants and contractor firms (with a focus on socially-disadvantaged contractors) for the demands of the present and the future; • TREC program will leverage existing programs; • TREC program will incorporate best practices into the project design; and • project will include professional development curriculum that teaches concepts not covered in certification curriculum, including topics like marketing, customer service, sales, financial analysis, payback times and

[32] State Energy Program | Department of Energy *(https://www.energy.gov/scep/state-energy-program)*.
[33] Energy Efficiency Revolving Loan Fund Capitalization Grant Program | Department of Energy (https://www.energy.gov/scep/energy-efficiency-revolving-loan-fund-capitalization-grant-program)
[34] Weatherization Assistance Program | Department of Energy *(https://www.energy.gov/scep/wap/weatherization-assistance-program)*.
[35] State-Based Home Energy Efficiency Contractor Training Grants | Department of Energy *(https://www.energy.gov/scep/state-based-home-energy-efficiency-contractor-training-grants)*.
[36] Home Energy Rebates Program | Department of Energy *(https://www.energy.gov/scep/home-energy-rebates-programs)*.
[37] Building Energy Codes Program | Department of Energy *(https://www.energy.gov/eere/buildings/building-energy-codes-program)*.
[38] Energy Efficient Home Improvement Credit | Internal Revenue Service (irs.gov) *(https://www.irs.gov/credits-deductions/energy-efficient-home-improvement-credit)*.

	how small contractor firms can implement the eight Good Jobs Principles.[39] If applying for Topic Area One, describe plans for identifying, engaging and training small contractor firms (with a focus on socially-disadvantaged contractors). If applying for Topic Area Two, describe plans to design and implement innovative, effective, and equitable workforce development programs in residential energy efficiency and electrification. **Plans to connect TREC participants with opportunities to deliver the Home Energy Rebates Programs**. Describe plans that qualify participants and/or contractor firms to deliver the Home Energy Rebates Programs and access opportunities to deliver projects funded by these programs. See Section II.B. for a non-exhaustive list of potential activities. **Identify the certification(s) and/or license(s) that the participants will receive on completion of that training curriculum.** List the chosen certification(s) and/or license(s) that clearly align with established program standards and industry needs. If a certification and/or license is not incorporated into the project, then the applicant will need to identify and justify the connection between the project requirement for standard certifications and/or license(s). DOE will need to recognize and approve the certification and license.[40] **Expected per-individual cost of training.** Provide an expected calculation of the cost per participant/contractor firm. Describe the benefits that the participant/contractor firm receives through participating in the program. **Plan for connecting participants and contractor firms with employment and project opportunities.** Explain how individuals will transition from participant to new hire for a good job and/or how contractor firms will access new Home Energy Rebate projects. Outline the strategies that will be explored to support apprenticeship or other on-the-job paid experiences. Secure letters of support or memorandum of understanding with employers to hire participants, as permitted by the relevant state law. **Strategic Planning.** Describe how the proposed TREC Project Plan supports, coordinates, or collaborates, with the State Energy Program[41]; Energy Efficiency

[39] Good Jobs Principles | dol.gov *(https://www.dol.gov/sites/dolgov/files/goodjobs/Good-Jobs-Summit-Principles-Factsheet.pdf)*.

[40] This fact sheet outlines the process by which States and their training partners can submit programs for DOE recognition and identify programs that DOE has recognized: DOE TREC BSESC Instructions Fact Sheet (*https://www.energy.gov/sites/default/files/2024-01/DOE%20TREC%20BSESC%20Instructions%20Fact%20Sheet_Final.pdf)*.

[41] State Energy Program | Department of Energy *(https://www.energy.gov/scep/state-energy-program)*.

	Revolving Loan Fund Capitalization Grant Program[42]; Weatherization Assistance Program[43]; State-Based Home Energy Efficiency Contractor Training Formula Grants[44]; Home Energy Rebates Programs[45]; Building Energy Codes Program[46]; Energy Efficiency Home Improvement Credit[47]; or other relevant programs.
Statement of Project Objectives, Activities, and Workplan / 15 pages maximum (Approximately 30% of the Technical Volume)	The Statement of Project Objectives, Activities, and Workplan section must contain the following information: **Outreach, Recruitment, Enrollment and Retention.** Applicants must provide the following: • comprehensive description of a coordinated outreach, recruitment, and enrollment strategy (e.g., effective marketing avenues, such as digital and social media advertising as well as translation services to promote the program in the language of potential participants.) • partnership plan that includes nonprofit partners, the workforce system, businesses, industry associations, labor organizations, community-based organizations, education and training providers, philanthropic organizations, Tribal governments; and/or federal, state, and local government. to support the project and its participants; strategy for engaging diverse and underserved populations; • list of retention initiatives, like wraparound services, support services, professional development resources, incentives, stipends, participant wages, etc. that will be utilized to provide holistic participant development and placement; and • explanation for how participants will be retained throughout the program. **Outputs and Outcomes.**[48] The Department will provide standardized templates for successful applicants to report on performance in the areas of training outcomes, good jobs outcomes, equity and justice, technical assistance and community ownership. These templates have the full list of the required metrics.

[42] Energy Efficiency Revolving Loan Fund Capitalization Grant Program | Department of Energy (https://www.energy.gov/scep/energy-efficiency-revolving-loan-fund-capitalization-grant-program)
[43] Weatherization Assistance Program | Department of Energy *(https://www.energy.gov/scep/wap/weatherization-assistance-program)*.
[44] State-Based Home Energy Efficiency Contractor Training Grants | Department of Energy *(https://www.energy.gov/scep/state-based-home-energy-efficiency-contractor-training-grants)*.
[45] Home Energy Rebates Program | Department of Energy *(https://www.energy.gov/scep/home-energy-rebates-programs)*.
[46] Building Energy Codes Program | Department of Energy *(https://www.energy.gov/eere/buildings/building-energy-codes-program)*.
[47] Energy Efficient Home Improvement Credit | Internal Revenue Service (irs.gov) *(https://www.irs.gov/credits-deductions/energy-efficient-home-improvement-credit)*.
[48] Outputs are the direct steps or deliverables that an individual or company produces to achieve a goal. Outcomes are the impact of these outputs on short- or long-term goals.

	At a minimum, applicants must clearly identify the anticipated outputs and outcomes that will result from the project. Anticipated outputs and outcomes must cover the categories of training outcomes; Good jobs outcomes; equity and justice; technical assistance and community ownership. At a minimum, the application must include a numerical projection for the identified metrics below in a table format. If a project does not plan to address a particular output, then add "N/A" next to the output in the table. **Topic Area One: Training Small Contractor Firms Metrics** Describe demographic: small business size, serving populations, classification types, etc. 1. Total contractor firms that the project plans to reach through outreach and recruitment activities during the life of the project. 2. Number of contractor firms that the project plan to engage in the training program. 3. Number of contractor firm employees intended to enroll in the training program. 4. The percentage of contractor firm employees that completed the training program. 5. The number of participants that received a certification and/or license. 6. Number and type of industry-recognized skill or business certifications and/or license obtained through program assistance. 7. Number of contractor firm employees from underserved or underrepresented populations. 8. Number of contractor firms from underserved or under underrepresented populations. 9. Estimated cost of training per participant. 10. Number of communities of interest served through training. 11. Number of contractor firms that delivered projects funded by the Home Energy Rebates Programs. 12. Number of socially-disadvantaged contractors. 13. Number of socially-disadvantaged contractors trained to deliver the Home Energy Rebates Programs. 14. Number and type of youth-focused training programs delivered (e.g., programs aligned with the American Climate Corps) 15. Number and type of partnerships with nonprofit organizations to design and deliver TREC training. 16. Total number of new labor or union partners engaged in the project. **Topic Area Two: Innovative, Effective and Equitable Workforce Development Programs Metrics**

	Describe demographic: youth, new worker, incumbent worker, etc. 1. Total number of individuals that the project plans to reach through outreach and recruitment activities during the life of the project. 2. Number of individuals enrolled in the training program. 3. Number of individuals that will enroll and participate in unpaid training activities. 4. Number of individuals that will enroll and participate in paid training activities. 5. Total number of participants that completed the training program. 6. Number of individuals that received a certification and/or license. 7. Number and type of industry-recognized skill certifications and/or license(s) obtained through program assistance. 8. Number of participants that entered newly placed full-time employment. 9. Number of participants that entered newly placed part-time employment. 10. Number of participants that were promoted within current employment as a result of training. 11. Number of participants placed in pre-apprenticeship or apprenticeship programs. 12. Number of participants from underserved or underrepresented populations. 13. Estimated cost of training per participant. 14. Number of communities of interest served through training. 15. Number of participants that delivered projects funded by the Home Energy Rebates Programs upon completion of training. 16. Number of participants enrolled in a pre-apprenticeship and/or registered apprenticeship program. 17. Number and type of youth-focused training programs delivered (e.g., programs aligned with the American Climate Corps) 18. Number and type of partnerships with nonprofit organizations to design and deliver TREC training. 19. Total number of new labor or union partners engaged in the project. The recipient must provide supportive narrative as an attachment to the table to identify outcomes and explain how these outcomes are aligned with the goals of the project. Applicants must provide proposed total target numbers for the 48-month grant period of performance. Successful applicants will be required to provide quarterly outputs and 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 period of performance goals.

	Workplan and Task Description: Applicants must briefly describe the work to be accomplished, milestones and key deliverables that will be used to meet the project goal(s). Deliverables must accurately and effectively convey the progress and positive impact the project will have for disadvantaged communities. The Workplan is to be structured with a hierarchy of performance period (approximately annual) with tasks and subtasks, which is typical of a standard Workplan for any project. The Workplan shall contain a concise description of the specific activities to be conducted over the life of the project. **Milestones:** The applicant must provide a summary of appropriate milestones throughout the project to demonstrate success. A milestone may be a progress measure (which can be activity based). The applicant must also provide how the milestone will be verified. **End of Project Goal:** The applicant must provide a summary of the end of project goal(s). **Project Schedule (Gantt Chart or similar):** The applicant must provide a schedule for the entire project, including task and subtask durations, milestones.

Technical Qualifications and Resources / 5 pages maximum (Approximately 10% of the Technical Volume)	The Technical Qualifications and Resources must contain the following information:
	• 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;
	• The skills, certifications, license(s), or other credentials of the construction and ongoing operations workforce;
	• For multi-organizational projects, describe succinctly:
	  ○ The roles and the work to be performed by the project manager and Senior/Key Personnel at the prime and sub levels;
	  ○ Business agreements between the applicant and sub;
	  ○ How the various efforts will be integrated and managed;
	  ○ Process for making decisions on technical direction;
	  ○ Publication arrangements;

	○ Intellectual property issues; and ○ Communication plans.
Sustainability Plan / 5 pages maximum (Approximately 10% of the Technical Volume)	The applicant must describe its capability to sustain some or all project activities after federal financial assistance has ended. The plan must include an outline for sustainability of the training, certification, and license activities; partnerships; and/or workforce development program models serving underrepresented communities. • Train small contractors and their employees to deliver the Home Energy Rebates Programs. • Reduce barriers to trainings, certifications, and licenses for those rural and underserved communities. • Support partnerships with non-profits to design and implement community-focused workforce development program models. • Implement innovative, replicable workforce development program models in energy efficiency technology and electrification. The Sustainability Plan must provide answers to the following questions, and any additional information that the applicant would like to provide: • How will the program become a standing offering by the State to meet future labor demands for energy efficiency contractors? • How will the state continue to evolve the program to meet the needs of underrepresented communities? • What future partnerships and collaborations are necessary to replicate and integrate the program in the additional underrepresented communities? How will these partnerships sustain diversity, equity, access, and inclusion needs? • What is the anticipated future funding need and what method will be utilized to secure future funding (i.e., grants, sponsorships, and partnerships)? • What is the human capital need to support the continuation of training, certification, licensure, and employment placement of energy efficiency contracts and what is the plan to meet that need?
Community Benefits Plan / 12 pages maximum (Approximately 20% of	The Community Benefits Plan must address the following: 1. Community and Labor Engagement 2. Investing in Job Quality and Workforce Continuity 3. Diversity, Equity, Inclusion, and Accessibility 4. Justice40 Initiative

the Technical Volume)	For additional information about the Community Benefits Plan requirements, see Section V.D.xiv.

iii. Resumes

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

1. Contact information;
2. Education: All academic institutions attended, major/area, degree;
3. Training: (e.g., certification or credential from a Registered Apprenticeship or Labor Management Partnership)
4. Professional experience: Beginning with the current position, list professional/academic positions in chronological order with a brief description;
5. List all current academic, professional, or institutional appointments, foreign or domestic, at the applicant institution or elsewhere, whether or not remuneration is received, and whether full-time, part-time, or voluntary; and
6. There should be no lapses in time over the past 10 years or since age 18, whichever period is shorter.

As an alternative to a resume, it is acceptable to use the biographical sketch format approved by the National Science Foundation (NSF). The biographical sketch format may be generated by the Science Experts Network Curriculum Vita (SciENcv), a cooperative venture maintained at https://www.ncbi.nlm.nih.gov/sciencv/, also available at https://www.nsf.gov/bfa/dias/policy/researchprotection/commonform_biographicalsketch.pdf. The use of a format required by another agency is intended to reduce the administrative burden to researchers by promoting the use of common formats.

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

iv. Letters of Commitment

Submit letters of commitment from all subrecipient and third-party cost share providers, as permitted by the relevant state law. 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".

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

v. Community Partnership Documentation

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".

vi. Statement of Project Objectives (SOPO)

Applicants must complete a SOPO. A SOPO template is available on Infrastructure eXCHANGE at https://infrastructure-exchange.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".

vii. 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".

viii. Budget Justification Workbook

Applicants must complete the Budget Justification Workbook, available on Infrastructure eXCHANGE at https://infrastructure-exchange.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 IRA-specific requirements (e.g., Buy America requirements for infrastructure projects, , Community Benefits Plan, reporting, oversight) and with required annual audits and incurred cost proposals in their proposed budget documents. Such costs may be reimbursed as a direct or indirect cost. The "Instructions and Summary" included with the Budget Justification Workbook will auto-populate as the

applicant enters information into the Workbook. Applicants must carefully read the "Instructions and Summary" tab provided within the Budget Justification Workbook. Save the Budget Justification Workbook in a single Microsoft Excel file using the following convention for the title: "ControlNumber_LeadOrganization_Budget_Justification".

ix. Summary for Public Release

Applicants must submit a one-page summary of their project that is suitable for dissemination to the public. It should be a self-contained document that identifies the name of the applicant, the lead project manager/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".

x. Summary Slide

Applicants must provide a single slide summarizing the proposed project. The Summary Slide template is available on Infrastructure eXCHANGE at https://infrastructure-exchange.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;
- 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". [See the draft summary slide template published on Infrastructure eXCHANGE.)

xi. Subrecipient Budget Justification (if applicable)

Applicants must provide a separate budget justification for each subrecipient that is expected to perform work estimated to be more than $250,000 or 25% 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".

xii. 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".

xiii. Open-Source Software Distribution Plan

When applicants apply to one or more Topic Areas for which open-source software distribution is required, applicants must submit an Open-Source Software Distribution Plan as part of their Full Application. This plan describes how software produced under this FOA will be distributed. Failure to submit a complete Plan may result in a determination of non-compliance for your Full Application. Guidance for preparing this plan is included in Appendix E of the FOA. Save the Open-source Software Distribution Plan in a single Microsoft Word file using the following convention for the title: "ControlNumber_LeadOrganization_OSSDP".

xiv. 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.

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.D.xiv. 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 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.

The plan should include a summary on how the applicant will engage partners with proven practices that create good jobs and economic mobility and offer effective strategies for reaching underrepresented and historically marginalized individuals. These may include, but are not limited to, education and training providers; national or community-based nonprofit organizations including nonprofits that are affiliated with or experts in the energy sector or that provide service delivery to individuals from historically marginalized populations and communities, including people with disabilities among others that serve underrepresented and marginalized communities; tribes and tribal nonprofits; employer partners such as socially-disadvantaged businesses, and small businesses; or education and training partners, such as Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCCUs) and Minority Serving Institutions (MSIs) including Predominantly Black Institutions (PBIs), Hispanic Serving Institutions (HSIs), Native American-Serving, Nontribal Institutions (NASNTIs) , Alaska Native-Serving and Native Hawaiian-Serving Institutions (ANNHIs), and Asian American and Native American Pacific Islander-Serving Institutions (AANAPISIs).

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 and good 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:

1. A description for how the applicant will incorporate diverse worker voice and lived experience into the program design and implementation.
2. Support for workers' empowerment and representation is one of the good jobs principles outlined under the departments of Commerce and Labor. Good jobs are the foundation of an equitable economy that lifts up workers and families and makes businesses more competitive globally. Good jobs create attractive opportunities that bring skilled workers into the labor market, and many companies recognize that providing quality jobs make them an employer of choice, which is a clear competitive advantage when it comes to recruitment, retention, and the execution of a company's mission. Historically low unemployment has increased employer competition for talent. Improving job quality better positions employers to retain the workers they have now. Under the empowerment and representation principle, Workers can form and join unions. Workers can engage in protected, concerted activity without fear of retaliation. Workers contribute to decisions about their work, how it is performed, and organizational direction. Applicants should describe how their partner is empowering workers and or how they will incorporate diverse worker voice and lived experience into the program design and implementation.
3. 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:
4. Wages, benefits, and other worker supports to be provided, benchmarking against prevailing wages for construction and local median wages for other occupations;
5. 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
6. Efforts to engage employees in the design and execution of workplace safety and health plans.

7. 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.
8. Improve job quality and create access to good jobs – free from discrimination and harassment. Employers that prioritize good jobs are intentional in their recruitment and hiring activities. Applicants should summarize their plan to ensure participants can access good jobs.
9. Efforts to ensure all workers are paid a stable and predictable living wage, as determined by the local area cost of living, before overtime, tips, and commissions. Workers' pay is fair, transparent, and equitable (i.e., workers with similar skills and experience are paid the same wage for the same work). Workers' wages grow commensurate with increased skills and experience. Applicants are to describe strategies in place to ensure that participants will be paid a stable and predictable living wage.
10. Efforts to promote skills and career advancement. Workers have equitable opportunities and tools to progress to future jobs. Workers have transparent promotion or advancement opportunities. Workers have access to high-quality occupational training, such as on-the job training (OJT), and continuing education opportunities. Applicants should describe their organization's strategies to promote skills and career advancement for their participants.
11. The applicant should describe efforts to increase participant retention in the program with a focus on developing pathways for career growth.
12. To promote sustainability and continuity, the applicant should outline the plans for continuing the project, supplying the workforce of skilled workers beyond the period of performance.

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 applicant must identify the target population(s) for the project:

1. identify and define the population(s) of participants/contractor firms intended to be served through the Grant, including why this population was selected;
2. identify and define historically-marginalized individuals or disadvantaged communities, in alignment with the Justice40Initiative, to be prioritized for participation in grant activities and outcomes, describe why these individuals or communities were chosen as a focus of the project, and demonstrate how serving this population will address inequalities or other barriers resulting from historic marginalization or exclusion;
3. describe the planned approaches to successfully recruiting individuals from these populations to enroll in grant activities; and

4. identify the specific inequalities and barriers these populations face and how serving this population through the project will reduce the inequalities and barriers.

Successful applicants must clearly and comprehensively describe the:

- communities covered by the project service area, including the barriers faced by the residents, businesses, and communities in addressing workforce challenges and achieving sustained economic success (e.g. unemployment rate, substance use rates, infrastructure challenges, high rates of pollution, or other factors the applicant deems relevant to demonstrating such challenges).
- service area's current challenges with regard to employment including low wages, educational attainment, workforce demographics, and other factors that the proposed project will address to help develop or sustain good jobs;
- applicant's definition of good jobs that the proposed project will use as an employment goal for participants, and will communicate to participants and partner employers, including how this definition aligns with the indicators of good jobs as described in the U.S. Department of Labor's Good Jobs Initiative[49]

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:

- Commit to partnering with Minority Business Enterprises, minority-owned businesses, women-owned businesses, and veteran-owned businesses for contractor support needs; Applicants must summarize their strategies for pursuing partnerships with organizations that serve historically marginalized populations and communities.
- 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;
- Provide workers with comprehensive support services, such as childcare and transportation, to increase representation and access in project's construction and operations jobs.
- Connect with employers that prioritize equal opportunity and actively recruit applicants from underserved communities in their recruitment and hiring activities. They actively recruit applicants from underserved communities, in recruitment drives designed to ensure equal opportunity as set forth under applicable nondiscrimination requirements. Through their partnerships, applicants should identify efforts to actively recruit those from underserved communities and efforts to recruit from communities underrepresented in the workforce that take into account cultural competencies that relevant to these populations' history attaining and retaining jobs. Confirm commitment from employers to evaluate applicants using skills-based requirements, which may include nontraditional pathways and an emphasis on prior experience. Applicants should ensure that unnecessary educational, credentials and experience requirements are minimized; hiring strategies meant to counter conscious and unconscious biases; and screening practices that do not eliminate participants or contractor firms based on educational credentialing. Describe efforts to ensure that participants with disabilities are provided reasonable accommodations, as appropriate without difficulties and additional

[49] The Good Jobs Initiative | U.S. Department of Labor (https://www.dol.gov/general/good-jobs)

barriers. To address barriers to access to energy employment, applicants should summarize efforts such as the below in their plans.

- Identifying specific wrap-around services for participants.
- Identifying subsidies allocated for participant support.
- Describe how the applicant plan to increase awareness of and exposure to energy career pathways within the community and provide career services to participants seeking these opportunities.
- Describe language support for non-English speakers and for person with disabilities.

4. Justice40 Initiative: The Justice40 Initiative Plan (J40 Plan) will describe plans to address energy and environmental justice concerns, which will maximize the likelihood of successful projects. There are two parts to the J40 plan. Part 1 is an Energy and Environmental Justice Assessment (EEJ Assessment), which assesses project benefits and impacts. Part 2 is the Justice40 Implementation Strategy section, which explains what actions the applicants will take to maximize benefits and minimize negative impacts. See Appendix D for more details about full plan requirements.

At the time of application, applicants are only asked to submit a "Justice40 Initiative Plan Development Proposal" that will scope the resources that will be required to create this plan and describe their strategy for developing it.

The J40 Plan described in the Plan Development Proposal (PDP) will be carried out during the project, through (1) updating the Plan Development Proposal during first 90 days per DOE feedback; (2) submitting the J40 Plan 90 days following the submission of the revised PDP, and executing on the J40 Plan; (3) a public presentation on environmental justice work in the Mid-Project Update, including this plan, halfway through the performance period; and (4) a public End-of-Project Progress Report on societal considerations and impacts work, including this Plan, at end of award.

Justice40 Initiative Plan Development Proposals should include the following elements:

1. **A preliminary Energy and Environmental Justice Assessment** that includes an analysis of communities, including disadvantaged communities, that will be affected by the project. This can be accomplished by using environmental justice screening tools and DOE's working definition of disadvantaged communities. The assessment should also offer a brief summary of benefits and impacts, including negative impacts, that can be anticipated based on prior experience or readily available data. Some of this may be known from other permitting requirements or similar projects.
2. **A description of research** that will need to be done to develop a detailed plan, including scoping data sources for incorporation into the plan (existing data sources as well as datasets that need to be developed).
3. **A timeline** for developing the plan, including appropriate milestones.
4. **A description of personnel** who will work on the plan, including trainings or qualifications that may need to be acquired.
5. An estimate of financial resources required for developing the plan.
6. **A description of any community partners** who may be interested in collaborating on or learning about the plan.

The recommended length for the J40 Plan Development Proposal is 3-4 pages and must not exceed 4 pages. Save the information in a file named "Justice40PDP.pdf" and click on the "Add Optional Other Attachment" to attach.

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

xv. 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".

xvi. Locations of Work

Applicants must complete the Locations of Work Documentation, available on Exchange at https://infrastructure-exchange.energy.gov/. The applicant must complete the supplied template by listing the city, state, and zip code + 4 digits for each location where project work will be performed by the prime recipient or subrecipient(s). Save the completed template as a Microsoft Excel file using the following convention for the title: "Control Number_LeadOrganization_LOW".

xvii. Transparency of Foreign Connections

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

1. Entity name, website address, and mailing address;
2. The identity of all owners, principal investigators, project managers, and senior/key personnel who are a party to any Foreign Government- Sponsored Talent Recruitment Program of a foreign country of risk (i.e., China, Iran, North Korea, and Russia);
3. The existence of any joint venture or subsidiary that is based in, funded by, or has a foreign affiliation with any foreign country of risk;
4. Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;
5. Percentage, if any, that the proposed recipient or subrecipient has foreign ownership or control;
6. Percentage, if any, that the proposed
7. Percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk;

8. Any technology licensing or intellectual property sales to a foreign country of risk, during the 5-year period preceding submission of the proposal;
9. Any foreign business entity, offshore entity, or entity outside the United States related to the proposed recipient or subrecipient;
10. Complete list of all directors (and board observers), including their full name, citizenship and shareholder affiliation, date of appointment, duration of term, as well as a description of observer rights as applicable;
11. Complete capitalization table for your entity, including all equity interests (including LLC and partnership interests, as well as derivative securities). Include both the number of shares issued to each equity holder, as well as the percentage of that series and all equity on a fully diluted basis. Identify the principal place of incorporation (or organization) for each equity holder. If the equity holder is a natural person, identify the citizenship(s). If the recipient or subrecipient is a publicly traded company, provide the above information for shareholders with an interest greater than 5%;
12. A summary table identifying all rounds of financing, the purchase dates, the investors for each round, and all the associated governance and information rights obtained by investors during each round of financing; and
13. An organization chart to illustrate the relationship between your entity and the immediate parent, ultimate parent, and any intermediate parent, as well as any subsidiary or affiliates. Identify where each entity is incorporated.

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

xviii. Potentially Duplicative Funding Notice

If the applicant or project team member has other active awards of federal funds, including the IRA 50123 formula grants, 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 funder 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.”

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 VII.B.xvi. Participants and Collaborating Organizations);
- Current and Pending Support (See sections VII, B, xvii. Current and Pending Support);
- Indirect cost information;
- Other budget information;
- Letters of Commitment from third parties contributing to cost share, if applicable;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5);
- Information for the DOE Office of Civil Rights to process assurance reviews under 10 CFR 1040;
- Representation of Limited Rights Data and Restricted Software, if applicable;
- Information related to any proposed Workforce and Community Agreement, as defined in section V.D.xiv., that applicants may have made with the relevant community;
- Any proposed or required Project Labor Agreements; and
- Environmental Questionnaire.

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.

1. Participant Supportive Services

Supportive services are a routine part of high-quality workforce development programs, and evidence shows that they contribute to participants completing programs, particularly those from underserved communities, which leads to opportunities for advancement into better jobs. Supportive services can include, but are not limited to, childcare, transportation, food, mental health counseling, legal assistance, financial counseling, referrals for drug treatment, provision of work tools or work clothes, and needs-related payments/emergency cash assistance.

Supportive services are those activities or resources designed to provide a participant with the resources necessary to enable their participation in career and training services or to gain or retain good jobs. Grant recipients may offer supportive services to participants directly or through partner organizations, based upon the specific needs and focus of the project plan. Generally, supportive service strategies meet the specific needs of an individual and may include, but are not limited to:

- linkages to community services, including services offered by partner organizations designed to support grant participants;
- assistance with transportation;
- assistance with childcare and dependent care;
- assistance with housing;
- needs-based payments, which are financial assistance given to participants to ensure they are able to participate in the program or to obtain/retain employment;
- assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear;
- assistance with laptops or tablets, books, fees, school supplies, and other necessary items for participants enrolled in training, work-based learning, or other elements of the proposed grant project; or
- payments and fees for employment and training-related applications, tests, certifications, and licenses.

IMPORTANT: Grantees must have policies and procedures in place governing the provision of supportive services to participants and the supportive services provided under the Grant must comply with these organizational policies.

2. Use of Grant Funds for Supportive Services

Applicants that receive Grants through this FOA may use Grant funds to pay for the wages of participants. In addition, grantees are encouraged to partner with other local, state, or Federally- funded programs and resources for participant payments and other participant supports. Further, providing stipends to participant enrollees for wage replacement is an allowable cost under this FOA. Payment may take the form of wages or stipends. Generally, participants may receive stipends for participating in classes and training. Wages are compensation for services performed for an employer and should be reflective of the current competitive wage. When paying participant stipends, grantees must maintain documentation of the process for determining the amount of the stipend and the distribution. Grantees providing wages or stipends to participants should be aware of the implications under IRS provisions. Please consult www.irs.gov for more information.

In addition, grantees may provide incentive payments to participants for recognition and achievement tied to training activities and work experiences. Incentive payments must align with the goals of the grant. The grantee must have policies and procedures in place governing the award of incentives; any incentives provided under the grant must align with these organizational policies. Generally, incentive payments are considered miscellaneous compensation and are taxable. Please consult www.irs.gov for more information. Under this FOA, grantees can use no more than 1.5 percent of the grant award for incentive payments.

Needs-related payments are a form of supportive services paid directly to participants that enable the individual to participate in training. No more than 10 percent of grant funds awarded under this FOA may be used for needs-related payments. The needs-related payments assist with participants remaining in training and often used by participants to pay for food, utility bills, or other immediate needs. Needs-related payments are paid directly to participants and must tie directly to the need identified, and grantees must ensure the payments are documented to support both the participant's need for the service *as well* as the actual transaction. Grantees must have a consistent policy in place on the provision of needs-related payments. For additional information, please review 20 CFR 680.930.

Though there is no cap on the use of grant funds for supportive services (with the exception of needs-related payments and incentives as noted above), SCEP strongly encourages grantees to provide necessary supportive services through partners to support participants' participation in employment-related activities and training.

3. 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.

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.

ii. 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.

iii. Foreign Travel

Foreign travel costs are not allowable under this FOA.

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.

However, pursuant to the FY23 Consolidated Appropriations Act (Pub. L. No. 117-328), Division D, Title III, Section 309, the Secretary or a designee of the Secretary may, at their discretion, vest unconditional title or other property interests acquired under this project regardless of the fair market value of the property at the end of the award period.

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 serves a public function.

Applicants are strongly encouraged to consult Appendix C 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.

Unless the Federal award specifically indicates otherwise, subawards to subrecipients should conform to the terms and conditions of the Federal award from which they flow. For example, if a Federal agency obligates an award to a State government as a direct recipient, and the State issues a subaward to a subrecipient that is a for-profit entity to carry out the project as a subrecipient, then the Buy America preference requirements included in the Federal award would flow down to the for-profit entity. 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 C and the terms and conditions of an award.

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

vi. 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.energy.gov/sites/prod/files/CERTSASSURANCESSF424.pdf) 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.

vii. 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; History of performance;
3. Audit reports and findings; and
4. 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. As part of the research, technology, and

economic security risk review, DOE may contact the applicant and/or proposed project team members for additional information to inform the review.

viii. Invoice Review and Approval

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

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

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

1. Prohibition

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

2. Definitions

Foreign Government-Sponsored Talent Recruitment Program. An effort directly or indirectly organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state

for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to U.S. entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

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

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:

(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 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.[50]

[50] See OFCCP's Technical Assistance Guide at: Construction Contractors Technical Assistance Guide (https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf?msclkid=9e397d68c4b111ec9d8e6fecb6c710ec). Also see the National Policy Assurances: Awards - Federal-Wide Research Terms and Conditions | NSF - National Science Foundation (https://www.nsf.gov/awards/managing/rtc.jsp).

xi. Foreign Collaboration Considerations

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

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

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

VI. 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: TREC Project Plan (30%)

This criterion involves consideration of the following factors:

1. **Technical Merit and Innovation**
   - **Proposed training curriculum for TREC participants and contractor firms**. The applicant explains how the curriculum aligns with industry, association, state, and federal standards; training standards promote integration with current practices and future trends in the industry; curriculum and training design will prepare **participants** for the demands of the present and the future; and how the applicant will leverage existing programs and incorporate best practices into the project design. In addition, the focus on offering professional development curriculum that teaches concepts not covered in certification curriculum, including topics like marketing, customer service, sales, financial analysis, payback times and how small contractor firms can implement the Good Job Principles.[51] If applying for Topic Area One, the applicant describes plans for engaging and training small contractor firms. If applying for Topic Area Two, the applicant describes plans to design and implement innovative, effective, and equitable workforce development programs in residential energy efficiency and electrification.
   - **Plans to connect TREC participants and contractor firms with opportunities to deliver the Home Energy Rebates Programs**. The applicant describes plans to help participants and/or contractor firms become qualified to deliver the Home Energy Rebates Programs and access opportunities to deliver projects funded by the Home Energy Rebates Programs.
   - **Identify the certification(s) and/or licenses(s) that the participants and contractor firms will receive on completion of that training curriculum**. The applicant lists the chosen certification(s) and/or licenses(s) that clearly align with established program standards and industry needs. If a certification and/or license is not incorporated into the project, then applicant identifies and justifies the connection between the program requirement for standard certifications and licenses.
   - **Expected per-individual cost of training**. The applicant provides an expected calculation of the cost per participants and contractor firms; outlines and describes the benefits that the participants and contractor firms receive through participating in the program.
   - **Plan for connecting participants and contractor firms with high-quality employment and project opportunities**. The applicant explains how participants will transition from participant to new hire and/or how contractor firms will access new Home Energy Rebates projects. The applicant defines a strategy to ensure that contractor firms meet essential job quality measures in alignment with the DOL Good Jobs Principles.[52] The applicant outlines the strategies they will explore to support apprenticeship or other on-the-job paid experiences. The applicant secures letters of support or memorandum of understanding with employers to hire participants, as permitted by the relevant state law.

[51] Good Jobs Principles | dol.gov (https://www.dol.gov/sites/dolgov/files/goodjobs/Good-Jobs-Summit-Principles-Factsheet.pdf).
[52] Good Jobs Principles | dol.gov (https://www.dol.gov/sites/dolgov/files/goodjobs/Good-Jobs-Summit-Principles-Factsheet.pdf).

- **Strategic Planning:** The applicant describes how the proposed TREC Project Plan supports, coordinates, or collaborates, with the relevant programs.
- All required project components are addressed. Clear and comprehensive workplan tasks, staffing, research, and timeline for engaging workforce stakeholders and/or evaluating the possible near- and long-term implications of the project for the U.S. workforce.

2. **Impact of the Project**
   - Key outcomes the project is intended to achieve.
   - Extent that the project supports or supplements the TREC formula program.
   - Extent to which the project supports the FOA objectives and metrics.
   - Potential impact of the project on the energy efficiency field through trained residential energy contractors.
   - Ability of the project to create a replicable residential energy contractor training program model for future projects.
   - Extent to which the project facilitates stakeholder relationships across new or existing stakeholders to gain partnership support.
   - Details on the anticipated short- and long-term impact of the program on all participants and contractor firms 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: Statement of Project Objectives, Activities, and Workplan (30%)

This criterion involves consideration of the following factors:

1. **Demonstration Approach, Workplan, and SOPO**
   - Degree to which the approach and critical path have been clearly described and thoughtfully considered; and
   - Degree to which 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.

2. **Baseline, Metrics, and Deliverables**
   - Level of clarity in the definition of the baseline, metrics, and milestones; and
   - Relative to a clearly defined project baseline, the strength of the quantifiable metrics, milestones, and mid-point deliverables defined in the application, such that meaningful interim progress will be made.

3. **Fulfillment of the Required Content**
   - Outreach, Recruitment, Enrollment and Retention. The applicant provides a(n):
     - Comprehensive description of a coordinated outreach, recruitment, and enrollment strategy (e.g., effective marketing avenues, such as digital and social media advertising as well as translation services to promote the program in the language of potential participants.)
     - Partnership plan that includes the following:
       - Required partners: nonprofits, and

- Optional partners: the workforce system, associations, organizations, or industry to support the program and its participants;
- Strategy for engaging diverse and underserved populations;[53]
- List of retention initiatives, like wraparound services, supportive services, professional development resources, incentives, stipends, participant wages, etc. that will be utilized to provide holistic participant development and placement; and
- Explanation for how participant and contractor firms will be retained throughout the program.

4. **Outcomes.** The applicant provides a(n):
   - Table that clearly identifies the outcomes and the outputs that will result from the project;
   - Supportive narrative to explain how these outcomes and outputs align with their project goals;
   - Plan to report on the participant training and employment performance outcomes and include numerical outcome projections for outcome measures; and
   - 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.

5. **Workplan and Task Description:** The applicant:
   - Describes the work to be accomplished, milestones and key deliverables that will be used to meet the project goal(s);
   - Structures the workplan with a hierarchy of performance period (approximately annual) with tasks and subtasks; and
   - Describes the specific activities to be conducted over the life of the project.

6. **Milestones:** The applicant:
   - Provides a summary of appropriate milestones throughout the project to demonstrate success; and
   - Describes how the milestone will be verified.
     - **End of Project Goal:** The applicant provides a summary of the end of project goal(s).
     - **Project Schedule (Gantt Chart or similar):** The applicant provides a schedule for the entire project, including task and subtask durations, milestones.

[53] Underserved populations include women; Asian workers; Hispanic or Latino workers; Black or African American workers; workers of two or more races; or other workers identified by States. As described in Section II.A. on "Program Overview and Strategic Goals", the U.S. Energy Employment Report identifies these populations as underrepresented in the energy efficiency workforce compared to the overall energy workforce and/or national workforce. 2023 U.S. Energy Employment Report | Department of Energy (https://www.energy.gov/sites/default/files/2023-06/2023%20USEER%20REPORT-v2.pdf)

Criterion 3: Technical Qualifications and Resources (10%)

This criterion involves consideration of the following factors:

- Staffing plan that ensures effective program management, implementation, and sustainability.
- 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 partners that will amplify impact;
- Reasonableness of the budget and spend plan for the proposed project and objectives.

Criterion 4: Sustainability Plan (10%)

The criterion involves consideration of the following factors:

- Extent that the applicant demonstrates how it plans to use the program to meet future labor demands.
- Extent to which the applicant demonstrates plans to use community needs to inform curriculum development, certification and license alignment, and training design.
- Extent to which the applicant outlines the future partnerships and collaborations that are necessary to integrate the program in the communities and promote consistent closure of skill gaps for present and future residential energy contractors.
- Extent to which the applicant has identified the anticipated future funding needs and what methods will be utilized to secure future funding sources, to continue the program after DOE funding is exhausted (i.e., grants, sponsorships, and partnerships).
- Extent to which the applicant has identified the required human capital needs to support the continuation of training, certification, licensure, and employment placement of residential energy contractors after the Grant funding has been expended.

Criterion 5: Community Benefits Plan (20%)

This criterion involves consideration of the following factors:

1. **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 demonstrates that their selected partners have proven practices that create good jobs and economic mobility.
- Extent to which nonprofit partners engage in place-based and community-level programming.

2. Job Quality and Workforce Continuity

- Extent to which applicant demonstrates how they will incorporate diverse worker voice and lived experience, work empowerment into the program design and implementation.
- Quality and manner in which the proposed project will create and/or retain high-quality, well-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.
- Extent to which applicant demonstrates how they will ensure participants and contractor firms access good jobs.
- Extent to which applicant demonstrates how they will ensure participants be paid a stable and predictable living wage.
- Extent to which applicant demonstrates capacity and resources to support career and skill advancements for participant and contractor firm.
- Extent to which applicant demonstrates they have a plan to increase participant and contractor firm retention while focusing on career pathways.
- Extent to which applicant demonstrates they have a plan to increase retentions while focusing on career pathways.

3. Diversity, Equity, Inclusion, and Accessibility

- Extent to which the applicant identified and justified the target population(s) for the project.
- Extent to which the applicant clearly and comprehensively described the communities covered by the project service area, including the barriers faced by the residents, businesses, and communities in addressing workforce challenges and achieving sustained economic success (e.g. unemployment rate, substance use rates, infrastructure challenges, high rates of pollution, or other factors the applicant deems relevant to demonstrating such challenges); the service area's current challenges with regard to employment including low wages, educational attainment, workforce demographics, and other factors that the proposed project will address to help develop or sustain good jobs; the applicant's definition of good jobs that the proposed project will use as an employment goal for participants, and will communicate to participants and partner employers, including how this definition aligns

with the indicators of good jobs as described in the U.S. Department of Labor's Good Jobs Initiative.

- Extent to which the Community Benefits Plan includes specific and high-quality actions to meet DEIA goals, which may include DEIA recruitment procedures, supplier diversity plans, and other DEIA initiatives; and
- Quality of any partnerships and agreements with apprenticeship readiness programs, or community-based workforce training and support organizations serving workers facing systematic barriers to employment to facilitate participation in the project's construction and operations.
- Extent to which applicant demonstrates actions taken to secure partnerships with organizations that serve historically marginalized populations and communities.
- Extent to which applicant demonstrates how they will actively recruit participants and contractor firms, those from underserved communities and efforts to recruit from communities underrepresented in the workforce that take into account cultural competencies that relevant to these populations' history attaining and retaining jobs.
- Extent to which the applicant supports socially-disadvantaged contractors to scale and enter a new market.
- Extent to which applicant demonstrates that their application process for enrollment removes unnecessary barriers. At a minimum, offer wrap around services, subsidies for participant and contractor firm support, and provide services to support non-English speakers.
- Clear articulation of the project's goals related to diversity, equity, inclusion, and accessibility;
- Quality of the project's DEIA goals, as measured by the goals' depth, breadth, likelihood of success, inclusion of appropriate and relevant SMART milestones, and overall project integration;
- Degree of commitment and ability to track progress toward meeting each of the DEIA goals; and
- Extent of engagement of organizations that represent disadvantaged communities as a core element of their mission, including Minority Serving Institutions (MSIs), Minority Business Entities, and nonprofit or community-based organizations.

4. 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
- Extent to which the project would 1) increase in high-quality job creation, the clean energy job pipeline, and job training for individuals; (2) increase in clean energy enterprise creation and contracting (e.g., minority-owned or disadvantaged business enterprises); (3) increase in energy democracy, including community ownership; and (4) increase parity in clean energy workforce development access and adoption.

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 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, including proposed cost share, optimizes the use of available DOE funding to achieve programmatic objectives;
- The level of industry involvement and demonstrated ability to overcome key market barriers;
- The degree to which the proposed project is likely to lead to increased high-quality employment in the United States;
- The degree to which the proposed project, or group of projects, represent a desired geographic distribution (considering past awards and current applications), including whether the project is in a community facing job loss in the energy transition.;
- 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 (OMIs)); 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 establishes partnerships with the state or local workforce systems. 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; -
- 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 has broad public support from the communities most directly impacted by the project.
- The degree to which the proposed project avoids duplication/overlap with other publicly or privately funded work.
- The degree to which the project's solution or strategy will maximize deployment or replication.
- The degree to which the project coordinates, or collaborates, with the State Energy Program[54]; Energy Efficiency Revolving Loan Fund Capitalization Grant Program[55]; Weatherization Assistance Program[56]; State-Based Home Energy Efficiency Contractor

[54] State Energy Program | Department of Energy *(https://www.energy.gov/scep/state-energy-program)*.
[55] Energy Efficiency Revolving Loan Fund Capitalization Grant Program | Department of Energy (https://www.energy.gov/scep/energy-efficiency-revolving-loan-fund-capitalization-grant-program)
[56] Weatherization Assistance Program | Department of Energy *(https://www.energy.gov/scep/wap/weatherization-assistance-program)*.

Training Formula Grants[57]; Home Energy Rebates Programs[58]; Building Energy Codes Program[59]; Energy Efficiency Home Improvement Credit[60]; or other relevant programs.[61].

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 and risk reviews, 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.

[57] State-Based Home Energy Efficiency Contractor Training Grants | Department of Energy *(https://www.energy.gov/scep/state-based-home-energy-efficiency-contractor-training-grants)*.
[58] Home Energy Rebates Program | Department of Energy *(https://www.energy.gov/scep/home-energy-rebates-programs)*.
[59] Building Energy Codes Program | Department of Energy *(https://www.energy.gov/eere/buildings/building-energy-codes-program)*.
[60] Energy Efficient Home Improvement Credit | Internal Revenue Service (irs.gov) *(https://www.irs.gov/credits-deductions/energy-efficient-home-improvement-credit)*.

[61] Energy Efficient Home Improvement Credit | Internal Revenue Service (irs.gov) (https://www.irs.gov/credits-deductions/energy-efficient-home-improvement-credit)

iii. Selection

The Selection Official may consider the technical merit, the Federal Consensus Board's recommendations, program policy factors, risk reviews, 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.

VII. 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 work with DOE to finish award negotiations within 60 days of selection announcements. 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 V.I.i.3. 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 at https://infrastructure-exchange.energy.gov/. This account will allow the user to apply to any open SCEP 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 that Letters of Intent and 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.

Applicants should defer to their internal accounting definitions and systems to define administrative costs. Generally accepted administrative costs include those related to planning, administration, and technical assistance of TREC programs. This **could** include, but is **not** limited to, the following types of activities:

- Program planning and design
- State program staff
- Development of tools and systems, including websites, applications, contractor training program processing, and reporting
- Program evaluation and consumer satisfaction surveys
- Program monitoring and audits
- Marketing, education, and outreach, including the funding nonprofits and place-based organizations to assist with these activities
- Implementation contract costs not including training costs and costs for activities directly related to delivery of contractor training programs
- Technical assistance

iii. Foreign National Participation

All applicants selected for an award under this FOA and project participants (including subrecipients and contractors) who anticipate involving foreign nationals in the performance of an award may be required to provide DOE with specific information about each foreign national to satisfy requirements for foreign national participation. A "foreign national" is defined as any person who is not a United States citizen by birth or naturalization. The volume and type of information collected may depend on various factors associated with the award. DOE concurrence may be required before a foreign national can participate in the performance of any work under an award.

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

iv. 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.

v. 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.

vi. 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.

For an expeditated NEPA review, applicants can access, and use, the NEPA scope of work templates available on this website: https://www.energy.gov/scep/state-based-home-energy-efficiencycontractor-training-grants. DOE encourages applicants to submit a NEPA scope of work with their application.

States must review and follow the NEPA determination in their award documents for the final restrictions, and the list of activities that have been categorically excluded from further NEPA review.

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.

vii. National Historic Preservation Act (NHPA)

DOE must comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA) prior to expending Federal funds. Section 106 applies to historic properties that are listed in or eligible for listing in the National Register of Historic Places. DOE and recipients selected for an award must consider the effects of project activities on historic properties, pursuant to Section 106 of the NHPA.

Awardees in States or Territories with a DOE-executed Historic Preservation Programmatic Agreement (PA) must adhere to all the Stipulations outlined in the PA, including an annual reporting requirement. Executed PAs are available on this website: https://www.energy.gov/scep/historic-preservation-executed-programmatic-agreements. So long as the proposed project/undertaking is within a State or Territory that has executed a Programmatic Agreement, the terms of the Programmatic Agreement will apply to all SCEP Recipients and subrecipients within the applicable state, and their activities. Applicants that do NOT have a PA which includes Guam and tribal governments, must follow the added restrictions in a NEPA determination to ensure Section 106 compliance.

viii. Flood Resilience

Applications should indicate whether the proposed project location(s) is within a floodplain, how the floodplain was defined, and how flooding will factor into the project's design. The base floodplain long used for planning has been the 100-year floodplain, which has a 1% chance of flooding in any given year. As directed by Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (2015), federal agencies, including DOE, must continue to avoid development in a floodplain to the extent possible. When doing so is not possible, federal agencies are directed to "expand management from the current base flood level to a higher vertical elevation and corresponding horizontal floodplain to address current and future flood risk and ensure that projects funded with taxpayer dollars last as long as intended." The higher flood elevation is based on one of three approaches: climate-informed science (preferred), freeboard value, or 0.2% annual flood change (500-year floodplain). EO 13690 and related information is available at https://www.energy.gov/nepa/articles/eo-13690-establishing-federal-flood-risk-management-standard-and-process-further.

ix. 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.

x. 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.

xi. Reporting

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

TREC Competitive recipients will fulfill most reporting requirements by reporting via the PAGE system. The chart below indicates which reports are required for TREC Competitive. This is not a conclusive list as additional reports may be required.

Method	Report	Frequency of Report
PAGE	1a. Federal Financial Report (FFR) (SF-425)	Quarterly
	1b. Quarterly Performance Report (QPR)	Quarterly
	1c. Federal Financial Programs Report (FPR)	Quarterly
	1e. Annual Historic Preservation Report	Annual
Email	Annual Summary	Annual

1. Quarterly Reporting

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 PAGE 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:

Topic Area One: Training Small Contractor Firms

1. Total contractor firms that the project plans to reach through outreach and recruitment activities during the life of the project.
2. Number of contractor firms that the project plans to engage in the training program.
3. Number of contractor firm employees enrolled in the training program.
4. The percentage of contractor firm employees that completed the training program.
5. The number of participants that received a certification and/or license.

6. Number and type of industry-recognized skill or business certifications and/or licenses obtained through program assistance.
7. Number of contractor firm employees from underserved or underrepresented populations.
8. Number of contractor firms from underserved or under underrepresented populations.
9. Estimated cost of training per participant.
10. Number of communities of interest served through training.
11. Number of contractor firms that delivered projects funded by the Home Energy Rebates Programs.
12. Number of minority business enterprises, minority-owned businesses, women-owned businesses, and veteran-owned businesses trained.
13. Number of minority business enterprises, minority-owned businesses, women-owned businesses, and veteran-owned businesses trained to deliver the Home Energy Rebates Programs.
14. Number and type of partnerships with nonprofit organizations to design and deliver TREC training.
15. Total number of new labor or union partners engaged in the project.

Topic Area Two: Innovative, Effective, and Equitable Workforce Development Programs

1. Total number of individuals that the project plans to reach through outreach and recruitment activities during the life of the project.
2. Number of individuals enrolled in the training program.
3. Number of individuals that will enroll and participate in unpaid training activities.
4. Number of individuals that will enroll and participate in paid training activities.
5. Total number of participants that completed the training program.
6. Number of individuals that received a certification and/or license.
7. Number and type of industry-recognized skill certifications and/or licenses obtained through program assistance.
8. Number of participants that entered newly placed full-time employment.
9. Number of participants that entered newly placed part-time employment.
10. Number of participants that were promoted within current employment as a result of training.
11. Number of participants placed in pre-apprenticeship or apprenticeship programs.
12. Number of participants from underserved or underrepresented populations.
13. Estimated cost of training per participant.
14. Number of communities of interest served through training.
15. Number of participants that delivered projects funded by the Home Energy Rebates Programs upon completion of training.
16. Number of participants enrolled in a pre-apprenticeship and/or registered apprenticeship program.
17. Number and type of youth-focused training programs delivered (e.g., programs aligned with the American Climate Corps)
18. Number and type of partnerships with nonprofit organizations to design and deliver TREC training.
19. Total number of new labor or union partners engaged in the project.

2. 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: https://www.energy.gov/scep/state-based-home-energy-efficiency-contractor-training-grants.

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. Progress towards Community Benefits Plan goals.
2. Community engagement events and technical assistance.
3. Good jobs created.[62]
4. Job training and outcomes.
5. Permanent jobs created.

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, participants 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.

[62] As defined by the Department of Labor's Good Jobs Principles: Good Jobs Principles | dol.gov (https://www.dol.gov/sites/dolgov/files/goodjobs/Good-Jobs-Summit-Principles-Factsheet.pdf).

xii. Conference Spending

The recipient shall not expend any funds on a conference not directly and programmatically related to the purpose for which the grant or cooperative agreement was awarded that would defray the cost to the 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.

xiii. Uniform Commercial Code (UCC) Financing Statements

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

xiv. 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. However, pursuant to the FY23 Consolidated Appropriations Act (Pub. L. No. 117-328), Division D, Title III, Section 309, the Secretary or a designee of the Secretary may, at their discretion, vest unconditional title or other property interests acquired under this project regardless of the fair market value of the property at the end of the award period.

xv. 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.

xvi. Participants and Collaborating Organizations

If selected for award negotiations, the selected applicant must submit a list of personnel who are proposed to work on the project, both at the recipient and subrecipient level 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.

xvii. Current and Pending Support

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

xviii. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)[63] 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 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

[63] 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 (https://www.energy.gov/sites/default/files/2021-12/Interim%20COI%20Policy%20FAL2022-02%20to%20SPEs.pdf).

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.

xix. Fraud, Waste, and Abuse

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

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

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

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

C. 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 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**. EERE 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.

D. Other Information

i. 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. SCEP 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.

ii. 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.

iii. 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.

iv. 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., 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.

v. Evaluation and Administration by Non-Federal Personnel

In conducting the merit review evaluation 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.

vi. 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.

vii. 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).

viii. 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.

ix. 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.

x. Title to Subject Inventions

Ownership of subject inventions is governed pursuant to the authorities listed below:

- Domestic Small Businesses, Educational Institutions, and Nonprofits: Under the Bayh-Dole Act (35 U.S.C. § 200 et seq.), domestic small businesses, educational institutions, and nonprofits may elect to retain title to their subject inventions;
- All other parties: The Federal Non-Nuclear Energy Act of 1974, 42. U.S.C. § 5908, provides that the government obtains title to new inventions unless a waiver is granted (see below);
- Class Patent Waiver:

Under 42 U.S.C. § 5908, title to subject inventions vests in the U.S. government and large businesses and foreign entities do not have the automatic right to elect to retain title to subject inventions. However, DOE may issue "class patent waivers" under which large businesses and foreign entities that meet certain stated requirements may elect to retain title to their subject inventions.

- Advance and Identified Waivers: Applicants not covered by a Class Patent Waiver or the Bayh-Dole Act may request a patent waiver that will cover subject inventions that may be invented under the award, in advance of or within 30 days after the effective date of the award. Even if an advance waiver is not requested or the request is denied, the recipient will have a continuing right under the award to request a waiver for identified inventions, i.e., individual subject inventions that are disclosed to DOE within the timeframes set forth in the award's intellectual property data terms and conditions. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784.

- DEC: On June 07, 2021, DOE approved a Determination of Exceptional Circumstances (DEC) under the Bayh-Dole Act to further promote domestic manufacture of DOE science and energy technologies. In accordance with this DEC, all awards, including subawards, under this FOA shall include the U.S. Competitiveness Provision in accordance with section VI.B.xx. U.S. Manufacturing Commitments of this FOA. A copy of the DEC can be found at https://www.energy.gov/gc/determination-exceptional-circumstances-decs. Pursuant to 37 CFR 401.4, any nonprofit organization or small business firm as defined by 35 U.S.C. § 201 affected by any DEC has the right to appeal it by providing written notice to DOE within 30 working days from the time it receives a copy of the determination.
- DOE may issue and publish further DECs on the website above prior to the issuance of awards under this FOA. DOE may require additional submissions or requirements as authorized by any applicable DEC.

xi. Government Rights in Subject Inventions

Where prime recipients and subrecipients retain title to subject inventions, the U.S. government retains certain rights.

1. Government Use License

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

2. March-In Rights

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

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

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

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

xii. Rights in Technical Data

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

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

Government Rights in Technical Data Produced Under Awards: The U.S. government retains unlimited rights in technical data produced under government financial assistance awards, including the right to distribute to the public. One exception to the foregoing is that invention disclosures may be protected from public disclosure for a reasonable time in order to allow for filing a patent application.

xiii. 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.

xiv. 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.

xv. 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.

xvi. 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).

xvii. 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.

xviii. Informational Webinar (Optional)

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.

xix. Expenditure Prohibitions and Limitations

Per the statute that authorizes the awards made through this FOA, recipients may use no more than 10% of their grant for administrative expenses associated with development and implementation of any proposed training program selected for award.

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 – 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 October 25, 2023[64], the following definitions apply:

> "Construction materials" means articles, materials, or supplies that consist of only one of the items listed in paragraph (1) of this definition, except as provided in paragraph (2) of this definition. To the extent one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material.
>
> (1) The listed items are:
>
> a. Non-ferrous metals;
> b. Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
> c. Glass (including optic glass); (iv) Fiber optic cable (including drop cable);
> d. Optical fiber;
> e. Lumber;
> f. Engineered wood; and
> g. Drywall.
>
> (2) Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.
>
> "Infrastructure" means public infrastructure projects in the United States, which includes, at a minimum, the structures, facilities, and equipment for 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; and structures, facilities, and equipment that generate, transport, and distribute energy including electric vehicle (EV) charging.

Moreover, according to the OMB guidance document:

> Section 184.4(d) [of 2 CFR part 184] explains that Federal agencies should interpret the term "infrastructure" broadly and consider the description provided in section 184.4(c) as illustrative and not exhaustive. Section 184.4(d) also explains that, when determining if a particular construction project of a type not listed in section 184.4(c) constitutes

[64] M-24-02 Buy America | White House (https://www.whitehouse.gov/wp-content/uploads/2023/10/M-24-02-Buy-America-Implementation-Guidance-Update.pdf)

> "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. Through this memorandum, OMB notes that projects with the former "public" qualities have greater indicia (or distinguishing features) of "infrastructure," while projects with the latter "private" quality have fewer. As a result, projects consisting solely of the purchase, construction, or improvement of a private home for personal use, for example, would not constitute a public infrastructure project for purposes of BABA. Federal agencies are strongly encouraged to consult with OMB when making such determinations or if they are uncertain about the applicability of this guidance to any particular infrastructure program.

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.

"Infrastructure project" means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project. See also paragraphs (c) and (d) of 2 CFR 184.4.

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[65] 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,

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

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.

Unless the Federal award specifically indicates otherwise, subawards should conform to the terms and conditions of the Federal award from which they flow. For example, if a Federal agency obligates an award to a State government as a direct recipient, and the State issues a subaward to a for-profit entity to carry out the project as a subrecipient, then the Buy America preference requirements included in the Federal award would flow down to the for-profit entity.

For additional information related to the application and implementation of these Buy America requirements, please see OMB Memorandum M-24-02, issued October 25, 2023: https://www.whitehouse.gov/wp-content/uploads/2023/10/M-24-02-Buy-America-Implementation-Guidance-Update.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 D - Justice40 Initiative Plan

The Justice40 Initiative Plan (J40 Plan) describes plans to address energy and environmental justice concerns, which will maximize the likelihood of successful projects, to advance the Justice40 Initiative.[66] There are two parts to the J40 plan. Part 1 is an Energy and Environmental Justice Assessment (EEJ Assessment), which assesses project benefits and impacts. Part 2 is the Justice40 Implementation Strategy section, which explains what actions the applicants will take to maximize benefits and minimize negative impacts. While meaningful engagement with impacted communities is a key component of environmental justice, this is covered in detail as part of the community and stakeholder engagement plan. If the applying organization and/or team has prior or ongoing efforts to advance environmental and energy justice, applicants are encouraged to discuss how their J40 Plan incorporates lessons learned and builds on these prior/ongoing efforts.

The J40 Plan is required regardless of whether or not a project or work site is located within a disadvantaged community, as the census tracts that are defined and identified by the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool (see M-23-09). Because the Justice40 Initiative includes a broad range of benefits that may accrue across many locations, applicants must describe potential to minimize and mitigate negative impacts on disadvantaged communities, even if the project work site(s) itself is not located in or near a disadvantaged community.

J40 Plan Development Proposals should include the following elements:

1. A **preliminary Energy and Environmental Justice Assessment** that includes an analysis of communities, including disadvantaged communities, that will be affected by the project. This can be accomplished by using environmental justice screening tools and DOE's working definition of disadvantaged communities (further described in Guidance Documentation). The assessment should also offer a brief summary of benefits and impacts, including negative impacts, that can be anticipated based on prior experience or readily available data. Some of this may be known from other permitting requirements or similar projects.
2. A **description of research** that will need to be done to develop a detailed plan, including scoping data sources for incorporation into the plan (existing data sources as well as datasets that need to be developed).
3. A **timeline** for developing the plan, including appropriate milestones.

[66] The Justice40 Initiative directs that 40% of the overall benefits of certain federal investments flow to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution. For information about whether a particular DOE program is covered under the Justice40 Initiative, see the White House's Justice40 Initiative webpage and DOE's Justice40 Initiative list of covered programs. Pursuant to Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad* and Justice40 Initiative interim guidance by the White House Office of Management and Budget, White House Council on Environmental Quality, and White House Office of Domestic Climate Policy, M-21-28 and M-23-09, DOE recognizes disadvantaged communities as the census tracts that are defined and identified by the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool (CEJST) and all Federally Recognized Tribes and Tribal entities. For additional information about the Justice40 Initiative and the CEJST, please reference DOE's Justice40 General Guidance.

4. A **description of personnel** who will work on the plan, including trainings or qualifications that may need to be acquired.
6. An **estimate of financial resources** required for developing the plan.
7. A **description of any community partners** who may be interested in collaborating on or learning about the plan.

The recommended length for the J40 Plan Development Proposal not to exceed 4 pages. Save the information in a file named "Justice40PDP.pdf", and click on the "Add Optional Other Attachment" to attach.

Applicants will be asked to develop a full J40 Plan within 90 days of award.

Part 1: Energy and Environmental Justice Assessment (EEJ Assessment)

Elements include:

1. **An assessment of impacted communities and groups**. Applicants must describe the applicable communities which could experience project impacts. Applicants should identify which of these are considered disadvantaged communities per DOE's working definition of Disadvantaged Communities, and characterize the existing burdens they are facing using EJScreen or other analytic tools. Impacts to communities and Tribes/Alaska Native Corporations (ANCs) should be considered for inputs and outputs along the full lifecycle of the project and facility, in addition to impacts at the project site(s) or work location(s).
2. **An assessment of project benefits and where they flow**. Applicants must describe in detail anticipated project benefits. This description must clearly enumerate: a) specific project benefits, including to the greatest extent possible metrics that will be used to track these benefits; b) where/to whom project benefits are expected to flow and the extent to which these benefits flow to disadvantaged communities; and c) describe how well the anticipated project benefits and impacts align with community priorities. Have community-based organizations or relevant groups identified community priorities that align, or do not align, with project benefits? Benefits should be quantifiable, measurable, and trackable to the greatest extent possible; it is expected that applicants include qualitative alongside quantitative benefits. Benefits include (but are not limited to) measurable direct or indirect investments or positive project outcomes that achieve or contribute to the following in disadvantaged communities: (1) a decrease in energy burden; (2) a decrease in environmental exposure and burdens; (3) an increase in access to low-cost capital; (4) an increase in high-quality job creation, the clean energy job pipeline, and job training for individuals; (5) increases in clean energy enterprise creation and contracting (e.g., minority-owned or disadvantaged business enterprises); (6) increases in energy democracy, including community ownership; (7) increased parity in clean energy technology access and adoption; and (8) an increase in energy resilience. Applicants should also discuss how the project will maximize all the benefits listed in number 4 above.
3. **An assessment of project negative impacts, and any other impacts not included under "benefits."** Applicants must describe anticipated project disbenefits / harms, or other impacts not included under "benefits." Negative impacts could include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems),

aesthetic, historic, cultural, economic, social, or health impacts. Consider direct impacts, indirect impacts, and cumulative impacts. Negative impacts should be quantifiable, measurable, and trackable to the greatest extent possible; it is expected that applicants include quantifiable alongside qualitative metrics. Please also discuss whether disadvantaged communities will experience negative impacts disproportionately and how additional project negative impacts will interact with existing cumulative burdens. For more details on what might be a disbenefit and how to assess it, please see the Guidance.

4. **Assessment of information gaps:** For elements of the EEJ Assessment where additional work is needed to fully assess or measure potential project impacts or impacted communities, applicants can outline research and analytical goals to clarify the unknowns.

Part 2: Justice40 Implementation Strategy

The J40 Implementation Strategy will outline concrete steps the applicant will take to maximize benefits, minimize negative impacts, and measure, track, and report project impacts.

It should include the following elements that build on the EEJ Assessment, and may include additional elements as appropriate:

1. **Background**: A brief narrative summary of the opportunities and risks related to energy and environmental justice in the project.
2. **Milestones and Timelines:** Applicants should develop a schedule which includes when and how work in the J40 Plan will be conducted. The J40 Plan schedule should define its timeline on the same schedule as the Project Management Plan. It is expected that pivotal points in the Engagement plan's schedule will also be included in the Project's SOPO. This includes project milestones for maximizing benefits and minimizing negative impacts; milestones to measure, track, and report project impacts; updates to the EEJ assessment; and future work. See Guidance for further details and examples of what might go into this section.
3. **Assessment of risks to realizing benefits and minimizing negative impacts:** For items outlined in the EEJ Assessment, discuss potential risks to realizing project benefits, minimizing negative impacts, and plans for mitigating those risks.
4. **Resource Summary**: Describe project resources dedicated to implementing the J40 Plan including staff, facilities, capabilities, and budget that will support implementing the Plan.

Appendix E – Open-Source Software

Open-source Software Distribution Plan

Applicants applying to one or more Topic Areas for which open-source software distribution is required must submit a plan describing how software produced under this FOA will be distributed. For a DOE National Laboratory or a FFRDC, the data rights clause (including rights and requirements pertaining to computer software) in its M&O contract shall apply and take precedence over any requirement set forth in this Appendix. The plan must include the following elements:

1. A complete description of any existing software that will be modified or incorporated into software produced under this FOA, including a description of the license rights. The license rights must allow the modified or incorporated software to be distributed as open-source.
2. A discussion of the open-source license that the applicant plans to use for the software it intends to produce under the FOA, and how that choice furthers the goals of this FOA. The discussion must also address how the license conforms to the conditions listed below.
3. A method for depositing the software in a source code repository.
4. A method for sharing and disseminating the software and other information to team members or others when multiple parties will contribute to the development of the software or the FOA requires that the software or other information be shared or disseminated to others.

Open-source Definition: Open-source licenses must conform to all of the following conditions:

Free Redistribution

The license shall not restrict any party from selling or giving away the software as a component of an aggregate software distribution containing programs from several sources. The license shall not require a royalty or other fee for such sale. The rights attached to the software must apply to all to whom the software is redistributed without the need for execution of an additional license by those parties.

Source Code

The program must include source code and allow distribution in source code as well as compiled form. Where some form of a product is not distributed with source code, there must be a well-publicized means of obtaining the source code for no more than a reasonable reproduction cost preferably, i.e., downloading via the Internet without charge. The source code must be the preferred form in which a programmer would modify the program. Deliberately obfuscated source code and intermediate forms, such as the output of a preprocessor or translator, are not allowed.

Derived Works

The license must allow modifications and derived works, and permit the option of distributing the modifications and derived works under the same terms as the license of the original software.

Integrity of the Author's Source Code

The license may restrict source code from being distributed in modified form only if the license allows the distribution of "patch files" with the source code for the purpose of modifying the program at build time. The license must explicitly permit distribution of software built from modified source code. The license may require derived works to carry a different name or version number from the original software.

No Restriction Against Fields of Endeavor

The license must not restrict anyone from using the program in a specific field of endeavor. For example, it may not restrict the program from being used in a business or for genetic research.

License Must Not Be Specific to a Product or Technology

The rights attached to the program must not depend on the program's being part of a particular software distribution. If the program is extracted from that distribution and used or distributed within the terms of the program's license, all parties to whom the program is redistributed should have the same rights as those that are granted in conjunction with the original software distribution. No provision of the license may be predicated on any individual technology or style of interface.

License Must Not Restrict Other Software

The license must not place restrictions on other software that is distributed along with the licensed software. For example, the license must not insist that all other programs distributed on the same medium be open-source software.

Examples of Acceptable Licenses:

Apache License, 2.0

http://www.apache.org/licenses

The 2.0 version of the Apache License was approved by the Apache Software Foundation (ASF) in 2004. The goals of this license revision were to reduce the number of frequently asked questions, to allow the license to be reusable without modification by any project (including non-ASF projects), to allow the license to be included by reference instead of listed in every file, to clarify the license on submission of contributions, to require a patent license on contributions that necessarily infringe the contributor's own patents, and to move comments regarding Apache and other inherited attribution notices to a location outside the license terms

The result is a license that is compatible with other open-source licenses, while remaining true to and supportive of collaborative development across nonprofit and commercial organizations.

All packages produced by the ASF are implicitly licensed under the Apache License, Version 2.0, unless otherwise explicitly stated.

GNU General or Public License (GPLv3)

http://www.gnu.org/licenses/gpl.html

The GNU General Public License (GNU GPL or simply GPL) is the most widely used free software license, originally written by Richard Stallman for the GNU Project.

The GPL is the first copyleft license for general use, which means that derived works must be distributed under the same license terms. Under this philosophy, the GPL grants the recipients of a computer program the rights of the free software definition and uses copyleft to ensure the freedoms are preserved, even when the work is changed or additions are made. This aspect distinguishes the GPL from permissive free software licenses, including the BSD licenses. The license's copyright disallows modification of the license. Copying and distributing the license is allowed because the GPL requires recipients to get "a copy of this License along with the Program." According to the GPL FAQ, anyone can make a new license using a modified version of the GPL if they use a different name for the license, do not mention "GNU," and remove the preamble, though the preamble can be used in a modified license if permission to use it is obtained from the Free Software Foundation (FSF).

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The GNU Lesser General Public License (or LGPL, formerly the GNU Library General Public License) is a free software license published by the Free Software Foundation (FSF). It was designed as a compromise between the strong-copyleft GNU General Public License or GPL and permissive licenses such as the BSD licenses and the MIT License. The GNU Library General Public License (as the LGPL was originally named) was published in 1991 and adopted the version number 2 for parity with GPL version 2. The LGPL was revised in minor ways in the 2.1 point release, published in 1999, when it was renamed the GNU Lesser General Public License to reflect the FSF's position that not all libraries should use it. Version 3 of the LGPL was published in 2007 as a list of additional permissions applied to GPL version 3.

The LGPL places copyleft restrictions on the program governed under it but does not apply these restrictions to other software that merely link with the program. There are, however, certain other restrictions on this software.

The LGPL is primarily used for software libraries, although it is also used by some stand-alone applications, most notably Mozilla and OpenOffice.org.

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The MIT License is a free software license originating at the Massachusetts Institute of Technology. It is a permissive license, meaning that it permits reuse within proprietary software provided all copies of the licensed software include a copy of the MIT License terms. Such proprietary software retains its

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Software packages that use one of the versions of the MIT License include Expat, PuTTY, the Mono development platform class libraries, Ruby on Rails, Lua (from version 5.0 onward), and the X Window System, for which the license was written.

Mozilla Public License 2.0 (MPL-2.0)

http://www.mozilla.org/MPL/2.0/

The Mozilla Public License (MPL) is a free and open-source software license. Version 1.0 was developed by Mitchell Baker when she worked as a lawyer at Netscape Communications Corporation and version 1.1 at the Mozilla Foundation. Version 2.0 was developed in the open, overseen by Baker and led by Louis Villa. The MPL is characterized as a hybridization of the modified BSD license and GNU General Public License.

The MPL is the license for the Mozilla Application Suite, Mozilla Firefox, Mozilla Thunderbird and other Mozilla software. The MPL has been adapted by others as a license for their software, most notably Sun Microsystems, as the Common Development and Distribution License for OpenSolaris, the open-source version of the Solaris 10 operating system, and by Adobe, as the license for its Flex product line.

Appendix F – List of Acronyms

BIL	Bipartisan Infrastructure Law
CEJST	Climate and Economic Justice Screening Tool
COI	Conflict of Interest
Disadvantaged communities	Disadvantaged communities
DEC	Determination of Exceptional Circumstances
DEIA	Diversity, Equity, Inclusion, and Accessibility
DOE	Department of Energy
DOL	Department of Labor
EERE	Energy Efficiency and Renewable Energy
FAR	Federal Acquisition Regulation
FCOI	Financial Conflicts of Interest
FFATA	Federal Funding and Transparency Act of 2006
FOA	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FFRDC	Federally Funded Research and Development Center
HBCUs	Historically Black Colleges and Universities
IRA	Inflation Reduction Act
M&O	Management and Operating
MFA	Multi-Factor Authentication
MPIN	Marketing Partner ID Number
MSI	Minority-Serving institution
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NNSA	National Nuclear Security Agency

NSF	National Science Foundation
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
SMART	Specific, Measurable, Attainable, Realistic, and Timely
SOPO	Statement of Project Objectives
TREC	State-Based Home Energy Efficiency Contractor Training Grants or Training for Residential Energy Contractors
UCC	Uniform Commercial Code
UEI	Unique Entity Identifier

Appendix G - Organization Overviews

Organization Type	Definition
Labor Unions and Organizations, Labor-Management Partnerships, and Worker Centers and Organizations	Represent workers in an identified industry or sector.
Workforce Intermediaries	Bring together partners in the workforce system to identify workforce needs; plan, develop, and implement strategies; and raise funds to support these strategies.
State and Local Workforce Development Boards	Administer and provide strategic direction for the workforce investment system established under the WIOA.
Native American Tribal governments	Tribal entity that is recognized as having a government-to-government relationship with the United States.
Education/Training Provider(s)	One or more public or private nonprofit education and training providers, including institutions of higher education as defined in Section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001), including Historically Black Colleges and Universities (HBCUs), Tribally Controlled Colleges and Universities (TCCUs), and Minority-Serving Institutions (MSIs), which include Predominantly Black Institutions (PBIs), Hispanic-Serving Institutions (HSIs), Native American Non-Tribal Institutions (NANTIs), Alaskan Native or Native Hawaiian-Serving Institutions (ANNHI), and Asian American and Native American Pacific Islander-Serving Institutions (AANAPISIs); community and technical colleges and systems; and nonprofit and community-based organizations that offer job training, including those organizations that have been approved as Eligible Training Providers.
Industry-based Intermediaries and Industry Associations	Employer organizations that provide a collective voice for individual businesses within the targeted industries.
National or Community-based Nonprofit Organizations	Affiliated with sectors including nonprofit trade, industry, or employer associations representing the identified industries or sectors.

State, County, and Local Governments,	Includes cities, townships, and state agencies
State Registered Apprenticeship Agencies	Supports program sponsors and guides partners on each phase of developing a program, connect businesses to training providers, and advise partners on available funding sources to support apprenticeship.