FINANCIAL ASSISTANCE
FUNDING OPPORTUNITY ANNOUNCEMENT (FOA)

U. S. Department of Energy

Idaho Operations Office

U.S. Industry Opportunities for

Staff Support to Tribal Radioactive Materials Transportation Committee for Engagement with U.S. Department of Energy on Radioactive Materials Transportation Planning

Funding Opportunity Number: DE-FOA-0002522

Announcement Type: Initial

CFDA Number: 81.121

FOA Issue Date: June 15, 2021

Application Due Date: August 1, 2021, 8:00 PM Eastern Daylight Time

TABLE OF CONTENTS

Section I - FUNDING OPPORTUNITY DESCRIPTION **4**
A. DESCRIPTION 4
B. AUTHORIZING STATUES AND REGULATIONS 4
C. OBJECTIVES 4

Section II - AWARD INFORMATION **12**
A. TYPE OF AWARD INSTRUMENT 12
B. ESTIMATED FUNDING 12
C. MAXIMUM AND MINIMUM AWARD SIZE 12
D. EXPECTED NUMBER OF AWARDS 12
E. ANTICIPATED AWARD SIZE 12
F. PERIOD OF PERFORMANCE 12
G. TYPE OF APPLICATION 13

Section III - ELIGIBILITY INFORMATION **14**
A. ELIGIBLE APPLICANTS 14
B. COST SHARING 14
C. OTHER ELIGIBILITY REQUIREMENTS 14
D. QUESTIONS REGARDING ELIGIBILITY 14

Section IV - APPLICATION AND SUBMISSION INFORMATION **16**
A. ADDRESS TO REQUEST APPLICATION PACKAGE 16
B. LETTER OF INTENT AND PRE-APPLICATION 16
1. LETTER OF INTENT 16
2. PRE-APPLICATION 16
C. CONTENT AND FORM OF APPLICATION 16
1. SF 424 - APPLICATION FOR FEDERAL ASSISTANCE 17
2. BUDGET INFORMATION FOR NON-CONSTRUCTION PROGRAMS 17
3. BUDGET JUSTIFICATION DOCUMENT 18
4. KEY PERSON PROFILE – (RESUME/VITAE TECHNICAL EXPERTISE AND QUALIFICATIONS) 18
5. PROJECT/PERFORMANCE SITE LOCATION(S) 19
6. DISCLOSURE OF LOBBYING ACTIVITIES (SF-LLL) 19
7. PAST PERFORMANCE 19
8. FOREIGN GOVERNMENT OWNERSHIP DISCLOSURE 19
D. SUBMISSIONS FROM SUCCESSFUL APPLICANTS 20
E. SUBMISSION DATES AND TIMES 20
1. PRE-APPLICATION DUE DATE 20
2. APPLICATION DUE DATE 20

F. INTERGOVERNMENTAL REVIEW 20
G. FUNDING RESTRICTIONS (DECEMBER 2014) 20
H. OTHER SUBMISSION AND REGISTRATION REQUIREMENTS 211
1. WHERE TO SUBMIT 21
2. REGISTRATION PROCESS 21
3. APPLICATION RECEIPT NOTICES 21

Section V - APPLICATION REVIEW INFORMATION **22**
A. CRITERIA 22
1. INITIAL REVIEW CRITERIA 22
2. MERIT REVIEW CRITERIA 22
B. REVIEW AND SELECTION PROCESS 24
1. MERIT REVIEW 24
2. SELECTION 24
3. DISCUSSIONS AND AWARD 24
C. ANTICIPATED NOTICE OF SELECTION AND AWARD DATES 24
D. REPORTING OF MATTERS RELATED TO RECIPIENT INTEGRITY AND PERFORMANCE (DECEMBER 2015) 25

Section VI - AWARD ADMINISTRATION INFORMATION **26**
A. AWARD NOTICES 26
1. NOTICE OF SELECTION 26
2. NOTICE OF AWARD 26
B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS 26
1. ADMINISTRATIVE REQUIREMENTS (DECEMBER 2014) 26
2. DUNS AND SAM REQUIREMENTS 27
3. SUBAWARD AND EXECUTIVE REPORTING 27
4. SPECIAL TERMS AND CONDITIONS AND NATIONAL POLICY REQUIREMENTS (DECEMBER 2014) 27
5. CORPORATE FELONY CONVICTION AND FEDERAL TAX LIABILITY REPRESENTATIONS (MARCH 2014) 27
6. NONDISCLOSURE AND CONFIDENTIALITY AGREEMENTS REPRESENTATIONS (JUNE 2015) 28
7. STATEMENT OF SUBSTANTIAL INVOLVEMENT AND STATEMENT OF FEDERAL STEWARDSHIP 29
8. RECIPIENT INTEGRITY AND PERFORMANCE MATTERS 30
9. ENVIRONMENTAL REVIEW IN ACCORDANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) 31
10. FOREIGN NATIONAL ACCESS TO DOE SITES 31
C. REPORTING 31

Section VII - QUESTIONS/AGENCY CONTACTS **32**
A. QUESTIONS 32
B. AGENCY CONTACT 32

Section VIII - OTHER INFORMATION **33**
A. MODIFICATIONS 33
B. GOVERNMENT RIGHT TO REJECT OR NEGOTIATE 33
C. PROPRIETARY APPLICATION INFORMATION 33
D. EVALUATION AND ADMINISTRATION BY NON-FEDERAL PERSONNEL 33
E. UNDERSTANDING COST SHARING REQUIREMENTS 333
F. INTELLECTUAL PROPERTY DEVELOPED UNDER THIS PROGRAM 33
G. NOTICE OF RIGHT TO REQUEST PATENT WAIVER 33
H. NOTICE REGARDING ELIGIBLE/INELIGIBLE ACTIVITIES 33
I. CONFERENCE SPENDING (FEBRUARY 2015) 34
J. NOTICE OF RIGHT TO CONDUCT A REVIEW OF FINANCIAL CAPABILITY 34
K. NOTICE OF POTENTIAL DISCLOSURE UNDER FREEDOM OF INFORMATION ACT 34
L. REQUIREMENT FOR FULL AND COMPLETE DISCLOSURE 34
M. RETENTION OF SUBMISSIONS 34
N. PROTECTED PERSONALLY IDENTIFIABLE INFORMATION 35
O. ANNUAL COMPLIANCE AUDITS 36

Section I - FUNDING OPPORTUNITY DESCRIPTION

A. DESCRIPTION

The purpose of this Cooperative Agreement between the U.S. Department of Energy (DOE) and the [TBD] hereafter referred to as the "Recipient" is to facilitate engagement among Tribal government officials from federally recognized Native American Tribes and both DOE's Office of Nuclear Energy, Office of Integrated Waste Management (DOE-IWM) and DOE's Office of Environmental Management, Office of Packaging and Transportation (DOE-OPT) in planning and coordination for Departmental radioactive materials shipments, both ongoing and for future large-scale DOE transportation of commercial spent nuclear fuel (SNF), high-level radioactive waste (HLW), and other radioactive materials. This facilitation is an essential component of developing and implementing successful DOE radioactive materials transportation programs that are safe, secure, and that merit public trust and confidence.

B. AUTHORIZING STATUES AND REGULATIONS

The programmatic authorizing statues are 42 U.S.C. § 2011, 2013-2014, 2051-2053, Atomic Energy Act of 1954, as amended by the Department of Energy Organization Act of 1977, as amended.

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

C. OBJECTIVES

1. PURPOSE

The purpose of this Cooperative Agreement between the U.S. Department of Energy (DOE) and the TBD hereafter referred to as the "Recipient" is to facilitate engagement among Tribal government officials from federally recognized Native American Tribes, with DOE's Office of Nuclear Energy, Office of Integrated Waste Management (DOE-IWM), DOE's Office of Environmental Management (DOE-EM), and Office of Packaging and Transportation (DOE-OPT) in planning and coordination for Departmental radioactive materials shipments, both ongoing and for future large-scale DOE transportation of commercial spent nuclear fuel (SNF), high-level radioactive waste (HLW), and other radioactive materials. This facilitation is an essential component of developing and implementing successful DOE radioactive materials transportation programs that are safe, secure, and merit public trust and confidence.

2. BACKGROUND

Under the Nuclear Waste Policy Act of 1982, as amended (NWPA), DOE is responsible for disposal of SNF and HLW, including associated transportation. In addition, DOE has a mission to address the nation's Cold War environmental legacy resulting from five decades of nuclear weapons production and government-sponsored

nuclear energy research. This legacy includes some of the world's most dangerous radioactive sites with large amounts of radioactive wastes, SNF, excess plutonium and uranium, thousands of contaminated facilities, and contaminated soil and groundwater.

DOE's Office of Nuclear Energy, Office of Integrated Waste Management (DOE-IWM) is planning for an integrated waste management system to transport, store, and dispose of our nation's SNF and HLW. An integrated waste management system consists of siting facilities and other key infrastructure needed to safely and securely manage both SNF and HLW from nuclear power plants, as well as national defense activities. DOE's Office of Environmental Management (DOE-EM) has the responsibility for completing the cleanup of this Cold War legacy and managing the remaining nuclear materials, including transportation. DOE's Office of Packaging and Transportation (DOE-OPT) has primary responsibility to support field sites in achieving safe transportation through development and management of policy, oversight programs, automated tools, and collaborative forums.

DOE transportation of these radioactive materials occurs in the public domain, on public roadways, waterways, and on commercial railways. For more than 30 years, DOE has engaged with Tribal governments alongside State governments to cooperatively develop plans and procedures for radioactive materials shipments. Based on the successful operation of these transportation campaigns, DOE is taking a similar approach to planning for ongoing low-level radioactive waste shipments from DOE-EM's facility decommissioning activities, and future large-scale transportation of SNF stored at nuclear reactors to consolidated storage and/or disposal facilities, by coordinating and engaging with federally recognized Tribes and State governments.

Both DOE-IWM and DOE-OPT currently engage with Tribes on topics related to radioactive materials transportation planning through the Tribal Radioactive Materials Transportation Committee (TRMTC, or the Committee), a self-organized committee of representatives from about 20 federally recognized Tribes that are affected by current and expected future DOE radioactive materials shipments and associated activities. TRMTC conducts their own activities, engages with DOE alongside committees from four State Regional Groups[1] (SRGs), and actively participates in DOE's National Transportation Stakeholders Forum (NTSF), its planning committee, and topical ad hoc working groups. DOE interactions with Tribes are conducted in accordance with DOE Order 144.1, *Department of Energy American Indian Tribal Government Interactions and Policy*[2].

3. COMMON AND PROGRAM-SPECIFIC WORK SCOPES

This Statement of Objectives (SOO) outlines activities to be conducted by the Recipient to assist TRMTC in engaging with DOE in planning and coordination for DOE radioactive materials shipments. Engagement between TRMTC and DOE involves many activities that are common to both DOE-IWM and DOE-OPT, such as Department-wide procedures and requirements for radioactive materials transportation, general updates on

[1] Council of State Governments Eastern Regional Conference (NE High-level Radioactive Waste Transportation Task Force), Council of State Governments Midwest (Midwestern Radioactive Materials Transportation Committee), Southern States Energy Board (High Level Radioactive Waste Transportation Committee), and Western Interstate Energy Board (High Level Radioactive Waste Committee)

[2] DOE Order 144.1, *Department of Energy American Indian Tribal Government Interactions and Policy, https://www.energy.gov/sites/prod/files/DOE%20O%20144.1.pdf*

DOE leadership and organization, TRMTC committee meetings, NTSF informational webinars, and Planning for the NTSF Annual Meeting content and presentations.
Other engagement activities between TRMTC and DOE will be specific to individual programs, and appropriate funding resources should be allocated accordingly (DOE will provide the Recipient with information on funding amounts from each program office, DOE-IWM and DOE-OPT). Examples of activities specific to each program office are given below.

a. DOE-IWM
   DOE-IWM is pursuing an integrated waste management system with storage, transportation, and disposal capabilities in order to safely and effectively manage our nation's SNF and HLW.
   These activities include, but are not limited to:
   - evaluation of transportation infrastructure and site preparation activities around nuclear power plants and SNF storage sites
   - transportation coordination efforts as part of an integrated waste management system
   - efforts to complete the policy and procedures for a DOE emergency response training and technical assistance funding program for SNF shipments
   - addressing outstanding questions related to a rail, highway, or waterway based SNF transportation system
   - developing a framework for DOE rail, highway, and waterway safety inspections
   - information sharing on DOE development of specialty railcars
   - assisting in developing general plans and procedures for DOE SNF shipping campaigns, including providing regional or Tribe-specific data and information
   - supporting Tribal participation in meetings and technical conferences including DOE's National Transportation Stakeholders Forum, as appropriate and
   - other activities specific to the NWPA and/or management of commercial SNF by DOE

b. DOE-OPT
   DOE-OPT supports DOE field sites in achieving safe transportation through development and management of policy, oversight programs, automated tools, and collaborative forums. Detailed information can be found at https://www.energy.gov/em/services/waste-management/packaging-and-transportation.
   Elements of the program include:
   - Stakeholder engagement through the National Transportation Stakeholders Forum and Transportation Emergency Preparedness Program
   - The Packaging Certification program, which reviews and approves packaging designs, issues, and reviews Certificates of Compliance, and reviews and approves quality assurance programs for Type B and fissile materials radioactive materials packaging
   - Oversight and Support programs through the Motor Carrier Evaluation Program and the Transportation Compliance Assessment Program

- Automated Tools such as The Automated Transportation Logistics and Analysis System (ATLAS), RADCALC, TRAGIS, and TRANSCOM

4. STATEMENT FOR CONDUCTING THE PROJECT

The Recipient shall complete the tasks and deliverables described below in this SOO under this Cooperative Agreement in cooperation with the following TRMTC member Tribes (hereinafter referred to as "TRMTC")

- Agua Caliente Band of Cahuilla Indians
- Catawba Indian Nation
- Confederated Tribes of the Umatilla Indian Reservation (CTUIR)
- Little Traverse Bay Bands of Odawa Indians
- Mashpee Wampanoag Tribe
- Morongo Band of Mission Indians
- Navajo Nation
- Nez Perce Tribe
- Omaha Tribe of Nebraska
- Oneida Nation of Wisconsin
- Pahrump Paiute Tribe / Consolidated Group of Tribes and Organizations (CGTO)
- Prairie Island Indian Community
- Pueblo of Tesuque
- Pueblo de San Ildefonso
- Pueblo of Jemez
- Pueblo of Laguna
- Pueblo of Pojoaque
- Santa Clara Pueblo
- Seneca Nation of Indians
- Shoshone-Bannock Tribes
- Timbisha Shoshone Tribe

The Recipient shall identify and maintain a roster of TRMTC Tribal members, including the TRMTC Executive Committee, that ensures adequate and balanced representation from the Tribes, with a primary purpose of discussing and addressing issues relevant to this SOO. In consultation with TRMTC members, the Recipient will identify when it may be appropriate to seek new representatives to fill vacant seats or consider adding new Tribes. DOE-IWM and DOE-OPT shall also be consulted on the addition of new Tribes to ensure some reasonable expectation of impact from current or future DOE shipments.

Under this SOO, the Recipient agrees to:

- As appropriate, serve as an interface for DOE-IWM and DOE-OPT on matters pertaining to planning for DOE shipments of radioactive materials and SNF in proximity to Tribal lands
- Coordinate all other tasks related to the common concerns and information needs of TRMTC, Recipient, DOE-IWM, and DOE-OPT (e.g., policy guidance, technical research and information - as related to

SNF, HLW, and other radioactive materials; historical documentation, and lessons learned)

- Provide funding made available under this Cooperative Agreement for TRMTC member travel to technical conferences, meetings, training, and site visits that are directly related to the overall purpose of these Cooperative Agreements
- All travel under this Cooperative Agreement, other than what is included in the Recipient's initial budget plan, annual Supplemental Program Proposal, or requested by either DOE-IWM or DOE-OPT, must be pre-approved by DOE-IWM using the travel request format provided in Appendix A

5. STATEMENT OF OBJECTIVES

The Statement of Objectives (SOO) is divided into two parts; the first part consists of Principle Program Tasks and Principle Deliverables which will be conducted throughout the performance period of the agreement and are described below. DOE-IWM considers the Principle Program Tasks and Principle Deliverables to be priorities which are comparable across all DOE-IWM Cooperative Agreement Recipients. The second part is Supplemental Program Tasks that may be proposed each year by the Recipient and entail specific objectives, work products, and schedules of activities to be conducted during the ensuing funding year. Supplemental Program Tasks will be proposed by the Recipient to DOE-IWM for approval prior to the start of each federal fiscal year in the performance period. Activities proposed as Supplemental Program Tasks should be consistent with DOE-IWM's current program direction, planning and analysis activities, and other DOE policies, and include initiatives intended to meet informational, technical, and other needs of Tribal representatives within the overall scope of the SOO. (Attachment 1)

6. PRINCIPLE PROGRAM TASKS

a. Tribal Engagement
   1. Recipient will provide primary staff support to TRMTC in accordance with their Administrative Guidance and Responsibilities document, (Attachment 2, identify topics and issues of interest to TRMTC members related to DOE transport of SNF, HLW, and other radioactive materials, lead or support TRMTC's strategic planning, support interfacing between TRMTC and other State Regional Group committees similarly engaged with DOE-IWM and DOE-OPT, and communicate directly with DOE-IWM and DOE-OPT staff on related topics.
   2. Recipient will convene two (2) TRMTC committee meetings each year, with additional conference calls and/or web-meetings, as needed.
      a. It is expected that one meeting each year will be held in conjunction with the Annual Meeting of the DOE National Transportation Stakeholders Forum (NTSF).
      b. Recipient will provide logistical support for each TRMTC meeting/call including, in consultation with TRMTC members and TRMTC Executive Committee, preparation of agendas and briefing materials; assembling meeting handouts and presentations; staffing meeting operations; sending follow-up materials including meeting summaries; and preparing reports of actions to be taken or decisions made, when warranted.

3. Recipient will participate in, and recruit TRMTC representatives to participate in, DOE-IWM and DOE-OPT efforts to identify, evaluate, and prioritize public policy issues regarding development of the transportation system to support shipments of SNF, HLW and other radioactive materials.
4. Recipient will work to increase TRMTC member participation in meetings of the four SRGs to improve Tribal-State relations.
5. Recipient will work with DOE-OPT to create and maintain lists of Tribal contacts to support DOE Order 460.2B.

b. Shipment Planning and Preparedness
   1. Recipient will participate in, and recruit Tribal representatives to participate in, ad hoc working groups to address policy issues and planning activities related to DOE- program activities, such as the NTSF SNF Rail/Routing ad hoc working group, and others.
   2. Recipient will coordinate participation of a few TRMTC members in DOE-IWM's Transportation Core Group, including attendance at in-person and/or virtual meetings for the purpose of discussing DOE-IWM program progress, future plans and other issues.
   3. Recipient will coordinate participation of a few TRMTC members in DOE-OPT's Transportation Emergency Preparedness Program ad hoc working group, including attendance at in-person and/or virtual meetings for the purpose of revising training modules.
   4. Recipient will support the assessment of routing and infrastructure issues related to transporting SNF, HLW, and other radioactive materials in proximity to Tribal lands, including rail, highway, bridges, and port facilities, by facilitating connections between DOE-IWM staff, DOE-OPT, and appropriate Tribal government points of contact.
   5. As needed, Recipient will participate in and/or recruit Tribal representatives to participate in DOE-IWM site visits to nuclear power plant sites in their region.

c. Communications
   1. Recipient will, in consultation with TRMTC members, assist DOE-IWM in developing and distributing public information and communication materials associated with the transportation of SNF and HLW.
   2. Recipient will, in consultation with TRMTC members, coordinate Tribal review and comment of DOE-IWM documents, web-materials, information products, DOE Orders, and other activities, as requested by DOE-IWM.
   3. Recipient will establish and maintain a website for the purpose of providing relevant information to TRMTC representatives, and other stakeholders.
   4. Recipient will collaborate with the SRGs to collectively and strategically address issues impacting both Tribes and States.
   5. Recipient will coordinate with DOE-IWM program staff to schedule quarterly conference calls/meetings to review the status and progress of activities under the Cooperative Agreement, and emerging issues relevant to the program. DOE-OPT staff along with two TRMTC Executive Committee representatives will participate in these quarterly calls.

d. Other
    1. As requested by TRMTC member Tribes, Recipient will enter into financial assistance agreements to support Tribal engagement in activities, including but not limited to training and exercises.

8. PRINCIPLE DELIVERABLES

a. TRMTC Committee Operations
    1. Within 30 days from the start of the performance period, the Recipient will provide DOE-IWM and DOE-OPT with a list of current TRMTC members with contact information, to include elected officials of participating Tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities through the Cooperative Agreement to engage with DOE-IWM and DOE-OPT on the topics covered in this SOO.
        a. The Recipient will provide DOE-IWM and DOE-OPT with updated contact information within 30 days of any change in TRMTC representatives.
    2. Within 45 days of each semi-annual committee meeting, Recipient will prepare meeting summaries, which include action items and/or agreements made, and send a copy, or public web-link to the DOE-IWM and DOE-OPT Program Managers.
    3. Within 30 days from the end of each quarter of each federal fiscal year, the Recipient will submit a quarterly progress report on the status of the implementation of the Cooperative Agreement. Quarterly reports will follow the Federal Assistance Reporting Checklist and Instructions (examples of appropriate formats can be provided upon request). The Recipient will submit periodic financial reports as specified in the Administrative and National Policy Requirements section of the Cooperative Agreement.

b. Feedback on Support Services
    1. Every federal fiscal year, the Recipient shall obtain, in a manner to be determined by the Recipient, and provide to DOE-IWM and DOE-OPT independent feedback from TRMTC members. This feedback should focus on the type and quality of support services provided to the Tribal representatives by the Recipient. The Recipient shall convey this information to DOE-IWM and DOE-OPT in a written report that summarizes the views expressed by each member Tribe and demonstrates the extent to which the Recipient is meeting Tribal information and communication needs, is knowledgeable about the issues that are most important to the TRMTC members, is providing suitable support to help Tribal representatives understand or address key issues, and is otherwise adequately facilitating engagement between Tribal representatives and DOE.

c. Communications and Work Products
    1. Recipient will maintain a public website for TRMTC, with designs, marketing, branding, and content development determined in consultation with TRMTC members.
    2. Recipient will provide DOE-IWM and DOE-OPT with electronic copies of any reports, policy papers, technical papers, official letters, web-materials, training materials, presentations, and public communication materials produced under this Cooperative Agreement.

9. SUPPLEMENTAL PROGRAM TASKS

Supplemental program tasks may be proposed each year by the Recipient after consultation with TRMTC members, and entail specific objectives, work products, and schedules of activities to be conducted during the ensuing funding year. Supplemental Program Tasks will be proposed to DOE-IWM for approval at least 60 days prior to the start of each federal fiscal year in the performance period (functionally, this will be part of the annual continuation award renewal process). Activities proposed as Supplemental Program Tasks should focus on initiatives that meet informational, technical, and other needs of Tribal representatives that are directly related to the purpose of the Cooperative Agreement.

10. SUPPLEMENTAL PROGRAM DELIVERABLES

Will be determined annually and correspond to the DOE-IWM-approved Supplemental Program Tasks proposed by the Recipient.

APPENDIX A

DOE-IWM Travel Request Process

All travel under this Cooperative Agreement, other than what is included in the Recipient's initial budget plan, annual Program Proposal, or at the request of DOE-IWM, must be preapproved by DOE-IWM. Recipient must submit a travel request, with the information indicated below, to the Technical Project Officer (TPO) with copy to DOE-IWM Federal Program Manager, thirty (30) days prior to the first day of the proposed travel. DOE-IWM approval of travel will be accomplished by an email response clearly approving the requested travel. Estimated timeframe for DOE-IWM approval/disapproval will be within three (3) business days.

Travel request information to submit to TPO:

- Traveler(s) names
- Traveler(s) employer or affiliation
- Purpose of travel and relevance to Cooperative Agreement SOO
- Travel departure location
- Travel arrival location
- Travel start and end dates
- Estimated travel costs
- Estimated training/conference fees

Section II - AWARD INFORMATION

A. TYPE OF AWARD INSTRUMENT

DOE will award one cooperative agreement under this FOA.

B. ESTIMATED FUNDING

DOE expects to make available approximately $1,750,000 of federal funding over a base period of one (1) year and four (4) budget periods for a total of five years for award(s) under this FOA.

C. MAXIMUM AND MINIMUM AWARD SIZE

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

$1,750,000

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

$ None

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

D. EXPECTED NUMBER OF AWARDS

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

E. ANTICIPATED AWARD SIZE

The anticipated individual award size is approximately $1,750,000, but individual awards may be lower, as proposed by the applicant.

F. PERIOD OF PERFORMANCE

DOE anticipates making an award for a project base period of one year and four one-year budget periods, with an anticipated start date of October 1, 2021.

*Project continuation will be contingent upon 1) availability of funds appropriated by Congress for the purpose of this program; 2) the availability of future-year budget authority; 3) substantial progress towards meeting the objective of the approved application; 4) submittal of required reports/other deliverable; 5) compliance with the terms and conditions of the award; and 6) DOE approval of a continuation application. Included in the evaluation of whether the recipient is making substantial progress towards meeting the objectives of the

approved application, DOE will evaluate demonstrative project performance, project schedule adherence, meeting of milestone objectives, quality of deliverables, compliance with reporting requirements, and overall contribution to the program goals and objectives. As a result of this evaluation, DOE will make an annual determination to continue the project, re-direct the project, or not approve the continuation application and discontinue funding the project.

**A continuation application is required to be submitted to the DOE Technical Project Officer and the DOE Contract Specialist for approval at least 90 days prior to the end of the current budget period. Upon approval of the continuation application, an amendment is issued to authorize the expenditure of funds for the project during the new budget period. The required content of the continuation application will be included in the terms and conditions of the initial agreement. Both fully funded or partially funded awards require a continuation application.

G. TYPE OF APPLICATION

DOE will accept only new applications under this announcement.

Section III - ELIGIBILITY INFORMATION

A. ELIGIBLE APPLICANTS

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

This FOA provides award opportunities to United States-owned industry entities. United States means the several States, the District of Columbia, and all commonwealths, territories, and possessions of the United States.

United States-owned company means a company that is either
(1) A United States-owned company; or
(2) Incorporated or organized under the laws of any State and has a parent company which is incorporated or organized under the laws of a country which
(a) Affords to the United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those authorized under the Act[3];
(b) Affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and
(c) Affords adequate and effective protection for the intellectual property rights of United States-owned companies.

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

B. COST SHARING

Not applicable.

C. OTHER ELIGIBILITY REQUIREMENTS

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

[3] Energy Policy Act of 1992, 42 U.S.C. § 13525 (1992).

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

(2) It is not a corporation that has any unpaid assessed Federal tax liability, for which all judicial and administrative remedies have been exhausted or have lapsed, and for which the corporation is not paying the assessed tax liability in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

For purposes of these representations the following definition applies:

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

D. QUESTIONS REGARDING ELIGIBILITY

Questions regarding eligibility should be directed to the Agency contact identified in Section VII.B.

Section IV - APPLICATION AND SUBMISSION INFORMATION

A. ADDRESS TO REQUEST APPLICATION PACKAGE

The application forms and application package submission instructions are available online at http://**www.grants.gov**. To access these materials, go to **http://www.grants.gov**, select "FORMS" and then select "R&R Family".

B. LETTER OF INTENT AND PRE-APPLICATION

1. LETTER OF INTENT

Letter of Intent is not required.

2. PRE-APPLICATION

Pre-application is not required

C. CONTENT AND FORM OF APPLICATION

You must complete the mandatory forms and any applicable optional forms (e.g., SF-LLL- Disclosure of Lobbying Activities) in accordance with the instructions on the forms and the additional instructions below. Files that are attached to the forms must be in Adobe Portable Document Format (PDF) unless otherwise specified in this announcement.

Applications must conform to the following requirements:

- Applicants must complete all mandatory forms and any applicable optional forms (e.g., SF-LLL-Disclosure of Lobbying Activities) in accordance with the instructions on the forms and the additional instructions below.
- Document format: Each document must be submitted in Adobe Portable Document Format (PDF), except for spreadsheets, unless otherwise specified in this announcement.
- Spreadsheet format: All spreadsheets must be created and submitted in a Microsoft Excel file format. Do **NOT** lock any cells in the spreadsheet.
- Language: Each document must be written in English.
- All non-budget documentation (use templates where provided) must be prepared using standard 8.5" by 11" paper with 1" margins (top, bottom, left, right), using a font size no smaller than Times New Roman 11 point.
- Limit: Each submission must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs, when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths, **evaluators will review only the authorized number of pages and disregard any additional pages.**

- DOE will not review or consider incomplete or noncompliant applications.
- Each application shall be limited to a single concept or technology. Unrelated concepts and technologies shall not be consolidated in a single application.
- Applications must include the documentation specified in the table below (if applicable). Detailed guidance on the content and form of each application component follows the table.

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

	Name of Document	Format	Required From
1	SF 424 (V3.0) (Application)	Form	Lead Applicant
2	Budget Information for Non-Construction Programs (SF424A) [V1.0]	Form	Lead Applicant and Collaborators
3	Budget Justification Document (Attach to Other Attachments Form [V1.2])	PDF	Lead Applicant and Collaborators
4	Key Person Profile (**2-page limit each**) (Attach Resume Other Attachments Form [V1.2]))	PDF	Lead Applicant and Collaborators
5	Project/Performance Site Location(s) [V3.0]	PDF	Lead Applicant
6	SF-LLL Disclosure of Lobbying Activities	PDF	Lead Applicant
7	Past Performance (Attach to Other Attachments Form [V1.2])	PDF	Lead Applicant and Collaborators

1. SF 424 - APPLICATION FOR FEDERAL ASSISTANCE

Complete this form first to populate data in other forms. Complete all required fields in accordance with the pop-up instructions on the form. The list of certifications and assurances referenced in Field 21 can be found on the DOE Financial Assistance Forms Page at http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms under Certifications and Assurances.

2. BUDGET INFORMATION FOR NON-CONSTRUCTION PROGRAMS

The name of the form on Grants.gov is Budget Information for Non-Construction Programs. Complete the form in accordance with the instructions on the form (Activate Help Mode to see instructions) and the following instructions. You must complete a separate budget for each year of support requested. The form will generate a cumulative budget for the total project period. You must complete all the mandatory information on the form before the NEXT PERIOD button is activated. You may request funds under any of the categories listed as long as the item and amount are necessary to perform the proposed work, meet all the criteria for allowability under the applicable federal cost principles, and are not prohibited by the funding restrictions in this announcement.

3. BUDGET JUSTIFICATION DOCUMENT

You must justify the costs proposed in each Object Class Category/Cost Classification category (e.g., identify key persons and personnel categories and the estimated costs for each person or category; provide a list of equipment and cost of each item; identify proposed subaward/consultant work and cost of each subaward/consultant; describe purpose of proposed travel, number of travelers, and number of travel days; list general categories of supplies and amount for each category; and provide any other information you wish to support your budget). Provide the name of your cognizant/oversight agency, if you have one, and the name and phone number of the individual responsible for negotiating your indirect rates. If cost sharing is required, you must have a letter from each third party contributing cost sharing (i.e., a party other than the organization submitting the application) stating that the third party is committed to providing a specific minimum dollar amount of cost sharing. In the budget justification, identify the following information for each third party contributing cost sharing: (1) the name of the organization; (2) the proposed dollar amount to be provided; (3) the amount as a percentage of the total project cost; and (4) the proposed cost sharing - cash, services, or property. By submitting your application, you are providing assurance that you have signed letters of commitment. Successful applicants will be required to submit these signed letters of commitments. Save the budget justification information in a single file named "Budget.pdf," and click on "Add Optional Other Attachment" to attach.

4. KEY PERSON PROFILE – (RESUME/VITAE TECHNICAL EXPERTISE AND QUALIFICATIONS)

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

- Contact information.
- Education and Training: Provide institution, major/area, degree, and year for undergraduate, graduate, and postdoctoral training.
- Research and Professional Experience: Beginning with the current position list, in chronological order, professional/academic positions with a brief description.
- Publications: Provide a list of up to 10 publications most closely related to the proposed project. For each publication, identify the names of all authors (in the same sequence in which they appear in the publication), the article title, book or journal title, volume number, page numbers, year of publication, and website address if available electronically.
- Patents, copyrights, and software systems developed may be provided in addition to or substituted for publications.
- Synergistic Activities: List no more than five professional and scholarly activities related to the effort proposed.

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

5. PROJECT/PERFORMANCE SITE LOCATION(S)

Indicate the primary site where the work will be performed. If a portion of the project will be performed at any other site(s), identify the site location(s) in the blocks provided.
Note that the Project/Performance Site Congressional District is entered in the format of the two (2) digit state code followed by a dash and a three (3) digit Congressional district code, for example VA-001. Hover over this field for additional instructions.

Use the Next Site button to expand the form to add additional Project/Performance Site Locations.

6. DISCLOSURE OF LOBBYING ACTIVITIES (SF-LLL)

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

7. PAST PERFORMANCE

Applicants must submit data on past performance that demonstrates the applicant team has demonstrated successful experience/past performance, knowledge and understanding of the business and regulatory requirements for projects of similar size, scope and complexity in achieving project technical success within budget and on time with no significant safety and quality issues.

8. FOREIGN GOVERNMENT OWNERSHIP DISCLOSURE

Applicants must disclose to the DOE all foreign interest in applicant’s company or corporation, as defined in this FOA. In this FOA, foreign interest is defined as: all *foreign government ownership, investment, interest, and/or influence*, as well as *foreign nongovernment public, private ownership, interest, and/or investment* in an applicant's company or corporation. Foreign interest applies at all levels of the corporate structure, including the executive and board levels, from parent (e.g., trust, holding company, corporation, etc.) to subsidiary, as well as ancillary levels, regardless of the applicant entity's place of incorporation and operation. Moreover, foreign

interest includes, but is not limited to, political influence and participation in foreign talent recruitment programs. A foreign government is defined as a non-United States government. Applicants with no foreign interest, as defined in this FOA, shall certify to the DOE in writing that they have none.

D. SUBMISSIONS FROM SUCCESSFUL APPLICANTS

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

- Indirect cost information
- Other budget information
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5)
- Representation of Limited Rights Data and Restricted Software, if applicable
- Commitment Letter from Third Parties Contributing to Cost Sharing, if applicable

E. SUBMISSION DATES AND TIMES

1. PRE-APPLICATION DUE DATE

Not applicable

2. APPLICATION DUE DATE

Applications must be received by August 1, 2021, no later than 8:00 PM Eastern Daylight Time (EDT) in accordance with Section IV instructions. Applicants are encouraged to transmit applications well before the deadline. APPLICATIONS RECEIVED AFTER THE DEADLINE WILL NOT BE REVIEWED OR CONSIDERED FOR AWARD.

F. INTERGOVERNMENTAL REVIEW

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

G. FUNDING RESTRICTIONS (DECEMBER 2014)

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

Cost Principles. Costs must be allowable, allocable, and reasonable in accordance with the applicable Federal cost principles referenced in 2 CFR part 200 as amended by 2 CFR part 910 [DOE Financial Assistance Regulation]. The cost principles for commercial organization are in FAR Part 31.

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

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

H. OTHER SUBMISSION AND REGISTRATION REQUIREMENTS

1. WHERE TO SUBMIT

Applications must be submitted in Grants.gov on or before the application due date of August 1, 2021

2. REGISTRATION PROCESS

ONE TIME REGISTRATION PROCESS

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

3. APPLICATION RECEIPT NOTICES

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

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

Section V - APPLICATION REVIEW INFORMATION

A. CRITERIA

1. INITIAL REVIEW CRITERIA

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

2. MERIT REVIEW CRITERIA

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

The review criteria are listed in descending order of importance, with the first criterion listed being the most important; sub-criteria under each criterion are not necessarily listed in descending order of importance. Selection will be made in accordance with the following review criteria, and all applications will be evaluated, using an adjectival rating, against these criteria.

Criterion 1 – Expertise

The proposal shall be evaluated on the offeror's discussion and demonstration of expertise related to federally recognized Tribal governments and legal structures, radioactive materials transportation, public policy, and working with government entities to include:

a. Demonstrated knowledge and understanding of Tribal government operations, functions, trust responsibility, jurisdictional authority, and sensitivities.
b. Knowledge of technical aspects associated with transportation of radioactive materials and/or hazardous materials.
c. Knowledge and/or experience with federal policies, documents, and proposed rules involved or affecting radioactive materials shipments or other hazardous materials shipments.
d. Demonstrated competency and experience in project management, budgeting, financial management, and compliance with reporting and adhering to applicable government terms and conditions.

Criterion 2 – Key Personnel

Competency of Applicant's Key Personnel and Adequacy of Proposed Resources - The proposal shall be evaluated on the offeror's discussion and demonstration of:

a. Key Personnel's expertise or qualifications working with Tribes.
b. Key Personnel's expertise or qualifications, working with transportation of radioactive waste.
c. Expertise in communicating expectations and requirements for administrative and technical activities to Tribes and Government entities.

Criterion 3 – Response to Statement of Objectives (SOO)

Applicant's approach to the Statement of Objectives (SOO) will be reviewed for responsiveness including:

a. Appropriateness, rationale, and completeness of the proposed SOO response.
b. The approach reflects a thorough, capable, and experienced understanding of the work pursuant to successful work completion with minimal performance risk.

Criterion 4 – Past Performance

The proposal shall be evaluated on the applicant's discussion and demonstration of successful project management performance of past relevant projects with respect to product delivery, quality, cost, and schedule, including providing acceptable customer service, properly manage subcontract efforts, and demonstrated ability to identify/isolate the root causes of problems and successfully resolve those causes. Additionally, the proposal should demonstrate the ability to organize thoughts and convey Tribal perspectives in a logical and concise manner.

a. Briefly describe your experience working with Tribal governments impacted by radioactive waste and materials.
b. Briefly describe your experience with Tribal government's concerns and/or interests in DOE radioactive shipments.

Program Policy Factors

The DOE Selection Official may consider any of the following program policy factors in making the selection, listed in no order of significance:

a. Overall cost and benefits of proposed cost.
b. Positive recognition/evidence from Tribal representatives or federal agencies that Tribal interests and opinions have been understood, supported, and accurately communicated.

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

B. REVIEW AND SELECTION PROCESS

1. MERIT REVIEW

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

2. SELECTION

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

3. DISCUSSIONS AND AWARD

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

C. ANTICIPATED NOTICE OF SELECTION AND AWARD DATES

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

D. REPORTING OF MATTERS RELATED TO RECIPIENT INTEGRITY AND PERFORMANCE (DECEMBER 2015)

DOE, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313).

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

DOE will consider any written comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.205 - Federal awarding agency review of risk posed by applicants.

Section VI - AWARD ADMINISTRATION INFORMATION

A. AWARD NOTICES

1. NOTICE OF SELECTION

DOE will notify applicants selected for award. This notice of selection is not an authorization to begin performance. If an application is selected for award negotiations, it is not a commitment by DOE to issue an award. Applicants do not receive an award until award negotiations are complete and the contracting officer executes the funding agreement, accessible by the prime recipient in FedConnect.

Applicants must designate a primary and a backup point-of-contact with whom DOE will communicate to conduct award negotiations. The applicant must be responsive during award negotiations (i.e. provide requested documentation) and meet the negotiation deadlines. If the applicant fails to do so or if award negotiations are otherwise unsuccessful, DOE will cancel the award negotiations and rescind the selection. DOE reserves the right to terminate award negotiations at any time for any reason.
Organizations whose applications have not been selected will be advised as promptly as possible. The notice will explain why the application was not selected.

2. NOTICE OF AWARD

An Assistance Agreement issued by the contracting officer is the authorizing award document. It normally includes either as an attachment or by reference the following: (1) Special Terms and Conditions; (2) applicable program regulations, if any; (3) application which includes the project description and budget, as approved by DOE; (4) 2 CFR part 200 and 2 CFR part 910 [DOE Financial Assistance Regulations]; (5) National Policy Assurances to be incorporated as terms of the award; (6) Budget Summary; (7) Federal Assistance Reporting Checklist, which identifies the reporting requirements; (8) Federal-wide Research Terms and Conditions; (9) Agency Specific Requirements; and (10) any award specific terms and conditions.

B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. ADMINISTRATIVE REQUIREMENTS (DECEMBER 2014)

The administrative requirements for DOE grants and cooperative agreements are contained in 2 CFR part 200 as amended by 2 CFR part 910 [DOE Financial Assistance Regulation] (See: http://www.eCFR.gov). For grants and cooperative agreements made to universities, non-profits and other entities subject to Title 2 CFR, awards made under this funding opportunity will include the government-wide Research Terms and Conditions.

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

2. DUNS AND SAM REQUIREMENTS

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

3. SUBAWARD AND EXECUTIVE REPORTING

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

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

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

The National Policy Assurances to be Incorporated as Award Terms are located at http://www.nsf.gov/bfa/dias/policy/rtc/appc.pdf

Intellectual Property Provisions. The standard DOE financial assistance intellectual property provisions applicable to the various types of recipients are located at:

http://energy.gov/gc/standard-intellectual-property-ip-provisions-financial-assistance-awards

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

5. CORPORATE FELONY CONVICTION AND FEDERAL TAX LIABILITY REPRESENTATIONS (MARCH 2014)

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

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

(2) It is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

For purposes of these representations the following definition applies:

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

6. NONDISCLOSURE AND CONFIDENTIALITY AGREEMENTS REPRESENTATIONS (JUNE 2015)

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

(1) It does not and will not require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or 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.

(2) It does not and will not use any Federal funds to implement or enforce any nondisclosure and/or confidentiality policy, form, or agreement it uses unless it contains the following provisions:

a. ‘‘These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.’’

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

Notwithstanding provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require

that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

7. STATEMENT OF SUBSTANTIAL INVOLVEMENT AND STATEMENT OF FEDERAL STEWARDSHIP

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

a. Recipient Responsibilities: The recipient is responsible for:

- Performing the activities supported by this award, including providing the required personnel, facilities, equipment, supplies and services;
- Defining approaches and plans, submitting the plans to DOE for review, and incorporating DOE's comments;
- Managing and conducting the project activities, including coordinating with a DOE management and operating (M&O) contractor on activities performed under the M&O contract that are related to the project;
- Attending annual program review meetings and reporting project status;
- Providing DOE appropriate levels of proprietary and non-proprietary information on an as-needed basis to assist in response to external and internal private inquiry. DOE will protect information in accordance with the agreements set forth in the financial assistance award language;
- Submitting technical reports as stated in the Federal Assistance Reporting Checklist, and incorporating DOE comments; and
- Presenting the project results at appropriate technical conferences or meetings as directed by the DOE Project Officer (it is anticipated that the number of conferences/meetings will not exceed two per year, not counting program review meetings).

b. DOE Responsibilities: DOE's involvement will consist of the following normal federal stewardship responsibilities below, as well as Substantial Involvement activities.

1) <u>Normal Federal Stewardship Activities</u>:

- Approving recipient plans prior to award;

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

2) Substantial Involvement Activities:

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

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

8. RECIPIENT INTEGRITY AND PERFORMANCE MATTERS

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

9. ENVIRONMENTAL REVIEW IN ACCORDANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

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

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

10. FOREIGN NATIONAL ACCESS TO DOE SITES

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

C. REPORTING

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

Section VII - QUESTIONS/AGENCY CONTACTS

A. QUESTIONS

Questions regarding the content of the announcement must be submitted through the FedConnect portal. You must register with FedConnect to respond as an interested party to submit questions, and to view responses to questions. It is recommended that you register as soon after release of the FOA as possible to have the benefit of all responses. DOE/NNSA will try to respond to a question within three business days, unless a similar question and answer have already been posted on the website.

Questions and comments concerning this FOA shall be submitted not later than 15 calendar days prior to the application due date. Questions submitted after that date may not allow the Government sufficient time to respond.

Questions relating to the registration process, system requirements, how an application form works, or the submittal process must be directed to Grants.gov at 1-800-518-4726 or support@grants.gov. DOE/NNSA cannot answer these questions.

B. AGENCY CONTACT

Name: Marianne Boline
E-mail: bolinem@id.doe.gov

Section VIII - OTHER INFORMATION

A. MODIFICATIONS

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

B. GOVERNMENT RIGHT TO REJECT OR NEGOTIATE

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

C. PROPRIETARY APPLICATION INFORMATION

Not applicable.

D. EVALUATION AND ADMINISTRATION BY NON-FEDERAL PERSONNEL

In conducting the merit review evaluation, DOE may seek the advice of qualified non-federal personnel as reviewers. DOE may also use non-federal personnel to conduct routine, nondiscretionary administrative activities. The applicant, by submitting its application, consents to the use of non-federal reviewers/ administrators. Non-federal reviewers must sign conflict of interest and non-disclosure agreements prior to reviewing an application. Non-federal personnel conducting administrative activities will be required to sign a non-disclosure agreement.

E. UNDERSTANDING COST SHARING REQUIREMENTS

Not applicable.

F. INTELLECTUAL PROPERTY DEVELOPED UNDER THIS PROGRAM

Not applicable

G. NOTICE OF RIGHT TO REQUEST PATENT WAIVER

Not applicable.

H. NOTICE REGARDING ELIGIBLE/INELIGIBLE ACTIVITIES

Eligible activities under this program include those that describe and promote the understanding of scientific

and technical aspects of specific energy technologies, but not those that encourage or support political activities such as the collection and dissemination of information related to potential, planned, or pending legislation.

I. CONFERENCE SPENDING (FEBRUARY 2015)

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

J. NOTICE OF RIGHT TO CONDUCT A REVIEW OF FINANCIAL CAPABILITY

DOE reserves the right to conduct an independent third party review of financial capability for applicants that are selected for negotiation of award (including personal credit information of principal(s) of a small business if there is insufficient information to determine financial capability of the organization).

K. NOTICE OF POTENTIAL DISCLOSURE UNDER FREEDOM OF INFORMATION ACT

Applicants should be advised that identifying information regarding all applicants, including applicant names and/or points of contact, may be subject to public disclosure under the Freedom of Information Act, whether or not such applicants are selected for negotiation of award.

L. REQUIREMENT FOR FULL AND COMPLETE DISCLOSURE

Applicants are required to make a full and complete disclosure of all information requested. Any failure to make a full and complete disclosure of the requested information may result in:

- The termination of award negotiations;
- The modification, suspension, and/or termination of a funding agreement;
- The initiation of debarment proceedings, debarment, and/or a declaration of ineligibility for receipt of federal contracts, subcontracts, and financial assistance and benefits; and
- Civil and/or criminal penalties.

M. RETENTION OF SUBMISSIONS

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

N. PROTECTED PERSONALLY IDENTIFIABLE INFORMATION

Personally, Identifiable Information (PII) provided in the resume/vitae will be protected according to DOE requirements and processes. Applicants must ensure that PII is not included in any of the other required application documents. These documents will be used by the Merit Review Panel in the review process to evaluate each application. PII is defined by the Office of Management and Budget (OMB) as:

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

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

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

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

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

- Social Security Number in any form
- Place of birth associated with an individual
- Date of birth associated with an individual
- Mother's maiden name associated with an individual
- Biometric record associated with an individual
- Fingerprint
- Iris scan
- DNA
- Medical history information associated with an individual
- Medical conditions, including history of disease
- Metric information, e.g. weight, height, blood pressure
- Criminal history associated with an individual
- Employment history and other employment information associated with an individual
- Ratings
- Disciplinary actions

- Performance elements and standards (or work expectations) are PII when they are so intertwined with performance appraisals that their disclosure would reveal and individual's performance appraisal
- Financial information associated with an individual
- Credit card numbers
- Bank account numbers
- Security clearance history or related information (not including actual clearance held)

O. ANNUAL COMPLIANCE AUDITS

If an institute of higher education, non-profit organization, or state/local government is a prime recipient or subrecipient and has expended $750,000 or more of federal funds during the non-federal entity's fiscal year, then a single or program-specific audit is required. For additional information, refer to 2 CFR 200.501 and Subpart F.

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