

ADMINISTRATIVE AND LEGAL REQUIREMENTS DOCUMENT (ALRD)



U.S. Department of Energy (DOE) Office of Manufacturing and Energy Supply Chains (MESC)

Inflation Reduction Act (IRA) Section 50143 Domestic Manufacturing Conversion Grants for Electrified Vehicles: State Partnerships for Small and Medium Sized Manufacturers (SMMs)

Announcement Number: DE-FOA-0003412

ALRD Type: Modification 000001

Assistance Listing Number: 81.253 Manufacturing and Energy Supply Chain

ALRD Issue Date:	August 15, 2024
ALRD Modification 000001	August 30, 2024
Submission Deadline for Full Applications:	October 15, 2024, 5:00 p.m. ET
Expected Timeframe for Awards Negotiations:	November 2024 - January 2025
Expected Timeframe for Awards:	February 2025

- To apply to this ALRD, applicants must register with and submit application materials through the Clean Energy Infrastructure (S3) eXCHANGE at <https://infrastructure-exchange.energy.gov>, MESC's online application portal.

-
- Applicants must designate primary and backup points-of-contact in S3 eXCHANGE with whom DOE will communicate to conduct award negotiations. If an application is selected for award negotiations, it is not a commitment to issue an award. It is imperative that the applicant/selectee be responsive during award negotiations and meet negotiation deadlines. Failure to do so may result in cancelation of further award negotiations and rescission of the selection.
 - **Unique Entity Identifier (UEI) and System for Award Management (SAM)** - Each applicant 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 at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency (unless the applicant is excepted from those requirements under 2 CFR 25.110). 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 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 Administrative and Legal Requirements Document (ALRD) are highlighted in the body of the ALRD.

Mod. No.	Date	Description of Modification
000001	08/30/2024	The purpose of this Modification is to update the following: Updates to Full Application Content Requirements Table: Technical Volume corrected from 5 pages to 10 pages. All changes are highlighted in yellow. Deleted text is denoted in strikethrough

SUMMARY OVERVIEW OF KEY INFORMATION

Issuing Agency	Department of Energy, Office of Manufacturing and Energy Supply Chains
Program Overview	This program will provide funding to eligible state governments non-competitively, by formula to make awards to small and medium manufacturers to perform conversion projects to produce electric vehicles in accordance with Section 50143 of the Inflation Reduction Act (IRA).
Objective	The Department seeks to partner with states to ensure small and medium manufacturers can participate in this IRA provision.
Topic Area	Commercial-Scale Assembly or Component Manufacturing Facilities for Electrified Vehicles: The objective of this topic area is for the state to make subgrants to convert commercial-scale assembly or component manufacturing facilities from internal combustion (ICE) to electrified vehicles. State awards are subgrants; subgrants should be between \$1 million and \$10 million.
Eligible Applicants	Eligibility is restricted – see Appendix A. • An eligible Recipient must be a State, a Territory, or the District of Columbia • An eligible Recipient must have a workforce at least 0.5% of which is in the automotive sector (NAICS Codes 3361, 3362, and 3363) • An eligible Recipient must qualify for at least \$4 million of grant funding according to the formula employed in Appendix A – State Formula Allocation Lists
Funding	It is anticipated that this ALRD will provide Federal funding of \$50,000,000 over five years.
Deadlines	October 15, 2024, at 5:00 pm ET: Full Application Due

Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with the Clean Energy Infrastructure eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov
Include ALRD name and number in subject line.

Table of Contents

SUMMARY OVERVIEW OF KEY INFORMATION.....	4
Table of Contents.....	i
I. ALRD Description	4
A. Background and Context	4
i. Program Purpose	5
ii. Technology Space and Strategic Goals	6
B. Topic Area	6
C. Applications Specifically Not of Interest	7
D. Community Benefits Plan: Job Quality, Equity and Justice40	7
E. Authorizing Statutes	7
F. Notice of Inflation Reduction Act-Specific Requirements	8
II. Award Information	8
A. Award Overview	8
i. Estimated Funding	8
ii. Period of Performance	9
iii. New Applications Only	9
B. DOE Funding Agreements	9
i. Formula Grants	9
ii. Funding Agreements with Federally Funded Research and Development Center (FFRDCs)	9
III. Eligibility Information	9
A. Eligible Applicants	10
i. Restricted Eligibility	10
ii. Individuals	10
iii. Domestic Entities	10
iv. Foreign Entities	11
B. Head of State Government Letter	11
C. Cost Sharing	11
i. Legal Responsibility	12
ii. Cost Share Allocation	12
iii. Cost Share Types and Allowability	13
iv. Cost Share Contributions by FFRDCs	14
v. Cost Share Verification	14
vi. Cost Share Payment	14
D. Compliance Criteria	15
E. Responsiveness Criteria	16
F. Other Eligibility Requirements	16
i. Requirements for DOE/NNSA and Non-DOE/NNSA FFRDCs Included as a Subrecipient	16
G. Questions Regarding Eligibility	17
IV. Application and Submission Information	17
A. Application Process	17
i. Additional Information on S3 eXCHANGE	18
B. Application Forms	18
C. Content and Form of the Full Application	18
i. Full Application Content Requirements	19
ii. SF-424: Application for Federal Assistance	19
iii. Technical Volume	20

Questions about this ALRD? Email SMMConversion@netl.doe.gov.

Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov. Include ALRD name and number in subject line.

iv.	Head of State Government Letter	21
v.	Budget Justification Workbook	21
vi.	SF-LLL: Disclosure of Lobbying Activities	22
vii.	Waiver Requests (if applicable)	22
viii.	Community Benefits Plan: Job Quality, Equity, and Justice ⁴⁰	23
ix.	Environmental Questionnaire	25
x.	Transparency of Foreign Connections	25
xi.	Potentially Duplicative Funding Notice	27
D.	Post Selection Information Requests	27
E.	Unique Entity Identifier (UEI) and System for Award Management (SAM)	29
F.	Submission Dates and Times	29
G.	Intergovernmental Review	29
H.	Funding Restrictions	29
i.	Allowable Costs	29
ii.	Pre-Award Costs	30
iii.	Performance of Work in the United States (Foreign Work Waiver)	31
iv.	Construction	31
v.	Foreign Travel	31
vi.	Equipment and Supplies	32
vii.	Build America Buy American Requirements for Infrastructure Projects	32
viii.	Lobbying	33
ix.	Risk Assessment.....	33
x.	Invoice Review and Approval	34
xi.	Prohibition Related to Foreign Government-Sponsored Talent Recruitment Programs	35
xii.	Affirmative Action and Pay Transparency Requirements.....	36
xiii.	Foreign Collaboration Considerations	37
I.	Application Review Information.....	38
i.	Overview.....	38
ii.	Recipient Responsibility and Qualifications.....	38
V.	Award Administration Information.....	38
A.	Award Notices	38
i.	Full Application Notifications.....	38
ii.	Applicants Selected for Award Negotiations	39
B.	Administrative and National Policy Requirements	39
i.	Registration Requirements	39
ii.	Award Administrative Requirements	40
iii.	Foreign National Participation	40
iv.	Subaward and Executive Reporting	41
v.	National Policy Requirements	41
vi.	Environmental Review in Accordance with the National Environmental Policy Act (NEPA)	42
vii.	Flood Resilience	42
viii.	Applicant Representations and Certifications	43
ix.	Statement of Federal Stewardship	45
x.	Intellectual Property Provisions.....	45
xi.	Reporting	45
xii.	Go/No-Go Review	46
xiii.	Conference Spending.....	47
xiv.	Uniform Commercial Code (UCC) Financing Statements	47
xv.	Real Property and Equipment	48
xvi.	Implementation of Executive Order 13798, Promoting Free Speech and Religious Liberty	49
xvii.	Interim Conflict of Interest Policy for Financial Assistance	49
xviii.	Fraud, Waste, and Abuse.....	50

Questions about this ALRD? Email SMMConversion@netl.doe.gov.

Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov. Include ALRD name and number in subject line.

xix.	Construction Signage	50
C.	Government-Generated Statement of Project Objectives (SOPO)	51
VI.	Questions/Agency Contacts	51
VII.	Other Information	51
A.	ALRD Modifications	51
B.	Government Right to Reject or Negotiate	51
C.	Commitment of Public Funds	51
D.	Treatment of Application Information	52
E.	Evaluation and Administration by Non-Federal Personnel	53
F.	Notice Regarding Eligible/Ineligible Activities	53
G.	Notice of Right to Conduct a Review of Financial Capability	53
H.	Requirement for Full and Complete Disclosure	53
I.	Retention of Submissions	54
J.	Copyright	54
K.	Export Control	54
L.	Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment	54
M.	Personally Identifiable Information (PII)	55
N.	Annual Independent Audits	55
	Appendix A – State Formula Allocation List	57
	Appendix B.1 – Government Generated Statement of Project Objectives (SOPO)	58
	Appendix B.2 – Government-Generated Statement of Project Objectives (SOPO) for Subawardees – Program Narrative Template	59
	Appendix C – Cost Share Information	63
	Appendix D – Waiver Requests For: 1. Foreign Entity Participation; and 2. Foreign Work	68
	Appendix E – Buy America Requirements for Infrastructure Projects	71
	Appendix F – List of Acronyms	76

I. ALRD Description

A. Background and Context

The Office of Manufacturing and Energy Supply Chains (MESC) is issuing this Administrative and Legal Requirements Document (ALRD). Awards made under this ALRD will be funded, in whole or in part, with funds appropriated by the Inflation Reduction Act (IRA)¹.

In August 2022, Congress passed, and President Biden signed the Inflation Reduction Act into law. The Inflation Reduction Act makes a historic commitment to build a new clean energy economy, powered by American innovators, American workers, and American manufacturers, that will create good-paying jobs with a free and fair chance to join a union, decrease the pollution fueling the climate crisis, and advance environmental justice.

IRA Section 50143 appropriated \$2 billion to provide grants for domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and hydrogen fuel cell electric vehicles, in accordance with Section 712 of the Energy Policy Act of 2005.² That section established the domestic manufacturing conversion grant program to provide grants and loan guarantees to clean vehicle manufacturers and suppliers, including component manufacturers. Section 712 states that “priority shall be given to the refurbishment and retooling of manufacturing facilities that have recently ceased operation or will cease operation in the near future.”³

Building on Section 712, IRA Section 50143 makes funding for such grants available through September 30, 2031, and provides that, “...the Secretary of Energy shall require a recipient of a grant to provide not less than 50 percent of the cost of the project carried out using the grant”. Additionally, Section 712 states that the “The Secretary may coordinate implementation of this section with State and local programs designed to accomplish similar goals, including the

¹ Infrastructure Investment and Jobs Act, Public Law 117-58 (November 15, 2021).

<https://www.congress.gov/bill/117th-congress/house-bill/3684>. This ALRD uses the more common name Inflation Reduction Act (IRA).

² Energy Policy Act of 2005 § 712, 42 U.S.C. § 16062.

³ Energy Policy Act of 2005 § 712, 42 U.S.C. § 16062(a)(3).

Questions about this ALRD? Email SMMConversion@netl.doe.gov.

Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.

retention and retraining of skilled workers from the manufacturing facilities, including by establishing matching grant arrangements.”⁴

i. Program Purpose

The U.S. Department of Energy (DOE) is partnering with states to make funds available to eligible small and medium manufacturers to accelerate the growth of domestic production capabilities for electric vehicles and components. With funding allocated under this ALRD the following goals will be targeted:

- Retain and/or return good-quality, high-paying jobs in facilities that have long served Internal Combustion Engine (ICE) vehicle manufacturing.
- Retain, strengthen, and expand collective bargaining agreements in automotive facilities.
- Support a just transition for workers and communities in the transition to electrified transportation, with particular attention to communities supporting facilities with longer histories in automotive manufacturing.
- Expand United States electric vehicle and component manufacturing to meet the goal of having at least 50 percent of all new passenger cars and light trucks sold in 2030 be zero-emission vehicles, including battery electric, plug-in hybrid electric, or fuel cell electric vehicles.
- Strengthen domestic supply chains for electrified vehicles as well as related components and materials.
- This ALRD is making available up to \$50 million in formula grants through a non-competitive process to eligible States.

The formula is based on a state’s proportion of the total automotive sector workforce among eligible states. Allocations may be adjusted by the number of States applying to participate in the program.

⁴ Energy Policy Act of 2005 § 712, 42 U.S.C. § 16062(b).

NOTE: States may only make subgrants to facilities that are internal combustion engine related commercial-scale vehicle assembly or component manufacturing facilities that intend to support the domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, or hydrogen fuel cell electric vehicles or components. See Section I.B.

As part of the whole-of-government approach to advance equity and encourage worker organizing and collective bargaining^{5,6,7} this ALRD and any related activities will seek to encourage meaningful engagement and participation of workforce organizations, including labor unions, as well as underserved communities and underrepresented groups, including Tribal Nations. In addition, consistent with Executive Order 14008⁸ this ALRD is designed to help meet the goal that 40% of the overall economic, environmental, and other benefits of certain federal investments flow to disadvantaged communities, as defined pursuant to the Executive Order⁹.

ii. Technology Space and Strategic Goals

This ALRD seeks applications to address how existing state programming can be leveraged to advance the domestic conversion grant program’s objectives of strengthening America’s electric vehicle production capacity. Detailed technical descriptions of the Topic Area are provided in the sections that follow.

B. Topic Area

This Program is to facilitate the conversion of Internal Combustion Engine manufacturing to Electric Vehicle manufacturing per IRA Section 50143. To achieve this objective, funding provided by DOE to Recipients under this Program

⁵ [EO 13985](#), “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” January 20, 2021. [EO 14091](#), “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” February 16, 2023.

⁶ [EO 14025](#), “Worker Organizing and Empowerment,” April 26, 2021.

⁷ [EO 14052](#), “Implementation of the Infrastructure Investment and Jobs Act,” November 18, 2021.

⁸ [EO 14008](#), “Tackling the Climate Crisis at Home and Abroad,” January 27, 2021.

⁹ Pursuant to [EO 14008](#), “Tackling the Climate Crisis at Home and Abroad,” January 27, 2021, and the Office of Management and Budget’s [Interim Justice40 Implementation Guidance M-21-28](#) and [Addendum M-23-09](#), DOE recognizes disadvantaged communities as the census tracts identified as disadvantaged by the White House Council on Environmental Quality’s Climate and Economic Justice Screening Tool (CEJST), located at <https://screeningtool.geoplatform.gov/>, as well as all Federally Recognized Tribes (whether or not they have land). See https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf. DOE’s Justice40 Implementation Guidance is located at <https://www.energy.gov/sites/default/files/2022-07/Final%20DOE%20Justice40%20General%20Guidance%20072522.pdf>.

may be used to provide subgrants to facilities that meet the provision's requirements to pursue conversion work.

This ALRD seeks applications from states intent on establishing programming to convert small and medium manufacturing facilities in ways that expand domestic production capability of electrified vehicles, as well as related components and materials, in the United States.

In addition, please review the Statement of Project Objectives (SOPO) in Appendix B.

All work for projects selected under this ALRD must be performed in the United States. See Section IV.H.iii. and Appendix D.

C. Applications Specifically Not of Interest

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

- Applications from States not included on the formula allocation list in Appendix A to this ALRD.
- Applications from any other entity (other than the six States) not included on the formula allocation list in Appendix A to this ALRD.

D. Community Benefits Plan: Job Quality, Equity and Justice⁴⁰

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 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).¹⁰ Please see Section IV.C.viii below for further details and requirements.

E. Authorizing Statutes

This ALRD is issued in accordance with statutory authority provided by:

¹⁰ The Justice40 Initiative, established by EO 14008, sets a goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities. Consistent with Justice40 guidance, DOE recognizes disadvantaged communities as the census tracts defined and identified as disadvantaged by the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool (CEJST), located at <https://screeningtool.geoplatform.gov/>, as well as all Federally Recognized Tribes (whether or not they have land). See https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf.

The Energy Policy Act of 2005, Section 712, as added by the Inflation Reduction Act, Section 50143 (codified as 42 U.S.C. 16062).

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

F. Notice of Inflation Reduction Act-Specific Requirements

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

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

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

II. Award Information

A. Award Overview

i. Estimated Funding

This ALRD is expected to make available up to \$50 million for new awards under this announcement. Funds will be distributed on a formula basis in accordance with the formula allocations included as Appendix A – State Formula Allocation List to this ALRD.

*Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.*

ii. Period of Performance

DOE anticipates making awards that will run for up to approximately five (5) years in length with one coextensive project/budget period.

iii. New Applications Only

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

B. DOE Funding Agreements

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

i. Formula Grants

DOE uses grants to provide financial and other support to prime recipients to accomplish a public purpose of support or stimulation authorized by federal statute. DOE has the authority to provide financial support to prime recipients through formula grants.

ii. Funding Agreements with Federally Funded Research and Development Center (FFRDCs)¹¹

When FFRDCs are not funded as subrecipients, FFRDCs are funded independently of the remainder of the project team. The FFRDC then executes an agreement with any non-FFRDC project team members to arrange work structure, project execution, and any other matters. Regardless of these arrangements, the entity that applied as the prime recipient for the project will remain the prime recipient for the project. See Section III.F.

III. Eligibility Information

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

¹¹ FFRDCs are public-private partnerships that conduct research for the U.S. government. A listing of FFRDCs can be found at <http://www.nsf.gov/statistics/ffrdclist/>.

A. Eligible Applicants

i. Restricted Eligibility

In accordance with 2 CFR 910.126, Competition, and Section 712, of the Energy Policy Act of 2005, eligibility for award is restricted to the six states identified in Appendix A – State Formula Allocation List.

DOE determined eligibility based on the following criteria:

1. An eligible grantee must be a State, a Territory, or the District of Columbia
2. An eligible grantee must have a workforce at least 0.5% of which is in the automotive sector (NAICS Codes 3361, 3362, and 3363)
3. An eligible grantee must qualify for at least \$4 million of grant funding according to the formula employed in Appendix A – State Formula Allocation Lists

DOE utilized data from the Bureau of Labor and Statistics' Economic News Release, Civilian labor force and unemployment by state for January 2024 in determining eligibility, as well as data from the Department of Homeland Security's Geospatial Management Office's Homeland Infrastructure Foundation-Level Data.

ii. Individuals

U.S. citizens and lawful permanent residents are eligible to apply for funding as a subrecipient or subcontractor.

iii. Domestic Entities

For-profit entities, educational institutions, and nonprofits that are organized, chartered, or incorporated (or otherwise formed) under the laws of the United States or a particular State or territory of the United States and have a physical location for business operations in the United States are eligible to apply for funding as a subrecipient or subcontractor.

State and local governmental entities and Indian Tribes are eligible to apply for funding as a subrecipient or subcontractor.

DOE/NNSA FFRDCs are eligible to apply for funding as a subrecipient or subcontractor but are not eligible to apply as a prime recipient. **NETL is not eligible for award under this announcement and may not be**

proposed as a subrecipient on another entity's application. An application that includes NETL as a prime recipient or subrecipient will be considered non-responsive.

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

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

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

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

iv. Foreign Entities

In limited circumstances, DOE may approve a waiver to allow a foreign entity to participate as a subrecipient. If the applicant seeks to include a foreign entity as a subrecipient, the applicant must submit a separate explicit written waiver request in the Full Application for each proposed foreign subrecipient.

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

B. Head of State Government Letter

Applicants must provide a "Head of State Government Letter", documenting their appointment as the sole entity within the State to apply for, receive, and administer the award as authorized by this ALRD.

C. Cost Sharing

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

The cost share must be at least 50% of the total project costs¹² for demonstration projects.¹³ The cost share must come from non-federal sources unless otherwise allowed by law.

In accordance with Section 50143 of the Inflation Reduction Act, cost sharing is required under this ALRD. Recipients must ensure that each project performed by subgrantees provide not less than 50 percent of the cost of the project carried out using the grant. Recipients must also ensure that additional cost share be provided to ensure that the total grant's cost share be not less than 50 percent of the grant (i.e. costs borne by the subgrantee funded by the grant to administer programming must be met with cost sharing by the Recipient or subgrantees).

To help applicants calculate proper cost share amounts, DOE has included a cost share information sheet and sample cost share calculation as Appendix C to this ALRD.

i. Legal Responsibility

Although the cost share requirement applies to the entire project, 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.

¹² Total project costs are the sum of the government share, including FFRDC costs if applicable, and the recipient share of project costs.

¹³ Energy Policy Act of 2005, Pub.L. 109-58, sec. 988. Also see 2 CFR 200.306 and 2 CFR 910.130 for additional cost sharing requirements.

iii. **Cost Share Types and Allowability**

Every cost share contribution must be allowable under the applicable federal cost principles, as described in Section IV.H.i. of the ALRD. 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 Guarantees 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 prime recipient and subrecipient(s) may not use the following sources to meet cost share obligations:

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

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

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

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

iv. Cost Share Contributions by FFRDCs

Because FFRDCs are funded by the federal government, costs incurred by FFRDCs generally may not be used to meet the cost share requirement. FFRDCs may contribute cost share only if the contributions are paid directly from the contractor's Management Fee or another non-federal source.

v. Cost Share Verification

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

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

vi. Cost Share Payment

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

In limited circumstances, and where it is in the government's interest, the DOE Contracting Officer may approve a request by the prime recipient to meet its cost share requirements on a less frequent basis, such as monthly or quarterly. Regardless of the interval requested, the prime recipient must be up to date on cost share at each interval. Such requests must be sent to the Contracting Officer

during award negotiations and include the following information: (1) a detailed justification for the request; (2) a proposed schedule of payments, including amounts and dates; (3) a written commitment to meet that schedule; and (4) such evidence as necessary to demonstrate that the prime recipient has complied with its cost share obligations to date. The Contracting Officer must approve all such requests before they go into effect.

D. Compliance Criteria

All applicant submissions must:

- Be submitted by an eligible State identified in Appendix A – State Formula Allocation List;
- Comply with the allocation amount for their respective State identified in Appendix A – State Formula Allocation List;
- Comply with the applicable content and form requirements listed in Section IV. of the ALRD;
- Include all required documents;
- Be successfully uploaded in S3 Exchange at <https://infrastructure-exchange.energy.gov/> including clicking the “Submit” button; and
- Be submitted by the deadline stated in the ALRD.

DOE will not review or consider submissions submitted through means other than S3 eXCHANGE, submissions submitted after the applicable deadline, or incomplete submissions.

Applicants are strongly encouraged to submit their Full Application at least 48 hours in advance of the submission deadline. Under normal conditions (i.e., at least 48 hours before the submission deadline), applicants should allow at least one hour to submit a Full Application. Once the Full Application is submitted in S3 eXCHANGE, applicants may revise or update that submission until the expiration of the applicable deadline. If changes are made to any of these documents, the applicant must resubmit the Full Application 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.

E. Responsiveness Criteria

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

F. Other Eligibility Requirements

i. Requirements for DOE/NNSA and Non-DOE/NNSA FFRDCs Included as a Subrecipient

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

a. Authorization for non-DOE/NNSA FFRDCs

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

b. Authorization for DOE/NNSA FFRDCs

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

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

c. Funding, Cost Share, and Subaward with FFRDCs

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

The applicant should prepare the budgets using rates appropriate for funding the FFRDCs through subawards. The applicant's cost share requirement will

be based on the total cost of the project, including the applicant's, the subrecipient's, and the FFRDC's portions of the project.

d. Responsibility

The prime recipient will be the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues, including but not limited to disputes and claims arising out of any agreement between the prime recipient and the FFRDC.

e. Limit on FFRDC Effort

The FFRDC effort, in aggregate, shall not exceed 10% of the total project cost¹⁴.

G. Questions Regarding Eligibility

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

IV. Application and Submission Information

A. Application Process

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

- Each must be submitted in Adobe PDF format unless stated otherwise;
- Each must be written in English;
- All pages must be formatted to fit on 8.5" x 11" paper with margins not less than one inch on every side. Use 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 S3 eXCHANGE application process. The control number must be included with all application documents. Specifically, the control number must be prominently

¹⁴ Total project cost is the sum of the government share, including FFRDC costs if applicable, and the recipient share of project costs.

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 S3 eXCHANGE

S3 eXCHANGE is designed to enforce the deadlines specified in this ALRD. The “Apply” and “Submit” buttons will automatically disable at the defined submission deadlines.

Applicants who experience technical difficulties with submission PRIOR to the ALRD deadline should contact the S3 eXCHANGE helpdesk for assistance (InfrastructureExchangeSupport@hq.doe.gov).

B. Application Forms

The application forms and instructions are available on the S3 eXCHANGE. To access these materials on S3 eXCHANGE, go to [Infrastructure eXCHANGE: Funding Opportunity \(energy.gov\)](https://infrastructure-exchange.energy.gov) and select the appropriate funding opportunity number.

Note: The maximum file size that can be uploaded to the S3 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 ALRD, it must be broken into parts and denoted to that effect. For example:

TechnicalVolume_Part_1

TechnicalVolume_Part_2

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

C. Content and Form of the Full Application

Applicants must complete the following application forms found on the S3 eXCHANGE website at <https://infrastructure-exchange.energy.gov/>.

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 requirements and must not exceed the stated page limits.

Component	File Format	Page Limit	File Name
SF-424: Application for Federal Assistance	PDF	N/A	ControlNumber_LeadOrganization_424
Technical Volume	PDF	510	ControlNumber_LeadOrganization_Technical Volume
Head of State Government Letter	PDF	1	ControlNumber_LeadOrganization_HGLetter
Budget Justification Workbook	MS Excel	N/A	ControlNumber_LeadOrganization_Budget_Justification
SF-LLL Disclosure of Lobbying Activities	PDF	N/A	ControlNumber_LeadOrganization_SF-LLL
Waiver Requests	PDF	N/A	ControlNumber_LeadOrganization_Waiver
Community Benefits Plan: Job Quality, Equity and Justice 40	PDF	5	ControlNumber_LeadOrganization_CBP
Environmental Questionnaire	PDF	N/A	ControlNumber_LeadOrganization_EQ
Transparency of Foreign Connections	PDF	N/A	BusinessSensitive_ControlNumber_LeadOrganization_TFC
Potentially Duplicative Funding Notice (if applicable)	PDF	N/A	ControlNumber_LeadOrganization_PDFN

Note: The maximum file size that can be uploaded to the S3 eXCHANGE website is 50MB. See Section IV.B.

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

ii. SF-424: Application for Federal Assistance

Applicants must complete the SF-424: Application for Federal Assistance, which is available on <https://infrastructure-exchange.energy.gov/>.

Effective January 1, 2020, the System for Award Management (SAM) is the central repository for common government-wide certifications and representations required of Federal grants recipients. As registration in SAM is required for eligibility for a federal award and registration must be updated annually, Federal agencies use SAM information to comply with award requirements and avoid increased burden and costs of separate requests for such information, unless the recipient fails to meet a federal award requirement, or there is a need to make updates to their SAM registration for other purposes.

Note: The dates (Block 17) and dollar amounts (Block 18) 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".

iii. Technical Volume

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

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

The Technical Volume to the Full Application may not be more than 10 pages, including the cover page, table of contents, and all citations, charts, graphs, maps, photos, or other graphics, and must include all information in the table below.

Technical Volume Content Requirements	
SECTION/PAGE LIMIT	DESCRIPTION
Cover Page	The cover page should include the project title, both the technical and business points of contact (including the Administrative Officer, if applicable), names of all team member organizations, names of project managers, senior/key personnel and their organizations, the project location(s) where the administrative work will be performed, and any statements regarding confidentiality.
Workplan	The workplan should include the following information: • Approach: i. Describe the proposed scope of activities to be carried out with the grant, including existing state programming federal funds to be leveraged, the manner by which States will select subrecipients, and the criteria the state will employ to select subgrantees. Subgrantees shall convert small and medium manufacturing facilities currently producing internal combustion engine vehicle equipment or supplies to electric

Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.

	vehicle equipment or supplies; including path to: 1. Retool facility; and 2. Retrain workforce. 2. Coordination and Engagement: a. Describe the proposed process and methodology that will be used to identify and prioritize facilities to receive subgrants for ICE to EV conversion. b. Describe proposed reporting and coordination, with states aggregating information from subawardees for reporting to DOE. 3. Estimated Impacts of the Approach a. Potential technologies in state that could be supported. b. Provide an estimate of the number of SMMs in the automotive sector in the State that will receive ICE to EV conversion subgrants. c. Provide an estimate of the amount of jobs that will convert to EV manufacturing from ICE, including the basis of estimates. 4. Buy America Requirements for Infrastructure Projects a. Within the first 2 pages of the Workplan, include a short statement on whether the project will involve the construction, alteration, and/or repair of infrastructure in the United States. See Appendix E for applicable definitions and other information to inform this statement.
--	---

iv. Head of State Government Letter

Applicants must provide a “Head of State Government Letter”, documenting their appointment as the sole entity within the State to apply for, receive, and administer the award as authorized by this ALRD. Save the information in a single PDF file named “ControlNumber_LeadOrganization_HGLetter.pdf”.

v. Budget Justification Workbook

Applicants shall not use more than 10 percent of the total Federal grant allocation amount to administer the grant and provide technical assistance in support of grant objectives.

For your convenience, a Budget Justification Workbook template is available on S3 eXCHANGE at <https://infrastructure-exchange.energy.gov/>. Applicants are strongly encouraged to use the suggested template. If applicants choose not use the suggested template, you must also submit an SF-424A Budget Information form (available on grants.gov) and include a breakdown of all costs by Budget Category as outlined in the SF-424A and the Budget Justification suggested

template, including all work to be performed by the prime recipient and its subrecipients and contractors. Applicants should include costs associated with implementing award requirements (e.g., Buy America requirements for infrastructure projects, Community Benefits Plan, reporting, oversight, construction signage¹⁵) 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” and “SF-424A” tabs 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”.

vi. SF-LLL: Disclosure of Lobbying Activities

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” (grants.gov/forms/forms-repository/sf-424-individual-family) or on S3 eXCHANGE at <https://infrastructure-exchange.energy.gov/> 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(s) in a single PDF file using the following convention for the title: “ControlNumber_LeadOrganization_SF-LLL”.

vii. Waiver Requests (if applicable)

Foreign Entity Participation

¹⁵ After receiving a DOE award, recipients are encouraged to display DOE Investing in America signage during and after construction. Guidance can be found at: (<https://www.energy.gov/design>). Proposed signage costs that meet these specifications are an allowable cost and should be included in the proposed project budget.

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

Performance of Work in the United States (Foreign Work Waiver Request)

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

For your convenience, a MESC Foreign Work Waiver Request template is available on S3 eXCHANGE at <https://infrastructure-exchange.energy.gov/>. Save the Waivers in a single PDF file using the following convention for the title: “ControlNumber_LeadOrganization_Waiver”.

viii. Community Benefits Plan: Job Quality, Equity, and Justice40

Job Quality

It is a priority of the Biden-Harris Administration that federal funding support a skilled and qualified workforce. States must describe how it will encourage recipients of funding to support and retain a well-qualified, skilled, trained, and stable workforce and enable high-quality jobs with the free and fair choice to join a union within the retooling and refurbishment of facilities. Strategies for meeting this section may include:

- Describing the State’s approach to selecting responsible contractors who invest in ongoing workforce education and training towards ensuring jobs are of sufficient quality to attract and retain skilled workers.
- Describing what flow-down requirements the State may apply to agreements that ensure the refurbishment and retooling of facilities result in high quality, good paying jobs. States should preference applications that demonstrate plans to create new jobs, retain current employees, or rehire former employees at or above the wages they were previously offered at that facility, with top quintile wages, and/or with union pattern wages and benefits.

Justice40 Initiative

This ALRD is a Justice40-covered program and as such contributes to the President’s goal that 40% of the overall benefits of certain Federal investments

in clean energy and climate solutions flow to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution. DOE strongly encourages eligible entities to maximize project benefits and describe how these benefits will flow to disadvantaged communities to the greatest extent practicable.

DOE has released General Guidance on Justice40 Implementation designed to help states and other interested parties incorporate Justice40 Initiative goals into DOE-funded projects. Information from the General Guidance on Justice40 Implementation is provided below.¹⁶

At minimum, States should detail how they will require recipients of funding meet the Justice40 Initiative according to the following:

1. Project Benefits and Tracking:

States should require recipients of federal funding to develop and sustain procedures and systems that can easily track what benefits are flowing to specific communities or locations (e.g., connecting benefits accrued with zip codes, and/or census tracts). Tracking benefits will allow funding recipients to measure progress and ensure programs are meeting intended goals. Further analysis of this data can also be used to empower program designers and lawmakers with information that is often needed to update or create new programs that better assist communities most in need.

Project benefits include (but are not limited to) to measurable direct or indirect investments or positive project outcomes that achieve or contribute to the following: (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 job creation, the clean energy job pipeline, and job training for individuals; (5) increases in clean energy enterprise creation and contracting); (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. Not all eight policy priorities will be applicable to all DOE programs or funding opportunities.

2. Identifying Disadvantaged Communities

The Justice40 Initiative sets a goal that 40% of the overall benefits of certain federal investments flow to “disadvantaged communities that are marginalized

¹⁶ DOE’s Justice40 Implementation Guidance is located at <https://www.energy.gov/media/277188>

by underinvestment and overburdened by pollution. Disadvantaged communities include the census tracts that are identified by CEJST, and all Federally Recognized Tribes and Tribal entities.” The tool can be located at <https://screeningtool.geoplatform.gov/>. States should explain how they will require recipients of funding identify whether the retooling and refurbishing of the proposed facility will benefit or impact a disadvantaged community as identified by CEJST.

The Community Benefits Plan must not exceed 5 pages. It must be submitted in PDF format using the following convention for the title: “Control Number_LeadOrganization_CBP.”

ix. Environmental Questionnaire

For the initial application, Applicants must complete the Environmental Questionnaire for the proposed primary work location(s) for the prime applicant activities. An Environmental Questionnaire template is available on S3 eXCHANGE at <https://infrastructure-exchange.energy.gov/>. Save the Environmental Questionnaire in a single PDF file using the following convention for the title “Control Number_LeadOrganization_EQ.”

Prior to beginning any work, subgrantees will be required to submit for DOE review and approval an Environmental Questionnaire for each work location proposed.

x. Transparency of Foreign Connections

Applicants must provide the following information as it relates to the proposed recipient and subrecipient(s). 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 physical 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, including the People's Republic of China;

-
4. Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;
 5. Percentage, if any, that the proposed recipient or subrecipient has foreign ownership or control;
 6. Percentage, if any, that the proposed recipient or subrecipient is wholly or partially owned, directly or indirectly, by an entity in a foreign country of risk;
 7. Percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk;
 8. Any technology licensing or intellectual property sales to a foreign country of risk, during the 5-year period preceding submission of the proposal;
 9. Any foreign equipment that will be used on the project:
 - a. Equipment originally made or manufactured in a foreign country of risk (including relabeled or rebranded equipment).
 - b. Coded equipment where the source code is written in a foreign country of risk.
 - c. Equipment from a foreign country of risk that will be connected to the internet or other remote communication system.
 - d. Any companies from a foreign country of risk that will have physical or remote access to any part of the equipment used on the project after delivery.
 10. Any foreign business entity, offshore entity, or entity outside the United States related to the proposed recipient or subrecipient;
 11. 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;
 12. 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.
 13. 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%;
 14. 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

15. 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.

A Transparency of Foreign Connections template is available on S3 eXCHANGE at <https://infrastructure-exchange.energy.gov/>. Save the Transparency of Foreign Connections information in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_TFC."

xi. Potentially Duplicative Funding Notice

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

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

D. 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:

-
- Community Benefits Implementation Plan (See Section IV.C.viii.);
 - Indirect cost information;
 - Other budget information;
 - Letters of Commitment from third parties contributing to cost share, if applicable;
 - DOE Work Proposed and Authorization from cognizant Contracting Officer for any proposed FFRDC participation;
 - 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; and
 - Environmental Questionnaire.

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

Each applicant 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 at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency (unless the applicant has an exception approved by the federal awarding agency under 2 CFR 25.110). 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](#).

F. Submission Dates and Times

All required submissions must be submitted in S3 eXCHANGE no later than 5 p.m. ET on the dates provided on the cover page of this ALRD.

G. Intergovernmental Review

This ALRD is not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

H. Funding Restrictions

i. Allowable Costs

All expenditures must be allowable, allocable, and reasonable in accordance with the applicable federal cost principles. Pursuant to 2 CFR 910.352, the cost principles in the Federal Acquisition Regulations (48 CFR 31.2) apply to for-profit

entities. The cost principles contained in 2 CFR Part 200, Subpart E apply to all entities other than for-profits.

ii. Pre-Award Costs

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

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

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

1. National Environmental Policy Act (NEPA) Requirements Related to Pre-Award Costs

DOE's decision whether and how to distribute federal funds under this ALRD is subject to NEPA. Applicants should carefully consider and should seek legal counsel or other expert advice before taking any action related to the proposed project that would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to DOE completing the NEPA review process.

DOE does not guarantee or assume any obligation to reimburse pre-award costs incurred prior to receiving written authorization from the Contracting Officer. If the applicant elects to undertake activities that DOE determines may have an adverse effect on the environment or limit the choice of reasonable alternatives prior to receiving such written authorization from the Contracting Officer, the applicant is doing so at risk of not receiving federal funding for its project and such costs may not be recognized as allowable cost share. Nothing contained in the pre-award cost reimbursement regulations or any pre-award costs approval letter from the Contracting Officer overrides the requirement to obtain the written authorization from the Contracting Officer prior to taking any action that may have an adverse effect on the environment or limit the choice of reasonable alternatives.

Likewise, if an application is selected for negotiation of award, and the prime recipient elects to undertake activities that are not authorized for federal funding by the Contracting Officer in advance of DOE completing a NEPA review, the prime recipient is doing so at risk of not receiving federal funding and such costs may not be recognized as allowable cost share.

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

1. Requirement

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

2. Failure to Comply

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

3. Waiver

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

The applicant does not have the right to appeal DOE's decision concerning a waiver request.

iv. Construction

Recipients are required to obtain written authorization from the Contracting Officer before incurring any major construction costs. Recipients are encouraged to display DOE Investing in America signage during and after construction. Guidance can be found at: (<https://www.energy.gov/design>). Proposed signage costs that meet these specifications are an allowable cost and should be included in the proposed project budget.

v. Foreign Travel

Foreign travel costs are not allowable under this ALRD.

vi. Equipment and Supplies

To the greatest extent practicable, all equipment and products purchased with funds made available under this ALRD should be American-made. This requirement does not apply to used or leased equipment.

vii. Build America Buy American Requirements for Infrastructure Projects

Pursuant to the Build America Buy America Act, subtitle IX of BIL (Buy America or BABA), and in accordance with 2 CFR Part 184, no funds for federal financial assistance which is subject to BABA requirements may be used for a project unless:

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

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

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

BABA requirements apply to DOE prime recipients that are "non-Federal entities." In accordance with OMB Memorandum M-24-02 and 2 CFR 200.1, the term "non-Federal entity" includes states, local governments, territories, Indian Tribes, Institutes of Higher Education, or non-profit organizations. DOE does not apply BABA requirements to for-profit entities.

Subawards should conform to the terms of the prime award from which they flow; in other words, for-profit prime recipients are not required to flow down these Buy America requirements to subrecipients, even if those subrecipients are non-Federal entities as defined above. Conversely, prime recipients which

are non-Federal entities must flow the Buy America requirements down to all subrecipients, even if those subrecipients are for-profit entities.

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

Applicants are strongly encouraged to consult Appendix D and 2 CFR Part 184 for more information

viii. Lobbying

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

Recipients and subrecipients are required to complete and submit SF-LLL, “Disclosure of Lobbying Activities” (grants.gov/forms/forms-repository/sf-424-individual-family) 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.

ix. Risk Assessment

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

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

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

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

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

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

x. Invoice Review and Approval

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

- Summary of costs by cost categories;
- Timesheets or personnel hours report;
- Invoices/receipts for all travel, equipment, supplies, contractual, and other costs;

-
- UCC filing proof for equipment acquired with project funds by for-profit recipients and subrecipients;
 - Explanation of cost share for invoicing period;
 - Analogous information for some subrecipients; and
 - Other items as required by DOE.

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

a. Prohibition

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

b. Definitions

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

compensation from a foreign institution, and some direct participants not to disclose their participation to U.S. entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

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

xii. Affirmative Action and Pay Transparency Requirements

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

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

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

DOL's Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule compliance evaluations. Consult OFCCP's Technical

Assistance Guide¹⁷ to gain an understanding of the requirements and possible actions the recipients, subrecipients, contractors, and subcontractors must take. Additional guidance may also be found in the National Policy Assurances, produced by DOE.

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

xiii. 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 it 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

¹⁷ See OFCCP's Technical Assistance Guide at:

<https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf?msclkid=9e397d68c4b111ec9d8e6fecb6c710ec> Also see the National Policy Assurances <http://www.nsf.gov/awards/managing/rtc.jsp>

Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.

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.

I. Application Review Information

i. Overview

Each application will be reviewed for eligibility and compliance with the requirements contained in the ALRD. Applications from any entity other than the six (6) States listed in Appendix A will be considered ineligible.

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.

V. Award Administration Information

A. Award Notices

i. 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 S3 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.

ii. Applicants Selected for Award Negotiations

DOE may stagger its selection determinations. As a result, some applicants may receive their notification letter in advance of other Applicants. 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 S3 eXCHANGE with whom DOE will communicate to conduct award negotiations. The applicant must be responsive during award negotiations (i.e., provide requested documentation) and meet the negotiation deadlines. If the applicant fails to do so or if award negotiations are otherwise unsuccessful, DOE will cancel the award negotiations and rescind the selection. DOE reserves the right to terminate award negotiations at any time for any reason.

Please refer to Section IV.H.ii. of the ALRD for guidance on pre-award costs.

B. Administrative and National Policy Requirements

i. Registration Requirements

There are several one-time actions applicants must take before applying to this ALRD. Some of these 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. S3 Exchange (eXCHANGE)

Register and create an account on S3 eXCHANGE at <https://infrastructure-exchange.energy.gov/>. This account will allow the user to apply to any open announcements in S3 eXCHANGE.

To access <https://infrastructure-exchange.energy.gov/>, potential applicants must have a [Login.gov](https://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 ALRD.** 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 ALRD.**

2. System for Award Management

Register in SAM (<https://www.sam.gov>). Please update your SAM registration annually.

3. FedConnect

Register in FedConnect (<https://www.fedconnect.net>).

4. Grants.gov

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

Electronic Authorization of Applications and Award Documents

Submission of an application and supplemental information under this ALRD through electronic systems used by the DOE, including S3 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 adopted and supplemented by 2 CFR Part 910.

iii. Foreign National Participation

All applicants selected for award negotiations and recipients of an award under this ALRD as well as project participants (including subrecipients and contractors) who anticipate involving foreign nationals in the performance of an award may

*Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.*

be required to provide DOE with specific information about each foreign national to satisfy requirements for foreign national participation. The volume and type of information collected may depend on various factors associated with the award. DOE concurrence may be required before a foreign national can participate in the performance of any work under an award.

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

A "foreign national" is defined as any person without U.S. citizenship or nationality (may include a stateless person). 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.

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

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 the National Environmental Policy Act (NEPA)

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

While NEPA compliance is a federal agency responsibility and the ultimate decisions remain with the federal agency, all applicants selected for award negotiations and recipients of 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 that certain documents must be prepared to complete the NEPA review process, the recipient may be required to prepare the documents and the costs to prepare the necessary documents may be included as part of the project costs. DOE will independently evaluate the environmental document and will take responsibility for the contents, including ensuring the professional integrity of the discussion and analysis, as required by NEPA.

National Historic Preservation Act (NHPA)

DOE must comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA) prior to deciding whether or how to distribute federal funds. Section 106 requires DOE to identify and consider adverse effects to historic properties that are listed in or eligible for listing in the National Register of Historic Places. DOE will perform a NHPA review under the umbrella of its NEPA review and will require applicants to assist in this review and consider impacts to historic, Tribal, and cultural resources.

vii. Flood Resilience

Executive Order 11988, Floodplain Management, requires agencies engage in a decision-making process to evaluate the potential effects of any action it may take in a floodplain and to avoid development in a floodplain to the extent possible. DOE procedures for implementing the Executive Order are in 10 CFR part 1022. Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (reinstated by EO 14030, Climate-Related Financial Risk), directs federal agencies 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:

*Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.*

climate-informed science (preferred), freeboard value, or 0.2% annual flood change (500-year floodplain). Selectees will be required to indicate whether the proposed project location(s) is within a floodplain, how the floodplain was defined, and how the project's design has been modified to reduce the risk of flood loss and minimize the impact of floods on human safety, health, and welfare. Information to assist in the implementation of these requirements is available at:

- <https://www.energy.gov/nepa/articles/eo-13690-establishing-federal-flood-risk-management-standard-and-process-further>
- <https://www.fema.gov/floodplain-management/intergovernmental/white-house-flood-resilience-interagency-working-group>
- <http://floodstandard.climate.gov>

viii. 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 ALRD, 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

*Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.*

In submitting an application to this ALRD 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 contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.
- 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.

ix. 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.

x. 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>.

xi. Reporting

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

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

- New manufacturing production or recycling capacity
- Jobs data, including:
 - Number and types of jobs provided, wages and benefits paid
 - Workforce demographics, including local hires
 - Efforts to minimize risks of labor disputes and disruptions
 - Dollar value of contributions to worker training; number of new employee certificates and training credentials; ratio of apprentice- to journey-level workers employed

-
- Number of individuals trained, number of trainees placed in new full-time employment, number of trainings partnering with community-based organizations or labor unions
 - Equity data, including:
 - Underrepresented¹⁸ businesses acting as vendors and subcontractors for bids on supplies, services, and equipment
 - Value, number, and type of partnerships with Minority Serving Institutions (MSIs)¹⁹
 - Stakeholder engagement events, community engagement process
 - Number and type of energy efficient and clean energy equipment installed
 - Funding leveraged, follow-on-funding, intellectual property generation and utilization

xii. Go/No-Go Review

Each project selected under this ALRD will be subject to a periodic project evaluation referred to as a Go/No-Go Review. A Go/No-Go Review is a risk management tool and a project management best practice to ensure that, for the current phase or period of performance, technical success is definitively achieved and potential for success in future phases or periods of performance is evaluated, prior to beginning the execution of future phases. At the Go/No-Go decision points, DOE will evaluate project performance, project schedule adherence, the extent milestone objectives are met, compliance with reporting requirements, and overall contribution to the program goals and objectives. Federal funding beyond the Go/No-Go decision point (continuation funding) is contingent upon (1) availability of federal funds appropriated by Congress for the purpose of this program; (2) the availability of future-year budget authority; (3) recipient's technical progress compared to the Milestone Summary Table stated in the Statement of Project Objectives attachment of the award; (4) recipient's submittal of required reports; (5) recipient's compliance with the terms and conditions of the award; (6) DOE's Go/No-Go decision; (7) the recipient's

¹⁸ Underrepresented" refers to populations sharing a particular characteristic, as well as geographic communities, that are shown to have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by communities that have been denied fair, just, and impartial treatment, which may include Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; persons otherwise adversely affected by persistent poverty or inequality; women; and veterans

¹⁹ Minority-Serving Institution is defined in 7 CFR § 3430.302.

submission of a continuation application;²⁰ and (8) written approval of the continuation application by the Contracting Officer.

As a result of the Go/No-Go Review, DOE may, at its discretion, authorize the following actions: (1) continue to fund the project, contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority; (2) recommend redirection of work under the project; (3) place a hold on federal funding for the project, pending further supporting data or funding; or (4) discontinue funding the project because of insufficient progress, change in strategic direction, or lack of funding.

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

xiii. 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.

xiv. Uniform Commercial Code (UCC) Financing Statements

Per 2 CFR 910.360 (Real Property and Equipment) when a piece of equipment is purchased by a for-profit recipient or subrecipient with federal funds, and when

²⁰ A continuation application is a non-competitive application for an additional budget period within a previously approved project period. At least ninety (90) days before the end of each budget period, the recipient must submit its continuation application, which includes the following information:

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

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.

xv. 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 ALRD, 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. In addition, pursuant to the FY23 Consolidated Appropriations Act (Pub.

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

xvi. 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.

xvii. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)²¹ 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 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.

²¹ DOE’s interim COI Policy can be found at <https://www.energy.gov/management/department-energy-interim-conflict-interest-policy-requirements-financial-assistance>.

xviii. 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/recipients 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.

xix. Construction Signage

After receiving a DOE award, recipients are encouraged to display DOE Investing in America signage during and after construction. Guidance can be found at: (<https://www.energy.gov/design>). Proposed signage costs that meet these specifications are an allowable cost and should be included in the proposed project budget.

C. Government-Generated Statement of Project Objectives (SOPO)

DOE has generated a Statement of Project Objectives (SOPO) to be used on all awards. Applicants should review the SOPO to be aware of Project Requirements. The SOPO is located in Appendix B of this ALRD. A SOPO for subawardees is located in Appendix B.1.

VI. Questions/Agency Contacts

Questions regarding this ALRD must be submitted to SMMConversion@netl.doe.gov no later than three (3) business days prior to the application due date and time.

All questions and answers related to this ALRD will be posted on S3 eXCHANGE at <https://infrastructure-exchange.energy.gov/Default.aspx>. **You must first select the ALRD Number to view the questions and answers specific to this ALRD.** DOE 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 S3 eXCHANGE website should be submitted to InfrastructureExchangeSupport@hq.doe.gov.

VII. Other Information

A. ALRD Modifications

Amendments to this ALRD will be posted on S3 eXCHANGE and the Grants.gov system. However, you will only receive an email when an amendment or a ALRD is posted on these sites if you register for email notifications for this ALRD in Grants.gov. DOE recommends that you register as soon after the release of the ALRD as possible to ensure you receive timely notice of any amendments.

B. Government Right to Reject or Negotiate

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

C. Commitment of Public Funds

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

*Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.*

D. Treatment of Application Information

Applicants should not include trade secrets or business-sensitive, proprietary, or otherwise confidential information in their application unless such information is necessary to convey an understanding of the proposed project or to comply with a requirement in the ALRD. 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 any document of the submission that contains such information. 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 Trade Secrets, Business-Sensitive, Proprietary, or Otherwise Confidential Information Exempt from Public Disclosure,” and (2) every line or paragraph containing such information must be clearly marked with double brackets or highlighting. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

E. Evaluation and Administration by Non-Federal Personnel

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

F. Notice Regarding Eligible/Ineligible Activities

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

G. Notice of Right to Conduct a Review of Financial Capability

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

H. Requirement for Full and Complete Disclosure

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

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

I. Retention of Submissions

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

J. Copyright

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

K. Export Control

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

The recipient must immediately report to DOE any export control investigations, indictments, charges, convictions, and violations upon occurrence, at the recipient or subrecipient level, and provide the corrective action(s) to prevent future violations.

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

As set forth in 2 CFR 200.216, recipients and subrecipients are prohibited from obligating or expending project funds (federal funds and recipient cost share) to

*Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.*

procure or obtain; extend or renew a contract to procure or obtain; exercise an option to procure, or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use *covered telecommunications equipment or services* as a substantial or essential component of any system, or as critical technology as part of any system. As described in Section 889 of Public Law 115-232, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

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

M. Personally Identifiable Information (PII)

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

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

N. Annual Independent Audits

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

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

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

APPENDIX A – STATE FORMULA ALLOCATION LIST

Formula Allocation List				
Number of Eligible States	State	Automotive Manufacturing Workforce	% of total eligible states' automotive manufacturing workforce	Allocation^
1	MI	180,680	36.81%	\$ 18,406,420
2	OH	92,009	18.75%	\$ 9,373,236
3	IN	86,090	17.54%	\$ 8,770,250
4	KY	47,868	9.75%	\$ 4,876,459
5	TN	44,307	9.03%	\$ 4,513,689
6	IL	39,853	8.12%	\$ 4,059,946
TOTAL (all eligible states)		490,807	100%	\$ 50,000,000
FORMULA $\text{Allocation} = \frac{\text{State's Automotive Manufacturing Workforce}}{\text{Total eligible states' automotive workforce}} \times (\$50,000,000)$				
Data source: Department of Homeland Security, Geospatial Management Office's Homeland Infrastructure Foundation-Level Data				

Questions about this ALRD? Email SMMConversion@netl.doe.gov.
 Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.

APPENDIX B.1 – GOVERNMENT GENERATED STATEMENT OF PROJECT OBJECTIVES (SOPO)

PROJECT OBJECTIVES

This project is in direct support of Section 50143 of the Inflation Reduction Act. The objective of this project is to enable Small and Medium Manufacturers to receive subawards from State Recipients to accelerate the growth of domestic production capability of electric vehicles and components to meet anticipated increased demand for clean energy technologies as the economy transitions to net-zero emissions.

SCOPE OF WORK

To achieve the objectives of this project, a Recipient shall provide subawards to domestic entities to perform conversion activities in accordance with Section 50143 of the Inflation Reduction Act. Subgrantees shall be selected by the State in a manner that it deems most fit, with assurance that subgrantees shall submit to the State prior to subaward the project's technology impact, business viability, financing plan (including cost share and cost sources), Project Team and Approach, quality jobs and just transition plan, and labor and community benefits implementation plan.

The Recipient shall ensure that all selected Subgrantees submit an National Environmental Policy Act (NEPA) Environmental Questionnaire (EQ) for DOE review and approval. The Recipient shall not execute any subaward prior to receiving NEPA approval from DOE.

Each year, the Recipient shall provide a Program Narrative that describes the Recipient's approach to making subawards, the projects assumed by subgrantee, the proposed funding distributions and recipients of the subawards to be provided by the Recipient. At a minimum, Recipients should provide a Project Narrative for each subaward. A template for subaward Project Narrative is in Appendix B.2.

The Recipient shall not use more than 10 percent of the total Federal grant allocation amount to administer the grant and provide technical assistance in support of grant objectives.

The Recipient shall monitor the execution and performance of the projects and provide the implementation status, progress towards measurable performance targets, and verifiable progress towards resilience objectives, as part of its QPRs to the Department of Energy.

Periodic and final reports will be submitted in accordance with the attached "Federal Assistance Reporting Checklist" and the instructions accompanying the checklist.

APPENDIX B.2 – GOVERNMENT-GENERATED STATEMENT OF PROJECT OBJECTIVES (SOPO) FOR SUBAWARDEES – PROGRAM NARRATIVE TEMPLATE

[The Program Narrative shall not be more than 8 pages and shall utilize the following format. The Program Narrative should NOT include confidential, proprietary, business sensitive, or privileged information. Additionally, the Program Narrative should NOT include \$\$\$ amounts, dates, timeframes, time durations, brand names, individual names, or specific work sites, and should not allocate tasks to subcontractors, vendors, or partners (the award is with the prime recipient).]

A. OBJECTIVES

The objective of the project is.... *[Include a sentence or two on the overall objective(s) of the work. Please make sure the objective aligns with the objective from the ALRD and this section should include any measurable “requirements”, “specifications”, or “metrics” mentioned in the ALRD. E.g., efficiency increase of $\geq XX\%$, energy density of $\geq YY$, etc. This should NOT exceed one paragraph.]*

B. SCOPE OF WORK

[This section should not exceed one-half page and should summarize the effort and approach to achieve the objective(s) of the work.]

The project will be conducted in X budget periods:

Budget Period 1: [Title]: *[Generally, discuss activities that will occur in the budget period.]*

Budget Period 2: [Title]: *[Generally, discuss activities that will occur in the budget period.]*

Budget Period X: [Title]: *[Generally, discuss activities that will occur in the budget period.]*

C. TASKS TO BE PERFORMED

*[This section should include concisely written task descriptions in a logical sequence and should be divided into the budget periods of the project. It should provide a **brief summary** of the planned approach to this project, avoiding task details that may overly limit flexibility in achieving the overall objectives.]*

The following tasks will be conducted:

ALL BUDGET PERIODS: Overall Project Management and Planning

The recipient will perform project management activities to include project planning and control, subcontractor control, financial management, data management, management of supplies and/or equipment, risk management, and reporting as required to successfully achieve the overall objectives of the project. The recipient will monitor the project Schedule

Questions about this ALRD? Email SMMConversion@netl.doe.gov.

Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.

Performance Index (SPI) and Cost Performance Index (CPI) based upon the baseline total project value, scope, and schedule and provide an assessment of variations from baseline and the recommended mitigations.

Task 0.0 – Project Management and Planning:

The recipient shall develop and maintain the Project Management Plan (PMP). The content, organization, and requirements for revision of the PMP are identified in the Federal Assistance Reporting Checklist and Instructions, which can be found in the award attachments. The recipient must add an Earned Value Management Plan (EVMP) as an appendix to the PMP. The recipient shall manage and implement the project in accordance with the PMP.

Task 0.1 – Kick-Off Meeting:

The recipient will participate in a project kickoff meeting with the DOE within 30 days of project initiation.

BUDGET PERIOD 1: [Title]

Task 1.1 – [Title]:

Subtask 1.1.1 – The recipient will [insert description of work to be performed].

Subtask 1.1.2 – The recipient will [insert description of work to be performed].

Task 1.2 – [Title]:

Subtask 1.2.1 – The recipient will [insert description of work to be performed].

Subtask 1.2.2 – The recipient will [insert description of work to be performed].

[Each budget period must contain one significant SMART (Specific, Measurable, Achievable, Realistic, and Time Bound) technical milestone per quarter and one Go/No-Go Decision Point. The Go/No-Go Decision Point needs to address the progression towards the objective of the project (building modification, construction, manufacturing capacity creation, etc.).]

Milestone	Type	Description
Milestone Title	Technical	[Insert verbiage. (Example: Building Design Complete)]
Milestone Title	Technical	[Insert verbiage. (Example: Long Lead Equipment Ordered)]
Milestone Title	Technical	[Insert verbiage.]
Milestone Title	Technical	[Insert verbiage.]
Go/No-Go Decision Title	Go/No-Go	[Insert verbiage. (Example: NEPA Finding of No Significant Impact)]

Continuation: The recipient is **NOT** authorized to initiate any scope in the next budget period without the DOE Contracting Officer’s prior written approval in accordance with the award terms and conditions.

BUDGET PERIOD 2: [Title]

Task 2.1 – [Title]:

Subtask 2.1.1 – The recipient will [insert description of work to be performed].

Task 2.2 – [Title]:

Subtask 2.2.1 – The recipient will [insert description of work to be performed].

[Each budget period must contain one significant SMART technical milestone per quarter and one Go/No-Go Decision Point.]

Milestone	Type	Description
Milestone Title	Technical	[Insert verbiage.]
Milestone Title	Technical	[Insert verbiage.]
Milestone Title	Technical	[Insert verbiage.]
Milestone Title	Technical	[Insert verbiage.]
Go/No-Go Decision Title	Go/No-Go	[Insert verbiage. (Example: Building Construction Complete and Equipment Installed)]

Continuation: The recipient is **NOT** authorized to initiate any scope in the next budget period without the DOE Contracting Officer’s prior written approval in accordance with the award terms and conditions.

BUDGET PERIOD 3: [Title]

Task 3.1 – [Title]:

Subtask 3.1.1 – The recipient will [insert description of work to be performed].

Task 3.2 – [Title]:

Subtask 3.2.1 – The recipient will [insert description of work to be performed].

[Each budget period must contain one significant SMART technical milestone per quarter and one Go/No-Go Decision Point.]

Milestone	Type	Description
Milestone Title	Technical	[Insert verbiage.]

Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.

Milestone Title	Technical	<i>[Insert verbiage.]</i>
Milestone Title	Technical	<i>[Insert verbiage.]</i>
Milestone Title	Technical	<i>[Insert verbiage. (Example: 100% Production Capacity Achieved)]</i>

*[The Program Narrative should not include a Go/No-Go Decision in the **last** budget period or “continuation” approval language after the last budget period.]*

DELIVERABLES

In addition to the reports specified in the "Federal Assistance Reporting Checklist," the recipient will provide the following to the DOE Project Officer (identified in Block 15 of the Assistance Agreement as the Program Manager):

[Insert deliverable here]

BRIEFINGS AND TECHNICAL PRESENTATIONS

Detailed project status update briefings at Washington, D.C., or via communication/conferencing media approximately twice per year. Briefings will explain the plans, progress, and results of the technical effort.

Technical paper(s) and presentations as appropriate at technical society meetings or at technical exchange meetings.

APPENDIX C – 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 are generally the same for all types of entities. The specific rules applicable to:

*Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.*

-
- 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.

*Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.*

DOE Financial Assistance Rules 2 CFR Part 200 as adopted and supplemented 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 D – WAIVER REQUESTS FOR: 1. FOREIGN ENTITY PARTICIPATION; AND 2. FOREIGN WORK

1. Waiver for Foreign Entity Participation

Many of the technology areas DOE funds fall in the category of critical and emerging technologies (CETs). CETs are a subset of advanced technologies that are potentially significant to United States national and economic security.²² For projects selected under this ALRD, all recipients and subrecipients must be organized, chartered, or incorporated (or otherwise formed) under the laws of a state or territory of the United States; have majority domestic ownership and control; and have a physical location for business operations in the United States. To request a waiver of this requirement, an applicant must submit an explicit waiver request in the Full Application.

Waiver Criteria

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

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

Content for Waiver Request

A Foreign Entity waiver request must include the following:

- a. Information about the entity: name, point of contact, and proposed type of involvement in the project;
- b. Country of incorporation, the extent of the ownership/level control by foreign entities, whether the entity is state owned or controlled, a summary of the

²² See [Critical and Emerging Technologies List Update \(whitehouse.gov\)](https://www.whitehouse.gov/critical-emerging-technologies/).

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

DOE may also require:

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

DOE may require additional information before considering the waiver request.

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

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

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

*Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.*

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

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

DOE may require additional information before considering the waiver request.

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

APPENDIX E – Buy America Requirements for Infrastructure Projects

Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

A. Definitions

For purposes of the Buy America Requirement, the following definitions apply:

Components See 2 CFR 184.3 Definitions

Construction Materials See 2 CFR 184.3 Definitions

“Buy America Preference,” “Buy America Requirement,” or “domestic content procurement preference” means the requirements set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds subject to the requirements are made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

Infrastructure See 2 CFR 184.4(c) and (d).

Manufactured Products See 2 CFR 184.3 Definitions

Predominantly of iron or steel See 2 CFR 184.3 Definitions.

Infrastructure project See 2 CFR 184.3 Definitions

B. Buy America Requirement for Infrastructure Projects (Buy America Requirement)

None of the award 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 is 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

*Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in subject line.*

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. See 2 CFR 184.5 for determining the cost of components for manufactured products; and

(3) all construction materials²³ are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. See 2 CFR 184.6 for construction material standards.

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

The Buy America Requirement only applies to an article, material, or supply classified into one of the following categories* based on its status at the time it is brought to the work site for incorporation into an infrastructure project:

- (i) Iron or steel products;
- (ii) Manufactured products; or
- (iii) Construction materials;

The Buy America Requirement only applies to the iron or steel products, manufactured products, and construction materials used for the construction, alteration, maintenance, or repair of public infrastructure in the United States when those items are consumed in, incorporated into, or permanently affixed to the infrastructure. An article, material, or supply incorporated into an infrastructure project should not be considered to fall into multiple categories, but rather must meet the Buy America Preference Requirement for only the single category in which it is classified.

The Buy America Requirement applies to public infrastructure projects in the United States. For purposes of this guidance, applicants should consider whether the infrastructure project will serve a public function. Infrastructure projects should generally be considered “public” if the infrastructure is: publicly owned, privately owned but operated on behalf of the public, or is a place of public accommodation. Review the implementation guidance in OMB Memorandum

²³ Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

[OMB Memorandum M-24-02](#) and consult with DOE if you are unsure if your project is subject to Buy America requirements.

All iron and steel, manufactured products, and construction materials used in the infrastructure project must be produced in the United States.

** Section 70917(c) Materials* are cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives as provided in section 70917(c) of BABA. Section 70917 (c) materials are excluded from Construction materials. Asphalt concrete pavement mixes are typically composed of asphalt cement (a binding agent) and aggregates such as stone, sand, and gravel. Accordingly, asphalt is also excluded from the definition of Construction materials.

Section 70917(c) materials, on their own, are not manufactured products. Further, Section 70917(c) materials should not be considered manufactured products when they are used at or combined proximate to the work site—such as is the case with wet concrete or hot mix asphalt brought to the work site for incorporation. However, certain Section 70917(c) materials (such as stone, sand, and gravel) may be used to produce a manufactured product, such as is precast concrete. Precast concrete is made of components, is processed into a specific shape or form, and is in such state when brought to the work site. Furthermore, wet concrete should not be considered a manufactured product if not dried or set prior to reaching the work site.

Further clarification is provided in 2 CFR Part 184 on the circumstances under which a determination is made that Section 70917(c) materials should be treated as components of a manufactured product. That determination is based on consideration of: (i) the revised definition of the “manufactured products” at 2 CFR 184.3; (ii) a new definition of “section 70917(c) materials” at 2 CFR 184.3; (iii) new instructions at 2 CFR 184.4(e) on how and when to categorize articles, materials, and supplies; and (iv) new instructions at 2 CFR 184.4(f) on how to apply the Buy America preference by category.

The recipient is responsible for flowing the Buy America Requirement down to all subawards, contracts, subcontracts, and purchase orders for work performed under the proposed infrastructure project, including to For-Profit Entities when the For-Profit Entity is a subrecipient or subawardee.

Recipients must certify or provide equivalent documentation for proof of compliance that a good faith effort was made to solicit bids for domestic products used in the infrastructure project under this award.

Recipients must also maintain certifications or equivalent documentation for proof of compliance that those articles, materials, and supplies that are consumed in, incorporated into, affixed to, or otherwise used in the infrastructure project, not covered by an approved waiver

or an exemption provided in 2 CFR 184.8, are produced in the United States. The certification or proof of compliance must be provided by the suppliers or manufacturers of the iron, steel, manufactured products and construction materials and flow up from all subawardees, contractors and vendors to the recipient. Recipients must keep these certifications with the award/project files and be able to produce them upon request from DOE, auditors or Office of Inspector General.

C. DOE Submission Requirements for Full Application

Within the first two pages of the workplan or project description, applicants must provide a short statement on whether the project will involve the construction, alteration, maintenance and/or repair of infrastructure in the United States. The ultimate determination about whether a project includes infrastructure remains with DOE, but the applicant's statement will assist project planning and integration of the Buy America Requirement, which may impact the project's proposed budget and/or schedule.

D. Waivers

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

- (1) applying the Buy America requirements would be inconsistent with the public interest (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 (Non-Availability); or
- (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (Unreasonable Cost).

DOE will only process waiver requests after an award has been made but prior to any purchase of items the recipient is seeking to waive, and for which the requests have been submitted in accordance with the term and conditions of the award. Waiver requests must be reviewed by DOE and the Office of Management and Budget's Made in America Office and are subject to a public comment period of no less than 15 calendar days.

DOE or OMB may request additional information for consideration of the waiver. DOE may reject or grant waivers in whole or in part depending on its review, analysis, and/or feedback from OMB or the public. DOE's final determination regarding approval or rejection of the waiver request may not be appealed by a recipient.

Requests to waive the Buy America Requirement must include the following:

- Waiver type (Public Interest, Non-Availability, or Unreasonable Cost);
- Recipient name and Unique Entity Identifier (UEI);
- Award information (Federal Award Identification Number, Assistance Listing number);
- A brief description of the project, its location, and the specific infrastructure involved;
- Total estimated project cost, with estimated federal share and recipient cost share breakdowns;
- Total estimated infrastructure costs, with estimated federal share and recipient cost share breakdowns;
- List and description of iron or steel item(s), manufactured goods, and/or construction material(s) the recipient seeks to waive from the Buy America Requirement, including name, cost, quantity(ies), country(ies) of origin, and relevant Product Service Codes (PSC) and North American Industry Classification System (NAICS) codes for each;
- A detailed justification as to how the non-domestic item(s) is/are essential the project;
- A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and non-proprietary communications with potential suppliers;
- A justification statement—based on one of the applicable justifications outlined above—as to why the listed items cannot be procured domestically, including the due diligence performed (e.g., market research, industry outreach, cost analysis, cost-benefit analysis) by the recipient to attempt to avoid the need for a waiver. This justification may cite, if applicable, the absence of any Buy America-compliant bids received for domestic products in response to a solicitation;
- A description of the market research conducted that includes who conducted the market research, when it was conducted, sources that were used, and the methods used to conduct the research; and Anticipated impact to the project if no waiver is issued.

APPENDIX F – LIST OF ACRONYMS

BIL	Bipartisan Infrastructure Law
CETs	Critical and Emerging Technologies
CEJST	Climate and Economic Justice Screening Tool
CEQ	Council on Environmental Quality
COI	Conflict of Interest
CRADA	Cooperative Research and Development Agreement
DEC	Determination of Exceptional Circumstances
DEIA	Diversity, Equity, Inclusion, and Accessibility
DMP	Data Management Plan
DOE	Department of Energy
DOI	Digital Object Identifier
DOL	Department of Labor
EO	Executive Order
FAR	Federal Acquisition Regulation
FCOI	Financial Conflicts of Interest
FFATA	Federal Funding and Transparency Act of 2006
ALRD	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FFRDC	Federally Funded Research and Development Center
GAAP	Generally Accepted Accounting Principles
HBCUs	Historically Black Colleges and Universities
ICE	Internal Combustion Engine
IPMP	Intellectual Property Management Plan
IRB	Institutional Review Board
IRA	Inflation Reduction Act
M&O	Management and Operating
MFA	Multi-Factor Authentication
MPIN	Marketing Partner ID Number
MSI	Minority-Serving institution
MYPP	Multi-Year Program Plan
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NNSA	National Nuclear Security Administration
NSF	National Science Foundation
OFCCP	Office of Federal Contractor Compliance Programs
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSS	Open-Source Software
OSTI	Office of Scientific and Technical Information

*Questions about this ALRD? Email SMMConversion@netl.doe.gov.
 Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in
 subject line.*

OTA	Other Transactions Authority
PII	Personal Identifiable Information
RD&D	Research, Development, and Demonstration
RFI	Request for Information
RFP	Request for Proposal
SAM	System for Award Management
SciENCv	Science Experts Network Curriculum Vita
SMART	Specific, Measurable, Achievable, Relevant, and Timely
SOPO	Statement of Project Objectives
SPOC	Single Point of Contact
STEM	Science, Technology, Engineering, and Mathematics
TAA	Technical Assistance Agreement
TIA	Technology Investment Agreement
TRL	Technology Readiness Level
UCC	Uniform Commercial Code
UEI	Unique Entity Identifier
WBS	Work Breakdown Structure
WP	Work Proposal

Questions about this ALRD? Email SMMConversion@netl.doe.gov.
Problems with eXCHANGE? Email InfrastructureExchangeSupport@hq.doe.gov Include ALRD name and number in
subject line.
