

# FINANCIAL ASSISTANCE FUNDING OPPORTUNITY ANNOUNCEMENT



## Department of Energy (DOE) Grid Deployment Office (GDO) Puerto Rico Energy Resilience Fund: Resilient Communities Program

Funding Opportunity Announcement (FOA) Number: DE-FOA-0003348

FOA Type: **Modification 000001**

Assistance Listing Number: 81.254

FOA Issue Date:	August 28, 2024
<b>Amendment 000001</b>	<b>09/23/2024</b>
Submission Deadline for Full Applications:	October 22, 2024, 5:00pm ET
Expected Date for DOE Selection Notifications:	December 2024
Expected Date for Award:	March 2025

**Applicants requiring translation assistance to submit applications in English under this FOA must contact DOE no later than two weeks prior to the application due date at: [gduuertorico@hq.doe.gov](mailto:gduuertorico@hq.doe.gov). Email subject line should contain DE-FOA-0003348.**

Questions about this FOA? Email [GDO\\_FOA3348@netl.doe.gov](mailto:GDO_FOA3348@netl.doe.gov)  
Problems with Clean Energy Infrastructure eXCHANGE? Email [infrastructureexchangesupport@hq.doe.gov](mailto:infrastructureexchangesupport@hq.doe.gov)  
Include FOA name and number in subject line.

# AMENDMENTS

All changes to the Funding Opportunity Announcement as a result of this amendment are highlighted in yellow.

Amendment No.	Date	Description of Amendment
000001	09/23/2024	<ul style="list-style-type: none"><li>• Section I.C.iii Award and Project Management Approach: is updated to further define the Go/No-Go review process prior to construction.</li><li>• Section II.C.i Estimated Funding, Number of Awards, and Award Size: is updated to further define the Go/No-Go review process prior to construction.</li></ul>

## Registration Requirements

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

- **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 number 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 exempt 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.

**Due to the high demand of SAM registrations and UEI requests, entity legal business name and address validations are taking longer than expected to process. Entities**

should start the SAM and UEI registration process as soon as possible. If entities have technical difficulties with the SAM registration or UEI validation process they should utilize the [HELP](#) feature on [SAM.gov](#). SAM.gov will work entity service tickets in the order in which they are received and asks that entities not create multiple service tickets for the same request or technical issue. Additional entity validation resources can be found here: [GSAFSD Tier 0 Knowledge Base - Validating your Entity](#).

- **UEI** – Applicants must obtain an UEI from the SAM to uniquely identify the entity. The UEI is available in the SAM entity registration record.

**NOTE:** First tier subawardees/subrecipients must also obtain an UEI from the SAM and provide the UEI to the Prime Recipient before the subaward can be issued. Full registration in SAM is not required to obtain an UEI for subaward reporting.

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

To access INFRASTRUCTURE eXCHANGE, potential applicants must have a Login.gov account (<https://www.login.gov/>). 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.

It is recommended that each organization or business unit, whether acting as a team or a single entity, use only one account as the contact point for each submission. Applicants should also designate backup points of contact so they may be easily contacted if deemed necessary. **This step is required to apply to this FOA.** The INFRASTRUCTURE eXCHANGE registration does not have a delay; however, **the remaining registration requirements below could take several weeks to process and are necessary for a potential Applicant to receive an award under this FOA.**

Questions related to the registration process and use of the INFRASTRUCTURE eXCHANGE website should be submitted to:  
[INFRASTRUCTUREeXCHANGESupport@hq.doe.gov](mailto:INFRASTRUCTUREeXCHANGESupport@hq.doe.gov).

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

- **FedConnect.net:** Register in FedConnect (<https://www.fedconnect.net>). To create an organization account, your organization's EBiz POC in SAM must create the account. For more information about registration requirements review the FedConnect Ready, Set, Go! Guide at [https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect\\_Ready\\_Set\\_Go.pdf](https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf).
- **Electronic Authorization of Applications and Award Documents:** Submission of an application and supplemental information under this FOA through electronic systems used by the DOE, including INFRASTRUCTURE eXCHANGE and FedConnect, constitutes the authorized representative's approval and electronic signature.

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# I. Funding Opportunity Description

## A. Authorizing Statute

The programmatic authorizing statute is the Consolidated Appropriations Act, 2023 (Public Law 117-328), Division N, Disaster Relief Supplemental Appropriations Act, 2023, Title IV, Department of Energy, Energy Programs, Electricity, which provides “\$1,000,000,000, to remain available until expended, to carry out activities to improve the resilience of the Puerto Rican electric grid, including grants for low- and moderate-income households and households that include individuals with disabilities for the purchase and installation of renewable energy, energy storage, and other grid technologies: provided, that the Department of Energy shall coordinate with the Federal Emergency Management Agency and the Department of Housing and Urban Development on these activities.”

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

## B. Background/Description

### i. Background and Purpose

In December 2022, President Biden signed the FY 2023 Consolidated Appropriations Act into law, which included \$1B to drive key investments in renewable and resilient energy infrastructure in Puerto Rico. On February 21, 2023, DOE’s Grid Deployment Office (GDO) established the Puerto Rico Energy Resilience Fund (PR-ERF) to administer the \$1B through programs focused on both residential and community-based energy resilience investments, including but not limited to, solar photovoltaic (PV) and battery storage deployments, as well as community partnerships and other activities to grow Puerto Rico’s clean energy economy. Puerto Rico is located in a region prone to extreme weather events such as hurricanes, earthquakes, tropical storms, and floods. These events have damaged energy infrastructure, disrupted power supply, and exacerbated the challenges of energy delivery and restoration. As a result of these recent natural disasters and decades of underinvestment in the electric grid, funding will be provided to increase energy resilience and reduce the energy burden of the most vulnerable populations and disadvantaged communities.

To date, DOE has awarded 10 cooperative agreements<sup>1 2</sup> with potential value of up to \$450M to solar companies, non-profits, and community-based organizations to support the installation of residential solar PV and battery storage systems to very low-income Puerto Rican households either located in areas that experience frequent and prolonged power outages or that include a resident with an energy-dependent disability.

This Funding Opportunity Announcement (FOA) seeks to improve resilience at a community level for vulnerable populations and disadvantaged communities. Specifically, this FOA is targeting installations for common areas within public or privately owned subsidized multi-family properties to ensure low- and moderate-income individuals or individuals with energy dependent disabilities (Topic Area 1) and community healthcare facilities have continuous access to critical services during power outages (Topic Area 2).

This FOA has three Strategic Goals:

1. Mitigate against the disproportionate impacts associated with severe and prolonged power outages affecting low- and moderate-income residents of public or privately owned subsidized multi-family properties through energy resilience investments.
2. Enable quality, equitable health care services for the most vulnerable populations and disadvantaged communities, who include the medically underserved in Puerto Rico, by ensuring energy reliability and resiliency.
3. Support the growth of the clean energy workforce in Puerto Rico.

## ii. Priority Areas for Investment

The following are high-priority areas for investment under this FOA. These areas will be evaluated in the merit review (See Section V.A of the FOA), including:

- Projects that target facilities or properties in the most vulnerable populations and disadvantaged communities, including those serving low- and moderate-income or disabled households throughout Puerto Rico.
- Projects that cover multiple facilities that increase building resilience against extreme weather and adapt to the changing energy and technology landscapes.
- Projects that take advantage of the “solar readiness” of facilities or properties.
- Projects that implement replicable approaches to reducing operating costs and increasing climate resilience for facilities or properties in disadvantaged communities, including the most vulnerable communities serving low- and moderate-income or disabled households throughout Puerto Rico.
- Projects that measurably improve the electric resilience of a power system within eligible facilities serving the population during and after a hazard event as well as the severity of the

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<sup>1</sup> <https://www.energy.gov/articles/doe-announces-440-million-install-rooftop-solar-and-batteries-puerto-ricos-most-vulnerable>

<sup>2</sup> <https://www.energy.gov/articles/doe-announces-over-13-million-connect-more-puerto-rico-communities-residential-solar-and>

post-event outages (i.e. high-90 days or longer power outage, medium-between 30- and 90-days power outage, and low-30 days or less power outage) of the feeder(s) to which the project is connected.

- Teams that prioritize capacity building by including local entities and organizations.

### **iii. Teaming Partner List (Optional)**

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

Updates to the Teaming Partner List will be available in the Clean Energy Infrastructure Funding Opportunity Exchange ("INFRASTRUCTURE eXCHANGE ") website. The Teaming Partner List will be regularly updated to reflect new teaming partners who provide their organization's information.

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

**DISCLAIMER:** By submitting a request to be included on the Teaming Partner List, the requesting organization consents to the publication of the above-referenced information. By facilitating the Teaming Partner List, DOE is not endorsing, sponsoring, or otherwise evaluating the qualifications of the individuals and organizations that are identifying themselves for placement on this Teaming Partner List. DOE will not pay for the provision of any information, nor will it compensate any applicants or requesting organizations for the development of such information.

### **iv. Diversity, Equity, Inclusion and Accessibility**

It is the policy of the Biden Administration that<sup>3</sup>:

The Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our government. Because advancing equity requires a systematic approach to embedding fairness in decision-

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<sup>3</sup> [Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.](#)

making processes, executive departments, and agencies must recognize and work to address inequities in their policies and programs that serve as barriers to equal opportunity.

By advancing equity across the Federal Government, we can create opportunities for the improvement of communities that have been historically underserved, which benefits everyone. This funding opportunity is solely focused on supporting installations for common areas within public or privately owned subsidized multi-family properties to ensure low- and moderate-income individuals or individuals with energy dependent disabilities and community healthcare facilities have continuous access to critical services during power outages. Applicants are highly encouraged to include disadvantaged communities or underrepresented populations as a core element of their mission, including Minority Serving Institutions (MSIs), underrepresented businesses, Tribal, nonprofit, or community-based organizations, that meet the eligibility requirements are encouraged to participate on an application as a proposed partner to the prime Applicant.

Accordingly, the Selection Official may consider these types of entities as part of the selection decision. (See Section V.D. of the FOA)

#### **v. Definitions**

- **Applicant:** Entity that applies for direct DOE financial assistance under this FOA for any of the Topic Areas.
- **Awardee:** Applicant entity that receives a financial assistance award for any of the Topic Areas in this FOA.
- **Beneficiary:** Low- and moderate-income individuals or individuals with energy dependent disabilities.
- **Common Area:** All areas and facilities within a public housing property or privately owned subsidized multi-family properties, not specifically reserved for one occupant's exclusive use.
- **Community Healthcare Facility:** Institutions, centers, or clinics that provide medical services within a specific geographic area or community. These facilities are often accessible and tailored to meet the healthcare needs of the local population. For the purpose of this FOA, the following entities are considered community healthcare facilities:
  - **Health Centers (also known locally as Centros 330):** as covered in *Section 330 of the Public Health Services Act*, means entities that meet the requirements and standards to qualify as Health Centers and that apply for, and receive Health Center Program funds from the Health Resources and Services Administration, under the Health Center Program authorized by Section 330 of the Public Health Service Act. These centers are designed to provide healthcare services to communities that would otherwise have limited access to healthcare, either due to financial, geographical, or

cultural limitations. Health Centers offer a wide range of primary care services, including preventive care, dental care, mental health services, and pharmacy services, among others.

- **Diagnostic & Treatment Centers (CDTs, for its Spanish acronym):** as defined by the Puerto Rico Act 101 of 1965, as amended, also known as the “Health Facilities Act,” means independent facilities or operated in combination with a hospital that provides services to the community for the diagnosis and treatment of outpatient patients, under the professional supervision of individuals authorized to practice medicine, surgery, or dentistry in Puerto Rico.
- **Dialysis Centers:** means any appropriate space for carrying out hemodialysis procedures is defined as a specialized facility with a dedicated room in a hospital or clinic staffed by nurses and technicians specialized in hemodialysis.
- **Disadvantaged communities:** Census tracts that are identified by the Climate and Economic Justice Screening Tool (CEJST); Federally Recognized Tribes (per EOP, Addendum on using the CEJST, [M-23-09](#)); and geographically dispersed individuals that experience common conditions, such as migrant farmworkers (per EOP, Interim Implementation Guidance for the Justice40 Initiative, [M-21-28](#))
- **Equity:** the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as 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; and persons otherwise adversely affected by persistent poverty or inequality.
- **Low- and Moderate-Income (LMI):** Refers to the residents of Puerto Rico below eighty percent (80%) of the Area Median Family Income (AMFI) as established by HUD.<sup>4</sup>
- **Nonprofit Organization:** See [2 CFR 200.1](#).
- **Public Housing Property:** Housing assisted under the provisions of the U.S. Housing Act of 1937 to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.
- **Recipient:** See [2 CFR 200.1](#).
- **Resilience:** Ability to prepare for and adapt to changing conditions and recover rapidly from operational disruptions. Resilience includes the ability to withstand and recover from deliberate attacks, accidents, or naturally occurring threats or incidents.
- **Subaward:** See [2 CFR 200.1](#).
- **Subrecipient:** See [2 CFR 200.1](#).

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<sup>4</sup> Current CDBG income limits for Puerto Rico can be found on the HUD website: <https://www.hudexchange.info/resource/5334/cdbg-income-limits/>.

- **Privately Owned Subsidized Multi-Family Properties:** Privately owned subsidized properties in Puerto Rico with a project-based rental assistance contract issued under the Office of Multifamily Housing Programs, which includes 198 properties, supporting over 20,700 households. These multi-family properties contain more than 4 rental units per property and participate in HUD’s Section 8 Project Based Rental Assistance (PBRA) program under a Housing Assistance Payments (HAP) Contract, Section 202 Project Rental Assistance Contracts (PRAC), and Section 811 PRAC. The Section 202 PRAC are for elderly persons, the Section 811 PRAC are for persons with disabilities, and the Section 8 PBRA program covers all household types: families, elderly and disabled. Each property is identified by a unique HUD Property ID number, also known as an iREMS number. In addition, privately owned USDA financed properties in Puerto Rico which includes 83 properties supporting 4,464 households of family, elderly, and disabled household types; specifically, the Section 514, 515, and 516 financed properties, along with any properties that have been restructured under USDA’s Multifamily Housing Preservation and Revitalization pilot program. These multi-family properties also participate in the Section 521 Project-Based Rental Assistance Program which currently provides rental subsidy for 3,773 households.
- **Underserved Communities:** populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity.”
- **Vulnerable Populations:** Groups of people at higher risk for health disparities by virtue of their race or ethnicity, socio-economic status, geography, gender, age, disability status, or other risk factors associated with sex and gender, as defined in the glossary of The Health Resources and Services Administration (HRSA) Bureau of Health Workforce, [Glossary | Bureau of Health Workforce \(hrsa.gov\)](https://www.hrsa.gov/glossary), an agency of the Department of Health and Human Services.

## C. Topic Areas

### i. **Topic Area 1: Solar PV and Battery Storage Installations for Common Areas within Public or Privately Owned Subsidized Multi-Family Properties**

#### **Objectives**

This Topic Area will solicit applications to deploy solar PV and battery storage installations, using commercially available technology, to improve the resilience of common areas within public or privately owned subsidized multi-family properties in Puerto Rico, such as those assisted by the U.S. Department of Housing and Urban Development (HUD).

Solar PV and battery storage systems will be used to power common areas, including but not limited to, community centers, located within the footprint of public or privately owned subsidized multi-family properties to ensure residents have continuous access to electricity during power outages. Resulting awards will also support the development of a Power Emergency Plan developed over a maximum 5-year timeframe in conjunction with residents and community leaders of each public or privately owned subsidized multi-family property project defining the allowable uses of the common area, including but not limited to, community centers, in case of an emergency.

### **Award and Funding Size**

Topic Area 1 solicits applications to plan, design, and/or build resilient solar PV and battery storage systems and develop a Power Emergency Plan. GDO anticipates awarding a total of between \$93M and \$185M, for 1–2 individual awards.

Awardees are expected to provide no less than 10% cost share for all phases.

While the awards will be structured as cost-reimbursement-type overall, DOE may provide a fixed payment amount of funding to cover up to 90% of the upfront incurred project cost (i.e., design, engineering, procurement, installation, and construction) expenditures for the project on a full-portfolio or site-specific basis at DOE’s discretion. Awardees are expected to provide no less than 10% cost share for all phases.

Solar PV and battery storage system installations would occur over a maximum 5-year timeframe.

Before deciding to award funding, DOE will complete environmental review under the National Environmental Policy Act (NEPA). Awards consisting solely of design activities may be eligible for review using a categorical exclusion. Before deciding to award construction funds, DOE may need to complete additional environmental review.

### **Eligible Projects**

DOE will issue awards to plan, design and/or deploy solar PV and battery storage systems to power critical loads within common areas, including but not limited to, community centers, of qualifying housing projects:

- i. Public housing properties: Housing assisted under the provisions of the U.S. Housing Act of 1937 to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.
- ii. Privately Owned Subsidized Multi-Family Properties: Privately owned subsidized properties in Puerto Rico with a project-based rental assistance contract issued under the Office of Multifamily Housing Programs, which includes 198 properties, supporting over 20,700 households. These multi-family properties contain more than 4 rental units per property and participate in HUD’s Section 8 Project Based



Rental Assistance (PBRA) program under a Housing Assistance Payments (HAP) Contract, Section 202 Project Rental Assistance Contracts (PRAC), and Section 811 PRAC. The Section 202 PRAC are for elderly persons, the Section 811 PRAC are for persons with disabilities, and the Section 8 PBRA program covers all household types: families, elderly and disabled. Each property is identified by a unique HUD Property ID number, also known as an iREMS number. In addition, privately owned USDA financed properties in Puerto Rico which includes 83 properties supporting 4,464 households of family, elderly, and disabled household types; specifically, the Section 514, 515, and 516 financed properties, along with any properties that have been restructured under USDA's Multifamily Housing Preservation and Revitalization pilot program. These multi-family properties also participate in the Section 521 Project-Based Rental Assistance Program which currently provides rental subsidy for 3,773 households.

Proposed systems can include, but are not limited to:

- Installation of solar PV panels together with the battery storage system;
- Upgrades, expansion, or integration of solar PV and battery storage systems in structures that already have an operational PV panel system in optimal conditions, as determined by DOE;
- Upgrades to the local distribution infrastructure as a result of solar PV and battery storage installations that may be identified through an interconnection study; and
- Energy efficiency upgrades that would have a material impact on the critical loads to be covered by the PV and storage installation (HVAC systems and lighting), if identified through the energy audit.

The solar panels will be exclusively installed on the roof or within the footprint (e.g., parking lot) of the property and should be designed to withstand potential physical impacts from natural hazards. Rooftop space should be maximized before considering ground-mounted options. Generally speaking, projects that are designed to avoid or minimize environmental effects, particularly those on cultural or biological resources that may be eligible for expeditious environmental review, which in turn could expedite award approval. Such projects will generally avoid disturbance to any natural areas and avoid siting of facilities within a floodway. In addition, facilities sited at a building that is 50 years old or greater should avoid visibility of the installation from a public right-of-way and avoid structural modifications to the existing structure. Projects that have the potential for significant environmental effects may encounter schedule delays due to more extensive environmental review requirements.

Applicants may propose a wide range of business models to deploy and maintain solar PV and battery storage systems, including, but not limited to, direct ownership and third-party ownership. For the avoidance of doubt, project teams may propose a structure in which the DOE funding is used to defray upfront costs incurred by an installer, with the value of the DOE



funding reflected to the site in the form of reduced power purchase agreement payments or similar approaches. All models must comply with the applicable Federal financial assistance regulations at 2 CFR Part 200 and 910, including but not limited to, cost principles/allowability, equipment title, use, and disposition, accounting for any applicable Federal interest in the equipment, and proper subrecipient/contractor designations.

If applicants employ a third-party ownership model, and solar developers or for-profit entities are expecting the award to cover 90% of the capital costs, the applicant must clearly indicate how cost savings will be reflected in the product offered to the facility and in the facility's overall energy costs under the third-party ownership model. Applications will be evaluated on the extent to which benefits from solar PV and battery storage installations accrue to customers and the surrounding communities. If selected, financing models and plans for cost savings will also be subject to negotiation with DOE during the negotiation phase of the award process, and DOE may rescind an award selection if inadequate savings are passed through to the intended beneficiaries of the FOA.

Additional technical and operational requirements are shown in Appendix F.

### **Project Examples**

For clarification only, a non-exhaustive list of illustrative examples includes solar PV and battery storage to provide resilient power (i.e., electric power in the absence of electric service from the electric grid) for the following applications:

- Community center located within public or privately owned subsidized multi-family property allowing residents to charge communication devices, refrigerate medication, and power medical devices after a natural disaster;
- Elevators in public or privately owned subsidized multi-family property with a high percentage of elderly residents or individuals with disabilities to ensure access to and from their residence in case of an emergency; and
- Recreational room within public or privately owned subsidized multi-family property with a communal kitchen to provide residents access to food and refrigeration during an outage.

### **Teaming Arrangement**

Teams should include members that have an existing, physical presence in Puerto Rico and are in financial and regulatory good standing. All teams will be required to have appropriate teaming partnerships needed to successfully coordinate and complete multiple PV and storage installations (e.g., 100-150 sites) supporting the objectives of this FOA. Multi-stakeholder teams will be best positioned to ensure efforts and objectives supported by this FOA have the necessary support from relevant partners, community members and stakeholders to be successful both during and after the project period. Partnerships in the form of multi-stakeholder teams may include:

- Eligible entity as listed in the FOA as the lead organization to represent the team;
- Representative that has official decision-making authority for all identified target facilities, if different from the lead organization<sup>5</sup>;
- Expert local consultant with a demonstrated track record in the development, design, and/or engineering of solar PV and battery storage systems in Puerto Rico or, preferably, in the target community;
- All other entities and organizations that together have sufficient authority and influence to ensure overall success in applying the Federal funding within the community toward achieving this FOA’s objectives of energy resilience.

Teaming partnerships should include Puerto Rican-based entities, which may include but not limited to, the following types of organizations: non-profit organizations, community-based organizations, and grassroots organizations, solar installations companies, design and engineering firms, an energy service company (ESCO), consultants, corporations or similar organizations contributing to the economic development of the community, in particular: the community’s small- to mid-size businesses majority owned or controlled by underrepresented persons or groups of underrepresented persons.

## **ii. Topic Area 2: Solar PV and Battery Storage Installations for Community Healthcare Facilities**

### **Objectives**

This Topic Area will solicit applications to deploy solar PV and battery storage installations, using commercially available technology, to enhance the resilience of community healthcare facilities preferably serving low- and moderate-income communities. Community health facilities are those institutions, centers, or clinics that provide medical services within a specific geographic area or community. These facilities are often accessible and tailored to meet the healthcare needs of the local population, thus representing a critical asset in not only providing essential medical services but also in overcoming the formidable barriers posed by geographic isolation.

### **Award and Funding Size**

Topic Area 2 solicits applications to implement to plan, design, and/or build resilient solar PV and battery storage systems where GDO anticipates awarding a total of between \$70M and \$140M for 1–2 individual awards.

Awardees are expected to provide no less than 10% cost share for all phases.

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<sup>5</sup> NOTE: Additional target facilities may be identified as part of the Design phase.

While the awards will be structured as cost-reimbursement-type overall, DOE may provide a fixed payment amount of funding to cover up to 90% of the upfront incurred project cost (i.e., design, engineering, procurement, installation, and construction) expenditures for the project on a full-portfolio or site-specific basis at DOE's discretion. Awardees are expected to provide no less than 10% cost share for all phases.

Solar PV and battery storage system installations would occur over a maximum 5-year timeframe.

DOE anticipates issuing a NEPA Categorical Exclusion for the Phase 1, Design, of this Topic Area. Applicants selected for award will be required to adhere to NEPA requirements specific to Phase 2, Construction. Awardees will receive additional guidance prior to initiating the Phase 2.

### **Eligible Projects**

DOE will issue awards to plan, design and/or deploy solar PV and battery storage systems, designed to withstand potential physical impacts from natural hazards, at the following qualifying health facilities:

1. **Health Centers (also known locally as Centros 330):** as covered in *Section 330 of the Public Health Services Act* means entities that meet the requirements and standards to qualify as Health Centers and that apply for and receive Health Center Program funds from the Health Resources and Services Administration, under the Health Center Program authorized by Section 330 of the Public Health Service Act. These centers are designed to provide healthcare services to communities that would otherwise have limited access to healthcare, either due to financial, geographical, or cultural limitations. Health centers offer a wide range of primary care services, including preventive care, dental care, mental health services, and pharmacy services, among others.
2. **Diagnostic and Treatment Centers (CDT):** as defined by the Puerto Rico Act 101 of 1965, as amended, also known as the *Health Facilities Act*. Diagnostic and Treatment Centers are independent facilities or operated in combination with a hospital that provide services to the community for the diagnosis and treatment of outpatient patients, under the professional supervision of individuals authorized to practice medicine, surgery, or dentistry in Puerto Rico.
3. **Dialysis Center:** means the appropriate space for carrying out hemodialysis procedures which is defined as a specialized facility with a dedicated room in a hospital or clinic staffed by nurses and technicians specialized in hemodialysis.

Proposed systems can include:

- Installation of solar PV panels together with the battery storage system;

- Upgrades, expansion, or integration of solar PV and battery storage systems in structures that already have an operational PV panel system in optimal conditions, as determined by DOE;
- Upgrades to the local distribution infrastructure as a result of solar PV and battery storage installation that may be identified through an interconnection study; and
- Energy efficiency upgrades that would have a material impact on the critical loads to be covered by the PV and storage installation (HVAC systems and lighting), if identified through the energy audit.
- Upgrades to a connected microgrid in order for the solar PV and battery storage system to connect (e.g., operational management system to tie into the microgrid).

The solar panels will be exclusively installed on the roof or within the footprint (e.g., parking lot) of the property and should be designed to withstand potential physical impacts from natural hazards. Rooftop space should be maximized before considering ground-mounted options. Generally speaking, projects that are designed to avoid or minimize environmental effects, particularly those on cultural or biological resources that may be eligible for expeditious environmental review, which in could turn expedite award. Such projects will generally avoid disturbance to any natural areas and avoid siting of facilities within a floodway. In addition, facilities sited at a building that is 50 years old or greater should avoid visibility of the installation from a public right-of-way and avoid structural modifications to the existing structure. Projects that have the potential for significant environmental effects may encounter schedule delays due to more extensive environmental review requirements.

Applicants may propose a wide range of business models to deploy and maintain solar PV and battery storage systems, including, but not limited to, direct ownership, third-party ownership, and more. For the avoidance of doubt, project teams may propose a structure in which the DOE funding is used to defray upfront costs incurred by an installer, with the value of the DOE funding reflected to the site in the form of reduced power purchase agreement payments or similar approaches. All models must comply with the applicable Federal financial assistance regulations at 2 CFR Part 200 and 910, including but not limited to, cost principles/allowability, equipment title, use, and disposition, accounting for any applicable Federal interest in the equipment, and proper subrecipient/contractor designations.

Additional technical and operational requirements are shown in Appendix F.

### **Project Examples**

For clarification only, a non-exhaustive list of illustrative examples includes solar PV and battery storage systems to provide resilient power (i.e., electric power in the absence of electric service from the electric grid) for the following applications:

- Vaccination clinic of a Healthcare Center in rural area that is prone to frequent and prolonged power outages to ensure continued refrigeration of vaccine vials during a power outage;
- Emergency room section of a Diagnostic and Treatment Center in a low-income community to provide critical health services after a natural disaster; and
- Dialysis center to provide continuous dialysis treatment to individuals with a kidney-related disability.

### **Teaming Arrangement**

Teams should include members that have an existing, physical presence in Puerto Rico and are in financial and regulatory good standing. All teams will be required to have the appropriate teaming partnerships needed to successfully coordinate and complete multiple PV and storage installations (e.g., 50-100 sites) supporting the objectives of this FOA. Multi-stakeholder teams will be best positioned to ensure efforts and objectives supported by this FOA have the necessary support from relevant partners, community members and stakeholders to be successful both during and after the project period. Partnerships in the form of multi-stakeholder teams may include:

- Eligible entity as listed in the FOA as the Lead organization to represent the team;
- Representative that has official decision-making authority for all identified target facilities, if different from the lead organization<sup>6</sup>;
- Expert local consultant with a demonstrated track record in the development, design, and/or engineering of solar PV and battery storage systems in Puerto Rico or, preferably, in the target community;
- All other entities and organizations that together have sufficient authority and influence to ensure overall success in applying the Federal funding within the community toward achieving this FOA’s objectives of energy resilience.

Teaming partnerships should include Puerto Rican-based entities, which may include but not limited to, the following types of organizations: non-profit organizations, community-based organizations, and grassroots organizations, solar installations companies, design and engineering firms, an energy service company (ESCO), consultants, corporations or similar organizations contributing to the economic development of the community, in particular: the community’s small- to mid-size businesses majority owned or controlled by underrepresented persons or groups of underrepresented persons.

### **iii. Award and Project Management Approach**

Awards issued under this FOA will consist of a phased approach with two budget periods to manage scope, schedule, deliverables, and budget, with formal Go/No-Go decision points between the Design (Phase 1) and Construction (Phase 2) of the system(s). Funding for the

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<sup>6</sup> NOTE: additional target facilities may be identified as part of the Design phase.

Construction phase will be contingent upon the successful completion of the Design phase. Each site is subject to a Go/No-Go review prior to construction. Go/No-Go reviews may occur on a time-based (e.g., quarterly) and/or batch-size (e.g., groups of 20 sites) basis. At the Go/No-Go decision point, 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. Specific Go/No-Go criteria will be defined further in the FOA and will be negotiated with each selected project. In addition to the Go/No-Go decision point, projects may be discontinued if award requirements are not met, throughout the life of the award, in accordance with award terms and conditions and applicable Federal financial assistance regulations.

Table 1 shows an example of the expected activities and deliverables for each phase. Items listed under Phase 1 are indicative of the type and scope of activities recipients should plan to execute Phase 1 if they receive an award. DOE will review and evaluate these deliverables at the end of Phase 1, and with successful completion and available funding, projects will proceed to Phase 2.

Table 1:

	Phase 1: Design	Phase 2: Construction
Approximate Proportion of Project Cost	10–30%	70–90%
Approximate Duration	12–24 months	12–48 months
Phase Summary	Workplan - Load analysis, engineering and operational design, and financial planning	Permitting, procurement, installation, integration, and construction activities

### Phase 1: Design

Phase 1 will be aimed at supporting recipients’ efforts to secure necessary partnerships, conducting facility-level energy audits, identifying critical facility loads to be powered, natural hazard and climate risk assessments, resiliency hours needed, project economics (potential savings) completing system design and cost estimates, issuing requests for proposals (if applicable) for system installations, completing any Build America, Buy America (BABA) waiver requests (if necessary), siting (if applicable), and completing the NEPA processes.

By the end of Phase 1, engineering and operational designs should be sufficiently mature to support completion and execution of relevant procurement or construction contracts and overall commencement of major project execution tasks.

Expected Phase 1 deliverables include:

- Completed energy audit for all targeted facilities.

- A profile of priority, critical loads to be covered by the system installation.
- A final list of all facility sites chosen for system installation.
- Completed engineering evaluation and design (90%) that accounts for physical risk from natural hazards, cost and schedule estimates for Phase 2 construction.
- Teaming partner list with secured commitments from all team members necessary for Phase 2 construction.
- Qualifications, certifications, licenses, and good-standing documentation for installation partner.
- Approvals from building owner for system installation (if primary applicant does not own the building).
- A description of the type of business model being pursued to deploy and maintain solar PV and battery storage systems.
- Agreements for long-term operations and maintenance of the installed system.
- Identification of any commercial, technical, construction, schedule, regulatory, permitting, safety, scale-up, infrastructure, financial, management, organizational, and market related risks with proposed mitigations.
- Completed Environmental Questionnaire (EQ) to assess any environmental issues at the chosen site(s). The purpose of the EQ is to facilitate DOE's review of the environmental effects of the proposal under NEPA before DOE makes a decision on whether to award funds for construction.
- Updated Budget and SOPO/Workplan.
- If necessary, BABA waiver request documentation.

## **Phase 2: Construction**

Phase 2 will support completion of any net metering agreements and results of an interconnection request to the Transmission and Distribution Operator (i.e., LUMA Energy), solar readiness tasks, installation, inspection, and commissioning.

All necessary permits and approvals must be acquired to prepare for construction, including completion of required NEPA reviews and regulatory approvals.

## **D. Applications Specifically Not of Interest**

The following types of applications will be deemed nonresponsive and will not be reviewed or considered (See Section III, Eligibility Information; Responsiveness Criteria):

- Submissions that fall outside the technical parameters specified in Section I "Funding Opportunity Description" of the FOA, such as installing other forms of generation (e.g., diesel generation).



- Applications that include single-family residential use applications of the solar PV and battery storage system.
- For Topic Area 1:
  - Applications for installations that do not serve a community center, a common area within a public housing property or privately-owned subsidized multi-family project.
  - Applications that do not cover one or both of the following types of facilities:
    - Public housing properties: Housing assisted under the provisions of the U.S. Housing Act of 1937 to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.
    - Privately-Owned Subsidized Multi-Family Properties: Privately owned subsidized properties in Puerto Rico with a project-based rental assistance contract issued under the Office of Multifamily Housing Programs, which includes 198 properties, supporting over 20,700 households. These multi-family properties contain more than 4 rental units per property and participate in HUD’s Section 8 Project Based Rental Assistance (PBRA) program under a Housing Assistance Payments (HAP) Contract, Section 202 Project Rental Assistance Contracts (PRAC), and Section 811 PRAC. The Section 202 PRAC are for elderly persons, the Section 811 PRAC are for persons with disabilities, and the Section 8 PBRA program covers all household types: families, elderly and disabled. Each property is identified by a unique HUD Property ID number, also known as an iREMS number. In addition, privately owned USDA financed properties in Puerto Rico which includes 83 properties supporting 4,464 households of family, elderly, and disabled household types; specifically, the Section 514, 515, and 516 financed properties, along with any properties that have been restructured under USDA’s Multifamily Housing Preservation and Revitalization pilot program. These multi-family properties also participate in the Section 521 Project-Based Rental Assistance Program which currently provides rental subsidy for 3,773 households.
- For Topic Area 2:
  - Applications for installations on a facility not defined as a Healthcare Center (330), Diagnostic & Treatment Center (CDT), or dialysis center.
  - Applications where the solar PV and battery storage system will serve loads not considered critical, as defined by the facility owner.
  - Applications that do not cover the following types of facilities:
    - **Health Centers (also known locally as Centros 330)**: as covered in *Section 330 of the Public Health Services Act*, means entities that meet the requirements and standards to qualify as Health Centers and that apply for, and receive Health Center Program funds from the Health Resources and Services Administration, under the Health Center Program authorized by Section 330 of the Public Health Service Act. These centers are designed to provide healthcare services to communities that would otherwise have limited access



to healthcare, either due to financial, geographical, or cultural limitations. Health centers offer a wide range of primary care services, including preventive care, dental care, mental health services, and pharmacy services, among others.

- **Diagnostic and Treatment Centers (CDT):** as defined by the Puerto Rico Act 101 of 1965, as amended, also known as the *Health Facilities Act*. Diagnostic and Treatment Centers are independent facilities or operated in combination with a hospital that provide services to the community for the diagnosis and treatment of outpatient patients, under the professional supervision of individuals authorized to practice medicine, surgery, or dentistry in Puerto Rico.
- **Dialysis Center:** means the appropriate space for carrying out hemodialysis procedures which is defined as a specialized facility with a dedicated room in a hospital or clinic staffed by nurses and technicians specialized in hemodialysis.

## II. Award Information

### A. Type of Application

DOE will accept only new applications under this announcement.

### B. DOE Funding Agreements

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

#### i. Cooperative Agreements

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

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

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

#### ii. Other Transactions Authority

If determined necessary to better achieve the program mission, DOE will consider issuing an award using its Other Transactions Authority (OTA). An Other Transaction (OT) is a legal

agreement between DOE and a non-federal entity that is generally defined by what it is not – it is not a procurement contract or financial assistance agreement used by the federal government to obtain supplies and services or support a public purpose. An OT Agreement provides the flexibility to adopt and incorporate business practices that reflect commercial industry standards and best practices into its award instruments. OT agreements are not subject to the requirements of 2 CFR Part 200 as adopted and supplemented by 2 CFR Part 910.

In an OT agreement, DOE will negotiate all terms and conditions, including but not limited to:

- Intellectual Property Provisions: DOE may negotiate special arrangements with recipients to modify existing intellectual property rights or facilitate the commercial deployment of inventions conceived or first actually reduced to practice under the DOE funding agreement.
- Accounting Provisions: DOE may authorize the use of Generally Accepted Accounting Principles (GAAP) where recipients do not have accounting systems that comply with government recordkeeping and reporting requirements.

After an applicant is selected for award negotiation, the Contracting Officer will determine if awarding an OT agreement would benefit the objectives of the program in ways that likely would not happen if another type of assistance agreement is used (e.g., cooperative agreement subject to the requirements of 2 CFR Part 200 as adopted and supplemented by 2 CFR Part 910). For more information on OTs, see DOE’s [Guide to Other Transactions](#).

## C. Award Overview

### i. Estimated Funding, Number of Awards, and Award Size

DOE expects to make approximately \$325M of Federal funding available for new awards under this FOA. DOE anticipates making between 2 and 4 awards issued as Cooperative Agreements as shown below. DOE may issue awards in one, multiple or none of the topic areas.

Topic Area Number	Topic Area Title	Anticipated Number of Awards	Anticipated Minimum Award Size for Any One Individual Award (Fed Share)	Anticipated Maximum Award Size for Any One Individual Award (Fed Share)	Approximate Total Federal Funding Available for All Awards	Anticipated Period of Performance for Construction (months)
1	Solar PV and Battery Storage Installations for Common Areas within Public or Privately Owned Subsidized Multi-Family Properties	1-2	\$93 M	\$185 M	\$185 M	60
2	Solar PV and Battery Storage Installations for	1-2	\$70 M	\$140 M	\$140 M	60

Questions about this FOA? Email [GDO\\_FOA3348@netl.doe.gov](mailto:GDO_FOA3348@netl.doe.gov)  
 Problems with Clean Energy Infrastructure eXCHANGE? Email [infrastructureexchangesupport@hq.doe.gov](mailto:infrastructureexchangesupport@hq.doe.gov)  
 Include FOA name and number in subject line.

	Community Healthcare Facilities					
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All projects will commence in Phase 1 (Design) and may only proceed to Phase 2 (Construction) upon successful completion of a Go/No-Go review and satisfactory achievement of all decision criteria at the end of Phase 1 (Design), subject to the availability of Federal funds. Each site is subject to Go/No-Go review prior to construction. Go/No-Go reviews may occur on a time-based (e.g., quarterly) and/or batch-size (e.g., groups of 20 sites) basis. DOE’s decision to advance projects from Phase 1 to Phase 2 will also include a determination of the total number of sites to be included in Phase 2. At the Go/No-Go decision points, DOE will evaluate project performance, project schedule adherence, meeting milestone objectives, compliance with reporting requirements, and overall contribution to the program goals and objectives. The Go/No-Go decision criteria will take into account the Workplan for construction created during the Design (Phase 1) and availability of Federal Funding. Please note that “non-Federal entities,” including but not limited to, non-profit entities must comply with the requirements in section IV.M. Buy America Requirements for Infrastructure Projects.

Specific Go/No-Go criteria will be negotiated with each selected project. In addition to the Go/No-Go decision point, projects may be discontinued if award requirements are not met, throughout the life of the award, in accordance with applicable award terms and conditions and Federal financial assistance regulations.

**APPLICATIONS WHICH EXCEED THE “MAXIMUM DOE SHARE OF AWARD” SPECIFIED ABOVE WILL BE CONSIDERED NONCOMPLIANT (SEE SECTION III, “ELIGIBILITY INFORMATION; COMPLIANCE CRITERIA”). DOE WILL NOT REVIEW OR CONSIDER NONCOMPLIANT APPLICATIONS.**

DOE may establish more than one budget period for each award and fund only the initial budget period(s). Funding for all budget periods, including the initial budget period, is not guaranteed. Funding for all awards and future budget periods are contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.

**ii. Estimated Project Period of Performance per Topic Area**

**Estimated Project Period of Performance**

DOE anticipates making awards for Topic Areas 1 and 2 with an estimated project period of performance of 5 years.

Awards may be comprised of one or more budget periods (i.e., phases) with Go/No-Go decision points. Project continuation will be contingent upon several elements, including satisfactory performance and Go/No-Go decision review.

At the Go/No-Go decision points, DOE will evaluate project performance, project schedule adherence, the extent milestones and objectives are met, compliance with reporting requirements, and overall contribution to the program goals and objectives.

As a result of this evaluation, DOE may, at its discretion, authorize the following actions: (1) continue to fund the project; (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.

Typically, budget periods are established on an annual basis. In some cases, shorter or longer budget periods may be established for compelling programmatic or administrative reasons, such as to allow for project phases not evenly divisible with 12-month increments or to provide program personnel with logical decision points to evaluate whether the project should proceed.

### **iii. New Applications Only**

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

## **III. Eligibility Information**

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

### **A. Eligible Applicants**

#### **i. Restricted Eligibility**

In accordance with 2 CFR 910.126, Competition, eligibility to be the prime recipient of an award is restricted to:

#### **Topic Area 1: Solar PV and Battery Storage Installations for Common Areas within Public or Privately Owned Subsidized Multi-Family Properties:**

- The following entities, applying individually or as collaboratives:
  - Public Housing Authorities that manage public housing projects.
  - Non-profits and for-profit entities that own or operate HUD-subsidized housing projects.
- Other non-profit and for-profit entities, as long as they demonstrate partnerships and/or the potential to form partnerships, with firm letters of commitments as appropriate, and

show substantial involvement from subrecipients that own, operate, manage or administer eligible public and/or subsidized housing.

## **Topic Area 2: Solar PV and Battery Storage Installations for Community Healthcare Facilities:**

- Entities that own, operate, or administer:
  - Healthcare Centers,
  - Diagnostic and Treatment Centers, and/or
  - Dialysis Centers
- Other non-profit and for-profit entities, as long as they demonstrate partnerships and/or the potential to form partnerships, with firm letters of commitments as appropriate and show substantial involvement from subrecipients that own, operate, manage or administer eligible community healthcare facilities.

### **Eligibility Requirements for Both Topic Areas**

Eligibility to be the prime recipient of an award is restricted to domestic entities.

Eligibility is being restricted to owners, managers, and administrators of the eligible facilities upon which the solar PV and battery storage systems will be installed and will serve, or other entities that have or must arrive at a documented partnership that ensure facility owners, managers or administrators have a vested interest in and operational control of the systems. The purpose of the restriction is to assure that the systems funded under this FOA will be under the operational purview of the facility owners, managers or administrators, and will continue to serve the targeted affected communities. This will also ensure that decisions regarding the operation of the systems remain consistent with the intended objectives of the PR-ERF program.

DOE is tasked with delivering resilience solutions quickly and at scale under this program. To that end, the eligibility requirements for the FOA were designed to ensure that award recipients will invest in long-term resilience solutions and address critical infrastructure needs in accordance with the FOA.

Restricting eligibility for each Topic Area will help ensure that there is ownership and decision-making to address critical services, inclusivity and outreach to vulnerable communities.

### **ii. Domestic Entities**

Domestic entities are eligible to apply as subrecipients. The following types of domestic entities are eligible to participate as a subrecipient of this FOA:

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

5. Indian Tribes, as defined in section 4 of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 5304<sup>7</sup>

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

DOE/NNSA FFRDCs are ineligible to apply for funding as a prime recipient or subrecipient.

Non-DOE/NNSA FFRDCs are ineligible to apply for funding as a prime recipient or subrecipient. Federal agencies and instrumentalities (other than DOE) are eligible to participate as a subrecipient, but are not eligible to apply as a prime recipient.

Entities banned from doing business with the United States 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.

### **iii. Foreign Entities**

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

Appendix B, “Waiver Requests For: Foreign Entity Participation,” 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. Cost Sharing**

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<sup>7</sup> “Indian Tribe,” for the purposes of this FOA and as defined in in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 5304), [1]means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) [ 43 U.S.C. § 1601, et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

## **i. Cost Share Requirements**

The cost share must be at least 10% of the total allowable costs of the project (i.e., the sum of the Government share, and the recipient share of allowable costs equals the total allowable costs of the projects) and must come from non-Federal sources unless otherwise allowed by law. See 2 CFR part 200.306 as adopted and supplemented by 2 CFR part 910.130 for the applicable cost sharing requirements.

**To assist applicants in calculating proper cost share amounts, DOE has included a cost share information sheet and sample cost share calculation in the “Cost Share Information” Appendix of this FOA.**

## **ii. Legal Responsibility**

Applicants will be bound by the cost share proposed in their applications and incorporated into their award.

The cost share requirement applies to the project as a whole, including work performed by members of the project team other than the Prime Recipient. The Prime Recipient is legally responsible for paying the entire cost share. The Prime Recipient’s cost share obligation is expressed in the Assistance Agreement as a static amount in U.S. dollars (cost share amount) and as a percentage of the Total Project Cost (cost share percentage). 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.

## **iii. Cost Share Allocation**

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

## **iv. Cost Share Types and Allowability**

Every cost share contribution must be allowable under the applicable Federal cost principles, as described in Section IV, “Application and Submission Information; Funding Restrictions.” 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. Project teams may use funding or

property received from state or local governments to meet the cost share requirement, so long as Federal Government did not provide the funding to the state or local government. 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.

The Recipient may not use the following sources to meet its cost share obligations including, but not limited to:

- 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 amended by 2 CFR 910.130 for additional cost sharing requirements.

Please refer to the "Cost Share Information" Appendix of the FOA.



## 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 the “Cost Share Information” Appendix of the FOA.

## vi. Cost Share Payment

DOE requires Prime Recipients to contribute the cost share amount incrementally over the life of the award. Specifically, the Prime Recipient’s cost share for each billing period must always reflect the overall cost share ratio negotiated by the parties (i.e., the total amount of cost sharing on each invoice when considered cumulatively with previous invoices must reflect, at a minimum, the cost sharing percentage negotiated).

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

## C. Compliance Criteria

A review of all submitted documents and information is performed to determine if the submissions are in compliance with the FOA requirements. **All submitted information and documents must meet all Compliance Criteria listed below to be eligible for review or the submission will be considered noncompliant. DOE will NOT review or consider noncompliant submissions.**

*Full Applications.* Full Applications are deemed compliant if:

- The application complies with the content and form requirements listed in Section VI, Award Administration Information of the FOA;
- The application includes all required documents; and

- The Full Application complies with the DOE share of the individual award size in Section II, “Award Information; Award Overview” of the FOA;
- The application was uploaded and submitted to the Clean Energy Infrastructure Funding Opportunity Exchange (INFRASTRUCTURE eXCHANGE) at <https://infrastructure-exchange.energy.gov> by the deadline stated in the FOA.

Applications that were submitted through means other than the INFRASTRUCTURE eXCHANGE; submitted after the applicable deadline; and/or submitted incomplete will be considered noncompliant. DOE will not extend the submission deadline for Applicants that fail to submit required information by the applicable deadline due to server/connection congestion will not be considered.

DOE will not accept late submissions that resulted from technical difficulties due to uploading files that exceed 10MB. Detailed guidance on the content and form of each component below.

## D. Responsiveness Criteria

A review of all submitted documents and information is performed to determine if the submissions are responsive to the FOA requirements. **All submitted information and documents must meet all of the Responsiveness Criteria listed below to be eligible for review or the submission will be considered non-responsive. DOE will NOT review or consider non-responsive submissions.**

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

### Full Applications Only

Full Applications are deemed responsive if:

- The application meets the technical requirements as described in the “Topic Areas” contained in Section I of the FOA; and
- The Applicant/application meets the Eligibility Criteria in Section III, “Eligibility Information” of the FOA.

**Only compliant/responsive applications will be eligible for a comprehensive merit review.**

## E. Number of Submittals Eligible for Review

Applicants may submit multiple applications under each topic area of this FOA; **HOWEVER**, applicants may not submit the same application under multiple topic areas. Each submitted application should be distinct and tailored to the specific topic area.

## F. Questions Regarding Eligibility

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

## IV. Application and Submission Information

### A. Form and Content Requirements

All submissions must conform to the following form and content requirements, including maximum page limits (described below) and must be submitted as specifically stated. DOE will not review or consider submissions submitted through means other than specifically stated in the FOA, submissions submitted after the applicable deadline, and incomplete submissions. DOE will not extend deadlines for applicants who fail to submit required information and documents by the applicable deadline due to server/connection congestion.

The Full Application must conform to the following requirements:

- Each must be submitted in Adobe PDF format unless stated otherwise.
- Each must be written in English. **Applicants requiring translation assistance to submit applications in English under this FOA must contact DOE no later than two weeks prior to the application due date at: [gdopuertorico@hq.doe.gov](mailto:gdopuertorico@hq.doe.gov). Email subject line should contain DE-FOA-0003348;**
- All pages must be formatted to fit on 8.5 x 11-inch paper with margins not less than one inch on every side. Use Times New Roman typeface, a black font color, and a font size of 11 point or larger (except in figures or tables, which may be 10-point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References must be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement;
- A control number will be issued when an Applicant begins the Clean Energy Infrastructure Funding Opportunity eXCHANGE application process. The control number must be included with all application documents. Specifically, the control number must be prominently displayed on the upper right corner of the header of every page and included in the file name (i.e., Control Number\_Applicant Name\_Full Application);
- Page numbers must be included in the footer of every page; and
- Each submission must not exceed the specified maximum page limit when printed using the formatting requirements set forth above and single spaced. The maximum page limit includes the cover page, references, charts, graphs, data, maps, photographs, and other reference material the applicant may include with the submission. If applicants exceed

the maximum page limits indicated below, DOE will review only the authorized number of pages and disregard any additional pages.

Applicants are responsible for meeting the submission deadline. Applicants are strongly encouraged to submit their Full Applications at least 48 hours in advance of the submission deadline. Under normal conditions (i.e., at least 48 hours in advance of the submission deadline), applicants should allow at least 1 hour to submit a Full Application. Once the Full Application is submitted, applicants may revise or update that submission until the expiration of the applicable deadline. If changes are made, the applicant must resubmit the Full Application, before the applicable deadline.

DOE urges applicants to carefully review their Full Applications and to allow sufficient time for the submission of required information and documents. All Full Applications that pass the initial eligibility review will undergo comprehensive merit review according to the criteria identified in Section V, “Application Review Information; Review Criteria” of the FOA.

#### **i. Additional Information on Clean Energy Infrastructure Funding Opportunity eXCHANGE**

INFRASTRUCTURE eXCHANGE is designed to enforce the deadlines specified in this FOA. The “Apply” and “Submit” buttons will automatically disable at the defined submission deadlines. Applicants who experience technical difficulties with submission PRIOR to the FOA deadline should contact the INFRASTRUCTURE eXCHANGE helpdesk for assistance ([infrastructureexchangesupport@hq.doe.gov](mailto:infrastructureexchangesupport@hq.doe.gov)).

### **B. Full Applications**

Applicants must submit a Full Application by the specified due date and time to be considered for funding under this FOA. Applicants must complete the mandatory forms and any applicable optional forms (e.g., SF-LLL- Disclosure of Lobbying Activities) in accordance with the instructions on the forms and the additional instructions below. Files that are attached to the forms must be in Adobe Portable Document Format (PDF) unless otherwise specified in this announcement.

#### **i. Application Package**

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

**Note:** The maximum file size that can be uploaded to the Clean Energy Infrastructure Funding Opportunity eXCHANGE website is 10MB. Files larger than 10MB cannot be uploaded and hence

cannot be submitted for review. If a file is larger than 10MB but is still within the maximum page limit specified in the FOA, it must be broken into parts and denoted to that effect. For example:

**TechnicalVolume\_Part1**  
**TechnicalVolume\_Part2**, etc.

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

## ii. Content and Form of Full Application

DOE will not review or consider ineligible Full Applications (see Section III, “Eligibility Information; Compliance Criteria” of the FOA).

Each Full Application must be limited to a **single** topic area. The Full Application must conform to the following content and form requirements, including maximum page lengths. If applications exceed the maximum page lengths indicated below, DOE will review only the authorized number of pages and disregard any additional pages.

The Full Application must address the Review Criteria as discussed in Section V. “Review Criteria” of the FOA. The Applicant should consider the weighting of each of the evaluation criteria when preparing the application documents (See Section V. “Review Criteria” of the FOA).

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

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

Full Applications must conform to the following requirements:

Section	Applicable Topic Areas	Format	Page Limit	File Name
<b>REQUIRED</b>				
Cover Page	1,2	PDF	1	ControlNumber_LeadOrganization_CoverPage
Summary/Abstract for Public Release	1,2	PDF	1	ControlNumber_LeadOrganization_Summary
Technical Volume	1,2	PDF	15	ControlNumber_LeadOrganization_TechnicalVolume
Initial Statement of Project Objectives	1,2	PDF	5	ControlNumber_LeadOrganization_SOPO
Resumes	1,2	PDF	3	ControlNumber_LeadOrganization_Resumes
SF-424: Application for Federal Assistance	1,2	PDF	N/A	ControlNumber_LeadOrganization_App424
Budget Justification Workbook	1,2	MS Excel	N/A	ControlNumber_LeadOrganization_Budget_Justification
Subrecipient Budget Justification	1,2	MS Excel	N/A	ControlNumber_LeadOrganization_Subrecipient_Budget_Justification
SF-LLL Disclosure of Lobbying Activities	1,2	PDF	N/A	ControlNumber_LeadOrganization_SF-LLL

Questions about this FOA? Email [GDO\\_FOA3348@netl.doe.gov](mailto:GDO_FOA3348@netl.doe.gov)  
 Problems with Clean Energy Infrastructure eXCHANGE? Email [infrastructureexchangesupport@hq.doe.gov](mailto:infrastructureexchangesupport@hq.doe.gov)  
 Include FOA name and number in subject line.

Letters of Commitment	1,2	PDF	N/A	ControlNumber_LeadOrganization_LOCs
IF APPLICABLE				
Foreign Entity Waivers	1,2	PDF	N/A	ControlNumber_LeadOrganization_Waiver
Potentially Duplicative Funding Notice	1,2	PDF	N/A	ControlNumber_LeadOrganization_PDFN

Detailed guidance on the content and form of each component is listed below.

### iii. Cover Page

The cover page should include the project title, the specific FOA topic area, the Applicant’s name, and the names of all team member organizations. In addition, provide the Applicant’s technical and business points of contact along with e-mail addresses and telephone numbers, names of project manager, Senior/Key personnel and their organizations. The cover page should also include the federal and non-federal share of costs associated with each team member’s proposed effort. Applicants should ensure the cost information is consistent with the submitted budget justification(s).

Save the Cover Page in a single PDF file using the following convention for the title: “ControlNumber\_LeadOrganization\_CoverPage.”

### iv. Summary for Public Release File

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

The summary must not exceed one page when printed, using standard 8.5” x 11” paper with 1” margins (top, bottom, left, and right) with font not smaller than 12-point.

Save the Summary for Public Release in a single PDF file using the following naming convention: “ControlNumber\_LeadOrganization\_Summary.”

### v. Technical Volume: Topic Areas 1 and 2

Each Applicant must submit a technical volume based on DOE’s strategic goals, requirements, and timeline not to exceed 15 pages. The Applicant should consider the weighting of each of the review criteria criterion (see Section V.A.) when preparing the Technical Volume.

Required attachments will not count against the page limit. Applicants may provide graphs, charts, or other data to supplement their technical volume.

Save the Technical Volume in a single PDF file using the following convention for the title: “ControlNumber\_LeadOrganization\_TechnicalVolume.”

**TECHNICAL VOLUME GUIDANCE:**

This section provides guidance on the Technical Volume for Topic Area 1 and 2 applicants.

Section and Content	Approximate length (in pages)
<b>a) Project Overview</b>	3–4
<p>This section is a description of the overall scope and objectives of the project. It must include:</p> <ul style="list-style-type: none"> <li>• A description of the energy challenges that applicant faces, and why the proposed solar PV and battery storage investments appropriately addresses these challenges.</li> <li>• The impact of DOE funding and how the DOE funding, relative to prior, current, or anticipated funding from other public and private sources, is necessary to achieve the project objectives.</li> <li>• A description of the applicant and how they meet the eligibility requirements of the FOA.</li> <li>• A description of how the funding would benefit low- and moderate-income individuals and communities in Puerto Rico.</li> <li>• The proposed Federal funding level, cost share and period of performance.</li> </ul>	
<b>b) Project Benefits</b>	4–5
<ul style="list-style-type: none"> <li>• Describe the site(s) and facilities associated with the proposed project. Attach a map of the proposed site(s) showing the location(s) of the proposed project. Clarify ownership of the proposed site(s).</li> <li>• Describe why and how the proposed sites(s) were selected, including the current services the proposed project provides to its community.</li> <li>• Provide pictures of the site(s) and facilities.</li> <li>• Describe the “solar readiness” of the proposed facilities.</li> <li>• Describe criticality of the proposed project to the target community or communities as it relates to: <ul style="list-style-type: none"> <li>○ Resilience Priority: Severity of the post-event outages of the feeder(s) to which the project is connected. Applicants are encouraged to use the Resilience Priority Areas <a href="#">map</a> to determine the level of priority (i.e. high-90 days or longer power outage, medium-between 30- and 90-days power outage, and low-30 days or less power outage).</li> <li>○ High-Impact Area: Extent to which the project provides targeted service on non-major events days to vulnerable populations, disadvantaged communities and/or LMI areas.</li> </ul> </li> <li>• Describe the additional services the proposed project will be able to provide to its community, when completed.</li> </ul>	
<b>c) Commercial and Financial Viability</b>	4–5
<p>This section must include preliminary versions of:</p> <p><b>Business Plan</b> and strategy, key agreements, preliminary site selection and considerations, community outreach, education, financial and regulatory good standing, and impact assessment, and similar.</p> <p><b>Management Plan</b>, including key organizational members and structure, roles and responsibilities, and relevant prior experience in Puerto Rico.</p> <ul style="list-style-type: none"> <li>• Project coordinator.</li> </ul>	

<ul style="list-style-type: none"> <li>• Representative of the Public Housing Agency, private multi-family assisted property owners, or Healthcare facility.</li> <li>• Solar energy or electrical expert, engineer, consultant, or advisor (if identified already)</li> <li>• Partner for providing education and capacity building to residents and administrators.</li> <li>• Installer partner. <ul style="list-style-type: none"> <li>Initial, high-level <b>Financial Plan</b>, including total project funding requirements, financial relationship between project members, plan and ability to meet cost share, including other sources of project funding or finance. Financial plan should include: a financial structure diagram of the proposed projects, including asset owners, site owners and operators, operations-and-maintenance service providers and payors, and financiers if applicable; a clear description of how the value of DOE’s award will result in energy savings for the site owner/operators; and a proposed high-level strategy to monetize available clean energy tax credits. For more information on how to access clean energy tax credits in U.S. territories, visit <a href="https://www.energy.gov/policy/articles/how-access-clean-energy-tax-credits-us-territories-using-elective-pay-fact-sheet">https://www.energy.gov/policy/articles/how-access-clean-energy-tax-credits-us-territories-using-elective-pay-fact-sheet</a></li> </ul> </li> </ul>	
<b>d) Preliminary Workplan</b>	4-5
<p>The Workplan must include:</p> <ul style="list-style-type: none"> <li>• Project Objectives</li> </ul> <p>Technical Scope Summary, divided by performance periods separated by discrete decision points.</p> <p>Work Breakdown Structure (WBS) and Task Description Summary, with a concise description of the specific activities to be conducted over the life of the project (including project construction and operations) for each task/subtask.</p> <ul style="list-style-type: none"> <li>• Go/No-Go Decision Points for each project phase Before installations commence, applicant must provide proof of signed O&amp;M agreement.</li> <li>• A summary of the End of Project Goal.</li> </ul> <p>The Workplan will be utilized as the basis for the statement of project objectives that will be negotiated if selected for award.</p> <ul style="list-style-type: none"> <li>• A description of the solar PV and battery storage systems technologies intended to be utilized for the project.</li> <li>• A description of existing infrastructure, equipment and number of facilities that will be impacted.</li> <li>• An initial description of the type of business model being pursued to deploy and maintain solar PV and battery storage systems.</li> <li>• Any preliminary engineering evaluations and designs and associated cost estimates.</li> <li>• Plans for completion of engineering, design and procurement activities.</li> <li>• Plans for operations and maintenance of the system, including identification of responsible party or parties.</li> </ul>	
<b>Total Technical Volume Maximum Page Limit</b>	<b>15</b>

\*As indicated above, a maximum page limit has been established for the Technical Volume so when the Technical Volume sections identified in the table above as included in the page limitation are totaled together (including the cover page, table of contents, footnotes/endnotes, charts, graphs, maps, photographs, and other pictorial presentations) it should not exceed **15** pages. Full Applications which do not conform to ALL of the requirements listed above will be



considered noncompliant (See Section III, “Eligibility Information; Compliance Criteria”). DOE will not review or consider noncompliant submissions.

#### **vi. Statement of Project Objectives**

For Topic Area 1 and Topic Area 2, the statement of Project Objectives (SOPO) will be updated in each phase. Components from the Workplan section of the technical volume can be used to populate the SOPO template. The Statement of Project Objectives must contain a clear, concise description of all activities to be completed during project performance for each phase. DOE will provide a SOPO template for Recipients to utilize post selection. Refer to Appendix E for an example. The SOPO shall not contain proprietary or confidential business information.

Save the SOPO in a single PDF file using the following convention for the title: “ControlNumber\_LeadOrganization\_SOPO.”

#### **vii. Resume File**

Provide a resume for each key person proposed, including subawardees and consultants if they meet the definition of key person. A key person is any individual who contributes in a substantive, measurable way to the execution of the project. The biographical information for each resume must not exceed 3 pages when printed on 8.5" by 11" paper with 1-inch margins (top, bottom, left, and right) single spaced with font no smaller than 11 point and should include the following information, if applicable:

- Contact Information;
- Education and Training. Undergraduate, graduate, and postdoctoral training, provide institution, major/area, degree and year.
- Research and Professional Experience. Beginning with the current position list, in chronological order, professional/academic positions with a brief description. List all current academic, professional, or institutional appointments, foreign or domestic, at the applicant institution or elsewhere, whether or not remuneration is received, and, whether full-time, part-time, or voluntary;
- Awards and honors;
- Publications. Provide a list of up to 10 publications most closely related to the proposed project. For each publication, identify the names of all authors (in the same sequence in which they appear in the publication), the article title, book or journal title, volume number, page numbers, year of publication, and website address if available electronically. An abbreviated style such as the Physical Review Letters (PRL) convention for citations (list only the first author) may be used for publications with more than 10 authors;
- Patents, copyrights, and software systems developed may be provided in addition to or substituted for publications.

- Synergistic Activities. List no more than 5 professional and scholarly activities related to the effort proposed.
- There should be no lapses in time over the past ten years or since age 18, whichever time period is shorter.

As an alternative to a resume, it is acceptable to use the biographical sketch format approved by the National Science Foundation (NSF). The biographical sketch format may be generated by the Science Experts Network Curriculum Vita (SciENCv), a cooperative venture maintained at <https://www.ncbi.nlm.nih.gov/sciencv/>, and is also available at [Common Form for Biographical Sketch \(nsf.gov\)](#). The use of a format required by another agency is intended to reduce the administrative burden to researchers by promoting the use of common formats.

Save all resumes in a single file named "ControlNumber\_LeadOrganization\_Resumes"

### **viii. SF-424: Application for Federal Assistance**

Applicants must complete the SF-424: Application for Federal Assistance for only the Design Phase (Phase 1) of their project. The dates and dollar amounts on the SF-424 should be included only for the Planning of the project.

This form is available on the Clean Energy Infrastructure Funding Opportunity eXCHANGE website at <https://infrastructure-eXCHANGE.energy.gov>. The list of certifications and assurances in Field 21 can be found at <http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms>, under Certifications and Assurances.

Save the SF-424 in a single PDF file using the following convention for the title: "ControlNumber\_LeadOrganization\_App424."

### **ix. Letters of Commitment**

If the building owner is not included in the application as a prime or subrecipient, a letter of commitment is needed. Applicable equipment regulations in 2 CFR Part 200 and 910 must be taken into account in these situations.

The letter should state the party is committed to providing a specific minimum dollar amount of cost share, identify the type of proposed cost share (e.g., cash, services, and/or property) to be contributed, and be signed by the person authorized to commit the expenditure of funds by the entity.

Save the letters of commitment in a single PDF file using the following convention for the title: "ControlNumber\_LeadOrganization\_LOCs."

## x. Budget Justification File

Applicants are required to provide a detailed budget justification for the project as a whole, including all work to be performed by the Applicant and its Subrecipients and Contractors, and provide all requested documentation (e.g., a Federally approved rate agreement, contractor quotes). **Applicants should include costs associated with the Buy America Requirements for Infrastructure projects required annual audits and incurred cost proposals in their proposed budget documents.** Such costs may be reimbursed as direct or indirect costs.

A Budget Justification workbook form is available on the INFRASTRUCTURE eXCHANGE at <https://infrastructure-eXCHANGE.energy.gov/>. Applicants must complete each tab of the Budget Justification Workbook, including all work to be performed by the Prime Recipient and its Subrecipients and contractors.

The “Instructions and Summary” included with the Budget Justification workbook will auto-populate as the applicant enters information into the workbook. Applicants must carefully read the “Instructions and Summary” tab provided within the Budget Justification workbook. In addition, Applicants must carefully read and note each “Instructions” Summary contained within each individual tab of the Budget Justification workbook. **As stipulated within the Budget Justification workbook, all direct costs must be identified by specific task. All cost should include the basis of cost and justification of need, as applicable. Of specific note is the necessity to identify personnel costs for each individual proposed for all tasks to which they are assigned.** Note EXAMPLES provided within each tab for further clarification.

Save the Budget Justification Workbook in a single Microsoft Excel file using the following convention for the title: “ControlNumber\_LeadOrganization\_Budget\_Justification.”

## xi. Subaward Budget Justification (if applicable)

Applicants must provide a separate detailed budget justification for each subrecipient that is expected to perform work estimated to be more than \$250,000 or 25 percent of the total work effort (whichever is less). A Budget Justification workbook is available on the INFRASTRUCTURE eXCHANGE at <https://infrastructure-eXCHANGE.energy.gov/>. Although the data requested is mandatory, the use of the budget justification workbook is not. The level of detail to be included in the subaward budget justification (if applicable) must be commensurate with that provided by the Prime Recipient. Save each Subrecipient budget justification in a Microsoft Excel file using the following convention for the title:

“ControlNumber\_LeadOrganization\_Subrecipient\_Budget\_Justification”

## xii. SF-LLL Disclosure of Lobbying Activities

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

Recipients and Subrecipients are required to complete and submit SF-LLL, “Disclosure of Lobbying Activities” (<https://www.grants.gov/web/grants/forms/sf-424-individual-family.html>) to ensure that non-federal funds have not been paid and will not be paid to any person for influencing or attempting to influence any of the following in connection with the application:

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

Save the SF-LLL in a single PDF file using the following convention for the title: “ControlNumber\_LeadOrganization\_SF-LLL.”

### **xiii. Waiver Requests (if applicable)**

#### **Foreign Entity Participation**

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

### **xiv. U.S. Competitiveness**

A primary objective of DOE’s multibillion-dollar research, development and demonstration investments is to cultivate new research and development ecosystems, manufacturing capabilities, and supply chains for and by U.S. industry and labor. Therefore, in exchange for receiving taxpayer dollars to support an applicant’s project, the applicant must agree to the following U.S. Competitiveness Provision as part of an award under this FOA.

The Recipient agrees that any products embodying any subject invention or produced through the use of any subject invention will be manufactured substantially in the United States unless the Recipient can show to the satisfaction of DOE that it is not commercially feasible. In the event DOE agrees to foreign manufacture, there will be a requirement that the Government’s support of the technology be recognized in some appropriate manner, e.g., alternative binding commitments to provide an overall net benefit to the U.S. economy. The Recipient agrees that it will not license, assign or otherwise transfer any subject invention to any entity, at any tier, unless that entity agrees to these same requirements. Should the Recipient or other such entity receiving rights in the invention(s): (1) undergo a change in ownership amounting to a controlling interest, or (2) sell, assign, or otherwise transfer title or exclusive rights in the invention(s), then the assignment, license, or other transfer of rights in the subject invention(s) is/are suspended until approved in writing by DOE. The Recipient and any successor assignee will convey to DOE,

upon written request from DOE, title to any subject invention, upon a breach of this paragraph. The Recipient will include this paragraph in all subawards/contracts, regardless of tier, for experimental, developmental or research work.

Please note that a subject invention is any invention conceived or first actually reduced to practice in performance of work under an award. An invention is any invention or discovery which is or may be patentable. The recipient shall ensure that these requirements also apply to subrecipients.

As noted in the U.S. Competitiveness Provision, if any entity cannot meet the requirements of the U.S. Competitiveness Provision, the entity may request a modification or waiver of the U.S. Competitiveness Provision. For example, the entity may propose modifying the language of the U.S. Competitiveness Provision in order to change the scope of the requirements or to provide more specifics on the application of the requirements for a particular technology. As another example, the entity may request that the U.S. Competitiveness Provision be waived in lieu of a net benefits statement or U.S. manufacturing plan. The statement or plan would contain specific and enforceable commitments that would be beneficial to the U.S. economy and competitiveness. Examples of such commitments could include manufacturing specific products in the U.S., making a specific investment in a new or existing U.S. manufacturing facility, keeping certain activities based in the U.S. or supporting a certain number of jobs in the U.S. related to the technology. DOE may, in its sole discretion, determine that the proposed modification or waiver promotes commercialization and provides sufficient U.S. economic benefits, and grant the request. If granted, DOE will modify the award terms and conditions for the requesting entity accordingly. If not granted, the requesting entity must continue to perform according to the existing terms and conditions. More information and guidance on the waiver and modification request process can be found in the DOE Financial Assistance Letter on this topic.

The U.S. Competitiveness Provision is implemented by DOE pursuant to a Determination of Exceptional Circumstances (DEC) under the Bayh-Dole Act and DOE Patent Waivers. See Section VIII, "Other Information; Intellectual Property Developed Under This Program" of this FOA for more information on the DEC and DOE Patent Waiver.

## **xv. 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. Unmanned aircraft, control, and communication components 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. Equipment from a company in a foreign country of risk where such equipment would have functionality that allows 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.

Save the Transparency of Foreign Connections information in a single PDF file using the following convention for the title: "ControlNumber\_LeadOrganization\_TFC."

#### **xvi. Potentially Duplicative Funding Notice**

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

Save the Potentially Duplicative Funding Notice in a single PDF file using the following convention for the title: "ControlNumber\_LeadOrganization\_PDFN."

Under DOE's Title 17 loan authority and the Transmission Facility Financing authority, DOE may not be able to issue loans or loan guarantees to projects that are expected to benefit directly or indirectly from certain other forms of federal support. Examples of such federal support may include funding under this FOA or other grants, cooperative agreements, or loan guarantees from federal agencies or entities, including DOE; federal agencies or entities serving as a customer or off-taker of the project's products or services; or other federal contracts, including acquisitions, leases and other arrangements, that support the project. Entities planning to apply under this FOA that are seeking or have received a loan or loan guarantee from DOE under the Title 17 Clean Energy Financing Program, the Transmission Facility Financing Program, or are otherwise originating projects that will benefit from such a loan or guarantee should consult with the DOE



Loan Programs Office and the Grid Deployment Office to ensure compliance with the terms of the applicable DOE loan or loan guarantee agreement and other program requirements prior to submitting an application.

### **C. 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 non-exhaustive list of examples of information that may be required:

- Personnel proposed to work on the project and collaborating organizations (See Section VI, “Award Administration Information; Participants and Collaborating Organizations”);
- A Statement of Project Objectives (SOPO) describing how the project objectives will be met (See Section IV.B. Statement of Project Objectives of the FOA);
- Commitment Letters from Third Parties Contributing to Cost Share, if applicable;
- Indirect cost information;
- Other budget information;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5);
- Representation of Limited Rights Data and Restricted Software, if applicable;
- Updated Commitment Letters from Third Parties Contributing to Cost Share, if applicable;
- Environmental Questionnaire;
- Foreign National Participation; and
- Information for the DOE Office of Civil Rights and Equal Employment Opportunity to process assurance reviews under 10 CFR 1040.

### **D. Submission Dates and Times**

Full Applications must be received no later than the time/dates provided on the cover page of this FOA. **APPLICATIONS RECEIVED AFTER THE DEADLINE WILL NOT BE REVIEWED OR CONSIDERED FOR AWARD.**

### **E. Intergovernmental Review**

Program Not Subject to Executive Order 12372

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

### **F. Other Submission and Registration Requirements**

#### **i. Registration Process**

There are several one-time actions before submitting an application in response to this FOA, and it is vital that applicants address these items as soon as possible. Some may take several weeks, and failure to complete them could interfere with an applicant’s ability to apply to this FOA, or



to meet the negotiation deadlines and receive an award if the application is selected. These requirements are provided immediately following the FOA cover page or modification summary, if applicable.

## **ii. Full Application Proof of Timely Submissions**

Proof of timely submission is automatically recorded by Clean Energy Infrastructure Funding Opportunity Exchange (INFRASTRUCTURE eXCHANGE). An electronic date/time stamp is generated within the system when the application is successfully received by INFRASTRUCTURE eXCHANGE.

Again, proof of timely submission shall be the official date and time that INFRASTRUCTURE eXCHANGE receives your application. Applications received by INFRASTRUCTURE eXCHANGE after the established due date for the FOA will be considered non-compliant.

## **iii. Electronic Authorization of Applications and Award Documents**

Submission of an application and supplemental information under this FOA through electronic systems used by the DOE, including Clean Energy Infrastructure Funding Opportunity Exchange (INFRASTRUCTURE eXCHANGE) Grants.gov and FedConnect.net, constitutes the authorized representative's approval and electronic signature.

## **G. 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 FOA is subject to NEPA. Applicants should carefully consider and should seek legal counsel or other expert advice before taking any action related to the proposed project that would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to DOE completing the NEPA review process.

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

## **H. Performance of Work in the United States**

### **i. Requirement**

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

### **ii. 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.

## **I. Foreign Travel**

Foreign travel and associated costs are not allowable under this FOA.

## **J. Equipment and Supplies**

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

## **K. Build America Buy America 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 are 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.

BABA requirements apply to DOE projects when the prime recipient is a "non-Federal entity." In accordance with 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. BABA requirements do not apply to projects when the prime recipient is a for-profit entity.

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 C and the terms and conditions of an award.

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

## **V. Application Review Information**

Questions about this FOA? Email [GDO\\_FOA3348@netl.doe.gov](mailto:GDO_FOA3348@netl.doe.gov)  
Problems with Clean Energy Infrastructure eXCHANGE? Email [infrastructureexchangesupport@hq.doe.gov](mailto:infrastructureexchangesupport@hq.doe.gov)  
Include FOA name and number in subject line.

## A. Review Criteria

### i. Compliance/Responsiveness Review

Prior to a comprehensive merit evaluation, DOE will (1) perform a compliance review to determine that submissions are timely, and the information required by the FOA has been submitted (form and content requirements); and (2) perform a responsiveness review to determine that the Applicant is eligible for an award and the proposed project is responsive to the objectives of the FOA.

Full applications that fail the compliance and responsiveness review will not be forwarded for technical merit review and will be eliminated from further consideration.

### ii. Full Application Merit Review Criteria for Topic Area 1 and 2

The following evaluation criteria will be utilized by the Technical Evaluation Committee and Federal Merit Review Panel members in conducting their evaluations of applications subjected to comprehensive merit review.

#### **Criterion 1: Project Benefits and Impact (35%)**

This criterion involves consideration of the following factors:

- The degree to which the vulnerable populations, disadvantaged community, and/or LMI area experiences significant energy challenges.
- The degree to which the project team has engaged and understands community priorities.
- The degree to which the applicant demonstrates that the proposed project will result in the maximum benefits to the target community or communities, including with respect to the proposed design, installation, and storage dispatch approach as well as with respect to the financial benefits of the projects to the proposed sites.
- The degree of criticality of the project to the community or communities it serves, as described by:
  - Resilience Priority: Severity of the post-event outages of the feeder(s) to which the project is connected. Applicants may use the [Resilience Priority Areas map](#), to determine the level of priority (*i.e. high-90 days or longer power outage, medium-between 30- and 90-days power outage, and low-30 days or less power outage*).
  - High-Impact Area: Extent to which the project provides targeted service on non-major events days to vulnerable populations, disadvantaged communities, and/or LMI areas.

## **Criterion 2: Preliminary Workplan (35%)**

This criterion involves consideration of the following factors:

- The likelihood that the proposed Workplan will lead to construction and operation of at least one project within three years.
- The likelihood that the proposed Workplan will enable construction and operation of projects at multiple sites within three years.
- The degree to which the proposed Workplan and critical path have been clearly and thoroughly described and thoughtfully considered.
- The degree to which the task descriptions are clear, detailed, timely, and reasonable, resulting in a high likelihood that the proposed Workplan will succeed in meeting the project goals.
- The strength and level of clarity in the definition of the project phases, metrics, integrated project schedule, and Go/No-Go criteria.
- Extent to which the Applicant demonstrates understanding of the key technical, construction, regulatory, permitting, safety and occupational health, scale-up and infrastructure integration risks involved in the proposed work, and the quality of the mitigation strategies to address them.

## **Criterion 3: Commercial and Financial Viability (15%)**

This criterion involves consideration of the following factors:

- The degree to which the application justifies the proposed project's economic viability and sustainability beyond DOE funding.
- The extent the prime applicant demonstrates financial and regulatory good standing to perform on the proposed project.
- The adequacy and justification of the proposed budget and spend plan.
- The extent to which monetization of available clean energy tax credits is factored into the business model.
- The extent to which project partners have demonstrated past successes working together in achieving renewable energy installations in the public housing sector for vulnerable populations,, disadvantaged communities and/or LMI customers or sufficient documentation through a memorandum of understanding or similar document that details strong partnership credentials.

## **Criterion 4: Teaming Structure for Project Execution (15%)**

This criterion involves consideration of the following factors:

- The capability, locality of the prime recipient, the proposed team, and key personnel to manage and address all aspects of the proposed work with a high probability of success.

- Key project participant qualifications and relevant experience on similar projects, including number of years, number of projects successfully deployed at similar sites, demonstrated safety performance history, occupational health history, and level of responsibility commensurate with this experience.
- The extent to which the applicant demonstrates a plan for long-term operation and maintenance of the solar PV and battery storage systems, including necessary agreements, workforce training programs, or other measures.
- The likelihood that the proposed approach will ensure appropriate maintenance of the installed system for at least 20 years.
- The extent to which applicant demonstrates that there are firm lease agreements or ownership by applicant or proposed subrecipients for the buildings upon which the solar PV and battery storage systems will be installed.

## **B. Other Selection Factors**

### **i. Program Policy Factors**

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

#### **Topic Areas 1 and 2**

- It may be desirable for the proposed project, including proposed cost share, to optimize the use of available funding to maximize installations and the resilience value of each install.
- It may be desirable for the project to be located in a remote or rural areas as demarcated in [USDA's Eligibility Map](#).
- It may be desirable to select projects which serve a "high" (red shading-90 days or longer power outage) area of severity<sup>8</sup> related to the outages of the feeder(s) to which the project is connected.
- It may be desirable for the Applicant, or its contractors, to employ a local Puerto Rican workforce and demonstrate compensation with above average wages and benefits, benchmarked against local and industry averages, and how the Workplan strategy is likely to lead to increased local employment, certified installers, or apprentices and good, family-supporting careers.
- It may be desirable to select proposed projects to incorporate diversity, equity, inclusion, and accessibility elements, including but not limited to, disadvantaged communities or underrepresented populations as a core element of their mission, including Minority Serving Institutions (MSIs), underrepresented businesses, Tribal, nonprofit, or

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<sup>8</sup> Resilience Priority Areas map to determine the level of priority. [Resilience Priority Areas \(carto.com\)](#)

community-based organizations, that meet the eligibility requirements are encouraged to participate on an application as a proposed partner to the prime Applicant.

- It may be desirable for the application to support multiple solar PV and battery storage installations.
- Preference will be given to applications that include planning, design, and construction phase for all envisioned sites. DOE may at its discretion select applications that include only part of a project lifecycle (for example, planning and design only; or construction of a previously- or separately- designed system) for specific sites envisioned to be part of the project scope.

## **C. Other Review Requirements**

### **i. Risk Assessment**

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

1. Financial stability;
2. Quality of management systems and ability to meet the management standards prescribed in 2 CFR 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.

### **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](https://sam.gov) (see 41 U.S.C. § 2313).

The applicant, at its option, may review information in the entity information domain in [SAM.gov](https://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](https://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](https://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.

## **D. Evaluation Review and Selection Process**

### **i. Merit Review**

Applications that pass the compliance/responsiveness review will be subjected to a merit review in accordance with the Merit Review Criteria listed in the FOA and the guidance provided in the "Merit Review Guide for Financial Assistance and Unsolicited Proposals." This guide is available at <https://energy.gov/management/financial-assistance>.

### **ii. Pre-Selection Clarification**

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

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

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

### **iii. Selection**

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



#### **iv. Discussions and Award**

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

#### **v. Anticipated Notice of Selection and Award Negotiation Dates**

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

### **VI. Award Administration Information**

#### **A. Notices**

##### **i. Ineligible Submissions**

##### **Full Applications**

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

##### **ii. Full Application Notifications**

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

##### **a) Successful Applicants**

Receipt of a notification letter selecting a Full Application for award negotiations does not authorize the applicant to commence performance of the project. If an application is selected for award negotiations, it is not a commitment by DOE to issue an award. Applicants do not receive an award until award negotiations are complete and the Contracting Officer executes the funding agreement, accessible by the Prime Recipient in FedConnect.

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

Please refer to Section IV, “Application and Submission Information; Pre-Award Costs” of the FOA for guidance on pre-award costs.

**b) Unsuccessful Applicants**

DOE shall promptly notify in writing each applicant whose application has not been selected for negotiation or award. This notice will explain why the application was not selected.

**c) Alternate Selection Determinations**

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

**d) Notice of Award**

An Assistance Agreement issued by the Contracting Officer is the authorizing award document. It normally includes either as an attachment or by reference: (1) Special Terms and Conditions; (2) Applicable program regulations, if any; (3) Application, which includes the project description and budget, as approved by DOE; (4) 2 CFR part 200 as amended by 2 CFR part 910; (5) National Policy Assurances To Be Incorporated As Award Terms; (6) Budget Summary; (7) Federal Assistance Reporting Checklist and Instructions, which identifies the reporting requirements; (8) Intellectual Property; (9) Federal-wide Research Terms and Conditions; (10) Agency Specific Requirements; and (11) any award specific terms and conditions.

## **B. Administrative and National Policy Requirements**

### **i. Award Administrative Requirements**

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

#### **DOE Special Terms and Conditions for Use in Most Grants and Cooperative Agreements.**

The DOE Special Terms and Conditions for Use in Most Grants and Cooperative

Agreements are located at <https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients> under Award Terms.

***National Policy Requirements.*** The National Policy Assurances that are incorporated as a term and condition of award are located at: <https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients>.

***Intellectual Property Provisions.*** The standard DOE financial assistance intellectual property provisions applicable to the various types of recipients are located at: <https://energy.gov/gc/standard-intellectual-property-ip-provisions-financial-assistance-awards>.

## ii. Unique Entity Identifier Requirements and System for Award Management

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](#).

## iii. 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 (federal and/or non-federal), and when the Federal share of the financial assistance agreement is more than \$1M, the recipient or subrecipient must:

Properly record, and consent to the Department's ability to properly record if the recipient fails to do so, Uniform Commercial Code (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.

Note: All costs associated with filing UCC financing statements, UCC financing statement amendments, and UCC financing statement terminations, are allowable and allocable costs to be charged to the Federal award.

#### **iv. Foreign National Participation**

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

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

A "foreign national" is defined as any person without United States citizenship or nationality (may include a stateless person). DOE may elect to deny foreign national's participation in the award. Likewise, DOE may elect to deny a foreign national's access to a DOE sites, information, technologies, equipment, programs, or personnel.

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

#### **v. Copyright**

The Prime Recipient and Subrecipients may assert copyright in copyrightable works, such as software, first produced under the award without DOE approval. When copyright is asserted, the government retains a paid-up nonexclusive, irrevocable worldwide license to reproduce, prepare

derivative works, distribute copies to the public, and to perform publicly and display publicly the copyrighted work. This license extends to contractors and others doing work on behalf of the government.

#### **vi. Export Control (June 2024)**

The United States government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the U.S. 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.” The Recipient is responsible for ensuring compliance with all applicable United States Export Control laws and regulations relating to any work performed under the award.

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

#### **vii. Statement of Federal Stewardship**

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

#### **viii. Statement of Substantial Involvement**

DOE has substantial involvement in work performed under awards made as a result of this FOA. DOE does not limit its involvement to the administrative requirements of the award. Instead, DOE has substantial involvement in the direction and redirection of the technical aspects of the project.

Substantial involvement includes but is not limited to the following:

1. DOE will work collaboratively with the Recipient to develop and implement the deployment plan requirements that will be incorporated into the Recipient’s Deployment Plan and executed in any authorized Phases.
2. DOE shares responsibility with the Recipient for the management, control, direction, and performance of the project.
3. DOE may intervene in the conduct or performance of work under this award for programmatic reasons. Intervention includes the interruption or modification of the conduct or performance of project activities.

4. DOE may redirect or discontinue funding the project based on the outcome of DOE's evaluation of the project at the Go/No-Go decision point(s).
5. DOE participates in major project decision-making processes.

#### **ix. Environmental Review in Accordance with National Environmental Policy Act (NEPA)**

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

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

#### **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.

#### **x. Conference Spending**

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

#### **xi. Indemnity**

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

The Recipient shall indemnify the Government and its officers, agents, or employees for any and all liability, including litigation expenses and attorneys' fees, arising from suits, actions, or claims of any character for death, bodily injury, or loss of or damage to property or to the environment, resulting from the project, except to the extent that such liability results from the direct fault or negligence of Government officers, agents or employees, or to the extent such liability may be covered by applicable allowable costs provisions.

## **xii. Go/No-Go Review**

Each project selected under this FOA will be subject to a periodic project evaluation referred to as a Go/No-Go Review. At the Go/No-Go decision points, DOE will evaluate project performance, project schedule adherence, meeting milestone objectives, compliance with reporting requirements, and overall contribution to the DOE program goals and objectives. Federal funding beyond the Go/No Go decision point (continuation funding), is contingent on (1) Recipient's technical progress compared to the planned tasks and deliverables stated in the SOPO, which will be an attachment to the award; (2) Recipient's submittal of required reports; (3) Recipient's compliance with the terms and conditions of the award; (4) DOE's Go/No-Go decision; (5) the Recipient's submission of a continuation application; and (6) written approval of the continuation application by the Contracting Officer.

### **For Topic Area 1 and 2, the following decision points should be addressed in the SOPO:**

- *Following completion of the Design Phase (Phase 1):* The Awardee's *Workplan* will be evaluated to determine if it meets the program objectives. The criteria to determine if the project will continue to Phase 2 will include but not be limited to:
  - The likelihood that the proposed project will function as designed in the specific community.
  - The likelihood that the project will be operational within three years.
  - The extent to which costs for Phase 2 are reasonable and within the total award amount.
  - The likelihood that the project will be able to obtain any permits or agreements needed for construction and operation.
  - The likelihood that the project can be effectively operated and maintained without support from the federal government.

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. Interim Conflict of Interest Policy for Financial Assistance**

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)<sup>9</sup> 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.

### **xiv. Participants and Collaborating Organizations**

If selected for award negotiations, the selected applicant must submit a list of key personnel who are proposed to work on the project, both at the recipient and subrecipient level and a list of proposed collaborating organizations within 30 days after the applicant is notified of the selection. Recipients will have an ongoing responsibility to notify DOE of changes to the personnel and collaborating organizations and submit updated information during the life of the award.

### **xv. 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

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<sup>9</sup> DOE’s interim COI Policy can be found at <https://www.energy.gov/management/department-energy-interim-conflict-interest-policy-requirements-financial-assistance>.



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.

#### **xvi. Human Subjects Research**

Research involving human subjects, biospecimens, or identifiable private information conducted with DOE funding is subject to the requirements of DOE Order 443.1C, Protection of Human Research Subjects, 45 CFR Part 46, Protection of Human Subjects (subpart A which is referred to as the “Common Rule”), and 10 CFR Part 745, Protection of Human Subjects. Additional information on the DOE Human Subjects Research Program can be found at: [HUMAN SUBJECTS Human Subjects Pr... | U.S. DOE Office of Science \(SC\) \(osti.gov\)](#).

#### **xvii. 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: 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>
- [https://www.hud.gov/program\\_offices/comm\\_planning/environment\\_energy/ffrms](https://www.hud.gov/program_offices/comm_planning/environment_energy/ffrms)

### **xviii. Real Property and Equipment**

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

For projects selected for awards under this FOA, the recipients may (1) take disposition action on the real property and equipment; or (2) continue to use the real property and equipment after the conclusion of the award period of performance with Contracting Officer approval. The recipient’s written request for Continued Use must identify the property and include: a summary of how the property will be used (must align with the authorized project purposes); a proposed use period, (e.g., perpetuity, until fully depreciated, or a calendar date when the recipient expects to submit disposition instructions); acknowledgement that the recipient shall not sell or encumber the property or permit any encumbrance without prior written DOE approval; current fair market value of the property; and an estimated useful life or depreciation schedule for equipment.

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

## **C. Reporting**

### **i. Reporting Requirements**

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

## ii. Subaward and Executive Reporting

Prime Recipients awarded a new Federal financial assistance award greater than or equal to \$30,000 as of October 1, 2010, are subject to Federal Funding and Transparency Act of 2006 (FFATA) sub-award reporting requirements as outlined in 2 CFR Chapter 1, Part 170 REPORTING SUB-AWARD AND EXECUTIVE COMPENSATION INFORMATION.

The FFATA Subaward Reporting System (FSRS) is the reporting tool Federal prime awardees (i.e., prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements. Prime awardees must register with the new FSRS database and report the required data on their first tier subawardees/subrecipient at <https://www.fsrc.gov>.

Prime awardees must report the executive compensation for their own executives as part of their registration profile in the System for Award Management (SAM). The sub-award information entered in FSRS will then be displayed on <https://www.usaspending.gov/> associated with the prime award furthering Federal spending transparency.

Applicants must ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding.

## D. Applicant Representations and Certifications

### i. 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.

### ii. Nondisclosure and Confidentiality Agreements Representations

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

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.

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

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

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

- 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 United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

### **iii. Corporate Felony Convictions and Tax Liabilities Representations (March 2014)**

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

- 1) It is **not** a corporation that has been convicted of a felony criminal violation under any Federal law within the preceding 24 months; and
- 2) It is **not** a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

For purposes of these representations the following definition applies:

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

## VII. Questions/Agency Contacts

### A. Questions

Upon the issuance of a FOA, DOE personnel are prohibited from communicating (in writing or otherwise) with Applicants regarding the FOA except through the established question and answer process as described below. Specifically, questions regarding this FOA must be submitted to [GDO\\_FOA3096@netl.doe.gov](mailto:GDO_FOA3096@netl.doe.gov) no later than five (5) business days prior to the Full Application due date and time. Please note, feedback on individual concepts will not be provided through Q&A.

All questions and answers related to this FOA will be posted on INFRASTRUCTURE eXCHANGE at <https://INFRASTRUCTURE-exchange.energy.gov>. You must first select the FOA Number to view the questions and answers specific to this FOA. DOE will attempt to respond to a question within five (5) business days unless a similar question and answer has already been posted on the website.

Questions related to the registration process and use of the INFRASTRUCTURE eXCHANGE website should be submitted to [INFRASTRUCTUREeXCHANGESupport@hq.doe.gov](mailto:INFRASTRUCTUREeXCHANGESupport@hq.doe.gov).

**Applicants requiring translation assistance to submit applications in English under this FOA must contact DOE no later than two weeks prior to the application due date at: [gduuertorico@hq.doe.gov](mailto:gduuertorico@hq.doe.gov) . Email subject line should contain DE-FOA-0003348.**

## VIII. Other Information

### A. Modifications

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

### B. Government Right to Reject or Negotiate

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

### **C. Commitment of Public Funds**

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

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

### **D. Treatment of Application Information**

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

The Freedom of Information Act, 5 U.S.C. 552, requires DOE to release certain Federal financial assistance documents and records requested by members of the public regardless of the intended use of the information. DOE will release funded applications and funded progress reports, including award data, as legally releasable at the conclusion of the competitive funding process. However, DOE will generally withhold this information during the pendency of competitive stages of the funding process.

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 (e.g., Concept Paper, Full Application) 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, 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. The applicant, by submitting its application, consents to the use of non-Federal reviewers/administrators. Non-Federal reviewers must sign conflict of interest and non-disclosure agreements prior to reviewing an application. Non-Federal personnel conducting administrative activities must sign a non-disclosure agreement.

## **F. Intellectual Property Developed Under This Program (September 2021)**

**Patent Rights:** The government will have certain statutory rights in an invention that is conceived or first actually reduced to practice under a DOE award. 42 U.S.C. 5908 provides that title to such inventions vests in the United States, except where 35 U.S.C. 202 provides otherwise for nonprofit organizations or small business firms. However, the Secretary of Energy may waive all or any part of the rights of the United States subject to certain conditions.

**Right to Request Patent Waiver:** A selected entity may request a waiver of all or any part of the rights of the United States in inventions conceived or first actually reduced to practice in performance of an agreement as a result of this announcement, in advance of or within 30 days after the effective date of the award. Even if such advance waiver is not requested or the request



is denied, the recipient will have a continuing right under the award to request a waiver of the rights of the United States in identified inventions, i.e., individual inventions conceived or first actually reduced to practice in performance of the award. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784 see <https://www.energy.gov/gc/services/technology-transfer-and-procurement/office-assistant-general-counsel-technology-transf-1> for further information.

**Domestic small businesses and domestic nonprofit organizations:** Domestic small businesses and domestic nonprofit organizations will receive the patent rights clause at 37 CFR 401.14, i.e., the implementation of the Bayh-Dole Act. This clause permits domestic small business and domestic nonprofit organizations to retain title to subject inventions. Therefore, small businesses and nonprofit organizations do not need to request a patent waiver.

- DEC: On June 07, 2021, DOE approved a Determination of Exceptional Circumstances (Dec) Under the Bayh-Dole Act to Further Promote Domestic Manufacture of Doe Science And Energy Technologies. In accordance with this DEC, all awards, including sub-awards, under this FOA shall include the U.S. Competitiveness Provision in accordance with Section IV, “Application and Submission Information; U.S. Competitiveness” of this FOA. A copy of the DEC can be found at <https://www.energy.gov/gc/determination-exceptional-circumstances-decs>.
- Pursuant to 37 CFR § 401.4, any nonprofit organization or small business firm as defined by 35 U.S.C. 201 affected by any DEC has the right to appeal it by providing written notice to DOE within 30 working days from the time it receives a copy of the determination.
- DOE may issue and publish on the website above further DEC's prior to the issuance of awards under this FOA. DOE may require additional submissions or requirements as authorized by any applicable DEC.

**Rights in Technical Data:** Normally, the government has unlimited rights in technical data created under a DOE agreement. Delivery or third-party licensing of proprietary software or data developed solely at private expense will not normally be required except as specifically negotiated in a particular agreement to satisfy DOE's own needs or to ensure the commercialization of technology developed under a DOE agreement.

## **G. Notice Regarding Eligible/Ineligible Activities**

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

## **H. 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).

## **I. Notice of Potential Disclosure Under Freedom of Information Act (FOIA)**

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

## **J. Requirement for Full and Complete Disclosure**

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

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

## **K. Retention of Submissions**

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

## **L. Protected Personally Identifiable Information**

In responding to this FOA, applicants must ensure that Protected Personally Identifiable Information (PII) is not included in the application documents. These documents will be used by the Merit Review Panel in the review process to evaluate each application. PII is defined by the Office of Management and Budget (OMB) as:

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

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

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

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

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

- Social Security Numbers in any form
- Place of Birth associated with an individual
- Date of Birth associated with an individual
- Mother's maiden name associated with an individual
- Biometric record associated with an individual
- Fingerprint
- Iris scan
- DNA
- Medical history information associated with an individual
- Medical conditions, including history of disease
- Metric information, e.g., weight, height, blood pressure
- Criminal history associated with an individual
- Employment history and other employment information associated with an individual
- Ratings
- Disciplinary actions
- Performance elements and standards (or work expectations) are PII when they are so intertwined with performance appraisals that their disclosure would reveal an individual's performance appraisal
- Financial information associated with an individual
- Credit card numbers
- Bank account numbers
- Security clearance history or related information (not including actual clearances held)

## **M. Annual Compliance Audits**

If an institution of higher education, non-profit organization, or state/local government is a Prime Recipient or Subrecipient and has expended \$750,000 or more of Federal funds during the non-Federal entity's fiscal year, then a single or program-specific audit is required. For additional information, please refer to 2 C.F.R. § 200.501 and Subpart F.

If a for-profit entity is a Prime Recipient and has expended \$750,000 or more of DOE funds during the entity's fiscal year, an annual compliance audit performed by an independent auditor is required. For additional information, please refer to 2 C.F.R. § 910.501 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.

## **N. Accounting System**

If your application is selected for negotiation toward award, you should have an accounting system that meets government standards for recording and collecting costs. Reference 2 CFR 200 Subpart D for the applicable standards. If you have not had prior government awards or a recent accounting system review, DOE may request that the Defense Contract Audit Agency (DCAA) or an independent auditor verify that the accounting system is acceptable. A resulting award may contain a Term and Condition that prohibits DOE reimbursement until the system is deemed acceptable.

## **O. Indirect Rates**

Potential recipients and major subrecipients will need to demonstrate how indirect rates are developed using an acceptable government methodology or current rate agreement. The Prime Recipient and major subrecipients may be subject to a DCAA or independent auditor indirect rate review if there has not been a certified rate audit within the previous twelve months. Additionally, annual indirect cost reconciliations are required, as applicable.

## **P. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment**

As set forth in 2 CFR 200.216, recipients and subrecipients are prohibited from obligating or expending project funds (federal funds and recipient cost share) to procure or obtain; extend or renew a contract to procure or obtain; 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.

## **Q. Prohibition Related to Foreign Government-Sponsored Talent Recruitment Programs**

**a. Prohibition**

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

**b. Definitions**

1. **Foreign Government-Sponsored Talent Recruitment Program.** An effort directly or indirectly organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to U.S. entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.
2. **Foreign Country of Risk.** DOE has designated the following countries as foreign countries of risk: Iran, North Korea, Russia, and China. This list is subject to change.

**R. Implementation of Executive Order 13798, Promoting Free Speech and Religious Liberty (November 2020)**

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

**S. Affirmative Action and Pay Transparency Requirements**

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

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

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

DOL's Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule compliance evaluations. Consult OFCCP's Technical Assistance Guide<sup>10</sup> 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.

## **T. 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

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<sup>10</sup> See OFCCP's Technical Assistance Guide at:

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

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 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.

## **U. Construction Workforce Continuity Plan**

If selected for award negotiations, within 30 days of the award notice, the selectee must submit a Construction Workforce Continuity Plan. A Workforce Continuity Plan template is provided at <https://www.energy.gov/infrastructure/reporting-checklists> with the intent to reduce the administrative burden by promoting the use of common formats.

Selectees that voluntarily elect to negotiate a Project Labor Agreement (PLA) or Collective Bargaining Agreement as described in the Special Terms and Conditions of the award are not required to submit a Workforce Continuity Plan or the associated Workforce Continuity report on a quarterly frequency post-award.

## Appendix A: Cost Share Information

### Cost Sharing or Cost Matching

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

### How Cost Sharing Is Calculated

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

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

### What Qualifies for Cost Sharing

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

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

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

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

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

### **General Cost Sharing Rules on a DOE Award**

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

### **DOE Financial Assistance Rules 2 CFR Part 200 as 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 B: Waiver Requests For: Foreign Entity Participation

Prime Recipients and Subrecipients must be domestic entities that are organized, chartered, or incorporated (or otherwise formed) under the laws of a state or territory of the United States.

### 1. Waiver for Foreign Entity Participation

Many of the technology areas DOE funds fall in the category of critical and emerging technologies (CETs). CETs are a subset of advanced technologies that are potentially significant to United States national and economy security.<sup>11</sup> For projects selected under this FOA, all Recipients and Subrecipients must be organized, chartered or incorporated (or otherwise formed) under the laws of a state or territory of the United States; have majority domestic ownership and control; and have a physical location for business operations in the United States. To request a waiver of this requirement, an Applicant must submit an explicit waiver request in the Full Application.

#### Waiver Criteria

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

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

#### Content for Waiver Request

A Foreign Entity waiver request must include the following:

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

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<sup>11</sup> See [Critical and Emerging Technologies List Update \(whitehouse.gov\)](https://www.whitehouse.gov).

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

DOE may also require:

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

DOE may require additional information before considering the waiver request.

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

# APPENDIX C: Buy America Requirements For Infrastructure Projects Required Use Of American Iron, Steel, Manufactured Products, And Construction Materials

## A. Definitions

For the 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 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 materials<sup>12</sup> 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 apply 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.

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

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<sup>12</sup> Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

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 applicant or 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) code for each;
- A detailed justification as to how the non-domestic item(s) is/are essential to 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 D: LIST OF ACRONYMS

COI	Conflict of Interest
DEC	Determination of Exceptional Circumstances
DEIA	Diversity, Equity, Inclusion, and Accessibility
DOE	Department of Energy
DOL	Department of Labor
PR-ERF	Puerto Rico Energy Resilience Fund
FAR	Federal Acquisition Regulation
FCOI	Financial Conflicts of Interest
FFATA	Federal Funding and Transparency Act of 2006
FOA	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FFRDC	Federally Funded Research and Development Center
GAAP	Generally Accepted Accounting Principles
GDO	Grid Deployment Office
HBCUs	Historically Black Colleges and Universities
M&O	Management and Operating
MPIN	Marketing Partner ID Number
MSI	Minority-Serving institution
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NNSA	National Nuclear Security Administration
O&M	Operations & Maintenance
OFCCP	Office of Federal Contractor Compliance Program
OIG	Office of Inspector General
OMB	Office of Management and Budget
PII	Personal Identifiable Information
PPA	Power Purchase Agreement
PV	Photovoltaic
SAM	System for Award Management
SMART	Specific, Measurable, Achievable, Relevant, and Timely
SOPO	Statement of Project Objectives
STEM	Science, Technology, Engineering, and Mathematics
TIA	Technology Investment Agreement
UCC	Uniform Commercial Code
UEI	Unique Entity Identifier
WBS	Work Breakdown Structure

Questions about this FOA? Email [GDO\\_FOA3348@netl.doe.gov](mailto:GDO_FOA3348@netl.doe.gov)  
 Problems with Clean Energy Infrastructure eXCHANGE? Email [infrastructureexchangesupport@hq.doe.gov](mailto:infrastructureexchangesupport@hq.doe.gov)  
 Include FOA name and number in subject line.

## APPENDIX E: STATEMENT OF PROJECT OBJECTIVES

[\*\*\*\*\*BEGINNING OF SOPO TEMPLATE\*\*\*\*\*]

### STATEMENT OF PROJECT OBJECTIVES (SOPO)

*Notice: Applicants selected are to fill out the Statement of Project Objectives (SOPO). The purpose of including this Appendix is to provide a SOPO template and example to all Applicants to better prepare them for project execution. The information included in this appendix is meant to illustrative and is subject to change.*

#### A. OBJECTIVES

*Provide a clear and concise (high-level) statement of the goals and objectives of the project as well as the expected outcomes. If the award is to be structured in Budget Periods (or Phases), include the objective(s) for each Budget Period (or Phase).*

#### B. SCOPE OF WORK

*Provide a summary description of the overall work scope and approach to achieve the objective(s). The work scope description needs to be divided by Phases that are separated by discrete, approximately annual decision points (in line with this FOA's Go/No-Go decision points). The Applicant should describe the specific expected result of each performance period.*

#### C. TASKS TO BE PERFORMED

*The section should describe the specific activities to be conducted over the life of the project. This section provides a summary of the planned approach to this project and should clearly articulate what work must be accomplished to execute the project scope and thus meet the established project objectives. The PMP should be organized by Task. Below is an example of a task structure for Topic Area 1 and 2. The example is illustrative only, and the structure and specific milestones may be modified based on Topic Area. (see example below).*

### DESIGN PHASE (PHASE I) – Development of Design - Workplan

#### Task 1.0: Project Management Plan (PMP)

The Recipient will prepare and submit a Project Management Plan (PMP) during each authorized phase of the agreement. The PMP should describe the specific activities to be conducted over the life of the project and establish a baseline for overall schedule, costs, performance, program impact metrics, teaming arrangement, and risk monitoring. The PMP will be the basis for

reporting against those baselines in the Quarterly Progress Reports (QPRs). The PMP Template will be provided by the DOE Federal Project Officer (identified in Block 15 of the Assistance Agreement as the Program Manager).

Within 30 days of award, the Recipient shall submit a Project Management Plan (PMP) to the designated Federal Project Officer (FPO). The Recipient shall not proceed to Design (Phase I) until the PMP and design has been accepted by the FPO.

The PMP shall be revised and resubmitted as often as necessary, during the course of the project, to capture any major/significant changes to the planned approach, budget, key personnel, major resources, etc.

#### **Task 1.1 – Participate in DOE Planning Sessions**

The Recipient will participate in DOE planning sessions to develop a Workplan. This will include but is not limited to in-person and virtual webinars; targeted topic meetings; preparing and providing material prior to meetings as requested by DOE; and providing information and responses to DOE assignments after meetings.

#### **Task 1.2 – Phase 1 (Design), draft Workplan**

The Recipient shall prepare a draft solar and battery system Workplan, which includes engineering, operation and maintenance and other activities needed to progress project implementation. The Recipient shall also include signed agreements with all building owners with their commitment for the installation and operation of the solar and battery systems. DOE will review and provide comments from which the Recipient will use to finalize their Workplan. The Recipient will provide briefings to DOE on their Workplan development as requested by DOE.

#### **Task 1.3 – Phase 1 (Design), final Workplan**

The Recipient shall submit a final Workplan that incorporates the feedback received from DOE on the draft Workplan. The Recipient must also include a revised Phase 2 budget and/or PMP if necessary to reflect any changes resulting from finalizing their Workplan.

#### **Task 1.4 - National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) Section 106 Compliance**

As required, the Recipient shall provide the documentation necessary for NEPA and NHPA Section 106 compliance.

*Go/No-Go Decision: Did the Recipient complete Design (Phase 1) work and submit associated deliverables? The Recipient will not begin the Construction (Phase 2) until receiving written authorization from the DOE Contracting Officer (CO) to proceed.*

## Construction Phase (Phase 2)

### Task 2.1 – Phase 2, Execution of Workplan

During Phase 2, the Recipient will execute the approved Workplan in accordance with the terms and conditions. The tasks and subtasks include installing the approved solar and battery systems, the operation and maintenance and other activities developed in their Workplan during Phase 1 (Design).

### Task 2.2 –Status Report and Briefing

The Recipient will complete regularly scheduled tasks designed to monitor ongoing cost and performance across Construction (Phase 2) activities. The Recipient shall meet with their DOE Federal Project Officer monthly to discuss and report project progress and the outcomes of the project’s status during the Construction phase. Based on the progress reported, projects may be continued, modified or terminated, potentially subject to the approval of the DOE Contracting Officer.

## D. DELIVERABLES

Periodic and final reports shall be submitted in accordance with the Federal Assistance Reporting Checklist and the instructions accompanying the checklist. In addition to the reports specified in the “Federal Assistance Reporting Checklist,” the Recipient must provide the following to the DOE Federal Project Officer (identified in Block 15 of the Assistance Agreement as the Program Manager)

- Deliverable 1.0 - Project Management Plan – Within thirty (30) days after award (initiating Phase 1), the Recipient shall submit a final Phase 1 PMP to the designated Federal Project Officer. Revisions to the PMP shall be submitted as needed or as requested by the DOE Federal Project Officer.
- Deliverable 1.2 - Design (Phase 1): Within XXX days after award, provide the draft Workplan.
- Deliverable 1.3 - Design (Phase 1): Within XX days after award, provide the final Workplan.
- Deliverable 1.4 - NEPA & SHPO (Phase 1): Within XXX days after awards, provide initial documentation to satisfy compliance with NEPA and Section 106 of NHPA.
- Deliverable 2.2 - Construction (Phase 2): Due monthly, provide DOE metrics reporting on cost and performance across Phase 2 activities, including installation progress, operations and maintenance.

## E. BRIEFINGS/TECHNICAL PRESENTATIONS

The Recipient shall prepare, and present periodic briefings and technical presentations as requested by the Federal Project Officer, which may be held at a DOE or the Recipient's facility, other mutually agreeable location, or virtually.

**[\*\*\*\*\*END OF SOPO TEMPLATE\*\*\*\*\*]**

## Appendix F: Technical and Operational Requirements

TOPIC AREA 1 and 2: TECHNICAL AND OPERATIONAL REQUIREMENTS	
<b>Asset Ownership Model</b>	Existing successful models that comply with applicable regulations will be considered, including third-party ownership (lease or power purchase agreement) and direct ownership.
<b>Equipment Type</b>	New
<b>System Size: Solar PV</b>	PV system should be sized accordingly during the design phase to serve the critical building loads during a utility outage with islanding capacity up to a maximum of 1MW capacity.
<b>Battery Energy Storage System</b>	Battery system should be designed to provide back-up power to cover critical loads for a minimum of four hours during proposed worst case utility outage scenarios.
<b>Warranty and Performance Guarantee</b>	<p>The equipment to be installed must be warranted as specified below:</p> <ul style="list-style-type: none"> <li>• Minimum of ten (10) years for photovoltaic panels;</li> <li>• Minimum of twenty (20) years for the Linear Performance Warranty of photovoltaic modules;</li> <li>• Minimum of ten (10) years for battery banks and inverters.; and</li> <li>• Project owner must secure hazard insurance for the full system once installed.</li> </ul> <p>System owners, if different from the target sites, must be prepared to offer a guarantee of system availability covering the percentage of hours per year that the system(s) will be technically capable of receiving and responding to dispatch instructions. Such guarantee is not anticipated to be impacted by grid outages.</p>
<b>O&amp;M</b>	20 years.
<b>Insurance</b>	Responsible entity (whether facility owner/operator or system operator/O&M provider) must maintain insurance on the system.
<b>Allowed “Solar Ready” Investments</b>	Roof repair, incidental electrical work, communications equipment.
<b>Installation Labor</b>	In accordance with all applicable codes, standards, and workforce regulations.
<b>Interconnection</b>	Net metering application submission required by the installer.
<b>Ability to Island</b>	Yes.
<b>Remote Monitoring/Dispatch</b>	Systems must be installed to allow for remote monitoring and be aggregation-ready to participate in grid services programs.