

Department of Energy (DOE)
Office of the Under Secretary for Infrastructure
Assisting Federal Facilities with Energy Conservation
Technologies (AFFECT) Bipartisan Infrastructure Law (BIL)
Advancing Net-Zero Federal Facilities

Federal Agency Call (FAC) Number: DOE-FOA-0003026
FAC Type: Modification 0004
Assistance Listing Number: 81.117

FAC Issue Date	03/23/2023
Informational Webinar	04/04/2023

	Submission Deadline for Applications	Expected Date for Selection Notifications
Phase 1: Summer 2023	05/31/2023	Fall/Winter 2023
Phase 2: Spring 2024	06/27/2024	Winter 2024
Phase 3: Spring 2025	04/18/2025	Fall 2025

- To apply to this FAC, applicants must register with and submit application materials through [S3 eXCHANGE](#).
- Applicants must designate primary and backup points-of-contact in [S3 eXCHANGE](#) with whom the DOE Federal Energy Management Program (FEMP) will communicate to conduct award negotiations. If an application is selected for award negotiations, it is not a commitment to issue an award. It is imperative that the applicant/selectee be responsive during award negotiations and meet negotiation deadlines. Failure to do so may result in cancelation of further award negotiations and rescission of the selection.
- FEMP will conduct an Informational Webinar during the FAC process. It will be held shortly after the FAC Issue Date, but before the first submission deadline for applications. Attendance is not mandatory and will not impact the review of any applicant submissions. As the webinar will be open to all applicants who wish to participate, applicants should refrain from asking questions or communicating information that would reveal confidential and/or proprietary information specific to their project. The date for the webinar can be found above. In approximately one week after the webinar, the slides and recording will be posted to [S3 eXCHANGE](#). FEMP will offer a repeat of the informational webinar to any agency that requests one. Request must be received at least 5 business days prior to the date the agency seeks the webinar and no later than one month prior to application submission dates noted above. FEMP will not take questions during these webinars; all questions must follow the process described in section VII of this FAC.
- [S3 eXCHANGE](#) will open for submission 3 months prior to the submission deadline of each phase.

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email infrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.

- Applicants are strongly advised to coordinate with their agency headquarters' energy and sustainability points of contacts, such as Agency Chief Sustainability Officer (CSO), for internal review and project prioritization.
- FEMP will conduct:
 - ✓ A training on completion of [eProject Builder](#) (ePB) templates with a focus on this FAC.
 - ✓ Lessons learned training.
 - ✓ Provide guidance documents on completing the SF-424 Application for Federal Assistance form and setting up a Unique Entity Identifier (UEI) for System for Award Management (SAM).

Similar to the Informational Webinar, attendance to the training sessions are not mandatory and will not impact the review of any applicant submissions. The training sessions will be open to all applicants who wish to participate. FEMP will not address application-specific questions during these trainings; all such questions must follow the process described in section VII of this FAC. Once set, the dates for the training sessions along with access information will be posted to [S3 eXCHANGE](#). In approximately one week after each training session, the slides and recording will be posted to [S3 eXCHANGE](#).

Modifications

All modifications to the FAC are highlighted in the body of the FAC, with the highlight color associated with each modification and description of each modification identified in the table below.

Mod. No.	Date	Description of Modification
0001	04/19/2023	1. Corrected typographical errors in I.C.
0001	04/19/2023	2. Provided instruction on use of eProject Builder for foreign projects in IV.B.vi.
0001	04/19/2023	3. Clarified timing of registration with the System for Award Management in IV.D.
0002	10/04/2023	4. Updated submission and selection notification timeline.
0002	10/04/2023	5. Provided information on upcoming and additional training and guidance.
0002	10/04/2023	6. Changed “and” to “or” in I.D. for Topic Area 2 and Topic Area 3 for additional emphasis on flexibility.
0002	10/04/2023	7. Clarified applications not of interest in I.E.
0002	10/04/2023	8. Clarified eligible applicants and eligible projects and limitation on application support, in III.A.
0002	10/04/2023	9. Clarified standards for application evaluation in V.C.
0002	10/04/2023	10. Reference correction in I.E from “Section III.D” to “Section III.C” and in V.C from “Section I.C” to “Section I.D.”
0002	10/04/2023	11. Updated the Cost Leverage Ratio definition in Appendix B to be consistent with section II.B.
0003	03/25/2024	12. Add phase number and update phase 2 submission deadline along with expected date for selection notification.
0003	03/25/2024	13. Include language encouraging coordination with agency headquarters in introduction and IV.B.iv.
0003	03/25/2024	14. Add summary overview of key information.
0003	03/25/2024	15. Clarification of policies in I.B.

Mod. No.	Date	Description of Modification
0003	03/25/2024	16. Overarching clarification on all Topic Areas along with splitting of Topic Area 1 into Topic Area 1A and Topic Area 1B to add flexibility and clarity for applicants on assistance types in Section I.D along with subsequent impacted areas: Estimated Funding, Section II.A.; Deliverables and Timeline for Funding Distribution, Section II.D.; Application and Submission Information, IV.B.i.; Application Review Information Technical Review Criteria, Sections V.A. and V.B.; and Summary Slide Template, Appendix A.
0003	03/25/2024	17. Expansion and clarification of Applications Specifically Not of Interested in I.E.
0003	03/25/2024	18. Eligibility clarification in III.A.
0003	03/25/2024	19. Addition of Executive Summary for Public Release section in application forms in IV.B.ii.
0003	03/25/2024	20. Language on possible additional information for unsuccessful applicants in IV.B.v.
0003	03/25/2024	21. Inclusion of information on National Historic Preservation Act compliance in VI.B.iv.
0003	03/25/2024	22. Informational link to supplementary guidance on cybersecurity plan requirements in VI.B.vi.
0003	03/25/2024	23. Clarification on merit review evaluation and Peer Reviews by non-federal personal in VI.E.
0003	03/25/2024	24. Provided a definition for organizational boundary in Appendix B.
0003	03/25/2024	25. Throughout, minor clarification language based on phase 1 questions, application review, and feedback survey.
0004	04/24/2024	26. Clarification on Program Policy Factors in V.E.

SUMMARY OVERVIEW OF KEY INFORMATION

Issuing Agency	Department of Energy, Federal Energy Management Program
Program Overview	This program will provide funding to support the goals for federal leadership as described in Section 543 of NECPA, as amended through the Energy Act of 2020 (EA2020), and codified in 42 U.S.C. § 8253, Executive Order (E.O.) 14057, Catalyzing America's Clean Energy Economy Through Federal Sustainability and E.O. 14008, Tackling the Climate Crisis at Home and Abroad.
Objective	The AFFECT BIL FAC aims to drive the federal government to lead by example and support the administration goals by promoting agencies' efforts in achieving a net-zero emissions building portfolio as described in Section 205 of E.O. 14057, as well as achieving net-zero water and/or net-zero waste buildings per OMB M-22-06. AFFECT BIL FAC support of a federal path toward net-zero emissions, water and/or waste buildings while contributing to multiple agency goals through efficiency and conservation improvements.
Topic Areas	<ul style="list-style-type: none">• Topic Area 1A: Assistance with Net-Zero Buildings Project Development• Topic Area 1B: Assistance with Net-Zero Buildings Program/Procedures Development• Topic Area 2: Modify Existing Projects for Net-Zero Buildings• Topic Area 3: New/In Development Net-Zero Buildings Projects
Eligible Applicants	This FAC is available to federal agencies ONLY. Only U.S. federal agencies (including sub-agencies), as defined by 5 U.S.C § 551(1), are eligible to apply for funding under this FAC. Additionally, only facilities that are owned by the U.S. federal government are eligible for funding under this FAC, in compliance with 42 U.S.C. § 8253, which prioritize owned facilities.
Funding	<p>It is anticipated that this FOA will provide Federal funding of \$250M over the next 5 years.</p> <ul style="list-style-type: none">• Topic Area 1A: approximately \$6.25M AFFECT BIL funding• Topic Area 1B: approximately \$6.25M AFFECT BIL funding• Topic Area 2: approximately \$95M AFFECT BIL funding• Topic Area 3: approximately \$142.5M AFFECT BIL funding
Deadlines	<p>Full application submission due date by phase:</p> <p>Phase 1: Summer 2023, May 31, 2023, at 5:00 PM ET</p> <p>Phase 2: Spring 2024, June 27, 2024, at 5:00 PM ET</p> <p>Phase 3: Spring 2025, April 18, 2025, at 5:00 PM ET</p>

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email infrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.

Table of Contents

Modifications.....	iii
Table of Contents.....	vi
I. Federal Agency Call Description.....	1
A. Background and Authority.....	1
B. Programmatic Priorities and Policy Considerations	1
C. AFFECT BIL FAC Goals	3
D. Topic Areas	3
E. Applications Specifically Not of Interest.....	6
II. Award Information.....	7
A. Estimated Funding.....	7
B. Cost Leverage	8
C. Eligible Project Costs	9
D. Deliverables and Timeline for Funding Distribution	9
E. Government Use Case Publication	11
F. Funding Agreements	11
III. Eligibility Information.....	11
A. Eligible Applicants.....	11
B. Compliance Criteria	12
C. Responsiveness Criteria.....	13
D. Questions Regarding Eligibility	13
IV. Application and Submission Information	13
A. Submit materials through S3 eXCHANGE	13
B. Content and Form of the Application	15
C. Post Selection Information Requests	18
D. Unique Entity Identifier (UEI) and System for Award Management (SAM)	18
E. Submission Dates and Times	19
F. Funding Restrictions	19
V. Application Review Information	19
A. Topic Area 1A Technical Review Criteria	19
B. Topic Area 1B Technical Review Criteria	20
C. Topic Area 2 and Topic Area 3 Technical Review Criteria.....	21
D. Standards for Application Evaluation	23
E. Other Selection Factors	23
F. Evaluation and Selection Process	24
G. Anticipated Notice of Selection and Award Negotiation Dates.....	25
VI. Award Administration Information.....	25
A. Award Notices	25
B. Administrative and National Policy Requirements.....	27
VII. Questions/Agency Contacts	32
VIII. Other Information.....	32
A. FAC Modifications.....	32
B. Right to Reject or Negotiate.....	32

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email infrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.

C.	Commitment of Public Funds	32
D.	Treatment of Application Information	33
E.	Administration by Non-Federal Personnel	34
F.	Notice Regarding Eligible/Ineligible Activities	34
G.	Notice of Potential Disclosure Under Freedom of Information Act (FOIA)	34
H.	Requirement for Full and Complete Disclosure.....	34
I.	Retention of Submissions	35
J.	Rights in Technical Data.....	35
K.	Export Control	35
L.	Personally Identifiable Information (PII)	36
Appendix A. Summary Slide Template.....		37
Appendix B. Definitions, Abbreviations, and Acronyms		38

I. Federal Agency Call Description

A. Background and Authority

The Energy Policy Act of 1992¹ authorized the Secretary of Energy to establish a fund with the stated purpose of providing competitive grants to federal agencies to assist them in meeting the energy and water conservation requirements in Section 543 of the National Energy Conservation Policy Act (NECPA), as amended (42 U.S.C. § 8253). Through this authority, the U.S. Department of Energy (DOE) Federal Energy Management Program (FEMP) created the Assisting Federal Facilities with Energy Conservation Technologies (AFFECT) program to provide funding to federal agencies for the development of energy and water saving technologies and to meet federal mandates. Pursuant to 42 U.S.C. § 8256 (b)(3), FEMP will make selections and awards under this Federal Agency Call (FAC) through a competitive process, with agency applications evaluated against the Technical Review Criteria set forth in Sections V.A and V.B.

Section 40554 of the Infrastructure Investment and Jobs Act (IIJA)², also known as the Bipartisan Infrastructure Law (BIL), authorized to be appropriated to the Secretary of Energy to provide grants authorized under section 42 U.S.C. § 8256 (b), \$250 million for fiscal year 2022, to remain available until expended. FEMP intends to award the \$250 million authorized under BIL through this AFFECT BIL FAC.

B. Programmatic Priorities and Policy Considerations

FEMP is seeking to make awards as described in Section 543 of NECPA, as amended through the Energy Act of 2020³ (EA2020) and codified in 42 U.S.C. § 8253. In making such awards, FEMP also seeks to support the Administration's goals for federal leadership under Executive Order (E.O.) 14057, *Catalyzing America's Clean Energy Economy Through Federal Sustainability*⁴ and E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*.⁵

i. EA2020

EA2020 includes amendments to Section 543 of NECPA that prioritize implementation of energy conservation measures (ECMs) and adds water management as a requirement throughout. EA2020 includes the following requirements for federal agencies that are relevant to FEMP's AFFECT BIL FAC:

- Complete comprehensive evaluations (i.e., energy and water audits) of each covered facility at least once every four years;

¹ See Section 152 of the [Energy Policy Act of 1992 \(Pub. L. 102-486\)](#)

² See Section 40554 of the [Infrastructure Investment and Jobs Act \(IIJA\), Pub. L. 117-58 \(Nov. 15, 2021\)](#)

³ Energy Act of 2020, Division Z of the [Consolidated Appropriations Act, 2021, Pub. L. 116-260 \(Dec. 27, 2020\)](#)

⁴ [E.O. 14057, "Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability", December 8, 2021](#)

⁵ [E.O. 14008, "Tackling the Climate Crisis at Home and Abroad", January 27, 2021](#)

- Implement all cost-effective ECMs identified within two years of completion of evaluation (audit); and
- Use performance contracting to address at least 50% of ECMs identified.

ii. E.O. 14057

E.O. 14057 commits the U.S. Government to lead by example to leverage its scale and procurement power to drive clean, healthy, and resilient operations in tackling the climate crisis. The E.O. calls for a whole-of-government effort to address climate in a way that creates well-paying jobs, grows industries, and makes the country more economically competitive, directing the federal government to achieve ambitious goals including the following that are relevant to FEMP's AFFECT BIL FAC:

- 100 percent carbon pollution-free electricity by 2030, including 50 percent 24/7 carbon pollution-free electricity;
- A net-zero emissions building portfolio by 2045, including a 50 percent emissions reduction by 2032;
- Net-zero emissions from overall federal operations by 2050, including a 65 percent emissions reduction by 2030; and
- 100 percent zero-emission vehicle acquisitions by 2035, including 100 percent zero-emission light-duty vehicle acquisitions by 2027.

E.O. 14057 also directs the federal government to orient its procurement and operations efforts in line with the following principles and goals:

- Achieving climate resilient infrastructure and operations;
- Building a climate- and sustainability-focused workforce; and
- Advancing environmental justice and equity.

iii. E.O. 14008

E.O. 14008 directs the federal government to deploy American-made clean energy technologies and infrastructure, increase climate resilience, and ensure that environmental and economic justice are key considerations in energy planning. The E.O. includes provisions regarding the following that are relevant to FEMP's AFFECT BIL FAC:

- Agencies shall adhere to the requirements of the Made in America Laws in making clean energy, energy efficiency, and clean energy procurement decisions;
- Agencies shall, consistent with applicable law, apply and enforce the Davis-Bacon Act and prevailing wage and benefit requirements; and
- Agencies are expected to direct 40 percent of the overall benefits from certain Federal investments to flow to disadvantaged communities.

C. AFFECT BIL FAC Goals

With \$250 million in BIL funding, the AFFECT BIL FAC aims to drive the federal government to lead by example and support the administration goals laid out above by promoting agencies' efforts in achieving **an energy efficient**, net-zero emissions building portfolio as described in Section 205 of E.O. 14057, as well as achieving net-zero water and/or net-zero waste buildings per OMB M-22-06⁶. AFFECT BIL FAC support of a federal path toward net-zero emissions, water and/or waste buildings will contribute to multiple agency goals through efficiency and conservation improvements, electrification, operational and management enhancements, increased use of on-site clean and renewable energy sources, sustainable facility design, and reduction in greenhouse gas (GHG) emissions, while simultaneously creating and sustaining well-paying U.S. jobs.

The AFFECT BIL FAC relies on the following net-zero building related definitions:⁷

- Net-zero emissions building means a building that is designed and operated so that, when connected to a regional electrical grid fully serviced by carbon pollution-free electricity, the scope 1 and 2 GHG emissions from all operational end uses are zero on an annual basis.
- Net-zero waste building means a building that is operated to reduce, reuse, recycle, compost, or recover solid waste streams (with the exception of hazardous and medical waste) thereby resulting in zero waste disposal.
- Net-zero water building means a building that is designed, constructed, or renovated and operated to greatly reduce total water consumption, use non-potable sources as much as possible, and recycle and reuse water in order to return the equivalent amount of water as was withdrawn from all sources, including municipal supply, without compromising groundwater and surface water quantity or quality.

As used in this FAC, *net-zero building* refers more generally to a building that is a net-zero emission, water, and/or waste building. Note, as used in this FAC, an ECM includes energy and/or water conservation and efficiency measures as defined in Appendix B.

D. Topic Areas

This AFFECT BIL FAC seeks applications from federal agencies for projects that will create individual showcase facilities, **campuses**, and/or multi-site deployment projects that contribute to a net-zero building portfolio. **The technologies and strategies featured in these applications should have a pathway to be replicated and/or scaled across an agency's building portfolio and catalyze implementation of similar projects at other locations through best practices and lessons learned.**

⁶ [OMB Memo M-22-06](#)

⁷ [Implementing Instructions for E.O. 14057](#)

Additionally, it is important that projects seek to be comprehensive by addressing energy efficiency, water conservation, and clean energy opportunities at the system, campus, and site-wide levels. Applications are sought from federal agencies that are in alignment with the three Topic Areas described below:

i. Topic Area 1A: Assistance with Net-Zero Buildings Project Development

Applications submitted under Topic Area 1A are for assistance to initiate and develop a net-zero buildings project at a site or campus that will contribute to compliance with the statutory energy and water management requirements at 42 U.S.C § 8253. This assistance is focused on helping projects overcome barriers that occur between the initial concept and project phases, and to help develop projects that maximize use of technologies and strategies to achieve net-zero buildings. The incorporation of early and/or underutilized commercially viable technologies are encouraged.

This assistance must provide support beyond typical preliminary energy efficiency assessments, investment grade energy audits, or other support typically carried out by an energy service company, utility, or third party, or by internal agency staff for routine energy management. The application must demonstrate that this assistance is not typically provided by other entities at no-cost to the agency, such as FEMP's widely available technical assistance and feasibility assessment tools.

For purposes of this AFFECT BIL FAC, "assistance" may include but is not limited to assessments, analysis, and/or similar efforts that will accelerate a net-zero project's timeline and that will substantively improve the likelihood of resulting in a contract solicitation.

Examples of assistance include but are not limited to:

- A feasibility study or techno-economic analysis examining the potential of incorporating early and/or underutilized commercially viable technologies that have been validated by an established process (e.g., [GSA Green Proving Ground](#), [SERDP](#) and [ESTCP](#)) into a project.
- Analysis of alternative fuels, technologies or strategies for a site or campus to transition off of fossil-fuel based district heating or cogeneration systems to all-electric systems. Analysis should result in an implementable project.
- Financial analysis for optimal leverage of funding mechanisms (e.g., performance contracts) and financial incentives to enable greatest scope and impact of project.

Agencies that are awarded funds for assistance with net-zero buildings project development under Topic Area 1A may submit a Topic Area 2 or Topic Area 3

application under phase 3 of the AFFECT BIL FAC submission opportunity to seek funding for project execution.

**ii. Topic Area 1B: Assistance with Net-Zero Buildings
Program/Procedures Development**

Applications submitted under Topic Area 1B are for assistance to initiate, develop, or modify agency program/procedures to create a pipeline of replicable and scalable net-zero buildings projects that will contribute to compliance with the statutory energy and water management requirements at 42 U.S.C § 8253. The assistance should address existing challenges and catalyze agency efforts to achieve net-zero buildings portfolio goals by establishing a programmatic foundation resulting in more efficient, effective, and comprehensive project development.

For purposes of this AFFECT BIL FAC, “assistance” in this Topic Area includes but is not limited to the development of master specifications, scope and costing guidance, master plans and frameworks, and other documentation and analysis. The application must demonstrate that this assistance is not typically provided by other entities at no-cost to the agency, such as FEMP’s widely available technical assistance and feasibility assessment tools.

Examples of assistance include but are not limited to:

- Portfolio analysis and prioritization of viable net-zero buildings opportunities across facilities within a region or bureau;
- Campus or site-wide master plan or design criteria for net-zero emissions, water, and/or waste;
- Development of a strategy to transition multiple buildings or a campus off of fossil-fuel based district heating or cogeneration systems to all-electric systems.

Agencies that are awarded funds for assistance with net-zero buildings program development under Topic Area 1B may submit a Topic Area 2 or Topic Area 3 application under phase 3 of the AFFECT BIL FAC submission opportunity to seek funding for project execution.

iii. Topic Area 2: Modify Existing Projects for Net-Zero Buildings

Applications submitted under Topic Area 2 are for proposed projects that would add net-zero buildings ECMs to previously awarded contracts in order to support an agency’s efforts to achieve goals outlined in E.O. 14057 and E.O. 14008, consistent with 42 U.S.C. § 8253.

Topic Area 2 applications must include two scenarios modeled via the [eProject Builder](#) (ePB) Calculating Template. The first scenario must illustrate the current

awarded contract. The second scenario must illustrate a financeable project with the AFFECT BIL grant, which has an increased scope of work that includes additional and/or modified ECMs to support the applicant's net-zero buildings efforts. These requirements are described further in Section IV.B.

In evaluating applications, FEMP will consider the extent to which an application leverages non-federal and federal funds. Non-federal funds applied to projects proposed under Topic Area 2 may include (a) funding under an energy savings performance contract (i.e., ESPCs, ENABLE) and/or UESCs (collectively, energy performance contracts); (b) rebates and other financial incentives from utilities and state or local government agencies, or (c) other non-Federal funding sources as may be authorized for applicant agency. FEMP will also consider the amount of funding committed to the project by the applicant agency's appropriations.

iv. Topic Area 3: New/In Development Net-Zero Buildings Projects

Applications under Topic Area 3 are for new projects or projects in development that support net-zero buildings efforts and any or all of the goals outlined in E.O. 14057, and E.O. 14008, consistent with 42 U.S.C. § 8253.

Topic Area 3 applications must include two scenarios modeled via the ePB Calculating Template. The first scenario must illustrate the current scope of work anticipated for the new project or project in development. The second scenario must illustrate a financeable project with the AFFECT BIL grant, which has an increased scope of work that includes additional and/or modified ECMs to support the applicant's net-zero buildings efforts. These requirements are described further in Section IV.B.

In evaluating applications, FEMP will consider the extent to which an application leverages non-federal and federal funds. Non-federal funds applied to projects proposed under Topic Area 3 may include (a) funding under an energy savings performance contract (i.e., ESPCs, ENABLE) and/or UESCs (collectively, energy performance contracts), (b) rebates and other financial incentives from utilities and state or local government agencies, or (c) other non-Federal funding sources as may be authorized for applicant agency. FEMP will also consider the amount of funding committed to the project by the applicant agency's appropriations.

E. Applications Specifically Not of Interest

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

- Applications for proposed technologies that are not based on sound scientific principles (e.g., violates the laws of thermodynamics), pre-commercial, or prototype stage;

- Applications with early stage and/or underutilized technologies that do not illustrate completing a validation process to ensure it is commercially viable (e.g., [GSA Green Proving Ground, SERDP and ESTCP](#));
- Applications that include research and development activities (e.g., testing and deploying technology that is not commercially available);
- Applications that propose the acquisition of one or more Electric Vehicles (EVs) unless the battery is being used extensively for load management, in which case AFFECT can only support the incremental vehicle cost associated with the battery;
- Applications that propose the acquisition of EV supply equipment (EVSE) (e.g., EV chargers) unless the EVSE is used extensively for load management of a federal building that incorporates bidirectional charging from an EV to provide power for building back up or load management⁸;
- Applications under Topic Area 2 or Topic Area 3 that do not include two scenarios of the ePB calculating template (i.e., with and without AFFECT BIL grant), as described above;
- Applications that have not identified project implementation sites and addresses;
- Projects that may raise significant questions and concern regarding safety (e.g., lacking UL certification on electrical equipment); and/or
- Applications that do not contain a letter of endorsement from the applicant's headquarters official responsible for sustainability, energy management, or procurement, stating that the application has the support of central agency officials and would be allowed to be implemented if an AFFECT grant is awarded (See Section IV.B.iv).

II. Award Information

A. Estimated Funding

FEMP expects to make approximately \$250 million of federal funding available under this AFFECT BIL FAC, subject to the availability of appropriated funds. FEMP intends to expend these funds over approximately the next two years, with three separate application submission opportunities. FEMP may issue one, multiple, or no awards. With a focus on net-zero buildings, FEMP will consider individual awards greater than the historical average but not in excess of \$10 million. FEMP does not intend to allocate more than 5% of the AFFECT BIL grants to Topic Area 1A and Topic Area 1B.

⁸ See the [Federal Energy Savings Performance Contracts Frequently Asked Questions on the Scope of 42 U.S.C. § 8287 et. seq.](#), questions 35 and 36 for more information.

Topic Area Number	Topic Area Title	Anticipated Number of Awards	Anticipated Award Size for Any One Individual Award	Approximate Total Federal Funding Available for All Awards
1A	Assistance with Net-Zero Buildings Project Development	0-60	\$0-\$200K	\$6.25M
1B	Assistance with Net-Zero Buildings Program/Procedures Development	0-60	\$0-\$200K	\$6.25M
2	Modify Existing Projects for Net-Zero Buildings	0-20	\$0-\$10M	\$95M
3	New/In Development Net-Zero Buildings Projects	0-30	\$0-\$10M	\$142.5M

B. Cost Leverage

In accordance with the factors established in 42 U.S.C. § 8256(b)(3)(C) and (D), consideration of cost leverage evaluates the amount requested by the applicant federal agency as compared to the total investment cost of the subject project. Specifically, cost leverage refers to the amount of funding committed to the project by the agency requesting financial assistance and the extent that a proposal leverages financing from other non-federal sources (e.g., private financing used in a performance contract, incentives from utilities and/or state/local government, etc.). Projects with greater cost leverage will be scored higher during the comprehensive merit review of the Technical Review Criteria.

The Cost Leverage Ratio (CLR) is defined as follows:

CLR = CF/G, where

Committed Funds (CF) = The sum of the funding committed to the full project by the agency requesting financial assistance, including funding from both federal and non-federal sources

Grant (G) = Amount of the grant requested under this FAC

Upon selection for award negotiations, recipient agencies will be required to provide additional information and documentation regarding their cost leverage contributions.

C. Eligible Project Costs

AFFECT BIL grant funding may be spent on any of the equipment and/or technical assistance and other services related to the planning, development, or implementation of an eligible project.

D. Deliverables and Timeline for Funding Distribution

The funding distribution timeline for projects selected under this FAC will be based on the agency recipient's execution of one or more Deliverables, stage of the project, and the timetables developed during award negotiations.

i. Topic Area 1A Deliverables

Each recipient agency's Topic Area 1A AFFECT BIL grant funding will be released upon submission of the applicable deliverable as follows:

- Either:
 - RFP or RFQ for third-party consultant; or
 - Scope of work for an in-house consultant; and
- The resulting outcome:
 - For Energy Savings Performance Contract (ESPC) or ENABLE projects: Notice of Opportunity (NOO);
 - For Utility Energy Service Contract (UESC) projects: Letter of Interest (LOI) or Sources Sought Request for Proposal (RFP); or
 - For projects executed through other procurement mechanisms: RFP or Request for Quote (RFQ).

FEMP reserves the right to terminate the selected AFFECT BIL grant if the recipient agency has not submitted the applicable deliverable within 12 months of grant selection.

ii. Topic Area 1B Deliverables

Each recipient agency's Topic Area 1B AFFECT BIL grant funding will be released upon submission of the applicable deliverable as follows:

- Either:
 - RFP or RFQ for third-party consultant; or
 - Scope of work for an in-house consultant; and
- The resulting outcome (e.g., framework, master plan, report)

FEMP reserves the right to terminate the selected AFFECT BIL grant if the recipient agency has not submitted the applicable deliverable within 12 months of grant selection.

iii. Topic Area 2 Deliverables

Each recipient agency's Topic Area 2 AFFECT BIL grant funding will be released upon submission of the applicable deliverable as follows:

- Issued Amendment of Solicitation/Modification of Contract [SF-30](#) (or equivalent form); or
- Project proposal provided by the energy service company (ESCO) (for an ESPC or ENABLE project) or by the utility (for UESC projects) to the applicant.

FEMP reserves the right to terminate the selected AFFECT BIL grant if the recipient agency has not issued a change order for the subject project contract that is to be modified within 6 months of the grant **selection**; **or** if the recipient agency has not submitted the ESCO/utility's project Proposal within 12 months; **or** if the recipient agency has not issued a solicitation to acquire one or more eligible ECMs within 12 months of the grant **selection**.

iv. Topic Area 3 Deliverables

Each recipient agency's Topic Area 3 AFFECT BIL grant funding will be released upon submission **one or more** of the applicable deliverables as follows:

- For ESPC or ENABLE projects: Issued NOO, Notice of Intent to Award (NOITA), and project Proposal provided by the ESCO to the applicant; or
- For UESC projects: Issued LOI or Sources Sought RFP, Notice to Proceed (NTP) to investment grade audit (IGA), and project Proposal provided by the utility to the applicant; or
- For projects executed through other procurement mechanisms: Issued RFP/RFQ and awarded contract for the acquisition of one or more eligible ECMs.

FEMP reserves the right to terminate the selected AFFECT BIL grant if the recipient agency has not issued a NOO, LOI or Sources Sought RFP within 6 months of the grant **selection**; **or** if the recipient agency has not issued a NOITA or NTP to IGA within 12 months of issuing the NOO, LOI or Sources Sought RFP; **or** if the recipient agency has not submitted the ESCO/utility's project Proposal within 12 months of issuing the NOITA or NTP to IGA; **or** if the recipient agency has not issued a solicitation to acquire one or more eligible ECMs within 12 months of the grant **selection**.

v. Project Schedule

It is the applicant's responsibility to propose a project schedule that is both challenging and achievable. An overly aggressive and unrealistic schedule should be avoided because awards may be terminated, canceled, and/or payments may be withheld if submission of the Final Deliverable is not met in accordance with the project schedule. Conversely, an overly conservative schedule is not desirable because of the potential negative impact on completing the project in

a timely manner. An updated project schedule will be based on the content of the application and finalized during award negotiations.

E. Government Use Case Publication

Recipient agencies under this FAC must actively demonstrate how the proposed project results are conducive to, and how they will be used by the applicant to promote broader adoption at other federal facilities. This requirement, to be negotiated prior to grant award, will include, but is not limited to, a commitment to develop a Government Use Case publication. The Government Use Case must address key project information, including the following: general location (City and State); short project description addressing key issue(s) being addressed by the project; technology(ies) used; project costs; energy savings, GHG reduction; lessons learned, and other notable features that can help persuade other agencies to undertake similar projects. **Note: Applicants are not required to submit any documentation or plan regarding the Government Use Case Publication as part of their AFFECT BIL applications.**

F. Funding Agreements

As authorized by 42 U.S.C. § 8256(b), the funding for projects selected under this FAC will be provided through Grants. Any application, resulting terms (including payment terms), schedules, and deliverables will be incorporated and described in the funding agreement. Funding Agreements will not abrogate or circumscribe statutory or regulatory requirements that are otherwise applicable to the recipient agency. Funds not used as authorized under the terms of the Funding Agreement for the recipient agency's proposed AFFECT project will be returned to FEMP.

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.

Pursuant to 42 U.S.C. § 8256(b)(1), federal agencies are the only eligible applicants for this FAC. Grant awards will be issued through FedConnect, using the Intra Governmental Payment and Collection (IPAC) payment method.

A. Eligible Applicants

This FAC is available to federal agencies ONLY. Only U.S. federal agencies (including sub-agencies), as defined by 5 U.S.C § 551(1), are eligible to apply for funding under

this FAC.⁹¹⁰ **Additionally, only** facilities that are owned by the U.S. federal government are eligible for funding under this FAC, **consistent with 42 U.S.C. § 8253, which prioritize owned facilities.**

In order for a project at a government-owned, contractor-operated (GOCO) facility to be eligible for AFFECT, the AFFECT application must be submitted by the cognizant Federal Contracting Officer and the following requirements must be met: the federal agency must pay the utility bills, receive the benefits of the reduced utility bills and, in the case of a performance contract, pay the ESCO/utility. Furthermore, the application must demonstrate eligibility.

This FAC is not limited to domestic facilities, meaning projects may be eligible for consideration, application submission, and funding under this FAC, that are implemented at any facility that is located in the U.S. (i.e., CONUS), the U.S. territories, or internationally (i.e., OCONUS).

Applications to this FAC must address one of the Topic Areas identified in Section I.D and submit documentation as defined in Section IV.B:

- **Topic Area 1A and Topic Area 1B:** AFFECT BIL Application Form, SF-424 Application for Federal Assistance, Letter of Endorsement, and Summary Slide.
- Topic Area 2 and Topic Area 3: AFFECT BIL Application Form, SF-424 Application for Federal Assistance, Letter of Endorsement, Summary Slide, and completed ePB Calculating Templates.

An applicant may submit more than one application to this FAC, provided that each application describes a separate, distinct project.

B. Compliance Criteria

Applications must meet all compliance criteria listed in the following paragraph or they will be considered noncompliant. FEMP will not review or consider noncompliant submissions, including applications that were: submitted through means other than S3 eXCHANGE; submitted after the applicable deadline; and/or submitted incomplete. FEMP will not extend the submission deadline for Applicants that fail to submit required information due to server/connection congestion.

Applications are deemed compliant if:

⁹ Eligible Applicants are permitted to coordinate the development of application content, information, and documentation as required for submission with ESCO, Utility, or Contractor Partners as per the Applicant's preference. However, the application must be submitted by the Eligible Applicant federal agency.

¹⁰ In general, Eligible Applicants cannot receive direct application support from National Laboratory staff, except that an eligible proposal at a National Laboratory may receive direct support from cognizant National Laboratory staff. In all instances, direct application support cannot be obtained from individuals that support FEMP.

- The application complies with the content and form requirements in Section IV.B. of the FAC; and
- The Applicant successfully uploaded all required documents and clicked the “Submit” button in S3 eXCHANGE by the deadline stated in the FAC.

C. Responsiveness Criteria

All “Applications Specifically Not of Interest,” as described in Section I.E. of the FAC, are deemed non-responsive and are not reviewed or considered.

D. Questions Regarding Eligibility

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

IV. Application and Submission Information

A. Submit materials through S3 eXCHANGE

FEMP will perform an initial eligibility review of the applications to determine whether they meet the eligibility requirements of Section III of the FAC. FEMP will not review or consider applications that do not meet the eligibility requirements of Section III.

All applications must conform to the following form and content requirements, including maximum page/word limits (described below) and must be submitted via [S3 eXCHANGE](#), unless specifically stated otherwise. **FEMP will not review or consider submissions submitted through means other than S3 eXCHANGE, or submissions submitted after the applicable deadline.** Applicants are further advised that applications containing incomplete submissions will receive low evaluation ratings under the applicable Technical Review Criteria.

Agencies that experience issues with submission **PRIOR** to the FAC deadline should contact the S3 eXCHANGE helpdesk for assistance (InfrastructureeXCHANGESupport@hq.doe.gov).

1. **Control Number:** A Control Number will be issued when an Applicant begins the S3 eXCHANGE application process. This control number must be included with all application documents, as described below.
2. **Application requirements:** The application must conform to the following requirements:
 - Agencies must use the provided associated AFFECT BIL Application Form for the Topic Area being proposed;

- Agencies may not change or modify any questions on the AFFECT BIL Application Form;
 - Each submission must not exceed the specified maximum page or word limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If an applicant exceeds the maximum page/word limits, FEMP will review only the authorized number of pages/words and disregard any additional pages/words;
 - The Control Number must be prominently displayed on the upper right corner of the header of every page. Page numbers must be included in the footer of every page;
 - Each submission must be submitted in Adobe PDF format unless stated otherwise;
 - Each submission must be written in English;
 - Application Forms must use the provided formatting to fit on 8.5 x 11-inch paper with margins not less than one inch on every side. Use Calibri typeface, a black font color, and a font size of 12 point or larger (except in figures or tables, which may be 10-point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References must be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement;
- 3. Deadlines:** S3 eXCHANGE is designed to enforce the deadlines specified in this FAC. The “Apply” and “Submit” buttons will automatically disable at the defined submission deadlines. Applicants are responsible for meeting each submission deadline. Applicants are strongly encouraged to submit their 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), agencies should allow at least 1 hour to submit an application. Once the application is submitted in S3 eXCHANGE, agencies may revise or update that submission until the expiration of the applicable deadline. If changes are made to any of these documents, the applicant must resubmit the application before the applicable deadline.

FEMP urges applicants to carefully review their application(s) and to allow sufficient time for the submission of required information and documents. All applications that pass the initial eligibility review will undergo comprehensive merit review according to the criteria identified in Section V.A. **thru V.C.** of the FAC.

FEMP will not extend deadlines for Applicants who fail to submit required information and documents due to server/connection congestion.

- 4. File Size: Please Note:** The maximum file size that can be uploaded to the S3 eXCHANGE website is 10MB. Files in excess of 10MB cannot be uploaded. If a file

exceeds 10MB but is still within the maximum page limit specified in the FAC, it must be broken into parts and denoted to that effect. For example:

ControlNumber_LeadOrganization_Project_Part_1
ControlNumber_LeadOrganization_Project_Part_2

B. Content and Form of the Application

Agencies must submit an application by the specified due date and time to be considered for funding under this FAC. Agencies must complete the application as instructed on the [S3 eXCHANGE](#).

All application documents must be marked with the Control Number issued to the Applicant. Applicants will receive a control number and should include that control number in the file name of their application submission (i.e., *Controlnumber_LeadOrganization_Application*).

i. Full Application Content Requirements

FEMP will not review or consider ineligible applications (see Section III of the FAC). **Reviewers will not review any information beyond the required documents specified in the table below and described in the following sections.**

Required Documents Checklist (PDF, unless stated otherwise)	
Components	File Name(s)
AFFECT BIL Application Form (PDF format) for Topic Area 1A, Topic Area 1B OR Topic Area 2 and Topic Area 3. Applicants must use the application forms available in S3 eXCHANGE.	ControlNumber_LeadOrganization_Application Form
SF-424 Application for Federal Assistance (PDF format)	ControlNumber_LeadOrganization_App424
Letter of Endorsement (PDF format)	ControlNumber_LeadOrganization_LoE
Summary Slide (MS PowerPoint format) for Topic Area 1A and Topic Area 1B OR Topic Area 2 and Topic Area 3. Applicants must use the template forms available in S3 eXCHANGE.	ControlNumber_LeadOrganization_Slide
Two ePB Calculating Templates (MS Excel format) uploaded to S3 eXCHANGE (Topic Area 2 and Topic Area 3 only). The ePB Calculating Template is available under ePB Data Templates at: https://eprojectbuilder.lbl.gov	ControlNumber_LeadOrganization_ePB_Project WITHOUT_AFFECT BIL Grant ControlNumber_LeadOrganization_ePB_Project WITH_AFFECT BIL Grant

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email infrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.

ii. AFFECT BIL Application Form

The applicant's responses to the Topic Area-specific AFFECT BIL Application Form will be reviewed as stated under the Technical Review Criteria in Section V.A **thru V.C.** and Program Policy Factors in Section V.**E**. The application must be submitted using the appropriate Topic Area-specific AFFECT BIL Application Form found on the [S3 eXCHANGE](#) in Adobe PDF format. If an applicant exceeds the maximum page/words limits indicated on the AFFECT BIL Application Form, FEMP will review only the authorized number of words, characters, or pages and disregard any additional content. Save the completed AFFECT BIL Application Form in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_Application Form."

Each AFFECT BIL Application Form includes an Executive Summary for Public Release section. Applicant executive summary must be suitable for dissemination to the public and not contain sensitive information as FEMP may make it available to the public after selections are made.

Agencies must provide relevant citations and references to the primary research literature as necessary to support the claims and approaches presented in the AFFECT BIL Application Form. However, FEMP and reviewers are under no obligation to review cited sources.

iii. SF-424: Application for Federal Assistance

Submit all information specified in form SF-424 consistent with the instructions provided on that form. 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. **Please Note:** The dates and dollar amounts on the SF-424 are for the complete project period and not just the first project year, first phase or other subset of the project period. Save the SF-424 in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_App424".

iv. Letter of Endorsement

Applicants must submit a separate Letter of Endorsement from the federal site's leadership or the applicant's headquarter official responsible for sustainability, energy management, or procurement, stating that the application has:

- The support of central agency officials;
- The project would be allowed to be implemented if an AFFECT BIL grant is awarded; and
- The project is a high priority relative to other projects in the agency, sub-agency, or site's project pipeline.

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email InfrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.

Applicants are strongly advised to coordinate with their Agency Chief Sustainability Officer (CSO). If the agency's CSO is not the signatory of the letter, it is strongly encouraged that the letter demonstrates coordination with the CSO or delegated sustainability staff.

Save the Letter of Endorsement in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_LoE."

v. Summary Slide

Agencies are required to provide a single PowerPoint slide summarizing the proposed project. The information contained in the summary slide must be consistent with information provided in other application documents. The summary slides must be submitted using the appropriate Topic Area-specific AFFECT BIL Summary Slide Template found on the [S3 eXCHANGE](#) and provided in Appendix A of this FAC. The slide must be submitted in Microsoft PowerPoint format. This slide is used during the evaluation and briefing process. Save the Summary Slide in a single file using the following convention for the title "ControlNumber_LeadOrganization_Slide."

vi. eProject Builder (ePB) Calculating Template (Topic Area 2 and Topic Area 3 Only)

Agencies are required to submit two scenarios for their proposed project that use the latest version of the ePB Calculating Template, submitted electronically in native MS Excel format as follows:

Scenario 1 Project Without AFFECT BIL Grant. Submit the completed ePB Calculating Template showing a financeable project that does not include an AFFECT BIL grant. This scenario represents a project that is financeable and that an applicant can implement with an ESPC, UESC, and/or other funding sources that does not receive an AFFECT BIL grant.

Scenario 2 Project With AFFECT BIL Grant. Submit the completed ePB Calculating Template showing the same project in Scenario 1 with increased scope that can be included, and is financeable, when applying an AFFECT BIL grant in the amount the applicant is requesting. The AFFECT BIL grant can be entered into ePB Calculating template as an "Applied Incentive" on the MS Excel worksheet "Sch2-Imp Price by ECM".

To establish a consistent basis for evaluating applications, all agencies submitting an application under Topic Areas 2 and Topic Area 3 are required to provide all schedules within the ePB Calculating Template, with the exception of Schedule #5 Cancellation Ceilings. The completed ePB Calculating Template must include

the completed GHG emissions worksheet Schedule #4g that calculates the extent to which a proposed project will reduce GHG emissions.

The ePB Calculating Template may be filled in by the ESCO or utility to the extent that they have access to all of the data required to be entered for an applicant's project. However, the applicant is ultimately responsible for the content and accuracy of the information submitted to FEMP. Training and instruction for entering the information can be found on the ePB website at: <https://eprojectbuilder.lbl.gov>.

Note the ePB Calculating Template is unable to calculate electricity GHG reduction for projects located outside of the U.S. If an application is being submitted for a project located outside of the U.S., use the ePB Calculating Template and on tab Sch4g-GHG select "U.S. Default" in column C. Then manually calculate Scope 2 GHG reduction for the project by subtracting out the electricity GHG in cell F258 from the total Scope 2 GHG in cell S258 and adding in the electricity GHG reduction determined by the applicant using emission factors appropriate to the location. Use this value to complete question 4.1 in the Topic Area 2 and Topic Area 3 application form. In addition, provide the specific emission factor(s) that were used to calculate the proposed project's specific Scope 2 GHG reduction.

C. Post Selection Information Requests

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

- **Statement of Project Objectives (SOPO);**
- Additional budget information;
- Additional Commitment Letters, **including but not limited to** third parties contributing to cost leverage, if applicable;
- Cybersecurity plan; or
- Information addressing potential project impacts to the human or natural environment, including but not limited to an Environmental Questionnaire.

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

Each applicant is required to: (1) Be registered in SAM at <https://sam.gov/content/home> before award distribution; (2) provide a valid UEI number; and (3) continue to 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. FEMP may not make a federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements and, if an applicant has not fully complied with the requirements by the time FEMP is ready to make a federal award, FEMP may

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email InfrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.

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 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](#).

E. Submission Dates and Times

Applications must be submitted in S3 eXCHANGE no later than 5 p.m. Eastern Time on the date provided on the cover page of this FAC.

F. Funding Restrictions

All expenditures must be allowable, allocable, and reasonable in accordance with the applicable federal cost principles and this FAC.

V. Application Review Information

The applicant's responses to the AFFECT BIL Application Form will be reviewed as stated under the Technical Review Criteria and Program Policy Factors described below.

A. Topic Area 1A Technical Review Criteria

Applications will be evaluated against the Technical Review Criteria shown below, which reflect the statutory requirements under 42 U.S.C. § 8256(b) and are reflected in the AFFECT BIL Application Form questions.

Criterion 1: Value and Funding Impact (30%)

This criterion is evaluated using the following factors based on the responses to questions 2.1 – 2.3 of the AFFECT BIL Topic Area 1A Application Form, which must provide sufficient detail and quality for such an evaluation:

- The extent to which the activities funded by the assistance for which funding is being requested for in support of the prospective project development demonstrates a high level of rigor, effectively addresses identified barriers, and mitigates risks to enhance the likelihood of project viability.
- The extent to which the applicant is leveraging other funding sources (e.g., agency funding, incentives) for the activities funded by the assistance for which funding is being requested.

- The extent to which the activities funded by the assistance for which funding is being requested for in support of the prospective project development is unique and not already covered under typical project development activities.
- The extent to which the activities funded by the assistance for which funding is being requested will support technologies, solutions, or strategies that can be replicated or scaled in other facilities in that agency's portfolio or across the federal government.

Criterion 2: Viability of the Net-Zero Buildings Project (35%)

This criterion is evaluated using the following factors based on the responses to questions 3.1 – 3.2 of the AFFECT BIL Topic Area 1A Application Form, which must provide sufficient detail and quality for such an evaluation:

- The extent to which the prospective project scope is defined and aligns with the agency's net-zero buildings portfolio priorities. The extent to which viable ECMs and procurement vehicle(s) are being considered.
- The extent to which the application demonstrates strong likelihood of the assistance for which the funding is being requested results in a viable prospective project capable of mitigating typical project implementation risks and being awarded.

Criterion 3: Anticipated Benefits of the Net-Zero Buildings Project (35%)

This criterion is evaluated using the following factors based on the responses to questions 4.1 – 4.2 of the AFFECT BIL Topic Area 1A Application Form, which must provide sufficient detail and quality for such an evaluation:

- The extent to which the ECMs being evaluated in the prospective project could achieve significant energy/water and cost savings.
- The extent to which the applicant meets the goals and requirements outlined in EA2020, E.O. 14057, and E.O. 14008, as outlined in Section I.B.

B. Topic Area 1B Technical Review Criteria

Applications will be evaluated against the Technical Review Criteria shown below, which reflect the statutory requirements under 42 U.S.C. § 8256(b) and are reflected in the AFFECT BIL Application Form questions.

Criterion 1: Value and Funding Impact (30%)

This criterion is evaluated using the following factors based on the responses to questions 2.1 – 2.3 of the AFFECT BIL Topic Area 1B Application Form, which must provide sufficient detail and quality for such an evaluation:

- The extent to which the activities funded by the assistance for which funding is being requested in support of the program/procedure development demonstrates a high level of rigor, effectively addresses challenges, and mitigates risk to enhance the likelihood of a viable project pipeline.

- The extent to which the activities funded by the assistance for which funding is being requested in support of the program/procedure development is unique and not already covered under typical project development activities, and the extent which other funding sources are available.
- The extent to which the applicant is leveraging other funding sources (e.g., agency funding, incentives) for the activities funded by the assistance for which funding is being requested.
- The extent to which the activities funded by the assistance for which funding is being requested in support of the program/procedure development is expected to result in processes and decision-making prioritization in support of a net-zero buildings portfolio and viable project pipeline across an agency's building portfolio or the federal government.

Criterion 2: Viability of the Program/Procedures (35%)

This criterion is evaluated using the following factors based on the responses to questions 3.1 – 3.2 of the AFFECT BIL Topic Area 1B Application Form, which must provide sufficient detail and quality for such an evaluation:

- The extent to which the program/procedures address facilities or campuses with high energy use, emissions, or mission priority.
- The extent to which the program/procedures are likely to result in a viable project pipeline capable of mitigating typical project implementation risks.

Criterion 3: Anticipated Benefits of a Net-Zero Buildings Project Pipeline (35%)

This criterion is evaluated using the following factors based on the responses to questions 4.1 – 4.2 of the AFFECT BIL Topic Area 1B Application Form, which must provide sufficient detail and quality for such an evaluation:

- The extent to which the expected project pipeline could achieve significant energy, water, waste, and cost savings across an agency's building portfolio or the federal government.
- The extent to which the applicant meets the goals and requirements outlined in EA2020, E.O. 14057, and E.O. 14008, as outlined in Section I.B.

C. Topic Area 2 and Topic Area 3 Technical Review Criteria

Applications will be evaluated against the Technical Review Criteria shown below, which reflect the statutory requirements under 42 U.S.C. § 8256(b) and align with the AFFECT BIL Application Form questions.

Criterion 1: Cost Effectiveness of The Net-Zero Buildings Project (20%)

This criterion is evaluated using the following factors based on the responses to questions 2.1 – 2.5 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form, which must provide sufficient detail and quality for such an evaluation:

- The cost effectiveness of the project as demonstrated by the information provided in the ePB Calculating Templates, with consideration to agency mission and administration goals as addressed in the application.
- The extent to which the grant maximizes impact relative to Simple Payback (e.g., 15 years or greater), Net Present Value, and Savings to Investment Ratio, with consideration to agency mission and administration goals.

Criterion 2: Anticipated Energy and Cost Savings of the Net-Zero Buildings Project (15%)

This criterion is evaluated using the following factors based on the responses to questions 3.1 – 3.3 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form, which must provide sufficient detail and quality for such an evaluation:

- The extent to which the grant maximizes energy and cost savings relative to the project without the AFFECT grant and relative to the organizational boundary of the site(s) in which the project is located.

Criterion 3: Leverage (20%)

This criterion is evaluated using the following factors based on the responses to questions 4.1 – 4.2 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form, which must provide sufficient detail and quality for such an evaluation:

- The extent to which the applicant leverages its agency funding commitment and non-federal financing and/or incentives (cost leverage) as defined in Section II.B. Projects that maximize the impact of the grant with higher cost leverage ratio (e.g., 20:1 or greater) will score higher.

Criterion 4: Programmatic Priorities and Policy Considerations (20%)

This criterion is evaluated using the following factors based on the responses to questions 5.1 – 5.3 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form, which must provide sufficient detail and quality for such an evaluation:

- The extent which the grant maximizes impact relative to emission reduction and clean energy acceleration (e.g., 50 percent or greater emission reduction), relative to the project without AFFECT grant, and with consideration to agency mission and administration goals.
- The impact of proposed project on progress toward net-zero buildings relative to the emissions associated with the organizational boundary of the site(s) in which the project is located (e.g., campus, site, installation).
- The extent to which the applicant meets the goals and requirements outlined in EA2020, E.O. 14057, and E.O. 14008, as outlined in Section I.B.

Criterion 5: Viability, Risks, Replicability, and Scalability of the Net-Zero Buildings Project (25%)

This criterion is evaluated using the following factors based on the responses to questions 6.1 – 6.3 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form, which must provide sufficient detail and quality for such an evaluation:

- The extent to which the project is viable (i.e., high likelihood of execution and success), and the risks or other contingencies are identified and can be addressed.
- The extent to which the proposed project **technologies, strategies or lessons learned** are conducive to replication and/or scaling for a larger deployment across multiple facilities within the proposing agency and/or at other federal facilities.

D. Standards for Application Evaluation

Applications that are determined to be eligible will be evaluated in accordance with this FAC, by the standards set forth in EERE's Notice of Objective Merit Review Procedure (76 Fed. Reg. 17846, March 31, 2011) and the guidance provided in the "DOE Merit Review Guide for Financial Assistance," effective **September 2020**, which is available at: <https://energy.gov/management/downloads/merit-review-guide-financial-assistance-and-unsolicited-proposals-current>. Subject matter experts from academia, national laboratories, and industry may be used as reviewers, subject to conflict of interest and non-disclosure considerations.

E. Other Selection Factors

Program Policy Factors. In addition to the above criteria, the Selection Official may consider the following Program Policy Factors (PPFs) in determining which agencies to select for award negotiations:

- The diversity of technologies and approaches (including the degree to which the proposed project would be complementary to and support the existing portfolio of projects to achieve the overall goals and objectives of FEMP);
- The geographic distribution of projects;
- The diversity of agencies or sub-agencies in the project portfolio;
- The previous history of agencies or sub-agencies receiving AFFECT awards or similar funding;
- The degree to which the proposed project optimizes the use of available DOE funding to achieve programmatic objectives;
- The extent to which projects address the Indian Energy Purchase Preference (25 U.S.C. 3502(d)), the Buy Indian Act (48 C.F.R 1480), or related policies;

- The extent to which the project results in positive or negative cumulative environmental impacts and/or delivers any other benefits to disadvantaged communities¹¹;
- The extent to which the project maximizes the use of domestic goods, products, and materials in constructing the project in support of a diversified workforce within the clean energy economy in construction, and high-quality jobs;
- Based on the procurement and/or other acquisition instruments used to complete the project, the extent to which the Buy American Act applies;
- The extent to which the project contributes to the advancement and benefit of disadvantaged communities.

F. Evaluation and Selection Process

All applications received in S3 eXCHANGE by the submittal deadline and meeting the compliance requirements stated in Section III.B, will then undergo a thorough merit review by expert reviewers familiar with the FEMP portfolio, goals, and objectives. Reviewers will evaluate each application based on the criteria described above. The FEMP Selection Official will consider the merit review results, alignment with criteria, and extent of leveraging resources across the national agency complex to make the final project selections.

i. Overview

The evaluation process consists of two phases: 1) an initial eligibility/compliance review and 2) a comprehensive merit review of the applicable topic area Technical Review Criteria set forth in Section V.A. thru V.C. Rigorous merit reviews of eligible submissions are conducted by reviewers who are experts in the subject matter of the FAC. Ultimately, the Selection Official considers the recommendations of the reviewers, along with other considerations such as program policy factors and risk reviews, in determining which applications to select.

ii. Pre-Selection Clarification

FEMP may determine that pre-selection clarifications are necessary from one or more applications. In general, pre-selection clarifications will be for the purposes of clarifying the application and will be limited to information provided in the application documentation, and as determined necessary, information regarding project prioritization across multiple applications within the same agency and/or sub-agency. The pre-selection clarifications may occur before, during or after the

¹¹ Use the [White House Council on Environmental Quality's Climate and Economic Justice Screening Tool \(CEJST\)](#) to determine whether the project is in a location that has been categorized as a geographically defined disadvantaged community, as defined by the Office of Management and Budget's [Interim Justice40 Implementation Guidance M-21-28](#) and [addendum M-23-09](#). If the project would benefit a Federally Recognized Tribe or Tribal entity, whether or not they have land, all are recognized as disadvantaged communities for the purposes of the Justice40 Initiative.

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 responses to FEMP's written clarification questions or video or conference calls with FEMP representatives.

The information provided by agencies to FEMP through pre-selection clarifications is incorporated in their applications and contributes to the merit review evaluation and FEMP's selection decisions. If FEMP 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.

FEMP will not reimburse agencies 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 technical merit, the Federal Consensus Board's recommendations, program policy factors, **risk reviews**, and the amount of funds available in arriving at selections for this FAC.

G. Anticipated Notice of Selection and Award Negotiation Dates

FEMP anticipates notifying agencies selected for negotiation of award and negotiating awards by the dates provided on the cover page of this FAC.

VI. Award Administration Information

A. Award Notices

i. Ineligible Submissions

Ineligible 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 S3 eXCHANGE. The notification letter will state the basis upon which the application is ineligible and not considered for further review.

ii. Application Notifications

FEMP will notify agencies of its determination via a notification letter by email to the technical and administrative points of contact designated by the applicant in S3 eXCHANGE. The notification letter will inform the applicant whether its application was selected for award negotiations. Alternatively, FEMP may notify one or more agencies that a final selection determination on particular

applications will be made at a later date, subject to the availability of funds or other factors.

iii. Applications Selected for Award Negotiation

Successful applicants will receive written notification that they have been selected for award negotiations. Receipt of a notification letter selecting an 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 FEMP to issue an award nor is it a guarantee of grant funding. Agencies do not receive an award until award negotiations are complete and the Contracting Officer executes the funding agreement.

The award negotiation process will take approximately 60 to 90 days. Agencies must designate a primary and a backup point-of-contact in S3 eXCHANGE with whom FEMP will communicate to conduct award negotiations. The applicant must be responsive during award negotiations (i.e., provide requested documentation, etc.) and meet the negotiation deadlines. If the applicant fails to do so or if award negotiations are otherwise unsuccessful, FEMP will cancel the award negotiations and rescind the selection. FEMP reserves the right to terminate award negotiations at any time for any reason.

Any awarded project under this FAC is strongly encouraged to coordinate with and incorporate technical, programmatic, policy, and training resources and tools provided by FEMP and the experiences of other federal agencies and external entities advancing energy affordability and resiliency, including ESCOs), utilities, Resource Efficiency Managers, and other entities supporting federal agencies.

iv. Alternate Selection Determinations

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

v. Unsuccessful Applicants

FEMP shall promptly notify in writing each applicant whose application has not been selected for award or whose application cannot be funded because of the unavailability of appropriated funds.

If alternative assistance paths are identified during the merit review process, the applicant will be informed of this information when notified about non-selection and can choose to utilize it at their discretion.

B. Administrative and National Policy Requirements

i. Registration Requirements

There are several one-time actions that must be completed before submitting an application in response to this FAC, and it is vital that agencies 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 FAC, or to meet the negotiation deadlines and receive an award if the application is selected. These requirements are as follows:

S3 Funding Opportunity Exchange (eXCHANGE):

Register and create an account on [S3 eXCHANGE](#). This account will allow the user to apply to any open funding opportunities that are currently in S3 eXCHANGE.

Beginning on July 29, 2022*, eXCHANGE will be updated to integrate with [Login.gov](#). As of September 30, 2022*, potential applicants will be required to have a Login.gov account to access [S3 eXCHANGE](#). 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 FAC.** The eXCHANGE registration does not have a delay; however, **the remaining registration requirements below could take several weeks to process and are necessary for a potential applicant to receive an award under this FAC.**

System for Award Management

Register with the SAM at <https://www.sam.gov>. Please update your SAM registration annually.

FedConnect

* Please note that these dates are tentative and subject to change.

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

Grants.gov

Register in Grants.gov (<http://www.grants.gov>) to receive automatic updates when Amendments to this FAC are posted. However, please note that applications will not be accepted through Grants.gov.

Electronic Authorization of Applications and Award Documents

Submission of an application and supplemental information under this FAC through electronic systems used by FEMP, including S3 eXCHANGE and FedConnect.net, constitutes the authorized representative's approval and electronic signature.

ii. Foreign National Access

All agencies selected for an award under this FAC may be required to provide information to FEMP in order to satisfy requirements for foreign nationals' access to FEMP sites, information, technologies, equipment, programs, or personnel. A foreign national is defined as any person who is not a U.S. citizen by birth or naturalization. If a recipient agency (including any of its subrecipients, contractors or vendors) anticipates involving foreign nationals in the performance of its award, the recipient agency may be required to provide FEMP with specific information about each foreign national to ensure compliance with the requirements for access approval. National laboratory personnel already cleared for site access may be excluded.

iii. National Policy Requirements

The National Policy Assurances that are incorporated as a term and condition of award are located at: <http://www.nsf.gov/awards/managing/rtc.jsp>.

iv. Environmental Review in Accordance with National Environmental Policy Act (NEPA)

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

While NEPA compliance is a federal agency responsibility and the ultimate decisions remain with the applicant 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 FEMP determines certain records must be prepared to complete the NEPA review

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email InfrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.

process (e.g., biological evaluations or environmental assessments), the costs to prepare the necessary records may be included as part of the project costs.

National Historic Preservation Act (NHPA)

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

v. Flood Resilience

Projects awarded under this FAC will need to indicate whether the proposed project location(s) is within a floodplain, how the floodplain was defined, and how future flooding will factor into the project's design. The base floodplain long used for planning has been the 100-year floodplain, that is, a floodplain with a 1.0 percent chance of flooding in any given year. As directed by E.O. 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input*,¹² federal agencies, including DOE, continue to avoid development in a floodplain to the extent possible. When doing so is not possible, federal agencies are directed to "expand management from the current base flood level to a higher vertical elevation and corresponding horizontal floodplain to address current and future flood risk and ensure that projects funded with taxpayer dollars last as long as intended." The higher flood elevation is based on one of three approaches: climate-informed science (preferred), freeboard value, or 0.2 percent annual flood change (500-year floodplain). EO 13690 and related information is available at: <https://www.energy.gov/nepa/articles/eo-13690-establishing-federal-flood-risk-management-standard-and-process-further>.

vi. Cybersecurity Plan

Projects awarded under this FAC will be funded under Division D of BIL. Accordingly, per Section 40126, applicants selected for award negotiations must submit an acceptable cybersecurity plan to DOE prior to receiving funding.¹³ These plans are intended to foster a cybersecurity-by-design approach for BIL efforts. The Department will also use these plans to ensure effective integration and coordination across its research, development, and demonstration programs. A cybersecurity plan is NOT required as part of the application

¹² [E.O. 13690, "Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input", January 30, 2015](#)

¹³ See Section 40126 of the [Infrastructure Investment and Jobs Act \(IIJA\), Pub. L. 117-58 \(Nov. 15, 2021\)](#)

submission for this FAC, but all projects selected under this FAC will be required to submit a cybersecurity plan during the award negotiation phase.

The Department recommends using open guidance and standards such as the National Institute of Standards and Technology's (NIST) Cybersecurity Framework (CSF) and the DOE Cybersecurity Capability Maturity Model (C2M2).¹⁴ The cybersecurity plan created pursuant to BIL Section 40126 should document any deviation from open standards, as well as the utilization of proprietary standards where the awardee determines that such deviation is necessary.

- Cybersecurity plans should be commensurate to the threats and vulnerabilities associated with the proposed efforts and demonstrate the cybersecurity maturity of the project.
- Cybersecurity plans may cover a range of topics relevant to the proposed project, e.g., software development lifecycle, third-party risks, and incident reporting.
- At a minimum, cybersecurity plans should address questions noted in BIL Section 40126 (b) 'Contents of Cybersecurity Plan' consistent with 42 U.S.C. § 18725.

Supplementary guidance on the cybersecurity plan requirement is available at <https://www.energy.gov/ceser/bipartisan-infrastructure-law-implementation>.

vii. Davis-Bacon Act Requirements

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

¹⁴ NERC critical infrastructure protection (CIP) standards for entities responsible for the availability and reliability of the bulk electric system. NIST IR 7628: 2 Smart grid cyber security strategy and requirements. NIST SP800-53, Recommended Security Controls for Federal Information Systems and Organizations: Catalog of security controls in 18 categories, along with profiles for low-, moderate-, and high-impact systems. NIST SP800-82, Guide to Industrial Control Systems (ICS) Security. NIST SP800-39, Integrated Enterprise-Wide Risk Management: Organization, mission, and information system view. AMI System Security Requirements: Security requirements for advanced metering infrastructure. ISO (International Organization for Standardization) 27001, Information Security Management Systems: Guidance on establishing governance and control over security activities (this document must be purchased). IEEE (Institute of Electrical and Electronics Engineers) 1686-2007, Standard for Substation Intelligent Electronic Devices (IEDs) Cyber Security Capabilities (this document must be purchased). DOE Cybersecurity Capability Maturity Model (C2M2)

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

viii. Statement of Federal Stewardship

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

ix. Intellectual Property Provisions

Intellectual property rights for non-federal contractors, such as ESPC contractors, will be set forth in the contracts between the Recipient and the contractor(s).

x. Reporting

FEMP will conduct project monitoring during the lifetime of the project with specific reporting requirements and reporting to be discussed during project award negotiations.

Project and Congressional Reporting. Projects that receive AFFECT grant funding under this FAC will be required to report information necessary for FEMP to provide the report as required under 42 U.S.C. § 8258(b)(1)(C), as well as additional relevant information as determined by FEMP. Such reporting requirements include, but may not be limited to, reporting the ECMs installed with AFFECT funds, the projected energy (and water) savings to be realized from installed ECMs, and, for each installed ECMs for which the projected energy and water savings reported were not realized in the first year following installation, the percentage of such projected savings that was not realized, the reasons such savings were not realized, and proposals for, and projected costs of, achieving such projected savings in the future. Reporting requirements under the AFFECT Award will not supersede or replace other reporting as may be required by statute.

Certain information may be submitted via ePB. If not reported via ePB, agencies must then submit project information to FEMP annually, through a different

method determined by the applicant and found to be mutually acceptable to the applicant and FEMP.

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

VII. Questions/Agency Contacts

Upon the issuance of a FAC, FEMP personnel are prohibited from communicating (in writing or otherwise) with agencies regarding the FAC except through the established question and answer process as described below. Specifically, questions regarding the content of this FAC must be submitted to: AFFECTBIL@hq.doe.gov. Questions must be submitted not later than 3 business days prior to the application due date and time. Please note, feedback on individual applications will not be provided through Q&A.

All questions and answers related to this FAC will be posted on [S3 eXCHANGE](#). Please note that you must first select this specific FOA Number in order to view the questions and answers specific to this FAC. FEMP will attempt to respond to a question within 3 business days **during the open application period**, unless a similar question and answer has already been posted on the website.

Questions related to the registration process and use of the S3 eXCHANGE website should be submitted to: InfrastructureeXCHANGESupport@hq.doe.gov.

VIII. Other Information

A. FAC Modifications

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

B. Right to Reject or Negotiate

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

C. Commitment of Public Funds

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

D. Treatment of Application Information

In general, FEMP will only use data and other information contained in applications for evaluation purposes, unless such information is generally available to the public or is already the property of the Government.

Agencies should not include trade secrets or commercial or financial information that is privileged or confidential in their application unless such information is necessary to convey an understanding of the proposed project or to comply with a requirement in the FAC. Agencies are advised to not include any confidential, proprietary, or privileged information.

If an application includes information that applicant believes is a trade secret, commercial or financial, or information that is confidential or privileged, it is furnished to the Government 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, FEMP 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 Government's right to use the information if it is obtained from another source.

Applications and other submissions containing information believed by the applicant to be confidential, proprietary, or privileged information 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 U.S. Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose.

The cover sheet of application must be marked as follows and identify the specific pages containing trade secrets, confidential, proprietary, or privileged information:

Notice of Restriction on Disclosure and Use of Data:

Pages [list applicable pages] of this document may contain trade secrets, confidential, proprietary, or privileged 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 or loan 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]

The header and footer of every page that contains confidential, proprietary, or privileged information must be marked as follows: "Contains Trade Secrets,

Confidential, Proprietary, or Privileged Information Exempt from Public Disclosure.” In addition, each line or paragraph containing proprietary, privileged, or trade secret information must be clearly marked with double brackets or highlighting.

E. Administration by Non-Federal Personnel

In conducting the merit review evaluation and Peer Reviews, the government may seek the advice of qualified non-federal personnel as reviewers. The government may also use non-federal personnel to conduct routine, nondiscretionary administrative activities, including DOE contractors. The applicant, by submitting its application, consents to the use of non-federal reviewers/administrators. Non-federal reviewers must sign conflict of interest (COI) and non-disclosure acknowledgements (NDA) prior to reviewing an application. Non-federal personnel conducting administrative activities must sign an NDA.

F. Notice Regarding Eligible/Ineligible Activities

Eligible activities under this FAC 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.

G. Notice of Potential Disclosure Under Freedom of Information Act (FOIA)

Under the FOIA, 5 U.S.C. § 552, et. seq., as amended by the OPEN Government Act of 2007, Pub. L. No. 110-175, any information received from the applicant is considered to be an agency record, and as such, subject to public release under FOIA. The purpose of the FOIA is to afford the public the right to request and receive agency records unless those agency records are protected from disclosure under one or more of the nine FOIA exemptions. Decisions to disclose or withhold information received from the applicant are based upon the applicability of one or more of the nine FOIA exemptions, not on the existence or nonexistence of protective markings or designations. Only the applicant’s designated FOIA Officer may determine if information received from the applicant may be withheld pursuant to one of the nine FOIA exemptions. All FOIA requests received by DOE are processed in accordance with 10 C.F.R. Part 1004.

H. Requirement for Full and Complete Disclosure

Agencies 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.

I. Retention of Submissions

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

J. Rights in Technical Data

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

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

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

K. Export Control

The U.S. 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." To ensure compliance with Export Controls, it is the recipient's responsibility to determine when its project activities trigger Export Controls and to ensure compliance.

Export Controls may apply to individual projects, depending on the nature of the tasks. When Export Controls apply, the recipient must take the appropriate steps to obtain any required governmental licenses, monitor and control access to restricted information, and safeguard all controlled materials. Under no circumstances may foreign entities (organizations, companies, or persons) receive access to export-controlled information unless proper export procedures have been satisfied and such access is authorized pursuant to law or regulation.

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email InfrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.

L. Personally Identifiable Information (PII)

All information provided by the applicant must, to the greatest extent possible, exclude PII. The term “PII” refers to information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother’s maiden name. (See OMB Memorandum M-07-16 dated May 22, 2007, found at:

<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2007/m07-16.pdf>)

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

Appendix A. Summary Slide Template

The Summary Slide Templates are included as a separate Microsoft PowerPoint Slide in this FAC. Applicants are required to complete a Summary Slide with the information detailed in Section IV.B.v. The below template is provided as a suggested format.

AFFECT BIL FAC: Topic Area 1A and Topic Area 1B		Control Number #
<p><u>Application Overview</u> Agency: Project Title: Site Location(s): Site Mission: Requested AFFECT Grant Funds (\$): Cost Leverage (e.g., ESPC, UESC, Appropriations):</p>	<p><u>Description of Requested Assistance</u></p>	
<p><u>Description of Requested Assistance Output</u></p>	<p><u>Description of Anticipated Benefits</u></p>	

U.S. DEPARTMENT OF ENERGY
1

AFFECT BIL FAC: Topic Area 2 and Topic Area 3		Control Number #												
<p><u>Application Overview</u> Agency: Project Title: Site Location(s): Site Mission: Requested AFFECT Grant Funds (\$): Cost Leverage (e.g., ESPC, UESC, Appropriations):</p>	<p><u>Key Project Parameters</u> Utility Use and Cost Savings: GHG Reductions: Overall Cost/Budget: Simple Payback Period: Net Present Value: Savings to Investment Ratio:</p>													
<p><u>Overall Project Description</u> Risks: Benefits:</p>	<p><u>ECMs Added or Modified due to AFFECT Funds</u></p> <table border="1" style="width: 100%; border-collapse: collapse; background-color: #e8f5e9;"> <thead> <tr style="background-color: #2e7d32; color: white;"> <th style="text-align: left; padding: 5px;">ECM</th> <th style="text-align: left; padding: 5px;">Cost</th> </tr> </thead> <tbody> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> </tbody> </table>	ECM	Cost											
ECM	Cost													

U.S. DEPARTMENT OF ENERGY
1

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email InfrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.

Appendix B. Definitions, Abbreviations, and Acronyms

AFFECT	Assisting Federal Facilities with Energy Conservation Technologies
Applicant	Federal agency signing the application submitted in response to this FAC.
Application	All documentation submitted in response to the FAC.
Award	Written documentation executed by a Contracting Officer, after an Applicant is selected, which contains the negotiated terms and conditions for providing Financial Assistance to the Applicant. For purposes of this FAC, the financial assistance award will be a Grant.
Budget	The cost expenditure plan submitted in the application, including both the FEMP contribution and the Applicant Cost Leverage.
Compliance	An eligibility determination that refers to the non-technical requirements outlined in the FAC (e.g., formatting, timeliness of submission, or satisfaction of prerequisites).
Contracting Officer	DOE official authorized to execute Awards on behalf of DOE/FEMP and who is responsible for the business management and non-technology office aspects of the financial assistance process.
Cost Leverage Ratio (CLR)	Represented by the following formula: $CLR = CF/G$, where committed Funds (CF) is the sum of the funding committed to the full project by the agency requesting financial assistance and financing from other non-Federal sources; and Grant (G) is the value of the requested grant amount.
Covered Facilities	Federal facilities, including central utility plants and distribution systems and other energy intensive operations that constitute at least 75 percent of facility energy use at each agency.
DOE	Department of Energy.
E.O.	Executive Order
/EA2020	Energy Act of 2020, Division Z of the Consolidated Appropriations Act, 2021, Pub. L. 116-260 (Dec. 27, 2020) .
ENABLE	An ESPC designed to permit a standardized and streamlined procurement process for small federal projects to install ECMs in six to twelve months. See, Energy Savings Performance Contract ENABLE for Federal Projects Department of Energy
Energy Conservation Measures (ECM)	A measure that is applied to an existing Federal building that improves energy efficiency and is life cycle cost effective and that involves energy conservation, cogeneration facilities, renewable energy sources, improvements in operation and maintenance efficiencies, or retrofit activities.

For the purpose of this FAC, the term ECM also includes *water conservation measure*, which is defined as a measure that improves the efficiency of water use, is life-cycle cost-effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies,

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email InfrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.

retrofit activities, or other related activities, not at a Federal hydroelectric facility.

See, FAQs 14 and 15 of [Federal Energy Savings Performance Contracts Frequently Asked Questions on the Scope of 42 U.S.C. § 8287 et. seq.](#)

Energy Performance Contract

The collective term to encompass projects executed using an energy savings performance contract (i.e., ESPCs, ENABLE) or utility energy service contracts (UESCs).

Energy Savings Performance Contract (ESPC)

A firm fixed-price multiyear contract with a term not to exceed 25 years for the provision of supplies or the performance of services for the design, acquisition, installation, testing, measurement and verification, and, where appropriate, operation, maintenance, repair, and replacement, of an identified energy conservation measure, water conservation measure, or series of energy conservation measures or water conservation measures at one or more locations. See generally, [Federal Energy Savings Performance Contracts Frequently Asked Questions on the Scope of 42 U.S.C. § 8287 et. seq.](#)

ePB

eProject Builder (<https://eprojectbuilder.lbl.gov>) is a secure, web-based data management platform that allows customers and energy service providers (ESCOs/utilities/contractors) to preserve, track and report information for their portfolio of energy projects in perpetuity.

ESCO

Energy Service Company

FAC

Federal Agency Call

Federal agency

Federal agency has the same meaning as “agency” as defined in 5 U.S.C. § 551(1).

FEMP

The Department of Energy’s Federal Energy Management Program

Final Deliverable

A document or other tangible evidence that ensures with a high degree of confidence that the project will ultimately be executed. The Recipient will receive FAC funds only after the Final Deliverable has been accomplished in accordance with the schedule negotiated between FEMP and the Recipient.

Financial Assistance

The transfer of money or property to an Applicant or Participant to accomplish a public purpose of support authorized by federal statute.

FOIA

Freedom of Information Act

Government Use Case

A publication for public dissemination that will be developed after selection and award negotiation, describing how leveraged partnerships through ESPCs, UESCs and/or ENABLE performance contracts provided the agency the opportunity to pursue advanced Clean Energy Supply, Storage and Resilience, Energy Efficiency, and/or Adaptation to Effect of Climate Change technology(ies) to meet the agency’s primary mission. Information disseminated may include, but is not limited to, descriptions and data associated with baseline conditions and subsequent improvements achieved via performance contracts, as well as project management best practices, technical and organization barriers overcome, and benefits realized.

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email infrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.

Grant	A Financial Assistance instrument used by FEMP to transfer money or property when the principal purpose of the transaction is to accomplish a public purpose of support or stimulation authorized by federal statute, and no Substantial Involvement is anticipated between FEMP and the Applicant during the performance of the contemplated activity.
Grants.gov	The “storefront” web portal which allows organizations to electronically find grant opportunities from all federal grant-making agencies. Grants.gov is THE single access point for over 900 grant programs offered by the 26 federal grant-making agencies. It can be accessed at http://www.grants.gov .
GHG	Greenhouse gas
IGA	Investment grade audit
IPAC	Intra Governmental Payment and Collection payment method
LOI	Letter of intent
MFA	Multi-factor authentication
MPIN	Marketing Partner ID Number
NDA	Non-disclosure agreement
NECPA	National Energy Conservation Policy Act
NEPA	National Environmental Policy Act
Net-Zero Emissions	Net-zero emissions building means a building that is designed and operated so that, when connected to a regional electrical grid fully serviced by carbon pollution-free electricity, the scope 1 and 2 GHG emissions from all operational end uses are zero on an annual basis.
Net-Zero Waste	Net-zero waste building means a building that is operated to reduce, reuse, recycle, compost, or recover solid waste streams (with the exception of hazardous and medical waste) thereby resulting in zero waste disposal.
Net-Zero Water	Net-zero water building means a building that is designed, constructed, or renovated and operated to greatly reduce total water consumption, use non-potable sources as much as possible, and recycle and reuse water in order to return the equivalent amount of water as was withdrawn from all sources, including municipal supply, without compromising groundwater and surface water quantity or quality.
NOITA	Notice of intent to award
NOO	Notice of opportunity
NTP	Notice to proceed
PA	Preliminary assessment
PII	Personal Identifiable Information
PPF	Program policy factor
Proposal	A written, binding offer from a contractor that includes technical and price proposals and the text of any financing agreement (including a lease-acquisition)
Proposed Project	The set of activities described in an application.

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email infrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.

Organizational Boundary	The boundaries that determine the operations owned or controlled by the applicant agency, depending on the consolidation approach taken (equity or control approach). https://www.sustainability.gov/pdfs/federal_ghg%20accounting_reporting_guidance.pdf
Recipient	The federal agency that receives a Financial Assistance Award from FEMP (i.e., is the signatory on the award), is financially accountable for the use of any FEMP funds or property provided for the performance of the Project and is legally responsible for carrying out the terms and condition of the award.
Renewable Energy	For purposes of this FAC, electric or thermal energy generated from solar, wind, geothermal, biomass, landfill gas, municipal solid waste, and/or hydropower/ocean energy.
Responsiveness	An eligibility determination that refers to the objective technical requirements (not goals or targets) outlined in the FAC, such as a technology type or technical parameters. For example, submission of a photovoltaic solar panel design in response to a FAC for innovative geothermal drilling technologies would be nonresponsive. Likewise, an application with a design that incorporates rare earth materials to a FAC that prohibits the use of rare earth materials would be found nonresponsive. An initial understanding that a technology would not achieve the technical targets of the FAC would not be a basis for rejection of an application as nonresponsive.
RFP	Request for proposal
S3 eXCHANGE	Department of Energy, Office of the Under Secretary for Infrastructure's web system for posting Federal FACs and receiving applications. S3 eXCHANGE may be found at https://infrastructure-exchange.energy.gov/ .
SAM	System for Award Management
Selection	The determination by the DOE Selection Official that negotiations take place for certain Projects with the intent of awarding a Financial Assistance instrument.
Selection Official	The DOE official designated to select applications for negotiation toward Award under a subject FAC.
UEI	Unique entity identifier
Utility Energy Service Contract (UESC)	A limited-source acquisition between a federal agency and serving utility for energy management services, including energy and water efficiency improvements and energy demand reduction. Under the Energy Policy Act of 1992 (codified as 42 U.S.C. § 8256), federal agencies are authorized and encouraged to participate in utility incentive programs that promote such improvements and that are generally available to the utility's customers. About Utility Energy Service Contracts Department of Energy .

Questions about this FAC? Email AFFECTBIL@hq.doe.gov

Problems with S3 eXCHANGE? Email infrastructureeXCHANGESupport@hq.doe.gov include FAC name and number in subject line.