

**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 0002****

**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
Summer 2023	05/31/2023	Fall/Winter 2023
Spring 2024	04/19/2024	Fall 2024
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.

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- [S3 eXCHANGE](#) will open for submission 3 months prior to the submission deadline of each phase.
- FEMP will conduct:
  - ✓ A training on completion of [eProject Builder](#) (ePB) templates with a focus on this 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 trainings sessions is 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.

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## Table of Contents

<b>Modifications .....</b>	<b>iii</b>
<b>Table of Contents .....</b>	<b>iv</b>
<b>I. Federal Agency Call Description.....</b>	<b>1</b>
A. Background and Authority.....	1
B. Programmatic Priorities and Policy Considerations .....	1
C. AFFECT BIL FAC Goals .....	2
D. Topic Areas .....	3
E. Applications Specifically Not of Interest.....	5
<b>II. Award Information .....</b>	<b>6</b>
A. Estimated Funding.....	6
B. Cost Leverage .....	6
C. Eligible Project Costs.....	7
D. Deliverables and Timeline for Funding Distribution.....	7
E. Government Use Case Publication .....	9
F. Funding Agreements .....	9
<b>III. Eligibility Information .....</b>	<b>9</b>
A. Eligible Applicants.....	10
B. Compliance Criteria .....	10
C. Responsiveness Criteria.....	11
D. Questions Regarding Eligibility .....	11
<b>IV. Application and Submission Information.....</b>	<b>11</b>
A. Submit materials through S3 eXCHANGE .....	11
B. Content and Form of the Application .....	13
C. Post Selection Information Requests .....	16
D. Unique Entity Identifier (UEI) and System for Award Management (SAM) .....	16
E. Submission Dates and Times .....	16
F. Funding Restrictions .....	17
<b>V. Application Review Information .....</b>	<b>17</b>
A. Topic Area 1 Technical Review Criteria .....	17
B. Topic Area 2 and Topic Area 3 Technical Review Criteria.....	17
C. Standards for Application Evaluation .....	18
D. Other Selection Factors .....	18
E. Evaluation and Selection Process .....	19
F. Anticipated Notice of Selection and Award Negotiation Dates.....	20
<b>VI. Award Administration Information.....</b>	<b>20</b>
A. Award Notices .....	20
B. Administrative and National Policy Requirements.....	22
<b>VII. Questions/Agency Contacts.....</b>	<b>27</b>
<b>VIII. Other Information .....</b>	<b>27</b>
A. FAC Modifications.....	27
B. Right to Reject or Negotiate .....	27
C. Commitment of Public Funds .....	28

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D.	Treatment of Application Information .....	28
E.	Administration by Non-Federal Personnel .....	29
F.	Notice Regarding Eligible/Ineligible Activities .....	29
G.	Notice of Potential Disclosure Under Freedom of Information Act (FOIA) .....	29
H.	Requirement for Full and Complete Disclosure.....	29
I.	Retention of Submissions .....	30
J.	Rights in Technical Data.....	30
K.	Export Control .....	30
L.	Personally Identifiable Information (PII) .....	31
<b>Appendix A. Summary Slide Template .....</b>		<b>32</b>
<b>Appendix B. Definitions, Abbreviations, and Acronyms .....</b>		<b>33</b>

## I. Federal Agency Call Description

### A. Background and Authority

The Energy Policy Act of 1992<sup>1</sup> 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)<sup>2</sup>, 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 that support achievement of the Administration's goals for federal leadership as described in Section 543 of NECPA, as amended through the Energy Act of 2020<sup>3</sup> (EA2020) and codified in 42 U.S.C. § 8253, Executive Order (E.O.) 14057, *Catalyzing America's Clean Energy Economy Through Federal Sustainability*<sup>4</sup> and E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*.<sup>5</sup>

#### 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;
- Implement all cost-effective ECMs identified within two years of completion of evaluation (audit); and

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

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

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

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

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

- 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 the following goals that are relevant to FEMP's AFFECT BIL FAC:

- Increasing the use of American-made products when purchasing clean energy and energy efficiency technologies;
- Applying the Davis-Bacon Act and prevailing wage and benefit requirements; and
- Directing 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 a net-zero emissions building portfolio as described in Section 205 of E.O. 14057, as well as achieving net-zero water and/or

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net-zero waste buildings per OMB M-22-06<sup>6</sup>. 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:<sup>7</sup>

- Net-zero emission 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 and/or multi-site deployment projects that contribute to a net-zero building portfolio. These showcase facilities and multi-site deployment projects will serve as models for future replicability and/or scalability to develop and continue a long-term net-zero building strategy. Applications are sought from federal agencies that are in alignment with the three Topic Areas described below:

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<sup>6</sup> [OMB Memo M-22-06](#)

<sup>7</sup> [Implementing Instructions for E.O. 14057](#)



**i. Topic Area 1: Assistance with Net-Zero Buildings Opportunity Development**

Applications submitted under Topic Area 1 are for proposed assistance requests for the initiation and development of an opportunity that will lead to a replicable process or program for future net-zero buildings projects.

For purposes of this AFFECT BIL FAC, “assistance” includes but may not be limited to review of identified ECMs to determine life-cycle cost effectiveness, analysis of ECMs to determine the feasibility of a performance contract, and development of documentation and analysis to pursue a project.

The applicable final deliverable required under Topic Area 1 for funding to be released is dependent on the type of opportunity development proposed as a result of the assistance received:

- 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).

See Section II.D for more details.

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

**ii. 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. The additional ECMs would further 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

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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.

**iii. 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);
- 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 management;

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- Applications under Topic Area 2 or Topic Area 3 that do not include two, with and without AFFECT BIL grant, scenarios 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 four 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 1 projects.

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
1	Assistance with Net-Zero Buildings Opportunity Development	0-125	\$0-\$100K	\$12.5M
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

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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 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 Final Deliverables and will depend on the Topic Area involved and stage of project development. FEMP anticipates releasing grant funding to recipient agencies within 24 months of grant award, following the recipient agency's completion and submission of the Final Deliverables as outlined below. Funding disbursements will occur consistent with timetables developed during award negotiations with the intent for funding to be available in advance of task order award or modification, as described below.

#### **i. Topic Area 1 Final Deliverables**

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

- For ESPC or ENABLE projects: Issued NOO; or
- For UESC projects: Issued LOI or Sources Sought RFP; or
- For projects executed through other procurement mechanisms: Issued RFP or RFQ.

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

## ii. **Topic Area 2 Final 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 award 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 award; **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 award.

## iii. **Topic Area 3 Final Deliverables**

Each recipient agency's Topic Area 3 AFFECT BIL grant funding will be released upon submission of the applicable deliverable 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 award if the recipient agency has not issued a NOO, LOI or Sources Sought RFP within 6 months of the grant award; **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 award.

**iv. 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.<sup>89</sup> Only facilities that are owned by the U.S. federal government are eligible for funding under this FAC.

In order for a project at a government-owned, contractor-operator 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 1: 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

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<sup>8</sup> 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.

<sup>9</sup> 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.

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:

- 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](mailto: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.

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- 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. and V.B. of the FAC.

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

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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 1 <b>OR</b> 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 1 <b>OR</b> 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 ( <b>Topic Area 2 and Topic Area 3 only</b> ). The ePB Calculating Template is available under ePB Data Templates at: <a href="https://eprojectbuilder.lbl.gov">https://eprojectbuilder.lbl.gov</a>	ControlNumber_LeadOrganization_ePB_Project WITHOUT_AFFECT BIL Grant  ControlNumber_LeadOrganization_ePB_Project WITH_AFFECT BIL Grant

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**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 and Program Policy Factors in Section V.C. 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.”

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 and would be allowed to be implemented if an AFFECT BIL grant is awarded.

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 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

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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, 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

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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:

- Additional budget information;
- Additional Commitment Letters from 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 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.

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## **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 1 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: Agency Commitment to Net-Zero Buildings (30%)**

The extent to which the applicant shows commitment to develop and implement the proposed net-zero buildings project(s) scope and leverage its resources for a replicable and/or scalable project as requested in question 1.1 in Section 1 of the AFFECT BIL Topic Area 1 Application Form.

#### **Criterion 2: Potential Net-Zero Buildings Project Viability (35%)**

The extent to which the net-zero buildings project(s) demonstrates alignment with net-zero buildings efforts, the feasibility of project execution, and the potential overall cost effectiveness of ECMs, as requested in question 2.1 in Section 2 of the AFFECT BIL Topic Area 1 Application Form.

#### **Criterion 3: Value and Funding Impact (35%)**

The extent to which the net-zero buildings project(s) technical assistance funds will support project development and award now and, in the future, as requested in questions 3.1 – 3.2 in Section 3 of the AFFECT BIL Topic Area 1 Application Form.

### **B. 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: The Viability and Cost Effectiveness of Net-Zero Buildings Project (25%)**

The extent to which the project demonstrates alignment with agency mission, the feasibility of net-zero buildings project execution, and the overall cost effectiveness of ECMs, as requested in questions 1.1 – 1.6 in Section 1 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form.

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**Criterion 2: The Amount of Energy and Cost Savings Anticipated to the Federal Government (20%)**

The extent to which the project achieves energy and cost savings for the federal government, as requested in questions 2.1 – 2.3 in Section 2 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form.

**Criterion 3: Leverage (15%)**

The extent to which the applicant leverages its agency funding commitment and non-federal financing (cost leverage) as defined in Section II.B and as requested in questions 3.1 – 3.2 in Section 3 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form.

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

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 and as requested in questions 4.1 – 4.3 in Section 4 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form.

**Criterion 5: Replicability and/or Scalability (20%)**

The extent to which the proposed project results are conducive to replication and/or scaling for a larger deployment across multiple facilities within the proposing agency and/or at other federal facilities and the degree to which the application demonstrates how the applicant will use the experience gained through the proposed project as an example that can lend itself to similar efforts within the agency's enterprise and/or at other federal facilities, as requested in questions 5.1 – 5.2 in Section 5 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form.

## **C. 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 August 2022, 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.

## **D. 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:

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- 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;
- The extent to which the project results in positive or negative cumulative environmental impacts to disadvantaged communities (To the extent applicable, consideration will be based on the information provided in response to questions 6.1 in Section 6 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form)<sup>10</sup>;
- The extent to which the project supports American-made products, a diversified workforce within the clean energy economy in construction, and high-quality jobs (To the extent applicable, consideration will be based on the information requested in question 6.2 in Section 6 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form);
- The extent to which the project contributes to the advancement of diversity, equity, inclusion, and accessibility (To the extent applicable, consideration will be based on the information requested in question 6.3 in Section 6 of the AFFECT BIL Topic Area 2 and Topic Area 3 Application Form).

## **E. 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. For transparency, FEMP will provide summaries of the review results to assist agencies in understanding how their application rated and reason(s) for non-selection.

### **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. and V.B. 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

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<sup>10</sup> Use the [White House Council of 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 disadvantage community as defined by the Office of Management and Budget's [Interim Justice40 Implementation Guidance M-21-28](#) and [addendum M-23-09](#).



recommendations of the reviewers, along with other considerations, in determining which applications to select.

**ii. Pre-Selection Clarification**

FEMP may determine that pre-selection clarifications are necessary from one or more applications. These pre-selection clarifications will solely be for the purposes of clarifying the application and will be limited to information already provided in the application documentation. The pre-selection clarifications may occur before, during or after the merit review evaluation process. Information provided by an applicant that is not necessary to address the pre-selection clarification question will not be reviewed or considered. Typically, a pre-selection clarification will be carried out through either written 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, and the amount of funds available in arriving at selections for this FAC.

**F. 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. Successful Applicants**

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. 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 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.

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**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.

**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**

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

Register with the SAM at <https://www.sam.gov>. Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called a Marketing Partner ID Number (MPIN) are important steps in SAM registration. Please update your SAM registration annually.

#### **FedConnect**

Register in FedConnect at <https://www.fedconnect.net>. To create an organization account, your organization's SAM MPIN is required. For more information about the SAM MPIN or other registration requirements, review the FedConnect Ready, Set, Go! Guide at [https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect\\_Ready\\_Set\\_Go.pdf](https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf).

#### **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>.

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

**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*,<sup>11</sup> 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.<sup>12</sup>

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<sup>11</sup> [E.O. 13690, "Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input", January 30, 2015](#)

<sup>12</sup> See Section 40126 of the [Infrastructure Investment and Jobs Act \(IIJA\), Pub. L. 117-58 \(Nov. 15, 2021\)](#)

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 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).<sup>13</sup> 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.

#### **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

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<sup>13</sup> 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)

subchapter IV of chapter 31 of title 40, United States Code commonly referred to 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](mailto: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, 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](mailto: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.

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## **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

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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**

FEMP may 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 administrators. Non-federal personnel conducting administrative activities must sign a Non-Disclosure Agreement (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;

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- 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.

## **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.

<b>AFFECT BIL FAC: Topic Area 1</b>		Control Number #							
<p><b><u>Application Overview</u></b></p> <ul style="list-style-type: none"> <li>Agency:</li> <li>Project Title:</li> <li>Site Location(s):</li> <li>Site Mission:</li> <li>Requested AFFECT Grant Funds:</li> </ul>	<p><b><u>Description of Requested Assistance</u></b></p>								
<p><b><u>Description of Value and Impact</u></b></p>	<p><b><u>Key Expected ECMs</u></b></p> <table border="1"> <thead> <tr> <th style="background-color: #4CAF50; color: white;">ECM</th> </tr> </thead> <tbody> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </tbody> </table>		ECM						
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<b>AFFECT BIL FAC: Topic Area 2 and Topic Area 3</b>		Control Number #												
<p><b><u>Application Overview</u></b></p> <ul style="list-style-type: none"> <li>Agency:</li> <li>Project Title:</li> <li>Site Location(s):</li> <li>Site Mission:</li> <li>Requested AFFECT Grant Funds:</li> <li>AFFECT Grant Funds Cost Leverage:</li> </ul>	<p><b><u>Key Project Parameters</u></b></p> <ul style="list-style-type: none"> <li>Baseline Utility Use and Cost:</li> <li>Estimated Baseline Utility Use and Cost Savings:</li> <li>Estimated GHG Reduction:</li> <li>Estimated Project Cost and Simple Payback Period:</li> </ul>													
<p><b><u>Overall Project Goal</u></b></p> <ul style="list-style-type: none"> <li>Execution Vehicle:</li> <li>Overall Cost/Budget:</li> <li>Approach Description:</li> <li>Summary of Impacts:</li> <li>Explanation of Scalability/Replicability:</li> </ul>	<p><b><u>ECMs Supported by AFFECT Funds</u></b></p> <table border="1"> <thead> <tr> <th style="background-color: #4CAF50; color: white;">ECM</th> <th style="background-color: #4CAF50; color: white;">Cost</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		ECM	Cost										
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## Appendix B. Definitions, Abbreviations, and Acronyms

<b>AFFECT</b>	Assisting Federal Facilities with Energy Conservation Technologies
<b>Applicant</b>	Federal agency signing the application submitted in response to this FAC.
<b>Application</b>	All documentation submitted in response to the FAC.
<b>Award</b>	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.
<b>Budget</b>	The cost expenditure plan submitted in the application, including both the FEMP contribution and the Applicant Cost Leverage.
<b>Compliance</b>	An eligibility determination that refers to the non-technical requirements outlined in the FAC (e.g., formatting, timeliness of submission, or satisfaction of prerequisites).
<b>Contracting Officer</b>	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.
<b>Cost Leverage Ratio (CLR)</b>	Represented by the following formula: $CLR = CF/G$ , where committed Funds (CF) is the sum of the funding committed to the 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.
<b>Covered Facilities</b>	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.
<b>DOE</b>	Department of Energy.
<b>E.O.</b>	Executive Order
<b>EA2020</b>	Energy Act of 2020, Division Z of the <a href="#">Consolidated Appropriations Act, 2021, Pub. L. 116-260 (Dec. 27, 2020)</a> .
<b>ENABLE</b>	An ESPC designed to permit a standardized and streamlined procurement process for small federal projects to install ECMs in six to twelve months. See, <a href="#">Energy Savings Performance Contract ENABLE for Federal Projects   Department of Energy</a>
<b>Energy Conservation Measures (ECM)</b>	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

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efficiencies, 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.](#)

<b>Energy Performance Contract</b>	The collective term to encompass projects executed using an energy savings performance contract (i.e., ESPCs, ENABLE) or utility energy service contracts (UESCs).
<b>Energy Savings Performance Contract (ESPC)</b>	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, <a href="#">Federal Energy Savings Performance Contracts Frequently Asked Questions on the Scope of 42 U.S.C. § 8287 et. seq.</a>
<b>ePB</b>	eProject Builder ( <a href="https://eprojectbuilder.lbl.gov">https://eprojectbuilder.lbl.gov</a> ) 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.
<b>ESCO</b>	Energy Service Company
<b>FAC</b>	Federal Agency Call
<b>Federal agency</b>	Federal agency has the same meaning as “agency” as defined in 5 U.S.C. § 551(1).
<b>FEMP</b>	The Department of Energy’s Federal Energy Management Program
<b>Final Deliverable</b>	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.
<b>Financial Assistance</b>	The transfer of money or property to an Applicant or Participant to accomplish a public purpose of support authorized by federal statute.
<b>FOIA</b>	Freedom of Information Act
<b>Government Use Case</b>	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.

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<b>Grant</b>	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.
<b>Grants.gov</b>	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 <a href="http://www.grants.gov">http://www.grants.gov</a> .
<b>GHG</b>	Greenhouse gas
<b>IGA</b>	Investment grade audit
<b>IPAC</b>	Intra Governmental Payment and Collection payment method
<b>LOI</b>	Letter of intent
<b>MFA</b>	Multi-factor authentication
<b>MPIN</b>	Marketing Partner ID Number
<b>NDA</b>	Non-disclosure agreement
<b>NECPA</b>	National Energy Conservation Policy Act
<b>NEPA</b>	National Environmental Policy Act
<b>NOITA</b>	Notice of intent to award
<b>NOO</b>	Notice of opportunity
<b>NTP</b>	Notice to proceed
<b>PA</b>	Preliminary assessment
<b>PII</b>	Personal Identifiable Information
<b>PPF</b>	Program policy factor
<b>Proposal</b>	A written, binding offer from a contractor that includes technical and price proposals and the text of any financing agreement (including a lease-acquisition)
<b>Proposed Project</b>	The set of activities described in an application.
<b>Recipient</b>	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.
<b>Renewable Energy</b>	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.
<b>Responsiveness</b>	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

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	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.
<b>RFP</b>	Request for proposal
<b>S3 eXCHANGE</b>	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 <a href="https://infrastructure-exchange.energy.gov/">https://infrastructure-exchange.energy.gov/</a> .
<b>SAM</b>	System for Award Management
<b>Selection</b>	The determination by the DOE Selection Official that negotiations take place for certain Projects with the intent of awarding a Financial Assistance instrument.
<b>Selection Official</b>	The DOE official designated to select applications for negotiation toward Award under a subject FAC.
<b>UEI</b>	Unique entity identifier
<b>Utility Energy Service Contract (UESC)</b>	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. <a href="#">About Utility Energy Service Contracts   Department of Energy.</a>

Questions about this FAC? Email [AFFECTBIL@hq.doe.gov](mailto:AFFECTBIL@hq.doe.gov)

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