

**U.S. Department of Energy (DOE)
Office of State and Community Energy Programs (SCEP)**

**Local Government Energy Program:
Communities Sparking Investment in Transformative Energy
(C-SITE)**

Funding Opportunity Announcement (FOA) Number: DE-FOA-0003229

FOA Type: **Mod 0002**

Assistance Listing Number: 81.086

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| FOA Issue Date: | February 27, 2024 |
| Informational Webinar: | See Infrastructure eXCHANGE website for details |
| Submission Deadline for Full Applications: | May 31, 2024, 5:00 p.m. ET |
| Submission Deadline for Replies to Reviewer Comments: | July 10, 2024, 5:00 p.m. ET |
| Expected Date for SCEP Selection Notifications: | August 2024 |
| Expected Timeframe for Award Negotiations: | September – December 2024 |

- To apply to this FOA, applicants must register with and submit application materials through Infrastructure Exchange at <https://infrastructure-exchange.energy.gov/Default.aspx>, SCEP’s online application portal.
- Applicants must designate primary and backup points-of-contact in Infrastructure Exchange with whom SCEP will communicate to conduct award negotiations. If an application is selected for award negotiations, it is not a commitment to issue an award. It is imperative that the applicant/selectee be responsive during award negotiations and meet negotiation deadlines. Failure to do so may result in cancelation of further award negotiations and rescission of the selection.
- **Unique Entity Identifier (UEI) and System for Award Management (SAM)** - Each applicant (unless the applicant is excepted from those requirements under 2 CFR 25.110) is required to: (1) register in the SAM at <https://www.sam.gov> before submitting an application; (2) provide a valid UEI number in the application; and (3) maintain an active SAM registration with current information when the applicant has an active federal award or an application or plan under consideration by a federal awarding agency. DOE 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 DOE is ready to make a federal award, DOE will determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

NOTE: Due to the high number of UEI requests and SAM registrations, entity legal business name and address validations are taking longer than expected to process. Entities should start the UEI and SAM registration process as soon as possible. If entities have technical difficulties with the UEI validation or SAM registration process they should use the [HELP](#) feature on [SAM.gov](#). SAM.gov will address service tickets in the order in which they are received and asks that entities not create multiple service tickets for the same request or technical issue. Additional entity validation resources can be found here: [GSAFSD Tier 0 Knowledge Base - Validating your Entity](#).

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Modifications

All modifications to the FOA are [HIGHLIGHTED] in the body of the FOA.

| Mod. No. | Date | Description of Modification |
|----------|----------|---|
| 0001 | 4/16/24 | <ol style="list-style-type: none">1. Added Community Engagement Plan (Optional) under Section IV.C. Content and Form of the Full Application2. Added Community Benefits Plan (Optional) under Section IV.C. Content and Form of the Full Application |
| 0002 | 5/2/2024 | <ol style="list-style-type: none">1. Revised and added language in Section III.A.i. Domestic Entities2. Revised eligible subrecipient language in Section III.A.i. Domestic Entities |

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Executive Summary

Program Overview

This Funding Opportunity Announcement (FOA) is for the launch of a new annual program, issued by the US Department of Energy (DOE)'s Office of State and Community Energy Programs (SCEP).

This funding opportunity, titled Communities Sparking Investments in Transformative Energy (C-SITE), supports SCEP's overall mission and is funded through SCEP's Local Government Energy Program (LGEP). LGEP will provide direct financial awards and technical assistance to recipients through this FOA, as well as capacity-building support through additional upcoming technical assistance offerings.

This funding opportunity provides an anticipated \$18 million for local governments and federally recognized Indian Tribes to implement municipally- or Tribal-led high-impact clean energy projects in disadvantaged communities, energy communities, small- and medium-sized jurisdictions, and Tribal communities. DOE retains the right to make partial awards and to reallocate funds in the event of undersubscription, ineligibility and/or increased program funds.

Program Goals:

- **Deliver direct local community benefits** of clean energy, such as reduced energy costs and improved air quality, through implementation of community-led energy projects or programs.
- **Spark additional investments** in communities that create long-term local economic development opportunities and support community revitalization.
- **Advance community-identified energy priorities** and right to self-determination.
- **Build capacity and partnerships** in local governments and Tribes.

| Total Funding | Number of Awards | Minimum Award Size | Maximum Award Size | Topic Area Title | Period of Performance |
|---------------|------------------|--------------------|--------------------|---------------------------------------|-----------------------|
| \$18 million | 5-20 | \$900,000 | \$3,600,000 | Transformative Project Implementation | 12-36 months |

For this new program, DOE provides one topic area for all applicants to invite a broad range of diverse projects illustrating a variety of technologies, approaches, and models tailored to local community contexts and poised to spark additional investments in their communities.

Projects may span a range of geographic scopes and wide variety of technology areas, including, but not limited to, building efficiency and/or electrification, clean transportation, energy infrastructure upgrades, microgrid development and deployment, renewable energy, and workforce development. All projects must include meaningful community engagement.

While partnerships are not required, DOE will prioritize projects with clear demonstrated support from local community partners and relevant decision-makers, as well as projects proposing significant benefits to workers and local residents, and the ability to spur local

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economic development or community revitalization, utilize existing community assets or transform liabilities into assets, and spark additional investments.

Eligible Applicants

Per Congress, eligible prime recipients for this FOA are restricted to local governments or Tribal governments representing **AT LEAST ONE** of the following kinds of communities:

1. Disadvantaged communities;
2. Energy communities;
3. Small- and medium-sized jurisdictions.

See more eligibility information below, including the program eligibility map. Communities not included on the map may provide additional information demonstrating their eligibility.

Cost Share

The cost share requirement for this FOA is reduced to 5% and may be met through staff time, municipal or Tribal budgets, philanthropic funds, or other contributions from a third-party entity to support project implementation or increase impact. The cost share must come from non-federal sources unless otherwise allowed by law and may also be met through the contribution of in-kind services that advance the proposed project.

Potential Project Examples

Illustrations of potential projects funded through this award may include, but are not limited to:

- Energy efficiency upgrades and on-site battery storage for a community resilience hub/s located in a disadvantaged community.
- Tribal partner-owned solar plus storage microgrid independent power project providing power to remote households.
- Municipally-owned utility-scale solar photovoltaic (PV) installation on reclaimed industrial land accessing relevant tax credits.
- Downtown revitalization led by public/private partnership creating energy efficient buildings primed for reuse for business or community use.
- Electric vehicle ride-sharing program aimed at serving low-income residents to increase mobility and access to economic opportunities.

Appendix C provides additional examples of projects that may be funded through this award.

Application Process

To be considered for this funding opportunity, applicants must:

1. Submit a Full Application to Infrastructure Exchange. Full applications will go into further details of the project proposal, team qualifications, budget and workplan, community engagement, and community benefits. **Full applications are due by May 31, 2024 at 5pm ET.**

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I. Funding Opportunity Description

A. Background and Context

i. Background and Purpose

Building a clean and equitable energy economy and addressing the climate crisis is a top priority of the Biden Administration. The Administration has set goals to achieve carbon pollution-free electricity by 2035 and to “deliver an equitable, clean energy future, and put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050”¹ to the benefit of all Americans. The U.S. Department of Energy (DOE) is committed to advancing next generation clean energy technologies through research, development, demonstration, and deployment; creating clean energy jobs; and ensuring an equitable transition to a clean, secure, affordable, reliable, and resilient energy system.

DOE’s Office of State and Community Energy Programs (SCEP) partners with Tribes, states, and local governments to reduce energy costs, avoid pollution, accelerate the deployment of clean energy technologies, and catalyze local economic development and job creation through equitable, clean energy solutions and place-based strategies involving a wide range of community, government, and business stakeholders.

The Local Government Energy Program (LGEP) supports SCEP’s mission through this Communities Sparking Investment in Transformative Energy (C-SITE) Funding Opportunity Announcement (FOA). This FOA supports the Administration goals referenced above by supporting programs and projects at the local level that reduce energy use and greenhouse gas emissions, save customers money, create local jobs, improve air quality, combat climate change, and focus benefits on disadvantaged communities.

As part of the whole-of-government approach to advance equity and encourage worker organizing and collective bargaining,^{2,3} and in alignment with BIL section 40552(b), this FOA and any related activities will seek to encourage meaningful engagement and participation of workforce organizations, including labor unions, as well as underserved communities and underrepresented groups,

¹ Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad,” January 27, 2021.

² Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” January 20, 2021.

³ Executive Order 14052, “Implementation of the Infrastructure Investment and Jobs Act,” November 18, 2021.

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including consultation with Tribal nations.⁴ Consistent with Executive Order 14008, this FOA is designed to help meet the [Justice40 Initiative](#) goal that 40% of the benefits of the Administration’s investments in clean energy and climate solutions be delivered to disadvantaged communities, as defined by the Department pursuant to the Executive Order.

ii. **Strategic Goals**

C-SITE seeks to support the implementation of high-impact municipally- or Tribal-led projects in disadvantaged or energy communities and small-to-medium jurisdictions. Through deep investments of funding, capacity building, and technical assistance, C-SITE fosters a wrap-around approach for clean energy solutions that serve community needs and address local priorities and issues. C-SITE aims to fund projects that deliver direct benefits to workers and residents, such as workforce agreements, reduced energy costs, improved air quality, and improved quality of life.

C-SITE awards issued through this FOA will focus on projects that:

- Have pre-existing community and decision-maker buy-in, factoring in impacts and benefits for disadvantaged communities, and commit to meaningful community engagement.
- Build on existing priority community assets or turn liabilities into assets in areas where people are disproportionately burdened by environmental harm or face high energy costs.
- Indicate the project can attract additional investments to complete, sustain, or scale implementation and impact.
- Create economic and community revitalization opportunities that are inclusive and equitable, including job creation or retention, attraction of new businesses, neighborhood stabilization, or other worker, resident, and community benefits.

Community-identified priorities can come from existing or active plans including, but not limited to, the following: Tribal strategic plans and/or action plans, local government climate action plans, local development business plans, state or regional electrification plans and strategies, workforce agency or board plans, utility community benefit plans and programs, long-range transportation or housing plans, academic master plans, economic or community revitalization plans, plans from previous DOE-funded efforts, and/or plans relating to climate, energy, and/or resilience broadly.

⁴ Executive Order 13175, “Consultation and Coordination With Indian Tribal Governments,” November 6, 2000.

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This FOA provides funding for the implementation of clean energy projects and programs that lead to self-sustaining capacity building, social equity and economic development in communities. The objectives of this FOA are to fund projects that:

- **Deliver direct local community benefits** of clean energy, such as reduced energy costs and improved air quality, through implementation of community-led energy projects or programs.
- **Spark additional investments** in communities that create long-term local economic development opportunities and support community revitalization.
- **Advance community-identified energy priorities** and right to self-determination.
- **Build capacity and partnerships** in local governments and Tribes.

B. Topic Areas

This FOA will support eligible local governments and Tribes to implement projects that provide direct community benefits, spark additional investments, meet community-identified priorities, and build local capacity. Community benefits may include creation of local economic opportunities for workers, workforce measures and agreements, community revitalization, lowered energy burdens, increased access to renewable energy, improved air quality, increased public participation in energy decision-making processes, and improved quality of life for local residents.

Projects may span a range of geographic scopes and wide variety of technology areas including, but not limited to: building efficiency and/or electrification, electric transportation, energy infrastructure upgrades, microgrid development and deployment, renewable energy, resilience hubs, and workforce development. Projects that incorporate all or some of the above components are encouraged to apply.

All work under SCEP funding agreements must be performed in the United States. See Section IV.I.iii. and Appendix D.

C. Technical Assistance

i. Technical Assistance for Awarded Communities

SCEP understands that local governments and Tribes are under capacity to develop and manage the many clean energy, workforce development and transportation projects desired by their communities. This demand stretches staff capacity to their limits. To meet this need, awarded communities will be

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provided additional capacity through SCEP's [Community Energy Fellows](#) program. Community Energy Fellows will work either on-site or virtually in select communities for up to 18 months to support implementation of projects.

In addition, awarded communities will receive in depth technical assistance (TA) from experts to help facilitate the development and implementation of awarded projects.

Lastly, communities will have the opportunity to participate in peer exchanges to share best practices, troubleshoot barriers, and grow their networks.

ii. Other Technical Assistance

LGEP will provide additional technical assistance offerings to build capacity in communities, launching Summer 2024.

D. Applications Specifically Not of Interest

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

- Applications that fall outside the technical parameters specified in Sections I.A. and I.B. of the FOA.
- Applications for proposed technologies that are not based on sound scientific principles (e.g., violates the laws of thermodynamics).
- Applications for which the prime applicant is not an eligible applicant, as described in Section III.i.
- Applications for projects in visioning and planning stages rather than implementation stage. Projects in visioning and planning stages are strongly encouraged to explore additional Technical Assistance (TA) offerings and capacity-building strategies through SCEP.

E. Authorizing Statutes

The programmatic authorizing statute is 117th Congress. Senate Report Number 117-36. "Energy and Water Development Appropriations Bill, 2022." August 4, 2021. P. 129.

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

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II. Award Information

A. Award Overview

i. Estimated Funding

SCEP expects to make a total of approximately \$18 million of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. SCEP anticipates making approximately 5-20 awards under this FOA.

SCEP may issue one, multiple, or no awards. Individual awards may vary between \$900,000 and \$3,600,000. DOE retains the right to make partial awards and to reallocate funds in the event of undersubscription, ineligibility and/or increased program funds.

SCEP may issue awards in the following topic area.

| Total Funding | Number of Awards | Minimum Award Size | Maximum Award Size | Topic Area Title | Period of Performance |
|---------------|------------------|--------------------|--------------------|---------------------------------------|-----------------------|
| \$18 million | 5-20 | \$900,000 | \$3,600,000 | Transformative Project Implementation | 12-36 months |

SCEP may establish more than one budget period for each award and fund only the initial budget period(s). Funding for all budget periods, including the initial budget period, is not guaranteed.

ii. Period of Performance

SCEP anticipates making awards that will run from 12 months up to 36 months, comprised of one or more budget periods. Project continuation will be contingent upon several elements, including satisfactory performance and reporting. For a complete list, see Section VI.B.xii.

iii. New Applications Only

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

B. SCEP Funding Agreements

Through cooperative agreements and other similar agreements, SCEP provides financial and other support to projects that have the potential to realize the FOA

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objectives. SCEP does not use such agreements to acquire property or services for the direct benefit or use of the U.S. government.

i. Cooperative Agreements

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

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

ii. Funding Agreements with Federally Funded Research and Development Center (FFRDCs)⁵

In most cases, FFRDCs are funded independently of the remainder of the project team. The FFRDC then executes an agreement with any non-FFRDC project team members to arrange work structure, project execution, and any other matters. Regardless of these arrangements, the entity that applied as the prime recipient for the project will remain the prime recipient for the project. See Section III.E.

III. Eligibility Information

A. Eligible Applicants

i. Domestic Entities

The proposed prime recipient and subrecipient(s) must be domestic entities. Per Congress, the proposed prime recipients for this FOA are restricted to local governments or Tribal governments representing **AT LEAST ONE** of the following kinds of communities:

1. Disadvantaged communities⁶;
2. Energy communities⁷;
3. Small- and medium-sized jurisdictions.

⁵ FFRDCs are public-private partnerships that conduct research for the U.S. government. A listing of FFRDCs can be found at <http://www.nsf.gov/statistics/ffrdclist/>.

⁶ White House Council on Environmental Quality (CEQ). 2022. Climate and Economic Justice Screening Tool. <<https://screeningtool.geoplatform.gov/en/methodology>>

⁷ United States Department of Energy, National Energy Technology Laboratory. 2023. Energy Community Tax Credit Bonus Tool. IRA Energy Community Tax Credit Bonus (doe.gov)

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Local Government: For the purposes of this FOA, ‘local governments’ are defined as jurisdictions that include, but are not limited to, ANY of the following:

- Cities, towns, and villages;
- Counties, including on behalf of unincorporated communities, as well as special districts and joint powers authorities;
- Municipally or Tribally-owned utilities;
- Metropolitan planning organizations, regional planning organizations; and
- Councils of governments.

Federally recognized Indian Tribe: For the purposes of this FOA, includes any federally recognized American Indian and Alaska Native Tribes and villages, inclusive of any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Settlement Act.⁸

Disadvantaged Communities: Communities that encompass a census tract that EITHER:

- meets the thresholds for at least ONE of the categories of burden (climate change, energy, workforce, water and wastewater, transportation, health, housing, legacy pollution) through the Climate and Economic Justice Screening Tool (CEJST)⁹, OR
- is a United States territory or federally recognized Indian Tribe.

Energy Communities: Communities that include ANY of the following¹⁰:

- a “brownfield site”;
- a “metropolitan statistical area” or “non-metropolitan statistical area” that has
 - a. 0.17% or greater direct employment or 25% or greater local tax revenues related to the extraction, processing, transport, or storage of coal, oil, or natural gas; AND
 - b. has an unemployment rate at or above the national average unemployment rate for the previous year; OR
- a census tract in which a coal mine has closed after 1999 or a coal-fired electricity generating unit has been retired after 2009

⁸ Bureau of Indian Affairs. 2022. Indian Entities Recognized by and Eligible To Receive Services from the United States Bureau of Indian Affairs. Federal Register. <<https://www.federalregister.gov/documents/2022/01/28/2022-01789/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of>>

⁹ White House Council on Environmental Quality (CEQ). 2022. Climate and Economic Justice Screening Tool. <<https://screeningtool.geoplatform.gov/en/methodology>>

¹⁰ United States Department of Energy, National Energy Technology Laboratory. 2023. Energy Community Tax Credit Bonus Tool. IRA Energy Community Tax Credit Bonus (doe.gov)

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Small- and Medium-Sized Jurisdictions: Communities that represent the following:

- a. “small” jurisdictions: jurisdictions representing under 100,000 people
- b. “medium” jurisdictions: jurisdictions representing under 250,000 people

Please reference the [C-SITE eligibility map](#) linked. If not included on the eligibility map, applicants may describe in the Project Narrative how and why their community is a disadvantaged or energy community and/or a small or medium-sized jurisdiction, and therefore eligible for this FOA.

Please reference the Technical Review Criteria for further detail relating to applicant types and community profiles.

The following types of domestic entities are eligible to participate as a subrecipient of this FOA but are not eligible to apply as a prime recipient:

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

The following types of entities are eligible to participate as prime recipient AND subrecipient of this FOA:

1. Local governmental entities, and federally recognized Indian Tribes (Indian Tribes).

DOE/NNSA FFRDCs are eligible to apply for funding as a subrecipient but are not eligible to apply as a prime recipient.

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

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

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

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

Teams or Consortia and Partners

Partnerships and teaming for this FOA are optional but encouraged for successful local implementation including, but not limited to, activities such as community engagement, coalition-building, and project management.

(a) Teams or Consortia

Eligible primes (here, local governments and/or federally recognized Indian Tribes) are allowed to team up on a single application in order to (1) ease the administrative burdens associated with managing a federal grant, (2) maximize the scope, reach, and level of ambition for the proposed projects and programs, and (3) encourage sharing of capacity, knowledge, expertise, lessons learned and best practices across jurisdictions. Teaming is not required for this FOA. Teaming here refers to multiple eligible entities submitting one joint application as co-applicants, with one entity identified as the prime on behalf of the group. For example, a team or consortium of Tribes may submit one application if each Tribe is an eligible prime and the consortia designates one Tribe to serve as prime recipient and consortium representative.

(b) Partners and Subrecipients

Eligible primes may work with partners organizations to support implementation of their project for activities including, but not limited to community outreach and engagement, coalition-building, program delivery, workforce, technical expertise, budget tracking, metric reporting and project management. Applicants should include information about intended partners and their roles in project implementation in their application materials.

For this FOA, partners can include, but are not limited to, the following:

- Nonprofit organizations, including community-based organizations
- Tribal Nations, Tribal Councils, Tribal energy development organizations, Section 17 corporations, or Tribal-serving organization
- Academic and/or research institutions, including Historically Black Colleges and Universities, Minority Serving Institutions, Hispanic Serving Institutions, Tribal colleges, community colleges and think tanks
- Associations, coalitions, and councils
- Community development finance institutions or community development corporations

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- For-profit entities, consultants, and private companies
- Local or regional planning organizations
- National laboratories, also called Federally Funded Research and Development Centers (FFRDCs)
- Philanthropic organizations, nonprofit or private, including community foundations
- State, regional, and/or local governmental entities including, but not limited to, workforce development agencies and special districts
- Underserved businesses, including small and disadvantaged businesses, women-owned small businesses, service-disabled and veteran owned small businesses
- Utilities including investor-owned, cooperative/public power, and municipal as well as third-party or independent power providers

Partners may be – but are not required- to be compensated through this FOA as subrecipients. Subrecipients must be domestic entities. To qualify as a domestic entity, the entity must be organized, chartered or incorporated (or otherwise formed) under the laws of a particular state or territory of the United States; have majority domestic ownership and control; and have a physical place of business in the United States. Subrecipients must provide letters of commitment with the application.

Staff time to support project implementation provided by partner organizations can count towards the in-kind cost share requirements for this FOA. Partner organizations contributing staff time to meet the cost share must provide letters of commitment with the application.

ii. Foreign Entities

SCEP has determined that Foreign Entities are ineligible for this FOA as either a prime or subrecipient.

B. Cost Sharing

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

This FOA has received a Cost Share Reduction to reduce the cost share from the 50% cost share required by EPCACT 2005, Section 988 to **5% of total project costs**, inclusive of staff time and in-kind cost share activities. The 5% cost share must come from non-federal sources unless otherwise allowed by law and may be provided by a third-party entity.

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Applicants are encouraged to consider how the cost share can help advance the project, increase project impact, build partnerships, spark community investments, or sustain or scale the project beyond the grant period.

To help applicants calculate proper cost share amounts, please reference the cost share information sheet and sample cost share calculation in Appendix B of this FOA.

i. Legal Responsibility

Although the cost share requirement applies to the entire project, including work performed by members of the project team other than the prime recipient, the prime recipient is legally responsible for ensuring the cost share requirement is met, including through a third-party entity. If the funding agreement is terminated prior to the end of the project period, the prime recipient is required to contribute at least the cost share percentage of total expenditures incurred through the date of termination.

The prime recipient is solely responsible for managing cost share contributions by the project team and enforcing cost share obligation assumed by project team members in subawards or related agreements.

ii. Cost Share Allocation

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

iii. Cost Share Types and Allowability

Every cost share contribution must be allowable under the applicable federal cost principles, as described in Section IV.I.i. of the FOA. In addition, cost share must be verifiable upon submission of the Full Application. Cost share may be provided in the form of cash or cash equivalents, or in-kind contributions. Cost share must come from non-federal sources (unless otherwise allowed by law), such as project participants, state or local governments, or other third-party financing like from a community development financing institution (CDFI) or similar or other mechanism. Federal financing, such as DOE Loan Guarantee, cannot be leveraged by applicants to provide the required cost share or otherwise support the same scope that is proposed under a project.

Cost share may be provided by the prime recipient, subrecipients, or third parties (entities that do not have a role in performing the scope of work). Vendors/contractors may not provide cost share. Any partial donation of goods or services is considered a discount and is not allowable.

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Cash contributions include but are not limited to personnel costs, fringe costs, supply and equipment costs, indirect costs, and other direct costs.

In-kind contributions are those where a value of the contribution can be readily determined, verified, and justified but where no actual cash is transacted in securing the good or service comprising the contribution. Allowable in-kind contributions include but are not limited to the donation of volunteer time or the donation of space or use of equipment.

Project teams may use funding or property received from state or local governments to meet the cost share requirement, so long as the federal government did not provide the funding to the state or local government.

The recipient may not use the following sources to meet its cost share obligations:

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

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

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

Applicants are encouraged to refer to 2 CFR 200.306 as amended by 2 CFR 910.130 for additional cost sharing requirements

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iv. Cost Share Contributions by FFRDCs

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

v. Cost Share Verification

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

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

vi. Cost Share Payment

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

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

C. Compliance Criteria

All applicant submissions must:

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- Comply with the applicable content and form requirements listed in Section IV. of the FOA;
- Include all required documents;
- Be uploaded and submitted to Infrastructure Exchange <https://infrastructure-exchange.energy.gov/>; and
- Be submitted by the deadline stated in the FOA.

SCEP will not review or consider submissions submitted through means other than Infrastructure Exchange, submissions submitted after the applicable deadline, or incomplete submissions.

Applicants are strongly encouraged to submit their Full Applications and Replies to Reviewer Comments at least 48 hours in advance of the submission deadline.

Under normal conditions (i.e., at least 48 hours before the submission deadline), applicants should allow at least one hour to submit a Full Application or Reply to Reviewer Comments. Once the Full Application or Reply to Reviewer Comments is submitted in Infrastructure Exchange, applicants may revise or update that submission until the expiration of the applicable deadline. If changes are made to any of these documents, the applicant must resubmit the Full Application, or Reply to Reviewer Comments before the applicable deadline. SCEP will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

D. Responsiveness Criteria

All “Applications Specifically Not of Interest,” as described in Section I.D. of the FOA, are deemed nonresponsive and are not reviewed or considered for this FOA but may receive relevant informational resources or be directed toward other DOE opportunities.

E. Other Eligibility Requirements

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

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

- a. Authorization for non-DOE/NNSA FFRDCs
The federal agency sponsoring the FFRDC must authorize in writing the use of the FFRDC on the proposed project and this authorization must be submitted with the application. The use of a FFRDC must be consistent with its authority under its award.

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b. Authorization for DOE/NNSA FFRDCs

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

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

c. Funding, Cost Share, and Subaward with FFRDCs

The value of and funding for the FFRDC portion of the work will not normally be included in the award. DOE/NNSA FFRDCs participating as a subrecipient on a project will be funded directly through the DOE field work proposal (WP) process. Non-DOE/NNSA FFRDCs participating as a subrecipient will be funded through an interagency agreement with the sponsoring agency.

Although the FFRDC portion of the work is excluded from the award, the applicant's cost share requirement will be based on the total cost of the project, including the applicant's, the subrecipient's, and the FFRDC's portions of the project.

Unless instructed otherwise by the DOE Contracting Officer for the DOE award, all FFRDCs are required to enter into a Cooperative Research and Development Agreement¹¹ (CRADA)¹¹ or, if the role of the DOE/NNSA FFRDC is limited to technical assistance and intellectual property is not anticipated to be generated from the DOE/NNSA FFRDC's work, a Technical Assistance Agreement (TAA), with at least the prime recipient before any project work begins. Any questions regarding the use of a CRADA or TAA should be directed to the cognizant DOE field intellectual property (IP) counsel.

The CRADA or TAA is used to ensure accountability for project work and provide the appropriate management of IP, e.g., data protection and background IP. The CRADA or TAA must be agreed upon by all parties and submitted to DOE or other sponsoring agency, when applicable, for approval, or submitted to DOE for notice under the Master Scope of Work process,

¹¹ A cooperative research and development agreement is a contractual agreement between a national laboratory contractor and a private company or university to work together on research and development. For more information, see <https://www.energy.gov/gc/downloads/doe-cooperative-research-and-development-agreements>

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when applicable, using any DOE or other sponsoring agency approved CRADA or TAA template without substantive changes by the time the award is made to the prime recipient.

d. Responsibility

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

e. Limit on FFRDC Effort

The scope of work to be performed by the FFRDC should not be more significant than the scope of work to be performed by the applicant.

F. Limitation on Number of Concept Papers and Full Applications Eligible for Review

An entity may submit only one Full Application for this FOA. If an entity submits more than one Full Application, SCEP will request a determination from the applicant's authorizing representative as to which application should be reviewed. Any other submissions received listing the same entity as the applicant will not be eligible for further consideration. This limitation does not prohibit an applicant from collaborating on other applications (e.g., as a potential subrecipient or partner) so long as the entity is only listed as the applicant on one Full Application for this FOA.

G. Questions Regarding Eligibility

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

IV. Application and Submission Information

A. Application Process

The application process is a submission of a Full Application. This submission must conform to the form and content requirements described below, including maximum page lengths.

- The application must be submitted in Adobe PDF format unless stated otherwise;

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- The application must be written in English;
- All pages must be formatted to fit on 8.5” x 11” paper with margins not less than one inch on every side. Use Calibri typeface, a black font color, and a font size of 12-point or larger (except in figures or tables, which may be 10-point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References must be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement;
- A **control number** will be issued when an applicant begins the Infrastructure Exchange application process. The control number must be included with all application documents. Specifically, the control number must be prominently displayed on the upper right corner of the header of every page and included in the file name (i.e., *ControlNumber_ApplicantName_Full Application*);
- Page numbers must be included in the footer of every page; and
- The application must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths indicated below, SCEP will review only the authorized number of pages and disregard any additional pages.

i. **Additional Information on Infrastructure Exchange**

Infrastructure Exchange is designed to enforce the deadlines specified in this FOA. The “Apply” and “Submit” buttons will automatically disable at the defined submission deadlines.

Applicants who experience technical difficulties with submission **PRIOR** to the FOA deadline should contact the Infrastructure Exchange helpdesk for assistance (InfrastructureExchangeSupport@hq.doe.gov).

B. **Application Forms**

The application forms and instructions are available on Infrastructure Exchange. To access these materials on Infrastructure Exchange, go to <https://infrastructure-exchange.energy.gov> and select the appropriate funding opportunity number.

Note: The maximum file size that can be uploaded to the Infrastructure Exchange website is 50MB. Files larger than 50MB cannot be uploaded and hence cannot be submitted for review. If a file is larger than 50MB but is still within the maximum page limit specified in the FOA, it must be broken into parts and denoted to that effect. For example:

ProjectNarrative_Part_1

ProjectNarrative_Part_2

Questions about this FOA? Email LGEP@hq.doe.gov.

If you experience problems with Infrastructure Exchange, email InfrastructureExchangeSupport@hq.doe.gov with the FOA name and number in subject line.



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

C. Content and Form of the Full Application

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

All Full Application documents must be marked with the Control Number issued to the applicant.

i. Full Application Content Requirements

Each Full Application must be limited to a single concept. Full Applications must conform to the following requirements and must not exceed the stated page limits.

| Component | File Format | Page Limit | File Name |
|---|----------------|--------------|---|
| SF-424: Application for Federal Assistance | PDF | n/a | ControlNumber_LeadOrganization_App424 |
| Project Narrative | PDF | 12 pages | ControlNumber_LeadOrganization_ProjectNarrative |
| Resumes | PDF | 3 pages each | ControlNumber_LeadOrganization_Resumes |
| Letters of Commitment | PDF | 1 page each | ControlNumber_LeadOrganization_LOCs |
| Letters of Support | PDF | 1 page each | ControlNumber_LOSs |
| Budget Information (SF-424A) | MS Excel | n/a | ControlNumber_LeadOrganization_Budget |
| Summary/Abstract for Public Release | PDF | 1 page | ControlNumber_LeadOrganization_Summary |
| Summary Slide | MS Power Point | 1 page | ControlNumber_LeadOrganization_Slide |
| DOE Work Proposal for FFRDC, (see DOE O 412.1A, Attachment 2) | PDF | n/a | ControlNumber_LeadOrganization_WP |
| Authorization from cognizant Contracting Officer for FFRDC | PDF | n/a | ControlNumber_LeadOrganization_FFRDCAuth |

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| | | | |
|--|----------------|-----|---------------------------------------|
| SF-LLL Disclosure of Lobbying Activities | PDF | n/a | ControlNumber_LeadOrganization_SF-LLL |
| Community Engagement Plan (OPTIONAL) | MS Word or PDF | n/a | ControlNumber_LeadOrganization_CEP |
| Community Benefits Plan (OPTIONAL) | MS Word or PDF | n/a | ControlNumber_LeadOrganization_CBP |

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

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

ii. SF-424: Application for Federal Assistance (required)

Applicants must complete the SF-424 Application for Federal Assistance, which is available on <https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients>, under Certifications and Assurance.

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

Note: The dates 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_424".

iii. Project Narrative (required)

The Project Narrative to the Full Application must be no longer than 12 pages in length, inclusive of the cover page, charts, graphs, maps, photos, or other graphics. The Project Narrative must contain all of the information described in the table below and all of the information detailed in the Project Narrative template document; submission of the Project Narrative template itself is optional, provided the applicant provides the information in an alternate form.

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Please save the Project Narrative in a single PDF file using the following convention for file title, “ControlNumber_LeadOrganization_ProjectNarrative.”

Please reference this FOA’s Technical Review Criteria and Program Policy Factors for additional information about weighting and evaluation.

| Project Narrative Content Requirements | |
|---|--|
| Section (Estimated # of Pages) | Description and Key Components <i>Please see Project Narrative Template for additional guidance</i> |
| Cover Page (1 page) | <p>The cover page must include the following:</p> <ul style="list-style-type: none"> • Control number • Project title • Prime applicant organization • Names of all team and/or partner organizations • Names and contact information for the lead project manager and business points of contact¹² • The project location(s), including zip code/s • Federal budget requested, as divided among prime and subrecipients, if applicable • Any statements regarding confidentiality, if applicable |
| Project Opportunity (30%) (3-4 pages) | <p>This section must contain the following information:</p> <ul style="list-style-type: none"> • Community Background and Priorities: Describe community background and local community-identified energy needs and priorities. Must demonstrate eligibility per Eligibility Map or explain how community is eligible as a disadvantaged, energy, and/or small to medium jurisdiction. May reference Program Policy Factors. Must reference existing plans or strategies that identify this project as a priority. • Project Vision and Summary: Summarize proposed project vision and strategies to meet community-identified energy needs and priorities. Align with program goals in this FOA. Describe how proposed project will overcome anticipated barriers and deliver clean energy projects and programs, near-term and longer-term. • Economic Development and Sparking Investments: Describe how proposed project and DOE funding and technical assistance can spur local economic development or community revitalization, utilize community assets or transform liabilities into assets, and/or spark additional investments. |

¹² Lead project manager is responsible for the management of the entire project, and the business point of contact is the individual leading on the project’s budget and fiscal needs and responsibilities.

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| | <ul style="list-style-type: none"> • Transformative Approach and Replicability: Describe how proposed project vision demonstrates a new or transformative approach for this specific community, in terms of technology, strategies, partnerships or impacts. Describe if/how project will model an approach for similar communities to replicate. |
| <p>Community Opportunity (30%) (3-4 pages)</p> | <p>This section should must the following information:</p> <ul style="list-style-type: none"> • Community Engagement: Describe meaningful community engagement of local community to proposed project, either conducted or planned. <ul style="list-style-type: none"> ○ Summarize engagement process, methods, content, and priorities. Include how community stakeholders have shaped these priorities and how community engagement will continue during the implementation process. ○ Please name specific organizations, Tribal consultants, businesses, labor and community stakeholders representative of the proposed project area that participated in this work and explain to what extent they had input into decision-making. ○ Please reference Appendix A and Community Engagement Plan template. • Leadership Support: Summarize and demonstrate project buy-in from relevant decision-makers and stakeholders, which can include elected officials, community decisionmakers and leaders, and key stakeholders or partners. • Worker & Community Benefits: Summarize specific strategies, commitments, and protections this project will provide workers, as through workforce and community agreements, community benefits agreements, project labor agreements, and/or collective bargaining or other workforce strategies, commitments and protections; include documentation or plan. Describe specific tangible benefits proposed anticipated for local residents, including reduced energy costs, improved air quality, and improved quality of life. Describe in quantitative and qualitative terms, with metrics. • DEIA, Labor & Stakeholder Engagement, Justice40 Alignment: Summarize plan to incorporate diversity, equity, inclusion, and accessibility (DEIA) objectives into the project, including through contracting, employment, worker training and placement support. Summarize labor stakeholder engagement (conducted and planned), including engagement type, date, and outcomes. Describe additional benefits, milestones, metrics, and/or partners to mitigate negative |

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| | impacts and maximize benefits for disadvantaged communities, per Justice40 Initiative ¹³ . |
| Partnerships and Project Feasibility (40%) (4-6 pages) | <p>This section must contain the following information:</p> <ul style="list-style-type: none">• Team Description and Skills: Describe the team and key team members, including the applicant and team or partners, if appropriate. Include time commitment of key team members.<ul style="list-style-type: none">○ Should include relevant qualifications and expertise for this project, including those of proposed subrecipients.○ Specific skills can include grant management experience, project management experience, technical expertise, facilitation and convening experience, and community trust.• Strategy and Workplan: Describe the overall strategy and summary of approach to achieve project objectives. Describe work to be accomplished, key deliverables, and milestones. Provide workplan.<ul style="list-style-type: none">○ Deliverables should accurately and effectively convey the progress and positive impact the program will have for disadvantaged communities.○ Workplan must be structured with a hierarchy of performance period (approximately annual) with tasks and subtasks, which is typical of a standard Workplan for any project. The Workplan shall contain a concise description of the specific activities to be conducted over the life of the project. The description shall be a full explanation and disclosure of the project being proposed (i.e., a statement such as “we will then complete a proprietary process” is unacceptable).○ Milestones may be activity-based progress measures and include verification. Include summary of end of project goals.○ Project Schedule (Gantt Chart or similar): The applicant should provide a schedule for the entire project, including task and subtask durations, and milestones.• Budget, Spend Plan, Timeline: Provide narrative summary of proposed project budget and main line items, intended spend plan, and associated timeline.• Statement on Building Capacity: In one paragraph, summarize how this proposed project will build organizational and/or staff capacity to support further advancement of clean energy opportunities, the community’s participation in the clean energy economy, and/or right to self-determination. |

¹³ The White House. Executive Order: Justice40 Initiative. 2022.

<https://www.whitehouse.gov/environmentaljustice/justice40/>

Questions about this FOA? Email LGEP@hq.doe.gov.

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iv. Resumes (required)

A resume provides information reviewers can use to evaluate an individual's relevant skills and the experience of the key project personnel. Applicants must submit a resume (limited to three pages each) for each project manager and Senior/Key Personnel that includes the following:

1. Contact information;
2. Education: All academic institutions attended, major/area, degree;
3. Training: (e.g.,) certification or credential from a Registered Apprenticeship or Labor Management Partnership;
4. Professional experience: Beginning with the current position, list a complete account of professional/academic positions in chronological order with a brief description, noting any leave from professional work;
5. List all current academic, professional, or institutional appointments, foreign or domestic, at the applicant institution or elsewhere, whether or not remuneration is received, and, whether full-time, part-time, or voluntary

Save the resumes in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_Resumes."

v. Letters of Commitment (if applicable)

Submit letters of commitment from all subrecipient and third-party cost share providers. If applicable, the letter must state that the third party is committed to providing a specific minimum dollar amount or value of in-kind contributions allocated to cost sharing. The following information for each third party contributing to cost sharing should be identified: (1) the name of the organization; (2) the proposed dollar amount to be provided; and (3) the proposed cost sharing type (cash-or in-kind contributions). Each letter must not exceed one page.

Save the letters of commitment in a single PDF file using the following convention for the title, "ControlNumber_LeadOrganization_LOCs".

vi. Letters of Support (if applicable)

Letters of support or endorsement are also accepted to demonstrate additional community and decision-maker support for the proposed project from relevant stakeholders, proposed partners, labor stakeholders, and others.

Save the letters of commitment in a single PDF file using the following convention for the title, "ControlNumber_LeadOrganization_LOSs".

Questions about this FOA? Email LGEP@hq.doe.gov.

If you experience problems with Infrastructure Exchange, email InfrastructureExchangeSupport@hq.doe.gov with the FOA name and number in subject line.



vii. Budget Information (required)

Applicants must complete the Budget information (SF-424A), which is available in the Infrastructure Exchange under this FOA posting. Applicants should complete the Budget information as described in the spreadsheet. Applicants must consider all costs associated with implementing the project as outlined in the Project Narrative. Applicants should also include costs associated with required annual audits and incurred costs proposals in their proposed budget documents.

Save the Budget Information spreadsheet in a single Microsoft Excel file using the following convention with the title, “ControlNumber_LeadOrganization_Budget.”

viii. Summary for Public Release (required)

Applicants must submit a maximum of one-page summary of their project that is suitable for dissemination to the public. It should be a self-contained document that identifies the name of the applicant, the project title, the objectives of the project, a description of the project, including methods to be employed, the potential impact of the project (e.g., benefits, outcomes), and major participants (for collaborative projects). This document must not include any proprietary or business-sensitive information as DOE may make it available to the public after selections are made. The summary must not exceed one page when printed using standard 8.5” x 11” paper with 1” margins (top, bottom, left, and right) with font not smaller than 12-point.

Save the Summary for Public Release in a single PDF file using the following convention for the title “ControlNumber_LeadOrganization_Summary.”

ix. Summary Slide (required)

Applicants must provide a single slide summarizing the proposed project. The Summary Slide template is available on Infrastructure Exchange at <https://infrastructure-Exchange.energy.gov//> and must include the following information:

- Proposed project goals;
- Any key graphics (illustrations, charts and/or tables);
- The project’s key idea/takeaway;
- Project title, prime recipient, and Senior/Key Personnel information; and
- Requested SCEP funds and proposed applicant cost share.

Save the Summary Slide in a single Microsoft PowerPoint file using the following convention for the title “ControlNumber_LeadOrganization_Slide.”

Questions about this FOA? Email LGEP@hq.doe.gov.

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x. Budget for DOE/NNSA FFRDC (if applicable)

If a DOE/NNSA FFRDC is to perform a portion of the work, the applicant must provide a DOE work proposal (WP) in accordance with the requirements in DOE Order 412.1A, Work Authorization System, Attachment 2, available at: <https://www.directives.doe.gov/directives-documents/400-series/0412.1-BOrder-a-chg1-AdmChg>.

Save the WP in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_WP."

xi. Authorization for Non-DOE/NNSA or DOE/NNSA FFRDCs (if applicable)

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

Save the Authorization in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_FFRDCAuth."

xii. SF-LLL: Disclosure of Lobbying Activities (required)

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

Prime recipients and subrecipients are required to complete and submit SF-LLL, "Disclosure of Lobbying Activities"

(<https://www.grants.gov/web/grants/forms/sf-424-individual-family.html>) to ensure that non-federal funds have not been paid and will not be paid to any person for influencing or attempting to influence any of the following in connection with the application:

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

Save the SF-LLL in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_SF-LLL."

Questions about this FOA? Email LGEP@hq.doe.gov.

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xiii. Community Engagement Plan (optional)

See Appendix F –COMMUNITY ENGAGEMENT PLAN TEMPLATE, for format and content suggestions.

Save the CEP in a single Word or PDF using the following convention for the title ControlNumber_LeadOrganization_CEP

xiv. Community Benefits Plan (optional)

See Appendix G –COMMUNITY BENEFITS PLAN TEMPLATE, for format and content suggestions.

Save the CEP in a single Word or PDF using the following convention for the title ControlNumber_LeadOrganization_CBP

D. Content and Form of Replies to Reviewer Comments

SCEP will provide applicants with reviewer comments following the evaluation of all eligible Full Applications. Applicants will have a brief opportunity to prepare a short Reply to Reviewer Comments (Reply). The Reply must not exceed three pages. If a Reply is more than three pages in length, SCEP will review only the first three pages and disregard additional pages. Applicants may use the Reply to respond to one or more comments or to supplement their Full Application. The Reply may include text, graphs, charts, or data.

SCEP will post the reviewer comments in Infrastructure Exchange. The expected submission deadline is on the cover page of the FOA; however, it is the applicant's responsibility to monitor Infrastructure Exchange if the expected date changes. The deadline will not be extended for applicants who are unable to timely submit their Reply due to failure to check Infrastructure Exchange or relying on the expected date alone. Applicants should anticipate having approximately three (3) business days to submit a Reply.

Applicants are not required to submit a Reply to Reviewer Comments. SCEP will review and consider each eligible Full Application, even if no Reply is submitted or if the Reply is found to be ineligible.

E. Post Selection Information Requests

If selected for award negotiations, SCEP reserves the right to require that selected applicants provide additional or clarifying information regarding the application submissions, the project, the project team, the award requirements, and any other

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matters related to anticipated award. The following is a list of examples of information that may be required:

- Statement of Project Objectives (SOPO), including the Milestone Table, following the template available on [Infrastructure Exchange](#).
- Personnel proposed to work on the project and collaborating organizations (See Section VI.B.xvii. Participants and Collaborating Organizations);
- Indirect cost information;
- Other budget information;
- Letters of Commitment from third parties contributing to cost share, if applicable;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5);
- Information for the DOE Office of Civil Rights to process assurance reviews under 10 CFR 1040;
- Representation of Limited Rights Data and Restricted Software, if applicable; and
- Environmental Questionnaire.

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

Each applicant (unless the applicant is an individual or federal awarding agency that is excepted from those requirements under 2 CFR 25.110(b) or (c), or has an exception approved by the federal awarding agency under 2 CFR 25.110(d)) is required to: (1) register in the SAM at <https://www.sam.gov> before submitting an application; (2) provide a valid UEI in the application; and (3) maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. DOE may not make a federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements. If an applicant has not fully complied with the requirements by the time DOE is ready to make a federal award, DOE will determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

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NOTE: Due to the high demand of UEI requests and SAM registrations, entity legal business name and address validations are taking longer than expected to process. Entities should start the UEI and SAM registration process as soon as possible. If entities have technical difficulties with the UEI validation or SAM registration process they should use the [HELP](#) feature on [SAM.gov](#). SAM.gov will work entity service tickets in the order in which they are received and asks that entities not create multiple service tickets for the same request or technical issue. Additional entity validation resources can be found here: [GSAFSD Tier 0 Knowledge Base - Validating your Entity](#).

G. Submission Dates and Times

All required submissions must be submitted in Infrastructure Exchange no later than 5 p.m. ET on the dates provided on the cover page of this FOA.

H. Intergovernmental Review

This FOA is not subject to Executive Order 12372 – Intergovernmental Review of Federal Programs.

I. Funding Restrictions

i. Allowable Costs

All expenditures must be allowable, allocable, and reasonable in accordance with the applicable federal cost principles. Pursuant to 2 CFR 910.352, the cost principles in the Federal Acquisition Regulations (48 CFR 31.2) apply to for-profit entities. The cost principles contained in 2 CFR Part 200, Subpart E apply to all entities other than for-profits.

ii. Pre-Award Costs

Applicants selected for award negotiations (selectees) must request prior written approval to charge pre-award costs. Pre-award costs are those incurred prior to the effective date of the federal award directly pursuant to the negotiation and in anticipation of the federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the federal award and **only** with the written approval of the federal awarding agency, through the Contracting Officer. Pre-award costs cannot be incurred prior to the Selection Official signing the Selection Statement and Analysis.

Pre-award expenditures are made at the selectee's risk. SCEP is not obligated to reimburse costs: (1) in the absence of appropriations; (2) if an award is not

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made; or (3) if an award is made for a lesser amount than the selectee anticipated.

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

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

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

iii. Performance of Work in the United States

1. Requirement

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

2. Failure to Comply

If the prime recipient fails to comply with the Performance of Work in the United States requirement, SCEP may deny reimbursement for the work conducted outside the United States and such costs may not be recognized as allowable recipient cost share. The prime recipient is responsible should any work under this award be performed outside the

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United States, absent a waiver, regardless of whether the work is performed by the prime recipient, subrecipients, contractors or other project partners.

3. Construction

Recipients are required to obtain written authorization from the Contracting Officer before incurring any major construction costs.

iv. Construction

Recipients are required to obtain written authorization from the Contracting Officer before incurring any major construction costs.

v. Foreign Travel

Foreign travel costs are not allowable under this FOA.

vi. Equipment and Supplies

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

vii. Build America Buy America Requirements for Infrastructure Projects

Pursuant to the Build America Buy America Act, subtitle IX of BIL (Buy America, or BABA), federally assisted projects that involve infrastructure work, undertaken by applicable recipient types, require that:

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

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

Applicants are strongly encouraged to consult Appendix D of this FOA to determine whether their project may have to apply this requirement, both to make an early determination as to the need of a waiver, as well as to determine

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what impact, if any, this requirement may have on the proposed project's budget.

Please note that, based on implementation guidance from the Office of Management and Budget issued on April 18, 2022, the Buy America requirements of the BIL do not apply to DOE projects in which the prime recipient is a for-profit entity; the requirements only apply to projects whose prime recipient is a "non-Federal entity," e.g., a State, local government, Indian Tribe, Institution of Higher Education, or nonprofit organization. Subawards should conform to the terms of the prime award from which they flow; in other words, for-profit prime recipients are not required to flow down these Buy America requirements to subrecipients, even if those subrecipients are non-Federal entities as defined above. Conversely, prime recipients which are non-Federal entities must flow the Buy America requirements down to all subrecipients, even if those subrecipients are for-profit entities. Finally, for all applicants—both non-Federal entities and for-profit entities—DOE is including a Program Policy Factor that the Selection Official may consider in determining which Full Applications to select for award negotiations that considers whether the applicant has made a commitment to procure U.S. iron, steel, manufactured products, and construction materials in its project.

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

Applicants are strongly encouraged to consult Appendix D for more information.

viii. Lobbying

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

Recipients and subrecipients are required to complete and submit SF-LLL, "Disclosure of Lobbying Activities" (<https://www.grants.gov/web/grants/forms/sf-424-individual-family.html>) to ensure that non-federal funds have not been paid and will not be paid to any

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person for influencing or attempting to influence any of the following in connection with the application:

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

ix. Risk Assessment

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

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

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

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

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

Further, as DOE invests in critical infrastructure and funds critical and emerging technology areas, DOE also considers possible threats to United States research, technology, and economic security from undue foreign government influence when evaluating risk. If high risks are identified and cannot be sufficiently mitigated, DOE may elect to not fund the applicant. As part of the research, technology, and economic security risk review, DOE may contact the applicant and/or proposed project team members for additional information to inform the review.

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x. Invoice Review and Approval

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

- Summary of costs by cost categories;
- Invoices/receipts for all travel, equipment, supplies, contractual, and other costs;
- Other items as required by DOE.

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

a. Prohibition

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

b. Definitions

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

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

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

xii. Affirmative Action and Pay Transparency Requirements

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

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

(1) Recipients, subrecipients, contractors, and subcontractors are prohibited from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin.

(2) Recipients and contractors are required to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment. This includes flowing down the appropriate language to all subrecipients, contractors, and subcontractors.

(3) Recipients, subrecipients, contractors, and subcontractors are prohibited from taking adverse employment actions against applicants and employees for asking about, discussing, or sharing information about their pay or, under certain circumstances, the pay of their co-workers.

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

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Assistance Guide¹⁴ to gain an understanding of the requirements and possible actions the recipients, subrecipients, contractors, and subcontractors must take. Additional guidance may also be found in the National Policy Assurances, produced by DOE.

xiii. Foreign Collaboration Considerations

- a. Consideration of new collaborations with foreign entities, organizations, and governments. The recipient will be required to provide DOE with advanced written notification of any potential collaboration with foreign entities, organizations, or governments in connection with its DOE-funded award scope. The recipient will then be required to await further guidance from DOE prior to contacting the proposed foreign entity, organizations, or government regarding the potential collaboration or negotiating the terms of any potential agreement.
- b. Existing collaborations with foreign entities, organizations, and governments. The recipient will be required to provide DOE with a written list of all existing foreign collaborations in which has entered in connection with its DOE-funded award scope.
- c. Description of collaborations that should be reported. In general, a collaboration will involve some provision of a thing of value to, or from, the recipient. A thing of value includes but may not be limited to all resources made available to, or from, the recipient in support of and/or related to the DOE award, regardless of whether or not they have monetary value. Things of value also may include in-kind contributions (such as office/laboratory space, data, equipment, supplies, employees, students). In-kind contributions not intended for direct use on the DOE award but resulting in provision of a thing of value from or to the DOE award must also be reported. Collaborations do not include routine workshops, conferences, use of the recipient's services and facilities by foreign investigators resulting from its standard published process for evaluating requests for access, or the routine use of foreign facilities by awardee staff in accordance with the recipient's standard policies and procedures.

¹⁴ See OFCCP's Technical Assistance Guide at:

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

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V. Application Review Information

A. Technical Review Criteria

i. Full Applications

Applications will be evaluated against the technical review criteria shown below. All sub-criteria are of equal weight.

Criterion 1: Community Need, Impact, and Replicability (30%)

- Extent to which proposed project addresses community-identified energy needs and priorities and delivers clean energy projects and programs.
- Extent to which proposed project can spur local economic development or community revitalization, utilize existing community assets or transform liabilities into assets, and spark additional investments.
- Extent to which proposed project demonstrates a new approach for a specific community and/or serves as a model approach for other communities to replicate.

Criterion 2: Community Support, Engagement, and Benefits (30%)

- Extent of broad public support from communities most directly impacted by proposed project, demonstrated through meaningful community engagement (planned or already conducted), as well as support from relevant decision-makers.
- Extent to which proposed project will benefit local workers and provide tangible benefits to local residents, as demonstrated through workforce agreements; workforce strategies, commitments, and protections; reduced energy costs; improved air quality; and improved quality of life.
- Extent to which proposed project demonstrates meaningful commitment to diversity, equity, inclusion, and accessibility (DEIA) objectives into the project; labor and stakeholder engagement; and delivery of benefits to disadvantaged communities, aligned with the Justice40 Initiative.

Criterion 3: Partnerships and Project Feasibility (40%)

- Extent to which the applicant (and proposed subrecipients and/or partners, if relevant) demonstrates relevant skills and ability to succeed, including grant management experience, project management experience, technical expertise, facilitation and convening experience, and community trust.

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- Extent to which the proposal provides an effective strategy to meet community-identified needs, address key challenges, and provide a strong plan to measure outcomes.
- Extent to which the proposed project is technically feasible, inclusive of reasonable budget and spend plan within the established timeline.
- Extent to which the proposed approach will build organizational and/or staff capacity to support further advancement of clean energy opportunities, the community's participation in the clean energy economy, and/or right to self-determination.

ii. **Criteria for Replies to Reviewer Comments**

SCEP has not established separate criteria to evaluate Replies to Reviewer Comments. Instead, Replies to Reviewer Comments are attached to the original applications and evaluated as an extension of the Full Application.

B. Standards for Application Evaluation

Applications that are determined to be eligible will be evaluated in accordance with this FOA, by the standards set forth in SCEP's Notice of Objective Merit Review Procedure (76 Fed. Reg. 17846, March 31, 2011) and the guidance provided in the "DOE Merit Review Guide for Financial Assistance," effective September 2020, which is available at: <https://energy.gov/management/downloads/merit-review-guide-financial-assistance-and-unsolicited-proposals-current>.

C. Other Selection Factors

i. Program Policy Factors

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

- Diversity of eligible communities across the portfolio of projects selected for this FOA, including disadvantaged communities, energy communities, federally recognized Indian Tribes, and small and medium-sized jurisdictions.
- Diversity of geographic distribution, approach, or technology when compared to existing DOE portfolio and other projects selected from this FOA (e.g. rural, suburban, urban).
- The degree to which the proposal serves high need communities, including energy burdened-households, communities at risk for disconnections and shutoffs, communities heavily burdened as documented through CJEST, and/or Tribal communities.
- Extent to which proposals include Tribes and Tribal perspectives.

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- Extent to which proposals include robust community engagement and community decision-making power, demonstrated through partnerships with community-based organizations and other local community perspectives.
- Alignment with administration priorities, as demonstrated through specific strategies to enhance job quality and workforce continuity; diversity, equity, inclusion, and accessibility; and the Justice40 Initiative.
- The degree to which the proposed project incorporates applicant or team members from Minority Serving Institutions (e.g., Historically Black Colleges and Universities (HBCUs)/Other Minority Serving Institutions); and partnerships with Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, Veteran Owned Businesses.
- The degree to which the proposed project will employ procurement of U.S. iron, steel, manufactured products, and construction materials.

D. Evaluation and Selection Process

i. Overview

The evaluation process consists of multiple phases; each includes an initial eligibility review and a thorough technical review. Rigorous technical reviews of eligible submissions are conducted by reviewers that are experts in the subject matter of the FOA. Ultimately, the Selection Official considers the recommendations of the reviewers, along with other considerations such as program policy factors and risk reviews, in determining which applications to select.

ii. Pre-Selection Clarification

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

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

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

iii. Recipient Responsibility and Qualifications

DOE, prior to making a federal award with a total amount of federal share greater than the simplified acquisition threshold, is required to review and consider any responsibility and qualification information about the applicant that is in the entity information domain in [SAM.gov](https://sam.gov) (see 41 U.S.C. 2313).

The applicant, at its option, may review information in the entity information domain in [SAM.gov](https://sam.gov) and comment on any information about itself that a federal awarding agency previously entered and is currently in the entity information domain in [SAM.gov](https://sam.gov).

DOE will consider any written comments by the applicant, in addition to the other information in the entity information domain in [SAM.gov](https://sam.gov), in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.206.

iv. Selection

The Selection Official may consider the technical merit, the Federal Consensus Board's recommendations, program policy factors, and risk reviews, and the amount of funds available in arriving at selections for this FOA.

E. Anticipated Notice of Selection and Award Negotiation Dates

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

VI. Award Administration Information

A. Award Notices

i. Ineligible Submissions

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

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ii. Full Application Notifications

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

iii. Applicants Selected for Award Negotiations

Successful applicants will receive written notification that they have been selected for award negotiations. Receipt of a notification letter selecting a Full Application for award negotiations does not authorize the applicant to commence performance of the project. If an application is selected for award negotiations, it is not a commitment by SCEP to issue an award nor is it a guarantee of federal government funding. Applicants do not receive an award unless and until award negotiations are complete and the Contracting Officer executes the funding agreement, accessible by the prime recipient in FedConnect.

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

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

iv. Alternate Selection Determinations

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

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v. Unsuccessful Applicants

SCEP 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 applicants must take before applying to this FOA. Some of these may take several weeks, so it is vital applicants build in enough time to complete them. Failure to complete these actions could interfere with application or negotiation deadlines or the ability to receive an award if selected. These requirements are as follows:

1. SCEP Funding Opportunity (Exchange)

Register and create an account on Infrastructure Exchange at <https://infrastructure-exchange.energy.gov>. This account will allow the user to apply to any open SCEP FOAs that are currently in Infrastructure Exchange.

To access Infrastructure Exchange, potential applicants must have an [Login.gov](https://login.gov) account. As part of the Exchange registration process, new users will be directed to create an account in Login.gov. Please note that the email address associated with Login.gov must match the email address associated with the Exchange account. For more information, refer to the Exchange Multi-Factor Authentication (MFA) Quick Guide in the [Manuals section](#) of Exchange.

Each organization or business unit, whether acting as a team or a single entity, should use only one account as the contact point for each submission. Applicants should also designate backup points of contact. **This step is required to apply to this FOA.** 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 FOA.**

2. System for Award Management

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

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3. 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.

4. Grants.gov

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

Electronic Authorization of Applications and Award Documents

Submission of an application and supplemental information under this FOA through electronic systems used by the DOE, including Infrastructure Exchange and FedConnect.net, constitutes the authorized representative's approval and electronic signature.

ii. Award Administrative Requirements

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

iii. Foreign National Participation

All applicants selected for an award under this FOA and project participants (including subrecipients and contractors) who anticipate involving foreign nationals in the performance of an award, may be required to provide DOE with specific information about each foreign national to satisfy requirements for foreign national participation. A "foreign national" is defined as any person who is not a United States citizen by birth or naturalization. The volume and type of information collected may depend on various factors associated with the award. DOE concurrence may be required before a foreign national can participate in the performance of any work under an award.

DOE may elect to deny a foreign national's participation in the award. Likewise, DOE may elect to deny a foreign national's access to a DOE site, information, technologies, equipment, programs, or personnel.

iv. Subaward and Executive Reporting

Additional administrative requirements necessary for DOE grants and cooperative agreements to comply with the Federal Funding and Transparency Act of 2006 (FFATA) are contained in 2 CFR Part 170. Prime recipients must

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register with the new FFATA Subaward Reporting System database and report the required data on their first tier subrecipients. Prime recipients must report the executive compensation for their own executives as part of their registration profile in SAM.

v. National Policy Requirements

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

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

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

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

To streamline the NEPA review process, a list of Allowable Activities has been developed. These activities do not require further NEPA review. The list of Allowable Activities detailed below apply to states and territories with a PA. Most Allowable Activities are more restrictive than the Categorical Exclusion. The restrictions included in the Allowable Activities must be followed. Guam will have a list of Allowable Activities with additional restrictions.

Activities on Tribal lands or Tribal properties are restricted to homes/buildings less than forty-five (45) years old and without ground disturbance. Recipients may contact their Project Officer for a Historic Preservation Worksheet to request a review of activities that are listed below on Tribal homes/buildings forty-five(45) years and older. Approval from DOE NEPA is required prior to initiating activities reviewed on a Historic Preservation Worksheet.

States must review their NEPA determination (the document that outlines the final list of activities and restrictions once an award has been made). To request

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a DOE NEPA review for any proposed activities not listed in the NEPA determination, recipients must complete the environmental questionnaire (found at <https://www.eere-pmc.energy.gov/NEPA.aspx>) for review by DOE and submit a statement of work. NEPA reviews cannot be completed after a project is completed. If activities not listed below are completed without a DOE NEPA review of those activities, those activities will be deemed unallowable, and the state will be required to repay any unallowable funds to DOE.

Allowable Activities:

1. Administrative activities associated with management and operation of the designated State Energy Office and management of programs and strategies to encourage energy efficiency and renewable energy, including meetings, travel, and energy audits.
2. Development and implementation of programs, plans, and strategies to encourage energy efficiency and renewable energy such as policy development and stakeholder engagement.
3. Development and implementation of classroom or online training programs.
4. Development and implementation of building codes including inspection services, and associated activities to support code compliance and promote building energy efficiency.
5. Implementation of financial incentive programs including rebates and energy savings performance contracts for existing facilities; grants and loans to support energy efficiency, renewable energy and energy/water saving projects. All project activities funded under a financial incentive program must be listed within the Allowable Activities.
6. Funding commercially available energy or energy/water efficiency or renewable energy upgrades, provided that projects adhere to the requirements of the respective state's DOE executed Historic Preservation Programmatic Agreement, are installed in or on existing buildings, no trees are removed or trimmed, are appropriately sized, and are limited to:
 - a. Installation of insulation
 - b. Installation of energy efficient lighting
 - c. HVAC upgrades (to existing systems)
 - d. Weather sealing
 - e. Purchase and installation of energy efficient or energy/water efficient home and commercial appliances and equipment (including, but not limited

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to, energy or water monitoring and control systems, thermostats, furnaces and air conditioners).

f. Retrofit of energy efficient pumps and motors for such uses as (but not limited to) wastewater treatment plants, where it would not alter the capacity, use, mission or operation of an existing facility.

g. Retrofit and replacement of windows and doors

h. Installation of Combined Heat and Power System—systems sized appropriately for the buildings in which they are located, not to exceed peak electrical production at 300kW.

i. Battery Energy Storage System - not to exceed 1,000kWh capacity.

7. Development, implementation, and installation of onsite renewable energy technology, provided that projects adhere to the requirements of the respective state's DOE executed Historic Preservation Programmatic Agreement, are installed in or on an existing structure no trees are removed or trimmed, are appropriately sized, and limited to:

a. Solar Electricity/Photovoltaic—appropriately sized system or unit not to exceed 60 kW.

b. Wind Turbine—20 kW or smaller.

c. Solar Thermal (including solar thermal hot water)—system must be 200,000 BTU per hour or smaller.

d. Biomass Thermal—3 MMBTUs per hour or smaller system with appropriate Best Available Control Technologies (BACT) installed and operated.

8. Purchase of alternative fuel vehicles.

9. Installation of electric vehicle supply equipment (EVSE), including testing measures to assess the safety and functionality of the EVSE, within an existing parking facility defined as any building, structure, or facility, other than an outdoor parking lot. This applies to Level 1, Level 2, or Level 3 (also known as Direct Current (DC) Fast Charging) EVSE. Installation of EVSE on Tribal Lands, or installations of EVSE that may affect historic properties located on Tribal Lands, is excluded from this activity, without first contacting your DOE Project Officer who will coordinate with the DOE NEPA Specialist.

National Historic Preservation Act (NHPA)

DOE must comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA) prior to expending Federal funds. Section 106 applies to historic properties that are listed in or eligible for listing in the National

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Register of Historic Places. DOE and recipients selected for an award must consider the effects of project activities on historic properties, pursuant to Section 106 of the NHPA.

Awardees in States or Territories with a DOE-executed Historic Preservation Programmatic Agreement (PA) must adhere to all the Stipulations outlined in the PA, including an annual reporting requirement. Executed PAs are available on this website: <https://www.energy.gov/scep/historic-preservation-executed-programmatic-agreements>. So long as the proposed project/undertaking is within a State or Territory that has executed a Programmatic Agreement, the terms of the Programmatic Agreement will apply to all SCEP Recipients and subrecipients within the applicable state, and their activities. Applicants that do NOT have a PA which includes Guam and Tribal governments, must follow the added restrictions in a NEPA determination to ensure Section 106 compliance.

vii. Flood Resilience

Applications should indicate whether the proposed project location(s) is within a floodplain, how the floodplain was defined, and how flooding will factor into the project's design. The base floodplain long used for planning has been the 100-year floodplain, which has a 1% chance of flooding in any given year. As directed by Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (2015), federal agencies, including DOE, must 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% 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>.

viii. Applicant Representations and Certifications

1. Lobbying Restrictions

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

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2. Corporate Felony Conviction and Federal Tax Liability Representations

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

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

For purposes of these representations, a corporation is any for-profit or nonprofit entity that has filed articles of incorporation in any of the 50 states, the District of Columbia, or the various territories of the United States [but not foreign corporations].

3. Nondisclosure and Confidentiality Agreements Representations

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

- a. It **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.
- b. It **does not and will not** use any federal funds to implement or enforce any nondisclosure and/or confidentiality policy, form, or agreement it uses unless it contains the following provisions:

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

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Executive orders and statutory provisions are incorporated into this agreement and are controlling.”

- (2) The limitation above shall not contravene requirements applicable to Standard Form 312 Classified Information Nondisclosure Agreement (<https://fas.org/sgp/othergov/sf312.pdf>), Form 4414 Sensitive Compartmented Information Disclosure Agreement (<https://fas.org/sgp/othergov/intel/sf4414.pdf>), or any other form issued by a federal department or agency governing the nondisclosure of classified information.
- (3) Notwithstanding the provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

ix. Statement of Federal Stewardship

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

x. Statement of Substantial Involvement

SCEP has substantial involvement in work performed under awards made as a result of this FOA. SCEP does not limit its involvement to the administrative requirements of the award. Instead, SCEP has substantial involvement in the direction and redirection of the technical aspects of the project. Substantial involvement includes, but is not limited to, the following:

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1. SCEP shares responsibility with the recipient for the management, control, direction, and performance of the project.
2. SCEP may intervene in the conduct or performance of work under this award for programmatic reasons. Intervention includes the interruption or modification of the conduct or performance of project activities.
3. SCEP may redirect or discontinue funding the project based on the outcome of SCEP's evaluation of the project.
4. SCEP participates in major project decision-making processes.

xi. Intellectual Property Provisions

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

xii. Reporting

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

Additional or revised reporting requirements may apply to C-SITE Grant. As part of tracking progress toward key departmental goals – ensuring justice and equity, investing in the American workforce, boosting domestic manufacturing, reducing greenhouse gas emissions, and advancing a pathway to private sector deployment – DOE may require specific data collection. Examples of data that may be collected include:

- Energy saved, infrastructure supported, reduction in building expenditures, and criteria air pollutants avoided;
- Equity and justice data, including:
 - o Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses and Veteran Owned Businesses acting as vendors and sub-contractors for bids on supplies, services, and equipment
 - o Value, number, and type of partnerships with Minority-Serving Institution(s) (MSI)
 - o Stakeholder engagement events, consent-based siting activities, geographic diversity
 - o Other relevant indicators from the Community Benefits Plan;
- Total direct jobs, number and types of training provided, trained workers placed in full-time jobs), location data;
- Leveraged fund data including non-DOE investments and follow-on funding; and

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- Number of trainings completed, trainees placed in full-time employment, or number of trainings with workforce partnerships involving employers, community-based organizations, or labor unions

DOE will make every effort to reduce the burden of reporting requirements.

xiii. Conference Spending

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

xiv. Uniform Commercial Code (UCC) Financing Statements

Per 2 CFR 910.360 (Real Property and Equipment) when a piece of equipment is purchased by a for-profit recipient or subrecipient with federal funds, and when the federal share of the financial assistance agreement is more than \$1 million the recipient or subrecipient must:

Properly record, and consent to the Department's ability to properly record if the recipient fails to do so, UCC financing statement(s) for all equipment in excess of \$5,000 purchased with project funds. These financing statement(s) must be approved in writing by the Contracting Officer prior to the recording, and they shall provide notice that the recipient's title to all equipment (not real property) purchased with federal funds under the financial assistance agreement is conditional pursuant to the terms of this section, and that the government retains an undivided reversionary interest in the equipment. The UCC financing statement(s) must be filed before the Contracting Officer may reimburse the recipient for the federal share of the equipment unless otherwise provided for in the relevant financial assistance agreement. The recipient shall further make any amendments to the financing statements or additional recordings, including appropriate continuation statements, as necessary or as the Contracting Officer may direct.

xv. Real Property and Equipment

Real property and equipment purchased with project funds (federal share and recipient cost share) are subject to the requirements at 2 CFR 200.310, 200.311,

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200.313, and 200.316 (non-federal entities, except for-profit entities) and 2 CFR 910.360 (for-profit entities).

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

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

xvi. Implementation of Executive Order 13798, Promoting Free Speech and Religious Liberty

States, local governments, and other public entities may not condition subawards in a manner that would discriminate against or otherwise disadvantage subrecipients based on their religious character.

xvii. Participants and Collaborating Organizations

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

xviii. U.S. Manufacturing Commitments

A primary objective of DOE's multi-billion-dollar research, development and demonstration investments is to cultivate new research and development ecosystems, manufacturing capabilities, and supply chains for and by United States industry and labor. Therefore, in Exchange for receiving taxpayer dollars to support an applicant's project, the applicant and any subrecipient and

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contractor must agree to a U.S. Competitiveness provision requiring that any products embodying any subject invention or produced through the use of any subject invention will be manufactured substantially in the United States unless the recipient can show to the satisfaction of DOE that it is not commercially feasible. Award terms, including the specific U.S. Competitiveness Provision applicable to the various types of recipients and projects, are available at: <https://www.energy.gov/gc/standard-intellectual-property-ip-provisions-financial-assistance-awards>.

Please note that a subject invention is any invention conceived or first actually reduced in performance of work under an award. An invention is any invention or discovery which is or may be patentable. The recipient includes any awardee, recipient, sub-awardee, or subrecipient.

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

More information and guidance on the waiver and modification request process can be found in the DOE Financial Assistance Letter on this topic, available at <https://www.energy.gov/management/pf-2022-09-fal-2022-01-implementation-doe-determination-exceptional-circumstances-under>. Additional information on DOE's Commitment to Domestic Manufacturing for DOE-funded R&D is available at <https://www.energy.gov/gc/us-manufacturing>.

The U.S. Competitiveness Provision is implemented by DOE pursuant to a Determination of Exceptional Circumstances (DEC) under the Bayh-Dole Act and

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DOE Patent Waivers. See Section VIII.J. Title to Subject Inventions of this FOA for more information on the DEC and DOE Patent Waivers.

xix. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)¹⁵ is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOE financial assistance award. The term “Investigator” means the Senior/Key Personnel and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. Recipients must flow down the requirements of the interim COI Policy to any subrecipient non-federal entities. Further, for DOE funded projects, the recipient must include all financial conflicts of interest (FCOI) (i.e., managed and unmanaged/ unmanageable) in its initial and ongoing FCOI reports.

It is understood that non-federal entities and individuals receiving DOE financial assistance awards will need sufficient time to come into full compliance with DOE’s interim COI Policy. To provide some flexibility, DOE allows for a staggered implementation. Specifically, prior to award, applicants selected for award negotiations must: ensure all Investigators complete their significant financial disclosures; review the disclosures; determine whether a FCOI exists; develop and implement a management plan for FCOIs; and provide DOE with an initial FCOI report that includes all FCOIs (i.e., managed and unmanaged/ unmanageable). Recipients will have 180 days from the date of the award to come into full compliance with the other requirements set forth in DOE’s interim COI Policy. Prior to award, the applicant must certify that it is, or will be within 180 days of the award, compliant with all requirements in the COI Policy.

xx. Fraud, Waste, and Abuse

The mission of the DOE Office of Inspector General (OIG) is to strengthen the integrity, economy, and efficiency of the Department’s programs and operations including deterring and detecting fraud, waste, abuse, and mismanagement. The OIG accomplishes this mission primarily through investigations, audits, and

¹⁵ DOE’s interim COI Policy can be found at [PF 2022-17 FAL 2022-02 Department of Energy Interim Conflict of Interest Policy Requirements for Financial Assistance](#).

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inspections of DOE activities to include grants, cooperative agreements, loans, and contracts.

The OIG maintains a hotline for reporting allegations of fraud, waste, abuse, or mismanagement. To report such allegations, please visit <https://www.energy.gov/ig/ig-hotline>.

Additionally, recipients of DOE awards must be cognizant of the requirements of [2 CFR 200.113 Mandatory disclosures](#), which states:

The non-Federal entity or applicant for a federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a federal award including the term and condition outlined in appendix XII of 2 CFR Part 200 are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure to make required disclosures can result in any of the remedies described in [2 CFR 200.339](#). (See also [2 CFR part 180](#), [31 U.S.C. § 3321](#), and [41 U.S.C. § 2313](#).) [[85 FR 49539](#), Aug. 13, 2020]

Applicants and subrecipients (if applicable) are encouraged to allocate sufficient costs in the project budget to cover the costs associated for personnel and data infrastructure needs to support performance management and program evaluation needs, including but not limited to independent program and project audits to mitigate risks for fraud, waste, and abuse.

xxi. Human Subjects Research

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

Questions about this FOA? Email LGEP@hq.doe.gov.

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VII. Questions/Agency Contacts

Upon the issuance of a FOA, SCEP personnel are prohibited from communicating (in writing or otherwise) with applicants regarding the FOA except through the established question and answer process described below. Questions regarding this FOA must be submitted to LGEP@hq.doe.gov no later than three (3) business days prior to the application due date and time. Please note, feedback on individual concepts will not be provided through Q&A.

All questions and answers related to this FOA will be posted on Infrastructure Exchange at: <https://infrastructure-Exchange.energy.gov/>. **You must first select the FOA Number to view the questions and answers specific to this FOA.** SCEP will attempt to respond to a question within three (3) business days, unless a similar question and answer has already been posted on the website.

Questions related to the registration process and use of the Infrastructure Exchange website should be submitted to: InfrastructureExchangeSupport@hq.doe.gov.

VIII. Other Information

A. FOA Modifications

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

B. Government Right to Reject or Negotiate

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

C. Commitment of Public Funds

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

D. Treatment of Application Information

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

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requirement in the FOA. Applicants are advised to not include any critically sensitive proprietary detail.

If an application includes trade secrets or business-sensitive, proprietary, or otherwise confidential information, it is furnished to the federal government in confidence with the understanding that the information shall be used or disclosed only for evaluation of the application. Such information will be withheld from public disclosure to the extent permitted by law, including the Freedom of Information Act. Without assuming any liability for inadvertent disclosure, SCEP will seek to limit disclosure of such information to its employees and to outside reviewers when necessary for merit review of the application or as otherwise authorized by law. This restriction does not limit the federal government's right to use the information if it is obtained from another source.

If an applicant chooses to submit trade secrets or business-sensitive, proprietary, or otherwise confidential information, the applicant must provide **two copies** of the submission (e.g., Full Application). The first copy should be marked "non-confidential," with the information believed to be confidential deleted. The second copy should be marked "confidential" and must clearly and conspicuously identify the trade secrets or business-sensitive, proprietary, or otherwise confidential information and must be marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The federal government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose as authorized by law.

The cover sheet of the Full Application, and other applicant submission must be marked as follows and identify the specific pages containing trade secrets or business-sensitive, proprietary, or otherwise confidential information:

Notice of Restriction on Disclosure and Use of Data:

Pages [list applicable pages] of this document may contain trade secrets or business-sensitive, proprietary, or otherwise confidential information that is exempt from public disclosure. Such information shall be used or disclosed only for evaluation purposes or in accordance with a financial assistance agreement between the submitter and the government. The government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source. [End of Notice]

In addition, (1) the header and footer of every page that contains trade secrets or business-sensitive, proprietary, or otherwise confidential information must be marked as follows: "Contains Trade Secrets or Business-Sensitive, Proprietary, or

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Otherwise Confidential Information Exempt from Public Disclosure,” and (2) every line or paragraph containing such information must be clearly marked with double brackets or highlighting. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

E. Evaluation and Administration by Non-Federal Personnel

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

F. Notice Regarding Eligible/Ineligible Activities

Eligible activities under this FOA 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 Right to Conduct a Review of Financial Capability

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

H. Requirement for Full and Complete Disclosure

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

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

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I. Retention of Submissions

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

J. Title to Subject Inventions

Ownership of subject inventions is governed pursuant to the authorities listed below:

- Domestic Small Businesses, Educational Institutions, and Nonprofits: Under the Bayh-Dole Act (35 U.S.C. § 200 et seq.), domestic small businesses, educational institutions, and nonprofits may elect to retain title to their subject inventions;
- All other parties: The federal Non-Nuclear Energy Act of 1974, 42 U.S.C. § 5908, provides that the government obtains title to new inventions unless a waiver is granted (see below);
- Class Patent Waiver: DOE has issued a class waiver that applies to this FOA. Under this class waiver, domestic large businesses may elect title to their subject inventions similar to the right provided to the domestic small businesses, educational institutions, and nonprofits by law. To avail itself of the class waiver, a domestic large business must agree that any products embodying or produced through the use of a subject invention first created or reduced to practice under this program will be substantially manufactured in the United States.
- Advance and Identified Waivers: Applicants not covered by a Class Patent Waiver or the Bayh-Dole Act may request a patent waiver that will cover subject inventions that may be invented under the award, in advance of or within 30 days after the effective date of the award. Even if an advance waiver is not requested or the request is denied, the recipient will have a continuing right under the award to request a waiver for identified inventions, i.e., individual subject inventions that are disclosed to within the timeframes set forth in the award's intellectual property terms and conditions. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784.
- DEC: On June 07, 2021, DOE approved a Determination of Exceptional Circumstances (DEC) under the Bayh-Dole Act to further promote domestic manufacture of DOE science and energy technologies. In accordance with this DEC, all awards, including sub-awards, under this FOA shall include the U.S. Competitiveness Provision in accordance with Section VI.B.xviii. U.S. Manufacturing Commitments of this FOA. A copy of the DEC can be found at <https://www.energy.gov/gc/determination-exceptional-circumstances-decs>. Pursuant to 37 CFR § 401.4, any nonprofit organization or small business firm as defined by 35 U.S.C. 201 affected by any DEC has the right to appeal it by

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providing written notice to DOE within 30 working days from the time it receives a copy of the determination.

- DOE may issue and publish further DEC's on the website above prior to the issuance of awards under this FOA. DOE may require additional submissions or requirements as authorized by any applicable DEC.

K. Government Rights in Subject Inventions

Where prime recipients, subrecipients, and contractors retain title to subject inventions, the U.S. government retains certain rights.

L. Government Use License

The U.S. government retains a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any subject invention throughout the world. This license extends to government contractors.

March-In Rights

The U.S. government retains march-in rights with respect to all subject inventions. Through "march-in rights," the government may require a prime recipient or subrecipient who has elected to retain title to a subject invention (or their assignees or exclusive licensees), to grant a license for use of the invention to a third party. In addition, the government may grant licenses for use of the subject invention when a prime recipient, subrecipient, or their assignees and exclusive licensees refuse to do so.

DOE may exercise its march-in rights only if it determines that such action is necessary under any of the four following conditions:

- The owner or licensee has not taken or is not expected to take effective steps to achieve practical application of the invention within a reasonable time;
- The owner or licensee has not taken action to alleviate health or safety needs in a reasonably satisfied manner;
- The owner has not met public use requirements specified by federal statutes in a reasonably satisfied manner; or
- The United States manufacturing requirement has not been met.

Any determination that march-in rights are warranted must follow a fact-finding process in which the recipient has certain rights to present evidence and witnesses, confront witnesses and appear with counsel and appeal any adverse decision. To date, DOE has never exercised its march-in rights to any subject inventions.

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M. 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.

N. Copyright

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

O. Export Control

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

The recipient must immediately report to DOE any export control violations related to the project funded under the DOE award, at the recipient or subrecipient level, and provide the corrective action(s) to prevent future violations.

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

As set forth in 2 CFR 200.216, recipients and subrecipients are prohibited from obligating or expending project funds (federal funds and recipient cost share) to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use *covered telecommunications equipment or services* as a substantial or essential component of any system, or as critical technology as part of any system. As described in Section 889 of Public Law 115-232, *covered telecommunications equipment* is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

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

Q. 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-17-12 dated January 3, 2017)

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

R. Annual Independent Audits

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

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

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

S. Informational Webinar

SCEP will conduct informational webinars during the FOA process. They will be held after the initial FOA release but before the due date for Full Application.

Attendance is not mandatory and will not positively or negatively impact the overall review of any applicant submissions. The webinars 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 webinar dates will be posted on Infrastructure eXCHANGE and the LGEP website:

<https://www.energy.gov/scep/local-government-energy-program> .

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APPENDIX A—COMMUNITY ENGAGEMENT¹⁶

At minimum, all applicants must include required information about proposed community engagement activities as outlined in the Project Narrative.

Applicants may complete the Community Engagement Plan template if they choose to provide additional detail on community engagement and outreach activities.

Applicants may also refer to community engagement already conducted in their application materials.

Key Considerations

Key considerations for community engagement include, but are not limited to, the following:

Robust

Requires comprehensive strategy that aligns clearly with overall objectives throughout every phase (design, application, implementation, and evaluation). Consider frequency, type, and depth of engagement activities.

Meaningful

Delivers clear benefits and outcomes to local community members. Ideally builds local knowledge on issues, supports local priorities, and demonstrates impact of community engagement

Culturally Appropriate

Demonstrates clear understanding of local community members, their communication needs and preferences, and adjusts accordingly. Translates as needed, simplifies technical language, employs mix of approaches that most effectively connects with local community members

Recommended Activities:

Activities to Inform Community Stakeholders and to Solicit Stakeholder Input

- Public workshops/meetings
- Door-to-door canvassing
- House meetings
- Established website and/or social media
- Distributed flyers or other printed materials
- Outreach to existing community groups

¹⁶ California Strategic Growth Council. 2023. *Appendix C: Community Engagement*. [Community Resilience Centers Program Round 1 Final Program Guidelines \(ca.gov\)](#) p. 83.

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- Surveys
- Focus Groups
- Community Working Group

Activities to Engage Community Stakeholders in Development of C-SITE Proposal

- Design charrettes
- Community-based participatory research
- Participatory budgeting¹⁷
- Convene advisory body, community working group or shared decision-making body
- Establish website and/or social media
- Community benefits agreements
- Additional activities to ensure community stakeholders have an opportunity to influence the C-SITE proposal development

Activities to Ensure Community Engagement During Implementation of C-SITE Project

- Public workshops/meetings
- Door-to-door canvassing
- House meetings
- Established website and/or social media
- Surveys
- Focus groups
- Sub-contract with community-based organizations to conduct outreach
- Allocate staff positions focused on community engagement
- Steering committee relative to the participatory budget established
- Advisory body, community working group, or shared decision-making body
- Additional activities to provide community stakeholders an opportunity to influence the C-SITE proposal development
- Maintain community engagement throughout C-SITE project implementation award term

¹⁷ Participatory Budgeting Project. How Participatory Budgeting Works.

<<https://www.participatorybudgeting.org/about-pb/>>

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APPENDIX B – COST SHARE INFORMATION

Cost Sharing or Cost Matching

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

How Cost Sharing Is Calculated

As stated above, cost sharing is calculated as a percentage of the Total Project Cost. FFRDC costs must be included in Total Project Costs. The following is an example of how to calculate cost sharing amounts for a project with \$1,000,000 in federal funds with a minimum 5% non-federal cost sharing requirement:

- Formula: Federal share (\$) divided by federal share (%) = Total Project Cost
Example: \$1,000,000 divided by 95% = \$1,050,000
- Formula: Total Project Cost (\$) minus federal share (\$) = Non-federal share (\$)
Example: \$1,050,000 minus \$1,000,000 = \$50,000
- Formula: Non-federal share (\$) divided by Total Project Cost (\$) = Non-federal share (%)
Example: \$50,000 divided by \$1,050,000 = 5%

What Qualifies for Cost Sharing

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

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

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

In addition to the above regulations, other factors may also come into play such as timing of donations and length of the project period. For example, the value of 10 years of donated maintenance on a project that has a project period of five years would not be fully allowable as cost share. Only the value for the five years of donated maintenance that corresponds to the project period is allowable and may be counted as cost share.

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

General Cost Sharing Rules on a DOE Award

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

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DOE Financial Assistance Rules 2 CFR Part 200 as amended by 2 CFR Part 910

As stated above, the rules associated with what is allowable cost share are generally the same for all types of organizations. Following are the rules found to be common, but again, the specifics are contained in the regulations and cost principles specific to the type of entity:

(A) Acceptable contributions. All contributions, including cash contributions and third-party in-kind contributions, must be accepted as part of the prime recipient's cost sharing if such contributions meet all of the following criteria:

- (1)** They are verifiable from the recipient's records.
- (2)** They are not included as contributions for any other federally assisted project or program.
- (3)** They are necessary and reasonable for the proper and efficient accomplishment of project or program objectives.
- (4)** They are allowable under the cost principles applicable to the type of entity incurring the cost as follows:
 - a.** For-profit organizations. Allowability of costs incurred by for-profit organizations and those nonprofit organizations listed in Attachment C to OMB Circular A-122 is determined in accordance with the for-profit cost principles in 48 CFR Part 31 in the FAR, except that patent prosecution costs are not allowable unless specifically authorized in the award document. (v) Commercial Organizations. FAR Subpart 31.2—Contracts with Commercial Organizations; and
 - b.** Other types of organizations. For all other non-federal entities, allowability of costs is determined in accordance with 2 CFR Part 200 Subpart E.
- (5)** They are not paid by the federal government under another award unless authorized by federal statute to be used for cost sharing or matching.
- (6)** They are provided for in the approved budget.

(B) Valuing and documenting contributions

- (1)** Valuing recipient's property or services of recipient's employees. Values are established in accordance with the applicable cost principles, which mean that amounts chargeable to the project are determined on the basis of costs incurred. For real property or equipment used on the project, the cost principles authorize

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depreciation or use charges. The full value of the item may be applied when the item will be consumed in the performance of the award or fully depreciated by the end of the award. In cases where the full value of a donated capital asset is to be applied as cost sharing or matching, that full value must be the lesser or the following:

- a. The certified value of the remaining life of the property recorded in the recipient's accounting records at the time of donation; or
- b. The current fair market value. If there is sufficient justification, the Contracting Officer may approve the use of the current fair market value of the donated property, even if it exceeds the certified value at the time of donation to the project. The Contracting Officer may accept the use of any reasonable basis for determining the fair market value of the property.

(2) Valuing services of others' employees. If an employer other than the recipient furnishes the services of an employee, those services are valued at the employee's regular rate of pay, provided these services are for the same skill level for which the employee is normally paid.

(3) Valuing volunteer services. Volunteer services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is an integral and necessary part of an approved project or program. Rates for volunteer services must be consistent with those paid for similar work in the recipient's organization. In those markets in which the required skills are not found in the recipient organization, rates must be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, allowable, and allocable may be included in the valuation.

(4) Valuing property donated by third parties.

- a. Donated supplies may include such items as office supplies or laboratory supplies. Value assessed to donated supplies included in the cost sharing or matching share must be reasonable and must not exceed the fair market value of the property at the time of the donation.
- b. Normally only depreciation or use charges for equipment and buildings may be applied. However, the fair rental charges for land and the full value of equipment or other capital assets may be allowed, when they will be consumed in the performance of the award or fully depreciated by the end of the award, provided that the Contracting Officer has approved the charges. When use charges are applied, values must be determined in accordance with the usual accounting policies of the recipient, with the following qualifications:

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- i.** The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.
 - ii.** The value of loaned equipment must not exceed its fair rental value.
- (5) Documentation.** The following requirements pertain to the recipient's supporting records for in-kind contributions from third parties:
 - a.** Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.
 - b.** The basis for determining the valuation for personal services and property must be documented.



APPENDIX C – EXAMPLE PROJECTS

Tribal Independent Power Producer

- Several Tribal communities partner to lead the construction of a solar + battery microgrid project and act as an Independent Power Producer (IPP). This project ties into the Tribe’s long-term plan for energy sovereignty. The IPP then sells power to a community that had historically been reliant on expensive diesel fuel to provide power. This project reduces the dependency on diesel and improves air quality, while stabilizing the cost of electricity. The project allows communities to take charge of their energy future by building Tribal capacity, skills and knowledge, enabling the IPP to attract funding to implement additional projects to serve more communities.

Municipal Solar on Reclaimed Industrial Land

- The Community Redevelopment Plan of a local government in an energy community identifies an opportunity to reclaim formerly industrial brownfields sites for renewable energy. The local government utilizes DOE funds and state tax credits to implement a utility-scale community solar project that primarily serves low-income residents in a rural area. The project reduces municipal energy costs and brings in lease revenue. The local government works with several community-based organizations to conduct outreach and education to increase the program subscription rate with LMI households. Additionally, the project development includes labor agreements, and local training programs that provide paid on the job training. The success of this project leads to further clean energy development in the surrounding communities that leverages the local workforce.

Public/Private Partnership for Downtown Revitalization

- A Chamber of Commerce in a medium-sized city issued a downtown revitalization plan to support recovery from recent downturns due to population loss and the pandemic. The local government utilizes DOE funding stacked with philanthropic grants to offer energy efficiency and renewable energy upgrades – along with federal tax credits- to building owners to revitalize the downtown core and spur economic development. The initiative reduces energy costs for small businesses costs, provides needed building upgrades, and preserves historic buildings. The investment also spurs additional economic development in attracting new businesses downtown and increasing foot traffic and sales in revitalized businesses.

HBCU Resilience Hubs for Low-Income Communities

- As part of a local climate resilience strategy, a local government partners with an Historically Black College or University (HBCU), community-based organizations, and local utility to develop community resilience hubs with solar, battery storage, and/or microgrid technologies in low-income communities. The program provides resilient

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spaces where residents can charge phones and other devices, refrigerate medicine or formula, and access services. Additionally, the project establishes new curricula on resiliency topics and workforce development opportunities for students at HBCUs and builds relationships with the local utility. Additional partnerships are later established to bring information and services –such as health screenings, to residents visiting the hubs.

Solarize Campaign with Job Training

- A disadvantaged community wants to address high energy burden through the deployment of on-site renewable energy. The local government utilizes DOE funding to launch a Solarize campaign to enable solar installations on residential homes and small businesses, utilizing funds to market the program and subsidize installations for low-income homes. The local government partners with several solar installers, with requirements for them to provide job training to local residents. The local governments also connects residents with other programs to layer in weatherization or basic systems repairs.

Low-Income Electric Car-Sharing Program

- Several local governments from small jurisdictions partner with their metropolitan planning organization to engage with a third-party electric car-sharing provider to address mobility challenges in their communities. The funds are used to install additional charging stations in mobility-challenged communities and to provide subsidized car-share memberships to low-income families. The program increases low-carbon mobility options and access to jobs and other opportunities and introduces residents to electric vehicles and their benefits.

Tribal Community Solar Partnership Project

- A Tribal community works with their local school, the regional utility provider, and a national non-profit to develop a Community Solar project that delivers energy savings to low-to-moderate income households and the Tribal school through virtual net-metering. Additionally, the school uses the solar installations as a teaching aid, to support the future employment of students within the renewable energy industry. The project sparks additional solar investments from the utility.

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APPENDIX D – REQUIRED USE OF AMERICAN IRON, STEEL, MANUFACTURED PRODUCTS, AND CONSTRUCTION MATERIALS

BUY AMERICA REQUIREMENTS FOR INFRASTRUCTURE PROJECTS

A. Definitions

For purposes of the Buy America requirements, based both on the statute and OMB Guidance Document dated April 18, 2022, the following definitions apply:

Construction materials includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives¹⁸ —that is or consists primarily of:

- Non-ferrous metals;
- Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- Glass (including optic glass);
- Lumber; or
- Drywall.

Infrastructure includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

Moreover, according to the OMB guidance document:

When determining if a program has infrastructure expenditures, Federal agencies should interpret the term “infrastructure” broadly and consider the definition provided above as illustrative and not exhaustive. When determining if a particular construction project of a type not listed in the definition above constitutes “infrastructure,” agencies should consider whether the project will serve a public function, including whether the project is publicly owned and operated, privately operated on behalf of the public, or is a place of public accommodation, as opposed to a project that is privately owned and not open to

¹⁸ BIL, § 70917(c)(1).

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the public. Projects with the former qualities have greater indicia of infrastructure, while projects with the latter quality have fewer. Projects consisting solely of the purchase, construction, or improvement of a private home for personal use, for example, would not constitute an infrastructure project.

The Agency, not the applicant, will have the final say as to whether a given project includes infrastructure, as defined herein. Accordingly, in cases where the “public” nature of the infrastructure is unclear but the other relevant criteria are met, DOE strongly recommends that applicants complete their full application with the assumption that Buy America requirements will apply to the proposed project.

Project means the construction, alteration, maintenance, or repair of infrastructure in the United States.

B. Buy America Requirements for Infrastructure Projects (“Buy America” requirements)

In accordance with Section 70914 of the BIL, none of the project funds (includes federal share and recipient cost share) may be used for a project for infrastructure unless:

(1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) all construction materials¹⁹ are produced in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America requirements only apply to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does the Buy America requirements apply to equipment and furnishings, such as movable chairs, desks, and portable

¹⁹ Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

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computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

These requirements must flow down to all sub-awards, all contracts, subcontracts, and purchase orders for work performed under the proposed project, except where the prime recipient is a for-profit entity. Based on guidance from the Office of Management and Budget (OMB), the Buy America requirements of the BIL do not apply to DOE projects in which the prime recipient is a for-profit entity; the requirements only apply to projects whose prime recipient is a State, local government, Indian Tribe, Institution of Higher Education, or non-profit organization.

For additional information related to the application and implementation of these Buy America requirements, please see OMB Memorandum M-22-11, issued April 18, 2022:

Note that for all applicants—both non-Federal entities and for-profit entities—DOE is including a Program Policy Factor that the Selection Official may consider in determining which Full Applications to select for award negotiations that considers whether the applicant has made a commitment to procure U.S. iron, steel, manufactured products, and construction materials in its project.

C. Waivers

The DOE financial assistance agreement will require each recipient: (1) to fulfill the commitments made in its application regarding the procurement of U.S.-produced products and (2) to fulfill the commitments made in its application regarding the procurement of other key component metals and domestically manufactured products that are deemed available in sufficient and reasonably available quantities or of a satisfactory quality at the time of award negotiation.

In limited circumstances, DOE may waive the application of the Buy America requirements where DOE determines that:

- (1) Applying the Buy America requirements would be inconsistent with the public interest;
- (2) The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25%.

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If an applicant or recipient is seeking a waiver of the Buy America requirements, it may submit a waiver request after it has been notified of its selection for award negotiations. A waiver request must include:

- A detailed justification for the use of “non-domestic” iron, steel, manufactured products, or construction materials to include an explanation as to how the non-domestic item(s) is essential to the project;
- A certification that the applicant or recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with potential suppliers;
- Applicant/Recipient name and Unique Entity Identifier (UEI)
- Total estimated project cost, DOE and cost-share amounts;
- Project description and location (to the extent known);
- List and description of iron or steel item(s), manufactured goods, and construction material(s) the applicant or recipient seeks to waive from Domestic Content Procurement Preference requirement, including name, cost, country(ies) of origin (if known), and relevant PSC and NAICS code for each;
- Waiver justification including due diligence performed (e.g., market research, industry outreach) by the applicant or recipient; and
- Anticipated impact if no waiver is issued

DOE may require additional information before considering the waiver request.

Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at [DOE Buy America Requirement Waiver Requests](#).

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

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APPENDIX E – LIST OF ACRONYMS

| | |
|--------|---|
| C-SITE | Communities Sparking Investments in Transformative Energy |
| COI | Conflict of Interest |
| DEC | Determination of Exceptional Circumstances |
| DEIA | Diversity, Equity, Inclusion, and Accessibility |
| DOE | Department of Energy |
| FAR | Federal Acquisition Regulation |
| FCOI | Financial Conflicts of Interest |
| FFATA | Federal Funding and Transparency Act of 2006 |
| FOA | Funding Opportunity Announcement |
| FFRDC | Federally Funded Research and Development Center |
| HBCUs | Historically Black Colleges and Universities |
| LGEP | Local Government Energy Program |
| MFA | Multi-Factor Authentication |
| MPIN | Marketing Partner ID Number |
| MSI | Minority-Serving Institution |
| NDA | Non-Disclosure Acknowledgement |
| NEPA | National Environmental Policy Act |
| NNSA | National Nuclear Security Agency |
| NSF | National Science Foundation |
| OIG | Office of Inspector General |
| OMB | Office of Management and Budget |
| OSTI | Office of Scientific and Technical Information |
| OTA | Other Transactions Authority |
| PII | Personal Identifiable Information |
| SAM | System for Award Management |
| SCEP | State and Community Energy Programs |
| SOPO | Statement of Project Objectives |
| STEM | Science, Technology, Engineering, and Mathematics |
| TA | Technical Assistance |
| UCC | Uniform Commercial Code |
| UEI | Unique Entity Identifier |

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APPENDIX F—COMMUNITY ENGAGEMENT PLAN TEMPLATE (OPTIONAL)

Template Instructions: Note, use of this template is optional. You may submit the data requested in whatever format you like. Please delete all instructional text found in blue italics.

At minimum, all applicants must include required information about proposed community engagement activities as outlined in the Project Narrative. Applicants may complete this Community Engagement Plan template if they choose to provide additional detail on community engagement and outreach activities. Applicants may refer to community engagement already conducted in their application materials.

Please consider how all community engagement activities can be robust, meaningful, and culturally appropriate. Please reference Appendix A: Community Engagement for additional guidance.

Control Number:

Project Title:

Project Location(s): Enter intended Location(s) of project and impacted community(s), including zip code(s)

Name of Prime Applicant Organization: Enter name of eligible local government or federally recognized Indian Tribe, serving as lead organization

Community Engagement Partners *(E.g. non-profit organizations, community groups, utilities, foundations, private companies, etc. For each partner, please complete the following table)*

| |
|---|
| Partner 1 Organization Name: |
| Organization Type: <i>(e.g. community based organization, Alaska Native village corporation, school district, municipal utility, consultant, other)</i> |
| Role: <i>(e.g. door knocking, community meeting facilitation, email outreach, web design, coalition management)</i> |
| Location: |

| |
|---|
| Partner 2 Organization Name: |
| Organization Type: <i>(e.g. community based organization, Alaska Native village corporation, school district, municipal utility, consultant, other)</i> |
| Role: <i>(e.g. door knocking, community meeting facilitation, email outreach, web design, coalition management)</i> |
| Location: |

| |
|------------------------------|
| Partner 3 Organization Name: |
|------------------------------|

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| |
|---|
| Organization Type: <i>(e.g. community based organization, Alaska Native village corporation, school district, municipal utility, consultant, other)</i> |
| Role: <i>(e.g. door knocking, community meeting facilitation, email outreach, web design, coalition management)</i> |
| Location: |

Community Engagement Goals

- **Community Engagement Goals, Objectives, and Outcomes for Project:** *Please articulate specific community engagement goals for this proposed project. Provide associated objectives and outcomes to achieve overall goal(s).*
- **Connection to Proposal Objectives and Program Goals:** *Please describe how these community engagement goals connect clearly to project proposal objectives and program goals in this FOA.*

Summary of Community Engagement Already Conducted

- **Process, Methods, and Content:** *Please summarize engagement process, methods, and content for community engagement already conducted. Please include information about the segments of the local community these engagement efforts reached.*
- **Organizations, Timeline, and Priorities Identified:** *Please include the organizations that conducted these community engagement activities, as well as approximate timeline, and priorities surfaced by the local community from these efforts.*

Community Support for C-SITE Proposal Development

- **Summary of Community Support for Proposal:** *Please describe how community stakeholders have shaped local priorities and supported the development of this proposal.*
 - *Provide a timeline with relevant partners, proposed methods and activities, and milestones that align with the project timeline.*
 - *Consider how partners, methods, and activities can clarify and deliver benefits to workers, local residents, and the broader community.*
 - *Consider strategies to remove barriers and facilitate holistic community engagement.*
 - *Please name specific organizations, Tribal consultants, businesses, labor and community stakeholders representative of the proposed project area that participated in this work and explain to what extent they had input into decision-making.*

Community Engagement During Project Implementation

- **Summary of Proposed Community Engagement During Project Implementation:** *Please describe how community engagement will continue during project implementation.*
 - *Provide a timeline with relevant partners, proposed methods and activities, and milestones that align with the project timeline.*

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STATE & COMMUNITY ENERGY PROGRAMS

- *Consider how partners, methods, and activities can clarify and deliver benefits to workers, local residents, and the broader community.*
- *Please consider and indicate to what extent specific organizations, Tribal consultants, businesses, labor and community stakeholders are representative of the proposed project area that participated in this work and explain to what extent they had input into decision-making.*

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APPENDIX G—COMMUNITY BENEFITS PLAN TEMPLATE (OPTIONAL)

Template Instructions: Note, use of this template is optional. You may submit the data requested in whatever format you like. Please delete all background information and instructional text found in blue italics.

Part One: Community and Labor Engagement

Background: By facilitating community input, social buy-in, and accountability, community and labor engagement can substantially reduce or eliminate stalls or slowdowns, litigation, and other risks associated with project implementation. Stakeholder engagement can also promote co-creation of important pieces of projects and can lead to long-lasting, meaningful partnerships. Community and labor engagement should ideally lay the groundwork for the eventual negotiation of Workforce and Community Agreements, which could take the form of one or more kinds of negotiated agreements with communities, labor unions, or, ideally, both. Registered apprenticeship programs, labor-management training partnerships, quality pre-apprenticeship programs, card check neutrality, and local and targeted hiring goals are all examples of provisions that Workforce and Community Agreements could cover that would increase the success of a DOE-funded project.

Describe actions to date and future plans to engage with stakeholders, such as Tribal governments, labor unions, academic institutions, foundations, states, local or regional governments, and community-based organizations that support or work with underserved communities, including Disadvantaged Communities as defined for purposes of the Justice40 Initiative.

Part Two: Investing in Job Quality and Workforce Continuity

Background: A well-qualified, skilled, and trained workforce is necessary to ensure project stability, continuity, and success, and to meet program goals. High-quality jobs are critical to attracting and retaining the qualified workforce required.

Describe your approach to investing in workforce education and training of both new and incumbent workers and ensuring jobs are of sufficient quality to attract and retain skilled workers in the industry.

- Please summarize the plan to assess and address local clean energy workforce needs discussed in the proposal.*
- If relevant, please summarize the plan to attract, train, and retain a skilled and well-qualified workforce for both construction and ongoing operations and/or production activities. A collective bargaining agreement, labor-management partnership, or other similar agreement would provide evidence of such a plan.*
- Applicants may also describe any of the following:*

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- i. *Wages, benefits, and other worker supports to be provided benchmarking against prevailing wages for construction and local median wages for other occupations;*
- ii. *Commitments to invest in workforce education and training, including measures to reduce attrition, increase productivity from a committed and engaged workforce, and support the development of a resilient, skilled, and stable workforce for the project; and*
- iii. *Efforts to engage employees in the design and execution of workplace safety and health plans.*
- iv. *Employees' ability to organize, bargain collectively, and participate, through labor organizations of their choosing, in decisions that affect them contributes to the effective conduct of business and facilitates amicable settlements of any potential disputes between employees and employers, providing assurances of project efficiency, continuity, and multiple public benefits. In the description, explain whether workers can form and join unions of their choosing, and how they will have the opportunity to organize with the purposes of exercising collective voice in the workplace.*

Part Three: Diversity, Equity, Inclusion, and Accessibility

Describe how diversity, equity, inclusion, and accessibility (DEIA) objectives will be incorporated into the project. Detail how the applicant will partner with underrepresented businesses, educational institutions, and training organizations that serve workers who face barriers to accessing quality jobs, and/or other project partners to help address DEIA. The following is a non-exhaustive list of potential DEIA actions that could be included in a Plan. This list is offered to provide guidance to applicants and is not intended to be comprehensive or mandatory.

- A. *Commitment to partner with Minority Owned Enterprises, Minority Owned Businesses, Woman Owned Businesses, and Veteran Owned Businesses for contractor support needs;*
- B. *To fill open positions for the DOE-funded project, partner with workforce training organizations serving under-represented communities and those facing systemic barriers to quality employment such as those with disabilities, returning citizens, opportunity youth, and veterans.*

In addition, applicants should consider providing comprehensive support services to increase representation and access in project's construction and operations jobs.

Part Four: Justice40 Initiative

Provide an overview of benefits to communities, including disadvantaged communities, that the project can deliver, supported by measurable milestones.

1. Identification of communities *to which the anticipated project benefits will flow, including any disadvantaged communities identified by federal tools. (DOE recognizes disadvantaged communities as defined and identified by the White House Council of Environmental Quality's*

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Climate and Economic Justice Screening Tool (CEJST), which can be located at <https://screeningtool.geoplatform.gov/>.)

2. Identification of applicable benefits *that are quantifiable, measurable, and trackable, including, at a minimum, a discussion of the relevance of each of the eight DOE Justice40 Initiative benefits outlined below. Benefits include (but are not limited to) measurable direct or indirect investments or positive project outcomes that achieve or contribute to the following in disadvantaged communities:*

- (1) a decrease in energy burden;*
- (2) a decrease in environmental exposure and burdens;*
- (3) an increase in access to low-cost capital;*
- (4) an increase in high-quality job creation, the clean energy job pipeline, and job training for individuals;*
- (5) increases in clean energy enterprise 26 creation and contracting (e.g., minority-owned or disadvantaged business enterprises);*
- (6) increases in energy democracy, including community ownership;*
- (7) increased parity in clean energy technology access and adoption; and*
- (8) an increase in energy resilience.*

In addition, applicants should also discuss how the project will maximize all of the benefits listed.

3. How and when anticipated benefits are expected to flow to communities and disadvantaged communities. *For example, will the benefits be provided directly within the disadvantaged community(ies) identified in the Justice40 Initiative section, or are the benefits expected to flow in another way? Further, will the benefits flow during project development or after project completion, and how will applicants track benefits delivered?*

4. Anticipated negative and cumulative environmental impacts on communities and disadvantaged communities. *Are there anticipated negative or positive environmental impacts associated with the project, and how will the applicant mitigate any negative impacts? Within the context of cumulative impacts created by the project, applicants should use the Environmental Protection Agency EJSCREEN tool to quantitatively discuss existing environmental impacts in the project area. See [EJScreen: Environmental Justice Screening and Mapping Tool | US EPA](#).*

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