



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

**Bipartisan Infrastructure Law WAP Enhancement & Innovation**

**Funding Opportunity Announcement (FOA) Number: DE-FOA-0002912**

**FOA Type: Initial**

**Assistance Listing Number: 81.042**

<b>FOA Issue Date:</b>	06/27/2023
<b>Informational Webinar:</b>	07/20/2023 2:00pm ET
<b>Submission Deadline for Concept Papers:</b>	08/31/2023 5:00pm ET
<b>Submission Deadline for Full Applications:</b>	01/05/2024 5:00pm ET
<b>Expected Submission Deadline for Replies to Reviewer Comments:</b>	02/16/2024 5:00pm ET
<b>Expected Date for DOE Selection Notifications:</b>	05/31/2024
<b>Expected Timeframe for Award Negotiations:</b>	06/01 – 09/30/2024

**Executive Summary**

*Program Overview*

This Funding Opportunity Announcement (FOA) is for the Weatherization Assistance Program (WAP) Enhancement & Innovation grant, in support of Section 40551 of the Bipartisan Infrastructure Law (BIL), issued by the U.S. Department of Energy (DOE)'s Office of State and Community Energy Programs (SCEP). This FOA provides \$25 million in competitive funding for WAP Grantees and Subgrantees (state, local, or Tribal governments) and non-profit organizations, with a \$2 million maximum per award.

This FOA seeks applications to expand the impact of DOE's existing residential weatherization programs by utilizing leveraged resources and enhanced community partnerships to perform deep energy retrofits of low-income residential buildings and empower local community representation within the energy workforce. DOE seeks proposals that drive innovative approaches to program coordination and service delivery, while fostering the collaboration of dynamic and diverse teams.

Applicants can apply for one of the following three topic areas:

- 1) Multifamily Housing
- 2) Single Family and Manufactured Housing
- 3) Workforce Development



While cost share is not required, applicants are encouraged to use awarded E&I funds in conjunction with DOE WAP formula awards and leverage other funding sources to deploy demonstration projects that have potential to be scaled nationally, enhance the benefits realized by underserved communities, and accelerate an equitable transition to a clean-energy economy.

### *Application Process*

To be considered for this funding opportunity, applicants must:

1. **Submit a Concept Paper.** Concept papers are brief descriptions of the project proposal, team members, and requested budget amount. DOE will review the concepts and either encourage or discourage applicants to submit a full application. Applicants may submit a full application regardless of whether they are encouraged or discouraged to do so.
2. **Submit a Full Application.** Full applications will go into further details of the project proposal, team qualifications, budget and workplan, and community benefits plan.

SCEP will host and record [an informational webinar](#) to walk interested stakeholders through the WAP E&I FOA application process.

Questions? Ask us at [Weatherization.Innovation@hq.doe.gov](mailto:Weatherization.Innovation@hq.doe.gov).



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### **Important Notes:**

- Applicants must submit a Concept Paper by 5:00pm ET on the due date listed on the cover page to be eligible to submit a Full Application.
- To apply to this FOA, applicants must register with and submit application materials through the Clean Energy Infrastructure eXCHANGE at <https://infrastructure-exchange.energy.gov/>, DOE's online application portal.
- Applicants must designate primary and backup points-of-contact in the Clean Energy Infrastructure eXCHANGE with whom DOE will communicate to conduct award negotiations. If an application is selected for award negotiations, it is not a commitment to issue an award. It is imperative that the applicant/selectee be responsive during award negotiations and meet negotiation deadlines. Failure to do so may result in cancelation of further award negotiations and rescission of the selection.
- **Unique Entity Identifier (UEI) and System for Award Management (SAM)** - Each applicant (unless the applicant is excepted from those requirements under 2 CFR 25.110) is required to: (1) Be registered in the SAM at <https://www.sam.gov> before submitting its application, (2) provide a valid UEI number in its application, and (3) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. 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, the DOE will determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

**NOTE:** Due to the high demand of UEI requests and SAM registrations, entity legal business name and address validations are taking longer than expected to process. Entities should start the UEI and SAM registration process as soon as possible. If entities have technical difficulties with the UEI validation or SAM registration process, they should utilize the [HELP](#) feature on [SAM.gov](https://www.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](#).



## I. Funding Opportunity Description

### A. Background and Context

The Office of State and Community Energy Programs (SCEP) is issuing this Funding Opportunity Announcement (FOA). Awards made under this FOA will be funded, in whole or in part, with funds appropriated by the Infrastructure Investment and Jobs Act<sup>1</sup>, more commonly known as the Bipartisan Infrastructure Law (BIL).

BIL is a once-in-a-generation investment in modernizing and upgrading American infrastructure to enhance U.S. competitiveness, drive the creation of good-paying union jobs, tackle the climate crisis, and ensure stronger access to economic, environmental, and other benefits for disadvantaged communities<sup>2</sup>. BIL appropriates more than \$62 billion to the U.S. Department of Energy (DOE)<sup>3</sup> to invest in American manufacturing and workers; expand access to energy efficiency and clean energy; deliver reliable, clean, and affordable power to more Americans; and demonstrate and deploy the technologies of tomorrow through clean energy demonstrations.

DOE's BIL investments will support efforts to build a clean and equitable energy economy that achieves a zero-carbon electricity system by 2035, and puts the United States on a path to achieve net-zero emissions economy-wide by no later than 2050<sup>4</sup> to benefit all Americans.

BIL will invest \$25 million to support the DOE Weatherization Assistance Program (WAP) Enhancement & Innovation program. Through partnerships and leveraging of the DOE WAP and other funding sources, these awards will enable deep energy retrofits of low-income housing<sup>5</sup> in three topic areas: 1) multifamily housing; 2) single family and manufactured housing; and 3) workforce development. Applicants are encouraged to use awarded E&I funds in conjunction with DOE WAP formula awards and other funding sources to deploy demonstration projects

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

<https://www.congress.gov/bill/117th-congress/house-bill/3684>. This FOA uses the more common name "Bipartisan Infrastructure Law".

<sup>2</sup> Pursuant to E.O. 14008 and the Office of Management and Budget's Interim Justice40 Implementation Guidance M-21-28 and [M-23-09](#), DOE will recognize disadvantaged communities as defined and identified by the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool (CEJST), which can be located at <https://screeningtool.geoplatform.gov/>. DOE's Justice40 Implementation Guidance is located at <https://www.energy.gov/sites/default/files/2022-07/Final%20DOE%20Justice40%20General%20Guidance%20072522.pdf>.

<sup>3</sup> U.S. Department of Energy. November 2021. "DOE Fact Sheet: The Bipartisan Infrastructure Deal Will Deliver For American Workers, Families and Usher in the Clean Energy Future." <https://www.energy.gov/articles/doe-fact-sheet-bipartisan-infrastructure-deal-will-deliver-american-workers-families-and-0>

<sup>4</sup> [Executive Order \(EO\) 14008](#), "Tackling the Climate Crisis at Home and Abroad," January 27, 2021.

<sup>5</sup> 10 CFR 440.3 for the definition of low-income. Each Grantee defines low income for their service territory in the annual Weatherization Grant Application (Master File Section V.1 Eligibility).

that have potential to be scaled nationally, enhance the benefits realized by underserved communities, and ensure an equitable transition to a clean-energy economy.<sup>6</sup>

The activities to be funded under this FOA support [BIL Section 40551](#) and the broader government-wide approach to deploy demonstration projects that maximize the benefits of the clean energy transition as the nation works to curb the climate crisis, empower workers, and advance environmental justice. This BIL section is focused on:

- Appropriation of \$3.5 billion for the WAP, to remain available until expended; and
- Applicability of Wage Rate Requirements (aka Davis-Bacon Act) on work performed in multifamily buildings with 5 or more units.

### **i. Program Purpose**

The DOE WAP was created in 1976 with the primary purpose to increase the energy efficiency of dwellings owned or occupied by low-income persons, to reduce energy expenditures for these residents, and improve their health and safety. The program prioritizes low-income persons who are particularly vulnerable such as the elderly, the disabled, families with children, high residential energy users and households with a high energy burden.<sup>78</sup> A network of 57 Grantees and 700 local organizations (Subgrantees) working with private contractors delivers WAP services to eligible residents in all 50 states, the District of Columbia, Indian lands of Federally recognized Tribes, and five U.S. Territories. For more information visit the [DOE WAP website](#).

Within Public Law 116-260, signed December 27, 2020, Congress directed the DOE to establish a competitive program for “WAP Enhancement and Innovation” (E&I). Eligible applicants include current WAP Grantees and Subgrantees (state, local, or Tribal governments) and non-profit organizations<sup>9</sup>. A total of \$25 million is available from the BIL appropriation with a maximum award amount of \$2 million.

As part of the whole-of-government approach to advance equity and encourage worker organizing and collective bargaining,<sup>10,11,12</sup> and in alignment with BIL section 40551, 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

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<sup>6</sup> 42 USC 6864d.(e)(4)

<sup>7</sup> 10 CFR 440.16(b)

<sup>8</sup> 10 CFR 440.3 "A low-income household whose residential energy burden (residential expenditures divided by the annual income of that household) exceeds the median level of energy burden for all low-income households in the State."

<sup>9</sup> 42 U.S.C. 6864d(b)

<sup>10</sup> EO 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” January 20, 2021. EO 14091, “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” February 16, 2023.

<sup>11</sup> EO 14025, “Worker Organizing and Empowerment,” April 26, 2021.

<sup>12</sup> EO 14052, “Implementation of the Infrastructure Investment and Jobs Act,” November 18, 2021.



underrepresented groups, including Indian Tribes.<sup>13</sup> Consistent with Executive Order 14008,<sup>14</sup> this FOA is designed to help meet the goal that 40% of the overall benefits of the Administration's investments in clean energy and climate solutions flow to disadvantaged communities, as defined by the Department pursuant to the Executive Order, and to drive the creation of accessible, good-paying jobs with the free and fair chance for workers to join a union.

## **ii. Strategic Goals**

This FOA seeks applications to expand the impact of DOE's existing residential weatherization programs by utilizing leveraged resources and enhanced community partnerships to perform deep energy retrofits<sup>15</sup> of low-income residential buildings and empower local community representation within the energy workforce. DOE seeks proposals that drive innovative approaches to program coordination and service delivery, while fostering the collaboration of dynamic and diverse teams. Teams must be led by a WAP Grantee, Subgrantee, or nonprofit entity. Technical descriptions of the specific Topic Areas are provided in the sections that follow.

## **B. Topic Areas**

This FOA will enable partnerships and leveraging of DOE WAP and other funding sources, to expand deep energy retrofits of low-income housing in three topic areas: 1) multifamily housing; 2) single family and manufactured housing; and 3) workforce development. Within the three topic areas, applicants will address any of the following activities and initiatives including, but not limited to, major home repairs, decarbonization and renewable energy, enhanced indoor air quality and healthy homes, and new methods to streamline DOE WAP implementation.

Applicants shall select one topic area and provide a detailed explanation of the proposed project objectives, technical scope, tasks (including a comprehensive list of activities for each task), milestones, project management, and verification processes. In addition to required reporting, all awardees will be expected to share new methods, success stories, and lessons learned for dissemination across the DOE WAP network.

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<sup>13</sup> EO 13175, November 6, 2000 "Consultation and Coordination With Indian Tribal Governments", charges all executive departments and agencies with engaging in regular, meaningful, and robust consultation with Tribal officials in the development of federal policies that have Tribal implications. [Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships | The White House](#).

<sup>14</sup> EO 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021.

<sup>15</sup> A deep energy retrofit is generally defined as a whole-building analysis and process that achieves significantly larger energy savings (e.g., 50% or more reduction in home energy use) than a traditional weatherization retrofit. In addition, these projects have potential to improve home comfort and benefit occupant health. [Lawrence Berkeley National Lab](#)

All work for projects selected under this FOA must be performed in the United States. See Section IV.J.iii. and Appendix A.

## **i. Topic Area 1: Multifamily Housing**

To accelerate an equitable transition to a clean energy economy, this Topic Area aims to increase the number of multifamily buildings receiving comprehensive, deep energy retrofits by making homes weatherization and electrification-ready, while also ensuring healthy indoor environments and protecting against displacement of low-income residents<sup>16</sup>.

Weatherization is designed to take place with a *whole building as a system approach*<sup>17</sup> and energy efficiency upgrades in multifamily buildings are a cost-effective method to lowering operating expenses, maintaining affordability, and creating healthier, more comfortable living environments for low-income families. For the purposes of this FOA, multifamily buildings are defined as rental or owner-occupied buildings with 5 or more units. DOE policy allows for treatment of the full building as long as 66% of the units are occupied by income-eligible households or if the building is assisted by the U.S. Department of Housing and Urban Development (HUD) and is categorically eligible per DOE policy.<sup>18</sup> Benefits from weatherization services must accrue primarily to the low-income households occupying the buildings and protect against displacement of low-income households.<sup>19</sup>

Applicants should explore the delivery of DOE WAP services using place-based initiatives, which are inclusive of urban and rural areas and can include a cluster of similar geographic areas and/or communities of people experiencing common conditions (e.g., high poverty rates, proximity to pollution-emitting facilities, lack of access to food and health services, high-cost burdens for energy and housing). Place-based initiatives should be included in the planning and implementation of deep energy retrofits and incorporated into workforce development initiatives in these projects and communities. Applicants should reference the definition of disadvantaged communities<sup>20</sup> and must use the Climate and Economic Justice Screening Tool (CEJST)<sup>21</sup> to identify disadvantaged communities within their proposed project territory.

In accordance with BIL Section 40551, any work performed on multifamily buildings with 5 or more units must comply with Wage Rate Requirements (aka Davis-Bacon Act). See Section

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<sup>16</sup> 10 CFR 440.22 (b)(3)

<sup>17</sup> 10 CFR 440.22(b)

<sup>18</sup> [WPN 22-12](#); 10 CFR 440.22(b)(2)

<sup>19</sup> 10 CFR 440.22(b)(3)

<sup>20</sup> Pursuant to E.O. 14008 and the Office of Management and Budget's Interim Justice40 Implementation Guidance M-21-28 and M-23-09, DOE will recognize disadvantaged communities as defined and identified by the White House Council on Environmental Quality's CEJST, which can be located at <https://screeningtool.geoplatform.gov/>. DOE's Justice40 Implementation Guidance is located at <https://www.energy.gov/sites/default/files/2022-07/Final%20DOE%20Justice40%20General%20Guidance%20072522.pdf>

<sup>21</sup> [Climate and Economic Justice Screening Tool](#)



IV.J.viii. DOE plans to provide a software tool and training to assist with Davis-Bacon compliance and reporting.

DOE awarded funds may be used to address barriers to serving multifamily housing, including but not limited to:

- Developing protocols for identifying and preparing homes to become all-electric or electrification-ready, while also ensuring reduction in household energy burden;
- Developing innovative methods for braiding DOE awarded funds with leveraged resources to execute comprehensive deep energy retrofits, including enhanced health and safety measures, energy efficiency technologies, and renewable energy systems;
- Developing innovative methods for braiding DOE awarded funds with leveraged resources to address the causes of poverty and economic mobility for low-income households;
- Developing streamlined methods for identifying, marketing, confirming eligibility, and coordinating with prospective property owners to bring more multifamily buildings into the weatherization pipeline;
- Developing new methods and partnerships to shorten the timeframe for moving multifamily buildings through the retrofit process, from energy audit to completion and inspection; and
- Developing new scalable methods for incorporating non-energy benefits<sup>22</sup> in the cost-effectiveness calculation performed during the pre-weatherization energy audit.

## **ii. Topic Area 2: Single Family & Manufactured Housing**

This Topic Area aims to increase the number of single family and manufactured housing buildings receiving comprehensive, deep energy retrofits by making homes weatherization and electrification-ready, while also ensuring healthy indoor environments.

Weatherization is designed to take place with a *whole building as a system approach*<sup>23</sup> and energy efficiency upgrades in single family and manufactured housing are a cost-effective method to lowering household expenses and creating healthier, more comfortable living environments for low-income families. For the purposes of this FOA, single family buildings are defined as rental or owner-occupied buildings with one to four units occupied by eligible low-income households. DOE policy allows for treatment of the full building as long as at least 50% of the units in two- and four-unit buildings are occupied by DOE WAP-eligible households and at least 66% of three-unit buildings occupied by DOE WAP-eligible households.<sup>24</sup> Some buildings and households assisted by HUD may be categorically eligible per DOE policy.<sup>25</sup>

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<sup>22</sup> [WPN 22-10](#); 10 CFR 440.2(f)(7)

<sup>23</sup> 10 CFR 440.22(b)

<sup>24</sup> WPN 16-5; 10 CFR 440.22(b)(2)

<sup>25</sup> [WPN 22-5](#); For full definition see <https://www.hud.gov/sites/documents/41502C8HSGH.PDF>



Applicants must explore the delivery of DOE WAP services using place-based initiatives, including the planning and implementation of deep energy retrofits and incorporating workforce development initiatives in these projects and communities. Place-based work is inclusive of urban and rural areas and can range from a cluster of similar housing to geographic areas and communities of people experiencing common conditions. Applicants should reference the definition cited in Section I.A. and must use the CEJST<sup>26</sup> to identify disadvantaged communities within their proposed project territory.

Applications must describe how projects will increase the number of single family and/or manufactured houses weatherized and outline the enhancements proposed for DOE WAP retrofits, which may include but are not limited to:

- Developing protocols for identifying and preparing homes to become all-electric or electrification-ready, while also ensuring reductions in household energy burden;
- Developing innovative methods for braiding DOE awarded funds with leveraged resources to execute comprehensive deep energy retrofits, including enhanced health and safety measures, energy efficiency technologies, and renewable energy systems;
- Developing innovative methods for braiding DOE awarded funds with leveraged resources to address the causes of poverty and economic mobility for low-income households;
- Developing new scalable methods for incorporating non-energy benefits in the cost-effectiveness calculation performed during the pre-weatherization energy audit;
- Bringing previously unserved homes off deferral/waitlists and into the weatherization pipeline by addressing high-cost repairs and health and safety hazards; and
- Developing new methods for targeting services to high energy-burden households and coordinating outreach and marketing with community-based organizations, utility programs and other federally-funded low-income programs.

### **iii. Topic Area 3: Workforce Development**

At present, the DOE WAP is facing significant challenges hiring and retaining contractors and employees to work in the program and is seeking improvements to workforce diversity – a priority for the Biden Administration. Women make up just 25% of the energy workforce, much less than the 47% U.S. average. Black and Latino workers are also underrepresented at 8% and 7%, respectively.<sup>27</sup>

With these hiring and diversity challenges in mind, the purpose of this topic area is to develop and implement innovative approaches not commonly used in WAP to recruit, hire, train, retain and support employees in their career development who are individuals from the community in which assistance is provided *and* from underrepresented groups in the home energy performance and energy efficiency workforce such as: people of color, women, veterans,

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<sup>26</sup> [Climate and Economic Justice Screening Tool](#)

<sup>27</sup> DOE, [United States Energy & Employment Report 2022](#)

individuals with disabilities, opportunity youth, returning citizens, and individuals who are socioeconomically disadvantaged.

Applicants must describe how competitive wages<sup>28</sup> will be determined for weatherization workers, including reference to the current local living wage, and whether workers will have a free and fair chance to join a union. Applicants must also outline how they will work to place WAP trainees into jobs, particularly in the home performance or clean energy industries.

Individuals shall be trained to implement the DOE WAP in accordance with all applicable federal rules and DOE procedures. Training shall be aligned with WAP installation standards and program requirements including energy auditing guidelines<sup>29</sup>, the Standard Work Specifications<sup>30</sup>, and Quality Control Inspections.<sup>31</sup>

- Training shall follow the Guidelines for Home Energy Professionals for Energy Auditor (EA) and Quality Control Inspector (QCI)<sup>32</sup>.
- Regarding the provision of comprehensive training,<sup>33</sup> coordination with a registered apprenticeship or an IREC-accredited training provider is preferred but not required. Applicants must provide the qualifications, accreditation, and expertise for proposed training providers when describing the project team.

Applicants may propose workforce development initiatives and activities including but not limited to:

- Addressing and enhancing outreach, recruitment, hiring, and retention processes;
- Shortening the administrative time from initial recruitment to field readiness of new hires;
- Building a pipeline of fully trained workers to higher-level careers within and beyond the WAP network;
- Developing registered job-readiness, pre-apprenticeship<sup>34</sup>, and apprenticeship programs<sup>35</sup> for individuals to gain necessary skills before entering the home performance or clean energy industries;

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<sup>28</sup> Resources for wage data include: [U.S. DOL O\\*NET](#); [U.S. BLS Wage Statistics](#); [Wages, Benefits and Change: A Supplemental Report to the Annual U.S. Energy and Employment Report](#); <https://livingwage.mit.edu/> and any relevant state or local income and employment data.

<sup>29</sup> [Weatherization Program Notice 19-4](#): Revised Energy Audit Approvals Procedures, Related Audit, and Material Approvals (January 17, 2019)

<sup>30</sup> National Renewable Energy Laboratory, "[Standard Work Specifications](#)."

<sup>31</sup> [Weatherization Program Notice 15-4](#): Quality Work Plan Requirement Update (October 21, 2014).

<sup>32</sup> US DOE SCEP, "[Guidelines for Home Energy Professionals Accredited Training](#)"

<sup>33</sup> [Weatherization Memorandum 034](#): Clarification of WPN 15-4; Definitions of Comprehensive Training (April 5, 2018).

<sup>34</sup> Pre-apprenticeship programs are encouraged to have articulation with one or more registered apprenticeship programs. Learn more at US Department of Labor, [Explore Pre-Apprenticeship](#)

<sup>35</sup> Articulation agreements allow for Registered Apprenticeship program sponsors and community and technical colleges to partner up and provide apprentices with classroom training. Learn more at US Department of Labor, [Homepage | Apprenticeship.gov](#)



- Including support services that reduce barriers to employment of underrepresented populations (e.g., mentoring, counseling, coaching, stipends for trainees [wages, childcare, transportation]);
- Developing formal partnerships with workforce development organizations, labor organizations and unions, trade schools, technical colleges, local agencies, and community-based organizations); and
- Establishing partnerships with existing training providers, labor, and community-based organizations to improve and expand existing workforce training programs in lieu of building new training center facilities.

## C. FOA Objectives

In addition to topic-specific objectives and outcomes, the following objectives apply across all topic areas:

- **Leveraging Resources** to expand the reach of E&I funds, with a goal of at least a 2:1 ratio of leveraged resources to DOE awarded funds. Applicants shall strive to coordinate investments and leverage funds to maximize benefits. Leveraged resources may include federal (non-DOE) or non-federal funding, financial contributions, volunteer labor, in-kind donations, and other resources provided by partner organizations.
- **Justice40** – Executive Order 14008 establishes the Justice40 Initiative with the goal of delivering 40% of the overall benefits of certain federal investments to disadvantaged communities and underrepresented groups. All awardees will be required to identify disadvantaged communities that will be addressed with E&I funds, using the definitions in Section I.A above, and measure and report the benefits realized in disadvantaged communities (e.g., units completed, job training expenditures, household energy expenditures, and installed capacity of renewable energy).
- **Efficient use of E&I funds** to benefit the maximum possible number of households and participants. The DOE WAP Average Cost Per Unit (ACPU) as stated in 42 U.S.C. 6865(c) does not apply to E&I awards. However, applicants are expected to describe how project outcomes will be achieved within reasonable cost targets.
- **Scalable solutions** to advance innovation and address barriers experienced by weatherization providers that can be shared and implemented nationwide. All awardees will be expected to share new methods and best practices for dissemination across the DOE WAP network.<sup>36</sup>

## D. Allowable Activities

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<sup>36</sup> 42 U.S.C. 6864d(a)(4)

Across all three topic areas, E&I funds may be used for any combination of the following activities specified below. Proposals must detail the planned activities and any measures that will be installed in DOE WAP-eligible buildings.

- **Make Homes Weatherization and Electrification-Ready**

WAP services are deferred when structural issues and/or the condition of the home requires significant repair specific to the installation of an energy efficiency measure, rendering the provision of whole-home weatherization services either unsafe or ineffective. Deferral does not mean that assistance will never be available, but that work must be postponed until the problems can be resolved and the home can be made “weatherization ready.” Making homes weatherization-ready addresses a barrier to equitable delivery of WAP services. Native Americans, Hispanics/Latinos, Black families living in manufactured housing, and renters, are among the households facing the highest rates of repair needs.<sup>37</sup>

Although the causes and rates of deferrals vary by region and service territory, this is a barrier to weatherization nationwide. Common deferral reasons include the need for high-cost roof repairs, electrical upgrades, plumbing repairs, remediation of environmental hazards beyond the scope of WAP (including asbestos and vermiculite), and other major structural home repairs. To support the transition to a clean energy economy, homes receiving electrical repairs may also be made electrification-ready by performing necessary updates and panel replacements to incentivize fuel switching, and to enable the safe installation of technologies such as heat pumps and solar photovoltaic systems.

Applicants must detail the planned activities and specific measures that will be included in the proposed project. If electrification is proposed, applicants must describe the parameters that will make homes electrification-ready, which can include energy (e.g., utility bill savings, fuel cost avoidance) and non-energy benefits (e.g., improved indoor air quality and health outcomes), and how proposed electrification measures will reduce the energy burden for low-income households.

- **Renewable Energy and New Technologies**

E&I funds may be used to install renewable energy systems as defined in 42 USC 6865(c)(6)(A) and energy efficiency technologies, including home energy management systems and smart devices. To the maximum extent possible, applicants are encouraged to develop and expand partnerships with other funding sources and federal programs; for example, utility and state-funded programs, the DOE WAP Sustainable Energy Resources for Consumers (SERC) program and the National Community Solar Partnership.<sup>38</sup>

- **Healthy Homes and Indoor Environments**

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<sup>37</sup> Federal Reserve Bank of Philadelphia and Policy Map, January 15, 2020.

<https://housingmatters.urban.org/research-summary/cost-repair-americas-housing-stock-and-which-homes-need-it-most>

<sup>38</sup> [H.R.5376 - Inflation Reduction Act of 2022](#)





Proposals must aim to ensure healthy indoor environments by improving indoor air quality, accessibility, and enhancing measures and resources provided under the WAP. E&I funds may be utilized for the following activities, including but not limited to:

- Mold and moisture remediation and prevention, including mechanical ventilation;
- Testing and treatment of suspected asbestos containing materials;
- Addressing occupant health conditions (asthma, Chronic Obstructive Pulmonary Disease(COPD), etc.);
- Replacing equipment with emissions that threaten indoor air quality;
- Lead paint testing and remediation; and,
- Accessibility improvements such as removing trip and fall hazards.

Applicants must provide a detailed description of planned activities, measures to be installed, and any human-focused research (e.g., change in health conditions).. Awardees will be expected to demonstrate measurable improvements to low-income household indoor environments and report progress based on measure-specific performance metrics. .

- **Best Practices and Monitoring**

E&I funds may be used for the following activities, subject to limitations specified in this FOA:

- Innovative outreach and education regarding the benefits and availability of weatherization assistance and other assistance available;
- Quality control of work performed;
- Data collection, measurement, and verification;
- Program monitoring, oversight, evaluation, and reporting; and
- Labor, training, and technical assistance.

## **E. Additional Requirements**

The following requirements apply to all applications and future awards:

- The following WAP standards for allowable expenditures apply:
  - A maximum of 15% of the E&I award may be used for planning, management, and administration. Applicants who intend to charge indirect costs (e.g., General & Administrative costs) to an award, will need to comply with this 15% statutory limit.<sup>39</sup>
  - All awards are subject to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards.<sup>40</sup>
- All work performed in homes using DOE awarded funds must comply with the Standard Work Specifications, DOE-approved Field Guide, and applicable State and local codes.<sup>41</sup>

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<sup>39</sup> 42 USC 6864d(b)(8)

<sup>40</sup> <https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II/part-200>

<sup>41</sup> National Renewable Energy Laboratory, "[Standard Work Specifications](#)."





- All work performed in homes using E&I awarded funds will not be subject to the 15-year “reweatherization” requirement outlined in Section 1011(h) of the Energy Act of 2020. Dwelling units previously weatherized by WAP, LIHEAP, HUD, or USDA will be eligible for E&I-related activities.
- To ensure deep energy retrofits, all eligible low-income residential buildings utilizing E&I funds must also receive a whole-building energy efficiency retrofit aligned with DOE WAP rules and guidance during the 36-month period of performance, including a comprehensive final inspection.<sup>42</sup> Applicants shall describe how work will be coordinated with the WAP Subgrantee to ensure the buildings are eligible for weatherization services. Applicants shall provide a timeline and process for integration of the E&I work with the WAP energy efficiency retrofit. Preference will be given to proposals that streamline the application, energy auditing, and final inspection processes to result in process improvements and reduce the burden on the low-income household.
  - The energy efficiency retrofit must meet all DOE requirements related to cost-effectiveness and use of a DOE-approved energy audit tool or priority list.<sup>43</sup> Proposals must describe how Applicants will determine and document cost-effectiveness using a DOE-approved audit tool or priority list to ensure the cumulative Savings-to-Investment Ratio, excluding E&I-funded measures, is 1.0 or greater.
- Training and Technical Assistance (T&TA) activities shall not duplicate T&TA completed under a formula-funded WAP award. Applicants must specify the amount of DOE awarded funds planned and detail the planned T&TA activities.
- All applicants and partners must provide proof of liability insurance coverage. Liability insurance refers to the general contractor, or other policies that provide protection in case of personal injury or property damage resulting from weatherization services. E&I funds may be used to pay the appropriately allocated cost of liability insurance policy and will not be included in the 15% Administration cap mentioned above.
- Client eligibility must be verified according to the policies and procedures described in a currently approved WAP Grantee DOE Plan (Master File V.1.1 Approach to Determining Client Eligibility)<sup>44</sup> and consistent with [Weatherization Program Notice \(WPN\) 23-3](#) and [WPN 10-08](#). A client release is required prior to sharing any sensitive information. All households receiving E&I-funded measures must be referred to the local weatherization agency for full weatherization services. Applicants shall describe how clients will be selected for E&I-funded projects, any outreach completed to date and planned outreach activities, the WAP referral process, and the estimated timeline for completion of E&I work and corresponding WAP jobs.
  - Per DOE policy, if WAP providers certify that households have met the income requirements of HUD means-tested programs<sup>45</sup> then additional income eligibility

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<sup>42</sup> See 10 CFR 440 and [Weatherization Program Notices and Memorandums | Department of Energy](#)

<sup>43</sup> See [10 CFR 440.21](#) and [Weatherization Program Notice 19-4](#)

<sup>44</sup> The [Application Instructions](#) attached to WPN 21-1 provide additional detail on eligibility and the Master File.

<sup>45</sup> [WPN 22-5: Expansion of Client Eligibility in the Weatherization Assistance Program](#)  
[https://www.energy.gov/sites/default/files/2022-09/wpn-22-5\\_v3.pdf](https://www.energy.gov/sites/default/files/2022-09/wpn-22-5_v3.pdf)



verification is not required prior to WAP services. DOE requires post-weatherization demographics reporting for all households served.

- Awardees will be responsible for ongoing quality control and monitoring of work performed to ensure compliance with all local, state, and federal rules and regulations. DOE will perform project monitoring such as regular desktop monitoring and onsite visits of selected awardees.

## **F. 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., I.B., I.C., I.D. and I.E. of the FOA.

## **G. Community Benefits Plan**

To support the goal of building a clean and equitable energy economy, the BIL-funded projects are expected to (1) establish formal partnerships; (2) advance diversity, equity, inclusion, and accessibility (DEIA); (3) make progress toward the Justice40 Initiative; and (4) invest in America's workforce.

To ensure these objectives are met, applications must include a Community Benefits Plan that describes how the proposed project would incorporate the four objectives stated above. See Section IV.D.xv for the Community Benefits Plan content requirements, [Appendix C](#) for additional guidance on the Community Benefits Plan content requirements, and [Appendix D](#) for the Community Benefits Plan template.

## **H. Authorizing Statutes**

- P.L. 116-260 – Consolidated Appropriations Act 2021 (codified at 42 U.S.C. 6864d); and
- Division Z - Energy Act of 2020, Title I - Efficiency, Sec. 1011, Sec. 414D Financial Assistance for WAP Enhancement and Innovation
- Section 40551 of the BIL (codified at 42 U.S.C. § 40551).

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

## **I. Notice of Bipartisan Infrastructure Law-Specific Requirements**

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



- Reporting, tracking, and segregation of incurred costs;
- Reporting on job creation and preservation;
- Publication of information on the internet;
- Access to records by Inspectors General and the Government Accountability Office;
- Requiring all of the iron, steel, manufactured goods, and construction materials used in the infrastructure activities of applicable projects are produced in the United States;
- *For work performed on multifamily buildings with five or more units*, ensuring laborers and mechanics employed by contractors or subcontractors on BIL-funded projects are paid wages equivalent to prevailing wages on similar projects in the area (i.e., Davis-Bacon requirements);
- Protecting whistleblowers and requiring prompt referral of evidence of a false claim to an appropriate inspector general; and
- Certification and Registration.

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

## II. Award Information

### A. Award Overview

#### i. Estimated Funding

DOE expects to make a total of approximately \$25,000,000 of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. DOE anticipates making approximately 13-17 awards under this FOA. DOE may issue one, multiple, or no awards. Individual awards may vary between \$500,000 and \$2,000,000.

DOE may issue awards in one, multiple, or none of the following topic areas:

Topic Area Number	Topic Area	Anticipated Number of Awards	Anticipated Minimum Award Size for Any One Individual Award (Fed Share)	Anticipated Maximum Award Size for Any One Individual Award (Fed Share)	Approximate Total Federal Funding Available for All Awards	Anticipated Period of Performance (months)
1	Multifamily Housing	13-17	\$500,000	\$2,000,000	\$25,000,000	36 months
2	Single Family & Manufactured Housing					



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

## **ii. Period of Performance**

DOE anticipates making awards that will run for 36 months in length, comprised of one or more budget periods.

## **iii. New Applications Only**

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

# **B. DOE Funding Agreements**

## **i. Grant Awards**

Through financial assistance grants, DOE provides support to projects that have the potential to realize the FOA objectives. DOE does not use such agreements to acquire property or services for the direct benefit or use of the United States government.

## **ii. Funding Agreements with Federally Funded Research and Development Center (FFRDCs)<sup>46</sup>**

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.i.

# **III. Eligibility Information**

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

## **A. Eligible Applicants**

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<sup>46</sup> Federally Funded Research and Development Centers (FFRDC) - FFRDCs are public-private partnerships which conduct research for the United States government. A listing of FFRDCs can be found at <http://www.nsf.gov/statistics/ffrdclist/>.



## **i. Domestic Entities**

Per P.L. 116-260, eligibility is limited to:

- Current WAP Grantees
- Current WAP Subgrantees
- Nonprofit entities - 501(c) organization

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

DOE/NNSA FFRDCs are not eligible to apply for funding as they may be funded through a separate AOP to support the measurement and verification of these projects.

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 United States government such as entities debarred, suspended, or otherwise excluded from or ineligible for participating in Federal programs are not eligible.

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

## **ii. Foreign Entities**

Foreign entities, whether for-profit or otherwise, are not eligible for funding as a prime recipient under this FOA. A foreign entity may receive funding as a subrecipient and the applicant must submit a separate explicit written waiver request in the Full Application for each proposed foreign subrecipient.

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

## **B. Cost Sharing**

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

Cost sharing is not required under this FOA.



## C. Compliance Criteria

All applicant submissions must:

- Comply with the applicable content and form requirements listed in Section IV. of the FOA;
- Include all required documents;
- Be successfully uploaded in the Clean Energy Infrastructure eXCHANGE <https://infrastructure-exchange.energy.gov>, including clicking the “Submit” button; and
- Be submitted by the deadline stated in the FOA.

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

**Applicants are strongly encouraged to submit their Concept Papers, 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 in advance of the submission deadline), applicants should allow at least 1 hour to submit a Concept Paper, Full Application, or Reply to Reviewer Comments. Once the Concept Paper, Full Application, or Reply to Reviewer Comments is submitted in the Clean Energy 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 Concept Paper, Full Application, or Reply to Reviewer Comments before the applicable deadline. DOE will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

## D. Responsiveness Criteria

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

## E. Other Eligibility Requirements

### i. Requirements for non-DOE/NNSA FFRDCs Included as a Subrecipient

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

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



b. Funding, Cost Share and Subaward with non-DOE/NNSA FFRDCs

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

The applicant should prepare the budgets utilizing rates appropriate for funding the FFRDCs through subawards.

c. 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.

d. Limit on FFRDC effort

The scope of work to be performed by the FFRDC may 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 Concept Paper and one Full Application to this FOA. The Concept Paper and Full Application must address no more than one topic area identified in Section I.B. of the FOA. If an entity submits more than one Concept Paper and Full Application, DOE 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 Concept Paper and one Full Application submitted under this FOA.

## **G. Questions Regarding Eligibility**

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



## IV. Application and Submission Information

### A. Application Process

The application process includes two phases: a Concept Paper phase and a Full Application phase. **Only applicants who have submitted an eligible Concept Paper will be eligible to submit a Full Application.**

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

- Each must be submitted in Adobe PDF format unless stated otherwise;
- Each must be written in English;
- All pages must be formatted to fit on 8.5 x 11-inch paper with margins not less than one inch on every side. Use Calibri typeface, a black font color, and a font size of 12 point or larger (except in figures or tables, which may be 10-point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References must be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement;
- A **control number** will be issued when an applicant begins the Clean Energy 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., *Control Number\_Applicant Name\_Full Application*);
- Page numbers must be included in the footer of every page; and
- Each submission must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths indicated below, DOE will review only the authorized number of pages and disregard any additional pages.

#### i. Additional Information on the Clean Energy Infrastructure eXCHANGE

The Clean Energy 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 that experience issues with submission PRIOR to the FOA deadline should contact the Clean Energy Infrastructure eXCHANGE helpdesk for assistance ([InfrastructureExchangeSupport@hq.doe.gov](mailto:InfrastructureExchangeSupport@hq.doe.gov)).





## B. Application Forms

To access application forms and instructions available on the Clean Energy 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 Clean Energy Infrastructure eXCHANGE website is 50MB. Files in excess of 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**

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

## C. Content and Form of the Concept Paper

Each Concept Paper must be limited to a single concept. The Concept Paper must conform to the requirements listed below, including the stated page limits.

Section	Page Limit	Description
<b>Cover Page</b>	1 page maximum	The cover page should include the project title, the specific announcement Topic Area being addressed, both the technical and business points of contact, names of all team member organizations, the project location(s), and any statements regarding confidentiality.
<b>Technical Description and Impacts</b>	1 page maximum	Applicants are required to describe succinctly: <ul style="list-style-type: none"><li>• The planned activities, including any relevant processes and procedures;</li><li>• How the proposed project will address barriers and challenges experienced in providing deep energy retrofits and/or workforce development;</li><li>• The specific innovation of the proposed process, its advantages over current processes, and the overall impact to the WAP network if the project is successful;</li><li>• Any previous validations of the solution, including relevant references and outcomes;</li><li>• Data collection and dissemination needed to inform program design, anticipated metrics, and timeline;</li><li>• The impact that E&amp;I funding would have on the proposed project.</li></ul>
<b>Community Benefits Plan</b>	1 page maximum	Applicants are required to succinctly describe their approach to the Community Benefits Plan by attaching a screenshot of the project area using the CEJST and providing brief descriptions of their approaches to: <ul style="list-style-type: none"><li>• Establishing formal partnerships</li></ul>



		<ul style="list-style-type: none"> <li>• Advancing diversity, equity, inclusion, and accessibility (DEIA);</li> <li>• The Justice40 Initiative; and</li> <li>• Investing in America's workforce.</li> </ul>
<b>Addendum</b>	1 page maximum	<p>Applicants are required to succinctly describe the qualifications, experience, and capabilities of the proposed Project Team, including:</p> <ul style="list-style-type: none"> <li>• Whether the Lead Project Manager (LPM) and Project Team have the skill and expertise needed to successfully execute the project plan;</li> <li>• Whether the applicant has prior experience which demonstrates an ability to perform tasks of similar risk and complexity;</li> <li>• Whether the applicant has worked together with its teaming partners on prior projects or programs;</li> <li>• The contributions and resources each team member organization is committing to the project.</li> </ul> <p>Applicants may provide graphs, charts, or other data to supplement their Technical Description.</p>

DOE makes an independent assessment of each Concept Paper based on the criteria in Section V. of the FOA. DOE will encourage a subset of applicants to submit Full Applications. Other applicants will be discouraged from submitting a Full Application. See Section VI.A.

## **D. Content and Form of the Full Application**

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

Applicants will have approximately 60 days from receipt of the Concept Paper Encourage/Discourage notification on the Clean Energy Infrastructure eXCHANGE to prepare and submit a Full Application. Regardless of the date the applicant receives the Encourage/Discourage notification, the submission deadline for the Full Application remains the date and time stated on the FOA cover page.

All Full Application documents must be marked with the control number issued to the applicant.

### **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.

Section	Component	File Format	Page Limit	File Name
i.	Project Narrative	PDF	10	ControlNumber_LeadOrganization_ProjectNarrative
ii.	Community Benefits Plan	PDF	5	ControlNumber_LeadOrganization_CBenefits



iii.	Letters of Commitment	PDF	1 page each	ControlNumber_LeadOrganization_LOCs
iv.	Resumes	PDF	1 page each	ControlNumber_LeadOrganization_Resumes
v.	Budget Information	MS Excel	n/a	ControlNumber_LeadOrganization_Budget
vi.	Summary/Abstract for Public Release	PDF	1	ControlNumber_LeadOrganization_Summary
vii.	Summary Slide	MS PowerPoint	1	ControlNumber_LeadOrganization_Slide
viii.	SF-424: Application for Federal Assistance	PDF	n/a	ControlNumber_LeadOrganization_App424
iv.	SF-LLL Disclosure of Lobbying Activities	PDF	n/a	ControlNumber_LeadOrganization_SF-LLL
<b>The following items are required, if applicable</b>				
x.	Foreign Entity Waiver Requests and Foreign Work Waiver Requests	PDF	n/a	ControlNumber_LeadOrganization_Waiver
xi.	Potentially Duplicative Funding Notice	PDF	N/A	ControlNumber_LeadOrganization_PDFN.pdf
<b>Additional items to be required if applicant is selected for negotiation:</b>				
i.	Statement of Project Objectives	MS Word	10	
ii.	Full Budget Justification Workbook	MS Excel	n/a	
iii.	Subrecipient Budget Justification, if applicable	MS Excel	n/a	

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

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

### **i. Project Narrative**

The Project Narrative should clearly describe and expand upon information provided in the Concept Paper.

The Project Narrative must conform to the following content and form requirements. The Project Narrative may not be more than 10 pages, including the cover page, any charts, graphs, maps, photos, or other graphics, and must include all of the information in the table below. The applicant should consider the weighting of each of the technical review criteria (see Section V) when preparing the Project Narrative.

Applicants may provide citations and references to research to justify the claims and approaches made in the Technical Volume, if applicable. However, DOE and reviewers are under no obligation to review cited sources. Save the Project Narrative in a single PDF file using the following convention for the title "ControlNumber\_LeadOrganization\_ProjectNarrative."



Project Narrative Content Requirements	
SECTION (Recommended # of pages)	DESCRIPTION
Cover Page (1)	<p>The cover page should include the following:</p> <ul style="list-style-type: none"><li>• Control number, Project title</li><li>• FOA Topic Area being addressed</li><li>• Prime applicant organization, Names of all team member organizations</li><li>• Names and contact information for both the technical and business points of contact</li><li>• The project location(s), including zip codes if known</li><li>• Federal budget requested, as divided among prime and sub-recipients, if applicable</li><li>• Any statements regarding confidentiality, if applicable</li></ul>
Project Overview (1)	<p>The Project Overview should contain the following information:</p> <ul style="list-style-type: none"><li>• <b>Background:</b> The applicant should discuss the background of their organization, including the history, successes, and any past or current weatherization projects underway which are relevant to the technical topic being addressed in the Full Application.</li><li>• <b>Project Team:</b> The applicant should include a list of project members and evidence that the prime applicant is an existing WAP Grantee, Subgrantee, or nonprofit.</li><li>• <b>Project Goal:</b> The applicant should explicitly identify the targeted objectives and metrics and the factors required to achieve those metrics, including the ways in which the proposed project location, skilled workforce, community benefits, etc. will contribute to the success of the project.</li><li>• <b>DOE Impact:</b> The applicant should discuss the impact that DOE funding would have on the proposed project. Applicants should specifically explain how DOE funding, relative to prior, current, or anticipated funding from other public and private sources, is necessary to achieve the project objectives.</li></ul>
Technical Description, Innovation, and Impact (3)	<p>The Technical Description should contain the following information:</p> <ul style="list-style-type: none"><li>• <b>Relevance and Outcomes:</b> The applicant should provide a detailed description of the proposed project. This section should describe the relevance of the proposed project to the goals and objectives of the FOA. The applicant should clearly specify the expected outcomes of the project including estimates for the number of units that will be weatherized and the number of workers planned to be hired and retained.</li><li>• <b>Costs/Savings:</b> For topics 1 and 2, the applicant should show calculations for determining the projected return on investment or payback, and any non-energy benefits included in the calculation.</li><li>• <b>Feasibility:</b> The applicant should demonstrate the technical feasibility of the proposed project and capability of achieving the anticipated performance targets, including a description of previous work done and prior results.</li><li>• <b>Innovation and Impacts:</b> The applicant should describe the specific innovation of the proposed process, its advantages over current processes, and the potential for replication by the WAP network if the project is successful.</li></ul>
Workplan (4)	<p>The Workplan should include a summary of the Project Objectives, Technical Scope, Work Breakdown Structure (WBS), Milestones, and Project Schedule. The Workplan should contain the following information:</p>



- **Project Objectives:** The applicant should provide a clear and concise (high-level) statement of the goals and objectives of the project as well as the expected outcomes.
- **Technical Scope Summary:** The applicant should provide a summary description of the overall work scope and approach to achieve the objective(s). The overall work scope is to be divided by project periods that are separated by discrete, approximately annual milestones. The applicant should describe the specific expected end result of each project period, including milestones relevant to the Community Benefits Plan.
- **WBS and Task Description Summary:** The Workplan should describe the work to be accomplished and how the applicant will achieve the milestones, will accomplish the final project goal(s), and will produce all deliverables. The Workplan is to be structured with a hierarchy of annual project periods, tasks, and subtasks. The Workplan shall contain a detailed description of the specific activities 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). It is the applicant’s responsibility to prepare an adequately detailed task plan to describe the proposed project and the plan for addressing the objectives of this FOA.
- **Milestone Summary:** The applicant should provide a summary of appropriate milestones throughout the project to demonstrate success. A milestone may be either a progress measure (which can be activity based) or a SMART technical milestone. SMART milestones should be Specific, Measurable, Achievable, Relevant, and Timely, and must demonstrate a technical achievement rather than simply completing a task. Unless otherwise specified in the FOA, the minimum requirement is that each project must have at least one milestone per quarter for the duration of the project with at least one SMART technical milestone per year (depending on the project, more milestones may be necessary to comprehensively demonstrate progress). The applicant should also provide the means by which the milestone will be verified.
- **End of Project Goal:** The applicant should provide a summary of the end of project goal(s). At a minimum, each project must have one SMART end of project goal. The summary provided should be consistent with the SOPO.
- **Project Schedule (Gantt Chart or similar):** The applicant should provide a schedule for the entire project, including task and subtask durations, and milestones.
- **Buy America Requirements for Infrastructure Projects:** Within the first 2 pages of the Workplan, include a short statement on whether the project will involve the construction, alteration, and/or repair of infrastructure in the United States. See [Appendix B](#) for applicable definitions and other information to inform this statement.
- **Project Management:** The applicant should discuss the team’s proposed management plan, including the following:
  - The overall approach to and organization for managing the work.
  - The roles of each project team member.
  - Any critical handoffs/interdependencies among project team members.
  - The technical and management aspects of the management plan, including systems and practices, such as financial and project management practices.
  - The approach to project risk management, including a plan for securing a qualified workforce and mitigating risks to project performance including but not limited to community or labor disputes.
  - A description of how project changes will be handled.



	<ul style="list-style-type: none"><li>○ If applicable, the approach to Quality Assurance/Control.</li><li>○ How communications will be maintained among project team members.</li></ul>
<b>Technical Qualifications and Resources (2)</b>	<p>The Technical Qualifications and Resources should contain the following information:</p> <ul style="list-style-type: none"><li>• Describe the project team’s unique qualifications and expertise, including those of key subrecipients.</li><li>• Describe the project team’s existing and leveraged resources that will facilitate the successful completion of the proposed project; include a justification of any new equipment requested as part of the project.</li><li>• Include relevant, previous work efforts, demonstrated innovations, and how these enable the applicant to achieve the project objectives.</li><li>• Describe the time commitment of the key team members to support the project.</li><li>• Describe the skills, certifications, or other credentials of the construction and ongoing operations workforce.</li><li>• For multi-organizational projects, describe succinctly:<ul style="list-style-type: none"><li>○ The roles and the work to be performed by the Project Manager and senior/key personnel at the prime and sub levels;</li><li>○ Business agreements between the applicant and sub;</li><li>○ Planned community partnerships;</li><li>○ How the various efforts will be integrated and managed;</li><li>○ Process for making decisions on technical direction;</li><li>○ Publication arrangements;</li><li>○ Intellectual Property issues; and</li><li>○ Communication plans.</li></ul></li></ul>

## ii. Community Benefits Plan

The Community Benefits Plan must set forth the applicant’s approach to ensuring the Federal investments advance the following four objectives: (1) establish formal partnerships; (2) advance diversity, equity, inclusion, and accessibility (DEIA); (3) make progress toward the Justice40 Initiative; and (4) invest in America’s workforce. The sections below set forth the content requirements for the Community Benefits Plan, which addresses each of the objectives. **Applicants must address all four sections.**

The Community Benefits Plan template and further guidance have been developed to assist applicants with this new requirement. See [Appendix C](#) for additional guidance regarding the four required Community Benefits Plan sections and [Appendix D](#) for the template.

The applicant’s Community Benefits Plan **must include at least one Specific, Measurable, Achievable, Relevant, and Timely (SMART) milestone per objective listed above**, for a minimum of four SMART milestones throughout the period of performance, to measure progress on the proposed actions. If DOE selects a project, DOE will incorporate the Community Benefits Plan into the award and the recipient must implement its Community Benefits Plan as part of carrying out its project. Public transparency around the plan and SMART commitments is necessary for ensuring accountability. In addition, during the life of the DOE award, DOE will evaluate the recipient’s progress towards milestones.

The plan should be specific to the proposed project and not a restatement of organizational policies. While some guidance and example activities are provided in [Appendix C](#), applicants are encouraged to leverage promising practices and develop a plan that is tailored for their project.

The Community Benefits Plan must not exceed 5 pages. It must be submitted in PDF format using the following convention name for the title: “Control Number\_LeadOrganization\_CBenefits.” This Plan must address the technical review criterion titled, “Community Benefits Plan.” See Section V. of the FOA.

For additional information, see [Community Benefits Plan Frequently Asked Questions \(FAQs\) | Department of Energy](#).

The applicant’s Community Benefits Plan should address the following four sections:

**1. Partnerships:** Formal partnerships with other organizations and service providers can enhance outcomes for beneficiaries and workers. Applicants must describe established and planned formal partnerships, including any formal agreements with any organizations that will enhance outcomes for beneficiaries and workers.

**2. Diversity, Equity, Inclusion, and Accessibility (DEIA):** To build a clean and equitable energy economy, it is important that there are opportunities for people of all racial, ethnic, socioeconomic, and geographic backgrounds, sexual orientation, gender identity, persons with disabilities, and those re-entering the workforce from incarceration. This section of the plan must demonstrate how DEIA is incorporated into the project. The plan must identify the specific action(s) the applicant would undertake that integrates into the project goal(s). Submitting an institutional DEIA plan without specific integration into the project will be deemed insufficient.

**3. Justice40 Initiative:** Applicants must provide an overview of benefits to disadvantaged communities that the project can deliver, supported by measurable milestones. and screening of the proposed project locale with the [Climate and Economic Justice Screening Tool](#). This section should also describe the applicant’s actions to date and future plans to engage with Tribal governments and community stakeholders – such as local governments and community-based organizations that support or work with underserved communities, including Disadvantaged Communities as defined for purposes of the Justice40 Initiative. By facilitating community input, social buy-in, and accountability, such engagement can substantially reduce or eliminate stalls or slowdowns, litigation, and other risks associated with project implementation.

At minimum, the Justice40 Initiative section must include a screenshot of the project area in the CEJST that identifies any applicable disadvantaged communities in and around the project area to which the anticipated project benefits will flow, and a brief description of the area.





**4. Invest in America's workforce:** 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. The Plan should describe how the project will address a challenge facing the weatherization workforce, describe the anticipated impacts of the project on the workforce, and outline the applicant's approach to investing in workforce education and training of both new and incumbent workers – including through quality pre-apprenticeships and registered apprenticeship programs and ensuring jobs are of sufficient quality to attract and retain skilled workers in the broader industry.

Additional guidance regarding the four required Community Benefits Plan sections is included in [Appendix C](#) and the Community Benefits Plan template is included in [Appendix D](#).

For projects funded under this FOA, DOE will provide specific reporting guidance for the benefits described above.

### **iii. Letters of Commitment**

Submit letters of commitment from all subrecipients, third-party providers of leveraged resources, and planned community partnerships. If applicable, the letter must state that the third party is committed to providing a specific dollar amount or value of in-kind contributions. The following information for each third party contributing leveraged resources should be identified: (1) the name of the organization; (2) the proposed dollar amount to be provided; and (3) the proposed leveraging type – (cash-or in-kind contributions). Each letter must not exceed 1 page. Save the letters of commitment in a single PDF file using the following convention for the title "ControlNumber\_LeadOrganization\_LOCs".

Letters of support or endorsement for the project from entities that do not have a substantive role in the project will not be accepted.

### **iv. Resumes**

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 one-page resume for each project manager and key personnel that includes the following:

1. Contact Information;
2. Education: Include 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 professional/academic positions in chronological order with a brief description;
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; and





Save the resumes in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_Resumes”.

#### **v. Budget Information**

Complete all required fields in the template provided on the Clean Energy Infrastructure eXCHANGE under “Full Application Attachments.” Save the file using the following convention for the title “ControlNumber\_LeadOrganization\_Budget”.

#### **vi. Summary/Abstract for Public Release**

Applicants must submit a one-page summary of their project that is suitable for dissemination to the public. It should be a self-contained document that identifies the name of the applicant, the lead project manager/principal investigator(s), the project title, the objectives of the project, a description of the project, including methods to be employed, the potential impact of the project (e.g., benefits, outcomes), major participants (for collaborative projects), and the project’s commitments and goals described in the Community Benefits Plan. This document must not include any proprietary or sensitive business information as DOE may make it available to the public after selections are made. The summary must not exceed 1 page when printed using standard 8.5 x 11 paper with 1” margins (top, bottom, left, and right) with font not smaller than 12 point. Save the Summary for Public Release in a single PDF file using the following naming convention “ControlNumber\_LeadOrganization\_Summary”.

#### **vii. Summary Slide**

Applicants must provide a single slide summarizing the proposed project. The Summary Slide template must include the following information:

- A project summary;
- A description of the project’s impact;
- Proposed project goals;
- Any key graphics (illustrations, charts and/or tables);
- Topline community benefits;
- Project title, prime recipient, Lead Project Manager, and senior/key personnel information; and
- Requested DOE funds and proposed leveraged funds, if applicable.

Save the Summary Slide in a single Microsoft PowerPoint file using the following convention for the title “ControlNumber\_LeadOrganization\_Slide”.

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

Applicants must complete the SF-424: Application for Federal Assistance, which is available on the Clean Energy Infrastructure eXCHANGE at <https://infrastructure-exchange.energy.gov>. The list of certifications and assurances in Field 21 can be found at <http://energy.gov/management/office-management/operational-management/financial->



[assistance/financial-assistance-forms](#), under Certifications and Assurances. 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”.

#### **ix. SF-LLL: Disclosure of Lobbying Activities**

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

Recipients and subrecipients are required to complete and submit SF-LLL, “Disclosure of Lobbying Activities” (<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”.

#### **x. Foreign Entity Waiver Requests and Foreign Work Waiver Requests (if applicable)**

##### **Foreign Entity Participation**

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

##### **Foreign Work Waiver Request**

As set forth in Section IV.K.iii., all work for projects selected under this FOA must be performed in the United States. To request a waiver of this requirement, the applicant must submit an explicit waiver request in the Full Application. [Appendix A](#) lists the information that must be included in a foreign work waiver request.

Save the Waivers in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_Waiver”.



#### **xi. Potentially Duplicate Funding Notice (if applicable)**

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

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

### **E. Post Selection Information Requests**

If selected for award negotiations, DOE reserves the right to require that selected applicants provide additional or clarifying information regarding the application submissions, the project, the project team, the award requirements, and any other matters related to anticipated award. The following items will be required:

#### **i. Statement of Project Objectives (SOP)**

Applicants selected for negotiations are required to complete a SOP. A SOP template is available on the Clean Energy Infrastructure eXCHANGE at <https://infrastructure-exchange.energy.gov/>. The SOP, including the Milestone Table, must not exceed 10 pages when printed using standard 8.5 x 11 paper with 1" margins (top, bottom, left, and right) with font not smaller than 12-point (except in figures or tables, which may be 10-point font).

#### **ii. Full Budget Justification Workbook**

Applicants selected for negotiation must complete the Budget Justification Workbook, which is available on the Clean Energy Infrastructure eXCHANGE at <https://infrastructure-exchange.energy.gov/>. Applicants must complete each tab of the Budget Justification Workbook for the project as a whole, including all work to be performed by the prime recipient and its subrecipients and contractors. Applicants should include costs associated with implementing the various BIL-specific requirements (e.g., Buy America requirements for infrastructure projects, Davis Bacon, Community Benefits Plan, reporting, oversight) and with required annual audits and incurred cost proposals in their proposed budget documents. Such costs may be reimbursed as a direct or indirect cost. The "Instructions and Summary" included with the Budget Justification Workbook will auto-populate as the applicant enters information

into the Workbook. Applicants must carefully read the “Instructions and Summary” tab provided within the Budget Justification Workbook.

### **iii. Subrecipient Budget Justification (if applicable)**

Applicants selected for negotiation must provide a separate budget justification for each subrecipient that is expected to perform work estimated to be more than \$250,000 or 25 percent of the total work effort (whichever is less). The budget justification must include the same justification information described in the “Budget Justification” section above.

## **F. Content and Form of Replies to Reviewers Comments (Optional Submission)**

DOE will provide applicants with reviewer comments following the evaluation of all eligible Full Applications. Applicants have a brief opportunity to prepare a short Reply to Reviewer Comments (Reply). The Reply must not exceed three (3) pages. If a Reply is more than three (3) pages in length, DOE will review only the first three (3) pages and disregard any 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.

DOE will post the reviewer comments in the Clean Energy Infrastructure eXCHANGE. The expected submission deadline is on the cover page of the FOA; however, it is the applicant’s responsibility to monitor the Clean Energy Infrastructure eXCHANGE in the event that 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 the Clean Energy 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. DOE will review and consider each eligible Full Application, even if no Reply is submitted or if the Reply is found to be ineligible.



## **G. 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) be registered in the SAM at <https://www.sam.gov> before submitting its application; (2) provide a valid UEI number in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. 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, the DOE will determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

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

## **H. Submission Dates and Times**

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

## **I. Intergovernmental Review**

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

## **J. 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 (selectee) must request prior written approval to charge pre-award costs. Pre-award costs are those incurred prior to the effective date of the

federal award directly pursuant to the negotiation and in anticipation of the federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the federal award and only with the written approval of the federal awarding agency, through the DOE Contracting Officer.

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

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

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

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

DOE does not guarantee or assume any obligation to reimburse pre-award costs incurred prior to receiving written authorization from the Contracting Officer. If the applicant elects to undertake activities that DOE determines may have an adverse effect on the environment or limit the choice of reasonable alternatives prior to receiving such written authorization from the Contracting Officer, the applicant is doing so at risk of not receiving federal funding for 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 override the requirement to obtain the written authorization from the Contracting Officer prior to taking any action that may have an adverse effect on the environment or limit the choice of reasonable alternatives. Likewise, if an application is selected for negotiation of award, and the prime recipient elects to undertake activities that are not authorized for federal funding by the Contracting Officer in advance of DOE completing a NEPA review, the prime recipient is doing so at risk of not receiving federal funding and such costs may not be recognized as allowable cost share.

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

#### **1. Requirement**

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



## **2. Failure to Comply**

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

## **3. Waiver**

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

Save the waiver request(s) in a single PDF file. The applicant does not have the right to appeal DOE's decision concerning a waiver request.

## **iv. Construction**

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

DOE strongly encourages the use of project labor agreements (PLAs) in connection with construction projects. A PLA is a pre-hire agreement between a private entity (or entities) and a labor organization (or organizations) representing individuals who will be working on the construction project. Applicants that commit to using best-practice project labor agreements will generally be likely to produce a construction workforce plan that meets the criteria in this FOA. By contrast, applicants that do not commit to using a PLA will be required to submit workforce continuity plans and show that they have taken other measures to reduce the risk of delays in project delivery.

For large construction projects, DOE may require a PLA. Assessment of applicability will be conducted on a case-by-case basis.

## **v. Foreign Travel**

Foreign travel costs are not allowable under this FOA.

## **vi. Equipment and Supplies**

Property disposition may be required at the end of a project if the current fair market value of property exceeds \$5,000. For-profit entity disposition requirements are set forth at 2 CFR 910.360. Property disposition requirements for other non-federal entities are set forth in 2 CFR 200.310 – 200.316.



### **vii. 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 that term is 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 B](#) of this FOA to determine whether their project may have to apply this requirement, both to make an early determination as to the need of a waiver, as well as to determine what impact, if any, this requirement may have on the proposed project's budget.

Please note that, based on implementation guidance from the Office of Management and Budget (OMB) 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: (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 manufactured products domestically 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 B](#) and the terms and conditions of an award.



Applicants are strongly encouraged to consult [Appendix B](#) for more information.

### **viii. Davis-Bacon Act Requirements**

Projects awarded under this FOA will be funded under Division D of the BIL. Accordingly, per Sections 41101 and 40551, *for work performed on multifamily buildings with no fewer than 5 units*, all laborers and mechanics employed by the recipient, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work funded in whole or in part under this FOA shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the “Davis-Bacon Act” (DBA).

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

Applicants acknowledge that they will comply with all of the Davis-Bacon Act requirements, including but not limited to:

- (1) Ensuring that the wage determination(s) and appropriate Davis-Bacon clauses and requirements are flowed down to and incorporated into any applicable subcontracts or subrecipient awards;
- (2) Ensuring that if wage determination(s) and appropriate Davis-Bacon clauses and requirements are improperly omitted from contracts and subrecipient awards, the applicable wage determination(s) and clauses are retroactively incorporated to the start of performance;
- (3) Being responsible for compliance by any subcontractor or subrecipient with the Davis-Bacon labor standards;
- (4) Receiving and reviewing certified weekly payrolls submitted by all subcontractors and subrecipients for accuracy and to identify potential compliance issues;
- (5) Maintaining original certified weekly payrolls for 3 years after the completion of the project and must make those payrolls available to the DOE or the United States Department of Labor (“DOL”) upon request, as required by 29 CFR 5.6(a)(2);



- (6) Conducting payroll and job-site reviews for construction work, including interviews with employees, with such frequency as may be necessary to assure compliance by its subcontractors and subrecipients and as requested or directed by DOE;
- (7) Cooperating with any authorized representative of DOL in their inspection of records, interviews with employees, and other actions undertaken as part of a DOL investigation;
- (8) Posting in a prominent and accessible place the wage determination(s) and DOL Publication: WH-1321, Notice to Employees Working on Federal or Federally Assisted Construction Projects;
- (9) Notifying the Contracting Officer of all labor standards issues, including all complaints regarding incorrect payment of prevailing wages and/or fringe benefits, received from the recipient, subrecipient, contractor, or subcontractor employees; significant labor standards violations, as defined in 29 CFR 5.7; disputes concerning labor standards pursuant to 29 CFR Parts 4, 6, and 8 and as defined in FAR 52.222-14; disputed labor standards determinations; DOL investigations; or legal or judicial proceedings related to the labor standards under this Contract, a subcontract, or subrecipient award; and
- (10) Preparing and submitting to the Contracting Officer, the Office of Management and Budget Control Number 1910-5165, Davis Bacon Semi-Annual Labor Compliance Report, by April 21 and October 21 of each year. Form submittal will be administered through the iBenefits system (<https://doeibenefits2.energy.gov>), its successor system, or other manner of compliance as directed by the Contracting Officer.

Recipients of funding under this FOA will also be required to undergo Davis-Bacon Act compliance training and to maintain competency in Davis-Bacon Act compliance. The Contracting Officer will notify the recipient of any DOE sponsored Davis-Bacon Act compliance trainings. The DOL offers free Prevailing Wage Seminars several times a year that meet this requirement, at <https://www.dol.gov/agencies/whd/government-contracts/construction/seminars/events>.

For additional guidance on how to comply with the Davis-Bacon provisions and clauses, see <https://www.dol.gov/agencies/whd/government-contracts/construction> and <https://www.dol.gov/agencies/whd/government-contracts/protections-for-workers-in-construction>.

DOE anticipates contracting with a third party for a Davis-Bacon Act electronic payroll compliance software application. Recipients of funding under this FOA must ensure the timely electronic submission of weekly certified payrolls through this software as part of its compliance with the Davis-Bacon Act unless a waiver is granted to a particular contractor or subcontractor because it is unable or limited in its ability to use or access. Applicants should indicate if they will seek a waiver.



## **ix. 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 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.

## **x. 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 Part 180, and must require non-federal entities to comply with these provisions. These provisions restrict federal awards, subawards and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal programs or activities.

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



### **xi. Invoice Review and Approval**

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

- Summary of costs by cost categories;
- Timesheets or personnel hours report;
- Proof of compliance with the Davis-Bacon Act and electronic submittals of certified payroll reports;
- Invoices/receipts for all travel, equipment, supplies, contractual, and other costs;
- UCC filing proof for equipment acquired with project funds by for-profit recipients and subrecipients;
- Explanation of cost share for invoicing period;
- Analogous information for some subrecipients; and
- Other items as required by DOE.

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

#### **a. Prohibition**

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

#### **b. Definitions**

- 1. Foreign Government-Sponsored Talent Recruitment Program.** An effort directly or indirectly organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals



of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to U.S. entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

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

### **xiii. 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 Assistance Guide<sup>47</sup> to gain an understanding of the requirements and possible actions the recipients, subrecipients,

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<sup>47</sup> 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>



contractors, and subcontractors must take. Additional guidance may also be found in the National Policy Assurances, produced by DOE.

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

#### **xiv. Foreign Collaboration Considerations**

- a. Consideration of new collaborations with foreign organizations and governments. The recipient will be required to provide DOE with advanced written notification of any potential collaboration with foreign 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 organization or government regarding the potential collaboration or negotiating the terms of any potential agreement.
- b. Existing collaborations with foreign 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.

## **V. Application Review Information**

### **A. Technical Review Criteria**

#### **i. Concept Papers**

Concept Papers are evaluated based on consideration the following factors. All sub-criteria are of equal weight.

#### **Concept Paper Criterion: Overall FOA Responsiveness and Viability of the Project (Weight: 100%)**

This criterion involves consideration of the following factors:

- The applicant clearly describes the proposed project, how it will advance the WAP goals in a unique and innovative way;
- The applicant has identified risks and challenges, including possible mitigation strategies, and has shown the impact that DOE funding and the proposed project would have on the WAP network;
- The applicant has the qualifications, experience, capabilities, and resources necessary to complete the proposed project; and
- The proposed work, if successfully accomplished, would clearly meet the objectives as stated in the FOA.

#### **ii. Full Applications**

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

#### **Criterion 1: Technical Merit, Innovation, and Impact (50%)**

- Extent to which the application specifically and convincingly demonstrates how the applicant will deliver the proposed enhancement or innovation;
- Extent to which the proposed program or process is unique, innovative, and of high impact;
- Extent to which the program or process is replicable and can be adopted by other WAP Grantees and Subgrantees and/or nonprofits;
- Extent to which the program or process supports the topic area and project objectives;
- Degree to which siting and environmental constraints are considered for deployment; and
- Extent to which project has the potential to reduce emissions and accelerate clean energy benefits for a community or region.

#### **Criterion 2: Project Approach and Implementation (20%)**

- Degree to which the approach has been clearly described and thoughtfully considered;



- Degree to which the task descriptions are clear, detailed, timely, and reasonable, resulting in a high likelihood that the proposed Workplan and SOPO will succeed in meeting the project goals;
- Discussion and demonstrated understanding of the key technical risk areas involved in the proposed work and the quality of the mitigation strategies to address them;
- Strength of the quantifiable metrics, milestones, and mid-point deliverables defined in the application, such that meaningful interim progress will be made; and
- Adequacy, reasonableness, and soundness of the project schedule, interim milestones, and metrics to track process.

### **Criterion 3: Team and Resources (10%)**

- The capability of the Project Manager(s) and the proposed team to address all aspects of the proposed work with a high probability of success;
- The qualifications, relevant expertise, and estimated time commitment of the individuals on the team;
- Degree to which the proposed project utilizes leveraged resources to achieve programmatic objectives;
- Diversity of expertise and perspectives of the team and the inclusion of industry partners that will amplify impact;
- The level of participation by project participants as evidenced by letter(s) of commitment and how well they are integrated into the Workplan; and
- The reasonableness of the budget and spend plan for the proposed project and objectives.

### **Criterion 4: Community Benefits Plan (20%)**

This criterion involves consideration of the following factors:

#### Partnerships

- Clear articulation of existing and planned formal partnerships with other organizations and service providers.
- Degree to which the formal agreements will enhance outcomes for beneficiaries and workers.

#### Diversity, Equity, Inclusion, and Accessibility (DEIA)

- Clear articulation of the project's goals related to diversity, equity, inclusion, and accessibility;
- Degree to which program provides work and training opportunities for underrepresented groups in the home energy performance and energy efficiency/DOE WAP workforce;
- Quality of the project's DEIA goals, as measured by the goals' depth, breadth, likelihood of success, inclusion of appropriate and relevant SMART milestones, and overall project integration; and
- Extent of engagement of organizations that represent underserved communities as a core element of their mission, including minority-serving institutions (MSIs), Minority Business Entities, and non-profit or community-based organizations.



#### Justice40 Initiative

- Screenshot of the project area using the CEJST to highlight disadvantaged communities in and around the project area;
- Clear articulation of the role of community engagement in the applicant's project;
- Clear articulation of the anticipated benefits to communities, particularly those that are disadvantaged; and
- Extent to which the applicant has demonstrated a plan to better understand and engage community stakeholders and tailor outreach and/or education efforts accordingly.

#### Workforce Development

- Quality and manner in which the proposed project will create, retain, and/or support pathways to high quality, good-paying jobs with employer-sponsored benefits for all classifications and phases of work;
- Extent to which applicant demonstrates that they are a responsible employer, as evidenced by the provision of above-average wage and benefits, and investments in worker training and advancement;
- Clear and comprehensive workplan tasks, staffing, research, and timeline for engaging workforce stakeholders and/or evaluating the possible near and long-term implications of the project for the U.S. workforce.

### **iii. Criteria for Replies to Reviewer Comments**

DOE 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 EERE's Notice of Objective Merit Review Procedure (76 Fed. Reg. 17846, March 31, 2011) and the guidance provided in the "DOE Merit Review Guide for Financial Assistance," effective October 2021, 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:

- The degree to which the proposed project exhibits diversity in scope when compared to the existing DOE project portfolio and other projects selected from the subject FOA;



- The degree to which the proposed project, including proposed leveraged resources, optimizes the use of available DOE funding to achieve programmatic objectives;
- The degree to which the proposed project is likely to lead to increased high-quality employment and manufacturing in the United States;
- The degree to which the proposed project, or group of projects, represent a desired geographic distribution (considering past awards and current applications);
- 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, or Indian Tribes;
- The degree to which the proposed project is supported by and partners with labor unions and registered apprenticeship programs.
- The degree to which the proposed project, when compared to the existing DOE project portfolio and other projects to be selected from the subject FOA, contributes to the total portfolio meeting the goals reflected in the Community Benefits Plan criteria;
- The degree to which the proposed project will employ procurement of U.S. iron, steel, manufactured products, and construction materials;
- The degree to which the proposed project has broad public support from the communities most directly impacted by the project;
- The number of dwelling units occupied by low-income persons that the applicant has built, renovated, repaired, weatherized, or made more energy efficient in the 5 years preceding the date of the application;
- The qualifications, experience, and past performance of the applicant, including experience successfully managing and administering Federal funds;
- The extent to which the project targets residential units with high energy burden; and
- The extent to which such applicant will utilize partnerships with existing WAP Grantees, Subgrantees, and regional coordination.

## **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, in determining which applications to select.

### **ii. Recipient Responsibility and Qualifications**

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



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

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

### **iii. Selection**

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

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

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

## **VI. Award Administration Information**

### **A. Award Notices**

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

Ineligible Concept Papers and 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 the eXCHANGE. The notification letter will state the basis upon which the Concept Paper or the Full Application is ineligible and not considered for further review.

#### **ii. Concept Paper Notifications**

DOE will notify applicants of its determination to encourage or discourage the submission of a Full Application. DOE will post these notifications to DOE Exchange. DOE may include general comments provided from reviewers on an applicant's Concept Paper in the encourage/discourage notifications.

Applicants may submit a Full Application even if they receive a notification discouraging them from doing so. By discouraging the submission of a Full Application, DOE intends to convey its lack of programmatic interest in the proposed project. Such assessments do not necessarily reflect judgments on the merits of the proposed project. The purpose of the Concept Paper



phase is to save applicants the considerable time and expense of preparing a Full Application that is unlikely to be selected for award negotiations.

### **iii. Full Application Notifications**

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

### **iv. Applicants Selected for Negotiation**

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

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

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

### **v. Alternate Selection Determinations**

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



## **vi. Unsuccessful Applicants**

DOE 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 before submitting an application in response to this FOA, and it is vital that applicants address these items as soon as possible. Some may take several weeks, and failure to complete them could interfere with an applicant's ability to apply to this FOA, or to meet the negotiation deadlines and receive an award if the application is selected. These requirements are as follows:

#### **1. Clean Energy Infrastructure eXCHANGE**

Register and create an account on the Clean Energy Infrastructure eXCHANGE at <https://infrastructure-exchange.energy.gov>. This account will then allow the user to register for any open DOE FOAs that are currently in the Clean Energy Infrastructure eXCHANGE. It is recommended that each organization or business unit, whether acting as a team or a single entity, use only one account as the contact point for each submission. Applicants should also designate backup points of contact so they may be easily contacted if deemed necessary. **This step is required to apply to this FOA.** The Clean Energy Infrastructure eXCHANGE registration does not have a delay; however, **the remaining registration requirements below could take several weeks to process and are necessary for a potential applicant to receive an award under this FOA.**

#### **2. System for Award Management**

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

#### **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](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. However, please note that Concept Papers and Full Applications will not be accepted through Grants.gov.



## **5. 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 the Clean Energy 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 foreign national's participation in the award. Likewise, DOE may elect to deny a foreign national's access to a DOE sites, information, technologies, equipment, programs, or personnel.

### **iv. Subaward and Executive Reporting**

Additional administrative requirements necessary for DOE grants and cooperative agreements to comply with the Federal Funding and Transparency Act of 2006 (FFATA) are contained in 2 CFR Part 170. Prime recipients must register with the new FFATA Subaward Reporting System database and report the required data on their first tier subrecipients. Prime recipients must report the executive compensation for their own executives as part of their registration profile in SAM.

### **v. National Policy Requirements**

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

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

DOE'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.

#### **vii. Historic Preservation**

DOE must comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA) prior to authorizing the use of Federal funds. Section 106 requires federal agencies to consider the effects on historic properties with projects they fund.

#### **viii. Flood Resilience**

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

#### **ix. Applicant Representations and Certifications**

##### **1. Lobbying Restrictions**

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

##### **2. Corporate Felony Conviction and Federal Tax Liability Representations**

In submitting an application in response 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 the following definitions apply:

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

### 3. Nondisclosure and Confidentiality Agreements Representations

In submitting an application in response 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 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.

**x. Statement of Federal Stewardship**

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

**xi. Subject Invention Utilization Reporting**

To ensure that prime recipients and subrecipients holding title to subject inventions are taking the appropriate steps to commercialize subject inventions, DOE may require that each prime recipient holding title to a subject invention submit annual reports for ten (10) years from the date the subject invention was disclosed to DOE on the utilization of the subject invention and efforts made by prime recipient or their licensees or assignees to stimulate such utilization. The reports must include information regarding the status of development, date of first commercial sale or use, gross royalties received by the prime recipient, and such other data and information as DOE may specify.

**xii. 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>.



### **xiii. Reporting**

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

Quarterly and annual reporting will be completed within DOE WAP's existing reporting system, Performance and Accountability for Grants in Energy (PAGE).

Additional reporting requirements apply to projects funded by BIL. 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:

- New manufacturing production, or recycling capacity
- Jobs data, including:
  - Number and types of jobs provided, wages, and benefits paid
  - Demographics of workforce including local hires
  - Efforts to minimize risks of labor disputes and disruptions
  - Contributions to training; certificates and training credentials received by employees; ratio of apprentice-to-journey level workers employed
  - 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
- Justice and Equity data, including:
  - 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.
  - Value, number, and type of partnerships with MSIs
  - Stakeholder engagement events, consent-based siting activities
  - Other relevant indicators from the Community Benefits Plan
- Number and type of energy efficient and clean energy equipment installed
- Funding leveraged, follow-on-funding, Intellectual Property (IP) Generation and IP Utilization

### **xiv. Conference Spending**

The recipient shall not expend any funds on a conference not directly and programmatically related to the purpose for which the grant or cooperative agreement was awarded that would defray the cost to the United States government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the United States government would otherwise exceed \$20,000, thereby circumventing the required notification by the head of any such Executive Branch department, agency, board, commission, or office to

the Inspector General (or senior ethics official for any entity without an Inspector General), of the date, location, and number of employees attending such conference.

#### **xv. 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 \$1,000,000, 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.

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

States, local governments, or other public entities may not condition sub-awards in a manner that would discriminate, or disadvantage sub-recipients 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 proposed 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 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 to practice 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 sub-recipient.

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 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)<sup>48</sup> is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is

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<sup>48</sup> 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](#).



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 lead project manager 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 their 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 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 (currently FAPIIS). 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.

## VII. Questions/Agency Contacts

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

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

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

## VIII. Other Information

### A. FOA Modifications

Amendments to this FOA will be posted on the Clean Energy Infrastructure eXCHANGE website 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. DOE 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

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

### C. Commitment of Public Funds

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



## D. Treatment of Application Information

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

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

If an applicant chooses to submit business sensitive, trade secrets, proprietary, or otherwise confidential information, the applicant must provide **two copies** of the submission (e.g., Concept Paper, 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 business sensitive, trade secrets, 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 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 business sensitive, trade secrets, proprietary, or otherwise confidential information:

### **Notice of Restriction on Disclosure and Use of Data:**

Pages [list applicable pages] of this document may contain business sensitive, trade secrets, 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 business sensitive, trade secrets, proprietary, or otherwise confidential information must be marked as follows:

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

### **E. Evaluation and Administration by Non-Federal Personnel**

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

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

Eligible activities under this 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**

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

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

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

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

### **I. Retention of Submissions**

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



## **J. 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:

Under 42 U.S.C. § 5908, title to subject inventions vests in the United States government and large businesses and foreign entities do not have the automatic right to elect to retain title to subject inventions. However, DOE may issue “class patent waivers” under which large businesses and foreign entities that meet certain stated requirements may elect to retain title to their subject inventions.

- Advance and Identified Waivers: For an applicant not covered by a Class Patent Waiver or the Bayh-Dole Act, the applicant 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 DOE within the timeframes set forth in the award’s intellectual property data 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.xxi. 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 providing written notice to DOE within 30 working days from the time it receives a copy of the determination.
- DOE may issue and publish on the website above further DEC’s prior to the issuance of awards under this FOA. DOE may require additional submissions or requirements as authorized by any applicable DEC.

## **K. Government Rights in Subject Inventions**

Where prime recipients and subrecipients retain title to subject inventions, the United States government retains certain rights.

## **Government Use License**

The United States 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 contractors doing work on behalf of the government.

## **March-In Rights**

The United States 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.

## **L. 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 United States 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 United States 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.

## **M. Copyright**

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

## **N. 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 uses *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.

## **O. Personally Identifiable Information (PII)**

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

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).



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## **P. 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, then a Single or Program-Specific Audit is required. For additional information, please refer to 2 CFR 200.501 and Subpart F.

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

## **Q. Informational Webinar**

DOE will conduct one informational webinar during the FOA process. It will be held after the initial FOA release but before the due date for Concept Papers.

Attendance is not mandatory and will not positively or negatively impact the overall review of any applicant submissions. As the webinar will be open to all applicants who wish to participate, applicants should refrain from asking questions or communicating information that would reveal confidential and/or proprietary information specific to their project. The specific date for the webinar can be found on the cover page of the FOA.





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## **APPENDIX A – WAIVER REQUESTS FOR: 1. FOREIGN ENTITY PARTICIPATION; AND 2. FOREIGN WORK**

### **1. Waiver for Foreign Entity Participation**

Many of the technology areas DOE funds fall in the category of critical and emerging technologies (CETs). CETs are a subset of advanced technologies that are potentially significant to United States national and economy security.<sup>49</sup> For projects selected under this FOA, all recipients must be organized, chartered, or incorporated (or otherwise formed) under the laws of a state or territory of the United States; have majority domestic ownership and control; and have a physical location for business operations in the United States. To request a waiver of this requirement for subrecipients, an applicant must submit an explicit waiver request in the Full Application.

#### **Waiver Criteria**

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

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

#### **Content for Waiver Request**

A Foreign Entity waiver request must include the following:

- a. Information about the entity: name, point of contact, and proposed type of involvement in the project;
- b. Country of incorporation, the extent of the ownership/level control by foreign entities, whether the entity is state owned or controlled, a summary of the ownership breakdown of the foreign entity and the percentage of ownership/control by foreign entities, foreign shareholders, foreign state, or foreign individuals;
- c. The rationale for proposing a foreign entity participate (must address criteria above);
- d. A description of the project's anticipated contributions to the United States economy;

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<sup>49</sup> See [Critical and Emerging Technologies List Update \(whitehouse.gov\)](https://www.whitehouse.gov/presidential-action/critical-and-emerging-technologies-list-update/).



- How the project will benefit the United States, including manufacturing, contributions to employment in the United States and growth in new markets and jobs in the United States;
- How the project will promote manufacturing of products and/or services in the United States;
- e. A description of how the foreign entity's participation is essential to the project;
- f. A description of the likelihood of Intellectual Property (IP) being created from the work and the treatment of any such IP; and
- g. Countries where the work will be performed (Note: if any work is proposed to be conducted outside the United States, the applicant must also complete a separate request foreign work waiver).

DOE may also require:

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

DOE may require additional information before considering the waiver request.

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

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

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

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

1. The rationale for performing the work outside the United States ("foreign work");



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

DOE may require additional information before considering the waiver request.

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



## **APPENDIX B – 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 additives<sup>50</sup>—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 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.

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<sup>50</sup> BIL, § 70917(c)(1).



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 materials<sup>51</sup> 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 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

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<sup>51</sup> Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.



recipient is a State, local government, Indian tribe, Institution of Higher Education, or nonprofit 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:

<https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>

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%.

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
- 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.



## APPENDIX C – COMMUNITY BENEFITS PLAN ADDITIONAL GUIDANCE

DOE is committed to catalyzing a clean energy transition while ensuring energy equity and energy justice<sup>52</sup> for disadvantaged communities and creating good quality, career-track jobs. The Community Benefits Plan sets forth the applicant’s framework to ensure the proposed project advances the following principles and priorities: partnerships, diversity, equity, inclusion, and accessibility (DEIA), Justice40, and investing in America’s workforce.

The goal of the four-section Community Benefits Plan is to allow the applicant to illustrate engagement in critical thought about implications of how the proposed work will benefit the broadest swaths of American people and lead to broadly shared prosperity, including for workers and disadvantaged communities.<sup>53</sup> The sections of the Community Benefits Plans are considered together because there may be significant overlap between audiences considered in workforce and disadvantaged communities.

For additional support with developing the Community Benefits Plan, please refer to the [DOE’s Community Benefits Plan Frequently Asked Questions \(FAQs\)](#) webpage. This new resource, though created primarily for projects funded by the Bipartisan Infrastructure Law (BIL), may be useful for non-BIL-funded Demonstration projects which are the main subject of this FOA template.

### Example Partnerships, DEIA, Justice40, and Workforce Components

Outlined below are examples of activities that applicants might consider when developing their Community Benefits Plan. Applicants are not required to implement any of these specific examples and should propose the Plan that best fits their project goals, institutional environment, team composition, and other factors. Creativity is encouraged.

#### Partnership

DOE strongly encourages applicants to use the innovation opportunity to enter into formal partnerships to enhance program outcomes. These partnerships could include workforce education and training providers, community-based organizations, labor unions, joint labor-management training programs, registered apprenticeship programs or other partners that bring resources or networks that will enhance outcomes for weatherization beneficiaries and the workers involved in the weatherization activities.

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<sup>52</sup> At DOE, we define energy justice as “the goal of achieving equity in both the social and economic participation in the energy system, while also remediating social, economic, and health burdens on those disproportionately harmed by the energy system” (Initiative for Energy Justice, 2019). Aligned with that document, the remainder of this document refers to this as, ‘energy equity,’ and is meant to encompass energy justice as well as DOE’s efforts related to Justice40.

<https://www.energy.gov/diversity/articles/how-energy-justice-presidential-initiatives-and-executive-orders-shape-equity>

<sup>53</sup> See footnote 2 for guidance on the definition and tools to locate and identify disadvantaged communities.



### **Diversity, Equity, Inclusion, and Accessibility (DEIA)**

DOE strongly encourages applicants to involve individuals and entities from disadvantaged communities. Tapping all the available talent requires intentional approaches and yields broad benefits.

Equity extends beyond diversity to equitable treatment. Equitable access to opportunity for members of the project team is paramount. This includes ensuring that all members of the team, including students, are paid a living wage, provided appropriate working conditions, and provided appropriate benefits. In the execution of their project plan, applicants are asked to describe efforts in diversity, equity, inclusion, and accessibility. In this context, efforts toward DEIA are defined as:<sup>54</sup>

- 1) the practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people,
- 2) the consistent and systematic fair, just, and impartial treatment of all individuals, including protecting workers rights and adhering to Equal Employment Opportunity laws,
- 3) the recognition, appreciation, and use of the talents and skills of employees of all backgrounds, and
- 4) the provision of accommodations so that all people, including people with disabilities, can fully and independently access facilities, information and communication technology, programs, and services.

Successful plans will describe the overall approaches to retention, engagement, professional development, and career advancement. Specifically, they will demonstrate clear approaches to ensure all team members' strengths are meaningfully leveraged and all members are provided opportunities and paths for career development, especially including paths for interns and trainees to secure permanent positions. Diversity should be considered at all levels of the project team, not just leveraging early career individuals to meet diversity goals.

When crafting the DEIA section of the Plan, applicants should describe the ways in which they will act to promote each of the four DEIA efforts above into their investigation. It is important to note that diversity, equity, inclusion, and accessibility are four different, but related, concepts that should not be

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<sup>54</sup> <https://www.whitehouse.gov/wp-content/uploads/2021/11/Strategic-Plan-to-Advance-Diversity-Equity-Inclusion-and-Accessibility-in-the-Federal-Workforce-11.23.21.pdf>



conflated. That is, you can achieve diversity without equity; all four must be addressed. Applicants could discuss how the proposed investigation could contribute to training and developing a diverse scientific workforce.

Applicants could describe the efforts they plan to take, or will continue to take, to create an inclusive workplace, free from retaliation, harassment, and discrimination. Applicants could outline any barriers to creating an equitable and inclusive workplace and address the ways in which the team will work to overcome these barriers within the bounds of the specific project. The plan could detail specific efforts to inform project team members in any capacity of their labor rights and rights under Equal Employment Opportunity laws, and their free and fair chance to join a union. Note that this inclusion of informing project team members is also incorporated into awards through the National Policy Assurances.

Equal treatment of workers, including students, is necessary but overcoming institutional bias requires intentionally reducing sometimes hidden barriers to equal opportunity. Applicants could consider measures like pay transparency, childcare, flexible schedules, paid parental leave, and other supports to ensure that societal barriers are not hindering realization of DEIA intentions. Some of these considerations may result in common approaches in different sections of the plan, and that is acceptable, as long as the submission is not a singular approach to all sections.

DOE especially encourages applicants to form partnerships with diverse and often underrepresented institutions, such as Minority Serving Institutions, labor unions, and community colleges that otherwise meet the eligibility requirements. Underrepresented institutions that meet the eligibility requirements are encouraged to lead these partnerships as the prime applicant. The DEIA section of the Plan could include engagement with underrepresented institutions to broaden the participation of disadvantaged communities and/or with local stakeholders, such as residents and businesses, entities that carry out workforce development programs, labor unions, local government, and community-based organizations that represent, support, or work with disadvantaged communities. Applicants should ensure there is transparency, accountability, and follow-through when engaging with community members and stakeholders.

**Specific DEIA examples relevant to all Topic Areas include:**

- Building collaborations and partnerships with Minority Serving Institutions
- Offering training, mentorship, education, and other support to students and early/mid-career professionals from disadvantaged



communities

- Providing efforts toward improving a workplace culture of inclusion
- Developing technology and technology integration innovations to meet the needs of disadvantaged communities
- Creating partnerships with local communities, especially under-resourced and disadvantaged communities
- Voluntary recognition of a union and informing employees of their rights, regardless of their classification
- Implementing training or distributing materials to reduce stigma towards individuals with disabilities
- Identified Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, and Veteran Owned Businesses recipient may solicit as vendors and sub-contractors for bids on supplies, services, and equipment

**Specific DEIA examples relevant to Topic Area 3 include:**

- Identifying workforce training partners to foster improved access to job opportunities for members of the community, including under-represented individuals and those facing barriers to employment, such as returning citizens.
- Plans to improve job access to underrepresented workers and to encourage development of programs that recruit women to WAP, including providing services such as childcare, transportation, etc.
- Plans to foster career pathways and promotions for underrepresented workers, especially in the home performance or clean energy industries.

**Justice40**

The Justice40 section should articulate how project proposals will drive equitable access to, participation in, and distribution of the benefits produced from successful E&I project outcomes to disadvantaged communities and groups. Community engagement is a key component of ensuring project benefits are realized by disadvantaged communities; applicants should consider the role community engagement will have in their project and outline any associated plans. These near- and long-term benefits may include, but are not limited to: a decrease in the percent of income a household spends on energy costs (energy burden<sup>55</sup>); a decrease in environmental exposure and burdens; increases in clean energy enterprise creation and

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<sup>55</sup> Energy burden is defined as the percentage of gross household income spent on energy costs:  
<https://www.energy.gov/DOE/slsc/low-income-community-energy-solutions>



contracting (e.g., women or minority-owned business enterprises); increased parity in clean energy technology access and adoption; increases in energy democracy, including community ownership; and an increase in energy resilience.

**Specific Justice40 examples relevant to all Topic Areas include:**

- Creating a plan to engage equity and justice stakeholders in evaluating the broader impacts of the project
- Plans to engage with community-based organizations that represent local stakeholders, such as residents and businesses, labor unions or worker organizations, local governments, disadvantaged communities, and/or community-based organizations.
- Describe how the proposed project strategy was informed by input from a wide variety of stakeholders
- Identification of any potential risks and negative impacts to disadvantaged communities located at or near the project site including plans to monitor, measure, and mitigate such negative impacts.

**Specific Justice40 examples relevant to Topic Area 1 include:**

- Proposed partnerships intended to solicit engagement and feedback on proposed activities that will help shorten the timeframe for moving multifamily buildings through the retrofit process, from energy audit to completion and inspection.
- Innovative approaches to resident education and communication.
- Deep energy retrofits that include renewable energy systems to significantly reduce household energy burden.
- Inclusion of health and safety enhancements to increase non-energy benefits.
- Recruitment and training of building/community residents to work in weatherization/home performance.
- Contracting with women and minority-owned businesses.

**Specific Justice40 examples relevant to Topic Area 2 include:**

- Coordination of outreach and marketing with community-based organizations, utility programs and other federally-funded low-income programs methods for targeting services to high energy-burden households.
- Partnership with community-based organizations to develop a community benefits plan.



- Addressing major repairs and structural issues preventing homes from being weatherized.
- Deep energy retrofits that include renewable energy systems to significantly reduce household energy burden.
- Inclusion of health and safety enhancements to increase non-energy benefits.
- Contracting with women and minority-owned businesses.

**Specific Justice40 examples relevant to Topic Area 3 include:**

- Plans to develop partnerships with existing community-based workforce development organizations, labor organizations and unions, trade schools, technical colleges, and/or local agencies and community-based organizations to reduce barriers to employment of underrepresented populations.
- Outline how disadvantaged communities will benefit from workforce development efforts, including but not limited to: access to job opportunities, business opportunities for local residents, recruitment efforts geared towards local workers, particularly those living in disadvantaged communities, provisions to pay wages and benefits at or above the prevailing rate
- Plans to develop formal partnerships or MOUs with existing community-based workforce development organizations, labor organizations and unions, trade schools, technical colleges, and/or local agencies and community-based organizations dedicated to reducing barriers to employment of underrepresented populations

**Investing in the American Workforce**

The Workforce section of the Community Benefits Plan should describe the applicant's 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 weatherization and related industries, and how workers will have access to career advancement opportunities.

**Specific Workforce examples relevant to all Topic Areas include:**

- Wages, benefits, and other worker supports to be provided, benchmarking against prevailing wages for construction and local median wages for other occupations
- 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 weatherization and related industries.

- It is the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association. Therefore, applicant should provide a description of how and if they plan to affirmatively support worker organizing and collective bargaining. Such as through:
  - a pledge to remain neutral during any union organizing campaigns,
  - intention or willingness to permit union recognition through card check (as opposed to requiring union elections),
  - intention or willingness to enter into binding arbitration to settle first contracts,
  - a pledge to allow union organizers access to appropriate onsite non-work places (e.g., lunch rooms),
  - a pledge to refrain from holding captive audience meetings,
  - other supportive commitments or pledges

**Specific Workforce examples relevant to Topic Area 3 include:**

- Describing proposed program activities that shorten the administrative time from initial recruitment to field readiness of new hires
- Outlining the challenges and opportunities for weatherization, energy efficiency, and/or clean energy recruitment and retention in the proposed project location
- Describe how recipient will provide appropriate and relevant professional training, certification, and licensure of weatherization its employees including articulation into registered apprenticeship programs
- Describing how Recipient will make training available to workers through labor-management training programs, registered apprenticeships, quality pre-apprenticeships, partnerships with community colleges, or sector-based approach to workforce development
- Describe partnerships with unions to support placement of workers trained through weatherization programs into registered apprenticeship programs to further occupational skill development in the energy efficiency and building performance space.
- Proposed training for innovative techniques and equipment installation, offering WAP trainees an entry way to broader





placements in the home performance or clean energy industries.

- Proposed program activities that support workers who are individuals from the community in which assistance is provided and/or from underrepresented groups in the home energy performance and energy efficiency workforce in their career development. Underrepresented groups include: minorities, women, veterans, individuals with disabilities, opportunity youth, returning citizens, and individuals who are socioeconomically disadvantaged;
- Provide support services to reduce barriers to employment for the above mentioned groups. Services include childcare, transportation, mentoring, counseling, etc.

### **Inclusion of SMART milestones**

DOE requires that the applicant's Community Benefits Plan include one Specific, Measurable, Achievable, Relevant and Timely (SMART) milestone for each section of the Community Benefits Plan (Partnerships, DEIA, Justice40, and Investing in the Workforce). An exemplar SMART milestone clearly answers the following questions:

- What needs to be accomplished?
- What measures and deliverables will be used to track progress toward accomplishment?
- What evidence suggests that the accomplishment is achievable?
- Why choose this milestone?
- When will the milestone be reached?



## APPENDIX D – COMMUNITY BENEFITS PLAN TEMPLATE

Community Benefits Plan  
Control Number  
[Recipient Organization Name]  
[Project Title]  
[Topic Area]

### **How to Use**

The instructional red text is for reference only and may be removed in the final version of the Community Benefits Plan. If needed, supplemental guidance is available in Appendix D. Please complete the following sections, indicating at least one SMART milestone for each overarching category (Partnerships, DEIA, Justice40, and Workforce).

### **Notice of Restriction on Disclosure and Use of Data:**

Pages [list applicable pages] of this document may contain confidential, proprietary, or privileged information that is exempt from public disclosure. Such information shall be used or disclosed only for evaluation purposes or in accordance with a financial assistance 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.

The header and footer of every page that contains confidential, proprietary, or privileged information must be marked as follows: “Contains Confidential, Proprietary, or Privileged Information Exempt from Public Disclosure.”

In addition, every line and paragraph containing proprietary, privileged, or trade secret information must be clearly marked with double brackets or highlighting.

### **Partnerships**

*Formal partnerships with other organizations and service providers can enhance outcomes for beneficiaries and workers.*

- 1. Describe the organizations already engaged with you in a formal partnership.**  
Examples: local governments, Tribal governments, labor unions, social support organizations, community colleges, registered apprenticeship programs, or other workforce education and training organizations serving workers with barriers to quality training and employment.
- 2. Describe any formal agreements with any of the organizations described above that will enhance outcomes for beneficiaries and workers.**
- 3. Describe organizations you plan to engage if successful.**



### Measuring Diversity, Equity, Inclusion, and Accessibility (DEIA)

*A DEIA plan helps organizations set goals for creative partnerships that bring diversity of thought and experience from various communities to the table.*

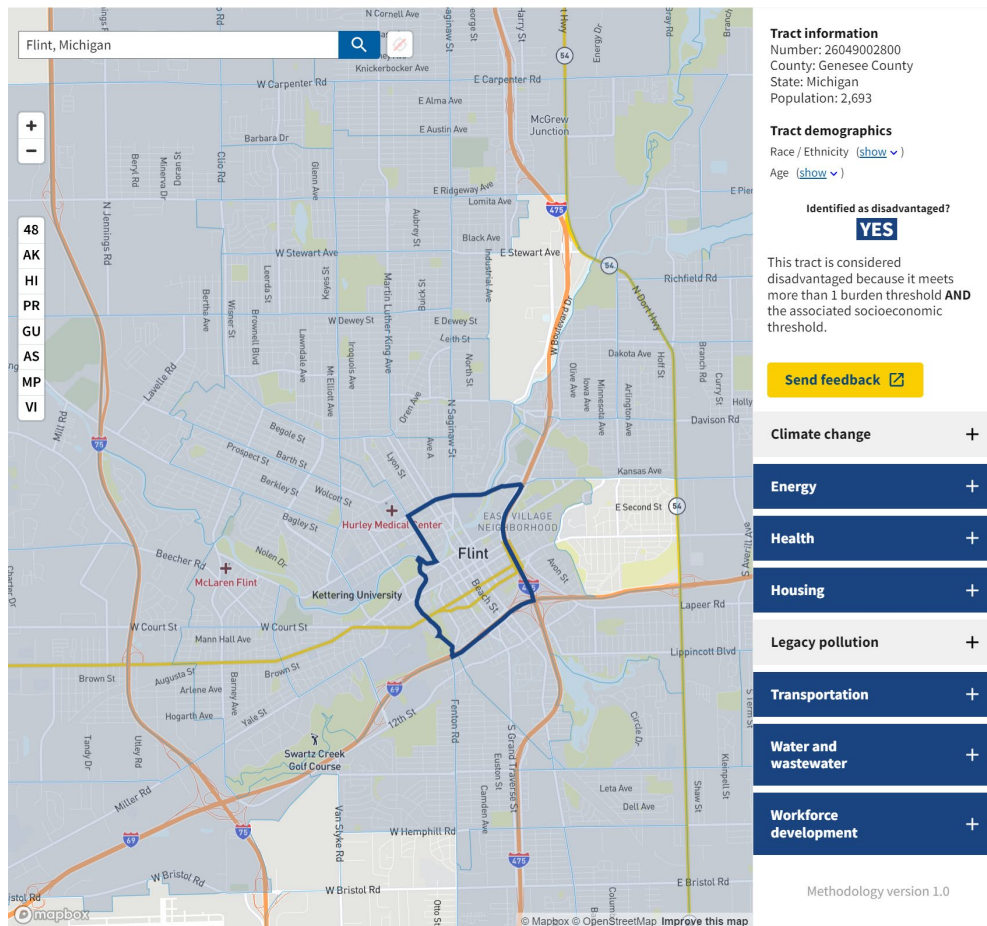
1. **What are your goals for staff and partner diversity, equity, inclusion, and accessibility (DEIA)?** *Successful plans will describe the overall approaches to retention, engagement, professional development, and career advancement of individuals from a variety of backgrounds, cultures, abilities, etc.*
2. **What actions do you plan to take to work towards these goals?**  
*Examples: participating in career day/recruiting events at minority-serving institutions (MSIs);<sup>56</sup> hiring individuals from the communities you work in; paying interns; offering or participating in mentorship or apprenticeship programs; conducting pay equity analyses; etc.*
3. **How will your project incorporate DEIA?** *Examples: [#] engagement events in disadvantaged communities; [%] of units completed in disadvantaged communities; [#] partnerships with minority serving institutions (MSIs); contracts with woman, veteran, and/or minority-owned businesses; etc.*

### Justice 40 Initiative

1. **Attach a screenshot of the project area(s) using the Climate and Economic Justice Screening Tool (CEJST) to identify which disadvantaged communities fall in the anticipated project area. Briefly describe the project area.** *An example screenshot is provided below.*

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<sup>56</sup> [Minority-serving institutions \(MSIs\)](#) are federally recognized Title IV colleges and universities that enroll high concentrations of minority students. Seven categories of MSI are defined in US law under Title III of the Higher Education Act of 1965.



**EXAMPLE DESCRIPTION:** The project will focus on multifamily buildings in downtown Flint, Michigan, though workforce recruitment will take place in surrounding neighborhoods, most of which are identified as disadvantaged.

**2. Describe how your team plans to engage community members living in disadvantaged communities.**

*How does your organization plan to build trust within the community? What methods will you employ to reach the community? How will you measure engagement? How will community feedback influence the project?*

**3. What applicable quantifiable, measurable, and trackable benefits will your project generate for the identified community? CEJST can help identify areas of need in the disadvantaged communities you aim to engage. Applicants may consider using any of the relevant DOE Justice40 Initiative benefits outlined below.**

- a. *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 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.*

#### Investing in America's Workforce

- 4. How will your project improve career opportunities for the weatherization workforce?** *Examples: above average pay and benefits, pre-apprenticeship training that leads to placement in registered apprenticeship, other paid training and skill development that will lead to wage increases and worker advancement in the industry.*
- 5. Describe how your workforce development efforts will benefit the disadvantaged communities in your project area.** *Examples: # of training opportunities available in disadvantaged communities; access to job opportunities; business opportunities for local residents; recruitment efforts, including quality pre-apprenticeship programs, geared towards local workers, particularly those living in disadvantaged communities; provisions to pay wages and benefits at or above the prevailing rate.*
- 6. Describe any plans to recruit or engage groups underrepresented in the home energy performance and energy efficiency workforce such as: minorities, women, veterans, individuals with disabilities, opportunity youth, returning citizens, and individuals who are socioeconomically disadvantaged.** *Examples: encourage development of programs that recruit women to WAP, including providing services such as childcare, transportation, etc.*
- 7. Describe the Applicant's plan to support worker organizing and collective bargaining.** *Applicant should add or delete commitments (and re-number appropriately) to reflect their specific plan.*

**Commitment C1.1:** a commitment to negotiate a Project Labor Agreement (PLA) for construction activity

**Commitment C1.2:** a pledge to remain neutral during any union organizing campaigns

**Commitment C1.3:** intention or willingness to permit union recognition through card check (as opposed to requiring union elections)

**Commitment C1.4:** intention or willingness to enter into binding arbitration to settle first contracts

**Commitment C1.5:** a pledge to allow union organizers access to appropriate onsite non-work places (e.g., lunch rooms)

**Commitment C1.6:** a pledge to refrain from holding captive audience meetings<sup>[1]</sup>

**Commitment C1.7:** other supportive commitments or pledges *[Describe]*



- 8. List any labor unions supporting the project and any commitments made to those partners.**



## APPENDIX E – LIST OF ACRONYMS

BIL	Bipartisan Infrastructure Law
CETs	Critical and Emerging Technologies
CEJST	Climate and Economic Justice Screening Tool
COI	Conflict of Interest
CRADA	Cooperative Research and Development Agreement
DEC	Determination of Exceptional Circumstances
DEIA	Diversity, Equity, Inclusion, and Accessibility
DOE	Department of Energy
DOI	Digital Object Identifier
DOL	Department of Labor
FAPIS	Federal Awardee Performance and Integrity Information System
FAR	Federal Acquisition Regulation
FCOI	Financial Conflicts of Interest
FFATA	Federal Funding and Transparency Act of 2006
FOA	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FFRDC	Federally Funded Research and Development Center
GAAP	Generally Accepted Accounting Principles
HBCUs	Historically Black Colleges and Universities
HSRD	Human Subjects Research Database
IPMP	Intellectual Property Management Plan
IRB	Institutional Review Board
M&O	Management and Operating
MFA	Multi-Factor Authentication
MOU	Memorandum of Understanding
MPIN	Marketing Partner ID Number
MSI	Minority-Serving institution
MYPP	Multi-Year Program Plan
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NNSA	National Nuclear Security Administration
NSF	National Science Foundation
OFCCP	Office of Federal Contractor Compliance Programs
OHRP	Office of Human Research Protection
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSS	Open-Source Software
OSTI	Office of Scientific and Technical Information
OTA	Other Transactions Authority
PII	Personal Identifiable Information
QCI	Quality Control Inspector





QWP	Quality Work Plan
RD&D	Research, Development, and Demonstration
RFI	Request for Information
RFP	Request for Proposal
SAM	System for Award Management
SCEP	State and Community Energy Programs
SciENCv	Science Experts Network Curriculum Vita
SERC	Sustainable Energy Resources for Consumers
SIR	Savings-to-Investment Ratio
SMART	Specific, Measurable, Achievable, Relevant, and Timely
SOPO	Statement of Project Objectives
SPOC	Single Point of Contact
SWS	Standard Work Specifications
STEM	Science, Technology, Engineering, and Mathematics
T&TA	Training & Technical Assistance
TAA	Technical Assistance Agreement
TIA	Technology Investment Agreement
UCC	Uniform Commercial Code
UEI	Unique Entity Identifier
WAP	Weatherization Assistance Program
WBS	Work Breakdown Structure
WP	Work Proposal
WPN	Weatherization Program Notice