



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

Weatherization Assistance Program Enhancement & Innovation

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Informational Webinar:	08/06/2024 2:00 p.m. ET
Submission Deadline for Full Applications:	10/11/2024 5:00 p.m. ET
Expected Date for SCEP Selection Notifications:	02/27/2025
Expected Timeframe for Award Negotiations:	March – June 2025

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

Questions about this FOA? Weatherization.Innovation@hq.doe.gov.

Problems with Clean Energy Infrastructure Exchange? Email infrastructureexchangesupport@hq.doe.gov. Include FOA name and number in subject line.



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



Modifications

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

Mod. No.	Date	Description of Modification
0002	09/18/2024	1. Revised the Submission Date for Full Applications 2. Updated the text in Section IV.C.viii. Budget Information
0001	08/14/2024	Updated the text in Section IV.C.iii. Project Narrative and the page requirement for the Workplan section



Executive Summary

Program Overview

This Funding Opportunity Announcement (FOA) is for the Weatherization Assistance Program (WAP) Enhancement & Innovation grant, issued by the U.S. Department of Energy (DOE)'s Office of State and Community Energy Programs (SCEP). This FOA provides an estimated \$36 million in competitive funding for WAP Grantees and Subgrantees (state, local, or Tribal governments) and 501(c)(3) 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 resources¹ 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 submit a Full Application to Clean Energy Infrastructure eXCHANGE. Full Applications detail the project proposal, team qualifications, budget, workplan, and a plan to incorporate diversity, equity, and inclusion.

¹ Examples of leveraged resources are provided in FOA Section I.C. FOA Objectives.



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I. Funding Opportunity Description

A. Background and Context

i. Background and Purpose

The U.S. Department of Energy (DOE) Weatherization Assistance Program (WAP) was created in 1976 with the primary purpose to increase the energy efficiency of dwellings owned or occupied by low-income persons, reduce their total residential energy expenditures, and improve their health and safety, especially 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.² A network of 56 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 the 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)³. Eligible applicants include current WAP Grantees and Subgrantees (state, local, or Tribal governments) and 501(c)(3) non-profit organizations⁴. DOE may reserve up to 6% of the annual WAP appropriation for E&I, with a maximum of \$25 million annually⁵.

Building a clean and equitable energy economy and addressing the climate crisis is a top priority of the Biden Administration. This FOA will advance the Biden Administration’s goals to achieve carbon pollution-free electricity by 2035 and to “deliver an equitable, clean energy future, and put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050”⁶ to the benefit of all Americans. DOE is committed to pushing the frontiers of science and engineering, catalyzing clean energy jobs through research, development, demonstration, and deployment (RDD&D), and ensuring environmental justice and inclusion of underserved communities.

The demonstration activities to be funded under this FOA will support the government-wide approach to the climate crisis by driving the innovation that can lead to the deployment of clean energy technologies, which are critical for

² Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad,” January 27, 2021.

³ 42 U.S.C. 6864d

⁴ 42 U.S.C. 6864d(b)

⁵ 42 U.S.C. 6864d(j)(1)(A)

⁶ Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad,” January 27, 2021.



climate protection. Specifically, this FOA will support the goals of carbon pollution-free electricity by 2035 and net zero GHG emissions by 2050 while also supporting quality jobs and economic growth by:

- Developing new methods for targeting and delivering deep energy retrofits to benefit communities disproportionately impacted by high energy burden;
- Increasing the number of homes eligible for energy efficiency retrofits by making homes weatherization ready, while also ensuring healthy indoor environments;
- Growing community partnerships and leveraging additional funds to maximize the installation of renewable and new technologies; and,
- Supporting workforce development and creating pathways to careers in the home performance, energy efficiency, and renewable energy sectors by hiring and retaining individuals underrepresented in these industries.

ii. Technology Space and Strategic Goals

This FOA seeks applications to expand the impact of SCEP'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. SCEP seeks proposals that drive innovative approaches to program coordination and service delivery, while fostering the collaboration of dynamic and diverse teams. Applicants are encouraged to use awarded funds from this FOA in conjunction with DOE WAP formula awards and other funding sources to deploy demonstration projects that have potential to be scaled nationally, enhance the benefits realized by underserved communities, and ensure an equitable transition to a clean-energy economy.⁷

Teams must be led by a WAP Grantee, Subgrantee, or 501(c)(3) nonprofit entity. Detailed 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, renewable energy, enhanced indoor air quality and healthy homes, and new methods to streamline DOE WAP implementation.

⁷ 42 USC 6864a



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.

Applicants should explore the delivery of DOE WAP services in similar geographic areas and/or with 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). Applicants must use the Climate and Economic Justice Screening Tool (CEJST)⁸ to identify disadvantaged communities within their proposed project territory. See Section IV.C.xv. Locations of Work for more information.

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

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 units weatherization ready, while also ensuring healthy indoor environments and protecting against displacement of low-income residents⁹.

Weatherization is designed to take place with a *whole building as a system approach* 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 policies and regulations allow 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.¹⁰ Benefits from weatherization services must accrue primarily to the low-income households occupying the buildings and protect against displacement of low-income households.¹¹

⁸ [Climate and Economic Justice Screening Tool](#)

⁹ 10 CFR 440.22(b)(3)

¹⁰ [WPN 22-12](#); 10 CFR 440.22(b)(2)

¹¹ 10 CFR 440.22(b)(3)



DOE awarded funds may be used to pilot innovative approaches 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 combining 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 combining 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 benefits¹² in the cost-effectiveness calculation performed during the pre-weatherization energy audit.

Topic Area 2: Single Family & Manufactured Housing

This Topic Area aims to increase the number of single family and manufactured housing¹³ buildings receiving comprehensive, deep energy retrofits by making homes weatherization-ready, while also ensuring healthy indoor environments.

Weatherization is designed to take place with a *whole building as a system approach* 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

¹² [WPN 22-10](#)

¹³ "A Manufactured Home is a structure that is transportable in one or more sections. In traveling mode, the home is eight feet or more in width and forty feet or more in length. A Manufactured Home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled. When erected on site, the home is at least 400 square feet, built and remains on a permanent chassis, designed to be used as a dwelling with a permanent foundation built to FHA criteria. The structure must be designed for occupancy as a principal residence by a single family" ([HUD 4150.2 – Valuation Analysis for Single Family One-To Four-Unit Dwellings Handbook](#)).



three-unit buildings occupied by DOE WAP-eligible households.¹⁴ Some buildings and households assisted by HUD may be categorically eligible per DOE policy.¹⁵

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.

Topic Area 3: Workforce Development

At present, the weatherization industry is facing significant challenges with hiring and retaining contractors and employees and is seeking improvements in workforce participation from disadvantaged communities. 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.

¹⁴ WPN 16-5; 10 CFR 440.22(b)(2)

¹⁵ [WPN 22-5](#); For full definition see <https://www.hud.gov/sites/documents/41502C8HSGH.PDF>



Applicants must describe how competitive wages¹⁶ 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 guidelines¹⁷, the Standard Work Specifications¹⁸, and Quality Control Inspections¹⁹.

- Training shall follow the Guidelines for Home Energy Professionals for Energy Auditor (EA) and Quality Control Inspector (QCI)²⁰.
- Regarding the provision of comprehensive training²¹, coordination with a registered apprenticeship or an Interstate Renewable Energy Council (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-apprenticeship²², and apprenticeship programs²³ for individuals to gain necessary skills before entering the home performance or clean energy industries;

¹⁶ 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.

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

¹⁸ National Renewable Energy Laboratory, "[Standard Work Specifications](#)."

¹⁹ [Weatherization Program Notice 15-4](#): Quality Work Plan Requirement Update (October 21, 2014).

²⁰ US DOE SCEP, "[Guidelines for Home Energy Professionals Accredited Training](#)"

²¹ [Weatherization Memorandum 034](#): Clarification of WPN 15-4; Definitions of Comprehensive Training (April 5, 2018).

²² 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](#)

²³ 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.
- **Identify and deliver benefits to disadvantaged communities**²⁴, including the measurement and reporting of those realized benefits (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.²⁵

D. Allowable Activities

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.

²⁴ 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 Climate and Economic Justice Screening Tool, which can be located at <https://screeningtool.geoplatform.gov/>.

²⁵ 42 U.S.C. 6864d(a)(4)



Make Homes Weatherization-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.

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 enable the safe installation of technologies such as heat pumps and solar photovoltaic systems.

Applicants addressing this activity 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 impacts (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 U.S. Environmental Protection Agency Solar for All program, DOE Home Energy Rebate programs, DOE WAP Sustainable Energy Resources for Consumers (SERC) program and the National Community Solar Partnership²⁶.

Healthy Homes and Indoor Environments

Proposals addressing healthy homes and indoor environments must aim to ensure healthy indoor environments by improving indoor air quality, accessibility, and enhancing measures and resources provided under the WAP.

²⁶ [H.R.5376 - Inflation Reduction Act of 2022](#)



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 addressing this activity must provide a detailed description of planned activities and 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 standards for allowable expenditures apply:
 - A maximum of 15% of the total project costs 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.²⁷
- 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.²⁸

²⁷ 42 USC 6864d(b)(8)

²⁸ National Renewable Energy Laboratory, "[Standard Work Specifications](#)."



- All energy conservation measures installed with E&I funds must be modeled to estimate savings or captured via an approved maintenance & verification process.
- 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.²⁹ 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.³⁰ 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 subrecipients 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)³¹ 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

²⁹ See 10 CFR 440 and [Weatherization Program Notices and Memorandums | Department of Energy](#)

³⁰ See [10 CFR 440.21](#) and [Weatherization Program Notice 19-4](#)

³¹ The [Application Instructions](#) attached to WPN 21-1 provide additional detail on eligibility and the Master File.



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 ³² then additional income eligibility 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 I.A., I.B., I.C., I.D. and I.E. of the FOA.

G. Diversity, Equity, and Inclusion

It is the policy of the Biden Administration that:

[T]he Federal Government should pursue a comprehensive approach to advancing equity³³ for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our government. Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments, and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.

³² [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

³³ The term “equity” means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.



By advancing equity across the Federal Government, we can create opportunities for the improvement of communities that have been historically underserved, which benefits everyone.³⁴

As part of this whole of government approach, this FOA seeks to encourage the participation of underserved and disadvantaged communities^{35,36} and underrepresented groups. Applicants are highly encouraged to include individuals from groups historically underrepresented^{37,38} in STEM on their project teams. As part of the application, applicants are required to describe how diversity, equity, and inclusion objectives will be incorporated in the project. Specifically, applicants are required to submit a Diversity, Equity, and Inclusion Plan that describes the actions the applicant will take to foster a welcoming and inclusive environment, support

³⁴ Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” (Jan. 20, 2021).

³⁵ The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list of in the definition of “equity.” E.O. 13985. For purposes of this FOA, as applicable to geographic communities, applicants can refer to economically distressed communities identified by the Internal Revenue Service as Qualified Opportunity Zones; communities identified as disadvantaged or underserved communities by their respective States; communities identified on the Index of Deep Disadvantage referenced at <https://news.umich.edu/new-index-ranks-americas-100-most-disadvantaged-communities/>, and communities that otherwise meet the definition of “underserved communities” stated above.

³⁶ 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>

³⁷ According to the National Science Foundation’s 2019 report titled, “Women, Minorities and Persons with Disabilities in Science and Engineering”, women, persons with disabilities, and underrepresented minority groups—blacks or African Americans, Hispanics or Latinos, and American Indians or Alaska Natives—are vastly underrepresented in the STEM (science, technology, engineering and math) fields that drive the energy sector. That is, their representation in STEM education and STEM employment is smaller than their representation in the U.S. population. <https://nces.nsf.gov/pubs/nsf19304/digest/about-this-report> For example, in the U.S., Hispanics, African Americans and American Indians or Alaska Natives make up 24 percent of the overall workforce, yet only account for 9 percent of the country’s science and engineering workforce. DOE seeks to inspire underrepresented Americans to pursue careers in energy and support their advancement into leadership positions. <https://www.energy.gov/articles/introducing-minorities-energy-initiative>

³⁸ See also. Note that Congress recognized in section 305 of the American Innovation and Competitiveness Act of 2017, Public Law 114-329:

(1) [I]t is critical to our Nation’s economic leadership and global competitiveness that the United States educate, train, and retain more scientists, engineers, and computer scientists; (2) there is currently a disconnect between the availability of and growing demand for STEM-skilled workers; (3) historically, underrepresented populations are the largest untapped STEM talent pools in the United States; and (4) given the shifting demographic landscape, the United States should encourage full participation of individuals from underrepresented populations in STEM fields.



people from underrepresented groups in STEM, advance equity, and encourage the inclusion of individuals from these groups in the project; and the extent the project activities will be located in or benefit underserved communities (See Section IV.C.vii). The plan should include at least one SMART (Specific, Measurable, Assignable, Realistic and Time-Related) milestone per budget period supported by metrics to measure the success of the proposed actions. This plan will be evaluated as part of the technical review process and incorporated into the award if selected.

Further, Minority Serving Institutions³⁹, Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, Veteran Owned Businesses, or entities located in an underserved community that meet the eligibility requirements (See Section III.) are encouraged to apply as the prime applicant or participate on an application as a proposed partner to the prime applicant. The Selection Official may consider the inclusion of these types of entities as part of the selection decision (See Section V.C.i).

H. Authorizing Statutes

The programmatic authorizing statutes are:

- Section 1011, Division Z of P.L. 116-260 – Consolidated Appropriations Act 2021; and
- Division Z - Energy Act of 2020, Title I - Efficiency, Sec. 1011, Sec. 414D Financial Assistance for WAP Enhancement and Innovation

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

II. Award Information

A. Award Overview

i. Estimated Funding

SCEP expects to make a total of approximately \$36,000,000 of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. SCEP anticipates making approximately 18-36 awards under this FOA. SCEP may issue one, multiple, or no awards. Individual awards may vary between \$500,000 and \$2,000,000.

³⁹ Minority Serving Institutions (MSIs), including Historically Black Colleges and Universities/Other Minority Institutions as educational entities recognized by the Office of Civil Rights (OCR), U.S. Department of Education, and identified on the OCR's Department of Education U.S. accredited postsecondary minorities' institution list. See <https://www2.ed.gov/about/offices/list/ocr/edlite-minorityinst.html>.



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

Topic Area Number	Topic Area Title	Anticipated Number of Awards	Anticipated Minimum Award Size for Any One Individual Award (Fed Share)	Anticipated Maximum Award Size for Any One Individual Award (Fed Share)	Approximate Total Federal Funding Available for All Awards	Anticipated Period of Performance (months)
1	Multifamily Housing	6-12	\$500,000	\$2,000,000	\$12,000,000	36
2	Single Family & Manufactured Housing	6-12	\$500,000	\$2,000,000	\$12,000,000	36
3	Workforce Development	6-12	\$500,000	\$2,000,000	\$12,000,000	36

SCEP will establish one three-year budget period for each award. Funding for all budget periods is not guaranteed.

ii. Period of Performance

SCEP anticipates making awards that will run for 36 months, comprised of one budget period.

iii. New Applications Only

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

B. SCEP Funding Agreements

i. Grants

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

ii. Funding Agreements with Federally Funded Research and Development Center (FFRDCs)⁴⁰

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

⁴⁰ FFRDCs are public-private partnerships that conduct research for the U.S. government. A listing of FFRDCs can be found at <http://www.nsf.gov/statistics/ffrdclist/>.



members to arrange work structure, project execution, and any other matters. Regardless of these arrangements, the entity that applied as the prime recipient for the project will remain the prime recipient for the project. See Section III.E.

III. Eligibility Information

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

A. Eligible Applicants

i. Domestic Entities

The proposed prime recipient and subrecipient(s) must be domestic entities. The following types of domestic entities are eligible to participate as a prime recipient of this FOA:

1. Current WAP Grantees
2. Current WAP Subgrantees
3. Nonprofit entities – 501(c)(3) organization

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

1. Institutions of higher education
2. For profit entities
3. Nonprofit entities
4. State and local governmental entities and federally recognized Indian Tribes (Indian Tribes).

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 Annual Operating Plan (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 U.S. 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 SCEP's decision concerning a waiver request.

B. Cost Sharing

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 uploaded and submitted to Clean Energy Infrastructure eXCHANGE <https://infrastructure-exchange.energy.gov>; and
- Be submitted by the deadline stated in the FOA.

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

Applicants are strongly encouraged to submit their Full Applications at least 48 hours in advance of the submission deadline. Under normal conditions (i.e., at least 48 hours before the submission deadline), applicants should allow at least one hour to submit a Full Application. Once the Full Application is submitted in 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 Full Application before the applicable deadline. SCEP will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

D. Responsiveness Criteria

All “Applications Specifically Not of Interest,” as described in Section I.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 FFRDCs

DOE will not fund DOE/NNSA FFRDCs participating as a subrecipient through the DOE field work authorization process. 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 using rates appropriate for funding the FFRDCs through subawards. The applicant’s cost share requirement will be based on the total cost of the project, including the applicant’s, the subrecipient’s, and the FFRDC’s portions of the project.

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

F. Limitation on Number of Full Applications Eligible for Review

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

G. Questions Regarding Eligibility

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

IV. Application and Submission Information

A. Application Process

The application process includes one submission phase: 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" 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, SCEP will review only the authorized number of pages and disregard any additional pages.

i. Additional Information on Clean Energy Infrastructure eXCHANGE

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

B. Application Forms

To access the application forms and instructions available on 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 Clean Energy Infrastructure eXCHANGE website is 50MB. Files larger than 50MB cannot be uploaded and hence cannot be submitted for review. If a file is larger than 50MB but is still within the maximum page limit specified in the FOA, it must be broken into parts and denoted to that effect. For example:

ProjectNarrative_Part_1

Project Narrative_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 Full Application

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

Questions about this FOA? Weatherization.Innovation@hq.doe.gov.

Problems with Clean Energy Infrastructure Exchange? Email infrastructureexchangesupport@hq.doe.gov. Include FOA name and number in subject line.



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

i. Full Application Content Requirements

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

Component	File Format	Page Limit	File Name
SF-424: Application for Federal Assistance	PDF	n/a	ControlNumber_LeadOrganization_App424
Project Narrative	PDF	10	ControlNumber_LeadOrganization_ProjectNarrative
Resumes	PDF	3 pages each	ControlNumber_LeadOrganization_Resumes
Letters of Commitment	PDF	1 page each	ControlNumber_LeadOrganization_LOCs
Statement of Project Objectives	MS Word	10	ControlNumber_LeadOrganization_SOPO
Diversity, Equity, and Inclusion Plan	PDF	2	ControlNumber_LeadOrganization_DEIP
Budget Information (SF-424A)	MS Excel	n/a	ControlNumber_LeadOrganization_Budget
Summary/Abstract for Public Release	PDF	1	ControlNumber_LeadOrganization_Summary
Summary Slide	MS PowerPoint	1	ControlNumber_LeadOrganization_Slide
Authorization from cognizant Contracting Officer for FFRDC, if applicable	PDF	n/a	ControlNumber_LeadOrganization_FFRDCAuth
SF-LLL Disclosure of Lobbying Activities	PDF	n/a	ControlNumber_LeadOrganization_SF-LLL
Waiver Requests, if applicable	PDF	n/a	ControlNumber_LeadOrganization_Waiver
Potentially Duplicative Funding Notice, if applicable	PDF	n/a	ControlNumber_LeadOrganization_PDFN
Location(s) of Work	Excel	n/a	ControlNumber_LeadOrganization_LOW
Impacted Indian Tribes Documentation, if applicable	PDF	n/a	ControlNumber_LeadOrganization_ImpactedTribes

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



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

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

Applicants must complete the SF-424 Application for Federal Assistance, which is available on [Clean Energy Infrastructure eXCHANGE](#).

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

Note: The dates and dollar amounts on the SF-424 are for the complete project period and not just the first project year, first phase, or other subset of the project period.

Save the SF-424 in a single PDF file using the following convention for the title “ControlNumber_LeadOrganization_App424”.

iii. Project Narrative (required)

The Project Narrative must conform to the following content and form requirements. This volume must address the technical review criteria as discussed in Section V. of the FOA.

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

Applicants must provide sufficient citations and references to the primary research literature to justify the claims and approaches made in the Project Narrative. However, SCEP and reviewers are under no obligation to review cited sources.

The Project Narrative to the Full Application may not be more than 10 pages, including **the cover page**, table of contents and all citations, charts, graphs, maps, photos, or other graphics, and must include all information in the table below. The applicant should consider the weighting of each of the technical review criteria (see Section V.A.i. of the FOA) when preparing the Project Narrative.



Project Narrative Content Requirements	
SECTION (Recommended # of pages)	DESCRIPTION
Cover Page	<p>The cover page should include the following:</p> <ul style="list-style-type: none">• Control number• Project title• FOA Topic Area being addressed• Prime applicant organization, Names of all team member organizations• Names and contact information for both the technical and business points of contact• The project location(s), including zip codes if known• Federal budget requested, as divided among prime and sub-recipients, if applicable• Any statements regarding confidentiality, if applicable
Project Overview (1)	<p>The Project Overview should contain the following information:</p> <ul style="list-style-type: none">• Background: 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.• Project Team: The applicant should include a list of project members and evidence that the prime applicant is an existing WAP Grantee, Subgrantee, or nonprofit.• Project Goal: 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, diversity, equity, and inclusion, etc. will contribute to the success of the project.• DOE Impact: 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.



Technical Description, Innovation, and Impact (3)	<p>The Technical Description should contain the following information:</p> <ul style="list-style-type: none">• Relevance and Outcomes: 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/or the number of workers planned to be hired and retained.• Costs/Savings: 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.• Feasibility: 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.• Innovation and Impacts: 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.
Workplan (3)	<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> <ul style="list-style-type: none">• 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 Diversity Equity and Inclusion 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



	<p>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.</p> <ul style="list-style-type: none">• 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:<ul style="list-style-type: none">○ 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.○ If applicable, the approach to Quality Assurance/Control.○ How communications will be maintained among project team members.
Technical Qualifications and Resources (2)	<p>The Technical Qualifications and Resources should contain the following information:</p> <ul style="list-style-type: none">• Describe the project team's unique qualifications and expertise, including those of key subrecipients.• 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.• Include relevant, previous work efforts, demonstrated innovations, and how these enable the applicant to achieve the project objectives.



	<ul style="list-style-type: none">• Describe the time commitment of the key team members to support the project.• Describe the skills, certifications, or other credentials of the construction and ongoing operations workforce.• For multi-organizational projects, describe succinctly:<ul style="list-style-type: none">○ The roles and the work to be performed by the Project Manager and senior/key personnel at the prime and sub levels;○ Business agreements between the applicant and sub;○ Planned community partnerships;○ How the various efforts will be integrated and managed;○ Process for making decisions on technical direction;○ Publication arrangements;○ Intellectual Property issues; and○ Communication plans.
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iv. Resumes (required)

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

1. Contact information;
2. Education: All academic institutions attended, major/area, degree;
3. Training: (e.g.,) certification or credential from a Registered Apprenticeship or Labor Management Partnership;
4. Professional experience: Beginning with the current position, list 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
6. There should be no lapses in time over the past 10 years or since age 18, whichever period is shorter.

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

v. Letters of Commitment (if applicable)

Submit letters of commitment from all 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 one 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.

vi. Statement of Project Objectives (SOPO) (required)

Applicants must complete a SOPO. A SOPO template is available on Clean Energy Infrastructure eXCHANGE at <https://infrastructure-exchange.energy.gov/>. The SOPO, 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).

Save the SOPO in a single Microsoft Word file using the following convention for the title "ControlNumber_LeadOrganization_SOPO".

vii. Diversity, Equity, and Inclusion Plan (required)

As part of the application, applicants are required to describe how diversity, equity, and inclusion objectives will be incorporated in the project. Specifically, applicants are required to submit a Diversity, Equity, and Inclusion Plan that describes the actions the applicant will take to foster a welcoming and inclusive environment, support people from groups underrepresented in STEM, advance equity, and encourage the inclusion of individuals from these groups in the project; and the extent the project activities will be located in or benefit underserved communities. The plan should include at least one SMART milestone per project year supported by metrics to measure the success of the proposed actions and will be incorporated into the award if selected. The Diversity, Equity, and Inclusion Plan should contain the following information:

- Equity Impacts: the impacts of the proposed project on underserved communities, including social and environmental impacts.
- Benefits: The overall benefits of the proposed project, if funded, to underserved communities; and
- How diversity, equity, and inclusion objectives will be incorporated in the project.



The following is a non-exhaustive list of actions that can serve as examples of ways the proposed project could incorporate diversity, equity, and inclusion elements. These examples should not be considered either comprehensive or prescriptive. Applicants may include appropriate actions not covered by these examples.

- a. Include persons from groups underrepresented in STEM as PI, co-PI, and/or other senior personnel;
- b. Enhance or collaborate with existing diversity programs at your home organization and/or nearby organizations;
- c. Collaborate with students, researchers, and staff in Minority Serving Institutions;
- d. Disseminate project results in Minority Serving Institutions or other appropriate institutions serving underserved communities;
- e. Implement evidence-based, diversity-focused education programs (such as implicit bias training for staff) in your organization;
- f. Identify Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses and Veteran Owned Businesses to solicit as vendors and sub-contractors for bids on supplies, services, and equipment.

The Diversity, Equity, and Inclusion Plan must not exceed 2 pages. Save the Diversity, Equity and Inclusion Plan in a single PDF file using the following convention for the title “ControlNumber_LeadOrganization_DEIP”.

viii. Budget Information (required)

For your convenience, a **Budget Information template** is available on Clean Energy Infrastructure eXCHANGE. Applicants are strongly encouraged to use the suggested template. If applicants choose not to use the suggested template, applicants must submit at least a SF-424A Budget Information form (available on Grants.gov) and include a breakdown of all costs by Budget Category as outlined in the SF-424A. Applicants should include costs associated with implementing award requirements (e.g., Buy America requirements, DEI 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. Applicants must carefully read the “Instructions and Summary” tab provided within the template.

Save the Budget Information template in a single Microsoft Excel file using the following convention for the title “ControlNumber_LeadOrganization_Budget_Information”.



ix. Summary for Public Release (required)

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, principal investigator(s), project title, the objectives of the project, a description of the project, including methods to be employed, the potential impact of the project (e.g., benefits, outcomes), and major participants (for collaborative projects). This document must not include any proprietary or business-sensitive information as DOE may make it available to the public after selections are made. The summary must not exceed one page when printed using standard 8.5" x 11" paper with 1" margins (top, bottom, left, and right) with font not smaller than 12-point.

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

x. Summary Slide (required)

Applicants must provide a single slide summarizing the proposed project. The Summary Slide template is available on Clean Energy Infrastructure eXCHANGE at <https://infrastructure-exchange.energy.gov/> and 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);
- The project's key idea/takeaway;
- Project title, prime recipient, PI, and Senior/Key Personnel information; and
- Requested SCEP funds and proposed leveraged resources, if applicable.

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

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

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

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



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

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

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

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

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

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

xiii. Waiver Requests (if applicable)

Foreign Entity Participation

For projects selected under this FOA, all recipients and subrecipients must qualify as domestic entities. See Section III.A. 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 waiver request.

Performance of Work in the United States (Foreign Work Waiver Request)

As set forth in Section IV.H.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"



xiv. Locations of Work (required)

The applicant must provide a list of locations where project work will be performed by the prime recipient or subrecipient(s) including the following information for each location:

- Location Type
- Location Type Category
- Is this a Principal Place of Performance?
- Prime or Subrecipient Location?
- If Subrecipient, Subrecipient/Community Name
- Facility Name (if applicable)
- Is location in a foreign country?
- Briefly describe the primary activity at this location or with this population. For example, management headquarters; construction, operations, production; raw materials extraction, etc.
- Does the location or community qualify as a disadvantaged community (DAC) according to the Climate and Economic Justice Screening Tool (CEJST)?
- If DAC, add the census tract number or describe the distributed disadvantaged community served (e.g., migrant workers)
- % of work performed at this location

For your convenience, a Locations of Work template is available on Clean Energy Infrastructure eXCHANGE at <https://infrastructure-exchange.energy.gov/>.

Applicants are strongly encouraged to use the template. If the template is not used, the submission must include all of the elements described above, and as outlined in the template.

Applicants must provide the Locations of Work Documentation as a Microsoft Excel file using the following convention for the title: "Control Number_LeadOrganization_LOW."

xv. Potentially Duplicative Funding Notice (if applicable)

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



been, are being, or are to be used (in whole or in part) for one or more of the identical cost items under the DOE award. If there are identical cost items, the recipient must promptly notify the 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."

xvi. Impacted Indian Tribes Documentation (if applicable)

For any application that potentially impacts Indian Tribes or is on Tribal land⁴¹, including when the potentially impacted Indian Tribe is the applicant, applicants are required to submit additional documentation at the time of application, and possibly during negotiation and prior to award. For any project that potentially impacts Indian Tribes, applicants are required to submit documentation demonstrating that an authorized representative⁴² of each potentially impacted Indian Tribe is, at a minimum, aware of the nature of the application and its potential impacts to the relevant Indian Tribes. The notified authorized representative must be holding their position while the award is open for applications, and documentation must demonstrate affirmative awareness of the application (e.g. a delivery record from certified mail, a reply by the authorized representative).

For any project intended to be sited on Tribal land(s) or intersecting with Tribal subsurface rights, applicants are required to submit documentation demonstrating support from the relevant Indian Tribes at the time of application. Documentation of support submitted at the time of application will be considered to also demonstrate awareness of an Indian Tribe (specified above). Documentation may include either:

- A letter of support from Tribal leadership. The letter must be signed by an authorized representative of the Indian Tribe. The signer(s) must be holding their position while the award is open for applications or negotiations.
- A Tribal Council Resolution, Board resolution (including the Board of Directors of an Alaska Native Corporation (ANC)), or similar act passed by the legislative body of the Tribal government or Board of Directors of an ANC, expressing support for the project.

⁴¹ Tribal land is as defined in 25 U.S.C. §§ 3501(2), (3), (4)(A) and (13)

⁴² An authorized representative must be an elected official or designated leader according to the traditions, constitution, or charter of the Indian Tribe, or someone with relevant delegated authority within the Tribal government. Examples include: Chief, Chairman, Chairwoman, Governor, Nation Representative, President, Chief Executive Officer, Chief Financial Officer, Speaker of the Council, Speaker of the Congress, Tribal administrator



Applicants are encouraged to reference or include any applicable community benefits agreements in the Tribal support documentation, and to integrate any Tribal support documentation in the community benefits plan as appropriate. For projects not intended to be sited on Tribal land(s) or intersecting with Tribal subsurface rights, but that may have other potential impacts on Tribal resources or reserved rights, letters of support or resolutions of support are strongly encouraged and, depending on the nature of the impact, may be required if selected for negotiation of an agreement. Applicants are encouraged to reach out to Indian Tribes as early as possible in the application process to give Indian Tribes ample time to evaluate and respond.

The following resources may be useful to help determine if a project may impact an Indian Tribe(s) resources or reserved rights and the appropriate contacts. These resources are not exhaustive, and many Indian Tribes have resources or reserved rights which extend beyond their Tribal lands, or are covered within treaties, statutes, or case-law. Applicants are encouraged to do additional research:

- Map of Indian Lands: <https://bia-geospatial-internal.geoplatform.gov/indianlands/>
- Tribal Treaties Database: <https://treaties.okstate.edu/>
- Directory of federally recognized Tribes and Tribal leaders: <https://www.bia.gov/service/tribal-leaders-directory>
- Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and other similar rights in federal regulatory actions: https://www.bia.gov/sites/default/files/dup/inline-files/best_practices_guide.pdf

To help determine if an Indian Tribe's resources or reserved rights may be impacted by the project, applicants must address the following elements. If the applicant is an Indian Tribe, these elements should be addressed to ascertain impacts to Indian Tribes other than the applicant. Applicants do not need to reveal specific details about sacred sites such as specific location or specific ceremonies:

- Identify any elements of the project that will occur on or near Indian land, Tribal historic sites, or sacred sites and describe its potential impacts to Indian Tribes. Identify the potentially impacted Indian Tribe(s).
- Explain any actions taken by the applicant to mitigate or address any potential impacts identified above, including engaging with the potentially impacted Indian Tribe(s), in the application.

Applicants are required to document any efforts taken to identify any potential impacts to Indian Tribes, Indian lands, Alaska Native regional and village land, traditional homelands, Tribal rights, or Tribal historic sites, or sacred sites. This



includes any correspondence with Indian Tribes. These documents should be available on request to DOE. An applicant's failure to submit documentation of an Indian Tribe's awareness, or a letter of support, when required as described above, may constitute grounds for determining an application ineligible, non-responsive to the FOA/OT solicitation, not subject to further review and/or not otherwise subject to selection or award.

Any application that may potentially impact Indian Tribe(s) may be shared with the potentially impacted Indian Tribe(s). Applicants should include a Notice of Restriction on Disclosure and Use of Data identifying any business sensitive, trade secrets, proprietary, or otherwise confidential information. Such information shall be used or disclosed only for evaluation of the application or to determine whether the proposed project affects an Indian Tribe(s). If an applicant determines an Indian Tribe(s) will be impacted, the applicant must provide information on the project location, potential impacts and how the applicant will engage with Indian Tribe(s), during the period of performance of the agreement, and, if necessary, after the end of the agreement. Approval by DOE must be obtained before any activities take place that could impact Tribal resources or reserved rights, including but not limited to lands, cultural sites, sacred sites, water rights, mineral rights, fishing rights, and hunting rights. DOE will determine if formal government-to-government consultation is needed, and DOE will conduct that consultation accordingly, in addition to any engagement by applicant.

Save the Impacted Indian Tribes Documentation in a single PDF using the following convention for the title "ControlNumber_LeadOrganization_ImpactedTribes".

D. Post Selection Information Requests

If selected for award negotiations, SCEP reserves the right to require that selected applicants provide additional or clarifying information regarding the application submissions, the project, the project team, the award requirements, and any other matters related to anticipated award. The following is a list of examples of information that may be required:

- Personnel proposed to work on the project and collaborating organizations (See Section VI.B.xx. Participants and Collaborating Organizations);
- Indirect cost information;
- Other budget information;
- Letters of Commitment from third parties contributing leveraged resources, if applicable;



- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5);
- Information for the DOE Office of Civil Rights to process assurance reviews under 10 CFR 1040;
- Representation of Limited Rights Data and Restricted Software, if applicable;
- Environmental Questionnaire;
- Budget Justification Workbook; and
- Subrecipient Budget Justification Workbook, if applicable.

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

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

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

F. Submission Dates and Times

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



G. Intergovernmental Review

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

H. Funding Restrictions

i. Allowable Costs

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

ii. Pre-Award Costs

Applicants selected for award negotiations (selectees) must request prior written approval to charge pre-award costs. Pre-award costs are those incurred prior to the effective date of the federal award directly pursuant to the negotiation and in anticipation of the federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the federal award and **only** with the written approval of the federal awarding agency, through the Contracting Officer.

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

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

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

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

SCEP does not guarantee or assume any obligation to reimburse pre-award costs incurred prior to receiving written authorization from the Contracting



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

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

1. Requirement

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

2. Failure to Comply

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



v. Foreign Travel

Foreign travel costs are not allowable under this FOA.

vi. Equipment and Supplies

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

vii. Build America Buy America Requirements for Infrastructure Projects

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

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

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

Applicants are strongly encouraged to consult Appendix 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 issued on April 18, 2022, the Buy America requirements of the BIL do not apply to DOE projects in which the prime recipient is a for-profit entity; the requirements only apply to projects whose prime recipient is a "non-Federal entity," e.g., a State, local government, Indian Tribe, Institution of Higher Education, or nonprofit organization. Subawards should conform to the terms of the prime award from which they flow; in other words, for-profit prime recipients are not required to flow down these Buy America requirements to subrecipients, even if those subrecipients are non-Federal entities as defined above. Conversely, prime recipients which are non-Federal entities must flow the Buy America requirements down to all



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

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

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

viii. Lobbying

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

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

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

ix. Risk Assessment

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

1. Financial Stability;



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

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

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

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

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

x. Invoice Review and Approval

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

- Summary of costs by cost categories;
- Timesheets or personnel hours report;
- 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.

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

a. Prohibition

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

b. Definitions

- 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.

xii. Affirmative Action and Pay Transparency Requirements

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

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

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

DOE's Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule compliance evaluations. Consult OFCCP's Technical Assistance Guide⁴³ to gain an understanding of the requirements and possible actions the recipients, subrecipients, contractors, and subcontractors must take. Additional guidance may also be found in the National Policy Assurances, produced by DOE.

⁴³ 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>



xiii. Foreign Collaboration Considerations

- a. Consideration of new collaborations with foreign entities and governments. The recipient will be required to provide DOE with advanced written notification of any potential collaboration with foreign entities or governments in connection with its DOE-funded award scope. The recipient will then be required to await further guidance from DOE prior to contacting the proposed foreign entity or government regarding the potential collaboration or negotiating the terms of any potential agreement.
- b. Existing collaborations with foreign entities 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. 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, of high impact, or offers solutions not currently or widely used in the WAP;
- 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;
- Extent 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 (30%)

- Extent to which the approach has been clearly described and thoughtfully considered;
- Extent to which the task descriptions are clear, detailed, timely, and reasonable, resulting in a high likelihood that the proposed Workplan will succeed in meeting the project goals;
- 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;
- The reasonableness of the budget and spend plan for the proposed project and objectives;
- 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 qualifications, experience, and past performance of the applicant, including experience successfully managing and administering Federal funds;
- Extent to which the proposed project utilizes leveraged resources to achieve programmatic objectives;
- Extent to which the proposed project has broad public support from the communities most directly impacted by the project;
- The level of participation by project participants as evidenced by letter(s) of commitment and how well they are integrated into the Workplan;
- The applicant's record of constructing, renovating, repairing, or making energy efficient single-family, multifamily, or manufactured homes that are occupied by low-income persons, either directly or through affiliates, chapters, or other partners (using the most recent year for which data are available); and



- 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.

Criterion 4: Diversity, Equity, and Inclusion (10%)

This criterion involves consideration of the following factors:

- The quality and manner in which the measures incorporate diversity, equity and inclusion goals in the project; and
- Extent to which the project benefits underserved communities.

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 September 2020, which is available at: <https://energy.gov/management/downloads/merit-review-guide-financial-assistance-and-unsolicited-proposals-current>.

c. Other Selection Factors

i. Program Policy Factors

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

- The proposed project exhibits diversity in scope when compared to the existing DOE project portfolio and other projects selected from the subject FOA;
- The proposed project, or group of projects, represent a desired geographic distribution (considering past awards and current applications);
- The proposed project incorporates applicant or team members from Minority Serving Institutions (e.g., Historically Black Colleges and Universities (HBCUs)/Other Minority Institutions (OMIs)); and partnerships with Minority Business Enterprises, minority-owned businesses, woman-owned businesses, veteran-owned businesses, or Indian Tribes;
- The proposed project will employ procurement of U.S. iron, steel, manufactured products, and construction materials.



D. Evaluation and Selection Process

i. Overview

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

ii. Pre-Selection Clarification

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

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

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

iii. Recipient Responsibility and Qualifications

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

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



awarding agency previously entered and is currently in the entity information domain in [SAM.gov](https://sam.gov).

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

iv. Selection

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

E. Anticipated Notice of Selection and Award Negotiation Dates

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

VI. Award Administration Information

A. Award Notices

i. Ineligible Submissions

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

ii. Full Application Notifications

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

iii. Applicants Selected for Award Negotiations

Successful applicants will receive written notification that they have been selected for award negotiations. Receipt of a notification letter selecting a Full



Application for award negotiations does not authorize the applicant to commence performance of the project. If an application is selected for award negotiations, it is not a commitment by SCEP to issue an award nor is it a guarantee of federal government funding. Applicants do not receive an award unless and until award negotiations are complete and the Contracting Officer executes the funding agreement, accessible by the prime recipient in FedConnect.

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

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

iv. Alternate Selection Determinations

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

v. Unsuccessful Applicants

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

B. Administrative and National Policy Requirements

i. Registration Requirements

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



1. Clean Energy Infrastructure Exchange

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

To access [Clean Energy Infrastructure eXCHANGE](#), potential applicants must have a [Login.gov](#) account. As part of the eXCHANGE registration process, new users will be directed to create an account in Login.gov. Please note that the email address associated with Login.gov must match the email address associated with the eXCHANGE account.

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

2. System for Award Management

Register with the SAM at <https://www.sam.gov>. Designating an Electronic Business Point of Contact (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.

4. Grants.gov

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

Electronic Authorization of Applications and Award Documents

Submission of an application and supplemental information under this FOA through electronic systems used by the DOE, including 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 a foreign national's participation in the award. Likewise, DOE may elect to deny a foreign national's access to a DOE site, information, technologies, equipment, programs, or personnel.

iv. Subaward and Executive Reporting

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

v. National Policy Requirements

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

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

SCEP's decision whether and how to distribute federal funds under this FOA is subject to NEPA (42 U.S.C. 4321, *et seq.*). NEPA requires federal agencies to integrate environmental values into their decision-making processes by considering the potential environmental impacts of their proposed actions. For



additional background on NEPA, please see DOE's NEPA website, at <https://www.energy.gov/nepa>.

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

National Historic Preservation Act (NHPA)

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

vii. Flood Resilience

Applications should indicate whether the proposed project location(s) is within a floodplain, how the floodplain was defined, and how flooding will factor into the project's design. The base floodplain long used for planning has been the 100-year floodplain, which has a 1% chance of flooding in any given year. As directed by Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (2015), federal agencies, including DOE, must continue to avoid development in a floodplain to the extent possible. When doing so is not possible, federal agencies are directed to "expand management from the current base flood level to a higher vertical elevation and corresponding horizontal floodplain to address current and future flood risk and ensure that projects funded with taxpayer dollars last as long as intended." The higher flood elevation is based on one of three approaches: climate-informed science (preferred), freeboard value, or 0.2% annual flood change (500-year floodplain). EO 13690 and related information is available at: <https://www.energy.gov/nepa/articles/eo-13690-establishing-federal-flood-risk-management-standard-and-process-further>.

viii. Applicant Representations and Certifications

1. Lobbying Restrictions



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

2. Corporate Felony Conviction and Federal Tax Liability Representations

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

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

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

3. Nondisclosure and Confidentiality Agreements Representations

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

- a. It **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.
- b. It **does not and will not** use any federal funds to implement or enforce any nondisclosure and/or confidentiality policy, form, or agreement it uses unless it contains the following provisions:
 - (1) *“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or*

Questions about this FOA? Weatherization.Innovation@hq.doe.gov.

Problems with Clean Energy Infrastructure Exchange? Email infrastructureexchangesupport@hq.doe.gov. Include FOA name and number in subject line.



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.

ix. Statement of Federal Stewardship

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

x. Subject Invention Utilization Reporting

To ensure that prime recipients, subrecipients, and contractors holding title to subject inventions are taking the appropriate steps to commercialize subject inventions, SCEP 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 SCEP 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 SCEP may specify.

xi. Intellectual Property Provisions

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

xii. Reporting

Reporting requirements are identified on the Federal Assistance Reporting Checklist, attached to the award agreement. Quarterly and annual reporting will be completed within DOE WAP's existing reporting system, Performance and Accountability for Grants in Energy (PAGE).

xiii. Conference Spending

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

xiv. Uniform Commercial Code (UCC) Financing Statements

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

Properly record, and consent to the Department's ability to properly record if the recipient fails to do so, UCC financing statement(s) for all equipment in excess of \$5,000 purchased with project funds. These financing statement(s) must be approved in writing by the Contracting Officer prior to the recording, and they shall provide notice that the recipient's title to all equipment (not real property) purchased with federal funds under the financial assistance agreement



is conditional pursuant to the terms of this section, and that the government retains an undivided reversionary interest in the equipment. The UCC financing statement(s) must be filed before the Contracting Officer may reimburse the recipient for the federal share of the equipment unless otherwise provided for in the relevant financial assistance agreement. The recipient shall further make any amendments to the financing statements or additional recordings, including appropriate continuation statements, as necessary or as the Contracting Officer may direct.

xv. Real Property and Equipment

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

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

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

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

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



xvii. Participants and Collaborating Organizations

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

xviii. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)⁴⁴ is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOE financial assistance award. The term “Investigator” means the PI and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. Recipients must flow down the requirements of the interim COI Policy to any subrecipient non-federal entities. Further, for DOE funded projects, the recipient must include all financial conflicts of interest (FCOI) (i.e., managed and unmanaged/ unmanageable) in its initial and ongoing FCOI reports.

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

xix. 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

⁴⁴ 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](#).



OIG accomplishes this mission primarily through investigations, audits, and inspections of DOE activities to include grants, cooperative agreements, loans, and contracts.

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

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

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

Applicants 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.

xx. Human Subjects Research

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



VII. Questions/Agency Contacts

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

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

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

VIII. Other Information

A. FOA Modifications

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

B. Government Right to Reject or Negotiate

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

C. Commitment of Public Funds

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



D. Treatment of Application Information

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

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

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

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

Notice of Restriction on Disclosure and Use of Data:

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



In addition, (1) the header and footer of every page that contains trade secrets or business-sensitive, proprietary, or otherwise confidential information must be marked as follows: “Contains Trade Secrets or Business-Sensitive, Proprietary, or 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 SCEP contractors. The applicant, by submitting its application, consents to the use of non-federal reviewers/administrators. Non-federal reviewers must sign conflict of interest (COI) and non-disclosure acknowledgements (NDA) prior to reviewing an application. Non-federal personnel conducting administrative activities must sign an NDA.

F. Notice Regarding Eligible/Ineligible Activities

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

G. Notice of Right to Conduct a Review of Financial Capability

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

H. Requirement for Full and Complete Disclosure

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

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



I. Retention of Submissions

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

J. Title to Subject Inventions

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

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

K. Government Rights in Subject Inventions

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

i. Government Use License

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

ii. March-In Rights

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

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

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

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



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

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

M. Copyright

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

N. Export Control

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

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



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

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

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

P. Personally Identifiable Information (PII)

All information provided by the applicant must to the greatest extent possible exclude PII. The term “PII” refers to information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name. (See OMB Memorandum M-17-12 dated January 3, 2017)

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

Q. Annual Independent Audits

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

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



R. Informational Webinar (Optional)

SCEP will conduct one [informational webinar](#) during the FOA process. It will be held on the date listed on the cover page of the FOA.

Attendance is not mandatory and will not positively or negatively impact the overall review of any applicant submissions. 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.



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 economic security.⁴⁵ For projects selected under this FOA, all recipients and subrecipients must be organized, chartered, or incorporated (or otherwise formed) under the laws of a state or territory of the United States; have majority domestic ownership and control; and have a physical location for business operations in the United States. To request a waiver of this requirement, an applicant must submit an explicit waiver request in the Full Application.

Waiver Criteria

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

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

⁴⁵ See [Critical and Emerging Technologies List Update \(whitehouse.gov\)](https://www.whitehouse.gov/critical-emerging-technologies/).



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

As set forth in Section IV.H.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 – BUY AMERICA REQUIREMENTS FOR INFRASTRUCTURE PROJECTS

Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

A. Definitions

For purposes of the Buy America Requirement, the following definitions apply:

Components See 2 CFR 184.3 Definitions

Construction Materials See 2 CFR 184.3 Definitions

“Buy America Preference,” “Buy America Requirement,” or “domestic content procurement preference” means the requirements set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds subject to the requirements are made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

Infrastructure See 2 CFR 184.4(c) and (d).

Manufactured Products See 2 CFR 184.3 Definitions

Predominantly of iron or steel See 2 CFR 184.3 Definitions.

Infrastructure project See 2 CFR 184.3 Definitions

B. Buy America Requirement for Infrastructure Projects (Buy America Requirement)

None of the award funds (includes federal share and recipient cost share) may be used for a project for infrastructure unless:

- (1) all iron and steel used in the project is produced in the United States-- this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) all manufactured products used in the project are produced in the United States— this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all



components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation. See 2 CFR 184.5 for determining the cost of components for manufactured products; and

(3) all construction materials⁴⁶ are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. See 2 CFR 184.6 for construction material standards.

The Buy America Requirement only applies to those articles, materials, and supplies that are consumed in, incorporated into, or affixed to the infrastructure in the project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does the Buy America Requirement apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

The Buy America Requirement only applies to an article, material, or supply classified into one of the following categories* based on its status at the time it is brought to the work site for incorporation into an infrastructure project:

- (i) Iron or steel products;
- (ii) Manufactured products; or
- (iii) Construction materials;

The Buy America Requirement only applies to the iron or steel products, manufactured products, and construction materials used for the construction, alteration, maintenance, or repair of public infrastructure in the United States when those items are consumed in, incorporated into, or permanently affixed to the infrastructure. An article, material, or supply incorporated into an infrastructure project should not be considered to fall into multiple categories, but rather must meet the Buy America Preference Requirement for only the single category in which it is classified.

The Buy America Requirement applies to public infrastructure projects in the United States. For purposes of this guidance, applicants should consider whether the infrastructure project will serve a public function. Infrastructure projects should generally be considered “public” if the infrastructure is: publicly owned, privately owned but operated on behalf of the public, or is a place of public accommodation. Review the implementation guidance in OMB Memorandum

⁴⁶ Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.



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

All iron and steel, manufactured products, and construction materials used in the infrastructure project must be produced in the United States.

** Section 70917(c) Materials* are cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives as provided in section 70917(c) of BABA. Section 70917 (c) materials are excluded from Construction materials. Asphalt concrete pavement mixes are typically composed of asphalt cement (a binding agent) and aggregates such as stone, sand, and gravel. Accordingly, asphalt is also excluded from the definition of Construction materials.

Section 70917(c) materials, on their own, are not manufactured products. Further, Section 70917(c) materials should not be considered manufactured products when they are used at or combined proximate to the work site—such as is the case with wet concrete or hot mix asphalt brought to the work site for incorporation. However, certain Section 70917(c) materials (such as stone, sand, and gravel) may be used to produce a manufactured product, such as is precast concrete. Precast concrete is made of components, is processed into a specific shape or form, and is in such state when brought to the work site. Furthermore, wet concrete should not be considered a manufactured product if not dried or set prior to reaching the work site.

Further clarification is provided in 2 CFR Part 184 on the circumstances under which a determination is made that Section 70917(c) materials should be treated as components of a manufactured product. That determination is based on consideration of: (i) the revised definition of the “manufactured products” at 2 CFR 184.3; (ii) a new definition of “section 70917(c) materials” at 2 CFR 184.3; (iii) new instructions at 2 CFR 184.4(e) on how and when to categorize articles, materials, and supplies; and (iv) new instructions at 2 CFR 184.4(f) on how to apply the Buy America preference by category.

The recipient is responsible for flowing the Buy America Requirement down to all subawards, contracts, subcontracts, and purchase orders for work performed under the proposed infrastructure project, including to For-Profit Entities when the for-profit entity is a subrecipient or subawardee.

Recipients must certify or provide equivalent documentation for proof of compliance that a good faith effort was made to solicit bids for domestic products used in the infrastructure project under this award.

Recipients must also maintain certifications or equivalent documentation for proof of compliance that those articles, materials, and supplies that are consumed in, incorporated into, affixed to, or otherwise used in the infrastructure project, not covered by an approved waiver or an exemption provided in 2 CFR 184.8, are produced in the United States. The certification or



proof of compliance must be provided by the suppliers or manufacturers of the iron, steel, manufactured products and construction materials and flow up from all subawardees, contractors and vendors to the recipient. Recipients must keep these certifications with the award/project files and be able to produce them upon request from DOE, auditors or Office of Inspector General.

C. DOE Submission Requirements for Full Application

Within the first two pages of the workplan or project description, applicants must provide a short statement on whether the project will involve the construction, alteration, maintenance and/or repair of infrastructure in the United States. The ultimate determination about whether a project includes infrastructure remains with DOE, but the applicant's statement will assist project planning and integration of the Buy America Requirement, which may impact the project's proposed budget and/or schedule.

D. Waivers

In limited circumstances, DOE may waive the application of the Buy America Requirement in an award where DOE determines that:

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

DOE will only process waiver requests after an award has been made but prior to any purchase of items the recipient is seeking to waive, and for which the requests have been submitted in accordance with the term and conditions of the award. Waiver requests must be reviewed by DOE and the Office of Management and Budget's Made in America Office and are subject to a public comment period of no less than 15 calendar days.

DOE or OMB may request additional information for consideration of the waiver. DOE may reject or grant waivers in whole or in part depending on its review, analysis, and/or feedback from OMB or the public. DOE's final determination regarding approval or rejection of the waiver request may not be appealed by a recipient.

Requests to waive the Buy America Requirement must include the following:

- Waiver type (Public Interest, Non-Availability, or Unreasonable Cost);
- Recipient name and Unique Entity Identifier (UEI);

Questions about this FOA? Weatherization.Innovation@hq.doe.gov.

Problems with Clean Energy Infrastructure Exchange? Email infrastructureexchangesupport@hq.doe.gov. Include FOA name and number in subject line.



- Award information (Federal Award Identification Number, Assistance Listing number);
- A brief description of the project, its location, and the specific infrastructure involved;
- Total estimated project cost, with estimated federal share and recipient cost share breakdowns;
- Total estimated infrastructure costs, with estimated federal share and recipient cost share breakdowns;
- List and description of iron or steel item(s), manufactured goods, and/or construction material(s) the recipient seeks to waive from the Buy America Requirement, including name, cost, quantity(ies), country(ies) of origin, and relevant Product Service Codes (PSC) and North American Industry Classification System (NAICS) codes for each;
- A detailed justification as to how the non-domestic item(s) is/are essential the project;
- A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and non-proprietary communications with potential suppliers;
- A justification statement—based on one of the applicable justifications outlined above—as to why the listed items cannot be procured domestically, including the due diligence performed (e.g., market research, industry outreach, cost analysis, cost-benefit analysis) by the recipient to attempt to avoid the need for a waiver. This justification may cite, if applicable, the absence of any Buy America-compliant bids received for domestic products in response to a solicitation;
- A description of the market research conducted that includes who conducted the market research, when it was conducted, sources that were used, and the methods used to conduct the research; and Anticipated impact to the project if no waiver is issued.



APPENDIX C – LIST OF ACRONYMS

ACPU	Average Cost Per Unit
BABA	Build America Buy America Act
BIL	Bipartisan Infrastructure Law
CEJST	Climate and Economic Justice Screening Tool
COI	Conflict of Interest
DEC	Determination of Exceptional Circumstances
DEI	Diversity, Equity, and Inclusion
DOE	Department of Energy
DOL	Department of Labor
E&I	Enhancement & Innovation
FCOI	Financial Conflicts of Interest
FFATA	Federal Funding and Transparency Act of 2006
FOA	Funding Opportunity Announcement
FFRDC	Federally Funded Research and Development Center
HBCUs	Historically Black Colleges and Universities
IREC	Interstate Renewable Energy Council
MPIN	Marketing Partner ID Number
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NNSA	National Nuclear Security Agency
NSF	National Science Foundation
OIG	Office of Inspector General
OMB	Office of Management and Budget
OFCCP	Office of Federal Contractor Compliance Programs
OSTI	Office of Scientific and Technical Information
PII	Personal Identifiable Information
QCI	Quality Control Inspector
RD&D	Research, Development, and Demonstration
SAM	System for Award Management
SCEP	State and Community Energy Programs
SciENCv	Science Experts Network Curriculum Vita
SERC	Sustainable Energy for Consumers
SIR	Savings to Investment Ratio
SMART	Specific, Measurable, Attainable, Realistic, and Timely
SOPO	Statement of Project Objectives
STEM	Science, Technology, Engineering, and Mathematics
SWS	Standard Work Specifications
T&TA	Training & Technical Assistance
UCC	Uniform Commercial Code
UEI	Unique Entity Identifier
WAP	Weatherization Assistance Program



WBS	Work Breakdown Structure
WP	Work Proposal
WPN	Weatherization Program Notice