

U.S. Department of Energy

Office of the Under Secretary for Energy

Restoring Reliability: Coal Recommissioning and Modernization

Broad Agency Announcement (BAA) Number: DE-FOA-0003605

BAA Type: Amendment 000002

Applications Due **Topic Area 1 only: February 11, 2026 at 8:00 pm ET**

Questions about this BAA? Email: CCRM-BAA@hq.doe.gov

Problems with eXCHANGE? Email: InfrastructureExchangeSupport@hq.doe.gov

Include BAA name and number in subject line when you send email.

Amendment. No.	Date	Description of Changes
000001	10/30/2025	Changed the Application Due Date from November 13, 2025 at 8:00 pm ET to December 8, 2025 at 8:00 pm ET
		Revised sections in Step 1 to clarify that construction and commissioning activities are included within the allowable scope for both topic areas.
		Revised Step 1 to clarify that project scope must address both coal-fired generation and Carbon Capture Utilization and Storage (CCUS)
		Revised Step 1, Topic Area 2 to clarify the topic area's authorizing statute and eligibility requirements.
		Revised Step 1 to clarify authorization requirements for Federally Funded Research and Development Centers (FFRDCs) for project participation.
		Revised Step 1 to provide additional information regarding Davis-Bacon Act Requirements for construction projects funded under IIJA.
		Revised Step 1 to provide additional information regarding performance of work in the United States, foreign national participation, and Buy America requirements.
		Revised Step 2 to add a Techno-Economic Analysis (TEA) to the application contents and format section.
		Revised Step 2 to add an Eligibility Certification to the application contents and format section.
		Revised Step 2 to clarify lobbying and SF-424 form application documents and instructions for submission to the application contents and format section.
		Revised Step 4 to clarify the Department of Energy (DOE) application review and selection process.
000002	1/12/2026	Revised Application due date for Topic Area 1 only. Revised Step 1 to allow consideration of applications proposing appropriate use of federal financing such as DOE loan guarantees.

All substantive changes listed above to the Broad Agency Announcement (BAA) are HIGHLIGHTED in the body of the BAA.

Amendments to this BAA will be posted on eXCHANGE and Grants.gov. Grants.gov will automatically notify applicants when a BAA is amended. Applicants must be registered to this BAA in Grants.gov to receive notifications.

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Before you begin

If you believe you are a good candidate for this funding opportunity, secure your SAM.gov and other registrations now. If you are already registered, make sure your registration is active and up to date. All registrations are free.

SAM.gov registration (this can take 1-2 months)

You must have an active account with [SAM.gov](https://sam.gov). This includes having a Unique Entity Identifier (UEI).

Infrastructure eXCHANGE (this can take 48-72 hours)

Register with [Infrastructure eXCHANGE](https://infrastructureexchange.gov) using Login.gov or ID.me.

FedConnect (this can take 48-72 hours)

Registering with [FedConnect](https://fedconnect.gov)® is fast and easy. Only individuals who are designated as Points of Contact in SAM.gov can create a new company account.

Apply by **Wednesday, February 11, 2026 (Topic Area 1 only)**

Applications are due by 8:00 p.m. Eastern Time.

For additional details on submitting your application see [Step 3: Submit Your Application](#).

STEP 1: REVIEW THE FUNDING OPPORTUNITY

IN THIS STEP

Basic Information

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Program Description

Basic Information

Funding Detail

Expected total available funding: Up to \$525 million total

Topic 1 – Coal Commissioning, Recommissioning, Retrofitting, and Modernization Projects: Up to \$350 million will be made available for up to 5 awards supporting the construction, commissioning, recommissioning, overhaul, or targeted retrofits of coal-fired generation assets that are inactive or scheduled for retirement prior to 2032. Projects may be staged so that near-term reliability upgrades are federally cost-shared without requiring immediate Carbon Capture Utilization and Storage (CCUS) installation, while later phases incorporate capture integration, monitoring, reporting, and verification (MRV), or other carbon-management components. Projects must include scope for both coal-fired generation and CCUS. Federal funds will be tied to pilot or demonstration outcomes, with non-CCUS reliability work covered through recipient cost share. Projects that include carbon utilization are preferred over approaches that solely implement carbon capture and storage.

Topic 2 – Rural Capacity and Energy Affordability Coal Projects: Up to \$175 million will be made available for up to 5 awards supporting the commissioning, recommissioning, or modernization of coal plants located in rural or remote communities (see IIJA Section 40103 (c)(1)) that meet statutory criteria for energy affordability, resilience, or access (See IIJA Section 40103 (c)(2/3)). Eligible projects should demonstrate the potential to stabilize rates, preserve high-wage local jobs, and ensure long-term availability of reliable, affordable, and secure generation resources in underserved or constrained regions.

Expected Number and Type of Awards

Topic 1 – Coal Commissioning, Recommissioning, Retrofitting, and Modernization Projects: Up to 5 milestone-based Other Transaction (OT) awards for commissioning, recommissioning, overhauling, and retrofitting

Topic 2 – Rural Capacity and Energy Affordability Coal Projects: Up to 5 milestone-based OT awards supporting rural and remote community-based coal facilities.

Expected Award Project Periods

Topic 1: Maximum project period of up to 6 years, recognizing staged retrofit/CCUS demonstration phases.

Topic 2: Maximum project period of up to 4 years, reflecting community-focused affordability and capacity objectives.

DOE reserves the right to adjust the number, scope, or funding level of awards based on the quality, feasibility, and regional distribution of applications received. Subject to the availability of appropriations, DOE may issue subsequent funding opportunities to advance coal commissioning, recommissioning, or modernization opportunities.

Authorities

This Broad Agency Announcement (BAA) is issued in response to Executive Order 14156, “Declaring a National Energy Emergency” (January 20, 2025), which directed federal agencies to exercise lawful emergency and other authorities to facilitate domestic energy supply and critical energy infrastructure.

DOE will implement this BAA using milestone-based Other Transaction Agreements (OTAs) under 42 U.S.C. § 7256(a) and/or 42 U.S.C. § 7256(g), ensuring accountability and phasing of projects where appropriate (e.g., initial coal unit retrofits followed by CCUS demonstration). Federal payments will be tied to independently verified technical progress.

Funding is anticipated from unobligated balances appropriated to DOE’s Office of Clean Energy Demonstrations (OCED) under the Infrastructure Investment and Jobs Act (IIJA, Public Law 117-58), and subsequent appropriations. Relevant authorities include:

- **Carbon Capture Demonstration Projects Program** — IIJA §41004(b), EPCA 2005 §962(b)(2)(C), 42 U.S.C. §16292.
- **Carbon Capture Large-Scale Pilot Projects** — IIJA §41004(a), EPCA 2005 §962(b)(2)(B), 42 U.S.C. §16292.
- **Energy Improvements in Rural or Remote Areas Program** — IIJA §40103(c), 42 U.S.C. §18712.
- **Other Transaction Authority** — 42 U.S.C. §7256 (a) and (g).

DOE will use these authorities to address urgent reliability challenges and accelerate the **commissioning**, recommissioning, modernization, and strategic deployment of coal-fired generation assets.

Agency Contact Information

Office of the Under Secretary for Energy
U.S. Department of Energy
1000 Independence Ave SW
Washington, D.C. 20585
Email: CCRM-BAA@hq.doe.gov

Executive Summary

The United States is confronting an urgent grid capacity crisis. DOE's *2025 Grid Reliability Assessment (DOE/GR-2025-001)* confirmed that coal retirements outpace other reliable, affordable, and secure generation resources. These challenges are especially acute in regions with constrained transmission and sustained load growth. In January 2025, Executive Order 14156 declared a national energy emergency, directing DOE and other federal agencies to use their full statutory authority to ensure reliable, affordable, and secure generation resources.

The operational strain created by the increasing penetration of intermittent renewables has forced thermal units to cycle beyond their designed parameters, accelerating wear and raising the risk of forced outages and blackouts. This reliability emergency coincides with surging demand from national defense installations, semiconductor fabrication, AI data centers, critical mineral processing, and industrial re-shoring, all of which require uninterrupted access to reliable, affordable, and secure power.

Coal-fired generation assets, long central to U.S. energy security, retain valuable infrastructure and make them uniquely positioned to deliver near-term reliability at scale. Commissioning, recommissioning, retrofitting, and strategically repurposing these assets offers the fastest and most cost-effective path to restoring stability while supporting the nation's industrial and security priorities.

This BAA provides up to \$525 million in federal support to catalyze these outcomes. Activities funded under this BAA are expected to preserve or create high-wage jobs, strengthen domestic energy resilience, and ensure affordable and reliable power for American communities. DOE will implement this BAA using milestone-based Other Transaction Agreements (42 U.S.C. § 7256(a) and/or (g)), tying federal payments to independently verified technical progress.

Awards will be made across two Topic Areas, each mapped to available program appropriations:

- **Topic 1 – Coal Commissioning, Recommissioning, Retrofitting, and Modernization Projects:** Commissioning new, and recommissioning inactive or retiring units and modernizing existing facilities, with phased CCUS integration in later stages.
- **Topic 2 – Rural Capacity and Energy Affordability:** Projects in rural or remote communities where coal assets provide reliable, affordable, and secure generation.

DOE anticipates up to 10 projects depending on scope and complexity. Awardees will be selected based on technical merit, grid value, execution readiness, financial viability, and alignment with strategic national priorities.

By unlocking the latent value of America's coal-fired generation assets, this program will secure the grid, power the nation's industrial resurgence, and protect communities from reliability shortfalls.

Table 1. Program overview. All values anticipated. Details to be determined through merit reviews and project negotiations.

Topic #	Description*	Funding Provision	Anticipated # of Awards*	Anticipated Award Duration	Total Funding per Topic*
1	Coal Commissioning , Recommissioning, Retrofitting, and Modernization Projects	Carbon Capture Demonstration Projects (IIJA §41004(b); EAct 2005 §962(b)(2)(C), 42 U.S.C. §16292) and Carbon Capture Large-Scale Pilot Projects (IIJA §41004(a); EAct 2005 §962(b)(2)(B), 42 U.S.C. §16292)	Up to 5	Up to 6 years	Up to \$350 M
2	Rural Capacity and Energy Affordability Coal Projects	Energy Improvements in Rural or Remote Areas (IIJA §40103(c), 42 U.S.C. §18712)	Up to 5	Up to 4 years	Up to \$175 M

*Depending on the number and quality of applications.

Eligibility

Eligible Applicants

To be considered for substantive evaluation, an applicant's submission must meet all eligibility criteria set forth in this section. Applications that do not satisfy these requirements will be deemed ineligible and removed from further evaluation.

DOE will not make pre-application eligibility determinations. The decision to submit an application in response to this Broad Agency Announcement (BAA) is solely the responsibility of the applicant.

Eligible Applicants

The prime applicant must meet the applicable eligibility requirements as defined for each Topic below.

Topic Area 1 – Coal Commissioning, Recommissioning, Retrofitting, and Modernization Projects: Prime applicants must own or operate coal-fired generation assets to be constructed or that are currently inactive or scheduled for retirement prior to January 1, 2032. Proposals should demonstrate readiness to commission, recommission, or modernize units to provide near-term reliability, and integrate carbon capture demonstration phases as part of project milestones. Applications for projects that do not include coal-fired generation and CCUS are not of interest. Projects that include carbon utilization are preferred over approaches that solely implement carbon capture and storage.

Topic Area 2 – Rural Capacity and Energy Affordability Projects: Prime applicants must own or operate coal-fired generation assets located in rural or remote communities as defined by IIA §40103(c)(1). Projects should show direct benefits to energy affordability, reliability, and resilience for affected communities. Applications that include technology approaches not associated with coal plants are not of interest.

The benefited area with not more than 10,000 inhabitants must be (a) "a city, town, or other incorporated municipality" or (b) "a Census Designated Place (CDP), Census County Division (CCD), or similarly discreet and identifiable community that is not located within an incorporated municipality." Zip code tabulation areas (five digit) (ZCTA5), census tracts, and other similar census geographic entities are not discrete and identifiable communities.

Projects ideally should be sited within the rural or remote area they are designed to benefit. Projects proposed to be built outside of a rural or remote area may be considered for funding but must clearly define the rural or remote area(s) of not more than 10,000 inhabitants receiving the benefits. All areas identified as directly benefitting from the proposed project must meet the definition of rural or remote area.

For all Topic Areas, the proposed prime awardees must be domestic entities. To qualify as a domestic entity, the entity must be organized, chartered, incorporated, or otherwise lawfully formed under the laws of the U.S. or of a particular state or territory of the U.S.; have majority domestic ownership and control; and have a physical place of business in the U.S.

Entities that are eligible as team members under this BAA include, but are not limited to:

- An institution of higher education;
- Nongovernmental organizations;

- National Laboratories;
- Tribal or governmental entities;
- A private entity; or
- A partnership or consortium of two or more entities described in this list.

Federal agencies and instrumentalities (other than DOE and Tennessee Valley Authority (TVA)), Federally Funded Research and Development Centers (FFRDCs)¹, and Non-DOE/NNSA FFRDCs, are eligible to participate only as a team member.

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 the FFRDC must be consistent with its authority under the award.

For DOE/NNSA FFRDCs, the cognizant Contracting Officer for the FFRDC must authorize in writing the use of the FFRDC on the proposed project and this authorization must be submitted with the application. The funding for the FFRDC will flow through the prime recipient. The following wording is acceptable for this authorization:

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

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 to participate as a team member or otherwise.

Entities identified on the Department of the Treasury Office of Foreign Assets Control Treasury's Sanctions Program Specially Designated Nationals list are prohibited from doing business with the United States government and are not eligible to participate as a team member or otherwise. See [OFAC - Sanctions List Service \(treas.gov\)](https://www.treas.gov/sanctions/).

Entities of Concern are prohibited from participating in projects selected under this BAA (see the Entity of Concern Prohibition section for additional details and definitions).

Non-profit 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. Non-profit organizations described in Section 501(c)(5) of the Internal Revenue Code are eligible to apply for funding.

¹ As specified in the Federal Acquisition Regulation (FAR) 35.017(a)(2), a FFRDC "meets some special long-term research or development need which cannot be met as effectively by existing in-house or contractor resources." A FFRDC is "operated, managed, and/or administered by either a university or consortium of universities, other not-for-profit or nonprofit organization, or an industrial firm, as an autonomous organization or as an identifiable separate operating unit of a parent organization." FAR 35.017(a)(3). A list of FFRDCs can be found at <http://www.nsf.gov/statistics/ffrdclist/>.

Entity of Concern

Prohibition

No Entity of Concern as defined in Section 10114 of Public Law 117-167 (42 USC 18912), may receive any grant, contract, cooperative agreement, or loan of \$10 million or more in Department of Energy funds, including funds made available by the Consolidated Appropriations Act, 2024 ([Public Law 118-42](#)).

In addition, for all awards involving Departmental activities authorized under [Public Law 117-167](#), no Entity of Concern (including an individual that owns or controls, is owned or controlled by, or is under common ownership or control with an Entity of Concern) may receive DOE funds or perform work under any award, subject to certain penalties. See [Section 10114 of Public Law 117-167 \(42 USC 18912\)](#) and [Division D, Title III, Section 310 of Division D of the Consolidated Appropriations Act of 2024 \(Pub. L. No. 118-42\)](#) for additional information.

By submitting an application to this BAA, the prime applicant is certifying that neither the prime applicant nor any of the project participants qualify as Entities of Concern.

Definition

Entity of Concern is defined as in section 10114 of Public Law 117-167 (42 USC 18912), also known as the CHIPS and Science Act, as any entity, including a national, that is—

- (A) identified under section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note; Public Law 105–261);
- (B) identified under [section 1260H](#) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note; Public Law 116–283);
- (C) on the [Entity List maintained by the Bureau of Industry and Security of the Department of Commerce](#) and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations;
- (D) included in the list required by section 9(b)(3) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145; 134 Stat. 656); or
- (E) identified by the Secretary, in coordination with the Director of the Office of Intelligence and Counterintelligence and the applicable office that would provide, or is providing, covered support, as posing an unmanageable threat—
 - (i) to the national security of the U.S.; or
 - (ii) of theft or loss of U.S. intellectual property.

Milestones and Costs

The DOE award contribution can never exceed 50 percent (50%) of total project cost, unless approved by the Department at its sole discretion and authorized by law. At every point in time from the initiation of the award, the applicant must have contributed at least 50 percent (50%) of the total project costs incurred from the time of the award. DOE requires applications to include proposed milestones with defined work scope and related milestone payments and to include a project spend plan which shows the total anticipated project cost at the time of each milestone completion. DOE will review and evaluate applications to ensure that the requested milestone payments adhere to this requirement. As part of the program policy factors, DOE may give preference to applications where the proposed applicant team proposed substantially more applicant project cost share. Applicant project cost share must come from non-federal sources, such as private investment from project participants, state or local governments, or third-party financing, unless otherwise allowed by law.¹

Recipients will be paid upon the successful completion of pre-negotiated milestones. The integral amount of federal payments made to the recipient upon each milestone completion cannot be more than 50 percent (50%) of the costs incurred on the project, unless approved by the Department and authorized by law from the time of award to that milestone payment. For example, at the completion of the third milestone, if all three milestone payments amount to \$100 million, then the applicant must ensure minimum total project cost incurred through completion of the third milestone is equal to or exceeds \$200 million. DOE expects the project teams to propose milestone timing and amounts that account for this cost share constraint and to include in their application a project spend plan which shows the total anticipated project cost at the time of each milestone completion.

For this project, DOE may consider applications proposing appropriate use of federal financing such as DOE loan guarantees. Generally, realized tax credits may be used for project costs.²

Each project team can determine how to best allocate project costs among the team members. The amount contributed by individual project team members for each milestone may vary.

The prime awardee is responsible for costs relating to each milestone and the project overall. DOE encourages the prime awardee to achieve cost savings throughout the project life cycle. However, should cost savings be realized such that the agreed upon DOE share would exceed 50 percent of the project at any point during the award, the prime awardee will be responsible for notifying DOE and agreeing to a reduced milestone payment. In this event, subsequent milestone payments could be renegotiated to account for a reduced milestone payment provided overall spending allows for at least 50 percent non-federal contribution. If the funding agreement is terminated prior to the successful completion of a milestone, the prime awardee will be responsible for its share (i.e., percentage) of the total project cost incurred to date as of the termination or end date of the Agreement.

Limitation of Number of Applications Eligible for Review

An entity may submit more than one Application to this BAA and to more than one topic provided each application describes a uniquely distinct project.

¹ EPCA05 Section 988 (d)(1)(E) provides that any funds received under the power program of the Tennessee Valley Authority (except to the extent that such funds are made available under an annual appropriation Act) is allowable as non-Federal cost share for TVA.

² Tax credits authorized by the Inflation Reduction Act of 2022 (P.L. 117-169) are considered a non-federal source and are not a federal award.

Program Description

Purpose

This BAA makes available up to \$525 million in federal funds to catalyze the commissioning, recommissioning, modernization, and targeted repowering of coal-fired generation assets that retain strategic value to the U.S. electric grid. Eligible projects include proposed coal units and units that are currently inactive or planned for retirement by January 1, 2032, as well as operating units requiring upgrades to extend life, enhance resilience, and lower energy costs.

The objective is to demonstrate that new, recommissioned, and upgraded coal facilities can deliver cost-effective, near-term reliable generation resources with minimal permitting barriers while supporting regional reliability, national security priorities, and energy workforce stability. By leveraging existing infrastructure and interconnections, these projects can provide rapid reliability benefits at a time of accelerating load growth and grid stress.

DOE intends to support projects with the potential to:

- **Commission, recommission, or reactivate** coal-fired generation assets through initiating new construction, overhaul, repair, or system upgrades;
- **Modernize operating assets** to improve fuel and load flexibility (e.g., co-firing, combustion upgrades, supply chain improvements, or selective retrofits);
- **Deliver reliable, affordable, and secure generation** in service of high-priority loads such as defense installations, semiconductor fabs, AI/data centers, industrial clusters, and residential areas.

This BAA also seeks to address barriers that have historically limited coal fired generation commissioning or recommissioning, including:

- **Investment confidence:** Market and policy uncertainty have deterred capital for coal-based generation that is reliable, affordable, and secure despite reliability need;
- **Fuel logistics:** Constructing, restarting, or extending coal units requires secure fuel supply, stockpiles, and transportation arrangements;
- **Workforce continuity:** Many affected communities have seen energy workers dispersed and displaced following past plant retirements, underscoring the need for workforce recruitment, training, and retention strategies.

Through milestone-based Other Transaction Agreements (OTAs), DOE will ensure accountability and progress verification, while enabling rapid deployment of projects that reinforce U.S. grid reliability and energy security.

Terminology

Coal-Fired Generation Asset: An electricity-producing unit or facility that primarily combusts coal (including bituminous, subbituminous, lignite, or coal refuse) to generate electric power, together with its associated equipment and infrastructure (e.g., boilers, turbines, balance-of-plant systems, fuel handling, and grid interconnection). For the purposes of this BAA, the term includes operating, inactive, mothballed, or scheduled-for-retirement units, provided they have an existing or restorable grid interconnection and can be returned to, or maintained in service.

Coal-Fired Unit: A single generating unit within a coal-fired facility consisting of a boiler (or other combustion system), turbine-generator, and supporting equipment that produces electricity. A facility may consist of one or multiple units.

Coal Plant (Coal-Fired Facility): A site that contains one or more coal-fired units, together with common systems (e.g., fuel delivery, water supply, emissions control, and interconnection equipment).

Generation Site / Facility: The physical location at which one or more coal-fired units are sited, including land, interconnections, and shared systems.

Coal Commissioning Project: A project that initiates and plan to construct a coal-fired power generation facility.

Coal Recommissioning Project: A project that returns a previously operational coal-fired unit to grid-interconnected service through overhaul, repair, or system upgrades.

Modernization / Retrofit Project: Upgrades to operating coal units designed to extend service life, improve reliability, increase efficiency, or enhance responsiveness to grid conditions (e.g., mechanical overhauls, control system upgrades, emissions controls refurbishment, fuel handling).

Partial Recommissioning: The staged reactivation of one or more critical subsystems (e.g., boiler, turbine, or interconnection) without restoring the full plant to operation at the outset.

Fuel Flexibility Retrofit: Technical modifications that enable an existing coal unit to co-fire or switch to alternative fuels (e.g., biomass, natural gas backup), improving operational flexibility and fuel security.

Critical Load: A location-specific, high-priority electricity demand requiring continuous service and resilience prioritization, including Department of Defense installations, semiconductor fabrication facilities, hyperscale data centers, critical mineral processing plants, water treatment facilities, and other essential infrastructure.

Strategic Load Support Project: A project that demonstrates a direct nexus between a coal-fired generation asset and the provision of reliable, affordable and secure power to mission-critical loads of national security or economic importance.

General Expectations for All Topics

Projects funded under this BAA must contribute to the revitalization of reliable U.S. generation infrastructure through credible, executable deployment pathways. Strong applications may be comprised of:

- Near-term potential for electricity delivery and grid interconnection;
- High-quality project development, ownership clarity, and financial viability;
- Support the creation and retention of domestic high-paying, stable, industrial sector jobs that will support broadly shared prosperity in the communities in which the facilities are located, and
- Contribute to energy and national security by, for example, reducing dependence on foreign products or positioning U.S. industry for long-term competitiveness.

Applicants must also demonstrate how their project aligns with emerging U.S. needs for reliable, affordable, secure generation resources and strategic energy infrastructure repurposing.

Award and Milestones

DOE anticipates issuing milestone-based Other Transaction (OT) Agreements under its statutory authority (42 U.S.C. § 7256(a) and/or (g)). Each selected project will be assigned a tailored set of milestones, verified for completion before federal funding is disbursed. These milestones will be structured to manage DOE's risk exposure and ensure project accountability.

Milestones may include, but are not limited to, site control confirmation, engineering design completion, key procurement, interconnection agreements, and first synchronization to the grid. Failure to meet negotiated milestones may result in increased oversight, withholding of future payments, or early termination of the award.

Project Continuation Between Milestones

Continuation beyond each milestone will depend on satisfactory progress, as determined by DOE and/or its designees. DOE reserves the right to apply enhanced review, require independent evaluation, or discontinue funding if project progress stalls. All continuation decisions will consider performance data, risk mitigation, and evolving policy needs.

National Environmental Policy Act (NEPA)

DOE's decision whether and how to distribute federal funds under this program is subject to NEPA (42 U.S.C. § 4321 et seq.). NEPA requires federal agencies to consider the environmental effects of their proposed actions in their decision-making processes and inform and engage the public in that process.

While NEPA compliance is a federal agency responsibility and the agency is responsible for the accuracy, scope, and content of any environmental documents, all applicants selected for negotiation of an award will be required to assist in the timely and effective completion of the NEPA process. For projects that require completion of an environmental assessment (EA) or environmental impact statement (EIS), applicants will be directed to use project funds to hire a third-party NEPA contractor to prepare EA or EIS either at the applicant's direction or at the direction of DOE. DOE will independently evaluate the EA or EIS and take responsibility for the contents.

Refer to Section 2.3 of DOE's June 2025 NEPA Implementing Procedures for additional information on the role of applicants in the preparation of NEPA documents ([DOE NEPA Implementing Procedures June 30 2025.](#))

NEPA compliance activities will be tailored to each project awarded under the BAA; NEPA compliance activities should be accounted for in the project scope, schedule, and budget. For additional background and guidance on NEPA refer to the DOE NEPA Website: <https://www.energy.gov/NEPA> or <https://ceq.doe.gov/index.html>.

National Historic Preservation Act (NHPA)

DOE must comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA) prior to deciding whether or how to distribute federal funds. Section 106 requires DOE to identify and consider adverse effects to historic properties that are listed in or eligible for listing in the National Register of Historic Places. DOE will perform a NHPA review under the umbrella of its NEPA review and will require applicants to assist in this review and consider impacts to historic properties.

DOE Order 144.1A American Indian Tribal Government Interactions and Policy

This Policy sets forth the principles to be followed by DOE to ensure an effective implementation of a government-to-government relationship with American Indian and Alaska Native Tribal governments. The Policy is based on the United States' Constitution, treaties, Supreme Court decisions, Executive Orders, statutes and existing federal policies, Tribal laws and the dynamic relationship between Indian nations and federal government ([DOE Order 144.1: Department of Energy American Indian Tribal Government Interactions and Policy \(2009\)](#)).

Davis-Bacon Act Requirements

Projects awarded under this BAA will be funded under IIJA. Accordingly, per Section 41101, all laborers and mechanics employed by the recipient, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work funded in whole or in part under this BAA shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the "Davis-Bacon Act" (DBA). There are weekly reporting requirements.

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

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

General Cost Considerations

Applicants must include costs associated with implementing the various IJIA-specific requirements (e.g., Buy America requirements for infrastructure projects, Davis-Bacon, reporting, oversight), and with required annual audits, and with incurred cost proposals in their proposed budget documents. Such costs may be reimbursed as a direct or indirect cost.

Pre-Award Costs

Because these projects are being structured on a milestone payment basis, no pre-award costs will be paid. DOE intends to limit the negotiation of milestone activities to future action necessary for successful completion of the project objectives. DOE will not pay prior incurred costs as part of the milestone structure.

Performance of Work in the United States

All work performed under this BAA must be performed by U.S. citizens; the work must be performed in the geographical United States; and all materials must be made in the United States. The Department, at its sole discretion, can provide a waiver upon a request from the prime awardee. The prime awardee must flow down this requirement to its team members.

If the prime awardee fails to comply with the Performance of Work in the U.S. requirement, DOE may deny or reduce milestone payment for the unauthorized work conducted outside the U.S. The prime awardee is responsible should any work under this award be performed outside the U.S., absent a waiver, regardless of whether the work is performed by the prime awardee, team members, contractors or other project partners.

Foreign National Participation

If the awardee (including any of its contractors and other project partners) anticipates involving foreign nationals in the performance of the Award, the Recipient must, upon DOE's request, provide DOE with specific information about each foreign national to ensure compliance with the requirements for participation and access approval.

DOE may deny a foreign national's participation in the Award, in its discretion, at any point during the performance of the Award. Likewise, DOE may elect to deny a foreign national's access to a DOE sites, information, technologies, equipment, programs, or personnel. DOE's determination to deny participation or access is not appealable.

Buy America Requirement for Infrastructure Projects

Awards funded through this NOFO that are for, or contain, construction, alteration, maintenance, or repair of public infrastructure in the United States undertaken by applicable recipient types, require that:

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

Applicants should consult 2 CFR 184 and the NOFO Supplemental Requirements document located on the Funding Opportunities section of the Apply for Funding page to determine whether the Buy America Requirement applies and if they should consider the application of the Buy America Requirement in the proposed project's budget or schedule.

1. REVIEW

2. GET READY

3. SUBMIT

4. SELECTION

5. REQUIREMENTS

6. CONTACTS

STEP 2: GET READY TO APPLY

IN THIS STEP

Topic 1: Application Contents and Format

Topic 2: Application Contents and Format

Topic 1: Application Contents and Format

Section	File Naming Convention	Page Limit	Format
Cover Page	ControlNumber_LeadOrganization_CoverPage	1	PDF
Technical Volume			
Project Narrative	ControlNumber_LeadOrganization_ProjectNarrative.pdf	40	PDF
Financing	ControlNumber_LeadOrganization_Financing.pdf		PDF
Techno-Economic Analysis	ControlNumber_LeadOrganization_TEA.pdf		PDF
Construction Strategy	ControlNumber_LeadOrganization_Construction.pdf		PDF
Non-Technical Content			
Management Team and Program Partners	ControlNumber_LeadOrganization_MgmtPartners.pdf	5	PDF
Additional Materials			
Eligibility Certification	ControlNumber_LeadOrganization_Certification.pdf	N/A	PDF
Impacted Indian Tribe Documentation	ControlNumber_LeadOrganization_IMT_Doc.pdf	N/A	PDF
Letters of Commitment	ControlNumber_LeadOrganization_LOCs.pdf	N/A	PDF
Resumes	ControlNumber_LeadOrganization_Resumes.pdf	3 pages each	PDF
Transparency of Foreign Connections	ControlNumber_LeadOrganization_TransparencyFC.pdf	N/A	PDF
Foreign Entity Waiver Requests and Foreign Work Waiver Requests	ControlNumber_LeadOrganization_Waiver.pdf	N/A	PDF
Current and Pending Support	ControlNumber_LeadOrganization_CPS.pdf	N/A	PDF
Potentially Duplicative Funding Notice	ControlNumber_LeadOrganization_PDFN.pdf	N/A	PDF
Disclosure of Lobbying Activities, if applicable (SF-LLL)	ControlNumber_LeadOrganization_SF-LLL.pdf	N/A	PDF
Application for Federal Assistance (SF-424)	ControlNumber_LeadOrganization_SF424.pdf	N/A	PDF

Document Format Requirements

Your submission must conform to the form and content requirements described in this section, including maximum page lengths. A Control Number will be issued when you begin the eXCHANGE application process. The Control Number must be included with all Application documents. 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_Application).

- Each document must be submitted in **Adobe PDF** format unless otherwise stated.
- Include assigned **Control Number** in upper right corner of the header of every page along with the file name.
- Page numbers must be included in the footer of every page.
- You must not exceed the specified page limit. DOE will only review the authorized number of pages.
- All documents must be written in the **English** language.
- All pages must be formatted to fit 8.5 inch-by-11 inch paper with margins no less than one inch on all sides and single spaced.
- Use Calibri typeface, **black** font color, font size of **12 point** or larger. Figures and tables may use 10-point font.
- 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.
- Documents should not contain hyperlinks to external websites or references. Any links included will not be reviewed by DOE.
- The maximum file size that can be uploaded to the eXCHANGE website is **50 megabytes (MB)**. Files in excess of 50 MB cannot be uploaded, and hence cannot be submitted for review.
- If a file exceeds 50 MB but is still within the maximum page limit specified in the BAA, it must be broken into parts and denoted to that effect.

Application

Contents

- [Cover Page](#)
- [Technical Volume \(Maximum 40 pages\)](#)
 - [Project Narrative](#)
 - [Financing](#)
 - [Construction Strategy](#)
- [Non-Technical Content](#)
 - [Management and Project Partners \(Maximum 5 pages\)](#)
- [Additional Materials](#)

Cover Page

The cover page must include all of the following:

- The project title.
- The proposed Topic selection (e.g., Topic 1).
- The project team, including applicant name, entity type and an explanation of eligibility as described in [Step 1](#), both the technical and business points of contact, and names of all team member organizations.
- The project location(s).
- The proposed improvements, or brief narrative on process being implemented to downselect to specific improvements.
- The proposed federal funding level, cost share, period of performance, and whether or not the applicant intends to apply for DOE Loan Programs Office (LPO) financing in the future.
- Any statements regarding confidentiality as described in [Step 3](#).

Applicants are encouraged to use the cover page format shown at the end of the [Step 2](#) section.

Technical Volume

Project Narrative

Each application shall have a project narrative that describes the proposed project. Applicants should include the following:

- **Project Concept:** A high-level overview of the proposed project, including the value proposition, the team's rationale for pursuing the project.
- **Project Site:** A description of the project site and rationale for selecting it as the demonstration site.

Financing

The applicant should explain how DOE funding would be applied to derisk the project. The financing plan should cover the entire project regardless of which project milestones are targeted for this award.

- **Milestones:** The applicant should propose a list of the milestones for the project on a timeline and indicate milestone payments in raw numbers and as a percent of estimated total project costs. When setting milestone timing, not all milestones need to have the same period of performance. However, the applicant must propose a maximum performance period for each milestone. Should a milestone be completed in advance of the time proposed, DOE will review deliverables and decide on proceeding to the next negotiated milestone.

A narrative should also be provided as to why the milestones were selected, which phase of deployment (design, licensing, construction) the milestone awards will assist, and how the selected milestones will not only accelerate deployment but will also help lead to follow-on deployments. Any narrative should include how the applicant plans to track milestone progress.

When proposing milestones for award, the applicant should consider the requirements specified in the [Milestones and Costs](#) section of this BAA. Milestone specifics will be negotiated during the application process for applicants who are selected to move forward in the application process and may include technical, financial as appropriate.

- **Project costs:** A plan should be provided for how the project costs will be borne by team members. This plan should provide a breakdown of funding from public and private sources throughout the project milestones. This plan should also include any planned partnerships and financing strategies/commitments.
- **Spend Plan:** The applicant will need to provide an overall spend plan through start-up and operations, even though proposed milestones may or may not cover the entire scope.

It is crucial that the spend plan be as accurate as possible from the start of award until the milestones covered under this program are completed. The integral spend, derived from the spend plan, will be used to ensure the aggregated milestone payments made under award never exceed 50 percent of total project costs accrued at the time of each milestone payment.

- **Cost-overflow risk strategy:** A key enabler will be avoiding significant cost overruns. Having an effective strategy to manage this risk is important and the application should provide a comprehensive strategy for managing this risk that covers key topics including, but not limited to:
 - How risks are identified, allocated, and mitigated among project partners during the project life cycle to achieve a successful deployment.
 - Cost escalation planning for Engineering, Procurement, and Construction (EPC) costs, labor / workforce availability, and permitting and regulatory submittals.

- Any mechanisms or provisions that exist within the team structure or agreements to ensure successful deployment should there be changes in team composition, such as a team member leaving or a new team member joining.
- The method and level of contingency funding that will be included within the project and milestone award requests. An explanation of why the proposed level of contingency is considered sufficient should also be provided.
- How, and at what points in the project, cost and schedule estimates will be matured and what level of validation and verification will be performed for accuracy and quality.
- The mechanism(s) proposed to navigate cost-overruns if they occur, including whether team members planning subsequent deployments are willing to offset risk on the first project.
- Any other identified debt or equity partnerships or standby equity that could potentially be a source of additional capital to the project and levels of discussions or commitments to date.

Techno-Economic Analysis

A preliminary Techno-Economic Analysis (TEA) will assess the long-term financial viability of the proposed technology using generally accepted accounting principles. The TEA should be conducted with the best available information for the proposed technologies, systems, and infrastructure and should incorporate prior testing data if available. Applicants should plan for TEA updates for the duration of the project period.

The TEA must address the coal-fired generation assets and the CCUS. The TEA for the proposed reference coal plant should include (i) mass and energy balances, (ii) estimates of heating and cooling duties and electric power requirements covering the carbon capture system and balance-of-plant, (iii) the cost of the carbon capture system, (iv) the levelized cost of electricity, and (v) the cost of carbon capture. The TEA may leverage proprietary or published data, existing tools, estimates or quotes from industry representatives, or any other sources needed.

Construction Strategy

Applications must include initial versions of Engineering, Procurement, and Construction project documents focusing on project development. Data, information, and related documents will cover:

- **Site:** Rationale for selecting the proposed site and strategy and proposed schedule for obtaining all necessary federal, state, and local permits, including meeting National Environmental Policy Act and National Historic Preservation Act requirements.

- **Schedule:** A notional execution schedule should be included, showing sufficient maturity and resilience for a major construction project at an initial phase of development.

Non-Technical Content

Management Team and Project Partners (Maximum 5 pages)

- **Key personnel:** Applicants should describe the key personnel for implementing the project, including roles and responsibilities, expertise, and percentage time commitment. Applicants should include development, engineering, and construction personnel as applicable.

Topic 2: Application Contents and Format

Section	File Naming Convention	Page Limit	Format
Cover Page	ControlNumber_LeadOrganization_CoverPage	1	PDF
Technical Volume			
Project Narrative	ControlNumber_LeadOrganization_ProjectNarrative.pdf	25	PDF
Financing	ControlNumber_LeadOrganization_Financing.pdf		PDF
Techno-Economic Analysis	ControlNumber_LeadOrganization_TEA.pdf		PDF
Permitting and/or Construction Strategy	ControlNumber_LeadOrganization_Construction.pdf		PDF
Non-Technical Content			
Management Team and Program Partners	ControlNumber_LeadOrganization_MgmtPartners.pdf	5	PDF
Additional Materials			
Eligibility Certification	ControlNumber_LeadOrganization_Certification.pdf	N/A	PDF
Impacted Indian Tribe Documentation	ControlNumber_LeadOrganization_IMT_Doc.pdf	N/A	PDF
Letters of Commitment	ControlNumber_LeadOrganization_LOCs.pdf	N/A	PDF
Resumes	ControlNumber_LeadOrganization_Resumes.pdf	3 pages each	PDF
Transparency of Foreign Connections	ControlNumber_LeadOrganization_TransparencyFC.pdf	N/A	PDF
Foreign Entity Waiver Requests and Foreign Work Waiver Requests	ControlNumber_LeadOrganization_Waiver.pdf	N/A	PDF
Current and Pending Support	ControlNumber_LeadOrganization_CPS.pdf	N/A	PDF
Potentially Duplicative Funding Notice	ControlNumber_LeadOrganization_PDFN.pdf	N/A	PDF
Disclosure of Lobbying Activities, if applicable (SF-LLL)	ControlNumber_LeadOrganization_SF-LLL.pdf	N/A	PDF
Application for Federal Assistance (SF-424)	ControlNumber_LeadOrganization_SF424.pdf	N/A	PDF

Document Format Requirements

Your submission must conform to the form and content requirements described in this section, including maximum page lengths. A Control Number will be issued when you begin the eXCHANGE application process. The Control Number must be included with all Application documents. 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_Application).

- Each document must be submitted in **Adobe PDF** format unless otherwise stated.
- Include assigned **Control Number** in upper right corner of the header of every page along with the file name.
- Page numbers must be included in the footer of every page.
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- All documents must be written in **English** language.
- All pages must format to fit 8.5-11-inch paper with margins no less than one inch on all sides and single spaced.
- Use **Calibri** typeface, **black** font color, font size of **12 point** or larger. Figures and tables may use 10-point font.
- 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.
- The maximum file size that can be uploaded to the eXCHANGE website is **50 megabytes (MB)**. Files in excess of 50 MB cannot be uploaded, and hence cannot be submitted for review.
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Application

Contents

- [Cover Page](#)
- [Technical Volume \(Maximum 25 pages\)](#)
 - [Project Narrative](#)
 - [Financing](#)
 - [Permitting and/or Construction Strategy](#)
- [Non-Technical Content](#)
 - [Management and Project Partners \(Maximum 5 pages\)](#)
- [Additional Materials](#)

Cover Page:

For all applications, the cover page must include the following:

- The project title.
- The proposed topic area.
- The project team, including awardee name, entity type, and an explanation of eligibility as described in [Step 1](#), both the technical and business points of contact, and names of all team member organizations, as appropriate.
- The project location(s), if applicable.
- The proposed improvements
- The proposed federal funding level, cost share, and period of performance.
- Any statements regarding confidentiality as described in [Step 3](#).

Applicants are encouraged to use the [example cover page](#) format shown at the end of the [Step 2](#) section.

Note: When filling out the Cover Page, applicants should use 'N/A' (not applicable) for any space not relevant to the application, instead of leaving the space blank.

Technical Volume

Project Narrative

Each application shall have a project narrative that includes the following:

- **Project Concept:** A description of the proposed project, including the objectives being sought, the value proposition, and the rationale for pursuing it.
- **Project Approach:** A description of the planned approach for executing the proposed work, to include the total project cost and schedule. Applicants should include a description of the resources anticipated for the conduct of the project and which resources will be sourced domestically or abroad.
- **Project Site:** A description of the project site(s). For each site, applicants should include information on whether they have ownership/control of the site.
- **Technology Selection:** Discussion the technology being used, including the nature of the relationship between the applicant and the coal facility technology vendor.
- **Organizational Goals:** A description of the prime applicant's approved clean energy goals and how they are incorporated in the entity's strategy for future power acquisition.
- **Economic Competitiveness:** The ability of a technology, project, or system to deliver electricity or associated energy services at a cost and performance level that is competitive with existing or emerging alternatives in the marketplace, while sustaining long-term operational viability.
- **Risk Management Plan:** Provide a summary description of the proposed approach to identify, analyze, and respond to perceived risks associated with the proposed project. Project risk events are uncertain future events that, if realized, could impact the success of the project. As a minimum, include the initial identification of significant technical, management, and resource (e.g., workforce continuity) issues that have the potential to impede project progress and strategies to minimize impacts from those issues.

Financing

The applicant should explain how DOE funding would be applied to derisk the project.

- **Milestones:** The applicant should list the milestones for the project and indicate which milestones it proposes be cost-shared under the scope of this award. A narrative should also be provided as to why the cost-shared milestones were selected. Any narrative should include how the applicant plans to track milestone progress and what actions are expected to be taken if a milestone is anticipated to not be met on time or is not successfully completed on time. Milestones must be clearly defined and measurable.

When proposing milestones for the award, the applicant should consider the requirements specified in the [Milestones and Costs](#) section of this BAA. Applicants should include milestones with defined work scope and related milestone payments and include a project spend plan which shows the total anticipated project cost at the time of each milestone completion. The Department will evaluate milestones over the course of the project to determine the feasibility of project completion.

- **Project Cost:** A plan should be provided on how the non-federal share of project costs will be obtained from the team members or other public and private sources along with planned partnerships and financing strategies/commitments.

Techno-Economic Analysis

A preliminary Techno-Economic Analysis (TEA) will assess the long-term financial viability of the proposed technology using generally accepted accounting principles. The TEA should be conducted with the best available information for the proposed technologies, systems, and infrastructure and should incorporate prior testing data if available. Applicants should plan for TEA updates for the duration of the project period.

The TEA must address the proposed coal-fired generation assets. The TEA for the proposed reference coal plant should include (i) mass and energy balances, (ii) estimates of heating and cooling duties and electric power requirements covering the carbon capture system and balance-of-plant, and any other devices or equipment that may be implemented to achieve clean energy goals.

Permitting and/or Construction Strategy

Applications must include a discussion of the proposed permitting process. Data, information, and related documents will cover:

- **Site:** Description of the strategy and proposed schedule for obtaining all necessary federal, state, and local permits needed for the proposed project.

Non-Technical Content

Management Team and Project Partners

Applications should include:

- **Primary project team:** Applicants should clearly identify all teaming partners and describe their roles and responsibilities in the proposed project.
- **Key personnel:** Applicants should describe the key personnel for implementing the proposed project, including roles and responsibilities, expertise, and percentage time commitment. Applicants should include development, engineering, and construction personnel.
- **Past Performance:** The applicant should include a list of key prior projects, with a similar nature and magnitude of scope as the proposed project, for the prime applicant and sub-awardees/sub-contractors on the project. For each listed project, a short description of the project and information on whether the project was completed on time or within budget should be included.

Application Materials

Eligibility Certification

The prime applicant must submit a certificate that the facility will be owned or operated by the prime applicant.

Impacted Indian Tribe Documentation

For any project that potentially impacts Indian Tribes applicants are required to submit additional documentation at the time of application, and possibly during negotiation and prior to award. Potential impacts to Indian Tribes determined after application will also require additional documentation. Applicants are required to submit documentation demonstrating that an authorized representative³ of each potentially impacted Indian Tribe that is potentially impacted by the project 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). Documentation demonstrating support (see [Tribal Land or Tribal Subsurface Rights](#) below) submitted at the time of application will be considered to also demonstrate awareness of an Indian Tribe. An applicant's failure to submit documentation of an Indian Tribe's awareness, or a letter of support, when required as described in this section, may constitute grounds for determining an application ineligible, non-responsive to the BAA, not subject to further review and/or not otherwise subject to selection or award. It will be noted that this outreach documentation does not replace government-to-government consultation between the Federal and Tribal governments, and DOE remains committed to its federal tribal trust responsibilities as outlined in DOE Order 144.1A.

Tribal Land or Tribal Subsurface Rights

For any project intended to be sited on Tribal land(s)⁴ or known by the applicant to intersect with Tribal subsurface rights, applicants are required to submit documentation demonstrating support from the relevant Indian Tribes at the time of application.

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.
- 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.

Other Potential Impacts

For projects not intended to be sited on Tribal land(s) or not known to intersect 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

³ 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.

⁴ Tribal land means "Indian land" and "Tribal land" as defined by 25 U.S.C. § 3501. <https://www.govinfo.gov/content/pkg/USCODE-2023-title25/pdf/USCODE-2023-title25-chap37-sec3501.pdf>.

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. Potential impacts include impacts to cultural sites, sacred sites, water rights, fishing rights, and hunting rights.

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:

- Map of Indian Lands: <https://bia-geospatial-internal.geoplatform.gov/indianlands/>
- Directory of federally recognized Tribes and Tribal leaders: <https://www.bia.gov/service/tribal-leaders-directory>

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.

Identification of Potential Impacts

Applicants are required to document any efforts taken to identify any potential impacts to Indian Tribes, including any correspondence with Indian Tribes. These documents should be available on request to DOE.

If an applicant has reason to believe the proposed project has potential impacts to an Indian Tribe(s), the applicant must provide the project location and whether it is on Indian land or is known to intersect with subsurface rights, identify the potentially impacted Indian Tribe, and describe the potential impacts.²⁵ The applicant must also describe how the applicant has engaged with potentially impacted Indian Tribe(s) before applying and plans to engage with potentially impacted Indian Tribe(s) during the period of performance of the agreement, and, if necessary, after the end of the period of performance. If the applicant is an Indian Tribe, these elements should be addressed to ascertain potential impacts to Indian Tribes other than the applicant.

Notice Concerning Application Information

Any application that may potentially impact Indian Tribe(s) may be shared with the potentially impacted Indian Tribe(s) subject to any existing markings on the information. Accordingly, 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 purposes, where such evaluation includes a determination of whether the proposed project affects an Indian Tribe(s). Sensitive applicant information will only be shared with a potentially impacted Indian Tribe(s) under a Non-Disclosure Agreement.

Data delivered under award that may potentially impact Indian Tribe(s) may be shared with the potentially impacted Indian Tribe(s), subject to any restrictions included on properly marked data per the award terms.

Letters of Commitment

Applicants should submit letters of commitment from all project team members. If applicable, the letter must state the specific minimum dollar amount or value of in-kind contributions committed by the project team member to the project costs. The following information for each project team member contributing to project costs should include: (1) the name of the organization; (2) the proposed dollar amount to be provided; and (3) the proposed nature—cash or in-kind—of the contributions). Each letter must not exceed one page.

²⁵ Applicants do not need to reveal specific details about sacred sites such as specific location or specific ceremonies.

Resumes

A resume provides information reviewers can use to evaluate an individual's relevant skills and the experience of the key project personnel. Applicants must submit a 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 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 over the past 5 years; and
6. Explain lapses in time over the past 10 years or since age 18, whichever period is shorter.
7. Whether individual is a U.S citizen, dual citizen, or non-U.S. citizen.

Eligibility Certification

Applicants must provide an eligibility certification.

Transparency of Foreign Connections

Applicants must provide the following information as it relates to the proposed awardee and team member(s). Include a separate disclosure for the applicant and each proposed team member.

Disclosure exceptions by entity type:

- U.S. National Laboratories and domestic government entities are not required to respond to the Transparency of Foreign Connections disclosure.
- Institutions of higher education are only required to respond to items with an asterisk symbol (*).

Applicants, regardless of entity type, must provide complete responses for project team members that are not U.S. National Laboratories, domestic government entities, or institutions of higher education.

Disclosure Information	
*Entity Name	Complete legal name of the lead organization.
*Website Address	Link to the entity's website address.
*Mailing Address	Complete mailing address for the entity to include zip code.
*Project Participants Party to ANY Malign Foreign Talent Recruitment Program	The identity of all owners, principal investigators, project managers, and covered individuals who are a party to any Malign Foreign Talent Recruitment Program. As part of this requirement, the entity must also certify that each covered individual has been made aware of the Malign Foreign Talent Recruitment Program prohibition and complied with the certification requirement via the Current and Pending Support disclosure;
Country of Risk Joint Venture or Subsidiary	The existence of any joint venture or subsidiary that is based in, funded by, or has a foreign affiliation with any foreign country of risk (i.e., the People's Republic of China, Iran, North Korea, and Russia);
Current or Pending Foreign Contractual or Financial Obligation	Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;
Percentage Foreign Ownership or Control	Percentage, if any, that the proposed awardee or team member has foreign ownership or control;
Percentage Country of Risk Ownership	Percentage, if any, that the proposed awardee or team member is wholly or partially owned, directly or indirectly, by an entity incorporated or otherwise formed in a foreign country of risk or foreign state-owned entity;
Percentage Country of Risk Investment	Percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk;
*Country of Risk Technology Licensing of Intellectual Property Sales	Any technology licensing, transfer, or intellectual property sales to a foreign country of risk, in effect during the 5-year period preceding submission of the proposal within the same technology area as the application (e.g., batteries, biotechnology, grid, energy generation and storage, advanced computing);
*Foreign Equipment	Any of the following foreign equipment proposed for use on the project: (1) Unmanned aircraft, control, and communications components originally made or manufactured in a foreign country of risk (including relabeled or rebranded equipment). (2) Coded equipment where the source code is written in a foreign country of risk. (3) Equipment from a foreign country of risk that will be connected to the internet or other remote communication system. (4) Any entity from a foreign country of risk that will have physical or remote access to any part of the equipment used on the project after delivery.
Foreign Entity Relationships	Any foreign business entity, offshore entity, or entity outside the U.S. related to the proposed awardee or team member;
List of Company Directors (and Board Observers)	Complete list of all directors (and board observers), including their full name, citizenship and shareholder affiliation, date of appointment, duration of term, as well as a description of observer rights as applicable;

Disclosure Information	
Complete Capitalization Table	Complete capitalization table for your entity, including all equity interests (including LLC and partnership interests, as well as derivative securities). Include both the number of shares issued to each equity holder, as well as the percentage of that series and all equity on a fully diluted basis. Identify the principal place of incorporation (or organization) for each equity holder. If the equity holder is a natural person, identify the citizenship(s). If the awardee or team member is a publicly traded company, provide the above information for shareholders with an interest greater than 5%;
Principal Place of Incorporation	Identify the principal place of incorporation (or organization) for each equity holder. If the equity holder is a natural person, identify the citizenship(s). If the awardee or team member is a publicly traded company, provide the above information for shareholders with an interest greater than 5%;
Rounds of Financing Table	A summary table identifying all rounds of financing, the purchase dates, the investors for each round, and all the associated governance and information rights obtained by investors during each round of financing; and
Organization Chart	An organization chart to illustrate the relationship between your entity and the immediate parent, ultimate parent, and any intermediate parent, as well as any subsidiary or affiliates. Identify where each entity is incorporated.

DOE reserves the right to request additional or clarifying information based on the information submitted.

Waiver Requests (if applicable)

Foreign Entity Participation

For projects selected under this BAA, unless waived as provided for in this section, all recipients and team members must qualify as domestic entities. To request a waiver of this requirement, the applicant must submit an explicit waiver request in the Full Application. The “Requirements” Section of this BAA lists the information that must be included in a foreign entity waiver request.

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

All work for projects selected under this BAA must be performed in the U.S. To request a waiver of this requirement, the applicant must submit an explicit waiver request in the Full Application. The “Requirements” Section of this BAA lists the information that must be included in a foreign work waiver request.

Current and Pending Support

Current and pending support is intended to allow the identification of potential duplication, overcommitment, potential conflicts of interest or commitment, and all other sources of support. As part of the application, the Principal Investigator and all covered individuals at the applicant and team member level must provide a list of all sponsored activities, awards, and appointments, whether paid or unpaid; provided as a gift with terms or conditions or provided as a gift without terms or conditions; full-time, part-time, or voluntary; faculty, visiting, adjunct, or honorary; cash or in-kind; foreign or domestic; governmental or private-sector; directly supporting the individual's research or indirectly supporting the individual by supporting students, research staff, space, equipment, or other research expenses. All connections with malign foreign talent recruitment programs must be identified in current and pending support.

For every activity, list the following items:

- The sponsor of the activity or the source of funding;
- The award or other identifying number;
- The title of the award or activity. If the title of the award or activity is not descriptive, add a brief description of the research being performed that would identify any overlaps or synergies with the proposed research;
- The total cost or value of the award or activity, including direct and indirect costs and cost share. For pending proposals, provide the total amount of requested funding;
- The award period (start date through end date); and
- The person-months of effort per year dedicated to the award or activity.

To identify overlap, duplication of effort, or synergistic efforts, append a description of the other award or activity to the current and pending support.

Details of any obligations, contractual or otherwise, to any program, entity, or organization sponsored by a foreign government must be provided on request to either the applicant institution or DOE. Supporting documents of any identified source of support must be provided to DOE on request, including certified translations of any document.

Covered individuals must provide a separate certification statement listing the required information above regarding current and pending support. Each individual must sign and date their respective certification statement:

I, [Full Name and Title], understand that I have been designated as a covered individual by the Federal funding agency.

I certify to the best of my knowledge and belief that the information contained in this Current and Pending Support Disclosure Statement is true, complete, and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims, or otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. §§ 3729-3733 and 3801-3812). I further understand and agree that (1) the statements and representations made herein are material to DOE's funding

decision, and (2) I have a responsibility to update the disclosures during the period of performance of the award should circumstances change which impact the responses provided above.

I also certify that, at the time of submission, I am not a party in a [malign foreign talent recruitment program](#).

The information may be provided in the approved common disclosure format available at:

https://www.nsf.gov/bfa/dias/policy/researchprotection/commonform_cps.pdf. Regardless of the format used, the individual must include a signature, date, and a certification statement using the language included in the paragraph above.

Definitions:

Current and pending support – (a) All resources made available, or expected to be made available, to an individual in support of the individual's RD&D efforts, regardless of (i) whether the source is foreign or domestic; (ii) whether the resource is made available through the entity applying for an award or directly to the individual; or (iii) whether the resource has monetary value; and (b) includes in-kind contributions requiring a commitment of time and directly supporting the individual's RD&D efforts, such as the provision of office or laboratory space, equipment, supplies, employees, or students. This term has the same meaning as the term Other Support as applied to researchers in NSPM-33: For researchers, Other Support includes all resources made available to a researcher in support of and/or related to all of their professional RD&D efforts, including resources provided directly to the individual or through the organization, and regardless of whether or not they have monetary value (e.g., even if the support received is only in-kind, such as office/laboratory space, equipment, supplies, or employees). This includes resource and/or financial support from all foreign and domestic entities, including but not limited to gifts provided with terms or conditions, financial support for laboratory personnel, and participation of student and visiting researchers supported by other sources of funding.

Malign Foreign Talent Recruitment Programs: More information can be found at

<https://www.whitehouse.gov/wp-content/uploads/2024/02/OSTP-Foreign-Talent-Recruitment-Program-Guidelines.pdf#page=3>

Covered Individual -- Covered Individual means an individual who (a) contributes in a substantive, meaningful way to the development or execution of the scope of work of a project proposed for funding by DOE, and (b) is designated as a covered individual by DOE.

DOE designates as covered individuals any principal investigator (PI); project director (PD); co-principal investigator (Co-PI); co-project director (Co-PD); project manager; and any individual regardless of title that is functionally performing as a PI, PD, Co-PI, Co-PD, or project manager. Status as a consultant, graduate (master's or PhD) student, or postdoctoral associate does not automatically disqualify a person from being designated as a "covered individual" if they meet the definition in (a) above.

The prime applicant is responsible for assessing the applicability of (a) against each person listed on the application. Further, the prime applicant is responsible for identifying any such individual to DOE for designation as a covered individual, if not already designated by DOE as described above.

The prime applicant's submission of a current and pending support disclosure and/or biosketch/resume for a particular person serves as an acknowledgement that DOE designates that person as a covered individual.

DOE may further designate covered individuals during award negotiations or the award period of performance.

Potentially Duplicative Funding Notice

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 BAA. 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., awardee cost share and federal funds) will not be used for identical cost items under multiple awards. Likewise, for projects that receive funding under this BAA, if an awardee 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 awardee 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 awardee must promptly notify the DOE Grants Officer in writing of the potential duplication and eliminate any inappropriate duplication of funding.

Other Submission Requirements

Disclosure of Lobbying Activities (SF-LLL)

Awardees and team members may not use any federal funds to influence or attempt to influence, directly or indirectly, any officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with any federal contract, grant, loan, or cooperative agreement. In addition, if any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the applicant (including with non-federal funds) with respect to this funding opportunity, the applicant must complete and submit SF-LLL, “Disclosure of Lobbying Activities” ([SF-424 Individual Family | Grants.gov](#)).

Application for Federal Assistance (SF-424)

The Standard Form SF-424 represents the government-wide standard form for application packages, and requires basic information about the applicant (name, address, telephone number, type of applicant, etc.), including a list of sources of proposed funding and a description of the proposed project. Complete all required fields in accordance with the instructions on the form. In Field 21 of the SF-424, the authorized representative must certify and agree with the Certification and Assurances found in SAM.gov | Home. Note: The dates and dollar amount on the SF-424 are for the complete project.

Applicant Disclosure of Existing Work or Relationship with National Laboratories

The applicant shall disclose pre-existing work or relationship with national laboratories that is prior to this BAA’s application and that is or may be relevant to the BAA application. The Application and supplemental information submitted through electronic systems used by the DOE, including eXCHANGE and FedConnect.net, constitutes the authorized representative’s approval and electronic signature.

- Requirements for third-party information such as references, letters of support, or letters of commitment to the project or to contribute to cost sharing.
- A reference to any requirements to provide documentation to support an eligibility determination, such as proof of 501(c)(3) status or an authorizing Tribal resolution.
- If applicable, the need to identify proprietary information. Include how to do so and how the federal agency will handle it.

Example Cover Page for Applications

Topic / Project Title:		Infrastructure eXCHANGE Control Number:	
Applicant Name:			
Applicant Entity Type and Explanation of Eligibility:			
Project Location(s) by city, state, and zip code +4:		Location 1 Location 2...	
Proposed Technology:			
Proposed System Capacity (nameplate capacity per-unit and plant):			
Team Member Organizations (e.g., Sub-Awardees, Key Technology Providers, and Project Partners):			
Senior/Key Personnel and Their Organizations:			
<p>Do the proposed awardee and <u>all</u> team members qualify as domestic entities*? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If not, specify which entities do not qualify as domestic entities will require a foreign entity disclosure here and include necessary foreign entity disclosures with the application:</p>		<p>* 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.</p>	
Points of Contact	Name	Email	Phone Number
Technical Project Manager			
Business Point of Contact			
Confidentiality Statement (if applicable):			
Total DOE Funding Request (\$M USD):			
Total Non-Federal Cost Share (\$M USD):			
Total Project Costs (\$M USD):			
Total Period of Performance (yrs):			

1. REVIEW

2. GET READY

3. SUBMIT

4. SELECTION

5. REQUIREMENTS

6. CONTACTS

STEP 3: SUBMIT YOUR APPLICATION

IN THIS STEP

Submission Requirements and Deadlines

Submission Requirements and Deadlines

Request Application Package

All Application forms and instructions are available on Infrastructure eXCHANGE. To access these materials, go to <https://infrastructure-exchange.energy.gov> and select the Notice of Funding Opportunity Number (enter Notice of Funding Opportunity Number).

Submission Instructions

Actions Needed Prior to Applying

You must complete several one-time actions before applying to this funding opportunity. Some actions may take several weeks, and failure to complete them could interfere with your ability to apply to this funding opportunity, or to meet the negotiation deadlines and receive an award if the Application is selected. These requirements are as follows:

SAM.gov

Effective January 1, 2020, the System for Award Management (SAM) is the central repository for common government-wide certifications and representations required of federal awardees. 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 awardee fails to meet a federal award requirement, or there is a need to make updates to their SAM registration for other purposes.

You must have an active account with SAM.gov. This includes having a Unique Entity Identifier (UEI). SAM.gov registration can take several weeks. Begin that process today. To register, go to [SAM.gov Entity Registration](#) and click Get Started. From the same page, you can also click on the Entity Registration Checklist for the information you will need to register.

Each applicant must:

- Be registered in SAM.gov before submitting an Application;
- Provide a valid Unique Entity Identifier in the Application; and
- Continue to maintain an active registration in SAM.gov with current information at all times during which you have an active federal award or an Application or plan under consideration by a federal agency.

NOTE: Start the UEI and SAM registration process as soon as possible. If you have technical difficulties with the UEI validation or SAM registration process, use the Help feature on SAM.gov. Additional entity validation resources can be found here: [GSAFSD Tier 0 Knowledge Base - Validating your Entity](#).

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.

Infrastructure eXCHANGE

You must register with and submit application materials through Infrastructure eXCHANGE at <https://infrastructure-exchange.energy.gov>. See detailed instructions at [Financial Opportunities: Manuals \(energy.gov\)](#). eXCHANGE is designed to enforce the deadlines specified in this funding opportunity. The “Apply” and “Submit” buttons will automatically disable at the defined submission deadlines. If an applicant experiences technical difficulties with a submission, the applicant should contact the eXCHANGE helpdesk for assistance (InfrastructureExchangeSupport@hq.doe.gov).

Submission Dates and Times

You must submit no later than **Wednesday, February 11, 2026**, at 8:00 pm ET for **Topic Area 1 only**.

Intergovernmental Review

Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

Standards for Application Evaluation

Applications that are determined to be eligible will be evaluated in accordance with the merit review criteria described in this solicitation and guidelines established in the DOE Guide to Other Transactions, [GUIDE TO OTHER TRANSACTIONS \(energy.gov\)](#).

Evaluation and Administration by Non-Federal Personnel

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

Use and Disclosure of Application Information

Applicants should not include business sensitive (e.g., commercial or financial information that is privileged or confidential), trade secret, 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 BAA. If an application includes business sensitive, trade secret, proprietary, or otherwise confidential information, it is furnished to the federal government (government) in confidence with the understanding that the information shall be used or disclosed only for evaluation purposes. For example, DOE may disclose such information to determine whether to select the project for funding under this BAA or other government programs, or as otherwise authorized by law. This restriction does not limit the government's right to use the information if it is obtained from another source.

Applications and other submissions containing business sensitive, trade secret, proprietary, or otherwise confidential information must be marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information as part of a Freedom of information Act (FOIA) request or otherwise. The U.S. Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose as authorized by law.

Notice of Restriction on Use and Disclosure of Information:

"Pages [list applicable pages] of this document may contain business sensitive, trade secret, 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, loan, or Other Transaction 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."

In addition, (1) the header and footer of every page that contains business sensitive, trade secret, proprietary, or otherwise confidential information must be marked as follows: "CONTAINS BUSINESS SENSITIVE, TRADE SECRET, 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.

All application information is subject to potential public release under FOIA except information that qualifies for withholding under one or more of the nine FOIA exemptions. Exemption 4 specifically exempts trade secrets or commercial or financial information that is confidential or privileged from disclosure. Strict adherence to the marking requirements above are essential to assist DOE in identifying such information that is exempt from public disclosure. However, the existence any protective markings is not dispositive of whether the information is exempt from disclosure under the FOIA, only DOE's designated FOIA Officer may determine if the information qualifies for a FOIA exemption. See [10 C.F.R. Part 1004](#) for more information on how DOE processes FOIA requests.

Title to Subject Inventions⁶

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

1. Other Transaction Authorities (42 U.S.C. § 7256(a) and (g));
2. For OTA under 42 U.S.C. § 7256(a), the Federal Non-Nuclear Energy Act of 1974, 42. U.S.C. § 5908; and
3. 42 U.S.C. §7256(a) OTA Class Patent Waiver.

For OTAs under §7256(a), to the extent there are any subject inventions, §5908 dictates that the government obtains title to inventions made or conceived under or in the course of a contract unless a waiver is granted. DOE has issued an OTA Class Waiver that applies to OTAs under §7256(a). Under this OTA Class Waiver, DOE waives title to such inventions and domestic entities may elect title to their subject inventions. Upon request to Patent Counsel for good cause shown and subject to certain conditions, DOE may apply the OTA Class Patent Waiver to a foreign entity. Government rights to such subject inventions will be subject to the terms of the OTA and OTA Class Patent Waiver, if applicable.

Advance and Identified Waivers under §7256(a): Applicants not covered by the §7256(a) OTA Class Patent Waiver (i.e., foreign entities) may also request a patent waiver that will cover subject inventions, in advance of or within 30 days after the effective date of the award. Even if an advance waiver is not requested or the request is denied, the recipient will have a continuing right under the award to request a waiver for identified inventions, i.e., individual subject inventions that are disclosed to DOE within the timeframes set forth in the award's intellectual property terms and conditions. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784.

For OTAs under §7256(g), which are not subject to DOE vesting statutes, Government rights to such subject inventions will be determined under the terms of the OTA.

Subject Invention Utilization

To ensure that awardees, team members, and contractors holding title to subject inventions are taking the appropriate steps to commercialize subject inventions, DOE may require that each awardee holding title to a subject invention submit annual reports for 10 years from the date the subject invention was disclosed to DOE on the utilization of the subject invention and efforts made by awardee or its 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 awardee, and such other data and information as DOE may specify.

⁶ Subject Inventions are inventions conceived or first actually reduced to practice in the course of or under the award.

Rights in Technical Data Under Award

Government rights in data will be controlled by the terms of the Other Transaction agreement. To the extent the Government is seeking rights to data, the rights can differ based on whether data is first produced in the performance of an award or instead was developed at private expense outside the award.

Government Rights in Technical Data Produced Outside the Award:

Limited Rights Data: Is data (other than computer software) developed at private expense that embody trade secrets or are commercial or financial and confidential or privileged. The United States Government will not normally require delivery of confidential or trade secret-type technical data developed solely at private expense prior to issuance of an award, except as necessary to monitor technical progress and evaluate the potential of proposed technologies to reach specific technical and cost metrics. For awards permitting Limited Rights Data, the Limited Rights Data must be marked as set forth in the award's intellectual property terms and conditions.

Government Rights in Technical Data Produced Under Awards:

Unlimited Rights Data: The U.S. government normally retains unlimited rights in technical data produced under government financial assistance awards, including the right to distribute the technical data to the public. Unlimited rights gives the Government the right to use, disclose, reproduce, prepare derivative works from, distribute copies to the public, and perform publicly and display publicly, in any manner and for any purpose whatsoever, and to have or permit others to do so.

Protected Data: Pursuant to special statutory authorities (42 U.S.C. §7256(g); EPOA 2005), data first produced in the performance of corresponding DOE awards may initially be protected from public disclosure for five years after the data is first produced. Such Protected Data is technical data or commercial or financial data first produced in the performance of the award which, if it had been obtained from and first produced by a non-federal party, would be a trade secret or commercial or financial information that is privileged or confidential under the meaning of 5 U.S.C. 552(b)(4) and which data is marked as being protected data by a party to the award. For awards permitting Protected Data, the Protected Data must be marked as set forth in the award's intellectual property terms and conditions and a listing of unlimited rights data (i.e., non-protected data) must be inserted into the data clause in the award. In addition, invention disclosures may be protected from public disclosure for a reasonable time in order to allow for filing a patent application.

Selectees and awardees may be provided the option to request an extended period of protection (up to thirty years) for certain categories of data if such period of protection is reasonably required to reach commercialization.

Copyright Requirements

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

Data Management and Sharing Plan

Data Management and Sharing Plan: A Data Management and Sharing Plan (DMSP) is required for all research and development projects. If required, a DMSP will be required during OT agreement negotiations or as a deliverable under the OT agreement.

The DMSP must follow DOE guidelines and should address the requirements on the DOE Requirements and Guidance for Digital Research Data Management website: <https://www.energy.gov/datamanagement/doe-requirements-and-guidance-digital-research-data-management>.

- The status of DMSP implementation should be reported through any applicable reporting requirements under the OT agreement. If necessary, as the project progresses, any updates to the DMSP must be provided to the Agreements Officer for review and approval.

Application of U.S. Manufacturing Commitments

A primary objective of DOE's multi-billion-dollar research, development, and demonstration investments is to cultivate new research and development ecosystems, manufacturing capabilities, and supply chains for and by U.S. industry and labor. Therefore, in exchange for receiving taxpayer dollars to support an applicant's project, the applicant/awardee and any team members and contractor must agree to a U.S. Competitiveness provision requiring that any products embodying any subject invention or produced through the use of any subject invention will be manufactured substantially in the U.S. unless the applicant/awardee can show to the satisfaction of DOE that it is not commercially feasible.

Please note that a subject invention is any invention conceived or first actually reduced to practice in performance of work under an award. An invention is any invention or discovery which is or may be patentable. The awardee includes any team members.

Information and guidance on a waiver and modification request process to the U.S. Competitiveness Provision can be found in the DOE Financial Assistance Letter on this topic, available at [PF 2022-09 FAL 2022-01 Implementation of the DOE Determination of Exceptional Circumstances under the Bayh-Dole Act to Further Promote Domestic Manufacture of DOE Science and Energy Technologies – Class Deviation](#). Additional information on DOE's Commitment to Domestic Manufacturing for DOE-funded R&D is available at <https://www.energy.gov/gc/us-manufacturing>.

Retention of Submissions

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

Personally Identifiable Information

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

For 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 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).

STEP 4: LEARN ABOUT REVIEW AND SELECTION

IN THIS STEP

[Application Review Information](#)

[Application Responses](#)

Application Review Information

Responsiveness Review

The following applications will be deemed nonresponsive and will not be reviewed or considered:

- Applications not based on established scientific principles
- Applications submitted by entities not eligible for an award (see 'Eligibility' in Step 1 of this BAA)
- Applications not proposing to construct, commission, recommission, modernize, or upgrade coal-fired generation assets
- Applications proposing approaches identified specifically as NOT of interest

Review Criteria

Compliance criteria

All applications must:

- Comply with the applicable content listed in [Step 2](#) of the BAA
- Include all required documents
- Upload successfully in eXCHANGE including clicking the "Submit" button
- Comply with the submission deadline stated in the BAA

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

Technical Review Criteria

Criterion 1: Technical Approach and *Impact* (30%)

Reviewers will evaluate the overall technical merit, clarity, and expected impact of the proposed effort.

Factors include:

- **Project Objectives and Relevance:** Degree to which the project supports BAA objectives by commissioning, recommissioning, modernizing, or upgrading coal-fired generation assets to provide reliable, affordable and secure power.

- **Grid Impact:** Extent to which the proposed work addresses regional reliability needs, reduces outage risk, and provides measurable value to the bulk power system.
- **Technical Design and Scope:** Quality and clarity of proposed upgrades, retrofits, or system modifications, including demonstration of site control and interconnection feasibility where applicable.
- **Project Timeline:** Likelihood that the project can achieve operational milestones within the proposed schedule.
- **Environmental Considerations:** Adequacy of environmental compliance planning and discussion of emissions and fuel impacts consistent with statutory authorities.
- **Technical Risks and Mitigation:** Strength of risk assessment (engineering, construction, fuel supply, interconnection, regulatory) and credibility of proposed mitigation strategies.

Criterion 2: Financial and Market Viability (30%)

Reviewers will consider the economic feasibility and potential market relevance of the proposed project.

Factors include:

- **Cost Share and Financing:** Availability and credibility of non-federal cost share, financing commitments, and contingency planning.
- **Techno-Economic Analysis (TEA):** Adequacy of cost estimates and economic rationale for constructing, commissioning, recommissioning, or retrofitting versus alternatives.
- **Market Competitiveness:** Degree to which the project demonstrates long-term viability, including potential revenue from capacity, energy, or ancillary services.
- **Financial Commitment:** Strength of commitments from the applicant and partners to cover total project costs.
- **Offtake or Load Agreements:** Evidence of strong offtake arrangements, letters of intent from critical loads, or contracts that support project economics.
- **Impact of DOE Funding:** Degree to which DOE support is necessary to advance the project and de-risk private investment.

Criterion 3: Management and Organization (25%)

Reviewers will assess the applicant's ability to successfully manage and execute the proposed work.

Factors include:

- **Team Qualifications:** Experience of the applicant and key partners in coal plant operations, EPC, Original Equipment Manufacturer (OEM) integration, and grid interconnection.
- **Management Structure:** Clarity of governance, roles, and responsibilities across team members.
- **Past Performance:** Demonstrated ability to execute large-scale energy projects safely, on time, and within budget.
- **Workforce Plan:** Inclusion of retraining or local hiring strategies, with attention to maintaining critical skills in coal-reliant communities.
- **Stakeholder Coordination:** Evidence of engagement with ISOs/RTOs, regulators, utilities, and community stakeholders.

Criterion 4: Workplan and Execution (15%)

Reviewers will evaluate the feasibility and clarity of the proposed Workplan.

Factors include:

- **Project Schedule:** Reasonableness of milestones and critical path to commissioning, recommissioning or retrofit completion.
- **Milestone Definition:** Clarity of performance metrics tied to DOE funding tranches.
- **Deliverables:** Quality and measurability of proposed technical and financial deliverables, including grid reliability improvements.
- **Execution Risk:** Adequacy of discussion on permitting, supply chain, EPC contracting, and operational risks, and credibility of mitigation strategies.

Other Selection Factors

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

- Degree to which the proposed project team contributes a greater ratio of estimated overall project costs.
- Degree to which the proposed project, or group of projects, represent a desired geographic distribution (considering past awards and current applications).

Due Diligence Review for Research, Technology, and Economic Security

All applications submitted to DOE are subject to a due diligence review.

As DOE invests in critical infrastructure and funds critical and emerging technology areas, DOE also considers possible threats to U.S. 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. This risk review is conducted separately from the technical merit review.

The due diligence review of covered individuals includes but is not limited to the review of resumes and disclosures, as required in the BAA. DOE reserves the right to ask for disclosures on project participants not defined as covered individuals. The Applicant need not submit any additional information on non-covered individuals, unless requested by DOE. The volume and type of information collected may depend on various factors associated with the award.

Note this review is separate and distinct from DOE Order 142.3B “Unclassified Foreign National Access Program”.

Review and Selection Process

Overview

The review and selection process will include a merit review during which a federal merit review panel, with the input of independent experts will recommend finalists. As part of the review and selection process, DOE may contact applicants with pre-selection clarifications questions about their application. DOE may also invite one or more applicants to participate in pre-selection interviews or pre-selection site visits. The invited applicant(s) will meet with DOE representatives to clarify the contents of the applications and to provide DOE an opportunity to ask questions regarding the proposed project. The information provided by applicants to DOE through pre-selection interviews contributes to DOE’s selection decisions. DOE will not reimburse applicants for travel and other expenses relating to the pre-selection interviews or site visits, nor will these costs be eligible for reimbursement as pre-award costs.

Ultimately, the Selection Official considers the recommendations of the independent reviewers and the federal merit review panel's recommendations along with other considerations such as the program policy factors, risk reviews, and availability of funds, in determining which applications to select.

Awardee Integrity and Performance Matters

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 information about the applicant that is in the designated integrity and performance system accessible through SAM (see 41 U.S.C. § 2313).

Application Responses

DOE will notify applicants that are selected for oral evaluations and award negotiations, and selected applicants will be notified of their award negotiation dates.

DOE may stagger its selection determinations. As a result, some applicants may receive their notifications in advance of other Applicants. DOE will notify applicants of its determination via a notification letter by email to the technical and administrative points of contact designated by the applicant in eXCHANGE.

Successful Applicants

Receipt of a notification letter selecting an application for award negotiations does not authorize the applicant to commence performance of the project. If an application is selected for award negotiations, it is not a commitment by DOE to issue an award. Applicants do not receive an award until award negotiations are complete, and the Grants and Agreements Officer executes the funding agreement, accessible by the awardee in FedConnect.

The award negotiation process, where DOE and the applicant will negotiate milestones, is anticipated to take 4-5 months. Applicants must designate a primary and a backup point-of-contact in eXCHANGE with whom DOE will communicate to conduct award negotiations. The applicant must be responsive during award negotiations by providing requested documentation, including Post-Selection Information Requests (see Step 5) and meet the negotiation deadlines. If the applicant fails to do so or if award negotiations are otherwise unsuccessful, DOE will terminate the award negotiations and rescind the Selection. DOE reserves the right to terminate award negotiations at any time for any reason.

Alternate Selection Determinations

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

Unsucessful Applicants

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

Award Conditions and Reporting

Recipients of an award made under this BAA must comply with requirements of all applicable federal, state, and local laws, regulations, DOE policy and instructions in this BAA, and the award terms and conditions. Awardees must require all team members to comply with all applicable requirements.

STEP 5: LEARN ABOUT POST-SELECTION AND POST-AWARD REQUIREMENTS

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Post-Selection Information Requests and Submissions

To reduce burden in the application process, DOE has instituted post-selection information requests and submissions procedures. These procedures allow certain information to be submitted later in the application and selection process.

Applicants will be notified when Post-Selection Information is needed. This notification is not a Notice of Award, nor should it be construed to be an indicator of possible funding. Applicants should only submit this information when requested. The applicant will be notified of the documents and materials to submit, the format required, and where and when to submit the documents and materials.

NOTE: These requirements are not requested during the initial application process.

All documents and materials submitted as Post-Selection information must continue to adhere to the requirements outline in Step 3, Use and Disclosure of Application Information.

Post-Award Requirements and Administration

If applicants are selected for funding DOE will require all award recipients to follow and accept requirements governed by laws and policies – both federal government-wide and DOE or program specific. These post-award requirements include all national policy requirements; financial assistance general Certifications and Representations; Build America, Buy America requirements (if applicable); Davis-Bacon Act requirements; Foreign National Participation; Performance of Work in the United States (Foreign Work Waiver); Bipartisan Infrastructure Law-Specific Requirements; Fraud, Waste and Abuse requirements; Safety, Security, and Regulatory requirements; and Environmental Review in Accordance with National Environmental Policy Act requirements.

Reporting

DOE must measure the performance to show achievement of program goals and objectives, share lessons learned, improve program outcomes, and foster the adoption of promising practices. DOE will establish program goals and objectives during negotiations and incorporate them into the award terms and milestones.

The awardee must notify DOE of any foreign nationals working on this project and receive a written waiver from the Department for the foreign national to perform work on the project. Otherwise, the work performed will be considered non-compliant with terms of the award.

The awardee must notify DOE of any procurement of materials from a foreign company and receive a written waiver from the Department for the purchase of such material. Otherwise, the work performed will be considered non-complaint with the terms of the award.

Applicants are required to disclose plans to use any foreign nation or foreign material at the time of submitting an application.

Administrative Requirements

Foreign Travel

If international travel is proposed for your project, please note that your organization must comply with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118), commonly referred to as the “Fly America Act,” and implementing regulations at 41 CFR 301-10.131 through 301-10.143. The law and regulations require air transport of people or property to, from, between, or within a country other than the U.S., the cost of which is supported under this award, to be performed by or under a cost-sharing arrangement with a U.S. flag carrier, if service is available. Foreign travel costs are allowable only with the written prior approval of the Grants Officer assigned to the award.

Prohibition Related to Foreign Government-Sponsored Talent Recruitment Programs

a. **Prohibition**

As required by law,⁷ *Covered Individuals* participating in a *Malign Foreign Talent Recruitment Program* are prohibited from participating in projects selected for federal funding under this BAA. Should an award result from this BAA, the awardee must exercise ongoing due diligence to reasonably ensure that no such individuals participating on the DOE-funded project are participating in a *Malign Foreign Talent Recruitment Program*. Consequences for violations of this prohibition will be determined according to applicable law, regulations, and policy. Further, the awardee 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.

Covered Individuals and the applicant must provide certifications regarding no participation in *Malign Foreign Talent Recruitment Programs* (see the Current and Pending Support section and Transparency of Foreign Connections section).

Non-Discrimination

DOE will ensure that the Malign Foreign Talent Recruitment Program Prohibition is carried out in a manner that does not target, stigmatize, or discriminate against individuals on the basis of race, ethnicity, or national origin, consistent with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

⁷ See sections 10631-10632 of P.L. 117-167 (42 USC 19231-19232); [OSTP-Foreign-Talent-Recruitment-Program-Guidelines.pdf \(whitehouse.gov\)](#).

b. Definitions**Malign Foreign Talent Recruitment Program as defined in P.L. 117-167, Section 10638(4).**

(A) any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual—

(i) engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a U.S. entity or developed with a federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;

(ii) being required to recruit trainees or researchers to enroll in such program, position, or activity;

(iii) establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a federal research and development award;

(iv) being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;

(v) through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a federal research and development award;

(vi) being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the awardee;

(vii) being required to omit acknowledgment of the awardee institution with which the individual is affiliated, or the Federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the Federal research and development award;

(viii) being required to not disclose to the federal research agency or employing institution the participation of such individual in such program, position, or activity; or

(ix) having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the federal research and development award; and

(B) a program that is sponsored by—

(i) a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;

(ii) an academic institution on the list developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; 1 Public Law 115–232); or

(iii) a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; 1 Public Law 115–232).

Consistent with applicable law (42 U.S.C. 19232), this provision does not prohibit, unless such activities are funded, organized, or managed by an academic institution or a foreign talent recruitment program on the lists developed under paragraphs (8) and (9) of section 1286(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115–232)—

(1) making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;

(2) participation in international conferences or other international exchanges, research projects or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law;

(3) advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request; and

(4) other international activities determined appropriate by the Federal research agency head or designee.

Updated Current and Pending Support

If selected for award negotiations, within 30 days of the selection notice, the selectee must submit: 1) current and pending support disclosures and resumes for any new PIs or Senior/Key Personnel, and 2) updated disclosures if there have been any changes to the current and pending support submitted with the application. Throughout the life of the award, the awardee has an ongoing responsibility to submit: 1) current and pending support disclosure statements and resumes for any new PI and Senior/Key Personnel, and 2) updated disclosures if there are changes to the current and pending support previously submitted to DOE.

Export Control

The U.S. government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the U.S. to protect national security, foreign policy, and economic interests without imposing undue regulatory burdens on legitimate international trade. There is a network of federal agencies and regulations that govern exports that are collectively referred to as “Export

Controls.” All awardees and team members are responsible for ensuring compliance with all applicable U.S. Export Control laws and regulations relating to any work performed under a resulting award.

The awardee must immediately report to DOE any export control investigations, indictments, charges, convictions, and violations, at the awardee or team member level, and provide the corrective action(s) to prevent future violations/convictions.

Waiver Requests For Foreign Entity Participation and Foreign Work

To seek a waiver, the applicant must submit a written waiver request. See below for the information that must be included in a request for a foreign work waiver.

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 U.S. national and economic security.⁸ For projects selected under this BAA, all awardees and team members must be organized, chartered, or incorporated (or otherwise formed) under the laws of a state or territory of the U.S.; have majority domestic ownership and control; and have a physical location for business operations in the U.S. To request a waiver of this requirement, an applicant must submit a waiver request in the Full Application.

Waiver Criteria

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

- a. Its participation is in the best interest of the U.S. industry and U.S. 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;

⁸ See [Critical and Emerging Technologies List Update \(whitehouse.gov\)](https://www.whitehouse.gov/critical-emerging-technologies/).

- c. Adequate protocols exist between the U.S. 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 U.S.; and
- e. The foreign entity will satisfy other conditions that may be deemed necessary by DOE to protect U.S. government interests.

Content for Waiver Request

A Foreign Entity waiver request must include the following:

- a. Information about the entity: name, point of contact, physical address, and proposed type of involvement in the project;
- b. Country of incorporation, the extent of the ownership/level control by foreign entities, whether the entity is state owned or controlled, a summary of the ownership breakdown of the foreign entity, and the percentage of ownership/control by foreign entities, foreign shareholders, foreign state, or foreign individuals;
- c. The rationale for proposing a foreign entity participate (must address criteria above);
- d. A description of the project's anticipated contributions to the U.S. economy;
 - How the project will benefit the U.S., including manufacturing, contributions to employment in the U.S. and growth in new markets and jobs in the U.S.;
 - How the project will promote manufacturing of products and/or services in the U.S.;
- 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 U.S., 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 awardee), but the prime awardee 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.

Waiver for Performance of Work outside the United States

All work funded under this BAA must be performed by U.S. citizens in the U.S. To seek a waiver of the Performance of Work in the U.S. 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 U.S.

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

1. The rationale for performing the work outside the U.S. ("foreign work");
2. A description of the work proposed to be performed outside the U.S.;
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 U.S., including manufacturing, contributions to employment in the U.S. and growth in new markets and jobs in the U.S.;
7. How the foreign work will promote manufacturing of products and/or services in the U.S.;
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 awardee 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.

STEP 6: CONTACTS AND SUPPORT

IN THIS STEP

Agency Contacts

Agency Contacts

Program and BAA Questions

Office of the Under Secretary for Energy

U.S. Department of Energy

Email: CCRM-BAA@hq.doe.gov

eXCHANGE

If you need help with the eXCHANGE system, please contact InfrastructureExchangeSupport@hq.doe.gov.

SAM.gov

If you need help, you can call 866-606-8220 or live chat with the [Federal Service Desk](#).

