DEPARTMENT OF ENERGY (DOE)
OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

TRANSITIONING TRIBAL COLLEGES AND UNIVERSITIES TO CLEAN ENERGY - 2023

Funding Opportunity Announcement (FOA)
Number: DE-FOA-0002978
FOA Type: 0000
CFDA Number: 81.087

FOA Issue Date:	April 12, 2023
Informational Webinar:	April 27, 2023 at 3:00 pm Eastern Time
Submission Deadline for Applications:	July 27, 2023 at 5:00 pm Eastern Time
Expected Date for DOE Selection Notifications:	Fall 2023
Expected Timeframe for Award Negotiations	90 days after receipt of any requested supplemental information

- In order to apply to this FOA, you **must** register in the following systems prior to submitting an application and **certify that these registrations are complete** as part of the application (see Registration Requirements under Section VI.B.1. and Application Registration Certifications under Section IV.C.13.).

- **Questions:** Questions regarding the content of this FOA **must** be submitted to: TribalGrants@hq.doe.gov no later than three (3) business days prior to the application due date. All questions and answers related to this FOA will be posted on IE-Exchange at: https://ie-exchange.energy.gov. In order to view questions specific to this FOA you **must** first select this specific FOA Number and then "Frequently Asked Questions (FAQs)". DOE will attempt to respond to a question within three (3) business days, unless a similar question and answer has already been posted on IE-Exchange.

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EXECUTIVE SUMMARY

The following Funding Opportunity Overview (Table 1) provides a general description of this Funding Opportunity Announcement's (FOA's) intent and requirements. It does not reflect all evaluation factors and requirements for the FOA and cannot be relied upon as all inclusive. **Applicants must read the entire FOA to determine the complete set of requirements and application elements required under this FOA.**

Table 1: Funding Opportunity Overview

Funding Opportunity Overview	
FOA Summary	The DOE Office of Indian Energy is soliciting applications from Tribal Colleges and Universities (TCUs) for: (1) clean energy project and curriculum planning (Topic Area 1); and (2) clean energy technology and curriculum deployment (Topic Area 2). (See Section III.A. for eligibility information and Appendix A for relevant definitions).
Total Amount to be Awarded	Approximately $15 million in federal funds. DOE anticipates making approximately 10 to 25 awards under this FOA. DOE may issue awards in one, multiple, or none of the Topic Areas.
Award Amount (Minimum and Maximum)	DOE funding per individual award will range from: (1) no less than $100,000 to a maximum of $250,000 for Topic Area 1, and (2) no less than $250,000 to a maximum of $4,000,000 for Topic Area 2.
Types of Funding Agreements	Grants
Period of Performance	DOE anticipates making awards with a period of performance of approximately two (2) to four (4) years, which for Topic Area 2 **must** include a mandatory 12-month verification period.
Eligible Applicants	The DOE Office of Indian Energy will only consider applications from (1) Tribal Colleges and Universities (TCUs); and (2) on whose campus(es) the proposed project(s) will be located. See Section III.A., Eligibility Information, and Appendix A for further definition. Applications from a consortium of Tribal Colleges and Universities (Consortium) will be accepted but **must** be submitted by a single Tribal College or University acting as the Applicant representing the Consortium. See Section III.A. for eligibility requirements and definitions. **DOE will not make eligibility determinations for potential Applicants prior to the date on which applications to this FOA must be submitted. The decision of whether to submit an application in response to this FOA lies *solely* with the Applicant. All Applicants are required to submit eligibility statements that document and provide evidence of Applicant and land status eligibility to support DOE's eligibility determination.**

Funding Opportunity Overview	
Cost Share Requirement	A 10% cost share of the total allowable costs of the project (i.e., the sum of the federal share, and the non-federal Recipient cost share of allowable costs equals the total allowable cost of the project) is required. All cost share **must** come from non-federal sources unless otherwise allowed by law (see Section III.B. for instances where additional federal funds can be used against the total project costs or as non-federal cost share, as allowed by law).
Additional Considerations in the Selection for Funding	In addition to the ability to consider geographic distribution, technology diversity and the optimum use of available DOE funding to achieve programmatic objectives, the Selection Official may, through the application of program policy factors (see Section V.C.), give additional consideration in the selection of applications for funding to: (1) whether the proposed project serves tribal communities with high energy costs; (2) the degree to which the proposed project will employ procurement of U.S. iron, steel, manufactured products, and construction materials; and/or (3) Applicants who have not previously received a grant from the Office of Indian Energy.
Technical Assistance	Within scope and budget, the DOE Office of Indian Energy may, upon request, provide technical assistance to all eligible Applicants who apply under this FOA and whose applications are comprehensively reviewed, but not selected for negotiation. Such technical assistance will be provided on a priority basis over those who request technical assistance but do not apply to this FOA.
Submission of Multiple Applications	Applicants may only submit one application to this FOA.
Means of Submission	Applications **must** be submitted through IE-Exchange at https://ie-exchange.energy.gov, DOE's online application portal. DOE will not review or consider applications submitted through other means. The IE-Exchange User Guide for Applicants is found at https://ie-exchange.energy.gov/Manuals.aspx.
Application Forms	Required forms and templates are available under 'Application Forms and Templates' for this FOA on IE-Exchange at https://ie-exchange.energy.gov.
Applicant Notification	DOE will notify all Applicants of its eligibility and selection determinations. The selection notification letter will inform the Applicant if its application was selected for award negotiations, or not. Alternatively, DOE may notify one or more Applicants that a final selection determination on a particular application(s) may be made at a later date, subject to congressional appropriations or other programmatic factors. Written feedback on all eligible applications will also be provided at the time of notification. Ineligible applications will not be reviewed or considered for award negotiations. If determined ineligible, the Contracting Officer will send a notification letter by email to the technical and administrative points of contact designated by the Applicant in IE-Exchange. The notification letter will state the basis upon which the application is ineligible and not considered for further review.

DOE OFFICE OF INDIAN ENERGY REQUIREMENTS

The requirements below are not all inclusive and cannot exclusively be relied upon as they do not reflect all evaluation factors and requirements for this FOA. Applicants **must** read the entire FOA to determine the complete set of requirements under this FOA.

- **Please read each Topic Area and Subtopic Area carefully for requirements specific to that Topic Area. See Section I.B.**

- **Pre-award Costs**: **Only cost share contributions made during the period of performance of the grant, if awarded, can be considered.** Any costs incurred prior to award selection cannot be considered as cost share or for reimbursement by DOE. See Section IV.H.

- **Eligibility Statements and Evidence:** To support the DOE Office of Indian Energy's eligibility determination, all Applicants are required to submit eligibility statements as part of their application that document and provide evidence of Applicant eligibility. See Section IV.C.5.

- **Applicant Commitment and Cost Sharing:** All Applicants are required to submit an Applicant Commitment and Cost Sharing File, which **must** include an executed statement of commitment and cost sharing by the Applicant. See Section IV.C.6 for the full content of the Applicant Commitment and Cost Sharing File.

- **Participant Letters of Commitment and Cost Sharing:** All other **project participants** (except Vendors) **must** submit letters of commitment and cost sharing under the Participant Letters of Commitment and Cost Sharing File. See Section IV.C.7.

- **Letters of Support:** Letters of support by anyone not participating in the proposed project are not required or desired, and should not be provided as part of the application. See Sections IV.C.6. and Section IV.C.7.

- **Post Award Payment:** Payment will be made electronically on a reimbursement basis through Automated Clearing House (ACH). Provided the requisite support is submitted, reimbursement of costs will normally be made within seven to ten days; however, reimbursement may take up to 30 days. See Section IV.H.12.

  Reimbursement of actual costs will only include those costs that are reasonable, allowable and allocable to the project as determined in accordance with the applicable cost principles prescribed in FAR Part 31.2 for for-profit entities; and 2 CFR Part 200 Subpart E – Cost Principles for all other non-federal entities. For more on invoice review and approval see Section IV.H.12.

As all sources of cost share are considered part of total project cost, the cost share dollars will be scrutinized under the same federal regulations as federal funding for the project. For more on cost sharing, see Section III.B.

Documentation for all costs (evidence of expenditures) associated with the project will be **required** with each and every request for reimbursement from DOE for DOE's portion of those costs. See Section IV.H.12.

- **Post Award Reporting Requirements:** Selected Applicants will be required to document progress in quarterly reports and project outcomes in a comprehensive final report, as well as present at an annual Program Review to be held each fall in Colorado. See DOE Office of Indian Energy Requirements.

  For planning purposes, Applicants should plan to attend and present grant activities each year during the period of performance of the grant. **Travel costs for this annual review (one-week in duration plus travel days) must be included, for each year of the grant, in the proposed budget, including the year the initial award is anticipated.**

- **Equipment Title and Vested Interest:** Subject to the conditions provided in 2 CFR § 200.313 – Equipment, title to equipment acquired under a Federal award will conditionally vest upon acquisition with the non-Federal entity. The non-Federal entity cannot encumber this equipment and **must** follow the requirements of 2 CFR § 200.313 before disposing of the equipment.

  For-Profit Entities: Pursuant to the requirements of 2 CFR § 910.360(b)(4), if the Federal share of the financial assistance agreement is more than $1,000,000, for-profit Recipients **must** properly record Uniform Commercial Code (UCC) financing statement(s) for all equipment with a per-unit acquisition cost of $5,000 or more purchased in whole or in part with Federal funds.

  Also see Section IV.H.8., Equipment and Supplies.

- **Cost Share:** Every cost share contribution **must** be allowable under the applicable federal cost principles, as described in Section III.B. of the FOA.

  In addition, cost share must be available or accessible at the time of submission of the application. A written assurance (e.g., commitment) must be provided at the time of application submission as part of the Applicant Commitment and Cost Sharing File, and if applicable, the Participant Letters of Commitment and Cost Sharing File. The written assurance (e.g., commitment) is a binding guarantee that funds are available or, with respect to the use of equipment, contributed labor hours, or unrecovered indirect costs, accessible.

Cost share commitments cannot be dependent on some future event, such as receiving a grant, obtaining a loan, or securing an investor. Furthermore, although the cost share requirement applies to the project as a whole (including work performed by members of the Project Team other than the Recipient) **the Recipient is ultimately and legally responsible for the entire amount of cost share, if an award is made.** In addition, if an award is made, cost share will be verified, once invoiced.

TRANSITIONING TRIBAL COLLEGES AND UNIVERSITIES TO CLEAN ENERGY - 2023

I. FUNDING OPPORTUNITY DESCRIPTION

A. DESCRIPTION

The Department of Energy (DOE) Office of Indian Energy Policy and Programs (hereafter referred to as the DOE Office of Indian Energy) assists *Indian tribes*[1] in addressing barriers to developing their vast energy resources and accelerating the deployment of energy technology on *Tribal Lands*. Specifically, the DOE Office of Indian Energy is charged by Congress under the Indian Tribal Energy Development and Self Determination Act of 2005 (Energy Policy Act of 2005 (EPAct 2005), Title V, § 502, codified at 42 U.S.C. § 7144e and 25 U.S.C. § 3501, et seq.), to "provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs that –

(1) Promote Indian tribal energy development, efficiency, and use;
(2) Reduce or stabilize energy costs;
(3) Enhance and strengthen Indian tribal energy and economic infrastructure relating to natural resource development and electrification; and
(4) Bring electric power and service to Indian land and homes for tribal members located on Indian lands or acquired, constructed, or improved (in whole or in part) with Federal funds." 42 U.S.C. § 7144e(b)

For more information on the DOE Office of Indian Energy, see its website.

Between 2010 and 2022, the DOE Office of Indian Energy invested over $120 million in more than 210 tribal energy projects implemented across the contiguous 48 states and Alaska. These projects, valued at more than $215 million, are leveraged by over $93 million in Recipient cost share. See the DOE's Office of Indian Energy website for a map and summaries of these competitively funded projects.

Through this FOA, the DOE Office of Indian Energy will continue its efforts to maximize the deployment of energy solutions for the benefit of American Indians and Alaska Natives and help build the knowledge, skills, and resources needed to implement those energy solutions. In support of these objectives, the DOE Office of Indian Energy is soliciting applications from (1) *Tribal Colleges and Universities* (TCUs) for clean energy project and curriculum planning (Topic Area 1) and clean energy technology and curriculum deployment (Topic Area 2); and (2) on whose *campus(es)* the proposed project will be located.

[1] Terms defined specifically for this FOA are italicized on first use.

For purposes of the FOA, eligible Tribal Colleges and Universities (TCUs) **must** be (1) institutions of higher education located in the 48 contiguous United States or Alaska **and** be (2) defined and eligible based on the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. § 1801(a)(4)), and the Higher Education Act of 1965 (20 U.S.C. § 1059), respectively, as follows:

> "Tribal Colleges and Universities," for purposes of the FOA, mean institutions of higher education which are formally controlled, or have been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe;

including:

> Those institutions cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 *et seq*.), and Diné College, authorized in the Navajo Community College Assistance Act of 1978, Public Law 95-471, title II (25 U.S.C. 640a note).[2]

Through grants, the DOE Office of Indian Energy intends to provide financial support under the provisions of the Title V of EPAct 2005.

The DOE Office of Indian Energy is soliciting applications from TCUs for:
(1) *clean energy* project and *curriculum* planning (Topic Area 1); and,
(2) *clean energy technology* and curriculum deployment (Topic Area 2).

See definitions below and in Appendix A.

Projects selected under this FOA are intended to reduce or stabilize energy costs, increase energy security and resiliency, and be replicable by Indian tribes across the Nation. The soundness of the proposed project, potential benefits, level of commitment, and capabilities of the Applicant and project participants to accomplish the project objectives will be major factors in selecting projects for funding.

In addition to specific technical evaluation criteria as identified in this FOA, the *Selection Official* may also have the ability to consider the following program policy factors in making selections under the FOA: geographic distribution; technology diversity; the optimum use of available DOE funding to achieve programmatic objectives; whether the proposed project serves tribal

[2] *See also* Executive Order 13270 (July 3, 2022), as extended by Executive Order 13316 (September 17, 2003). Note: Although 25 U.S.C. § 640a note has now been omitted from the U.S. Code as being of special and not general application, Diné College remains an eligible TCU. *See* the Higher Education Opportunity Act of 2008, Pub. L. 110–315 (August 14, 2008), §§ 945, 946 (establishing the Navajo Nation Higher Education Act of 2008 and reauthorizing the Navajo Community College Act).

communities with high energy costs; the degree to which the proposed project will employ procurement of U.S. iron, steel, manufactured products, and construction materials; and/or Applicants who have not previously received a grant from the Office of Indian Energy.

Within scope and budget, the DOE Office of Indian Energy may, upon request, provide technical assistance to all eligible Applicants who apply under this FOA and whose applications are comprehensively reviewed, but not selected for negotiation. Such technical assistance will be provided on a priority basis over those who request technical assistance but do not apply to this FOA.

B. Topic Areas

The FOA is soliciting applications under the following Topic Areas:

(1) Clean Energy Project and Curriculum Planning (Topic Area 1); and,
(2) Clean Energy Technology and Curriculum Deployment (Topic Area 2).

"**Clean Energy**" for purposes of this FOA, means (1) *energy efficiency* or (2) *renewable energy*, where "energy efficiency" means efficient energy use, or to reduce the amount of energy required to provide products and services through "energy efficiency measures" (see definition below) and "renewable energy" is power generated from sources that are constantly being replenished, including, but are not limited to, bioenergy, geothermal energy, hydrogen, hydropower, marine energy, solar energy, and wind energy.

"**Clean Energy Technology**" for purposes of this FOA, may include, but is not limited to: (1) *Clean Energy Generating System(s)*; (2) *Energy Efficiency Measure(s)*; or (3) *Integrated Clean Energy System(s)*.

"**Curriculum**" for the purposes of this FOA, means the subjects comprising a course of study in a school or college which covers the knowledge, attitude, behavior, manner, performance and skills that are imparted or inculcated in a student, and may include, but is not limited to, teaching methods, learning objectives, learning standards, lessons, assignments, physical and mental exercises, activities, projects, tutorials, presentations, assessments, tests, other methods used to evaluate student learning, study material, and materials used to organize and teach a particular course.

Proposed installations may be for either:
(1) Existing building(s); **or**
(2) New building(s) that are currently being constructed or planned to be constructed during the proposed grant period.

See Appendix A and above for definitions.

1. Topic Area 1: Clean Energy Project and Curriculum Planning

Under Topic Area 1, the DOE Office of Indian Energy is soliciting applications for (1) clean energy project planning to transition the Tribal College or University to a clean energy campus and (2) clean energy curriculum planning to complement the transition to clean energy.

The soundness of the proposed clean energy planning activities, potential benefits, level of commitment, and capabilities of the Applicant and project participants to accomplish the clean energy planning objectives will be major factors in selecting applications for funding. See Section V.A. for the Technical Review Criteria and Program Policy Factors.

Eligible planning activities under Topic Area 1 **must** include clean energy project studies and analyses (energy efficiency and/or renewable energy), including activities for clean energy curriculum planning, as more fully described under paragraphs a. and b. below.

The clean energy project planning **must** result in a specific project plan, sufficient to implement a clean energy project and implementation of a related clean energy curriculum.

a. Clean Energy Project Planning Studies and Analyses

The required clean energy project studies and analyses may include, but are not limited to, the following elements:

- Establishment of baseline energy use (types and usage)
- A forecast of future energy needs
- Conducting energy audits and identify energy efficiency measures
- Identification of renewable energy resources
- Site-specific resource monitoring, if needed
- Assessment of clean energy technology options
- Cost analysis for the planned clean energy technology project
- Clean energy system sizing and modeling
- Preliminary system design(s), if applicable
- Obtaining equipment estimates or quotes
- Assessing interconnection and local net metering policies
- Assessing operation and maintenance options

b. Clean Energy Curriculum Planning

Under Topic Area 1, the Applicant **must** develop clean energy curriculum, **or** modify an existing curriculum, to complement the planned clean energy project. Curriculum activities may include, but are not limited to, the development of:

- Teaching methods

- Learning objectives
- Learning standards
- Lessons
- Assignments
- Physical and mental exercises
- Activities
- Projects
- Tutorials
- Presentations
- Assessments
- Tests
- Other methods used to evaluate student learning

2. Topic Area 2: Clean Energy Technology and Curriculum Deployment

Under Topic Area 2, the DOE Office of Indian Energy is seeking applications for the (1) deployment of clean energy technology(ies) to transition the Tribal College or University to a clean energy campus, and (2) implementation of a related clean energy curriculum.

The clean energy technology deployment **must** result in the installation of clean energy technology on the TCU campus, including the implementation of a related clean energy curriculum.

The building(s) and/or land to be used for the project **must** be '*owned or controlled*' by the Applicant. If the building(s) and/or land is not 'owned or controlled' by the Applicant, a letter of commitment for use of the building(s) and/or land from the building(s) and/or land holder **must** be submitted as part of the application under the Participant Letter of Commitment and Cost Sharing File.

"**Owned or Controlled,**" for the purposes of this FOA, is where the eligible entity has or has been given certain rights and duties, specifically the ability to exercise authority, direction, and control. Note that ownership may be private, collective, or common and some of those rights and duties may be held by different parties.

The soundness of the proposed clean energy project, potential benefits, level of commitment, and capabilities of the Applicant and project participants to accomplish the project objectives on the Tribal College or University campus will be major factors in selecting projects for funding. See Section V.A. for the Technical Review Criteria and Program Policy Factors.

a. Clean Energy Technology Deployment

The clean energy technology deployment **must** (1) result in the installation of clean energy technology on the TCU campus and (2) use commercially proven warrantied technology (see the definition of "commercially proven" and "warrantied" under Appendix A.

Applications under Topic Area 2 **must** (1) be based on a comprehensive studies and analyses that clearly identify the need for the clean energy technology, demonstrate the rationale for selecting the proposed clean energy technology as opposed to other options, demonstrate the availability of the renewable resource (if applicable), demonstrate the technical and economic viability of the clean energy technology deployment, including financial sustainability, and the comprehensive studies and analyses **must** be provided as part of the application under the Studies and Analyses File.

"**Clean Energy Technology**" for purposes of this FOA, may include, but is not limited to: (1) *Clean Energy Generating System(s)*; (2) *Energy Efficiency Measure(s)*; or (3) *Integrated Clean Energy System(s)*.

> "**Clean Energy Generating System(s)**" for the purposes of this FOA include: (1) renewable energy system(s), or (2) combined heat and power system(s) using renewable fuels such as biomass, biogas, renewable natural gas, or renewable hydrogen. See definitions under Appendix A.
>
> "**Energy Efficiency Measure(s)**," for the purposes of this FOA, means the implementation of a (1) *building efficiency measure(s)*, or an (2) *industrial process efficiency measure(s)*. For the purposes of this FOA, "energy efficiency" is not the same as "*energy conservation*", which is not eligible under this FOA. See definitions under Appendix A.
>
> "**Integrated Clean Energy System(s)**" under Topic Area 2 **must**, as a minimum, provide power to building(s) that make up, in part or the whole of, a TCU campus and include: (1) clean energy generating system(s); (2) controls and management system(s); and (3) energy storage system(s). Such systems may also include (4) conventional energy generation device(s); however, conventional energy generation device(s) are eligible only if used solely as a dispatchable stand-by power source. Note that some components of the proposed integrated clean energy system(s) may already exist and, therefore, not all of the components **must** be proposed for DOE funding; however, the integrated clean energy system(s) as a whole **must** meet the requirements under Topic Area 2.

Under Topic Area 2, either a single clean energy system and/or energy efficiency measure **or** multiple clean energy systems and/or energy efficiency measures may be proposed for either a single building or multiple buildings.

For projects proposed under Topic Area 2, verification of the actual energy generated, displaced, or saved annually (amount, cost, and percentage) will be required for a minimum of 12-months after installation of the proposed clean energy technology. A description of those verification methods should be included as part of the Technical Volume and the activity should be included as part of the Workplan (see Section IV.C., Content and Form of the Application).

For building(s) that are currently being constructed or planned to be constructed during the grant period, only the incremental costs associated with the installation of the proposed clean energy technology will be considered, not the cost of constructing the building.

Costs associated with the construction of a building(s) or structure(s) such as carports (unless integral to the energy system(s) being proposed) will not be considered by DOE for reimbursement or as cost share; only the incremental costs associated with the installation of proposed clean energy technology will be considered allocable to the proposed DOE funded project.

See Appendix A for definitions.

b. Clean Energy Curriculum Planning

Applications under Topic Area 2 **must** include the implementation of a related clean energy curriculum that may include, but is not limited to, the following activities:

- Lessons
- Assignments
- Physical and mental exercises
- Activities
- Projects
- Tutorials
- Presentations
- Assessments
- Tests
- Other methods used to evaluate student learning
- Study supplies and kits
- Materials used to organize and teach a particular course

Costs associated with the implementation of a clean energy curriculum, such as supplies, kits, and materials, may be included in the proposed budget.

C. APPLICATIONS SPECIFICALLY NOT OF INTEREST

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

- Applications that fall outside the technical parameters specified in Section I.B. of the FOA.
- Applications proposing "energy conservation," where "energy conservation," for the purposes of this FOA, means decreasing energy consumption by using less energy or going without to save energy. Energy conservation typically involves a behavioral change and may include energy use monitors or other indicators to induce that behavioral change.
- Applications proposing the evaluation of product marketing opportunities, assessment of manufacturing opportunities, research, product development, or the construction of manufacturing facilities or buildings.
- For Topic Area 1, applications proposing the purchase or installation of clean energy technology.
- For Topic Area 2, applications proposing planning activities, including but not limited to studies, design, and engineering (excluding *final* design and engineering), or development (pre-construction) activities; or any activities which are not directly related to the installation of clean energy technology.
- For Topic Area 2, applications proposing the cost of construction for a building(s) or structure(s) such as carports. Only the incremental costs associated with the installation of clean energy technologies will be considered allocable to the proposed DOE funded project and not the cost of constructing the building(s) or structure(s), unless those structures are integral to the proposed project.
- For Topic Area 2, any application where the Applicant has already taken irreversible actions regarding the proposed DOE funded project, where the proposed DOE funded project consists of only the installation of clean energy technology, including irreversible actions related to the construction of a building(s) or structure(s) (such as a carport), if the building(s) or structure(s) are being built specifically to enable the DOE funded project. Irreversible actions relative to the proposed DOE funded project may include, but are not limited to, site clearing, groundbreaking, equipment or system purchase or installation, building renovation, and building retrofits.
- For Topic Area 2, applications for commercial projects intended *solely* for revenue generation through the export of electricity off the TCU campus for commercial sale, **unless** revenue from the exported electricity is used to offset the Applicants electricity bills.

- For Topic Area 2, applications proposing conventional energy generation device(s), unless used *solely* as dispatchable stand-by power source(s). A conventional energy generation device(s) is only eligible as a dispatchable stand-by power source under Topic Area 2.

- For Topic Area 2, applications proposing the use of materials, supplies, or equipment which are not commercially proven and warrantied.

- For Topic Area 2, applications proposing construction as a primary activity. For the purpose of this FOA, "construction" is defined as, but not limited to, building, erecting, altering, remodeling, or repairing a particular building or structure, as well as making major renovations or additions to existing buildings or structures. Construction does not include the installation of clean energy technology or activities ancillary to those installations. Projects that include construction as a primary activity will not be considered under this FOA unless such activity is integral to meeting the objectives of the FOA and only with prior written authorization from the Contracting Officer.

D. Authorizing Statutes

The programmatic authorizing statute is the Indian Tribal Energy Development and Self Determination Act of 2005 (Energy Policy Act of 2005 (EPAct 2005), Title V, § 502, codified at 42 U.S.C. § 7144e and 25 U.S.C. § 3501, et seq.).

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

II. Award Information

A. Award Overview

1. Estimated Funding

DOE expects to make approximately $15 million of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. The actual level of funding, if any, depends on Congressional appropriations.

DOE anticipates making approximately 10 to 25 awards under this FOA. DOE may issue awards in one, multiple, or none of the following Topic Areas.

Under Topic Area 1 (Clean Energy Project and Curriculum Planning), DOE anticipates making ten to twenty awards, with DOE funding per individual award varying from no less than $100,000 to a maximum of $250,000.

Under Topic Area 2 (Clean Energy Technology and Curriculum Deployment), DOE anticipates making two to five awards, with DOE funding per individual award varying from no less than $250,000 to a maximum of $4,000,000.

2. *Period of Performance*

DOE anticipates making awards with a period of performance of approximately two (2) to four (4) years, which for Topic Area 2 **must** include a mandatory 12-month verification period.

3. *New Applications Only*

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

B. DOE Funding Agreements

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

As specified under § 503 of EPAct 2005 (25 U.S.C. § 3502(b)(2)), DOE anticipates awarding grants under this FOA.

III. Eligibility Information

A. Eligible Applicants

The DOE Office of Indian Energy will **only** consider applications from: (1) Tribal Colleges and Universities (TCUs); and (2) on whose campus(es) the proposed project(s) will be located. Applications from a consortium of TCUs (Consortium) will be accepted but **must** be submitted by a single TCU acting as the Applicant and representing the Consortium.

All Applicants will be **required** to provide eligibility statements and evidence (see Section IV.C.5.) to support DOE's eligibility determination. **DOE will not make sufficiency determinations prior to an application being submitted**. Applicants who do not meet the requirements of this subsection will be deemed ineligible and their applications will not be reviewed or considered.

More specifically,

1) "**Tribal Colleges and Universities (TCUs)**" for purposes of this FOA, are (1) institutions of higher education located in the 48 contiguous United States or Alaska and (2) defined and eligible based on the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. § 1801(a)(4)), and the Higher Education Act of 1965 (20 U.S.C. § 1059), respectively, as follows:

   "Tribal Colleges and Universities," for purposes of the FOA, mean institutions of higher education which are formally controlled, or have been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe;

   including:

   Those institutions cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 *et seq*.), and Diné College, authorized in the Navajo Community College Assistance Act of 1978, Public Law 95-471, title II (25 U.S.C. 640a note).[3]

   "**Consortium**" (plural consortia), as defined for the purposes of this FOA, means a group of Tribal Colleges and Universities (as defined above), that have chosen to submit a single application. Under this FOA, a Consortium is eligible to submit an application provided the application is submitted by a single TCU representing the Consortium.

2) "**Campus**" for purposes of this FOA, means a collection of buildings and land that are part of a Tribal College or University.

   See Appendix A for definitions.

B. Cost Sharing

A 10% cost share of the total allowable costs of the project (i.e., the sum of the federal share, and the non-federal Recipient cost share of allowable costs equals the total allowable cost of the project) is required.

[3] *See also* Executive Order 13270 (July 3, 2022), as extended by Executive Order 13316 (September 17, 2003). Note: Although 25 U.S.C. § 640a note has now been omitted from the U.S. Code as being of special and not general application, Diné College remains an eligible TCU. *See* the Higher Education Opportunity Act of 2008, Pub. L. 110–315 (August 14, 2008), §§ 945, 946 (establishing the Navajo Nation Higher Education Act of 2008 and reauthorizing the Navajo Community College Act).

All Recipient cost share **must** come from non-federal sources and be clearly identified in the application, unless otherwise allowed by law (see note below). See 2 CFR § 200.306 and 2 CFR § 910.130 for the applicable cost sharing requirements. Failure to meet the requirements of this subsection may result in your application not being reviewed or considered.

Except for pre-award costs with prior DOE approval, only cost share contributions made during the period of performance of the grant, if awarded, can be considered. Any costs incurred prior to award selection cannot be considered as cost share or for reimbursement by DOE.

If funds from a federal source are being proposed either as additional federal funds against the total project costs or as non-federal cost share, as allowed by law, the **Applicant must provide a commitment letter from the federal agency as part of the application that specifically commits those funds and identifies the statutory authority that allows those funds to be used for the project being proposed.** Additionally, if those funds are to be used as non-federal cost share, the commitment letter **must** also include the excerpt from the statutory authority that allows those funds to be used as non-federal cost share. These commitment letters will be reviewed to determine allowability, by DOE Legal Counsel and the Contracting Officer, prior to accepting funds as either additional federal project funds or non-federal cost share from other federal sources.

The following are some instances where federal funds **may** be permissible for use as cost share.

NOTE: Per the Indian Self-Determination Act (Public Law 93-638) as codified and amended at 25 U.S.C. § 5301, et seq., funding under the Indian Self-Determination Act may be used as non-federal cost share by Indian Tribes on federal grants.

For Tribal self-governance funding agreements, see 25 U.S.C. § 5363,[4] Funds, "All funds provided under funding agreements entered into pursuant to this subchapter, and all funds provided under contracts or grants made pursuant to this subchapter, shall be treated as non-Federal funds for the purposes of meeting matching requirements under any other Federal law."

For self-determination contract funding, see 25 U.S.C. § 5322,[5] Use as matching shares for other similar federal grant programs, "The provisions of any other Act notwithstanding, any funds made available to a tribal organization under grants pursuant to this section may be used as matching shares for any other Federal grant programs which contribute to the purposes for which grants under this section are made."

[4] 25 U.S.C. § 458cc was editorially reclassified as section 5363 of this title.
[5] 25 U.S.C. § 450h(c) was editorially reclassified as section 5322 of this title.

For compact funding, see 25 U.S.C. § 5324,[6] "Notwithstanding any other provision of law, a tribal organization may use funds provided under a self-determination contract to meet matching or cost participation requirements under other Federal and non-Federal programs."

Per the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996 (Public Law 104–330 as codified at 25 U.S.C. § 4101, et seq.) and it's implementing regulation (24 CFR § 1000.122): "There is no prohibition in NAHASDA against using grant funds as matching funds."

To assist Applicants in calculating proper cost share amounts, DOE has included a cost share information sheet and sample cost share calculation as Appendix B to this FOA.

1. Cost Share Legal Responsibility

Although the cost share requirement applies to the project as a whole (including work performed by members of the Project Team other than the Recipient), **the Recipient is ultimately and legally responsible for the entire amount of cost share, if an award is made**. The Recipient's cost share obligation is expressed in the Assistance agreement as a static amount in U.S. dollars (cost share amount) and as a percentage of the Total Project Cost (cost share percentage). **If the funding agreement is terminated prior to the end of the project period, the Recipient is required to contribute at least the cost share percentage of total expenditures incurred through the date of termination.**

The Recipient is *solely* responsible for managing cost share contributions by the Project Team and enforcing cost share obligations assumed by Project Team members in subawards or related agreements.

2. Cost Share Allocation

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

3. Cost Share Types and Allowability

Every cost share contribution **must** be allowable under the applicable federal cost principles, as described in Section IV.H.1. of the FOA.

[6] 25 U.S.C. § 450j-1(j) was editorially reclassified as section 5324 of this title.

Project Teams may provide cost share in the form of cash or in-kind contributions; however, ultimately the Recipient of the federal award is *solely* responsible for providing the required, verifiable cost share, if an award is made, even if the cost share is being provided by a Subrecipient(s). Note that Subrecipients who provide cost share, either as cash or as in-kind contributions, **or** an entity that is deemed a Subrecipient per 2 CFR § 200.1 and 2 CFR § 200.331(a), are subject to all terms and conditions of the grant.

Allowable contributions include, but are not limited to, contribution labor, unrecovered indirect costs, unrecovered facilities and administrative costs, rental value of buildings (not the purchase price), lease value of land or equipment (not the purchase value), and the value of a service, other resource, or in-kind contributions.

Project Teams may use funding or property received from state or local governments to meet the cost share requirement, so long as the funding was not provided to the state or local government by the federal government.

The Recipient may not use the following sources[7] to meet its cost share obligations:

- Revenues or royalties from the prospective operation of an activity beyond the project period;
- Proceeds from the prospective sale of an asset of an activity;
- Federal funding or property (e.g., federal grants, equipment owned by the federal government), unless allowed by law;
- Renewable Energy Credits (RECs) or other green attribute monetization funds;
- Any form of cost sharing received after the DOE grant period **or** those received prior to being selected for award under this FOA;
- Independent research and development (IR&D) funds;
- The same cash or in-kind contributions to meet cost share requirements for more than one project or program; or
- Expenditures that were reimbursed under a separate federal program.

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

[7] Investment or production tax credits and direct payments in lieu of tax credits are not considered federal funding after receipt by a grantee and may be used as cost share. To be eligible as cost share, any investment or production tax credits received would need to be monetized, received, and contributed to the project during the grant period. Additionally, direct payments in lieu of tax credits may also be used as cost share, provided those funds are received and contributed to the project during the grant period.

Applicants are encouraged to refer to 2 CFR § 200.306 as amended by 2 CFR § 910.130, for additional guidance on cost sharing.

4. Cost Share Contributions by FFRDCs

Because Federally Funded Research and Development Centers (FFRDCs) are funded by the federal government, costs incurred by FFRDCs generally may not be used to meet the cost share requirement. FFRDCs may contribute cost share only if the contributions are paid directly from the FFRDCs Management Fee or another non-federal source.

5. Cost Share Verification

Applicants are required to provide written assurance (See Statement of Commitment and Cost Sharing File under Section IV.C.6.) of their proposed cost share contributions in their applications.

Upon selection for award negotiations, Applicants may be required to provide additional information and documentation regarding their cost share contributions. Please refer to Appendix B of the FOA for guidance on the requisite cost share information and documentation.

6. Cost Share Payment

If an award is made, cost share will be verified, once invoiced. Documentation for *all* costs (evidence of expenditures) associated with the project will be required with each and every request for reimbursement from DOE for DOE's portion of those costs. Because all sources of cost share are considered part of the total project cost, all cost share dollars will be scrutinized under the same federal regulations as federal funding for the project.

DOE requires Recipients to contribute the cost share amount incrementally over the life of the award. Specifically, the Recipient's cost share for each billing period **must** always reflect the overall cost share ratio negotiated by the parties (i.e., the total amount of cost sharing on each invoice when considered cumulatively with previous invoices **must** reflect, at a minimum, the cost sharing percentage negotiated).

In limited circumstances, and where it is in the government's interest, the DOE Contracting Officer may approve a request by the Recipient to meet its cost share requirements on a less frequent basis, such as annually or per grant period. Regardless of the interval requested, the Recipient **must** be up-to-date on cost share at each interval. Such requests **must** be sent by email to DOE during award negotiations and include the following information: (1) a detailed justification for the request; (2) a proposed schedule of payments, including amounts and dates; (3) a written commitment to meet that schedule; and (4) such evidence as necessary to

demonstrate that the Recipient has complied with its cost share obligations to date. The Contracting Officer **must** approve all such requests before they may go into effect.

C. Compliance Criteria

Applications **must** meet *all* compliance criteria listed below or they will be considered noncompliant. DOE will not review or consider noncompliant submissions, including applications: submitted through means other than IE-Exchange; submitted after the applicable deadline; or submitted incomplete. DOE will not extend the submission deadline for Applicants that fail to submit required information due to server/connection congestion.

Applications are deemed compliant if:

- The application complies with the content, format, and submission requirements in Section IV.A and Section IV.C. of the FOA;

  and,

- The Applicant successfully uploaded *all* required documents and clicked the "Submit" button in IE-Exchange by the deadline stated in the FOA.

D. Responsiveness Criteria

Any "Applications Specifically Not of Interest," as described in Section I.C. of the FOA, will be deemed nonresponsive and not reviewed or considered.

E. Limitation on Number of Applications Eligible for Review

Applicants may only submit one application to this FOA.

F. Questions Regarding Eligibility

Any Applicant or application that does not meet the criteria under Section III.A. of the FOA will be deemed ineligible and not reviewed or considered.

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

IV. APPLICATION AND SUBMISSION INFORMATION

To be considered compliant, *all* applications **must** comply with the content, format, and submission requirements below.

A. APPLICATION FORMAT AND SUBMISSION REQUIREMENTS

The application **must** conform to the following requirements:

- Each file **must** be submitted in Adobe PDF format, unless stated otherwise.
- Each **must** be written in English.
- All pages **must** be formatted to fit on 8.5 x 11-inch paper with margins not less than one inch on every side. Use Arial typeface, a black font color, and a font size of 11-point or larger (except in figures or tables, which may be 10-point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References **must** be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement.
- The Control Number assigned by IE-Exchange during the registration process **must** be prominently displayed on the upper right corner of the header of every page. Page numbers **must** be included in the footer of every page.
- Each file **must** not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If applications exceed the maximum page lengths indicated below, **DOE will only review the authorized number of pages and disregard any additional pages.**
- **The maximum file size that can be uploaded to the IE-Exchange website is 50MB.** Files in excess of 50MB cannot be uploaded, and hence cannot be submitted for review. DOE will not accept late submissions that resulted from technical difficulties due to uploading files that exceed 50MB. Only in limited instances, including the Eligibility Statements and Evidence File, Participant Letters of Commitment and Cost Sharing File, and the Budget Support File, can a file in excess of 50MB be submitted as multiple files.

Applicants must submit their applications by the due date specified on the coversheet of this FOA to be considered for funding under this FOA. Applicants are strongly encouraged to submit their applications at least 48 hours in advance of the submission deadline. Under normal conditions (i.e., at least 48 hours in advance of the submission deadline), Applicants should allow at least 1 hour to submit an application. Once the application is submitted in IE-

Exchange, Applicants may revise or update their application until the expiration of the applicable deadline. **DOE urges Applicants to carefully review their applications prior to submittal and to allow sufficient time for the submission of required information and documents.**

IE-Exchange is designed to enforce the deadlines specified in this FOA. The "Apply" and "Submit" buttons will be automatically disabled at the defined submission deadlines. Should Applicants experience problems with IE-Exchange, the following information may be helpful:

Applicants that experience issues with submission PRIOR to the FOA deadline (in the event that an Applicant experiences technical difficulties with a submission), the Applicant should contact the Exchange helpdesk for assistance (ExchangeHelp@hq.doe.gov). The Exchange helpdesk will assist Applicants in resolving issues. However, those Applicants who are unable to submit their applications because they are submitting them at the last minute, when network traffic is at its heaviest, will not be eligible for assistance from the Exchange helpdesk.

B. Application Forms and Templates

Application forms and templates are available under 'Application Forms and Templates' for this FOA on IE-Exchange. To access these materials, go to https://ie-exchange.energy.gov and select the appropriate funding opportunity number.

Note that the 'Application Forms and Templates' for this FOA on IE-Exchange represent only a portion of the documents required for a complete application. The remaining documents required for a complete application have no specific format and are to be generated by the Applicant. See Section IV.C. below for a complete listing of all documents required for a complete application.

C. Content and Form of the Application

Applicants **must** complete the following required application documents which are either provided on the IE-Exchange website at https://ie-exchange.energy.gov or Applicant generated, in accordance with the instructions below. All submissions **must** conform to the following form and content requirements, including maximum page lengths and **must** be submitted via IE-Exchange at https://ie-exchange.energy.gov.

Applications **must** include all of the following documents to be considered compliant.

Table 2: Required Application Documents

REQUIRED APPLICATION DOCUMENTS				
#	**DOCUMENT**	**FILE TYPE AND FORMAT**	**PAGE LIMIT**	**FILE NAME[8]**
1	Application for Federal Assistance SF-424 (**Must** be signed by an authorized representative)	Adobe PDF, mandatory form provided on IE-Exchange	N/A	ControlNumber_LeadOrganization_App424
2	Summary Slide	Microsoft PowerPoint, Template provided on IE-Exchange	1 page	ControlNumber_LeadOrganization_Slide
3	Technical Volume	Adobe PDF, template provided on IE-Exchange	15-page limit, excluding the Cover Page and Table of Contents	ControlNumber_LeadOrganization_TechnicalVolume
4	Workplan	Microsoft Word, template provided on IE-Exchange	5-page limit, excluding the Milestone Table	ControlNumber_LeadOrganization_Workplan
5	Eligibility Statements and Evidence File (**Must** be signed by an authorized representative)	Adobe PDF, template provided on IE-Exchange	N/A, multiple files allowed (no more than 3)	ControlNumber_LeadOrganization_Eligibility
6	Applicant Commitment and Cost Sharing File (**Must** be executed)	Adobe PDF, no specific format required (see Section IV.C.6. for required content)	N/A	ControlNumber_LeadOrganization_Applicant_Commitment

[8] The Lead Organization is the term used in IE-Exchange for the Applicant.

REQUIRED APPLICATION DOCUMENTS				
#	DOCUMENT	FILE TYPE AND FORMAT	PAGE LIMIT	FILE NAME[8]
7	Participant Letters of Commitment and Cost Sharing File	Adobe PDF, no specific format required (see Section IV.C.7. for required content)	N/A, multiple files allowed (no more than 3)	ControlNumber_LeadOrganization_Participant_Letters
8	Resumes File	Adobe PDF, no specific format required	2 page maximum per resume	ControlNumber_LeadOrganization_Resumes
9	Budget Justification Workbook form (IE 540.132-01)	Microsoft Excel, mandatory form provided in IE-Exchange	N/A	ControlNumber_LeadOrganization_Budget_Justification
10	Subrecipient Budget Justification Workbook form (IE 540.132-01)	Microsoft Excel, form provided on IE-Exchange, or Adobe PDF (see Section IV.C.10. for instructions)	N/A, multiple files allowed (no more than 3)	ControlNumber_LeadOrganization_SubrecipientName_Budget_Justification
11	Budget Support (**Must** be signed by an authorized representative)	Adobe PDF, template provided on IE-Exchange	N/A, multiple files allowed (no more than 3)	ControlNumber_LeadOrganization_Budget_Support
12	Applicant Registration Certifications (**Must** be signed by an authorized representative)	Adobe PDF, template provided in IE-Exchange	N/A	ControlNumber_LeadOrganization_Registration_Certifications
13	SF-LLL Disclosure of Lobbying Activities (**Must** be signed by an authorized representative)	Adobe PDF, mandatory form provided in IE-Exchange	N/A	ControlNumber_LeadOrganization_SF-LLL

REQUIRED APPLICATION DOCUMENTS				
#	DOCUMENT	FILE TYPE AND FORMAT	PAGE LIMIT	FILE NAME[8]
14	Potentially Duplicate Funding Notice (PDFN) File	Adobe PDF, no specific format required	N/A	ControlNumber_LeadOrganization_PDFN
15	Site and Resource Maps and Graphics File	Adobe PDF, no specific format required	N/A	ControlNumber_LeadOrganization_MapsGraphics
16	Studies and Analyses File (Topic Area 2 Only)	Adobe PDF, no specific format required	N/A	ControlNumber_LeadOrganization_Studies_Analyses
17	Design and Engineering File (Topic Area 2 Only)	Adobe PDF, no specific format required	N/A	ControlNumber_LeadOrganization_Engineering
18	Economics File (Topic Area 2 Only)	Adobe PDF, no specific format required	N/A	ControlNumber_LeadOrganization_Economics

Detailed guidance on the content and form of each element of the application is included below.

1. *Application for Federal Assistance SF-424*

Complete all required fields in accordance with the instructions on the form and have it signed by an authorized representative. The list of certifications and assurances in Field 21 of the SF-424 form can be found at http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms, under Certifications and Assurances. **Note**: The dates and dollar amounts on the SF-424 are for the complete proposed project, **must** reflect total project costs (both the requested federal funds and proposed cost share) and include the entire period of performance of the grant, if one is awarded. This form is available under 'Application Forms and Templates' for this FOA on IE-Exchange at https://ie-exchange.energy.gov.

The SF-424 form must be signed by an authorized representative, either digitally or manually in ink and scanned. Typed signatures do not constitute a digital signature.

Save the completed and signed SF-424 form as a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_App424" and submit with your application.

2. *Summary Slide*

All Applicants are required to provide a single PowerPoint slide summarizing the proposed project. The slide **must** be submitted in Microsoft PowerPoint format. This slide is used during the evaluation process. The summary slide **must not exceed 1 slide** in landscape format when printed using standard 8.5 x 11 paper with font not smaller than 11-point.

A template is available under 'Application Forms and Templates' for this FOA on IE-Exchange at https://ie-exchange.energy.gov. The use of the PowerPoint slide template is not required; however, the information included within the template is required.

The single Summary Slide requires the following information:

- Project Title and Topic Area.
- Summary of the proposed project;
- Identification of the Applicant and a list of key personnel and participating organizations (e.g., Vendors, Subrecipients, investors).
- Description of the project's anticipated benefits;
- Budget information, including the federal funds requested, cost share proposed, and total project costs; and
- A graphic or illustration (picture, chart, table).

Save the Summary Slide in a single Microsoft PowerPoint file using the following convention for the title "ControlNumber_LeadOrganization_Slide" and submit as part of your application.

3. Technical Volume

All Applicants are required to submit a Technical Volume. The Technical Volume **must not be more than 15 pages, excluding the cover pages and table of contents.** If the Technical Volume exceeds the maximum page length indicated above, DOE will review only the authorized number of pages and disregard any additional pages. The Technical Volume **must** be submitted in Adobe PDF format.

The Technical Volume **must** conform to the content and form requirements in Section IV and the Technical Volume template, including maximum page lengths. The template is available under 'Application Forms and Templates' for this FOA on IE-Exchange at https://ie-exchange.energy.gov. The use of the template is not required; however, the information included within the template is required.

The Technical Volume **must** address the Technical Review Criteria included in Section V.A. of the FOA. **Applicants should consider the weight of each of the evaluation criteria (see Section V.A. of the FOA) when preparing the Technical Volume.**

Save the Technical Volume in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_TechnicalVolume" and submit as part of your application.

4. Workplan

All Applicants are required to submit a Workplan. The Workplan **must not be more than 5 pages, excluding the milestone table.** If the Workplan exceeds the maximum page length indicated above, DOE will review only the authorized number of pages and disregard any additional pages. The Workplan **must** be submitted in Microsoft Word format.

The Workplan **must** conform to the content and form requirements in Section IV and the Workplan template, including maximum page lengths. The template is available under 'Application Forms and Templates' for this FOA on IE-Exchange at https://ie-exchange.energy.gov. The use of the template is not required; however, the information included within the template is required.

The Workplan **must** address the Technical Review Criteria included in Section V.A. of the FOA. **Applicants should consider the weight of each of the evaluation criteria (see Section V.A. of the FOA) when preparing the Workplan.**

Save the Workplan in a single Microsoft Word file using the following convention for the title: "ControlNumber_LeadOrganization_Workplan" and submit as part of your application.

5. Eligibility Statements and Evidence

All Applicants are required to submit eligibility statements that document and provide evidence of Applicant and land status eligibility to support DOE's eligibility determination. The template is available under 'Application Forms and Templates' for this FOA on IE-Exchange at https://ie-exchange.energy.gov. The use of the template is not required; however, the information included within the template is required.

The form must be signed by an authorized representative, either digitally or manually in ink and scanned. Typed signatures do not constitute a digital signature.

Save the completed Eligibility Statements and Evidence form and save any additional evidentiary information as a single or multiple PDF files (no more than 3 files including the form) and submit as part of your application. Note: The maximum file size that can be uploaded to the IE-Exchange website is 50MB. If multiple files are submitted, use the convention for the title designated below, denoted the subsequent files as "Part_1" and "Part_2" and submit as part of your application.

Save the Eligibility Statements and Evidence as a single or multiple PDF files using the following convention for the title: "ControlNumber_LeadOrganization_Eligibility" and submit as part of your application.

6. Applicant Commitment and Cost Sharing File

All Applicants are required to submit an Applicant Commitment and Cost Sharing File, which must include an executed statement of commitment and cost sharing by the Applicant.

The statement of commitment and cost sharing **must:**

1. Be executed by an authorized representative or entity with the authority to commit the TCU;
2. Be specific to this FOA;
3. Identify who and how the TCU was chartered;
4. Identify a representative of the Applicant as the Business Contact and authorize that person to act on behalf of the Applicant; and
5. Identify a representative of the Applicant as the Project Manager,
6. Include a statement of the total amount and type of cost share being committed regardless of the source of that cost share as the **Applicant is *ultimately* and legally responsible for the entire amount of cost share, if an award is made**;

7. Identify the type of cost share being committed (donated time, equipment use, unrecovered fringe benefit costs or unrecoverable indirect costs, and cash or in-kind provided by a third party); and
8. Affirm that the building(s) and/or land to be used for the proposed project are 'owned or controlled'[9] by the Applicant and that the Applicant commits to the use of the building(s) and/or land for the proposed project. If the building(s) and/or land is not 'owned or controlled' by the Applicant, (1) identify the building(s) and/or land holder, (2) describe their commitment for use of those building(s) and/or land for the proposed project, (3) obtain a letter of commitment for use of the building(s) and/or land from the building(s) and/or land holder, and (4) submit the letter of commitment as part of the application. The letter of commitment from the building(s) and/or land holder **must** be submitted as part of the application under the Participant Letters of Commitment and Cost Sharing File.

Cost share must be available or accessible at the time of submission of the application. A written assurance (e.g., commitment) must be provided at the time of application submission as part of the Applicant Commitment and Cost Sharing File, and if applicable, the Participant Letters of Commitment and Cost Sharing File. The written assurance (e.g., commitment) is a binding guarantee that funds are available or, with respect to the use of equipment, contributed labor hours, or unrecovered indirect costs, accessible. Cost share commitments cannot be dependent on some future event, such as receiving a grant, obtaining a loan, or securing an investor. Furthermore, although the cost share requirement applies to the project as a whole (including work performed by members of the Project Team other than the Recipient) **the Recipient is ultimately and legally responsible for the entire amount of cost share, if an award is made.**

Failure to submit the appropriate executed Applicant Statement of Commitment and Cost Sharing and Participant Letters of Commitment and Cost Sharing (if applicable) with your application may result in your application not being reviewed or considered.

Letters of support by anyone not participating in the proposed project are not required or desired and should not be provided as part of the application.

If funds from a federal source are being proposed either as additional federal funds against the total project costs or as non-federal cost share, as allowed to by law, the **Applicant must provide a commitment letter from the federal agency as part of the application that specifically commits those funds and identifies the statutory authority that allows those**

[9] "**Owned or Controlled,**" for the purposes of this FOA, is where the eligible entity has or has been given certain rights and duties, specifically the ability to exercise authority, direction, and control over the project. Note that ownership may be private, collective, or common and some of those rights and duties may be held by different parties.

funds to be used for the project being proposed. Additionally, if those funds are to be used as non-federal cost share, the commitment letter **must** also include the excerpt from the statutory authority that allows those funds to be used as non-federal cost share. These commitment letters will be reviewed to determine allowability, by DOE Legal and the Contracting Officer, prior to accepting funds as either additional federal project funds or non-federal cost share from other federal sources.

Note that "Cost Sharing" is not limited to cash investment. Allowable contributions (e.g., contribution of time, unrecovered indirect costs, facilities and administrative costs, rental value of buildings (not the purchase value), lease value of land or equipment (not the purchase value), and the value of a service, other resource, or third-party in-kind contributions) incurred as part of the project may be considered as all or part of the cost share. **Only cost share contributions made during the period of performance of the grant can be considered.**

The "Cost Sharing" definition is contained in 2 CFR § 200.306 as amended by 2 CFR § 910.130, and OMB Circular A-110. Foregone fee or profit by the Applicant shall not be considered cost sharing under any resulting award.

Reimbursement of actual costs will only include those costs that are reasonable, allowable and allocable to the project as determined in accordance with the applicable cost principles prescribed in FAR Part 31 for for-profit entities; and 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.

See Section III.B. and Appendix B for additional information on Cost Share.

Save this information in a single PDF file using the following convention for the title: “ControlNumber_LeadOrganization_Applicant_Commitment” and submit as part of your application.

7. Participant Letters of Commitment and Cost Sharing File

Letters of commitment and cost sharing are required from all other project participants (excluding Vendors). The letters **must** be specific to this FOA and if cost share is being committed, include a statement of the total amount and type of cost share being committed and a detailed estimate of the cash value (basis of and the nature of) of all contributions to the project by the project participant.

Cost share must be available or accessible at the time of submission of the application. A written assurance (e.g., commitment) must be provided at the time of application submission as part of the Applicant Commitment and Cost Sharing File, and if applicable, the Participant Letters of Commitment and Cost Sharing File. The written assurance (e.g., commitment) is a

binding guarantee that funds are available or, with respect to the use of equipment, contributed labor hours, or unrecovered indirect costs, accessible. Cost share commitments cannot be dependent on some future event, such as receiving a grant, obtaining a loan, or securing an investor.

Failure to submit the appropriate executed Applicant Statement of Commitment and Cost Sharing and Participant Letters of Commitment and Cost Sharing (if applicable) with your application may result in your application not being reviewed or considered.

Letters of support by anyone not participating in the proposed project are not required or desired, and should not be provided as part of the application.

Note that "Cost Sharing" is not limited to cash investment. Allowable contributions (e.g., contribution of time, unrecovered indirect costs, facilities and administrative costs, rental value of buildings (not the purchase value), lease value of land or equipment (not the purchase value), and the value of a service, other resource, or third-party in-kind contributions) incurred as part of the project may be considered as all or part of the cost share. **Only cost share contributions made during the period of performance of the grant can be considered.**

The "Cost Sharing" definition is contained in 2 CFR § 200.306 as amended by 2 CFR § 910.130, and OMB Circular A-110. Foregone fee or profit by the Applicant shall not be considered cost sharing under any resulting award.

Reimbursement of actual costs will only include those costs that are reasonable, allowable and allocable to the project as determined in accordance with the applicable cost principles prescribed in FAR Part 31 for for-profit entities; and 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.

See Section III.B. and Appendix B for additional information on Cost Share.

If there are no other project participants (excluding Vendors) participating in the project or providing cost share, instead a file **must** be submitted stating, "*No Participants are being proposed and therefore a Participant Letters of Commitment and Cost Sharing File is not being provided here as an attachment*".

Save this information in a single or multiple PDF files (no more than 3 files) and submit as part of your application. Note: The maximum file size that can be uploaded to the IE-Exchange website is 50MB. If multiple files are submitted, use the convention for the title designated below, denoted the subsequent files as "Part_1" and "Part_2" and submit as part of your application.

Save the participant letters of commitment and cost sharing as a single or multiple PDF files using the following convention for the title:
"ControlNumber_LeadOrganization_Participant_Letters" and submit as part of your application.

8. Resumes File

All Applicants are required to provide resumes for their Business Contact, Project Manager, and each key person proposed (including tribal staff) as part of the project. A key person is any individual who contributes in a substantive, measurable way to the execution of the project.

Each resume must not exceed 2 pages when printed on 8.5" by 11" paper with 1-inch margins (top, bottom, left, and right), single spaced, with font not smaller than 11.

Save all resumes in a single file PDF using the following convention for the title:
"ControlNumber_LeadOrganization_Resume" and submit as part of your application.

9. Budget Justification Workbook Form (IE 540.132-01)

Applicants are required to complete the Microsoft Excel Budget Justification Workbook form (IE 540.132-01). This form is available under 'Application Forms and Templates' for this FOA on IE-Exchange at https://ie-exchange.energy.gov.

Recipients **must** complete the summary and each tab of the Budget Justification Workbook form (IE 540.132-01) for the project as a whole (**all project costs regardless of whether requested from DOE or proposed as cost share and regardless of who plans to incur those costs**), including all work to be performed by the Recipient (if an award is made), its Subrecipients, and Vendors, and provide all requested documentation (e.g., a federally-approved forward pricing rate agreement, Defense Contract Audit Agency or Government Audits and Reports, if available) as part of the Budget Support file (see below). Applicants should include costs associated with required annual audits and incurred cost proposals as part of the proposed budget.

The "Instructions and Summary" and the "Budget Information – Non-Construction Programs" (Standard form SF-424A) included as part of the Budget Justification Workbook form will "auto-populate" as information is entered into the workbook. Applicants **must** complete the header information and carefully read the "Instructions and Summary" tab provided within the Budget Justification Workbook form.

Save the Budget Justification Workbook form (IE 540.132-01) as a single Microsoft Excel file using the following convention for the title:

"ControlNumber_LeadOrganization_Budget_Justification" and submit as part of your application.

10. Subrecipient Budget Justification Workbook Form (IE 540.132-01)

Applicants **must** also provide a separate Microsoft Excel Budget Justification Workbook form (IE 540.132-01) for each Subrecipient (i.e., subawardee who is providing cost share **or** with a vested interest in the proposed project, beyond providing goods and services to the proposed project) that is expected to perform work estimated to be more than $250,000 or 25 percent of the total work effort (whichever is less).

The Subrecipient Budget Justification Workbook form **must** include the same justification information described in the "Budget Justification" section above; however, only include the Subrecipient costs. This form is available under ''Application Forms and Templates' for this FOA on IE-Exchange at https://ie-exchange.energy.gov.

Budget information for any Vendor (i.e., entity contracted to provide goods and services within normal business operations, who provides similar goods or services to many different purchasers, and operates in a competitive environment **and** who is not providing cost share) should not be included as part of the Subrecipient Budget Justification Workbook form, but rather included as part of the Budget Support file below (Section IV.C.11.). See the Budget Support template for more instructions.

If none of the proposed Subrecipients meet the thresholds above, a Subrecipient Budget Justification Workbook form (IE 540.132-01) is not required and instead a file **must** be submitted stating, "*No Subrecipients being proposed meet the threshold requirements and therefore a Subrecipient Budget Justification Workbook form is not being provided here as an attachment*".

Save each Subrecipient Budget Justification Workbook form (IE 540.132-01) in a separate Microsoft Excel file (no more than 3) or, if applicable as described above, provide a file stating no Subrecipient Budget Justification Workbook form is being provided, in a single PDF file using the following convention for the title:
"ControlNumber_LeadOrganization_SubrecipientName_Budget_Justification" and submit as part of your application.

11. Budget Support

All Applicants are required to submit support for their proposed budget to include Indirect Rate Agreements, breakdown of fringe costs, basis of cost estimate documentation, budget support for Vendors, official requests for DOE approval of Subawardees selected non-competitively, and

other relevant supplemental information. A Microsoft Word template has been provided. The Budget Support template is available under ''Application Forms and Templates' for this FOA on IE-Exchange at https://ie-exchange.energy.gov. The use of the Budget Support template is not required, but the information included within the Budget Support template is required.

Save the completed Budget Support template and any necessary supplemental information as a single or multiple PDF files (no more than 3 files including the form) and submit as part of your application. Note: The maximum file size that can be uploaded to the IE-Exchange website is 50MB. If multiple files are submitted, use the convention for the title designated below, denoting the subsequent files as "Part_1" and "Part_2"," and submit as part of your application.

The Budget Support document must be signed by an authorized representative, either digitally or manually in ink and scanned. Typed signatures do not constitute a digital signature.

Save this information in a single or multiple (no more than 3 files) PDF files using the following convention for the title: "ControlNumber_LeadOrganization_Budget_Support" and submit as part of your application.

12. Applicant Registration Certifications

All Applicants **must** certify that all system registrations have been completed. Specifically, this certification **must** confirm that the Applicant has registered in IE-Exchange and obtained a control number that will be used as an identifier and will be required on all application documents; obtained a Unique Entity Identifier (UEI) number; has registered in SAM and will continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency; has registered in FedConnect.net in order to receive award documentation; has registered in Grants.gov in order to receive automatic updates when Amendments to this FOA are posted. Certification confirming all of these registrations **must** be submitted as part of the Applicant Registration Certification file.

A Microsoft Word template has been provided. The Applicant Registration Certifications template is available under 'Application Forms and Templates' for this FOA on IE-Exchange at https://ie-exchange.energy.gov. The use of the Applicant Registration Certifications template is not required, but the information included within the Applicant Registration Certifications template is required.

The Applicant Registration Certifications document must be signed by an authorized representative, either digitally or manually in ink and scanned. Typed signatures do not constitute a digital signature.

Save the completed and signed Applicant Registration Certifications template as single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_ Registration_Certifications" and submit as part of your application.

13. SF-LLL: Disclosure of Lobbying Activities

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

All Applicants are required to complete and submit SF-LLL, "Disclosure of Lobbying Activities" (https://www.gsa.gov/Forms/TrackForm/33144) and disclose (by completing the form) if any non-federal funds have been paid or will be paid to any person for influencing or attempting to influence any of the following only in connection with your application to this FOA:

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

For more on Disclosure of Lobbying Activities, see https://lobbyingdisclosure.house.gov/amended_lda_guide.html.

If no non-federal funds have been paid or will be paid to any person for influencing or attempting to influence any of the above in connection with your application, indicate "*none*" and sign and date the form.

This form is available under 'Application Forms and Templates' for this FOA on IE-Exchange at https://ie-exchange.energy.gov.

The SF-LLL form must be signed by an authorized representative, either digitally or manually in ink and scanned. Typed signatures do not constitute a digital signature.

Save the completed and signed SF-LLL form in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_SF-LLL" and submit as part of your application.

14. Potentially Duplicate Funding Notice (PDFN) File

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

If potentially duplicate funding does not apply, the Potentially Duplicative Funding Notice is not required and instead a file **must** be submitted stating, "*The Applicant or Project Team member do not have other active awards that potentially overlap with activities proposed in this application and therefore a Potentially Duplicative Funding Notice is not being provided here as an attachment*".

Save the Potentially Duplicative Funding Notice in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_PDFN" and submit as part of your application.

15. Site and Resource Maps and Graphics File

All Applicants **must** provide a Site and Resource Maps and Graphics File and include any graphics to supplement the Technical Volume including maps, photographs, or other visuals of the project location or building(s) affected by the proposed project. Any other relevant background or supplemental data may be included here (excluding the Studies and Analyses Plans as required under the Studies and Analyses File below).

If you choose not to provide any graphics, relevant background, or supplemental data beyond that which may be in the Technical Volume, submit a file stating, "No additional site, resource maps or graphics information is being provided as an attachment". Note that this information may actually be necessary to complete your application and to fully address the Technical Review Criteria (see Section V.A.)

Save this information in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_MapsResources" and submit as part of your application.

16. Studies and Analyses File (Topic Area 2 Only)

All Topic Area 2 Applicants are required to submit comprehensive studies and analyses as specifically required. See Section I.B. for required content. Any other relevant background information data may be included under the Site and Resource Map and Graphics File.

Save this information in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_Studies_Analyses" and submit with your application.

17. Design and Engineering File (Topic Area 2 Only)

All Topic Area 2 Applicants **must** provide a Design and Engineering File and include copies of any hardware performance specifications, warranties, engineering drawings, materials and equipment lists, and any other design or engineering data to supplement the Technical Volume.

If you choose not to provide any design and engineering information beyond that which may be in the Technical Volume, submit a file stating, "No additional design and engineering information is being provided as an attachment". Note that this information may actually be necessary to complete your application and to fully address the Technical Review Criteria (see Section V.A.).

Save this information in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_Engineering" and submit as part of your application.

18. Economics File (Topic Area 2 Only)

All Topic Area 2 Applicants **must** provide an Economics File and include supplemental data to support the economic analysis (unless included as part of the Technical Volume). See Section I.B. and Section 2.4 (Economic Viability) of the Technical Volume template. The Technical Volume template is available under 'Application Forms and Templates' for this FOA on IE-Exchange at https://ie-exchange.energy.gov for required content.

If you choose not to provide any supplemental economic information beyond that which may be in the Technical Volume, submit a file stating, "No additional economic information is being provided as an attachment". Note that this information may actually be necessary to complete your application and to fully address the Technical Review Criteria (see Section V.A.).

Save this information in a single file PDF using the following convention for the title: "ControlNumber_LeadOrganization_Economics" and submit as part of your application.

D. Post-Selection Information Requests

If selected for award, DOE reserves the right to request additional or clarifying information for any reason deemed necessary, including but not limited to:

- Budget information;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR § 1040.5);
- Representation of Limited Rights Data and Restricted Software, if applicable;
- Waiver of Requirement to Perform all Work in the United States, if applicable;
- Waiver of the Buy America Requirements for Infrastructure Projects, if applicable;
- Accounting System and Financial Systems Information;
- Environmental Questionnaire; and
- Financial Audit.

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

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

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

F. Submission Dates and Times

Applications **must** be submitted no later than 5:00 p.m. Eastern on the date specified on the cover page of this FOA.

G. Intergovernmental Review

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

H. Funding Restrictions

1. Allowable Costs

All expenditures **must** be allowable, allocable, and reasonable in accordance with the applicable federal cost principles.

Refer to the following applicable federal cost principles for more information:

- FAR Part 31.2 for for-profit entities; and
- 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.

2. Pre-Award Costs

Selectees may not incur pre-award costs without prior approval of DOE. Pre-award costs are those incurred prior to the effective date of the federal award directly pursuant to the negotiation and in anticipation of the federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable **only** to the extent that they would have been allowable if incurred after the date of the federal award and **only** with the written approval of the federal awarding agency, through the Contracting Officer assigned to the award.

Pre-award costs cannot be incurred prior to the Selection Official making selections.

All pre-award expenditures are made at the Selectee's risk; DOE is not obligated to reimburse costs: (1) in the absence of appropriations; (2) if an award is not made; or (3) if an award is made for a lesser amount than the Selectee anticipated. All costs **must** be allowable, allocable, and reasonable in accordance with the applicable cost principles (For for-profit entities, FAR Part 31.2; 2 CFR Part 200 Subpart E - Cost Principles, for all other non-federal entities).

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

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

DOE does not guarantee or assume any obligation to reimburse costs where the Applicant incurred the costs prior to receiving written authorization from the Contracting Officer. If the Applicant elects to undertake activities that may have an adverse effect on the environment or limit the choice of reasonable alternatives prior to receiving such written authorization from the Contracting Officer, the Applicant is doing so at risk of not receiving federal funding and such costs may not be recognized as allowable cost share.

Likewise, if a project is selected for award negotiation, and the Selectee elects to undertake activities that are not authorized for federal funding by the Contracting Officer in advance of DOE completing a NEPA review, the Selectee is doing so at risk of not receiving federal funding and such costs may not be recognized as allowable cost share.

Nothing contained in the pre-award cost reimbursement regulations or any pre-award costs approval letter from the Contracting Officer override these NEPA requirements to obtain the written authorization from the Contracting Officer prior to taking any action that may have an adverse effect on the environment or limit the choice of reasonable alternatives.

4. *Performance of Work in the United States and Waivers*

a. Requirement.

All work performed under DOE awards **must** be performed in the United States. This requirement does not apply to the purchase of supplies and equipment; however, the Recipient should make every effort to purchase supplies and equipment within the United States. The Recipient **must** flow down this requirement to its Subrecipients.

b. Failure to Comply.

If the Recipient fails to comply with the Performance of Work in the United States requirement, DOE may deny reimbursement for the work conducted outside the United States and such costs may not be recognized as allowable Recipient cost share. The Recipient is responsible should

any work under this award be performed outside the United States, absent a waiver, regardless if the work is performed by the Recipient, Subrecipients, Vendors or other project partners.

c. Waiver.

There may be limited circumstances where it is in the interest of the project to perform a portion of the work outside the United States. To seek a waiver of the Performance of Work in the Unites States requirement, the Recipient **must** submit a written waiver request to DOE, which includes the following information:

- The countries in which the work is proposed to be performed;
- A description of the work to proposed to be performed outside the U.S.;
- Proposed budget of work to be performed; and
- The rationale for performing the work outside the U.S.

For the rationale, the Applicant **must** demonstrate to the satisfaction of DOE that a waiver would further the purposes of the FOA that the award was selected under and is otherwise in the interests of DOE and the United States.

For the rationale, please address, as applicable:

- The associated benefits to be realized and the contribution to the project from the foreign work;
- How the foreign work will benefit U.S. research, development, and manufacturing, including contributions to employment in the U.S. and growth in new markets and jobs in the U.S.;
- How the foreign work will promote domestic American manufacturing of products or services;
- Evidence that there will be no significant infringement upon or unfair competition with American-owned companies by including foreign work;
- A description of the plan to ensure adequate and effective protection of the IP rights; and
- How the foreign work or participation is essential to the project.

DOE may require additional information before considering a waiver request. The Applicant does not have the right to appeal DOE's decision concerning a waiver request.

6. Foreign Travel

Foreign travel will not be considered as part of projects selected under this FOA.

7. *CONSTRUCTION*

For the purpose of this FOA, "construction" is defined as, but not limited to, building, erecting, altering, remodeling, or repairing a particular structure or facility. Construction does not include the installation of clean energy technology. Projects that include construction as a primary activity will not be considered under this FOA unless such activity is integral to meeting the objectives of the FOA and only with prior written authorization from the Contracting Officer.

8. *EQUIPMENT AND SUPPLIES*

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

Property disposition will be required at the end of a project if the current fair market value of property exceeds $5,000. The rules for property disposition are set forth in 2 CFR §§ 200.310 – 200.316 as amended by 2 CFR § 910.360.

9. *BUY AMERICA REQUIREMENTS FOR INFRASTRUCTURE PROJECTS*

Pursuant to the Build America Buy America Act (hereafter Buy America, or "BABA"), subtitle IX of the Infrastructure Investment and Jobs Act (IIJA),[10] also known as the Bipartisan Infrastructure Law (BIL), federally assisted projects that involve infrastructure work, undertaken by applicable Recipient types, require that:

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

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

Applicants are strongly encouraged to consult Appendix C of this FOA to determine whether their project may have to apply this requirement, both to make an early determination as to the need of a waiver, as well as to determine what impact, if any, this requirement may have on the proposed project's budget.

[10] See Section 40554 of Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58 (Nov. 15, 2021)

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

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

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

10. LOBBYING

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

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

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

11. Risk Assessment

Prior to making a federal award, DOE is required by 31 U.S.C. § 3321 and 41 U.S.C. § 2313 to review information available through any OMB-designated repositories of government-wide eligibility qualification or financial integrity information, such as SAM Exclusions and "Do Not Pay".

In addition, DOE evaluates the risk(s) posed by Applicants before they receive federal awards. This evaluation may consider: results of the evaluation of the Applicant's eligibility; the quality of the application; financial stability; quality of management systems and ability to meet the management standards prescribed in this part; history of performance; reports and findings from audits; and the Applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities.

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

Further, as DOE invests in critical infrastructure and funds critical and emerging technology areas, DOE also considers possible vectors of undue foreign influence in evaluating risk. If high risks are identified and cannot be sufficiently mitigated, DOE may elect to not fund the applicant.

12. Invoice Review and DOE Reimbursement

Reimbursement of actual costs will only include those costs that are reasonable, allowable and allocable to the project as determined in accordance with the applicable cost principles prescribed in FAR Part 31.2 for for-profit entities; and 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.

As all sources of cost share are considered part of total project cost, the cost share dollars will be scrutinized under the same federal regulations as federal funding for the project.

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

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

- Invoices/receipts for all travel, equipment, supplies, contractual, and other costs;
- Uniform Commercial Code (UCC) filing proof for equipment acquired with project funds by for-profit Recipients and Subrecipients;
- Explanation of cost share for invoicing period;
- Analogous information for some Subrecipients; or
- Other items as required by DOE.

Payment will be made electronically on a reimbursement basis through Automated Clearing House (ACH). Provided the requisite support is submitted, reimbursement of costs will normally be made within seven to ten days; however, reimbursement may take up to 30 days.

Documentation for all costs (evidence of expenditures) associated with the project will be **required** with each and every request for reimbursement from DOE for DOE's portion of those costs.

V. APPLICATION REVIEW INFORMATION

A. TECHNICAL REVIEW CRITERIA

Applications deemed compliant, responsive, and eligible will be comprehensively reviewed for technical merit.

1. TOPIC AREA 1: CLEAN ENERGY PROJECT AND CURRICULUM PLANNING

Applications submitted under Topic Area 1 will be evaluated against the Technical Review Criteria shown below. The subcriteria under each criterion are of equal weight, unless otherwise specified.

Criterion 1: Goals and Objectives (10%)

- Clarity and completeness of the Executive Summary including:
  - Concise overview of the proposed project;
  - Description of the Applicant, including the:
    - long-term energy goals and vision;
    - organizational structure; and
    - demographics of students and local community;

    and,
  - Discussion of the project goals and objectives, and how the project integrates into the vision and long-term goals of the Applicant.

- Soundness of the discussion of the need for and impact of DOE funding for the proposed clean energy planning activities, and the implications if not funded.

Criterion 2: Project Description and Outcomes (50%)

- Clarity and completeness of the detailed description of the clean energy project and curriculum planning activities.

- Soundness of the plan for achieving the objectives of the clean energy project and curriculum planning activities.

- Significance of anticipated outcomes.

Criterion 3: Roles, Responsibilities, Capabilities and Commitment (30%)

- Soundness of the project management approach, including:
  - Organizational and individual roles and responsibilities; and
  - Capabilities of the Applicant and project participants (if any) to comprehensively address all aspects of the proposed project.

- Demonstrated level of commitment of the Applicant and each participating organization (if any) as evidenced by:
  (1) Past energy-related efforts; and,
  (2) Commitments to the proposed project as evidenced by Letters of Commitment.

Criterion 4: Workplan (10%)

- Clarity and completeness of the narrative description of each activity necessary to complete the project; and
- Likelihood of achieving project objectives through logical task structure.

2. Topic Area 2: Clean Energy Technology and Curriculum Deployment

Applications submitted under Topic Area 2 will be evaluated against the Technical Review Criteria shown below. The subcriteria under each criterion are of equal weight, unless otherwise specified.

Criterion 1: Goals and Objectives (10%)

- Clarity and completeness of the Executive Summary including:
  - Concise overview of the proposed project;

- Description of the Applicant, including the:
  - long-term energy goals and vision;
  - organizational structure; and
  - demographics of students and local community;

  and,
- Discussion of the project goals and objectives, and how the project integrates into the vision and long-term goals of the Applicant.

- Extent to which the proposed project provides economic (e.g., money saved, jobs, etc.) or other benefits.

- Soundness of the discussion of the need for and impact of DOE funding for the proposed clean energy technology project, and the implications if not funded.

Criterion 2: Project Description and Outcomes (50%)

- Clarity and completeness of the detailed project description

- Technical viability of the proposed project, including
  1) Adequacy of the comprehensive studies and analyses and availability of the renewable energy resource(s);
  - Viability of the
    1) Energy efficiency measure(s) and completeness of the materials or equipment list(s); and/or
    2) Design and availability of commercially proven warrantied clean energy technology(ies);
  - Reasonableness of the methodology to be used to install clean energy technology or energy efficiency measure(s);
  - Clarity and completeness of the discussion of barriers that could impede the project and reasonableness of the plan to overcome those barriers; and
  - Reasonableness of the operation and maintenance (O&M) plan.

- Economic viability of the proposed project, including
  - Quality of the economic assessment;
  - Reasonableness of the payback period; and
  - Financial sustainability of the proposed project.

- Significance of outcomes, including but not limited to:
  - Amount of energy saved, displaced, or generated;
  - Economic benefits (e.g., money saved, people trained, jobs created);
  - Environmental benefits (e.g., reduction in fossil fuel used, less emissions);

- Implementation of clean energy curriculum; and
- Other outcomes (e.g., replicability, resiliency, reliability, environmental stewardship, specific energy goal(s) met, step toward energy independence).

Criterion 3: Roles, Responsibilities, Capabilities and Commitment (30%)

- Soundness of the project management approach, including:
  - Organizational and individual roles and responsibilities;
  - Organizational relationships as evidenced by existing business or other agreements, if applicable; and
  - Capabilities of the Applicant and project participants to comprehensively address all aspects of the proposed project, including the reasonableness of any plan to obtain qualified Subrecipients or Vendors.

- Demonstrated level of commitment of the Applicant and each participating organization as evidenced by:
  (1) Past energy-related efforts; and,
  (2) Commitments to the proposed project as evidenced by Letters of Commitment.

Criterion 4: Workplan (10%)

- Clarity and completeness of the narrative description of each activity necessary to complete the project; and
- Likelihood of achieving project objectives through logical task structure.

B. Standards for Application Evaluation

Applications that are determined to be compliant, responsive, and eligible will be evaluated in accordance with this FOA, by the standards set forth in 2 CFR § 200.205 and the guidance provided in the "Department of Energy Merit Review Guide for Financial Assistance" (9/2020) which is available with associated attachments at: https://www.energy.gov/management/downloads/merit-review-guide-financial-assistance-and-unsolicited-proposals-current.

C. Program Policy Factors

In addition to the above criteria, the Selection Official may consider the following program policy factors (in no particular order) in determining which applications to select for award negotiations:

- The degree to which the proposed project, or group of projects, represent a desired geographic distribution (considering past awards and current applications);

- The degree to which the proposed project, or group of projects, represent a desired technology diversity (considering past awards and current applications);
- The degree to which the proposed project, including proposed cost share, optimizes the use of available DOE funding to achieve programmatic objectives;
- Whether the proposed project(s) serves tribal communities with high energy costs;
- Whether the proposed project(s) serves tribal communities not connected to the traditional centralized electrical power grid;
- The degree to which the proposed project will employ procurement of U.S. iron, steel, manufactured products, and construction materials; and,
- Applicants who have not previously received a grant from the Office of Indian Energy.

D. Evaluation and Selection Process

1. Overview

The evaluation process consists of multiple reviews: an initial review for compliance, responsiveness, and eligibility, followed, as applicable, by a comprehensive technical review. Rigorous technical reviews are conducted by reviewers that are experts in the subject matter of the FOA. Ultimately, the Selection Official considers the recommendations of the reviewers, along with other considerations such as program policy factors (see Section V.C.), in determining which applications to select for negotiation toward an award.

2. Pre-Selection Clarification

DOE may determine that pre-selection clarifications are necessary from one or more Applicants. These pre-selection clarifications will be *solely* for the purposes of clarifying the application and will be limited to information already provided in the application documentation. The pre-selection clarifications may occur before, during or after the evaluation process. Information provided by an Applicant that is not necessary to address the pre-selection clarification question will not be reviewed or considered. Typically, a pre-selection clarification will be carried out through either written responses to DOE's written clarification questions or video or conference calls with DOE representatives.

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

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

3. *Recipient 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 (currently FAPIIS) (see 41 U.S.C. § 2313).

The Applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM.

DOE will consider any written comments by the Applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the Applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by Applicants as described in 2 CFR § 200.205.

4. *Selection*

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

E. Anticipated Notice of Selection and Award Dates

Successful Applicants will receive written notification that they have been selected for award negotiations. 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 nor is it a guarantee of federal government funding. Applicants do not receive an award unless and until award negotiations are complete and the Contracting Officer executes the funding agreement, accessible by the prime recipient in FedConnect. DOE anticipates notifying Applicants whose applications are selected for negotiation of an award on the date specified on the cover page of this FOA and making awards approximately 90 days after receipt of any requested supplemental information.

F. Government Right to Reject or Negotiate

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

G. Commitment of Public Funds

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

H. Requirement for Full and Complete Disclosure

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

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

I. Evaluation and Administration by Non-Federal Personnel

In conducting application evaluations, 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. 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 agreements prior to reviewing an application. Non-federal personnel conducting administrative activities **must** sign a non-disclosure agreement.

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

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

K. Treatment of Application Information

Applicants should not include business sensitive (e.g., commercial, or financial information that is privileged or confidential), trade secrets, proprietary, or otherwise confidential information in their application **unless** such information is necessary to convey an understanding of the

proposed project or to comply with a requirement in the FOA. Applicants are advised to not include any critically sensitive proprietary detail.

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

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

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

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

In addition, (1) the header and footer of every page that contains business sensitive, trade secrets, proprietary, or otherwise confidential information **must** be marked as follows: "Contains Business Sensitive, Trade Secrets, Proprietary, or Otherwise Confidential Information Exempt from Public Disclosure," and (2) every line or paragraph containing such information **must** be clearly marked with double brackets or highlighting. DOE will make its own

determination about the confidential status of the information and treat it according to its determination.

L. 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.

VI. Award Administration Information

A. Award Notices

1. Ineligible Applications

Ineligible applications will not be reviewed or considered for award. If determined ineligible, the Contracting Officer will send a notification letter by email to the technical and administrative points of contact designated by the Applicant in IE-Exchange. The notification letter will state the basis upon which the application is not considered for further review.

2. Application Notifications

DOE Office of Indian Energy will notify all eligible Applicants that their applications will be comprehensively reviewed under the technical review criteria set forth in Section V.A. Following the comprehensive technical review, DOE will then notify each Applicant whether its application was selected for negotiation of award. Alternatively, DOE may notify one or more Applicants that a final selection determination on particular applications may be made at a later date, subject to the availability of funds or other programmatic factors. **All Applicants whose applications are comprehensively reviewed will also receive written feedback at the time of notification.**

3. Successful Applicants

Receipt of a notification letter selecting an application for negotiation of an award does not authorize the Applicant to commence performance of the project. Notification that an application is selected for negotiation of an award is not a commitment on DOE to issue an award. Applicants do not receive an award until award negotiations are complete and the Contracting Officer executes the funding agreement, accessible to the Recipient in FedConnect.

The award negotiation process is estimated to take approximately 90 days after receipt of any requested supplemental information. The Applicant **must** be responsive during award negotiations (e.g., provide requested documentation) and meet the negotiation deadlines. If the Applicant fails to do so or negotiations are otherwise unsuccessful, DOE may cancel award negotiations and rescind the Selection. **DOE reserves the right to terminate award negotiations at any time for any reason.**

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

4. POSTPONED SELECTION DETERMINATIONS

An Applicant may also receive a notification that a final selection has been postponed. A notification letter postponing a final selection determination until a later date does not authorize the Applicant to commence performance of the project as DOE may ultimately decide to not select the application for award negotiations.

5. 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.

6. UNSUCCESSFUL APPLICANTS

DOE shall notify in writing each Applicant whose application was not selected for award or whose application cannot be funded because of the unavailability of appropriated funds. If the application was not selected, the written notice shall explain why the application was not selected.

B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. REGISTRATION REQUIREMENTS

There are several one-time actions required before submitting an application in response to this FOA, and it is vital that Applicants address these items as soon as possible as some actions may take several weeks, and **failure to complete them prior to submitting an application could result in DOE determining that the Applicant in not qualified to receive a federal award and use that determination as a basis for not considering their application.**

The Applicant will be required to certify that these registrations have been completed and to include that certification as part of their application. Therefore, it is essential that these registrations be completed as soon as possible as some may take several weeks to process.

The following registrations are required before submitting an application:

a. IE-Exchange

Register and create an account on IE-Exchange at https://ie-exchange.energy.gov. This account will then allow the user to register for any open FOAs that are currently in IE-Exchange. It is recommended that each organization or business unit, whether acting as a team or a single entity, use only one account as the contact point for each submission. Applicants should also designate backup points of contact so Applicants may be easily contacted if deemed necessary.

A Control Number will be assigned while registering in IE-Exchange. Retain this number as it will be required on all application documents.

The IE-Exchange registration does not have a delay.

The remaining registration requirements below could take several weeks to process and are required prior to submitting an application. Therefore, all potential Applicants lacking a UEI number, or not yet registered with SAM, FedConnect, or Grants.gov should complete those registrations as soon as possible.

b. Obtain a Unique Entity Identifier (UEI) number

Obtain a Unique Entity Identifier (UEI) number (replaced the data universal numbering system (DUNS) number for entities doing business with the federal government) during the SAM registration or renewal process at https://www.sam.gov. A UEI is required for all entities doing business with the federal government.

c. System for Award Management

Register with the System for Award Management (SAM) at https://www.sam.gov. Designating an Electronic Business Point of Contact (EBiz POC), obtaining a special password called an MPIN, and obtaining a UEI number are important steps in SAM registration. SAM registration **must** be updated annually.

Note that effective June 2017, you can no longer access the System for Award Management (SAM) using Internet Explorer (IE) Versions older than IE11. You either need to upgrade to an Internet Explorer version of IE11 or higher, or access SAM using another supported browser type (Chrome, Firefox, Safari, or other).

d. FedConnect

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

e. Grants.gov

Register in Grants.gov (http://www.grants.gov) to receive automatic updates when Amendments to this FOA are posted. However, please note that applications will not be accepted through Grants.gov. **All applications must be submitted through IE-Exchange at https://ie-exchange.energy.gov.**

f. Electronic Authorization of Applications and Award Documents

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

2. Award Administrative Requirements

Award administrative requirements for DOE grants and cooperative agreements are contained in the Code of Federal Regulations (CFR), 2 CFR Part 200 as amended by 2 CFR Part 910.

3. Foreign National Participation

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

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

4. *Subaward and Executive Reporting under the Federal Funding and Transparency Act (FFATA)*

Additional administrative requirements necessary for DOE grants and cooperative agreements to comply with the Federal Funding and Transparency Act of 2006 (FFATA) (Public Law 109–282, September 26, 2006) are contained in 2 CFR Part 170. Recipients **must** register with the new FFATA Subaward Reporting System database and report the required data on their first tier Subrecipients. Recipients **must** report the executive compensation for their own executives as part of their registration profile in SAM.

5. *National Policy Requirements*

The National Policy Assurances that are incorporated as a term and condition of award are located at: http://energy.gov/management/downloads/national-policy-assurances-be-incorporated-award-terms. By signing and submitting the Application for Federal Assistance (SF-424), the Applicant is providing the required assurances and agreeing to comply with the resulting terms if an award is made.

6. *National Environmental Policy Act (NEPA) Review*

DOE's decision whether and how to distribute federal funds under the subject FOA is subject to the National Environmental Policy Act as codified and amended at 42 U.S.C. § 4321, *et seq.*. NEPA requires federal agencies to integrate environmental values into their decision-making processes by considering the potential environmental impacts of their proposed actions. For additional background on NEPA, please see DOE's NEPA website, at http://energy.gov/nepa.

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

7. *Applicant Representations and Certifications*

a. *Lobbying Restrictions*

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

b. ***Corporate Felony Conviction and Federal Tax Liability Representations (March 2014)***

By submitting an application in response to this FOA, the Applicant represents that:

(1) It is **not** a corporation that has been convicted of a felony criminal violation under any federal law within the preceding 24 months,

(2) It is **not** a corporation that has any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

For purposes of these representations the following definitions apply:

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

c. ***Nondisclosure and Confidentiality Agreements Representations***

In submitting an application in response to this FOA the Applicant represents that:

(1) It **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or contactors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.

(2) It **does not and will not** use any federal funds to implement or enforce any nondisclosure or confidentiality policy, form, or agreement it uses unless it contains the following provisions:

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

definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.''

b. The limitation above shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a federal department or agency governing the nondisclosure of classified information.

c. Notwithstanding provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

8. STATEMENT OF FEDERAL STEWARDSHIP

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

9. INTELLECTUAL PROPERTY PROVISIONS

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

10. REPORTING

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

11. Conference Spending

The Recipient shall not expend **any** funds on a conference not directly and programmatically related to the purpose for which the grant or cooperative agreement was awarded that would defray the cost to the United States Government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the United States Government would otherwise exceed $20,000, thereby circumventing the required notification by the head of any such Executive Branch department, agency, board, commission, or office to the Inspector General (or senior ethics official for any entity without an Inspector General), of the date, location, and number of employees attending such conference. For additional information, refer to 2 CFR § 200.432.

12. Uniform Commercial Code (UCC) Financing Statements

Per 2 CFR § 910.360 (Real Property and Equipment) when a piece of equipment is purchased by a for-profit Recipient or Subrecipient with federal funds, and when the federal share of the financial assistance agreement is more than $1,000,000, the Recipient or Subrecipient **must**:

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

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

States, local governments, or other public entities may not condition sub-awards in a manner that would discriminate, or disadvantage Subrecipients based on their religious character.

14. Fraud, Waste and Abuse

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

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

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

Additionally, Recipients of DOE awards **must** be cognizant of the requirements of 2 CFR § 200.113 Mandatory disclosures, which states:

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

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

15. Rights in Technical Data

Data rights differ based on whether data is first produced under an award or instead was developed at private expense outside the award.

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

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

16. Copyright

The Recipient and Subrecipients may assert copyright in copyrightable data, 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.

17. Notice of Potential Disclosure Under Freedom of Information Act (FOIA)

Under the FOIA as codified at 5 U.S.C. § 552, et. seq., and as amended by the OPEN Government Act of 2007, Pub. L. No. 110-175, any information received from the Applicant is considered to be an agency record, and as such, subject to public release under FOIA. The purpose of the FOIA is to afford the public the right to request and receive agency records unless those agency records are protected from disclosure under one or more of the nine FOIA exemptions. Decisions to disclose or withhold information received from the Applicant are based upon the applicability of one or more of the nine FOIA exemptions, not on the existence or nonexistence of protective markings or designations. Only the agency's designated FOIA Officer may determine if information received from the Applicant may be withheld pursuant to one of the nine FOIA exemptions. All FOIA requests received by DOE are processed in accordance with 10 CFR Part 1004.

18. Protected Personally Identifiable Information

All information provided by the Applicant **must** to the greatest extent possible exclude Personally Identifiable Information (PII). The term "personally identifiable information" refers to information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc. (See OMB Memorandum M-07-16 dated May 22, 2007, found at:
https://www.whitehouse.gov/sites/default/files/omb/memoranda/fy2007/m07-16.pdf

By way of example, Applicants **must** screen resumes to ensure that they do not contain PII such as personal addresses, phone/cell numbers, personal emails, or social security numbers. In short, if the PII is not essential to the application, it should not be in the application.

19. Annual Compliance Audits

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

If an educational institution, nonprofit organization, Indian tribe, or state and local government is a Recipient or Subrecipient and has expended $750,000 or more of federal funds during the non-federal entity's fiscal year, then a single or program-specific audit is required. For additional information, please refer to 2 CFR § 200.501 and Subpart F.

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

20. Procurement Standards and Competitive Selection of Subrecipients and Vendors

The Recipient **must** have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of 2 CFR § 200.318, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures **must** conform to the procurement standards identified in 2 CFR §§ 200.317 – 200.327.

21. Approval of Non-competitively Selected Subrecipients and Vendors

The Recipient's selection of Subrecipients and Vendors **must** comply with applicable statutory and regulatory requirements for full and open competition. See, e.g., 2 CFR § 200.319; 2 CFR § 200.320. If the Recipient intends to non-competitively select any Subrecipient or Vendor, it **must** comply with the requirements of 2 CFR § 200.320(c).

In addition, the Recipient's non-competitive selection of any Subrecipient or Vendor **must** be expressly authorized by the DOE Contracting Officer in response to a written request from the Applicant. The request **must** be signed by an authorized representative and addressed to the DOE Contracting Officer. The approval request should be on the Applicant's letterhead and include the justification for each of the non-competitive sole source selection(s), including: (1) the specific non-competitive category applicable under 2 CFR § 200.320(c); (2) any unique or exclusive qualifications; (3) time urgency, if any; (4) past working relationships; and (5) any other relevant information justifying the non-competitive selection.

22. Continued Use of Real Property and Equipment

Real property and equipment purchased with project funds (federal share and Recipient cost share) are subject to the requirements at 2 CFR §§ 200.310, 200.311, 200.313, and 200.316 (non-Federal entities, except for-profit entities) and 2 CFR § 910.360 (for-profit entities). For projects selected for award under this FOA, the Recipient may (1) take disposition action on the real property and equipment; or (2) continue to use the real property and equipment after the conclusion of the award period of performance, with Contracting Officer approval.

The Recipient's written Request for Continued Use **must** identify the property and include: a summary of how the property will be used (**must** align with the authorized project purposes); a proposed use period, (e.g., perpetuity, until fully depreciated, or a calendar date where the Recipient expects to submit disposition instructions); acknowledgement that the Recipient shall not sell or encumber the property or permit any encumbrance without prior written DOE approval; current fair market value of the property; and an estimated useful life or depreciation schedule for equipment.

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

VII. Questions/Agency Contacts

Upon the issuance of a FOA, DOE personnel are prohibited from communicating (in writing or otherwise) with Applicants regarding the FOA except through the established question and answer process as described below. Specifically, questions regarding the content of this FOA **must** be submitted to: TribalGrants@hq.doe.gov not later than three (3) business days prior to the application due date.

All questions and answers related to this FOA will be posted on IE-Exchange at: https://ie-exchange.energy.gov. **Please note that in order to view questions specific to this FOA you must first select this specific FOA Number and then "Frequently Asked Questions (FAQS)".** DOE will attempt to respond to a question within three (3) business days, unless a similar question and answer has already been posted on IE-Exchange.

Questions related to the registration process and use of the IE-Exchange website must be submitted to: ExchangeHelp@hq.doe.gov as DOE is unable to assist with IE-Exchange issues. For general questions, see Questions and Answers at https://ie-exchange.energy.gov/FAQ.aspx.

VII. OTHER INFORMATION

A. FOA MODIFICATIONS

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

B. INFORMATIONAL WEBINAR

DOE will conduct one informational webinar during the FOA process. It will be held after the initial FOA release but before the due date for applications. Specifically, the webinar will be held on the date specified on the cover page of this FOA. See IE-Exchange for any updates and how to register for the webinar.

The purpose of this webinar is to cover the basic aspects of the FOA and highlighting essential details about the application process. Attendance is not mandatory and will not positively **or** negatively impact the overall review of any Applicant submissions.

APPENDIX A – DEFINITIONS

"**Amendment**" means a revision to a FOA or a Financial Assistance Agreement. Also see Modification.

"American Indian" for the purposes of this FOA means a member of any of the peoples indigenous to the Americas except Alaska Native people.

"**Applicant**" means the legal entity or individual signing the application. This entity or individual may be one organization or a single entity representing a group of organizations (such as a Consortium) that has chosen to submit a single application in response to a FOA.

"**Application**" means the documentation submitted in response to a FOA.

"**Authorized Organization Representative (AOR)**" is the person with assigned privileges who is authorized to submit grant applications through IE-Exchange on behalf of an organization. The privileges are assigned by the organization's E-Business Point of Contact designated in the SAM.

"**Award**" means the written documentation executed by a Contracting Officer, after an Applicant is selected, which contains the negotiated terms and conditions for providing Financial Assistance to the Applicant. A financial assistance award may be a grant, cooperative agreement, or technology investment agreement.

"**Budget**" means the cost expenditure plan submitted in the application, including both the DOE contribution and the Applicant cost share.

"**Building Efficiencies**" for the purposes of this FOA may include, but are not limited to, building envelope improvements (improvements to walls, roofs, foundation slab, ceiling, windows, doors, insulation), the installation of energy efficient equipment, high-efficiency lighting, efficient appliances, air sealing, moisture management, controlled ventilation, high R-value (high thermal resistance) insulation, high efficiency windows, efficient heating systems (furnaces, boilers, passive solar), efficient cooling systems (air conditioners, evaporative coolers), ground or air source heat pumps, energy saving building electrical equipment, and efficient mechanical systems and heat recovery ventilation units.

"Business Contact" means a representative of the Applicant authorized to act on behalf of the Applicant in the daily administration of the grant and to negotiate the agreement, as all DOE official correspondence related to this FOA, or agreement if one were awarded, would be addressed to the business point of contact.

"**Campus**" for purposes of this FOA, means a collection of buildings and land that are part of a Tribal College or University.

"**Clean Energy**" for purposes of this FOA, means (1) *energy efficiency* or (2) *renewable energy*, where "energy efficiency" means efficient energy use, or to reduce the amount of energy required to provide products and services through "energy efficiency measures" (see definition below) and "renewable energy" is power generated from sources that are constantly being replenished, including bioenergy, geothermal energy, hydrogen, hydropower, marine energy, solar energy, and wind energy.

"**Clean Energy Generating System(s)**" for the purposes of this FOA include: (1) renewable energy system(s), or (2) combined heat and power system(s) using renewable fuels such as biomass, biogas, renewable natural gas, or renewable hydrogen (see definitions).

"**Clean Energy Technology**" for purposes of this FOA, may include, but is not limited to: (1) Clean Energy Generating System(s); (2) Energy Efficiency Measure(s); or (3) Integrated Clean Energy System(s) (see definitions).

"**Combined Heat and Power System(s)**," for the purposes of this FOA include, but are not limited to, integrated systems that simultaneously generate heat and power using energy efficient turbines, reciprocating engines, micro-turbines, fuel cells, or waste heat recovery systems (capturing heat discarded by an existing process and using that heat directly or to generate power). Combined heat and power systems may be fueled by any fuel source (natural gas, landfill or sewage gas, fuel and gas oils, coal, lignite, coke, biomass or biogas, renewable natural gas, renewable hydrogen, solid waste, waste gases, or waste process heat).

"Commercially proven" for the purposes of this FOA, means the technology **must** be at least a Technology Readiness Level (TRL) of 9, where TRL 9 is "Commercial-Scale Production/Application" and represents an in-service application of the technology in its final form and under mission condition and at TRL 9, the actual, commercial-scale system is proven through successful mission operations, whereby it is fielded and being used in commercial application. Information relative to the technology and its TRL should be provided as part of the application. For more on TRL, see http://en.wikipedia.org/wiki/Technology_readiness_level.

"**Compliance**" is an eligibility determination that refers to the non-technical requirements outlined in a FOA (e.g., formatting, timeliness of submission, or satisfaction of prerequisites).

"**Consortium (plural consortia)**" means the group of organizations or individuals that have chosen to submit a single application in response to a FOA.

"**Construction**" for the purpose of this FOA, is defined as, but not limited to, building, erecting, altering, remodeling, or repairing a particular structure or facility. Construction does not include the installation of clean energy technology.

"**Contracting Officer**" means the DOE official authorized to execute awards on behalf of DOE and who is responsible for the business management and non-technology/program office aspects of the financial assistance process.

"**Controls and Management System(s)**" for the purposes of this FOA include, but are not limited to, software controllers, supervisory control and data acquisition (SCADA) systems, power and frequency controllers, voltage regulators, power protection systems.

"**Conventional Energy Generation Device(s)**," for the purposes of this FOA include, but are not limited to, gas turbine, steam turbine, combustion gas turbines, stirling engine, internal combustion engine (e.g., diesel or propane generator), and combined heat and power system.

"**Cooperative Agreement**" means a financial assistance instrument used by DOE to transfer money or property when the principal purpose of the transaction is to accomplish a public purpose of support or stimulation authorized by federal statute, and Substantial Involvement (see definition below) is anticipated between DOE and the Applicant during the performance of the contemplated activity. Refer to 2 CFR § 200.1 for additional information regarding cooperative agreements.

"**Cost Share**" means that portion of the project or program's costs not borne by the federal government. The percentage of Applicant cost share is to be applied to the total project cost (i.e., the sum of Applicant plus DOE cost share) rather than to the DOE contribution alone. Cost share information can be found in the Code of Federal Regulations at 2 CFR § 200.306 as amended by 2 CFR § 910.130.

"**Curriculum**" for the purposes of this FOA, means the subjects comprising a course of study in a school or college which covers the knowledge, attitude, behavior, manner, performance and skills that are imparted or inculcated in a student, and may include, but is not limited to, teaching methods, lessons, assignments, physical and mental exercises, activities, projects, tutorials, presentations, assessments, test series, other methods used to evaluate student learning, study supplies and kits, and materials used to organize and teach a particular course.

"**Data Universal Numbering System (DUNS) Number**" is a unique nine-character identification number issued by Dun and Bradstreet (D&B). The Unique Entity Identifier (UEI) replaced the Data Universal Numbering System (DUNS) number for entities doing business with the federal government.

"**E-Business Point of Contact (POC)**" is the individual who is designated as the Electronic Business Point of Contact in the SAM registration. This person is the sole authority of the organization with the capability of designating or revoking an individual's ability to conduct SAM transactions.

"**IE-Exchange**" is the Department of Energy, Office of Indian Energy's web system for posting federal FOAs and receiving applications. IE-Exchange may be found at https://ie-exchange.energy.gov.

"**Energy Conservation**" for the purposes of this FOA, means decreasing energy consumption by using less energy or going without to save energy. Energy conservation typically involves a behavioral change and may include meters or other indicators to induce that behavioral change.

"**Energy Displaced**" for the purposes of this FOA, means to take the place of or to supplant one type of energy source for another, such as when coal displaces wood as an energy source.

"**Energy Efficiency**" for the purposes of this FOA, means efficient energy use, or to reduce the amount of energy required to provide products and services through "energy efficiency measures" (see definition below). For the purposes of this FOA, "energy efficiency" is not the same as "energy conservation", which is not eligible under this FOA (see definition of energy conservation above).

"**Energy Efficiency Measure(s)**," for the purposes of this FOA, means the implementation of (1) building efficiency measure(s) or (2) industrial process efficiency measure(s) (see definitions).

"**Energy Saved**" for the purposes of this FOA, means the amount energy use is reduced by using "energy efficiency measures" (see definition above) to provide products and services).

"**Energy Storage System(s)**" for the purposes of this FOA, include, but are not limited to, batteries, pumped hydropower, flywheels, compressed air energy storage, or thermal energy storage systems.

"**Financial Assistance**" means the transfer of money or property to an Applicant or Participant to accomplish a public purpose of support authorized by federal statute through grants or cooperative agreements and subawards. For DOE, it does not include direct loans, loan guarantees, price guarantees, purchase agreements, Cooperative Research and Development Agreements (CRADAs), or any other type of financial incentive instrument.

"**FedConnect**" is where federal agencies make awards via the web. It can be found at https://www.fedconnect.net/FedConnect/.

"**Federally Funded Research and Development Center (FFRDC)**" means a government-sponsored operation that exists for the purpose of carrying out various functions related to both basic and applied research and development on behalf of the Government. Typically, most or all of the facilities utilized in an FFRDC are owned by the Government, but the operations are not always managed by the Government; an FFRDC may be managed by a University or consortium of Universities, other not-for-profit or nonprofit organization, or a for-profit organization, with the Government performing an oversight function.

"**Funding Opportunity Announcement (FOA)**" is a publicly available document by which a federal agency makes known its intentions to award discretionary grants or cooperative agreements, usually as a result of competition for funds. FOAs may be known as notices of funding availability, solicitations, or other names depending on the agency and type of program. See 2 CFR § 200.203 for more information.

"**Grant**" means a Financial Assistance instrument used by DOE to transfer money or property when the principal purpose of the transaction is to accomplish a public purpose of support or stimulation authorized by federal statute, and no Substantial Involvement is anticipated between DOE and the Applicant during the performance of the contemplated activity.

"**Grants.gov**" is the web portal which allows organizations to electronically find grant opportunities from all federal grant-making agencies. Grants.gov is THE single access point for over 900 grant programs offered by the 26 federal grant-making agencies. It can be accessed at http://www.grants.gov.

"**Indian Tribe**," for the purposes of this FOA and as defined in in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 5304),[11] means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) [43 U.S.C. § 1601, et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. See below for further definition.

"**Industrial Process Efficiencies**" may include, but are not limited to, insulating piping, tank walls and roofs, the installation of higher efficiency equipment (e.g., heat exchangers, compressors, blowers, pumps, and fans), minimizing air leaks, optimizing air systems using variable speed drives, and adding or optimizing controls.

[11] Referenced as 25 U.S.C. § 450b in Indian Tribal Energy Development and Self Determination Act of 2005 (Energy Policy Act of 2005 (EPAct 2005), Title V, § 502, codified at 42 U.SC. § 7144e and 25 U.SC. § 3501, et seq.). Section 450b was editorially reclassified as section 5304. See 25 U.S.C. § 5304.

"**Integrated Clean Energy System(s)**" under Topic Area 2 **must**, as a minimum, provide power to building(s) that make up, in part or the whole of, a TCU campus and include: (1) clean energy generating system(s); (2) controls and management system(s); and (3) energy storage system(s). Such systems may also include (4) conventional energy generation device(s); however, conventional energy generation device(s) are eligible only if used solely as a dispatchable stand-by power source. Note that some components of the proposed integrated clean energy system(s) may already exist and, therefore, not all of the components **must** be proposed for DOE funding; however, the integrated clean energy system(s) as a whole **must** meet the requirements under Topic Area 2.

"**Key Personnel**" mean the individuals who will have significant roles in planning and implementing the proposed Project on the part of the Applicant and Participants, including FFRDCs.

"**Marketing Partner Identification Number (MPIN)**" is a very important password designated by your organization when registering in SAM. The E-Business Point of Contact will need the MPIN to assign privileges to the individual(s) authorized to perform SAM transactions on behalf of your organization. The MPIN **must** have 9 digits containing at least one alpha character (**must** be in capital letters) and one number (no spaces or special characters permitted).

"**Modification**" means a revision to a FOA. Also see Amendment.

"**Owned or Controlled,**" for the purposes of this FOA, is where the eligible entity has or has been given certain rights and duties, specifically the ability to exercise authority, direction, and control. Note that ownership may be private, collective, or common and some of those rights and duties may be held by different parties.

"**Participant,**" for the purposes of this FOA, means any entity, except the Applicant substantially involved in a consortium, or other business arrangement (including all parties to the application at any tier), responding to the FOA.

"**Project**" means the set of activities described in an application, State plan, or other document that is approved by DOE for Financial Assistance (whether such Financial Assistance represents all or only a portion of the support necessary to carry out those activities).

"Project Manager" means a representative authorized to oversee and execute the project on behalf of the Applicant and act as the prime point of contact for DOE's Project Officer during the period of performance of the grant, if an agreement is awarded.

"**Project Team**" means the team which consists of the Recipient, Subrecipients, and others performing or otherwise supporting work under a DOE funding agreement.

"**Proposal**" is the term used to describe the documentation submitted in response to a FOA. Also see Application.

"**Recipient**" means the organization, individual, or other entity that receives a financial assistance award from DOE (i.e., is the signatory on the award), is financially accountable for the use of any DOE funds or property provided for the performance of the Project, and is legally responsible for carrying out the terms and condition of the award.

"**Renewable Energy**," for the purposes of this FOA, means power generated from sources that are constantly being replenished, including, but are not limited to, bioenergy, geothermal energy, hydrogen, hydropower, marine energy, solar energy, and wind energy.

"**Renewable energy system(s)**," for the purposes of this FOA, include systems for: (1) electric power generation; and/or (2) heating or cooling systems.

(1) Renewable energy system(s) for electric power generation include, but are not limited to, photovoltaic (solar electric), biomass (including waste to energy), wind power, hydropower (diversion, run-of-river, small impoundment and incremental), or other renewable energy hybrid systems for electricity power generation. Note that, for purposes of this FOA, ground or air source heat pumps are considered an energy efficiency measure.
(2) Heating or cooling system(s) include, but are not limited to, the use of biomass for high efficiency combustion systems (i.e., stoves and boilers), active solar thermal systems for space or water heating, wind energy for heating, direct-use hydrothermal (geothermal) resources for water and space heating, or other renewable energy hybrid systems for heating and/or cooling.

"**Resilience,**" for the purposes of this FOA, means the ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from energy disruptions through adaptable and holistic planning and technical solutions. Additionally, the proposed integrated clean energy system(s) should increase the reliability of the existing system and make that system more robust.

"**Responsiveness**" is an eligibility determination that refers to the objective technical requirements (not goals or targets) outlined in a FOA, such as a technology type or technical parameters. For example, submission of a photovoltaic solar panel design in response to a FOA calling for innovative geothermal drilling technologies should be found nonresponsive. Likewise, an application with a design that incorporates rare earth materials to a FOA that prohibits the use of rare earth materials should be found nonresponsive. Conversely, the belief that a technology will not achieve the technical targets of the FOA will never be used as a proper basis for a rejection as nonresponsive.

"**Selection**" means the determination by the DOE Selection Official that negotiations take place for certain Projects with the intent of awarding a Financial Assistance instrument.

"**Selection Official**" means the DOE official designated to select applications for negotiation toward Award under a subject FOA.

"**Subaward**" means an award provided by a pass-through entity to a **Subrecipient** (see definition) for the **Subrecipient** (see definition) to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A Subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract."

"**Subawardee**" means a non-federal entity that expends federal awards received from a pass-through entity to carry out a federal program, but does not include an individual that is a beneficiary of such a program.

"**Subrecipient**" means an entity, usually but not limited to non-federal entities, that receives a **Subaward** (see definition) from a pass-through entity to carry out part of a federal award; but does not include an individual that is a beneficiary of such award. A Subrecipient may also be a Recipient of other federal awards directly from a federal awarding agency. If an entity is designated as a **Subrecipient**, the terms and conditions of the award will flow down from the **Recipient** (see definition) to the Subrecipient.

"**Substantial,**" for the purposes of this FOA, means of "ample or considerable amount".

"**Substantial Involvement**" means involvement on the part of the Government. DOE's involvement may include shared responsibility for the performance of the project; providing technical assistance or guidance which the Applicant is to follow; and the right to intervene in the conduct or performance of the Project. Such involvement will be negotiated with each Applicant prior to signing any cooperative agreement.

"**System for Award Management (SAM)**" is the primary database which collects, validates, stores, and disseminates data in support of agency missions. It can be accessed at https://www.sam.gov.

"**Total Project Cost**" means all the funds to complete the effort proposed by the Applicant, including DOE funds (including direct funding of any FFRDC) plus all other funds that will be committed by the Applicant as Cost Share.

"Tribal," for the purposes of this FOA, means of, relating to, or characteristic of an Indian tribe or Indian tribes.

"**Unique Entity Identifier**," is a unique number assigned to all entities (public and private companies, individuals, institutions, or organizations) who do business with the federal government. The Unique Entity Identifier (UEI) replaced the Data Universal Numbering System (DUNS) number for entities doing business with the federal government.

"**Vendor**," for the purposes of this FOA, is a legal entity contracted to provide goods and services within normal business operations, who provides similar goods or services to many different purchasers, and operates in a competitive environment.

"**Warrantied,**" for the purposes of this FOA, is to have a guarantee or promise which provides assurance by one party to the other party that specific facts or conditions are true or will happen. This factual guarantee may be enforced, regardless of materiality, and allows for a legal remedy, if that promise is not true or followed. For purposes of this FOA, DOE expects that a warranty will cover defects in materials and workmanship and potentially the replacement of parts and labor for the failed components (or a portion thereof) for a specified period of time. The warranty should also describe the conditions under which the warranty will be honored. Additionally, depending on the type of energy efficiency measure, energy generating system(s), or integrated clean energy system(s), performance, function, or degradation may be included as part of the warranty and thereby the warranty guarantees minimum standards of quality such as availability or amount of power production, and includes the terms under which those standards are honored.

APPENDIX B – COST SHARE INFORMATION

Cost Sharing or Cost Matching

The terms "cost sharing" and "cost matching" are often used synonymously. Even the DOE Financial Assistance Regulations, 2 CFR § 910.130, use both of the terms in the titles specific to regulations applicable to cost sharing. DOE almost always uses the term "cost sharing," as it conveys the concept that non-federal share is calculated as a percentage of the Total Project Cost. An exception is the State Energy Program Regulation, 10 CFR § 420.12, State Matching Contribution. Here "cost matching" for the non-federal share is calculated as a percentage of the federal funds only, rather than the Total Project Cost.

How Cost Sharing Is Calculated

As stated above, cost sharing is calculated as a percentage of the Total Project Cost. Following is an example of how to calculate cost sharing amounts for a project with $1,000,000 in federal funds with a minimum 20% non-federal cost sharing requirement:

- Formula: Federal share ($) divided by Federal share (%) = Total Project Cost
  Example: $1,000,000 divided by 80% = $1,250,000

- Formula: Total Project Cost ($) minus Federal share ($) = Non-federal share ($)
  Example: $1,250,000 minus $1,000,000 = $250,000

- Formula: Non-federal share ($) divided by Total Project Cost ($) = Non-federal share (%)
  Example: $250,000 divided by $1,250,000 = 20%

What Qualifies For Cost Sharing

While it is not possible to provide a single definition that applies in all situations, if a cost is allowable under the cost principles applicable to the organization incurring the cost and is eligible for reimbursement under a DOE grant or cooperative agreement, then it is allowable as cost share. Conversely, if the cost is not allowable under the cost principles and not eligible for reimbursement, then it is not allowable as cost share. In addition, costs may not be counted as cost share if they are paid by the federal Government under another award unless authorized by federal statute to be used for cost sharing.

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

- FAR Part 31.2 for for-profit entities, (48 CFR Part 31);); and
- 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.

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

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

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

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

(1) They are verifiable from the Recipient's records.

(2) They are not included as contributions for any other federally assisted project or program.

(3) They are necessary and reasonable for proper and efficient accomplishment of project or program objectives.

(4) They are allowable under the cost principles applicable to the type of entity incurring the cost as follows:

a. For-profit organizations. Allowability of costs incurred by for-profit organizations and those nonprofit organizations listed in Attachment C to OMB Circular A–122OMB Circular A–122 is determined in accordance with the for-profit cost principles in 48 CFR Part 31 in the Federal Acquisition Regulation, except that patent prosecution costs are not allowable unless specifically authorized in the award document. (v) Commercial Organizations. FAR Subpart 31.2—Contracts with Commercial Organizations.

b. Other types of organizations. Allowability of costs incurred by other types of organizations that may be Subrecipients under a prime award is determined as follows:

i. Institutions of higher education. Allowability is determined in accordance with: 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.

ii. Other nonprofit organizations. Allowability is determined in accordance with: 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.

iii. Hospitals. Allowability is determined in accordance with the provisions of: 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.

iv. Governmental organizations. Allowability for State, local, or federally recognized Indian tribal government is determined in accordance with: 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities

(5) They are not paid by the federal Government under another award unless authorized by federal statute to be used for cost sharing or matching.

(6) They are provided for in the approved budget.

(B) Valuing and documenting contributions

(1) Valuing Recipient's property or services of Recipient's employees. Values are established in accordance with the applicable cost principles, which mean that amounts chargeable to the project are determined on the basis of costs incurred. For real property or equipment used on the project, the cost principles authorize depreciation or use charges. The full value of the item may be applied when the item will be consumed in the performance of the award or fully depreciated by the end of the award. In cases where the full value of a donated capital asset is to be applied as cost sharing or matching, that full value **must** be the lesser or the following:

a. The certified value of the remaining life of the property recorded in the Recipient's accounting records at the time of donation; or
b. The current fair market value. If there is sufficient justification, the Contracting Officer may approve the use of the current fair market value of the donated

property, even if it exceeds the certified value at the time of donation to the project. The Contracting Officer may accept the use of any reasonable basis for determining the fair market value of the property.

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

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

(4) Valuing property donated by third parties.

a. Donated supplies may include such items as office supplies or laboratory supplies. Value assessed to donated supplies included in the cost sharing or matching share **must** be reasonable and **must** not exceed the fair market value of the property at the time of the donation.

b. Normally only depreciation or use charges for equipment and buildings may be applied. However, the fair rental charges for land and the full value of equipment or other capital assets may be allowed, when they will be consumed in the performance of the award or fully depreciated by the end of the award, provided that the Contracting Officer has approved the charges. When use charges are applied, values **must** be determined in accordance with the usual accounting policies of the Recipient, with the following qualifications:

i. The value of donated space **must** not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.

ii. The value of loaned equipment **must** not exceed its fair rental value.

(5) Documentation. The following requirements pertain to the Recipient's supporting records for in-kind contributions from third parties:

a. Volunteer services **must** be documented and, to the extent feasible, supported by the same methods used by the Recipient for its own employees.

b. The basis for determining the valuation for personal services and property **must** be documented.

APPENDIX C – REQUIRED USE OF AMERICAN IRON, STEEL, MANUFACTURED PRODUCTS, AND CONSTRUCTION MATERIALS BUY AMERICA REQUIREMENTS FOR INFRASTRUCTURE PROJECTS

A. Definitions

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

Construction materials includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives[12] —that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

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

Moreover, according to the OMB guidance document:

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

[12] Bipartisan Infrastructure Law, § 70917(c)(1).

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

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

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

B. Buy America Requirements for Infrastructure Projects ("Buy America" requirements)

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

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

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

(3) all construction materials[13] are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America requirements only apply to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and

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

removed at or before the completion of the infrastructure project. Nor does the Buy America requirements apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project, except where the prime Recipient is a for-profit entity. Based on guidance from the Office of Management and Budget (OMB), the Buy America requirements of the BIL do not apply to DOE projects in which the prime Recipient is a for-profit entity; the requirements only apply to projects whose prime Recipient is a State, Indian tribe, local government, Institution of Higher Education, or nonprofit organization.

For additional information related to the application and implementation of these Buy America requirements, please see OMB Memorandum M-22-11, issued April 18, 2022: https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf

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

C. DOE Submission Requirements for Application

Within the first two pages of the Workplan, Applicants **must** provide a short statement on whether the project will involve the construction, alteration, and/or repair of infrastructure in the United States. The ultimate determination about whether a project includes infrastructure remains with DOE, but the Applicant's statement will assist project planning and integration of domestic preference requirements, which may impact the project's proposed budget.

D. Waivers

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

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

(1) applying the Buy America requirements would be inconsistent with the public interest;

(2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

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

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

DOE may require additional information before considering the waiver request.

Waiver requests are subject to public comment periods of no less than 15 days and **must** be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at https://www.madeinamerica.gov/financial-assistance/.

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