

**Department of Energy (DOE)
Office of Technology Transitions (OTT)**

Energy Program for Innovation Clusters (EPIC)

**Funding Opportunity Announcement (FOA) Number: DE-FOA-0002425
FOA Type: Cooperative Agreements, Amendment 000003
CFDA Number: 81.010**

FOA Issue Date:	October 29, 2020
Applicant Informational Webinar:	November 18, 2020, 1:00pm ET
Submission Deadline for Letter of Intent:	December 11, 2020, 5:00pm ET
Submission Deadline for Questions:	January 19, 2021, 5:00pm ET
Submission Deadline for Full Applications:	February 3, 2021, 5:00pm ET
Expected Date for OTT Selection Notifications:	April 8, 2021
Expected Timeframe for Award:	April-May 2021

- Applicants must submit a Letter of Intent by 5:00pm ET on the due date listed above to be eligible to submit a Full Application.
- To apply to this FOA, applicants must register with and submit application materials through OTT Exchange at <https://ott-exchange.energy.gov/>, the online application portal OTT is using for this FOA.
- Applicants must designate in OTT Exchange primary and backup points-of-contact with whom OTT will communicate to conduct award negotiations. If an application is selected for award negotiations, it is not a commitment to issue an award. It is imperative that the applicant/selectee be responsive during award negotiations and meet negotiation deadlines. Failure to do so may result in cancelation of further award negotiations and rescission of the selection.

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AMENDMENTS

All amendments to the Funding Opportunity Announcement are highlighted in yellow in the body of the FOA.

Amendment No.	Date	Description of Amendments
000001	23. November 2020	<p>ELIGIBILITY CHANGES: The purpose of this amendment was to add government owned and government operated facilities (GOGO) to Section 3: Eligibility and Appendix A: Cost Share Information of the FOA.</p>
000002	9. December 2020	<p>LETTER OF INTENT CHANGES: The purpose of this amendment is to update the Letter of Intent requirements and process to align with the Exchange platform , and to extend the Letter of Intent deadline to Friday December 11, 2020.</p> <p>The following FOA sections have been updated and incorporated in amendment 0002</p> <ul style="list-style-type: none"> • Section 3C. i. Compliance Criteria <i>Letters of Intent</i> • Section 4 Application and Submission Information • Section 4i. Additional Information on OTT Exchange • Section 4B. Content and Form of the Letter of Intent
000003	14 January 2021	<p>ADDITION OF TEMPLATE: The purpose of this amendment is to add an example Template for a Work Breakdown Structure (WBS). A WBS is a requirement of the Project Plan, Section 4.C.ii. An example WBS is included in Appendix F.</p> <p>Regional Plan Changes: The purpose of this amendment is to clarify that the Regional Plan is part of the Technical Volume submission to Section 1.B. See also page 20.</p> <p>DOE/NNSA GOGO and Non-DOE/NNSA GOGO Funding Authorization: The purpose of this amendment is to revise language to clarify that Government Owned and Government Operated facilities will be funded through work authorizations to Section 2.B.ii.</p>

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1. Funding Opportunity Description

A. Background and Context

i. Purpose and Background

Purpose

Innovation clusters enhance national energy entrepreneurship and commercialization. The U.S. Department of Energy's (DOE's) Energy Program for Innovation Clusters (EPIC) Funding Opportunity Announcement (FOA) seeks to fund the most creative, comprehensive, and impactful innovation-accelerating organizations that support energy and related hardware technology development and testing in regional innovation clusters—geographic concentrations of specialized skills, industries, and technology sectors. Innovation-accelerating, entrepreneurially-focused organizations (often referred to as accelerators or incubators) are critical to the growth of an innovation economy; these organizations help entrepreneurs accelerate the launch, growth, and scale of their businesses, ultimately resulting in the commercialization of new technologies and business models, and development of jobs in the United States.

Through this FOA, the Office of Technology Transitions (OTT) seeks to support the formation and development of regional clusters supporting entrepreneurs and startups by funding innovation-accelerating organizations that demonstrate the ability to advance energy and related technologies in collaboration with and with the support of state, regional, and/or local entities. To accomplish these goals, the EPIC FOA anticipates funding four to eight innovation-accelerating organizations across the United States.

OTT welcomes as applicants organizations that aid in the development of new business ventures, business incubators and accelerators, co-working startup communities, or any other organizations and multi-organizational applicants that self-identify as advocates for innovation and entrepreneurship.

Background

DOE helps power and secure America's future and ensure the country's role as a leader in science and technology. In 2015, the Secretary of Energy authorized the formation of OTT to be responsible for developing and overseeing delivery of DOE's strategic vision and goals for technology commercialization and engagement with the business and industrial sectors across the United States. OTT's mission is to expand the commercial impact and public benefit of DOE's

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research and development portfolio to advance the economic, energy, and national security interests of the Nation.

Energy startups and innovative technologies are critical to the growth of the energy economy in the United States and abroad. Startups strengthen existing industries and drive technology development and the creation of new industries, business model innovation, and job creation. Barriers to market entry for hardware or hard-tech startups are particularly high and include large capital requirements, long development times, and the need to integrate into complex systems and supply chains.

OTT recognizes that technology startups particularly in the energy and related sectors often require a variety of services over and above capital access, including mentorship, technology validation, business development and connections to manufacturers. Innovation-accelerating organizations provide important services to assist startups in getting to market and play an increasingly important role for companies and entrepreneurs.

Strong business incubation services—including, but not limited to, mentoring, entrepreneurial training, access to testing and prototyping assistance—not only provide direct support for startups, but also have the potential to de-risk the startups for follow-on investors. Innovation-accelerating organizations have the potential to bolster regional economic development, strengthen national innovation capacity, and expand domestic energy-related manufacturing. By providing due diligence, screening applicant companies, assisting with prototyping, connecting entrepreneurs with manufacturers, and advising startups to prudently use their capital on vital services, innovation-accelerating organizations play a critical role in supporting startups as they transition into the market.

ii. Technology Space and Strategic Goals

The EPIC FOA seeks to recognize innovation-accelerating organizations focused on stimulating energy and related hardware technology development and supportive clusters.

FOA applicants should have a program to create or bolster innovation clusters through regional engagement, including with other private actors—both for- and non-profit—as well as with state and local entities that will provide additional resources. This FOA seeks to address a capital gap in supporting these critical organizations by providing funding to enable creative, enterprising organizations to think more expansively about their role in the broader regional and national innovation and entrepreneurial ecosystem. Further, it is DOE's hope that this

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funding opportunity will enable successful applicants to enhance their organization's resilience and operational sustainability. DOE encourages applications that incorporate novel approaches to or novel extensions of successful programs.

Through this Funding Opportunity, DOE plans to fund four to eight innovation-accelerating organizations to propose and implement regional engagement plans, and guide companies as they scale to production and enhance our energy manufacturing competitiveness. An innovation-accelerating organization's role and participation in its local ecosystem is a critical element to the FOA as OTT recognizes the importance of clusters, which increase productivity of area companies; drive the direction and pace of innovation—thus spurring future productivity growth; and stimulate the formation of new businesses, which expands and strengthens the cluster itself.

B. Program Description

Funding energy innovation can be difficult due to the technically challenging and capital intensive processes of developing and commercializing next generation energy hardware solutions. Those challenges present themselves across different industries, including transportation, manufacturing, and power generation. The private sector rarely researches, scales, and commercializes new energy and related technology because of legacy systems, information barriers, risk aversion, and scarce capital. Partnerships that leverage public support with private-sector buy-in to encourage industry investment and connect innovators to resource networks are effective tools in building capacity and sustainable ecosystems.

This Funding Opportunity seeks to fund innovation-accelerating organizations to develop and enhance programs that have the support of state, regional, and/or local entities. OTT expects support from state, regional, and/or local entities to include financial commitments, whether cash or in-kind. From DOE's experience in previous programs, including the DOE Small Business and Clean Energy Alliance Partnership, Innovation Ecosystem Development Initiative, National Incubator Initiative for Clean Energy (NIICE) and Innovative Pathways, OTT identified a key set of characteristics associated with high-performing innovation-accelerating organizations. These characteristics are divided into Applicant Characteristics and Elements of the Regional Engagement Strategy and Implementation Plan. High scoring applications will have many, if not all of these attributes.

Applicant Characteristics (not listed in order of importance)

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- The entity's efforts are focused on the formation and growth of startups, with a concentration on companies that are developing or commercializing hardware for energy-related applications within DOE's portfolio.
- It employs a selective process to choose participating startups.
- It hosts regular networking opportunities for startups.
- It makes introductions to customers, partners, suppliers, advisory boards, and other players.
- It provides high-growth and tech-driven startup mentorship and commercialization assistance.
- It facilitates resource sharing and arrangements for startups.
- Its resources include virtual tools and telework capabilities.
- It provides its startups with physical spaces to operate.
- It creates opportunities for startups to pitch ideas to investors, along with providing other capital formation avenues for startups.
- It assists member startups in obtaining angel money, seed capital, or structured loans.
- It has a strong mentorship program.
- It provides entrepreneurial training.
- It uses metrics and data analytics to track its performance.
- It provides access to legal and contract services.

In keeping with the goal of growing a community of innovators, applicants are encouraged to form multidisciplinary teams while developing their concept. DOE does not ask applicants to simply present strategies that replicate another successful model because what works in one environment or region of the country may not work in another. OTT encourages applicants to examine existing successful models for best practices and lessons learned, and to submit creative ideas.

Regional Engagement Strategy Plan

The applicant is required to submit a regional engagement strategy with an implementation plan. The plan should identify the opportunity and outline clear goals with objectives for addressing the opportunity, and how and when the applicant will execute its plan. If awarded, this will become the basis of the DOE-funded project. The plan should include a description with all available evidence to support how the applicant will foster a sustainable entrepreneurial environment through regional engagement. **Applicants should articulate their Regional Engagement Plans in their Technical Volume submissions.** More details about implementation plan requirements can be found in Section 4.C.ii. (Technical Volume). Proposals should provide a description of the applicant's organization, its regional engagement strategy, and its up to three-year

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implementation plan. High-scoring proposals will have plans that include many, if not all, of the following attributes:

Elements of the Regional Engagement Strategy (not listed in order of importance)

- Partnerships and/or working relationships with regional entities—including state and local government as well as private sector entities (including for- and non-profits).
- Energy hardware focus
 - Like the applicant, its support from regional stakeholders must concentrate on commercializing hardware within DOE’s energy and related technology portfolio.¹
- Access to prototyping, testing, and demonstration facilities
 - Partnerships with local providers (i.e., labs/universities/private and public organizations) may provide additional demonstration or prototyping capabilities and equipment to member startups. For example, a partnership could be based on reduced fees or free access to facilities.
- A unique value proposition and description of the applicant organization’s structural advantages in implementing the regional engagement plan (i.e., how the organization is built to be successful within a respective region).
- The applicant’s Specific, Measurable, Actionable, Relevant, Time-bound (SMART) strategy to develop or enhance regional innovation clusters.
- The primary risk factors the applicant anticipates mitigating or overcoming to successfully implement the regional engagement strategy.
- A description of the plan’s potential to be transferable to other innovation-accelerating organizations/regions.
- A description of how the plan will yield an improvement in the organization’s offerings as a resource to local and regional entrepreneurs and innovators, and how it will boost the regional innovation ecosystem’s productivity.
- A description of the key factors that define the applicant’s regional cluster, such as available energy resources; economic challenges; shared energy challenges, needs, and markets; and capabilities and opportunities for energy innovation.

¹ <https://www.energy.gov/offices>



Metrics

OTT considers it critically important to track awardee performance metrics during the award period. Therefore, the awardee project director shall provide to OTT semi-annually, data on the performance metrics listed below, which OTT intends to collect on EPIC awardees and the companies they serve during the period of performance. OTT shall use these data to measure the performance of the awardee in terms of productivity and output throughout the duration of the program.

Awardee Performance Metrics

- Number of companies served and types of technologies, including names and locations
- Number of graduated companies in business, merged, or acquired. If merged, with whom? If acquired, by whom?
- Number of companies served and graduated
- Number of technologies vetted
- Support provided by state, regional, and/or local entities, both as cash and in-kind
- Number of mentors or entrepreneurs-in-residence placed with clients
- Number of partnership agreements facilitated
 - Between the awardee and National Labs, universities, state and local entities, and other private companies (both for profit and non-profit)
 - Between the awardee's member startups and National Labs, universities, state and local entities, and other private companies (both for profit and non-profit)
- Revenue generated by companies before and after being served
- Amount and description of follow-on private and public funding (equity, debt, grants, etc.)
- Number of patents awarded
- Number of patents and disclosures filed
- Number of jobs created or retained by client or graduated companies (full time, part time), including in low-income communities and among under-represented entrepreneurs
- Average size measured by annual revenue and number of employees of startups, at the beginning of the DOE project performance as well as at the conclusion of it

C. Applications Specifically Not of Interest

The following types of applications will be deemed nonresponsive and will not be reviewed or considered (See Section 3.D. of the FOA):

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- Applications that fall outside the technical parameters specified in Section 1.A. and 1.B. of the FOA
- Applications that support proposed technologies that are not based on sound scientific principles (e.g., violate the laws of thermodynamics).

D. Authorizing Statutes

The Office of Technology Transitions issues this Funding Opportunity Announcement (FOA) under the programmatic authorizing statute codified at 42 U.S.C. § 16191(a)(2). The FOA and any awards made under this FOA are subject to 2 C.F.R. Part 200 as amended by 2 C.F.R. Part 910.

2. Award Information

A. Award Overview

i. Estimated Funding

OTT expects to make available approximately \$4 million of Federal funding for new awards under this FOA subject to the availability of appropriated funds. OTT anticipates making approximately four to eight awards under this FOA. OTT may issue one, multiple, or no awards. Individual awards may vary between approximately \$500,000 and approximately \$1,000,000.

OTT may establish more than one budget period for each award and fund only the initial budget period(s). Funding for all budget periods, including the initial budget period, is not guaranteed. Before the expiration of the initial budget period(s), OTT may perform a down-select among different recipients and provide additional funding only to a subset of recipients.

ii. Period of Performance

OTT anticipates making awards that will run up to 36 months in length, comprised of one or more budget periods. Project continuation will be contingent upon several elements, including satisfactory performance and Go/No-Go decision review (for a complete list, see Section 6.B.xiii). At the Go/No-Go decision points, OTT will evaluate project performance, project schedule adherence, the extent to which milestone objectives are met, compliance with reporting requirements, and overall contribution to the program goals and objectives. As a result of this evaluation, OTT may, at its discretion, authorize the following actions: (1) continue to fund the project,

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contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority; (2) recommend redirection of work under the project; (3) place a hold on federal funding for the project, pending further supporting data or funding; or (4) discontinue funding the project because of insufficient progress, change in strategic direction, or lack of funding.

B. OTT Funding Agreements

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

i. **Cooperative Agreements**

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

OTT has substantial involvement in all projects funded via cooperative agreement. See Section 6.B.ix of the FOA for more information on what substantial involvement may involve.

ii. **Funding Agreements with DOE/NNSA Federally Funded Research and Development Center (FFRDCs) and Government Owned and Government Operated facilities (GOGOs) and Non- Federally Funded Research and Development Center (FFRDCs) and Government Owned and Government Operated facilities (GOGOs)**

If In most cases, DOE/NNSA FFRDCs and GOGOs are funded independently of the remainder of the project team. If a DOE/NNSA National Laboratory Contractor is selected for award, the proposed work will be authorized under the DOE work authorization process and performed under the laboratory's M&O contract. A cooperative agreement is then executed for the remaining project team. Members.

Non DOE/NNSA FFRDCs or GOGOs are funded by way of Interagency Agreement and then a cooperative agreement is then executed with any remaining project team members to arrange work structure, project execution, and any other matters. Regardless of these arrangements, the entity that applied as the prime recipient for the project will remain the prime recipient for the project.

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3. Eligibility Information

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

A. Eligible Applicants

i. Domestic Entities

For-profit entities, educational institutions, and nonprofits that are incorporated (or otherwise formed) under the laws of a particular state or territory of the United States and have a physical location for business operations in the United States are eligible to apply for funding as a prime recipient or subrecipient. Nonprofit organizations described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities after December 31, 1995 are not eligible to apply for funding.

State, local, and tribal government entities are eligible to apply for funding as a prime recipient or subrecipient.

DOE/NNSA FFRDCs and DOE Government-Operated Government-Owned laboratories (GOGOs) are eligible to apply for funding as a subrecipient, but are not eligible to apply as a prime recipient.

Non-DOE/NNSA FFRDCs non-DOE GOGOs are eligible to apply for funding as a subrecipient, but are not eligible to apply as a prime recipient.

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

ii. Foreign Entities

Foreign entities, whether for-profit or otherwise, are eligible to apply for funding under this FOA. Other than as provided in the "Individuals" or "Domestic Entities" sections above, all prime recipients receiving funding under this FOA must be incorporated (or otherwise formed) under the laws of a state or territory of the United States and have a physical location for business operations in the United States. If a foreign entity applies for funding as a prime recipient, it must designate in the Full Application a subsidiary or affiliate incorporated (or otherwise formed) under the laws of a state or territory of the United States to be the prime recipient. The Full Application must state the

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nature of the corporate relationship between the foreign entity and domestic subsidiary or affiliate.

Foreign entities may request a waiver of the requirement to designate a subsidiary in the United States as the prime recipient in the Full Application (i.e., a foreign entity may request that it remains the prime recipient on an award). To do so, the applicant must submit an explicit written waiver request in the Full Application. Appendix C lists the necessary information that must be included in a request to waive this requirement. The applicant does not have the right to appeal OTT's decision concerning a waiver request.

In the waiver request, the applicant must demonstrate to the satisfaction of OTT that it would further the purposes of this FOA and is otherwise in the economic interests of the United States to have a foreign entity serve as the prime recipient. OTT may require additional information before considering the waiver request.

A foreign entity may receive funding as a subrecipient.

iii. Incorporated Consortia

Incorporated consortia, which may include domestic and/or foreign entities, are eligible to apply for funding as a prime recipient or subrecipient. For consortia incorporated (or otherwise formed) under the laws of a state or territory of the United States, please refer to "Domestic Entities" above. For consortia incorporated in foreign countries, please refer to the requirements in "Foreign Entities" above.

Each incorporated consortium must have an internal governance structure and a written set of internal rules. Upon request, the consortium must provide a written description of its internal governance structure and its internal rules to the OTT Contracting Officer.

iv. Unincorporated Consortia

Unincorporated Consortia, which may include domestic and foreign entities, must designate one member of the consortium to serve as the prime recipient/consortium representative. The prime recipient/consortium representative must be incorporated (or otherwise formed) under the laws of a state or territory of the United States. The eligibility of the consortium will be determined by the eligibility of the prime recipient/consortium representative under Section 3.A. of the FOA.



Upon request, unincorporated consortia must provide the OTT Contracting Officer with a collaboration agreement, commonly referred to as the articles of collaboration, which sets out the rights and responsibilities of each consortium member. This agreement binds the individual consortium members together and should discuss, among other things, the consortium's:

- Management structure;
- Method of making payments to consortium members;
- Means of ensuring and overseeing members' efforts on the project;
- Provisions for members' cost sharing contributions; and
- Provisions for ownership and rights in intellectual property developed previously or under the agreement.

B. Cost Sharing

Cost Share 20%

The cost share must be at least 20% of the total allowable costs for research and development projects (i.e., the sum of the government share, including FFRDC and GOGO costs if applicable, and the recipient share of allowable costs equals the total allowable cost of the project) and must come from non-federal sources unless otherwise allowed by law. (See 2 CFR 200.306 and 2 CFR 910.130 for the applicable cost sharing requirements.)

To assist applicants in calculating proper cost share amounts, OTT has included a cost share information sheet and sample cost share calculation as Appendices A and B to this FOA.

i. 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 prime recipient, the prime recipient is legally responsible for paying the entire cost share. If the funding agreement is terminated prior to the end of the project period, the prime recipient is required to contribute at least the cost share percentage of total expenditures incurred through the date of termination.

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

ii. Cost Share Allocation

Each project team is free to determine how best to allocate the cost share requirement among its team members. The amount contributed by individual

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project team members may vary, as long as the cost share requirement for the project as a whole is met.

iii. Cost Share Types and Allowability

Every cost share contribution must be allowable under the applicable federal cost principles, as described in Section 4.1.i. of the FOA. In addition, cost share must be verifiable upon submission of the Full Application.

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

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

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

Project teams may use funding or property received from state or local governments or regional entities 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 prime recipient may not use the following sources to meet its cost share obligations including, but not limited to:

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

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



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

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

iv. Cost Share Contributions by FFRDCs and GOGOs

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

v. Cost Share Verification

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

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

vi. Cost Share Payment

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

In limited circumstances, and where it is in the government's interest, the OTT Contracting Officer may approve a request by the prime recipient to meet its cost share requirements on a less frequent basis, such as monthly or quarterly.

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Regardless of the interval requested, the prime recipient must be up-to-date on cost share at each interval. Such requests must be sent to the Contracting Officer during award negotiations and include the following information: (1) a detailed justification for the request; (2) a proposed schedule of payments, including amounts and dates; (3) a written commitment to meet that schedule; and (4) such evidence as necessary to demonstrate that the prime recipient has complied with its cost share obligations to date. The Contracting Officer must approve all such requests before they go into effect.

C. Compliance Criteria

To be considered for substantive evaluation, an applicant submission must meet the Compliance criteria set forth below. **Letters of Intent and Full Applications must meet all compliance criteria listed below or they will be considered noncompliant**, including submissions through means other than OTT Exchange; anything submitted after the applicable deadline; and/or submitted incomplete. OTT will not extend the submission deadline for Applicants that fail to submit required information due to server/connection congestion.

i. Compliance Criteria

Letters of Intent

Letters of Intent (LOIs) are a mandatory step in the application process. LOIs are deemed compliant if:

- The LOI complies with the content and form requirements in Section 4.B. of the FOA;
- The applicant successfully filled in all required information and created an LOI in OTT Exchange by the deadline stated in this FOA. The applicant will receive an automatically generated email notification from Exchange that the LOI is complete. This email also contains a control number for use during the Full Application process. and
- The LOI is from an eligible applicant and describes a proposal that is responsive to this FOA.

Full Applications

Full Applications are deemed compliant if:

- The applicant submitted a compliant LOI that is responsive to the FOA;
- The Full Application complies with the content and form requirements in Section 4.C. of the FOA; and

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- The applicant successfully uploaded all required documents and clicked the “Submit” button in OTT Exchange by the deadline stated in the FOA.

D. Responsiveness Criteria

OTT will perform a preliminary technical review of Letters of Intent and Full Applications. All “Applications Specifically Not of Interest,” as described in Section 1.C. of the FOA, are deemed nonresponsive and are not reviewed or considered.

E. Other Eligibility Requirements

i. Requirements for DOE/NNSA and non-DOE/NNSA Federally Funded Research and Development Centers and Government Owned and Government Operated Facilities Included as a Subrecipient

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

1. *Authorization for non-DOE/NNSA FFRDCs and GOGOs*

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

2. *Authorization for DOE/NNSA FFRDCs and GOGOs*

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

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

3. *Value/Funding*

The value of and funding for the FFRDC and GOGO portion of the work will not normally be included in the award to a successful applicant. Usually, DOE will fund a DOE/NNSA FFRDC and GOGO contractor through the DOE field

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work proposal (WP) system and non-DOE/NNSA FFRDC and GOGO through an interagency agreement with the sponsoring agency.

4. Cost Share

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

5. Responsibility

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

F. Limitation on Number of Letters of Intent and Full Applications Eligible for Review

For this FOA, applicants may submit only one Letter of Intent, and may only submit a Full Application that corresponds to an eligible and compliant LOI. If an applicant submits more than one Letter of Intent, OTT will only consider for evaluation the last one created by applicants with more than one. Any other Letters of Intent listing the same applicant will be considered noncompliant and not eligible for further consideration. This limitation does not prohibit an applicant from collaborating on other applications (e.g., as a potential Subrecipient or partner) so long as the entity is only listed as the Prime Applicant on one LOI and Full Application submitted under this FOA.

G. Questions Regarding Eligibility

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

4. Application and Submission Information

The application process will include two phases: a Letter of Intent phase and a Full Application phase. **Only applicants who have created a compliant Letter of Intent will be eligible to submit a Full Application.** At each phase, OTT performs an initial eligibility review of the applicant submissions to determine whether they meet the eligibility requirements of Section 3 of the FOA. OTT will not review or consider noncompliant and/or nonresponsive submissions. All submissions must conform to the following form

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and content requirements, including maximum page lengths, described below and must be submitted via OTT Exchange at <https://ott-exchange.energy.gov/>, unless specifically stated otherwise. **OTT will not review or consider submissions submitted through means other than OTT Exchange, submissions submitted after the applicable deadline, and incomplete submissions.** OTT will not extend deadlines for Applicants who fail to submit required information and documents due to server/connection congestion.

Once a Letter of Intent is created, Exchange issues a Control Number and sends the applicant an email confirming creation of the LOI. This control number must be included with all documents for the duration of the application process, as described below.

The Letter of Intent must conform to the requirements set forth on the fillable form on the OTT Exchange submission platform. The Full Application must conform to the following requirements:

- Each must be submitted in Adobe PDF format unless otherwise stated;
- 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 Times New Roman typeface, a black font color, and a font size of 12 point or larger (except in figures or tables, which may be 10 point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References must be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement;
- The Control Number 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; and
- Each submission must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths indicated below, OTT will review only the authorized number of pages and disregard any additional pages.

Applicants are responsible for meeting each submission deadline. **Applicants are strongly encouraged to create their Letters of Intent (LOIs) and submit their Full Applications at least 48 hours in advance of the deadlines.** Under normal conditions (i.e., at least 48 hours in advance of the submission deadline), applicants should allow at least one hour to create an LOI or submit a Full Application. Once the LOI is created or the Full Application is submitted in OTT Exchange, applicants may make revisions or updates until the Full Application deadline. If applicants make any changes, they must resubmit the Full Application.



OTT urges Applicants to carefully review their Letters of Intent and Full Applications, and to allow sufficient time for the submission of required information and documents. All Full Applications that pass compliance review will undergo comprehensive technical merit review according to the criteria identified in Section 5.A.i of the FOA.

i. Additional Information on OTT Exchange

OTT Exchange is designed to enforce the deadlines specified in this FOA. The “Apply” and “Submit” buttons will automatically disable at the defined submission deadlines. Should applicants experience problems with OTT Exchange prior to the FOA deadline, they should contact the OTT Exchange helpdesk for assistance (EERE-ExchangeSupport@hq.doe.gov). The OTT Exchange helpdesk and/or the OTT Exchange system administrators will assist applicants in resolving issues.

A. Application Forms

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

Note: The maximum file size that can be uploaded to the OTT Exchange website is 10MB. Files in excess of 10MB cannot be uploaded, and hence cannot be submitted for review. If a file exceeds 10MB but is still within the maximum page limit specified in the FOA, it must be broken into parts and denoted to that effect. For example:

ControlNumber_LeadOrganization_Project_Part_1
ControlNumber_LeadOrganization_Project_Part_2

B. Content and Form of the Letter of Intent

To be eligible to submit a Full Application, applicants must create a Letter of Intent by the specified due date and time. The Letter of Intent must conform to the following content requirements. OTT will use Letters of Intent to plan for the merit review process. The letters should not contain any proprietary or sensitive business information. The letters will not be used for down-selection purposes apart from the compliance and responsiveness screen, and they do not commit an applicant to submit an application.

OTT will not review or consider ineligible Letters of Intent (see Section 3 of the FOA).

Each applicant must provide the following information in its Letter of Intent:

- Project Title;

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- Lead Organization. Please do not use acronyms;
- Organization Type (e.g., State and or Local Government; Small Business; Large Business; government-owned, government-operated; Non-Profit; Academic);
- % of effort contributed by the Lead Organization;
- Project Team
 - Please list each organization that you will team with to perform the proposed project. Contact information for the lead technical point of contact at each organization is required. The Total Percent Effort of the Project is comprised of the percentage of the project performed by the lead organization and all team member percentages.
- Abstract – The abstract is limited to not more than 4,000 characters in length (including punctuation and spaces), and should provide a truncated explanation of the proposed project.

C. Content and Form of the Full Application

Applicants must submit a Full Application by the specified due date and time to be considered for funding under this FOA. Applicants must complete the following application forms found on the OTT Exchange website at <https://ott-exchange.energy.gov/>, in accordance with the instructions.

All Full Application documents must be marked with the Control Number issued to the applicant. Applicants will receive a control number upon submission of their Letter of Intent, and should include that control number in the file name of their Full Application submission (i.e., Control number_Applicant Name_Full Application).

i. Full Application Content Requirements

OTT will not consider or review ineligible Full Applications (see Section 3. of the FOA).

Each Full Application shall be limited to a single concept. Unrelated concepts shall not be consolidated in a single Full Application. Full Applications must conform to the following requirements:



Submission	Components	File Name
Full Application (PDF, unless stated otherwise)	Technical Volume (PDF format. See Chart in Section 4.C.ii.)	ControlNumber_LeadOrganization_TechnicalVolume
	Resumes (PDF format. 1 page maximum per person)	ControlNumber_LeadOrganization_Resumes
	Letters of Commitment, if applicable (PDF format. 1 page maximum per letter)	ControlNumber_LeadOrganization_LOCs
	Statement of Project Objectives (SOPO) (Microsoft Word format. 20 page limit)	ControlNumber_LeadOrganization_SOPO
	SF-424 Application for Federal Assistance (PDF format)	ControlNumber_LeadOrganization_App424
	Budget Justification (Microsoft Excel format. Applicants must use the template available in OTT Exchange)	ControlNumber_LeadOrganization_Budget_Justification
	Summary for Public Release (PDF format. 1 page limit)	ControlNumber_LeadOrganization_Summary
	Summary Slide (Microsoft PowerPoint format. 1 page limit)	ControlNumber_LeadOrganization_Slide
	Subrecipient Budget Justification, if applicable (Microsoft Excel format. Applicants must use the template available in OTT Exchange)	ControlNumber_LeadOrganization_Subrecipient_Budget_Justification
	SF-LLL Disclosure of Lobbying Activities (PDF format)	ControlNumber_LeadOrganization_SF-LLL
	Foreign Entity and Foreign Work waiver requests, if applicable (PDF format)	ControlNumber_LeadOrganization_Waiver

Note: The maximum file size that can be uploaded to the OTT Exchange website is 10MB. Files in excess of 10MB cannot be uploaded, and hence cannot be submitted for review. If a file exceeds 10MB but is still within the maximum page limit specified in the FOA it must be broken into parts and denoted to that effect. For example:

ControlNumber_LeadOrganization_TechnicalVolume_Part_1
ControlNumber_LeadOrganization_TechnicalVolume_Part_2

OTT will not accept late submissions that resulted from technical difficulties due to uploading files that exceed 10MB.

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

ii. Technical Volume

The Technical Volume must be submitted as an Adobe PDF file. The Technical Volume must conform to the following content and form requirements,

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including maximum page lengths. If applicants exceed the maximum page lengths indicated below, OTT will review only the authorized number of pages and disregard any additional pages. This volume must articulate the applicant’s Regional Engagement Plan and address the Merit Review Criteria as discussed in Section 5.A.i. of the FOA. Save the Technical Volume in a single PDF file using the following convention for the title:

“ControlNumber_LeadOrganization_TechnicalVolume”.

Applicants must provide sufficient citations and references to the primary literature to justify the claims and approaches made in the Technical Volume. However, OTT and reviewers are under no obligation to review cited sources.

The Technical Volume to the Full Application may not be more than 20 pages, including the cover page, table of contents, and all citations, charts, graphs, maps, photos, or other graphics, and must include all of the information in the table below. The applicant should consider the weighting of each of the evaluation criteria (see Section 5.A.i of the FOA) when preparing the Technical Volume.

The Technical Volume should clearly describe and expand upon information provided in the LOI. The Technical Volume must conform to the following content requirements:

SECTION/PAGE LIMIT	DESCRIPTION
Cover Page	The cover page should include the project title, the specific FOA being addressed, both the technical and business points of contact, names of all team member organizations, and any statements regarding confidentiality.
Project Overview (This section should constitute approximately 10% of the Technical Volume)	<p>The Project Overview should contain the following information:</p> <ul style="list-style-type: none"> • Background: The applicant should discuss the organization’s background, including its history, successes, and current operating status (i.e., the technical baseline) relevant to the project addressed in the Full Application. • Project Goals: The applicant should explicitly identify the targeted improvements and the critical success factors in achieving these goals. • DOE Impact: The applicant should discuss the impact that DOE funding would have on the proposed project. Applicants should specifically explain how DOE funding, relative to prior, current, or anticipated funding from other public and private sources, is necessary to achieve the project objectives.

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<p>Program Description, Innovation, and Impact (This section should constitute approximately 25% of the Technical Volume)</p>	<p>The Program Description should contain the following information:</p> <ul style="list-style-type: none">• Relevance and Outcomes: The Applicant should provide a detailed description of the program, including the principles and objectives that it will pursue during the project. This section should describe the relevance of the proposed program to the goals and objectives of the FOA. The Applicant should clearly specify the expected outcomes of the project.• Feasibility: The Applicant should demonstrate the feasibility of the proposed program and capability of achieving the anticipated project goals, including a description of previous work done and prior results.• Innovation and Impacts: The Applicant should describe the current state of the art in the applicable field, the specific innovation of the proposed program, the advantages of proposed program over current and emerging programs, and the overall impact on advancing the state of the art if the project is successful.
<p>Project Plan (This section should constitute approximately 50% of the Technical Volume)</p>	<p>The Workplan (also referred to as a Project Plan) should contain the following information:</p> <ul style="list-style-type: none">• Project Objectives: The Applicant should provide a clear and concise (high-level) statement of the goals and objectives of the project as well as the expected outcomes.• Technical Scope Summary: The Applicant should provide a summary description of the overall work scope and approach to achieve the objective(s). The overall work scope is to be divided by performance periods that are separated by discrete, approximately annual decision points (see below for more information on go/no-go decision points). The applicant should describe the specific expected end result of each performance period.• Work Breakdown Structure (WBS) and Task Descriptions: The Workplan should fully describe the work to be accomplished and how the applicant will achieve the milestones, will accomplish the final project goal(s), and will produce all deliverables. The Workplan is to be structured with a hierarchy of performance period (approximately annual), task and subtasks, which is typical of a standard work breakdown structure (WBS) for any project. The Workplan shall contain a concise detailed description of the specific activities to be conducted over the life of the project. "Detailed" is defined as a full explanation and disclosure of the project being proposed (i.e., a statement such as "we will then complete a proprietary process" is unacceptable). It is the Applicant's responsibility to prepare an adequately detailed task plan to describe the proposed project and the plan for addressing the objectives of this FOA. To this end each task and subtask is to have a unique number and title and an indication of the duration

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of the task or subtask in months. Each task and subtask is to have a task summary that describes the objectives, what work is to be accomplished, and relationship to project deliverables or expected results. Appropriate milestones should be incorporated into the task and subtask structure. Each task and subtask is to have a technical details section, as appropriate, to discuss how the work will be done, anticipated problems or uncertainties, and any further clarification, such as why a specific approach is being taken. **An example Work Breakdown Structure is provided in Appendix F.**

- **Milestones:** The Applicant should provide appropriate milestones throughout the project to demonstrate success, where success is defined as technical achievement rather than simply completing a task. To ensure that milestones are relevant, Applicants should follow the SMART rule of thumb, which is that all milestones should be **S**pecific, **M**easurable, **A**chievable, **R**elevant, and **T**imely. Unless otherwise specified in the FOA, the minimum requirement is that each project must have at least one milestone per quarter for the duration of the project (depending on the project, more milestones may be necessary to comprehensively demonstrate progress). The Applicant should also provide the means by which the milestone will be verified. In addition to describing milestones in the Workplan text and including them in the schedule, the Applicant is required to complete the Milestone Summary Table shown below.
- **Go/No-Go Decision Points:** The Applicant should provide project-wide go/no-go decision points at appropriate points in the Workplan. A go/no-go decision point is a risk management tool and a project management best practice to ensure that, for the current phase or period of performance, technical success is definitively achieved and potential for success in future phases or periods of performance is evaluated, prior to actually beginning the execution of future phases. Unless otherwise specified in the FOA, the minimum requirement is that each project must have at least one project-wide go/no-go decision point for each year (12-month period) of the project. The Applicant should also provide the specific technical criteria to be used to make the go/no-go decision. In addition to describing the go/no-go decision points in the Workplan text and including them in the schedule, the Applicant is required to complete the Milestone Summary Table shown below, which must include go/no-go decision points and their method of verification.
- **Project Schedule (Gantt Chart or similar):** The Applicant should provide a detailed schedule for the entire project, including task and subtask durations, milestones, and go/no-go decision points.



	<ul style="list-style-type: none"> • Project Management: The Applicant should discuss the team’s proposed management plan, including the following: <ul style="list-style-type: none"> ○ The overall approach to and organization for managing the work ○ The roles of each Project Team member ○ Any critical handoffs/interdependencies among Project Team members ○ The technical and management aspects of the management plan, including systems and practices, such as financial and project management practices ○ The approach to project risk management ○ A description of how project changes will be handled ○ If applicable, the approach to Quality Assurance/Control ○ How communications will be maintained among Project Team members
<p>Technical Qualifications and Resources (Approximately 15% of the Technical Volume)</p>	<p>The Technical Qualifications and Resources should contain the following information:</p> <ul style="list-style-type: none"> • Describe the project team’s unique qualifications and expertise, including those of key subrecipients. • Describe the project team’s existing equipment and facilities that will facilitate the successful completion of the proposed project; include a justification of any new equipment or facilities requested as part of the project. • This section should also include relevant, previous work efforts, demonstrated innovations, and how these enable the applicant to achieve the project objectives. • Describe the time commitment of the key team members to support the project. • For multi-organizational or multi-director projects, describe succinctly: <ul style="list-style-type: none"> ○ The roles and the work to be performed by each Project Director and Key Participant ○ Business agreements between the applicant and each Project Director and Key Participant ○ How the various efforts will be integrated and managed ○ Process for making decisions on scientific/technical direction ○ Publication arrangements ○ Intellectual Property issues ○ Communication plans
<p>FOA-Specific Requirements</p>	<p>Applicants’ Technical Volume must include information to adequately address how they meet OTT’s required Applicant Characteristics and Regional Engagement Strategy Plan as described in Section 1.B.</p>

iii. Resumes

Applicants are required to submit one-page resumes for key participating team members. Multi-page resumes are not allowed. Save the resumes in a single PDF

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file using the following convention for the title
“ControlNumber_LeadOrganization_Resumes”.

iv. Letters of Commitment

Submit letters of commitment from all subrecipient and third party cost share providers. If applicable, Applicants should also include any letters of commitment from state, regional, and/or local entities, including in low income and/or under-represented areas, partners/clients/members (1 page maximum per letter). Save the letters of commitment in a single PDF file using the following convention for the title “ControlNumber_LeadOrganization_LOCs”.

v. Statement of Project Objectives (SOPO)

Applicants are required to complete a SOPO. A SOPO template is available on OTT Exchange at <https://ott-exchange.energy.gov/>. The SOPO, including the Milestone Table, must not exceed 20 pages when printed using standard 8.5 x 11 paper with 1” margins (top, bottom, left, and right) with font not smaller than 12 point. SOPOs should include semi-annual deliverables for the metrics in Section 1.B, which will be required during award negotiations. Save the SOPO in a single Microsoft Word file using the following convention for the title “ControlNumber_LeadOrganization_SOPO”.

vi. SF-424: Application for Federal Assistance

Complete all required fields in accordance with the instructions on the form. The list of certifications and assurances in Field 21 can be found at <https://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms>, under Certifications and Assurances. Note: The dates and dollar amounts on the SF-424 are for the complete project period and not just the first project year, first phase or other subset of the project period. Save the SF-424 in a single PDF file using the following convention for the title “ControlNumber_LeadOrganization_App424”.

vii. Budget Justification Workbook

Applicants are required to complete the Budget Justification Workbook. This form is available on OTT Exchange at <https://ott-exchange.energy.gov/>. Prime recipients must complete each tab of the Budget Justification Workbook for the project as a whole, including all work to be performed by the prime recipient and its subrecipients and contractors. Applicants should include costs associated with required annual audits and incurred cost proposals in their proposed budget documents. The data fields in the “Instructions and Summary” tab of the Budget Justification Workbook will auto-populate as the applicant enters information into the Workbook. Applicants must carefully read the “Instructions and

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Summary” tab provided within the Budget Justification Workbook. Save the Budget Justification Workbook in a single Microsoft Excel file using the following convention for the title
“ControlNumber_LeadOrganization_Budget_Justification”.

viii. Summary/Abstract for Public Release

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

ix. Summary Slide

Applicants are required to provide a single slide summarizing the proposed project. The slide must be submitted in Microsoft PowerPoint format. This slide is used during the evaluation process. Save the Summary Slide in a single file using the following convention for the title
“ControlNumber_LeadOrganization_Slide”.

The Summary Slide template requires the following information:

- A project summary;
- A description of the project’s impact;
- Proposed project goals;
- Any key graphics (illustrations, charts and/or tables);
- The project’s key idea/takeaway;
- Project title, prime recipient, Project Director, and Key Participant information; and
- Requested OTT funds and proposed applicant cost share.

x. Subrecipient Budget Justification (if applicable)

Applicants must provide a separate budget justification for each subrecipient that is expected to perform work estimated to be more than \$100,000 or 25 percent of the total work effort (whichever is less). The budget justification must

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include the same justification information described in the “Budget Justification” section above. Save each subrecipient budget justification in a Microsoft Excel file using the following convention for the title “ControlNumber_LeadOrganization_Subrecipient_Budget_Justification”.

xi. Budget for DOE/NNSA FFRDC and GOGO (if applicable)

If a DOE/NNSA FFRDC and GOGO contractor is to perform a portion of the work, the applicant must provide a DOE WP in accordance with the requirements in DOE Order 412.1A, Work Authorization System, Attachment 3, available at: <https://www.directives.doe.gov/directives-documents/400-series/0412.1-BOrder-a/@@images/file>. Save the WP in a single PDF file using the following convention for the title “ControlNumber_LeadOrganization_WP”.

xii. Authorization for non-DOE/NNSA or DOE/NNSA FFRDCs and GOGO (if applicable)

The federal agency sponsoring the FFRDC and GOGO must authorize in writing the use of the FFRDC and GOGO on the proposed project and this authorization must be submitted with the application. The use of a FFRDC and GOGO must be consistent with the contractor’s authority under its award. Save the Authorization in a single PDF file using the following convention for the title “ControlNumber_LeadOrganization_FFRDC_GOGO_Auth”.

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

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

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

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

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

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

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xiv. Waiver Requests: Foreign Entities and Foreign Work (if applicable)

Foreign Entity Participation:

As set forth in Section 3.A.ii., all prime recipients receiving funding under this FOA must be incorporated (or otherwise formed) under the laws of a state or territory of the United States. To request a waiver of this requirement, the applicant must submit an explicit waiver request in the Full Application. Appendix C lists the necessary information that must be included in a request to waive this requirement.

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

As set forth in Section 4.I.iii., all work under OTT funding agreements must be performed in the United States. This requirement does not apply to the purchase of supplies and equipment, so a waiver is not required for foreign purchases of these items. However, the prime recipient should make every effort to purchase supplies and equipment within the United States. Appendix C lists the necessary information that must be included in a foreign work waiver request.

Save the Waivers in a single PDF file using the following convention for the title “ControlNumber_LeadOrganization_Waiver”.

xv. U.S. Manufacturing Commitments

OTT requires subject inventions (i.e., inventions conceived or first actually reduced to practice under OTT awards) to be substantially manufactured in the United States by project teams and their licensees, as described below. The applicant may request a modification or waiver of the U.S. manufacturing requirement.

1. Domestic Small Businesses, Educational Institutions and Nonprofits

Domestic small businesses (including small business concerns), domestic educational institutions, and nonprofits that are recipients or subrecipients under OTT funding agreements must require their exclusive licensees to substantially manufacture the following products in the United States for any use or sale in the United States: (1) articles embodying subject inventions, and (2) articles produced through the use of subject inventions. This requirement does not apply to articles that are manufactured for use or sale overseas.

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Domestic small businesses, domestic educational institutions and nonprofits must require their assignees to apply the same U.S. manufacturing requirements to their exclusive licensees.

These U.S. manufacturing requirements do not apply to nonexclusive licensees.

2. **Large Businesses, Foreign Entities, and State and Local Government Entities**

Large businesses and foreign entities that are recipients or subrecipients under OTT funding agreements that take title to subject inventions through a patent waiver are required to substantially manufacture the following products in the United States: (1) products embodying subject inventions, and (2) products produced through the use of subject invention(s). This requirement applies to products that are manufactured for use or sale in the United States or overseas.

Large businesses and foreign entities must apply the same U.S. manufacturing requirements to their assignees, licensees, and entities acquiring a controlling interest in the large business or foreign entity. Large businesses and foreign entities must require their assignees and entities acquiring a controlling interest in the large business or foreign entity to apply the same U.S. manufacturing requirements to their licensees.

D. FFRDCs and GOGOs

DOE FFRDCs and GOGOs are subject to the U.S. manufacturing requirements set forth in their M&O Contracts. All other FFRDCs GOGOs are subject to the U.S. manufacturing requirements as set forth above, based on their size and for-profit status.

E. Post Selection Information Requests

If selected for award, OTT reserves the right to request additional or clarifying information regarding the following (non-exhaustive list):

- Indirect cost information;
- Other budget information;
- Commitment Letters from Third Parties Contributing to Cost Share, if applicable;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5);
- Representation of Limited Rights Data and Restricted Software, if applicable

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F. Dun and Bradstreet Universal Numbering System (DUNS) Number 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 DUNS number in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. DOE may not make a federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOE is ready to make a federal award, DOE will determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

G. Submission Dates and Times

Letters of Intent and Full Applications must be submitted in OTT Exchange no later than 5:00 p.m. Eastern Time on the dates provided on the cover page of this FOA.

H. Intergovernmental Review

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

I. Funding Restrictions

i. Allowable Costs

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

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

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

ii. Pre-Award Costs

Selectees must request prior written approval to charge pre-award costs. Pre-award costs are those incurred prior to the effective date of the federal award directly pursuant to the negotiation and in anticipation of the federal award where such costs are necessary for efficient and timely performance of the scope

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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 signing the Selection Statement and Analysis.

Pre-award expenditures are made at the selectee's risk. OTT 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.

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

OTT'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 OTT completing the NEPA review process.

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

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

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1. Requirement

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

2. Failure to Comply

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

3. Waiver

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 foreign work waiver, the applicant must submit a written waiver request to OTT. [Appendix C lists the necessary information that must be included in a request for a foreign work waiver.](#)

The applicant must demonstrate to the satisfaction of OTT that a waiver would further the purposes of the FOA and is in the economic interests of the United States. OTT may require additional information before considering a waiver request. Save the waiver request(s) in a single PDF file titled "ControlNumber_LeadOrganization_Waiver". The applicant does not have the right to appeal OTT's decision concerning a waiver request.

iv. Construction

OTT generally does not fund projects that involve major construction (i.e., construction of new buildings, major renovations, or additions to existing buildings). Recipients are required to obtain written authorization from the Contracting Officer before incurring any major construction costs.

v. Foreign Travel

Foreign travel costs are not allowable under this FOA.



vi. Equipment and Supplies

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

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

vii. 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.

viii. Risk Assessment

Prior to making a federal award, the DOE is required by 31 U.S.C. 3321 and 41 U.S.C. 2313 to review information available through any Office of Management and Budget (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.

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

ix. Invoice Review and Approval

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

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

5. Application Review Information

A. Technical Review Criteria

i. Full Applications

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

Criterion 1: Technical Merit, Innovation, and Impact (35%)

This criterion involves consideration of the following sub-criteria:

Technical Merit and Innovation

- Extent to which the proposed regional engagement strategy and implementation plans and integration of collaborators is innovative and has the potential to advance the state of the sector;
- Extent to which applications specifically and convincingly demonstrate the potential to advance energy innovation clusters; and

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- Sufficiency of detail in the application to assess whether the proposed work is meritorious and innovative, including relevant data, and discussion of prior work with analyses that support the viability of the proposed work.

Planned Outcomes

- How the project supports the program objectives and metrics;
- The potential of the project outcomes to advance best practices among clusters, and to increase commercialization rates through local and regional engagement; and
- The strength of the project plan to promote sustained movement of energy hardware technologies into the marketplace beyond the award period.

Criterion 2: Project Plan (45%)

This criterion involves consideration of the following factors:

Research Approach, Workplan, and SOPO

- Degree to which the approach and critical path in the Implementation Plan have been clearly described and thoughtfully considered; and
- Degree to which the task descriptions in the Implementation Plan are clear, detailed, timely, and reasonable, resulting in a high likelihood that the proposed Workplan and SOPO will succeed in meeting the project goals.

Identification of Programmatic Risks

- Discussion and demonstrated understanding of the key technical risk areas involved in the proposed work and the quality of the mitigation strategies to address them.

Metrics, and Deliverables

- The level of clarity in the definition of the metrics, and milestones; and
- Relative strength of the quantifiable metrics, milestones, and mid-point deliverables defined in the application, such that meaningful interim progress can be tracked and measured.

Regional Engagement Strategy

- The extent to which the Regional Engagement Strategy clearly reflects the Elements in Section 1.B.

Criterion 3: Team and Resources (20%)

This criterion involves consideration of the following factors:

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- Extent to which applicant meets Applicant Characteristics from Section 1.B.
- The capability of the Project Director(s) and the proposed team to address all aspects of the proposed work with a good chance of success. Qualifications, relevant expertise, and time commitment of the individuals on the team;
- The sufficiency of the facilities to support the work;
- Degree to which the proposed team and available resources demonstrate the ability to facilitate and expedite further development and commercial deployment of energy and related technologies;
- Level of participation by project participants as evidenced by letter(s) of commitment and how well they are integrated into the workplan; and
- Reasonableness of budget and spend plan for proposed project and objectives.

B. Standards for Application Evaluation

Applications that are determined to be eligible will be evaluated in accordance with this FOA, by the standards set forth in the “DOE Merit Review Guide for Financial Assistance,” effective October 1, 2020, which is available at:

<https://energy.gov/management/downloads/merit-review-guide-financial-assistance-and-unsolicited-proposals-current>.

C. Other Selection Factors

i. Program Policy Factors

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

- The degree to which the proposed project supports a technologically-diverse DOE program portfolio;
- The degree to which the proposed project, including proposed cost share, optimizes the use of OTT funding to achieve programmatic objectives;
- Whether the proposed project is likely to lead to increased employment, workforce development, and manufacturing in the United States, including in low-income communities and among under-represented entrepreneurs;
- Whether the proposed project will occur in a Qualified Opportunity Zone or otherwise advance the goals of Qualified Opportunity Zones. The goals

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include spurring economic development and job creation in distressed communities throughout the United States;²

- Whether the proposed project will accelerate transformational technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty;
- The degree to which the proposed project directly addresses OTT statutory mission and strategic goals;
- The degree to which the proposed project supports complementary DOE and/or other government funded efforts or projects, which, when taken together, will best achieve the goals and objectives of DOE;
- The degree to which the submission expands DOE's funding to new applicants and recipients who have not been supported by DOE in the past; and
- The degree to which the submission enables new and expanding market segments.

D. Evaluation and Selection Process

i. Overview

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

ii. Pre-Selection Clarification

OTT may determine that pre-selection clarifications are necessary from one or more applicants. These pre-selection clarifications will solely be 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 merit review evaluation process. Information provided by an applicant that is not necessary to address the pre-selection clarification question will not be reviewed or considered. Typically, a pre-selection clarification will be carried out through either written responses to OTT's written clarification questions or video or conference calls with OTT representatives.

² Refer to the list of designated Opportunity Zones at <https://www.cdfifund.gov/Pages/Opportunity-Zones.aspx>

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

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

iii. Recipient 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 C.F.R. § 200.205.

iv. Selection

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

E. Anticipated Notice of Selection and Award Negotiation Dates

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

6. Award Administration Information

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A. Award Notices

i. Ineligible Submissions

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

ii. Full Application Notifications

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

iii. Successful Applicants

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

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

Please refer to Section 4.I.ii. of the FOA for guidance on pre-award costs.

iv. Alternate Selection Determinations

In some instances, an applicant may receive a notification that its application was not selected for award and OTT designated the application to be an alternate. As an alternate, OTT may consider the Full Application for federal

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funding in the future. A notification letter stating the Full Application is designated as an alternate does not authorize the applicant to commence performance of the project. OTT may ultimately determine to select or not select the Full Application for award negotiations.

v. Unsuccessful Applicants

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

B. Administrative and National Policy Requirements

i. Registration Requirements

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

OTT Exchange

Register and create an account on OTT Exchange at <https://ott-exchange.energy.gov/>.

This account will then allow the user to register for any open FOAs that are currently in OTT Exchange. It is recommended that each organization or business unit, whether acting as a team or a single entity, use only one account as the contact point for each submission. Applicants should also designate backup points of contact so they may be easily contacted if deemed necessary. **This step is required to apply to this FOA.**

The OTT Exchange registration does not have a delay; however, **the remaining registration requirements below could take several weeks to process and are necessary for a potential applicant to receive an award under this FOA.**

DUNS Number

Obtain a DUNS number (including the plus 4 extension, if applicable) at <http://fedgov.dnb.com/webform>.

System for Award Management

Register with the SAM at <https://www.sam.gov>. Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called

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a Marketing Partner ID Number (MPIN) are important steps in SAM registration. Please update your SAM registration annually.

FedConnect

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

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 Letters of Intent and Full Applications will not be accepted through Grants.gov.

Electronic Authorization of Applications and Award Documents

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

ii. Award Administrative Requirements

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

iii. Foreign National Access Under DOE Order 142.3A, "Unclassified Foreign Visits and Assignments Program"

All applicants selected for an award under this FOA may be required to provide information to DOE in order to satisfy requirements for foreign nationals' access to DOE sites, information, technologies, equipment, programs or personnel. A foreign national is defined as any person who is not a U.S. citizen by birth or naturalization. If a selected applicant (including any of its subrecipients, contractors or vendors) anticipates involving foreign nationals in the performance of its award, the selected applicant may be required to provide DOE with specific information about each foreign national to ensure compliance with the requirements for access approval. National laboratory personnel already cleared for site access may be excluded. Access approval for foreign nationals from countries identified on the U.S. Department of State's list of [State Sponsors of Terrorism](#) must receive final approval authority from the Secretary

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of Energy or the Secretary's assignee before they commence any work under the award.

iv. Subaward and Executive Reporting

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

v. National Policy Requirements

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

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

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

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

vii. Applicant Representations and Certifications

1. Lobbying Restrictions

By accepting funds under this award, the prime recipient agrees that none of the funds obligated on the award shall be expended, directly or indirectly, to influence Congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of



Congress as described in 18 U.S.C. §1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

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

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

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

For purposes of these representations the following definitions apply:

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

3. **Nondisclosure and Confidentiality Agreements Representations**

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

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

(1) *“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or*

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mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”

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

viii. Statement of Federal Stewardship

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

ix. Statement of Substantial Involvement

OTT has substantial involvement in work performed under awards made as a result of this FOA. OTT does not limit its involvement to the administrative

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requirements of the award. Instead, OTT has substantial involvement in the direction and redirection of the technical aspects of the project as a whole. Substantial involvement includes, but is not limited to, the following:

1. OTT shares responsibility with the Prime recipient for the management, control, direction, and performance of the project.
2. OTT will conduct monthly calls with the grant recipients.
3. OTT reviews and approves in a timely manner project plans, including project management, testing and technology transfer plans, and recommending alternate approaches, if the plans do not address the critical programmatic issues.
4. OTT participates in project management planning activities, including risk analysis, to ensure OTT Technology Office requirements or limitations are considered in performance of the work elements.
5. OTT may intervene in the conduct or performance of work under this award for programmatic reasons. Intervention includes the interruption or modification of the conduct or performance of project activities.
6. OTT promotes and facilitates technology transfer activities, including disseminating Technology Office results through presentations and publications.
7. OTT may redirect or discontinue funding projects that fail to fully and satisfactorily complete the work described in the Statement of Project Objectives as evaluated at the Go/No Go decision points.
8. OTT participates in major project decision-making processes.

x. Subject Invention Utilization Reporting

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

xi. Intellectual Property Provisions

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



xii. Reporting

Reporting requirements are identified on the Federal Assistance Reporting Checklist, attached to the award agreement. This helpful checklist can be accessed at <https://www.energy.gov/eere/funding/eere-funding-application-and-management-forms>. See Attachment 2 Federal Assistance Reporting Checklist, after clicking on "Model Cooperative Agreement" under the Award Package section.

xiii. Go/No-Go Review

Each project selected under this FOA will be subject to a periodic project evaluation referred to as a Go/No-Go Review. At the Go/No-Go decision points, OTT will evaluate project performance, project schedule adherence, meeting milestone objectives, compliance with reporting requirements, and overall contribution to the OTT program goals and objectives. Federal funding beyond the Go/No-Go decision point (continuation funding) is contingent upon (1) availability of federal funds appropriated by Congress for the purpose of this program; (2) the availability of future-year budget authority; (3) recipient's technical progress compared to the Milestone Summary Table stated in Attachment 1 of the award; (4) recipient's submittal of required reports; (5) recipient's compliance with the terms and conditions of the award; (6) OTT'S Go/No-Go decision; (7) the recipient's submission of a continuation application; and (8) written approval of the continuation application by the Contracting Officer.

As a result of the Go/No-Go Review, DOE may, at its discretion, authorize the following actions: (1) continue to fund the project, contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority; (2) recommend redirection of work under the project; (3) place a hold on federal funding for the project, pending further supporting data or funding; or (4) discontinue funding the project because of insufficient progress, change in strategic direction, or lack of funding.

The Go/No-Go decision is distinct from a non-compliance determination. In the event a recipient fails to comply with the requirements of an award, OTT may take appropriate action, including but not limited to, redirecting, suspending or terminating the award.

xiv. Conference Spending

The recipient shall not expend any funds on a conference not directly and programmatically related to the purpose for which the grant or cooperative agreement was awarded that would defray the cost to the United States

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government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the United States government would otherwise exceed \$20,000, thereby circumventing the required notification by the head of any such Executive Branch department, agency, board, commission, or office to the Inspector General (or senior ethics official for any entity without an Inspector General), of the date, location, and number of employees attending such conference.

xv. Uniform Commercial Code (UCC) Financing Statements

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

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

7. Questions/Agency Contacts

Upon the issuance of a FOA, OTT 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: EPICFOA-OTT@hq.doe.gov. Questions must be submitted not later than one (1) business week prior to the application due date and time. Please note, feedback on individual concepts will not be provided through Q&A.

All questions and answers related to this FOA will be posted on OTT Exchange at: <https://ott-exchange.energy.gov/>. **Please note that you must first select this specific FOA Number in order to view the questions and answers specific to this FOA.** OTT will

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attempt to respond to a question within one (1) business week, unless a similar question and answer has already been posted on the website.

Questions related to the registration process and use of the OTT Exchange website should be submitted to: EERE-ExchangeSupport@hq.doe.gov.

8. Other Information

A. FOA Modifications

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

B. Government Right to Reject or Negotiate

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

C. Commitment of Public Funds

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

D. Treatment of Application Information

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

If an application includes trade secrets or information that is commercial or financial, or information that is confidential or privileged, it is furnished to the 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, OTT 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.

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Letters of Intent, Full Applications, and other submissions containing confidential, proprietary, or privileged information 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 U.S. Government is not liable for the disclosure or use of unmarked information, and may use or disclose such information for any purpose.

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

Notice of Restriction on Disclosure and Use of Data:

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

The header and footer of every page that contains confidential, proprietary, or privileged information must be marked as follows: "Contains Trade Secrets, Confidential, Proprietary, or Privileged Information Exempt from Public Disclosure." In addition, each line or paragraph containing proprietary, privileged, or trade secret information must be clearly marked with double brackets or highlighting.

E. Evaluation and Administration by Non-Federal Personnel

In conducting the merit review evaluation, the Go/No-Go Reviews and Peer Reviews, the government may seek the advice of qualified non-federal personnel as reviewers. The government may also use non-federal personnel to conduct routine, nondiscretionary administrative activities, including OTT contractors. The applicant, by submitting its application, consents to the use of non-federal reviewers/administrators. Non-federal reviewers must sign conflict of interest (COI) and non-disclosure acknowledgements (NDA) prior to reviewing an application. Non-federal personnel conducting administrative activities must sign an NDA.

F. Notice Regarding Eligible/Ineligible Activities

Eligible activities under this FOA include those that describe and promote the understanding and commercialization of scientific and technical aspects of energy and related technologies, but not those which encourage or support political

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activities such as the collection and dissemination of information related to potential, planned or pending legislation.

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

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

H. Requirement for Full and Complete Disclosure

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

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

I. Retention of Submissions

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

J. Title to Subject Inventions

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

- Domestic Small Businesses, Educational Institutions, and Nonprofits: Under the Bayh-Dole Act (35 U.S.C. § 200 et seq.), domestic small businesses, educational institutions, and nonprofits may elect to retain title to their subject inventions;
- All other parties: The federal Non-Nuclear Energy Act of 1974, 42. U.S.C. 5908, provides that the government obtains title to new inventions unless a waiver is granted (see below);
- Class Patent Waiver:

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

- **Advance and Identified Waivers:** Applicants may request a patent waiver that will cover subject inventions that may be invented under the award, in advance of or within 30 days after the effective date of the award. Even if an advance waiver is not requested or the request is denied, the recipient will have a continuing right under the award to request a waiver for identified inventions, i.e., individual subject inventions that are disclosed to OTT within the timeframes set forth in the award’s intellectual property terms and conditions. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784; and

K. Government Rights in Subject Inventions

Where prime recipients and subrecipients retain title to subject inventions, the U.S. government retains certain rights. Please note that to the extent that a recipient under this FOA receives OTT EPIC prize funding, and there is a conflict between the terms and conditions of an award and the prize rules, the award terms and conditions shall take precedence.

Government Use License

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

March-In Rights

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

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

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

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

L. Rights in Technical Data

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

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

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

M. Copyright

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



N. Export Control

The U.S. government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the United States to protect national security, foreign policy, and economic interests without imposing undue regulatory burdens on legitimate international trade. There is a network of federal agencies and regulations that govern exports that are collectively referred to as “Export Controls”. To ensure compliance with Export Controls, it is the prime recipient’s responsibility to determine when its project activities trigger Export Controls and to ensure compliance.

Export Controls may apply to individual projects, depending on the nature of the tasks. When Export Controls apply, the recipient must take the appropriate steps to obtain any required governmental licenses, monitor and control access to restricted information, and safeguard all controlled materials. Under no circumstances may foreign entities (organizations, companies or persons) receive access to export controlled information unless proper export procedures have been satisfied and such access is authorized pursuant to law or regulation.

Applicants are advised that some of the results of the research conducted under this FOA are expected to be restricted for proprietary reasons and not published or shared broadly within the scientific community.

O. Personally Identifiable Information (PII)

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

<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2007/m07-16.pdf>

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



P. Annual Independent Audits

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

If an educational institution, non-profit organization, or state/local government is a prime recipient or subrecipient and has expended \$750,000 or more of federal awards during the non-federal entity's fiscal year, then a Single or Program-Specific Audit is required. For additional information, please refer to 2 C.F.R. § 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. OTT will share in the cost of the audit at its applicable cost share ratio.

Q. Informational Webinar

OTT will conduct one informational webinar during the FOA process. It will be held after the initial FOA release but before the due date for Letters of Intent.

Attendance is not mandatory and will not positively or negatively impact the overall review of any applicant submissions. As the webinar will be open to all applicants who wish to participate, applicants should refrain from asking questions or communicating information that would reveal confidential and/or proprietary information specific to their project. Specific dates for the webinar can be found on the cover page of the FOA. To register for the informational webinar click here: [EPIC FOA Applicant Informational Webinar](#).



APPENDIX A – COST SHARE INFORMATION

Cost Sharing or Cost Matching

The terms “cost sharing” and “cost matching” are often used synonymously. Even the DOE Financial Assistance Regulations, 2 CFR 200.306, use both of the terms in the titles specific to regulations applicable to cost sharing. OTT 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. FFRDC/GOGO costs must be included in Total Project Costs. The following is an example of how to calculate cost sharing amounts for a project with \$1,000,000 in federal funds with a minimum 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 explain what specifically qualifies for cost sharing in one or even a couple of sentences, in general, if a cost is allowable under the cost principles applicable to the organization incurring the cost and is eligible for reimbursement under an OTT 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:

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

In addition to the 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, OTT 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, OTT generally does not allow pre-award costs prior to the signing of the Selection Statement by the OTT Selection Official.

General Cost Sharing Rules on a DOE Award

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

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

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

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

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

(B) Valuing and documenting contributions

- (1)** Valuing recipient's property or services of recipient's employees. Values are established in accordance with the applicable cost principles, which mean that amounts chargeable to the project are determined on the basis of costs incurred. For real property or equipment used on the project, the cost principles authorize depreciation or use charges. The full value of the item may be applied when the item

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

- a. The certified value of the remaining life of the property recorded in the recipient's accounting records at the time of donation; or
 - b. The current fair market value. If there is sufficient justification, the Contracting Officer may approve the use of the current fair market value of the donated property, even if it exceeds the certified value at the time of donation to the project. The Contracting Officer may accept the use of any reasonable basis for determining the fair market value of the property.
- (2)** Valuing services of others' employees. If an employer other than the recipient furnishes the services of an employee, those services are valued at the employee's regular rate of pay, provided these services are for the same skill level for which the employee is normally paid.
- (3)** Valuing volunteer services. Volunteer services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is an integral and necessary part of an approved project or program. Rates for volunteer services must be consistent with those paid for similar work in the recipient's organization. In those markets in which the required skills are not found in the recipient organization, rates must be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, allowable, and allocable may be included in the valuation.
- (4)** Valuing property donated by third parties.
- a. Donated supplies may include such items as office supplies or laboratory supplies. Value assessed to donated supplies included in the cost sharing or matching share must be reasonable and must not exceed the fair market value of the property at the time of the donation.
 - b. Normally only depreciation or use charges for equipment and buildings may be applied. However, the fair rental charges for land and the full value of equipment or other capital assets may be allowed, when they will be consumed in the performance of the award or fully depreciated by the end of the award, provided that the Contracting Officer has approved the charges. When use charges are applied, values must be determined in accordance with the usual accounting policies of the recipient, with the following qualifications:

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

- (5) Documentation.** The following requirements pertain to the recipient's supporting records for in-kind contributions from third parties:
 - a.** Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.
 - b.** The basis for determining the valuation for personal services and property must be documented.



APPENDIX B – SAMPLE COST SHARE CALCULATION FOR BLENDED COST SHARE PERCENTAGE

The following example shows the math for calculating required cost share for a project with \$2,000,000 in federal funds with four tasks requiring different non-federal cost share percentages:

Task	Proposed Federal Share	Federal Share %	Recipient Share %
Task 1 (R&D)	\$1,000,000	80%	20%
Task 2 (R&D)	\$500,000	80%	20%
Task 3 (Demonstration)	\$400,000	50%	50%
Task 4 (Outreach)	\$100,000	100%	0%

Federal share (\$) divided by federal share (%) = Task Cost

Each task must be calculated individually as follows:

Task 1

\$1,000,000 divided by 80% = \$1,250,000 (Task 1 Cost)

Task 1 Cost minus federal share = non-federal share

\$1,250,000 - \$1,000,000 = \$250,000 (non-federal share)

Task 2

\$500,000 divided 80% = \$625,000 (Task 2 Cost)

Task 2 Cost minus federal share = non-federal share

\$625,000 - \$500,000 = \$125,000 (non-federal share)

Task 3

\$400,000 / 50% = \$800,000 (Task 3 Cost)

Task 3 Cost minus federal share = non-federal share

\$800,000 - \$400,000 = \$400,000 (non-federal share)

Task 4

Federal share = \$100,000

Non-federal cost share is not mandated for outreach = \$0 (non-federal share)

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The calculation may then be completed as follows:

Tasks	\$ Federal Share	% Federal Share	\$ Non-Federal Share	% Non-Federal Share	Total Project Cost
Task 1	\$1,000,000	80%	\$250,000	20%	\$1,250,000
Task 2	\$500,000	80%	\$125,000	20%	\$625,000
Task 3	\$400,000	50%	\$400,000	50%	\$800,000
Task 4	\$100,000	100%	\$0	0%	\$100,000
Totals	\$2,000,000		\$775,000		\$2,775,000

Blended Cost Share %

Non-federal share (\$775,000) divided by Total Project Cost (\$2,775,000) = 27.9% (non-federal)

Federal share (\$2,000,000) divided by Total Project Cost (\$2,775,000) = 72.1% (federal)

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APPENDIX C – WAIVER REQUESTS AND APPROVAL PROCESSES: 1. FOREIGN ENTITY PARTICIPATION AS THE PRIME RECIPIENT; AND 2. PERFORMANCE OF WORK IN THE UNITED STATES (FOREIGN WORK WAIVER)

1. Waiver for Foreign Entity Participation as the Prime Recipient

As set forth in Section 3.A.ii., all prime recipients receiving funding under this FOA must be incorporated (or otherwise formed) under the laws of a state or territory of the United States and have a physical location for business operations in the United States. To request a waiver of this requirement, an applicant must submit an explicit waiver request in the Full Application.

Overall, the applicant must demonstrate to the satisfaction of OTT that it would further the purposes of this FOA and is otherwise in the economic interests of the United States to have a foreign entity serve as the prime recipient. A request to waive the *Foreign Entity Participation as the prime recipient* requirement must include the following:

- Entity name;
- The rationale for proposing a foreign entity to serve as the prime recipient;
- Country of incorporation and the extent, if any, the entity is state owned or controlled;
- A description of the project’s anticipated contributions to the United States economy;
- How the project will benefit U.S. research, development and manufacturing, including contributions to employment in the United States and growth in new markets and jobs in the United States;
- How the project will promote domestic American manufacturing of products and/or services;
- A description of how the foreign entity’s participation as the prime recipient is essential to the project;
- A description of the likelihood of Intellectual Property (IP) being created from the work and the treatment of any such IP; and
- Countries where the work will be performed (Note: if any work is proposed to be conducted outside the United States, the applicant must also complete a separate request for waiver of the Performance of Work in the United States requirement).

OTT may require additional information before considering the waiver request.



The applicant does not have the right to appeal OTT'S's decision concerning a waiver request.

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

As set forth in Section 4.I.iii., all work under OTT funding agreements must be performed in the United States. This requirement does not apply to the purchase of supplies and equipment, so a waiver is not required for foreign purchases of these items. However, the prime recipient should make every effort to purchase supplies and equipment within the United States. 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 United States requirement, the applicant must submit an explicit waiver request in the Full Application. A separate waiver request must be submitted for each entity proposing performance of work outside of the United States.

Overall, a waiver request must demonstrate to the satisfaction of OTT that it would further the purposes of this FOA and is otherwise in the economic interests of the United States to perform work outside of the United States. A request to waive the *Performance of Work in the United States* requirement must include the following:

- The rationale for performing the work outside the United States (“foreign work”);
- A description of the work proposed to be performed outside the United States;
- An explanation as to how the foreign work is essential to the project;
- A description of the anticipated benefits to be realized by the proposed foreign work and the anticipated contributions to the United States economy;
- The associated benefits to be realized and the contribution to the project from the foreign work;
- How the foreign work will benefit United States research, development and manufacturing, including contributions to employment in the United States and growth in new markets and jobs in the United States;
- How the foreign work will promote domestic American manufacturing of products and/or services;
- A description of the likelihood of Intellectual Property (IP) being created from the foreign work and the treatment of any such IP;
- The total estimated cost (DOE and recipient cost share) of the proposed foreign work;
- The countries in which the foreign work is proposed to be performed; and
- The name of the entity that would perform the foreign work.

OTT may require additional information before considering the waiver request.

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The applicant does not have the right to appeal OTT's decision concerning a waiver request.

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APPENDIX D – GLOSSARY

Applicant – The lead organization submitting an application under the FOA.

Continuation application – A non-competitive application for an additional budget period within a previously approved project period. At least ninety (90) days before the end of each budget period, the Recipient must submit to OTT its continuation application, which includes the following information:

- i. A report on the Recipient’s progress towards meeting the objectives of the project, including any significant findings, conclusions, or developments, and an estimate of any unobligated balances remaining at the end of the budget period. If the remaining unobligated balance is estimated to exceed 20 percent of the funds available for the budget period, explain why the excess funds have not been obligated and how they will be used in the next budget period.
- ii. A detailed budget and supporting justification if there are changes to the negotiated budget, or a budget for the upcoming budget period was not approved at the time of award.
- iii. A description of any planned changes from the negotiated Statement of Project Objectives and/or Milestone Summary Table.

Cooperative Research and Development Agreement (CRADA) – a contractual agreement between a national laboratory contractor and a private company or university to work together on research and development. For more information, see <https://www.energy.gov/gc/downloads/doe-cooperative-research-and-development-agreements>

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

Go/No-Go Decision Points – A decision point at the end of a budget period that defines the overall objectives, milestones and deliverables to be achieved by the recipient in that budget period. As of a result of OTT’s review, OTT may take one of the following actions: 1) authorize federal funding for the next budget period; 2) recommend redirection of work; 3) discontinue providing federal funding beyond the current budget period; or 4) place a hold on federal funding pending further supporting data.

Project – The entire scope of the cooperative agreement which is contained in the recipient’s Statement of Project Objectives.



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Recipient or “Prime Recipient” – A non-federal entity that receives a federal award directly from a federal awarding agency to carry out an activity under a federal program. The term recipient does not include subrecipients.

Subject invention – any invention of the Recipient conceived or first actually reduced to practice in the performance of work under this award. Subrecipient – A non-federal entity that receives a subaward from a pass-through entity to carry out part of a federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency. Also, a DOE/NNSA and non-DOE/NNSA FFRDC may be proposed as a subrecipient on another entity’s application. See Section 3.E.i.

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APPENDIX E – LIST OF ACRONYMS

COI	Conflict of Interest
DEC	Determination of Exceptional Circumstances
DMP	Data Management Plan
DOE	Department of Energy
DOI	Digital Object Identifier
FAR	Federal Acquisition Regulation
FFATA	Federal Funding and Transparency Act of 2006
FOA	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FFRDC	Federally Funded Research and Development Center
GAAP	Generally Accepted Accounting Principles
GOGO	Government Owned and Government Operated
IPMP	Intellectual Property Management Plan
M&O	Management and Operating
MPIN	Marketing Partner ID Number
MYPP	Multi-Year Program Plan
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NNSA	National Nuclear Security Agency
OMB	Office of Management and Budget
OSTI	Office of Scientific and Technical Information
OTT	Office of Technology Transitions
PII	Personal Identifiable Information
R&D	Research and Development
RFI	Request for Information
RFP	Request for Proposal
SAM	System for Award Management
SOPO	Statement of Project Objectives
SPOC	Single Point of Contact
TIA	Technology Investment Agreement
TRL	Technology Readiness Level
UCC	Uniform Commercial Code
WBS	Work Breakdown Structure
WP	Work Proposal

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APPENDIX F – EXAMPLE WORK BREAKDOWN STRUCTURE (WBS)

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Resource Names	Jan 10, '21	T
1		Summary #1	5 days	Tue 1/12/21	Mon 1/18/21				
2		Task 1	2 days	Tue 1/12/21	Wed 1/13/21				
3		Task 2	3 days	Thu 1/14/21	Mon 1/18/21	2			
4		Summary #1 Complete	0 days	Mon 1/18/21	Mon 1/18/21	3			
5		Summary #2	9 days	Tue 1/19/21	Fri 1/29/21				
6		Task 3	3 days	Tue 1/19/21	Thu 1/21/21	4			
7		Task 4	4 days	Fri 1/22/21	Wed 1/27/21	6			
8		Task 5	2 days	Thu 1/28/21	Fri 1/29/21	7			
9		Summary #2 Complete	0 days	Fri 1/29/21	Fri 1/29/21	8			
10		Summary #3	3 days	Mon 2/1/21	Wed 2/3/21				
11		Task 6	3 days	Mon 2/1/21	Wed 2/3/21	9			
12		Task 7	2 days						
13		Task 8	TBD						

Project: Simple Project Plan Date: Tue 1/12/21	Task		Inactive Summary		External Tasks	
	Split		Manual Task		External Milestone	
	Milestone		Duration-only		Deadline	
	Summary		Manual Summary Rollup		Progress	
	Project Summary		Manual Summary		Manual Progress	
	Inactive Task		Start-only			
	Inactive Milestone		Finish-only			

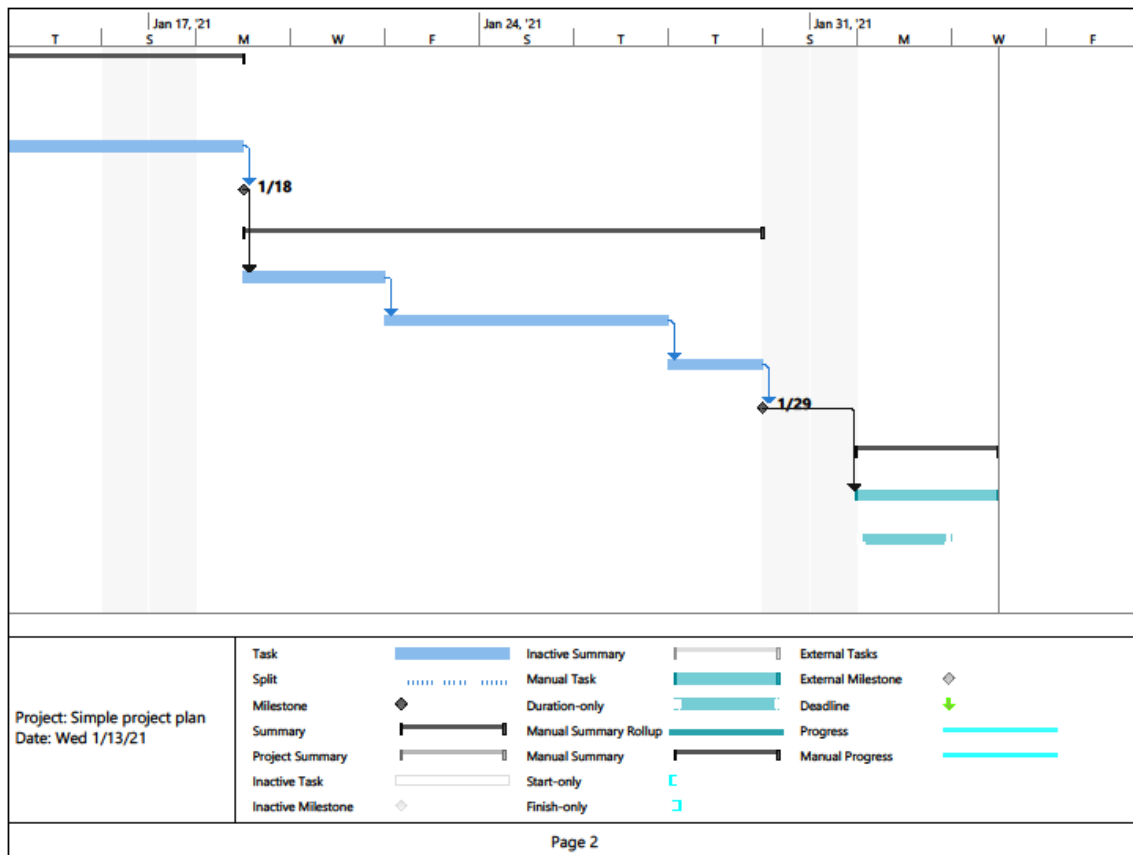
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