

**DEPARTMENT OF ENERGY (DOE)**  
**OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY (EERE)**

**COMMERCIAL BUILDING TECHNOLOGY DEMONSTRATIONS**

**Funding Opportunity Announcement (FOA) Number: DE-FOA-0001084**

**FOA Type: Initial**

**CFDA Number: 81.086**

<b>FOA Issue Date:</b>	2/27/2014
<b>Informational Webinar:</b> <a href="https://www1.gotomeeting.com/register/182308632">https://www1.gotomeeting.com/register/182308632</a>	3/5/2014 1:00pm ET
<b>Submission Deadline for Concept Papers:</b>	3/31/2014 5:00pm ET
<b>Submission Deadline for Full Applications:</b>	5/19/2014 5:00pm ET
<b>Submission Deadline for Replies to Reviewer Comments:</b>	6/17/2014 5:00pm ET
<b>Expected Date for EERE Selection Notifications:</b>	7/31/2014
<b>Expected Timeframe for Award Negotiations</b>	60 days

- Applicants must submit a Concept Paper by 5:00pm ET 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 EERE Exchange at <https://eere-Exchange.energy.gov>, EERE's online application portal. Frequently asked questions for this FOA and the EERE Application process can be found at <https://eere-exchange.energy.gov/FAQ.aspx>.
- Applicants must designate primary and backup points-of-contact in EERE Exchange with whom EERE 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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## EXECUTIVE SUMMARY

<b>Means of Submission</b>	Concept Papers, Full Applications, and Replies to Reviewer Comments must be submitted through EERE Exchange at <a href="https://eere-Exchange.energy.gov">https://eere-Exchange.energy.gov</a> , EERE's online application portal. EERE will not review or consider applications submitted through other means. The Users' Guide for Applying to the Department of Energy EERE Funding Opportunity Announcements is found at <a href="https://eere-Exchange.energy.gov/Manuals.aspx">https://eere-Exchange.energy.gov/Manuals.aspx</a> .
<b>Total Amount to be Awarded</b>	\$10,000,000
<b>Average Award Amount</b>	EERE anticipates making awards that range from \$500,000 to \$3,000,000.
<b>Types of Funding Agreements</b>	Cooperative Agreements
<b>Period of Performance</b>	36 to 60 months
<b>Eligible Applicants</b>	<p>Individuals, Domestic Entities, Foreign Entities, Incorporated Consortia, Unincorporated Consortia, subject to the definitions in Section III.A.</p> <p>DOE National Laboratories/FFRDCs are not eligible to apply for this FOA. BTO will connect award recipients with qualified laboratory experts to conduct 3<sup>rd</sup> party measurement and verification. Laboratory partners will be identified through the EERE Annual Operating Plan selection process.</p> <p>This funding will not be awarded to building owners. However, entities are encouraged to partner with Federal agencies and private retailers to demonstrate the technology(ies) or strategies on their site or installation.</p>
<b>Cost Share Requirement</b>	50% of Total Project Costs
<b>Submission of Multiple Applications</b>	Applicants may submit more than one application to this FOA, provided that each application describes a unique, scientifically distinct project.
<b>Application Forms</b>	Required forms and templates for Full Applications are available on EERE Exchange at <a href="https://eere-Exchange.energy.gov">https://eere-Exchange.energy.gov</a> .
<b>FOA Summary</b>	DOE seeks to fund demonstrations and deployment of market-ready, but under-utilized, technologies and integrated technology-based strategies that can save significant amounts of energy in new and existing commercial buildings. The objective of these demonstrations is to generate data, case studies, and information that lower the risk that commercial building owners and operators perceive regarding the effects and economic benefits that could result from implementing these under-utilized technologies and that will be used in the deployment activities supported by this funding. Technologies funded under this FOA will have the potential to significantly reduce energy consumption in U.S. commercial buildings and are likely to meet the investment hurdles for the

Questions about this FOA? Email [commercialbuildings@go.doe.gov](mailto:commercialbuildings@go.doe.gov). Problems with EERE Exchange? Email [EERE-ExchangeSupport@hq.doe.gov](mailto:EERE-ExchangeSupport@hq.doe.gov). Include FOA name and number in subject line.

	<p>commercial real estate market when implemented at scale.</p> <p>EERE has leveraged federal building and technology program expertise for evaluation and selection under this opportunity. Based on this inter-agency collaboration, EERE may match technologies identified through this funding opportunity with federal demonstration sites; thereby using federal buildings to lead by example and potentially tapping federal purchasing power to accelerate scale deployment of the technologies.</p>
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# **I. FUNDING OPPORTUNITY DESCRIPTION**

## **A. DESCRIPTION/BACKGROUND**

Advanced building technologies and systems can contribute to the cost-effective delivery of new buildings and retrofits that significantly lower building energy consumption. Technologies selected under this funding opportunity will be ready for market adoption but may be underutilized due to market barriers including perception of risk, gaps in information and data on performance as well as cost. These technologies will offer a high degree of differentiation between current industry solutions, be widely replicable across the building size, sector and application and provide significant energy savings potential (as determined by market opportunity, site savings, and total potential savings at 100% penetration).

Funding through this opportunity will enhance and accelerate the deployment and adoption of a broad range of competitively-solicited high impact energy saving technologies as well as new technology integration approaches. This funding will not support research and development programs, though technologies that are less than one year from market entry may be considered if they demonstrate high potential to rapidly meet selection criteria. The technical and/or non-technical products of this funding should be deployed as a part of the award agreement and will enable investment-level decision-making by building owners, investors and operators in order to produce energy savings.

Ideal proposals will demonstrate the potential of the technologies, including their impact on building energy use, operational costs, market readiness, market penetration outlook (including commercial availability, sales channel plans and competitive pricing outlook) and other quantifiable and non-quantifiable benefits. Proposals should include the key barriers to uptake that the technology faces and how demonstration can address these barriers. Proposals should include demonstration of the technology(ies) in at least three, preferably five to ten, pilot sites although, depending on technology(ies), more sites may be appropriate. Demonstrations should result in the application of the technology(ies) that can be publicly published and distributed in order to support and accelerate the deployment of the demonstrated technology(ies). Proposals should include a deployment partner (such as a regional energy organization, local energy non-profit or utility) to focus on market analysis, overcoming barriers to deployment, and identifying the approaches necessary to impact target commercial building type(s) in one or more climates. Selected proposals will include a robust market assessment and deployment plan for the technology(ies) or strategy(ies) that will result in the deployment and increased sales of efficient, high impact technologies as well as the development of improved data sets, resources, and other materials that will enable the widespread adoption to occur. Deployment plans should include resource and tool development, marketing and outreach around those tools, training programs (as needed) and stakeholder engagement. DOE will look for applicant teams that include partners with existing deployment channels, market orientation and the skill and expertise to rapidly deploy the technology(ies) or strategies beyond the initial pilot and across an identified market sector. These applicant teams will

conduct a market assessment as a first step and also develop a clear plan for scalability so that solutions move from scoping and finalizing demonstration (years 1-3) to deployment (years 3-5).

Selection criteria will include:

Effectiveness, Impact and Readiness of the Technology(ies) of Strategy(ies)

- Market potential;
- Existing programs that support the specific technology(ies) or strategy(ies), including other demonstration work;
- Regulatory environment;
- Manufacturing capacity;
- Cost effectiveness of product including installation, operation and maintenance and warranty;
- National energy reduction potential including energy savings per application and savings potential across entire targeted market size)
- Other non-energy benefits, such as potential for job creation.

Strength of the Deployment Plan:

- Ability to provide concrete cost share agreements and other resources to support deployment;
- Existing market orientation and the ability to identify, communicate, plan and overcome market barriers and investment hurdles;
- Identified demonstration sites and deployment partners and champions;
- Potential to rapidly integrate the technology(ies) into building portfolios and/or other processes/work-flows;
- Job creation potential.

All proposed technologies or approaches must have the potential to meet the EERE mission to dramatically reduce dependence on foreign oil and increase the energy efficiency of buildings (<http://energy.gov/eere/buildings/securing-americas-future-energy-efficient-buildings>). All energy savings claims as well as additional benefits must be clearly described and justified with supporting citations or references.

If selected for award, EERE will request prompt documentation for environmental review including addresses of demonstration sites and information to show whether or not the sites are historic properties, located within or immediately adjacent to a historic district, or 50 years of age or older. The term "historic property" is defined in the National Historic Preservation Act as: "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource<sup>1</sup>."

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<sup>1</sup> 16 U.S.C. 470 at <http://www.achp.gov/nhpa.html>.



## **B. TOPIC AREAS/TECHNICAL AREAS OF INTEREST**

Technologies of particular interest include:

- Submetering of building components or panels;
- Lead/Lag plug load strategies;
- Open Refrigerated Display Case Retrofits;
- Daylighting Systems and Controls;
- External Shading Attachments;
- Advanced Compressor Rack and Refrigerant Systems;
- Advanced Retro-commissioning (RCx) Strategies and Technologies;
- Dehumidification.

These technology areas are not solely required but are identified because of national energy reduction potential, market readiness, energy savings potential, and opportunities for larger deployment.

## **C. APPLICATIONS SPECIFICALLY NOT OF INTEREST**

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

- Applications for technologies that have been demonstrated multiple times
- Applications that do not respond to market interest and demand for the technology(ies)
- Applications for technologies with minimal technical energy savings potential
- Applications for technologies that are not market ready. For example, a technology(ies) that cannot be specified and purchased within one year of the award agreement is not market ready. Manufacturing capacity, distribution channels and pricing are factors to consider in assessing market readiness

The following types of applications are not of interest and will be evaluated accordingly:

- Technologies with current market acceptance and adoption. For example, variable refrigerant flow, chilled beams and underfloor air distribution systems
- Technologies with minimal national energy savings potential

- Technologies with market barriers that cannot be addressed through resource development, training and outreach. For example, the technology cannot meet local code requirements
- Applications for proposed technologies that are not based on sound scientific principles (e.g., violates the law of thermodynamics)

## **II. AWARD INFORMATION**

### **A. AWARD OVERVIEW**

#### ***1. ESTIMATED FUNDING***

EERE expects to make approximately \$10 million of Federal funding available for new awards under this FOA, subject to the availability of appropriated funds. EERE anticipates making up to 10 awards under this FOA. EERE may issue one, multiple, or no awards.

EERE estimates that individual awards will be issued for between \$500,000 and \$3,000,000.

EERE 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), EERE may perform a down-select among different recipients and provide additional funding only to a subset of recipients.

#### ***2. PERIOD OF PERFORMANCE***

EERE anticipates making awards that will run up to 60 months in length. Project continuation will be contingent upon satisfactory performance and go/no-go decision review. At the go/no-go decision points, EERE will evaluate project performance, project schedule adherence, meeting milestone objectives, compliance with reporting requirements, and overall contribution to the program goals and objectives. As a result of this evaluation, EERE will make a determination to continue the project, re-direct the project, or discontinue funding the project. Only those projects demonstrating a high probability of successfully meeting the program targets will be continued.

#### ***3. NEW APPLICATIONS ONLY***

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

### **B. EERE FUNDING AGREEMENTS**

Through Cooperative Agreements and other similar agreements, EERE provides financial and other support to projects that have the potential to realize the FOA objectives. EERE does not

use such agreements to acquire property or services for the direct benefit or use of the United States Government.

### **1. COOPERATIVE AGREEMENTS**

EERE generally uses Cooperative Agreements to provide financial and other support to Prime Recipients.

Through Cooperative Agreements, EERE 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.

EERE has substantial involvement in all projects funded via Cooperative Agreement. See Section VI.C.8 of the FOA for more information on what substantial involvement may involve.

### **2. FUNDING AGREEMENTS WITH FFRDCs, GOGOs, FEDERAL AGENCIES AND FEDERAL INSTRUMENTALITIES**

Federally Funded Research and Development Centers (FFRDC and Government-owned, Government –operated laboratories (GOGO) are **not** eligible for funding under this announcement.

### **3. GRANTS**

Although EERE has the authority to provide financial support to Prime Recipients through Grants, EERE generally does not fund projects through Grants. EERE may fund a limited number of projects through Grants, as appropriate.

### **4. TECHNOLOGY INVESTMENT AGREEMENTS**

In rare cases, and if determined appropriate, EERE will consider awarding a Technology Investment Agreement (TIA) to a non-FFRDC applicant. TIAs, governed by 10 CFR Part 603, are assistance instruments used to increase the involvement of commercial entities in the Department’s research, development, and demonstration programs. A TIA may be either a type of cooperative agreement or an assistance transaction other than a cooperative agreement, depending on the intellectual property provisions. In both cases, TIAs are not necessarily subject to all of the requirements of 10 CFR Part 600.

In a TIA, EERE may modify the standard Government terms and conditions, including but not limited to:

- Intellectual Property Provisions: EERE may negotiate special arrangements with Recipients to avoid the encumbrance of existing intellectual property rights or to

facilitate the commercial deployment of inventions conceived or first actually reduced to practice under the EERE funding agreement.

- **Accounting Provisions:** EERE may authorize the use of generally accepted accounting principles (GAAP) where Recipients do not have accounting systems that comply with Government recordkeeping and reporting requirements.

EERE will be more amenable to awarding a TIA in support of a proposal from a consortium or a team arrangement that includes cost sharing with the private sector. Such a consortium or teaming arrangement could include a DOE/NNSA FFRDC, other Federal agency, or other Federal agency FFRDC. If the DOE/NNSA FFRDC is a part of the consortium or teaming arrangement, the value of, and funding for the DOE/NNSA FFRDC portion of the work will be authorized and funded under the DOE field work authorization system and performed under the laboratory's Management and Operating contract. Funding for another Federal agency or its FFRDC would be through an interagency agreement under the Economy Act or other statutory authority. Other appropriate contractual accommodations, such as those involving intellectual property, may be made through a "funds in" agreement to facilitate the FFRDCs participation in the consortium or teaming arrangement. If a TIA is awarded, certain types of information described in 10 CFR 603.420(b) are exempt from disclosure under the Freedom of Information Act for five years after DOE receives the information.

An applicant may request a TIA if it believes that using a TIA could benefit the RD&D objectives of the program (see section 603.225) and can document these benefits. If an applicant is seeking to negotiate a Technology Investment Agreement, the applicant must include an explicit request in its Full Application. After an applicant is selected for award, the Contracting Officer will determine if awarding a TIA would benefit the RD&D objectives of the program in ways that likely would not happen if another type of assistance agreement (e.g., cooperative agreement subject to the requirements of 10 CFR Part 600). The Contracting Officer will use the criteria in 10 CFR 603, Subpart B, to make this determination.

### **III. ELIGIBILITY INFORMATION**

#### **A. ELIGIBLE APPLICANTS**

##### **1. INDIVIDUALS**

U.S. citizens and lawful permanent residents are eligible to apply for funding as a Prime Recipient or Subrecipient.

## 2. DOMESTIC ENTITIES

For-profit entities, educational institutions, and nonprofits<sup>2</sup> that are incorporated (or otherwise formed) under the laws of a particular State or territory of the United States are eligible to apply for funding as a Prime Recipient or Subrecipient.

State, local, and tribal government entities are eligible to apply for funding as a Prime Recipient or Subrecipient.

DOE/NNSA Federally Funded Research and Development Centers (FFRDCs) and DOE Government-Owned, Government-Operated laboratories (GOGOs) are **not** eligible to apply for funding as a Prime Recipient or Subrecipient.

Non-DOE/NNSA FFRDCs and non-DOE GOGOs are **not** 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.

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

If a Foreign entity wishes to forego this requirement and serve as the Prime Recipient itself, it may submit a waiver request to EERE as part of its Full Application requesting permission to do so. The waiver request must include the following information:

- Entity name
- Country of incorporation
- Description of the work to be performed by the entity for whom the waiver is being requested; and
- Countries where the work will be performed

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<sup>2</sup> 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.

In the waiver request, the Applicant must demonstrate to the satisfaction of EERE that it would further the purposes of this FOA and is otherwise in the interests of EERE to have a foreign entity serve as the Prime Recipient. The Contracting Officer may require additional information before considering the waiver request. Save the waiver request(s) in a single PDF file using the following convention for the title: "ControlNumber\_LeadOrganization\_Waiver".

A foreign entity may receive funding as a Subrecipient.

#### **4. 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 EERE Contracting Officer.

#### **5. 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 III.A of the FOA.

Upon request, unincorporated consortia must provide the EERE 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 50%:

The cost share must be at least 50% of the total allowable costs for demonstration projects (i.e., the sum of the Government share 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 10 CFR 600.30 for the applicable cost sharing requirements.)

To assist Applicants in calculating proper cost share amounts, EERE has included a cost share information sheet and sample cost share calculation as Appendices B and C to this Funding Opportunity Announcement.

### **1. 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. The Prime Recipient's cost share obligation is expressed in the Assistance agreement as a static amount in U.S. dollars (cost share amount) and as a percentage of the Total Project Cost (cost share percentage). If the funding agreement is terminated prior to the end of the project period, the 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.

### **2. COST SHARE ALLOCATION**

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

### **3. COST SHARE TYPES AND ALLOWABILITY**

Every cost share contribution must be allowable under the applicable Federal cost principles, as described in Section IV.I.1 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. Cash contributions may be provided by the Prime Recipient or Subrecipients. Allowable in-kind

contributions include, but are not limited to: personnel costs, indirect costs, facilities and administrative costs, rental value of buildings or equipment, and the value of a service, other resource, or third party in-kind contribution.

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

The 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 Technology Office.

In addition, Project Teams may not use independent research and development (IR&D) funds to meet their cost share obligations. 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 10 CFR Parts 600 and 603 for additional guidance on cost sharing, specifically 10 CFR §§600.30, 600.123, 600.224, 600.313, 603.525-555 and 10 C.F.R. Part 420.

#### **4. 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 B of the FOA for guidance on the requisite cost share information and documentation.

## **5. COST SHARE PAYMENT**

All proposed cost share contributions must be reviewed in advance by the Contracting Officer and incorporated into the project budget before the expenditures are incurred.

EERE 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).

In limited circumstances, and where it is in the government's interest, the EERE 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. Regardless of the interval requested, the Prime Recipient must be up-to-date on cost share at each interval. Such requests must be sent by email 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 may go into effect.

## **C. COMPLIANCE CRITERIA**

**Concept Papers and Full Applications must meet all Compliance criteria listed below or they will be considered noncompliant. EERE will not review or consider noncompliant submissions,** including Concept Papers, Full Applications, and Replies to Reviewer Comments that were: submitted through means other than EERE Exchange; submitted after the applicable deadline; and/or submitted incomplete. EERE will not extend the submission deadline for Applicants that fail to submit required information due to server/connection congestion.

### **1. COMPLIANCE CRITERIA**

#### *i. Concept Papers*

Concept Papers are deemed compliant if:

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

#### *ii. Full Applications*

Full Applications are deemed compliant if:

- The Applicant submitted a compliant and responsive Concept Paper;
- The Full Application complies with the content and form requirements in Section IV.D of the FOA; and
- The Applicant successfully uploaded all required documents and clicked the “Submit” button in EERE Exchange by the deadline stated in the FOA.

*iii. Replies to Reviewer Comments*

Replies to Reviewer Comments are deemed compliant if:

- The Reply to Reviewer Comments complies with the content and form requirements in Section IV.F of the FOA; and
- The Applicant successfully uploaded all required documents to EERE Exchange by the deadline stated in the FOA.

**D. RESPONSIVENESS CRITERIA**

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

**E. LIMITATION ON NUMBER OF CONCEPT PAPERS AND FULL APPLICATIONS ELIGIBLE FOR REVIEW**

Applicants may submit more than one Full Application to this FOA, provided that each application describes a unique, scientifically distinct project.

**F. QUESTIONS REGARDING ELIGIBILITY**

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

**IV. APPLICATION AND SUBMISSION INFORMATION**

**A. APPLICATION PROCESS**

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

**submit a Full Application.** At each phase, EERE performs an initial eligibility review of the applicant submissions to determine whether they meet the eligibility requirements of Section III of the FOA. EERE will not review or consider noncompliant and/or nonresponsive or otherwise ineligible submissions. All submissions must conform to the following form and content requirements, including maximum page lengths, described below and must be submitted via EERE Exchange at <https://eere-exchange.energy.gov/>, unless specifically stated otherwise. **EERE will not review or consider submissions submitted through means other than EERE Exchange, submissions submitted after the applicable deadline, and incomplete submissions.** EERE will not extend deadlines for Applicants who fail to submit required information and documents due to server/connection congestion. A control number will be issued when an Applicant begins the Exchange application process. This control number must be included with all Application documents, as described below.

The Concept Paper, Full Application, and Reply to Reviewer Comments must conform to the following requirements:

- Each must be submitted in Adobe PDF format.
- 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.
- Each 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, EERE 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 submit their Concept Papers and Full Applications at least 48 hours in advance of the submission deadline.** Under normal conditions (i.e., at least 48 hours in advance of the submission deadline), Applicants should allow at least 1 hour to submit a Concept Paper, Full Application, or Reply to Reviewer Comments. Once the Application is submitted in EERE Exchange, Applicants may revise or update their application until the expiration of the applicable deadline.

EERE urges Applicants to carefully review their Concept Papers, 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 V.A.2 of the FOA.

### **1. ADDITIONAL INFORMATION ON EERE EXCHANGE**

EERE 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 Exchange should contact [EERE-ExchangeSupport@hq.doe.gov](mailto:EERE-ExchangeSupport@hq.doe.gov). The Exchange helpdesk will assist Applicants in resolving issues. PLEASE NOTE, however, that Applicants who are unable to timely submit their application due to their waiting until the last minute when network traffic is at its heaviest to submit their materials will not be able to use this process.

## **B. APPLICATION FORMS**

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

Note: The maximum file size that can be uploaded to the EERE 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**, etc.

## **C. CONTENT AND FORM OF THE CONCEPT PAPER**

To be eligible to submit a Full Application, Applicants must submit a Concept Paper by specified due date.

Each Concept Paper must be limited to a single deployment concept that covers one or multiple technologies. Target technology(ies) or strategies must be identified in the Concept Paper. Unrelated concepts and technologies should not be consolidated into a single Concept Paper.

### **1. CONCEPT PAPER CONTENT REQUIREMENTS**

The Concept Paper must conform to the following content requirements:

SECTION	PAGE LIMIT	DESCRIPTION
<b>Project Description</b>	2 pages maximum	<p>Applicants are required to describe succinctly:</p> <ol style="list-style-type: none"> <li>1. Project team: including technology provider(s), deployment partner(s) and potential demonstration sites. Please list prior experience with technology demonstration and deployment programs. Have the partners worked together on prior projects or programs?</li> <li>2. Proposed technology(ies): basic operating principles and how it is unique and innovative.</li> <li>3. Applicable building sector: office, retail, food service, hospitality, healthcare, etc.</li> <li>4. Technology-specific energy savings: what are the energy savings compared to a code-compliant unit (please cite the code version)?</li> <li>5. Total potential national energy savings: taking into account technology-specific energy savings and applicable building sector/market.</li> <li>6. Has this technology(ies) been demonstrated previously? (Applicants should reference technical data or reports to support the stated technology-specific energy savings and list all previous demonstrations.)</li> <li>7. Deployment concept: what is the program or activities envisioned to accelerate market uptake? What is the target market (size and description) for the program?</li> <li>8. Available/existing distribution and outreach channels: reference existing stakeholder networks and/or other channels to be leveraged by the project team in deploying materials, resources and information developed through the demonstration.</li> <li>9. Current market interest: provide, reference or cite resources to support the stated market interest.</li> <li>10. Demonstration sites: what is the ideal demonstration site, climate zone, building type, occupancy, capacity, configuration, etc.? List any specific identified demonstration sites.</li> <li>11. What are the limitations to broad applicability of the technology(ies)? For example, the technology may be most applicable and attractive in cold climates, where there is large hot water demand, or in localities with specific utility structures and/or regulatory requirements.</li> <li>12. The impact that EERE funding would have on the proposed project.</li> </ol>
Addendum	1 pages maximum	Applicants may provide citations, reference, graphs, charts, or other data to supplement their Technology Description.

Applicants should combine the required Technology Description (2 page maximum) and optional Addendum (1 page maximum) sections into a single Concept Paper file (total 3 pages

maximum if an Addendum is included) for uploading into the EERE Exchange system. EERE will not review or consider ineligible Concept Papers (see Section III of the FOA).

EERE makes an independent assessment of each Concept Paper based on the criteria in Section V.A.1 of the FOA. EERE will encourage a subset of Applicants to submit Full Applications. Other Applicants will be discouraged from submitting a Full Application. An applicant who receives a “discouraged” notification may still submit a Full Application. EERE will review all eligible Full Applications. However, by discouraging the submission of a Full Application, EERE intends to convey its lack of programmatic interest in the proposed project in an effort to save the Applicant the time and expense of preparing an application that is unlikely to be selected for award negotiations.

In order to provide Applicants with feedback on their Concept Papers, EERE will include general comments provided from reviewers on an Applicant’s Concept Paper in the encourage/discourage notification sent to Applicants at the close of that phase.

#### **D. CONTENT AND FORM OF THE FULL APPLICATION**

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

Applicants will have approximately 30 days from receipt of the Concept Paper Encourage/Discourage notification to prepare and submit a Full Application. Regardless of the date the Applicant receives the Encourage/Discourage notification, the submission deadline for the Full Application remains the date stated on the FOA cover page.

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 Concept Paper, and should include that control number in the file name of their Full Application submission (i.e., *Control number\_Applicant Name\_Full Application*).

##### **1. FULL APPLICATION CONTENT REQUIREMENTS**

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

Each Full Application should be limited to a single concept or technology. Unrelated concepts and technologies should not be consolidated in a single Full Application.

Full Applications must conform to the following requirements:

SUBMISSION	COMPONENTS	FILE NAME (IF NECESSARY)
<b>Full Application (PDF, unless stated otherwise)</b>	Technical Volume (See Chart in Section IV.D.2) (EXCEPTION: The Workplan component of the Technical Volume should be submitted in Microsoft Word Format).	ControlNumber_LeadOrganization_TechnicalVolume
	SF-424 (no page limit)	ControlNumber_LeadOrganization_App424
	Budget Justification (EERE 159) (no page limit, Microsoft Excel format. Applicants must use the template available in EERE Exchange)	ControlNumber_LeadOrganization_Budget_Justification
	Summary for Public Release (1 page max)	ControlNumber_LeadOrganization_Summary
	Summary Slide (1 page limit, Microsoft PowerPoint format)	ControlNumber_LeadOrganization_Slide
	Subaward Budget Justification (EERE 159);	ControlNumber_LeadOrganization_Subawardee_Budget_Justification
	SF-LLL Disclosure of Lobbying Activities	ControlNumber_LeadOrganization_SF-LLL
	Foreign Entity and Performance of Work in the United States waiver requests (if applicable)	ControlNumber_LeadOrganization_Waiver
	U.S. Manufacturing Plans	ControlNumber_LeadOrganization_USMP

**Note:** The maximum file size that can be uploaded to the EERE 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**, etc.

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

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

## **2. TECHNICAL VOLUME**

Except where otherwise specified, the Technical Volume must be submitted in Adobe PDF format. The Technical Volume must conform to the following content and form requirements, including maximum page lengths. If Applicants exceed the maximum page lengths indicated below, EERE will review only the authorized number of pages and disregard any additional pages. This volume must address the Merit Review Criteria as discussed in Section V.A.2 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 research literature to justify the claims and approaches made in the Technical Volume. EERE and reviewers may review primary research literature in order to evaluate applications. However, EERE and reviewers are under no obligation to review cited sources (e.g., internet websites).

The Technical Volume to the Full Application may not be more than 18 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 V.A.2 of the FOA) when preparing the Technical Volume.

SECTION/PAGE LIMIT	DESCRIPTION
<b>Cover Page</b>	The cover page should include the project title, both the technical and business points of contact, names of all team member organizations, and any statements regarding confidentiality.
<b>Project Overview</b> (2 Pages max)	<p>The Project Overview should contain the following information:</p> <ul style="list-style-type: none"> <li>• <b>Project Team Qualifications:</b> The Applicant should discuss the relevant skills, orientation and experience of their organization to support success in meeting the objectives of this funding. Please include successful technology demonstration and deployment projects completed in the past. Please describe how team members have innovated in the past to deploy high impact technologies at scale to create widespread energy savings in buildings?</li> <li>• <b>Project Goal:</b> The Applicant should explicitly identify the goal of the proposed project and the critical success factors in achieving that goal.</li> <li>• <b>DOE Impact:</b> The Applicant should discuss the impact that DOE funding would have on the proposed project. Applicants should specifically explain how DOE funding, relative to prior, current, or anticipated funding from other public and private sources, is necessary to achieve the project objectives.</li> </ul>
<b>Technical Description, and Deployment Plan</b> (7 Pages max)	<p>The Technical Description and Deployment Plan should contain the following information:</p> <ul style="list-style-type: none"> <li>• <b>Description of Technology/Technologies:</b> The Applicant should provide a detailed description of the technology(ies), including the technical and deployment objectives that will be pursued during the project. This section should describe the relevance of the proposed project to the goals and objectives of the FOA, including the potential to meet technology-specific and national energy savings goals through widespread market uptake. The Applicant should clearly specify the expected outcomes of the project and concisely respond to the following questions: <ul style="list-style-type: none"> <li>○ What is the target market for this tech/strategy? Please cite current market demand and specific barriers.</li> <li>○ What is the manufacturing capacity? Is the product/strategy</li> </ul> </li> </ul>



	<p>available in the marketplace?</p> <ul style="list-style-type: none"> <li>○ What is the technical energy savings potential for the product/technology or strategy and what are additional benefit streams?</li> <li>○ What is the total potential national energy savings, taking into account technology-specific energy savings and applicable building sector/market?</li> </ul> <ul style="list-style-type: none"> <li>● Feasibility: The Applicant should discuss anticipated program targets and barriers to field demonstrations as well as larger deployment efforts. Please identify risks and/or other barriers to success. <ul style="list-style-type: none"> <li>○ Can the applicant and technology or strategy overcome investment barriers within the target market? Please describe cost effectiveness and pricing criteria including investment cost, anticipated energy savings, installation costs, labor needed in addition to installation labor, operations and maintenance, warranty, training requirements and other anticipated costs related to the technology(ies)/strategy.</li> <li>○ What resources are currently available to support adoption of these strategies? E.g. incentives, guidance, voluntary codes/systems, etc.</li> </ul> </li> <li>● Innovation and Impacts: The Applicant should describe the current state of the market for the applicable technology area, the specific anticipated outcome of the proposed technology demonstration, the advantages of proposed technology(ies) over other current technologies, plans for deploying more broadly and the overall impact on the current market baseline if the project is successful. How will results of this demonstration be used to increase uptake?</li> </ul>
<b>Workplan</b> (5 Pages max)	<p>The Workplan should contain the following information:</p> <ul style="list-style-type: none"> <li>● 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.</li> <li>● 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.</li> <li>● 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</li> </ul>

	<p>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 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 below.</p> <ul style="list-style-type: none"> <li>• <b>Milestones:</b> 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 <b>Specific, Measurable, Achievable, Relevant, and Timely</b>. 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.</li> <li>• <b>Go/No-Go Decision Points:</b> 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.</li> <li>• <b>Project Schedule (Gantt Chart or similar):</b> The Applicant should provide a detailed schedule for the entire project, including task and subtask durations, milestones, and go/no-go decision points.</li> <li>• <b>Project Management:</b> The Applicant should discuss the team’s proposed management plan, including the following: <ul style="list-style-type: none"> <li>○ The overall approach to and organization for managing the work</li> <li>○ The roles of each Project Team member</li> <li>○ Any critical handoffs/interdependencies among Project Team</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>members <ul style="list-style-type: none"> <li>○ The technical and management aspects of the management plan, including systems and practices, such as financial and project management practices</li> <li>○ The approach to project risk management</li> <li>○ A description of how project changes will be handled</li> <li>○ If applicable, the approach to Quality Assurance/Control</li> </ul> </li> <li>• Market Transformation/Commercialization Plan: The Applicant should provide a market transformation/commercialization plan, including the following: <ul style="list-style-type: none"> <li>○ Identification of target market, competitors, and distribution channels for proposed technology along with known or perceived barriers to market penetration, including a mitigation plan</li> <li>○ Identification of a product development and/or service plan, commercialization timeline, financing, product marketing, legal/regulatory considerations including intellectual property, infrastructure requirements, data dissemination, U.S. manufacturing plan etc., and product distribution.</li> </ul> </li> </ul>
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**Example Milestone Summary Table and Work Breakdown Structure are provided on following two pages, after which the Technical Volume requirements will continue.**

Milestone Summary Table							
Recipient Name:							
Project Title:							
Task Number	Task Title or Subtask Title (If Applicable)	Milestone Type (Milestone or Go/No-Go Decision Point)	Milestone Number* (Go/No-Go Decision Point Number)	Milestone Description (Go/No-Go Decision Criteria)	Milestone Verification Process (What, How, Who, Where)	Anticipated Date (Months from Start of the Project)	Anticipated Quarter (Quarters from Start of the Project)

\*Milestone numbering convention should align with Task and Subtask numbers, as appropriate. For example, M1.1, M3.2, etc.

Note 1: It is required that each project have at least one milestone per quarter for the entire project duration. It is not necessary that each task have one milestone per quarter.

Note 2: It is required that each project have at least one project-wide go/no-go decision point each year. If a decision point is not specific to a particular task, then you may leave the task information blank for those decision points.

Note 3: All milestones should follow the SMART rule of thumb: Specific, Measureable, Achievable, Relevant, and Timely

### Example Work Breakdown Structure

**Technical Summary:** Provide a high-level overview of the final result of this project. Explain the final objective, outcome, milestone and/or deliverable that are to be produced and the rationale for why the applicant has organized the tasks in the way they have.

**Technical Details** (Optional): Describe the relevant management, engineering, design, process, scientific or other principles and aspects of the project that warrant discussion.

**Task 1:** Distinctive Title, Date range of the task in months (M1-M4)

**Task Summary:** Task summaries shall explicitly describe what work is to be accomplished, identify the project objectives/outcomes being addressed and provide a concise statement of the objectives of that task. In addition, the description should indicate the project deliverables that this task will help achieve (D1, D2, D5, etc. note that deliverables may be applicable to multiple or all tasks.)

**Task Details:** Within this section, the barriers and risks should be identified, as well as the approaches for overcoming those barriers and risks. Where appropriate, multiple pathways early in the effort can be outlined for risk reduction.

**Milestone 1.1** (if applicable)

**Milestone 1.2** (if applicable)

Etc.

**Subtask 1.1:** Date range (M1-M2)

**Subtask Summary:** Describe the specific and detailed work efforts that go into achieving the higher-level tasks.

**Subtask Details:** Describe the evaluation techniques that will be used and the expected result that will be generated from the effort.

**Milestone 1.1.1** (if applicable)

**Milestone 1.1.2** (if applicable)

Etc.

**Subtask 1.2:**

(Continue until all Task 1 subtasks are listed)

**Task 2:** (continue in the format above until all tasks and subtasks are listed)

**Subtask 2.1:** Description and Discussion

**Subtask 2.2:** Description and Discussion

<b>Technical Qualifications and Resources</b> (2 Pages max)	<p>The Technical Qualifications and Resources should contain the following information:</p> <ul style="list-style-type: none"> <li>• Describe the Project Team’s unique qualifications and expertise, including those of key subrecipients;</li> <li>• Describe the Project Team’s existing technical expertise and market orientation that will facilitate the successful completion of the proposed project;</li> <li>• This section should also include relevant, previous work efforts, demonstrated innovations, a description of other energy efficient technology-related work, previous experience in developing technology market assessments, and how these enable the Applicant to achieve the project objectives.</li> <li>• Describe the time commitment of the key team members to support the project.</li> <li>• Attach one-page resumes for key participating team members as an appendix. Resumes do not count towards the page limit. Multi-page resumes are not allowed.</li> <li>• Attach any letters of support from partners/end users as an appendix (1 page maximum per letter). Letters of support do not count towards the page limit.</li> <li>• For multi-organizational or multi-investigator projects, describe succinctly: <ul style="list-style-type: none"> <li>○ The roles and the work to be performed by each PI and Key Participant;</li> <li>○ Business agreements between the Applicant and each PI and Key Participant;</li> <li>○ How the various efforts will be integrated and managed;</li> <li>○ Process for making decisions on scientific/technical direction;</li> <li>○ Publication arrangements;</li> <li>○ Intellectual Property issues; and</li> <li>○ Communication and award management plans.</li> </ul> </li> </ul>
<b>Building Site(s)</b> (1 Page Max)	<p>Please list confirmed demonstration site(s) and the technology/technologies that will be demonstrated at each site. The site(s) should be real operating buildings, not test facilities or laboratory facilities.</p>

### 3. 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 <http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms>, under Certifications and Assurances. Note: The dates and dollar amounts on the SF-424 are for the complete project period and not just the first project year, first phase or other subset of the project period. Save the SF-424 in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_App424”.

#### **4. BUDGET JUSTIFICATION WORKBOOK (EERE 159)**

Applicants are required to complete the Budget Justification Workbook. This form is available on EERE Exchange at <https://eere-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, and provide all requested documentation (e.g., a Federally-approved forward pricing rate agreement, Defense Contract Audit Agency or Government Audits and Reports, if available). Applicants should include costs associated with required annual audits and incurred costs proposals in their proposed budget documents. The “Instructions and Summary” included with the Budget Justification Workbook will “auto-populate” as the Applicant enters information into the Workbook. Applicants must carefully read the “Instructions and Summary” tab provided within the Budget Justification Workbook. Save the Budget Justification Workbook in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_Budget\_Justification”.

#### **5. 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 identified the name of the applicant, the project director/principal investigator(s), the project title, the objectives of the project, a description of the project, including methods to be employed, the potential impact of the project (i.e., benefits, outcomes), and major participants (for collaborative projects). This document must not include any proprietary or sensitive business information as the Department 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 11 point. Save the Summary for Public Release in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_Summary”.

#### **6. SUMMARY SLIDE**

Applicants are required to provide a single PowerPoint slide summarizing the proposed project. The slide must be submitted in Microsoft PowerPoint format. This slide is used during the evaluation process. 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 technology and deployment program Summary;
- A description of the technology(ies)/strategy and deployment program’s impact;
- Proposed project goals;

- Any key graphics (illustrations, charts and/or tables);
- The project's key idea/takeaway;
- Project title, Prime Recipient, Principal Investigator, and Key Participant information; and
- Requested EERE funds and proposed applicant cost share.

## **7. SUBAWARD BUDGET JUSTIFICATION (EERE159)**

Applicants must provide a separate budget justification, EERE 159 (i.e., budget justification for each budget year and a cumulative budget) for each subawardee that is expected to perform work estimated to be more than \$250,000 or 25 percent of the total work effort (whichever is less). The budget justification must include the same justification information described in the "Budget Justification" section, above. Save each subaward budget justification in a single PDF file using the following convention for the title:

"ControlNumber\_LeadOrganization\_Subawardee\_Budget\_Justification".

## **8. SF-LLL: DISCLOSURE OF LOBBYING ACTIVITIES**

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" (<http://www.whitehouse.gov/sites/default/files/omb/grants/sflllin.pdf>) if any non-Federal funds have been paid or will be paid to any person for influencing or attempting to influence any of the following in connection with your 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".

## **9. WAIVER REQUESTS: FOREIGN ENTITIES AND PERFORMANCE OF WORK IN THE UNITED STATES**

### *i. Foreign Entity Participation:*

As set forth in Section III.A.3, 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. Waiver information is provided in Section III.A.3 of the FOA.



*ii. Performance of Work in the United States*

All work under EERE 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. Section IV.I.3 lists the necessary information that must be included in a request to waive the Performance of Work in the United States requirement.

**10. U.S. MANUFACTURING COMMITMENTS**

As part of the application, Applicants are required to submit a U.S. Manufacturing Plan. The U.S. Manufacturing Plan represents the applicant's measurable commitment to support U.S. manufacturing of the results from its award.

The nature and specificity of the applicants' U.S. Manufacturing Plans are expected to vary based on the FOA. A higher level of specificity is expected in U.S. Manufacturing Plans for technologies at higher technology readiness levels due to the greater certainty surrounding the commercialization of these awards. U.S. Manufacturing Plans submitted in response to FOAs targeting technologies at high technology readiness levels or demonstration activities should include specific commitments to manufacturing in the U.S. For example, a U.S. Manufacturing Plan may commit to manufacturing products that embody or are made through the use of IP developed under the award in the U.S. or making investments in U.S. facilities to support product manufacture. U.S. Manufacturing Plans submitted in response to FOAs directed at technologies at lower technology readiness levels may have fewer specific manufacturing details and may focus more on licensing and other strategies to promote U.S. manufacturing.

The weight given to the U.S. Manufacturing Plans during the review and selection process varies based on the particular FOA. Applicants should review Section V.A.2 of this FOA to determine the weight given to the U.S. Manufacturing Plans under this FOA.

When an applicant is selected for an award, the U.S. Manufacturing Plan submitted by the applicant becomes part of the terms and conditions of the award. The applicant/awardee may request a waiver or modification of the U.S. Manufacturing Plan from DOE upon a showing that the original U.S. Manufacturing Plan is no longer economically feasible.

*i. 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 EERE 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.

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.

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

Large businesses and foreign entities that are Recipients or Subrecipients under EERE 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.

**11. DATA MANAGEMENT PLAN**

Applicants are required to submit a Data Management Plan with their Full Application. The Data Management Plan is a document that outlines the proposed plan for data sharing or preservation. Submission of a Data Management Plan with the Full Application is required; failure to submit a complete Data Management Plan may result in a determination of non-compliance for your Full Application. Guidance for preparing a Data Management Plan is included in Appendix D of the FOA.

**12. DEMONSTRATION SITES LIST**

Applicants should list the building sites secured at the time of application. Please list the building location, size, type, occupancy schedule and other factors relevant to the demonstration. Demonstration sites should be real, occupied buildings.

**E. POST-AWARD INFORMATION REQUESTS**

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

- 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;
- Environmental Questionnaire; and
- Description of previous EERE-funded award performance including whether or not an award termination occurred.

## **F. CONTENT AND FORM OF REPLIES TO REVIEWER COMMENTS**

EERE will provide Applicants with reviewer comments following evaluation of all eligible Full Applications. Applicants will have approximately three business days to prepare a short Reply to Reviewer Comments responding to comments however they desire or supplementing their Full Application.

EERE will not review or consider ineligible Replies to Reviewer Comments (see Section III of the FOA). EERE will review and consider each eligible Full Application, even if no Reply is submitted or if the Reply is found to be ineligible.

Replies to Reviewer Comments must conform to the following content and form requirements, including maximum page lengths, described below. If a Reply to Reviewer Comments is more than three pages in length, EERE will review only the first three pages and disregard any additional pages.

<b>SECTION</b>	<b>PAGE LIMIT</b>	<b>DESCRIPTION</b>
<b>Text</b>	2 pages max	Applicants may respond to one or more reviewer comments.
<b>Optional</b>	1 page max	Applicants may use this page however they wish; text, graphs, charts, or other data to respond to reviewer comments or supplement their Full Application are acceptable.

## **G. SUBMISSION DATES AND TIMES**

Concept Papers, Full Applications, and Replies to Reviewer Comments must be submitted no later than 5p.m. Eastern on the dates provided on the cover page of this FOA.

## **H. FUNDING RESTRICTIONS**

### **1. ALLOWABLE COSTS**

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

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

- 2 CFR 220 for Educational Institutions;
- 2 CFR 225 for State, Local, and Indian Tribal Governments;
- 2 CFR 230 for Non Profit Organizations; and
- FAR Part 31 for For-Profit entities.

## **2. PRE-AWARD COSTS**

Selectees may charge pre-award costs incurred on R&D awards within the 90-day period immediately preceding the effective date of the award. If the Selectee is a for-profit, non-profit, or University, prior approval by the CO to incur pre-award costs is not required unless the costs are more than \$25,000. If the Selectee is a governmental entity, it must request prior approval from the CO to incur pre-award costs, regardless of the amount.

Pre-award costs cannot be incurred prior to the Selection Official signing the Selection Statement and Analysis. Pre-award costs can only be incurred if such costs would be reimbursable under the agreement if incurred after award.

Pre-Award expenditures are made at the Selectee's risk; EERE 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.

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

EERE'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 EERE completing the NEPA review process<sup>3</sup>.

EERE does not guarantee or assume any obligation to reimburse costs where the Prime Recipient incurred the costs prior to receiving written authorization from the Contracting Officer. If the Applicant elects to undertake activities that may have an adverse effect on the environment or limit the choice of reasonable alternatives prior to receiving such written authorization from the Contracting Officer, the Applicant is doing so at risk of not receiving Federal funding and such costs may not be recognized as allowable cost share. Likewise, if a project is selected for 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 EERE 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. Nothing contained in

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<sup>3</sup> See DOE's NEPA website at <http://nepa.energy.gov/>

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.

### **3. PERFORMANCE OF WORK IN THE UNITED STATES**

#### **a. Requirement.**

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

#### **b. Failure to Comply.**

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

#### **c. Waiver.**

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

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

For the rationale, the Recipient must demonstrate to the satisfaction of EERE that a waiver would further the purposes of the FOA that the Award was selected under and is otherwise in the interests of EERE and the United States. EERE may require additional information before considering a waiver request. Save the waiver request(s) in a single PDF file titled "ControlNumber\_PerformanceofWork\_Waiver".

#### **4. CONSTRUCTION**

EERE 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.

#### **5. FOREIGN TRAVEL**

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

#### **6. 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 property is no longer used by the Prime Recipient for the objectives of the project, and the fair market value of property exceeds \$5,000. The rules for property disposition are set forth in the following sections of 10 CFR Part 600:

- 10 CFR 600.130 to 600.137 for Universities, Hospitals, or other Nonprofit Institutions;
- 10 CFR 600.231 to 600.233 for State and Local Governments; and
- 10 CFR 600.320 to 600.325 for For-Profit organizations.

#### **7. 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” (<http://www.whitehouse.gov/sites/default/files/omb/grants/sflllin.pdf>) if any non-Federal funds have been paid or will be paid to any person for influencing or attempting to influence any of the following in connection with your 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.

## **V. APPLICATION REVIEW INFORMATION**

### **A. TECHNICAL REVIEW CRITERIA**

#### **1. CONCEPT PAPERS**

Concept Papers are evaluated based on the following criteria:

##### **Criterion 1: Impact of the Proposed Technology Relative to State of the Market (50%)**

This criterion involves consideration of the following factors:

- Method used to identify current state of the market
- If technical success is achieved, the proposed idea would significantly improve technical and economic performance and technology uptake relative to the state of the market.

##### **Criterion 2: Overall Technical and Market Impact Merit (50%)**

This criterion involves consideration of the following factors:

- The proposed technology is unique, innovative, and impactful; and
- The proposed approach is without major technical or design flaws.

#### **2. FULL APPLICATIONS**

Applications will be evaluated against the merit review criteria shown below.

##### **Criterion 1: Technical Merit, Innovation, and Impact (30%)**

###### **Technical Merit and Innovation**

- Extent to which the proposed technology or process is market ready, underutilized but still innovative and has the potential to advance the state of the market;
- Degree to which the current state of the market and the proposed advancement are clearly described;
- Extent to which the application specifically and convincingly demonstrates market interest and potential for widespread eventual adoption; and
- Sufficiency of technical detail in the application to assess whether the proposed work is feasible based on both technical and market factors, including manufacturing capacity, availability of distribution channels, cost effectiveness, existing resources, and discussion of the state of the market via citations, references and market analyses that support the viability of the proposed demonstration and deployment project.

###### **Impact of Technology Advancement**

- The application includes one of the technology(ies) of interest listed in Section I.B;

- How the project supports the topic area objectives and target specifications and metrics; and
- The potential impact of the project on advancing the state of the market.

## **Criterion 2: Deployment Plan (50%)**

### Deployment Approach and Workplan

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

### Identification of Technical and Market Risks

- Identification, discussion and demonstrated understanding of key markets and technical risk areas involved in the proposed work, and the applicant's commitment and ability to overcome market barriers and investment hurdles.

### Baseline, Metrics, and Deliverables

- The level of clarity in the definition of the baseline, metrics, and milestones; and
- Relative to the current state of the market, the strength of the quantifiable metrics, milestones, and a mid-point deliverables defined in the application, such that meaningful interim progress will be made.

### Market Transformation Plan

- Identification of target market, competitors, pricing models, and distribution channels for proposed technology(ies) along with known or perceived barriers to market penetration, including mitigation plan;
- Discussion of available and/or lack of available market resources related to the proposed technology(ies) demonstration;
- Potential of the applicant to rapidly integrate the technology(ies) into building portfolios and/or other processes and workflows; and
- Comprehensiveness of deployment plan including but not limited to existing deployment channels, product development and/or service plan, resource and outreach development, timeline, financing, product marketing, legal/regulatory considerations including intellectual property, infrastructure requirements, Data Management Plan, U.S. manufacturing plan, etc., and product distribution.

## **Criterion 3: Team and Resources (20%)**

- The capability of the Principal Investigator(s) and the proposed team to demonstrate and deploy the high impact technology(ies) with a good chance of success; Qualifications, relevant expertise, and time commitment of the individuals on the team;



- Degree to which the proposed consortia/team demonstrates the market orientation to facilitate and expedite further development and commercial deployment of the proposed technologies;
- Applicant ability to leverage other resources and partners;
- Level of participation by project participants and stakeholders 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.

EERE will provide technical assistance, 3<sup>rd</sup> party measurement and verification of technology(ies) performance, cost effectiveness and other factors potentially affecting market uptake based separate funding agreements with qualified DOE National Laboratory investigators.

### **3. CRITERIA FOR REPLIES TO REVIEWER COMMENTS**

EERE has not established separate criteria to evaluate Replies to Reviewer Comments. Instead, Replies to Reviewer Comments are attached to the original applications and evaluated as an extension of the Full Application.

## **B. STANDARDS FOR APPLICATION EVALUATION**

Applications that are determined to be eligible will be evaluated in accordance with this FOA, by the standards set forth in EERE's Notice of Objective Merit Review Procedure (76 Fed. Reg. 17846, March 31, 2011) and the guidance provided in the "Department of Energy Merit Review Guide for Financial Assistance," which is available at:

<http://energy.gov/sites/prod/files/meritrev.pdf>.

## **C. OTHER SELECTION FACTORS**

### **1. 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, including proposed cost shares, optimizes the use of available EERE funding to achieve programmatic objectives;
- The level of industry involvement and demonstrated ability to commercialize energy or related technologies;
- Technical, market, organizational, and environmental risks associated with the project;
- Whether the proposed project is likely to lead to increased employment and manufacturing in the United States;
- 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 EERE’s statutory mission and strategic goals;
- Whether the proposed project will enhance, rather than duplicate or overlap with work currently underway;
- Whether the applicant has previously failed to perform under a EERE-funded award;
- The opportunity to maximize deployment or replication based on the availability of demonstration host sites and the application of the technology or strategy within those host sites.

EERE has leveraged federal building and technology program expertise for evaluation and selection under this opportunity. Based on this inter-agency collaboration, EERE may match technologies identified through this funding opportunity with federal demonstration sites; thereby using federal buildings to lead by example and potentially tapping federal purchasing power to accelerate scale deployment of the technologies.

## **D. EVALUATION AND SELECTION PROCESS**

### **1. OVERVIEW**

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

### **2. PRE-SELECTION INTERVIEWS**

As part of the evaluation and selection process, EERE may invite one or more applicants to participate in Pre-Selection Interviews. Pre-Selection Interviews are distinct from and more formal than pre-selection clarifications (See Section V.D.3 of the FOA). The invited applicant(s) will meet with EERE representatives to provide clarification on the contents of the Full Applications and to provide EERE an opportunity to ask questions regarding the proposed project. The information provided by applicants to EERE through Pre-Selection Interviews contributes to EERE’s selection decisions.

EERE will arrange to meet with the invited applicants in person at EERE’s offices or a mutually agreed upon location. EERE may also arrange site visits at certain Applicants’ facilities. In the alternative, EERE may invite certain applicants to participate in a one-on-one conference with EERE via webinar, videoconference, or conference call.

EERE will not reimburse Applicants for travel and other expenses relating to the Pre-Selection Interviews, nor will these costs be eligible for reimbursement as pre-award costs.

EERE may obtain additional information through Pre-Selection Interviews that will be used to make a final selection determination. EERE may select applications for funding and make awards without Pre-Selection Interviews. Participation in Pre-Selection Interviews with EERE does not signify that Applicants have been selected for award negotiations.

### **3. PRE-SELECTION CLARIFICATION**

EERE 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 EERE's written clarification questions or video or conference calls with EERE representatives. The information provided by Applicants to EERE through pre-selection clarifications is incorporated in their applications and contributes to the merit review evaluation and EERE's selection decisions. If EERE 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.

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

### **4. 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.

## **VI. AWARD ADMINISTRATION INFORMATION**

### **A. ANTICIPATED NOTICE OF SELECTION AND AWARD DATES**

EERE anticipates notifying applicants selected for negotiation of award near the end of July 2014 and making awards near the end of September 2014.

### **B. AWARD NOTICES**

#### **1. REJECTED SUBMISSIONS**

Ineligible Concept Papers and Full Applications are rejected by the Contracting Officer and are not reviewed or considered. The Contracting Officer sends a notification letter by email to the technical and administrative points of contact designated by the Applicant in EERE Exchange.

The notification letter states the basis upon which the Concept Paper was discouraged or the Full Application was rejected.

## **2. CONCEPT PAPER NOTIFICATIONS**

EERE notifies Applicants of its determination to encourage or discourage the submission of a Full Application. EERE sends a notification through Exchange to the technical and administrative points of contact designated by the Applicant in EERE Exchange.

Applicants may submit a Full Application even if they receive a notification discouraging them from doing so. By discouraging the submission of a Full Application, EERE intends to convey its lack of programmatic interest in the proposed project. Such assessments do not necessarily reflect judgments on the merits of the proposed project. The purpose of the Concept Paper phase is to save Applicants the considerable time and expense of preparing a Full Application that unlikely to be selected for award negotiations.

A notification letter encouraging the submission of a Full Application does not authorize the Applicant to commence performance of the project. Please refer to Section IV.J.2 of the FOA for guidance on pre-award costs.

## **3. FULL APPLICATION NOTIFICATIONS**

EERE notifies Applicants of its determination via a notification letter by email to the technical and administrative points of contact designated by the Applicant in EERE Exchange. The notification letter may inform the Applicant that its Full Application was selected for award negotiations, or not selected for award. Alternatively, EERE 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.

Written feedback on Full Applications is made available to Applicants before the submission deadline for Replies to Reviewer Comments. By providing feedback, EERE intends to guide the further development of the proposed technology and to provide a brief opportunity to respond to reviewer comments.

## **4. SUCCESSFUL APPLICANTS**

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 to issue an award. Applicants do not receive an award until award negotiations are complete and the Contracting Officer executes the funding agreement.

The award negotiation process will take approximately 60 days. Applicants must designate a primary and a backup point-of-contact in EERE Exchange with whom EERE will communicate to conduct award negotiations. The Applicant must be responsive during award negotiations (e.g.,

provide requested documentation) and meet the negotiation deadlines. If the Applicant fails to do so or negotiations are otherwise unsuccessful, EERE will cancel award negotiations and rescind the Selection. EERE reserves the right to terminate award negotiations at any time for any reason.

Please refer to Section IV.I.2 of the FOA for guidance on pre-award costs.

## **5. POSTPONED SELECTION DETERMINATIONS**

A notification letter postponing a final selection determination until a later date does not authorize the Applicant to commence performance of the project. EERE may ultimately determine to select or not select the Full Application for award negotiations.

## **6. UNSUCCESSFUL APPLICANTS**

EERE 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. If the application was not selected, the written notice shall explain why the application was not selected.

# **C. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS**

## **1. REGISTRATION REQUIREMENTS**

There are several one-time actions before submitting an application in response to this Funding Opportunity Announcement (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:

### *i. EERE Exchange*

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

The EERE 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.** Therefore, although not required in order to submit an application through the EERE Exchange site, all potential applicants lacking a DUNS

number, or not yet registered with SAM or FedConnect should complete those registrations as soon as possible.

*ii. DUNS Number*

Obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number (including the plus 4 extension, if applicable) at <http://fedgov.dnb.com/webform>.

*iii. System for Award Management*

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

*iv. 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/PublicPages/FedConnect\\_Ready\\_Set\\_Go.pdf](https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf).

*v. Grants.gov*

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

*vi. Electronic Authorization of Applications and Award Documents*

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

## **2. AWARD ADMINISTRATIVE REQUIREMENTS**

The administrative requirements for DOE grants and cooperative agreements are contained in 10 CFR 600. Grants and cooperative agreements made to universities, non-profits, and other entities subject to 10 CFR 600 are subject to the Research Terms and Conditions located on the National Science Foundation website at: <http://www.nsf.gov/bfa/dias/policy/rtc/index.jsp>.

## **3. FOREIGN NATIONAL INVOLVEMENT**

All applicants that ultimately enter into an award resulting from this FOA will be subject to the following requirement concerning foreign national involvement. Upon DOE's request, Prime Recipients must provide information to facilitate DOE's responsibilities associated with foreign

national access to DOE sites, information, technologies, and equipment. Foreign national is defined as any person who was born outside the jurisdiction of the United States, is a citizen of a foreign government, and has not been naturalized under U.S. law. If the Prime Recipient or subrecipients, contractors or vendors under the award, anticipate utilizing a foreign national person in the performance of an award, the Prime Recipient is responsible for providing to the Contracting Officer specific information of the foreign national(s) to satisfy compliance with all of the requirements for access approval.

#### **4. LIMITATIONS ON COMPENSATION COSTS**

The annual compensation costs for an individual allowable under this Award are limited to \$250,000 (i.e., \$250,000 is the maximum amount that EERE will reimburse a Recipient for any one individual's annual compensation and EERE will not recognize such costs above \$250,000 as Recipient cost share).

This limitation does not restrict the Recipient or its subrecipients from providing annual compensation to an individual that exceeds \$250,000. However, any amount above \$250,000 cannot be included in the total project costs (i.e., Federal share or Recipient cost share).

For purposes of this requirement only, the term "annual compensation costs" is defined to include the total amount of wages and salary paid to the employee, which have been approved by the Contracting Officer.

#### **5. 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.

#### **6. NATIONAL POLICY REQUIREMENTS**

The National Policy Assurances that are incorporated as a term and condition of award are located at: <http://energy.gov/management/downloads/national-policy-assurances-be-incorporated-award-terms>.

#### **7. ENVIRONMENTAL REVIEW IN ACCORDANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)**

EERE's decision whether and how to distribute federal funds under this FOA is subject to the National Environmental Policy Act (42 USC 4321, *et seq.*). NEPA requires Federal agencies to integrate environmental values into their decision-making processes by considering the

potential environmental impacts of their proposed actions. For additional background on NEPA, please see DOE's NEPA website, at <http://nepa.energy.gov/>.

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.

## **8. APPLICANT REPRESENTATIONS AND CERTIFICATIONS**

### *i. Lobbying Restrictions*

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

### *ii. Corporate Felony Conviction and Federal Tax Liability Representations (March 2012)*

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

It is not a corporation that has been convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months;

No officer or agent of the corporation have been convicted of a felony criminal violation for an offence arising out of actions for or on behalf of the corporation under Federal law in the past 24 months; or

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.

### *iii. Applicant Lighting Efficiency Certification (April 2012)*



In submitting an application in response to this FOA, the Applicant certifies that if chosen for a grant award (this requirement only applies to grant awards, not cooperative agreements) and the award is in excess of \$1,000,000 it will, by the end of the Federal Government's fiscal year, upgrade the efficiency of its facilities by replacing any incandescent lighting of the type for which section 325 of the Energy Policy and Conservation Act (42 USC 6295) establishes a standard that does not meet or exceed the energy efficiency standard for incandescent light bulbs set forth in that section with a lamp that meets or exceeds the standards for lamps established in or pursuant to that section.

Incandescent reflector lamps shall meet or exceed the lamp efficacy standards shown in the table:

Rated lamp wattage	Lamp spectrum	Lamp diameter (inches)	Rated voltage	Minimum average lamp efficacy (lm/W)
40-205	Standard Spectrum	>2.5	$\geq 125V$	$6.8 * P^{0.27}$
			$< 125V$	$5.9 * P^{0.27}$
		$\leq 2.5$	$\geq 125V$	$5.7 * P^{0.27}$
			$< 125V$	$5.0 * P^{0.27}$
40-205	Modified Spectrum	>2.5	$\geq 125V$	$5.8 * P^{0.27}$
			$< 125V$	$5.0 * P^{0.27}$
		$\leq 2.5$	$\geq 125V$	$4.9 * P^{0.27}$
			$< 125V$	$4.2 * P^{0.27}$

**Note 1:** P is equal to the rated lamp wattage, in watts.

**Note 2:** Standard Spectrum means any incandescent reflector lamp that does not meet the definition of modified spectrum in 10 CFR 430.2.

Subject to the exemption below, the standards specified in this section shall apply to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes.

Subject to the exemption below, the standards specified in this section shall apply to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches.

Exemption: The standards specified in this section shall not apply to the following types of incandescent reflector lamps:

(A) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps;

(B) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps; or

(C) R20 incandescent reflector lamps rated 45 watts or less.

For purposes of this Certification, the following definitions apply:

(A) Facilities mean the room(s), area(s), or building(s) that are used to complete a majority of the work under the project.

(B) In excess of \$1,000,000 means the total value of the grant including all budget periods funded with Federal funds and Prime Recipient cost share is greater than \$1,000,000.

(C) The Federal Government's fiscal year begins October 1<sup>st</sup> and ends September 30<sup>th</sup>.

(D) Except as provided in subparagraph (4) below, the term "incandescent lamp" means a lamp in which light is produced by a filament heated to incandescence by an electric current, including only the following:

(1) Any lamp (commonly referred to as lower wattage nonreflector general service lamps, including any tungsten-halogen lamp) that has a rated wattage between 30 and 199 watts, has an E26 medium screw base, has a rated voltage range that lies at least partially within 115 and 130 volts, and is not a reflector lamp;

(2) Any lamp (commonly referred to as a reflector lamp) which is not colored or designed for rough or vibration service applications, that contains an inner reflective coating on the outer bulb to direct the light, an R, PAR, ER, BR, BPAR, or similar bulb shapes with E26 medium screw bases, a rated voltage or voltage range that lies at least partially within 115 and 130 volts, a diameter which exceeds 2.25 inches, and has a rated wattage that is 40 watts or higher;

(3) Any general service incandescent lamp (commonly referred to as a high- or higher-wattage lamp) that has a rated wattage above 199 watts (above 205 watts for a high wattage reflector lamp); or

(4) The term "incandescent lamp" does not include any lamp excluded by the Secretary, by rule, as a result of a determination that standards for such lamp would not result in significant energy savings because such lamp is designed for special applications or has special characteristics not available in substitutable lamp types.

(E) The term "base" means the portion of the lamp which connects with the socket as described in ANSI C81.61-1990.

(F) The term "bulb shape" means the shape of the lamp, especially the glass bulb with designations for bulb shapes found in ANSI C79.1-1980 (R1984).

(G) The term “lamp efficacy” means the lumen output of a lamp divided by its wattage, expressed in lumens per watt (LPW).

(H) The term “lamp wattage” means the total electrical power consumed by a lamp in watts, after the initial seasoning period referenced in the appropriate IES standard test procedure and including, for fluorescent, arc watts plus cathode.

#### **9. STATEMENT OF FEDERAL STEWARDSHIP**

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

#### **10. STATEMENT OF SUBSTANTIAL INVOLVEMENT**

EERE has substantial involvement in work performed under Awards made following this FOA. EERE does not limit its involvement to the administrative requirements of the Award. Instead, EERE 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. EERE 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.
2. EERE may redirect or discontinue funding the Project based on the outcome of EERE’s evaluation of the Project at that the Go/No Go decision point.
3. EERE participates in major project decision-making processes.

#### **11. INTELLECTUAL PROPERTY MANAGEMENT PLAN**

Within 30 days of selection, Applicants must submit an executed IP Management Plan between the members of the consortia or team.

The award will set forth the treatment of and obligations related to intellectual property rights between EERE and the individual members. The IP Management Plan should describe how the members will handle intellectual property rights and issues between themselves while ensuring compliance with Federal IP laws, regulations, and policies (see Sections VIII.L-VIII.O of this FOA for more details on applicable Federal IP laws and regulations).

The following is a non-exhaustive list of examples of items that the IP Management Plan may cover:

- The treatment of confidential information between members (e.g., the use of non-disclosure agreements);
- The treatment of background IP (e.g., any requirements for identifying it or making it available);
- The treatment of inventions made under the project (e.g., any requirements for disclosing to the other members, filing patent applications, paying for patent prosecution, and cross-licensing or other licensing arrangements between the members);
- The treatment of data produced, including software, under the project (e.g., any publication process or other dissemination strategies, copyrighting strategy or arrangement between members);
- Any technology transfer and commercialization requirements or arrangements between the members;
- The treatment of any intellectual property issues that may arise due to a change in membership of the consortia or team; and
- The handling of disputes related to intellectual property between the members.

#### ***12. SUBJECT INVENTION UTILIZATION REPORTING***

To ensure that Prime Recipients and Subrecipients holding title to subject inventions are taking the appropriate steps to commercialize subject inventions, EERE requires that each Recipient holding title to a subject invention submit annual reports for 10 years from the date the subject invention was disclosed to EERE on the utilization of the subject invention and efforts made by 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 EERE may specify.

#### ***13. INTELLECTUAL PROPERTY PROVISIONS***

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

#### ***14. REPORTING***

Reporting requirements are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2, attached to the award agreement. The checklist can be accessed at [http://energy.gov/sites/prod/files/2013/05/f0/Attch\\_FA\\_RepReqChecklist\\_COMBINED\\_FINAL\\_4-23-13%20%283%29\\_0.pdf](http://energy.gov/sites/prod/files/2013/05/f0/Attch_FA_RepReqChecklist_COMBINED_FINAL_4-23-13%20%283%29_0.pdf).

Additionally, award recipients will be required to submit a Bi-annual Technology Performance Summary.

A Bi-Annual Technology Performance Summary will consist of a 5-page report. The report should include one page for each of the following topics.

1. The mid-year performance impact results for the technology or strategy. This could be reported as energy savings, cost savings, demand reduction, replication and scaling of investment to additional buildings or the adoption of new procurement/specification protocols.
2. Installation or construction update including challenges, successes, unexpected costs, and other relevant information related to installation of the technology(ies).
3. A technical energy performance summary including the product/technology energy savings and other performance information such as modifications to the controls sequence, cooling/heating/ventilation load reductions or downsizing, customer response and satisfaction.
4. Operations, training and maintenance programs, issues, and/or costs.
5. Building occupant and facility manager feedback and/or a summary of non-technical benefits.

#### ***15. Go/No-Go REVIEW AND STAGE-GATE REVIEW***

Each project selected under this FOA will be subject to a period project evaluation referred to as a Go/No-Go or Stage Gate Review. Federal funding beyond the Go/No Go or Stage Gate decision point (continuation funding), is contingent, in part<sup>4</sup>, on the outcome of the Go/No Go or Stage Gate Review.

As a result of the Go/No Go or Stage Gate Reviews, 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.

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<sup>4</sup> Continuation funding is contingent on (1) contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority; (2) meeting the objectives, milestones, deliverables, decision point criteria, and stage gates of Recipient's approved project and obtaining approval from EERE to continue work on the project; (3) submittal of required reports; and/or (4) compliance with the terms and conditions of the award.

- **Go/No-Go Decision Points:** Go/No-Go decision points are similar to project milestones, in that EERE staff will review the project based on pre-established metrics defined in the award negotiations process following selection.
- **Stage-Gate Reviews:** Stage-Gate reviews are very similar to Go/No-Go decision points, except that EERE will bring in third parties to assist with validation of project progress. These third parties are typically specialized subject matter experts that will allow EERE to evaluate crucial aspects of project performance with a greater degree of specificity and scrutiny.

## **VII. QUESTIONS/AGENCY CONTACTS**

Upon the issuance of a FOA, EERE 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: [commercialbuildings@go.doe.gov](mailto:commercialbuildings@go.doe.gov) not later than 3 business days prior to the application due date.

All questions and answers related to this FOA will be posted on EERE Exchange at: <https://eere-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.** EERE will attempt to respond to a question within 3 business days, unless a similar question and answer has already been posted on the website.

Questions related to the registration process and use of the EERE Exchange website should be submitted to: [EERE-ExchangeSupport@hq.doe.gov](mailto:EERE-ExchangeSupport@hq.doe.gov).

## **VIII. OTHER INFORMATION**

### **A. FOA MODIFICATIONS**

Amendments to this FOA will be posted on the EERE 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. EERE recommends that you register as soon after the release of the FOA as possible to ensure you receive timely notice of any amendments or other FOAs.

### **B. INFORMATIONAL WEBINAR**

EERE will conduct one informational webinars during the FOA process. It will be held on Wednesday, March 5<sup>th</sup> from 1:00-2:00 PM ET. Applicants may register at <https://www1.gotomeeting.com/register/182308632>.

The purpose of these webinar is to give applicants a chance to ask questions about the FOA process generally. 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 Building Technologies Program website at <http://energy.gov/eere/efficiency/buildings>.

### **C. GOVERNMENT RIGHT TO REJECT OR NEGOTIATE**

EERE 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.

### **D. 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.

### **E. TREATMENT OF APPLICATION INFORMATION**

In general, EERE will use data and other information contained in applications for evaluation purposes only unless such information is generally available to the public or is already the property of the Government.

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. Applications containing trade secrets or commercial or financial information that is privileged or confidential, which the applicant does not want disclosed to the public or used by the Government for any purpose other than application evaluation, must be marked as described in this section.

The cover sheet of the application must be marked as follows and identify the specific pages containing trade secrets or commercial or financial information that is privileged or confidential:

Notice of Restriction on Disclosure and Use of Data:

Pages [list applicable pages] of this document may contain trade secrets or commercial or financial information that is privileged or confidential, and 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 trade secrets or commercial or financial information that is privileged or must be marked as follows: "May contain trade secrets or commercial or financial information that is privileged or confidential and exempt from public disclosure."

In addition, each line or paragraph containing trade secrets or commercial or financial information that is privileged or confidential must be enclosed in brackets.

The above markings enable EERE to follow the provisions of 10 CFR 1004.11(d) in the event a Freedom of Information Act (FOIA) request is received for information submitted with an application. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under a FOIA request or otherwise. The U.S. Government is not liable for the disclosure or use of unmarked information, and may use or disclose such information for any purpose.

Subject to the specific FOIA exemptions identified in 5 U.S.C. 552(b), all information submitted to EERE by a FOA applicant is subject to public release under the Freedom of Information Act, 5 U.S.C. §552, as amended by the OPEN Government Act of 2007, Pub. L. No. 110-175. It is the applicant's responsibility to review FOIA and its exemptions to understand (1) what information may be subject to public disclosure and (2) what information applicants submit to the Government that are protected by law. In some cases, DOE may be unable to make an independent determination regarding which information submitted by an applicant is releasable and which is protected by an exemption. In such cases, DOE will consult with the applicant, in accordance with 10 C.F.R. §1004.11, to solicit the applicant's views on how the information should be treated.

## **F. EVALUATION AND ADMINISTRATION BY NON-FEDERAL PERSONNEL**

In conducting the merit review evaluation, the Government may seek the advice of qualified non Federal personnel as reviewers. The Government may also use non-Federal personnel to conduct routine, nondiscretionary administrative activities. The applicant, by submitting its application, consents to the use of non-Federal reviewers/administrators. Non-Federal reviewers must sign conflict of interest and non-disclosure agreements prior to reviewing an application. Non-Federal personnel conducting administrative activities must sign a non-disclosure agreement.



## **G. NOTICE REGARDING ELIGIBLE/INELIGIBLE ACTIVITIES**

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

## **H. NOTICE OF RIGHT TO CONDUCT A REVIEW OF FINANCIAL CAPABILITY**

EERE 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).

## **I. NOTICE OF POTENTIAL DISCLOSURE UNDER FREEDOM OF INFORMATION ACT**

Applicants should be advised that identifying information regarding all applicants, including applicant names and/or points of contact, may be subject to public disclosure under the Freedom of Information Act, whether or not such applicants are selected for negotiation of award.

## **J. REQUIREMENT FOR FULL AND COMPLETE DISCLOSURE**

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

- The rejection of a Concept Paper, Full Application, and/or Reply to Reviewer Comments;
- 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.

## **K. RETENTION OF SUBMISSIONS**

EERE expects to retain copies of all Concept Papers, Full Applications, Replies to Reviewer Comments, and other submissions. No submissions will be returned. By applying to EERE for funding, Applicants consent to EERE's retention of their submissions.

## L. TITLE TO SUBJECT INVENTIONS

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

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

DOE has issued a class waiver that applies to this FOA. Under this class waiver, domestic large businesses may elect title to their subject inventions similar to the right provided to the domestic small businesses, educational institutions, and nonprofits by law. In order to avail itself of the class waiver, a domestic large business must agree that any products embodying or produced through the use of a subject invention first created or reduced to practice under this program will be substantially manufactured in the United States, unless DOE agrees that the commitments proposed in the U.S. Manufacturing Plan are sufficient.

- 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 EERE 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.
- Determination of Exceptional Circumstances (DEC): Each applicant is required to submit a U.S. Manufacturing Plan as part of its application. If selected, the U.S. Manufacturing Plan shall be incorporated into the award terms and conditions. DOE has determined that exceptional circumstances exist that warrants the modification of the standard patent rights clause for small businesses and non-profit awardees under Bayh-Dole to the extent necessary to implement and enforce the U.S. Manufacturing Plan. For example, the commitments and enforcement of a U.S. Manufacturing Plan may be tied to subject inventions. Any Bayh-Dole entity (domestic small business or nonprofit organization) affected by this DEC has the right to appeal it.

## **M. GOVERNMENT RIGHTS IN SUBJECT INVENTIONS**

Where Recipients and Subrecipients retain title to subject inventions, the U.S. Government retains certain rights.

### **1. 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.

### **2. MARCH-IN RIGHTS**

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

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

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

## **N. 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.

## **O. COPYRIGHT**

The Prime Recipient and Subrecipients may assert copyright in copyrightable data, such as software, first produced under the award without EERE 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. In addition, for those awards requiring distribution of software as Open-Source Software (OSS), the additional information in Appendix D must be addressed in the application.

## **P. PROTECTED PERSONALLY IDENTIFIABLE INFORMATION**

In responding to this FOA, Applicants must ensure that Protected Personally Identifiable Information (PII) is not included in the following documents: Project Abstract, Project Narrative, Biographical Sketches, Budget or Budget Justification. These documents will be used by the Merit Review Committee in the review process to evaluate each application. PII is defined by the Office of Management and Budget (OMB) and EERE as:

Any information about an individual maintained by an agency, including but not limited to, education, financial transactions, medical history, and criminal or employment history and information that can be used to distinguish or trace an individual’s identity, such as their name, social security number, date and place of birth, mother’s maiden name, biometric records, etc., including any other personal information that is linked or linkable to an individual.

This definition of PII can be further defined as: (1) Public PII and (2) Protected PII.

**Public PII:** PII found in public sources such as telephone books, public websites, business cards, university listing, etc. Public PII includes first and last name, address, work telephone number, email address, home telephone number, and general education credentials.

**Protected PII:** PII that requires enhanced protection. This information includes data that if compromised could cause harm to an individual such as identity theft.

Listed below are examples of Protected PII that Applicants must not include in the files listed above to be evaluated by the Merit Review Committee.

- Social Security Numbers in any form
- Place of Birth associated with an individual
- Date of Birth associated with an individual
- Mother's maiden name associated with an individual
- Biometric record associated with an individual
- Fingerprint
- Iris scan
- DNA
- Medical history information associated with an individual
- Medical conditions, including history of disease
- Metric information, e.g. weight, height, blood pressure
- Criminal history associated with an individual
- Employment history and other employment information associated with an individual
- Ratings
- Disciplinary actions
- Performance elements and standards (or work expectations) are PII when they are so intertwined with performance appraisals that their disclosure would reveal an individual's performance appraisal
- Financial information associated with an individual
- Credit card numbers
- Bank account numbers
- Security clearance history or related information (not including actual clearances held)

Listed below are examples of Public PII that Applicants may include in the files listed above to be evaluated by the Merit Review Committee:

- Phone numbers (work, home, cell)
- Street addresses (work and personal)
- Email addresses (work and personal)
- Digital pictures
- Medical information included in a health or safety report
- Employment information that is not PII even when associated with a name
- Resumes, unless they include a Social Security Number
- Present and past position titles and occupational series
- Present and past grades

- Present and past annual salary rates (including performance awards or bonuses, incentive awards, merit pay amount, Meritorious or Distinguished Executive Ranks, and allowances and differentials)
- Present and past duty stations and organization of assignment (includes room and phone numbers, organization designations, work email address, or other identifying information regarding buildings, room numbers, or places of employment)
- Position descriptions, identification of job elements, and those performance standards (but not actual performance appraisals) that the release of which would not interfere with law enforcement programs or severely inhibit agency effectiveness
- Security clearances held
- Written biographies (e.g. to be used in a Technology Office describing a speaker)
- Academic credentials
- Schools attended
- Major or area of study
- Personal information stored by individuals about themselves on their assigned workstation or laptop unless it contains a Social Security Number

#### **Q. ANNUAL COMPLIANCE AUDITS**

If a for-profit entity is a Prime Recipient and has expended greater than \$500K of DOE funds in a respective fiscal year, an annual compliance audit performed by an independent auditor may be required. For additional information, please refer to 10 C.F.R. § 600.316 and for-profit audit guidance documents posted under the “Coverage of Independent Audits” heading at <http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms>.

If an educational institution, non-profit organization, or state/local government is a Prime Recipient or Subrecipient and has expended greater than \$500K of Federal funds in a respective fiscal year, then an A-133 audit is required. For additional information, please refer to OMB Circular A-133 through the link below.  
<http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a133/a133.pdf>.

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

## **APPENDIX A – DEFINITIONS**

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

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

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

**"Award"** means the written documentation executed by a Contracting Officer, after an Applicant is selected, which contains the negotiated terms and conditions for providing Financial Assistance to the Applicant. A Financial Assistance Award may be a Grant, Cooperative Agreement, or Technology Investment Agreement.

**"Budget"** means the cost expenditure plan submitted in the Application, including both the EERE contribution and the Applicant Cost Share.

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

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

**"Contracting Officer"** means the EERE official authorized to execute Awards on behalf of EERE and who is responsible for the business management and non-Technology Office aspects of the Financial Assistance process.

**"Cooperative Agreement"** means a Financial Assistance instrument used by EERE to transfer money or property when the principal purpose of the transaction is to accomplish a public purpose of support or stimulation authorized by Federal statute, and Substantial Involvement (see definition below) is anticipated between EERE and the Applicant during the performance of the contemplated activity. Refer to 10 CFR 600.5 for additional information regarding cooperative agreements.

**"Cost Sharing"** means that portion of the project or program's costs not borne by the Federal Government. The percentage of Applicant Cost Share is to be applied to the Total Project Cost (i.e., the sum of Applicant plus EERE Cost Shares) rather than to the EERE contribution alone. Cost sharing information can be found in the Code of Federal Regulations at 10 CFR 600.123 (non-profit and university), 600.224 (State and Local Governments), and 600.313 (for profit entities).

**“Data Universal Numbering System (DUNS) Number”** is a unique nine-character identification number issued by Dun and Bradstreet (D&B). Organizations must have a DUNS number prior to registering in the SAM. Call 1-866-705-5711 to receive one free of charge.

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

**“E-Find”** is a Grants.gov webpage where you can search for Federal Funding Opportunities in FedGrants. It can be found at [www.grants.gov/web/grants/search-grants.html](http://www.grants.gov/web/grants/search-grants.html).

**“EERE Exchange”** is the Department of Energy, Energy Efficiency and Renewable Energy’s web system for posting Federal FOAs and receiving applications. EERE Exchange may be found at <https://eere-exchange.energy.gov>.

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

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

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

**“Funding Opportunity Announcement (FOA)”** is a publicly available document by which a Federal agency makes known its intentions to award discretionary grants or cooperative agreements, usually as a result of competition for funds. FOAs may be known as FOAs, notices of funding availability, solicitations, or other names depending on the agency and type of program. See 10 CFR 600.8 for more information.

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



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

**"Indian Tribe"** means any Indian tribe, band, nation, or other organized group or community, including Alaska Native village or regional or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688)[43 U.S.C. § 1601 et seq.], which are recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

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

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

**"Modification"** means a revision to a FOA.

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

**"Principal Investigator"** refers to the technical point of contact/Project Manager for a specific project award.

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

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

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

**"Prime Recipient"** means the organization, individual, or other entity that receives a Financial Assistance Award from EERE (i.e., is the signatory on the award), is financially accountable for

the use of any EERE funds or property provided for the performance of the Project, and is legally responsible for carrying out the terms and condition of the award.

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

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

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

**“Selection Official”** means the EERE official designated to select Applications for negotiation toward Award under a subject FOA.

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

**“Technology Investment Agreement (TIA)”** is a type of assistance instrument used to support or stimulate research projects involving for-profit firms, especially commercial firms that do business primarily in the commercial marketplace. TIAs are different from grants and cooperative agreements in that the award terms may vary from the Government-wide standard terms (See DOE TIA regulations at 10 CFR Part 603). The primary purposes for including a TIA in the type of available award instruments are to encourage non-traditional Government contractors to participate in an R&D program and to facilitate new relationships and business practices. A TIA can be particularly useful for awards to consortia (See 10 CFR 603.225(b) and 603.515, Qualification of a consortium).

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

**“Tribal Energy Resource Development Organization or Group”** means an “organization” of two or more entities, at least one of which is an Indian Tribe (see “Indian Tribe” above) that has the

written consent of the governing bodies of all Indian Tribes participating in the organization to apply for a grant or loan, or other assistance under 25 U.S.C. § 3503.

## **APPENDIX B – COST SHARE INFORMATION**

### **Cost Sharing or Cost Matching**

The terms “cost sharing” and “cost matching” are often used synonymously. Even the DOE Financial Assistance Regulations, 10 CFR Part 600, use both of the terms in the titles specific to regulations applicable to cost sharing. EERE almost always uses the term “cost sharing,” as it conveys the concept that non-federal share is calculated as a percentage of the Total Project Cost. An exception is the State Energy Program Regulation, 10 CFR 420.12, State Matching Contribution. Here “cost matching” for the non-federal share is calculated as a percentage of the Federal funds only, rather than the Total Project Cost.

### **How Cost Sharing Is Calculated**

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

- Formula: Federal share (\$) divided by Federal share (%) = Total Project Cost  
Example: \$1,000,000 divided by 80% = \$1,250,000
- Formula: Total Project Cost (\$) minus Federal share (\$) = Non-federal share (\$)  
Example: \$1,250,000 minus \$1,000,000 = \$250,000
- Formula: Non-federal share (\$) divided by Total Project Cost (\$) = Non-federal share (%)  
Example: \$250,000 divided by \$1,250,000 = 20%

See the sample cost share calculation for a blended cost share percentage below. Keep in mind that FFRDC funding is DOE funding.

### **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 EERE 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:

- Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations are found at 10 CFR 600.123;
- State and Local Governments are found at 10 CFR 600.224;
- For-profit Organizations are found at 10 CFR 600.313.

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

Following is a link to the DOE Financial Assistance Regulations. You can click on the specific section for each Code of Federal Regulations reference mentioned above.

#### DOE Financial Assistance Rules (10 CFR 600)

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 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 Federal Acquisition Regulation, except that patent prosecution costs are not allowable unless specifically authorized in the award document. (v)  
Commercial Organizations. FAR Subpart 31.2—Contracts with Commercial Organizations
  - b. Other types of organizations. Allowability of costs incurred by other types of organizations that may be Subrecipients under a prime award is determined as follows:
    - i. Institutions of higher education. Allowability is determined in accordance with: 2 CFR 220 Cost Principles for Educational Institutions
    - ii. Other nonprofit organizations. Allowability is determined in accordance with: 2 CFR 230 Cost Principles for Nonprofit Organizations
    - iii. Hospitals. Allowability is determined in accordance with the provisions of: Title 45 Appendix E to Part 74—Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts With Hospitals
    - iv. Governmental organizations. Allowability for State, local, or federally recognized Indian tribal government is determined in accordance with: PART 225—Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)
- (5) They are not paid by the Federal Government under another award unless authorized by Federal statute to be used for cost sharing or matching.
- (6) They are provided for in the approved budget.
- (B) Valuing and documenting contributions
- (1) Valuing recipient's property or services of recipient's employees. Values are established in accordance with the applicable cost principles, which mean that amounts chargeable to the project are determined on the basis of costs incurred. For real property or equipment used on the project, the cost principles authorize depreciation or use charges. The full value of the item may be applied when the item will be consumed in the performance of the award or fully depreciated by the end of the award. In cases where the full value of a donated capital asset is to be applied as cost sharing or matching, that full value must be the lesser or the following:

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

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

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

- a. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.
- b. The basis for determining the valuation for personal services and property must be documented.



## **APPENDIX C – 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)

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)

## **APPENDIX D - DATA MANAGEMENT PLANS**

A data management plan (“DMP”) explains how data generated in the course of the work performed under an EERE award will be shared and preserved or, when justified, explains why data sharing or preservation is not possible or scientifically appropriate.

### **DMP Requirements**

In order for a DMP to be considered acceptable, the DMP must address the following:

**At a minimum, the DMP must describe how data sharing and preservation will enable validation of the results from the proposed work, or how results could be validated if data are not shared or preserved.**

**The DMP must provide a plan for making all research data displayed in publications resulting from the proposed work digitally accessible at the time of publication.** This includes data that are displayed in charts, figures, images, etc. In addition, the underlying digital research data used to generate the displayed data should be made as accessible as possible in accordance with the principles stated above. This requirement could be met by including the data as supplementary information to the published article, or through other means. The published article should indicate how these data can be accessed.

The DMP should consult and reference available information about data management resources to be used in the course of the proposed work. In particular, a DMP that explicitly or implicitly commits data management resources at a facility beyond what is conventionally made available to approved users should be accompanied by written approval from that facility. In determining the resources available for data management at DOE User Facilities, researchers should consult the published description of data management resources and practices at that facility and reference it in the DMP. Information about other DOE facilities can be found in the additional guidance from the sponsoring program.

The DMP must protect confidentiality, personal privacy, Personally Identifiable Information, and U.S. national, homeland, and economic security; recognize proprietary interests, business confidential information, and intellectual property rights; avoid significant negative impact on innovation, and U.S. competitiveness; and otherwise be consistent with all laws (e.g., export control laws), and DOE regulations, orders, and policies.

## Data Determination for a DMP

The Principal Investigator should determine which data should be the subject of the DMP and, in the DMP, propose which data should be shared and/or preserved in accordance with the DMP Requirements noted above.

For data that will be generated through the course of the proposed work, the Principal Investigator should indicate what types of data should be protected from immediate public disclosure by DOE (referred to as “protected data”) and what types of data that DOE should be able to release immediately. Similarly, for data developed outside of the proposed work at private expense that will be used in the course of the proposed work, the Principal Investigator should indicate whether that type of data will be subject to public release or kept confidential (referred to as “limited rights data”). Any use of limited rights data or labeling of data as “protected data” must be consistent with the DMP Requirements noted above.

## Suggested Elements for a DMP

The following list of elements for a DMP provides suggestions regarding the data management planning process and the structure of the DMP:

Data Types and Sources: A brief, high-level description of the data to be generated or used through the course of the proposed work and which of these are considered digital research data necessary to validate the research findings or results.

Content and Format: A statement of plans for data and metadata content and format including, where applicable, a description of documentation plans, annotation of relevant software, and the rationale for the selection of appropriate standards. Existing, accepted community standards should be used where possible. Where community standards are missing or inadequate, the DMP could propose alternate strategies for facilitating sharing, and should advise the sponsoring program of any need to develop or generalize standards.

Sharing and Preservation: A description of the plans for data sharing and preservation. This should include, when appropriate: the anticipated means for sharing and the rationale for any restrictions on who may access the data and under what conditions; a timeline for sharing and preservation that addresses both the minimum length of time the data will be available and any anticipated delay to data access after research findings are published; any special requirements for data sharing, for example, proprietary software needed to access or interpret data, applicable policies, provisions, and licenses for re-use and re-distribution, and for the production of derivatives, including guidance for how data and data products should be cited; any resources and capabilities (equipment, connections, systems, software, expertise, etc.) requested in the research proposal that are needed to meet the stated goals for sharing and preservation (this could reference the relevant section of the associated

research proposal and budget request); and whether/where the data will be preserved after direct project funding ends and any plans for the transfer of responsibilities for sharing and preservation.

**Protection:** A statement of plans, where appropriate and necessary, to protect confidentiality, personal privacy, Personally Identifiable Information, and U.S. national, homeland, and economic security; recognize proprietary interests, business confidential information, and intellectual property rights; and avoid significant negative impact on innovation, and U.S. competitiveness.

**Rationale:** A discussion of the rationale or justification for the proposed data management plan including, for example, the potential impact of the data within the immediate field and in other fields, and any broader societal impact.

### **Additional Guidance**

In determining which data should be shared and preserved, researchers must consider the data needed to validate research findings as described in the Requirements, and are encouraged to consider the potential benefits of their data to their own fields of research, fields other than their own, and society at large.

DMPs should reflect relevant standards and community best practices and make use of community accepted repositories whenever practicable.

Costs associated with the scope of work and resources articulated in a DMP may be included in the proposed research budget as permitted by the applicable cost principles.

To improve the discoverability of and attribution for datasets created and used in the course of research, EERE encourages the citation of publicly available datasets within the reference section of publications, and the identification of datasets with persistent identifiers such as Digital Object Identifiers (DOIs). In most cases, EERE can provide DOIs free of charge for data resulting from DOE-funded research through its Office of Scientific and Technical Information (OSTI) DataID Service.

### **Definitions**

**Data Preservation:** Data preservation means providing for the usability of data beyond the lifetime of the research activity that generated them.

**Data Sharing:** Data sharing means making data available to people other than those who have generated them. Examples of data sharing range from bilateral communications with colleagues, to providing free, unrestricted access to anyone through, for example, a web-based platform.

Digital Research Data: The term digital data encompasses a wide variety of information stored in digital form including: experimental, observational, and simulation data; codes, software and algorithms; text; numeric information; images; video; audio; and associated metadata. It also encompasses information in a variety of different forms including raw, processed, and analyzed data, published and archived data.

Research Data: The recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This 'recorded' material excludes physical objects (e.g., laboratory samples).

Research data also do not include:

(A) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and

(B) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.”

Validate: In the context of DMPs, validate means to support, corroborate, verify, or otherwise determine the legitimacy of the research findings. Validation of research findings could be accomplished by reproducing the original experiment or analyses; comparing and contrasting the results against those of a new experiment or analyses; or by some other means.