

Financial Assistance Funding Opportunity Announcement

Department of Energy (DOE) Office of Energy Efficiency and Renewable Energy (EERE)

Cities Leading through Energy Analysis and Planning (Cities- LEAP)

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FOA Issue Date:	March 23, 2016
Informational Webinar:	March 31, 2016 2:30pm ET
Submission Deadline for Concept Papers:	May 17, 2016 5:00pm ET
Submission Deadline for Full Applications:	June 23, 2016 5:00pm ET
Expected Submission Deadline for Replies to Reviewer Comments:	July 7, 2016 5:00pm ET
Expected Date for EERE Selection Notifications:	August 1, 2016
Expected Timeframe for Award Negotiations	August 2-Sept 28, 2016

- 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.
- 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.

Questions about this FOA? Email Cities.LEAP@ee.doe.gov.

Problems with EERE Exchange? Email EERE- EERE-ExchangeSupport@hq.doe.gov Include FOA name and number in subject line.

MODIFICATIONS

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

Mod. No.	Date	Description of Modifications
0001	6 April 2016	DATE CHANGES: <ol style="list-style-type: none">1. Submission Deadline for Full Applications: Changed from June 17, 2016 to June 23, 2016 5:00pm ET2. Expected Submission Deadline for Replies to Reviewer Comments: Changed from June 30, 2016 to July 7, 2016 5:00pm ET3. Expected Date for EERE Selection Notifications: Changed from July 30, 2016 to August 1, 20164. Expected Timeframe for Award Negotiations: Changed from July 30-Sept. 28, 2016 to August 2-Sept 28, 2016 Changes are highlighted in yellow.
0002	25 May 2016	In Section IV.D.ii., change page limit for Technical Volume from 20 pages to 10 pages. Change is highlighted in green.

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Table of Contents

I. Funding Opportunity Description	5
A. Description/Background.....	5
i. Program Summary.....	5
ii. Background.....	7
iii. Technical Assistance	8
iv. Key Deliverables	9
B. Topic Areas/Technical Areas of Interest.....	10
C. Applications Specifically Not of Interest.....	13
D. Authorizing Statutes.....	14
II. Award Information.....	14
A. Award Overview	14
i. Estimated Funding.....	14
ii. Period of Performance	14
iii. New Applications Only	14
B. EERE Funding Agreements	15
i. Cooperative Agreements.....	15
ii. Funding Agreements with FFRDCs.....	15
iii. Grants.....	15
iv. Technology Investment Agreements.....	15
III. Eligibility Information.....	17
A. Eligible Applicants	17
B. Cost Sharing.....	17
i. Legal Responsibility	17
ii. Cost Share Allocation.....	18
iii. Cost Share Types and Allowability.....	18
iv. Cost Share Contributions by FFRDCs	19
v. Cost Share Verification	19
vi. Cost Share Payment.....	19
C. Compliance Criteria	20
i. Compliance Criteria	20
D. Responsiveness Criteria.....	21
E. Other Eligibility Requirements	21
i. Requirements for DOE/NNSA Federally Funded Research and Development Centers (FFRDC) Listed as the Prime Applicant.....	21
ii. Requirements for DOE/NNSA and non-DOE/NNSA Federally Funded Research and Development Centers Included as a Subrecipient.....	21
F. Limitation on Number of Concept Papers and Full Applications Eligible for Review	22
G. Questions Regarding Eligibility.....	23
IV. Application and Submission Information	23
A. Application Process	23
i. Additional Information on EERE Exchange	24
B. Application Forms	25

C.	Content and Form of the Concept Paper	25
i.	Concept Paper Content Requirements.....	25
D.	Content and Form of the Full Application	27
i.	Full Application Content Requirements.....	28
ii.	Technical Volume	29
iii.	Statement of Project Objectives.....	33
iv.	SF-424: Application for Federal Assistance	33
v.	Budget Justification Workbook (EERE 335)	34
vi.	Summary/Abstract for Public Release	34
vii.	Summary Slide	34
viii.	Subaward Budget Justification (EERE 335) (if applicable)	35
ix.	Budget for DOE/NNSA FFRDC (if applicable)	35
x.	Authorization for non-DOE/NNSA or DOE/NNSA FFRDCs (if applicable)	35
xi.	SF-LLL: Disclosure of Lobbying Activities	36
xii.	Waiver Requests: Foreign Entities and Performance of Work in the United States (if applicable).....	36
xiii.	U.S. Manufacturing Commitments	37
E.	Content and Form of Replies to Reviewer Comments	38
F.	Post-Award Information Requests	39
G.	Dun and Bradstreet Universal Numbering System Number and System for Award Management	39
H.	Submission Dates and Times	39
I.	Intergovernmental Review	40
J.	Funding Restrictions	40
i.	Allowable Costs	40
ii.	Pre-Award Costs	40
iii.	Performance of Work in the United States	41
iv.	Construction	42
v.	Foreign Travel	42
vi.	Equipment and Supplies	42
vii.	Lobbying	43
viii.	Risk Assessment.....	43
V.	Application Review Information	44
A.	Technical Review Criteria	44
i.	Concept Papers.....	44
ii.	Full Applications	44
iii.	Criteria for Replies to Reviewer Comments	46
B.	Standards for Application Evaluation	46
C.	Other Selection Factors	46
i.	Program Policy Factors	46
D.	Evaluation and Selection Process	47
i.	Overview.....	47
ii.	Pre-Selection Interviews.....	47
iii.	Pre-Selection Clarification	48
iv.	Recipient Integrity and Performance Matters.....	48
v.	Selection	49
E.	Anticipated Notice of Selection and Award Dates	49
VI.	Award Administration Information.....	49
A.	Award Notices	49

i.	Ineligible Submissions.....	49
ii.	Concept Paper Notifications.....	49
iii.	Full Application Notifications.....	50
iv.	Successful Applicants.....	50
v.	Alternate Selection Determinations	51
vi.	Unsuccessful Applicants	51
B.	Administrative and National Policy Requirements.....	51
i.	Registration Requirements.....	51
ii.	Award Administrative Requirements	52
iii.	Foreign National Access to DOE Sites	52
iv.	Subaward and Executive Reporting.....	53
v.	National Policy Requirements	53
vi.	Environmental Review in Accordance with National Environmental Policy Act (NEPA)	53
vii.	Applicant Representations and Certifications	54
viii.	Statement of Federal Stewardship	56
ix.	Statement of Substantial Involvement.....	56
x.	Subject Invention Utilization Reporting.....	56
xi.	Intellectual Property Provisions	57
xii.	Reporting	57
xiii.	Go/No-Go Review.....	57
xiv.	Conference Spending.....	58
VII.	Questions/Agency Contacts.....	58
VIII.	Other Information.....	58
A.	FOA Modifications.....	58
B.	Informational Webinar.....	59
C.	Government Right to Reject or Negotiate.....	59
D.	Commitment of Public Funds	59
E.	Treatment of Application Information	59
F.	Evaluation and Administration by Non-Federal Personnel	60
G.	Notice Regarding Eligible/Ineligible Activities	60
H.	Notice of Right to Conduct a Review of Financial Capability	61
I.	Notice of Potential Disclosure Under Freedom of Information Act (FOIA)	61
J.	Requirement for Full and Complete Disclosure	61
K.	Retention of Submissions.....	61
L.	Title to Subject Inventions.....	62
M.	Government Rights in Subject Inventions	62
i.	Government Use License	62
ii.	March-In Rights	62
N.	Rights in Technical Data	63
O.	Copyright	63
P.	Personally Identifiable Information (PII)	64
Q.	Annual Compliance Audits	64
Appendix A – Cost Share Information		66
Appendix B – Waiver Requests: Foreign Entity Participation as the Prime Recipient and Performance of Work in the United States		70
1.	Waiver for Foreign Entity Participation as the Prime Recipient.....	70

2.	Waiver for Performance of Work in the United States	70
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I. Funding Opportunity Description

A. Description/Background

i. Program Summary

The Department of Energy (DOE) Office of Energy Efficiency and Renewable (EERE) seeks to continue to support cities in making progress toward a clean energy future through the Cities Leading through Energy Analysis and Planning (Cities-LEAP) project (energy.gov/eere/cities-leading-through-energy-analysis-and-planning). Consistent with existing Energy Department and Administration initiatives to work with local and tribal governments such as the Better Buildings Challenge, Clean Cities Coalition, and Climate Action Champions, this project is investigating complementary ways to support them in catalyzing clean energy innovation and transformation in their communities.

The intent of this Funding Opportunity Announcement (FOA) is to support the development and piloting of data-driven decision frameworks by local and tribal governments. These frameworks should advance model practices and processes that improve the ability of local and tribal governments to integrate, analyze, and understand varied datasets, in order to pursue opportunities across all clean energy sectors such as sustainable transportation, energy efficiency, and renewable power.

To develop and pilot such data-driven efforts, this FOA strongly encourages partnerships between local or tribal governments and entities such as academic institutions, technology companies, utilities, regional planning bodies, and non-governmental organizations.

Successful applications will include or aim to produce strong evidence that proposed model practices and processes can:

- Increase the ability of local or tribal governments to make data-driven decisions regarding actions under their authority (e.g., codes and standards, permitting and fees, zoning, traffic and parking rules, incentives, infrastructure, etc.) that affect energy intensity (e.g., reduce the quantity and cost of energy necessary to fulfill a service such as personal mobility or building occupant comfort) or energy-related greenhouse gas (GHG) emissions at a reasonable cost; and
- Identify and support implementation of local or tribal government actions that can lead to significant and quantifiable reductions in

community-wide (e.g., not just facilities occupied and equipment or vehicles operated by the local or tribal government) energy intensity or energy-related GHG emissions.

Applicants are also encouraged to propose energy-related metrics beyond the primary GHG emissions and energy intensity metrics (e.g., air quality, climate change adaptation, quality of life indicators, etc.). While this FOA focuses on energy-related actions, other ancillary benefits may be necessary to stimulate action and may even serve as the stronger motivating factor for communities.

Proposals for data-driven decision frameworks should cover four basic project objectives:

1. Expand the use of data analytics by local or tribal governments for estimating the energy intensity or GHG emissions impacts of specific portfolios of policies and programs.
2. Illustrate how expanded use of data analysis can increase the effectiveness of those policy and program portfolios.
3. Find ways to increase overall local or tribal government capacity for making data-driven decisions through improved data access and data integration across local or tribal government departments.
4. Develop strategies to integrate energy considerations to become a routine part of local or tribal government practices and processes.

Outcomes of successful projects include but are not limited to:

- Local or tribal government adoption of an integrated approach to data analytics for the purposes of developing, improving or supporting policies and programs for reducing community-wide GHG emissions or energy intensity;
- Reducing the cost of and barriers to energy data collection, dissemination, and analysis, including creative ways to infer energy information where direct measurements of energy production or consumption may not be feasible or practical;
- Establishing how model practices and processes can be integrated and institutionalized in the local or tribal government decision-making process;
- Improving local or tribal government-wide data system integration and interoperability;

- Quantifying energy impacts of local or tribal government actions for local decision support;
- Integrating data and analysis across multiple local or tribal government departments and non-governmental entities;
- Maximizing the usefulness of available datasets and data resources for energy analysis;
- Analyzing and selecting a suite of specific energy-impacting policies and programs available to local or tribal governments that affect community-wide GHG emissions and energy intensity;
- Leveraging established standards and protocols for data collection and analysis methodologies to support consistency and cross-comparability of analysis outcomes; and
- Producing ways to implement practices and processes that can be augmented or sustained without long-term reliance on external funding sources.

Applications should include at least two anticipated impact metrics as appropriate such as:

- Improved utilization of data for energy analysis measured by the number of local or tribal government practices and processes impacted;
- Projected cost-effectiveness of continued use of data analytics for decision support, considering both direct costs and long-term outcomes;
- Number of data sets that will conform to established data standards and protocols and are publically available for commercial use; or
- Number of departments planning to utilize newly accessible data for decision support.

Note that applications need only state the intended metrics; and as such, applicants are not required to provide any quantification of those metrics in their submissions.

ii. Background

As part of the Cities-LEAP project, EERE's Office of Strategic Programs, through its Policy and Analysis and Technology-to-Market Teams, is soliciting applications to advance data-driven decision-making by local and tribal

governments in support of their climate and energy goals. This funding is intended to enable partnerships between local or tribal governments and entities such as academic institutions, technology companies, utilities, regional planning bodies, and non-governmental organizations to develop and pilot data-driven decision frameworks that strengthen the analytical underpinning of energy-impacting actions by local and tribal governments across the United States.

In the responses to the related request for information (RFI) (eere-exchange.energy.gov/FileContent.aspx?FileID=c0970764-ed88-4eec-ba74-89b445b30b88), local governments indicated the need to integrate datasets across multiple topical and departmental areas. While respondents acknowledged that collecting energy-related data continues to be an important challenge, even once collected, merging and cross-tabulating that data with other (non-energy) datasets is a necessary and often missing step for conducting analyses to inform local government actions. Most respondents agreed that improved data integration can lead to more effective policymaking and program design, enabling local governments to target their activities toward the most cost-effective and efficient pathways for reaching community goals.

A recent, associated review (nrel.gov/docs/fy15osti/64128.pdf) of published local government planning documents such as climate action plans and sustainability plans highlights the interconnectedness of energy issues with broader local policy goals. The review also highlights the practical difficulty local government have in making strong and quantitative linkages between actions and goals. Strong applications in response to this FOA would include data-based analytical approaches that can quantify the linkages between local government actions and the achievement of energy related goals.

iii. Technical Assistance

In addition to a monetary award of up to \$500,000 per awardee, successful applicants may also receive access to technical assistance from the National Laboratories to implement solutions to emerging challenges. In cases where technical assistance is provided, EERE anticipates the value of the technical assistance will be in the range of \$50,000 per awardee. Actual values will vary and will be determined during the negotiation phase. EERE reserves the right to cancel this offer of technical assistance. Furthermore, the ability of EERE to provide technical assistance to awardees is subject to the availability of appropriated funds.

Below are examples of the types of support and/or project team questions which could be provided and/or answered through this technical support:

- Project strategy and management consultation;
- Identification of technical specifications and best practices for data analysis and GIS platforms; and
- Identification of best practices and methodology related to:
 - Methods for energy analysis such as resource modeling and impacts assessment;
 - Determining energy technology cost and performance;
 - Developing and contracting geospatial information systems (GIS) analysis; and
 - Developing strategies for data systems architecture, maintenance, and infrastructure.

iv. Key Deliverables

Recipients are required to provide a number of deliverables to DOE that verify (1) they have developed and piloted a data-driven decision framework that improves the ability of the local or tribal government(s) to meet community-wide energy or climate goals and (2) this framework can be integrated with local or tribal government processes in a sustainable way without continued support from external funding sources. Verification should be provided in the form of a project summary and any related supplemental and presentation materials that can also be used by other local or tribal governments to replicate this framework in their communities. DOE has the right to use these materials for publication as case studies, brochures, and fact sheets and as part of its technical assistance activities.

1. Project Summary: This must have a clear problem statement and show how the decision framework addresses a specific set of policies and programs. This must also outline the approach, methodology, calculations, and results including the data analytics, data integration, impact metrics, and quantitative estimates for impacts to energy intensity or energy-related GHG emissions. Of specific interest are lessons learned and changes to local or tribal government processes to integrate the decision framework in a routine and sustainable manner.

2. **Supplemental Materials:** Sufficient materials should be provided to enable the replicability of the project by other local or tribal governments. These materials are project specific and will be agreed upon in the negotiation phase. These materials should include templates for any potential changes to local or tribal government reporting requirements, draft language for any potential changes to policies, source code developed through this award for data analytics or data integration, and applicable data specifications and protocols. Any software developed through this award must be made Open Source unless DOE grants a waiver at the time of award (See Article VIII(O) below). Applicants must show in their proposal how the development of proprietary or otherwise non-Open Source software under the award will better meet the objectives of the Cities-LEAP program to expand the use of data analytics to be considered for a waiver.
3. **Communications:** Recipient must conduct at least one recorded webinar and must also participate in a final meeting of all awardees to share experiences and disseminate information. Copies of presentation materials and attendee lists must be provided to DOE. Recipient must also conduct at least 2 other communications activities to make project goals, methods, and results accessible to other local or tribal governments and their stakeholders. These activities could include but are not limited to posting and advertising presentation materials through the web; delivering webinar presentations and in-person presentations at workshops and conferences widely attended by other local or tribal governments and their stakeholders; and other communications activities identified by DOE.

B. Topic Areas/Technical Areas of Interest

This FOA seeks applications for developing and piloting data-driven decision-making frameworks at a community-wide scale. These frameworks should address local or tribal government or community-identified data and energy analysis gaps, and establish strategies by which projected or realized energy intensity or GHG emissions impacts assessments can be integrated with local or tribal government planning, rules, regulations, and programs.

It should be stressed that this FOA solicits applications across all local or tribal government departments and all EERE technology areas (e.g., sustainable transportation, energy efficiency, and renewable power).

Questions about this FOA? Email Cities.LEAP@ee.doe.gov.

Problems with EERE Exchange? Email EERE- EERE-ExchangeSupport@hq.doe.gov Include FOA name and number in subject line.

Decision frameworks should meet four basics objectives:

1. Expand the use of data analytics by local or tribal governments for estimating the energy intensity or GHG emissions impacts of specific portfolios of policies and programs.
2. Illustrate how expanded use of data analysis can increase the effectiveness of those policy and program portfolios.
3. Find ways to increase overall local or tribal government capacity for making data-driven decisions through improved data access and data integration across local or tribal government departments.
4. Develop strategies to integrate energy considerations to become a routine part of local or tribal government practices and processes.

This FOA seeks a diversity of projects that that address data and analysis needs by local or tribal governments for decision support. For example, addressed gaps could include developing and piloting data-driven approaches to:

- Project the energy impacts of future local or tribal government actions for the purposes of enabling metrics-driven selection, prioritization, and refinement of programs and policies. Local or tribal governments may be challenged in making explicit and quantitative linkages between the aspirational actions expressed in planning documents and the ability of the related suites of policies and programs to achieve climate, energy, or other sustainability goals.
 - For example, a number of local governments have undertaken capital improvement projects and modifications to zoning, in order to create Complete Streets (i.e., streets designed for multi-modal use) that provide, among other values, enhanced mobility. There is a lack of empirical methods for estimating the long term energy impacts of implemented Complete Streets policies and the extent to which the implementation of those policies can support community GHG or energy-related goals. Local governments that have implemented these policies may be able to conduct natural experiments to assess impacts by combining GIS data with other datasets (e.g., demographic, vehicle registration, economic, transit, tax, and marketing) for energy analysis. This would allow local governments to assess potential expansion of these policies or modifications that would increase impacts and lower costs and select key indicators that could be used for continued energy and GHG emissions impacts tracking.

- Improve the targeting of local or tribal government policies and resources with energy implications toward specific community subpopulations of individuals, households, and businesses to maximize program returns and GHG emission or energy intensity reductions (e.g., by focusing on those entities at a decision point, who would most benefit from an energy program and would be most likely to participate).
 - For example, transit planners are challenged in assessing the latent demand for new transit routes and schedules. Furthermore, developers may miss key opportunities to invest in distributed PV, lacking knowledge of potential grid support and strong solar resource availability. Also, energy efficiency program administrators must invest heavily in marketing and outreach to engage customers and close information gaps; and much of the effort is often misdirected toward non-target audiences. Standard approaches, such as audits and surveys, may be resource intensive and difficult to do on a routine basis. Remote sensing technologies (e.g., LiDAR) combined with other datasets (e.g., historic participation, marketing, and demographic data) could be leveraged to develop location-specific targeting strategies.
- Measure and track the realized energy impacts of existing, innovative local or tribal government actions for the purposes of determining policy or program effectiveness and opportunities for increased effectiveness. Measuring and tracking policy and program effectiveness frequently is not an explicit consideration during planning and implementation phases, and policy and program effectiveness measurements are often based on alternative criteria to realized energy impacts. A lack of proper baselines and counterfactuals (i.e., what would have happened in the absence of the implemented policy or program) and a lack of available tracking data are significant barriers to the use of impact evaluations for decision support.
 - For example, verification of energy savings from building retrofits and the level of building energy code compliance has proved difficult to monitor and quantify. Connecting building permit data (i.e., implemented retrofit measures and new constructions) with energy use data (e.g., local utility, Green Button, disclosure policy, and excise tax) and building characteristics data (e.g., property tax assessment) could support automated tracking of the energy impacts. The combination of standardized program metrics and energy impacts metrics can allow local or tribal governments to conduct simple and cost-effective evaluations of different policies

and programs for building retrofits or increasing code compliance that can be used for decision support.

All work under EERE funding agreements must be performed in the United States. See Section IV.J.3 and Appendix B.

C. Applications Specifically Not of Interest

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

- Applications that fall outside the technical parameters specified in Section I.B of the FOA, including but not limited to:
 - Activities that focus primarily on municipal operations (i.e., energy use by municipal facilities and fleets) rather than community energy use;
 - Primary development of local or tribal government and community plans (e.g., climate action, sustainability, and energy plans);
 - Activities that focus exclusively on other issues (e.g., resilience, livability) without demonstrating a strong energy intensity or GHG emissions reduction impact;
 - Hiring staff or consultants or collecting data for unrelated activities or without specific analytical objectives; and
 - Purchasing time-limited licenses or memberships without good faith commitments for funding past the award period.
- Applications for continuation of an existing project already funded by other sources without demonstration of substantial increase in project outcomes.
- Applications for which there is significant uncertainty in data access and the proposed use of new data sources lack commitments from the relevant parties.
- Applications that include:
 - Purchase of buildings, vehicles, or land;
 - Direct funding of subsidy programs or other types of incentives; and
 - Financing (seed capital, loan forgiveness, interest buy down, etc.).
- Applications for proposed technologies that are not based on sound scientific principles (e.g., violates the laws of thermodynamics).

D. Authorizing Statutes

The programmatic authorizing statute is EPLA 2005, Section 1004, Section 931(a)(2).

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

II. Award Information

A. Award Overview

i. Estimated Funding

EERE expects to make approximately \$1,250,000 of Federal funding available for new awards under this FOA, subject to the availability of appropriated funds. EERE anticipates making approximately 3-5 awards under this FOA. EERE may issue one, multiple, or no awards. Individual awards may vary between \$100,000 and \$500,000 but could be greater or less than these amounts.

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.

ii. Period of Performance

EERE anticipates making awards that will run up to 24 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.

iii. 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.

i. 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.B.9 of the FOA for more information on what substantial involvement may involve.

ii. Funding Agreements with FFRDCs

In most cases, Federally Funded Research and Development Centers (FFRDC) are funded independently of the remainder of the Project Team. The FFRDC then executes an agreement with any non-FFRDC Project Team members to arrange work structure, project execution, and any other matters. Regardless of these arrangements, the entity that applied as the Prime Recipient for the project will remain the Prime Recipient for the project.

iii. 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.

iv. 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 2 CFR Part 200 as amended by 2 CFR Part 910.

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 an application from a consortium or a team arrangement that includes cost sharing with the private sector, as opposed to an application from a single organization. Such a consortium or teaming arrangement could include a FFRDC. If a 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 a non-DOE/NNSA 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 TIA, the applicant must include an explicit request in its Full Application. After an applicant is selected for award negotiation, 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 2 CFR Part 200 as amended by 2 CFR Part 910). The Contracting Officer will use the criteria in 10 CFR 603, Subpart B, to make this determination.

III. Eligibility Information

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

A. Eligible Applicants

U.S. local and tribal governments, or consortia thereof, are eligible to apply. For the purposes of this initiative, local governments may include a county, municipality, city, town, township, local public authority (including any public and Indian housing agency), school district, special district, intrastate district, council of governments, any other regional or interstate government entity, or any agency or instrumentality of a local government. To be considered as a tribal government for purposes of this Announcement, the entity must be any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

B. Cost Sharing

Cost Share 10%

The cost share must be at least 10% of the total allowable costs for proposed projects (i.e., the sum of the Government share, including FFRDC costs if applicable, and the recipient share of allowable costs equals the total allowable cost of the project) and must come from non-Federal sources unless otherwise allowed by law. (See 2 CFR 200.306 and 2 CFR 910.130 for the applicable cost sharing requirements.)

To assist applicants in calculating proper cost share amounts, EERE has included a cost share information sheet and sample cost share calculation as Appendix A.

i. Legal Responsibility

Although the cost share requirement applies to the project as a whole, including work performed by members of the project team other than the

Prime Recipient, the Prime Recipient is legally responsible for paying the entire cost share. 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.

ii. 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.

iii. Cost Share Types and Allowability

Every cost share contribution must be allowable under the applicable Federal cost principles, as described in Section IV.J.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: rental value of buildings or equipment, the value of a donated service or 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 Program.

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

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

Applicants are encouraged to refer to 2 CFR 200.306 as amended by 2 CFR 910.130 & 10 CFR 603.525-555 for additional guidance on cost sharing.

iv. Cost Share Contributions by FFRDCs

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

v. Cost Share Verification

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

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

vi. Cost Share Payment

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

C. Compliance Criteria

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.

i. Compliance Criteria

1. Concept Papers

Concept Papers are deemed compliant if:

- The Concept Paper complies with the content and form requirements in Section IV.C of the FOA; and
- The applicant successfully uploaded all required documents and clicked the "Submit" button in EERE Exchange by the deadline stated in this FOA.

2. Full Applications

Full Applications are deemed compliant if:

- The applicant submitted a compliant 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.

3. 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.E of the FOA; and
- The applicant successfully uploaded all required documents to EERE Exchange by the deadline stated in the FOA.

D. Responsiveness Criteria

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

E. Other Eligibility Requirements

i. Requirements for DOE/NNSA Federally Funded Research and Development Centers (FFRDC) Listed as the Prime Applicant

A DOE/NNSA FFRDC is not eligible to apply as a Prime Applicant under this Funding Opportunity Announcement.

ii. Requirements for DOE/NNSA and non-DOE/NNSA Federally Funded Research and Development Centers Included as a Subrecipient

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

1. Authorization for non-DOE/NNSA FFRDCs

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

2. Authorization for DOE/NNSA FFRDCs

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

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

3. Value/Funding

The value of and funding for the FFRDC portion of the work will not normally be included in the award to a successful applicant. Usually, DOE will fund a DOE/NNSA FFRDC contractor through the DOE field work proposal system and non-DOE/NNSA FFRDC through an interagency agreement with the sponsoring agency.

4. Cost Share

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

5. Responsibility

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

6. Limit on FFRDC Effort

The scope of work to be performed by the FFRDC may not be more significant than the scope of work to be performed by the applicant.

F. 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.

G. 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 submissions that do not meet the eligibility requirements of Section III. 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 unless stated otherwise.
- Each must be written in English.
- All pages must be formatted to fit on 8.5 x 11 inch paper with margins not less than one inch on every side. Use 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 submission must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths indicated below, 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 Concept Paper, Full Application, or Reply to Reviewer Comments is submitted in EERE Exchange, applicants may revise or update that submission until the expiration of the applicable deadline. If changes are made, the applicant must resubmit the Concept Paper, Full Application, or Reply to Reviewer Comments before 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 the initial eligibility review will undergo comprehensive technical merit review according to the criteria identified in Section V.A.2 of the FOA.

i. 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, the following information may be helpful.

Applicants that experience issues with submission PRIOR to the FOA deadline: In the event that an applicant experiences technical difficulties with a submission, the Application should contact the Exchange helpdesk for assistance (EERE-ExchangeSupport@hq.doe.gov). The Exchange helpdesk and/or the EERE Exchange system administrators will assist Applicants in resolving issues.

Applicants that experience issue with submissions that result in late submissions: In the event that an applicant experiences technical difficulties so severe that they are unable to submit their application by the deadline, the applicant should contact the Exchange helpdesk for assistance (EERE-ExchangeSupport@hq.doe.gov). The Exchange helpdesk and/or the EERE Exchange system administrators will assist the applicant in resolving all issues (including finalizing submission on behalf of and with the applicant's concurrence). PLEASE NOTE, however, those applicants who are unable to submit their application on time 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 the specified due date and time.

i. Concept Paper Content Requirements

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

Each Concept Paper must be limited to a single concept or technology. Unrelated concepts and technologies should not be consolidated into a single Concept Paper.

The Concept Paper must conform to the following content requirements:

Section	Page Limit	Description
Cover Page	1 page maximum	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.
Project Description	5 pages maximum	<p>Applicants are required to describe succinctly:</p> <ul style="list-style-type: none"> • The proposed project in terms of data analytics and process integration with local government, including its basic operating principles and how it is unique and innovative; • The proposed project's targeted suite of policies and programs and expected implications (qualitative only) to either energy intensity or GHG emissions; • The proposed project's target level of performance based on the impact metrics described in the Program Summary Section I.A.i (applicants should provide technical data or other support to show how the proposed target could be met); • The current state-of-the-art in the relevant field and application, including key shortcomings, limitations, and challenges; • How the proposed project will overcome the shortcomings, limitations, and challenges in the relevant field and application; • The potential impact that the proposed project would have on the relevant field and application; • The key data, analysis, and process integration risks/issues associated with the proposed project development plan; and • The impact that EERE funding would have on the proposed project.
Addendum	5 pages maximum	<p>Applicants are required to describe succinctly the qualifications, experience, and capabilities of the proposed Project Team, including:</p> <ul style="list-style-type: none"> • Whether the Principal Investigator (PI) and Project Team have the skill and expertise needed to successfully execute the project plan; • Whether the applicant has prior experience which demonstrates an ability to perform tasks of similar risk and complexity; • Whether the applicant has worked together with its teaming partners on prior projects or programs; and • Whether the applicant has adequate access to data, equipment, and facilities necessary to accomplish the effort and/or clearly explain how it intends to obtain

		<p>access to the necessary data, equipment, and facilities.</p> <p>Applicants may provide graphs, charts, or other data to supplement their Technology Description.</p>
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EERE makes an independent assessment of each Concept Paper based on the criteria in Section V.A.i 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.

EERE may 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 and time 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 and time 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)."

i. Full Application Content Requirements

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

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

Full Applications must conform to the following requirements:

Submission	Components	File Name
Full Application (PDF, unless stated otherwise)	Technical Volume (See Chart in Section IV.D.2)	ControlNumber_LeadOrganization_TechnicalVolume
	Statement of Project Objectives (Microsoft Word format) (10 page limit)	ControlNumber_LeadOrganization_SOPO
	SF-424	ControlNumber_LeadOrganization_App424
	Budget Justification (EERE 335) (Microsoft Excel format. Applicants must use the template available in EERE Exchange)	ControlNumber_LeadOrganization_Budget_Justification
	Summary for Public Release (1 page limit)	ControlNumber_LeadOrganization_Summary
	Summary Slide (1 page limit, Microsoft PowerPoint format)	ControlNumber_LeadOrganization_Slide
	Subaward Budget Justification (EERE 335) (Microsoft Excel format. Applicants must use the template available in EERE Exchange)	ControlNumber_LeadOrganization_Subaward_Budget_Justification
	Budget for FFRDC, if applicable	ControlNumber_LeadOrganization_FWP
	Authorization from cognizant Contracting Officer for FFRDC, if applicable	ControlNumber_LeadOrganization_FFRDCAuth
	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

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_TechnicalVolume_Part_1
ControlNumber_LeadOrganization_TechnicalVolume_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.

ii. Technical Volume

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. However, EERE and reviewers are under no obligation to review cited sources.

The Technical Volume to the Full Application may not be more than 10 pages, including the cover page, table of contents, and all citations, charts, graphs, maps, photos, or other graphics, and must include all 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
1 Page	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.

<p>Project Overview (This section should constitute approximately 10% of the Technical Volume)</p> <p>The Technical Volume should not exceed 10 pages</p>	<p>The Project Overview should contain the following information:</p> <ul style="list-style-type: none"> • Background: The applicant should discuss the background of their organization, including the history, successes, and current status regarding implemented energy and GHG emissions-impacting programs and policies, data analytics capacity, and the use of data analytics in local government practices and processes (i.e., the technical baseline) relevant to the technical topic being addressed in the Full Application. • Project Goal: The applicant should explicitly identify the targeted suite of energy and GHG emissions-impacting policies and programs, the targeted improvements to the above technical baseline, and the critical success factors in achieving that goal. • DOE Impact: The applicant should discuss the impact that DOE funding would have on the proposed project. Applicants should specifically explain how DOE funding, relative to prior, current, or anticipated funding from other public and private sources, is necessary to achieve the project objectives.
<p>Technical Description, Innovation, and Impact (This section should constitute approximately 40% of the Technical Volume)</p>	<p>The Technical Description should contain the following information:</p> <ul style="list-style-type: none"> • Relevance and Outcomes: The applicant should provide a detailed description of the data analytics and process integration with local government, including the scientific and other principles and 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 specific community-identified GHG emissions or energy goals or other relevant performance targets. The applicant should clearly specify the expected outcomes of the project including the impacts metrics described in the Program Summary Section I.A.i. • Feasibility: The applicant should demonstrate the technical feasibility of the proposed project and capability of achieving the anticipated performance targets, including a description of previous work done and prior results. • Innovation and Impacts: The applicant should describe the current state of the art in the applicable field, the specific innovation of the proposed project, the advantages of proposed project over current and emerging local government practices and processes for the use of data analytics, and the overall impact on advancing the state of the art/technical baseline if the project is successful.
<p>Workplan (This section should constitute approximately 30% of the Technical Volume)</p>	<p>The Workplan should include a summary of the Project Objectives, Technical Scope, Work Breakdown Structure, Milestones, Go/No-Go Decision Points, and Project Schedule. A detailed Statement of Project Objectives (SOPO) is separately requested. The Workplan should contain the following information:</p>

	<ul style="list-style-type: none"> • Project Objectives: The applicant should provide a clear and concise (high-level) statement of the goals and objectives of the project as well as the expected outcomes. • Technical Scope Summary: The applicant should provide a summary description of the overall work scope and approach to achieve the objective(s). The overall work scope is to be divided by performance periods that are separated by discrete, approximately annual decision points (see below for more information on go/no-go decision points). The applicant should describe the specific expected end result of each performance period. • Work Breakdown Structure (WBS) and Task Description Summary: The Workplan should describe the work to be accomplished and how the applicant will achieve the milestones, will accomplish the final project goal(s), and will produce all deliverables. The Workplan is to be structured with a hierarchy of 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 description of the specific activities to be conducted over the life of the project. The description shall be a full explanation and disclosure of the project being proposed (i.e., a statement such as “we will then complete a proprietary process” is unacceptable). It is the applicant’s responsibility to prepare an adequately detailed task plan to describe the proposed project and the plan for addressing the objectives of this FOA. The summary provided should be consistent with the SOPO. The SOPO will contain a more detailed description of the WBS and tasks. • Milestone Summary: The applicant should provide a summary of 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 Specific, Measurable, Achievable, Relevant, and Timely. 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. The summary provided should be consistent with the Milestone Summary Table in the SOPO. • Go/No-Go Decision Points: The applicant should provide a summary of 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,
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	<p>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 budget period (12 to 18-month period) of the project. The Applicant should also provide the specific technical criteria to be used to make the go/no-go decision. The summary provided should be consistent with the SOPO.</p> <ul style="list-style-type: none"> • Project Schedule (Gantt Chart or similar): The applicant should provide a schedule for the entire project, including task and subtask durations, milestones, and go/no-go decision points. • Project Management: The applicant should discuss the team's proposed management plan, including the following: <ul style="list-style-type: none"> ○ The overall approach to and organization for managing the work ○ The roles of each Project Team member ○ Any critical handoffs/interdependencies among Project Team members ○ The technical and management aspects of the management plan, including systems and practices, such as financial and project management practices ○ The approach to project risk management ○ A description of how project changes will be handled ○ If applicable, the approach to Quality Assurance/Control ○ How communications will be maintained among Project Team members
Technical Qualifications and Resources (Approximately 20% of the Technical Volume)	<p>The Technical Qualifications and Resources should contain the following information:</p> <ul style="list-style-type: none"> • Describe the Project Team's unique qualifications and expertise, including those of key Subrecipients. • Describe the Project Team's existing data, equipment, and facilities that will facilitate the successful completion of the proposed project; include a justification of any new data acquisition, equipment, or facilities requested as part of the project. • This section should also include relevant, previous work efforts, demonstrated innovations, and how these enable the applicant to achieve the project objectives. • Describe the time commitment of the key team members to support the project. • 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.

	<ul style="list-style-type: none"> • Describe the technical services to be provided by DOE/NNSA FFRDCs, if applicable. • Attach letters of commitment from all Subrecipient/third party cost share providers as an appendix. Letters of commitment do not count towards the page limit. • 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. • For multi-organizational or multi-investigator projects, describe succinctly: <ul style="list-style-type: none"> ○ The roles and the work to be performed by each PI and Key Participant; ○ Business agreements between the applicant and each PI and Key Participant; ○ How the various efforts will be integrated and managed; ○ Process for making decisions on scientific/technical direction; ○ Publication arrangements; ○ Intellectual Property issues; and ○ Communication plans
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iii. Statement of Project Objectives

Applicants are required to complete a Statement of Project Objectives (SOPO). A SOPO template is available on EERE Exchange at <https://eere-exchange.energy.gov/>. The SOPO, including the Milestone Table, must not exceed 10 pages when printed using standard 8.5 x 11 paper with 1" margins (top, bottom, left, and right) with font not smaller than 12 point. Save the SOPO in a single Microsoft Word file using the following convention for the title "ControlNumber_LeadOrganization_SOPO".

iv. 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".

v. Budget Justification Workbook (EERE 335)

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 rate agreement, vendor quotes). Applicants should include costs associated with required annual audits and incurred cost 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 Microsoft Excel file using the following convention for the title “ControlNumber_LeadOrganization_Budget_Justification”.

vi. Summary/Abstract for Public Release

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

vii. 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 Summary;
- A description of the technology'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.

viii. Subaward Budget Justification (EERE 335) (if applicable)

Applicants must provide a separate budget justification, EERE 335 (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 Microsoft Excel file using the following convention for the title

"ControlNumber_LeadOrganization_Subawardee_Budget_Justification".

ix. Budget for DOE/NNSA FFRDC (if applicable)

If a DOE/NNSA FFRDC contractor is to perform a portion of the work, the applicant must provide a DOE Field Work Proposal (FWP) in accordance with the requirements in DOE Order 412.1, Work Authorization System. DOE Order 412.1 and DOE O 412.1 (Field Work Proposal form) area available at the following link, under "DOE Budget Forms":

<https://www.directives.doe.gov/directives/0412.1-BOrder-a/view>. Save the FWP in a single PDF file using the following convention for the title

"ControlNumber_LeadOrganization_FWP".

x. Authorization for non-DOE/NNSA or DOE/NNSA FFRDCs (if applicable)

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

"ControlNumber_LeadOrganization_FFRDCAuth".

xi. 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/sfillin.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”.

xii. Waiver Requests: Foreign Entities and Performance of Work in the United States (if applicable)

1. 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. Appendix B lists the necessary information that must be included in a request to waive this requirement.

2. Performance of Work in the United States

As set forth in Section IV.J.iii, 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. Appendix B lists the necessary information that must be included in a request to waive the Performance of Work in the United

States requirement.

xiii. U.S. Manufacturing Commitments

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

1. Domestic Small Businesses, Educational Institutions and Nonprofits

Domestic Small businesses (including Small Business concerns), domestic educational institutions, and nonprofits that are Recipients or Subrecipients under 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.

2. 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.

3. FFRDCs

DOE FFRDCs are subject to the U.S. Manufacturing requirements set forth in their Management and Operating Contracts. All other FFRDCs are subject to the U.S. Manufacturing requirements as set forth above, based on their size and for-profit status.

E. 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 a brief opportunity to review the comments and to prepare a short Reply to Reviewer Comments responding to comments however they desire or supplementing their Full Application. The Reply to Reviewer Comments is an optional submission; applicants are not required to submit a Reply to Reviewer Comments. EERE will notify applicants via email when the Reviewer Comments are available for reply. The expected submission deadline is on the cover page of the FOA; however, it is the applicant's responsibility to monitor email in the event that the expected date changes. The deadline will not be extended for applicants who are unable to timely submit their reply due to failure to check email or relying on the expected date alone. Applicants should anticipate having approximately three (3) business days to submit Replies to Reviewer Comments.

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 (3) pages and disregard any additional pages.

SECTION	PAGE LIMIT	DESCRIPTION
Text	2 pages max	Applicants may respond to one or more reviewer comments or supplement their Full Application.

Optional	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.
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F. 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
- 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

G. Dun and Bradstreet Universal Numbering System Number and System for Award Management

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

H. Submission Dates and Times

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

I. Intergovernmental Review

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

J. Funding Restrictions

i. Allowable Costs

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

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

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

ii. Pre-Award Costs

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

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

1. 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.

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 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.

iii. Performance of Work in the United States

1. 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 Prime Recipient should make every effort to purchase supplies and equipment within the United States. The Prime Recipient must flow down this requirement to its Subrecipients.

2. Failure to Comply

If the Prime Recipient fails to comply with the Performance of Work in the United States requirement, 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 Prime 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 Prime Recipient, Subrecipients, contractors or other project partners.

3. Waiver

There may be limited circumstances where it is in the interest of the project to perform a portion of the work outside the United States. To seek a waiver of the Performance of Work in the United States requirement, the applicant must submit a written waiver request to EERE. Appendix B lists the necessary information that must be included in a request to waive the Performance of Work in the United States requirement.

The applicant must demonstrate to the satisfaction of EERE that a waiver would further the purposes of the FOA and is in the economic interests of 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". The applicant does not have the right to appeal EERE's decision concerning a waiver request.

iv. Construction

Recipients are required to obtain written authorization from the Contracting Officer before incurring any major construction costs.

v. Foreign Travel

Foreign travel costs are not allowable under this FOA.

vi. Equipment and Supplies

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

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

vii. Lobbying

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

Recipients and Subrecipients are required to complete and submit SF-LLL, "Disclosure of Lobbying Activities"

(<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.

viii. Risk Assessment

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

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

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

V. Application Review Information

A. Technical Review Criteria

i. Concept Papers

Concept Papers are evaluated based on consideration the following factors. All sub-criteria are of equal weight.

Concept Paper Criterion: Overall FOA Responsiveness and Viability of the Project (Weight: 100%)

- The applicant clearly describes the proposed project in terms of data analytics and process integration with local government, describes how the project is unique and innovative, and how the project will advance the current state-of-the-art;
- The applicant has identified risks and challenges, including possible mitigation strategies, and has shown the impact that EERE funding and the proposed project would have on the relevant field and application;
- The applicant has the qualifications, experience, capabilities, data access, and other resources necessary to complete the proposed project; and
- The proposed work, if successfully accomplished, would clearly meet the objectives as stated in the FOA.

ii. Full Applications

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

Criterion 1: Technical Merit, Innovation, and Impact (40%)

Technical Merit and Innovation

- Extent to which the proposed data analytics and process integration with local government is innovative;
- Degree to which the current state of the local government practices and processes for use of data analytics and the proposed advancement are clearly described;
- Extent to which the application specifically and convincingly demonstrates how the applicant will move the state of the art to the proposed advancement; and
- Sufficiency of technical detail in the application to assess whether the proposed work is scientifically meritorious and revolutionary,

including relevant data, calculations and discussion of prior work in the literature with analyses that support the viability of the proposed work.

Impact of Technology Advancement

- 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-art.

Criterion 2: Project Research Plan (30%)

Research Approach, Workplan and SOPO

- Degree to which the approach 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 Workplan and SOPO will succeed in meeting the project goals.
- Degree to which communications activities are clearly stated and likely to be effective for disseminating project results to other local or tribal governments and stakeholders.

Identification of Technical Risks

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

Baseline, Metrics, and Deliverables

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

Criterion 3: Team and Resources (30%)

- The capability of the Principal Investigator(s) and the proposed team to address all aspects of the proposed work with a high probability of success. The qualifications, relevant expertise, and time commitment of the individuals on the team;
- The sufficiency of data access and the facilities to support the work;

- The degree to which the proposed consortia/team demonstrates the ability to facilitate and expedite further development and commercial deployment of the proposed technologies;
- The level of participation by project participants as evidenced by letter(s) of commitment and how well they are integrated into the Workplan;
- Demonstrated record in advancing clean energy goals in their communities;
- The level of support by the local government as evidenced by letter(s) of support [from senior elected or departmental officials with responsibilities related to the subject of the proposal](#); and
- The reasonableness of the budget and spend plan for the proposed project and objectives.

iii. 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

i. Program Policy Factors

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

- The degree to which the proposed project, including proposed cost share, 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;
- Whether the applicant is a Climate Action Champion¹ designated under DOE's Request for Applications DE-FOA-0001189 (RFA) or the applicant has a letter of support from a Climate Action Champion designated under the above referenced RFA.
- The level of cost share above the 10% minimum; and
- The degree to which the proposed project can contribute to an awardee pool representing a diversity of characteristics, locations, and sectors addressed.

D. Evaluation and Selection Process

i. Overview

The evaluation process consists of multiple phases; each includes an initial eligibility review and a thorough technical review. Rigorous technical reviews of eligible submissions are conducted by reviewers 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.

ii. 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.

iii. Pre-Selection Clarification

EERE may determine that pre-selection clarifications are necessary from one or more applicants. Pre-selection clarifications are distinct from and less formal than pre-selection interviews. These pre-selection clarifications will solely be for the purposes of clarifying the application, 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.

iv. Recipient Integrity and Performance Matters

DOE, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated

Questions about this FOA? Email Cities.LEAP@ee.doe.gov.

Problems with EERE Exchange? Email EERE- EERE-ExchangeSupport@hq.doe.gov Include FOA name and number in subject line.

integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313).

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

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

v. Selection

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

E. Anticipated Notice of Selection and Award Dates

EERE anticipates notifying applicants selected for negotiation of award by Summer 2016 and making awards by Fall 2016.

VI. Award Administration Information

A. Award Notices

i. Ineligible Submissions

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

ii. Concept Paper Notifications

EERE will notify applicants of its determination to encourage or discourage the submission of a Full Application. EERE will send a notification letter by

email 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 is 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.

iii. Full Application Notifications

EERE will notify applicants of its determination via a notification letter by email to the technical and administrative points of contact designated by the applicant in EERE Exchange. The notification letter will inform the applicant whether or not its Full Application was selected for award negotiations. 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.

iv. Successful Applicants

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

The award negotiation process will take approximately 60 days. Applicants must designate a primary and a backup point-of-contact in EERE Exchange with whom EERE will communicate to conduct award negotiations. The applicant must be responsive during award negotiations (i.e., provide requested documentation) and meet the negotiation deadlines. If the applicant fails to do so or if award negotiations are otherwise unsuccessful, EERE will cancel the 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.J.2 of the FOA for guidance on pre-award costs.

v. Alternate Selection Determinations

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

vi. 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.

B. Administrative and National Policy Requirements

i. Registration Requirements

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

1. 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 they 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.**

Questions about this FOA? Email Cities.LEAP@ee.doe.gov.

Problems with EERE Exchange? Email EERE- EERE-ExchangeSupport@hq.doe.gov Include FOA name and number in subject line.

2. 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>.

3. 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.

4. 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 http://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf.

5. 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.

6. 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.

ii. Award Administrative Requirements

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

iii. Foreign National Access to DOE Sites

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

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Problems with EERE Exchange? Email EERE- EERE-ExchangeSupport@hq.doe.gov Include FOA name and number in subject line.

national access to DOE sites, information, technologies, and equipment. A 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.

iv. Subaward and Executive Reporting

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

v. National Policy Requirements

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

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

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. If DOE determines certain records must be prepared to complete the NEPA review process (e.g., biological evaluations or environmental assessments), the costs to prepare the necessary records may be included as part of the project costs.

Questions about this FOA? Email Cities.LEAP@ee.doe.gov.

Problems with EERE Exchange? Email EERE- EERE-ExchangeSupport@hq.doe.gov Include FOA name and number in subject line.

vii. Applicant Representations and Certifications

1. Lobbying Restrictions

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

2. Corporate Felony Conviction and Federal Tax Liability Representations

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

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

For purposes of these representations the following definitions apply:

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

3. Nondisclosure and Confidentiality Agreements Representations

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

- a. It **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a

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Federal department or agency authorized to receive such information.

- b. It **does not and will not** use any Federal funds to implement or enforce any nondisclosure and/or confidentiality policy, form, or agreement it uses unless it contains the following provisions:
- (1) *“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”*
 - (2) The limitation above shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.
 - (3) Notwithstanding the provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure or confidentiality forms shall also

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make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

viii. Statement of Federal Stewardship

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.

ix. Statement of Substantial Involvement

EERE has substantial involvement in work performed under Awards made as a result of 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 shares responsibility with the recipient for the management, control, direction, and performance of the Project.
2. 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.
3. 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(s).
4. EERE participates in major project decision-making processes.

x. Subject Invention Utilization Reporting

In order to ensure that Prime Recipients and Subrecipients holding title to subject inventions are taking the appropriate steps to commercialize subject inventions, EERE may require that each Prime 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 Prime Recipient or their licensees or assignees to stimulate such utilization. The reports must include information regarding the status of development, date of first commercial sale or use, gross royalties received by the Prime Recipient, and such other data and information as EERE may specify.

xi. Intellectual Property Provisions

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

xii. Reporting

Reporting requirements are identified on the Federal Assistance Reporting Checklist, 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.

xiii. Go/No-Go Review

Each project selected under this FOA will be subject to a periodic project evaluation referred to as a Go/No-Go Review. Federal funding beyond the Go/No Go decision point (continuation funding), is contingent on (1) 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, and decision point criteria of recipient's approved project and obtaining approval from EERE to continue work on the project; and (3) the submittal of required reports in accordance with the Statement of Project Objectives.

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

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

xiv. Conference Spending

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

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: Cities.LEAP@ee.doe.gov. Questions must be submitted not later than 3 business days prior to the application due date and time.

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.

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

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FOA as possible to ensure you receive timely notice of any amendments or other FOAs.

B. Informational Webinar

EERE will conduct one informational webinar during the FOA process. It will be held after the initial FOA release but before the due date for Concept Papers.

Attendance is not mandatory and will not positively or negatively impact the overall review of any applicant submissions. As the webinar will be open to all applicants who wish to participate, applicants should refrain from asking questions or communicating information that would reveal confidential and/or proprietary information specific to their project. Specific dates for the webinar can be found on the cover page of the FOA.

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 only use data and other information contained in applications for evaluation purposes, 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.

The use of protective markings such as “Do Not Publicly Release – Trade Secret” or “Do Not Publicly Release – Confidential Business Information” is encouraged. However, applicants should be aware that the use of protective markings is not dispositive as to whether information will be publicly released pursuant to the Freedom of Information Act, 5 U.S.C. §552, et. seq., as amended by the OPEN Government Act of 2007, Pub. L. No. 110-175. (See Section I of this document, “Notice of Potential Disclosure Under the Freedom of Information Act (FOIA)” for

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additional information regarding the public release of information under the Freedom of Information Act.

Applicants are encouraged to employ protective markings in the following manner:

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 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.

F. Evaluation and Administration by Non-Federal Personnel

In conducting the merit review evaluation, the Go/No-Go Review and Peer Review, 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 FOA include those which describe and promote the understanding of scientific and technical aspects of specific energy technologies,

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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 (FOIA)

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

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 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

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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).
- 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.

M. Government Rights in Subject Inventions

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

i. Government Use License

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

ii. March-In Rights

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

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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 software developed under an award without EERE approval only if the Prime Recipient and

Subrecipients license the materials to the public under an open source software license, such as Apache License 2.0, GNU General or Public License, GNU Library or “Lesser” General Public License, MIT License, or Mozilla Public License 2.0. For all other copyrightable works developed under the award, the Recipient and Subrecipients may assert copyright 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.

P. Personally Identifiable Information (PII)

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

<https://www.whitehouse.gov/sites/default/files/omb/memoranda/fy2007/m07-16.pdf>

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

Q. Annual Compliance Audits

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

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

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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 – Cost Share Information

Cost Sharing or Cost Matching

The terms “cost sharing” and “cost matching” are often used synonymously. Even the DOE Financial Assistance Regulations, 2 CFR 200.306, use both of the terms in the titles specific to regulations applicable to cost sharing. 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. FFRDC costs must be included in Total Project Costs. Following is an example of how to calculate cost sharing amounts for a project with \$1,000,000 in federal funds with a minimum 20% non-federal cost sharing requirement:

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

What Qualifies For Cost Sharing

While it is not possible to explain what specifically qualifies for cost sharing in one or even a couple of sentences, in general, if a cost is allowable under the cost principles applicable to the organization incurring the cost and is eligible for reimbursement under an 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:

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

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

Additionally, 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.

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

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

- (A) Acceptable contributions. All contributions, including cash contributions and third party in-kind contributions, must be accepted as part of the Prime Recipient's cost sharing if such contributions meet all of the following criteria:
- (1) They are verifiable from the recipient's records.
 - (2) They are not included as contributions for any other federally-assisted project or program.
 - (3) They are necessary and reasonable for the proper and efficient accomplishment of project or program objectives.
 - (4) They are allowable under the cost principles applicable to the type of entity incurring the cost as follows:
 - a. For-profit organizations. Allowability of costs incurred by for-profit organizations and those nonprofit organizations listed in Attachment C to OMB Circular A-122 is determined in accordance with the for-profit cost principles in 48 CFR Part 31

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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. For all other non-federal entities, allowability of costs is determined in accordance with 2 CFR Part 200 Subpart E.
- (5) They are not paid by the Federal Government under another award unless authorized by Federal statute to be used for cost sharing or matching.
- (6) They are provided for in the approved budget.

(B) Valuing and documenting contributions

- (1) Valuing recipient's property or services of recipient's employees. Values are established in accordance with the applicable cost principles, which mean that amounts chargeable to the project are determined on the basis of costs incurred. For real property or equipment used on the project, the cost principles authorize depreciation or use charges. The full value of the item may be applied when the item 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 B – Waiver Requests: Foreign Entity Participation as the Prime Recipient and Performance of Work in the United States

1. Waiver for Foreign Entity Participation as the Prime Recipient

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, an applicant must submit an explicit waiver request in the Full Application.

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

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

EERE may require additional information before considering the waiver request.

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

2. Waiver for Performance of Work in the United States

As set forth in Section IV.J.3, 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

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waiver is not required for foreign purchases of these items. However, the Prime Recipient should make every effort to purchase supplies and equipment within the United States. There may be limited circumstances where it is in the interest of the project to perform a portion of the work outside the United States. To seek a waiver of the Performance of Work in the United States requirement, the applicant must submit an explicit waiver request in the Full Application. A separate waiver request must be submitted for each entity proposing performance of work outside of the United States.

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

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

EERE may require additional information before considering the waiver request.

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