

**U.S. Department of Energy (DOE)  
Office of Energy Efficiency and Renewable Energy (EERE)**

**Small Innovative Projects in Solar: Concentrating Solar Power  
and Photovoltaics (SIPS: CSP & PV) – Annual**

**Funding Opportunity Announcement (FOA) Number: DE-FOA-0003308**

**FOA Type: Initial**

**Assistance Listing Number: 81.087**

<b>FOA Issue Date:</b>	1/18/2024
<b>Submission Deadline for FY24 Full Applications:</b>	3/6/2024 5:00 p.m. ET
<b>Expected Date for EERE Selection Notifications:</b>	May 2024
<b>Expected Timeframe for Award Negotiations:</b>	Summer 2024
<b>Estimated FOA Re-Issue Date<sup>1</sup></b>	Winter 2024

- 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.
- **Unique Entity Identifier (UEI) and System for Award Management (SAM)** - Each applicant (unless the applicant is excepted from those requirements under 2 CFR 25.110) is required to: (1) register in the SAM at <https://www.sam.gov> before submitting an application; (2) provide a valid UEI number in the application; and (3) maintain an active SAM registration with current information when the applicant has an active federal award or an application or plan under consideration by a federal awarding agency. DOE may not make a federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOE is ready to make a federal award, DOE

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<sup>1</sup> EERE intends to re-issue the SIPS CSP & PV FOA annually, pending appropriations and programmatic priorities.

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will determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

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

- **This FOA is expected to be re-issued every year, so applicants can submit new applications for consideration. The current issuance of this FOA solicits applications for fiscal year 2024.**

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## I. Funding Opportunity Description

### A. Background and Context

#### i. Background and Purpose

This funding opportunity announcement (FOA) is being issued by the U.S. Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy (EERE) Solar Energy Technologies Office (SETO). This FOA will advance the Biden Administration's goals to achieve carbon-pollution-free electricity by 2035 and "deliver an equitable, clean energy future, and put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050"<sup>2</sup> to the benefit of all Americans.

This FOA supports the administration goals laid out above by helping achieve SETO's research goals for concentrating solar-thermal power (CSP) and photovoltaic (PV) technologies, while advancing and accelerating market adoption of solar technologies. Small Innovative Projects in Solar (SIPS) is an agile funding vehicle for SETO investments with two major aims: to investigate high-risk ideas that address a major technology barrier or open the possibility of a novel concept, and to attract new entrants into the applied solar Research and Development (R&D) community.

Building a clean and equitable energy economy and addressing the climate crisis is a top priority of the Biden Administration. The Department of Energy is committed to pushing the frontiers of science and engineering, catalyzing clean energy jobs through research, development, demonstration, and deployment (RDD&D), and ensuring environmental justice and inclusion of underserved communities.

The R&D activities to be funded under this FOA will support the government-wide approach to the climate crisis by driving the innovation that can lead to the deployment of clean energy technologies, which are critical for climate protection.

Solar energy technologies are essential to achieving a 100% clean electricity system by 2035 and a net-zero energy system by 2050. Achieving this transition requires the industry to achieve the office's 2030 cost targets, which would halve the cost of solar power in the decade from 2020 to 2030. There are multiple pathways to achieve these goals, but all require sustained innovation across solar energy technologies.

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<sup>2</sup> Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021.

SETO has made significant investments in solar energy research and worked with national laboratories and industrial partners to lower costs across the solar value chain. National laboratory test capabilities and research on degradation rates have supported longer lifetimes for PV systems; online tools have made it easier for consumers to determine if they can install solar PV and save money by doing so; and new racking systems have reduced installation times. These investments have helped accelerate American solar innovation, increased energy affordability across the country, and put the United States on a path to achieve carbon-pollution-free electricity by 2035.

While PV has dominated the U.S. solar market, CSP technologies offer a unique value as a renewable energy resource that can readily deliver high-temperature heat and inherently incorporate storage for on-demand solar energy.<sup>3</sup> CSP technologies use mirrors to track the sun and direct sunlight onto a receiver. This heats up a transfer medium, which can be used to generate electricity or deliver heat to various industrial applications, such as water desalination, enhanced oil recovery, food processing, chemical production, and mineral processing. Continued optimization of these practices will improve the performance, reliability, and cost of future CSP plants, which have the potential to provide between 25 and 160 gigawatts alternating current (GW<sub>ac</sub>) of U.S. capacity by 2050.<sup>4</sup>

In addition, many CSP plants in operation today use thermal energy storage (TES) systems, which store solar energy as heat for use when it is needed. Longer-term storage can help alleviate the impact of longer periods of cloudy weather. Existing CSP plants have already demonstrated durations of storage up to 15 hours, which increases their value to the grid. With integrated TES, CSP plants can produce consistent amounts of electricity on demand, regardless of the time of day or amount of cloud cover.

While significant research and industry advances have been made, the solar industry and associated research communities do not match the diversity of the United States.<sup>5</sup> Women and minorities are underrepresented in the solar industry and in science, technology, engineering, and mathematics (STEM) fields. STEM fields also lack diversity in geographical origin, with U.S. rural areas underrepresented relative to large population centers. Since STEM students and graduates support R&D activities in universities, national laboratories, and private industry, the lack of diversity in that pipeline adversely affects the

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<sup>3</sup> Augustine, Chad, Craig Turchi, and Mark Mehos. The Role of Concentrating Solar-Thermal Technologies in a Decarbonized U.S. Grid. <https://www.nrel.gov/docs/fy21osti/80574.pdf>

<sup>4</sup> C. Murphy, Y. Sun, W. Cole, G. Maclaurin, C. Turchi, and M. Mehos. "The Potential Role of Concentrating Solar Power within the Context of DOE's 2030 Solar Cost Targets." 2019.

<sup>5</sup> SEIA: U.S. Solar Industry Diversity Study 2019.

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opportunities and potential outcomes in scientific and economic output. DOE and the Biden Administration have prioritized increasing diversity in STEM fields.

This FOA aims to broaden the solar R&D community. SETO is interested in proposals supported by diversity in experience and perspectives. Because SETO awardees often play a significant role in training future researchers and solar industry employees, the office requires FOA applicants to submit a plan proposing actions, within the scope of their projects, that can broaden the participation of well-qualified members of underrepresented groups on their teams. The office also encourages applications from members of groups traditionally underrepresented in engineering and science, and from early-career researchers who have never applied or been selected for a SETO project award. This FOA has a streamlined application and review process. A concept paper is not required. There will be no clarification interviews. The size of the technical volume has been reduced.

## **ii. Technology Space and Strategic Goals**

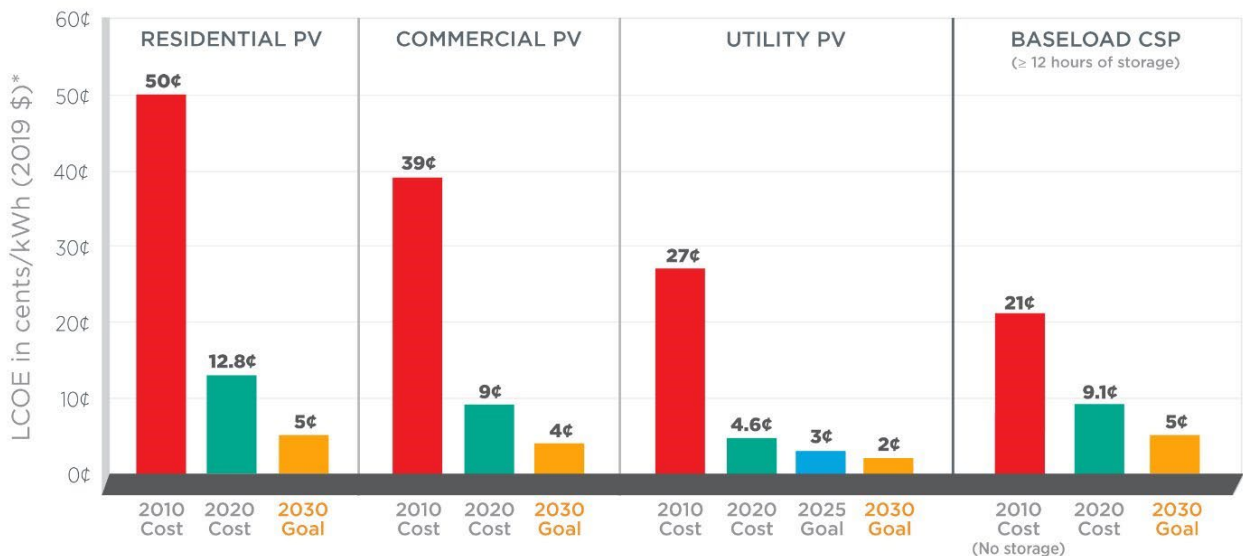
This FOA seeks applications to accelerate the development and deployment of solar technology to support an equitable transition to a decarbonized electricity system by 2035 and decarbonized energy sector by 2050. Achieving this goal will support the nationwide effort to meet the threat of climate change and ensure that all Americans benefit from the transition to a clean energy economy.

Reducing the cost of solar energy is essential to accelerating solar deployment and affordably decarbonizing the grid. By 2030, SETO is committed to reaching aggressive but achievable cost targets across all market sectors:

- \$0.05 per kilowatt-hour (kWh) for residential PV
- \$0.04 per kWh for commercial PV
- \$0.02 per kWh hour for utility-scale PV
- \$0.05 per kWh for CSP baseload plants, which have a minimum of 12 hours of energy storage.



## Solar Energy Technologies Office Progress and Goals Photovoltaics (PV) and Concentrating Solar-Thermal Power (CSP)



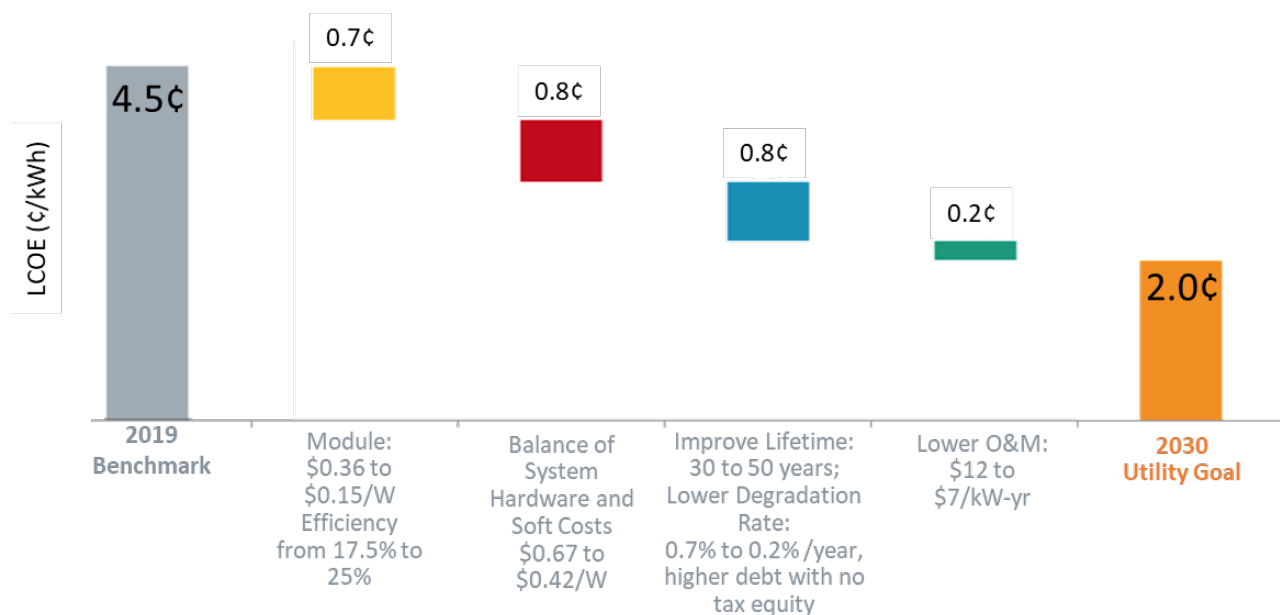
\*Levelized cost of energy (LCOE) PV progress and targets are calculated based on average U.S. climate and without the Investment Tax Credit or state/local incentives.

**Figure 1.** Solar energy cost reductions 2010-2020 and DOE cost goals without federal tax credits or state/local incentives.

SETO’s cost targets are measured in “levelized cost of energy” (LCOE), which determines the cost for electricity produced by solar energy systems. LCOE is based upon the sum of the upfront installation price and the present value of the lifetime operational expenses (\$) divided by the net present value of the power produced (kWh).

Although these targets are aggressive, there are multiple realistic paths to achieve them. All pathways require significant improvements across the office’s research areas, but greater progress in one area can allow for more moderate improvement in others. These interdependencies and trade-offs among cost- and performance-improvement factors create many opportunities for technology development.

Figure 2, below, describes one potential pathway to \$0.02/kWh by 2030.



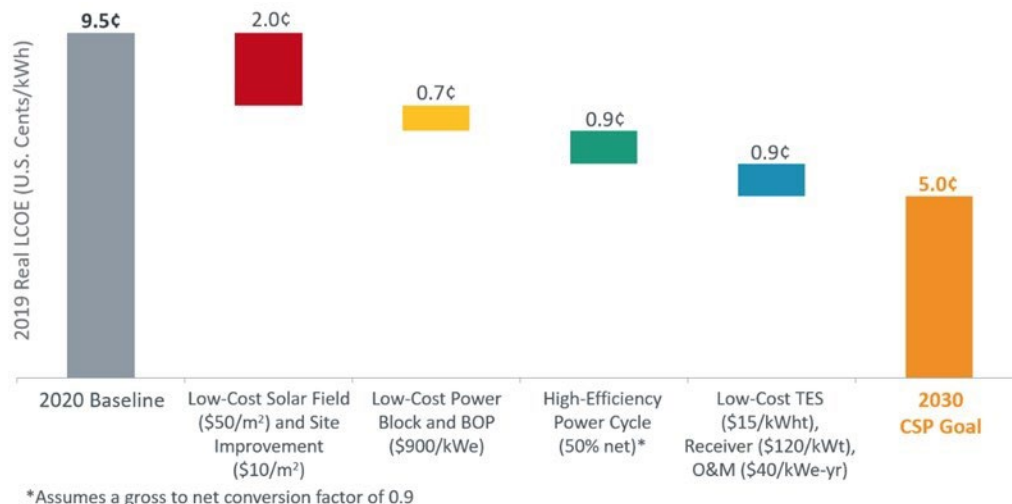
**Figure 2.** One pathway to SETO's 2030 utility-scale PV cost goal.

For next-generation CSP plants, the office has set a target to lower the cost of electricity from baseload plants (with more than 12 hours of storage) to \$0.05/kWh by 2030. This represents, approximately, a 50% reduction of existing costs.<sup>6</sup> Figure 3, below, describes one potential pathway to \$0.05/kWh for CSP by 2030.

To achieve the CSP goal, SETO has primarily focused on strategies to raise the temperature of heat delivered to the power cycle, thereby increasing plant efficiency. The Generation 3 Concentrating Solar Power Systems<sup>7</sup> (Gen3 CSP) funding program, launched in 2017, has provided \$100 million for research to advance high-temperature components and develop integrated assembly designs with TES that can reach operating temperatures greater than 700° Celsius (1,290° Fahrenheit). In addition, these plants use advanced power cycles, based on supercritical carbon dioxide (sCO<sub>2</sub>), that are much more efficient than existing steam-based cycles. The combination of Gen3 CSP systems with sCO<sub>2</sub> cycles is expected to lower the cost of a CSP system by approximately \$0.03/kWh, which is 60% of the way toward SETO's 2030 cost goal of \$0.05/kWh for baseload configurations.

<sup>6</sup> SETO. 2030 Solar Cost Targets. <https://www.energy.gov/eere/solar/articles/2030-solar-cost-targets>

<sup>7</sup> SETO. "Generation 3 Concentrating Solar Power Systems (Gen3 CSP)." <https://www.energy.gov/eere/solar/generation-3-concentrating-solar-power-systems-gen3-csp>.



**Figure 3.** One path to achieve the SETO 2030 CSP cost goal.

## B. Topic Areas

Small Innovative Projects in Solar (SIPS) for CSP and PV is an agile funding vehicle for SETO investments with two major aims: to investigate high-risk ideas that address a major technology barrier or open the possibility of a novel concept, and to attract new entrants into the applied solar R&D community. Projects will focus on innovative and novel ideas that are appropriate for 12-18 months of research to determine feasibility.

All applications must describe the following:

1. The current understanding of the novel science, technology, concept, or component;
2. How successful research would change the state of the art and how it could impact key technoeconomic metrics;
3. What new scientific or engineering understanding of the technology, concept, or component will result from the project; and
4. The next appropriate research or development effort if the project is fully successful—for example, a prototype at a specific scale, component integration, a specified testing plan, or commercial integration.

**New principal investigators, especially early-career researchers who have never applied or been awarded SETO funding, are encouraged to apply.**<sup>8</sup> New applicants are strongly encouraged to review the SETO-managed Solar Energy Research

<sup>8</sup> SETO. “How to Apply for a Funding Opportunity (FOA).” <https://www.energy.gov/eere/solar/how-to-apply-forfunding>.

Database<sup>9</sup> and identify previously funded work in the same technical areas. The database can be filtered to isolate projects from a specific SETO program (such as PV and CSP) or a specific funding program (which are described on the SETO website<sup>10</sup>). The funding programs section of the SETO website can be used to find the 2020 SIPS projects,<sup>11</sup> the 2021 combined PV and CSP FOA topics and projects,<sup>12</sup> the 2022 SIPS projects<sup>13</sup>, and the 2023 SIPS funding notice<sup>14</sup>. Project outputs generally should be available to the public on osti.gov, including a final technical report for completed projects.

All work under EERE funding agreements must be performed in the United States. See Section IV.H.iii. and Appendix C.

**i. Topic Area 1: SIPS: CSP**

*This topic area will support small, focused projects investigating the applicability and robustness of novel ideas in CSP. Responsive concepts include all aspects of CSP plants with thermal energy storage, as well as solar-thermal industrial process heat (SIPH) innovations, and solar-thermal fuel systems.*

SETO intends to fund high-risk, focused projects that can quickly validate novel concepts in CSP technologies to support dramatic progress toward the 2030 CSP LCOE goal of \$0.05/kWh<sub>electric</sub> for baseload power or \$0.02/kWh<sub>thermal</sub> for SIPH.<sup>15</sup> All aspects of CSP plants with thermal energy storage, as well as SIPH innovations, are of interest. Ideas aligned with the goals of previous SETO CSP solicitations are encouraged.<sup>16</sup> Broadly, ideas may fall into two categories: early efforts to apply novel science and ideas to CSP or SIPH, and innovative methods that close a technical gap or limitation in an emerging CSP or SIPH technology, concept, or component.

To help focus the tasks of these research efforts, the application should clearly describe a central hypothesis that the project will test. The explanation of the proposed work should lay out a research plan that can strongly support or disprove the key hypothesis. If successful, the technology should be well positioned to move to the next stage of research and development, whether that is fabrication of a

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<sup>9</sup> SETO Solar Energy Research Database. <https://www.energy.gov/eere/solar/solar-projects-map>

<sup>10</sup> <https://www.energy.gov/eere/solar/solar-research-and-development-funding-programs>

<sup>11</sup> <https://www.energy.gov/eere/solar/seto-2020-small-innovative-projects-solar-sips>

<sup>12</sup> <https://www.energy.gov/eere/solar/solar-energy-technologies-office-fiscal-year-2021-photovoltaics-and-concentrating-solar>

<sup>13</sup> <https://www.energy.gov/eere/solar/seto-small-innovative-projects-solar-2022-concentrating-solar-thermal-power-and>

<sup>14</sup> <https://www.energy.gov/eere/solar/articles/funding-notice-small-innovative-projects-solar-sips-concentrating-solar-thermal>

<sup>15</sup> Solar Energy Technologies Office Multi-Year Program Plan, May 2021.

<https://www.energy.gov/eere/solar/articles/solar-energy-technologies-office-multi-year-program-plan>

<sup>16</sup> <https://eere-exchange.energy.gov/Default.aspx?Archive=1>

prototype, integration within a system, a high-fidelity testing regime, commercial integration, other technology development activity, or some combination in a broader research effort. Applicants should demonstrate an understanding of the major issues impeding their technical approach and identify the barrier(s) their research effort will target. Applicants must demonstrate awareness of similar approaches and previous relevant research on the proposed technology, concept, or component. Potentially relevant work previously funded by SETO can be found on the EERE website.<sup>17,18, 19</sup>

**Areas of Interest:** This list is not exhaustive or exclusive. Applications that address areas not listed here will still be considered for funding if they address the broader goals of Topic Area 1.

- **Heliostat technology development:** SETO has a target to develop heliostat fields with an installed cost of \$50 per square meter (m<sup>2</sup>). In 2022, SETO's Heliostat Consortium (HelioCon) published a heliostat technology development roadmap.<sup>20</sup> SETO is interested in applications that support the cost target and align with the roadmap. Applicants may seek to collaborate with HelioCon.<sup>21</sup>
- **Particle transport technology development:** For scale-up of particle transport systems beyond a 10 MW<sub>electric</sub> power block and 300 MWh<sub>thermal</sub> TES, careful design considerations of the particle transport loop are required. SETO is seeking innovations to enable high-temperature particle conveyance and transport for a Gen3 CSP or high-temperature SIPH system. Pneumatic conveying, high-temperature air supply systems, particle transporters that mix air and particles, rotary air locks, filtration units, and flow control valves are all of interest for this FOA. Innovations to overcome challenges limiting the design of particle systems with temperatures > 550 °C and mass flow rates > 100 kg/s (360 tph) are also sought.
- **Distributed scale SIPH:** SETO is interested in innovations in research, analysis, feasibility studies, or proof-of-concepts that promote rapid deployment of CSP into process heat applications. Concepts to enable future SIPH commercialization are also of interest.
- **Hybrid CSP energy systems:** In many scenarios, CSP can be paired with an additional energy generating source, such as photovoltaics, to increase its

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<sup>17</sup> <https://www.energy.gov/eere/solar/solar-energy-research-database>

<sup>18</sup> <https://www.osti.gov/>

<sup>19</sup> <https://www.energy.gov/eere/solar/concentrating-solar-thermal-power>

<sup>20</sup> Zhu, Guangdong, et al. Roadmap to Advance Heliostat Technologies for Concentrating Solar-Thermal Power. No. NREL/TP-5700-83041. National Renewable Energy Lab.(NREL), Golden, CO (United States), 2022.  
<https://www.osti.gov/biblio/1888029>

<sup>21</sup> <https://www.Heliocon.org>

value and decrease LCOE. Novel technologies that increase the energy system performance, value, or commercial viability of hybrid systems are of interest.

- **CSP control system innovation:** Intelligent CSP control and automation systems can improve the system performance and reliability by proactively controlling the complex behaviors and interactions of the plant subsystems and environment. SETO is interested in control system innovations for variable operating conditions, environmental variations, fault detection and isolation, diagnostics and predictive maintenance, wireless access and control, and data collection to allow operators to run CSP plants safely, efficiently, and reliably.
- **Technology and analysis impacting CSP soft costs:** SETO is interested in innovations addressing the soft costs of CSP systems, which can be critical barriers limiting the deployment of CSP. These soft costs include siting limitations, impact on wildlife, plant operator training, and stakeholder education.

## ii. **Topic Area 2: SIPS: PV**

*Projects in this topic area will focus on new and emerging areas of PV research that can produce significant results within the first year of performance and, if successful, lay the foundation for continued research. These projects should support a significant lowering of costs and focus on improving the power conversion efficiency, fielded energy output, reuse and recycling of system components, service lifetime, or manufacturability of PV technologies.*

PV SIPS projects should collect evidence through physical proofs of concept, modeling, or theoretical studies to justify or redirect future applied research in the proposed area. Projects may address PV technologies at the system or component level. SETO is primarily interested in SIPS from novel and emerging areas of PV research that could produce dramatic progress toward lowering solar LCOE to \$0.02/kWh for utility-scale solar photovoltaics, \$0.04/kWh for commercial PV systems, and \$0.05/kWh for residential rooftop PV systems.

Successful applicants will have a strong team and a powerful argument for why their approach will be impactful, identify key metrics and baselines that clearly demonstrate how the proposal will surpass the state of the art, and name potential partners to help advance their project upon its completion.

**Areas of Interest:** This list is not exhaustive or exclusive. Applications that address areas not listed here will still be considered for funding if they address the broader goals of Topic Area 2.

- **Mitigating performance losses in silicon and cadmium telluride (CdTe) PV modules:** SETO is interested in fundamental scientific research and engineering strategies to mitigate performance limitations in silicon and CdTe PV modules. Losses in performance can arise from impurities or defects in the bulk or interfaces associated with materials choices, architecture and device design, manufacturing processes and conditions, and other factors. Successful projects may include characterization and tool development, device redesign or novel architectures, and innovative manufacturing methods, as long as the project aims to resolve or improve a performance-loss mechanism relevant at the module level. Projects where the lead applicant is focused primarily on characterization or modeling should have a close connection to a fabrication partner that will utilize any findings to iterate over the course of the project to improve their overall device performance.
- **Photovoltaics and storage:** SETO is interested in research to increase safety and reliability, extend lifetime, and lower the cost of combined PV and storage systems. Projects of interest include data collection and analysis for operating PV-plus-storage hybrid plants—such as utility-scale systems, commercial or industrial rooftop systems, and community solar installations—that could produce public data sets. SETO prefers data from installed systems (anonymization is an option) but could also accept synthetic or simulated datasets that are shown to correlate to datasets from real systems. Analyses of interest may include the impact of charge/discharge patterns on storage reliability and longevity in combined PV-plus-storage systems. SETO is interested in the optimized operation and maintenance of hybrid systems regardless of their topology: both direct current (dc)- and alternating current (ac)-coupled storage systems are acceptable. Projects that are most likely to be successful in this space would be of limited scope and have access to data through ownership or partnerships.
- **Utility-scale PV installation, commissioning, and design for resilience:** SETO is interested in funding projects that can establish the background engineering information and science needed to ensure high-quality installation of utility-scale solar plants and develop interface standards for resilient balance of system (BOS) components. Projects must have secured access to plant site locations for research prior to submitting a FOA application. Projects of interest could include:
  - Mechanical surveys and post-installation quality databases,
  - Methods of detection with tools or processes for determining quality of installation in the field,

- Designs for BOS components that ensure high-quality installation (e.g., foolproof connectors, fasteners, and racking that are robust under dynamic loading),
- Estimations of when inspections are cost-effective,
- Determination of the most vulnerable electrical and mechanical components and their interfaces when exposed to extreme weather events, and
- Development of resilient design interfaces that enable rapid recovery from a BOS component failure (including inverters and modules), either in normal operation or after an extreme weather event

Some ideas of interest for rapid recovery would be easily replaceable PV module designs that integrate electrical and mechanical interfaces into a single quick-connection to the racking; modular arrays that integrate health monitoring, racking, and power transmission into an easily deployable and replaceable system; or cabling and connector solutions that are easily connected or disconnected (or perhaps automatically bypass faults) in the event of a cable or combiner box failure.

- **Advanced stable perovskite cell architectures and interfaces, module integration, and quality control:** Perovskite solar cells are a type of thin-film PV cell built with layers of materials that are printed, coated, or vacuum-deposited onto a substrate. SETO is interested in collaborations that introduce research groups with new capabilities to the SETO perovskite PV research portfolio. These new groups could be paired with groups with established device stacks to promote interdisciplinary approaches and streamline performance baselining. Examples of such a collaboration could be an organic chemistry group with experience in multifunctional ligand synthesis providing the material that is tested in their collaborator's perovskite device stack, or specialist materials characterization groups performing novel failure analysis on fielded devices.

SETO is also interested in funding projects that improve the performance, durability, and reproducibility of perovskite PV cells and minimodules. This could include:

- Automation and metrology in scalable processes to reduce inconsistency in cell and module creation,
- Developing material purity specifications that optimize performance and cost,
- Equipment designs and prototyping for parallel high-throughput environmental testing that could be used with open-source



hardware and have a large number of channels for simultaneously testing hundreds of devices at 70-100°C,

- Studies that identify and quantify intrinsic degradation mechanisms occurring in bulk materials and/or at interfaces during accelerated stress testing (e.g., chemical or structural instabilities, optoelectronic property changes, chemical reactions, additive migration), and
  - Routes to minimize and mitigate issues that arise in moving from cells to modules that impact operational longevity, such as scribing-induced damage, encapsulation, adhesion strength, and reverse bias degradation.
- **Manufacturing equipment feasibility:** SETO is interested in feasibility studies that would de-risk the development of novel production equipment that could significantly reduce the LCOE of photovoltaics by reducing the cost of equipment ownership. If successful, these projects could dramatically reduce the cost of photovoltaics manufacturing by reducing capital expenditure or operating expenditure. Proposed studies should focus on ideas where an experimental proof-of-concept to justify the expense of prototype development has not yet been performed. A strong case must be made for how the proposed project would reduce the cost of solar manufacturing relative to the current state of the art. Projects could include studies that validate chemistry or physics critical for a proposed novel deposition or treatment process, demonstrations of a new approach that could solve a known processing limitation, or novel design modifications to known processing tools that reduce their energy consumption, decrease maintenance requirements, or improve materials utilization.

All work under EERE funding agreements must be performed in the United States. See Section IV.H.iii. and Appendix C.

### **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 Sections I.A. and I.B. of the FOA.
- Applications for proposed technologies that are not based on sound scientific principles (e.g., violates the laws of thermodynamics).
- Do not describe how they resolve the uncertainties of new concepts;
- Address reliability of storage outside of a hybrid PV/CSP-plus-storage power plant;
- Are not designed to produce results in 12-18 months; or
- Do not sufficiently justify how the work will benefit the U.S. solar industry.

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

## D. Diversity, Equity, and Inclusion

It is the policy of the Biden Administration that:

[T]he Federal Government should pursue a comprehensive approach to advancing equity<sup>22</sup> for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our government. Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments, and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.

By advancing equity across the federal government, we can create opportunities for the improvement of communities that have been historically underserved, which benefits everyone.<sup>23</sup>

As part of this whole of government approach, this FOA seeks to encourage the participation of underserved communities<sup>24</sup> and underrepresented groups. Applicants are highly encouraged to include individuals from groups historically

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<sup>22</sup> The term “equity” means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

<sup>23</sup> Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” (Jan. 20, 2021).

<sup>24</sup> The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list of in the definition of “equity.” E.O. 13985. For purposes of this FOA, as applicable to geographic communities, applicants can refer to economically distressed communities identified by the Internal Revenue Service as Qualified Opportunity Zones; communities identified as disadvantaged or underserved communities by their respective States; communities identified on the Index of Deep Disadvantage referenced at <https://news.umich.edu/new-index-ranks-americas-100-most-disadvantaged-communities/>, and communities that otherwise meet the definition of “underserved communities” stated above.

underrepresented<sup>25,26</sup> in STEM on their project teams. As part of the application, applicants are required to describe how diversity, equity, and inclusion objectives will be incorporated in the project. Specifically, applicants are required to submit a Diversity, Equity, and Inclusion Plan that describes the actions the applicant will take to foster a welcoming and inclusive environment, support people from underrepresented groups in STEM, advance equity, and encourage the inclusion of individuals from these groups in the project; and the extent the project activities will be located in or benefit underserved communities. (See Section IV.C.vi). The plan should include at least one SMART (Specific, Measurable, Assignable, Realistic and Time-Related) milestone per budget period supported by metrics to measure the success of the proposed actions. This plan will be evaluated as part of the technical review process and incorporated into the award if selected.

Further, Minority Serving Institutions<sup>27</sup>, Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, Veteran Owned Businesses, or entities located in an underserved community that meet the eligibility requirements (See Section III.) are encouraged to apply as the prime applicant or participate on an application as a proposed partner to the prime applicant. The Selection Official may consider the inclusion of these types of entities as part of the selection decision (See Section V.C.).

## E. Authorizing Statutes

The programmatic authorizing statute is Energy Act of 2020, Section 3004.

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<sup>25</sup> According to the National Science Foundation’s 2019 report titled, “Women, Minorities and Persons with Disabilities in Science and Engineering”, women, persons with disabilities, and underrepresented minority groups—blacks or African Americans, Hispanics or Latinos, and American Indians or Alaska Natives—are vastly underrepresented in the STEM (science, technology, engineering, and math) fields that drive the energy sector. That is, their representation in STEM education and STEM employment is smaller than their representation in the U.S. population. <https://nces.nsf.gov/pubs/nsf19304/digest/about-this-report> For example, in the U.S., Hispanics, African Americans and American Indians or Alaska Natives make up 24 percent of the overall workforce, yet only account for 9 percent of the country’s science and engineering workforce. DOE seeks to inspire underrepresented Americans to pursue careers in energy and support their advancement into leadership positions. <https://www.energy.gov/articles/introducing-minorities-energy-initiative>

<sup>26</sup> See also. Note that Congress recognized in section 305 of the American Innovation and Competitiveness Act of 2017, Public Law 114-329:

- (1) [I]t is critical to our Nation’s economic leadership and global competitiveness that the United States educate, train, and retain more scientists, engineers, and computer scientists;
- (2) there is currently a disconnect between the availability of and growing demand for STEM-skilled workers;
- (3) historically, underrepresented populations are the largest untapped STEM talent pools in the United States; and
- (4) given the shifting demographic landscape, the United States should encourage full participation of individuals from underrepresented populations in STEM fields.

<sup>27</sup> Minority Serving Institutions (MSIs), including Historically Black Colleges and Universities/Other Minority Institutions as educational entities recognized by the Office of Civil Rights (OCR), U.S. Department of Education, and identified on the OCR’s Department of Education U.S. accredited postsecondary minorities’ institution list. See <https://www2.ed.gov/about/offices/list/ocr/edlite-minorityinst.html>.

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

If a DOE/National Nuclear Security Agency (NNSA) federally funded research and development center (FFRDC) is selected for award negotiation, the proposed work will be authorized under the DOE work authorization process and performed under the laboratory’s management and operating (M&O) contract.

## II. Award Information

### A. Award Overview

#### i. Estimated Funding

EERE expects to make a total of approximately \$6.5 million of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. EERE anticipates making approximately 14-24 awards under this FOA. EERE may issue one, multiple, or no awards. Individual awards may vary between \$250,000 (Topic Area 2) and \$400,000 (Topic Area 1).

EERE may issue awards in one, multiple, or none of the following topic areas:

Topic Area Number	Topic Area Title	Anticipated Number of Awards	Anticipated Minimum Award Size for Any One Individual Award (Fed Share)	Anticipated Maximum Award Size for Any One Individual Award (Fed Share)	Approximate Total Federal Funding Available for All Awards	Anticipated Period of Performance (months)
1	SIPS: CSP	7-12	\$400,000	\$400,000	\$4,000,000	18
2	SIPS: PV	7-12	\$250,000	\$250,000	\$2,500,000	12

All SIPS proposals should plan for a single budget period.

***Future Fiscal Years: EERE intends to re-issue the SIPS CSP & PV FOA annually, pending future appropriations and programmatic priorities.***

#### ii. Period of Performance

EERE anticipates making awards that will run from 12 to 18 months, comprised of one budget period. If any project requires multiple budget periods, project continuation will be contingent upon several elements, including satisfactory performance and Go/No-Go decision review. At the Go/No-Go decision points, EERE will evaluate project performance, project schedule adherence, the extent

that milestone objectives are met, compliance with reporting requirements, and overall contribution to the program goals and objectives. As a result of this evaluation, EERE 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.

### **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 U. S. 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.x. of the FOA for more information on what substantial involvement may involve.

### **ii. Funding Agreements with Federally Funded Research and Development Center (FFRDCs)<sup>28</sup>**

In most cases, FFRDCs 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.

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<sup>28</sup> FFRDCs are public-private partnerships that conduct research for the U.S. government. A listing of FFRDCs can be found at <http://www.nsf.gov/statistics/ffrdclist/>.

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Regardless of these arrangements, the entity that applied as the prime recipient for the project will remain the prime recipient for the project. See Section III.E.

**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.

### **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 eligibility requirements, it will be considered ineligible and removed from further evaluation.

#### **A. Eligible Applicants**

**i. Domestic Entities**

The proposed prime recipient and subrecipient(s) must be domestic entities. The following types of domestic entities are eligible to participate as a prime recipient or subrecipient of this FOA:

1. Institutions of higher education;
2. For-profit entities;
3. Nonprofit entities; and
4. State and local governmental entities and federally recognized Indian Tribes (Indian Tribes).

To qualify as a domestic entity, the entity must be organized, chartered, or incorporated (or otherwise formed) under the laws of a particular state or territory of the United States; have majority domestic ownership and control; and have a physical place of business in the United States.

DOE/NNSA FFRDCs are eligible to apply for funding as a prime recipient or subrecipient.

Non-DOE/NNSA FFRDCs are eligible to participate as a subrecipient but are not eligible to apply as a prime recipient.

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

Entities banned from doing business with the U.S. government such as entities debarred, suspended, or otherwise excluded from or ineligible for participating in federal programs are not eligible.

Nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities after December 31, 1995, are **not** eligible to apply for funding.

## ii. **Foreign Entities**

In limited circumstances, EERE may approve a waiver to allow a foreign entity to participate as a prime recipient or subrecipient. A foreign entity may submit a Full Application to this FOA, but the Full Application must be accompanied by an explicit written waiver request. Likewise, if the applicant seeks to include a foreign entity as a subrecipient, the applicant must submit a separate explicit written waiver request in the Full Application for each proposed foreign subrecipient.

Appendix C lists the information that must be included in a foreign entity waiver request. The applicant does not have the right to appeal EERE's decision concerning a waiver request.

## iii. **Restricted Eligibility**

Small Business Firms shall not be able to apply as prime recipients and can only be included as subrecipients on applications. SETO seeks to minimize opportunities for redundancy with the DOE Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) work.

The scope of work to be performed by the small for-profit, independent United State businesses as measured by total project costs shall not be greater than the scope of work to be performed by the applicant.

Small Business Firm means a small business concern as defined at section 2 of Pub. L. 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business concerns involved in government procurement and subcontracting at 13 CFR 121.3-8 and 13 CFR 121.3-12, respectively, will be used.

## **B. Cost Sharing**

Applicants are bound by the cost share proposed in their Full Applications if selected for award negotiations.

- **Cost Sharing Generally**

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The cost share must be at least 20% of the total project costs<sup>29</sup> for research and development projects.<sup>30</sup> The cost share must come from non-federal sources unless otherwise allowed by law.

- **Cost Share Waiver**

**The Assistant Secretary for EERE has issued a Cost Share Reduction determination pursuant to Section 988(b)(3) of the Energy Policy Act of 2005 that is applicable to certain entities applying under this FOA. Specifically, recipient cost share requirement for applied research and development activities projects is reduced from 20% to 0% where:**

1. The prime recipient is a (1) institution of higher education, (2) Minority Serving Institution (MSI), (3) Non-Profit Organization (NPO), and (4) Federally Funded Research and Development Center (FFRDC), (5) state, local, and tribal government, and
2. The prime recipient performs more than 50% of the project work, as measured by the Total Project Cost.

Applicants who believe their project qualifies for the reduced recipient cost share must be able to provide verification that the above requirements are satisfied.

To help applicants calculate proper cost share amounts, EERE has included a cost share information sheet and sample cost share calculation as Appendices A and B to this FOA.

- i. Legal Responsibility**

Although the cost share requirement applies to the entire project, including work performed by members of the project team other than the prime recipient, the prime recipient is legally responsible for paying the entire cost share. If the funding agreement is terminated prior to the end of the project period, the prime recipient is required to contribute at least the cost share percentage of total expenditures incurred through the date of termination.

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

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<sup>29</sup> Total project costs is the sum of the government share, including FFRDC costs if applicable, and the recipient share of project costs.

<sup>30</sup> Energy Policy Act of 2005, Pub. L. 109-58, sec. 988. Also see 2 CFR 200.306 and 2 CFR 910.130 for additional cost sharing requirements.



**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 entire project 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.H.i. of the FOA. In addition, cost share must be verifiable upon submission of the Full Application. Cost share may be provided in the form of cash or cash equivalents, or in-kind contributions. Cost share must come from non-federal sources (unless otherwise allowed by law), such as project participants, state or local governments, or other third-party financing. Federal financing, such as DOE Loan Guarantee, cannot be leveraged by applicants to provide the required cost share or otherwise support the same scope that is proposed under a project.

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

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

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

Project teams may use funding or property received from state or local governments to meet the cost share requirement, so long as the federal government did not provide the funding to the state or local government.

The recipient may not use the following sources to meet its cost share obligations:

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

- Expenditures that were reimbursed under a separate federal program.

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

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

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

**iv. Cost Share Contributions by FFRDCs**

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**

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

In limited circumstances, and where it is in the government's interest, the 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

All applicant submissions must:

- Comply with the applicable content and form requirements listed in Section IV. of the FOA;
- Include all required documents;
- Be uploaded and submitted to EERE eXCHANGE <https://eere-eXCHANGE.energy.gov>; and
- Be submitted by the deadline stated in the FOA.

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

**Applicants are strongly encouraged to submit Full Applications at least 48 hours in advance of the submission deadline.** Under normal conditions (i.e., at least 48 hours before the submission deadline), applicants should allow at least one hour to submit a Letter of Intent, Concept Paper, Full Application, or Reply to Reviewer Comments. Once the Letter of Intent, 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 to any of these documents, the applicant must resubmit the Letter of Intent, Concept Paper, Full Application, or Reply to Reviewer Comments before the applicable deadline. EERE will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

### 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.

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## E. Other Eligibility Requirements

### i. Requirements for DOE/NNSA FFRDCs Listed as the Applicant

A DOE/NNSA FFRDC is eligible to apply for funding under this FOA if its cognizant Contracting Officer provides written authorization and this authorization is submitted with the application.

The following wording is acceptable for the authorization:

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

If a DOE/NNSA FFRDC is selected for award negotiation, the proposed work will be authorized under the DOE work authorization process and performed under the laboratory's Management and Operating (M&O) contract.

### ii. Requirements for DOE/NNSA and Non-DOE/NNSA FFRDCs 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:

#### a. 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.

#### b. 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 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.

#### c. Funding, Cost Share, and Subaward with FFRDCs

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

The value of and funding for the FFRDC portion of the work will not normally be included in the award. DOE/NNSA FFRDCs participating as a subrecipient on a project will be funded directly through the DOE field work proposal (WP) process. Non-DOE/NNSA FFRDCs participating as a subrecipient will be funded through an interagency agreement with the sponsoring agency. Although the FFRDC portion of the work is excluded from the award, the applicant's cost share requirement will be based on the total cost of the project, including the applicant's, the subrecipient's, and the FFRDC's portions of the project.

Unless instructed otherwise by the DOE Contracting Officer for the DOE award, all FFRDCs are required to enter into a Cooperative Research and Development Agreement<sup>31</sup> (CRADA) or, if the role of the DOE/NNSA FFRDC is limited to technical assistance and intellectual property is not anticipated to be generated from the DOE/NNSA FFRDC's work, a Technical Assistance Agreement (TAA), with at least the prime recipient before any project work begins. Any questions regarding the use of a CRADA or TAA should be directed to the cognizant DOE field intellectual property (IP) counsel.

The CRADA or TAA is used to ensure accountability for project work and provide the appropriate management of IP, e.g., data protection and background IP. The CRADA or TAA must be agreed upon by all parties and submitted to DOE or other sponsoring agency, when applicable, for approval, or submitted to DOE for notice under the Master Scope of Work process, when applicable, using any DOE or other sponsoring agency approved CRADA or TAA template without substantive changes by the time the award is made to the prime recipient.

d. 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.

## **F. Limitation on Number of Concept Papers and Full Applications Eligible for Review**

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

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<sup>31</sup> A cooperative research and development agreement is a contractual agreement between a national laboratory contractor and a private company or university to work together on research and development. For more information, see <https://www.energy.gov/gc/downloads/doe-cooperative-research-and-development-agreements>

## 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 apply in response to this FOA lies solely with the applicant.

# IV. Application and Submission Information

## A. Application Process

The application process includes one submission phases: Full Application phase.

All submissions must conform to the form and content requirements described below, including maximum page lengths.

- 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" paper with margins not less than one inch on every side. Use Calibri 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;
- A **control number** will be issued when an applicant begins the EERE eXCHANGE application process. The control number must be included with all application documents. Specifically, the control number must be prominently displayed on the upper right corner of the header of every page and included in the file name (i.e., *Control Number\_Applicant Name\_Full Application*);
- Page numbers must be included in the footer of every page; and
- Each submission must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths indicated below, EERE will review only the authorized number of pages and disregard any additional pages.

### 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.

Applicants who experience technical difficulties with submission PRIOR to the FOA deadline should contact the EERE eXCHANGE helpdesk for assistance ([EERE-eXCHANGESupport@hq.doe.gov](mailto:EERE-eXCHANGESupport@hq.doe.gov)).

## B. Application Forms

The application forms and instructions are available at [EERE Funding Application and Management Forms](#) and on EERE eXCHANGE. To access these materials on EERE eXCHANGE, 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 50MB. Files larger than 50MB cannot be uploaded and hence cannot be submitted for review. If a file is larger than 50MB 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:

TechnicalVolume\_Part\_1

TechnicalVolume\_Part\_2

**DOE will not accept late submissions that resulted from technical difficulties due to uploading files that exceed 50MB.**

## C. Content and Form of the Full Application

Applicants must complete the following application forms found at [EERE Funding Application and Management Forms](#) and on the EERE eXCHANGE website at <https://eere-eXCHANGE.energy.gov/>.

All Full Application documents must be marked with the Control Number issued to the applicant.

### i. Full Application Content Requirements

Each Full Application must be limited to a single concept. Full Applications must conform to the following requirements and must not exceed the stated page limits.

Component	File Format	Page Limit	File Name
SF-424: Application for Federal Assistance	PDF	n/a	ControlNumber_LeadOrganization_App424
Technical Volume	PDF	5 pages plus references	ControlNumber_LeadOrganization_TechnicalVolume
Resumes	PDF	3 pages each	ControlNumber_LeadOrganization_Resumes

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

Letters of Commitment	PDF	1 page each	ControlNumber_LeadOrganization_LOCs
Diversity Equity and Inclusion Plan	PDF	2 pages	ControlNumber_LeadOrganization_DEIP
Summary/Abstract for Public Release	PDF	1	ControlNumber_LeadOrganization_Summary
Summary Slide	MS PowerPoint	1	ControlNumber_LeadOrganization_Slide
DOE Work Proposal for FFRDC, (see DOE O 412.1A, Attachment 2)	PDF	n/a	ControlNumber_LeadOrganization_WP
Authorization from cognizant Contracting Officer for FFRDC	PDF	n/a	ControlNumber_LeadOrganization_FFRDCAuth
SF-LLL Disclosure of Lobbying Activities	PDF	n/a	ControlNumber_LeadOrganization_SF-LLL
Waiver Requests	PDF	n/a	ControlNumber_LeadOrganization_Waiver
Current and Pending Support	PDF	n/a	ControlNumber_LeadOrganization_CPS
Location(s) of Work	Excel	n/a	ControlNumber_LeadOrganization_LOW
Transparency of Foreign Connections	PDF	n/a	ControlNumber_LeadOrganization_TFC
Potentially Duplicative Funding Notice	PDF	n/a	ControlNumber_LeadOrganization_PDFN

**Note:** The maximum file size that can be uploaded to the EERE eXCHANGE website is 50MB. See Section IV.B.

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

**ii. SF-424: Application for Federal Assistance**

Applicants must complete the SF-424 Application for Federal Assistance, which is available on [EERE Funding Application and Management Forms](#).

Effective January 1, 2020, the System for Award Management (SAM) is the central repository for common government-wide certifications and representations required of Federal grants recipients. As registration in SAM is required for eligibility for a federal award and registration must be updated annually, Federal agencies use SAM information to comply with award requirements and avoid increased burden and costs of separate requests for such information, unless the recipient fails to meet a federal award requirement, or there is a need to make updates to their SAM registration for other purposes.



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\_424”.

**iii. Technical Volume**

The Technical Volume must conform to the following content and form requirements. This volume must address the technical review criteria as discussed in Section V. 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 5 pages, including the cover page, table of contents, and all citations, charts, graphs, maps, photos, or other graphics, and must include all information in the table below. The applicant should consider the weighting of each of the technical review criteria (see Section V.A.i. of the FOA) when preparing the Technical Volume.

The Technical Volume must conform to the following content requirements:

<b>Technical Volume Content Requirements</b>	
<b>SECTION/PAGE LIMIT</b>	<b>DESCRIPTION</b>
<p><b>Cover Page</b> <b>[1 Page Max]</b></p>	<ul style="list-style-type: none"> <li>• Project Title</li> <li>• The specific FOA Topic Area being addressed, any applicable Areas of Interest (as specified in the FOA topic), and up to six Technical Keywords or Phrases.                             <ul style="list-style-type: none"> <li>○ (Note: This will help sort applications and determine reviewer expertise areas needed for each application so careful consideration here is helpful.)</li> </ul> </li> <li>• The Project Team and contact information, including:                             <ul style="list-style-type: none"> <li>○ The Principal Investigator for the Prime Recipient (Technical Point of Contact).</li> <li>○ Team Members (i.e., Subrecipients); and</li> </ul> </li> </ul>

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

	<ul style="list-style-type: none"> <li>○ Senior / Key Personnel (i.e., individuals who contribute in a substantive, measurable way to the execution of the proposed project) and their organizations</li> <li>● Budget - Include a high-level overview of estimated total project budget and federal funding for each subrecipient.</li> <li>● Any Statements regarding confidentiality</li> <li>● No additional information, such as an application abstract, should be included on this page</li> </ul>
<p><b>Project Description</b> <b>[4 Pages Max]</b></p>	<p>Applicants are required to describe succinctly:</p> <ul style="list-style-type: none"> <li>● The proposed technology or solution, including its basic operating principles and how it is unique and innovative;</li> <li>● The current state of the art in the relevant field and application, including key shortcomings, limitations, and challenges;</li> <li>● How the proposed project will overcome the shortcomings, limitations, and challenges in the relevant field and application;</li> <li>● The potential impact, with justification, that the proposed project would have on the relevant field and application and its relevance to industry and SETO goals as described in Section I.B.;</li> <li>● Include a clear and concise (high-level) statement of the midpoint and end goals of the project. Each goal should be quantifiable and verifiable;</li> <li>● The most challenging risks the proposed project will likely face and mitigation strategies;</li> <li>● The aspects of the team that are most relevant to the proposed work (i.e. applicant experience in the field and in working together, equipment and facilities access, etc.);</li> <li>● Applicants may provide graphs, charts, or other data to supplement their Technology Description, however, this supplemental information will count toward the page limit.</li> </ul>
<p><b>Reference Pages</b> <b>[Unlimited]</b></p>	<ul style="list-style-type: none"> <li>● Formal references to published information cited within the Project Description</li> </ul>

**iv. Resumes**

A resume provides information reviewers can use to evaluate an individual’s skills, experience, and potential for leadership within the scientific community. Applicants must submit a resume (limited to three pages) for each Principal Investigator and Senior/Key Personnel that includes the following:

1. Contact information;
2. Education and training: Provide name of institution, major/area, degree, and year for undergraduate, graduate, and postdoctoral training;

3. Research and professional experience: Beginning with the current position, list professional/academic positions in chronological order with a brief description. List all current academic, professional, or institutional appointments, foreign or domestic, at the applicant institution or elsewhere, whether or not remuneration is received, and, whether full-time, part-time, or voluntary;
4. Awards and honors;
5. A list of up to 10 publications most closely related to the proposed project. For each publication, identify the names of all authors (in the same sequence in which they appear in the publication), the article title, book or journal title, volume number, page numbers, year of publication, and website address if available electronically. Patents, copyrights, and software systems developed may be provided in addition to or substituted for publications. An abbreviated style such as the Physical Review Letters (PRL) convention for citations (list only the first author) may be used for publications with more than 10 authors;
6. Synergistic activities: List up to five professional and scholarly activities related to the proposed effort; and
7. There should be no lapses in time over the past 10 years or since age 18, whichever period is shorter.

As an alternative to a resume, it is acceptable to use the biographical sketch format approved by the National Science Foundation (NSF). The biographical sketch format may be generated by the Science Experts Network Curriculum Vita (SciENCv), a cooperative venture maintained at <https://www.ncbi.nlm.nih.gov/sciencv/>, also available at [https://www.nsf.gov/bfa/dias/policy/researchprotection/commonform\\_biographicalsketch.pdf](https://www.nsf.gov/bfa/dias/policy/researchprotection/commonform_biographicalsketch.pdf). The use of a format required by another agency is intended to reduce the administrative burden to researchers by promoting the use of common formats.

Save the resumes in a single PDF file using the following convention for the title "ControlNumber\_LeadOrganization\_Resumes".

**v. Letters of Commitment**

Submit letters of commitment from all subrecipient and third-party cost share providers. If applicable, the letter must state that the third party is committed to providing a specific minimum dollar amount or value of in-kind contributions allocated to cost sharing. The following information for each third party contributing to cost sharing should be identified: (1) the name of the organization; (2) the proposed dollar amount to be provided; and (3) the proposed cost sharing type (cash-or in-kind contributions). Each letter must not exceed one page.

Save the letters of commitment in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_LOCs”.

Letters of support or endorsement for the project from entities that do not have a substantive role in the project will not be accepted.

**vi. Diversity, Equity, and Inclusion Plan**

As part of the application, applicants are required to describe how diversity, equity, and inclusion objectives will be incorporated in the project. Specifically, applicants are required to submit a Diversity, Equity, and Inclusion Plan that describes the actions the applicant will take to foster a welcoming and inclusive environment, support people from groups underrepresented in STEM, advance equity, and encourage the inclusion of individuals from these groups in the project; and the extent the project activities will be located in or benefit underserved communities (also see Section I.D.). The plan should include at least one SMART milestone per Budget Period supported by metrics to measure the success of the proposed actions and will be incorporated into the award if selected. The Diversity, Equity, and Inclusion Plan should contain the following information:

- Equity Impacts: the impacts of the proposed project on underserved communities, including social and environmental impacts.
- Benefits: The overall benefits of the proposed project, if funded, to underserved communities; and
- How diversity, equity, and inclusion objectives will be incorporated in the project.

The following is a non-exhaustive list of actions that can serve as examples of ways the proposed project could incorporate diversity, equity, and inclusion elements. These examples should not be considered either comprehensive or prescriptive. Applicants may include appropriate actions not covered by these examples.

- a. Include persons from groups underrepresented in STEM as PI, co-PI, and/or other senior personnel;
- b. Include persons from groups underrepresented in STEM as student researchers or post-doctoral researchers;
- c. Include faculty or students from Minority Serving Institutions as PI/co-PI, senior personnel, and/or student researchers, as applicable;
- d. Enhance or collaborate with existing diversity programs at your home organization and/or nearby organizations;
- e. Collaborate with students, researchers, and staff in Minority Serving Institutions;

- f. Disseminate results of research and development in Minority Serving Institutions or other appropriate institutions serving underserved communities;
- g. Implement evidence-based, diversity-focused education programs (such as implicit bias training for staff) in your organization;
- h. Identify Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses and Veteran Owned Businesses to solicit as vendors and sub-contractors for bids on supplies, services and equipment.

The Diversity, Equity, and Inclusion Plan must not exceed 2 pages. Save the Diversity, Equity and Inclusion Plan in a single PDF file using the following convention for the title "ControlNumber\_LeadOrganization\_DEIP".

#### **vii. Summary for Public Release**

Applicants must submit a one-page summary of their project that is 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 business-sensitive information as DOE may make it available to the public after selections are made. The summary must not exceed one 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".

#### **viii. Summary Slide**

Applicants must provide a single slide summarizing the proposed project. The Summary Slide template is available on EERE eXCHANGE at <https://eere-eXCHANGE.energy.gov/> and must include 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, PI, and Senior/Key Personnel information; and
- Requested EERE funds and proposed applicant cost share.

Save the Summary Slide in a single Microsoft PowerPoint file using the following convention for the title “ControlNumber\_LeadOrganization\_Slide”.

**ix. 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”.

**x. SF-LLL: Disclosure of Lobbying Activities**

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

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

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

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

Save the SF-LLL in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_SF-LLL”.

**xi. Waiver Requests (if applicable)**

**Foreign Entity Participation**

For projects selected under this FOA, all recipients and subrecipients must qualify as domestic entities. See Section III.A. To request a waiver of this requirement, the applicant must submit an explicit waiver request in the Full Application. Appendix C lists the information that must be included in a waiver request.

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

As set forth in Section IV.H.iii., all work for projects selected under this FOA must be performed in the United States. To request a waiver of this requirement, the applicant must submit an explicit waiver request in the Full Application.

Appendix C lists the information that must be included in a foreign work waiver request.

Save the Waivers in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_Waiver”.

**xii. Current and Pending Support**

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

For every activity, list the following items:

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

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

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

source of support must be provided to DOE on request, including certified translations of any document.

PIs and Senior/Key Personnel must provide a separate disclosure statement listing the required information above regarding current and pending support. Each individual must sign and date their respective disclosure statement and include the following certification statement:

I, [Full Name and Title], certify to the best of my knowledge and belief that the information contained in this Current and Pending Support Disclosure Statement is true, complete, and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims or otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. 3729-3733 and 3801-3812). I further understand and agree that (1) the statements and representations made herein are material to DOE's funding decision, and (2) I have a responsibility to update the disclosures during the period of performance of the award should circumstances change which impact the responses provided above.

The information may be provided in the approved common disclosure format available at [Common Form for Current and Pending \(Other\) Support \(nsf.gov\)](https://www.nsf.gov).

Save the Current and Pending Support in a single PDF file using the following convention for the title "ControlNumber\_LeadOrganization\_CPS".

#### **Definitions:**

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



received is only in-kind, such as office/laboratory space, equipment, supplies, or employees). This includes resource and/or financial support from all foreign and domestic entities, including but not limited to gifts provided with terms or conditions, financial support for laboratory personnel, and participation of student and visiting researchers supported by other sources of funding.

**Foreign Government-Sponsored Talent Recruitment Program** – An effort directly or indirectly organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to physically relocate to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to United States entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

**Senior/Key Personnel** – An individual who contributes in a substantive, meaningful way to the scientific development or execution of a research, development, and demonstration (RD&D) project proposed to be carried out with a DOE award.<sup>32</sup>

### **xiii. Transparency of Foreign Connections**

Applicants must provide the following as it relates to the proposed recipient and subrecipients. Include a separate disclosure for the applicant and each proposed subrecipient. U.S. National Laboratories, domestic government entities, and institutions of higher education are only required to respond to items 1, 2 and 9, and if applying as to serve as the prime recipient, must provide complete responses for project team members that are not U.S. National Laboratories, domestic government entities, or institutions of higher education.

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<sup>32</sup> Typically, these individuals have doctoral or other professional degrees, although individuals at the masters or baccalaureate level may be considered Senior/Key Personnel if their involvement meets this definition. Consultants, graduate students, and those with a postdoctoral role also may be considered Senior/Key Personnel if they meet this definition.

1. Entity name, website address, and mailing address;
2. The identity of all owners, principal investigators, project managers, and Senior/Key Personnel who are a party to any *Foreign Government-Sponsored Talent Recruitment Program* of a foreign country of risk (i.e., China, Iran, North Korea, and Russia);
3. The existence of any joint venture or subsidiary that is based in, funded by, or has a foreign affiliation with any foreign country of risk;
4. Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;
5. Percentage, if any, that the proposed recipient or subrecipient has foreign ownership or control;
6. Percentage, if any, that the proposed recipient or subrecipient is wholly or partially owned by an entity in a foreign country of risk;
7. Percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk;
8. Any technology licensing or intellectual property sales to a foreign country of risk, during the 5-year period preceding submission of the proposal;
9. Any foreign business entity, offshore entity, or entity outside the United States related to the proposed recipient or subrecipient;
10. Complete list of all directors (and board observers), including their full name, citizenship and shareholder affiliation, date of appointment, duration of term, as well as a description of observer rights as applicable;
11. Complete capitalization table for your entity, including all equity interests (including LLC and partnership interests, as well as derivative securities). Include both the number of shares issued to each equity holder, as well as the percentage of that series and all equity on a fully diluted basis. Identify the principal place of incorporation (or organization) for each equity holder. If the equity holder is a natural person, identify the citizenship(s). If the recipient or subrecipient is a publicly traded company, provide the above information for shareholders with an interest greater than 5%;
12. A summary table identifying all rounds of financing, the purchase dates, the investors for each round, and all the associated governance and information rights obtained by investors during each round of financing; and
13. An organization chart to illustrate the relationship between your entity and the immediate parent, ultimate parent, and any intermediate parent, as well as any subsidiary or affiliates. Identify where each entity is incorporated.

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

Save the Transparency of Foreign Connections information in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_TFC.”

#### **xiv. Potentially Duplicative Funding Notice**

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

Save the Potentially Duplicative Funding Notice in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_PDFN.”

### **D. Post Selection Information Requests**

If selected for award negotiations, EERE reserves the right to require that selected applicants provide additional or clarifying information regarding the application submissions, the project, the project team, the award requirements, and any other matters related to anticipated award. The following is a list of examples of information that may be required:

- Personnel proposed to work on the project and collaborating organizations (See Section VI.B.xx. Participants and Collaborating Organizations);
- Current and Pending Support (See Sections IV.C.xii. and VI.B.xix. Current and Pending Support);
- A Data Management Plan describing how all research data displayed in publications resulting from the proposed work will be digitally accessible at the time of publications, in accordance with Section VI.B.xxii.;
- Indirect cost information;

- Other budget information;
- Letters of Commitment from third parties contributing to cost share, if applicable;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5);
- Information for the DOE Office of Civil Rights to process assurance reviews under 10 CFR 1040;
- Representation of Limited Rights Data and Restricted Software, if applicable;
- Environmental Questionnaire;
- Summary/Abstract for Public Release; and
- Open Source Distribution Plan.

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

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

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

## **F. Submission Dates and Times**

All required submissions must be submitted in EERE eXCHANGE no later than 5 p.m. ET on the dates provided on the cover page of this FOA.

## G. Intergovernmental Review

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

## H. Funding Restrictions

### i. Allowable Costs

All expenditures must be allowable, allocable, and reasonable in accordance with the applicable federal cost principles. Pursuant to 2 CFR 910.352, the cost principles in the Federal Acquisition Regulations (48 CFR 31.2) apply to for-profit entities. The cost principles contained in 2 CFR Part 200, Subpart E apply to all entities other than for-profits.

### ii. Pre-Award Costs

Applicants selected for award negotiations (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.

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

Pre-award expenditures are made at the selectee's risk. 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. National Environmental Policy Act (NEPA) Requirements Related to Pre-Award Costs

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

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

#### **1. Requirement**

All work performed under EERE awards must be performed in 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 whether the work is performed by the prime recipient, subrecipients, contractors or other project partners.

#### **3. Waiver**

To seek a foreign work waiver, the applicant must submit a written waiver request to EERE. Appendix C lists the information that must be included in a request for a foreign work waiver.

Save the waiver request(s) in a single PDF file. 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**

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

**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.

**vii. Build America Buy America Requirements for Infrastructure Projects**

Pursuant to the Build America Buy America Act, subtitle IX of BIL (Buy America or BABA), federally assisted projects that involve infrastructure work, undertaken by applicable recipient types, require that:

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

In general, whether a given project must apply this requirement is dependent on several factors, such as the recipient’s entity type, whether the work involves “infrastructure,” as that term is defined in Section 70914 of the BIL (discussed in more detail in Appendix D), based in part on whether the infrastructure in question is publicly owned or serves a public function. For this FOA specifically, all projects subject to this FOA are considered “infrastructure” within the Buy America provision of BIL, based on implementation guidance from the Office of Management and Budget issued on April 18, 2022.

Moreover, based on the OMB guidance, the Buy America requirements of the BIL do not apply to DOE projects in which the prime recipient is a for-profit entity;

the requirements only apply to projects whose prime recipient is a “non-Federal entity,” e.g., a State, local government, Indian Tribe, Institution of Higher Education, or nonprofit organization. Subawards should conform to the terms of the prime award from which they flow; in other words, for-profit prime recipients are not required to flow down these Buy America requirements to subrecipients, even if those subrecipients are non-Federal entities as defined above. Conversely, prime recipients which are non-Federal entities must flow the Buy America requirements down to all subrecipients, even if those subrecipients are for-profit entities. Finally, for all applicants—both non-Federal entities and for-profit entities—DOE is including a program policy factor that the Selection Official may consider in determining which Full Applications to select for award negotiations that considers whether the applicant has made a commitment to procure U.S. iron, steel, manufactured products, and construction materials in its project.

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

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

### **viii. Lobbying**

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

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

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



**ix. Risk Assessment**

Pursuant to 2 CFR 200.206, DOE will conduct an additional review of the risk posed by applications submitted under this FOA. Such risk assessment will consider:

1. Financial stability;
2. Quality of management systems and ability to meet the management standards prescribed in 2 CFR 200 as amended and adopted by 2 CFR 910;
3. History of performance;
4. Audit reports and findings; and
5. The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities.

DOE may make use of other publicly available information and the history of an applicant's performance under DOE or other federal agency awards.

Depending on the severity of the findings and whether the findings were resolved, DOE may elect not to fund the applicant.

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.

Further, as DOE invests in critical infrastructure and funds critical and emerging technology areas, DOE also considers possible threats to United States research, technology, and economic security from undue foreign government influence when evaluating risk. If high risks are identified and cannot be sufficiently mitigated, DOE may elect to not fund the applicant. As part of the research, technology, and economic security risk review, DOE may contact the applicant and/or proposed project team members for additional information to inform the review.

**x. Invoice Review and Approval**

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

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

**xi. Prohibition Related to Foreign Government-Sponsored Talent Recruitment Programs**

**a. Prohibition**

Persons participating in a *Foreign Government-Sponsored Talent Recruitment Program of a Foreign Country of Risk* are prohibited from participating in projects selected for federal funding under this FOA. Should an award result from this FOA, the recipient must exercise ongoing due diligence to reasonably ensure that no individuals participating on the DOE-funded project are participating in a *Foreign Government-Sponsored Talent Recruitment Program of a Foreign Country of Risk*. Consequences for violations of this prohibition will be determined according to applicable law, regulations, and policy. Further, the recipient must notify DOE within five (5) business days upon learning that an individual on the project team is or is believed to be participating in a foreign government talent recruitment program of a foreign country of risk. DOE may modify and add requirements related to this prohibition to the extent required by law.

**b. Definitions**

- 1. Foreign Government-Sponsored Talent Recruitment Program.** An effort directly or indirectly organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of federal

research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to U.S. entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

2. **Foreign Country of Risk.** DOE has designated the following countries as foreign countries of risk: Iran, North Korea, Russia, and China. This list is subject to change.

## xii. **Affirmative Action and Pay Transparency Requirements**

All applicants must comply with all applicable federal labor and employment laws, including but not limited to Title VII of the Civil Rights Act of 1964, the Fair Labor Standards Act, the Occupational Safety and Health Act, and the National Labor Relations Act, which protects employees' right to bargain collectively and engage in concerted activities for the purpose of workers' mutual aid or protection.

All federally assisted construction contracts exceeding \$10,000 annually will be subject to the requirements of Executive Order 11246:

- (1) Recipients, subrecipients, contractors, and subcontractors are prohibited from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin.
- (2) Recipients and contractors are required to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment. This includes flowing down the appropriate language to all subrecipients, contractors, and subcontractors.
- (3) Recipients, subrecipients, contractors, and subcontractors are prohibited from taking adverse employment actions against applicants and employees for asking about, discussing, or sharing information about their pay or, under certain circumstances, the pay of their co-workers.

DOL's Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule compliance evaluations. Consult OFCCP's Technical Assistance Guide<sup>33</sup> to gain an understanding of the requirements and possible

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<sup>33</sup> See OFCCP's Technical Assistance Guide at:

<https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf?msclkid=9e397d68c4b111ec9d8e6fecb6c710ec> Also see the National Policy Assurances <http://www.nsf.gov/awards/managing/rtc.jsp>

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

actions the recipients, subrecipients, contractors, and subcontractors must take. Additional guidance may also be found in the National Policy Assurances, produced by DOE.

### **xiii. Foreign Collaboration Considerations**

- a. Consideration of new collaborations with foreign entities, organizations, and governments. The recipient will be required to provide DOE with advanced written notification of any potential collaboration with foreign entities, organizations, or governments in connection with its DOE-funded award scope. The recipient will then be required to await further guidance from DOE prior to contacting the proposed foreign entity, organization, or government regarding the potential collaboration or negotiating the terms of any potential agreement.
- b. Existing collaborations with foreign entities, organizations, and governments. The recipient will be required to provide DOE with a written list of all existing foreign collaborations in which has entered in connection with its DOE-funded award scope.
- c. Description of collaborations that should be reported. In general, a collaboration will involve some provision of a thing of value to, or from, the recipient. A thing of value includes but may not be limited to all resources made available to, or from, the recipient in support of and/or related to the DOE award, regardless of whether or not they have monetary value. Things of value also may include in-kind contributions (such as office/laboratory space, data, equipment, supplies, employees, students). In-kind contributions not intended for direct use on the DOE award but resulting in provision of a thing of value from or to the DOE award must also be reported. Collaborations do not include routine workshops, conferences, use of the recipient's services and facilities by foreign investigators resulting from its standard published process for evaluating requests for access, or the routine use of foreign facilities by awardee staff in accordance with the recipient's standard policies and procedures.

## **V. Application Review Information**

### **A. Technical Review Criteria**

#### **i. Full Applications**

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

**Criterion 1: Technical Merit, Innovation, and Impact (50%)**

This criterion involves consideration of the following factors:

Technical Merit and Innovation

- Extent to which the proposed technology, process, or project is innovative or replicable;
- Degree to which the current state of the technology 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;
- 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, with analyses that support the viability of the proposed work;
- 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 and Market Transformation Plan (25%)**

This criterion involves consideration of the following factors:

Research Approach and Workplan

- 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.

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

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

Market Transformation Plan

- Identification of target market, competitors, and distribution channels for proposed technology along with known or perceived barriers to market penetration, including mitigation plan; and
- Comprehensiveness of market transformation plan including but not limited to product development and/or service plan, commercialization timeline, financing, product marketing, legal/regulatory considerations including intellectual property, infrastructure requirements, and product distribution.

**Criterion 3: Team and Resources (15%)**

This criterion involves consideration of the following factors:

- 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;
- Diversity of expertise and perspectives of the team and the inclusion of industry partners that will amplify impact;
- Sufficiency of the facilities to support the work;
- Degree to which the proposed consortia/team demonstrates the ability to facilitate and expedite further demonstration, development, and commercial deployment of the proposed technologies;
- Level of participation by project participants as evidenced by letter(s) of commitment and how well they are integrated into the Workplan; and
- Reasonableness of the budget and spend plan for the proposed project and objectives.

**Criterion 4: Diversity, Equity, and Inclusion (10%)**

This criterion involves consideration of the following factors:

- The quality and manner in which the measures incorporate diversity, equity and inclusion goals in the project; and
- Extent to which the project benefits underserved communities.

**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 "DOE Merit Review Guide for Financial Assistance," effective September 2020, which is available at: <https://energy.gov/management/downloads/merit-review-guide-financial-assistance-and-unsolicited-proposals-current>.

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## **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 exhibits technological diversity when compared to the existing DOE project portfolio and other projects selected from the subject FOA;
- 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 accelerate commercialization and overcome key market barriers;
- The degree to which the proposed project will accelerate transformational technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty;
- The degree to which the proposed project, or group of projects, represent a desired geographic distribution (considering past awards and current applications);
- The degree to which the proposed project incorporates applicant or team members from Minority Serving Institutions (e.g., Historically Black Colleges and Universities (HBCUs)/Other Minority Institutions (OMIs)); and partnerships with Minority Business Enterprises, minority-owned businesses, woman-owned businesses, veteran-owned businesses, or Indian Tribes; and
- The degree to which the proposed project will employ procurement of U.S. iron, steel, manufactured products, and construction materials.
- The degree to which the proposed project contributes to the diversity of organizations and organization types and sizes selected from the subject FOA when compared to the existing DOE project portfolio.
- The degree to which the proposed project has broad public support from the communities most directly impacted by the project.
- The degree to which the proposed project avoids duplication/overlap with other publicly or privately funded work.
- The degree to which the proposed project supports complementary efforts or projects, which, when taken together, will best achieve the research goals and objectives.
- The degree to which the proposed project enables new and expanding market segments.
- The degree to which the project's solution or strategy will maximize deployment or replication.

- The degree to which the project promotes increased coordination with nongovernmental entities for demonstration of technologies and research applications to facilitate technology transfer.

## **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 and risk reviews, 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.iii. 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. 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 Responsibility and Qualifications**

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 responsibility and qualification information about the applicant that is in the entity information domain in [SAM.gov](https://sam.gov) (see 41 U.S.C. 2313).

The applicant, at its option, may review information in the entity information domain in [SAM.gov](https://sam.gov) and comment on any information about itself that a federal awarding agency previously entered and is currently in the entity information domain in [SAM.gov](https://sam.gov).

DOE will consider any written comments by the applicant, in addition to the other information in the entity information domain in [SAM.gov](https://sam.gov), in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.206.

**v. Selection**

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

**E. Anticipated Notice of Selection and Award Negotiation Dates**

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

**VI. Award Administration Information****A. Award Notices****i. Ineligible Submissions**

Ineligible 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. 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.

**iii. Applicants Selected for Award Negotiations**

Successful applicants will receive written notification that they have been selected for award negotiations. 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 nor is it a guarantee of federal government funding. Applicants do not receive an award unless and until award negotiations are complete and the Contracting Officer executes the funding agreement, accessible by the prime recipient in FedConnect.

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.H.ii. of the FOA for guidance on pre-award costs.

#### **iv. Alternate Selection Determinations**

In some instances, an applicant may receive a notification that its application was not selected for award and 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.

#### **v. 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 applicants must take before applying to this FOA. Some of these may take several weeks, so it is vital applicants build in enough time to complete them. Failure to complete these actions could interfere with application or negotiation deadlines or the ability to receive an award if selected. These requirements are as follows:

#### **1. EERE Funding Opportunity Exchange (eXCHANGE)**

Register and create an account on EERE eXCHANGE at <https://eere-eXCHANGE.energy.gov>. This account will allow the user to apply to any open EERE FOAs that are currently in EERE eXCHANGE.

To access [EERE eXCHANGE](#), potential applicants must have a [Login.gov](#) account. As part of the eXCHANGE registration process, new users will be directed to create an account in Login.gov. Please note that the email address associated with Login.gov must match the email address associated

with the eXCHANGE account. For more information, refer to the eXCHANGE Multi-Factor Authentication (MFA) Quick Guide in the [Manuals section](#) of eXCHANGE.

Each organization or business unit, whether acting as a team or a single entity, should use only one account as the contact point for each submission. Applicants should also designate backup points of contact. **This step is required to apply to this FOA.** The 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.**

## 2. System for Award Management

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

## 3. FedConnect

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

## 4. Grants.gov

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

### **Electronic Authorization of Applications and Award Documents**

Submission of an application and supplemental information under this FOA through electronic systems used by the DOE, including 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 Participation**

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

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

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

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

required to prepare the records and the costs to prepare the necessary records may be included as part of the project costs.

### **National Historic Preservation Act (NHPA)**

All recipients selected for an award must comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA) prior to using Federal funds. Section 106 applies to historic properties that are listed in or eligible for listing in the National Register of Historic Places. DOE and recipients selected for an award must consider the effects of project activities on historic properties, pursuant to Section 106 of the NHPA. DOE will perform a NHPA review under the umbrella of its NEPA review.

## **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 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, a corporation is any for-profit or nonprofit 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].

### **3. Nondisclosure and Confidentiality Agreements Representations**

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

- 
- a. It **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.
- b. It **does not and will not** use any federal funds to implement or enforce any nondisclosure and/or confidentiality policy, form, or agreement it uses unless it contains the following provisions:
- (1) *“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”*
  - (2) The limitation above shall not contravene requirements applicable to Standard Form 312 Classified Information Nondisclosure Agreement (<https://fas.org/sgp/othergov/sf312.pdf>), Form 4414 Sensitive Compartmented Information Disclosure Agreement (<https://fas.org/sgp/othergov/intel/sf4414.pdf>), or any other form issued by a federal department or agency governing the nondisclosure of classified information.
  - (3) Notwithstanding the provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

**viii. Statement of Federal Stewardship**

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 unusual circumstances to correct deficiencies that develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the project objectives have been accomplished.

**ix. Statement of Substantial Involvement**

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. 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 the Go/No-Go decision point(s).
4. EERE participates in major project decision-making processes.

**x. Subject Invention Utilization Reporting**

To ensure that prime recipients, subrecipients, and contractors 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 ten (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, attached to the award agreement.

**xiii. 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 U.S. 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.

**xiv. Uniform Commercial Code (UCC) Financing Statements**

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

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

**xv. Real Property and Equipment**

Real property and equipment purchased with project funds (federal share and recipient cost share) are subject to the requirements at 2 CFR 200.310, 200.311, 200.313, and 200.316 (non-federal entities, except for-profit entities) and 2 CFR 910.360 (for-profit entities).

For projects selected for awards under this FOA, the recipients may (1) take disposition action on the real property and equipment; or (2) continue to use the real property and equipment after the conclusion of the award period of performance with Contracting Officer approval. The recipient's written request for Continued Use must identify the property and include: a summary of how the property will be used (must align with the authorized project purposes); a proposed use period, (e.g., perpetuity, until fully depreciated, or a calendar date when the recipient expects to submit disposition instructions); acknowledgement that the recipient shall not sell or encumber the property or permit any encumbrance without prior written DOE approval; current fair market value of the property; and an estimated useful life or depreciation schedule for equipment.

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

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

States, local governments, and other public entities may not condition subawards in a manner that would discriminate against or otherwise disadvantage subrecipients based on their religious character.

**xvii. Participants and Collaborating Organizations**

If selected for award negotiations, the selected applicant must submit a list of personnel who are proposed to work on the project, both at the recipient and subrecipient level and a list of collaborating organizations prior to award. Recipients will have an ongoing responsibility to notify DOE of changes to the personnel and collaborating organizations and submit updated information during the life of the award.

**xviii. Current and Pending Support**

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

disclosures if there are changes to the current and pending support previously submitted to DOE. Also see Section IV.E.xvii.

**xix. U.S. Manufacturing Commitments**

A primary objective of DOE's multi-billion-dollar research, development and demonstration investments is to cultivate new research and development ecosystems, manufacturing capabilities, and supply chains for and by United States industry and labor. Therefore, in exchange for receiving taxpayer dollars to support an applicant's project, the applicant and any subrecipient and contractor must agree to a U.S. Competitiveness provision requiring that any products embodying any subject invention or produced through the use of any subject invention will be manufactured substantially in the United States unless the recipient can show to the satisfaction of DOE that it is not commercially feasible. Award terms, including the specific U.S. Competitiveness Provision applicable to the various types of recipients and projects, are available at: <https://www.energy.gov/gc/standard-intellectual-property-ip-provisions-financial-assistance-awards>.

Please note that a subject invention is any invention conceived or first actually reduced in performance of work under an award. An invention is any invention or discovery which is or may be patentable. The recipient includes any awardee, recipient, sub-awardee, or sub-recipient.

As noted in the U.S. Competitiveness Provision, if an entity cannot meet the requirements of the U.S. Competitiveness Provision, the entity may request a modification or waiver of the U.S. Competitiveness Provision. For example, the entity may propose modifying the language of the U.S. Competitiveness Provision in order to change the scope of the requirements or to provide more specifics on the application of the requirements for a particular technology. As another example, the entity may request that the U.S. Competitiveness Provision be waived in lieu of a net benefits statement or United States manufacturing plan. The statement or plan would contain specific and enforceable commitments that would be beneficial to the United States economy and competitiveness. Examples of such commitments could include manufacturing specific products in the United States, making a specific investment in a new or existing United States manufacturing facility, keeping certain activities based in the United States or supporting a certain number of jobs in the United States related to the technology. DOE may, in its sole discretion, determine that the proposed modification or waiver promotes commercialization and provides substantial United States economic benefits, and grant the request. If granted, DOE will modify the award terms and conditions for the requesting entity accordingly.

More information and guidance on the waiver and modification request process can be found in the DOE Financial Assistance Letter on this topic, available at <https://www.energy.gov/management/pf-2022-09-fal-2022-01-implementation-doe-determination-exceptional-circumstances-under>. Additional information on DOE's Commitment to Domestic Manufacturing for DOE-funded R&D is available at <https://www.energy.gov/gc/us-manufacturing>.

The U.S. Competitiveness Provision is implemented by DOE pursuant to a Determination of Exceptional Circumstances (DEC) under the Bayh-Dole Act and DOE Patent Waivers. See Section VIII.J. Title to Subject Inventions of this FOA for more information on the DEC and DOE Patent Waivers.

**xx. Interim Conflict of Interest Policy for Financial Assistance**

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)<sup>34</sup> is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOE financial assistance award. The term "Investigator" means the PI and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. Recipients must flow down the requirements of the interim COI Policy to any subrecipient non-federal entities. Further, for DOE funded projects, the recipient must include all financial conflicts of interest (FCOI) (i.e., managed and unmanaged/ unmanageable) in its initial and ongoing FCOI reports.

It is understood that non-federal entities and individuals receiving DOE financial assistance awards will need sufficient time to come into full compliance with DOE's interim COI Policy. To provide some flexibility, DOE allows for a staggered implementation. Specifically, prior to award, applicants selected for award negotiations must: ensure all Investigators complete their significant financial disclosures; review the disclosures; determine whether a FCOI exists; develop and implement a management plan for FCOIs; and provide DOE with an initial FCOI report that includes all FCOIs (i.e., managed and unmanaged/ unmanageable). Recipients will have 180 days from the date of the award to come into full compliance with the other requirements set forth in DOE's interim COI Policy. Prior to award, the applicant must certify that it is, or will be within 180 days of the award, compliant with all requirements in the COI Policy.

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<sup>34</sup> DOE's interim COI Policy can be found at [PF 2022-17 FAL 2022-02 Department of Energy Interim Conflict of Interest Policy Requirements for Financial Assistance](#).

**xxi. Data Management Plan (DMP)**

Each applicant whose Full Application is selected for award negotiations will be required to submit a Data Management Plan (DMP) during the award negotiations phase. A DMP explains how, when appropriate, data generated in the course of the work performed under an EERE award will be shared and preserved to validate the results of the proposed work or how the results could be validated if the data is not shared or preserved. The DMP must provide a plan for making all research data displayed in publications resulting from the proposed work digitally accessible at the time of publications.

**xxii. Fraud, Waste, and Abuse**

The mission of the DOE Office of Inspector General (OIG) is to strengthen the integrity, economy, and efficiency of the Department's programs and operations including deterring and detecting fraud, waste, abuse, and mismanagement. The OIG accomplishes this mission primarily through investigations, audits, and inspections of DOE activities to include grants, cooperative agreements, loans, and contracts.

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

Additionally, recipients of DOE awards must be cognizant of the requirements of [2 CFR 200.113 Mandatory disclosures](#), which states:

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

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

### xxiii. Human Subjects Research

Research involving human subjects, biospecimens, or identifiable private information conducted with DOE funding is subject to the requirements of DOE Order 443.1C, Protection of Human Research Subjects, 45 CFR Part 46, Protection of Human Subjects (subpart A which is referred to as the “Common Rule”), and 10 CFR Part 745, Protection of Human Subjects. Additional information on the DOE Human Subjects Research Program can be found at: [HUMAN SUBJECTS Human Subjects Pr... | U.S. DOE Office of Science \(SC\) \(osti.gov\)](#).

## 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 described below. Questions regarding this FOA must be submitted to [SETO.SIPS@ee.doe.gov](mailto:SETO.SIPS@ee.doe.gov) no later than three (3) business days prior to the application due date and time. Please note, feedback on individual concepts will not be provided through Q&A.

All questions and answers related to this FOA will be posted on EERE eXCHANGE at: <https://eere-exchange.energy.gov>. **You must first select the FOA Number to view the questions and answers specific to this FOA.** EERE will attempt to respond to a question within three (3) business days unless a similar question and answer has already been posted on the website.

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

## VIII. Other Information

### A. FOA Modifications

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

### B. 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.

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

### C. Commitment of Public Funds

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

### D. Treatment of Application Information

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

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

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

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

#### **Notice of Restriction on Disclosure and Use of Data:**

Pages [list applicable pages] of this document may contain trade secrets or business-sensitive, proprietary, or otherwise confidential information that is exempt from public disclosure. Such information shall be used or

disclosed only for evaluation purposes or in accordance with a financial assistance agreement between the submitter and the government. The government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source. [End of Notice]

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

## **E. Evaluation and Administration by Non-Federal Personnel**

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

## **F. Notice Regarding Eligible/Ineligible Activities**

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

## **G. 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).

## **H. Requirement for Full and Complete Disclosure**

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

- The termination of award negotiations;
- The modification, suspension, and/or termination of a funding agreement;



- The initiation of debarment proceedings, debarment, and/or a declaration of ineligibility for receipt of federal contracts, subcontracts, and financial assistance and benefits; and
- Civil and/or criminal penalties.

## **I. Retention of Submissions**

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

## **J. Title to Subject Inventions**

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

- Domestic Small Businesses, Educational Institutions, and Nonprofits: Under the Bayh-Dole Act (35 U.S.C. § 200 et seq.), domestic small businesses, educational institutions, and nonprofits may elect to retain title to their subject inventions;
- All other parties: The federal Non-Nuclear Energy Act of 1974, 42 U.S.C. § 5908, provides that the government obtains title to new inventions unless a waiver is granted (see below);
- Class Patent Waiver: DOE has issued a class waiver that applies to this FOA. Under this class waiver, domestic large businesses may elect title to their subject inventions similar to the right provided to the domestic small businesses, educational institutions, and nonprofits by law. To avail itself of the class waiver, a domestic large business must agree that any products embodying or produced through the use of a subject invention first created or reduced to practice under this program will be substantially manufactured in the United States.
- Advance and Identified Waivers: Applicants not covered by a Class Patent Waiver or the Bayh-Dole Act 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.
- DOE may issue and publish further DEC's on the website above prior to the issuance of awards under this FOA. DOE may require additional submissions or requirements as authorized by any applicable DEC.

## K. Government Rights in Subject Inventions

Where prime recipients, subrecipients, and contractors 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 government contractors.

### 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 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 United States manufacturing requirement has not been met.

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

## L. Rights in Technical Data

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

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

evaluate the potential of proposed technologies to reach specific technical and cost metrics.

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

## **M. Copyright**

The prime recipient and subrecipients may assert copyright in copyrightable works, such as software, first produced under the award without 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.

## **N. Export Control**

The United States government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the United States to protect national security, foreign policy, and economic interests without imposing undue regulatory burdens on legitimate international trade. There is a network of federal agencies and regulations that govern exports that are collectively referred to as “Export Controls.” All recipients and subrecipients are responsible for ensuring compliance with all applicable United States Export Control laws and regulations relating to any work performed under a resulting award.

The recipient must immediately report to DOE any export control violations related to the project funded under the DOE award, at the recipient or subrecipient level, and provide the corrective action(s) to prevent future violations.

## **O. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment**

As set forth in 2 CFR 200.216, recipients and subrecipients are prohibited from obligating or expending project funds (federal funds and recipient cost share) to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use *covered telecommunications equipment or services* as a substantial or essential component of any system, or as critical technology as part of any system. As described in Section 889 of Public Law 115-232, *covered telecommunications equipment* is telecommunications equipment produced by

Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

See Public Law 115-232, Section 889, 2 CFR 200.216, and 2 CFR 200.471 for additional information.

## **P. Personally Identifiable Information (PII)**

All information provided by the applicant must to the greatest extent possible exclude PII. The term "PII" refers to information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name. (See OMB Memorandum M-17-12 dated January 3, 2017)

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

## **Q. Annual Independent Audits**

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

If an educational institution, non-profit organization, or state/local government is a prime recipient or subrecipient and has expended \$750,000 or more of federal awards during the non-federal entity's fiscal year, a Single or Program-Specific Audit is required. For additional information, please refer to 2 CFR 200.501 and Subpart F.

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

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## 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 terms in the titles specific to regulations applicable to cost sharing. EERE almost always uses “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. The following is an example of how to calculate cost sharing amounts for a project with \$1,000,000 in federal funds with a minimum 20% non-federal cost sharing requirement:

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

### What Qualifies for Cost Sharing

While it is not possible to explain what specifically qualifies for cost sharing in one or two 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, it is allowable as cost share. Conversely, if the cost is not allowable under the cost principles and not eligible for reimbursement, 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 above regulations, other factors may also come into play such as timing of donations and length of the project period. For example, the value of 10 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.

### **General Cost Sharing Rules on a DOE Award**

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

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

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

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

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

**(B) Valuing and documenting contributions**

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

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- 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 – SAMPLE COST SHARE CALCULATION FOR BLENDED COST SHARE PERCENTAGE

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

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

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

Each task must be calculated individually as follows:

### Task 1

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

Task 1 Cost minus federal share = non-federal share

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

### Task 2

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

Task 2 Cost minus federal share = non-federal share

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

### Task 3

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

Task 3 Cost minus federal share = non-federal share

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

### Task 4

Federal share = \$100,000

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

The calculation may then be completed as follows:

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

Blended Cost Share %

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

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

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## **APPENDIX C – WAIVER REQUESTS FOR: 1. FOREIGN ENTITY PARTICIPATION; AND 2. FOREIGN WORK**

### **1. Waiver for Foreign Entity Participation**

Many of the technology areas DOE funds fall in the category of. CETs are a subset of advanced technologies that are potentially significant to United States national and economic security.<sup>35</sup> For projects selected under this FOA, all recipients and subrecipients must be organized, chartered, or incorporated (or otherwise formed) under the laws of a state or territory of the United States; have majority domestic ownership and control; and have a physical location for business operations in the United States. To request a waiver of this requirement, an applicant must submit an explicit waiver request in the Full Application.

#### **Waiver Criteria**

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

- a. Its participation is in the best interest of the United States industry and United States economic development;
- b. The project team has appropriate measures in place to control sensitive information and protect against unauthorized transfer of scientific and technical information;
- c. Adequate protocols exist between the United States subsidiary and its foreign parent organization to comply with export control laws and any obligations to protect proprietary information from the foreign parent organization;
- d. The work is conducted within the United States and the entity acknowledges and demonstrates that it has the intent and ability to comply with the United States Competitiveness Provision (see Section VI.B.xx.); and
- e. The foreign entity will satisfy other conditions that may be deemed necessary by DOE to protect United States government interests.

#### **Content for Waiver Request**

A Foreign Entity waiver request must include the following:

- a. Information about the entity: name, point of contact, and proposed type of involvement in the project;
- b. Country of incorporation, the extent of the ownership/level control by foreign entities, whether the entity is state owned or controlled, a summary of the ownership breakdown of the foreign entity, and the percentage of

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<sup>35</sup> See [Critical and Emerging Technologies List Update \(whitehouse.gov\)](https://www.whitehouse.gov).

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- ownership/control by foreign entities, foreign shareholders, foreign state or foreign individuals;
- c. The rationale for proposing a foreign entity participate (must address criteria above);
  - d. A description of the project's anticipated contributions to the United States economy;
    - How the project will benefit the United States, including manufacturing, contributions to employment in the United States and growth in new markets and jobs in the United States;
    - How the project will promote manufacturing of products and/or services in the United States;
  - e. A description of how the foreign entity's participation is essential to the project;
  - f. A description of the likelihood of Intellectual Property (IP) being created from the work and the treatment of any such IP; and
  - g. Countries where the work will be performed (Note: if any work is proposed to be conducted outside the United States, the applicant must also complete a separate request foreign work waiver.)

DOE may also require:

- A risk assessment with respect to IP and data protection protocols that includes the export control risk based on the data protection protocols, the technology being developed, and the foreign entity and country. These submissions could be prepared by the project lead (if not the prime recipient), but the prime recipient must make a representation to DOE as to whether it believes the data protection protocols are adequate and make a representation of the risk assessment – high, medium, or low risk of data leakage to a foreign entity.
- Additional language be added to any agreement or subagreement to protect IP, mitigate risk, or other related purposes.

DOE may require additional information before considering the waiver request.

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

## **2. Performance of Work in the United States (Foreign Work Waiver Request)**

As set forth in Section IV.H.iii., all work funded under this FOA must be performed in 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 DOE that it would further the purposes of this FOA and is otherwise in the economic interests of the

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United States to perform work outside of the United States. A request for a foreign work waiver must include the following:

1. The rationale for performing the work outside the United States (“foreign work”);
2. A description of the work proposed to be performed outside the United States;
3. An explanation as to how the foreign work is essential to the project;
4. A description of the anticipated benefits to be realized by the proposed foreign work and the anticipated contributions to the U.S. economy;
5. The associated benefits to be realized and the contribution to the project from the foreign work;
6. How the foreign work will benefit the United States, including manufacturing, contributions to employment in the United States and growth in new markets and jobs in the United States;
7. How the foreign work will promote manufacturing of products and/or services in the United States;
8. A description of the likelihood of IP being created from the foreign work and the treatment of any such IP;
9. The total estimated cost (DOE and recipient cost share) of the proposed foreign work;
10. The countries in which the foreign work is proposed to be performed; and
11. The name of the entity that would perform the foreign work.

DOE may require additional information before considering the waiver request.

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

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

### A. Definitions

For purposes of the Buy America requirements, based both on the statute and OMB Guidance Document dated April 18, 2022, the following definitions apply:

**Construction materials** includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives<sup>36</sup>—that is or consists primarily of:

- Non-ferrous metals;
- Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- Glass (including optic glass);
- Lumber; or
- Drywall.

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

Moreover, according to the OMB guidance document:

When determining if a program has infrastructure expenditures, Federal agencies should interpret the term “infrastructure” broadly and consider the definition provided above as illustrative and not exhaustive. When determining if a particular construction project of a type not listed in the definition above constitutes “infrastructure,” agencies should consider whether the project will serve a public function, including whether the project is publicly owned and operated, privately operated on behalf of the public, or is a place of public accommodation, as opposed to a project that is privately owned and not open to the public. Projects with the former qualities have greater indicia of infrastructure, while projects with the latter quality have fewer. Projects consisting solely of the

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<sup>36</sup> BIL, § 70917(c)(1).

purchase, construction, or improvement of a private home for personal use, for example, would not constitute an infrastructure project.

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

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

### **B. Buy America Requirements for Infrastructure Projects (“Buy America” requirements)**

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

- (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- (3) all construction materials<sup>37</sup> are produced in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America requirements only apply to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does the Buy America requirements apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

These requirements must flow down to all sub-awards, all contracts, subcontracts, and purchase orders for work performed under the proposed project, except where the prime

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<sup>37</sup> Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.



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recipient is a for-profit entity. Based on guidance from the Office of Management and Budget (OMB), the Buy America requirements of the BIL do not apply to DOE projects in which the prime recipient is a for-profit entity; the requirements only apply to projects whose prime recipient is a State, local government, Indian Tribe, Institution of Higher Education, or non-profit organization.

For additional information related to the application and implementation of these Buy America requirements, please see OMB Memorandum M-22-11, issued April 18, 2022:

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

### **C. Waivers**

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

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

- (1) Applying the Buy America requirements would be inconsistent with the public interest;
- (2) The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25%.

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

- A detailed justification for the use of “non-domestic” iron, steel, manufactured products, or construction materials to include an explanation as to how the non-domestic item(s) is essential to the project;

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

DOE may require additional information before considering the waiver request.

Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at [DOE Buy America Requirement Waiver Requests](#).

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

## APPENDIX E – DEFINITION OF TECHNOLOGY READINESS LEVELS

TRL 1:	Basic principles observed and reported
TRL 2:	Technology concept and/or application formulated
TRL 3:	Analytical and experimental critical function and/or characteristic proof of concept
TRL 4:	Component and/or breadboard validation in a laboratory environment
TRL 5:	Component and/or breadboard validation in a relevant environment
TRL 6:	System/subsystem model or prototype demonstration in a relevant environment
TRL 7:	System prototype demonstration in an operational environment
TRL 8:	Actual system completed and qualified through test and demonstrated
TRL 9:	Actual system proven through successful mission operations

## APPENDIX F – LIST OF ACRONYMS

AC	Alternating Current
CETs	Critical And Emerging Technologies
COI	Conflict of Interest
CRADA	Cooperative Research and Development Agreement
CSP	Concentrating Solar-thermal Power
BOS	Balance of System
DC	Direct Current
DEC	Determination of Exceptional Circumstances
DEI	Diversity, Equity, and Inclusion
DMP	Data Management Plan
DOE	Department of Energy
DOI	Digital Object Identifier
DOL	Department of Labor
EBiz POC	Electronic Business Point of Contact
EERE	Energy Efficiency and Renewable Energy
FAR	Federal Acquisition Regulation
FCOI	Financial Conflicts of Interest
FFATA	Federal Funding and Transparency Act of 2006
FOA	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FFRDC	Federally Funded Research and Development Center
GAAP	Generally Accepted Accounting Principles
Gen 3 CSP	Generation 3 Concentrating Solar Power Systems
GW	Gigawatts
HBCUs	Historically Black Colleges and Universities
HelioCon	Heliosat Consortium
IP	Intellectual Property
IPMP	Intellectual Property Management Plan
KWh	Kilowatt-hour
LCOE	Levelized Cost of Energy
M&O	Management and Operating
MFA	Multi-Factor Authentication
MPIN	Marketing Partner ID Number
MSI	Minority-Serving institution
MYPP	Multi-Year Program Plan
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NNSA	National Nuclear Security Agency
NPOs	Non-Profit Organizations
NSF	National Science Foundation
OFCCP	Office of Federal Contractor Compliance Programs

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OIG	Office of Inspector General
OMB	Office of Management and Budget
OMIs	Other Minority Institutions
OSTI	Office of Scientific and Technical Information
OTA	Other Transactions Authority
PII	Personal Identifiable Information
PV	Photovoltaic
R&D	Research and Development
RD&D	Research, Development, and Demonstration (RD&D)
RDD&D	Research, Development, Demonstration, and Deployment
RFI	Request for Information
RFP	Request for Proposal
SAM	System for Award Management
SBIR	Small Business Innovation Research
SciENCv	Science Experts Network Curriculum Vita
SCO <sub>2</sub>	Supercritical Carbon Dioxide
SETO	Solar Energy Technologies Office
SIPH	Solar-Thermal Industrial Process Heat
SIPS	Small Innovative Projects in Solar
SMART	Specific, Measurable, Attainable, Realistic, and Timely
SOPO	Statement of Project Objectives
SPOC	Single Point of Contact
SSNs	Social Security Numbers
STEM	Science, Technology, Engineering, and Mathematics
STTR	Small Business Technology Transfer
TAA	Technical Assistance Agreement
TES	Thermal Energy Storage
TIA	Technology Investment Agreement
TRL	Technology Readiness Level
UCC	Uniform Commercial Code
UEI	Unique Entity Identifier
WBS	Work Breakdown Structure
WP	Work Proposal