FINANCIAL ASSISTANCE
FUNDING OPPORTUNITY ANNOUNCEMENT

Department of Energy (DOE)
Grid Deployment Office (GDO)

Puerto Rico – Energy Resilience Fund

Funding Opportunity Announcement (FOA) Number: DE-FOA-0003096
FOA Type: Modification 000002
Assistance Listing Number: 81.254

FOA Issue Date:	July 31, 2023
FOA Modification 000001 Issue Date:	August 11, 2023
FOA Modification 000002 Issue Date:	September 6, 2023
Submission Deadline for Full Applications:	September 18, 2023, 5:00pm ET
Expected Date for DOE Selection Notifications:	October 26, 2023
Expected Timeframe for Award Negotiations:	December 27, 2023

- To apply to this FOA, Applicants must register with and submit application materials through the Clean Energy Infrastructure Funding Opportunity Exchange (INFRASTRUCTURE eXCHANGE) at https://infrastructure-eXCHANGE.energy.gov, online application portal.

- Applicants must designate primary and backup points-of-contact in INFRASTRUCTURE eXCHANGE with whom DOE 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 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.

Applicants requiring translation assistance to submit applications in English under this FOA must contact DOE no later than two weeks prior to the application due date at GDO_FOA3096@netl.doe.gov.

Modifications

Mod. No.	Date	Description of Modification
000001	08/11/2023	The Spanish translation of this Funding Opportunity Announcement (DE-FOA-0003096) has been amended from the original translation that was uploaded to the Clean Energy Infrastructure Funding Opportunity Exchange (INFRASTRUCTURE eXCHANGE) on July 31st. This amended version corrected words that were incorrectly translated; changed phrasing to better express the intent of the original English version; and added English terminology when a literal translation is inappropriate such as the name of an enacted statute, act, or reference to regulations. This new amended version is to be used as the official FOA translation.
000002	09/06/2023	The purpose of this modification is to reduce the duration of the Planning Phase (Phase 1) for all Topic Areas from five (5) months to three (3) months. All changes to the Funding Opportunity Announcement as a result of this modification are shown in highlighted text.

Registration Requirements

There are several one-time actions that must be completed before submitting an application in response to this Funding Opportunity Announcement (FOA) (e.g., register with the System for Award Management (SAM), obtain a Unique Entity Identifier (UEI) number, and register with the Clean Energy Infrastructure Funding Opportunity Exchange (INFRASTRUCTURE eXCHANGE). It is vital that Applicants address these items as soon as possible. Some may take several weeks, and failure to complete them could interfere with an Applicant's ability to apply to this FOA.

- **SAM** – Applicants must register with SAM at https://www.sam.gov/ prior to submitting an application in response to this FOA. Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in SAM registration. The Applicant must maintain an active SAM registration with current information at all times during which it has an active Federal award or application under consideration. More information about SAM registration for Applicants is found at: https://www.fsd.gov/gsafsd_sp?id=gsafsd_kb_articles&sys_id=650d493e1bab7c105465eaccac4bcbcb.

  NOTE: If clicking the SAM links do not work, please copy and paste the link into your browser.

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

- **UEI** – Applicants must obtain an UEI from the SAM to uniquely identify the entity. The UEI is available in the SAM entity registration record.

  NOTE: Subawardees/Subrecipients at all tiers must also obtain an UEI from the SAM and provide the UEI to the Prime Recipient before the subaward can be issued. Full registration in SAM is not required to obtain an UEI for subaward reporting.

- **INFRASTRUCTURE FUNDING OPPORTUNITY EXCHANGE (INFRASTRUCTURE eXCHANGE) –** Register and create an account on INFRASTRUCTURE eXCHANGE at https://infrastructure-eXCHANGE.energy.gov . This account will allow the user to apply to any open FOAs that are currently in INFRASTRUCTURE eXCHANGE.

It is recommended that each organization or business unit, whether acting as a team or a single entity, use only one account as the contact point for each submission. Applicants should also designate backup points of contact so they may be easily contacted if deemed necessary. **This step is required to apply to this FOA.** The INFRASTRUCTURE eXCHANGE registration does not have a delay; however, **the remaining registration requirements below could take several weeks to process and are necessary for a potential Applicant to receive an award under this FOA.**

Questions related to the registration process and use of the INFRASTRUCTURE eXCHANGE website should be submitted to: INFRASTRUCTURE-eXCHANGESupport@hq.doe.gov.

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

- **Grants.gov** – Register in Grants.gov (http://www.grants.gov) to receive automatic updates when Amendments to this FOA are posted. Please note that 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 INFRASTRUCTURE eXCHANGE and FedConnect, constitutes the authorized representative's approval and electronic signature.

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I. Funding Opportunity Description

A. Background and Context

i. Program Purpose and Strategic Goals

In December 2022, Congress appropriated $1 billion in the FY 2023 Consolidated Appropriations Act for activities to improve the resilience of the Puerto Rican electric grid, including renewable energy and storage solutions for vulnerable households and communities. Per the Act, these activities will include resilience investments for low-and-moderate income households and households with individuals with disabilities.

The U.S. Department of Energy (DOE) Grid Deployment Office (GDO) established the Puerto Rico Energy Resilience Fund (PR-ERF) to administer the $1 billion through a program focused on both residential and community-based energy resilience investments, including but not limited to solar photovoltaic (PV) and battery storage deployments, as well as community partnerships and other activities to grow Puerto Rico's clean energy economy. This first Funding Opportunity Announcement (FOA) under the PR-ERF has three Strategic Goals[1]:

1. Enhance energy resilience for vulnerable households through the rapid installation of rooftop solar PV and battery storage systems. Through this first funding opportunity, DOE aims to incentivize the installation of roughly 30,000-40,000 residential systems.
2. Reduce energy burden (i.e., the percentage of gross household income spent on energy costs) for program beneficiaries.
3. Support the growth of the clean energy workforce in Puerto Rico, as well as support education and protection for beneficiaries.

To accomplish these goals, this FOA has three (3) Topic Areas. The three Topic Areas are as follows:

- Topic Area 1: Third-Party Residential Rooftop Solar PV and Battery Storage Deployment
- Topic Area 2: Community-Sponsored Residential Rooftop Solar PV and Battery Storage Deployment
- Topic Area 3: Beneficiary Education, Training, and Consumer Protection

Qualified solar companies, nonprofits, and electric cooperatives will be eligible for award to deploy rooftop solar PV and battery storage systems for beneficiaries. Beneficiaries include (1) very low-income single-family households

[1]Future PR-ERF solicitations may have a broader scope and different strategic goals.

where an individual with an energy dependent disability resides; or (2) very low-income single-family households located in a Last Mile Community (see Definitions section for more information).

In a separate but related opportunity, DOE is launching the **Solar Ambassadors Prize** to incentivize community-based organizations, nonprofits, and certain for-profit entities to help identify qualified beneficiaries in the Topic Area 1 Third-Party Residential Rooftop Solar PV and Battery Storage Deployment Program.

ii. Diversity, Equity, Inclusion and Accessibility

It is the policy of the Biden Administration that[2]:

> The Federal Government should pursue a comprehensive approach to advancing equity 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. This funding opportunity is solely focused on supporting low- and moderate- income communities and households that include individuals with energy dependent disabilities in Puerto Rico. Applicants are highly encouraged to include individuals from groups historically underrepresented in science, technology, engineering, and math (STEM) on their project teams and companies with local presence in Puerto Rico. Further, Minority Serving Institutions, Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, Veteran Owned Businesses, or entities located in an underserved community that meet the eligibility requirements are encouraged to participate on an application as a proposed partner to the prime Applicant.
>
> Accordingly, the Selection Official may consider these types of entities as part of the selection decision. (See Section V.D.i. of the FOA.)

[2] Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.

iii. Definitions

- **Applicant:** Entity that applies for direct DOE financial assistance under this FOA for all three Topic Areas.
- **Awardee:** Applicant entity that receives a financial assistance award for any of the Topic Areas in this FOA.
- **Beneficiary:** Individual, family, or privately owned household that receives direct services or benefits from this FOA. Beneficiaries include (a) very low-income single-family households where an individual with an energy dependent disability resides (no geographic restriction); or (b) very low-income single-family households located in a Last Mile Community.
- **Community-Based Organization (CBO):** Nonprofit organization that serves a particular community, geographic area, or demographic, as outlined in this funding opportunity announcement.
- **Energy Burden:** Percentage of gross household income spent on energy costs.
- **Energy Cooperative[3]:** Cooperatives organized in accordance with Puerto Rico Act 258-2018; with the purpose of satisfying the individual and common needs of electric energy services of its members and their communities, through systems of and/or communities through electric power generation, transmission and distribution, in accordance with the Energy Bureau Regulations[4].
- **Individual with Energy Dependent Disability:** an individual that relies on electricity-dependent or battery-dependent medical equipment or assistive technology to live independently or to assist in performing activities to daily living. This includes individuals who are unable to control body temperature and therefore require heating or cooling systems to prevent injury or death, as well as those that rely on medication that is required to be refrigerated[5].
- **Last Mile Community:** A census block that (a) has a high percent of very low-income households[6], and (b) experiences frequent and prolonged power outages. Solar Ambassador organizations will perform outreach activities in Last Mile Communities to identify qualifying households.
- **Very Low-Income Single-Family Household:** A household in which at least one individual is enrolled in or receives benefits from one or more of the following government assistance programs: Low-Income Home Energy Assistance Program (LIHEAP), Nutrition Assistance Program (NAP), or Temporary Assistance for Needy Families (TANF).
- **Nonprofit:** See 2 CFR 200.1.

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[3] 20191008-Resolution-MI20190004.pdf (pr.gov)

[4] 9117-Regulation-on-Energy-Cooperatives.pdf (pr.gov)

[5] This is a non-exhaustive list of examples of medical devices considered to rely on electricity-dependent or rechargeable battery-dependent medical equipment or assistive technology: ventilator, bilevel positive airway pressure (BiPAP) machine, enteral feeding machine, intravenous (IV) infusion pump, suction pump, at-home dialysis machine, electric wheelchair, electric scooter, electric bed equipment in the past 13 months; oxygen concentrator equipment in the past 36 months; implanted cardiac devices that include left ventricular assistive device (LVAD), right ventricular assistive device (RVAD), bi-ventricular assistive device (BIVAD), total artificial heart (TAH) in the past 5 years.

[6] Income data from the Puerto Rico Solar-for-All: LMI PV Rooftop Technical Potential and Solar Savings Potential (NREL), with underlying data from the Census Bureau 2011–2015 American Community Survey

- **Recipient:** See 2 CFR 200.1.
- **Resilience:** Ability to prepare for and adapt to changing conditions and recover rapidly from operational disruptions. Resilience includes the ability to withstand and recover from deliberate attacks, accidents, or naturally occurring threats or incidents.
- **Subaward:** See 2 CFR 200.1.
- **Subrecipient:** See 2 CFR 200.1.
- **Single-family House:** Fully detached house, semidetached (side-by-side) house, row house, or townhouse.
- **Third-Party Owner:** Entity other than a homeowner that owns and maintains a solar PV and battery storage system on the home's roof. Under a third-party ownership model for solar PV and battery storage, the homeowner can contractually use the electricity generated and energy stored in the battery without holding title to the equipment.
    - **Lease/Lease Agreement:** A lease is a type of third-party ownership where a homeowner pays a fee to use the solar PV and battery storage system on the homeowner's rooftop.
    - **Power Purchase Agreement (PPA):** A residential PPA is a type of third-party ownership where residents of a household where solar PV and battery storage has been installed and is owned by a third-party owner pays the third-party owner a per-kilowatt-hour rate for the electricity produced and used by the household.

B. Topic Areas

i. Topic Area 1: Third-Party Residential Rooftop Solar PV and Battery Storage Deployment

Topic Area 1 solicits qualified solar companies to deploy third-party residential rooftop solar PV and battery storage system[7], using commercially available technology, to enhance resilience and provide other benefits as listed above. DOE anticipates awarding a total of between $380M and $400M, with up to 5 separate awards. The goal of this Topic Area is to deploy systems to qualified beneficiaries at scale, as efficiently as possible.

Applicants will develop two documents to form the core of their application packages: a *Qualifications Statement* and a *Deployment Strategy*. These documents are intended to demonstrate how Applicants will cost effectively maximize the number of household installations and the reduction to household energy burden, while providing sufficient generation and storage capacity to enhance household critical load resilience.

[7] In order to meet the strategic objective of enhancing energy resilience, standalone solar PV installations will not be considered an eligible activity.

Qualified Applicants are solar and storage companies with an existing presence in Puerto Rico, an established business model for third-party ownership and operations and maintenance (O&M), financial and regulatory good standing, and who can demonstrate a strong operational track record of resilient solar PV and battery storage installation.

For this Topic Area, the DOE's network of partner Solar Ambassadors[8] , and not Awarded installers, will engage in outreach efforts to identify beneficiaries. Beneficiaries are either:

(a) Very low-income single-family households where an individual with an energy dependent disability resides; or

(b) Very low-income single-family households located in a Last Mile Community.

Topic Area 1 awardees (solar companies) will not be responsible for initial outreach to potential beneficiaries and beneficiary intake. DOE will screen beneficiary applications and provide a beneficiary list directly to solar companies to design and deploy rooftop solar and battery storage systems sized for critical load resilience.

Applicants *will* be responsible for taking the approved beneficiary list and performing business-as-usual site visits, solar and storage designs, permitting, installation and inspection, consumer education and training related to the specific installation, submittal of interconnection application, 20-25 years of operations and maintenance (including equipment replacement), and other relevant services considered best practice in third-party ownership models. Successful Applicants will be required to demonstrate a proposed pricing structure that allows for minimal-to-no upfront cost to the beneficiary and affordable PPA/lease payments for the duration of the agreement. Cooperative agreements under this FOA will require that certain terms and conditions be included in the underlying PPA/lease agreements. Applicants selected for award will receive detailed guidelines on these required terms and conditions during negotiations.

Topic Area 1 cooperative agreements may include up to three phases of work. Prior to the Planning Phase (Phase 1), Applicants selected for award will receive detailed *Program Guidelines* during negotiations to inform the development of a more detailed *Deployment Plan* as described in Section VI.B.xi. of the FOA.

- ***Planning Phase (Phase 1):*** Applicants will develop a detailed *Deployment Plan* (see Appendix E-Statement of Project Objectives (SOPO) for details). This phase is estimated to take ~~5~~3 months. At the end of this phase there

[8] DOE will partner with a network of community-based organizations – Solar Ambassadors – that will perform outreach activities to identify qualifying households and assist them with registering to participate as beneficiaries in this Topic Area.

will be a Go/No-Go decision point to determine if the *Deployment Plan* meets the DOE's program objectives.

- ***Initial Deployment Phase (Phase 2):*** After 100 installs, a random selection of the installations and beneficiaries will be inspected and audited to ensure compliance with the guidelines in the FOA. Random beneficiaries will be interviewed to measure the reduction in household-level energy burden, and that systems are performing as anticipated. At the end of this phase there will be a Go/No-Go decision point to see if the Awardee will advance to Full Deployment Phase.
- ***Full Deployment Phase (Phase 3):*** After each 12-month period since the award date, a random selection of installations and beneficiaries will be inspected and audited for compliance with the guidelines.

Awardees are expected to provide no less than 5% cost share for all three phases. Deployments would occur over a maximum 5-year timeframe.

DOE has issued a NEPA Categorical Exclusion for the Planning Phase (Phase 1) of the Topic Area. Applicants selected for award will be required to adhere to NEPA requirements specific to Deployment Phases (Phase 2 and Phase 3). DOE plans to initiate a programmatic environmental assessment to evaluate the potential impacts of the program and to identify possible mitigations or limitations. Awardees will receive additional guidance prior to initiating the Initial Deployment Phase (Phase 2).

Applicants will comply with certain technical and operational requirements, as outlined in the table below. Detailed requirements will be provided in forthcoming *Program Guidelines*, but will not deviate from the high-level specifications listed here:

TOPIC AREA 1: TECHNICAL AND OPERATIONAL REQUIREMENTS	
Asset Ownership Model	Third-Party Ownership (lease or PPA)
Equipment Type	New
System Size - Solar PV	3-5 kW
System Size - Battery	10-20 kWh
Load Covered by PV & Battery System	Critical Load (25%-75% of total household load)[9]
O&M (to match lease or PPA term)	20-25 years
Performance Guarantee	Solar PV and battery will require performance guarantees
Insurance	Installer/O&M provider must maintain insurance on the system for the duration of the agreement
Allowed "Solar Ready" Investments	Roof repair, incidental electrical work, communications equipment
Installation Labor	In accordance with all applicable codes, standards, and workforce regulations
Interconnection	Net metering application submission required by the installer
Ability to Island	Yes
Remote Monitoring/Dispatch	Systems must be installed to allow for remote monitoring and be aggregation-ready to participate in grid services programs
Customer Acquisition	None. Instead, to be performed by Solar Ambassadors and screened for eligibility by DOE.

ii. Topic Area 2: Community-Sponsored Residential Rooftop Solar PV and Battery Storage Deployment

Topic Area 2 solicits applications from nonprofits and energy cooperatives to deploy residential solar PV and battery storage installations, using commercially available technology, to enhance resilience and provide other benefits as listed above. DOE anticipates awarding a total of between $20M and $40M under this topic area, with up to 10 separate awards.

Applicants will develop two documents to form the core of their proposal packages: a *Qualifications Statement* and a *Deployment Strategy*. These documents are intended to demonstrate how Applicants will cost effectively maximize the number of household installations and the reduction to household

[9] The range in critical load percent will mainly be due to presence of energy-dependent medical equipment.

energy burden, while providing sufficient generation and storage capacity to enhance household critical load resilience.

Qualified Applicants are nonprofit entities or energy cooperatives with an existing presence in Puerto Rico, financial and regulatory good standing, and demonstrating a strong operational track record to deploy solar PV and battery storage systems and provide O&M.

Applicants may propose a wide range of business models[10] to deploy and maintain residential solar PV and battery storage systems. Applicants will be responsible for beneficiary outreach and customer acquisition [11], home inspection and design, certain activities to make a home "solar-ready", installation and inspection, beneficiary education and training, submittal of interconnection application, a cost-effective plan for operations and maintenance and insurance, and other relevant activities. Cooperative agreements under this FOA will require that certain terms and conditions be included in the underlying PPA/lease agreements. Applicants selected for award will receive detailed guidelines on these required terms and conditions during negotiations.

Topic Area 2 cooperative agreements may include up to three phases of work. Prior to the Planning Phase (Phase 1), Applicants selected for award will receive detailed *Program Guidelines during negotiations to inform the development* of a more detailed *Deployment Plan* as described in Section VI.B.xi. of the FOA.

- ***Planning Phase (Phase 1):*** Applicants will develop a detailed *Deployment Plan* (see Appendix E -Statement of Project Objectives (SOPO) for details). This phase is estimated to take ~~5~~3 months. At the end of this phase there will be a Go/No-Go decision point based on performance.
- ***Initial Deployment Phase (Phase 2):*** After an initial tranche of installs, a random selection of installations and beneficiaries will be inspected and audited for each Applicant on a case-by-case basis to ensure compliance with the guidelines in this FOA. Random Beneficiaries will be interviewed to measure the reduction in household-level energy burden, and that systems are performing as anticipated. At the end of this phase there will be a Go/No-Go decision point to see if the Awardee will advance to Full Deployment Phase.
- ***Full Deployment Phase (Phase 3):*** After each 12-month period since the award date, a random selection of installations and beneficiaries will be inspected and audited for compliance with the guidelines in this FOA.

[10] Topic Area 2 is not limited to third-party ownership.
[11] Note that the Ambassador Prize is solely doing outreach for Topic Area 1.

Awardees are expected to provide no less than 5% cost share for all three phases. Deployments would occur over a maximum 5-year timeframe.

DOE has issued a NEPA Categorical Exclusion for the Planning Phase (Phase 1) of the Topic Area. Applicants selected for award will be required to adhere to NEPA requirements specific to Deployment Phases (Phase 2 and Phase 3) as identified by DOE. DOE plans to initiate a programmatic environmental assessment to evaluate the potential impacts of the program and to identify possible mitigations or limitations. Awardees will receive additional guidance prior to initiating the Initial Deployment Phase (Phase 2).

Applicants will comply with certain technical and operational requirements, as outlined in the table below. Detailed requirements will be provided in forthcoming *Program Guidelines*, but will not deviate from the high-level specifications listed here:

TOPIC AREA 2: TECHNICAL AND OPERATIONAL REQUIREMENTS	
Asset Ownership Model	Any. (Models are not restricted to Third-Party Ownership, and can include beneficiary-owned, community-owned, Coop-owned, etc., but must be based on existing, successful models.)
Equipment Type	New
System Size - Solar PV	3-5 kW
System Size - Battery	10-20 kWh
Load Covered by PV & Battery System	Critical Load (25%-75% of total load)[12]
Operations and Maintenance	Must have long-term O&M plan
Insurance	Must have plan for insurance coverage
Allowed "Solar Ready" Investments	Roof repair, incidental electrical work, communications equipment
Installation Labor	In accordance with all applicable codes, standards, and workforce regulations
Interconnection	Net metering application submission required by the installer, nonprofit, or cooperative.
Ability to Island	Yes
Remote Monitoring/Dispatch	Systems must be installed to allow for remote monitoring. It is encouraged that systems be installed to be aggregation-ready to participate in grid services programs
Customer Acquisition	Awardee is responsible for customer acquisition and presenting documentation for DOE verification

[12] The range in critical load percent will mainly be due to presence of energy-dependent medical equipment.

iii. Topic Area 3: Beneficiary Education, Training, and Consumer Protection

Topic Area 3 solicits applications to educate and train beneficiaries of residential solar PV and battery storage deployments in Puerto Rico. While solar companies do perform education and training activities for homeowners as part of their business-as-usual activities, DOE seeks trusted third-parties to enhance homeowners' knowledge and understanding of the areas outlined below, as well as serve as a consumer protection resource to assist beneficiaries on an ongoing basis with system education, troubleshooting O&M issues, and interfacing with the Consumer Affairs Protection Bureau and other appropriate entities to resolve customer complaints. DOE anticipates awarding a total of between $5 and $10 million, with up to three awards (DOE will seek a diversity in awardees between consumer protection and education). There is no cost share requirement for Topic Area 3. Education, Training, and Consumer Protection services would occur over a maximum 5-year timeframe.

DOE has issued a NEPA Categorical Exclusion for Topic Area 3.

Qualified Applicants include nonprofit organizations, educational institutions, local government agencies, and for-profit entities with demonstrated successful experience delivering the education, training and consumer protection specified in this topic area. The Applicant and Team Members must have active operations, programs, or other activities in Puerto Rico. Awardees will provide direct assistance to energy consumers in Puerto Rico, specifically the beneficiaries of Topic Areas 1 and 2.

Applications should focus educational activities on the following areas:

- The benefits of solar PV and battery storage systems (resilience, cost savings, etc.),
- Preparedness for extreme weather events,
- Changing energy use during an outage,
- Understanding long-term operations and maintenance,
- Consumer Protection and how to resolve a complaint,
- Understanding contract terms of leases or PPAs, and
- Energy efficiency.

Education and training can take place before, during, and after installation of a solar PV and battery storage system. Direct education, train-the-trainer, and broader educational campaigns will be considered. Awardees will also include measures for ongoing consumer protection and advocacy for the 5-year project duration.

Topic Area 3 cooperative agreements may include up to two phases of work.

- ***Planning Phase (Phase 1):*** Awardees will develop a detailed *Project Plan* (see Appendix E-Statement of Project Objectives (SOPO) for details). This phase is estimated to take ~~5~~3 months. At the end of this phase there will be a Go/No-Go decision point based on evaluating the *Project Plan* against Topic Area objectives and consistent with DOE's goals.
- ***Implementation Phase (Phase 2):*** Awardees execute the *Project Plan* for the duration of the 5-year period of performance. After each 12-month period since the award date, a random selection of beneficiaries will be interviewed and audited to ensure the Awardee's compliance with the guidelines.

C. Applications Specifically Not of Interest

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

- Applications that fall outside the technical parameters specified in Sections I.A. and I.B. of the FOA such as installing other forms of generation (e.g. diesel generation)
- Applications that do not focus on very low-income single-family households in Last Mile Communities or households with an individual with an energy dependent disability.

D. Authorizing Statutes

The programmatic authorizing statute is the Consolidated Appropriations Act, 2023 (Public Law 117-328), Division N, Disaster Relief Supplemental Appropriations Act, 2023, Title IV, Electricity, which states that "$1,000,000,000, to remain available until expended, to carry out activities to improve the resilience of the Puerto Rican electric grid, including grants for low and moderate income households and households that include individuals with disabilities for the purchase and installation of renewable energy, energy storage, and other grid technologies: *Provided*, That the Department of Energy shall coordinate with the Federal Emergency Management Agency and the Department of Housing and Urban Development on these activities."

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

II. Award Information

A. Award Overview

i. Estimated Funding

DOE expects to make $405-$450 million of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. DOE anticipates making between 8 and 18 awards under this FOA. DOE may issue one, multiple, or no awards.

The initial award amounts for Topic Areas 1 and 2 will be for the Planning Phase (Phase 1) only and limited to $100,000 of Federal funding. The award value for each agreement and associated budget incorporating the Deployment Phases (Phase 2 and Phase 3) will be based on Go/No-Go decisions made upon the completion of the Planning Phase (Phase 1) and will take into account the *Deployment Plan* created during the Planning Phase (Phase 1).

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 for Deployment (months)
1	Third-Party Residential Rooftop Solar PV and Battery Storage Deployment	2-5	$80M	$200M	$380M-$400M	60
2	Community-Sponsored Residential Rooftop Solar PV and Battery Storage Deployment	5-10	$500k	$10M	$20M-$40M	60
3	Beneficiary Education, Training, and Consumer Protection	1-3	$2M	$5M	$5M-$10M	60

ii. Period of Performance

For Topic Areas 1 and 2, DOE anticipates making awards with an estimated ~~5~~3-month Planning Phase (Phase 1), up to a 5-year maximum for Deployments (Phase 2 and Phase 3), followed by a long-term O&M phase. DOE anticipates making Topic Area 3 awards comprised of a ~~5~~3-month Planning Phase (Phase 1) followed by a 5-year maximum Implementation Phase (Phase 2). Awards may be comprised of one or more budget periods (i.e., phases) with Go/No-Go decision points. Project continuation will be contingent upon several elements, including satisfactory performance and Go/No-Go decision review.

At the Go/No-Go decision points, DOE will evaluate project performance, project schedule adherence, the extent milestones and objectives are met, compliance with reporting requirements, and overall contribution to the program goals and objectives.

As a result of this evaluation, DOE may, at its discretion, authorize the following actions: (1) continue to fund the project; (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

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

B. DOE Funding Agreements

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

i. Cooperative Agreements

DOE generally uses cooperative agreements to provide financial and other support to Prime Recipients. Through cooperative agreements, DOE 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.

DOE 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.

III. Eligibility Information

A. Eligible Applicants

An Applicant's submission must meet the criteria set forth below to be considered for substantive evaluation.

i. Restricted Eligibility

In accordance with 2 CFR 910.126, Competition, eligibility for prime award is restricted to:

- **Topic Area 1** (Third-Party Residential Rooftop Solar PV and Battery Storage Deployment): Eligibility for prime award is restricted to domestic for-profit entity solar companies.
- **Topic Area 2** (Community-Sponsored Residential Rooftop Solar PV and Battery Storage Deployment): Eligibility for prime award is restricted to domestic nonprofit entities and energy cooperatives. Domestic for-profit entities, like solar companies, may be part of the subcontracting structure, but cannot be Prime Recipients.
- **Topic Area 3** (Beneficiary Education, Training, and Consumer Protection): Eligibility for prime award is restricted to domestic nonprofit entities, educational institutions, State and local governmental entities, and for-profit entities.

"Domestic" means: entities that are organized, chartered, or incorporated (or otherwise formed) under the laws of a particular state or territory of the United States and have a physical location for business operations in the United States.

ii. Subrecipient Eligibility

For-profit entities, educational institutions, and nonprofit entities that are organized, chartered, or incorporated (or otherwise formed) under the laws of a particular state or territory of the United States and have a physical location for business operations in the United States are eligible to apply for funding as a subrecipient.

State and local governmental entities and Indian tribes are eligible to apply for funding as a subrecipient.

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.

Foreign entities, whether for-profit or otherwise, are NOT eligible to apply for funding under this FOA. Appendix B lists the information that must be included in a request to waive this requirement. The Applicant does not have the right to appeal DOE's decision concerning a waiver request.

B. Cost Sharing

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

Topic Areas 1 and 2 require no less than 5% cost share for each phase of work. No cost share is required for Topic Area 3.

DOE has included cost share information in Appendix A.

i. Legal Responsibility

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

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

ii. Cost Share Allocation

Each project team is free to determine how best to allocate the cost share requirement among the team members. The amount contributed by individual project team members may vary, as long as the cost share requirement for the 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. 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 any of the following sources to meet cost share obligations:

- Revenues or royalties from the prospective operation of an activity beyond the project period;
- Proceeds from the sale of an asset procured in the conduct of project activities, prospective or otherwise;
- Federal funding or property (e.g., federal grants, equipment owned by the federal government) unless otherwise authorized by law; 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 DOE

Contracting Officer and incorporated into the project budget before the expenditures are incurred.

Applicants are encouraged to refer to 2 CFR 200.306 and 2 CFR 910.130 for additional cost sharing requirements.

iv. 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.

v. 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).

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

An application is deemed compliant if:

- The application complies with the content and form requirements listed in Section IV. of the FOA;
- The application includes all required documents; and
- The application was uploaded and submitted to the Clean Energy Infrastructure Funding Opportunity Exchange (INFRASTRUCTURE

eXCHANGE) at https://infrastructure-eXCHANGE.energy.gov by the deadline stated in the FOA.

Applications that were submitted through means other than the INFRASTRUCTURE eXCHANGE; submitted after the applicable deadline; and/or submitted incomplete will be considered noncompliant. DOE will not extend the submission deadline for Applicants that fail to submit required information by the applicable deadline due to server/connection congestion will not be considered.

DOE will not accept late submissions that resulted from technical difficulties due to uploading files that exceed 10MB. Detailed guidance on the content and form of each component below.

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.

i. Qualifications Statement

DOE will evaluate the qualifications of each Applicant to determine whether they meet the qualifications requirements as stated in Section IV.C.iv. of the FOA to perform the scope of the FOA. The qualifications will be evaluated and receive a Pass/Fail determination based on the criteria identified.

E. Limitations on Number of Full Applications Eligible for Review

An entity may submit only one Full Application for each Topic Area of this FOA. If an entity submits more than one Full Application to the same Topic Area, DOE will request a determination from the Applicant's authorizing representative as to which application should be reviewed. Any other submissions received listing the same entity as the Applicant for the same Topic Area will not be eligible for further consideration. This limitation does not prohibit an Applicant from collaborating on other applications (e.g., as a potential Subrecipient or partner) so long as the entity is only listed as the Applicant on one Full Application for each Topic Area of this FOA.

F. Questions Regarding Eligibility

DOE 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

All submissions must conform to the following form and content requirements, including maximum page lengths (described below). DOE will not review or consider submissions submitted through means other than INFRASTRUCTRE eXCHANGE, submissions submitted after the applicable deadline, or incomplete submissions. DOE will not extend deadlines for Applicants who fail to submit required information and documents due to server/connection congestion.

The application must conform to the following requirements:

- Each application must be submitted in Adobe PDF format unless stated otherwise;
- Each application 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 Clean Energy Infrastructure Funding Opportunity 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 application 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 (see Section IV.C.i.), DOE will review only the authorized number of pages and disregard any additional pages.

i. Additional Information on Clean Energy Infrastructure Funding Opportunity eXCHANGE

INFRASTRUCTURE 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 INFRASTRUCTURE eXCHANGE helpdesk for assistance (infrastructureexchangesupport@hq.doe.gov).

B. Application Forms

To access application forms and instructions available on Clean Energy Infrastructure Funding Opportunity eXCHANGE, go to https://infrastructure-eXCHANGE.energy.gov and select the appropriate funding opportunity number.

Note: The maximum file size that can be uploaded to the Clean Energy Infrastructure Funding Opportunity eXCHANGE website is 10MB. Files larger than 10MB cannot be uploaded and hence cannot be submitted for review. If a file is larger than 10MB but is still within the maximum page limit specified in the FOA, it must be broken into parts and denoted to that effect. For example:

Deployment Strategy_Part_1
Deployment Strategy_Part_2

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

Applicants are responsible for meeting the submission deadline. Applicants are strongly encouraged to submit their application at least 48 hours in advance of the submission deadline. Under normal conditions (i.e., at least 48 hours in advance of the submission deadline), Applicants should allow at least 1 hour to submit an application. Once an application is submitted in INFRASTRUCTURE 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 all application documents before the applicable deadline.

DOE urges Applicants to carefully review their application to allow sufficient time for the submission of required information and documents. All applications that pass the initial compliance and responsiveness review will undergo comprehensive technical merit review according to the criteria identified in Section V.B.i. of the FOA.

C. Content and Form of the Full Application

Each Full Application must be limited to a single concept. The Full Application must conform to the following content and form requirements, including maximum page lengths. If applications exceed the maximum page lengths indicated below, DOE will review only the authorized number of pages and disregard any additional pages.

The Full Application must address the Technical Review Criteria as discussed in Section V.B.i. of the FOA. The Applicant should consider the weighting of each of the evaluation criteria when preparing the application documents (See Section V.B.i. of the FOA).

Applicants must complete the following application forms found on the INFRASTRUCTURE eXCHANGE website at https://infrastructure-eXCHANGE.energy.gov. The submission deadline for applications is the date and time stated on the FOA cover page.

All application documents must be marked with the control number issued to the Applicant.

i. Full Application Content Requirements

The application must conform to the following content requirements. DOE provides detailed guidance on the content and form of each component below.

Section	Applicable Topic Areas	Format	Page Limit	File Name
REQUIRED				
Cover Page	1,2,3	PDF	1	ControlNumber_LeadOrganization_CoverPage
Summary/Abstract for Public Release	1,2,3	PDF	1	ControlNumber_LeadOrganization_Summary
Qualifications Statement	1,2,3	PDF	10	ControlNumber_LeadOrganization_Qualifications_Statement
Deployment Strategy	1,2	PDF	15	Control Number_LeadOrganization_Deployment_Strategy
Project Plan	3	PDF	10	ControlNumber_LeadOrganization_Project Plan
Resumes	1,2,3	PDF	3	ControlNumber_LeadOrganization_Resumes
SF-424: Application for Federal Assistance	1,2,3	PDF	N/A	ControlNumber_LeadOrganization_App424
Budget Justification Workbook	1,2,3	MS Excel	N/A	ControlNumber_LeadOrganization_Budget_Justification
Subrecipient Budget Justification	1,2,3	MS Excel	N/A	ControlNumber_LeadOrganization_Subrecipient_Budget_Justification
SF-LLL Disclosure of Lobbying Activities	1,2,3	PDF	N/A	ControlNumber_LeadOrganization_SF-LLL
Letters of Commitment	1,2,3	PDF	N/A	ControlNumber_LeadOrganization_LOCs
IF APPLICABLE				
Foreign Entity and Foreign Work Waivers	1,2,3	PDF	N/A	ControlNumber_LeadOrganization_Waiver
Potentially Duplicative Funding Notice	1,2,3	PDF	N/A	ControlNumber_LeadOrganization_PDFN

ii. Cover Page

The Cover Page should include the project title, lead organization, organization type, the specific announcement Topic Area being addressed, both the technical and business points of contact, names of all team member organizations, and any statements regarding confidentiality.

Save the Cover Page in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_CoverPage".

iii. Summary/Abstract 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 lead project manager/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 naming convention: "ControlNumber_LeadOrganization_Summary".

iv. Qualifications Statement

The Qualifications Statement must not exceed 10 pages. Required attachments will not count against the page limit. Applicants may provide graphs, charts, or other data to supplement their qualifications. The *Qualifications Statement* requirements are outlined below. The evaluation criterion associated with each requirement is also identified.

Save the Qualifications Statement in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_Qualifications_Statement".

QUALIFICATIONS STATEMENT – TOPIC AREA 1	
EVALUATION CRITERIA	**REQUIREMENT/GUIDANCE**
The Applicant and/or all primary subcontractors are registered and in good standing with the Department of Consumer Affairs (DACO for its Spanish acronym).	The Applicant will provide registration from the Department of Consumer Affairs for all relevant parties.
The Applicant demonstrates experience in the activities described in the scope of Topic Area 1.	The Applicant will provide a company profile establishing experience, past performance, and qualifications of the Applicant and its primary subcontractors. The profile will include history, number of employees, number of years in business, current installations footprint (i.e., island-wide, or certain municipalities), and current activities relevant to this Topic Area, including an existing third-party ownership and/or O&M business model in Puerto Rico. The Applicant will include as attachments its third-party ownership agreements (lease or PPA) and/or O&M agreements, and organizational chart.
The Applicant demonstrates it has existing and defined working relationships with its subcontractors, if applicable.	The Applicant will describe its relationship to its subcontractors, including length of working relationship, clearly defined roles and responsibilities, and qualifications of the parties to perform the work described in the Topic Area scope.
The Applicant demonstrates financial stability.	The Applicant will provide year-end (fiscal or calendar) audited, reviewed, or compiled financial statements for the most recent two (2) years issued by a Certified Public Accountant (CPA) and prepared in accordance with US Generally Accepted Accounting Principles (US GAAP). The Applicant will provide its most recent (year to date) financial statements for a period ending not later than ninety (90) days before the Proposal submission date. The Applicant will provide a sworn statement executed by an authorized representative, dated not later than sixty (60) days before the FOA submission date, stating that the Applicant is not in bankruptcy, receivership or in any other condition, preventing the Applicant from a total or partial administration or disposition of its property.
The Applicant demonstrates proof of insurance.	The Applicant will provide a description of its insurance coverage and, if applicable, a description of the insurance coverage for its primary subcontractors. The Applicant will provide proof of insurance as an attachment. Types of insurance can include, but are not limited to, general liability insurance, workers' compensation insurance, commercial auto insurance, professional liability insurance, builder's risk insurance, property insurance, etc.

QUALIFICATIONS STATEMENT – TOPIC AREA 2	
EVALUATION CRITERIA	**REQUIREMENT/GUIDANCE**
The Applicant and/or all primary subcontractors are registered energy cooperatives or nonprofit organizations in Puerto Rico.	The Applicant will provide the applicable proof of their organization's energy cooperative registration or nonprofit status as an attachment and/or proof that all primary subcontractors are registered energy cooperatives or have nonprofit status in Puerto Rico.
The Applicant demonstrates experience in the activities described in the scope of Topic Area 2.	The Applicant will provide an organization profile establishing experience, past performance, and qualifications of the Applicant. The profile will include history, number of employees, number of years since formation, and current activities relevant to this Topic Area.
	The Applicant will include as an attachment its organizational chart. The Applicant, if applicable, will attach any legally binding agreements between the Applicant and a homeowner regarding solar PV and battery ownership, O&M, or tariff.
The Applicant demonstrates it has existing and defined working relationships with its subcontractors, if applicable.	The Applicant will describe its relationship to its subcontractors, including length of working relationship, clearly defined roles and responsibilities, and qualifications of the parties to perform the work described in the Topic Area scope.
The Applicant demonstrates financial stability.	The Applicant will provide year-end (fiscal or calendar) audited, reviewed, or compiled financial statements for the most recent two (2) years issued by a Certified Public Accountant (CPA) and prepared in accordance with US Generally Accepted Accounting Principles (US GAAP).
	The Applicant will provide its most recent (year to date) financial statements for a period ending not later than ninety (90) days before the Proposal submission date.
The Applicant demonstrates proof of insurance.	The Applicant will provide a description of its insurance coverage and, if applicable, a description of the insurance coverage for its primary subcontractors.
	The Applicant will provide proof of insurance as an attachment. Types of insurance can include, but are not limited to, general liability insurance, workers' compensation insurance, commercial auto insurance, professional liability insurance, builder's risk insurance, property insurance, etc.

QUALIFICATIONS STATEMENT – TOPIC AREA 3	
EVALUATION CRITERIA	**REQUIREMENT/GUIDANCE**
The Applicant and Team Members have active operations, programs, or other activities in Puerto Rico.	The Applicant will provide an organization profile establishing experience, past performance, and qualifications of the Applicant. The profile will include history, number of employees, number of years since formation, and current activities relevant to this Topic Area.

v. Deployment Strategy – Topic Areas 1 and 2

The *Deployment Strategy* is applicable to Topic Areas 1 and 2 only. Each Applicant must develop a high-level *Deployment Strategy* based on DOE's strategic goals, requirements, and timeline not to exceed 15 pages.

Required attachments will not count against the page limit. Applicants may provide graphs, charts, or other data to supplement their Deployment Strategy.

Save the Deployment Strategy in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_Deployment_Strategy".

DEPLOYMENT STRATEGY GUIDANCE:

1. The Applicant will provide an overview of current Puerto Rico operations and workforce, including the number of installations it currently completes monthly (or its subcontractors), and how many paired solar PV and battery storage systems it currently operates.

2. The Applicant will describe the strategy to scale installations, operations, workforce, equipment, subcontractors, ongoing O&M, etc. if awarded financial assistance to participate in PR-ERF. This description will include an anticipated number of monthly installations the Applicant could complete, as well as a high-level anticipated installation schedule. ~~starting in January 2024.~~

3. Customer Experience:

- Topic Area 1: The Applicant will outline its customer experience from the point when DOE provides the Applicant with a list of beneficiaries that comply with program criteria. This process includes, but is not limited to, initial site visit, studies, system design, customer education, installation, inspection, ongoing customer service, O&M, preparedness for extreme weather events, and when applicable, other construction and electrical work to make a household "solar ready".
- Topic Area 2: The Applicant will outline its beneficiary outreach and customer acquisition strategy that aligns with DOE's objective to impact very low-income single-family households or very low-income single-family households with an individual with an energy dependent disability. The Applicant will also describe the process for initial site visit, studies, system design, customer education, installation, inspection, ongoing customer service, O&M, and preparedness for extreme weather events.

4. The Applicant will describe internal quality assurance processes for equipment and the lease/PPA/O&M agreements currently offered to customers. Attachments of these agreements are to be included in the application package.

5. The Applicant will provide its current business-as-usual all-in price quotes that would be charged on an upfront basis to DOE per installation, expressed in $/kW DC and $/kWh hour of storage. The Applicant should list the hard and soft costs that are funded by these prices, by category, including but not limited to, equipment, labor, insurance, installation, design, permitting, and interconnection application. The price quote should exclude the cost of customer acquisition as DOE will conduct that portion of the work under PR-ERF but include how current tax credit monetization is factored into the all-in price. The Applicant should also separately provide estimates of additional costs to make homes "solar-ready" such as roof repair, home rewiring, communications, etc. These all-in costs will be reviewed for cost reasonableness and will form the basis for the detailed deployment strategy negotiations that will occur during the Planning Phase (Phase 1) ~~prior to~~of the award.

6. Energy Burden Reduction Strategy:
   - Topic Area 1: The Applicant will describe its suggested approach to reduced lease/PPA pricing that ensures a reduction in energy burden to qualified households. The Applicant can assume DOE financial assistance of up to 100% of upfront capital and operational costs with reduced lease/PPA payments borne by the homeowner for the duration of the 20-25-year agreement. In proposing a cost structure, the Applicant will also keep in mind DOE's objective to maximize the number of installations while still maximizing the reduction in energy burden. The Applicant proposal will be reviewed for reasonableness against the Topic Area objectives, with the understanding that the Planning Phase (Phase 1) of the FOA involves detailed deployment strategy negotiations.
   - Topic Area 2: The Applicant will describe its suggested approach to ensuring a reduction in energy burden to qualified households. The Applicant can assume DOE financial assistance of up to 100% of upfront capital and operational costs. In proposing a cost savings structure, the Applicant will also keep in mind DOE's objective to maximize the number of installations while still maximizing the reduction in energy burden. The Applicant proposal will be reviewed for reasonableness against the Topic Area objectives, with the understanding that the Planning Phase (Phase 1) of the FOA involves detailed deployment strategy negotiations.

- Inflation Reduction Act of 2022: Applicants of both Topic Areas will describe their high-level strategy to take advantage of any applicable tax laws (e.g., investment tax credit) relevant to the objectives of this FOA.

vi. Project Plan – Topic Area 3 Only

The *Project Plan* is applicable to Topic Area 3 only and must not exceed 10 pages. Required attachments will not count against the page limit. Applicants may provide graphs, charts, or other data to supplement their Project Plan.

1. The Applicant will clearly outline a five-year plan, milestones, and strategies for outreach and engagement commensurate with the scale of Topic Areas 1 and 2. These strategies must include varying methods to reach and educate individuals in Last Mile Communities, individuals with energy dependent disabilities, and very low-income single-family households that may not have reliable means of communication.
2. The Applicant will outline the process and timeline of curriculum and materials creation, or the means by which it will acquire and use existing educational materials.
3. The Applicant will describe its current organizational capacity and activities, and how it will scale operations and workforce if awarded financial assistance to participate in PR-ERF.
4. The Applicant will, if applicable, provide a description of its partners or contractors that will assist the Applicant in accomplishing the Topic Area goals.
5. The Applicant will provide a description of its approach to augmenting consumer protection measures specifically for beneficiaries of Topic Areas 1 and 2.

Save the Project Plan in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_Project Plan".

vii. Resumes

Provide a resume for each key person proposed, including subawardees and consultants if they meet the definition of key person. A key person is any individual who contributes in a substantive, measurable way to the execution of the project. The biographical information for each resume must not exceed 3 pages when printed on 8.5" by 11" paper with 1 inch margins (top, bottom, left, and right) select single or double spaced with font no smaller than 11 point and should include the following information, if applicable:

- Contact Information;

- Education and Training. Undergraduate, graduate and postdoctoral training, provide institution, major/area, degree and year.
- Research and Professional Experience. Beginning with the current position list, in chronological order, professional/academic positions 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;
- Awards and honors;
- Publications. Provide 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. 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;
- Patents, copyrights, and software systems developed may be provided in addition to or substituted for publications.
- Synergistic Activities. List no more than 5 professional and scholarly activities related to the effort proposed.
- There should be no lapses in time over the past ten years or since age 18, which ever time 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/, and is also available at https://nsf.gov/bfa/dias/policy/nsfapprovedformats/biosketch.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 all resumes in a single file named "Resume.pdf".

viii. Letters of Commitment

Submit letters of commitment from all Subcontractor/Subrecipient and third-party cost share providers.

Save the letters of commitment in a single PDF file using the following convention for the title: “ControlNumber_LeadOrganization_LOCs”.

ix. SF-424: Application for Federal Assistance

Applicants must complete the SF-424: Application for Federal Assistance for only the Planning Phase (Phase 1) of their project. The dates and dollar amounts on the SF-424 should be included only for the Planning of the project.

This form is available on the Clean Energy Infrastructure Funding Opportunity eXCHANGE website at https://infrastructure-eXCHANGE.energy.gov. The list of certifications and assurances in Field 21 can be found at http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms, under Certifications and Assurances.

Save the SF-424 in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_App424".

x. Budget Justification Workbook

Applicants are required to complete the Budget Justification Workbook for only the Planning Phase (Phase 1) of their project. This form is available on the INFRASTRUCTURE eXCHANGE at https://infrastructure-eXCHANGE.energy.gov/. Applicants must complete each tab of the Budget Justification Workbook, including all work to be performed by the Prime Recipient and its Subrecipients and contractors.

The "Instructions and Summary" included with the Budget Justification Workbook will auto-populate as the Applicant enters information into the Workbook. Applicants must carefully read the "Instructions and Summary" tab provided within the Budget Justification Workbook.

Save the Budget Justification Workbook in a single Microsoft Excel file using the following convention for the title: "ControlNumber_LeadOrganization_Budget_Justification".

xi. Subrecipient Budget Justification

Applicants must provide a separate Budget Justification for only the Planning Phase (Phase 1) of their project for each Subrecipient that is expected to perform work estimated to be more than $250,000 or 25% of the total work effort, whichever is less. The budget justification must include the same justification information described in the "Budget Justification" section above.

Save each Subrecipient budget justification in a Microsoft Excel file using the following convention for the title: "ControlNumber_LeadOrganization_Subrecipient_Budget_Justification".

xii. SF-LLL Disclosure of Lobbying Activities

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

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".

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

Prime Recipients and Subrecipients must be domestic entities that are organized, chartered, or incorporated (or otherwise formed) under the laws of a state or territory of the United States.

Foreign Entity Participation

For projects selected under this FOA, all Recipients and Subrecipients must qualify as domestic entities. (See Section III.) To request a waiver of this requirement, the Applicant must submit an explicit waiver request in the Application. Appendix B lists the information that must be included in a waiver request.

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

As set forth in Section IV.H.iii., all work for the 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 their application. Appendix B 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".

xiv. Potentially Duplicative Funding Notice (if applicable)

If the Applicant or Subrecipient 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 Subrecipient receives any other award of federal funds for activities that potentially overlap with the activities funded under the DOE award, the Recipient must promptly notify DOE in writing of the potential overlap and state whether project funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items under the DOE award. If there are identical cost items, the Recipient must promptly notify the DOE Contracting Officer in writing of the potential duplication and eliminate any inappropriate duplication of funding.

Save the Potentially Duplicative Funding Notice in a single PDF file using the following convention for the title: "ControlNumber_LeadOrganization_PDFN."

Under DOE's Title 17 loan authority, DOE may not be able to issue loan guarantees to projects that are expected to benefit directly or indirectly from certain other forms of federal support. Examples of such federal support may include funding under this FOA or other grants, cooperative agreements, or loan guarantees from federal agencies or entities, including DOE; federal agencies or entities serving as a customer or off-taker of the project's products or services; or other federal contracts, including acquisitions, leases and other arrangements, that support the project. Entities planning to apply under this FOA that are seeking or have received a loan guarantee from DOE under the Title 17 Clean Energy Financing Program or are otherwise originating projects that will benefit from such a guarantee should consult with the DOE Loan Programs Office to ensure compliance with the terms of the applicable DOE loan guarantee agreement and other Title 17 program requirements prior to submitting an application.

D. Post Selection Information Requests

If selected for award, DOE 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:

- A Statement of Project Objectives (SOPO) describing how the project objectives will be met (See Section VI.B.xii. of the FOA);
- Indirect cost information;
- Other budget information;
- Commitment Letters from Third-Parties Contributing to Cost Share, if applicable;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5);
- 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); and
- Environmental Questionnaire.

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 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. 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 Clean Energy Infrastructure Funding Opportunity 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 (selectee) 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 DOE Contracting Officer.

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

Pre-award expenditures are made at the selectee's risk. DOE is not obligated to reimburse costs: (1) in the absence of appropriations; (2) if an award is not made; or (3) if an award is made for a lesser amount than the selectee anticipated.

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

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

DOE does not guarantee or assume any obligation to reimburse 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 its 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 DOE 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 awards issued under this FOA 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, DOE may deny reimbursement for the work conducted outside the United States and such costs may not be recognized as allowable Recipient cost share. The 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. Appendix B lists the information that must be included in a request for a foreign work waiver.

iv. Foreign Travel

Foreign travel costs are not allowable under this FOA.

v. Equipment and Supplies

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

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

vi. 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.

Whether a given project must apply this requirement is project-specific and dependent on several factors, such as the Recipient's entity type, whether the work involves "infrastructure," as that term is defined in Section 70914 of the Bipartisan Infrastructure Law, and whether the infrastructure in question is publicly owned or serves a public function. **Projects consisting solely of the purchase, construction, or improvement of a private home for personal use, for example, would not constitute an infrastructure project.**

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

The DOE financial assistance agreement will require each Recipient: (1) to fulfill the commitments made in its application regarding the procurement of U.S.-

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

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

vii. 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:

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

viii. 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.

ix. Prohibition related to Foreign Government-Sponsored Talent Recruitment Programs

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.

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.

x. 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 Equal Employment Opportunity:

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.

The Department of Labor's (DOL) Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule compliance evaluations.

Consult OFCCP's Technical Assistance Guide[13] to gain an understanding of the requirements and possible required actions the Recipients, Subrecipients, contractors, and subcontractors must take. Additional guidance may also be found in the National Policy Assurances, produced by DOE.

[13] 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

V. Application Review Information

A. Compliance/Responsiveness Review

Prior to the Comprehensive Technical Review, DOE will (1) perform a Compliance Review to determine that submissions are timely and the information as required by the FOA has been submitted; and (2) perform a Responsiveness Review to determine that the Applicant is eligible for an award and the proposed project is responsive to the objectives of the FOA.

Full Applications that fail the Compliance/Responsiveness Review will not be forwarded for Comprehensive Technical Review and will be eliminated from further consideration. (See Section III. of the FOA).

B. Technical Review Criteria

Full Applications will be evaluated against the Technical Review Criteria shown below.

i. Full Applications

Full Applications that meet all the qualifications listed under the Qualifications Statement, determined on a Pass/Fail basis, will then be evaluated against the Technical Review Criteria shown below.

Topic Areas 1 and 2

<u>Criterion 1 – Relevant Experience (25%)</u>
This criterion will evaluate the degree to which the Applicant has demonstrated experience completing tasks and activities similar to those required by the Topic Area.

1. Degree to which the Applicant can effectively and efficiently carry out the activities included in Topic Area 1 in Puerto Rico as demonstrated through their company profile establishing experience, past performance, and qualifications and the success of its primary subcontractors. Examples of relevant success may include history, number of employees, number of years in business, current installations footprint (i.e., island-wide, or certain municipalities), and current activities relevant to this Topic Area, including an existing third-party solar PV and battery storage system ownership and O&M business model in Puerto Rico.

Criterion 2 – Management Systems, Standards, Key Personnel (25%)

This criterion will evaluate the adequacy, appropriateness, and reasonableness of the Applicant's proposed management systems, standards, and key personnel to achieve the Topic Area's goals and objectives.

1. Adequacy and appropriateness of the Applicant's key personnel and workforce as demonstrated by their qualifications, expertise, and experience in completing comparable efforts that yielded successful development and deployment.
2. Availability, appropriateness, adequacy, and condition of facilities and equipment, including the availability of key personnel and skilled workforce.
3. Appropriateness of the Applicant's internal quality assurance processes for equipment and the lease/PPA/O&M agreements currently offered to customers as they relate to meeting the objectives of the Topic Area. Attachments of these agreements are to be included in this application package.

Criterion 3 – Deployment Strategy (50%)

This criterion will evaluate the quality and viability of the Applicant's Deployment Strategy in meeting the Topic Area objectives, including the Applicant's approach, implementation schedule, the reasonableness of the all-in price quote, and the ability to realistically scale operations, supply chain, and a skilled and stable workforce.

1. Appropriateness of the Applicant's strategy to scale installations, operations, workforce, equipment, subcontractors, ongoing O&M, etc. if awarded financial assistance to participate in the PR-ERF and the reasonableness of the anticipated number of monthly installations that they propose, as well as a high-level anticipated installation schedule. ~~starting in January 2024.~~
2. Degree to which the Applicant demonstrates reasonable and competitive cost per installation quotes, including a high-level strategy to reduce costs through new and reinstated tax laws.
3. The degree to which the Applicant provides a sufficiently detailed and reasonable approach to cost savings passthrough that ensures a reduction in energy burden to beneficiaries while remaining cognizant of DOE's objective to maximize the number of installations.
4. Degree to which the Applicant provides a sufficiently detailed, concise, and understandable description of the objectives, tasks, and deliverables by which the customer experience will be managed.
    - Topic Area 1: Clarity and thoroughness of the Applicant's outline of its customer experience from the point when DOE provides the Applicant with a list of eligible households that comply with program criteria. This process includes, but is not limited to, initial site visit, studies, system design, customer education, installation, inspection,

ongoing customer service, O&M, preparedness for extreme weather events, and when applicable, other construction and electrical work to make a household "solar ready".

- Topic Area 2: Clarity and thoroughness of the Applicant's outline of its beneficiary outreach and acquisition strategy that aligns with DOE's objective to impact very low-income single-family households in Last Mile Communities or very low-income single-family households where an individual with an energy dependent disability resides. The Applicant will also describe the process for initial site visit, studies, system design, customer education, installation, inspection, ongoing customer service, O&M, and extreme weather events.

TOPIC AREA 3

Criterion 1 – Project Plan (40%)

This criterion will evaluate the degree to which the approach has been clearly described and thoughtfully considered, including milestones, deliverables, timeline, and identification of risks.

1. Degree to which the Applicant clearly outlines a five-year plan, milestones, and strategies for outreach and engagement commensurate with the scale of Topic Areas 1 and 2, including the extent to which the strategies include varying methods to reach and educate individuals in communities, individuals with energy dependent disabilities, and very low-income single-family households that may not have reliable means of communication.
2. Extent to which the Applicant's approach for curriculum and materials creation, or the means by which it will acquire and use existing education materials is clearly outlined and describes the associated process and timeline.
3. Level of detail and clarity included in the Applicant's description of their approach to augmenting consumer protection measures specifically for the beneficiaries of Topic Areas 1 and 2.

Criterion 2 – Team and Resources (40%)

This criterion will evaluate the extent to which the Applicant demonstrates relevant experience of key personnel, capacity of the key personnel and skilled workforce to meet Topic Area goals, and that the Applicant has adequate organizational structure, systems, and standards to meet the requirements of the Topic Area.

1. Extent to which the Applicant convincingly demonstrates their ability to scale their operations and grow a skilled workforce if selected for award based on their current organizational capacity and activities.

2. Degree to which the Applicant's experience, past performance, and qualifications are demonstrated in the organization profile including the extent to which the Applicant and their subcontractors have active operations, programs, or other activities in Puerto Rico demonstrating relevant experience.

Criterion 3 – Impact (20%)

This criterion will evaluate the degree to which the proposed education or training program could be effective in meeting the Topic Area goals; the extent to which the proposal specifically and convincingly demonstrates how to achieve success and measure impact.

C. Standards for Application Evaluation

Applications that are determined to be eligible will be evaluated in accordance with this FOA, by the standards set forth in the 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.

D. 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.

Topic Areas 1 and 2

- The degree to which the proposed project, including proposed cost share, optimizes the use of available funding to maximize installations and resilience value of each install, while also maximizing the reduction in energy burden.
- The ability to scale current level/rate of solar PV and battery storage system installation to accelerate stated impact and objectives.
- The degree to which the Applicant, or its subcontractors, employ a local Puerto Rican workforce, compensated with above average wages and benefits, and that the deployment strategy is likely to lead to increased local employment, certified installers, or apprentices and good, family-supporting careers.
- The degree to which the Applicant addresses local employment in Last Mile or Low-Income Communities, particularly a localized operations and

maintenance workforce, providing access to career-track training and employment opportunities.

- The degree to which labor unions are partners on the project as demonstrated by letters of support describing their participation and commitment.
- The degree to which the proposed project incorporates diversity, equity, inclusion, and accessibility elements, including but not limited to team members from Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, Veteran Owned Businesses, or members within underserved communities.
- The degree to which the Applicant will incorporate energy efficiency measures in the deployment strategy.
- The degree to which economic benefit, including resulting profits, impact Puerto Rican entities, either because of Puerto Rican business ownership or community, cooperative, or public ownership models.
- The degree to which the proposed project will employ procurement of U.S. iron, steel, manufactured products, and construction materials.

Topic Area 3

- The degree to which the Applicant, or its subcontractors, employ a local Puerto Rican workforce.
- The degree to which the proposed project will leverage existing programs and networks to maximize the reach of training offered.
- The degree to which the Applicant incorporates evidence-backed training and educational practices into the project proposal.
- The potential for programs established by the Applicant to be self-sustaining beyond the five-year period of performance.
- Diversity in applicants to address both educational and consumer protection objectives.
- The degree to which the Applicant incorporates diversity, equity, and inclusion, and accessibility elements, including but not limited to team members from Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, Veteran Owned Businesses, or members within underserved communities.

E. Evaluation and Selection Process

i. Overview

The evaluation process consists of multiple phases; each includes Compliance/Responsiveness Review and a thorough Comprehensive Technical review. Rigorous technical reviews of eligible submissions are conducted by reviewers that are experts in the subject matter of the FOA. Ultimately, the

Selection Official considers the recommendations of the reviewers, along with other considerations such as Program Policy Factors, in determining which Full Applications to select.

ii. Pre-Selection Clarification

DOE 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 response to DOE's written clarification questions or video or conference calls with DOE representatives.

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

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

iii. 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 (see 41 U.S.C. § 2313).

The Applicant, at its option, may review information in the entity information domain in 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.

DOE will consider any written comments by the Applicant, in addition to the other information in the entity information domain in 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.

iv. Selection

The Selection Official may consider the technical merit, the Federal Merit Review Panel's recommendations, Program Policy Factors, and the amount of funds available in arriving at selections for this FOA.

F. Anticipated Notice of Selection and Award Negotiation Dates

DOE 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 INFRASTRUCTURE eXCHANGE. The notification letter will state the basis upon which the Full Application is ineligible and not considered for further review.

ii. Full Application Notifications

DOE 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 INFRASTRUCTURE eXCHANGE. The notification letter will inform the Applicant whether or not its Full Application was selected for award negotiations. Alternatively, DOE 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. Applications 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 DOE to issue an award nor is it a guarantee of federal government funding. Applicants do not receive an award unless and until award negotiations are complete and the Contracting Officer executes the funding agreement, accessible by the Prime Recipient in FedConnect.

The award negotiation process takes approximately 60 days. Applicants must designate a primary and a backup point-of-contact in INFRASTRUCTURE eXCHANGE with whom DOE 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, DOE will cancel the award negotiations and rescind the selection. DOE reserves the right to terminate award negotiations at any time for any reason.

Please refer to Section IV.H.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 DOE designated the application to be an alternate, which means DOE may consider the 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. DOE may ultimately determine to select or not select the Full Application for award negotiations.

v. Unsuccessful Applicants

DOE 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 required one-time actions Applicants must take before applying to this FOA. Some of these actions 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. **INFRASTRUCTURE Funding Opportunity Exchange (INFRASTRUCTURE eXCHANGE)**
   Register and create an account on INFRASTRUCTURE eXCHANGE at https://infrastructure-eXCHANGE.energy.gov. This account will allow the user to apply to any open FOAs that are currently in INFRASTRUCTURE eXCHANGE.

   It is recommended that each organization or business unit, whether acting as a team or a single entity, use only one account as the contact point for each submission. Applicants should also designate backup points of contact so they may be easily contacted if deemed necessary. This step is required to apply to this FOA. The INFRASTRUCTURE eXCHANGE registration does not have a delay; however, the remaining registration requirements below could take several weeks to process and are necessary for a potential Applicant to receive an award under this FOA.

Questions related to the registration process and use of the INFRASTRUCTURE eXCHANGE website should be submitted to: INFRASTRUCTURE-eXCHANGESupport@hq.doe.gov.

2. **System for Award Management**
Register in SAM (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 (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.

4. **Grants.gov**
Register in Grants.gov (https://www.grants.gov/) to receive automatic updates when Amendments to this FOA are posted. Please note that Full Applications will **not** be accepted through Grants.gov.

5. **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 Grants.gov 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 (April 2023)

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, will be required to provide DOE with specific information about each foreign national to satisfy requirements for foreign national participation and access approvals. 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.

Approval for foreign nationals in Principal Investigator/Co-Investigator roles, from countries of risk (i.e., China, Iran, North Korea, and Russia), or from countries identified on the U.S. Department of State's list of State Sponsors of Terrorism (https://www.state.gov/state-sponsors-of-terrorism/) may require written authorization from DOE before they can participate in the performance of any work under an award.

A "foreign national" is defined as any person who is not a United States citizen by birth or naturalization. DOE may elect to deny foreign national's participation in the award. Likewise, DOE may elect to deny a foreign national's access to a DOE sites, information, technologies, equipment, programs, or personnel.

Applicants selected for award negotiations must include this requirement in subawards.

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)

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

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

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

vii. Flood Resilience

Applications should indicate whether the proposed project location(s) is within a floodplain, how the floodplain was defined, and how future flooding will factor into the project's design. The base floodplain long used for planning has been the 100-year floodplain, that is, a floodplain with a 1.0 percent chance of flooding in any given year. As directed by Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (2015), Federal agencies, including DOE, continue to avoid development in a floodplain to the extent possible. When doing so is not possible, Federal agencies are directed to "expand management from the current base flood level to a higher vertical elevation and corresponding horizontal floodplain to address current and future flood risk and ensure that projects funded with taxpayer dollars last as long as intended." The higher flood elevation is based on one of three approaches: climate-informed science (preferred), freeboard value, or 0.2 percent annual flood change (500-year floodplain). EO 13690 and related information is available at https://www.energy.gov/nepa/articles/eo-13690-establishing-federal-flood-risk-management-standard-and-process-further.

viii. Applicant Representations and Certifications

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

2. **Corporate Felony Conviction and Federal Tax Liability Representations**
   In submitting an application in response to this FOA, the applicant represents that:
   - **a.** It is **not** a corporation that has been convicted of a felony criminal violation under any federal law within the preceding 24 months; and
   - **b.** It is **not** a corporation that has any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

For purposes of these representations the following definitions apply:

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

3. **Nondisclosure and Confidentiality Agreements Representations**
   In submitting an application in response to this FOA the Applicant represents that:
   a. It **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or contactors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.
   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.

ix. Statement of Federal Stewardship

DOE will exercise normal federal stewardship in overseeing the project activities performed under DOE awards. Stewardship activities include but are not limited to conducting site visits; reviewing performance and financial reports; providing assistance 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.

x. Statement of Substantial Involvement

DOE has substantial involvement in work performed under awards made as a result of this FOA. DOE does not limit its involvement to the administrative requirements of the award. Instead, DOE 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. DOE will work collaboratively with the Recipient to develop and implement the deployment plan requirements that will be incorporated into the Recipient’s Deployment Plan and executed in any authorized Phases.
2. DOE shares responsibility with the Recipient for the management, control, direction, and performance of the project.
3. DOE 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.
4. DOE may redirect or discontinue funding the project based on the outcome of DOE’s evaluation of the project at the Go/No-Go decision point(s).
5. DOE participates in major project decision-making processes.

xi. Program Guidelines – Topic Areas 1 and 2

Ahead of the Planning Phase (Phase 1), DOE will provide detailed *Program Guidelines* that will inform the development of the Applicants' *Deployment Plan*. The *Program Guidelines* will outline all program elements, roles and responsibilities, risk allocation, etc.

Specifically, the *Program Guidelines* will address items such as:

- *DOE Beneficiary Acquisition Plan* (specific eligibilities, intake processing requirements, etc.).
- Detailed technical specifications and design requirements for solar PV and battery storage systems.
- Parameters around allowable supplemental construction or enabling activities to make a household "solar ready".
- Environmental review criteria and process.
- Process workflow from initial beneficiary identification to post-installation inspection, and all corresponding reporting requirements.
- Detailed reporting requirements for ongoing O&M and system performance.
- Cost control structures through five-year period of performance.
- Performance security specifications (i.e., performance bond and letter of credit).
- Compliance with applicable Laws, regulations, codes, and permits.

xii. Statement of Project Objectives (SOPO)

Each Applicant whose Full Application is selected for award negotiations will be required to submit a Statement of Project Objectives (SOPO) during the award negotiations phase. DOE will provide a SOPO template for Recipients to utilize post selection. Refer to Appendix E for an example.

xiii. 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.

xiv. Reporting

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

xv. Go/No-Go Review

Each project selected under this FOA will be subject to a periodic project evaluation referred to as a Go/No-Go Review. A Go/No-Go Review is a risk management tool and a project management best practice to ensure that, for the current phase or period of performance, technical success is definitively achieved and potential for success in future phases or periods of performance is evaluated, prior to beginning the execution of future phases. At the Go/No-Go decision points, DOE will evaluate project performance, project schedule adherence, the extent milestone objectives are met, compliance with reporting requirements, and overall contribution to the program goals and objectives.

Federal funding beyond the Go/No-Go decision point (continuation funding) is contingent upon (1) Recipient's technical progress compared to the planned tasks and deliverables stated in the SOPO, which will be an attachment to the award; (2) Recipient's submittal of required reports; (3) Recipient's compliance with the terms and conditions of the award; (4) DOE's Go/No-Go decision; (5) the Recipient's submission of a continuation application; and (6) written approval of the continuation application by the Contracting Officer.

For Topic Areas 1 and 2, the following decision points must be addressed in the SOPO:

- *Following completion of the Planning Phase (Phase 1):* The Awardee's *Deployment Plan* will be evaluated to determine if it meets the program objectives and is consistent with the *Program Guidelines*.
- *Following completion of the Initial Deployment Phase* (Phase 2)*:* After 100 installs, a random selection of the installations and beneficiaries will be inspected and audited to ensure compliance with the guidelines in the FOA. A random selection of these beneficiaries will be interviewed to measure the reduction in household-level energy burden, and that systems are performing as anticipated.
- *During the Full Deployment Phase* (Phase 3)*:* After each 12-month period since the award date, a random selection of installations and beneficiaries will be inspected and audited for compliance with the guidelines.

For Topic Area 3, the following decision points must be addressed in the SOPO:

- *Following completion of the Planning Phase* (Phase 1)*:* The Awardee's *Project Plan* will be evaluated against Topic Area objectives consistent with *Program Guidelines*.
- *During the Implementation Phase* (Phase 2)*:* After each 12-month period since the award date, a random selection of beneficiaries will be interviewed and audited to ensure the Awardee's compliance with the guidelines.

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

The Go/No-Go decision is distinct from a non-compliance determination. In the event a Recipient fails to comply with the requirements of an award, DOE may take appropriate action, including but not limited to, redirecting, suspending or terminating the award. DOE may only take options 2-4 after demonstrating that an applicant has failed to achieve specific provisions in the Deployment Plan or Project Plan.

xvi. 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 U.S. 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.

xvii. 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.

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

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

xix. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)[14] 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 their 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.

xx. 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

[14] 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.

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. 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.

xxi. 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).

xxii. Real Property and Equipment

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

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

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

VII. Questions/Agency Contacts

Upon the issuance of a FOA, DOE personnel are prohibited from communicating (in writing or otherwise) with Applicants regarding the FOA except through the established question and answer process as described below. Specifically, questions regarding this FOA must be submitted to GDO_FOA3096@netl.doe.gov no later than three (3) business days prior to the Full 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 INFRASTRUCTURE eXCHANGE at https://INFRASTRUCTURE-exchange.energy.gov. You must first select the FOA Number to view the questions and answers specific to this FOA. DOE 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 INFRASTRUCTURE eXCHANGE website should be submitted to INFRASTRUCTURE-eXCHANGESupport@hq.doe.gov.

Applicants requiring translation assistance to submit applications in English under this FOA must contact DOE no later than two weeks prior to the application due date at GDO_FOA3096@netl.doe.gov.

VIII. Other Information

A. FOA Modifications

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

B. Government Right to Reject or Negotiate

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

C. Commitment of Public Funds

The DOE 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, DOE will seek to limit disclosure of such information to its employees and to outside reviewers when necessary for merit review of the application or as otherwise authorized by law. This restriction does not limit the Government's right to use the information if it is obtained from another source.

If an Applicant chooses to submit business sensitive, trade secrets, proprietary, or otherwise confidential information, the Applicant must provide **two copies** of the 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 business sensitive, trade secrets, proprietary, or otherwise confidential information and must be marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose as authorized by law.

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

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

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

E. Evaluation and Administration by Non-Federal Personnel

In conducting the Technical Review Evaluations and the Go/No-Go 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 DOE 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

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

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

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

J. 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 United States 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 United States 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.

K. Copyright

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

L. 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.

M. 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 uses *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.

N. Personally Identifiable Information (PII)

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

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

O. 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, then a Single or Program-Specific

Audit is required. For additional information, please refer to 2 CFR 200.501 and Subpart F.

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

APPENDIX A – COST SHARE INFORMATION

Cost Sharing or Cost Matching

The terms "cost sharing" and "cost matching" are often used synonymously. Even the DOE Financial Assistance Regulations, 2 CFR 200.306, use both of the terms in the titles specific to regulations applicable to cost sharing. DOE almost always uses the term "cost sharing," as it conveys the concept that non-federal share is calculated as a percentage of the Total Project Cost. An exception is the State Energy Program Regulation, 10 CFR 420.12, State Matching Contribution. Here "cost matching" for the non-federal share is calculated as a percentage of the federal funds only, rather than the Total Project Cost.

How Cost Sharing Is Calculated

As stated above, cost sharing is calculated as a percentage of the Total Project Cost. 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 even a couple of sentences, in general, if a cost is allowable under the cost principles applicable to the organization incurring the cost and is eligible for reimbursement under a DOE grant or cooperative agreement, then it is allowable as cost share. Conversely, if the cost is not allowable under the cost principles and not eligible for reimbursement, then it is not allowable as cost share. In addition, costs may not be counted as cost share if they are paid by the federal government under another award unless authorized by federal statute to be used for cost sharing.

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

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

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

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

General Cost Sharing Rules on a DOE Award

1. Cash Cost Share – encompasses all contributions to the project made by the Recipient or Subrecipient(s), for costs incurred and paid for during the project. This includes when an organization pays for personnel, supplies, equipment for their own company with organizational resources. If the item or service is reimbursed for, it is cash cost share. All cost share items must be necessary to the performance of the project.
2. In-Kind Cost Share – encompasses all contributions to the project made by the Recipient or Subrecipient(s) that do not involve a payment or reimbursement and represent donated items or services. In-Kind cost share items include volunteer personnel hours, donated existing equipment, donated existing supplies. The cash value and calculations thereof for all In-Kind cost share items must be justified and explained in the Cost Share section of the project Budget Justification. All cost share items must be necessary to the performance of the project. If questions exist, consult your DOE contact before filling out the In-Kind cost share section of the Budget Justification.
3. Funds from other federal sources MAY NOT be counted as cost share. This prohibition includes FFRDC 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

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:

a. The certified value of the remaining life of the property recorded in the Recipient's accounting records at the time of donation; or

b. The current fair market value. If there is sufficient justification, the Contracting Officer may approve the use of the current fair market value of the donated property, even if it exceeds the certified value at the time of donation to the project. The Contracting Officer may accept the use of any reasonable basis for determining the fair market value of the property.

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

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

(4) Valuing property donated by third-parties.

- **a.** Donated supplies may include such items as office supplies or laboratory supplies. Value assessed to donated supplies included in the cost sharing or matching share must be reasonable and must not exceed the fair market value of the property at the time of the donation.
- **b.** Normally only depreciation or use charges for equipment and buildings may be applied. However, the fair rental charges for land and the full value of equipment or other capital assets may be allowed, when they will be consumed in the performance of the award or fully depreciated by the end of the award, provided that the Contracting Officer has approved the charges. When use charges are applied, values must be determined in accordance with the usual accounting policies of the Recipient, with the following qualifications:
  - **i.** The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.
  - **ii.** The value of loaned equipment must not exceed its fair rental value.

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

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

APPENDIX B – WAIVER REQUESTS FOR: 1. FOREIGN ENTITY PARTICIPATION; AND 2. FOREIGN WORK

Prime Recipients and Subrecipients must be domestic entities that are organized, chartered, or incorporated (or otherwise formed) under the laws of a state or territory of the United States.

1. Waiver for Foreign Entity Participation

Many of the technology areas DOE funds fall in the category of critical and emerging technologies (CETs). CETs are a subset of advanced technologies that are potentially significant to United States national and economy security.[15] 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 U.S. Competitiveness Provision; 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

[15] See Critical and Emerging Technologies List Update (whitehouse.gov).

ownership breakdown of the foreign entity and the percentage of 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. Waiver for Performance of Work in the United States (Foreign Work Waiver)

As set forth in Section IV.H.iii., all work under funding 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 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 United States 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 Intellectual Property (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.

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

A. Definitions
For purposes of the Buy America Requirement, 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[16]—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 purchase, construction, or improvement of a private home for personal use, for example, would not constitute an infrastructure project.

[16] BIL, § 70917(c)(1).

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 Requirement 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 materials17 are produced in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America Requirement 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 Requirement 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 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, Institute of Higher Education, or nonprofit organization.

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

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

Note that for all Applicants – both non-Federal entities and for-profit entities – DOE is including a Program Policy Factor that the Selection Official may consider in determining which 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 manufactured products domestically that are deemed available in sufficient and reasonable 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 Requirement where DOE determines that:

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

If an Applicant 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;
- 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 Product Service Codes (PSC) and North American Industry Classification System (NAICS) code for each
- Waiver justification including due diligence performed (e.g., market research, industry outreach) by the Applicant or Recipient
- Anticipated impact if no waiver is issued.

DOE may require additional information before considering the waiver request.

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

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

APPENDIX D – LIST OF ACRONYMS

CETs	Critical and Emerging Technologies
COI	Conflict of Interest
DEC	Determination of Exceptional Circumstances
DEIA	Diversity, Equity, Inclusion, and Accessibility
DOE	Department of Energy
DOL	Department of Labor
ERF	Energy Resilience Fund
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
GDO	Grid Deployment Office
HBCUs	Historically Black Colleges and Universities
M&O	Management and Operating
MFA	Multi-Factor Authentication
MPIN	Marketing Partner ID Number
MSI	Minority-Serving institution
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NNSA	National Nuclear Security Administration
NSF	National Science Foundation
O&M	Operations & Maintenance
OFCCP	Office of Federal Contractor Compliance Program
OIG	Office of Inspector General
OMB	Office of Management and Budget
PII	Personal Identifiable Information
PPA	Power Purchase Agreement
PV	Photovoltaic
SAM	System for Award Management
SMART	Specific, Measurable, Achievable, Relevant, and Timely
SOPO	Statement of Project Objectives
STEM	Science, Technology, Engineering, and Mathematics
TIA	Technology Investment Agreement
UCC	Uniform Commercial Code
UEI	Unique Entity Identifier
WBS	Work Breakdown Structure

APPENDIX E – STATEMENT OF PROJECT OBJECTIVES

[**BEGININNING OF SOPO TEMPLATE*****]***

STATEMENT OF PROJECT OBJECTIVES (SOPO)

Notice: Applicants selected to proceed to the Planning Phase (Phase 1) are to fill out the Statement of Project Objectives (SOPO). The purpose of including this Appendix is to provide a SOPO template and example to all Applicants to better prepare them for the Planning Phase (Phase 1). The information included in this appendix is meant to illustrative and is subject to change.

A. OBJECTIVES
Provide a clear and concise (high-level) statement of the goals and objectives of the project as well as the expected outcomes. If the award is to be structured in Budget Periods (or Phases), include the objective(s) for each Budget Period (or Phase).

B. SCOPE OF WORK
Provide a summary description of the overall work scope and approach to achieve the objective(s). The work scope description needs to be divided by Phases that are separated by discrete, approximately annual decision points (in line with this FOA's Go/No-Go decision points). The Applicant should describe the specific expected result of each performance period.

C. TASKS TO BE PERFORMED

Task: Project Management Plan (PMP)
The section should describe the specific activities to be conducted over the life of the project. This section provides a summary of the planned approach to this project and should clearly articulate what work must be accomplished to execute the project scope and thus meet the established project objectives. The PMP should be organized by Phase and Task (see example below).

Within ~~30~~15 days of award, the Recipient shall submit a Project Management Plan (PMP) to the designated Federal Project Officer (FPO). The Recipient shall not proceed to the Planning Phase (Phase 1) until the PMP has been accepted by the FPO.

The PMP shall be revised and resubmitted as often as necessary, during the course of all phases of the project, to capture any major/significant changes to the planned approach, budget, key personnel, major resources, etc.

Below is an example of a task structure for Topic Area 1. The example is illustrative only, and the structure and specific milestones may be modified based on Topic Area.

PLANNING PHASE (PHASE 1) – Development of *Deployment Plan*

Task 1.1 – **Participate in DOE Planning Sessions**
The Recipient will participate in DOE planning sessions to develop a full *Deployment Plan*. This will include but is not limited to in-person and virtual webinars; targeted topic meetings; preparing and providing material prior to meetings as requested by DOE; and providing information and responses to DOE assignments after meetings.

Task 1.2 – *Deployment Strategy Updates*
Using the Deployment Strategy developed by the Applicant during the FOA application, the Recipient will update the Strategy document as needed.

Task 1.3 – ***Draft Deployment Plan***
The Recipient shall prepare a draft *Deployment Plan*. The Plan shall be submitted to DOE 30 days prior to the end of the Planning Phase (Phase 1). DOE will review and provide comments from which the Recipient will use to finalize their *Deployment Plan*.

Go/No-Go Decision: Did the Recipient complete Planning Phase (Phase 1) work and submit associated deliverables? The Recipient will not begin the Initial Deployment Phase (Phase 2) until receiving written authorization from the DOE Contracting Officer (CO) to proceed.

INITIAL DEPLOYMENT PHASE (PHASE 2)

Task 2.1 – ***Deployment Plan Execution***
The Recipient shall execute the installations per their *Deployment Plan*.

Task 2.2 - National Environmental Policy Act (NEPA) Compliance
As required, the Recipient shall provide the documentation necessary for NEPA compliance.

Task 2.3 – *Quarterly Status Report and Briefing*
The Recipient shall meet with DOE quarterly to discuss the progress of the installations and operations and maintenance activities. Based on the progress reported, DOE may direct the Recipient to modify the *Deployment Plan*.

Task 2.4 - *Initial Deployment Operations and Maintenance*
The Recipient will perform operations and maintenance activities as directed by DOE and described in the *Deployment Plan*

Go/No-Go Decision: Did the Recipient complete the Initial Deployment Phase (Phase 2) work and submit associated deliverables? The Recipient will not begin the Full Deployment Phase until receiving written authorization from the DOE Contracting Officer (CO) to proceed.

FULL DEPLOYMENT PHASE (PHASE 3)

Task 3.1 - ***Deployment Plan Execution***
The Recipient shall execute the installations per their *Deployment Plan*.

Task 3.2 - National Environmental Policy Act (NEPA) Compliance
As required, the Recipient shall provide the documentation necessary for NEPA compliance.

Task 3.3 – ***Quarterly Status Report and Briefing***
The Recipient shall meet with DOE quarterly to discuss the progress of the installations and operations and maintenance activities. Based on the progress reported, DOE may direct the Recipient to modify the *Deployment Plan*.

Task 3.4 – ***Full Deployment Operations and Maintenance***
The Recipient will perform operations and maintenance activities as directed by DOE and described in the *Deployment Plan*.

D. DELIVERABLES

- Task: *Project Management Plan* - Due within ~~30~~15 days after award. Revisions to the PMP shall be submitted as needed or as requested by the FPO.
- Planning Phase (Phase 1): *Deployment Plan*.
- Initial Deployment Phase (Phase 2): metrics reporting on installations.
- Full Deployment Phase (Phase 3): metrics reporting on installations and O&M.
- In addition to the deliverables listed above, the Recipient shall submit all periodic, topical, final, and other reports in accordance with the Federal Assistance Reporting Checklist and accompanying instructions.

E. BRIEFINGS/TECHNICAL PRESENTATIONS

The Recipient shall prepare, and present periodic briefings and technical presentations as requested by the Federal Project Officer, which may be held at a DOE or the Recipient's facility, other mutually agreeable location, or virtually.

[**END OF SOPO TEMPLATE*****]***